

PARENTAL RIGHTS AND RESPONSIBILITIES

FILE: KBBA

TITLE: Definitions

POLICY:

Definitions. For purposes of this policy, the following definitions shall apply:

- (1) “Child” means any unmarried person under the age of 18 years who has not been emancipated by order of the court.
- (2) “Legal Custody” means a legal status created by a court which vests in a custodian of the person or guardian, whether an agency or an individual, the right to have physical custody of the child and the right and duty to protect, nurture, guide, and discipline the child and to provide him or her with food, shelter, education, and ordinary medical, dental, psychiatric, and psychological care.
- (3) “Guardian” means an agency or individual which has been granted legal custody of child or been granted Educational Guardianship by Orange County Public Schools (“OCPS”) Office of Student Enrollment.
- (4) “Parent” means a woman who gives birth to a child or a man whose consent to the adoption of the child would be required under Section 63.062, Florida Statutes. If a child has been legally adopted, the term “parent” means the adoptive mother or father of the child. The term does not include an individual whose parental relationship to the child has been legally terminated or an alleged or prospective parent.
- (5) “Parenting Plan” means a document created to govern the relationship between the parents relating to decisions that must be made regarding the minor child.
- (6) “Shared Parental Responsibility” means a court-ordered relationship in which both parents retain full parental rights and responsibilities with respect to their child and in which both parents confer with each other so that major decisions affecting the welfare of the child will be determined jointly.

- (7) “Sole Parental Responsibility” means a court-ordered relationship in which one parent makes decisions regarding the minor child.
- (8) “Timesharing Schedule” means a timetable included in the parenting plan that specifies the time, including overnights and holidays that a minor child will spend with each parent.
- (9) “Third Party” includes stepparents, grandparents, aunts, uncles, non-relatives, and any other person not designated as a parent or guardian under Florida Statutes and this policy.

SPECIFIC AUTHORITY: Sections 39.01; 61.046; 63.032; 63.062, Florida Statutes

TITLE: Family Related Court Documentation

POLICY:

- (1) If there are court orders affecting the custody of a student, it is the responsibility of the parents/guardians to provide a complete certified copy of the court order signed by the presiding Judge to their child’s school. While Orange County Public Schools (“OCPS”) will accept and review court documentation relating to the custody of a student, the School Board of Orange County, Florida (“Board”) and OCPS will remain neutral in all custody matters.
- (2) The parents/guardians are responsible for providing any updated court documentation that may affect the custody of a student. The new documentation must be complete, certified by the court, and signed by the presiding Judge. If it is determined that a court document has been modified without the consent of the court or the other parent/guardian, OCPS may refer the forged document to local authorities in compliance with Section 831.01, Florida Statutes with approval from the Office of Legal Services.
- (3) If the parents/guardians have court documentation affecting the custody of a student and refuse to provide a copy of the court order to OCPS, the principal or designee will be advised and the refusal will be noted in the student’s cumulative record. If the parents/guardians refuse to provide court documentation, OCPS will defer to the parent/guardian whose address is on file with the Office of Student Enrollment.

- (4) OCPS may not be used as a visitation site, unless specifically required by court order.
- (5) Although OCPS will attempt to accommodate timesharing schedules, it is the parents/guardians ultimate responsibility for ensuring compliance with court ordered timesharing.
- (6) For the purposes of this policy the following shall apply:
 - (a) Pursuant to Section 744.301, Florida Statutes, absent court documentation, the mother of a child born out of wedlock is presumed to be the natural guardian of the child and is entitled to primary residential care and custody of the child.
 - (b) Married parents/guardians are entitled to the same rights and responsibilities in regards to their child, unless there is court documentation stating otherwise.
 - (c) Parents/guardians that have provided court documentation to their child's school will be expected to follow their court order and refrain from using OCPS as an intermediate between the parents/guardians.
 - (d) If family related court documentation is provided to OCPS, OCPS will reference the court order(s) when there is a dispute or disagreement between the parents/guardians of a student.
 - (i) In the event OCPS receives conflicting direction from the parents/guardians and it is not specifically outlined in this policy or in the court order, OCPS shall rely on the direction of the parent/guardian identified by the following criteria, which are listed in order of priority:
 - a. The parent/guardian who is designated in a parenting plan or other court order as having either sole educational decision-making authority or sole parental responsibility of the student; or
 - b. If the parents/guardians have shared parental responsibility, then the parent who resides at the address specified in the

parenting plan or other court order as the address to be used for school boundary determination; or

- c. If no parenting plan or court order exists or provided, then the parent/guardian whose address is on file with the Office of Student Enrollment.

SPECIFIC AUTHORITY: Sections 742.031; 744.301; 831.01; 1001.42; 1001.51; 1003.02, Florida Statutes

TITLE: Enrollment and/or Withdrawal of a Student from School

POLICY:

A child may be enrolled or withdrawn from OCPS by the following parent(s)/guardian(s):

- (1) The mother of a child born out of wedlock, absent court documentation;
- (2) Either parent/guardian if the parents/guardians are married and the parent/guardian has legal rights to the child.
 - (a) If there is a pending dissolution of marriage case between the parents/guardians, the child cannot be relocated from their current school so long as at least one parent/guardian remains in the school zone or the student qualifies for a transfer under Board Policy JCA;
- (3) The parent/guardian whose address is designated by court order for school boundary determination;
- (4) The parent/guardian who has been given sole parental responsibility or has sole educational decision making authority for the child by court order; or
- (5) The parent/guardian who has documentation permitting the enrollment/withdrawal from OCPS Office of Student Enrollment.

