



POLICY 5.73

4-H I recommend that the Board adopt the proposed revised Policy 5.73, entitled “Parental Rights Involving Access to Student Information and Educational Decision Making.”

[Contact: Dr. Constance Tuman-Rugg, PX 48549.]

Adoption

CONSENT ITEM

- The Board approved development of this revised Policy at the development reading on May 26, 2010.
- This policy governs parental rights as to physical access to students while on school property, access to a student’s education records and other information, and educational decision making concerning students.
- This proposed revision addresses: who may make educational decisions on behalf of minor students; documentation requirements governing parental rights and responsibilities; parental access and consent; and access limitation due to safety or disruption concerns.
- Language has been added to portions of lines 45-59 at the request of staff to reflect best practices. Language has also been added to lines 96-120 to reflect the provision within this year’s House Bill 119.

POLICY 5.73

PARENTAL RIGHTS INVOLVING ACCESS TO STUDENT INFORMATION AND
EDUCATIONAL DECISION MAKING SHARED PARENTAL RESPONSIBILITY
AFTER DISSOLUTION OF MARRIAGE BY COURT FINAL JUDGMENT

- 1
2
3
4
5 1. **Purpose.** The Board recognizes that students often do not live with both
6 parents. Consistent with School Board Policy 1.015 (Parent/Family Involvement),
7 the Board recognizes that student achievement is furthered by the participation of
8 both parents in the educational process, to the extent appropriate. This policy
9 governs both physical access to students while on school property, access to a
10 student's education records and other information, and educational decision
11 making concerning students. The Board is committed to a policy of implementing
12 the provisions of a court final divorce judgment when it outlines the rights and
13 responsibilities of parents with respect to the education and general welfare of a
14 minor child.

- 15 2. **General Statement of Policy.** Federal and state laws generally allow either parent
16 (as the term "parent" is defined in Florida Statutes § 1000.21(5)), to make
17 educational decisions on behalf of a minor student , absent an enforceable court
18 order modifying or limiting the rights and responsibilities of either parent. If such an
19 order exists, or if a parent desires that a school comply with a divorce decree,
20 custody order or restraining order, the School Principal shall be provided with a
21 certified copy of the signed decree or order in accordance with sub-section (c)
22 below. Where a court final divorce judgment specifies that parental responsibility
23 for a minor be shared by both parents, school personnel shall provide both parents
24 all rights accorded them under the law and under Board policies and administrative
25 directives.
 - 26 a. Unless the person meets the definition of parent within § 1000.21(5), the
27 District will not recognize step parents, other family members and caregivers,
28 who are not legal guardians, as having the same rights as parents to make
29 decisions, to have access to school records, and to have the child released to
30 them during the day. Parents may provide written consent, such as through a
31 student pick-up/contact list, for these individuals to have access to students
32 and pick up students during the school day; and parents may provide written
33 consent for such individuals to have access to student education records.

 - 34 b. With the exceptions of military powers of attorney issued to a military member
35 during deployment pursuant to 10 U.S.C. §1044b, the District's Affidavit of
36 Person Acting as Parent PBSD form 1543, or any federal or state laws, the
37 School District; will not accept powers of attorney, parent notes, notarized
38 statements or documents other than valid court orders as evidence of **legal**
39 custody of a child or **legal** decision-making authority.

40 c. Each parent has the right to pick up, visit, and meet with the student at his or
41 her school without interference of or the need for consent from the other
42 parent, unless the school has been provided an enforceable, certified court
43 order to the contrary. The School District will abide by enforceable “no contact
44 orders” which have been provided to the school.

