

# *Document Status: Draft Update*

## **STUDENTS**

### **7:60 Residence**

#### **Resident Students**

Only students who are residents of the District may attend a District school without a tuition charge, except as otherwise provided below or in State law. A student's residence is the same as the person who has legal custody of the student. The administration may require proof of residence and legal custody. "Legal Custody" means:

- A. Custody exercised by a natural or adoptive parent with whom a student resides;
- B. Custody granted by order of a court to a person with whom the student resides for reasons other than to have access to the District's educational programs;
- C. Custody exercised under a statutory temporary guardianship, provided that within sixty (60) days of the student's enrollment, a court order is entered establishing a permanent guardianship and granting custody to a person with whom the student resides for a reason other than to have access to the District's educational programs;
- D. Custody exercised by an adult caretaker relative who is receiving aid under the Illinois Public Aid Code for the student who resides with that adult caretaker relative for purposes other than to have access to the educational programs of the District;
- E. Custody exercised by an adult who demonstrates that, in fact, they have assumed and exercised legal responsibility for the student and provided the student with a regular fixed nighttime abode for purposes other than to have access to the educational programs of the District;
- F. Students who reside in the District and are eighteen (18) years of age or older may attend school tuition free. Students, residing in the District but not living with a parent, shall be ineligible to enroll unless said students can be considered emancipated minors by court decree and have proved the establishment of an independent residence;
- G. Students who reside in the District, are seventeen (17) or older, and who have dropped out of school may re-enroll; however, their request to re-enroll may be denied if they cannot earn sufficient credits to graduate by the age of twenty-one (21);
- H. Resident children who are students at a nonpublic school or special school may enroll in the District on a part-time basis providing there is space available and the request is received as prescribed by law.

If a student's family has documented plans to move into the District by the conclusion of a semester, the student will be allowed to attend school at the beginning of that semester by submitting payment to the School District on a per-diem basis for the number of anticipated attendance days. When documented proof of occupancy in Geneva CUSD 304 is provided to the business office, a reconciliation of the tuition due will be made accordingly. The per-diem rate is the amount listed in the most recent Annual Financial Report (*Illinois State Board of Education Form 50-35*) per capita cost of conducting and maintaining the District's schools. Any request for exception to that portion of this policy requiring payment for the number of anticipated attendance days shall be made to the Superintendent or designee, and consideration may be given for a transition period not to exceed (20) calendar days from the beginning of a semester to allow for the rental or purchase of a residence within the Geneva CUSD 304 School District.

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. If the District knows the current address of the child's natural or adoptive parent, the District shall request in writing that the person complete a signed statement or Power of Attorney affidavit 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~~ six months <sup>PRESSPlus1</sup> 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.

#### Requests for Nonresident Student Admission

Nonresident students may attend District schools upon the approval of a request submitted by the student's parent(s)/guardian(s) for nonresident admission. The Superintendent may approve the request subject to the following:

1. The student will attend on a year-to-year basis. Approval for any one year is not authorization to attend a following year.

2. The student will be accepted only if there is sufficient room.
3. The student's parent(s)/guardian(s) will be charged the maximum amount of tuition as allowed by State law.
4. The student's parent(s)/guardian(s) will be responsible for transporting the student to and from school.

#### Admission of Nonresident Students Pursuant to an Agreement or Order

Nonresident students may attend District schools tuition-free pursuant to:

1. A written agreement with an adjacent school district to provide for tuition-free attendance by a student of that district, provided both the Superintendent or designee and the adjacent district determine that the student's health and safety will be served by such attendance.
2. A written agreement with cultural exchange organizations and institutions supported by charity to provide for tuition-free attendance by foreign exchange students and nonresident pupils of charitable institutions.
3. According to an intergovernmental agreement.
4. Whenever any State or federal law or a court order mandates the acceptance of a nonresident student.

#### Tuition Benefit for Children of Employees Residing Outside the District

Children of employees residing outside of the District are entitled to attend District #304 schools on a tuition basis.

There are two (2) major purposes for providing a tuition benefit for employees. First, it is a way to recognize substantial, continuing service to the School District. Second, it is a way to demonstrate to the community that those people who are most familiar with the quality of education in the District prefer it for their children.

Employees who do not live in District #304 but who have been employed by the School District continuously for five (5) years or longer shall be entitled in the sixth (6) and subsequent years to a tuition discount of fifty percent (50%) plus five percent (5%) for each year completed after (5), accumulative to a total of seventy-five percent (75%) after ten (10) years of service.

This benefit applies to tuition only. The School District will assume no responsibility for transportation. The student shall pay all fees normally assessed to resident students.

#### 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 of Education policy 6:140, *Education of Homeless Children*, and its implementing administrative procedure, govern the enrollment of homeless children.

#### Challenging a Student's Residence Status

If the Superintendent or designee determines that a student attending school on a tuition-free basis is a nonresident of the District for whom tuition is required to be charged, he or she on behalf of the Board of Education shall notify the person who enrolled the student of the tuition amount that is due. The notice shall detail the specific reasons why the Board believes that the student is a nonresident of the District and shall be given by certified mail, return receipt requested. The person who enrolled the student may challenge this determination and request a hearing as provided by the School Code, [105 ILCS 5/10-20.12b](#).

#### LEGAL REF.:

~~McKinney-Vento Homeless Assistance Act~~, 42 U.S.C. §11431 et seq., McKinney-Vento Homeless Assistance Act.

105 ILCS 5/10-20.12a, 5/10-20.12b, ~~and 5/10-22.5~~, and 5/10-22.5a.

105 ILCS 45/, Education for Homeless Children Act ~~and 70/~~.

105 ILCS 70/, Educational Opportunity for Military Children Act.

23 Ill.Admin.Code §1.240.

Israel S. by Owens v. Board of Educ. of Oak Park and River Forest High Sch., Dist. 200, ~~601 N.E.2d 1264~~ 235 Ill.App.3d 652 (Ill.App.1, 5th Dist. 1992).

Joel R. v. Board of Education of Manheim School District 83, ~~686 N.E.2d 650~~ 292 Ill.App.3d 607 (Ill.App.1, 1st Dist. 1997).

Kraut v. Rachford, ~~366 N.E.2d 497~~ 51 Ill.App.3d 206 (Ill.App.1, 1st Dist. 1977).

CROSS REF.: 6:140 (Education of Homeless Children), 7:50 (School Admissions and Student Transfers To and From Non-District Schools), 7:70 (Attendance and Truancy)

#### **PRESSPlus Comments**

[PRESSPlus 1](#). 105 ILCS 5/10-22.5a(a-5), amended by P.A. 102-126. **Issue 108, November 2021**