

### **Guidelines for Unmarried/Divorced Parents**

Missoula County Public Schools is committed to respecting the rights of parents, regardless of their marital status. MCPS will abide by all court orders it is provided explaining the respective rights of each parent. These guidelines do not apply to married parents.

MCPS adopts the following guidelines regarding the rights of Unmarried/Divorced Parents:

1. MCPS staff shall request a copy of the most recently-adopted parenting plan or court order addressing parenting rights upon:
  - a. Enrollment of the child
  - b. A referral of the child to special education or a request for consent for an initial evaluation of the child
  - c. Annual IEP review for the child
2. Parents have the right to refuse to provide a copy the parenting plan or court order addressing parenting rights.
3. In the event that a court order terminates the right of a parent, MCPS will not disclose any educational information to that individual or include that individual in any meetings regarding the child.
4. MCPS will abide by any court order restricting a parent's access to the child or the child's educational information. In the absence of a court order restricting a parent's access, MCPS will presume that both parents have an equal right of access to the child and to the child's educational information.
5. Provided there is no court order restricting the rights of a parent, MCPS will invite both parents to attend educational meetings regarding the child. MCPS will use reasonable efforts to ensure the attendance of both parents at meetings, including providing for alternate means of attendance.
6. Notification for meetings held pursuant to the Individuals with Disabilities Education Act (IDEA) will be accomplished by using IDEA-compliant notices sent to each parent separately via regular, U.S. mail.
7. Notification for any other meetings will be consistent with the methods used to communicate with all other parents.
8. Absent a prior request by one parent to reschedule the meeting, MCPS will hold the meeting as scheduled even if one parent is absent. In the event that one parent requests to reschedule a meeting, MCPS will use reasonable efforts to schedule a timely meeting that is convenient for both parents.
9. MCPS staff have the discretion to agree to hold separate parent-teacher conferences at the request of either parent. Absent extenuating circumstances, separate IEP meetings will not be scheduled.
10. Absent a court order restricting the rights of a parent, both parents have an equal right to participate in meetings regarding their child, including participating as a member of any team convened pursuant to IDEA.
11. If parents refuse to provide a copy of the parenting plan or court order addressing parenting rights, MCPS will presume that the parents share equally in decision-making. This means that only one parent has to consent to the evaluation or placement of the child, or that only one parent is needed to revoke consent for services.
12. If there is no parenting plan or court order addressing parenting rights, MCPS will presume that the parents share equally in decision-making. This means that only one parent has to consent to the evaluation for eligibility for special education services under IDEA or educational placement of the child under the IDEA.
13. If there is a parenting plan or court order requiring joint decision-making regarding educational matters, MCPS will require the consent of both parents before implementing any changes to the child's special education and related services when required by law.
14. In the event that joint decision-making is provided by a parenting plan or court order and the parents do not agree, MCPS will implement changes in the provision of the child's special education and related services in any areas of agreement and will work with the parents to attempt to resolve any other areas of disagreement. If the parents previously agreed to the provision of special education and related services, MCPS will continue to provide special education and related services based upon the prior agreement in any other areas of disagreement. If the request to consent is for the initial provision of services, MCPS will not implement the provision of any special education or related services until

consent of both parents has been obtained.

15. If neither parent has specifically refused to consent to changes in the provision of special education and related services, MCPS will make informal attempts to obtain consent from either or both parents (depending on the contents of any parenting plan or court order). After a reasonable time period has passed without response from either parent, MCPS will notify the parents in writing requesting approval and stating that if no response is received within 15 days, MCPS will implement the IEP as proposed pursuant to ARM 10.16.3505(2)(c).
16. Absent a court order restricting the rights of a parent, either parent has the right to challenge a decision by the IEP team in accordance with Montana law and the IDEA. Absent a court order restricting the rights of a parent, either parent may exercise his or her rights as set forth in the Procedural Safeguards.

***Last reviewed 12-7-15***