

CUSTODIAL/NONCUSTODIAL PARENTS

St. Pius X School sets as one of its major goals the effective communication among the school, the home and the student. Only when all parties are actively engaged in the educational process can we maximize the benefit to the student entrusted to our care. There are however, rules and laws that we must observe in carrying out this intercommunication. Of particular concern is the situation of the student whose parents are divorced and for whom custody has been granted to one parent.

The federal Family Rights and Privacy Act (Buckley Amendment) provides that “An educational agency or institution shall give full rights under the Act to either parent, unless the agency or institution has been provided with evidence that there is a court order; State statute or legally binding document relating to such matters as divorce, separation or custody that specifically revokes these rights” (Emphasis added). In Kentucky the education of the child upon divorce of the parents has been addressed by the state in a way that impacts on the above federal legislation. KRS 4-3.330(1) provides that “Except as otherwise agreed by the parties in writing at the time of the divorce decree, the custodian may determine the child’s upbringing (including his education health care, and religious training, unless the court, after hearing, finds upon motion by the noncustodial parent, that in the absence of a specific limitation of the custodian’s authority, the child’s physical health would be endangered or his emotional development significantly impaired” (Emphasis added.)

Thus our responsibility for the student and the confidentiality of information about student progress at St. Pius X School and the noncustodial parent’s rights regarding the education of his/her child are subject to the provisions of state law. Kentucky law stipulates that the custodial parent has the right to “determine the child’s upbringing, including his education...” Therefore, St. Pius X School will not grant the noncustodial parent, or his/her agent, access to the student while at school, and will not permit the noncustodial parent to inspect student records, receive progress reports or participate in teacher conference unless one or more of the following intervene:

- 1. The divorce decree specifically authorizes such release and /or participation to the noncustodial parent;
- 2. Specific written permission is granted by the custodial parent and is on the file in the school;
- 3. A court order is issued granting permission to release the student, or information about the student, to the noncustodial parent.

We realize that divorce and separation from participation in the life of one’s offspring can be traumatic and emotional. However St. Pius X School will not be put in the middle of disagreement between divorced parents. It is the parent’s responsibility to come to terms with the education of the child and to decide who will be active participants and to what extent. We ask only that the school be given written instructions by the custodial parent on how we are to proceed with respect to requests from the noncustodial parent. Please do not ask the teachers or principal to take sides, to arbitrate familial disagreements or to circumvent the stated instructions of the custodial parent. We will do all in our power to keep lines of effective communication open according to the terms of the documents we have on file.

-----**Detach and Return to School**-----

Does your child(ren) who attends St. Pius X School have a noncustodial parent?

_____ NO If NO, please sign and return this form to your child’s teacher.

_____ YES If YES, the custodial parent or legal guardian must provide the school with specific, written instructions regarding the release or nonrelease of the student, or information about the student to the noncustodial parent or his/her agent. You may attach your instructions to this form, send them under separate cover or make an appointment with Mrs. Gerwe (school principal) to discuss your situation. If the divorce decree speaks to this issue, please provide the school a copy of the terms stipulated in that document. Information will be retained in the student’s file for reference upon request by the noncustodial parent or his/her agent. The custodial parent may change these instructions at any time by submitting a signed, dated document stating the change or revision.

Child(ren) attending St. Pius X School: _____

Signature of Custodial Parent: _____ Date: _____