

# Regulation JLIB

## Las Cruces Public Schools

Related Entries: JLIB

Responsible Office: Associate Superintendent for Instruction

### CUSTODIAL RIGHTS OF PARENTS/GUARDIANS

#### I. PURPOSE

To implement the policy of the Las Cruces Public Schools Board of Education with regard to school district employees providing information to individuals about custodial and non-custodial parent rights and responsibilities regarding LCPS students.

#### II. BACKGROUND

The LCPS Board of Education recognizes that, from time to time, school district employees may be asked for information about parent rights, and/or may be asked to act upon completed caregivers authorization forms and/or power of attorney forms; and further that said employees should have the knowledge and information necessary to respond to these requests.

#### III. PROCESS

##### A. Custody

1. With regard to a custody order issued by a court of competent jurisdiction in New Mexico, the school district will honor the provisions of state statutes § 40-4-9.1(H) (1999), as amended or recodified in the future, currently indicating that a parent, even if the other parent has sole custody of the child, cannot be denied access to the education, medical and dental records of his or her child. The New Mexico court must specifically deny such access by means of a court order.
2. The school district will allow any parent or guardian to visit or have contact with his or her child consistent with Board policies on such visitation and contact related to the academic progress of the child, but it will not allow the school setting to be used by any parent or guardian as a means of parental visitation with a child outside of a parenting plan issued by a court of competent jurisdiction.
3. In all other custodial disputes between parents or guardians, the school district shall follow the provisions of the last court custody order and/or parenting plan issued by a court of competent jurisdiction and submitted to the school district. Any court order or parenting plan must be formally endorsed by the court issuing the order or plan, must be complete and must include the signature of the judge issuing the order or plan.

##### B. No LCPS employee shall:

1. Provide any blank form other than those forms which are supplied by the school district in conformity with this policy and as specified by the Superintendent in his or her regulation: JLIB-R;
  2. Provide notary services or give any advice with regard to these or any other forms related to custodial and/or non-custodial parent rights and responsibilities.
  3. Provide a completed or executed caregiver's authorization affidavit form or power of attorney form to any third party who has no duty or responsibility to utilize the form or power of attorney;
- C. An LCPS employee MAY provide information to anyone requesting it where power or attorney and/or caregiver's authorization forms may be obtained. (See LCPS Form JLIB E-2)
- D. If any form or forms is submitted to an LCPS employee to be acted upon by said employee or another school district employee in compliance with this policy and JLIB-R, said employee shall verify that the form(s) has been filled out completely before processing. Incomplete forms shall be immediately returned to the individual submitting them for completion and resubmission. The employee shall inform the school principal of the initial submission and of the return of forms to the individual for resubmission following completion.
- E. The Superintendent shall ensure that copies of appropriate LCPS forms are supplied to school district employees as appropriate so that said employees have current and accurate information to provide to individuals requesting it.

These shall include, but may not be limited to:

1. LCPS Form JLIB-E1: Student Residency, which shall be completed by the parent or legal guardian of an LCPS student(s) who is requesting that said student(s) attend a school in a particular attendance zone. The parent or guardian completing the form shall provide with the completed form, verification of the address listed on the form and a copy of the valid and current drivers license of the owner or tenant of the home listed on the form;
2. LCPS Form JLIB-E2: Caregivers Authorization Information; which shall provide a current and accurate list of sources of information about custodial and non-custodial parent rights; and
3. LCPS Form JLIB-E3: LCPS Employee Information, which shall provide the employee with the information which he/she may share with anyone requesting information about custodial and non-custodial parent rights.

D. ANY completed forms which are submitted to a school district employee for action by any person claiming custodial rights with regard to any LCPS student must include all necessary court documents to establish the parental rights of the individual(s) attempting to enroll a child in school or to assert parental rights.

In the case of a guardian, a completed and notarized power of attorney form must be submitted and must include the right to control the education of the child in question and the ability to receive and review student records, or a court order of guardianship containing the same information.

E. The school principal shall review and verify all documentation submitted before custodial rights with regard to any LCPS student are verified for the purposes of that students education.

F. Any questions about the matters referenced in Policy and Regulation JLIB and its accompanying forms shall be referred to the Office of the Associate Superintendent for Instruction.

*History:* New regulation, created 07/05/11.  
*Legal Reference:* NMSA 40-4-9.1(H) (1999)



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*Associate Superintendent for Instruction*

July 5, 2011

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*Date Approved*