

OFFICE OF THE SUPERINTENDENT

Millburn Public Schools

ACTION ITEM

October 19, 2009

To: Board of Education Members

From: Ellen E. Mauer, PhD

Subject: Non-Resident Petition Request

Proposed Action by the Board of Education

Approve the request for a non-resident to attend Millburn Schools in compliance with policy 7:60.

Background

Policy 7:60 indicates that I may present cases to the BOE for approval if deemed acceptable. In this instance, we have a non-resident who has owned a home in the district for years and wants to remodel. Unfortunately, it is a bad time for selling a home and they would prefer to do a remodel while not living in the home due to the significance of the renovation. Therefore, the parents are requesting that we allow them an extra year to live out of district and send their child to school anyway. They are fine with following the policy and will pay the tuition rate of \$9829.13 per year. Typically, we have not taken these kinds of requests due to the precedence it sets. In this case, the parents intend to live in the district and already own a home in the district. This makes the case very different from our regular requests. If we are not able to grant the request, the family is very understanding and will simply rent their old home and move into the new home while they renovate. Given the situation, I am comfortable recommending this for approval.

## Students

### Residence

#### Resident Students

Only students who are residents of the District may attend the District school without a tuition charge, except as otherwise provided below or in State law. A student's residence is the same as the person who has legal custody of the student.

A person asserting legal custody over a student, who is not the child's natural or adoptive parent, shall complete a signed statement, stating: (a) that he or she has assumed and exercises legal responsibility for the child, (b) the reason the child lives with him or her, other than to receive an education in the District, and (c) that he or she exercises full control over the child regarding daily educational and medical decisions in case of emergency. In addition, the child's natural or adoptive parent, if available, shall complete a signed statement or Power of Attorney stating: (a) the role and responsibility of the person with whom their child is living, and (b) that the person with whom the child is living has full control over the child regarding daily educational and medical decisions in case of emergency.

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.

A student who is part of a family where one or more members are in the military, and who moves out of the district during the school year, will be permitted to attend the school for the remainder of the school year without payment of tuition or any other fees.

#### Non-Resident Students

Non-resident students may attend the District school upon the Superintendent's recommendation, approval of the Board of Education, and subject to the following:

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

#### Challenging a Student's Residence Status

If the Superintendent or designee determines that a student attending school on a tuition-free basis is a non-resident of the District for whom tuition is required to be charged, he or she on behalf of the Board shall notify the person who enrolled the student of the tuition amount that is due. The notice shall be given by certified mail, return receipt requested. 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.

#### Homeless Children

A homeless child, as defined by State law, may attend the District school that the child attended when permanently housed or in which the child was last enrolled. A homeless child living in any District school's attendance area may attend that school. Transportation shall be arranged according to State law. If a dispute arises regarding a homeless child's rights, the Superintendent shall inform his or her parent(s)/guardian(s) of the availability of an investigator, sources for low-cost or free legal assistance, and other advocacy services in the community.

LEGAL REF.: 30 ILCS 220/11.  
105 ILCS 5/10-20.12a, 5/10-20.12b, and 5/10-22.5.  
23 Ill. Admin. Code § 1.240(e).  
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. 1992).  
Joel R. v. Board of Education of Manheim School District 83, 686 NE2d 650 (Ill. App. 1st Dist. 1997).  
Kraut v. Rachford, 366 N.E.2d 497 (1st Dist. 1977).

ADOPTED: May 20, 2002

REVISED and  
ADOPTED: May 19, 2008