

POLICY 5021: NON-CUSTODIAL PARENTS**Adopted:** 2/13/1996**Revised:** 3/16/2010, 3/07/2023

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.

The parent/guardian who enrolls 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. The individuals identified as "Parent[s]" shall be based upon the names written on the child's birth certification and/or an adoption decree, unless otherwise specified by a Court Order.

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, assessing student records, participating in school activities, or visiting the school, unless otherwise specified in a Court Order.

When a Court Order restricts access to the child or to his/her 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. If there is any question regarding the validity of the Court Order, the school site will reach out to the non-custodial parent to inquire as to whether that individual has another Order from the Court that is more recent and/or contradictory to the initial Court Order provided to the District. Court Orders must be signed by the judge and dated as to when the Order was "FILED".

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.

Policy Reference Disclaimer: These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State

Ed. Code 48204
 Ed. Code 49061
 Ed. Code 49069
 Ed. Code 49091.10-49091.19
 Ed. Code 49408
 Ed. Code 51100-51102
 Ed. Code 56028
 Fam. Code 3002
 Fam. Code 3006
 Fam. Code 3025
 Fam. Code 6550-6552
 Gov. Code 6205-6210
 Gov. Code 810-996.6

Description

Residency requirements
 Definitions; directory information
 Absolute right to access
 Parental review of curriculum and instruction
 Student emergency information
 Parent/guardian rights
 Definition; parent for special education
 Joint legal custody; definition
 Sole legal custody; definition
 Parental access to records
 Caregivers
 Confidentiality of addresses for victims of domestic violence, sexual assault or stalking
 Government Claims Act

Management Resources

Website	CSBA District and County Office of Education Legal Services
Website	California Association of Supervisors of Child Welfare and Attendance
Website	California Department of Education
Website	CSBA

Cross References

<u>Code</u>	<u>Description</u>
5020	Parent Rights and Responsibilities
5020	Parent Rights and Responsibilities
5022	Student and Family Privacy Rights
5022	Student and Family Privacy Rights
5111.1	District Residency
5111.1	District Residency
5125	Student Records
5125	Student Records
5141	Health Care and Emergencies
5141	Health Care and Emergencies
5142	Safety
5142	Safety