

597 SEPARATED, DIVORCED OR UNMARRIED PARENTS POLICY

I. PURPOSE

The policy is intended to address custody issues between separated, divorced or unmarried parents that may arise in the school or district. This policy seeks to protect both the safety of the student and the rights of parents. It is also intended to avoid placing the school and/or district in the middle of custody disputes.

II. DEFINITIONS

“Custodial parent” means the person who has been granted physical custody of the child.

“Parent” means a parent of a student and includes a natural parent, a guardian, or an individual acting as a parent in the absence of a parent or guardian.

“Custody” refers to the rights and responsibilities of a parent with respect to a child, including the right to physical access and the right to make decisions with respect to the child’s health, education, and welfare in the best interests of the child.

“Educational records” are records that are (a) directly related to the student and (b) maintained by the School District or an employee or agent of the District.

“Guardian” is defined as a person, other than a parent, who has lawful custody of a child, as established by a court order.

“Legal custody” is the right to make decisions, including educational decisions, for a child.

“Joint legal custody” means that both parents have equal rights and responsibilities, including the right to participate in major decisions determining the child’s upbringing, including decisions regarding the child’s education.

“Joint physical custody” means that the routine daily care and control and the residence of the child is structured between the parties.

“Non-custodial parent” means a parent who has not been granted physical custody of a child at the time the right as a parent is asserted. In the case of a court order giving a third party, such as legal guardian grandparents, or foster parents the right to physical custody of a child, both biological parents are non-custodial parents. Non-custodial parents can have joint legal custody of their children.

“Physical access” includes the right to visit with and be visited by the child during school hours and on school property.

“Physical custody” means the routine daily care and control and the residence of the child.

III. GENERAL STATEMENT OF POLICY

A. School Neutrality/Parent Responsibility

Park Rapids School District shall maintain neutrality between parents who are involved in an action involving the family (separation/divorce proceeding/divorced, unmarried), as it is the intent of the District to promote the best interests of each student enrolled in its schools in partnership with both parents, unless otherwise directed by Court Order.

Should there be an event (i.e., parent's night, senior night, graduation, etc.) when parents are recognized, the district shall recognize both natural parents unless parental rights have been terminated by a court or the noncustodial parent in writing has waived his/her right to be recognized. It is the responsibility of the parent wishing to restrict a parental right to notify the District of any Court Order affecting student contact/student visitation and/or student records by submitting a certified copy of the Court Order to the Superintendent of Schools and a copy to the child's school building principal.

B. Student Contact/Student Visitation During School Hours

All parents, whether custodial or non-custodial, may visit a student at school or remove a student from school based on the professional judgment of staff, provided the parent complies with the District's visitor's policy and does not disrupt the student's program of education. Both custodial and non-custodial parents also have the right to attend parent-teacher conferences, although the District is not required to hold a separate conference for each parent, and the right to attend other school events designed for parents.

The fact that the parents are divorced or legally separated does not alter these rights unless a parent provides the District with a court order or other legally binding document specifically prohibiting physical contact between a non-custodial parent or other named individual and a student. To limit access to a student, a parent is required to file with the District a copy of the form entitled, "Notification of Court Order or Restraining Order." The parent's request will remain in effect for the current school year unless the noncustodial parent or the other individual named in the legally binding order provides a Court Order reversing the previous decision. For purposes of this provision, the Court Order restricting any right of contact and/or visitation needs to specifically restrict the right and a general Order granting physical custody to one parent will not be deemed as sufficiently specific as to prohibit the noncustodial parent's right to contact and/or visit the child while the child is at school.

Unless a parent provides the required documentation and notification pursuant to paragraph A, the District will assume that both parents have the right to contact and visit his or her child at school.

C. Release of Student to Noncustodial Parent

The District will not authorize a student enrolled in the District to leave the school premises with a noncustodial parent during school hours without the permission of the parent having primary physical custody of the child. For purposes of this provision, it is the responsibility of the custodial parent to provide the District with a copy of the Court Order granting custody pursuant to paragraph 1.

If a non-custodial parent asks to remove the child from school, the following steps should be followed:

(a) The principal, or his/her designee, shall explain that school staff is responsible for the child's welfare while at school. In the non-custodial parent's presence, the custodial parent should be contacted by telephone, and the request to visit explained. If the custodial parent agrees, then the school may comply with the request.

(b) If the custodial parent does not agree, explain to the non-custodial parent the rights of both parents and reference this policy.

D. Access to Educational Records

Both custodial and non-custodial parents are presumed to have the right to access or to control access to a child's educational records and the right to be informed by school officials about their children's welfare, educational progress and status.

Upon request, a noncustodial parent has the right of access to, and to receive copies of, school records and information, to attend conferences, and to be informed about the child's welfare, educational progress, and status, as authorized under section 518.17, subdivision 3. Custodial and non-custodial parents have equal right to inspect and challenge the accuracy of their child's educational records.

The fact that the parents are divorced or legally separated does not alter these rights unless the School District has been presented with a court order or other legally binding document terminating the parental rights of the non-custodial parent or denying the non-custodial parent a specific right in a written order.

If a custodial parent wishes to limit the non-custodial parent's access to a student's educational records, he or she must obtain and present to the school a legally binding document, which prevents the release of such information. A copy of the written order must be provided to school officials before the School District will limit a parent's right of access.

By adoption of this Policy, the School Board does not guarantee that it will verify that a student rides the proper school bus or will only be released to the custodial parent.

This policy shall be interpreted in accordance with the Family Educational Rights and Privacy Act, 20 U.S.C. 1232(g) and 34 C.F.R. Part 99, the Minnesota Government Data Practices Act, Minn. Stat. § 13.01 et. seq., and the Minnesota Marriage Dissolution statute, Minn. Stat. § 518, et. seq.

Legal References: Minn. Stat. Ch. 13 (Minnesota Government Data Practices Act)
Minn. Stat. Ch. 14 (Administrative Procedures Act)
Minn. Stat. § 257.541 (Custody and parenting time with children born outside of marriage)
Minn. Stat. § 260C.301 (Termination of Parental Rights)
Minn. Stat. § 363A.42 (Public Records; Accessibility)
Minn. Stat. § 518.17 (Custody and Support of Children on Judgment)
Minn. Stat. § 609.26 (Depriving Another of Custodial or Parental Rights)
Minn. Rules Parts 1205.0100-1205.2000 (Data Practices)
20 U.S.C. § 1232g *et seq.* (Family Educational Rights and Privacy Act)
34 C.F.R. §§ 99.1-99.67 (Family Educational Rights and Privacy)
34 C.F.R. § 300.610-300.627 (Confidentiality of Information)

Cross References: MSBA/MASA Model Policy 515 (Protection and Privacy of Pupil Records Policy)
MSBA Service Manual, Chapter 13, School Law Bulletin “I” (School Records – Privacy – Access to Data)

Adopted: 6/2020