

1 **NONCUSTODIAL PARENT’S ACCESS TO**
2 **CHILD’S EDUCATIONAL INFORMATION**

3 1999 GENERAL SESSION

4 STATE OF UTAH

5 **Sponsor: Chad E. Bennion**

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

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

12 ENACTS:

13 **53A-3-402.1**, Utah Code Annotated 1953

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

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

16 **53A-3-402.1. Access to student records by custodial and noncustodial parents.**

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

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

20 if:

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

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

Legislative Review Note

as of 2-8-99 1:26 PM

A limited legal review of this legislation raises no obvious constitutional or statutory concerns.

Office of Legislative Research and General Counsel