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"Making Education Work for All Georgians"

Guidance for the Student Enrollment and Withdrawal Rule

In Reference to State Board of Education
Rule 160-5-1-.28
Student Enrollment and Withdrawal

REVISION 5

This is a companion document to the State Board of Education Rule 160-5-1-.28 Student Enrollment and Withdrawal. The purpose of this document is to bring clarity to the practical application of the State Board Rule and address topics covered in the rule with greater detail. It is not intended to state new law or supplant any federal or state laws, regulations, or requirements. Nothing in this manual should be seen as having the force of law. This manual should not be cited as law or as imposing any additional requirements or obligations outside the requirements of existing law.

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Revision History

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Revision 2 **September, 2008**

(Updated Section XI. Withdrawal, to include guidance on how to appropriately code students who have withdrawn.)

Revision 3 **September, 2010**

(Updated and reorganized to coincide with the adoption of 160-2-1-.28 in September, 2010.)

Revision 4 **October, 2010**

(Updated to correct sections entitled “Students Withdrawn by a Parent, Guardian, Grandparent, or Other Person.” and “Coding Students Not withdrawn According to LEA Policies” to reflect the language in the Federal Register 73 FR 64451 in October, 2010.)

Revision 5 **September , 2012**

(Updated section “5. Withdrawal” so as to clarify the circumstances in which a student moving to another country could be coded as a transfer student and what proof would be acceptable documentation to satisfy state and federal requirements. Updated provisions relating to requesting Social Security numbers and added sample forms for enrollment.)

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1. Eligibility for Enrollment in a Georgia public school.

Students are eligible for enrollment in the appropriate general education programs if they have reached the age of five by September 1 and have not reached the age of twenty-one by September 1 or received a high school diploma or its equivalent. Students that have dropped out of school for one quarter or more are eligible for enrollment in the appropriate education programs if they have not reached the age of twenty by September 1 or received a high school diploma or its equivalent.

Students who were legal residents of one or more other states for a period of two years immediately prior to moving to Georgia, were legally enrolled in a public kindergarten or first grade, are otherwise qualified and will reach the age of five for kindergarten or six for first grade by December 31 are eligible for enrollment. **See O.C.G.A. § 20-2-150.**

Special education students receiving special education services under the Individuals with Disabilities Education Act (IDEA) are eligible for enrollment until they reach the age of twenty-two or until they receive a regular high school diploma. Although this is contrary to the language in O.C.G.A. § 20-2-150(a), the language in that statute conflicts with the IDEA. Since the IDEA is a federal law, it supersedes state law where there is a conflict. The IDEA provides that students with disabilities are entitled to a free appropriate public education through the age of twenty-one or until they receive a regular high school diploma. **See 20 U.S.C. § 1400 et seq.**

A. Eligibility for immediate enrollment as provided for by other rule or law.

1. A homeless child, as defined in the McKinney-Vento Homeless Act 42 U.S.C. § 11431 *et seq.*, shall be enrolled immediately even in the absence of any appropriate documentation. **See Appendix B: Homeless Students Enrollment Information**
 - a. Foster children awaiting permanent placement qualify as homeless under the McKinney-Vento Homeless Act and must be immediately enrolled.
2. A student in the physical or legal custody of the Georgia Department of Human Services (DHS) or the Georgia Department of Juvenile Justice (DJJ), or a child placed in by the DHS or DJJ in a residential facility located pursuant to O.C.G.A. § 20-2-133 shall be immediately enrolled by the local education agency (LEA) in which the student is geographically located. **See Appendix C: DHS and DFCS Enrollment Information for Foster Children; Appendix D: DJJ School Placement Information; Appendix E: Residential Facility School Placement Information**
3. Immigrants/non-visa holders who meet age and residency requirements shall be accepted by an LEA and the LEA shall not inquire about their legal status.
4. A student with a grandparent who has a properly executed power of attorney for the care of a minor child may enroll their grandchild, without court approval, in

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the LEA in which the grandparent resides. *See Appendix H: Power of Attorney Sample Form.*

5. A special power of attorney, relative to the guardianship of a child of a military family and executed under applicable law, shall be sufficient for the enrollment and other actions requiring parental participation and consent. *See Appendix H: Power of Attorney Sample Form.*
 - a. A transitioning military child, placed in the care of a noncustodial parent or other person standing *in loco parentis* whose residence is other than that of the custodial parent may continue to attend the school in which he or she was enrolled while residing with the custodial parent. Alternatively, the child may attend school in the attendance zone or LEA in which the child resides with the noncustodial parent or other person standing *in loco parentis*.

2. Who Can Enroll Eligible Students?

A parent, guardian, grandparent, or other person having control or charge of a child has the authority to enroll a child in school. *See O.C.G.A. § 20-2-690.1.*

If the person presenting the student for enrollment is not that student's parent or guardian, i.e., an "other person" such as a grandparent or other relative, the local education agency (LEA) has the option of adopting a practice or procedure to do one of the following each time this occurs: (1) enroll the student; (2) provisionally enroll the student and then require the other person to obtain guardianship; or (3) require the other person to complete a Non-Parental Affidavit. *See Appendix G: Non-Parental Affidavit of Residence Sample Form*

A. Instances in which an LEA cannot require the "other person" to obtain guardianship:

1. Student is eligible for services under the Migrant Education Program.
2. The "other person" is enrolling the student pursuant to a military power of attorney.
3. The "other person" is enrolling the student is a grandparent enrolling the student pursuant to a power of attorney executed under the "Power of Attorney for the Care of a Minor Child Act," O.C.G.A § 19-9-120 through O.C.G.A § 19-9-129.

There are three instances in which the LEA cannot request that the person enrolling the student obtain guardianship.

First, the Migrant Education Program (MEP), Title I, Part C of the Elementary and Secondary Education Act (ESEA), prohibits a school from requiring legal documentation of guardianship

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to ascertain whether a student is eligible for the program as a child whose guardian is a migrant agricultural worker or migrant fisher. *See 20 U.S.C. § 6391 et seq.*

Under the MEP, a guardian is any person who stands in the place of a parent to a child whether by accepting responsibility for the child's welfare or by a court order. *A legal document is not necessary to establish guardianship*, so long as the guardian stands in the place of a parent to a child and is responsible for the child's welfare. A sibling may act as guardian to other siblings. Moreover, a marriage certificate or other legal document is not necessary to establish a spousal relationship when MEP eligibility is based on a spouse's status as a migrant worker. *Please see Appendix A: Migrant Education Program Enrollment for further information on the MEP Program.*

Second, if the person enrolling the student is acting under the authority of a power of attorney executed by a parent or guardian serving in the military, the LEA must allow the student to enroll and cannot require the other person to obtain legal guardianship. *See 10 U.S.C. § 1044b.*

Third, if the person enrolling the student is acting under the authority of a power of attorney executed under the "Power of Attorney for the Care of a Minor Child Act," the LEA must allow the student to enroll and cannot require the other person to obtain legal guardianship. *See O.C.G.A § 19-9-120 through O.C.G.A § 19-9-129.*

3. Provisional Enrollment.

The LEA must provisionally enroll the student and give parent, guardian, or other person in control or charge of a child a minimum of 30 days to satisfy all of the documentation requirements. LEAs should still work to get all documentation during school normal registration periods and provisional enrollment should be implemented as an exception rather than as a rule. It should be implemented in instances where the parent, guardian, grandparent, or other person needs additional time to procure certain documents or evidence. For example, if the LEA has adopted rules and policies requiring the other person enrolling a student to obtain guardianship, the LEA must still enroll the student under this provisional enrollment provision while the other person pursues guardianship in probate court.

The Georgia Department of Education interprets state and federal law to require schools to enroll a student regardless of the school's receipt of a SSN or waiver form. It would be incumbent on the school to gather the SSN or waiver form while the student remained enrolled. It would not be appropriate for a school to withdraw or refuse to enroll a student for failing to provide a SSN or waiver form.

