

## 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. 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 night-time 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 School 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 Service 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 school district other than the child's former school 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 school district; or
  3. resides within the School District and is a foreign exchange student in a foreign or cultural exchange program approved by the Board of Education; or
  4. is 18 years of age or older and no legal guardian has been appointed; or
  5. is legally an emancipated minor; or
  6. changes residence 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.
- 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. In addition, pursuant to the *Education for Homeless Children Act* (105 ILCS 45/1-1 *et seq.*), 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.

### 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 night-time 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. the student is 18 years of age or older and no legal guardian has been appointed; or
  - 4. the student is legally an emancipated minor; or
  - 5. 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 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 with the prior approval of the Board of Education under the following circumstances:

- 1. The student will attend on a year-to-year basis. Approval for one year is not authorization to attend a following year.
- 2. The student will attend the school designated by the Board of Education.
- 3. The student will be accepted only if there is sufficient room.
- 4. The student's parent(s)/guardian(s) will be charged an amount not to exceed the maximum amount of tuition as allowed by state law.
- 5. Transportation to and from school shall be the responsibility of the parent(s)/ guardian(s).

### Residency Determinations and Appeals

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

### Rules and Regulations

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

LEGAL REF.: McKinney Homeless Assistance Act, 42 U.S.C. §11431 et seq.  
105 ILCS 5/10-20.12a, 5/10-20.12b, and 5/10-22.5.  
105 ILCS 45/ and 70/  
23 Ill.Admin.Code §1.240.  
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)

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