

## **SUBJECT: CUSTODIAL/NONCUSTODIAL PARENTS**

Release of BOCES students in attendance at programs housed in buildings under the administrative control of St. Lawrence-Lewis BOCES component school districts, and access to their educational records, shall be in accordance with the applicable policies and/or procedures of the particular component school district.

In the event that the component school district has not adopted a policy or procedures on release of students or access to educational records by custodial/noncustodial parents, then St. Lawrence-Lewis BOCES staff shall act in accordance with the following:

### **Release of Information to Custodial/Noncustodial Parents**

When parents of a student are separated, involved in divorce proceedings, or are divorced, the building principal or program administrator may consider the rights of custodial and noncustodial parents to be equal with respect to access to the student's educational records unless St. Lawrence-Lewis BOCES has been provided with a certified copy of a court order or other legally binding document relating to such matters as divorce, separation, or custody that specifically revokes these rights. This includes the right to inspect, review and receive copies of educational records, including progress reports.

The building principal or program administrator shall release such information upon request, in accordance with applicable law. If the custodial parent wishes to limit the noncustodial parent's access to records, it would be his/her responsibility to obtain and present to the building principal or program administrator a legally binding instrument that prevents the release of such information.

### **Access to/Release of Students to Custodial/Noncustodial Parents**

The building principal or program administrator will consider the rights of custodial and noncustodial parents to be equal with respect to access to, and release of, their children except when a legally binding document has been presented which provides evidence to the contrary.

An agreement or court order which grants sole custody to one parent shall be sufficient to prohibit release of the student to the noncustodial parent. However, unless restricted by a final divorce decree which includes specific denial of access rights, a restraining order denying access rights, or other such legally binding document, both parents have the right to participate in the normal school activities of the child; to visit their child briefly at school; and to participate in parent-teacher conferences, although not necessarily together in the same conference.

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It is the responsibility of the custodial parent to provide the building principal or program administrator with a certified copy of such court order or other legally binding document, if restricted access to the student or restrictions on release of the student are requested. In the alternative, written authorization from the custodial parent allowing the release of the child to the noncustodial parent will also be honored by the St. Lawrence-Lewis BOCES.

**Implementation**

Copies of authorizations, or certified copies of all legally binding documents pertaining to child custody and visitation including, but not limited to, Judgments of Divorce and Separation, temporary and permanent court orders, and legally enforceable written agreements between the parties will be maintained in the appropriate school office.

The Board of Education directs the Superintendent or his/her designee to develop administrative regulations and procedures to implement this policy. Such regulations and procedures shall include:

- a) Provisions for notification and instruction of BOCES staff regarding this policy, and corresponding responsibilities; and
- b) Coordination of communication about the existence of applicable policies and procedures in component school districts.

Education Law Section 3210  
Family Educational Rights and Privacy Act (FERPA)  
20 United States Code (U.S.C.) Section 1232(g)  
34 Code of Federal Regulations (C.F.R.) Part 99

Adopted: 7/2002