

**ACTION ITEM**

**Date:** August 23, 2021  
**To:** Kari Cremascoli, PhD  
**From:** Heather Glowacki, EdD, Assistant Superintendent  
**Subject:** First Reading of Board of Education Policy 7:60 *Residence*

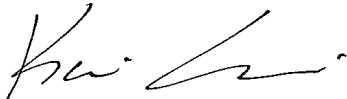
**PROPOSED ACTION BY THE BOARD OF EDUCATION**

Motion to approve as first reading of Board of Education Policy 7:60 *Residence*

**BACKGROUND**

This policy review provides updated guidance for student residency. The proposed revisions reflect current legal requirements as well as best practices.

**HG/hg**  
**Recommended for approval by the Board of Education**



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**Dr. Kari Cremascoli, Superintendent**

## **Students**

### **Residence**

#### **Resident Students**

~~Only students who reside with a person who is a resident of the District, and who has legal custody of the student, 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 student's residence shall be verified annually during the registration process.~~

~~Legal custody for regular education students means one of the following:~~

- ~~1. Custody exercised by a 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.~~

~~A student may also attend school in the District on a tuition-free basis if the student has been placed under the temporary custody or guardianship of the Guardianship Administrator of the Department of Children and Family Services ("DCFS") and the student was placed by DCFS with a foster parent or in another type of child care facility and that foster parent or child care facility is located in a school district other than the child's former school district and it is determined by DCFS to be in the child's best interest to maintain attendance at his or her former school district.~~

~~The residency of students who are provided special education services by the District is based on the parent or student residency in accordance with the criteria of either 1 or 2 below:~~

~~1. The student's parent or guardian resides in the District and~~

- ~~\_\_\_\_\_ a. the parent has legal guardianship; or~~
- ~~\_\_\_\_\_ b. an individual guardian has been appointed by the courts; or~~
- ~~\_\_\_\_\_ c. 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~~
- ~~\_\_\_\_\_ d. an Illinois court orders a residential placement but the parents retain legal guardianship.~~

~~In cases of divorced or separated parents of students receiving special education services, 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 of the student. When both parents retain legal guardianship or custody, the resident district of the student 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.~~

**OR**

~~2. The student resides in the District and~~

- ~~\_\_\_\_\_ a. the parent has legal guardianship but the location of the parent is unknown; or~~
- ~~\_\_\_\_\_ b. an individual guardian has been appointed but the location of the guardian is unknown; or~~
- ~~\_\_\_\_\_ c. 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.~~

~~A person asserting legal custody over any student, who is not the student's natural or adoptive parent, shall complete a signed statement stating: (a) that he or she has assumed and exercises legal responsibility for the student, (b) the reason the student 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 student regarding daily educational and medical decisions in case of an emergency.~~

~~In addition, the student'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 student is living, (b) that the person with whom the child student is living has full control over the child student regarding daily educational and medical decisions in case of emergency, and (c) the reason the student lives with the person asserting legal custody over the student, other than to receive an education in the District.~~

~~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.~~

~~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 makes 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 shall not be charged tuition.~~

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) the person has assumed and exercises legal responsibility for the child,
- (b) the reason the child lives with the person, other than to receive an education in the District, and
- (c) that the person 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.

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.

### **Non-Resident Students Admission of Nonresident Students Pursuant to an Agreement or Order**

Non-resident students may ~~not~~ attend District schools tuition-free pursuant to  ~~, with the noted exceptions:~~

- 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.
- Whenever any ~~S~~state or federal law or a court order mandates the acceptance of a non-resident student.
- According to an intergovernmental agreement

### **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**

~~The Superintendent or designee may investigate and determine the residency of any student before or after enrollment in accordance with the law and may require the involved persons to provide additional information to be considered by the District in determining residency. The investigation may include, but is not limited to, interviews, completion of questionnaires, observations, and home visits. The additional information required may include, but is not limited to, real estate contracts, leases, financial documents, voter registration, tax documents, bills, and vehicle registrations and licenses. At the conclusion of the investigation and after providing the student and the student's parents or other appropriate person an opportunity to discuss the matter, the Superintendent shall make a decision as to the student's residency.~~

~~If the Superintendent or designee determines during the registration process that a student is a non-resident of the District, the student will not be allowed to enroll.~~

~~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 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. If, following the hearing, the Board of Education determines that the student is a non-resident of the District, the person who enrolled the student may appeal that decision to the Regional Superintendent of Schools as provided by the School Code, 105 ILCS 5/10-20.12b.~~

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, 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.

### Exception

~~Under certain conditions, the Superintendent or designee may grant an exception to the residency requirement if the person seeking to enroll a student in the District plans to move into the District but will not take possession of his/her residence until after the student is scheduled to begin school. A request for an exception must be submitted in writing to the Superintendent or designee. See the implementing administrative procedures for this Policy.~~

~~The Superintendent is authorized to develop rules and regulations implementing this Policy.~~

#### Admission of a Non-Resident Student Who Intends to Become a Resident

Under certain conditions, the Superintendent or designee may grant an exception to the residency requirement if the person seeking to enroll a student in the District plans to move into the District but will not take possession of the District residence until after the student is scheduled to begin school. A request for an exception must be submitted in writing to the Superintendent or designee, and the person seeking to enroll the student must comply with the following requirements:

1. The person seeking to enroll the student must furnish to the Superintendent or designee proof that the person will take possession of the residence by one of the following:

- a. An agreement to purchase residential property in the District, signed by the seller and the person seeking to enroll the student as buyer, which recites a closing date within 30 calendar days after the enrollment date or the first day of the school year, whichever is later; or
  - b. A copy of a lease, signed by the landlord and the person seeking to enroll the student as tenant, giving the person seeking to enroll the student occupancy of a house or apartment in the District within 30 calendar days after the enrollment date or the first day of the school year, whichever is later; or
  - c. A copy of an agreement with a building contractor, signed by the contractor and the person seeking to enroll the student, for the construction of a dwelling in the District with a contract including an occupation date of no later than 30 calendar days after the enrollment date or the first day of the school year, whichever is later.
2. The person seeking to enroll the student must tender to the Superintendent or designee a check for one semester's tuition and a signed Letter of Agreement stating the intention to move into the District within the 30 calendar day window.
  3. If the person and the student move into the new residence and present valid residency paperwork, including proof of physical presence in the residence with the intent to make it their permanent home, to the District within 30 calendar days of enrollment or the first day of the school year, whichever is later, the District will return the tuition check in full.
  4. If the person and the student move into their new residence after the 30 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.

Under no circumstances may this exception and tuition be extended beyond one full school year.

**Adopted: November 10, 1997**

**Revised: May 3, 1999, February 16, 2010, November 18, 2013; May 22, 2017;**