

# DRAFT UPDATE

## Students

### Residence

#### Legal Residency

The right to attend school tuition-free in Lincolnwood School District 74 is extended to residents who live within the District 74 boundaries. The School Code provides that a student's residence is deemed to be the residence of a person who has legal custody of him or her. A student is a resident of the District if his/her regular fixed night-time abode, for purposes other than to have access to the educational programs of the District, is within the District. Students who live in the District with a guardian, relative or friend for the purpose of attending the District's schools are not legal residents and will not be permitted to attend the District's schools on a tuition-free basis.

A person asserting legal custody over a student, who is not the child's natural or adoptive parent, shall complete a signed statement, stating: (a) that he or she has assumed and exercises legal responsibility for the child, (b) the reason the child lives with him or her, other than to receive an education in the District, and (c) that he or she exercises full control over the child regarding daily educational and medical decisions in case of emergency. In addition, the child's natural or adoptive parent, if available, shall complete a signed statement or Power of Attorney stating: (a) the role and responsibility of the person with whom their child is living, and (b) that the person with whom the child is living has full control over the child regarding daily educational and medical decisions in case of emergency.

A student whose family moves out of the District during the school year will be permitted to attend school for the remainder of the year without payment of tuition.

When a student's change of residence is due to the military service obligation of the student's legal custodian, the student's residence is deemed to be unchanged for the duration of the custodian's military service obligation if the student's custodian made a written request. The District, however, is not responsible for the student's transportation to or from school.

If, at the time of enrollment, a dependent child of military personnel is housed in temporary housing located outside of the District, but will be living within the District within 60 days after the time of initial enrollment, the child is allowed to enroll, subject to the requirements of State law, and must not be charged tuition.

#### Non-Resident Students

A non-resident student may attend District 74 if the Board of Education has entered into a joint educational agreement with the student's District upon payment of tuition if the Superintendent, upon application, determines that the non-resident student's admission will not prejudice the rights of resident students.

Students whose parent(s)/guardian(s) move out of the District during the academic year may complete that year in the District's schools without payment of tuition. This non-tuition out-of-District enrollment is allowed only for the completion of the academic year in which the move occurs and cannot be extended.

Transportation for such student/s outside the normal bus route for District 74 will be the responsibility of the parent(s)/guardian(s).

#### Board of Education Approval of Non-Resident Students

In instances where the Board votes to accept a non-resident student, the Board charges a tuition amount to a non-resident student which does not exceed 110% of the per capita cost of maintaining

Commented [APowell1]: Amended for consistency with the School Code.

Issue 93, October 2016

# DRAFT UPDATE

the schools of the district for the preceding school year. Students who become non-residents during a school term are not charged tuition for the remainder of the term. (105 ILCS 5/10-20.12)

## Verifying Residency

When questions of residency arise, the Superintendent or designee may require the parent and other appropriate individuals to provide documents and other information relevant to a determination of residency. Such individuals may be required to attest to residency under oath and to provide timely information. Based on all the information available to the District, the Superintendent or his designee shall make an initial determination as to residency.

If the Superintendent or his designee determines that a current student is not a resident, the person who enrolled the student shall be notified by certified mail, return receipt requested, of that determination and of the amount of tuition owed. That person shall be entitled to a hearing before the Board or hearing officer designated by the Board in accordance with requirements of the School Code.

Pending a final decision by the Board following a hearing, the student shall be permitted to continue attending school on a tuition-free basis. If the Board determines that the student is not a resident, the person enrolling him or her shall be responsible for paying all tuition owed. At its option, the Board may decide whether to permit the student to continue attending school if tuition is paid.

If questions of residency arise before a student is enrolled, tuition-free enrollment will be denied until residency is established. At the Superintendents discretion, however, enrollment may be permitted pending such a determination upon payment of one half of the operating expenditure per pupil as reported on the most recent School Report Card for School District 74. This payment will be partially or totally refundable if residency is established.

## Foster Homes

Students who are wards of the State and are placed with a foster parent or in another type of child care facility in the District will be permitted to attend school on a tuition-free basis.

Students who are in the custody of an adult caretaker relative who is receiving aid under Illinois Public Aid code for that student may also attend on a tuition-free basis if residence in the District is for purposes other than to have access to the educational programs of the District. Tuition-free attendance will also be permitted if the Department of Children and Family Services has guardianship of a student who no longer resides in the District and that agency determines that it is in the student's best interests to continue enrollment in the District.

## Homeless Children

Any homeless child shall be immediately admitted, even if the child or child's parent/guardian is unable to produce records normally required to establish residency. Board policy 6:140, *Education of Homeless Children*, and its implementing administrative procedures, govern the enrollment of homeless children.

### **Commented [APowell2]:**

This section is unique to the district. Consult its author and the PRESS Sample available at PRESS Online, which was updated to align with amendments to residency challenge procedures under 105 ILCS 5/10-20.12b made by P.A. 99-670, eff. 1-1-17, to see if changes to this policy language is necessary.

See administrative procedure 7:60-AP, *Challenging a Student's Residence Status*, for sample implementing procedures.

**Issue 93, October 2016**

# ***DRAFT UPDATE***

LEGAL REF.: McKinney-Vento Homeless Assistance Act, 42 U.S.C. §11431 et seq.  
105 ILCS 5/10-20.12a, 5/10-20.12b, and 5/10-22.5.  
105 ILCS 45/ and 70/.  
23 Ill.Admin.Code §1.240.  
Israel S. by Owens v. Board of Educ. of Oak Park and River Forest High School  
Dist. 200, 601 N.E.2d 1264 (Ill.App.1, 1992).  
Joel R. v. Board of Education of Manheim School District 83, 686 N.E.2d 650  
(Ill.App.1, 1997).  
Kraut v. Rachford, 366 N.E.2d 497 (Ill.App.1, 1977).

ADOPTED: September 10, 2002

REVISED: August 2, 2005, October 2, 2007, March 1, 2011