	Educational Consent and/or School Enrollment Law	Time Limit / Revocation	Affidavit / Consent Form	Liabiliy/Penalties
C	Cal. [Fam.] Code § 6550 (2006):  A caregiver's authorization affidavit authorizes a caregiver 18 years of age or older to enroll a minor in school and consent to school-related medical care on behalf of the minor.	If the minor stops living with the caregiver, the caregiver shall notify the school, whereupon the affidavit becomes invalid. In other instances, the affidavit will not be valid for more than one	Cal. [Fam.] Code § 6552 (2006) details the requirements of the caregiver affidavit form. The school district may require additional reasonable evidence in addition to the affidavit that the caregiver lives at the address provided on the form.  NOTE: The signatures of the child's parents are not required on the affidavit.	Cal. [Fam.] Code § 6550 (2006): A person who relies on the affidavit has no obligation to make any further inquiry or investigation.
С	Con. Gen. Stat. Ann. § 10-253 (d) (2006):  Children residing with relatives or nonrelatives, when it is the intention of such relatives or nonrelatives and of the children or their parents or guardians that such residence is to be permanent, shall be entitled to all free school privileges accorded to resident children of the school district in which they then reside. However, such relatives or non-relatives must not be paid, and the children may not be staying with them for the sole purpose of obtaining school accommodations.  NOTE: Children in temporary shelters (i.e. facilities which provide emergency shelter for a specified and limited time period) shall be entitled to free school privileges from either the school district in which the shelter is located or the school district in which the child would otherwise reside, if not for the need for temporary shelter.	Not enumerated in statute	Con. Gen. Stat. Ann. § 10-253 (d) (2006):  The local or regional board of education may require written documentation from the relative caretaker that the residence is to be permanent, provided without pay, and not for the sole purpose of obtaining school accommodations. Such documentation may include affidavits, provided that prior to any request for documentation of a child's residency, the board of education shall provide the parent or guardian, relative or nonrelative with a written statement specifying the basis upon which the board has reason to believe that such child is not entitled to school accommodations.	Not enumerated in statute

#### Del. Code Ann. tit. 14, § 202 (2006):

A child may be enrolled in a particular school district based upon the submission of a Caregivers School Authorization if:

- a. The child resides with a relative caregiver who is 18 years of age or older, a Delaware resident, and a resident of the school district;
- b. The child resides with the relative caregiver as a result of: the death, serious illness, incarceration or military assignment of a parent/guardian; the failure or inability of the parent or legal guardian to provide substantial financial support; alleged abuse or neglect by the parent/guardian or others in the parent or legal guardian's residence; the physical or mental condition of the parent/guardian; the loss or uninhabitability of the student's home as the result of a natural disaster; or other circumstances as deemed appropriate by the school district;
- c. The child is not currently subject to an expulsion or suspension;
- d. The child's residency with the caregiver is not for the purpose of: attending a particular school (although a caregiver's school district may be consi particular school; and
- e. The caregiver submits a completed and notarized Caregivers School Authorization form.

# Del. Code Ann. 14 § 202 (2006):

Caregivers School Authorizations filed prior to January 1 will be honored for the balance of the current school year and for the subsequent school year. Caregivers School Authorizations filed on or after January 1 will be honored for the balance of the current school year and for the 2 subsequent school years. In either case, the Authorization shall expire on August 1 of the applicable school year unless the caregiver receives permission from the school district to extend the length of time that the Authorization wil be honored. Caregivers School Authorizations may be cancelled at anytime if the minor stops living with the relative caregiver or upon written revocation by child's parents/guardian.

The caregiver must submit to the school district a completed and notarized Caregivers School Authorization using the most recent form developed for this purpose by the Department of Health and Social Services. The form is available at Del. Code Ann. 14 § 202 (2006).

Notably, the form must contain the notarized and dated signatures of the caregiver, parents, legal custodians or guardians, including a sworn statemen of the accuracy of the information provided and confirming that the caregiver and other signatories are aware of the penalties for falsely completing the Authorization. Howeve if after a reasonable effort the caregiver is unable to locate the parents, then as an alternative to including the parents' signatures, the Authorization shall include a statement of reasonable efforts made to locate the parents.

