

Administrative Procedures Implementing Board Policy 7:60, Residence

I. Definitions

A. General Education Students (105 ILCS 5/10-20.12b)

1. A student may attend school in the District on a tuition-free basis if he/she resides with a person who is a resident within the District's boundaries and who has legal custody of the student. Legal custody means one of the following:
 - a. custody exercised by a parent with whom the student resides.
 - b. 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.
 - c. 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.
 - d. 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.
 - e. 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 nighttime abode for purposes other than to have access to the educational programs of the District.
2. A student also may attend school in this District on a tuition-free basis if the student:
 - a. resides outside the District during a school year in which the student began the school year as a resident of the District; however, the District shall not be liable for transportation; or
 - b. 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 Services 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/her former school district; or

- c. resides within the District and is a foreign exchange student in a foreign or cultural exchange program approved by the Board of Education; or
- d. formerly resided in the District but has changed residence due to the military service obligation of the person who has legal custody of the student, provided that the legal custodian submits a request in writing, that the District shall not be liable to provide transportation to or from school for the student, and that the District shall facilitate re-enrollment when necessary under this provision; or
- e. resides in the District and is 18 years of age or older and no legal guardian has been appointed; or
- f. resides in the District and is legally an emancipated minor.

B. Special Education Students (105 ILCS 5/14-1.11, 14-1.11a)

A student for whom special education services are to be provided by the District shall be considered a resident in accordance with either subsection 1 or 2:

- 1. The student's parent or guardian resides in the District and
 - a. the parent has legal guardianship; or
 - b. an individual guardian has been appointed by the courts; or
 - c. 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
 - d. 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.

2. The student resides in the District and
 - a. the parent has legal guardianship but the location of the parent is unknown; or
 - b. an individual guardian has been appointed but the location of the guardian is unknown; or
 - c. the student is 18 years of age or older and no legal guardian has been appointed; or
 - d. the student is legally an emancipated minor; or
 - e. 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.

II. Initial Enrollment in School

A. Registration Requirements

Prior to enrollment, each student must present evidence that he/she may attend school in the District on a tuition-free basis. At the time of registration, all new or transferring students must complete a **Certificate of Residence** form (see **Appendix A**). In addition, at least three (3) items of identification from the following list must be presented as evidence of residency:

1. Home ownership title or deed or mortgage statement
2. Most recent property tax bill and proof of payment (e.g., cancelled check or Form 1098)
3. Original lease (signed and dated with lessee of the unit listed), proof of last month's payment (e.g., cancelled check or receipts) and Certificate of Inspection, which is required by the Village of Evergreen Park. If an original lease cannot be produced, a copy of the lease and an affidavit from the landlord will be accepted in lieu of the original lease. Proof of last month's payment and the Certificate of Inspection will still be required

4. An Affidavit of Use from the Village of Evergreen Park (to be completed within 30 days prior to registration)
5. Current Illinois driver's license
6. Current state ID
7. Current Illinois voter registration card and the original letter or postcard mailed with the voter registration card
8. Consular Identification Card
9. Current home or apartment proof of insurance
10. Current Public Aid Card and the original letter or postcard mailed with the Public Aid Card
11. Most recent gas, electric, or water bill or letter from the gas, electric or Water Company initiating services (within last 30 days)
12. Current automobile insurance policy or vehicle registration
13. A paycheck or a bank statement issued within the last 30 days
14. Most recent landline telephone, cable television, or internet bill (within 30 days)
15. A change of address confirmation letter form the US Postal Office (only applicable to families who are new residents of Evergreen Park and have moved in with the past 30 days)

Note: P.O. Box address is insufficient as proof of residency.

These items of identification will be reviewed by the District employee interviewing the parents or guardians at the time of registration, copies will be retained, and notation will be made on the **Student Registration Form** of those items of identification provided by the parent or guardian. The completed **Certificate of Residence** (see **Appendix A**) must be on file at the District office before registration of a student will be considered complete and enrollment allowed. The District may further investigate the residency status of a student as part of the enrollment process, and at any time during the school year when information is brought to the District's attention that calls into question a student's residency status.

