

Shelby County Board of Education

6058

Issued Date: 06/25/13

CHILD CUSTODY/PARENTAL ACCESS

I. PURPOSE

To provide guidelines for access to a student by a parent who is not the custodial parent/legal guardian responsible for the education and welfare of the student.

II. SCOPE

This policy applies to all students enrolled in the Shelby County Schools District.

III. POLICY STATEMENT

Shelby County Schools requires students to be enrolled in and registered for school by their custodial parent or legal guardian or a person who provides the school with written permission from the custodial parent/legal guardian to register the child (see policy on School Admissions – 6002). Unless a Tennessee court specifies otherwise, the custodial parent or legal guardian shall be the one whom the District holds responsible for the education and welfare of that child.

Parents and/or legal guardians shall have the right to receive information contained in school records concerning their minor child.^{1,2} However, the personal information of a custodial parent and/or legal guardian shall not be released to a non-custodial parent with the child’s education record. The Board, unless informed otherwise, assumes there are no restrictions regarding the non-custodial parent’s rights to be kept informed of the student’s progress and activities. If restrictions are made relative to the rights of the non-custodial parent, the custodial parent and/or legal guardian shall be requested to submit a certified copy of the court order which curtails these specific rights.

Unless there are specific court-imposed restrictions, the non-custodial parent, upon request, shall be granted reasonable access to the child at the school and shall be

given access to all the student's educational records including, but not limited to, the student's cumulative file and the student's special education file, if applicable.³

No principal or teacher shall permit a change in the physical custody of a child at school unless:

1. The person seeking custody of the child presents the school official with a certified copy of a valid court order from a Tennessee court designating the person who has custody of the child; and
2. The person seeking custody shall give the school official reasonable advance notice of his/her intent to take custody of the child at school.⁴

IV. RESPONSIBILITY

- A. Parents and legal guardians are responsible for providing appropriate custodial documentation, if required, and for adhering to this policy.
- B. Principals are responsible for adhering to this policy.
- C. The Superintendent is responsible for ensuring that this policy is followed.

Legal References:

1. 20 U.S.C. 1232g
Family Educational Rights and Privacy Act of
1974
2. T.C.A. 36-6-101
3. T.C.A. 49-6-902
4. T.C.A. 36-6-105

Cross References:

1. 6002 School Admissions