

Students

Residence¹

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.² A student's residence is the same as the person who has legal custody of the student.³

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 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.⁴

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.⁵

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.⁶

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

The footnotes are not intended to be part of the adopted policy; they should be removed before the policy is adopted.

¹ State or federal law controls this policy's content.

² In certain cases, no tuition may be charged for non-resident children placed: (1) by DCFS with a foster parent or childcare facility (105 ILCS 5/10-20.12b); or (2) with a person who (i) has temporary custody of a child of a person who is on active military duty, and (ii) is responsible for making decisions for that child (105 ILCS 70/-added by P.A. 96-953). When special education services are provided, *resident district* is determined by 105 ILCS 5/14-1.11 and 14-1.11a.

³ In the case of divorced or divorcing parents, the Illinois Marriage and Dissolution of Marriage Act, 750 ILCS 5/, amended by P.A. 99-90, provides that "for purposes of Section 10-20.12b of the School Code only, the parent with the majority of parenting time is considered to have legal custody." See 750 ILCS 5/606.10. P.A. 99-90 also requires a parenting plan that sets forth a child's residential address for school enrollment purposes (750 ILCS 5/602.10(f)(6)). Consult the board attorney when the residential address set forth in a parenting plan is not the address of the parent with the majority of parenting time.

⁴ 105 ILCS 5/10-20.12b. In order to establish residence, a school district may not require a parent to transfer custody/guardianship to the person with whom the child is living. Israel S. by Owens v. Board of Education of Oak Park and River Forest High School Dist. 200, 601 N.E.2d 1264 (Ill.App. 1992). See also Joel R. v. Board of Education of Manheim School Dist. 83, 686 N.E.2d 650 (Ill.App. 1997).

⁵ 105 ILCS 5/10-20.12a.

⁶ 105 ILCS 5/10-20.12b(a-5).

Comment [KAS1]: The policy, Cross References, and footnotes are updated:

1. The policy now aligns with amendments to residency challenge procedures under 105 ILCS 5/10-20.12b made by P.A. 99-670, eff. 1-1-17.

2. ~~Non-resident~~ is changed to nonresident for consistency with the School Code.

3. A new footnote addresses divorced or divorcing parents under the Illinois Marriage and Dissolution of Marriage Act, 750 ILCS 5/, as amended by P.A. 99-90.

4. References to NCLB's school choice provisions are deleted due to the statute's repeal by the passage of ESSA.

initial enrollment, the child is allowed to enroll, subject to the requirements of State law, and must not be charged tuition.⁷

Requests for ~~Non-Resident~~ Student Admission ⁸

Non-resident students may attend District schools upon the approval of a request submitted by the student's parent(s)/guardian(s) for non-resident admission. The Superintendent may approve the request subject to the following:⁹

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.¹⁰
4. The student's parent(s)/guardian(s) will be responsible for transporting the student to and from school.

Admission of Non-~~Resident~~ Students Pursuant to an Agreement or Order¹¹

Non-resident 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 non-resident 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 non-resident student.

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.¹² School Board policy 6:140,

The footnotes are not intended to be part of the adopted policy; they should be removed before the policy is adopted.

⁷ 105 ILCS 5/10-22.5a. Military personnel must provide proof that the child will be living within the district within 60 days after the date of initial enrollment. Proof of residency may include postmarked mail addressed to the military personnel and sent to an address located within the district, a lease agreement for occupancy of a residence located within the district, or proof of ownership of a residence located within the district.

⁸ Optional. ~~IMPORTANT: Admitting non-resident students under this section probably requires the district to admit students transferring from another district under NCLBA's school choice provision. Thus, a board that will reject any invitation to enter into an intergovernmental agreement to accept non-resident students under NCLBA's school choice should delete this section.~~ A district that wants to include this subhead should specify and customize the listed criteria to match local conditions.

⁹ State law is silent regarding non-resident student enrollment except to require the parent(s)/guardian(s) to pay tuition (105 ILCS 5/10-20.12a and 5/10-20.12b).

¹⁰ 105 ILCS 5/10-20.12a specifies a formula for calculating the maximum amount a district can charge non-resident students.

¹¹ ~~If a board intends to reject any invitation to accept non-resident students under NCLBA's school choice, it should seek its attorney's opinion before entering into any agreement described in this section.~~ The agreement described in #1 is optional (105 ILCS 5/10-22.5a) and districts are not required to enter into such agreements nor to alter existing transportation services due to the attendance of such non-resident students. The agreement described in #2 is optional (105 ILCS 5/10-22.5a); districts should be sure it is consistent with policy 7:50, *School Admissions and Student Transfers To and From Non-District Schools*. An example of an agreement described in #3 is one to accept non-resident students ~~under the NCLBA's school choice provisions~~; entering into such an agreement is optional.

Comment [MB2]: Amended for consistency with the School Code, which uses "nonresident," not "non-resident."

Education of Homeless Children, and its implementing administrative procedure, govern the enrollment of homeless children.

Challenging a Student's Residence Status¹³

If the Superintendent or designee determines that a student attending school on a tuition-free basis is a non-resident of the District for whom tuition is required to be charged, he or she on behalf of the School Board 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 District¹⁴ and ~~The notice~~ 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., 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).

CROSS REF.: ~~6:15 (School Accountability containing "School Choice for Students Enrolled in a School Identified for Improvement, Corrective Action, or Restructuring");~~
6:140 (Education of Homeless Children), 7:50 (School Admissions and Student Transfers To and From Non-District Schools), 7:70 (Attendance and Truancy)

¹² Required by 105 ILCS 45/1-1 et seq. and the McKinney-Vento Homeless Assistance Act, 42 U.S.C. §11431 et seq., ~~as amended by the NCLBA~~. See §11432 (g)(3)(C)(i).

¹³ Id. See administrative procedure 7:60-AP, *Challenging a Student's Residence Status*, for sample procedures implementing this paragraph.

¹⁴ 105 ILCS 5/10-20.12b, as amended by P.A. 99-670, eff. 1-1-17.