If a student is living with an individual other than the student's parent or guardian, the District may require the parents or guardian of the student to complete **Affidavits of Residency** (see **Appendix B-1 and B-2**) and produce additional proof of legal residency. In situations where the student and his/her parent or guardian reside with a family member, such as a grandparent, or a friend, the person who owns or rents the residence must complete the **Student Residency Affidavit** (see **Appendix C**) at the time of registration.

Homeless Student

If a student registers as a homeless individual, the District shall enroll the student even if the student is unable to produce records normally required for enrollment. The District shall request such information as it deems necessary to determine whether such person meets the indicia of a homeless individual, as set out in these

Administrative Procedures (see Section V). See Board Policy 6:140, Education of Homeless Children, and accompanying administrative procedures.

III. Hearing & Appeal Procedures for Enrolled Student (Non-Homeless Students)

If the District determines that an enrolled student is non-resident of the District:

1. The District shall notify the person who enrolled the student of the amount of the tuition to be charged for the non-resident student's attendance in the District. The notice shall detail the specific reasons why the District believes the student is a nonresident of the District, and shall be given by certified mail, return receipt requested. The notice also shall state that, within 10 calendar days after receipt of the notice, the person who enrolled the student may request a hearing to review the residency determination. The notice shall further state that the request for a hearing must be sent by certified mail, return receipt requested, to the Superintendent.

See **Model Notice Letters** in **Appendix E** and **Appendix F**.

2. Within 10 calendar days after receipt of the request for hearing, the District shall notify, by certified mail, return receipt requested, the person requesting the hearing of the time and place of the hearing, which shall be held not less than 10 nor more than 20 calendar days after the notice of hearing is given. See **Model Notice Letter** in **Appendix H**.
3. At least three (3) calendar days before the hearing, both parties must disclose to each other all written evidence and testimony that it will submit during the hearing and a list of witnesses that it may call to testify during the hearing. A party who does not disclose the required information is to be prohibited from using it at the hearing without consent of the other party.
4. A hearing officer designated by the Board shall conduct the hearing. The District and the person who enrolled the student may be represented at the hearing by representatives of their choice at their own expense. At the hearing, the person who enrolled the student shall have the burden of going forward with the evidence concerning the student's residency.
5. The hearing officer, within five (5) calendar days after the conclusion of the hearing, shall send a written report of his/her findings by certified mail, return receipt requested, to the Board of Education and to the person who enrolled the student.

The person who enrolled the student may, within five (5) calendar days after receiving the findings, file written objections to the findings with the Board

by sending the objections by certified mail, return receipt requested, to the Superintendent.

6. Whether the hearing is conducted by the Board or a hearing officer, the Board shall, within 30 calendar days after the conclusion of the hearing, decide whether or not the student is a resident of the District and the amount of any tuition required to be charged under Section 10-20.12a of the *School Code* as a result of the student's attendance in the schools of the District. The Board shall send a copy of its decision, within five (5) calendar days of its decision, to the person who enrolled the student. The decision also must inform the person who enrolled the student that he/she may, within five (5) calendar days after receipt of the decision of the Board, petition the Regional Superintendent of Schools to review the Board's decision, by certified mail, return receipt requested, to the Regional Superintendent of Schools and the Superintendent. The decision also must include notification that, at the request of the person who enrolled the student, the student may continue attending school in the District pending the Regional Superintendent of Schools' review of the Board's decision but that tuition shall continue to be assessed under Section 10-20.12a of the *School Code* during the review period and become due upon a final determination of the Regional Superintendent of Schools that the student is a nonresident. See **Model Decision in Appendix I.**
7. Within five (5) calendar days after receipt of the petition, the Board must deliver to the Regional Superintendent of Schools the written decision of the Board, any written evidence and testimony that was submitted by the parties during the hearing, a list of all witnesses that testified during the hearing, and any existing written minutes or transcript of the hearing or verbatim record of the hearing in the form of an audio or video recording documenting the hearing. The Board also may provide the Regional Superintendent of Schools and the petitioner a written response to the petition. See **Model Letter in Appendix J.**
8. Within 10 calendar days after receipt of the documentation from the Board, the Regional Superintendent of Schools shall issue a written decision as to whether or not there is clear or convincing evidence that the student is a resident of the District and eligible to attend school in the District on a tuition-free basis. The Regional Superintendent of Schools' decision is limited to the documentation submitted to the Regional Superintendent of Schools. The Regional Superintendent of Schools' decision shall be sent to the Board and the person who enrolled the student and must, with specificity, detail the rationale behind the decision.

