

Administrative Regulation

Minor Pupils, Divorced/Separated Parental Rights Regarding

The mere fact that a pupil's parents are separated or divorced does not, in itself, affect the rights of such parents. In the absence of a court order on file at the school, both parents are equally entitled to the custody, education, and control of a minor pupil. If there is a court order giving one parent exclusive custody of a child, then the other parent should not have any right to remove a child from school without the consent of the parent to whom exclusive custody has been given.

It is the opinion of the Schools Legal Service, Orange County Department of Education, that a school may properly give the address of a minor child to either parent. However, they find no requirement that such information must be given. A pupil shall be enrolled in the name submitted to the district on documents such as a birth certificate or similar legal proof of date of birth. Furthermore, if the pupil's surname has been changed since such submission pursuant to the judicial process, the surname shown on the court order shall be used.

Ref: EC Section 49061, 49065, 49069

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