## Del. Code Ann. 14 § 202 (2006):

Any school district that reasonably and in good faith relies on a Caregivers School Authorization has no obligation to make any further inquiry or investigation. Persons who knowingly make false statements in the Caregivers School Authorization shall be subject to a minimum civil penalty of \$1,000 and maximum of the average annual per student expenditure and may be required to reimburse the school district tuition costs. Further, such persons may be subject to criminal prosecution.

DE

ні	Haw. Code R. § 302A-482 (a) (2006): A caregiver may consent on behalf of a minor to enrollment in school and to full participation in curricular and co-curricular school activities if the caregiver possesses and presents to the department of education a valid affidavit for caregiver consent.

#### Haw. Code R. § 302A-482 (2006):

The minor's parent or legal custodian may at any time rescind the affidavit for caregiver consent by informing the minor's school principal in writing that the minor is attending school under the authority of this affidavit and that this affidavit has been rescinded.

The caregiver shall immediately notify the school if the minor no longer resides with the caregiver, whereupon the affidavit for caregiver consent shall be revoked immediately.

The affidavit form for school enrollment | Haw. Code R. § 302A-482 is available at Haw. Code R. § 302A-482 (2006).

In addition to several basic requirements, the relative caregiver must swear that the minor's residency with the caregiver is not for the purpose of:

- (A) Attending a particular school;
- (B) Circumventing the department of education's district exemption process:
- (C) Participating in athletics at a particular school; or
- (D) Taking advantage of special services or programs offered at a particular school.

The school may also require additional subject to the penalties under evidence that the caregiver lives at the address provided in the affidavit.

## (2006):

No person who relies in good faith on the caregiver affidavit will be subject to civil or criminal liability or to professional disciplinary action because of such reliance. Any person who relies in good faith on the affidavit has no obligation to conduct any further inquiry or investigation.

#### Haw. Code R. § 302A-483 (2006):

Any caregiver who makes a false statement in the affidavit for caregiver consent will be part V of chapter 710 (perjury and related offenses).

ID
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### Ind. Code Ann. § 20-26-11-2 (2006): If a student is being supported by, cared for by, and living with an individual other than his or her parents or legal guardians, the legal settlement of the student is in the attendance area of that individual's residence, except where the parents of the student are able to support the student but have placed the student in the home of another individual, or allowed the student to live with another individual, primarily for the purpose of attending school in the attendance area where the other individual resides. The school may, if the facts are in dispute, condition acceptance of the student's legal settlement on the appointment of that individual as legal guardian or custodian of the student. However, if a student does not reside with the student's parents because the student's parents are unable to support the child and the child is not residing with an individual other than a parent primarily to attend a particular school, the

the school.

student's legal settlement is where the student resides, and the establishment of a legal guardians

(2006):

the form prepared by the

state superintendant

### Ind. Code Ann. § 20-26-11-3 (2006):

The state superintendent shall prepare the form of agreement to be used by any individual with whom the student is living. The form must contain an agreement of the individual that the Ind. Code Ann. § 20-26-11-3 individual shall, with respect to dealing with the school corporation and for all A time limit can be detailed in lother purposes under this article. assume all the duties and be subject to all the liabilities of a parent of the student in the same manner as if the individual were the student's parent. On the execution of that form and for as long as it remains in force, the individual has these duties and liabilities.

