



GUIDELINES IN CASE OF SEPARATED PARENTS

1. INTRODUCTION

This protocol is intended to establish the guidelines to be followed by Gándara International School in cases where the parents of minor students do not live together at the same address, either because they are divorced, separated, there is a marriage annulment, etc.

The same applies in cases where the parents have ended or dissolved a de facto union, although in these cases there will probably be less documentation of the situation as the union or dissolution has not been formalized.

In general, parents retain parental authority over their children, which implies that they have a series of duties and rights in relation to their care. These rights and duties are mainly set out in the Civil Code.

It may be convenient to begin this protocol with a series of basic concepts and definitions of parental authority, since this legal institution is the one that will define parents, and therefore the school, in the rights and duties that assist them in relation to the education of their children.

2. DEFINITIONS AND BASIC LEGAL CONCEPTS:

Filiation is given by nature or by adoption. The first one can be matrimonial or extramarital. But as stated in Article 105 of the Civil Code (hereinafter CC) all of them have the same effects. The filiation can be accredited by means of the family book or through certification of the Civil Registry.

The father and mother (both parents) always have the obligation to look after their minor children and to provide them with food.

Parental authority: Article 154 of the CC indicates that it is a parental responsibility that must always be exercised in the interest of the children, in accordance with their personality, and with respect for their rights, their physical and mental integrity.

It is exercised with respect to minor children, unless they are emancipated, and includes as duties and powers:

1. To watch over them, keep them in their company, feed them, educate them and provide them with an integral formation.

2°. To represent them and administer their property.

We could also say that the parental authority includes the ability to make decisions about issues of relevance to the development, integrity and welfare of the child such as education or health ...

It is usual that both parents continue to retain parental authority over their children even if they do not live together.

As stated in Article 92 of the CC, separation, annulment and divorce do not exempt parents from their obligations towards their children. The judicial sentence will agree to the deprivation of parental authority only when there is cause to do so.

This same article foresees that the parental authority can be exercised totally or partially by only one of the parents, but this circumstance must be reflected in the judicial decision either expressly by the Judge or in the regulatory agreement that is judicially approved.

The parental authority, when it is retained by both parents, states in article 156 of the CC that if the parents live separately, it will be exercised by the one with whom the child lives. However, the judge, at the well-founded request of the other parent, may, in the interest of the child, grant the applicant parental authority to exercise it jointly with the other parent or distribute between the father and the mother the functions inherent in its exercise.

The parent who does not habitually cohabit with the children may not, as the article states, exercise parental authority on a day-to-day basis, but this does not mean that he or she loses it. The loss of parental authority is a serious event and is determined by the judge.

The decisions of the daily and habitual development of the student's school life will correspond to the parent with whom the child lives, unless the judge has established in a resolution some specific specification in this regard.

That is to say, they correspond to the parent to whom the custody has been attributed. This is determined in this way for the benefit of the students and in order not to paralyze the activity of the schools.

In cases where custody is shared (the child lives with both parents alternatively), the decision will correspond equally to both parents unless the judge has established otherwise.

The attribution of the custody, its conditions of exercise, the regime of visits of the non-custodial parent and its specifications are accredited by means of sentence or judicial resolution.

It must be taken into account that the attribution of custody to a parent can vary over time so the school will have to carefully compare the judgments and court decisions that the parents provide to determine with certainty the one that governs at any given time.

The deprivation of parental authority, as well as the specific characteristics in which it must be exercised if it is the case, is accredited by means of a sentence or judicial resolution.

The schooling of the pupil, that is to say the choice of an educational school to study, is one of the actions that have been considered to be part of the scope of the parental authority. This means that, in general, it is a matter for both parents, not only the custodian, to decide.

Therefore, the application for admission must be signed by both parents and the school will request the correction of this defect in cases where this is not the case. A model of correction is attached at the end of the protocol.

Exceptions:

There may be exceptions such as those noted in the following cases:

If the judge has already decided that GIS is the school that the child should attend. The parent who wishes to enforce this decision must provide GIS Management with the corresponding sentence or court decision for its execution.

That the judge has decided that the choice of school is attributed to only one parent for whatever reason. It corresponds to that parent to submit the application for admission, and to assert this power in the school must provide, along with the application for a place, the corresponding court judgment or decision where that right is attributed to him/her.

That one of the parents is in unknown whereabouts or abroad, that he/she has no relationship with his/her children or any other proven circumstance that prevents him/her from signing the application for admission. The parent seeking schooling must justify the circumstance alleged in the school by providing a judgment, court or administrative decision, police report, etc..

In this case, if the alleged circumstance is proven and therefore it is impossible to obtain the other signature, the schooling would be carried out according to the application. If the parent who did not participate in the admission process subsequently wishes to assert his or her rights, the matter would have to be brought before a court.

3. GIS ACTIONS IN CASE OF DISCREPANCIES BETWEEN PARENTS WHEN IT COMES TO SCHOOLING THEIR CHILDREN.

We refer to the case in which only one of them signs the application for the reservation of a place provided for in the Protocol for the Admission of New Students and the exceptions mentioned above do not apply.

