

## *Document Status: Draft Update*

### 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 affidavit 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.

A student who has attended one school within the District for his/her entire freshman, sophomore and junior year, and whose parents, custodial parent or court-appointed guardian moves from the attendance area served by that school following the student's completion of the eleventh grade, may remain in that school for his/her senior year.

If a student's family plans to move into the District during the school year and provides an executed contract or agreement of sale on a dwelling within the District, the student will, upon approval, be allowed to attend school at the beginning of the school year with payment of 25%, per student, of the estimated annual tuition. The deposit will be refunded when proof of residency is provided to and approved by the District before the last day of the 1st quarter of the school year. If proof of residency is not provided by the first day of the 2nd quarter of the school year, a second deposit of 25% of the estimated (or actual, if known) annual tuition will be due on the first day of that quarter. If proof of residency is provided during the 2nd quarter, the deposit for the second quarter only will be refunded. A similar deposit will be required for the 3rd and 4th quarters if proof of residency has not been provided by the first day of the 3rd or 4th quarters, respectively. If the deposit is not received on the first day of the new quarter, the student's enrollment

may be discontinued. A student will be permitted to attend school within the District pursuant to this arrangement for a maximum duration of one school year. The District is not responsible for the student's transportation until residency has been established within the District's boundaries.

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~~ 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 Nonresident Student Admission

Nonresident students may attend District schools upon the approval of a request submitted by the 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.

#### 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.

## 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 of Education 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 Board of Education 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., McKinney-Vento Homeless Assistance Act.

105 ILCS 5/10-20.12a, 5/10-20.12b, ~~and 5/10-22.5~~, and 5/10-22.5a.

105 ILCS 45/, Education for Homeless Children Act ~~and 70/~~.

105 ILCS 70/, Educational Opportunity for Military Children Act.

23 Ill.Admin.Code §1.240.

Israel S. by Owens v. Board of Educ. of Oak Park and River Forest High Sch., Dist. 200, ~~601 N.E.2d 1264~~ 235 Ill.App.3d 652 (Ill.App.1, 5th Dist. 1992).

Joel R. v. Board of Education of Manheim School District 83, ~~686 N.E.2d 650~~ 292 Ill.App.3d 607 (Ill.App.1, 1st Dist. 1997).

Kraut v. Rachford, ~~366 N.E.2d 497~~ 51 Ill.App.3d 206 (Ill.App.1, 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)

ADOPTED: August 14, 2019