



DEPARTMENT OF DEFENSE
EDUCATION ACTIVITY
4040 NORTH FAIRFAX DRIVE
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FEB 15 2012

MEMORANDUM FOR CHIEF OF STAFF, DDESS
CHIEF OF STAFF, DODDS-EUROPE
CHIEF OF STAFF, DODDS-PACIFIC/DDESS-GUAM

SUBJECT: In Loco Parentis Enrollment Procedures

Attachment: In Loco Parentis Declaration Form, DoDEA Form 1003

This updates the memo on October 3, 2006. The term *In Loco Parentis* (ILP) means in the place of a parent, and a "person in loco parentis" may be defined as one who has assumed the status and obligations of a parent without formal adoption. Where one stands "in loco parentis" to another, the rights and responsibilities of that relationship are similar to that of a parent and child. Though temporary in nature, while that relationship continues, the person acting "in loco parentis" is responsible for the maintenance, care and education of the child, in the same manner as an actual parent. A child living with a Department of Defense (DoD) sponsor acting *in loco parentis* may be permitted to attend a DoD dependents school.

The burden of establishing and/or providing proof of the student's ILP status is the responsibility of the person standing "in loco parentis". For the purposes of this eligibility determination, an ILP enrollment requires: 1) that the child is a full-time resident in the DoD sponsor's household; 2) that the sponsor is providing more than one-half of the child's support; and 3) accepts financial and educational responsibility for the child as if the child were the sponsor's natural or legally adopted child. Residence is defined as the sponsor's actual residence, maintained in good faith, and does not include superficial residence established for the purpose of free school attendance. In lieu of a court ordered relationship, a formal statement (see attached In Loco Parentis Declaration Form) acknowledging each of these conditions, endorsed by the sponsor's supervisor, must be provided prior to enrollment.

If it is determined that a student has fraudulently enrolled in the DoD school, that the "in loco parentis" relationship claimed by the sponsor is merely a sham created to avoid payment of tuition. The following steps should be taken: 1) the student should be withdrawn; 2) the sponsor will be notified in writing ; and, 3) the person standing "in loco parentis" maybe liable for tuition for the entire time of fraudulent enrollment.

A handwritten signature in black ink, appearing to read "J. Michael Lynch".

J. Michael Lynch
Chief, Policy & Legislation

IN LOCO PARENTIS DECLARATION FORM

Privacy Act Statement

Authority: Sections 113 (SecDef), 136 (Under Secretary of Defense (Personnel and Readiness)), and 2164 DoD (Domestic Dependent Elementary and Secondary Schools) of Title 10, and 921-932 (Department of Defense Dependents Schools) of Title 20 of the United States Code, and E.O. 9397 (SSN) authorize the collection of this information.

Principal Purpose: To enable DoDEA officials to determine eligibility for school services of children who are in loco parentis.

Routine Uses: In addition to the disclosures generally permitted under 5 U.S.C. 552a(b) of the Privacy Act, these records or information contained therein may specifically be disclosed outside the DoD as a routine use pursuant to 5 U.S.C. 552a(b)(3) and the DoDEA and DoD Blanket Routine Uses set forth at <http://www.defenselink.mil/privacy/notices/osd/>.

Disclosure: Voluntary; however, failure to provide information can result in denial or delay in enrolling a child in a school operated by DoDEA.

I hereby request the enrollment of:

Name of Child (Last, First, Middle Initial)

Date of Birth (YYYYMMDD)

NAME OF SCHOOL: _____

I, _____ (rank and name of sponsor) certify that _____ (name of child) is a full-time resident in my household and I am standing In Loco Parentis (ILP) to him/her (meaning that I have willfully assumed full parental responsibility and authority for him/her, and the child recognizes the In Loco Parentis position). I am providing more than one-half of his/her support.

I accept financial and educational responsibility for the child named above as if he/she were my natural or legally adopted child. This request in itself does not attest to the legal status of the child.

I agree to immediately notify the school principal, in writing, if any change should occur in the ILP relationship, which I have with the child. I understand that if it is determined that this child has been fraudulently enrolled in the Department of Defense school, the child may be withdrawn, and I may be liable for tuition for the entire time of fraudulent enrollment.

I understand that this enrollment is temporary in nature not to exceed one school year.

In accordance with 28 U.S.C. § 1746, I declare under penalty of perjury, that this statement is true and correct.

Signature of Sponsor

Date

I have reviewed this request for enrollment based on the stated In Loco Parentis relationship of _____ (name of sponsor) and (I am I am not) satisfied that the sponsor is aware of the requirements of this relationship.

Signature of Commander or Equivalent

Date

Printed Name of Commander or Equivalent

Telephone Number