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Extenuating circumstances are left to the discretion of the LEA for interpretation. The intent of the language in the rule is to provide for situations where it is obvious that a parent, guardian or other person has begun the process for record retrieval and may need additional days to complete the process. For instance a parent, guardian, grandparent, or other person obtaining a copy of a foreign birth certificate may need extra time because of foreign government processes and the time needed to receive the record by mail.

When provisional documents for enrollment are not provided in the appropriate time frame as required in 2(d)1 of this rule, the parent, guardian, grandparent, or other person enrolling the student is considered in violation of O.C.G.A. § 20-2-690.1. It is recommended that the local school superintendent or designee report such violations to the appropriate authorities for adjudication.

Pursuant to O.C.G.A. § 20-2-670, if records are received from a previous school system and a student in grade seven and above was adjudicated guilty of the commission of a designated felony act as defined in O.C.G.A. § 15-11-63, or the student is currently serving a suspension or expulsion from another school and is ineligible for enrollment pursuant to the provisions of O.C.G.A. § 20-2-751.2, he or she can be dismissed from enrollment until such time as he or she becomes so eligible. This statutory provision shall take precedence over provisional enrollment.

4. Documents and proofs necessary for enrollment:

A. Proof of age:

The LEA must accept the documents set forth in Section (2) (a) (3) of the rule. Upon presentation of one of these documents, a photocopy of the document should be placed in the student's record and the document that is presented should be returned to the parent, guardian, grandparent, or other person.

B. Certificate of Immunization:

1. O.C.G.A. § 20-2-771 requires children to submit a certificate of immunization to the responsible official of the school or facility. It also enables the school official to grant a 30 calendar day waiver of the certification requirement for a justified reason. The school official can extend the waiver for up to 90 calendar days provided documentation is on file at the school from the local health department or a physician specifying that an immunization sequence has been started and that this immunization time schedule can be completed within the 90 day waiver period, provided confirmation is received during the waiver period from the health department or physician that immunizations are being received as scheduled, and provided the student under waiver is a transfer student, who is defined as a student who moves from an out-of-state LEA to a Georgia LEA.

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2. O.C.G.A. § 20-2-771 does not apply to a child whose parent or guardian objects to immunization of the child on the grounds that immunization conflicts with the religious beliefs of the parent or guardian. For a child to be exempt from immunization on religious grounds, the parent, guardian, grandparent, or other person must furnish the school official an affidavit swearing or affirming that the immunization required conflicts with the religious beliefs of the parent, guardian, grandparent, or other person.

3. O.C.G.A. § 20-2-771 does not apply to a child found to have any physical disability which may make vaccination undesirable. For a child to be exempt from immunization due to a physical disability, the parent, guardian, grandparent, or other person must provide the school official a certificate to that effect issued by the local board of health or physician licensed under the laws of this or other states.

C. Certificate of Eye, Ear and Dental Examinations:

O.C.G.A. § 20-2-770 requires that these examinations take place, that local boards of health provide for such examinations and screenings, that certificates be issued to parents of children entering the first grade, and that this certificate be turned in to school officials at the time of enrollment.

D. Proof of residence:

It is recommended that documents used to prove residency include the name of the parent, guardian, grandparent, or other person enrolling the student (or the name of the emancipated minor) and a street address. The person enrolling the student or in the case of an emancipated minor, the student, should provide a current utility bill and any one of the following items. LEAs should consider accepting the following at a minimum, but can accept additional documents not included in this list:

- 1.) Current lease/rental agreement;
- 2.) Most recent income tax return;
- 3.) Current paycheck stub;
- 4.) Current Medicaid card;
- 5.) Current residential property tax statement or bill;
- 6.) Current warranty or quick claim deed;
- 7.) Current home purchase agreement;
- 8.) Third-person affidavit of residency (notarized affidavit shall be completed and signed by parent, guardian or other person, as well as the legal owner or lessor of the property where the student and the parent, guardian, or other person reside); or
- 9.) Current homeowner's insurance policy.

E. Social Security number (SSN) or Signed Waiver:

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State law requires a school to request that a person enrolling a student provide the enrolling student's Social Security number or a signed statement stating that the individual does not wish to provide the Social Security number. O.C.G.A. § 20-2-150(d). LEAs must follow State Board of Education Rule 160-5-1-.24 *Procedure for Requesting Student Social Security Numbers* when enrolling students. No student shall be denied enrollment in any public school or program for declining to provide a Social Security number or declining to apply for a Social Security number. LEA enrollment forms and enrollment information should clearly state that providing the student's Social Security number, or applying for a number, is not required for enrollment. The LEA's enrollment forms and enrollment information must be provided to each child's parent or guardian in a language that the parent or guardian can understand. Each LEA must provide a Social Security number waiver form (see Appendix J: Sample Social Security Number Waiver Form) for the individual to complete stating that the individual does not wish to provide the Social Security number.

5. Withdrawal

A parent, guardian, grandparent, or other person having control or charge of a child has the authority to withdraw a child from school in compliance with O.C.G.A. § 20-2-780.

All Georgia local education agencies (LEAs) are required to document reasons for all student withdrawals from Georgia public schools by the State Board of Education Rule 160-5-1-.07 STUDENT DATA COLLECTION, this rule, and all associated guidelines and resources. LEAs that do not comply with this requirement will be reported to the State Board of Education and the Georgia Department of Education shall request the Governor's Office of Student Achievement (GOSA) to conduct an in-depth audit of the LEAs student records documentation, procedures, and processes. LEAs found non-compliant as the result of an audit by the GOSA shall forfeit the ability to appeal an Adequate Yearly Progress (AYP) determination.

The chart shown on the following page contains the codes, as defined in the state data collection documentation, that must be assigned to clearly show the reason for the withdrawal of any student from a Georgia public school. Following the chart, individual withdrawal situations are addressed in full detail.

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Georgia State Data Collection Codes for Recording Student Withdrawal.

CODE	DESCRIPTION	CODE	DESCRIPTION
*B	Marriage	*P	Pregnant/Parent
C	Court or Legal	*R	Removed for Lack of Attendance
D	Death	*S	Serious Illness/Accident
*E	Expelled	T	Transferred to another school in another system or to the Juvenile Justice system
*F	Financial Hardship/Job	*U	Unknown
G	High School Graduation	X	Transferred out of state
H	Attend Home Study	Y	SB10 Transfer to State School
*I	Incarcerated/Criminal Justice Authority	Z	SB10 Transfer to Private School
J	Transferred out of country	1	SB10 Transfer to Public School
K	Transferred to private school	2	School Choice Transfer (Title I School Choice)
*L	Low Grades/School Failure	3	USCO
*M	Military	4	Transferred Under the Jurisdiction of DJJ
*O	Adult Education/Post Secondary	5	Not subject to compulsory school attendance

*Records with these withdrawal codes will be included in dropout statistics.

STUDENTS NOT IN ATTENDANCE ON THE FIRST DAY OF SCHOOL.

Students not in attendance on the first day of school but expected based on prior year enrollment should not accrue absences until the student is physically present and attending. For example, if school starts on August 1 and the student does not start attending school until August 5, the official attendance counting for that student will begin as of August 5.

LEAs should use the method and procedures in place within their local Student Information System (SIS) to withdraw the student as a no-show. Such withdrawn students must be coded as 'U' unless the LEA has proof, as required by state rule, that those students have enrolled in a different school, other LEA, private school, or home study program.

