

## **Fresno Unified Board Policy (BP) 5021 Noncustodial Parents**

The Governing Board recognizes the right of parents/guardians to be involved in the education of their children and desires to balance that right with the district's need to ensure the safety of students while at school.

*(cf. 5020 - Parent Rights and Responsibilities)*  
*(cf. 6020 - Parent Involvement)*

The parent/guardian who enrolls, with the necessary enrollment documents, a child in a district school shall be presumed to be the child's custodial parent/guardian and shall be held responsible for the child's welfare.

*(cf. 5111 - Admission)*  
*(cf. 5111.1 - District Residency)*  
*(cf. 5125 - Student Records)*  
*(cf. 5141.3 - Health Examinations)*  
*(cf. 5141.31 - Immunizations)*  
*(cf. 5141.32 - Health Screening for School Entry)*

In the event of an attempted violation of a court order that restricts access to a student, the principal or designee shall contact the custodial parent and local law enforcement officials and shall make the student available only after one or both of these parties consent.

School officials shall presume that both parents/guardians have equal rights regarding their child, including, but not limited to, picking the student up after school or otherwise removing the student from school, accessing student records, participating in school activities, or visiting the school. When a court order restricts access to the child or to their student information, a parent/guardian shall provide a copy of the certified court order to the principal or designee upon enrollment or upon a change in circumstances.

*(cf. 5125 - Student Records)*  
*(cf. 3516 - Emergencies and Disaster Preparedness Plan)*  
*(cf. 5111.1 - District Residency)*  
*(cf. 5141 - Health Care and Emergencies)*  
*(cf. 5142 - Safety)*  
*(cf. 6159 - Individualized Education Program)*

Pursuant to Education Code 49061, noncustodial parents do not have the right to challenge the content of student records, provide a written response to student records, or consent to their release to third parties.

A child custody court order binds only the parties to the proceeding, not the district or its staff. If a court order restricting access to a child is not issued by a California court, staff should consult with legal counsel and local law enforcement officials to determine its validity.

*Fresno Unified School District prohibits discrimination, harassment, intimidation, and bullying based on actual or perceived race, color, ethnicity, national origin, immigration status, ancestry, age, creed, religion, political affiliation, gender, gender identity, gender expression, genetic information, mental or physical disability, sex, sexual orientation, marital status, pregnancy or parental status, medical information, military veteran status, or association with a person or a group with one or more of these*

*actual or perceived characteristics or any other basis protected by law or regulation, in its educational program(s) or employment.*

Legal Reference:

EDUCATION CODE

48204 Residency requirements

49061 Definitions

49069 Absolute right to access

49091.10-49091.19 Parental review of curriculum and instruction

49408 Emergency information

56028 Definition, parent for special education

51100-51102 Parent/guardian rights

FAMILY CODE

3002 Joint legal custody, definition

3006 Sole legal custody, definition

3025 Parental access to records

6550-6552 Caregivers

GOVERNMENT CODE

810-996.6 Government Claims Act

6205-6210 Confidentiality of addresses for victims of domestic violence, sexual assault or stalking

Policy FRESNO UNIFIED SCHOOL DISTRICT

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*Policy Section: 5000 Students*