

NONCUSTODIAL PARENTS

Noncustodial parents generally retain the same rights as custodial parents unless a court order restricts the rights of the noncustodial parent. These rights include but are not limited to accessing his/her child's student records, participating in school activities and visiting the child at school. If a completed or pending legal action curtails the noncustodial parent's rights, the parent/guardian with custody shall provide evidence of this action to the Superintendent or designee.

(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. See AR 5125 - Student Records.

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.

NONCUSTODIAL PARENTS (continued)

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