

SPECIAL SERVICES
Admissions, Residency, and Attendance
Delineating the Responsible Parent for a Student

This regulation supersedes Regulation 2240.2.

I. PURPOSE

- A. To establish who shall be considered the parent responsible for a student in matters pertaining to the student's primary residence for school purposes, the release of a student, and communication between home and school. Determinations of a student's eligibility to attend Fairfax County Public Schools (FCPS) are made in accordance with the current version of Policy 2202.
- B. In response to increasing requests from noncustodial or joint-custodial parents to seek admission of a child or to participate in decisions about a child, this regulation also establishes procedures for resolving disputes between parents regarding school matters affecting the student. This regulation, not custody orders or settlement agreements, governs school decisions, unless a valid court order specifically directs the school to take a particular action.
- C. This regulation is not intended to restrict rights granted to either parent under state or federal law.

II. DEFINITIONS

A. Custodial Rights

Responsibility for the care and control of the child and authority to make decisions concerning the child. FCPS will assume that a natural parent has custodial rights and the rights described in this regulation, unless a valid court order specifically removes or limits those rights.

B. Joint-Custodial Parent

A parent who, following a legal separation or divorce, retains custodial rights in a shared arrangement with the other parent. FCPS will treat parents as joint custodians if each has some legal or physical custody rights, even if the child's primary residence is only with one parent. Joint custodians will have the rights described in this regulation unless a valid court order specifically removes or limits those rights.

C. Noncustodial Parent

A parent who, as specified in a court order, has not retained custodial rights to the child. A noncustodial parent retains rights to participate in the special education process, to receive information about the child, and to participate in certain school activities unless a valid court order specifically removes or limits those rights.

III. PROCEDURES

A. Determining Enrolling Parent

1. The natural or adoptive parent or the legal guardian with whom the child physically resides in Fairfax County a preponderance of the school week, and who comes to school to enroll the child, shall be considered the enrolling parent for school purposes. If parents who reside together enroll the student jointly, they will decide which of them is the designated enrolling parent. If they cannot agree, the principal will designate the enrolling parent by lot. The enrolling parent remains the same throughout the student's attendance at FCPS unless one of the following occurs:
 - a. parents who reside together jointly agree to a change in designation.
 - b. the original enrolling parent no longer meets the definition of enrolling parent.
 - c. the student leaves FCPS and subsequently reenrolls.
2. If a student is enrolled under one of the residency exceptions set forth in the current version of Policy 2202 (for example, child of nonresident FCPS employee), the parent or legal guardian who comes to school to enroll the child shall be considered the enrolling parent.

B. Determining Eligibility for Admission and Continuing Attendance

1. The student must meet the admissions requirements set forth in the current version of Policy 2202 in order to attend FCPS. Further, unless a residency exception set forth in the current version of Policy 2202 applies, the student must physically reside with the parent who lives in Fairfax County (the enrolling parent) a preponderance of the school week. This requirement shall not, however, prohibit a student from attending FCPS if the student is living temporarily, (e.g., for part of the week or month), with a custodial, joint-custodial, or noncustodial parent, as long as the student's residence remains that of the enrolling parent a preponderance of the time.
2. If parents have 50-50 joint custody, the student retains eligibility to attend FCPS as long as the student resides 50 percent of the time with the parent residing in Fairfax County.

