



A parent or parents of a minor child may delegate, to any adult person residing in Tennessee, temporary care-giving authority regarding the minor child when hardship prevents the parent or parents from caring for the child. This authority may be delegated without the approval of a court by executing in writing a Power of Attorney for care of a minor child on a form provided by the Department of Children's Services.

A student may enroll in a school other than his/her zoned school if he/she has a notarized Power of Attorney as specified in Title 34-6-302, Pt. III and the person with whom the child is residing lives in that zone.

The Power of Attorney may include, but is not limited to, one of three documented hardships:

- The loss or uninhabitability of the child's home as the result of a natural disaster
- The physical or mental condition of the parent/legal guardian or the child is such that care and supervision of the child cannot be provided
- The serious illness or incarceration of the parent/guardian(s)

A school (LEA) is not required to enroll a student with a Power of Attorney stating a hardship other than one of the three specifically stated above. The school may, however, enroll a student with a properly executed Power of Attorney for other hardships on a case-by-case basis.

The Power of Attorney must be notarized. Principals may require documentation of the hardship. If any principal determines and has documentation that the information in the Power of Attorney is false, the Power of Attorney does not have to be honored because the individual submitting it has falsified a legal document under oath.

Documentation of the false information along with a copy of the Power of Attorney must be submitted to the appropriate Executive Tier Director for review and final approval prior to removing the student from the school.

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Review

Students Enrolled for Reasons Other Than Hardship

Powers of Attorney that have been previously approved for reasons other than hardship may be reviewed by principals each year. If the hardship does not meet the standard set forth by state law, the Power of Attorney may be rejected by the principal. In such cases, students may request a continuity transfer if they wish to remain in the school. Such requests must meet the allowable conditions of the Student Transfer Policy. Additionally, the school may recommend denial of a request for continuity transfers if the student's attendance, conduct, or grades have been unsatisfactory.

References/Authority

TCA § 34-6-302

2004 Pub. Acts, c. 521, § 1 at end of subsec. (a)