In order to code those withdrawn students as 'H', 'J', 'K', 'T', 'X', 'Y', 'Z', '1', '2', '3', or '4', the following are acceptable forms of documentation to serve as proof of enrollment:

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- **T, Y, 1, 2, 3, 4** – The receiving school’s request for transcript, or verification of student transfer through the Georgia Testing ID (GTID) system
- **K, X, Z** – The private school, or out-of-state school’s request for transcript
- **J** - See the section entitled, “APPROPRIATE DOCUMENTATION REQUIRED CONFIRMING THAT A STUDENT HAS EMIGRATED TO ANOTHER COUNTRY” on how to code students who have moved out of the country
- **H** – A document signed by the parent, guardian, or “other person” declaring their intent to utilize a home study program

Authority: O.C.G.A. § 20-2-693 and O.C.G.A. § 20-14-33-(f).

STUDENTS WITHDRAWN BY A PARENT, GUARDIAN, GRANDPARENT, OR OTHER PERSON.

As required by state rule, when a parent, guardian, or other person withdraws a student, the school or LEA shall provide proof of the student’s enrollment in another school, other LEA, private school, or home study program in order to code the reason for withdrawal as ‘H’, ‘J’, ‘K’, ‘T’, ‘X’, ‘Y’, ‘Z’, ‘1’, ‘2’, ‘3’ or ‘4’. The following are acceptable forms of documentation when using one of these withdrawal codes:

- **T, Y, 1, 2, 3, 4** – The receiving school’s request for transcript, or verification of student transfer through the Georgia Testing ID (GTID) system
- **K, X, Z** – The private school, or out-of-state school’s request for transcript
- **J** - See the section entitled, “APPROPRIATE DOCUMENTATION REQUIRED CONFIRMING THAT A STUDENT HAS EMIGRATED TO ANOTHER COUNTRY” on how to code students who have moved out of the country
- **H** – A document signed by the parent, guardian, or “other person” declaring their intent to utilize a home study program

Authority: O.C.G.A. § 20-14-33 (f)

If a student is under suspension or expulsion, on the date of withdrawal, the new school of enrollment shall be notified of the terms of the suspension.

In the instance where a student has withdrawn according to LEA procedures, the losing school system may use the withdrawal code of T, Y, 1, 2, 3, or 4 when the student verification is obtained through the GTID system, even if the student enrolls but never attends school in the gaining school system. In this case, the gaining school system should follow the procedures listed in the section, “STUDENT WITHDRAWALS WITH NO PROOF OF ENROLLMENT IN ANOTHER SCHOOL, OTHER LEA, PRIVATE SCHOOL, OR HOME STUDY PROGRAM.”

STUDENT NOT WITHDRAWN ACCORDING TO LEA POLICIES

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When a parent, guardian, grandparent, or other person does not withdraw a student from a current school according to LEA policies, the LEA shall withdraw the student. The date of withdrawal for a student shall be the last school day of student attendance with proof of enrollment in a different school, other LEA, private school, or home study program. Enrollment in a participating General Education Development (GED) program of study may be considered within the broad definition of “school” program. If a student is under suspension, on the date of withdrawal, the new school of enrollment shall be notified of the terms of the suspension.

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CODING STUDENTS NOT WITHDRAWN ACCORDING TO LEA POLICIES

Students who are not withdrawn by a parent, guardian, grandparent, or other person according to LEA policy may be coded as “H”, “J”, “K”, “T”, “X”, “Y”, “Z”, “1”, “2”, “3” or ‘4’ if the school or LEA provides proof of the student’s enrollment in another school, other LEA, private school, or home study program. The following are acceptable forms of documentation to serve as proof of enrollment:

- **T, Y, 1, 2, 3, 4** – The receiving school’s request for transcript, or verification of student transfer through the GTID system
- **K, X, Z** – The private school or out-of-state school’s request for transcript
- **J** - See the section entitled, “APPROPRIATE DOCUMENTATION REQUIRED CONFIRMING THAT A STUDENT HAS EMIGRATED TO ANOTHER COUNTRY” on how to code students who have moved out of the country
- **H** – A document signed by the parent, guardian, grandparent, or “other person” declaring their intent for home school study

While proof of GED enrollment is substantial enough to withdraw a student from a high school, it is **not** permissible to code the reason for such a withdrawal as an ‘X’ or ‘T’. Instead, such withdrawals related to students who have chosen to discontinue enrollment in a public high school to pursue a GED must be coded as ‘U’. **Authority: O.C.G.A. § 20-14-33 (f)**

APPROPRIATE DOCUMENTATION REQUIRED CONFIRMING THAT A STUDENT HAS EMIGRATED TO ANOTHER COUNTRY

The non-regulatory guidance issued December 22, 2008, by the United States Department of Education (US ED), on High School Graduation Rate provided greater clarity on the documentation required to confirm that a student has emigrated to another country. The following is the response offered by US ED:

A school or LEA must have written confirmation that a student has emigrated to another country (34 C.F.R. §200.19(b)(1)(ii)(B)), but need not obtain official written documentation. For example, if a parent informs a school administrator that the family is leaving the country, the school administrator may document this conversation in writing and include it in the student’s file. The regulations do not require written documentation to be “official” for a student who emigrates to another country because the Department recognizes that it may be difficult, if not impossible, to obtain transcripts or other official documentation from another country confirming that the student is enrolled in school

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Students emigrating to another country may be coded as 'J' if the school or LEA provides documentation of the student's emigration to another country. The following is an acceptable form of documentation:

- **J** – Written confirmation that a student has emigrated to another country but it need not be official.

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**STUDENT WITHDRAWALS WITH NO PROOF OF ENROLLMENT IN ANOTHER SCHOOL,
OTHER LEA, PRIVATE SCHOOL, OR HOME STUDY PROGRAM**

With no proof of enrollment in another school, another LEA, private school, or home study program, an LEA shall withdraw a student from a school after ten consecutive unexcused absences, and the withdrawal shall be coded 'R' to indicate that such student was removed for lack of attendance.

A student shall also be withdrawn from a school when the LEA provides documentation validating that the student no longer resides in the school's attendance zone, and the withdrawal shall be coded 'U'. The student withdrawal date shall be the last day of attendance or the day the LEA obtains documentation validating that the student no longer resides in the school's attendance zone.

Each superintendent or superintendent's designee shall use due diligence to notify the parent, guardian, grandparent or other person if the LEA plans to withdraw such students. The superintendent of the LEA or the superintendent's designee shall document a minimum of three attempts to contact the parent, guardian, grandparent, or "other person" for the explicit purpose of holding a withdrawal conference.

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WITHDRAWAL FOR STUDENTS OVER 16 YEARS OF AGE

A student shall be withdrawn only through written permission of a parent, guardian, grandparent, or other person after a school-based conference is held with the principal (or principal's designee) and the parent, guardian, grandparent, or other person. When a parent, guardian, grandparent, or other person withdraws a student according to LEA policies and procedures, the student's withdrawal date shall be recorded as the last day of student attendance. If a student is under suspension or expulsion, on the date of withdrawal, the new school of enrollment shall be notified of the terms of the suspension.

An un-emancipated minor older than the age of mandatory attendance as required in O.C.G.A. § 20-2-690.1(a) who wishes to withdraw from school and has not completed all requirements for a high school diploma must have the written permission of his or her parent, legal guardian, grandparent, or other person. Prior to accepting this permission, the school principal or designee must convene a conference with the student and parent, legal guardian, grandparent, or other person within two school days of receiving notice of the intent of the student to withdraw from school. The principal or designee must make a reasonable attempt to share with the student and guardian the educational options available, including the opportunity to pursue a general educational development (GED) diploma and the consequences of not having earned a high school diploma, including the possibility of lower lifetime earnings, fewer jobs for which the student will be qualified, and the inability to take advantages of higher educational opportunities.

