

## Students

### Administrative Procedure - Guidelines for Determining Student Residency

#### Residency Categories

Generally, a student will be regarded as a resident and enrolled on a tuition-free basis if the student falls within one of the following categories:

1. The student and the person with legal custody of the student live in the school district on a fulltime and indefinite length of time basis. If the residency in the District of the person with whom the student lives is on a temporary basis, it must not be as a visitor or for educational purposes. A person usually will be deemed to have custody of the student when the person is an adult and has immediate and predominant authority and control over most of the major aspects of the student's life. Major aspects of the student's life include medical treatment, discipline, financial support, education, social activities and day-to-day nourishment, care and sleeping arrangements. Legal custody exists in any one of the following circumstances:
  - a. Custody is exercised by a natural or an adoptive parent with whom the student resides.
  - b. Custody has been granted by court order to a person with whom the student resides, for reasons other than to have access to the educational programs of the District.
  - c. The student lives in the school district with an adult to whom the parents have informally given up custody and control of the student for reasons other than so that the student could attend school in the school district. Custody is exercised under a short-term guardianship. Short-term guardianship is transferred by a document containing information specified by law and signed by the parent transferring guardianship to another person. Unless Court approval is obtained, the transfer cannot exceed 60 days.
  - d. Custody is exercised by a caretaker adult relative who is receiving aid under the Illinois Public Aid Code for the student who resides with that caretaker for purposes other than to have access to the educational programs of this District.
  - e. Custody is 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 regular fixed nighttime dwelling for purposes other than to have access to the educational programs of this District.
  - f. Military Personnel Enrolling a Student for the First Time in the District must provide one of the following within 60 days after the date of student's initial enrollment:
    - i. Postmarked mail addressed to military personnel
    - ii. Lease agreement for occupancy
    - iii. Proof of ownership of residence
  - g. Military personnel wanting to keep child/ward enrolled in the District despite having changed residence due to a military service obligation. Upon submitting a written request, the student's residence will be deemed to be unchanged for the duration of the custodian's military service obligation. The District, however, is not responsible for the student's transportation to or from school.
2. The student is in an exchange program approved by the Superintendent and the State Board of Education.
3. The student has been placed with a foster parent or childcare facility by the Department of Children and Family Services outside this District, but DCFS has determined it to be in the best interests of the student to maintain attendance in this District. In this instance, the School District will look to DCFS to provide or fund transportation for the student.
4. An enrolled resident student becomes a non-resident during the school term. May continue to attend tuition-free until the end of the regular school term in June so long as the student maintains enrollment.

Transportation shall be provided by parent(s)/guardian(s).

5. The student is homeless.

If the student does not meet one of these criteria, the student should not be enrolled, or should be disenrolled if the student has already been attending school.

### **Residency Investigation**

Residency verification is conducted annually by a third-party vendor. All parents/guardians enrolling students in the District for the first time must provide proof of identification and proof of residency. In addition, each time a student changes an address within the District, including but not limited to special programs and/or boundary exceptions will be required to provide proof of residency.

A residency investigation:

1. should be conducted if any of categories 1(a) (d), 3, 4, or 5 are applicable, but not clearly satisfied;
2. should be conducted if category 1(e) or 5 is claimed as the basis for residency;
3. need not be undertaken with respect to category 4;
4. need not be conducted if category 2 applies, but approval of the exchange program by the ISBE and Superintendent should be confirmed.

As part of the investigation, facts should be gathered through completion of residency questionnaires, review of additional documents relating to residency, interviews, a visit to the residence and/or observations as appropriate to the situation.

### **Special Education Students**

The residency of a special education student involves different criteria. Generally, a residency investigation should be completed as discussed above and then the issue reviewed with the Superintendent before a final decision is made. A student with an active IEP or who has been identified as eligible for special education services will be regarded as a resident and enrolled on a tuition-free basis in any one of the following circumstances:

1. The student's parent with legal guardianship of the student, or an individual guardian who has been appointed for the student by the courts, resides in the School District.
2. The student's parents are legally separated or divorced, both parents retain legal guardianship or custody and the student's parent who provides the student's primary regular fixed nighttime abode resides in the School District. However, the election of the resident district by the parents may be made only once per school year.
3. An Illinois public agency has guardianship of the student and
  - a. the student and parent both reside in the School District; or
  - b. the agency has placed the student residentially in the School District; or
  - c. the student has been residentially placed outside the State and the School District was the last school district to provide at least 45 days of educational service to the student.
4. An Illinois court has ordered residential placement of the student, but the student's parent has legal guardianship and resides in the School District.
5. The student resides in the School District and:
  - a. a parent or court appointed guardian has legal guardianship, but the location of the parent or guardian is unknown; or
  - b. the student is age 18 or older and no legal guardian has been appointed; or
  - c. the student is legally an emancipated minor.