IV. Continued Attendance

A. Currently Enrolled Students

If a hearing is requested under Section III, the person who enrolled the student may request that the student continue attending school in the District pending a decision of the Board following the hearing. In addition, if the person who enrolled the student petitions the Regional Superintendent of Schools to review the Board's decision, that person may request that the student continue attending school in the District pending a final decision of the Regional Superintendent of Schools.

However, attendance of that student in the schools of the District as set forth above shall not relieve any person who enrolled the student of the obligation to pay the tuition charged for that attendance under Section 10-20.12a of the *School Code* if the final decision of the Board or the Regional Superintendent of Schools is that the student is a non-resident of the District. If a student is determined to be a non-resident of the District for whom tuition is required to be charged, the Board shall refuse to permit the student to continue attending the schools of the District unless the required tuition is paid for the student.

B. Students Not Currently Enrolled

If the District denies enrollment to a student on the basis of non-residency and the student requests an appeal of such a determination, the student shall not be allowed to enroll in the District on a tuition-free basis during the pendency of any appeal.

V. Homeless Students

See Board Policy 6:140, Education of Homeless Children.

A. Definitions

1. The term "homeless children and youths" means individuals who lack a fixed, regular, and adequate nighttime residence and includes:
 - a. children and youths who are sharing the housing of other persons due to loss of housing, economic hardship, or a similar reason; are living in motels, hotels, trailer parks, or camping grounds due to the lack of alternative adequate accommodations; are living in emergency or transitional shelters; are abandoned in hospitals; or are awaiting foster care placement;
 - b. children and youths who have a primary nighttime residence that is a public or private place not designed for or ordinarily used as a regular sleeping accommodation for human beings;

- c. children and youths who are living in cars, parks, public spaces, abandoned buildings, substandard housing, bus or train stations, or similar settings; and
 - d. migratory children who qualify as homeless because they are living in circumstances described in paragraphs “a” through “c” above.
2. The District is the “school of origin” if the homeless student attended school in the District when last permanently housed or when last enrolled in school.

B. Enrollment

A child who is homeless 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 child will be considered a resident of the District if the child attended a school in the District when he/she was last permanently housed or the child was last enrolled in a school in the District. Accordingly, the parent/guardian of a homeless child may choose to enroll their child in the District if a school within the District is in the area where the child is actually living or if the District is the child’s school of origin. The District shall request such information as it deems necessary to determine whether such person meets the indicia of a homeless individual, as set out in these Administrative Procedures. This information shall be provided to the District within 10 calendar days of the District’s request. The District may require the child’s parent/guardian to complete an **Affidavit Verifying Homelessness** (see **Appendix D-1**) and the individual who owns the residence where the child and the parent or guardian are residing to complete a **Homeless Verification Affidavit** (see **Appendix D-2**).

Whenever a child and his/her parent/guardian who initially share the housing of another person due to loss of housing, economic hardship, or a similar hardship continue to share the housing, the District may, after the passage of 18 months and annually thereafter, conduct a review as to whether such hardship continues to exist.

