

## **Students**

### **Residence**

#### **Regular Education Students**

In addition to satisfying all other requirements for enrollment, a student desiring to attend Kildeer School District No. 96 must be a legal resident of the School District. The residence of the student's parent(s)/guardian(s) having legal custody of a student as defined in §10-20.12b of the School Code is deemed to be the residence of the student.

For purposes of this Section, legal custody is defined to mean:

- A. Custody exercised by a natural or adoptive parent with whom the student resides,
- B. Custody awarded by a court to a person with whom the student resides,
- C. Custody exercised pursuant to a statutory short term guardianship; provided, however, that within 60 days of the student's enrollment, the court awards permanent guardianship and custody to a person with whom the student resides,
- D. Custody exercised by an adult caretaker relative to the student who receives aid under the Illinois Public Aid Code for the student residing with the adult caretaker relative, and
- E. Custody exercised by an adult who demonstrates that he/she has assumed and exercised legal responsibility for the student and provides a regular fixed night-time abode.

#### **Special Education Students and Residence of Students with Disabilities**

The residence status of special education students desiring to enroll in the School District will be determined as follows, in accordance with §§14-1.11 and 14-1.11a (105 ILCS 5/14-1.11 and 14-1.11a):

- A. The residence of the parent and/or legal guardian is the school district of residence when:
  - 1. The parent is the legal guardian and resides in Illinois,
  - 2. The court appointed legal guardian resides in Illinois,
  - 3. An Illinois public agency is the legal guardian of the student and the student resides in the parent's home or in the same school district as the parent,
  - 4. Parents retain legal guardianship, but a court orders a residential placement,
  - 5. If parents are separated or divorced, the school district of the custodial parent is the district of residence. If the parents have joint legal custody, the school district of the parent who provides the student's primary regular fixed night-time abode is the school district of residence,
  - 6. If the parent and/or legal guardian lives outside of Illinois, that parent or guardian must pay the school district for the educational services.
- B. The residence of the student is the school district of residence when:
  - 1. Parent has legal guardianship but the parent's location is unknown,
  - 2. A legal guardian has been appointed, but the guardian's location is unknown,
  - 3. The student is 18 or older and no legal guardian has been appointed,

4. The student is a legally emancipated minor, or
5. An Illinois public agency has legal guardianship and has placed the child in a residential facility outside of the parent's school district.

Anyone who knowingly or willfully presents false information to the School District for the purpose of enrolling a student on a tuition free basis shall be referred to the State's Attorney's Office for prosecution of a Class C misdemeanor and may be subject to tuition charges dating back to the date of improper enrollment.

#### Military Obligation

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.

#### Admission of Non-resident Students Pursuant to an Agreement or Order

Non-resident students may attend District schools whenever any State or federal law or a court order mandates the acceptance of a non-resident student.

#### Admission of Prospective Residents or Anticipated Residency

It is the policy of the Board of Education to deny admission to non-resident students. However, non-resident students whose parents provide evidence that they will become residents within 60 calendar days of a student's first day of attendance may be allowed to pay tuition until such time as they establish residency in the District. The School Code of Illinois requires the payment of tuition for any non-resident student. Upon establishing residency, up to 60 days of tuition will be refunded. If evidence cannot be provided indicating that the student will become a resident within 60 calendar days, a non-resident student must attend their district of residence and enroll in District 96 upon becoming a resident. In addition, if residency is not established within the 60-day period, the student shall be disenrolled effective at the end of the 60-day period or as soon thereafter as reasonably possible, and the parents or legal guardians will be assessed tuition for the period of attendance.

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

#### Residency Investigation

The Superintendent may direct investigation to 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. If a student has not begun attendance in school when residency is questioned, the Superintendent or designee shall deny attendance pending determination of the student's residency.

### Challenging a Student's Residence Status

If the Superintendent or designee determines that a student who has been enrolled in the District is not a legal resident as defined above, the Superintendent shall notify the person who enrolled the student of the student's nonresident status and of the person's right to a hearing before the Board of Education or its appointed hearing officer in accordance with guidelines adopted by the Superintendent. If the person who enrolled the student requests a review by the Board of Education or its hearing officer, the decision of the Board of Education shall be final.

During a pending review of the administration's determination of non-residency, the student shall remain enrolled in the District's educational programs at the request of the person who enrolled the student, subject to a continuing obligation to pay tuition to the District for the nonresident student.

- LEGAL REF.: 42 U.S.C. §11431 et seq., McKinney 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 (5<sup>th</sup> Dist. 1992).  
Joel R. v. Board of Education of Manheim School District 83, 292 Ill.App.3d 607 (1<sup>st</sup> Dist. 1997).  
Kraut v. Rachford, 51 Ill.App.3d 206 (1<sup>st</sup> 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)
- ADOPTED: April 5, 2011, June 16, 2015, January 17, 2017, December 14, 2021 L.R.,  
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