The solution will be different in these two cases:

- If the student is not schooled in the locality in which he/she is enrolled (either because it is his/her first schooling or due to transfer) and is within the age of compulsory schooling, the GIS Management will decide to grant a school place according to the application submitted which will have a precautionary or provisional nature, and the parents will be indicated that the final decision on schooling will be made in accordance with what is

determined by the Judge, to whom they must urge the resolution of the disputed issue, or until they reach an agreement. If such resolution or agreement is not reached 15 days before the beginning of the school year, the reservation of a place will be cancelled.

- If the student is enrolled in school, he/she will remain in the school until the Judge resolves the issue, since in this case the parents must also urge this body to resolve the disputed issue.

Enrollment:

The enrollment of the children must be done with the data of "both parents". This information is essential and must be requested from the parent who carries out the procedure. GIS will not formalize any enrollment without this information.

Also, at the time of enrollment of the children in the school, the circumstance that the parents are separated or divorced must be indicated by providing the school with a copy of the Regulatory Agreement and Judicial Sentence. GIS shall take the appropriate measures. Any change in the judicial measures that modify or alter the legal situation must also be communicated to the school immediately.

It must be communicated to the faculty warning them of the student's circumstance.

The contact telephone numbers of both the school and the parents or persons authorized to pick up the student shall be stated.

4. INFORMATION AND CARE AT THE SCHOOL: PARENTAL DECISIONS

In relation to the right of families to receive information about the learning process and socio-educational integration of their children and to make decisions regarding their academic activities, in case of separation or divorce of the parents, marital annulments or dissolutions of de facto unions, the following is established:

When the parents do not live together and wish to receive information on the learning process and socio-educational integration of their minor children or make decisions regarding their academic activities, they must make a written request to the school providing a copy of the judicial resolution or public document in which there is evidence of the relationship and current situation they have with their children. It is expressly stated that complaints, lawsuits, lawsuits or private agreements are not accepted as documentation.

Within three days the school must send the other parent a copy of the request and the documentation provided by the requesting parent. It will have 10 days to provide a court decision or public document of a later date that may affect the case.

If the documentation is not provided within this period, or if the documentation provided does not indicate the loss of parental authority or

any other limitation of the parent's rights to the children, the school will comply with the request, notifying both parents.

From that moment on (when the application has been favorably resolved) the school, as long as it is not aware that the legal situation of the parents and their children has changed, will issue in duplicate and will provide both parents with all the documentation and information related to the learning process and socio-educational integration or to the decision making regarding academic activities. And it will provide it to both in the same way. Information transmitted verbally by tutors or the management team will be communicated in the same way to both parents.

Both parents should be able to have individualized tutoring.

The information related to the complementary and extracurricular activities or others that are not the ordinary day to day or related to participation or decision making, will be provided to both parents on the same terms, as established in the Internal Regulations of the school and other rules of organization and operation.

Therefore, parents who retain parental authority without limitations shall receive the same information from the school and may participate equally in making decisions regarding the education of their minor children.

The parent deprived of parental authority shall not be entitled to receive information or participate in decision-making as long as he or she does not provide a court order authorizing him or her to do so.

At the same time, the following consideration must be made: if a parent does not express his or her wish to receive information on the situation of his or her son or daughter, nor to participate in decision-making, the school is not obliged to make any communication to him or her in this regard.

Therefore, once the previous procedure regulated by the above-mentioned Resolution has been carried out, both parents must receive the same documentation/information about their children, and not before.

By way of example, the following are actions that, in addition to the above mentioned, must be communicated to both parents:

Grades (monthly, quarterly...) shall be sent to both parents.

In addition, parent-teacher conferences must be provided. For this purpose, both parents should be informed of schedules, issues to be discussed...

The possibility of individualized sessions with each parent should be given.

Both parents will also be provided with the School Calendar.

Everything related to school and extracurricular activities, excursions, visits to museums, farm schools, parties and celebrations must be communicated to both parents. Both parents must give express authorization at the beginning of the school year.

Parties and celebrations to which the attendance of personnel from outside the school is authorized.

In the case of changes of subjects, the authorization of both parents must be obtained. Obviously they must be informed beforehand.

In case of accidents and illness.

If it is necessary to call both parents, both must be called.

If the student's health needs to be notified, both parents must be notified.

Both parents must be able to access the "list of absences of the children" and specify the reasons for the absences.

There must be consent of both parents to register them in the dining room and both must have the menus of the school and the entire school year.

The Student remains under the "Custody of the school" from the time he/she is handed over by the parent until the school hands him/her over to the corresponding parent upon his/her departure. Always according to what is established in a Judicial Sentence. The School will have a list of the persons authorized by the parents (both) to pick up the student and they must identify themselves when picking them up. At the beginning of the school year, parents will sign the pick-up authorization form.

If in the future they are organized in GIS, both parents will be informed about the "School Council" including the School Council Election Calendar.

Both parents have the legal right to stand in such elections.