SPECIFIC AUTHORITY: Sections 742.031; 744.301; 1001.42; 1001.51; 1003.02, Florida Statutes

Administrative Order 2004-05-04 Amended Order
Governing Dissolution of Marriage Actions with or without
Children of the Domestic Division of the Circuit Court of
Orange County, Florida.

TITLE: **Release of a Student from School**

POLICY:

For the purposes of the this policy, the following applies when releasing a student from school prior to the regularly scheduled dismissal time of the school, or as it relates to releasing a student to another party when the student is in the care of the school.

- (1) The principal or designee shall establish the identity and authority of any individual who seeks the release of a student from school. If an individual other than the student's parent(s)/guardian(s) requests release of a student, the principal or designee shall obtain the parent(s)/guardian(s) consent prior to releasing the student. Consent will not be required in the following circumstances:
 - (a) A legally binding court order requiring the release of a student. The order must be verified by OCPS Office of Legal Services;
 - (b) A law enforcement officer requesting the release of a student and acting in his/her legal capacity to do so;
 - (c) A child protection investigator from the Department of Children and Families requesting the release of a student and acting in his/her legal capacity to do so;
 - (d) Any other official requesting the release of a student and acting in his/her legal capacity to do so with approval from OCPS Office of Legal Services;
 - (e) A minor, married student requesting to be released from school;
 - (f) A minor student who is a single custodial parent may be released from school when an emergency condition exists involving parental care of student's child;
 - (g) A student who is eighteen (18) years or older requesting to be released from school; or

- (h) A student who is under the age of eighteen (18) but has been emancipated by order of the court requesting to be released from school.

- (2) In the event that parents/guardians disagree as to a third party being authorized to sign a student out of school from the school's front office, the parents/guardians will be required to submit a court order or an agreed upon written list of approved people that may pick their child up from school. Until such time that a court order or list is given to the school, only the parents/guardians of the child shall be permitted to sign the student out.

- (3) A student released at the regularly scheduled school time who rides a school bus home shall ride their designated school bus unless the principal or designee has agreed to a deviation from the designated bus in advance of the end of the school day.

SPECIFIC AUTHORITY: Sections 39.0014; 843.06; 1001.42; 1001.51, Florida Statutes

TITLE: Visiting a Student at School

POLICY:

For the purposes of this policy the following applies when a parent/guardian or third party would like to visit a student during the school day.

- (1) The principal of the school has the ultimate authority to determine whether the school permits visitors during the school day.

- (2) All visitors and parents shall immediately check in at the school's office. Visitors and parents shall sign in through the school's visitor management system each time the visitor or parent comes to the school to visit a student.

- (3) Parents are responsible for abiding by any court ordered timesharing schedule when visiting their child for lunch and shall not use OCPS as a way to obtain additional timesharing with their child.

- (4) In the event parents/guardians disagree as to a third party, who is not the legal guardian of the student, visiting the student at school the principal or designee must be provided with the prior written authorization of both parents, or a court order permitting the third party to visit.
- (5) In the event that a visitor is exposed to confidential student information regarding another student, the visitor shall not share the confidential student information with any third party as the information is protected under the Family Educational Rights and Privacy Act.
- (6) All visitors shall also comply with Board Policy KI.

SPECIFIC AUTHORITY: Sections 1001.54; 1002.22; 1012.28, Florida Statutes

20 U.S.C. § 1232G; 34 CFR Part 99

TITLE: Release and/or Access to Student Records

POLICY:

- (1) Both parents/guardians of a student may view the student's records or have copies of the student's records when a request is made in writing, unless the principal or designee is provided a court order prohibiting such access. The school is not required to make duplicate copies of automatically generated records for each parent.
- (2) Both parents/guardians of a student may attend parent-teacher conferences unless the principal or designee is provided a court order prohibiting such access. The school is not required to conduct a separate conference for individual parents/guardians.
- (3) In the event a parent/guardian wants a third party, who is not the legal guardian of the student, to be provided copies of the student's records and/or attend a parent-teacher conference the principal or designee must be provided with prior written authorization.
 - (a) If the school receives conflicting direction from the parents/guardians as to which third parties may have access to records and/or attend a parent-teacher conference, the principal or designee must be provided with prior written authorization from both parents/guardians, or a court order

permitting the third party access. However, if a parent/guardian is designated as having sole parental responsibility, as provided in a parenting plan or other court order, the parent/guardian with authority may authorize third party access to records and/or attendance at a parent-teacher conference. This authorization must be submitted to the school every year.

- (4) See Board Policy JRA for additional information regarding student records.

SPECIFIC AUTHORITY:

Section 1002.22, Florida Statutes

20 U.S.C. § 1232G; 34 CFR Part 99

ADOPTED: 06/22/2010

REVISED: 05/08/2018