

515.2 Access to Students and Student Records by Custodial and Non-Custodial Parents

I. Purpose

It is the policy of the Northfield School District to remain neutral in all custody-related disputes. This policy governs both physical access to students while on school property and access to a student's educational records.

II. Definitions

"Custodial parent" means the person who has been granted physical custody of the child.

"Custody" refers to the rights and responsibilities of a parent with respect to a child, including the right to physical access and the right to make decisions with respect to the child's health, education, and welfare in the best interests of the child.

"Educational records" are records that are (a) directly related to the student and (b) maintained by the School District or an employee or agent of the District.

"Guardian" is defined as a person, other than a parent, who has lawful custody of a child, as established by a court order.

"Legal custody" is the right to make decisions, including educational decisions, for a child.

"Joint legal custody" means that both parents have equal rights and responsibilities, including the right to participate in major decisions determining the child's upbringing, including decisions regarding the child's education.

"Joint physical custody" means that the routine daily care and control and the residence of the child is structured between the parties.

"Non-custodial parent" means a parent who has not been granted physical custody of a child at the time the right as a parent is asserted. In the case of a court order giving a third party, such as legal guardian grandparents, or foster parents the right to physical custody of a child, both biological parents are non-custodial parents. Non-custodial parents can have joint legal custody of their children.

"Parent" means a parent of a student and includes a natural parent, a guardian, or an individual acting as a parent in the absence of a parent or guardian.

"Physical access" includes the right to visit with and be visited by the child during school hours and on school property.

"Physical custody" means the routine daily care and control and the residence of the child.

III. General Statement of Policy

A. Access to Educational Records

Both custodial and non-custodial parents are presumed to have the right to access or to control access to a child's educational records and the right to be informed by school officials about their children's welfare, educational progress and status. Custodial and non-custodial parents have equal right to inspect and challenge the accuracy of their child's educational records. The fact that the parents are divorced or legally separated does not alter these rights unless the School District has been presented with a court order or other legally binding document terminating the

parental rights of the non-custodial parent or denying the non-custodial parent a specific right in a written order.

If a custodial parent wishes to limit the non-custodial parent's access to a student's educational records, he or she must obtain and present to the school a legally binding document, which prevents the release of such information. A copy of the written order must be provided to school officials before the School District will limit a parent's right of access.

B. Physical Access to a Student During the School Day

All parents, whether custodial or non-custodial, may visit a student at school or remove a student from school based on the professional judgment of staff, provided the parent complies with the District's visitor's policy and does not disrupt the student's program of education. Both custodial and non-custodial parents also have the right to attend parent-teacher conferences, although the District is not required to hold a separate conference for each parent, and the right to attend other school events designed for parents. The fact that the parents are divorced or legally separated does not alter these rights unless a parent provides the District with a court order or other legally binding document specifically prohibiting physical contact between a non-custodial parent or other named individual and a student.

To limit access to a student, a parent is required to file with the District a copy of the form entitled, "Notification of Court Order or Restraining Order." The parent's request will remain in effect for the current school year unless the non-custodial parent or the other individual named in the legally binding order provides a Court Order reversing the previous decision.

By adoption of this Policy, the School Board does not guarantee that it will verify that a student rides the proper school bus or will only be released to the custodial parent.

This policy shall be interpreted in accordance with the Family Educational Rights and Privacy Act, 20 U.S.C. 1232(g) and 34 C.F.R. Part 99, the Minnesota Government Data Practices Act, Minn. Stat. § 13.01 et. seq., and the Minnesota Marriage Dissolution statute, Minn. Stat. § 518, et. seq.

Policy 515.2 - Access to Students and Student Records by Custodial and Non-Custodial Parents

Adopted: 4/28/08

School Board
INDEPENDENT SCHOOL DISTRICT 659
Northfield, MN

NORTHFIELD PUBLIC SCHOOLS

Notification of Court Order or Restraining Order

The purpose of this form is to assist District personnel in identifying situations where a non-custodial parent or other individual is legally prohibited from physical contact with a student enrolled in the Northfield Public Schools.

I, _____, the Parent or legal Guardian of _____
Parent Student

present the attached Court Order as documentation that _____
Name of Individual

is legally prohibited from contact with the above-named student.

By signing this form, I agree that:

1. I am making this request based on a Court Order or Order from another legal proceeding. A copy of this Order is attached.
2. This request will be shared with the non-custodial parent or other named individual if he or she attempts physical contact with the Student and requests documentation regarding why such contact will not be allowed.
3. The information contained in this request will be shared with teachers and other personnel only to the extent that these individuals may need to assist the School District in enforcing the Court Order.

This request is for the current school year only and will remain in effect for the current school year unless the non-custodial parent or other named individual provides a Court Order reversing the previous decision. This request must be refiled annually.

I understand that although the School District will make every effort to comply with this request, the District cannot be held liable in the event the named individual violates the attached Court Order.

Signature of Parent or Guardian

Date

Received by

Date