

## **STUDENTS**

### **7:60 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.

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. Students with an IEP will receive services as provided in State and/or federal law.

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 120 days after the first day of attendance, the child is allowed to enroll, subject to the requirements of State law, and must not be charged tuition.

#### Requests for Nonresident Student Admission

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:

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

Nonresident 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 nonresident 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 nonresident student.

A non-resident student whose parent(s)/legal guardian(s), through building or purchasing a home, intend to establish residency in the District within one hundred twenty (120) calendar days of the first day of attendance, may request from the Superintendent permission to enroll as a resident student. A builder's contract or a home purchase agreement that indicates an ending/closing date not later than 120 calendar days after the first day of attendance must be provided to the District. The parent(s)/legal guardian(s) will pay at the first of each month one-ninth of the total of the State reported tuition charge per student. The monthly tuition charge will be placed in a non-interest bearing escrow account maintained by the District. If the student establishes residency in the District and an occupancy permit is provided within said one hundred twenty (120) calendar days, the monthly tuition charges shall be refunded in their entirety and the student(s) shall be deemed to have been a resident effective the date of enrollment. In the event the student is unable to establish residency in the District within said one hundred twenty (120) calendar days, continued enrollment shall be at the discretion of the Board of Education. If approved, the parent/guardian shall be required to continue to pay the monthly tuition. If approval is denied, the student shall not be allowed to attend, and the collected tuition will become the property of the District. Continued enrollment of the non-resident student shall be at the discretion of the Board of Education.

Properties that have yet to be inhabited to establish residency (tear-downs) shall be considered new construction and must meet the requirements above.

If a student (or the person with legal responsibility for the student) has been a resident of the District and must vacate his or her property due to extensive renovation of the property and consequently must reside temporarily out of the District for less than one school year, the person(s) with legal responsibility for the student must write a letter to the District indicating their intent to renovate their property within one school year (eight months). In addition, a builder's contract that indicates starting and ending/closing dates must be provided to the District. If the person(s) with legal responsibility for the student is unable to produce a residency permit within one school year of the letter of notification, the parents will be required to pay the yearly tuition in its entirety for the student. If the renovation is intended to last, or actually lasts, longer than one school year (eight months), residency is established outside the District and the student may not attend District schools.

#### 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

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 or that further enrollment during the school year is denied. 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.

#### Criminal Liability

In accordance with Illinois law, a person who knowingly enrolls or attempts to enroll in the schools of a school district on a tuition-free basis, a student known by that person to be a non-resident of the District is guilty of a Class C misdemeanor. This criminal penalty does not apply to a person enrolling a foreign exchange student or the Guardianship Administrator of the Department of Children and Family Services.

In accordance with Illinois law, a person who knowingly or willfully presents to any school district any false information regarding the residency of a student for the purpose of enabling that student to attend any school in that district without the payment of a non-resident tuition charge is guilty of a Class C misdemeanor.

The Superintendent shall refer to the appropriate criminal justice office any instances of suspected violations of the above provisions.

#### 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)

Adopted: August 15, 2019