45 3. **Required Documentation.** Along with the student registration form (PBSD
46 form 0636 — “New And Returning Student Registration,” as specified in School
47 Board Policy 5.011), parents shall provide the student’s school and after school
48 program (if applicable), with a certified copy of the most recent enforceable court
49 orders, judgments, or decrees (such as from a dissolution of marriage or domestic
50 violence proceeding) affecting parental rights and responsibilities in relation to their
51 minor children students. In particular, if one parent is seeking to control the access
52 of the other parent to their child(ren), school officials shall require the parent
53 seeking control to provide a certified copy of the court order(s) that specifically
54 addresses the access issue. It is the parent’s responsibility to ensure that the
55 school, and after school program (if applicable), have copies of up to date court
56 orders or any other legal document that outlines specific rights and responsibilities
57 of the parent(s). In releasing a student to a person, if the school or after school
58 program is not certain of the identity of the person, the school or program shall ask
59 for identification and a copy shall be maintained. The Superintendent is authorized
60 to develop and implement necessary procedures to facilitate the sharing of parental
61 responsibilities when they are defined by a court final divorce judgment.

62 4. **Parental Access and Consent.**

63 a. Although both parents generally share equal rights as to their minor students,
64 the student’s school shall initially attempt to contact the parent who registered
65 the student to obtain valid consent regarding educationally related activities
66 unless a valid court order states otherwise. In the event of a medical
67 emergency, either parent may provide consent for treatment.

68 b. When an enforceable court order, judgment, or decree specifies that parental
69 responsibility for a minor student be shared by both parents, the School
70 District and school shall provide both parents equal rights in relation to that
71 student accorded them under the law and under School Board policies, unless
72 the enforceable court order, judgment, or decree specifies that one of the
73 parents has the sole right to make educational and/or general welfare
74 decisions for the student.

75 c. If a court awards shared parental responsibility without specifying a particular
76 parent as making educational decisions, and the parents cannot agree on
77 making a significant decision affecting the student in the educational
78 environment or on matters affecting the health, safety, or welfare of the
79 student, the School District shall take a course of action based on what it

80 considers to be in the best interests of the child.

81 d. Both parents, as defined within 34 C.F.R. § 99.3¹, have equal rights to
82 request and inspect the education records of their student who is a minor or a
83 dependent adult pursuant to law, absent an original or certified copy of a
84 binding legal document or enforceable court order to the contrary. Under
85 certain circumstances, the school or District may deny the parent access to
86 certain student information or student education records to protect the safety
87 of the child.

88 5. **Access Limits Due to Safety or Disruption Concerns.**

89 a. When visiting their child's student's school all parents shall:

90 i. Check-in with the school office and obtain permission before proceeding
91 to a classroom or other area of the school, in accordance with School
92 Board Policy 2.06.

93 ii. Comply with all School Board policies.

94 iii. Not take any action that disrupts the educational process.

95 b. The School District may deny or impose restrictions to access to school
96 grounds to parents who appear on the Florida Sex Offender Registry.
97 Pursuant to HB 119 (2010) within Florida Statutes §856.022, if a person
98 (including a parent) is considered a sexual offender or a sexual predator, all of
99 the following apply to the person at a school (although a school does not
100 include facilities dedicated exclusively to the education of adults) unless the
101 person is only dropping off or picking up his/her own children or grandchildren
102 at school or, if the school is a voting location, the person is present for the
103 purpose of voting during designated voting hours:

104 i. Before the person is present in school or on property of any school when
105 the school is in operation, the person must have previously provided
106 written notification of his/her intent to be present to the school board,
107 superintendent, or principal.

108 ii. The person must notify the school principal's office when he/she arrives
109 and departs the school.

110 iii. The person must remain under direct supervision of a school official or
111 designated chaperone when present in the vicinity of children. A "school
112 official" means a principal, a school resource officer, a teacher or any

¹ Under this federal regulation, "Parent means a parent of a student and includes a natural
parent, a guardian, or an individual acting as a parent in the absence of a parent or a guardian."

113 other employee of the school, the superintendent of schools, or a member
114 of the school board.

115 Additionally, pursuant to HB 119 (2010) within Florida Statutes §§856.022
116 947.1405 and 948.30, unless the person is only dropping off or picking up
117 his/her own children or grandchildren at school or attending a religious service,
118 a person who is a releasee from certain criminal offenses or if the releasee
119 has not been removed from the requirement to register as a sexual offender
120 or sexual predator, the person is prohibited from visiting schools without prior
121 approval from the releasee's supervising officer.