Appendix A: Migrant Education Program Enrollment

MIGRANT EDUCATION PROGRAM ENROLLMENT INFORMATION

The Migrant Education Program is a federal program for eligible migrant children in the United States. The Migrant Education Program is designed to “support high-quality and comprehensive educational programs for migratory children to help reduce the educational disruptions and other problems that result from repeated moves.” See No Child Left Behind Act of 2001 (NCLB), Section 1301(1). According to Sections 1115(b)(1)(A) and 1309(2) of the statute and 34 C.F.R. Section 200.81(d) of the regulations, a child is eligible for the Migrant Education Program (MEP) if: (1) the child is younger than 22 and has not graduated from high school or does not hold a high school equivalency certificate; *and* (2) the child is a migrant agricultural worker¹ or a migrant fisher² or has a parent, spouse, or guardian who is a migrant agricultural worker or migrant fisher; *and* (3) the child has moved within the preceding 36 months in order to obtain (or seek) or to accompany (or join) a parent, spouse, or guardian to obtain (or seek), temporary³ or seasonal⁴ employment in qualifying agricultural or fishing work; *and* (4) such employment is the principal means of livelihood; *and* (5) the child: (a) has moved from one school district to another; or (b) in a State that is comprised of a single school district, has moved from one administrative area to another within such district; or (c) resides in a school district of more than 15,000 square miles and migrates a distance of 20 miles or more to a temporary residence to engage in a fishing activity. (This provision currently applies only to Alaska.)

¹ According to 34 C.F.R. Section 200.81(c) of the regulations, a migratory agricultural worker is “a person who, in the preceding 36 months, has moved from one school district to another, or from one administrative area to another within a State that is comprised of a single school district, in order to obtain temporary or seasonal employment in agricultural activities (including dairy work) as a principal means of livelihood.”

² According to 34 C.F.R. Section 200.81(e) of the regulations, a migratory fisher is “a person who, in the preceding 36 months, has moved from one administrative area to another, or from one administrative area to another within a State that is comprised of a single school district, in order to obtain temporary or seasonal employment in fishing activities as a principal means of livelihood.” The definition also includes “a person who, in the preceding 36 months, resided in a school district of more than 15,000 square miles, and moved a distance of 20 miles or more to a temporary residence to engage in a fishing activity as a principal means of livelihood.”

³ Temporary employment is employment in agriculture or fishing that lasts for a short time frame, usually no longer than 12 months.

⁴ Seasonal employment is employment that is dependent on natural cycles. Planting, cultivating, pruning, harvesting, and related food processing are seasonal activities in agriculture. Planting and harvesting clams and oysters, fishing during seasonal runs of fish, and related food processing are seasonal activities in commercial fishing.

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There are also specific definitions in the statute for “agricultural activity⁵” and “fishing activity⁶,” as well as many of the terms contained in those definitions. The basis for their eligibility must be properly recorded on a certificate of eligibility (COE) or other written or electronic form.

⁵ An “agricultural activity” is: (1) any activity directly related to the production or processing of crops, dairy products, poultry, or livestock for initial commercial sale or as a principal means of personal subsistence; (2) any activity directly related to the cultivation or harvesting of trees; or (3) any activity directly related to fish farms. 34 CFR 200.81(a).

⁶ A “fishing activity” is any activity directly related to the catching or processing of fish or shellfish for initial commercial sale or personal subsistence. 34 CFR 200.81(b).

Appendix B: Homeless Students Enrollment Information

HOMELESS STUDENTS ENROLLMENT INFORMATION: THE MCKINNEY-VENTO HOMELESS ASSISTANCE ACT (42 U.S.C. § 11431 *et seq.*)

The McKinney-Vento Homeless Assistance Act (the Act) includes an immediate school enrollment requirement that requires full participation in all school activities whether or not any of the above documentation can be provided. If a dispute arises over school selection or placement, the local education agency (LEA) must admit the homeless child to the school in which enrollment is sought by the parent or guardian, pending resolution of the dispute. The school must immediately enroll the student even if the student is unable to produce the records normally required for enrollment. LEA's must make all students and their parent, guardian or other person aware of the Act and their rights there under. As such LEA's should disseminate or post McKinney-Vento information when providing or posting other enrollment information.

The Act requires States and LEA's to take steps to revise any laws, regulations, practices, or policies that may act as barriers to the enrollment, attendance, or success in school of homeless children and youth. "Homeless children and youth" is defined as individuals who lack a fixed, regular, and adequate nighttime residence. **42 U.S.C. § 11434a.(2)(A)**. The term includes children and youth who are: (1) sharing the housing of other persons due to loss of housing, economic hardship, or a similar reason; (2) living in motels, hotels, trailer parks, or camping grounds due to lack of alternative adequate accommodations; (3) living in emergency or transitional shelters; (4) abandoned in hospitals; or (5) awaiting foster care placement. **42 U.S.C. § 11434a.(2)(B)(i)**. Moreover, the following children are included in the definition: children who have a primary nighttime residence that is a public or private place not designed for, or ordinarily used as, a regular sleeping accommodation for human beings; children who are living in cars, parks, public spaces, abandoned buildings, substandard housing, bus or train stations, or similar settings; and migratory children who qualify as homeless because they are living in circumstances described above. **42 U.S.C. § 11434a.(2)(B)(ii) – (iv)**.

LEAs must make school placement determinations on the basis of the "best interest" of the child or youth. **42 U.S.C. § 11432(g)(3)**. In determining what is a child or youth's best interest, an LEA must, to the extent feasible, keep a homeless child or youth in the school of origin, unless doing so is contrary to the wishes of the child or youth's parent or guardian. "School of origin" is defined as the school that the child or youth attended when permanently housed or the school in which the child or youth was last enrolled. If an LEA wishes to send a homeless child to a school other than the school of origin or a school requested by the parent or guardian, the LEA must provide a written explanation of its decision to the parent or guardian, together with a statement regarding the right to appeal the placement decision. **42 U.S.C. § 11432(g)(3)(B)**.

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The school selected on the basis of a “best interest determination” must immediately enroll the student, even if the student is unable to produce the records normally required for enrollment (such as previous academic records, medical records, proof of residency, birth certificates, or other documentation). *42 U.S.C. § 11432(g)(3)(C)*. If a dispute arises over school selection or enrollment, the student shall be immediately admitted to the school in which enrollment is sought, pending resolution of the dispute. The parent or guardian of the student shall be provided with a written explanation of the school’s decision regarding school selection or enrollment, including the rights of the parent, guardian, or unaccompanied youth to appeal the decision, and the unaccompanied youth, parent, or guardian shall be referred to the local educational agency homeless liaison, who shall carry out the dispute resolution process as required by the Act as expeditiously as possible after receiving notice of the dispute. Finally, the homeless liaison shall ensure that the student is immediately enrolled in school pending resolution of the dispute. *42 U.S.C. § 11432(g)(3)(E)*.

Another important part of the Act, which should be considered upon enrolling and placing homeless children, is that state educational agencies (SEAs) and LEAs must adopt policies and practices to ensure that homeless students are not segregated or stigmatized on the basis of their status. *42 U.S.C. § 11432(e)(3)(A) and (e)(3)(C)(i)(III)(dd)*. Furthermore, schools should take all necessary steps to protect children who are victims of domestic violence (and residing in a domestic violence shelter), such as protecting children’s identity in school database systems, arranging for anonymous pick-up and drop-off locations for school buses, enrolling children in a different school, sensitizing bus drivers and school personnel to the child’s circumstances, training school staff on confidentiality laws and policies, and helping families to file copies of protective orders with schools.

Every LEA must designate a local liaison for homeless children and youth. *42 U.S.C. § 11432(g)(1)(J)(ii)*. The liaison shall ensure that public notice of the educational rights of homeless students is disseminated where such children and youth receive services under this Act, such as schools, family shelters, and soup kitchens. The liaison shall also ensure that students are enrolled in schools of the LEA and that enrollment disputes are resolved in accordance with the Act. The liaison must assist homeless children in enrolling in school, accessing school services, obtaining immunizations or medical records, working with school staff to make sure that homeless children are immediately enrolled in school, and helping to coordinate transportation services.

