

## **535 Separated/Divorced Parent Involvement in Educational Process**

### **I. PURPOSE**

This district's board of trustees recognizes that while the parents of some students may be divorced or estranged, both have a right to be informed of and involved in their child's educational process. The board also recognizes that parents who are estranged or divorced may disagree regarding the education of the child, and/or may attempt to limit one another's access to their child. Despite such estrangement, both parents are welcomed and encouraged to participate in the child's education to the extent appropriate.

### **II. GENERAL STATEMENT OF POLICY**

Parents are presumed to have joint custody of the student, absent a court order or written agreement between the parents denying or limiting custody for either parent. For the district's purpose, the parent with whom the student resides is presumed to be the custodial parent. If estranged or divorced parents both claim to be the custodial parent, asserting that the student is residing with both parents, enrollment records will be examined. The parent who enrolled the student will be presumed to be the custodial parent until a court order or written agreement between the parties, identifying the custodial parent, is provided to the school.

### **III. DEFINITIONS**

A parent will only be prevented from participating in his/her child's education if a court order (e.g., divorce decree, custody order, or restraining order) specifically denies visitation rights. If one parent desires that the district comply with such an order, he/she has the obligation to present a copy of the signed order to the school office. Additionally, the district may prohibit either parent (regardless of custodial status and the language of the court order) from entering the school, or otherwise participating in school-sponsored activities, if he or she disrupts the educational process or his/her presence is detrimental to the morals, health, safety, academic learning, or discipline of the student(s).

A court order is an official proclamation by a judge (or panel of judges) that defines the legal relationships between the parties to a hearing, a trial, an appeal or other court proceedings. This includes but is not limited to divorce decrees, custody orders or restraining orders.

### **IV. PROCEDURES**

#### **A. PROGRESS REPORTS AND STUDENT RECORDS**

Both parents have the right to receive progress reports and review student records of their minor children unless specified in a court order. If the parents are separated or divorced and no court order is on file with the school office, progress reports will be sent

to the custodial parent with the expectation that he/she will share the report with the non-custodial parent. The district will send copies of the progress report to the non-custodial parent only if that parent submits a written request that it do so. If the custodial parent advises the district, in writing, to delete the minor child's address from student records supplied to the non-custodial parent, the records will be flagged and the deletion will be made. Any request to review the student's records must comply with the Family Educational Rights and Privacy Act.

**B. PARTICIPATION IN PARENT AND TEACHER CONFERENCES**

Both parents are welcome, and encouraged, to participate in parent and teacher conferences, disciplinary meetings or hearings, Individual Educational Program team meetings, and any other conference called by district personnel regarding the student's education unless stated in a court order. If the parents are separated or divorced, the custodial parent is expected to share scheduling information with the non-custodial parent. The school will provide scheduling information to the non-custodial parent only if that parent provides a written request to do so. The school will defer to the court order if one is provided.

**C. EDUCATIONAL DECISIONS**

In the event the parents are unable to agree with one another on decisions regarding their student's educational program, including, but not limited to, placement, participation in extracurricular activities, and consent to evaluation and services, the custodial parent's decision will be binding on both parents unless a court order requires otherwise. In the event the educational decision relates to services provided pursuant to the Individuals with Disabilities

Education Act, the educational decisions, and the parents' rights and responsibilities, will be pursuant to the statutory requirements.

**D. VISITATION WITH THE STUDENT DURING SCHOOL HOURS**

Generally, both parents have the right to attend school programs open to parents and patrons, volunteer in the child's classroom, or visit the child at the school, or otherwise be in the school setting. The parent's right is not negated solely by the fact that he/she is the non-custodial parent. Such visitation will be limited only if the school has received a copy of a court order specifically restricting the parent's access to the child by:

- 1) Denying the parent's visitation rights; or
- 2) Requiring supervision of the parent's visitation with the child.

The school does not have the responsibility to supervise visitation between a parent and his/her child and, thus, will not allow parent access in the school setting. When visiting the school, all parents are required to comply with all school policies and not take any action which disrupts the educational process. All parents visiting the school must check-

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in with the school office before proceeding to a classroom or other area of the school. If a parent takes any action which the administrator considers to be inappropriate or disruptive to the educational process, he/she may be requested to leave and prohibited from returning. If a parent wants to visit with his/her child privately, the administrator shall have the authority to grant or deny the request, and, if granted, to determine the place and time of such visit to ensure minimal disruption to the student's participation in class.

**E. RELEASE OF THE STUDENT TO SOMEONE OTHER THAN THE CUSTODIAL PARENT**

Only the custodial parent has the right to authorize removal of the child from school property during school hours. If the custodial parent desires that the student be removed by another individual, he/she must inform the school in writing that he/she is authorizing such party to remove the student. Such authorization shall be assumed to be generally applicable, unless the custodial parent specifies that it is limited to a specific date and time. In case of an emergency the school will accept verbal authorization with parent identification. If no identification can be made the school will not release the student. Exceptions will be followed if a court order is provided by the custodial parent.

***Legal Reference:*** The Family Educational Rights and Privacy Act (FERPA) (20 U.S.C. § 1232g; 34 CFR Part 99)