When the parent, or other person, with legal guardianship lives outside the State, the parent, legal guardian, or other placing agent is responsible for making arrangements to pay the School District for the educational services rendered to a special education student.

### **Homeless Students**

A homeless student is one who:

1. lacks a fixed, regular, and adequate nighttime place of abode; or
2. who has a primary nighttime place of abode that is:
  - a. a supervised publicly or privately operated shelter designated to provide temporary living accommodations (including welfare hotels, congregate shelters, and transitional housing);
  - b. an institution that provides a temporary residence for individuals intended to be institutionalized; or
  - c. a public or private place not designated for, or ordinarily used as, a regular sleeping accommodation for human beings.
  - d. the home of extended family members where the living arrangements are not based on educational choice.

A parent or guardian of a homeless student may enroll that student in either the "school of origin" or in the school for the attendance area in which the student actually lives. "School of origin" is the school that the student attended when permanently housed or the school in which the student was last enrolled.

Homeless students shall be enrolled immediately, even if they are unable to provide records normally required for enrollment and will be referred promptly for necessary immunizations in order to facilitate their prompt admission.

### **Guidelines Regarding Custody and Control**

Like most aspects of student residency issues, the question whether custody and control of a student has been transferred by a custodial parent or guardian of the student to another person with whom the student lives in the school district must be answered by collection and analysis of facts. Although no single fact is necessarily determinative nor do all of the following facts have to be present, the following facts suggest a change in custody and control sufficient to establish residency for purposes of tuition-free attendance at school:

1. The custodial parent or guardian seldom sees the student on weekends, at mealtimes, overnight, or on school holidays and vacations.
2. The custodial parent or guardian seldom converses by telephone with the student or the person with whom the student lives in the school district.
3. The custodial parent or guardian lives such a distance from the student that effective control over the student is unlikely.
4. The person with whom the student lives, and not the custodial parent or guardian:
  - a. disciplines the student;
  - b. arranges for medical care;
  - c. determines when the student comes and goes from the place of residence;
  - d. determines who the student sees as friends;
  - e. provides meals for the student;
  - f. meets much of the day-to-day financial needs of the student.
5. The student lives apart from the custodial parent or guardian for reasons other than attendance at school, such as financial difficulties of the custodial parent or guardian, marital or family strife in the home of the custodial parent or guardian, inability of the custodial parent or guardian to control the student, emotional, alcohol or drug related problems of the student or the custodial parent or guardian.
6. The custodial parent or guardian does not claim the student as a dependent on his or her federal income tax return.

In addition to the factors summarized above, the student must live in the school district on a full-time and indefinite length of time basis.

### **Enrollment/Disenrollment Decisions**

Generally, a student should not be enrolled until the investigation is completed and a final decision made. A final decision should generally not be made on residency until the results of the investigation are discussed with the person seeking to enroll the student. However, if a student is enrolled, the student should not be disenrolled until after a conference is held with the parent and the person with whom the student lives and the School Code procedures set forth in the next section are followed. If the student is an adult, the student should be included in the conference.

If the School District denies enrollment to a child claiming to be homeless, the parent or guardian must be referred to the Regional Superintendent and to sources of low-cost or free legal or other advocacy services in the community.

### **Notice and Hearing Procedure Prior to Disenrollment**

1. Notice of Tuition Due.

Upon determining that a currently enrolled student is not a resident of the School District, the Board, or the Superintendent on behalf of the Board, must give notice to the person who enrolled the student of the amount of tuition owed to the School District and, if applicable, the intention to disenroll the student. The notice must be given by certified mail, return receipt requested.

2. Request for Review.

The person who enrolled the student may request a review hearing within 10 days of receipt of the tuition notice. If a hearing is requested, the Board, or the Superintendent, must notify the requestor within 10 days, by certified mail, of the time and place of the hearing. The hearing must be not less than 10 and not more than 20 days after the date of the notice of hearing.

3. Hearing Procedure.

The Board may hold the hearing itself or designate a hearing officer to do so. The requestor may also be represented by the representative of its choice and has the burden of providing evidence of the pupil's residency. The hearing procedure will be substantially as follows:

- a. Opening statements.
- b. Presentation of evidence by the person who enrolled the student/cross-examination.
- c. Presentation of evidence by the school administration/cross-examination.
- d. Rebuttal/cross examination.
- e. Closing statements.

4. Post-Hearing Procedure

If a hearing officer conducted the hearing, the hearing officer must send his or her findings to the board and the person who enrolled the pupil within 5 days after the close of the hearing. The person who enrolled the pupil may file written objections to the Superintendent within 5 days of receiving the findings. Within 15 days of the hearing, the Board must make a final determination as to the pupil's residency and send its decision to the person who enrolled the pupil.

5. Disenrollment.

The student may not be disenrolled until at least 10 days after receipt of the tuition notice. If the person who enrolled the student requests a hearing within 10 days, and requests that the student remain in school pending the hearing, then the Board may not disenroll the student until the conclusion of the hearing process.

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