A State’s academic assessment system must include homeless students under Section 1111(b)(3)(C)(xi) of ESEA/NCLB. Assessments of homeless students are to be included in school district or in State accountability systems when students have been in a school for a full academic year. States are not required to disaggregate the assessment results of homeless students. LEAs and States should include the assessments of homeless students in the economically disadvantaged category of disaggregation, in addition to other applicable categories (e.g., the “all student category”).

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LEAs must provide students experiencing homelessness with transportation services comparable to those provided to other students to and from their school of origin, at a parent or guardian's request. For unaccompanied youth, LEAs must provide transportation to and from the school of origin at the LEA homeless liaison's request. If the student's temporary residence and the school of origin are in the same LEA, that LEA must provide or arrange transportation. If the student is living outside the school of origin's LEA, the LEA where the student is living and the school of origin's LEA must determine how to divide the responsibility and cost of providing transportation, or they must share the responsibility and cost equally.

Appendix C: DHS and DFCS School Placement Information for Foster Children

THE GEORGIA DEPARTMENT OF HUMAN SERVICES (DHS) AND THE GEORGIA DEPARTMENT OF FAMILY AND CHILDREN SERVICES (DFCS) SCHOOL PLACEMENT INFORMATION FOR FOSTER CHILDREN.

During the 2009 legislative session, the Georgia Department of Human Resources (DHR) was divided into three Departments: The Georgia Department of Human Services (DHS); the Georgia Department of Behavioral Health and Developmental Disabilities (DBHDD); and the Department of Public Health (DPH).

When a foster student is being placed by the DHS or DFCS into a new home or facility that would require a change in school or local education agency (LEA), the LEA in which that student is attending school shall consult with the student's custodian to ascertain whether the student should be maintained in the school of origin or assigned to the appropriate school in the new school system in accordance with the McKinney-Vento Act. Under the McKinney-Vento Act, foster children awaiting permanent placement qualify as homeless. 42 U.S.C. § 11434a.(2)(B)(i). Therefore, the LEA first must determine whether or not the student qualifies as a homeless child or youth under the Act. If so, the LEA must keep the student in the school of origin, unless doing so is contrary to the wishes of the student's parent or guardian. If the student must change schools, then the new school must utilize the case management consultation process. ***See State Board Rule 160-4-8-.17 CASE MANAGEMENT CONSULTATION FOR AGENCY PLACED TRANSFER STUDENTS.***

Upon notification that a foster student will be enrolled in a school the case worker shall consult with the case management consultation team within five school days of that notification to determine whether transition or other services are necessary for the student. The student should be immediately enrolled.

The case management consultation team shall consist of the school's case manager, the student, a DFCS caseworker, and the student's parent/guardian/foster parent.

Appendix D: DJJ School Placement Information

THE GEORGIA DEPARTMENT OF JUVENILE JUSTICE (DJJ) SCHOOL PLACEMENT INFORMATION.

Once a student has completed their sentence in a youth detention center and he or she is returning to the LEA, the default placement for that student should be the home school unless the case management consultation team (*see* State Board Rule 160-4-8-.17 CASE MANAGEMENT CONSULTATION FOR AGENCY PLACED TRANSFER STUDENTS) concludes that the best placement for the child is an alternative setting. Any placement made by an Individual Education Plan (IEP) team shall take precedence.

Upon notification that a DJJ student will be enrolled in a school the case worker shall consult with the case management consultation team within five school days to determine whether transition or other services are necessary for the student.

The case management consultation team shall consist of the school's case manager, the student, a DJJ counselor or local DJJ Community Service Officer (CSO) and respective DJJ Juvenile Parole and Probation Specialist (JPPS), and the student's parent/guardian/foster parent/other person.

Appendix E: Residential Facility School Placement Information

GEORGIA DEPARTMENT OF EDUCATION APPROVED RESIDENTIAL FACILITY SCHOOL PLACEMENT INFORMATION FOR STUDENTS IN THE PHYSICAL OR LEGAL CUSTODY OF THE GEORGIA DEPARTMENT OF BEHAVIORAL HEALTH AND DEVELOPMENTAL DISABILITIES (DBHDD) OR THE GEORGIA DEPARTMENT OF JUVENILE JUSTICE (DJJ), OR IN PLACEMENTS PAID FOR BY DBHDD OR DJJ.

During the 2009 legislative session, the Georgia Department of Human Resources (DHR) was divided into three Departments: The Georgia Department of Human Services (DHS); the Georgia Department of Behavioral Health and Developmental Disabilities (DBHDD); and the Department of Public Health (DPH). As a result of this legislation, the Georgia Department of Behavioral Health and Developmental Disabilities (DBHDD) replaced the Department of Human Resources as the custodians of students referred to in the following quotes from the statute.

Senate Bill 618 was enacted during the 2006 legislative session and amends O.C.G.A. § 20-2-133. Under this statute, all students who are “in the physical or legal custody of the Department of Juvenile Justice or the Department of Human Resources, or in a placement operated by the Department of Human Resources, or in a facility or placement paid for by the Department of Juvenile Justice or the Department of Human Resources or any of its divisions and who is physically present within the geographical area served by a local unit of administration for any length of time is eligible for enrollment in the educational programs of that local unit of administration.” *See O.C.G.A. § 20-2-133(b)(1).*

The Georgia Department of Education (GaDOE) works closely with local education agencies (LEAs) having approved residential facilities with eligible children located within their geographical boundaries to implement the requirements of this statute.

The next several paragraphs are excerpts or paraphrased language from the statute, which assist in the understanding of the requirements of the amended statute.

- “A child will be considered in the physical or legal custody of the Department of Juvenile Justice or the Department of Human Resources or any of its divisions if custody has been awarded either temporarily or permanently by court order or by voluntary agreement, or if the child has been admitted or placed according to an individualized treatment or service plan of the Department of Human Resources.” *See O.C.G.A. § 20-2-133(b)(1).*
- “No child in a youth development center, regardless of his or her custody status, shall be eligible for enrollment in the educational programs of the local unit of administration of the school district in which that youth development center is located. No child or youth in the custody of the Department of Corrections or the Department of Juvenile Justice and confined in a facility as a result of a sentence imposed by a court shall be eligible for enrollment in the educational programs of

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the local unit of administration of the school district where such child or youth is being held.” *See O.C.G.A. § 20-2-133(b)(1).*

- “Except as otherwise provided in this code section” that is, when a parent works with the Department of Human Resources to place a child in a residential facility pursuant to a Medicaid waiver or in a placement paid for by the Department of Human Resources, “placement in a facility by a parent or another local unit of administration shall not create an obligation, financial or otherwise, on the part of the local unit of administration in which the facility is located to educate the child.” *See O.C.G.A. § 20-2-133(b)(2).*
- When a child in the physical or legal custody of the Department of Juvenile Justice (DJJ) or the Department of Human Resources (DHR), or in a placement operated by DHR, or in a facility or placement paid for by DJJ or DHR or any of its divisions is going to move from one school system to another, the custodian of the child or the agency placing the child shall notify the appropriate LEA at least five days in advance of the move, when possible. *See O.C.G.A. § 20-2-133(b)(3).*
- When the custodian of the child or agency placing the child in the residential facility notifies the LEA that the child is going to be eligible for enrollment in that LEA, the LEA shall request the transfer of educational records, individualized education programs, and all education related evaluations, assessments, social histories, and observations of the child from the appropriate school system no later than ten days after receiving notification. *See O.C.G.A. § 20-2-133(b)(4).*

Appendix F: Visas and Student Enrollment

UNITED STATES VISA INFORMATION

F-1 VISAS

F-1 students are non-immigrant students admitted to the United States temporarily to pursue full-time academic studies in colleges, universities, seminaries, conservatories, academic high schools, and other academic institutions. Students attending public school in the U.S. holding F-1 visas are limited to 12 months of study.