Not enumerated in statute

Iowa Code Ann. § 282.18 (2006):  A parent or guardian residing in a school district may enroll the parent's or guardian's child in a public school in another school district under certain circumstances.	is for a period of not less than one year. If the request is for more than one year and the parent or guardian desires to have the pupil enroll in a different district, the parent or guardian may petition the current receiving district by March 1 of the previous school year for permission to enroll the pupil in a different district for a period of not less	lowa Code Ann. § 282.18 (2006):  By March 1 of the preceding school year for students entering grades one through twelve, or by September 1 of the current school year for students entering kindergarten, the parent or guardian shall send notification to the district of residence and the receiving district, on forms prescribed by the department of education, that the parent or guardian intends to enroll the parent's or guardian's child in a public school in another school district. If a parent or guardian fails to file a notification that the parent intends to enroll the parent's or guardian's child in a public school in another district by the deadline specified in this subsection, the procedures of subsection 4 appl	Not enumerated in statute
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MD	Unless the court appoints a guardian for the child or awards custody of the child to someone other than the relative providing informal kinship care, the relative providing informal kinship care shall make the full range of educational decisions for the child. The relative providing informal kinship care, however, shall make reasonable efforts to inform the parent or legal guardian of the child of the informal kinship care relationship. The parent or legal guardian of a child in an informal kinship care relationship shall have final decision making authority regarding the educational needs of the child	Md. Code Ann. [Educ.] § 7-101 (2006):  If a change occurs in the care or in the serious family hardship of the child, the relative providing informal kinship care for the child shall notify the local school system	requirements and format)  The affidavit shall be accompanied by supporting documentation of one or more serious family hardships and, where possible, the telephone number and address of any authority who is legally authorized to reveal information which can verify the assertions in the affidavit. The affidavit should also include a statement indicating that the county superintendent may verify the facts given by the relative providing informal kinship care in the affidavit and conduct an audit of the case after the child has been excelled in the	Md. Code Ann. [Educ.] § 7- 101 (2006):  If fraud or misrepresentation is discovered during an audit following the filing of a caregiver affidavit, the county superintendent shall remove the child from the county public school system roll.  Any person who willfully makes a material misrepresentation in the affidavit shall be subject to a penalty payable to the county for three times the pro rata share of tuition for the time the child fraudulently attends a public school in the county.
МО	Mo. Ann. Stat. § 167.151 (2) (2006):  Orphan children, children with only one parent living, and children whose parents do not contribute to their supportif the children are between the ages of six and twenty years and are unable to pay tuitionmay attend the schools of any district in the state in which they have a permanent or temporary home without paying a tuition fee.	Not enumerated in statute	Not enumerated in statute	Not enumerated in statute

#### N.C. Gen. Stat. Ann. § 115C-366 (2006):

A student who is not a domiciliary of a local school administrative unit may attend, without payment of tuition, the public schools of that unit if he or she resides with an adult domiciliary of that unit as a result of:

- a. The death, serious illness, or incarceration of a parent or legal guardian;
- b. The abandonment by a parent or legal guardian of the complete control of the student as evidenced by the failure to provide substantial financial support and parental guidance;

NC

c. Abuse or neglect by the parent or legal guardian; or local board policy, remove d. The physical or mental condition of the parent or legal guardian is such that he or she cannot provide adequate care and supervision; e. The loss or uninhabitability of the student's

home as the result of a natural disaster.

Additionally, the student cannot be under a term of suspension or expulsion from a school for conduct that could have led to a suspension or an expulsion from the local school administrative unit, and the adult with whom the student resides and the student's or legal custodian have each completed and signed separate affidavits.

## 366 (2006):

If it is found that the information contained in either or both affidavits is false, then the local board may, unless the student is otherwise eligible for school attendance under other laws the student from school. If a student is removed from school, the board shall provide an opportunity to appeal the removal under the appropriate policy of the local board and shall notify any person who signed the affidavit of this opportunity

#### N.C. Gen. Stat. Ann. § 115C-366 (2006):

N.C. Gen. Stat. Ann. § 115C-|Separate affidavits from the caregiver and the parents or legal guardian must: a. Confirm the qualifications establishing the student's residency; b. Attest that the student's claim of residency in the unit is not related to attendance at a particular school, and c. Attest that the adult with whom the student is residing has been given and accepts responsibility for educational decisions for the child, including receiving notices of discipline, attending conferences, granting permission for school-related activities and taking appropriate action in connection with student records.

> If the student's parent or legal custodian is unable, refuses, or is otherwise unavailable to sign the affidavit, then the adult with whom the student is living shall attest to it.

#### N.C. Gen. Stat. Ann. § 115C-366 (2006):

If it is found that a person willfully and knowingly provided false information in the affidavit, the maker of the affidavit shall be guilty of a Class 1 misdemeanor and shall pay to the local board an amount equal to the cost of educating the student during the period of enrollment. Repayment shall not include State funds. Affidavits shall include, in large print, the penalty, including repayment of the cost of educating the student, for providing false information in an affidavit.

