Students

Administrative Procedure - Challenging a Student's Residence Status

Actor	Action
Superintendent or Designee	On behalf of the School Board, notifies the person who enrolled a student of the tuition amount due to the District for the nonresident student's attendance. The notice shall detail the specific reasons why the Board believes that the student is a nonresident of the District and shall be sent by certified mail, return receipt requested. Consults the Board Attorney as needed throughout the challenge process.
Person Who Enrolled the Student	Within 10 calendar days after receipt of the notice, may request a hearing to review the determination that tuition is due. The request shall be sent certified mail, return receipt requested, to the Superintendent. **If a hearing is requested to review the Board's decision,** may request that the student continue attending the District's schools pending the Board's final decision. Such attendance shall not relieve the person who enrolled the student of the obligation to pay the tuition for that attendance if the Board decides the student is a nonresident who must pay tuition.
Superintendent or Designee	On behalf of the Board and within 10 calendar days after receiving the hearing request, shall notify the person requesting the hearing of its time and place; the notification shall be sent by certified mail, return receipt requested. The hearing shall be held not less than 10 nor more than 20 calendar days after this hearing notice is given. The hearing notice shall notify the person requesting the hearing that any written evidence and testimony or witnesses not disclosed at least three calendar days prior to the hearing are barred at the hearing without the District's consent. At least three calendar days prior to the hearing, discloses to the person requesting the hearing all written evidence and testimony the District may submit during the hearing and a list of witnesses it may call to testify during the hearing.
Person Who Enrolled the Student	At least three calendar days prior to the hearing, discloses to the District all written evidence and testimony he/she may submit during the hearing and a list of witnesses he/she may call to testify during the hearing.
School Board or Hearing Officer Designated by the Board	Conducts the hearing. At the hearing: (1) the Board and the person who enrolled the student may use representatives of their choice, and (2) the person who enrolled the student has the burden of going forward with the evidence concerning the student's residency. **If the hearing is conducted by a hearing officer:** Within five calendar days after the hearing's conclusion, sends a written report

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	of his or her findings to the Board and to the person who enrolled the student. The report shall be sent by certified mail, return receipt requested.
Person Who Enrolled the Student	**If the hearing is conducted by a hearing officer:** Within five calendar days after receiving the hearing officer's findings, may file written objections to the findings with the Board. The objections shall be sent by certified mail, return receipt requested, addressed to the Superintendent.
School Board	**Whether the hearing is conducted by the Board or a hearing officer:** Within 30 calendar days after the hearing's conclusion, decides whether or not the student is a resident of the District and the amount of any tuition required to be charged as a result of the student's attendance in the District's schools. Within five calendar days of its decision sends a copy of its decision to the person who enrolled the student by certified mail, return receipt requested. The decision must inform the person who enrolled the student that: (1) he/she may, within five calendar days after receipt of the Board's decision, petition the Regional Superintendent or appropriate Intermediate Service Center (ISC) Executive Director of schools to review the decision; and (2) at his/her request, the student may continue attending the District's schools pending the Regional Superintendent or appropriate ISC Executive Director's review of the Board's decision. Such attendance shall not relieve the person who enrolled the student of the obligation to pay the tuition for that attendance if the Regional Superintendent or appropriate ISC Executive Director decides the student is a nonresident.
Person Who Enrolled the Student	Within five calendar days after receiving the Board's decision, may petition the Regional Superintendent or appropriate ISC Executive Director to review the decision. The petition must include the basis for the request and be sent by certified mail, return receipt requested, to both the Regional Superintendent or appropriate ISC Executive Director and the Superintendent.
School Board	Within five calendar days after receiving petition, delivers to the Regional Superintendent or appropriate ISC Executive Director the Board's decision, any written evidence and testimony submitted by the parties during the hearing, a list of all witnesses that testified during the hearing, and any existing written minutes or transcript or verbatim record of the hearing. May also provide the Regional Superintendent or appropriate ISC Executive Director, and the person who enrolled the student, with a written response to the petition.
Regional Superintendent of Schools or appropriate ISC Executive Director	Within 10 calendar days after receipt of documentation from the District, issues a written decision as to whether or not there is clear and convincing evidence that the student is a resident of the District and eligible to attend the District's schools on a tuition-free basis. The decision shall be transmitted to the Board and the person who enrolled the student, and shall, with specificity, detail the decision's

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	rationale.

LEGAL REF: 105 ILCS 5/10-20.12b.

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