F-1 visas can no longer be issued to attend public elementary or public middle schools. Before an F-1 visa for public school can be issued, the student must show that the public school in the U.S. has been reimbursed for the full, unsubsidized per capita cost of the education as calculated by the school. See 8 U.S.C. § 1101(a)(15)(F)(i), 8 C.F.R. § 214.3.

J-1 VISAS

The J visa is a non-immigrant visa, and participants in the J-1 Exchange Visitor Program are expected to return to their home countries when they complete their programs. The Exchange Visitor Program is carried out under the provisions of the Mutual Educational and Cultural Exchange Act of 1961, as amended, 22 U.S.C. 2451 *et seq.* (1988).

Eligible participants are between the ages of 15 and 18-and-a-half years at the time of initial school enrollment, or have not completed more than 11 years of primary and secondary school (excluding kindergarten). Students who have participated in an exchange program are ineligible for participation in the high school program. Students are eligible for up to one year of study in a United States public or private secondary school. See 22 C.F.R. § 62.25(a).

Sponsoring organizations may not under any circumstances facilitate the entry of any foreign student into the United States without a school placement. They must obtain written notice of a participant's acceptance by the school from the principal or other authorized school administrator. Sponsors may not enroll more than five students in one school unless so requested in writing by the school. See 22 C.F.R. § 62.25(f).

The Exchange Visitor Program is administered by the Office of Exchange Coordination and Designation in the Bureau of Educational and Cultural Affairs. The Internet Web site for information on the Exchange Visitor Program is: <http://exchanges.state.gov/education/jexchanges>. At the conclusion of their program Exchange Visitor program participants are expected to return to the home countries to utilize the experience and skills they have acquired while in the United States.

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DERIVATIVE VISAS FOR SPOUSES AND CHILDREN

The spouse and minor children accompanying or following to join an F-1 student are eligible for admission in F-2 status if the student is admitted in F-1 status. A new **Student and Exchange Visitor Information System (SEVIS)** Form I-20 is required for a dependent where there has been any substantive change in the F-1 student's current information, such as extension of the end date of the program, change of program or change of school. **See 8 U.S.C. § 1101(a)(15)(F)(i), 8 C.F.R. § 214.3.**

Spouses and/or children under the age of 21 who wish to accompany or join the principal exchange visitor (J) visa holder in the United States for the duration of his/her stay require exchange visitor visas (derivative J visas). The application procedure is the same as that for a primary visa applicant. The sponsor must approve the accompaniment of the spouse and/or children and who will each be issued their own Form DS-2019. This form is used to obtain the required visa and the spouse and dependents can enter the United States at the same time as the principal exchange visitor or at a later date. **See 22 C.F.R. § 62.12.**

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Appendix G: Non-Parental Affidavit of Residence Sample Form

NON-PARENTAL AFFIDAVIT OF RESIDENCE

This form shall be completed for students living in _____ County/City School System, but not living in the home of the parents or legal guardian.

This form shall be completed by an adult with whom the student is living.

I, the undersigned, am over eighteen (18) years of age and competent to testify to the facts and matters set forth herein.

The student whose legal name is _____ and whose birth date is _____ is living with me at the following address:

Name: _____

Address: _____

City: _____, State, _____, Zip _____

Home Phone: _____ Work Phone: _____

Cellular Phone: _____

Reason the student is living with the above named adult (check one)

- 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.
- C. Abuse or neglect by the parent or legal guardian.
- D. The physical or mental condition of the parent or legal guardian is such that he or she cannot provide adequate care and supervision of the student.
- E. The loss or inhabitability of the student's home as the result of a natural disaster.
- F. The parent or guardian is unable to provide care and supervision of the student because he or she is serving in the military.
- G. The student is living in a foster home, group home, or other institution or care facility that is located in the county.
- H. The parents cannot be located.
- I. Other circumstances as approved by the school system (explain below).

District explanation: _____

The name and last known address of the child's parent(s) or legal guardian is:

I assumed control and charge of this child, which I provide 24 hours per day and 7 days per week, on _____ (day/month/year).

The name and address of the last school that the child attended is:

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The school system's superintendent, or his or her designee, may verify the facts contained in this affidavit and conduct an audit on a case-by-case basis after the child has been enrolled in the county public school system. The audit may also include a personal visit by a school district attendance officer or other employee of the district at the residence provided in this affidavit to verify the facts sworn to in this affidavit. If the superintendent discovers fraud or misrepresentation, the child shall be withdrawn from school.

I attest that this request to attend a _____ County/City school is not primarily related to attendance at a particular school in _____ County/City, nor is this affidavit being completed for the purpose of participating in athletics at a particular school, taking advantage of special services or programs offered at a particular school, or for any other similar purpose.

I further attest that the student named above is not now under a long-term suspension or expulsion from his/her most recent school nor is currently subject to a recommendation for long-term suspension or expulsion for his/her most recent school.

I further attest that I have been given the responsibility for making educational decisions for the child, including receiving notices of discipline, attending conferences with school personnel, granting permission for school related activities, and taking appropriate action in connection with student records.

I further attest that I have been given the responsibility for making medical decisions and consenting to any surgical or medical treatment or procedures.

If the parent, guardian, or legal custodian is unable, refuses or is otherwise unavailable to sign this form, I, as the adult with whom the child is living, have made every effort to secure this and they are unable or refused to adhere to this request.

I understand that if any of the information provided on this affidavit is changed for any reason, it is my responsibility to immediately notify the school system.

NOTICE OF PENALTIES AND LIABILITY:

I understand that:

If I falsify information or defraud the school system on this affidavit, I will be obligated to pay for the costs incurred by the local school system for the period during which the ineligible student is enrolled, and shall remunerate the local school system as set forth in O.C.G.A. § 20-2-133 (a).
_____ (initial)

If the costs incurred by the local school system are collected by an attorney, I will be obligated to pay for all expenses and attorney's fees incurred by the Board of Education in the collection of same. _____ (initial)

I may be prosecuted, held criminally liable, and imprisoned for not less than one nor more than ten years if I am found guilty of forgery in the first degree, pursuant to O.C.G.A. § 16-9-1. _____ (initial)

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I may be prosecuted, held criminally liable, and imprisoned for not less than one nor more than five years if I am found guilty of forgery in the second degree, pursuant to O.C.G.A. § 16-9-2. ____ (initial)

I may be prosecuted, held criminally liable, and punished by a fine of not more than \$1,000.00 or by imprisonment for not more than one nor more than five years, or both, if I am found guilty of making false statements pursuant to O.C.G.A. § 16-10-20. _____ (initial)

I may be prosecuted, held criminally liable, and punished by a fine of not more than \$1,000.00 or by imprisonment for not less than one nor more than five years, or both, if I am found guilty of false swearing pursuant to O.C.G.A. § 16-10-71. _____ (initial)

By initialing on the lines provided next to each of the items listed above, I affirm that I have read and understand each of these provisions.

I solemnly affirm under the penalties listed above that the contents of this affidavit are true to the best of my knowledge, information, and belief.

Signature of affiant (adult with whom the child is living)

Signature of parent/legal guardian

State of: _____ County of: _____

I, _____, a Notary Public for said county and state, do hereby certify that _____ personally appeared before me this day and acknowledged the due executing of the foregoing instrument.

Witness my hand and official seal, this the _____ day of _____, 2____.

My commission expires _____, 2____

Signature of Notary Public

Appendix H: Power of Attorney Sample Form

The statutory power of attorney for the care of a minor child form contained in O.C.G.A. § 19-9-129 may be used to grant an agent grandparent powers over the minor child's enrollment in school, medical, dental, and mental health care, food, lodging, recreation, travel, and any additional powers as specified by the parent. This power of attorney is not intended to be exclusive. No provision of this article shall be construed to bar use by the parent of any other or different form of power of attorney for the care of a minor child which complies with this article. A power of attorney for the care of a minor child in substantially the form set forth in this Code section shall have the same meaning and effect as prescribed in this article. Substantially similar forms may include forms from other states.

