

## **Students**

### **Residence**

#### **Resident Students**

Only students who reside with a person who is a resident of the District and who has legal custody of the student may attend a District school without a tuition charge, except as otherwise provided below or in State law. Legal custody for regular education students means one of the following:

1. Custody exercised by a parent with whom the student resides.
2. Custody granted by order of a court of competent jurisdiction to a person with whom the student resides for reasons other than to have access to the educational programs of the District.
3. Custody exercised under a statutory short-term guardianship, provided that within 60 days of the student's enrollment a court order is entered that establishes a permanent guardianship and grants custody to a person with whom the student resides for reasons other than to have access to the educational programs of the District.
4. 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.
5. Custody exercised by an adult who demonstrates that, in fact, he or she has assumed and exercises legal responsibility for the student and provides the student with a regular fixed nighttime abode for purposes other than to have access to the educational programs of the District.

A student may also attend school in this District on a tuition-free basis if the student has been placed under the temporary custody or guardianship of the Guardianship Administrator of the Department of Children and Family Services ("DCFS") and the student was placed by the DCFS with a foster parent or placed in another type of child care facility and that foster parent or child care facility is located in a school district other than the child's former school district and it is determined by the DCFS to be in the child's best interest to maintain attendance at his or her former school district.

The residency of students who are provided special education services by the District is based on the parent or student residency in accordance with the criteria of either 1 or 2 below:

1. The student's parent or guardian resides in the District and
  - a. the parent has legal guardianship; or
  - b. an individual guardian has been appointed by the courts; or
  - c. an Illinois public agency has legal guardianship and the student resides either in the home of the parent or within the same district as the parent; or
  - d. an Illinois court orders a residential placement but the parents retain legal guardianship.

In cases of divorced or separated parents, when only one parent has legal guardianship or custody, the district in which the parent having legal guardianship or custody resides is the resident district. When both parents retain legal guardianship or custody, the resident district is the district in which either parent who provides the student's primary regular fixed night-time abode resides; provided that the election of resident district may be made only one time per school year.

2. The student resides in the District and
  - a. the parent has legal guardianship but the location of the parent is unknown; or
  - b. an individual guardian has been appointed but the location of the guardian is unknown; or
  - c. an Illinois public agency has legal guardianship and has placed the student residentially outside of the school district in which the parent lives.

In cases where an Illinois public agency has legal guardianship and has placed the student residentially outside of Illinois, the last school district of student residence for at least 45 days shall continue to be the district of residence until the student is no longer under guardianship of an Illinois public agency or until the student is returned to Illinois.

A person asserting legal custody over a student, who is not the student's natural or adoptive parent, shall complete a signed statement, stating: (a) that he or she has assumed and exercises legal responsibility for the student, (b) the reason the student 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 student'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, and (c) the reason the student lives with the person asserting legal custody over the student, other than to receive an education in the District.

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.

A student who is a lawful resident of the District during any school year whose family moves out of the District during that school year will be permitted to attend school for the remainder of that school year without the payment of tuition.

#### Requests for Non-Resident Student Admission

Non-resident students may attend District schools upon the Superintendent's recommendation, approval of the School Board, and 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 attend the school designated by the School Board
3. The student will be accepted only if there is sufficient room and sufficient available educational resources.
4. The student's parent(s)/guardian(s) will be charged the maximum amount of tuition as allowed by State law.
5. Transportation to and from school and school-related activities shall be the responsibility of the parent(s)/guardian(s).

#### Admission of Non-Resident Students With Plans to Move Into the District

If the person seeking to enroll a student has documented plans to move into the District within 60 days but will not physically reside in the District until after the student would be scheduled to begin classes, enrollment will be permitted on a conditional basis only upon the tender of a deposit equal to the tuition for the balance of the current semester, and delivery to the District of proof of such person's intent to move into the District as

required by the Superintendent.

To qualify a student for such enrollment in the District 35, the person seeking to enroll the student must furnish to the Superintendent or his or her designee one of the following:

An agreement to purchase residential property in the District 35, signed by the seller and the person as buyer, which recites a closing date no later than the end of the semester of the student's enrollment;

A copy of a lease, signed by landlord and the person as tenant, giving such person occupancy of a house or apartment in the District no later than the end of the semester of student's enrollment; or

Such other evidence as is required by the Superintendent to demonstrate that the person will reside in the District no later than the end of the semester of student's enrollment.

