Comparing Legal Relationships Within The Education System

Custodial Relationship	What the Custodial Relationship Means	School Enrollment	School Forms Permission Slips Sick Notes	Discipline and Expulsion	Access to Educational Records	Special Education
Birth Parents	Birth parents are the guardians of the child with full rights and responsibilities in educational issues, unless otherwise ordered by the Court.	The student enrolls in the school district where his/her parent with primary residence resides unless the student is 18, emancipated or in DHHS custody. In this case the student enrolls where he or she lives.	Birth parents have full authority to sign all forms, slips and school notes, unless otherwise ordered by the Court.	Birth parents have a right to be informed of the student's discipline, unless otherwise ordered by the Court.	Birth parents have full access to educational records, unless otherwise ordered by the Court.	Birth parents have full right and responsibilities on behalf of special education students, unless otherwise ordered by the Court.
Grandparent / Non-Parent Relative or Family Friend who is not the court-appointed guardians	Child is being cared for by relative or friends who have not been legally appointed as guardians. Parents retain full legal rights and responsibilities.	Child is actually a resident of the school district where the parents or guardians with legal custody live. It is possible, to attend school where the student lives, but the school superintendent decides whether to allow it.	No authority to sign school forms, notes or permission slips.	Sometimes the school will notify the adult of the student's discipline. The law does not require it though.	No access to educational records.	For homeless students, the relative or friend would need to be appointed as a surrogate parent if the parent is unavailable. For other students the parents have the right to participate in the special education process.
Power of Attorney	A parent can give Power of Attorney (POA) to another adult by writing a letter stating so and having it notarized. A POA is most often used in financial or medical situations. A POA is not sufficient authority for educational issues.	POA is not sufficient authority for enrolling a child in school. The child is actually a resident of the school district where the parents or guardians with legal custody live. It is possible to attend school where the student lives, but the school superintendent decides whether to allow it.	POA is not sufficient authority for signing school forms, notes or permission slips.	Sometimes the school will notify the adult of the student's discipline. The law does not require it though.	POA does not grant access to educational records.	POA is not sufficient authority for special education issues. For homeless students, the relative or friend would need to be appointed as a surrogate parent if the parent is unavailable. For other students the parents have the right to participate in the special education process.

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Legal Guardians	Legal guardians are court-appointed and take over all parental rights and responsibilities during the period guardianship is ordered. This applies to permanent or temporary guardians.	The student enrolls in the school district where the legal guardian resides.	The legal guardian has full authority to sign all forms, slips and school notes.	The legal guardian has a right to be informed of the student's discipline.	Legal guardians have full access to educational records.	Legal guardians have full rights and responsibilities on behalf of special education students.
Adoptive Parents	Adoptive parents take over all parental rights and responsibilities from the birth parents permanently through a Probate Court order.	The student enrolls in the school district where the adoptive parent resides.	Adoptive parents have full authority to sign all forms, slips and school notes.	Adoptive parents have a right to be informed of the student's discipline.	Adoptive parents have full access to educational records.	The adoptive parents have full rights and responsibilities on behalf of special education students.
DHHS	DHHS has custody of child and the state is the legal guardian.	The student enrolls in the school district where he/she is placed by DHHS.	Each year DHHS signs a "blanket" form, authorizing all permission slips for the school year to be signed by the caretaker.	DHHS will be notified of the student's discipline. It is up to DHHS to then notify the adult the child is placed with.	DHHS has full access to educational records.	DHHS has no authority for special education issues. If the child is in a foster home, then the foster parent is considered the surrogate parent. If not, then a surrogate parent needs to be appointed by the Court or the Maine Department of Education.