The power of attorney for the care of a minor child shall be in substantially the following form:

GEORGIA POWER OF ATTORNEY FOR THE CARE OF A MINOR CHILD

NOTICE:

(1) THE PURPOSE OF THIS POWER OF ATTORNEY IS TO GIVE THE GRANDPARENT THAT YOU DESIGNATE (THE AGENT GRANDPARENT) POWERS TO CARE FOR YOUR MINOR CHILD, INCLUDING THE POWER TO: ENROLL THE CHILD IN SCHOOL AND IN EXTRACURRICULAR SCHOOL ACTIVITIES; HAVE ACCESS TO SCHOOL RECORDS AND DISCLOSE THE CONTENTS TO OTHERS; ARRANGE FOR AND CONSENT TO MEDICAL, DENTAL, AND MENTAL HEALTH TREATMENT FOR THE CHILD; HAVE ACCESS TO SUCH RECORDS RELATED TO TREATMENT OF THE CHILD AND DISCLOSE THE CONTENTS OF THOSE RECORDS TO OTHERS; PROVIDE FOR THE CHILD'S FOOD, LODGING, RECREATION, AND TRAVEL; AND HAVE ANY ADDITIONAL POWERS AS SPECIFIED BY THE PARENT.

(2) THE AGENT GRANDPARENT IS REQUIRED TO EXERCISE DUE CARE TO ACT IN THE CHILD'S BEST INTEREST AND IN ACCORDANCE WITH THE GRANT OF AUTHORITY SPECIFIED IN THIS FORM.

(3) A COURT OF COMPETENT JURISDICTION MAY REVOKE THE POWERS OF THE AGENT GRANDPARENT IF IT FINDS THAT THE AGENT GRANDPARENT IS NOT ACTING PROPERLY.

(4) THE AGENT GRANDPARENT MAY EXERCISE THE POWERS GIVEN IN THIS POWER OF ATTORNEY FOR THE CARE OF A MINOR CHILD THROUGHOUT THE CHILD'S MINORITY UNLESS THE PARENT REVOKES THIS POWER OF ATTORNEY AND PROVIDES NOTICE OF THE REVOCATION TO THE AGENT GRANDPARENT OR UNTIL A COURT OF COMPETENT JURISDICTION TERMINATES THIS POWER.

(5) THE AGENT GRANDPARENT MAY RESIGN AS AGENT AND MUST IMMEDIATELY COMMUNICATE SUCH RESIGNATION TO THE PARENT, AND IF COMMUNICATION WITH SUCH PARENT IS NOT POSSIBLE, THE AGENT GRANDPARENT SHALL NOTIFY CHILD PROTECTIVE SERVICES OR SUCH GOVERNMENT AUTHORITY THAT IS CHARGES WITH ASSURING PROPER CARE OF SUCH MINOR CHILD.

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(6) THIS POWER OF ATTORNEY MAY BE REVOKED IN WRITING BY ANY AUTHORIZING PARENT. IF THE POWER OF ATTORNEY IS REVOKED, THE REVOKING PARENT SHALL NOTIFY THE AGENT GRANDPARENT, SCHOOL, HEALTH CARE PROVIDERS, AND OTHERS KNOWN TO THE PARENT TO HAVE RELIED UPON SUCH POWER OF ATTORNEY.

(7) IF THERE IS ANYTHING ABOUT THIS FORM THAT YOU DO NOT UNDERSTAND, YOU SHOULD ASK A LAWYER TO EXPLAIN IT TO YOU.

POWER OF ATTORNEY FOR THE CARE OF A MINOR CHILD

made this _____ day of _____, ____.

(1)(A) I, _____ (insert name and address of parent or parents), hereby appoint _____ (insert name and address of grandparent to be named as agent) as attorney in fact (the agent Grandparent) for my child _____ (insert Name of child) to act for me and in my name in any way that I could act in person.

(B) I hereby certify that the agent grandparent named herein is the (place a check mark beside the appropriate description):

- _____ Biological grandparent;
- _____ Stepgrandparent;
- _____ Biological great-grandparent; or
- _____ Stepgreat-grandparent.

(2) The agent grandparent may:

- (A) Enroll the child in school and in extracurricular activities, have access to school records, and may disclose the contents to others;
- (B) Arrange for and consent to medical, dental, and mental health treatment of the child, have access to such records related to treatment of the child, and disclose the contents of such records to others;
- (C) Provide for the child’s food, lodging, recreation, and travel; and
- (D) Carry out any additional powers specified by the parent as follows:

(3) The powers granted above shall not include the following powers or shall be subject to the following rules or limitations (here you may include any specific limitations that you deem appropriate):

(4) This power of attorney for the care of a minor child is being executed because of the following hardship (initial all that apply):

- _____ (A) The death, serious illness, or terminal illness of a parent;

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_____ (B) The physical or mental condition of the parent or the child such that proper and supervision of the child cannot be provided by the parent;

_____ (C) The loss or uninhabitability of the child’s home as the result of a natural disaster;

_____ (D) The incarceration of a parent; or

_____ (E) A period of active military duty of a parent.

(5) (Optional) If a guardian of my minor child is to be appointed, I nominate the following person to serve as such guardian: _____ (insert name and address of person nominated to be guardian of the minor child).

(6) I am fully informed as to all of the contents of this form and I understand the full import of this grant of powers to the agent grandparent.

(7) I certify that the minor child is not emancipated, and, if the minor child becomes emancipated, this power of attorney shall no longer be valid.

(8) Except as may be permitted by the federal No Child Left Behind Act, 20 U.S.C.A. Section 6301, et seq. And Section 7801, et seq., I hereby certify that this power of is not executed for the primary purpose of unlawfully enrolling the child in a school so that the child may participate in the academic or interscholastic athletic programs provided by that school.

(9) I certify that, to my knowledge, the minor child’s welfare is not the subject of an investigation by the Department of Human Resources.

(10) I declare under penalty of perjury under the laws of the State of Georgia that the foregoing is true and correct.

Parent Signature: _____

Printed Name: _____

Parent Signature: _____

Printed Name: _____

Signed and sealed in the presence of: _____

Notary public

My commission expires _____

ADDITIONAL INFORMATION:

To the grandparent designated as attorney in fact:

(1) If a change in circumstances results in the child not living with you for more than six weeks during a school term and such change is not due to hospitalization, vacation, study abroad, or some reason otherwise acceptable to the school, you should notify in writing the school in which you have enrolled the child and to which you have given this power of attorney form.

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(2) You have the authority to act on behalf of the minor child until each parent who executed the power of attorney for the care of the minor child revokes the power of attorney in writing and provides notice of revocation to you as provided in O.C.G.A. Section 19-9-128.

(3) If you are made aware of the death of the parent who executed the power of attorney, you must notify the surviving parent as soon as practicable. With the consent of the surviving parent, or if the whereabouts of the surviving parent are unknown, the power of attorney may continue for up to six months so that the child may receive consistent care until more permanent custody arrangements are made.

(4) You may resign as agent by notifying each parent in writing by certified mail or statutory overnight delivery, return receipt requested, and if you become unable to care for the child, you shall cause such resignation to be communicated to the parent. If communication with such parent is not possible, you must notify child protective services or such government authority that is charged with assuring proper care of such minor child.

To school officials:

(1) Except as provided in the policies and regulations of the county school board and the federal No Child Left Behind Act, 20 U.S.C.A. Section 6301, et seq. and Section 7801, et seq., this power of attorney, properly completed and notarized, authorizes the agent grandparent named herein to enroll the child named herein in school in the district in which the agent grandparent resides. That agent grandparent is authorized to provide consent in all school related matters and to obtain from the school district educational and behavioral information about the child. Furthermore, this power of attorney shall not prohibit the parent of the child from having access to all school records pertinent to the child.

