

RESIDENCY OF STUDENTS WITH CAREGIVERS

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)

Family Code 6552, added by SB 592 (Ch. 98, Statutes of 1994), provides an affidavit for use as a basis for establishing residence with a caregiver. When signed by the caregiver under penalty of perjury, the affidavit serves as a sufficient basis for determining that the student lives in the caregiver's home, unless the district determines otherwise from actual facts. Affidavits are valid for one year. If desired, the district may ask for reasonable evidence that the caregiver lives at the address given on the affidavit. If the student stops living with the caregiver, Family Code 6550 requires the caregiver to so notify the school. If the district determines through reasonable evidence that a student does not, in fact, live in a caregiver's home, the student will be dropped from the district enrollment within five (5) days. Verification that the student is being dropped will be sent in writing.

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

Residence with a caregiver or foster parent does not make the caregiver or foster parent the child's legal guardian, but the affidavit specified in Family Code 6552 does allow the caregiver to authorize school-related medical care. Unless legal guardianship has been established by a court order, the parent/guardian still exercises authority with regard to attendance and grades.

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.

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

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.

RESIDENCY OF STUDENTS WITH CAREGIVERS (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

300.517 *Surrogate Parent*

Management Resources:

CDE MANAGEMENT ADVISORIES

0912.94 *New Law on Establishing Residence 94-09*