The District may, at the time of review, request information from the parent/guardian to reasonably establish the hardship, and sworn affidavits or declarations may be sought and provided. If, upon review, the District determines that the family no longer suffers such hardship, it may notify the family in writing and begin the process of dispute resolution as set forth below. Any change required as a result of this review and determination shall be effective solely at the close of the school year.

C. Transportation

1. If a homeless student continues to live in the area where the school of origin is located, upon the request of the parent/guardian (or in the case of an

unaccompanied youth, the liaison), the District shall transport a student to and from school. If a homeless child, formerly attending school in the District but currently living in the attendance area of another school district, elects to attend school in the District as the “school of origin,” the student’s parents also may request that transportation be provided between the student’s residence and the school of origin. The District shall work with the school district in which the homeless child is currently living to apportion responsibility for transporting the homeless child to and from school, subject to paragraph 2, below. If the districts are unable to reach an agreement on the child’s transportation, the responsibility and costs for such transportation will be shared equally by the districts.

2. If a homeless child, formerly attending school in the District but currently living in the attendance area of another school district, elects to attend school in the District as the “school of origin,” the District or the student’s parent or guardian may request a meeting of the school principal or designee, a teacher of the student, and the parent or guardian, to evaluate whether travel to and from the District is in the best interest of the student and the student’s family. Such a meeting shall be required if travel to school will be greater than one (1) hour each way. If the child is eligible for special education services, every effort shall be made by the District to avoid a travel time of greater than one (1) hour each way.

D. Homeless Liaison

The District’s Homeless Liaison is Elizabeth Lopez and may be contacted at (708) 423-0950 ext. 2145 and ellopez@d124.org. The following are the responsibilities of the Homeless Liaison:

1. Ensure that homeless children and youths are identified by school personnel and through coordination activities with other entities and agencies;
2. Ensure that homeless children and youths enroll in, and have a full and equal opportunity to succeed in, schools of the District;
3. Ensure that homeless families, children, and youths receive educational services for which such families, children, and youths are eligible, including any Head Start and Even Start programs and preschool programs administered by the District, and referrals to health care services, dental services, mental health services, and other appropriate services;
4. Ensure that the parents or guardians of homeless children and youths are informed of the educational and related opportunities available to their children and are provided with meaningful opportunities to participate in the education of their children;

5. Ensure that public notice of the educational rights of homeless children and youths is disseminated where such children and youths receive services under this Act, such as schools, family shelters, and soup kitchens;
6. Ensure the proper mediation of enrollment disputes; and
7. Ensure that the parent/guardian of a homeless child or youth, and any unaccompanied youth, is fully informed of all transportation services, including transportation to the school of origin, and is assisted in accessing transportation to the school.

E. Appeals Procedures

In the event that the District denies enrollment to a homeless child as defined herein (see **Model Notice Letter** in **Appendix G**), such student may appeal the decision to the Homeless Liaison, who is responsible for carrying out dispute resolution. The Homeless Liaison shall immediately refer the student or parents to the ombudsperson for homeless children appointed by the Regional Superintendent of Schools and provide the child or his/her parent/guardian with a written statement of the basis for the denial. The child shall be admitted and transported to the school chosen by the parent/guardian until final resolution of the dispute. The ombudsperson shall convene a meeting of all parties and attempt to resolve the dispute within five (5) school days after receiving notice of the dispute, if possible.

VI. Criminal Liability

Under Illinois law, a person who knowingly enrolls or attempts to enroll in the schools of the District on a tuition-free basis a student known by that person to be a non-resident of the District is guilty of a Class C misdemeanor. This criminal penalty does not apply to a person enrolling a foreign exchange student or the Guardianship Administrator of the Department of Children and Family Services.

In accordance with Illinois law, a person who knowingly or willfully presents to any school district any false information regarding the residency of a student for the purpose of enabling that student to attend any school in that district without the payment of a non-resident tuition charge is guilty of a Class C misdemeanor.

The administrator shall refer to the appropriate criminal justice office any instances of suspected violations of the above provisions.