

Date: October 3, 2014

To: Board of Trustees

From: Keller McDonald, Superintendent

Re: REPORT ON CAREGIVER AFFIDAVITS AND EMPLOYMENT-RELATED TRANSFERS FOR 2014-2015

Caregiver Affidavits

Education Code 48204 states that a pupil complies with the residency requirements for school attendance in a school district if he or she lives in the home of a caregiving adult that is located within the boundaries of that school district. Although enacted to meet the needs of foster children, this law applies to all children. The law specifies that a Caregiver Affidavit "is a sufficient basis for a determination that the pupil lives in the home of the caregiver, unless the school district determines from actual facts that the pupil is not living in the home of the caregiver."

Often, caregivers are friends or relatives of a student who are willingly providing a supportive living situation, with the agreement of the parent or legal guardian. The reasons that a student is living with a caregiver are private between the student and caregiver and may not be asked as part of the Caregiver Affidavit process (Attachment 1). When possible, our District obtains the written permission of the parent or guardian along with the Caregiver Affidavit (Attachment see attached). Our school typically requires accompanying documentation with the Caregiver Affidavit to verify the caregiver's residency (Attachment 2). The Caregiver Affidavit informs all parties that the affidavit is signed under penalty of perjury for falsified information. Caregiver Affidavits expire at the end of the school year for which they are submitted, and must be renewed each school year (Attachment 3).

The attached chart shows that ten (10) students are enrolled in the District for the 2014-2015 school year under Caregiver Affidavits (Attachment 4).

Employment-Related Transfers

Education Code 48204 also allows school districts to grant employment-related transfers to parents or guardians who are employed a minimum of 10 hours during the school week within the district's geographic area. An employment-related transfer may be denied if accepting the student would cause the district costs that would exceed the additional state revenue for the student. State law stipulates that an employment-related transfer may not be revoked once it has been granted at the high school level, as long as the employment requirement is met.

WSCUHSD has granted employment-related transfers for many years. However, employment is not specified in District regulations as a means of establishing residency (Attachment 5).

The attached chart shows that twenty-six (26) students are enrolled in the District on Employment-Related Transfers for the 2014-2015 school year (Attachment 4). These students were included in the Interdistrict Transfer count reported to the Board in September, 2014.

Future Considerations

The Employment-Related Transfer form used by Sonoma County schools does not indicate whether the student is enrolled in special programs or is under disciplinary action at their current school (Attachment 6). Administration recommends the District develop a new form that incorporates both of these items, if the District is to continue accepting Employment-Related Transfer applications. However, in the interest of promoting clarity and uniformity, it may be beneficial for the District to eliminate future Employment-Related Transfers and only use the Interdistrict Transfer procedures established by the Board. State law would require the District to honor valid Employment-Related Transfers that are currently in effect until the student graduates or disenrolls from the District. District administration is available to take direction from the Board regarding Employment-Related Transfers.

Attachments

Attachment 1 – Caregiver’s Authorization Affidavit

Attachment 2 – Caregiver’s Authorization Affidavit – Parent/Guardian’s Additional Authorization

Attachment 3 – Use of Caregiver Option letter

Attachment 4 – Caregiver Affidavits approved for 2014-2015 as of October 3, 2014 and Employment-Related Transfers approved for 2014-2015 as of October 3, 2014

Attachment 5 – Administrative Regulation 5111.1 District Residency

Attachment 6 – Sonoma County Office of Education Employment-Related Transfer form

WEST SONOMA COUNTY UNION HIGH SCHOOL DISTRICT

ANALY

EL MOLINO

LAGUNA

COMMUNITY DAY SCHOOL

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.

THIS AFFIDAVIT IS NOT VALID FOR MORE THAN ONE (1) YEAR AFTER THE DATE ON WHICH IT IS EXECUTED AT THE SCHOOL.

EXECUTED ON: _____

INSTRUCTIONS: Completion of Items 1-4 and the signing of the 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. (Ed Code Section 48204)

The school district may require additional reasonable evidence that the caregiver lives at the address provided in Item 4.

