

COLCHESTER SCHOOL DISTRICT

POLICY: CUSTODIAL, JOINT CUSTODIAL AND NON-CUSTODIAL PARENTAL RIGHTS AND RESPONSIBILITIES

DATE ADOPTED: December 17, 2019

POLICY STATEMENT

The Colchester School District recognizes the value of providing information concerning a student's school participation and progress to both parents where the parents are separated, estranged or divorced. In such cases, the Colchester School District and its employees will attempt to respect the legal rights of both parents with respect to involvement in their child's education, including access to records, educational decision-making, and notice and participation in school meetings and activities, to the extent provided by state and federal law.

When the whereabouts of both parents are known to the school, school staff shall not unilaterally afford greater rights, authority, or access to one parent over the other. It is not in the interests of a child or of the operation of the school system for school personnel to engage in taking sides or in excluding one parent of a child from an educational process at the request of the child's other parent. It is not the role of school staff to mediate or decide marital differences, or parent custodial rights.

Only when the school is provided with a court order (such as a divorce decree or child custody order), statute or similarly binding document that curtails or limits one parent's rights with regard to the education of the child, will the school make such modifications.

For example, both parents generally have the right:

- a. To view the child's educational records;
- b. To receive school progress and Section 504 reports and (where applicable) certain special education notices and records;
- c. To visit the child briefly at school;
- d. To attend school functions open to the public or to all parents; and
- e. To participate in parent teacher conferences and meetings about the child.

When one parent has been awarded full physical and legal rights and responsibilities, the other parent continues to have a right of access to educational records of their child, unless a court order expressly denies or limits such access. When parents are living separately and upon written request to the child's school, the school will subsequently and routinely mail (or send home via the student) to each parent copies of all child-specific information which is normally sent home with the child. This will include copies of report cards, parent-teacher conference invitations, etc. This practice will continue for the remainder of the school year in which the request is made. This service may be requested annually.

Last Adopted: May 18, 2004
 Date Warned: November 26, 2019
 First Reading: December 3, 2019
 Second Reading: December 17, 2019

The parent with sole physical responsibility and each joint custodial parent has the responsibility to keep the school office informed (a) of their address (residence) and phone number, and (b) of a means of contacting the parent at all times. The non-custodial parent has the responsibility to provide the school office with their phone number and address.

The school district will follow the most recent court order when determining which individual has the authority to remove the child from school property. Typically, both parents may visit or observe the child at school, however, only the parent with physical responsibility for the child will have the authority to remove the child from school property. When the court has awarded joint physical rights and responsibility, both parents have this authority, unless stated otherwise in the court order. If a parent wishes to have the school limit this authority, the parent must provide to the school a copy of a court order or similarly binding document expressly requiring such limitation. If a parent with sole physical responsibility wishes to allow the other parent to remove the child from the property, permission must be provided to the school in writing.

A copy of this policy shall be provided to any parent upon request.

WHEN THE STUDENT TURNS 18

Under Vermont law, a child reaches the age of majority upon their 18th birthday. Under federal law, at that time the parents' rights with respect to access to information contained in education records transfers to the student. It is the policy of this school board to allow continued access to such records to the parent of a dependent student, as that term is defined by Section 152 of the Internal Revenue Code of 1954, as permitted (but not required) by law. Where the student who has turned 18 objects to such disclosure, the school administration shall consider the student's reasons for the objection, and determine whether it is in the interests of the child to permit access to the records by the parent.

Procedural rights of students who are eligible for special education under the Individuals with Disabilities Education Act ("IDEA") also transfer from the parent to the student at the time the student turns 18. Thereafter, as required by law, the parents shall have a continued right to receive copies of certain notices, but otherwise all procedural rights under the special education law shall transfer to the child. Special rules apply if a court has appointed a legal guardian for the student, or the child has been determined to be unable to provide consent with respect to his/her educational program under State procedures. If these provisions may apply, the parent or guardian should discuss the application of this policy with the school principal or their designee.

PARENTAL RIGHTS: SPECIAL EDUCATION AND SECTION 504

In addition to the above parental rights and responsibilities, parents of children who have been found to be eligible for special education services under the IDEA, or who have been determined to be protected under Section 504 of the Rehabilitation Act of 1973, have additional rights. Copies of written statements of parental rights in special education are available from special education staff at each school, and rights with respect to Section 504 are available through each principal.