If the person and the student move into the District and present proof of residence in the District required by the Superintendent within 60 calendar days of their beginning classes, the District will return the tuition deposit in full.

If the person and the student move into the District after the expiration of the 60 calendar day period, they will be charged tuition from the date the student began classes until the date on which they established their residency in the District, and any unapplied amount of their tuition deposit will be refunded.

If the person seeking to enroll a student has still not moved into the District by the end of the semester during which they enrolled the student, he or she may appear before the Superintendent prior to the start of the next semester to request permission to continue enrollment of the student in the District. Permission to continue enrollment of the student in the District may be granted or withheld by at the discretion of the Superintendent or designee on behalf of the Board.

In the event the Superintendent or designee grants permission to continue conditional enrollment of the student in the District, continued conditional enrollment will be permitted only upon tender of a deposit equal to the tuition for the entire next semester. If the person and the student move into the District during the subsequent semester they will be charged tuition from the first day of the semester until the date on which they established their residency in the District, and any unapplied amount of their tuition deposit will be refunded. Under no circumstances may enrollment pursuant to this section be extended beyond the end of the current school year, or the completion of two consecutive semesters, whichever occurs first.

Admission of Non-Resident Students Pursuant to an Agreement or Order

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. An intergovernmental agreement.
4. Whenever any State or federal law or a court order mandates the acceptance of a non-resident student.

Tuition-Free Attendance in Cases of Home Renovation, Repair or Reconstruction:

A student whose family temporarily vacates their residence within the District for the renovation, repair or reconstruction of that residence because the renovation, repair or reconstruction makes the residence uninhabitable will be permitted to continue to attend school in the District without the payment of tuition during such time as is reasonably required for the renovation, repair or reconstruction of the residence to be completed, provided the student was a lawful resident of the District immediately preceding the vacation of the residence. The Superintendent or designee on behalf of the Board may require, as a condition to qualifying for the benefits afforded under this paragraph, that the family of any student seeking to attend school in the District without the payment of tuition under the provisions of this paragraph periodically provide the District with documentation and other evidence required by the Superintendent or designee from time to time, including a sworn affidavit, that (a) details the extent of the renovation, repair or reconstruction of the residence undertaken, (b) establishes that the renovation, repair or reconstruction of the residence has or will render the residence temporarily uninhabitable, (c) establishes that the family is continuously pursuing the renovation, repair or reconstruction of the residence with reasonable diligence, (d) provides an estimate indicating the time for completion of the renovation, repair or reconstruction of the residence, and (e) affirms and evidences the intent of the family to return to and reestablish their permanent residence in the residence undergoing renovation, repair or reconstruction upon the completion of the renovation, repair or reconstruction of the residence.

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 procedure, govern the enrollment of homeless children.

Challenging a Student's Residence Status

The Superintendent or designee may investigate and determine the residency of any student before or after enrollment in accordance with the law and may require the involved persons to provide additional information to be considered by the District in determining residency. The investigation may include, but is not limited to, interviews, completion of questionnaires, observations, and home visits. The additional information required may include, but is not limited to, real estate contracts, leases, financial documents, voter registration, tax documents, bills, and vehicle registrations and licenses. At the conclusion of the investigation, the Superintendent shall make a decision as to the student's residency.

If the Superintendent or designee determines during the registration process that a student is a non-resident of the District, the student will not be allowed to enroll. 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 Board shall notify the person who enrolled the student of the tuition amount that is due. The notice shall be given by certified mail, return receipt requested and shall detail the specific reasons why the Board believes that the student is a nonresident of the District. 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. If, following a hearing, the Board of Education determines that the student is a non-resident of the District, the person who enrolled the student may appeal that decision to the Regional Superintendent of Schools as provided by the School Code, 105 ILCS 5/10 20.12b.

LEGAL REF.: McKinney Homeless Assistance Act, 42 U.S.C. §11431 et seq.  
30 ILCS 220/11.  
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(e).  
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)

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