

STUDENTS

Residence

Regular Education Students

- A. A student may attend school in this School District on a tuition-free basis if he or she resides with a person who has legal custody of the student and is a resident within the District's boundaries. The primary legal residence of a person who has legal custody of a student is deemed the residence of the student. Legal custody means one of the following:
1. Custody exercised by a natural or adoptive parent with whom the student resides.
 2. Custody granted by order of a court of competent jurisdiction to a person with whom the student resides for reasons other than to have access to the educational programs of the District.
 3. Custody exercised under a statutory short-term guardianship, provided that within 60 days of the student's enrollment a court order is entered that establishes a permanent guardianship and grants custody to a person with whom the student resides for reasons other than to have access to the educational programs of the District.
 4. Custody exercised by an adult caretaker relative who is receiving aid under the *Illinois Public Aid Code* for the student who resides with that adult caretaker relative for purposes other than to have access to the educational programs of the District
 5. Custody exercised by an adult who demonstrates that, in fact, he or she has assumed and exercises legal responsibility for the student and provides the student with a regular fixed nighttime abode for purposes other than to have access to the educational programs of the District.
- B. A student may also attend school in this District on a tuition-free basis if the student:
1. resides outside the District during a school year in which the student began the school year as a resident of the District; or
 2. has been placed under the temporary custody or guardianship of the Guardianship Administrator of the Department of Children and Family Services and the student was placed by the Department of Children and Family Services with a foster parent or placed in another type of child care facility and the foster parent or child care facility is located in a district other than the child's former district and it is determined by the Department of Children and Family Services to be in the child's best interest to maintain attendance at his or her former district; or
 3. resides within the District and is a foreign exchange student in a foreign cultural exchange program approved by the Board of Education.

4. changes residence due to the military service obligation of the student's legal custodian, Based on a written request by the legal custodian, the student's residence is deemed unchanged for the duration of the custodian's military service obligation. The District is not responsible, however, for the student's transportation to and from school.
5. at the time of enrollment, is a dependent child of military personnel housed in temporary housing located outside of the District, but who will be living within the District within 60 days after the time of initial enrollment. In such case, the child is allowed to enroll, subject to the requirements of state law and must not be charged tuition.

C. A regular education student who is homeless, as defined in the regulations implementing this policy, shall be considered a resident of the District if he or she is physically living within the District boundaries, provided that the living arrangement is not solely to take advantage of the District's schools. In addition, pursuant to the *Education for Homeless Children Act* (105 ILCS 45/1-1 *et seq.*, effective January 1, 1995) a homeless student will be considered a resident of the District if the student attended a school in the District when he or she was last permanently housed or the student was last enrolled in a school in the District. Any homeless child shall be immediately admitted even if the child or child's parent(s)/guardian(s) are unable to produce records normally required to establish residency. Upon enrollment, the school shall immediately contact the school last attended by the child or youth to obtain the relevant records.

Special Education Students

A student for whom special education services and facilities are to be provided by the District shall be considered a resident in accordance with the following:

- A. The student's parent or guardian resides in the District and
 1. the parent has legal guardianship; or
 2. an individual guardian has been appointed by the courts; or
 3. an Illinois public agency has legal guardianship and the student resides either in the home of the parent or within the same district as the parent; or
 4. an Illinois court orders a residential placement but the parents retain legal guardianship. In cases of divorced or separated parents, when only one parent has legal guardianship or custody, the district in which the parent having legal guardianship or custody resides is the resident district. When both parents retain legal guardianship or custody, the resident district is the district in which either parent who provides the student's primary regular fixed nighttime abode resides; provided that the election of resident district may be made only one time per school year.
- B. The student resides in the District and
 1. the parent has legal guardianship but the location of the parent is unknown; or

2. an individual guardian has been appointed but the location of the guardian is unknown, or
3. an Illinois public agency has legal guardianship and has placed the student residentially outside of the School District in which the parent lives.

In cases where an Illinois public agency has legal guardianship and has placed the student residentially outside of Illinois, the last school district of student residence for at least 45 days shall continue to be the district of residence until the student is no longer under guardianship of an Illinois public agency or until the student is returned to Illinois.

- C. The student is homeless, as defined in the regulations implementing this policy, and enrolls in the District, regardless of where the student resides.

Tuition Students

A student whose parents show sufficient evidence that they will become residents of the school district within 120 days after the opening day of school, may for the 120-day period attend on a tuition-free basis the school in the boundary of the student's intended residence area.

If, however, the student does not become a resident of the District within those 120 days, the student may pay an additional 30 days of tuition after the expiration of the 120) days, but prior to the student's enrollment for the next 30 days. If the student becomes a resident of the District within those 30 days, the District shall reimburse the student for those days in which the student resides in the District. The student shall be permitted to remain enrolled in the District provided the parents show sufficient evidence that they will become residents of the District and they pay monthly tuition in advance.

A student who cannot establish that he or she can attend school in the School District on a tuition-free basis may attend on a tuition basis and on a space available basis with the prior approval of the Board of Education under the following circumstances:

- A. The monthly tuition rate for nonresident students who are attending regular classes within the District shall be equal to the per capita pupil cost of maintaining the schools of the District for the preceding school year.
- B. The annual tuition charge to nonresident students attending special education classes shall be computed in accordance with the per capita cost formula used by NSSSED.
- C. Transportation shall not be provided for any child not residing in this District.

Residency Determinations and Appeals

A student may appeal the denial of enrollment on a tuition-free basis pursuant to the Administrative Procedures implementing this policy. The Board hereby authorizes the Superintendent to make student residency determinations in accordance with this policy and its implementing Administrative Procedures, and subject to the student's right to appeal the administration's decision to the Board of Education.

Administrative Procedures

The Superintendent is authorized to develop Administrative Procedures implementing this policy. Such procedures may include the use of vendors to perform database searches and home visits to verify residency.

LEGAL REF.: The School Code, 105 ILCS 5/2-3.13a, 10-20.12a, 10-20.12b, 10-22.5, 10-22.5a, 14-1.11, 14-1.11a, 14-1.11b.
The Education for Homeless Children Act, 105 ILCS 45/1-1 et seq.
The Homeless Family Placement Act, 310 ILCS 85/1 et seq.
Stewart B. McKinney Homeless Assistance Act, 42, U.S.C.A., 11301 et seq.

ADOPTED: August 21, 2001

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May 18, 2010, May 18, 2010