

# Dyer County Board of Education

Descriptor Term:

**Power of Attorney**

Descriptor Code:

**JBCA**

Rescinds:

Board Approved:

**9/30/03**

Board Approved:

1 School officials will honor a properly completed Power of Attorney appointing a caregiver for a  
2 student.<sup>1</sup> The Power of Attorney must be in writing and signed by both parents, if both parents are  
3 living and have legal custody.<sup>2</sup> If only one parent has legal custody of the child, then such parent shall  
4 execute the instrument and the other parent must consent in writing or the executing parent must explain  
5 in the instrument why the consent cannot be obtained and must send a copy of the instrument by  
6 certified mail to the other parent at his/her last known address.<sup>3</sup> The instrument must be notarized<sup>4</sup> and  
7 document the nature of the hardship causing the transfer of parental authority.<sup>5</sup> A sample Power of  
8 Attorney may be obtained from the Department of Children's Services<sup>6</sup> or it may be provided by school  
9 officials.

10  
11 Persons designated as a "caregiver", who are residents of the school district<sup>7</sup>, may be given authority  
12 to enroll the child in school and such "caregiver" shall assume all of the rights and duties of the natural  
13 parent or legal guardian.<sup>8</sup> Persons designated as "caregivers" may be granted authority to make  
14 medical and educational decisions regarding the child<sup>9</sup> until a parent with legal custody executes a  
15 written revocation of the Power of Attorney and presents it to school officials.<sup>10</sup>

16  
17 School officials are authorized to require documentation of the minor child's residence with the care-  
18 giver and/or documentation or other verification of the validity of the stated hardship prior to  
19 enrollment.<sup>11</sup> A person who relies on the Power of Attorney has no obligation to make further inquiry  
20 or investigation.<sup>12</sup>

21  
22 The parent, guardian or other legal custodian who enrolls a student in the school system while  
23 fraudulently representing the child's current residence or the parent's hardship or circumstances for  
24 issuing the Power of Attorney shall be liable for restitution to the school district for an amount equal to  
25 the per pupil expenditure of the district for each year the child is fraudulently enrolled in the system.<sup>13</sup>  
26 If the minor child ceases to reside with the caregiver, then the caregiver shall immediately notify the  
27 school that has been provided with the Power of Attorney.<sup>14</sup>

28  
29 No person who acts in good faith reliance on a Power of Attorney for care of a minor child to enroll in  
30 school or to provide medical, dental or mental health care, without actual knowledge of facts contrary  
31 to those authorized, shall be subject to criminal or civil liability or subject to professional disciplinary  
32 action, for such reliance.<sup>15</sup>

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36 Legal References:

- 37 1. TCA 49-6-3001(c).   7. TCA 49-6-3001(c)   13. TCA 34-6-304(b)  
38 2. TCA 34-6-303   8. TCA 34-6-304(b)   14. TCA 34-6-310  
39 3. TCA 34-6-303   9. TCA 34-6-304(a)   15. TCA 34-6-308  
40 4. TCA 34-6-302   10. TCA 34-6-305; TCA 34-7-307; TCA 49-6-3001(c)  
41 5. TCA 34-6-303   11. TCA 34-6-304(b); TCA 49-6-3001  
42 6. TCA 34-6-302   12. TCA 34-6-310