

## **DEFINITIONS**

For the purpose of this policy, the following definitions apply:

“Joint Custody” is defined in Idaho Code §32-717B as an order awarding custody of the minor child or children to both parents and providing that physical custody shall be shared by the parents in such a way as to assure the child or children of frequent and continuing contact with both parents.

“Joint legal custody” means a judicial determination that the parents or parties are required to share the decision making rights, responsibilities and authority relating to the health, education and general welfare of the child/children.

“Joint physical custody” means an order awarding both parents significant periods of time in which a child resides with or under the care/supervision of each of the parents.

“Primary physical custody” meaning that one parent should make decisions on matters of education, health and general welfare.

“Non-custodial parent” the parent who does not have primary physical custody

The board of trustees recognizes the rights of all parents/guardians to be informed of and involved in their students’ education, including those who may be divorced or estranged. The board also recognizes that parents/guardians who are estranged or divorced may disagree regarding the education of the student, and/or may attempt to limit one another’s access to their student. Despite such estrangement, both parents/guardians are welcomed and encouraged to participate in the student’s education, to the extent appropriate.

Parents/guardians are presumed to have joint custody of the student, absent a court order or written agreement between the parents/guardians 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/guardians both claim to be the custodial parent, asserting that the student is residing with both parents/guardians, 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.

A parent will only be prevented from participating in his/her student’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 building principal. 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).

### **PROGRESS REPORTS AND STUDENT RECORDS**

Parents/guardians have the right to receive progress reports and review student records of their minor students. If the parents/guardians are separated or divorced, written 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 electronic copies of the progress report to the non-custodial parent.

Parents/guardians have the right to review their minor student's records. However, if the custodial parent advises the district, in writing, to delete the minor student'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. The district will not prohibit parents/guardians from accessing their student's records unless such records relate to physical abuse, abandonment, or neglect by the parents/guardians or unless the district is prohibited from releasing such records by order from a court of competent jurisdiction.

### **PARTICIPATION IN PARENT AND TEACHER CONFERENCES**

Both parents/guardians 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. If the parents/guardians 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 it receives a written request to do so.

### **EDUCATIONAL DECISIONS**

In the event the parents/guardians 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/guardians 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/guardians' rights and responsibilities, will be pursuant to the statutory requirements.

## **VISITATION WITH THE STUDENT DURING SCHOOL HOURS**

Generally, both parents/guardians have the right to attend school programs open to parents/guardians and patrons, volunteer in the student's classroom, or visit the student 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 district has received a copy of a court order specifically restricting the parent's access to the student by: (1) denying the parent's visitation rights; or (2) requiring supervision of the parent's visitation with the student. The district does not have the responsibility to supervise visitation between a parent and his/her student and, thus, will not allow parent access in the school setting.

When visiting the school, all parents/guardians are required to comply with all district policies and not take any action which disrupts the educational process. Observations of individual classrooms during instructional time will be permitted with the building principal's and teacher's prior approval. All parents/guardians visiting the school must check-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. The district reserves the right to limit or prohibit visits by parents/guardians if their occurrence, duration, frequency, or conduct on campus interferes with the delivery of instruction or disrupts the normal school environment. Additionally, the district may deny parental visitation due to emergency or safety drills, situations outlined in school safety plans, an emergency lockdown, periods of statewide testing, school officials' enforcement of school governance policies and procedures, or other specific situations enumerated by the school. Any recourse should follow the Patron Complaint procedure outlined in policy.

If a parent wants to visit with his/her student 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.

## **RELEASE OF THE STUDENT TO SOMEONE OTHER THAN THE CUSTODIAL PARENT**

Only the custodial parent has the right to authorize removal of the student 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.

If the non-custodial parent seeks to remove the student from school, and the custodial parent has not consented, the following steps should be followed:

1. The principal or designee will meet with the non-custodial parent and, in his/her

presence, telephone the custodial parent and explain the request. If the custodial parent agrees, the student will be released and the records will reflect that the permission was granted orally. In the event the custodial parent cannot be reached, the principal may make a decision based upon all relevant information available to him/her.

2. If the custodial parent objects to the removal, the principal or designee may allow a visit between the non-custodial parent and student, with the student remaining in the office area for the visit and then returning to class. The non-custodial parent will not be allowed to leave the office area with the student.
3. If the principal or designee has reason to believe that a possible abduction of the student may occur at the school or the parent is disruptive, the superintendent and/or local law enforcement officials will be immediately notified.



**LEGAL REFERENCE:**

Idaho Code Sections

18-3302I – Threatening Violence on School Grounds

18-7008 – Trespass

33-506(1) – Organization of Board of Trustees

33-512(11) – Governance of Schools (prohibition of entry to school grounds)

32-717A – Parents’ Access to Records and Information

33-6001 – Parental Rights

Family Educational Rights and Privacy Act of 1974

20 USC 1232g

34 CFR Part 99

IDAHO ATTORNEY GENERAL OPINION No. 93-2

**CROSS-REFERENCE**

Parental Rights in Education – Policy 639

Student Records – Policy 681

Trespass on School District Properties – Policy 934

**ADOPTED:**

**AMENDED:** September 12, 2023