

STUDENTS

Residency

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 education and medical decisions in case of emergency. In addition, the child'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.

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; however, no transportation will be provided.

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.

Request for Non-Resident Student Admission

It is generally the policy of the Board to deny admission to non-resident students. A non-resident student may attend a District school due to exceptional circumstances upon the approval of a request submitted by the student's parent(s)/guardian(s) for non-resident admission. The Superintendent or designee 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 A Non-Resident Student Pursuant to an Agreement or Order

A non-resident student may attend District school 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.

Admission of A Non-Resident Student Who Intends to Become A Resident

A non-resident student may attend a District school if their parent/guardian intends to become a resident of the School District, but will not take possession of their residence until after the student is scheduled to begin classes, if they comply with the following requirements:

1. To qualify for consideration, the parent/guardian must furnish to the Superintendent or designee one of the following:
 - a. An agreement to purchase residential property within the District, signed by the seller and the parent/guardian as buyer, that recites a closing date within sixty (60) calendar days after the enrollment date;
 - b. A copy of a lease signed by a landlord and the parent/guardian as tenant, giving the parent/guardian occupancy of a house or apartment within the District within sixty (60) calendar days after the enrollment date;
 - c. A copy of an agreement with a building contractor, signed by the contractor and the parent/guardian, for the construction of a dwelling in the District with a contract including a substantial completion date of not later than sixty (60) calendar days after the enrollment date.
2. The parent/guardian must furnish to the Superintendent or designee a check for one semester's tuition.
3. If the parent/guardian move into their new residence and present proof of residence to the District within sixty (60) calendar days of enrollment, the District will return the tuition check in full.
4. If the person and student move into their new residence after the sixty (60) calendar day period has expired, they will be charged tuition for the period that they were not residents and a prorated amount of their tuition, if any, will be returned.

Homeless Students

A homeless child shall be immediately admitted, even if the child's parent/guardian is unable to produce records normally required to establish residency. Board policy 6:140 Education of Homeless Children governs 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. 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 Punishment for Misrepresentation of Residency

It is a crime punishable by imprisonment and fine to knowingly or willfully present any false information regarding the residency of a student for the purpose of enabling that student to attend school on a tuition-free basis, or to knowingly enroll or attempt to enroll a student on a tuition-free basis when the student is not a resident of the District. The Superintendent or designee is authorized to seek prosecution to the full extent of the law of any person who has committed any residency-related crime. Civil proceedings may also be initiated with the approval of the Board.

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.

Education for Homeless Children Act, 105 ILCS 45/1 et seq.

Educational Opportunity for Military Children Act, 105 ILCS 70/1 et seq
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. 1992).

Joel R. v. Board of Education of Manheim School District 83, 686 N.E. 2d 650 (Ill. App. 1st Dist. 1997).

Kraut v. Rachford, 366 N.E. 2d 497 (Ill. App. 1st Dist. 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).

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