

Policy 9240 RIGHTS OF PARENTS

The Board of Education recognizes that the parents of each child are ultimately responsible for the care and custody of that child, and that both parents/guardians share that responsibility equally. The Board recognizes as well that, where only one parent has legal custody of a child, the custodial rights and responsibilities of the other parent may be limited. Unless contra-indicated, the interests of each child are best served by the continuing involvement of both parents in the child's life and well-being.

The Board will presume that each natural or adoptive parent or legal guardian of a pupil enrolled in this district possesses full parental rights of access to the pupil and to information about the pupil, notwithstanding any separation of the parents or dissolution of their marriage. Accordingly, and in the absence of notice to the contrary, the Board directs that school principals accommodate the needs of both parents for access to their child, to their child's teachers, and to information about their child.

The Board's presumption of the equal rights and responsibilities of parents may be set aside only upon the presentation to the principal of proper notice that custody of a pupil resides in only one parent and that the custodial rights of the other parent have been limited or that guardianship resides in some third party. When such notice is duly presented, the principal will be directed by the terms of that notice to limit the access of the noncustodial parent to the child or to information about the child. Proper notice consists of the custodial parent's or guardian's sworn affidavit or certification supported by a copy of the pertinent portion of a legal agreement or court order that awards custody and establishes the rights and limitation of any noncustodial parent or terminates the parental rights of the noncustodial parent. Any questions or problems should be directed to the Superintendent for review and if necessary, referral to the Board Solicitor.

Nothing in this policy shall be construed as limiting in any way the rights of a noncustodial parent whose parental rights have not been terminated to full access to his/her child's records and to full participation, in accordance with law, in the decisions regarding his/her disability child's evaluation, classification, and placement.

N.J.S.A. 18A:35-4.6 et seq.; 18A:47-4; 18A:47-8

N.J.A.C. 6:28-2.9; 6:3-6.1; 6:3-6.5

Adopted: 11 June 1997