

GUIDELINES FOR WORKING WITH PARENTS INVOLVED IN LEGAL ACTIONS AFFECTING THE FAMILY

491-Rule

Waunakee Community School District

Page 1 of 6

A. Definitions

1. "Action affecting the family" means a divorce, legal separation, custody or child support action, paternity proceeding, or other legal action that may affect parental rights, whether pending or completed.
2. "Court order" means any order, adjudication or decree, temporary or permanent, entered by a judge or court commissioner of competent jurisdiction in Wisconsin or any other state as a result of an action affecting the family. Letters from attorneys or other individuals will not be construed as a court order. The District will treat a court-approved parenting plan as a court order.
3. "Custodial parent" means a parent having sole legal custody of a child by virtue of a court order.
4. "Joint custodial parent" means a parent who shares legal custody of the child with the other parent by virtue of a court order.
5. "Enrolling parent" means a parent who: (a) is a party to an action affecting the family and resides in a residence separate from the other party to such action; and (b) enrolls or intends to enroll in a District school a child subject to the jurisdiction of the court in which such action affecting the family is venued.
6. "Parent with physical placement rights" as used within these guidelines means a parent who by virtue of a court order has a right to have the child physically placed with him/her and has the right and responsibility to make routine daily decisions regarding the child's care during the placement, which are consistent with the major decisions made by a parent having legal custody.
7. "Parent denied periods of physical placement" means a parent who has been denied periods of physical placement with a child by virtue of a court order. A parent may be denied periods of physical placement with a child when a court finds that the physical placement with a child would endanger the child's physical, mental or emotional health.

B. Providing Information to the District Regarding Actions Affecting the Family

1. It is the parents' responsibility to keep the District informed of: (a) any legal action affecting the family that may have an impact on parent involvement and participation in the schools; and (b) any court order that may define or restrict a parent's rights in relation to children enrolled in the schools, including any changes to a court order.
2. At the time of enrollment or prior to the commencement of each school year, each enrolling parent shall be requested to provide the following information to the, building principal or designee, as may be applicable to their family's situation:

GUIDELINES FOR WORKING WITH PARENTS INVOLVED IN LEGAL ACTIONS AFFECTING THE FAMILY

491-Rule

Waunakee Community School District

Page 2 of 6

- a. Name and current contact information (mailing address, telephone number and email address) of the enrolling parent and type of any applicable action affecting the family;
- b. Name of each of the enrolling parent's children who is, or who has a parent who is, subject to a court order as a result of any action affecting the family that is relevant to child's enrollment in school;
- c. Name of each school in which such children will be enrolled (if known);
- d. Identity and location of the court having jurisdiction over the action affecting the family;
- e. Whether there is any court order currently in effect that addresses child custody or physical placement rights, or any other matter that may be relevant to the child's school enrollment;
- f. Whether the enrolling parent is the custodial parent or a joint custodial parent;
- g. Whether the child(ren) physically reside with the enrolling parent, the other parent who is a party to the action affecting the family, or both (i.e., the parent should clarify the residency arrangements as to each child);
 - If the child regularly resides with both parents during the normal school year, declare a primary residence for school purposes for each child.
 - If the child regularly resides with both parents and the enrolling parent fails to declare a primary residence, the address of the enrolling parent will be identified as the children's primary residence for school purposes.
- h. Name and current contact information (mailing address, telephone number and email address) of the non-enrolling parent;
- i. Whether the most recent court order in effect restricts the rights and privileges of either parent with respect to making decisions regarding their child's educational program, access to their child, access to the child's school records, or the parent's participation in school-related activities; and
- j. Whether the most recent court order expressly prohibits or permits the child(ren) to be released from school to either parent who is a party to the action affecting the family.

In the event any enrolling parent advises the building principal or designee that the most recent court order in effect restricts parental rights in relation to children enrolled in the District, the enrolling parent shall be requested to provide the District with a certified copy of the most recent court order reciting such restriction(s). Should an enrolling parent fail to provide the District with a certified copy of the most recent court order clarifying

GUIDELINES FOR WORKING WITH PARENTS INVOLVED IN LEGAL ACTIONS AFFECTING THE FAMILY

491-Rule

Waunakee Community School District

Page 3 of 6

any parental rights, privileges or restrictions related to an action affecting the family, or fail to provide the current contact information of the non-enrolling parent, the non-enrolling parent may provide this information. In addition, the non-enrolling parent may, at any time, provide the school with court records or other documentation that refutes or supplements the information provided by the enrolling parent.

3. Upon receipt of a court order, the building principal or designee shall review the court order to see if it grants one parent rights over the other parent with regard to their child(ren) or education-related decision making, or restricts a parent's rights in relation to children enrolled in the District. The building principal or designee may, with permission from the District Administrator and consistent with Board policy, request assistance from the District's legal counsel in interpreting the court order and in understanding its applicability to the schools. Any relevant information from the court order restricting parental rights in relation to school activities or parent access to their children or school records shall be entered in the student's record and shared with the child's classroom teacher(s) and other staff as appropriate.
4. Should neither parent to an action affecting the family notify the District of the existence of such a court order, neither parent shall be deemed to have rights superior to the other with respect to any child enrolled in the District or with respect to parent participation in school-related activities.
5. In addition to providing copies of court orders related to actions affecting the family, the enrolling parent, the non-enrolling parent, or any other person with a legal relationship to the child (e.g., a guardian, an individual acting under a power of attorney) may provide the District with other official documents or other records that are relevant to the child's school enrollment and attendance. Such records may include (a) letters of guardianship; (b) court orders related to a "CHIPS" (child in need of protection or services) petition; or (c) court orders related to any other legal proceedings that may be relevant to the child's school enrollment and attendance (e.g., a restraining order or harassment injunction that relates to the child).

