

## **KBBA 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.

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:           JLIB, Student Dismissal Precautions  
                              JRA/JRC, Student Records/Release of Information on Students  
                              KFA, Public Conduct on School Property

ADOPTED:             November 13, 2008  
REVISED:             March 7, 2011  
REVISED:             February 15, 2024