

Custodial and Noncustodial Parent Rights and Responsibilities

School officials shall presume that the parent who enrolls a student in school is the student's custodial parent. Unless a currently effective Colorado court order specifies otherwise, the custodial parent shall be the one whom the school district holds responsible for the education and welfare of the student. Where the court order specifies that the parents shall share custody and jointly make decisions relative to the care and education of their child, school officials shall consult with both parents regarding educational matters affecting the child. Where the parents disagree in such matters and the court order does not provide a mechanism for resolving their differences, school officials shall follow the instructions of the parent with whom the child primarily resides during a normal school week.

If the rights of a noncustodial parent are restricted by a Colorado court order, the custodial parent shall provide the school with a certified copy of the currently effective court order curtailing these rights. Unless informed through the submission of such a court order, the school district assumes there are no restrictions regarding a noncustodial parent's rights, including the right to access the student's educational records.

The student shall not be permitted to visit with or be released to anyone, including the noncustodial parent, without the approval of the custodial parent. Unless otherwise provided by applicable law or court order, education conferences with a noncustodial parent shall be permitted only upon the consent of the custodial parent.

Adopted: July 17, 2019

LEGAL REFS.: 20 U.S.C. 1232g (*Family Educational Rights and Privacy Act of 1974*)
(*FERPA*)
20 U.S.C. 1401 *et seq.* (*Individuals with Disabilities Education Improvement Act of 2004*) (*IDEIA*)
34 C.F.R. 99.1 *et seq.* (*FERPA regulations*)
34 C.F.R. 300.30 (b)(2) (*IDEIA regulation*)
C.R.S. 14-10-123.8 (*access to school records*)

CROSS REFS.:

Administrative policies:

JLIB, Student Dismissal Precautions

JRA/JRC, Student Records/Release of Information on Students

KFA, Public Conduct on District Property

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The following procedures have been developed for situations involving child custody, visitation and release of records:

1. The enrollment records of the district will include information regarding the marital status of a student's parents. Such status will be reviewed each year.
2. If a person whom the principal or designee does not recognize appears at school requesting the dismissal of a student, the principal or designee shall ask for identification such as a driver's license.

Children of divorced/separated parents

1. Both parents have the right to access the student's educational records.
2. If a student's parents are divorced, legally separated, or have other special custody arrangements, district personnel shall request a copy of any and all legal documents pertaining to child custody, including restraining orders.
3. The district will presume that both parents have equal access to a child when that student is registered in school unless one parent provides the district with a currently effective Colorado court order indicating otherwise.
4. A copy of the court order governing a divorce, separation or delineation of parental rights will be provided by the custodial parent and kept in the student's cumulative record as a temporary record.
5. If the school is aware that the student's parents are divorced or separated and a parent refuses to provide a copy of the court order to the district, the principal will be advised and a statement of the refusal will be noted, including the date and situation. This statement will be filed in the student's cumulative record. The district will provide access to the student's educational records to both parents in this case.
6. A student will not be denied admission to school on the basis of refusing the request for documentation of a divorce, separation or delineation of parental rights.
7. A student will not be released to or visited by a noncustodial parent during the school day unless the custodial parent has approved the release or permission for visitation.
8. If a school official is in doubt about the validity of a request or documentation presented, the official will contact the superintendent. The official shall request positive identification of any individual making a request for release or visitation of a student.

9. If a person making a request for release or visitation refuses to leave the school premises at the principal's request, the principal may contact the appropriate law enforcement agency.
10. Contact from an attorney on behalf of a parent may be referred to the school attorney on advice of the superintendent.

Approved: July 17, 2019