NJ	N.J. Stat. Ann. § 18A:38-1 (2006):  Public schools shall be free any minor child who is kept in the home of another person domiciled within the school district and is supported by such other person gratis as if he were such other person's own child, upon filing by such other person with the secretary of the board of education of the district, if so required by the board, a sworn statement that he is domiciled within the district and is supporting the child gratis and will assume all personal obligations for the child relative to school requirements and that he intends so to keep and support the child gratuitously for a longer time than merely through the school term. A copy of the caregiver's lease if a tenant, or a sworn statement by his landlord acknowledging his tenancy if residing as a tenant without a written lease, may also be required. Additionally, the child's parent or guardian must also file a sworn statement with the secretary of the board of education that he is not capable of supporting or providing care for the child due to a family or economic hardship and that the child is not residing public education within the district.	Not enumerated in statute	support their validity. If in the judgment of the board of education the evidence does not support the validity of the statement, the board may deny admission to the child. If this happens, the resident may contest the board's decision to the commissioner within 21 days of the date of the decision and shall be entitled to an expedited	N.J. Stat. Ann. § 18A:38-1 (c) (2006): Any person who fraudulently allows a child of another person to use his residence and is not the primary financial supporter of that child and any person who fraudulently claims to have given up custody of his child to a person in another district commits a disorderly persons offense.
	A caregiver who executes a caregiver's authorization affidavit and who subscribes and swears to it before a notary public is authorized to enroll the named child in school and consent to school-related medical care. The decision of a caregiver to consent to or refuse services pursuant to a caregiver's authorization affidavit is superseded by a contravening decision of a parent or other person having legal custody of the child if the contravening decision does not jeopardize the life, health or safety of the child.	If a child stops living with the	authorized by the Kinship Guardianship	The statute (N.M. Stat. Ann. § 40-10B-15 (2006)) only articulates immunity in regards to medical, dental, or mental health care.

# McKinney's General Obligations Law § 5-1551 (2006):

A parent of a minor may designate another person as a person in parental relation to such minor for educational purposes for a period not exceeding six months provided that there is no prior order of any court in any jurisdiction currently in effect that would prohibit such parent from himself or herself exercising the same or similar authority, and provided further, that, in the case where a court has ordered that both parents must agree on education or health decisions regarding the child, a designation pursuant to this subdivision shall not be valid unless both parents have consented thereto.

### McKinney's General Obligations Law § 5-1551 and 1554:

The designation may specify a period of time less than six months for which such designation shall be valid unless earlier revoked by a parent. See statute for specific rules regarding designated time periods.

A parent may revoke a designation by notifying, either orally or in writing, the designee or the school. Revocation by one parent authorized to execute such a designation shall be deemed effective. A designee who receives notification from a parent of any such revocation shall forthwith notify the school immediately.

# McKinney's General Obligations Law § 5-1551:

A designation of a person in parental relation pursuant to this title shall be in writing and shall include (at a minimum): the name of the parent, the name of the designee, the name of each minor or incapacitated person with respect to whom such designation is made, the parent's signature, and the date of such signature.

# McKinney's General Obligations Law § 5-1555:

A person who acts based upon the consent of a designee reasonably and in the good faith belief that the parent has in fact authorized the designee to provide such consent pursuant to the provisions of this title, may not be deemed to have acted negligently, unreasonably or improperly in accepting the designation and acting upon such consent; provided, however, that any such person may be deemed to have acted negligently, unreasonably or improperly if he or she has knowledge of facts indicating that the designation was never given, or did not extend to an act or acts in question, or was revoked.

NY

Ο	Н	Ohio Rev. Code Ann. § 3313.64 (2006):  Any child residing with a person other than the child's parent is entitled, for a period not to exceed twelve months, to attend school in the district in which that person resides if the child's parent files an affidavit with the superintendent of the district in which the person with whom the child is living resides. A student attending a school of a district pursuant to this division shall be allowed to participate in all student activities, including interscholastic athletics, at the school where the student is attending on the same basis as any student who has always attended the schools of that district while of compulsory school age.	Ohio Rev. Code Ann. § 3313.64 (2006): The affidavit is valid for a period of twelve months.	person with whom the child is living	Ohio Rev. Code Ann. § 3313.64 (2006): A school district shall not incur any liability solely because of its receipt of a consent form from a grandparent in lieu of a parent.
0	ĸ	Okla. Stat. Ann. tit. 70, § 1-113 (2006): Within the discretion of each school district's board of education, the policy may but is not required to allow for establishment of residency by affidavit when an adult, whether a relative or not, who does not fall within one of the categories listed above, who holds legal residence in the school district, and who has assumed permanent care and custody of the child files an affidavit with the school district attesting that they have assumed custody and the reasons for assuming custody.		Okla. Stat. Ann. tit. 70, § 1-113 (2006): Any policy allowing the establishment of residency by affidavit shall require the adult who provides the affidavit to affirm in such affidavit that the custody arrangement is permanent and that the adult contributes the major degree of support to the child.	Okla. Stat. Ann. tit. 70, § 1-113 (2006):  If the school district policy allows establishment of residency by affidavit, any person who willfully makes a statement in the affidavit which the person knows to be false shall, upon conviction, be guilty of a misdemeanor punishable by imprisonment in the county jail for not more than one year or a fine of not more than Five Hundred Dollars or both such fine and imprisonment.

