

NON-CUSTODIAL PARENTS



Canyons School District
Department of Planning and Enrollment

Non-Custodial Parent Requests

The school controls access to the child during the school day. Neither custodial nor non-custodial parents have a right to disrupt or interfere with their child's educational process with activities such as: visiting with the child during school hours, lunch, activity periods or visiting in classes. That being said, biological parents (custodial and non-custodial) have equal rights when it comes to their children while they are at school UNLESS a court has instructed otherwise. Schools should accommodate parents in their requests regarding access to their children as long as it is consistent with valid court orders and the best interest of the child.

Our teachers, staff, and administration should never put themselves in a position where they become a player in a civil divorce action. Divorced or divorcing parents should be instructed that the school cannot and will not take sides in matters of custody and/or divorce.

The following administrative guidelines should be followed when a school receives a request from a non-custodial parent of a minor child for the following:

A. Request to speak with a minor child:

A non-custodial parent shall be allowed to communicate with his or her minor child during times when the child is under the control of the school, under the same general requirements for parents to communicate with their children during school hours, unless the custodial parent has supplied to the principal or principal's designee a certified copy of a valid divorce/custody decree or any other applicable court order, which forbids or restricts the non-custodial parent's contact with the child.

B. Request to remove minor child from the school campus:

A non-custodial parent shall be allowed to remove his or her minor child from the school campus during times when the child is under the control of the school, under the same general requirements for parents to remove their children from school, unless the custodial parent has supplied to the principal or principal's designee a certified copy of a valid divorce/custody decree or any other applicable court order, which forbids or restricts the non-custodial parent contact with the child.

C. Request to inspect and/or review the educational records of a minor child:

A non-custodial parent shall be allowed to inspect and review the education records of his or her child, under the same general requirements for parents to review education records, unless the custodial parent has supplied to the principal or principal's designee a certified copy of a valid divorce/custody decree or any other applicable court order, which forbids or restricts the non-custodial parent from reviewing educational records.

D. Request to attend parent-teacher conferences, school activities, or consult with their child's teachers:

Both custodial parents and non-custodial parents are allowed to attend parent-teacher conferences unless the school/principal is provided with a certified copy of a divorce/custody decree or any other applicable court order, which forbids or restricts the non-custodial parent's contact with the child.

If the court order/decreedoes not limit access, and, if the custodial and non-custodial parent is unable to attend the parent-teacher conference jointly, the teacher/school shall conduct a parent-teacher conference with the custodial parent, if available. If the school and

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the teachers have the time and resources to conduct a second parent-teacher conference with the non-custodial parent, they may do so. Parents—custodial and non-custodial--should be encouraged to attend the regularly scheduled conferences.

Non-custodial parents may also consult directly with their child's teacher, and attend activities unless a decree/order limits such access.

E. Request to have their name, phone number, etc., recorded on the child's education records and/or be informed of the child's school progress and school activities:

Non-custodial biological parents have the right to have their name, phone number, etc., recorded on the child's education records, by making such a request in writing, unless there is a court order outlining a restriction regarding said contact. THIS INCLUDES IDENTIFICATION ON THE REGISTRATION CARD.

The school has no obligation to communicate information about school progress or school events to non-custodial parents unless the non-custodial parent requests in writing such information or communication. In that case, a non-custodial parent is able to have information communicated to them, unless the other party has provided a certified court order, which limits such information or communication to the non-custodial parent.

F. Notification to parent of a sick or injured child

The school shall notify the custodial parent and, if requested in writing by a noncustodial parent, make reasonable efforts to notify the noncustodial parent if their child is injured or becomes ill at the school during the regular school day if the injury or illness requires treatment at a hospital, doctor's office, or other medical facility not located on the school premises; and the school has received a current telephone number for the party it is required to notify or make reasonable efforts to notify. The school will not notify the non-custodial parent if the custodial parent has supplied to the principal or principal's designee a certified copy of a valid divorce/custody decree or any other applicable court order, which forbids or restricts the non-custodial parent's contact with the child.

G. Court order/decreed provided by custodial parent.

1. If the custodial parent has supplied to the principal or principal's designee a certified copy of a valid divorce/custody decree or any other applicable court order which forbids or restricts the non-custodial parent from one of the above outline activities, it is the responsibility of the custodial parent to identify what the parent believes is the applicable restriction or termination of parental rights in the court order or decree. These court documents should be kept in a student's CUM file. Any counseling/psychological/DCFS paperwork must be kept separately.
2. The school may reasonably rely upon a certified divorce/custody decree or any other applicable court order that the school determines to be valid; however, the school may, in its discretion, make a reasonable determination of the applicability of the order/decreed. The Civil Rights and Accommodations department should be consulted prior to making a decision in this regard.
3. The school shall reasonably retain a copy of all court orders or other legally binding documents related to an enrolled student.
4. Add notes regarding custody/restraining orders/temporary restraining orders in the comment box in Skyward. Always enter document expiration dates, if any.

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Step-Parent Rights
FERPA Regulations (34 CFR 99.3)

While a stepparent may act as a parent, assuming the stepparent is married to a parent of the student, he or she does not seem to fit the strict regulatory definition of a parent, for he or she is not "acting as a parent *in the absence of a parent or guardian.*" 34 CFR 99.4

However, the Family Policy Compliance Office expanded upon the issue in Letter to Anonymous, (FPCO 11/30/2000). FPCO noted the Department of Education has determined that a parent is absent if he or she is not present in the day-to-day home environment of the child. Based on that definition, FPCO concluded a stepparent has rights under FERPA in situations where the stepparent is present in the home on a day-to-day basis with one natural parent and the child, and the other natural parent is absent. In such cases, stepparents have the same rights under FERPA as natural parents. Conversely, a stepparent who is not present on a day-to-day basis in the home of the child has no FERPA rights with respect to the child's records.

