

# MODESTO CITY SCHOOLS

## Board Policy

BP 5021

### STUDENTS

#### Noncustodial Parents

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.

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 their 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.

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.

#### *Legal References:*

##### EDUCATION CODE

*48204 Residency requirements*

*49061 Definitions; directory information*

*49069.7 Absolute right to access*

*49091.10-49091.19 Parental review of curriculum and instruction*

*49408 Student emergency information*

*51100-51102 Parent/guardian rights*

*56028 Definition; parent for special education*

##### FAMILY CODE

*3002 Joint legal custody, definition*

*3006 sole legal custody; definition*

*3025 Parental access to records*

*6550-6552 Caregivers*

## **STUDENTS**

### **Noncustodial Parents**

*Legal Reference (cont.):*

#### **GOVERNMENT CODE**

*6205-6210 Confidentiality of addresses for victims of domestic violence, sexual assault, or stalking*  
*810-996.6 Government Claims Act*

*Management Resources:*

#### **WEBSITES**

*CSBA District and County Office of Education Legal Services: <https://legalservices.csba.org/>*

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

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

*CSBA: <https://www.csba.org/>*

*Cross References (cf.):*

*5020 – Parent Rights And Responsibilities*

*5022 – Student And Family Privacy Rights*

*5111.1 – District Residency*

*5125 – Student Records*

*5141 – Health Care And Emergencies*

*5142 – Safety*

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ADOPTED: October 23, 2023