RI	R.I. Gen. Laws § 16-64-1 (2006): In cases where a child has no living parents, has been abandoned by his or her parents, or when parents are unable to care for their child on account of parental illness or family break-up, the child shall be deemed to be a resident of the city or town where the child lives with his or her legal guardian, natural guardian, or other person acting in loco parentis to the child.	Not enumerated in statute	Not enumerated in statute	Not enumerated in statute
SC	S.C. Code Ann. § 59-63-31 (c) (2006):  Children are entitled to attend the public schools of a school district without charge if the child resides with an adult resident of the school district as a result of: the death, serious illness, or incarceration of a parent or legal guardian; the relinquishment by a parent or legal guardian of the complete control of the child as evidenced by the failure to provide substantial financial support and parental guidance; abuse or neglect by a parent or legal guardian; the physical or mental condition of a parent or legal guardian is such that he or she cannot provide adequate care and supervision of the child; or a parent's or legal guardian's homelessness.  S.C. Code Ann. § 59-63-32 (2006):  The school district may require an adult seeking to enroll a child who resides with the adult pursuant to § 59-63-31(1)(c) (see above) to accept responsibility for making educational decisions concerning the child. These educational decisions may include, but not be limited to, receiving notices of discipline, attending conferences with school staf permission for athletic activities, field trips, and other	Not enumerated in statute	S.C. Code Ann. § 59-63-32 (B) (2006):  The school district must require an adult to complete and sign an affidavit: (1) confirming the qualifications establishing residency in the school district; (2) attesting that the claim of residency in the district is not primarily related to attendance at a particular school; (3) accepting responsibility for educational decisions for the child.	S.C. Code Ann. § 59-63-32 (2006):  If it is found that information contained in an affidavit is false, the child must be removed from the school after notice of an opportunity to appeal the removal pursuant to the appropriate district grievance policy. If it is found that a person wilfully and knowingly provided false information in the affidavit to enroll a child in a school district for which the child is not eligible, the maker of the false affidavit is guilty of a misdemeanor and, upon conviction, must be fined an amount not to exceed two hundred dollars or imprisoned for not more than thirty days and also must be required to pay to the school district an amount equal to the cost to the district of educating the child during the period of enrollment. Repayment does not include funds paid by the State. The affidavit must include the penalty for providing false information.

UT	Utah Code Ann. § 53A-2-201 (2006):  A minor child can claim residency for school enrollment purposes if: (i) the child lives with a responsible adult who is a resident of the district and is the child's noncustodial parent, grandparent, brother, sister, uncle, or aunt; (ii) the child's presence in the district is not for the primary purpose of attending the public schools; (iii) the child's physical, mental, moral, or emotional health would best be served by considering the child to be a resident for school purposes; and (iv) the child is prepared to abide by the rules and policies of the school and school district in which attendance is sought.	Not enumerated in statute	authorization for educational services.  Utah Code Ann.§ 53A-2-202 (2006):  A local board of education may adopt a policy permitting it to designate a responsible adult residing in the school district as legal guardian of a child whose custodial parent/guardian does not reside within the state. Notably, if the child's custodial parent or legal guardian cannot be found in order to execute the statement, the responsible adult must submit an affidavit to that effect. The district must also submit a copy of the statement to the Criminal	202(b) (2006): A school district which has reason to believe that a party has intentionally submitted false or misleading information under this part may, after notice and opportunity for the party to respond to the
VT	Vt. Stat. Ann. tit. 16 § 1093 (2006): The board may receive into the schools under its charge nonresident pupils under such terms and restrictions as it deems best and money received for the instruction of such pupils shall be paid into the school fund of the district.	Not enumerated in statute	Not enumerated in statute	Not enumerated in statute