Educational Authority of Separated Parents

Divorce decree governs—

Where a student's parents are divorced or legally separated, parental authority with regard to educational decisions for the student shall be governed by the most recent court order on the matter (divorce decree, custody order, or similar document signed and entered by the court). A motion or petition by a party is not binding, only an order entered by the court (signed by a judge or other judicial officer having authority). If a parent believes that the terms of the order no longer apply (because of changed circumstances or because of failure by the other parent or another person to comply with the order), it is the parent's obligation to obtain an updated order from the court. Unless doing so is specifically prohibited by the order, the school may recognize parental decision making authority other than as set out in the order if both parents (or all persons who have authority over the child under the order) consent. (Parental access to education records is addressed in Policy FEC.)

Authority where order does not specify—

If no court order specifies parental authority over educational decisions, or provides otherwise than set out below, the District will recognize parental authority over educational decisions of divorced or legally separated parents as follows:

1. Sole physical custody: A parent who has sole physical custody of a child shall have authority:

a. To determine the child's home residence for school attendance purposes or the school where the child will attend;

b. To make educational decisions for the child if the parents disagree; and

c. To determine who is allowed to have access to the child during school hours and to check the child out of school.

2. Joint physical custody with unequal time: Where parents have joint physical custody, the following apply:

a. The parent who has physical custody the majority of the time shall have authority to determine the child's home residence for school attendance purposes or the school where the child will attend;

b. The parent who has physical custody the majority of the time shall have authority to make educational decisions for the child if the parents disagree; and

c. Both parents shall have access to the child during school hours and authority to check the child out of school.

3. Joint physical custody with equal time: Where parents have joint physical custody for equal time, the following apply:

a. Both parents have equal authority to determine the child's home residence for school attendance purposes or the school where the child will attend (and any disagreements must be resolved by the parents, either by agreement or by seeking court intervention);

b. Both parents shall have authority to make educational decisions (and any disagreements must be resolved by the parents, either by agreement or by seeking court intervention); and

c. Both parents shall have access to the child during school hours and authority to check the child out of school.

Utah Code § 81-9-203(11)(e) (2025)

Source Traceability Source Use in this policy

2026 USBA Model Policies, GK - Educational Authority of Separated Parents.	Retained as the controlling model policy text and legal framework.
MSD Policy 6430, Access to Students and Student Interviews, approved 2024; MSD Policy 6030, Student Records, approved 2022.	Reviewed for unique Millard value. Local provisions were inserted only where they added implementation value and did not duplicate the USBA model.

Disposition Note

USBA GK was retained as the controlling policy for educational authority of separated parents. MSD Policy 6430, approved 2024, and MSD Policy 6030, approved 2022, were reviewed. GK-1 and GK-2 preserve useful local custody-order, never-married parent status, student-release authorization, and records-access distinction language.