

## **Students**

**Summary:** A student's residence is the same as the person who has legal custody of the student. Only students who are residents of the District may attend a District school except as provided for by law or policy. The District may challenge a student's residence status.

### **Residence**

#### **Resident Students**

Only students who are residents of the District may attend a District school except as provided below or in State law. Except for students with disabilities under the Individuals with Disabilities Education Act and Article 14 of the School Code, a student's residence is the same as the person who has legal custody of the student as defined by The School Code. The residence of a student with disabilities is determined pursuant to Article 14 of the School Code.

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. 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.

#### **Children of Military Personnel**

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.

If a student is a child of active duty military personnel, residing outside the District and is placed with a non-custodial parent and, as a result, must attend the District, no tuition shall be charged. The student must be allowed to continue his/her enrollment at grade level at the time of transition. Nothing in this section prohibits the District from performing subsequent evaluations to ensure appropriate placement of the 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 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 non-resident student is attending a District school, he or she on behalf of the Board shall notify the person who enrolled the student of the tuition amount that is due and immediately begin proceedings to ban the student from future attendance. The notice shall be given in writing 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 Homeless Assistance Act, 42 U.S.C. §11431 et seq.  
105 ILCS 5/10-20.12a, 5/10-20.12b, 5/10-22.5a, 5/14-1.11, 5/14-1.11a, and 5/14-1.11b.  
105 ILCS 45/  
105 ILCS 70/  
23 Ill.Admin.Code §1.240(b).  
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.: 6:15 (School Accountability *containing* “School Choice for Students Enrolled in a School Identified for Improvement, Corrective Action, or Restructuring”), 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: July 25, 2007

REVISED: August 24, 2017