122 c. The School District may deny parents, regardless of custodial status, access
123 to the student and to school property if the parent is the subject of a restraining
124 order or other court order prohibiting the parent from having contact with the
125 student or being present on school grounds.

126 d. The School District may deny parents, regardless of custodial status, access
127 to the student and to school property; if the parent is restricted by court order
128 from having unsupervised visitation with the child.

129 e. The School District may limit or deny access to school property to any person
130 who interferes with school operations, causes a disruption, fails to follow
131 directions or school staff members, or in any way raises safety or security
132 concerns in the school environment. The school or School District may act
133 immediately if the conditions within Florida Statutes § 810.097 exist.
134 Additionally, as a result of this disruptive conduct, the School District or school
135 may send the parent a no trespass letter that advises the parent that, absent
136 consent from the school or School District, that parent will be considered a
137 trespasser under Florida Statutes § 810.097 if the parent in the future goes
138 onto school grounds.

139 6. This policy shall be interpreted consistently with the provisions of School Board
140 Policy 5.011, as it may be amended, relating to student residency enrollment
141 requirements, as well as with any requirements within federal or state law.

142 STATUTORY AUTHORITY: Fla. Stat. §§ 1001.32(2); 1001.41(1) & (2); 1001.42 (8),
143 (17), & (26)

144 LAWS IMPLEMENTED: Fla. Stat. §§ 856.022; 947.1405; 948.30; 1001.32(2);
145 1001.41(2) (4), 1001.42 (8) & (17); 1001.43 (1), (5), (6) & (8); 20 U.S.C. § 1232g; 34
146 C.F.R. Part 99

147 HISTORY: 10/5/83; ___/___2010

Legal Signoff:

The Legal Department has reviewed proposed Policy 5.73 and finds it legally sufficient for development by the Board.

Attorney

Date



THE SCHOOL DISTRICT OF PALM BEACH COUNTY

New and Returning Student Registration

Complete **ALL AREAS** on both sides of the form. Correct any preprinted information. **Do not leave any area unanswered.** **ALL** students **MUST COMPLETE** a registration form **ANNUALLY**.

OFFICE USE ONLY		
Student Number	School Number	Transportation
Grade Level	EN CD	SAC Code
Student Entry Date	TERMS Data Entry: Name/Date	

Student Legal name (last, first, middle)	Student Former Name or AKA (if applicable)
---	---

Student Local Address (house number and street name, apartment number, city, state, zip code)	Housing Development (if applicable)
--	-------------------------------------

Student Soc. Sec. # (optional)	Student Home Telephone #	Best Parent/Guardian Contact Telephone Numbers Day or Cell Evening or Cell
--------------------------------	--------------------------	--

Student Ethnic Origin (Must check Yes or No)

Yes, Hispanic or Latino (a person of Cuban, Mexican, Puerto Rican, South or Central American, or other Spanish culture or origin, regardless of race)

No, not Hispanic or Latino

Student Gender <input type="checkbox"/> M <input type="checkbox"/> F	Student Date of Birth (mm/dd/yyyy)	Student Place of Birth (city, state)	<i>VERIFICATION Office Use Only</i>
--	---	---	-------------------------------------

Student Resident Status

0. Foreign Exchange Student 1. Out-of-county Resident 2. Out-of-state Resident 3. In-county Resident

Student Country of Birth <input type="checkbox"/> USA <input type="checkbox"/> Other _____	If student's country of birth is not USA what date did the student enter USA? _____
--	---

Student Race (must check at least one box - check all that apply)

American Indian or Alaskan Native - I (origins in any of the original peoples of North or South America [including Central America] and who maintains tribal affiliation or community attachment.)

