

## Students

### Residence

#### Resident Students

Only students who are residents of the District may attend a District school without 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. 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.

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 six months 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 Non-resident Student Admission

Non-resident students may attend District schools upon the approval of a request submitted by a 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.
5. Non-resident students are not eligible to attend District schools that offer specialized programs except at the express authorization of the Superintendent or designee.

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. 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. Board Policy 6.140, *Education of Homeless Children*, and its implementing administrative procedure govern the enrollment of homeless children.

Determining a Student's Residence Status

The superintendent/designee may investigate and determine the residency of any student before or after enrollment in accordance with the applicable provisions of Illinois law and may require the involved persons to provide additional information to be considered by the District in determining residency. Such information may include, but is not limited to, real estate contracts, leases, financial documents, voter registration, tax documents, bills, and vehicle registrations and licenses. The investigation may include, but is not limited to, interviews, completion of questionnaires, observations, video recordings, photographs, comprehensive background information and home visits. Whenever the superintendent/designee receives information believed to be reliable questioning the residency of the student, the superintendent /designee shall conduct an investigation to determine whether the student is a resident of the District.

If a student has not begun attendance in school when residency is questioned, the superintendent/designee shall generally deny attendance pending determination of the student's residency, however, students who qualify as homeless under the Education for Homeless Children Act, 105 ILCS 45/1-1 et. seq., shall be enrolled immediately. At the conclusion of the investigation and after providing the student and the student's parents or other appropriate person an opportunity to discuss the matter, the superintendent/designee shall make a decision as to the student's residency.

If the superintendent/designee determines that a student is not a resident of the District, 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 be given by certified mail, return receipt requested. The person who enrolled the student may challenge the determination and request a hearing pursuant to the Illinois School Code, 105 ILCS 5/10-20.12b.

Challenging a Student's Residence Status

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 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 510-20.12a, 5/10-20.12b, and 5/10-22.5 and 5/10-22.5a.  
105 ILCS 45/1 et seq. and 70/1 et seq.  
23 III.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 (1<sup>st</sup> Dist. 1977).

CROSS REF.: 6.140, 7.50, 7.70

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