

McMinnville School District #40

Code: JECAC
Adopted: 12/10/01
Orig. Code: JECAC

Parental Custody

It is the policy of the district not to become involved in custody disputes between separated and divorced parents. However, it is recognized that from time to time situations will arise which will place district personnel in such disputes. No single set of guidelines can be given for such situations. Every case must be evaluated on its own facts and an appropriate response developed. Such response shall be made by the superintendent or his/her designee. Any district employee who becomes involved in a custody matter shall immediately make a full report to the superintendent or his/her designee.

Oregon law provides that student education records are confidential. However, unless otherwise ordered by the courts, an order of sole custody to one parent shall not deprive the other parent access to student education records.

Only if the parent having sole custody presents a court document to the contrary will the non-custodial parent be denied access to the records. Otherwise, the non-custodial parent may receive and inspect school records and consult with school staff concerning the student's welfare and education to the same extent as provided the parent having sole custody.

No licensed staff member shall testify as to any conversation with a student which relates to the personal affairs of the student or family of the student which, if disclosed, would tend to damage or incriminate the student or family.

A licensed counselor regularly employed and designated in such capacity by the district shall not, without the consent of the student, be examined as to any communication made by the student to the counselor in the official capacity of the counselor in any civil action or proceeding or criminal action or proceeding in which student is a party unless the counselor is directly ordered to do so by the presiding judge. Any violation of privilege may result in the suspension of licensure of the district counselor as provided by law. However, in the event that the student presents a clear and imminent danger to himself/herself or to others, the counselor shall report this fact to the principal or take such other emergency measures as the situation demands.

This policy shall not apply to a staff member's responsibility to report and respond to cases of suspected child abuse.

END OF POLICY

Legal Reference(s):

[ORS 107.154](#)

[ORS 109.056](#)

[ORS 163.245 to -163.257](#)

Family Educational Rights and Privacy Act, 20 U.S.C. Section 1232g; 34 CFR Part 99 (2000).

Protection of Pupil Rights, 20 U.S.C. Section 1232h; 34 CFR Part 98 (2000).