

## The Intersection of Family Law and School Law: The Bright Lines and Gray Areas

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### For School Purposes, a parent is:

1. **A BIOLOGICAL OR ADOPTIVE PARENT** unless limited by court order; OR
2. **PARENTAL RELATION** (e.g. stepparent, grandparent, aunt, uncle, etc.) Someone acting like a parent, if there is no biological or adoptive parent who's had contact with the school; OR
3. **GUARDIAN** - Someone who has been designated by the court to make decisions for the child.

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## EXAMPLE

Lexi has lived with Abuela (Grandma) for 4 years. You have never seen M or D. Abuela enrolls Lexi into school.

Q: Can you accept this enrollment?

A: Yes, Abuela is a person standing in parental relation, since there is no natural or adoptive parent in the picture.

Additionally, the Texas Education Code Section 25.001(b) allows grandparents to enroll child under some circumstances.

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## Step-Parents vs. Parents

**FACTS:** Super Step Mom (SSM) is super active on your campus. Her stepchild is a model student. She is PTA president, Choir Booster treasurer, and holds a free Zoomba class for the third grade teachers every week after school.

Bio Mom is still in the picture. Bio Mom and SSM show up for the same P/T meeting. Bio Mom says SSM should be kicked out of the meeting, because she is not the parent. SSM says because of her involvement with her stepchild and the school community she stands “in parental relation” to the child. There is no court order and Bio Mom has not had her rights modified.

**Who stays? Who goes?**

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## **Step-Parents vs. Parents**

Same as above, except it is an ARD meeting governed by IDEA.

SSM says she is there to act in the place of Bio Dad who could not be there. SSM quotes the IDEA and says she is a person, “acting in the place of a natural or adoptive parent (including a ... stepparent) with whom the child lives.”

**Does she have a point? Who stays? Who goes?**

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## **Suggestion Regarding Non-Parents (step, grand, aunts, uncles, etc.):**

- Disallow all objectionable non-parents from meetings regarding students, unless the non-parent can provide authority to be there (i.e. POA, court order, IDEA surrogate, etc.); or
- Hold separate meetings – one for Mom and her invitees, one for Dad and his invitees.

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## Title search: The Intersection of Family Law and School Law: The Bright Lines and Gray Areas

Also available as part of the eCourse

[School Law: Balancing School Administration, Parent, and Student Rights](#)

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