

Fullerton School District

Board Policy

Students

BP 5021

Noncustodial Parents

Board Adopted: June 10, 2005

Board Revised: July 28, 2015

The Board of Trustees 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.

"Joint custody" is defined in Family Code 3002 as joint legal and joint physical custody. Under a joint legal custody arrangement, both parents/guardians share the right and responsibility to make decisions relating to their child's health, education, and welfare. When one parent/guardian has "sole legal custody," then, pursuant to Family Code 3006, only that parent has the right to make such decisions for the child.

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.

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 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. A court order binds only the parties to the order, not the District or its school staff. However, if school officials have been provided a certified copy of such a court order, then they have a responsibility to abide by any terms of the order applicable to situations arising at school.

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 References:

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

Management Resources:

WEB SITES

CSBA: <http://www.csba.org>

California Association of Supervisors of Child Welfare and Attendance: <http://www.cascwa.org>

California Department of Education: <http://www.cde.ca.gov>

CSBA Revisions

(6/95 10/95) 7/09