In the case of a Gándara, both parents must be informed of all matters related to the Parents' Association (A.N.P.A.) and both have the right to join.

Both parents have the right to know in what hygienic, physical and nutritional conditions their children arrive at school.

In cases of "Change of School", the School will need the authorization of both parents to cancel the student and process the transfer of the file. Only one parent cannot change school without the express authorization of the other parent.

An issue of utmost importance in relation to the Data Protection Law is the duty to obtain the express consent of both parents on any image of the children to be posted on the school website, magazine or other media.

Access to computer platforms for student monitoring.

Right of access to academic records.

By way of example, we also list the decisions that can be considered extraordinary and that the decision is the responsibility of both parents:

The change of educational modality from ordinary to a different one.

In the case of a decision that affects the academic field and that must be taken in a peremptory manner, when the parents do not agree, the decision of the custodian will be accepted as a precautionary measure while the issue is resolved judicially.

Therefore, in non-academic decisions and in non-urgent decisions that require the consent of both parents, the school must await the agreement of the parents or the judicial decision.

In the event that the parents do not reach the necessary agreements for the development of the school life of their minor children and do not submit their discrepancies to judicial decision, if in the opinion of the teaching and management team of the school, the learning or socio-educational integration of the students is being harmed, the management of the school may inform the Public Prosecutor's Office so that it can raise, if it considers it necessary, the corresponding incident before the Judge.

The ultimate purpose of the above provisions is the good of the children (supreme good subject to protection), but the truth is that there cannot be a clear discrimination on the rights that both parents have, the children belong to both parents and just as parents have obligations, they also have rights that must be respected.

Therefore the same information about the children must be given to both parents and the express written knowledge and consent of both parents must be obtained.

5. VISITS TO THE STUDENTS AND PICK-UP AT THE SCHOOL

The parent who does not have custody of his or her children has a specific visiting regime established by a sentence or court order.

Unless the judgments or court decisions expressly state so, visits by the parents (or extended family) may not be made within the school.

Parents and families of minors may not visit students at the school, unless expressly indicated by a court sentence or resolution.

In the case of minors with a protection file, the regulation of visits with their parents and other family members corresponds to the Social Services Management; likewise, they may not be carried out at the school.

Disputed issues arising between parents in relation to the collection of students should be resolved in the judicial or private sphere without affecting the development of school life and without the school having to be involved in them.

The parent who has to pick up the children at the school may delegate such collection to another person unless there is an express court order denying it. The delegation shall be made in writing by filling out the form provided for this purpose.

6. SPECIAL CONSIDERATION IN CASES OF GENDER VIOLENCE

When the school is aware that a family has a protection measure due to gender violence, it is very important to talk to the protected parent to coordinate all actions and to provide a copy of the judicial or police resolutions to that effect.

Special care must be taken in these cases of violence not to provide protected personal data or other issues (visits not due, prohibited communications...) that may cause a dangerous situation.

It is convenient that, before any indication that a situation of violence is taking place in the family, the Protocol of Mistreatment of Minors should be followed and the police or the Civil Guard should be informed. Also from these bodies and security forces of the State can be requested guidelines for action with families, since they have units specially trained in dealing with cases of gender violence and have knowledge of the protection measures that are in force in each case.

7. ACCOMPANIMENT OF THE SITUATION:

GIS assumes the obligation to collaborate so that the situation is as normal and harmonious as possible for the children and to comply with the provisions of the court decision, in case of separation or divorce.

However, this also implies the collaboration of the families. Therefore, if such circumstances arise, it is advisable to request an interview with the children's guardian. The guardian is the person who will spend the most time with the children and who can detect any problems of adaptation, concentration or moods at an early stage. Many children with separated parents show their discomfort or frustration through behavioral changes at school, even when they behave normally in the family environment. Therefore, a talk with the tutor can help the tutor to be more attentive to the children, but also more understanding.

Communicating the school about the divorce and the established custody regime, as well as the pick-up schedules will greatly help those in charge of the school to know how to handle future situations such as who to contact in case of absence or illness, to whom they should send communications, etc.

ANNEX:

Substitution for lack of signature in the admission process.

School Name

The application submitted by with date is not signed by both parents of the student and is therefore contrary to the provisions of the law.

Derived from the above, if this defect is not corrected within ten working days from the day following the date of this letter, the Management Team of GIS, for the benefit of the student will perform one of the following actions as appropriate:

If the applicant student already has a place in a school in the same territorial unit of admission in which he/she can continue his/her studies, the requested change of schooling shall not proceed as long as the discrepancy between the parents in the choice of school is not resolved.

- If the applicant student does not have a place in a school in the same territorial unit of admission, or in his/her school he/she cannot continue his/her studies due to a change of educational stage, a place reservation will be made, according to the request made, as a precautionary measure for the benefit of the student, making it known that it will remain in force until the matter is judicially resolved, and in any case up to 15 days before the beginning of the school year.

Representing the school

Fdo.....

I received (the applicant) date.....

Name, surname, DNI or NIE

Fdo.....