C. School Communications with Parents Involved in Actions Affecting the Family and Access to Student Records

If the District has been informed of an action affecting the family as outlined above, and has received a court order clarifying parental rights and privileges and any restrictions on parental rights, the following guidelines shall apply to school communications with parents and access to student records:

1. A parent, regardless of whether the parent has legal custody of the student, shall have equal access to the student's medical, dental and school records as

GUIDELINES FOR WORKING WITH PARENTS INVOLVED IN LEGAL ACTIONS AFFECTING THE FAMILY

491-Rule

Waunakee Community School District

Page 4 of 6

required by law unless the parent has been denied periods of physical placement with the student or otherwise denied access to the records under a court order on file with the District.

2. The parent with whom a student primarily resides (provided the parent is also a custodial or joint custodial parent) shall be the primary contact person for school communication purposes and for receipt of routine school mailings. Routine mailings include parent newsletters, parent-teacher conference information and report cards, behavioral information, parent surveys, parent-teacher organization events, etc.
3. A joint custodial parent or a parent with physical placement rights who resides at a location other than his/her child(ren)'s primary residence, may file a request with the District to receive a copy of the materials and communications routinely provided to the parent with whom the child normally (or primarily) resides. Such requests will be honored to the extent practicable, but would not include, for example, making copies of all school work that is returned to the student. However, nothing in this rule shall be construed to permit a parent denied periods of physical placement with a child to have access to a child's school records or other school information in violation of a court order on file with the District.

D. Participation in Parent-Teacher Conferences and Meetings

Except as restricted in a court order on file with the District, both parents of a student are generally welcomed and encouraged to participate in parent-teacher conferences, disciplinary meetings or hearings, individualized education program team (IEP team) meetings, and any other conferences or meetings called by District personnel regarding the student's education or school activities. Scheduling information for such conferences and meetings shall be provided to the parent with whom the student primarily resides (provided the parent is also a custodial or joint custodial parent). The parent with whom the student primarily resides is expected to share the scheduling information with the other parent. The District will provide conference/meeting scheduling information separately to both parents only in the following circumstances: (1) where any applicable law, regulation, or District policy expressly requires the District to do so; or (2) the District has received a written request from the child's parent asking for such duplicate notification.

E. Parent Visits with Their Children at School During the School Day

If the District has been informed of an action affecting the family as outlined above, and has received a court order clarifying parental rights and privileges and any restrictions on parental rights, the following guidelines shall apply to parent visits with their children at school during the school day:

1. A custodial or joint custodial parent, or a parent with physical placement rights, may visit their child at school during school hours as authorized by the building principal or designee in accordance with the school visitor policy, unless the

GUIDELINES FOR WORKING WITH PARENTS INVOLVED IN LEGAL ACTIONS AFFECTING THE FAMILY

491-Rule

Waunakee Community School District

Page 5 of 6

visitation is prohibited by the court order on file with the District. Unless expressly prohibited by a court order, it is not a violation of District policy or these procedures for such a parent to, for example, volunteer in his/her child's class or chaperone a school field trip on a day when the parent does not have physical placement of the child. All parents visiting their child at school shall abide by established school visitor rules.

2. The District may prohibit either parent (regardless of custodial status and the language of the court order) from entering the school during school hours, or otherwise participating in school-sponsored activities, if he/she disrupts the educational process or his/her presence is detrimental to the health, safety, academic learning or productivity of students or others at school.

F. Release of Students from School to a Parent During the School Day

If the District has been informed of an action affecting the family as outlined above, and has received a court order clarifying parental rights and privileges and any restrictions on parental rights, the following guidelines shall apply to the release of students from school during the school day:

1. As a general rule, no student may be released from school during the school day to any person other than the custodial parent, or joint custodial parent as authorized by the court order on file with the District, without the written authorization of the custodial or joint custodial parent.
2. A student may be released from school during the school day to a parent with physical placement rights who does not have legal custody of the student when authorized by the custodial parent, or as expressly authorized by the court order on file with the District. If a parent with physical placement rights who does not have legal custody seeks to remove a student from school on a day or at a time that the school staff members who are dealing with the matter know is outside of the time period during which the parent has been awarded physical placement, and if specific permission has not been provided to the school by the custodial parent, the staff is expected to take the precaution of attempting to contact the custodial parent. If the custodial parent cannot be contacted, the staff member should involve the building principal or other administrator to determine a course of action that appropriately accounts for the safety of the child, which may involve contacting law enforcement.
3. The building principal or designee shall not allow a parent denied periods of physical placement with a child as specified in a court order on file with the District to remove a child from school. If such parent requests to remove his/her child from school during the school day in violation of the court order, or takes other action to do so, local law enforcement officials shall be contacted immediately by the building principal or designee.

GUIDELINES FOR WORKING WITH PARENTS INVOLVED IN LEGAL ACTIONS AFFECTING THE FAMILY

Waunakee Community School District

491-Rule

Page 6 of 6

Cross References:

WASB PRG 491 Sample Rule 1

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