C. Making Decisions

1. If the student lives with both parents in the same household, the parents are expected to make collective decisions on his or her behalf. School personnel will assume that one parent acts on behalf of both. In the event of contradictory instructions from parents who reside together, school personnel will make reasonable efforts to determine the collective wishes of the parents. If school personnel cannot make this determination readily, they will follow the instructions of the enrolling parent.
2. If the student is not residing with both parents in the same household, it shall be the responsibility of the enrolling parent to secure consensus in the decision-making process. If a consensus cannot be reached, school personnel will follow the instructions of the enrolling parent.
3. In the case of a student who is being considered for, or is eligible for, special education services, the enrolling parent shall attempt to obtain consensus as described in subparagraphs 1 and 2 above. If the parents continue to disagree, either parent (regardless of custodial, residential, or enrolling parent status) may provide consent for evaluation, eligibility, individualized education program, or other special education services. The objecting parent may appeal to the extent that law or school system procedures allow, or that parent may seek a court order limiting the other parent's authority to make educational decisions.
4. In the event of an emergency, school personnel shall attempt to contact the enrolling parent first, and then the other custodial parent, if any. The designated contact(s) on the emergency care information form (SS/SE-3) shall be called if the enrolling parent or other custodial parent cannot be reached. The enrolling parent should ensure that all individuals authorized to make emergency decisions regarding the student (including issues of release from school) are listed on the emergency care information form.

D. Attending School Conferences and Other School Events

1. School-parent conferences shall be scheduled by and conducted with the enrolling parent. Conferences requested by a joint-custodial or noncustodial parent shall be honored. The principal, however, may require that both parents attend the same conference.
2. Joint and noncustodial parents have the same rights to attend events at the school (e.g., lunches with children, classroom visits, school productions) as the enrolling parent. No parent, including the enrolling parent, may limit the other parent's attendance at such events, or access to the student at school, unless a court order specifically precludes that parent from attendance at school or access to the student at school. Visitation schedules contained in custody orders do not constitute a specific limitation on a parent's access to schools.

E. Releasing a Student

1. During school hours, a student may be released to the enrolling parent, the other custodial parent, the guardian, a stepparent with whom the child lives, or an individual listed on the emergency care information form.
2. In the event that any other adult arrives to pick up the child at school during school hours, the principal shall require a written note signed by the enrolling or other custodial parent giving permission to release the student.
3. Visitation schedules and custody orders do not control the principal's decision to release a student to a parent or authorized individual. The principal will refuse to release the student only if presented with a valid court order that specifically prohibits or limits the access of the parent or other authorized individual to the student.
4. A formal check-out system shall be maintained in each school.

F. Accessing Student and School Information

1. Requests for school system records, other than student records, shall be processed under the Virginia Freedom of Information Act and the current version of Regulation 1501. Reasonable charges may be imposed to cover the cost of searching, photocopying, and postage in accordance with the current version of Notice 2701.
2. A parent, regardless of custodial status, or a legal guardian of a student shall have access to scholastic records relating to that student, unless a court order specifically directs otherwise. Such requests shall be processed under the Family Educational Rights and Privacy Act (FERPA) and in accordance with the current version of the Management of Students Records manual. Stepparents and other caregivers do not have access to student records unless a parent (or the student, if age 18 or over) has consented in writing to that access. Reasonable charges may be imposed for photocopying and postage in accordance with the current version of Notice 2701.
3. It shall be the responsibility of the enrolling parent to furnish general information (newsletter, schedules, and the like) to the other parent of the student. The principal, at his or her discretion, may grant requests to provide a separate copy of such information to a joint-custodial or noncustodial parent on an ongoing basis. Reasonable charges for postage and photocopying shall be borne by the parent requesting the information.

G. Other Requirements

1. School officials may require any person seeking access to a student, student records, or the school to produce adequate identification, such as photo

identification.

2. School officials may require any parent seeking to control the other parent's access to a student, student records, or the school to produce a court order that specifically addresses that access issue. It is the parent's responsibility to ensure that the school has copies of court orders or any other legal document that the parent believes to be relevant.

Legal references: Family Educational Rights and Privacy Law, 20 U.S.C. section 1232g,
Code of Virginia, Sections 2.2-3700 through 2.2-3714, 20-124.6, 22.1-4.3,
22.1-287

See also current versions of: Policy 1360, Visitors to Schools
Regulation 1501, Public Access to Information
Policy 2110, Student Safety
Policy 2202, Eligibility for Enrollment
Policy 2232, Student Attendance at School
Regulation 2701, Student Personal Data
Notice 2701, Schedule of Fees for Duplicating Student Scholastic
Records