Asian - A (origins in any of the original peoples of the Far East, Southeast Asia, or the Indian subcontinent, e.g., Cambodia, China, India, Japan, Korea, Malaysia, Pakistan, the Philippine Islands, Thailand, and Vietnam)

Black or African American - B (origins in any of the black racial groups of Africa)

Native Hawaiian or Other Pacific Islander - H (origins in any of the peoples of Hawaii, Guam, Samoa, or other Pacific Islands.)

White - W (origins in any of the original peoples of Europe, Middle East, or North Africa)

Federal Impact Survey	Type of Service
A. The student resides on federal property. <input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Air Force
B. The student resides in low rent housing. <input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Army
C. The parent is employed on federal property located in Palm Beach County. <input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Coast Guard
D. The parent is employed on low rent housing located in Palm Beach County. <input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> National Guard
E. The parent is in the uniformed services of the United States. <input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Navy
	<input type="checkbox"/> Marines
If "E" is YES, is the parent on active duty? <input type="checkbox"/> Yes <input type="checkbox"/> No (if yes, check type of service to the right)	

Preschool Enrollment Information - for Student Entering Kindergarten only (check all program(s) attended.)

Did not Attend Preschool (Z) Parent Fees (F) School District Pre-K (S) Voluntary Pre-K (V)

Head Start (H) Pre-K Disabilities (D) Teenage Parent Program (T)

Migrant Pre-K (M) Readiness Coalition (L) Title I Pre-K (C)

If student attended Pre-k provide name of Pre-k: _____

Is the **STUDENT WHO IS ENROLLING IN THIS SCHOOL** a single parent? Yes No

ONLY STUDENTS NEW TO PALM BEACH COUNTY

Is a language other than English used in the home? Yes No

Does the student have a first language other than English? Yes No _____

Does the student most frequently speak a language other than English? Yes No _____

Student

**The School District of Palm Beach County
New and Returning Student Registration**

Student Legal Name (last, first, middle)	Student ID #
--	--------------

PREVIOUS EDUCATION INFORMATION

Name of Last School Attended		Last School Attended Telephone	School Type (check one only) <input type="checkbox"/> public <i>charter schools included</i> <input type="checkbox"/> private <input type="checkbox"/> pre-k <input type="checkbox"/> home education
City of Last School Attended			State of Last School Attended
County of Last School Attended		Country of Last School Attended <input type="checkbox"/> USA Other _____	
Educational Plan If applicable check all that apply. Provide a copy of the plan with this registration. <input type="checkbox"/> Individual Education Plan (IEP) <input type="checkbox"/> 504 Plan Other _____			
Grade Level Last Year	Grade Level This Year	Last Date Attended School	Did the student attend public school in Palm Beach County before? <input type="checkbox"/> Yes <input type="checkbox"/> No
Entry Disclosures (check all that apply) <input type="checkbox"/> The student has been arrested or prosecuted for a violation of a criminal statute resulting in a charge. <input type="checkbox"/> The student has been expelled from school. <input type="checkbox"/> Not applicable			
Student Residence Information Indicate who the student lives with (check only one) <input type="checkbox"/> Both Parents <input type="checkbox"/> Mother <input type="checkbox"/> Father <input type="checkbox"/> Grandparent <input type="checkbox"/> Foster Parent <input type="checkbox"/> Group Home <input type="checkbox"/> Student is ward of the state Other _____			
Has the parent/guardian worked in agriculture or fishing? <input type="checkbox"/> Yes <input type="checkbox"/> No			

PARENT/GUARDIAN INFORMATION

MOTHER OR GUARDIAN	Mother or Guardian	Home Telephone
	Day or Cell Telephone	Night or Cell Telephone
	Address if not the same as student (house #, street name, apartment no., city, state, zip code)	
	E-mail address (optional)	
FATHER OR GUARDIAN	Father or Guardian	Home Telephone
	Day or Cell Telephone	Night or Cell Telephone
	Address if not the same as student (house #, street name, apartment no., city, state, zip code)	
	E-mail address (optional)	

Student Legal Name (last, first, middle)	Student ID #
--	--------------

*** IMPORTANT, EVERYONE MUST ANSWER QUESTIONS A & B BELOW ***

A. Is there a visitation order or other court order barring either parent from removing the student during the school day or coming into contact with the student? If YES, provide school with a copy of court order. Yes No

B. Do parents have shared parental responsibility? Yes No **If no, provide school with copy of court order.**

Do the parents/guardians have other children enrolled in Palm Beach County schools. Yes No

If yes, provide the names and birth dates of the other children:

EMERGENCY INFORMATION

Provide the name(s) of person(s), other than the parent, allowed to pick up the student.

