

**School Committee Policy**

**CUSTODIAL AND NON-CUSTODIAL PARENT  
RIGHTS AND RESPONSIBILITIES**

Not all public school students come from homes that include two parents. Some students are from one-parent families, and others have non-parent guardians. Also, a child may have two parents who are not living together. Custody of the student may be joint, or may be by only one of the parents.

On October 25, 2005, the Massachusetts Board of Education voted to adopt emergency amendments to the student regulations pertaining to access to student records by non-custodial parents. 603 CMR 23.07(5) The changes were designed to make the state regulations consistent with federal law concerning non-custodial parental access to student records.

**I. Access to Student Records**

As required by Massachusetts General Law Chapter 71, Section 34H, a non-custodial parent may have access to the student record in accordance with law and Department of Education Regulations. The school district will follow the law and the regulations developed by the Massachusetts Department of Education to standardize the process by which public schools provide student records to parents who do not have physical custody of their children (“non-custodial parents”).

As required by M.G.L. c. 71, § 34H, a non-custodial parent may have access to the student record in accordance with the following provisions.

- (a) A non-custodial parent is eligible to obtain access to the student records unless:
  - 1. the parent has been denied legal custody or has been ordered to supervised visitation, based on a threat to the safety of the student and the threat is specifically noted in the order pertaining to custody or supervised visitation, or
  - 2. the parent has been denied visitation or

3. the parent's access to the student has been restricted by a temporary or permanent protective order, unless the protective order (or any subsequent order modifying the protective order) specifically allows access to the information contained in the student record, or
  4. there is an order of a probate and family court judge which prohibits the distribution of student records to the parent.
- (b) The school shall place in the student's record documents indicating that a non-custodial parent's access to the student's record is limited or restricted pursuant to 603 CMR 23.07(5)(a).
  - (c) In order to obtain access, the non-custodial parent must submit a written request for the student record to the school principal.
  - (d) Upon receipt of the request, the school must immediately notify the custodial parent by certified mail and first class mail, in English and the primary language of the custodial parent, that it will provide the non-custodial parent with access after twenty-one (21) days, unless the custodial parent provides the principal with documentation that the non-custodial parent is not eligible to obtain access as set forth in 603 CMR 23.07(5)(a).
  - (e) The school must delete all electronic and postal address and telephone number information relating to either work or home locations of the custodial parent from student records provided to non-custodial parents. In addition, such records must be marked to indicate that they shall not be used to enroll the student in another school.
  - (f) Upon receipt of a court order which prohibits the distribution of information pursuant to G.L. c. 71, § 34H, the school shall notify the non-custodial parent that it shall cease to provide access to the student record to the non-custodial parent.

## **II. Right to Visit Child At School or Remove Child From School Property**

Both custodial and non-custodial parents have the right to visit the child briefly at school. Both also have the right to participate in parent/teacher conferences (although, in the school's discretion, there may be separate conferences for each parent).

Only the custodial parent has the right to remove the child from school property. If a non-custodial parent asks to remove the child from school, the following steps should be followed:

- (a) The principal, or his/her designee, shall explain that school staff is responsible for the child's welfare while at school. In the non-custodial parent's presence, the custodial parent should be contacted by telephone, and the request to visit explained. If the custodial parent agrees, then the school may comply with the request.
- (b) If the custodial parent does not agree, explain to the non-custodial parent the rights of both parents (see above). Confirm that the school will allow a brief visit by the non-custodial parent. Make clear that the child will stay in the office area during the visit, will not leave school property, and will return to class after the visit. (This discussion of the conditions of the visit should take place, when possible, within the hearing of both parents).
- (c) Escort the child to the office. (Do not send the non-custodial parent to the classroom.) Explain to the child how the visit will be handled. Emphasize that the child will be returned to the classroom after the visit. Provide a place for the visit than can be observed by office staff. After the visit, escort the child back to class.

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