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] MINOR'S NAME: _____ [2] MINOR'S DOB: _____
Street City Zip

[3] MY NAME: (adult caregiver giving authorization) _____

[4] MY HOME ADDRESS: _____ TELEPHONE NUMBER: _____

[5] I AM A GRANDPARENT, AUNT, UNCLE, OR OTHER QUALIFIED RELATIVE OF MINOR.
("Qualified relative," for purposes of this Item, means a spouse, parent, step-parent, brother, sister, step-brother, half-brother, half-sister, uncle, aunt, niece, nephew, first cousin, or any person denoted to 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.)

[6] CHECK ONE OR BOTH (for example, if one parent was advised and the other cannot be located):
 I have advised the parent(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 intent to authorize medical care.

[7] MY DATE OF BIRTH: _____ [8] CALIFORNIA DRIVER'S LICENSE: _____

**WARNING: Do not sign this form if any of the statements above are incorrect.
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.

DATE: _____ SIGNATURE: _____

NOTICE TO CAREGIVERS:

The law may require you, if you are not a relative or a currently licensed foster parent to obtain a Foster Family Home License in order to care for a minor. If you have any questions, please contact the Sonoma County Social Services Department.

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.

If you do not have a California Driver's License or California Identification, provide another form of identification such as your social security number or Medi-Cal number.



West Sonoma County Union High School District

462 Johnson Street, Sebastopol, California 95472
(707) 824-6403 (707) 823-2629 Fax

ANALY HIGH SCHOOL ♦ EL MOLINO HIGH SCHOOL ♦ LAGUNA HIGH SCHOOL
♦ WEST SONOMA COUNTY COMMUNITY DAY SCHOOL

July 1, 2014

To: Parents, Guardians and Caregivers
From: Keller McDonald, District Superintendent *Keller McDonald*

Regarding: Use of Caregiver Option

State law allows Parent/Guardian to designate a consenting adult to serve as the "caregiver" for a child. The child is allowed to live with the Caregiver and enroll at a school that serves the Caregiver's area of residence.

The Parent/Guardian and Caregiver sign an affidavit to document use of the Caregiver option. The Parent/Guardian retains legal responsibility for the child; but the Caregiver serves as the primary contact for school matters such as student attendance, health and academic progress.

Use of the Caregiver option is meant to be temporary, based on the needs of the family. West Sonoma County high schools require the Parent/Guardian and Caregiver to submit a Caregiver affidavit each school year.

The Parent/Guardian and Caregiver state on the Caregiver affidavit, under penalty of perjury, that the student's primary residence has switched from the Parent/Guardian home to the Caregiver home. A student attending school under the Caregiver option is expected to reside with and be under the control and responsibility of the Caregiver.

The Caregiver and Parent/Guardian must notify the school if conditions change and the student returns to live with the Parent/Guardian. If the Parent/Guardian home where the student is living is out of the school attendance area, the Parent/Guardian will need to obtain approval for a student attendance transfer.

Please be advised that a student's eligibility to participate in school athletic programs may be impacted by moving to or from a Caregiver home.

Please contact a West Sonoma County high school principal or me if you have any questions or concerns; or if you need additional information about the Caregiver option, student attendance transfers, or athletic eligibility.

We look forward to working with you to support student success.

WSCUHSD
Keller McDonald, Superintendent
707-824-6412
kmcdonald.do@wscuhsd.k12.ca.us

Analy High School
Chris Heller, Principal
707-824-2314
cheller.ahs@wscuhsd.k12.ca.us

El Molino High School
Matt Dunkle, Principal
707-824-6570
mdunkle.ehs@wscuhsd.k12.ca.us

"The mission of the West Sonoma County Union High School District is to provide high quality instruction as student achievement is our top priority."

