

## **Students**

### **Student Residency**

#### **Residency Requirements**

Generally, Illinois law provides that the residence of a student is deemed to be the same as the residence of the person who has legal custody of the student and permits only students who are residents of the School District to enroll and attend on a tuition free basis. The person claiming legal custody must also reside in the School District. The grounds for legal custody are set forth in the School Code along with certain exceptions to legal custody and residence requirements.

Students who are residents of Glen Ellyn District 41 shall be admitted to school in accordance with admission requirements established by law. A student's residence is the same as the person who has legal custody of the student. All parents/guardians enrolling students in the District for the first time must provide proof of identification and proof of residency. In addition, the district will verify residency before annual registration. Each time a student changes an address within the District or has a break in enrollment, including but not limited to special programs and/or boundary exceptions will be required to provide proof of residency.

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 or 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 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.

#### **Residence of Students with Disabilities**

The residence of a child with a disability is determined in accordance with 105 ILCS 5/14-1.11, 5/14-1.11a, and 5/14-1.11b.

#### **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. School Board policy 6:140, *Education of Homeless Children*, and its implementing administrative procedure, govern the enrollment of homeless children.

#### **Tuition for Non-Residents**

Under Section 1022.5 of the Illinois School Code, the Board of Education may, but is not required to, admit nonresident students. Due to the present lack of capacity in the schools, it is generally the policy of the Board to deny admission to nonresident students. If in exceptional circumstances a nonresident student is permitted to enroll or if an unauthorized nonresident student attends, the student must be charged tuition in accordance with the mandate of the School Code. The student's parent(s)/guardian(s) will be responsible for transporting the student to and from school. A regular education student who becomes a nonresident during the school term may attend school until the completion of the school term on a tuition free basis so long as there is no break in enrollment after becoming a nonresident. However, continued attendance by a special education student who becomes non-resident during the school term shall be determined on a case-by-case basis.

Payment of Tuition : Tuition shall be paid by certified or cashier's check in advance of the first day of student attendance on a semester-by-semester basis. If payment is not made within 30 days of enrollment the student is subject to disenrollment, generally at the end of the semester or the school term in June.

### **Residency Investigation**

The Superintendent may investigate and determine the residency of any student before or after enrollment in accordance with the applicable provisions of Illinois law and may require the involved persons to provide additional information to be considered by the District in determining residency. Such information may include, but is not limited to, real estate contracts, leases, financial documents, tax documents, bills, and vehicle registrations and licenses. The investigation may include, but is not limited to, interviews, completion of questionnaires, observations, and home visits. Whenever the Superintendent receives information believed to be reliable questioning the residency of the student, the District Registrar shall investigate to determine whether the student is a resident of the district. Pending a decision by the Superintendent, a student enrolled and attending school in the district may continue to attend school. If a student has not begun attendance in school when residency is questioned, the Superintendent shall generally deny attendance pending determination of the student's residency; however, students who are considered homeless under the School Code must be enrolled immediately. 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 decide as to the student's residency. If the Superintendent determines that the student is not a resident, the Superintendent will take appropriate action which may include refusing to enroll or disenrolling the student.

If the Superintendent determines that a student already enrolled is not a resident of the School District, notice of the decision and an opportunity for a hearing shall be given, a hearing held before the Board or its hearing officer if timely requested, and a decision made in accordance with the procedures specified in the School Code. The student may be disenrolled and tuition charged for the period of non-residency, if non-residency, is found by the Superintendent, subject to appeal to, and/or affirmation by, the Board. 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. However, pending any appeal to, and/or affirmation by, the Board of the Superintendent's determination of non-residency, a student enrolled and attending school in the district may continue to attend school. The person responsible for the student is also responsible for tuition pending an appeal if non-residency, is found by the Board, as well as tuition for the balance of the period of non-residency, 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.

As used in this policy, the term "Superintendent" includes the Superintendent's designee.

### **Criminal Punishment for Misrepresentation of Residency**

Illinois law has made it a crime, punishable by imprisonment and fine, to knowingly or willfully present any false information regarding the residency of a student for purposes of enabling that student to attend on a tuition free basis or to knowingly enroll or attempt to enroll a student on a tuition free basis when the student is known to be a nonresident of the District. The Superintendent is authorized to seek prosecution to the full extent of the law of any person who the Superintendent believes has committed any residency related crime. Civil proceedings may also be initiated with the approval of the Board.

LEGAL REF.:           42 U.S.C. §11431 et seq., McKinney-Vento Homeless Assistance Act.  
                          105 ILCS 5/10-20.12a, 5/10-20.12b, 5/10-22.5, and 5/10-22.5a, 5/14-1.11, 5/14- 1.11a, and  
                          5/14-1.11b.  
                          105 ILCS 45/, Education for Homeless Children Act.  
                          105 ILCS 70/, Educational Opportunity for Military Children Act.

23 Ill.Admin.Code §1.240.

Israel S. by Owens v. Bd. of Educ. of Oak Park and River Forest High Sch. Dist. 200, 235 Ill.App.3d 652 (5th Dist. 1992).

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

Kraut v. Rachford, 51 Ill.App.3d 206 (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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