

Students

RESIDENCY OF STUDENTS IN FOSTER CARE

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 education 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.

(cf. 5111.1 0- District Residency)

(cf. 6159.3 – Appointment of Surrogate Parent for Special Education Student)

(cf. 5141 – Health Care and Emergencies)

(cf. 5145.6 – Notifications Required by Law)

In many cases, a student's foster care provider is not his/her legal guardian, and it is in the student's educational interest for school staff to communicate directly with the person who has daily control of the student. Therefore, the parent/guardian may provide written authorization for the student's foster care provider to act as the parent/guardian with regard to signing excuses and field trip permission slips and performing other duties related to the day-to-day monitoring of school attendance, student conduct, progress, homework and grades.

Foster care providers shall receive a copy of all school notices.

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

Students

RESIDENCY OF STUDENTS IN FOSTER CARE (CONTINUED)

Legal Reference:

EDUCATION CODE

35351 Assignment of students to specific schools

42920-42925.1 Education 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

67 Opinions of the California Attorney General, 453 (1984)

Management Resources:

CDE MANAGEMENT ADVISORIES

0912.94 New Law on Establishing Residence 94-09