Caregiver Affidavits

Approved for 2014-2015 School Year as of October 3, 2014

Caregiver Affidavit to Analy High School	5
Caregiver Affidavit to El Molino High School	5
Caregiver Affidavit to Laguna High School	0

Employment-Related Transfers

Approved for 2014-2015 as of October 3, 2014

School Requested	Transfer From	Grade
Analy	Cotati RP	9
Analy	Elsie Allen	9
Analy	Santa Rosa HS	9
Analy	Santa Rosa HS	9
Analy	Santa Rosa	10
Analy	Santa Rosa	10
Analy	Santa Rosa	10
Analy	Cotati RP	11
Analy	Elsie Allen	11
Analy	Montgomery	11
Analy	Petaluma	11
Analy	Piner	11
Analy	Piner	11
Analy	Piner	11
Analy	Piner	11
Analy	Piner	11
Analy	Santa Rosa	11
Analy	Santa Rosa	11
Analy	Santa Rosa	11
Analy	Santa Rosa	12
Analy	Santa Rosa	12
El Molino	Elsie Allen	9
El Molino	Santa Rosa	9
El Molino	Santa Rosa	10
El Molino	Windsor	10
El Molino	Elsie Allen	11

Total Employment Related Transfers: 26

Administrative Regulation 5111.1(a)

Students

DISTRICT RESIDENCY

Criteria for Residency

Prior to admission in district schools, students shall provide proof of residency.

A student shall be deemed to have complied with residency requirements if he/she meets any of the following criteria:

1. The student's parents/guardians reside within the district boundaries.
2. The student is an emancipated minor residing within district boundaries.
3. The student is placed within district boundaries in a regularly established-licensed children's institution, a licensed foster home or a family home pursuant to a court-ordered commitment or placement.
4. The student has been admitted through the district's interdistrict attendance program.
5. The student is confined to a hospital or other residential health facility within district boundaries for treatment of a temporary disability.

District residency is not required for enrollment in a regional occupational center or program if there are openings in the program or class.

Proof of Residency

The Superintendent or designee shall retain a copy of the document or written verification offered as proof of residency. In addition, the Superintendent or designee shall annually verify the student's residency and retain a copy of the document or written statement offered as verification. (5 CCR 432)

When presented with a substitute address designated by the Secretary of State for victims of domestic violence or stalking residing within district boundaries, the Superintendent or designee shall accept and use the substitute address for all future communication and correspondence and in all public records. (Government Code 6207)

If a district employee reasonably believes that a parent/guardian has provided false or unreliable evidence of residency, the Superintendent or designee shall make reasonable efforts to determine whether the parent/guardian meets legal residency requirements.

Reasonable evidence of residency may be established by documentation including, but not limited to, any of the following:

1. Property tax payment receipts
2. Rent payment receipts
3. Utility service payment receipts
4. Declaration of residency executed under penalty of perjury by the student's parent/guardian

Administrative Regulation 5111.1(b)

Revocation of Enrollment

If the Superintendent or designee, upon investigation, determines that a student's enrollment is based on false evidence of residency, he/she shall revoke the student's enrollment. Before any such revocation, the parent/guardian shall be sent written notice of the facts leading to the decision. This notice shall state the parent/guardian's right, within 10 school days, to schedule a meeting with a hearing officer to inspect supporting documents, rebut district evidence, question any district witnesses, and present oral and/or documentary evidence, including witnesses, on the student's behalf. For good cause, the hearing officer may extend the meeting date for an additional 10 days to permit the parent/guardian to obtain required documentation.

If the parent/guardian fails to schedule the above meeting, the student's enrollment shall be revoked 11 school days after the date of the notice.

If the above meeting is held, the hearing officer shall prepare a written decision describing his/her findings. If this decision upholds the revocation, the parent/guardian shall be informed of the right to appeal to the Board within 10 days. The hearing officer's decision shall be final unless appealed.

A parent/guardian who appeals to the Board shall have the right to have a representative present and to make a written or oral statement to the Board. Except in cases where good cause is shown, the Board shall not reopen the record to consider evidence or argument which was not presented to the hearing officer. The student may continue to attend school during the period of appeal. The Board may accept, reject or remand the hearing officer's decision. The remand would be for further evidence to be taken. The Board's decision shall be final.

