

Students

AR 5111.11(a)

RESIDENCY OF STUDENTS WITH CAREGIVER

Students shall qualify as district residents if placed within the district in a regularly established licensed children's institution, a licensed foster home, or a family home pursuant to a commitment or placement under Welfare and Institutions Code 200-987. The agency placing a student in such a home or institution shall provide evidence to the school that the placement or commitment is pursuant to law. (Education Code 48204)

Students shall qualify as district residents if they reside in the home of a care-giving adult within district boundaries. (Education Code 48204)

Upon enrollment, the care-giving adult shall execute, under penalty of perjury, the affidavit specified in Family Code 6552.

When their whereabouts is known, parents/guardians of students living with a caregiver or in foster care shall receive all parental notifications required by law. They shall be contacted for all major educational decisions concerning enrollment, discipline and final grades.

(cf. 5145.6 - Parental Notifications)

Caregivers and foster parents who have filed the affidavit specified in Family Code 6552 may authorize school-related medical care.

(cf. 5141- Health Care and Emergencies)

Caregivers and foster parents shall receive a copy of all school notices.

Under certain circumstances, a "surrogate parent" may be appointed to represent a special education student regarding the provision of special education services. A surrogate parent is not a parent or a legal guardian for purposes of determining students who qualify as district residents.

(cf. 5111.1 - District Residency)

(cf. 6159.3 - Appointment of Surrogate Parent for Special Education Students)

Legal Reference: (see next page)

RESIDENCY OF STUDENTS WITH CAREGIVER (continued)

Legal Reference:

EDUCATION CODE

35351 Assignment of students to particular schools

42920-42925 Educational services

48200-48204 Persons included (compulsory education law)

56028 Parent

56050 Surrogate parent

FAMILY CODE

6550-6552 Caregivers

GOVERNMENT CODE

7579.5 Surrogate parent

CODE OF REGULATIONS, TITLE 22

87001 Definitions

CODE OF FEDERAL REGULATIONS, TITLE 34

300.514 Surrogate Parent

Management Resources:

CDE MANAGEMENT ADVISORIES

0912.94 New Law on Establishing Residence 94-09

CAREGIVER'S AUTHORIZATION AFFIDAVIT

Use of this affidavit is authorized by Part 1.5 (commencing with Section 6550) of Division 11 of the California Family Code.

Instructions: Completion of items 1-4 and the signing of the affidavit is sufficient to authorize enrollment of a minor in school and authorize school-related medical care. Completion of items 5-8 is additionally required to authorize any other medical care. Print clearly.

The minor named below lives in my home and I am 18 years of age or older.

- 1. Name of minor: _____
- 2. Minor's birth date: _____
- 3. My name (adult giving authorization): _____
- 4. My home address: _____

5. I am a grandparent, aunt, uncle, or other qualified relative of the minor (see next page for a definition of "qualified relative").

6. Check one or both (for example, if one parent was advised and the other cannot be located):

' I have advised the parent(s) or other person(s) having legal custody of the minor of my intent to authorize medical care, and have received no objection.

' I am unable to contact the parent(s) or other person(s) having legal custody of the minor at this time, to notify them of my intended authorization.

7. My date of birth: _____

8. My California's driver license or identification card number: _____

Warning: Do not sign this form if any of the statements above are incorrect, or you will be committing a crime punishable by a fine, imprisonment, or both.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Dated: _____ Signed: _____

Notices:

1. This declaration does not affect the rights of the minor's parents or legal guardian regarding the care, custody, and control of the minor, and does not mean that the caregiver has legal custody of the minor.
2. A person who relies on this affidavit has no obligation to make any further inquiry or investigation.
3. This affidavit is not valid for more than one year after the date on which it is executed.

Additional information:

TO CAREGIVERS:

1. "Qualified relative," for purposes of item 5, means a spouse, parent, stepparent, brother, sister, stepbrother, stepsister, half-brother, half-sister, uncle, aunt, niece, nephew, first cousin, or any person denoted by the prefix "grand" or "great" or the spouse of any of the persons specified in this definition, even after the marriage has been terminated by death or dissolution.
2. The law may require you, if you are not a relative or a currently licensed foster parent, to obtain a foster home license in order to care for a minor. If you have any questions, please contact your local department of social services.
3. If the minor stops living with you, you are required to notify any school, health care provider, or health care service plan to which you have given this affidavit.
4. If you do not have the information requested in item 8 (California driver's license or I.D.), provide another form of identification such as your social security number or Medi-Cal number.

TO SCHOOL OFFICIALS:

1. Section 48204 of the Education Code provides that this affidavit constitutes a sufficient basis for a determination of residency of the minor, without the requirement of a guardianship or other custody order, unless the school district determines from actual facts that the minor is not living with the caregiver.
2. The school district may require additional reasonable evidence that the caregiver lives at the address provided in item 4.

TO HEALTH CARE PROVIDERS AND HEALTH CARE SERVICE PLANS:

1. No person who acts in good faith reliance upon a caregiver's authorization affidavit to provide medical or dental care, without actual knowledge of facts contrary to those stated on the affidavit, is subject to criminal liability or to civil liability to any person, or is subject to professional disciplinary action, for such reliance if the applicable portions of the form are completed.
2. This affidavit does not confer dependency for health care coverage purposes.

Exhibit

version: February 23, 1999

VISALIA UNIFIED SCHOOL DISTRICT

Visalia, California