

Noncustodial Parents

Natural or adoptive parents of any student may access their child's student records, participate in school activities, visit the student at school and pick up the student after school. The noncustodial parent may not pick up a student from school without the custodial parent's written permission or unless a court order states that on visitation days, the noncustodial parent may pick up the student during school hours or after school. These rights shall be respected even if legal custody is vested in only one named parent, unless a court order restricts the right of the noncustodial parent. Parents/guardians may be asked to provide evidence of any completed or pending legal action which curtails the noncustodial parent's rights.

(cf. 5125 - Student Records)

(cf. 5142 - Safety)

(cf. 6020 - Parent Involvement)

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.

Upon request, the district shall provide noncustodial parents with announcements and notices that are sent to the custodial parent.

While both parents can visit the child at school, only the custodial parent has the right to remove the child from school property. Only a verified note or an emergency card from the custodial parent will be cause for exception to this provision.

(cf. 5141 - Health Care and Emergencies)

A child custody court order binds only the parties to the proceeding, not the district or its staff. Therefore, the district is not required to enforce the court order. If a court order conflicts with Education Code statutes that give noncustodial parents the right to access student records, the district should seek legal counsel to determine whether the court order or the statutes should prevail. If a court order restricts access to the child, it is recommended that staff contact the custodial parent and local law enforcement officials in the event of an attempted violation of the court order. If a court order restricting access to a child is not issued by a California court, staff should allow local law enforcement officials to determine its validity.

In the event of an attempted violation of a court order that restricts access to a student, staff 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.

Legal Reference:

EDUCATION CODE

49061 Definitions

49069 Absolute right to access

FAMILY CODE

3025 Parental access to records

Policy FRESNO UNIFIED SCHOOL DISTRICT

adopted: January 11, 1996 Fresno, California

revised: August 29, 1996

revised: April 27, 1997

reviewed: April 23, 2001