Name (first, middle initial, last)	Relationship to Student	Home Telephone #	Best Day Telephone #

Provide a **password** that will be used when picking up the student. Limit the password to 10 characters **or** less.

--	--	--	--	--	--	--	--	--	--

HEALTH INFORMATION

Health Screenings: Students will receive non-invasive health screenings pursuant to Florida Statute § 381.0056(7)(d). Non-invasive screenings may include vision, hearing, scoliosis, height, and weight. These tests may be given individually or in groups. Parents or guardians, however, have the right to request an exemption in writing. *(This exemption will cover all types of screenings.)*

If you **DO NOT** want your child to receive the screenings, write the words "Do not screen" here:

Sodium Fluoride Program: Program offered at schools without fluoride in local water supply. I give permission for my child to participate in the sodium fluoride program to prevent tooth decay. Yes *(Permission is valid through grade 5)* No

Student health insurance (check all that apply) Medicaid Healthy Kids/Kid Care Private None

Does the student have allergies? <input type="checkbox"/> Yes (list below) <input type="checkbox"/> No	Name of Student's Physician
	Physician Telephone Number

List all of the student's medical concerns, allergies, behavioral issues or physical limitations (asthma, diabetes, seizures, etc.).	List all medications, student takes at home and in school (indicate home school use) (Physician provides form authorizing medications given to student at school).
--	---

Student Legal Name (last, first, middle)	Student ID #
--	--------------

Read the following carefully. Check available appropriate boxes below statements and sign below.

Notice of Technology Acceptable Use Policy For Students: Your child may have access at school for many school-related activities to certain District technology resources, including the Internet and the District's Intranet. Your child's school's access to the Internet is filtered to comply with the Children's Internet Protection Act and School Board Policy 8.125. Your child will be required to follow the acceptable use standards and guidelines that are stated in Policy 8.123, the referenced Manual, and the Notice of Conditions for Student Use of District Technology and be bound by their terms. There is only a limited expectation of privacy to the extent required by law related to a student's use of these technology resources. Before your child uses these District resources, he/she will read, be read to, and/or explained these documents and will electronically acknowledge that he/she understands, and agrees to follow, them.

You are invited to read this Policy, Manual and Notice. If you need assistance reading the documents, you may ask the school for assistance. The policy is available at: <http://www.palmbeach.k12.fl.us/policies/> under chapter 8 --Policy 8.123.

Notice of medical records disclosure: Your child's medical records or medical information that have been provided to the school are student records which are subject to the requirements of FERPA, 20 U.S.C.A. 1232g. Accordingly, that information can be disclosed without the written consent of the parent/guardian as allowed by FERPA, including if used by a teacher or other school official, who has a legitimate educational interest, or if disclosure is to an appropriate party and is necessary to protect the health or safety of the student or other individuals.

Parental consent for release of student photograph and information: I hereby give permission for the school or District to use my child's photograph, video image, writing, voice recording, name, grade level, school name, description of participation and statistics in officially recognized activities and sports, weight and height as a member of an athletic team, dates of attendance, diplomas and awards received, date and place of birth, and most recent previous school attended, in annual yearbooks, newspapers, graduation programs, playbills, school productions, web sites, etc. and/or similar school or District-sponsored publications or in school or District-approved news media interviews, articles, and photographs. I understand that, without my signature, my child's name and photograph cannot and will not be included in any publications or presentations, **including a school yearbook.**

I give permission I do not give permission

Parental consent and release for School Food Service biometrics: Your school may utilize biometrics (points on a finger - not fingerprints) as a form of identification in the cafeteria. Since biometrics cannot be lost, forgotten or stolen, it should provide for a more convenient system for parents and a more efficient way to serve students. If you want your child to participate in the biometrics identification program, sign your name below.

