



## **Students**

### **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.

#### **Legal Custody**

A person asserting legal custody over a student, who is not the child's biological 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.

#### **Change of Residence**

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.

#### **Change of Residence for Military Service**

When a student's change of residence is due to the military service obligation of the student's legal custodian, the custodian may make a written request to deem that student's residence unchanged for the duration of the military obligation. 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.

#### **Provision for Delayed Establishment of Residency**

A nonresident student may, at the discretion of the superintendent or his designee, be permitted to begin attending the schools of the District if his/her legal custodian substantiates, by adequate documentation, that residency will be established within 87 days of the first student attendance day. However, the student may not commence attending the schools of the District until nonresident tuition is pre-paid (by cashier's check) for the first semester by the legal custodian. Such payment

shall be deposited in the escrow account of the District. If residency is established within 87 days, the pre-paid tuition will be refunded, on a pro-rata basis. If residency is not established within the first semester, there will be no refund of pre-paid tuition and the student's attendance shall terminate unless either actual residency is established or tuition is prepaid for the ensuing 87 days.

Further, if residency is not established within the first 87 school days, the student will be declared a non-resident student and the tuition rate will reflect the entire cost of educating the non-resident student, inclusive of all mandatory fees and any additional costs associated with the student's education.

#### 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) and/or resident District 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

Subject to superintendent approval, nonresident students may attend District schools tuition-free pursuant to:

1. an intergovernmental agreement;
2. a binding order from a court having appropriate jurisdiction;
3. a written agreement with cultural exchange organizations or an institution supported by charity to provide for tuition-free attendance by foreign exchange students; or
4. State or federal law requiring the District to accept nonresident students.

#### Special Education Students

When there is a question about the residence of a special education student, refer to ILCS5/14-1.11.

#### 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. School 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

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 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

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

REVIEW HISTORY: 2009, 2010, 2017, November 2018