

## CHAPTER 5.00 – STUDENTS

### STUDENT RECORDS: TRANSFER OUT- OF- DISTRICT

5.70a

- I. Upon receipt of a request for educational records from a school outside the Franklin County Public Schools, for any transfer from a Franklin County School that has not been approved by the Franklin County School Board, the sending principal/designee shall obtain, prior to releasing the records, the following documentation from the parents/guardian of the student as proof of the student's residence:
  - a. Submission of an “Affidavit of Residence” (copy of form attached) which shall be signed under penalties of perjury pursuant to Florida Statute § 92.525.
  - b. Three proofs of residence as outlined below. Only original documents will be accepted.
- II. Proofs of residence:
  - a. Declaration of Domicile form from the County Records Department (copy attached);
  - b. Rent payment receipt with name of tenant and landlord and contact information for all parties;
  - c. Lease agreement with name of tenant and landlord and contact information for all parties;
  - d. Deed and/or mortgage with proof of residential improvement at the subject parcel;
  - e. Voter registration card;
  - f. Real property tax bill showing homestead status;
  - g. Automobile insurance policy;
  - h. Current Florida Driver’s License/Florida Identification Card of parent or guardian;
  - i. United States Postal Service confirmation of address change request;
  - j. A current telephone or electric bill.

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- III. A post office box, private mail box (PMB) /mail drop address, or commercial establishment address do not meet residency proof requirements. Only residential street addresses are accepted. All proofs must show the residential address of the requesting District. The residential address of a relative or friend of the student/parent does not meet the student residency requirements. The name and address from all proofs must match. The only portions of the residence documentation permitted to be redacted are account numbers.
- IV. The principal/designee may determine that presentation of the required documents is not sufficient to release educational records if the principal/designee has a reasonable suspicion of inaccurate information as to the residence of the student, the status of a person acting as a parent of that student, or other relevant factors. In such cases, the principal/designee shall contact the requesting District and request copies of the proofs of residency required by the requesting district. If such proofs are deemed insufficient by the principal/designee, then the principal/designee shall inform the requesting district that the records will not be released and that the request will be referred to the Franklin County School Board for action. Upon review of the residency proofs required by this section, if the Franklin County School Board determines that such proofs are not sufficient, then the Franklin County School Board may file an appropriate action in the Circuit Court of the Second Judicial Circuit seeking an injunction prohibiting the transferring of the records to the requesting school.
- V. If a student resides with a person acting as parent who is outside the Franklin County School District, the principal may send records if the person acting as parent presents a notarized statement of the student's residency and submits the "Affidavit of Residence" and three acceptable Proofs of Residence as provided in Section II above. Otherwise, the residency of the student's parents shall be used to determine if records should be sent outside the school- district.
- VI. Circumstances may exist where a student's parents reside in different school district boundaries. The home of the parent in which the student resides for the major part of the time is the home that determines the student's residence. If the parent(s) states in writing that the student divides his/her time equally between the parents, the parent (s) or court order shall indicate the residence of the student. Absent a signed agreement by the parents or court order, the superintendent /designee shall determine the residence of the student based on School Board policies and the best interests of the student.
- VII. School personnel are strictly prohibited from requesting or requiring documentation of the immigration status of students and families.

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- VIII. The Superintendent/designee may conduct additional investigation if there is reasonable cause to believe that false information has been submitted. Florida Statute §837.06 provides that whoever knowingly makes a false statement in writing with the intent to mislead a public servant in performance of his or her 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 under Florida Statute §92.525.
- IX. Internal or external review personnel, including (but not limited to) an investigator, may be utilized by the District to conduct random checks and investigations by reasonable means, consistent with law, and to verify information provided. Public records and databases may be utilized including the Property Appraiser's website and the County Clerk's records. To the extent permissible under Florida and federal law, the District may pursue prosecution for any false information knowingly submitted. The District may also request that the District to which the student transferred conduct an investigation and to withdraw the student at the end of that grading term if the submission of false information has been substantiated.

**STATUTORY AUTHORITY:**

**837.06, 92.525, F.S.**

**LAWS IMPLEMENTED:**

**837.06, 92.525, F.S.**

**HISTORY:**

**ADOPTED: 01/06/2011**  
**REVISION DATES: \_\_\_\_\_**  
**FORMERLY: NEW**

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**AFFIDAVIT OF RESIDENCE**

The purpose of this form is to verify the residence of the student(s) listed below prior to the release of student records to another school district. Complete and date this form, sign under oath before a notary, and return to the front office of the student's school.

1. I, \_\_\_\_\_ (name of parent/legal guardian/person acting as parent), am the parent/legal guardian/person acting as parent) of the following named student(s)

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

2. I am at the currently residing with the above-named student(s), living residential address in \_\_\_\_\_ County, \_\_\_\_\_, and the following address is my primary residence and the residence of the above-named students.
3. My contact phone number is: \_\_\_\_\_
4. This affidavit is necessary to transfer the school records of the student(s) to attend school in \_\_\_\_\_ County.
5. I understand that falsification of this information may result in a referral to law enforcement for prosecution.
6. I understand and acknowledge that Florida Statute §837. 06 provides that whoever knowingly makes a false statement in writing with the intent to mislead a public servant in performance of his or her 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 under Florida Statute §92.525.

Under penalties of perjury, I hereby declare that I have read this affidavit and the above facts are true and correct:

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

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State of \_\_\_\_\_ County of \_\_\_\_\_

Sworn to and subscribed before me the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, by

\_\_\_\_\_, whom is personally known to me \_\_\_\_\_

or has produced an acceptable form of identification \_\_\_\_\_. Type of I.D. \_\_\_\_\_

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**DECLARATION OF DOMICILE AND CITIZENSHIP**

TO THE CLERK OF THE CIRCUIT COURT  
FRANKLIN COUNTY, FLORIDA

This is my declaration of Domicile and Citizenship in the State of Florida that I am filing this day in accordance and in conformity with Section 222.17, Florida Statutes. I resided at \_\_\_\_\_ and was formerly a resident of \_\_\_\_\_,  
(Street & number) (City)

\_\_\_\_\_, However, I have changed my domicile to and I am and I have been  
(State)  
a bona fide resident of the State of Florida since the \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

I now reside at \_\_\_\_\_, \_\_\_\_\_,  
(Street & number) (City)  
County of \_\_\_\_\_, Florida, and this statement is to be taken as my  
(Name of County)  
declaration of citizenship, actual legal residence and domicile in the State of Florida.

I FUTHER CERTIFY That I will register at my local address when the registration books reopen and comply with and other requirements of a legal resident of the State.

I FUTHER CERTIFY That I have no intention to return to my former domicile and I intent to remain in \_\_\_\_\_, \_\_\_\_\_, County,  
(City) (Name of County)  
Florida permanently.

\_\_\_\_\_  
(Name, please print)

\_\_\_\_\_  
(Signature)

\_\_\_\_\_  
(Address)

\_\_\_\_\_  
(City, State, & Zip code)

Sworn to and subscribed before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
(Signature of Notary)

\_\_\_\_\_  
(My Commission expires)