



Educational Authority of Separated Parents

Policy Series: 7000 Community

Policy No. 7655

Purpose

The board of education recognizes the rights of parents to participate in the education of their children while acknowledging that parental authority may be affected by divorce, legal separation, custody orders, or other court orders. This policy establishes how the district will determine educational decision-making authority for students whose parents are divorced or legally separated and provides consistent procedures for school personnel when questions regarding parental authority arise.

Definitions:

Court order means a divorce decree, custody order, parenting order, or other order signed and entered by a court of competent jurisdiction that establishes parental rights or responsibilities.

Educational decision means a decision relating to a student's education, including school attendance, educational programming, academic services, and other matters entrusted by law to a parent or legal guardian.

Joint physical custody means a custody arrangement in which both parents share physical custody of a child as established by court order.

Sole physical custody means a custody arrangement in which one parent has primary physical custody of a child as established by court order.

Court Orders Govern Educational Authority

When a student's parents are divorced or legally separated, educational decision-making authority shall be governed by the most recent court order addressing custody or parental rights, including a divorce decree, custody order, or other order signed and entered by a court of competent jurisdiction.

A motion, petition, or other filing that has not been adopted by the court is not binding upon the district.

If a parent believes an existing court order no longer reflects the parties' legal rights or circumstances, it is the responsibility of that parent to obtain a modified court order. Until the district receives a subsequent court order, the district shall continue to rely upon the most recent valid court order provided to the district.

Unless specifically prohibited by a court order, the district may recognize educational decisions agreed upon by all individuals who possess legal decision-making authority for the student.

Access to student education records shall be governed by district policy regarding student records and applicable federal and state law.

Educational Authority When No Court Order Specifies Authority

If no court order addresses educational decision-making authority, or if a court order does not exist, the district shall recognize parental authority as follows.

1. Sole Physical Custody

- a. When one parent has sole physical custody of a student, that parent shall have authority to:
 - i. Determine the student's residence for school attendance purposes or the school the student will attend;
 - ii. Make educational decisions if the parents disagree; and
 - iii. Determine who may access the student during school hours or check the student out of school.

2. Joint Physical Custody with Unequal Parenting Time

- a. When parents share joint physical custody but one parent has physical custody a majority of the time:
 - i. The parent exercising the majority of physical custody shall determine the student's residence for school attendance purposes or the school the student will attend;
 - ii. The parent exercising the majority of physical custody shall make educational decisions if the parents disagree; and
 - iii. Both parents may access the student during school hours and check the student out of school unless otherwise restricted by court order.

3. Joint Physical Custody with Equal Parenting Time

- a. When parents share equal physical custody:
 - i. Both parents have equal authority to determine the student's residence for school attendance purposes or the school the student will attend;
 - ii. Both parents have equal authority to make educational decisions regarding the student; and
 - iii. Both parents may access the student during school hours and check the student out of school.

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76 If parents sharing equal authority disagree regarding an educational decision, the district shall
77 maintain the student's current educational placement and administrative practices until:

- 78 • The parents reach a mutual agreement; or
- 79 • A court issues an order resolving the dispute.

80 The district shall not resolve custody disputes between parents and shall remain neutral
81 regarding disagreements concerning parental rights.

82 83 **District Responsibilities**

84 Parents are responsible for providing the district with complete and current court orders
85 affecting custody or educational decision-making authority.

86 The district may rely upon the most recent court order provided to the district and shall not be
87 responsible for interpreting conflicting legal documents or enforcing custody orders beyond the
88 authority granted by law.

89 90 91 **Legal References:**

92 [Utah Code § 81-9-203\(11\)\(e\)](#)

93 94 **Board Approved:**

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