I want my child to participate I do not want my child to participate

ESE STUDENT ONLY: I authorize the School District of Palm Beach County, Florida, to release my child's confidential student information to agencies of the State of Florida to enable Palm Beach County Public Schools to receive Medicaid funding for any exceptional student services that it provides to my child while at school.

I authorize release I do not authorize release

HIGH SCHOOL STUDENT ONLY - Opt-out for the release of information to military: The NCLB Act of 2001 requires that school districts provide military recruiters access to the names, addresses and phone numbers of high school students. Parents have a right to OPT-OUT from sending this information. If you do **not** want your child's information released to the military without prior written parental consent, check below. Although we will accept the opt-out any time during the year, sending it the first 10 days of the school year will ensure that no information is sent this school year.

I do not authorize release of my child's information to the military

Under penalties of perjury, I declare that I have read the foregoing form and that the facts stated in it are true and accurate. Florida Statutes Sec. 92.525 (3) provides that whoever knowingly makes a false declaration under penalties of perjury is guilty of a felony of the third degree.



Parent/Guardian Signature (unless student is emancipated)

Date

REGISTRATION IS NOT VALID WITHOUT SIGNATURE AND DATE.



THE SCHOOL DISTRICT OF PALM BEACH COUNTY
DEPARTMENT OF LEGAL SERVICES

Affidavit of Person Acting as Parent

The purpose of this form is to verify the status of a person acting as parent. Complete this affidavit and submit to the student's school. Only notarized forms will be accepted. This form does not apply to homeless students as defined by Florida Statute 1003.01 (12).

I, *(name of guardian/person acting as parent)* _____
am acting as parent for the following named child or children *(print name of child or children)*:

I *(person acting as parent/guardian)* am currently residing with the above-named child(ren) at the residential address below in Palm Beach County, and this is the child(ren)'s primary residence. The primary residence is defined as the home in which the child(ren) spends most of his/her (their) time. Exceptions may include court-approved custody agreement granting primary or dual custody. *(street /city/zip code)*:

This verification is necessary in order for the child or children named above to attend *(school name)*:

Pursuant to Florida Statutes §1000.21, I qualify as a person acting as "Parent" under the following circumstance (check one only)

- Guardian of a student (legal guardianship papers are required)
- Person in a parental relationship (Proof Required - written notarized statement from the natural parent or guardian explaining why they are unable to perform in a parental role is required. Provide address and telephone number of natural parent below.)
- Person exercising supervisory authority over a student in place of a parent (Proof Required - written notarized statement from the natural parent or guardian explaining why they are unable to perform in a parental role is required. Provide address and telephone number of natural parent below.)

Address of natural parent: _____

Natural parent telephone number(s): _____

I understand that falsification of this information may result in the withdrawal of my child(ren) from this school and that falsifying my residence when enrolling my child(ren), may be referred to law enforcement for prosecution.

Florida Statutes §837.06 provides that whoever knowingly makes a false statement in writing with the intent to mislead a public servant in the performance of his official duty shall be guilty of a misdemeanor of the second degree. Additionally a person who knowingly makes a false declaration under penalties of perjury is guilty of the crime of perjury by false written declaration, a felony of the third degree.

I agree to immediately notify the School District of any future changes in address or living arrangement of this child(dren). Under penalties of perjury, I hereby declare that I have read this document and the above facts are true and correct.



Signature of Person Acting as Parent/Guardian

Date

STATE OF FLORIDA, COUNTY OF PALM BEACH

Sworn to (or affirmed) and subscribed before me this ____ day of _____, _____ (year), by _____

Who is personally known to me or who produced as identification _____

Signature of Notary Public – State of Florida

Print, Type, or Stamp Commissioned Name of Notary Public, Commission Number and Expiration Date