

**NONCUSTODIAL PARENT'S ACCESS TO
CHILD'S EDUCATIONAL INFORMATION**

1999 GENERAL SESSION

STATE OF UTAH

Sponsor: Chad E. Bennion

AN ACT RELATING TO PUBLIC EDUCATION; PROVIDING THAT CUSTODIAL AND NONCUSTODIAL PARENTS HAVE A RIGHT TO ACCESS THEIR CHILDREN'S EDUCATION RECORDS; AND PROVIDING AN EXCEPTION IF A NONCUSTODIAL PARENT HAS A COURT ORDER AGAINST THE PARENT RESTRICTING ACCESS TO THOSE RECORDS.

This act affects sections of Utah Code Annotated 1953 as follows:

ENACTS:

53A-3-402.1, Utah Code Annotated 1953

Be it enacted by the Legislature of the state of Utah:

Section 1. Section **53A-3-402.1** is enacted to read:

53A-3-402.1. Access to student records by custodial and noncustodial parents.

(1) Except as provided in Subsection (2), a public school shall allow a custodial parent and a noncustodial parent of a child the same access to their child's education records.

(2) A school may not allow a noncustodial parent access to the child's education records
if:

(a) a court has issued an order that limits the noncustodial parent's access to the child's education records; and

(b) the school has received a copy of the court order or has actual knowledge of the court order.