Legal Reference

Education Code

- 35351 *Assignment of students to particular schools*
- 48200-4820 *Compulsory education law*
- 48204.6 *Evidence of residency*
- 48206.3-48208 *Students with temporary disability*

Family Code

- 6550-6552 *Caregivers*

Government Code

- 6205-6211 *Confidentiality of residency for victims of domestic violence*

Code of Regulations, Title 5

- 432 *Varieties of student records*

CDE Legal Advisories

- 303.96 *Verification of residency, LO:1-95*
- 1115.88 *Application of residency requirements for homeless children and youth, LO:5-88*

Adopted: February 13, 1992
Revised: 2/8/96; 9/13/01

West Sonoma County UHSD
Sebastopol, California

School Districts of Sonoma County
Employment-Related Transfer

For school year _____

For grade _____

Use a separate form for each child. Please type or print. See reverse for parent rights.

Part A: Parent/Guardian completes this section and returns all copies to school district of parent/guardian employment.

Student's Name: _____ Date of Birth: _____
School District of Residence: _____ County: _____
School Presently Attending or Last Attended: _____ Grade: _____
School District of Parent/Guardian Employment: _____ County: _____
School Requested: _____ (District retains the right to assign student to any school.)
Name of Parent/Guardian: _____ Home Phone: _____
Address: _____ Work Phone: _____
Employer Name: _____
Address: _____
Supervisor's Name: _____ Phone: _____

PLEASE ATTACH VERIFICATION OF EMPLOYMENT. The most common means of verification is a letter from your employer or a paycheck stub. Contact your district of employment for specific employment verification requirements.

I declare, under penalty of perjury under the laws of California, that the information provided above is true and accurate. I understand that this information may be verified and that inaccurate or false information may subject my request to denial or revocation. I further understand that my employment is subject to periodic verification.

(signature of parent/guardian) _____ (date)

Part B: School district of parent/guardian employment completes and forwards all copies to school district of residence.

Action of District of Employment: _____ Date received: _____
 Approved Employment verified on: (Date) _____ By: (Name) _____
 Denied Reason for denial:
 Negative impact on desegregation plan
 Educational cost would exceed state reimbursement
 Other: _____

(signature and title of authorized representative) Date: _____

Part C: School district of residence completes and distributes copies as indicated below.

Action of District of Residence: _____ Date received: _____
 Approved
 Denied Reason for denial:
 Negative impact on desegregation plan
 Transfer exceeds limits allowed by law

(signature and title of authorized representative) Date: _____

PARENT RIGHTS AND DUTIES

Relating to Employment-Related Transfers

As a parent or legal guardian, you have the right to:

- If a district elects to accept employment-related transfers, a parent or legal guardian may request that their child attend the school district in which the parent/guardian is physically employed. A student admitted to a school district under this law shall be deemed to have complied with the residency requirements for school attendance in that district.
- The district receiving the transfer request is prohibited from „ denying the request based on race, ethnicity, sex, parental income, academic achievement, disability, or any other arbitrary consideration.
- The district of residence and the district receiving the transfer request may prohibit the transfer if it would have a negative impact on a court order or voluntary suppression plan of desegregation for the district.
- The receiving district can prohibit the transfer if the additional cost of educating the student exceeds the amount of additional state aid received as a result of the transfer.
- The district of residence can prohibit the transfer if the transfer would result in the district exceeding its transfer limits, as specified by law.
- If the transfer request is denied, the law encourages the district Board to communicate in writing with the parents/legal guardians as to the specific reasons for the determination and to ensure that there is an accurate record of the reasons made at the Board meeting.
- Once the student has been admitted to the receiving district under this provision, the student is not required to re-apply in the next school year. The student shall be permitted to attend school in the receiving district through grade 12 if the parent or legal guardian so chooses and if at least one parent or legal guardian of the student continues to be physically employed in the district's boundaries. There is no right to appeal to the County School Board about any denial under this provision

You are encouraged to review the district's governing board policy for further information, additional parent / legal guardian rights and additional requirements of the district, if any.