(2) The school district may require such residency documentation as is customary in that school district.

(3) No school official who acts in good faith reliance on a power of attorney for the care of a minor child shall be subject to criminal or civil liability or professional disciplinary action for such reliance.

To health care providers:

(1) No health care provider who acts in good faith reliance on a power of attorney for the care of a minor child shall be subject to criminal or civil liability or professional disciplinary action for such reliance.

(2) The parent continues to have the right to all medical, dental, and mental health records pertaining to the minor child.

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Appendix I: Sample Student Enrollment Form

This sample form was developed with the gracious assistance of Buddy Welch, Jr. and Santana T. Flanigan of Smith, Welch, Webb & White.

Student Information (Please Print):

Student's Legal Name:

(Last) (First) (Middle) (Called)

Date of Birth: _____ Sex: _____

Social Security Number: _____
(Parent must provide a copy of Social Security card or Social Security Number Waiver Form)

Current Address:

(Street) (City) (Zip) (Home
Phone)

Academic Information:

Name / Address of last school attended:

(Street) (City) (State) (Phone)

Please list each ****SAMPLE**** County school the student has attended and the year attended:

Has student ever received any of the following support services? **Please check all that apply:**

____ Special Education ____ Gifted Education ____ Remedial Education
____ English for Speakers of Other Languages ____ Speech
____ Early Intervention Program ____ Title I ____ Student Support Team ____ 504
____ Other: _____

Please initial if applicable: _____ I certify that my child has never received any of these services.

Registration Documentation and Information (the following documents are required for registration):

____ Birth Certificate (or other proof of age _____)

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____ Proof of Residency, which may include: current property tax statement or deed/valid residential lease or rental agreement and two current home utility bills (gas, electric, water, sanitation, or cable)

____ Custody/Guardianship documentation, if applicable

____ Georgia Certificate of Immunization, Form 3231

____ Georgia Eye, Ear, and Dental Certificate, Form 3300

____ Copy of Social Security card (or waiver Social Security Waiver Form)

____ Certified copy of the student’s academic transcript and disciplinary record from the school previously attended.

Place of Student’s Birth:

(City)

(County)

(State)

(Country)

Home Language Survey:

What is the primary language used in the home, regardless of the language spoken by the student?

What is the language most often spoken by the student?

What is the language that the student first acquired?

My preferred language for **written** communications from my child’s school is:
(please check one)

_____ English _____ Other language _____
(please specify language)

My preferred language for **oral** communications from my child’s school is:
(please check one)

_____ English _____ Other language _____
(please specify language)

Parent Information (Check if natural parent or legal guardian - Stepparents may be listed under Authorized Contact Information):

Name: ____Natural Father ____Male Legal Guardian

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Current Address:

Employer: _____

Home Phone: _____ Work Phone: _____

Cell Phone: _____ Pager #: _____

Fax #: _____ E-mail: _____

Name: ___Natural Mother ___Female Legal Guardian

Current Address:

Employer: _____

Home Phone: _____ Work Phone: _____

Cell Phone: _____ Pager #: _____

Fax #: _____ E-mail: _____

Send school mail to (check one): _____Natural Father / Male Legal Guardian
_____Natural Mother / Female Legal Guardian

Authorized Contact Information (Identify other persons authorized to check out student - Picture ID is required for check out)

1) Name: _____

Relationship to Student: _____

Home Phone: _____ Work Phone: _____

Cell Phone: _____

2) Name: _____

Relationship to Student: _____

Home Phone: _____ Work Phone: _____

Cell Phone: _____

Other Family Members Living in the Same Household:

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1) _____ / _____ / _____ MF _
Last Name First Name Date of Birth Gender

School (if Applicable)

Relationship to Student

2) _____ / _____ / _____ MF _
Last Name First Name Date of Birth Gender

School (if Applicable)

Relationship to Student

3) _____ / _____ / _____ MF _
Last Name First Name Date of Birth Gender

School (if Applicable)

Relationship to Student

4) _____ / _____ / _____ MF _
Last Name First Name Date of Birth Gender

School (if Applicable)

Relationship to Student

5) _____ / _____ / _____ MF _
Last Name First Name Date of Birth Gender

School (if Applicable)

Relationship to Student

6) _____ / _____ / _____ MF _
Last Name First Name Date of Birth Gender

School (if Applicable)

Relationship to Student

7) _____ / _____ / _____ MF _
Last Name First Name Date of Birth Gender

School (if Applicable)

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Relationship to Student

8) _____ / _____ / _____ MF _
Last Name First Name Date of Birth Gender

School (if Applicable)

Relationship to Student

Disciplinary Information:

Is the student currently on suspension or expulsion from another school or school system?

_____ Yes (explain below) _____ No

Has the student ever been convicted of a felony crime? _____ Yes (explain below) _____ No

Is the student presently assigned to or scheduled to attend an alternative school or program?

_____ Yes (explain below) _____ No

False Swearing Notice (O.C.G.A. § 16-10-71)

(a) A person to whom a lawful oath or affirmation has been administered or who executes a document knowing that it purports to be an acknowledgment of a lawful oath or affirmation commits the offense of false swearing when, in any matter or thing other than a judicial proceeding, he knowingly and willfully makes a false statement. (b) A person convicted of the offense of false swearing shall be punished by a fine of not more than \$1,000.00 or by imprisonment for not less than one nor more than five years, or both.

Residency Notice (ENSURE CONSISTENCE WITH LOCAL BOARD POLICY**)**

To be enrolled in **SAMPLE** County Schools, students must reside full-time in **SAMPLE** County with their natural parent(s), legal guardian(s), or legal custodian(s). Students and their parent(s) / guardian(s) / custodian(s) must remain full-time **SAMPLE** County residents for the entire period of enrollment in **SAMPLE** County Schools. For the purpose of this policy, a resident is defined as an individual who is a full-time occupant of a dwelling located in **SAMPLE** County and who, on any given school day, is likely to be at their stated address when not at work or school. A person who owns property in the county, but does not reside in the county, is not considered a resident for the purpose of this policy. Student enrollment forms, as well as other official documents of the school, must be signed by the natural parent or legal guardian with whom the child resides. Educational decisions concerning the child are reserved for the enrolling parent, although both parents can be involved in the process. If there is disagreement between the two parties, the enrolling parent’s decision shall be the governing decision.

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I SWEAR THAT I AM A FULL-TIME RESIDENT OF **SAMPLE COUNTY AND
AFFIRM THAT THE INFORMATION I HAVE GIVEN IN THIS DOCUMENT IS, TO THE
BEST OF MY KNOWLEDGE, TRUE AND CORRECT.**

Parent / Guardian Name (Please Print)

Parent / Guardian Signature & Date

Appendix J: Sample Social Security Number Waiver Form

This sample form was developed with the gracious assistance of Buddy Welch, Jr. and Santana T. Flanigan of Smith, Welch, Webb & White.

Social Security Number Waiver Form

Georgia law (O.C.G.A. § 20-2-150) requires public school authorities to request from parents and guardians the Social Security number for students being enrolled in school. The Social Security number is to be incorporated into the official school record for the student. No student will be denied enrollment in a public school for declining to provide his or her Social Security number or for declining to apply for such a number. A parent or guardian who objects to the incorporation of the social security number into the official school record of their student may have the requirement waived by signing a statement objecting to the requirement.

Statement of Objection

I do not wish to provide the school with the Social Security number of my child/children.
Name of Child/Children Enrolled at this School (Please Print):

- 1. _____
- 2. _____
- 3. _____
- 4. _____
- 5. _____

(Print) Name of Parent/Legal Guardian

Signature of Parent/Legal Guardian

Date

Name of School