

## **Students**

### **Residence**

#### **Resident Students**

Only students who are residents of the District may attend a 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. If the District knows the current address of the child's natural or adoptive parent, the District shall request in writing that the person 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.

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.

#### **Requests for Non-Resident Student Admission**

Non-resident students may attend District schools upon the approval of a request submitted by the student's parent(s)/guardian(s) for non-resident admission. The Superintendent may approve the request 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. The student's parent(s)/guardian(s) will be responsible for transporting the student to and from school.

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

Non-resident students may attend District schools tuition-free pursuant to:

1. A written agreement with an adjacent school district to provide for tuition-free attendance by a student of that district, provided both the Superintendent or designee and the adjacent district determine that the student's health and safety will be served by such attendance.

2. A written agreement with cultural exchange organizations and institutions supported by charity to provide for tuition-free attendance by foreign exchange students and non-resident pupils of charitable institutions.
3. According to an intergovernmental agreement.
4. Whenever any State or federal law or a court order mandates the acceptance of a non-resident student.

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

#### 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 School 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.

Registration of a nonresident student as a resident student, or without the express consent of the Board of Education of Millburn Community Consolidated School District #24, is a fraudulent act. Any student found to have been fraudulently enrolled will be removed from attendance rolls and dismissed from the District immediately. Parents or guardians making a fraudulent registration will be charged tuition prorated for the time of attendance and processing fees amounting to ten percent (10%) of the tuition fees imposed.

#### Impending Residency

It is the belief of Millburn Community Consolidated School District 24 that it is in the best academic interests of a student to have a continuous and uninterrupted school year. It is also understood that resident families support the District by property taxes they pay to the District. It is with this philosophy in mind that the District may accept students of families who have contracted to move into the District by the end of an existing academic year by following procedures specified below.

A nonresident student whose parent/guardians intend to establish residency in Millburn Community Consolidated School District 24 within the academic year may request from the Superintendent permission to enroll as an "*impending resident*" student. A written verification from the contractor or developer indicating projected occupancy date and a verification of an approved mortgage application is required at the time of such registration. For families purchasing an existing home, a verification of an approved mortgage application is required. In such a case, parents/guardians will be required to make an initial deposit for each student amounting to 1/4 of the District's established annual tuition rate. Kindergarten students shall be charged the same tuition rate as students in grades 1-8.

If the "impending resident" establishes permanent residency in the District prior to completion of 1/4 of the academic year, the District will reimburse the balance of the resident's deposit, pro-rated on a per diem basis from the date permanent residency was established. If the "impending resident" fails to establish permanent residency in the District prior to completion of the first 1/4 of the academic year following registration, the "impending resident" shall make an additional tuition deposit for each student in the amount of 1/4 of the District's established annual tuition rate. The same per diem pro-

rated reimbursement procedure will be in effect. Failure to make any required payment under this Section shall result in immediate exclusion of the student from school.

Students will not be granted enrollment privileges under this “impending resident” provision for any more than the academic year during which enrollment was granted except where “impending resident” status is granted during the second semester of an academic year in which event the student may remain on “impending resident” status for the remainder of the academic year in which the status is granted and the following school year. The above payment requirements remain in full effect while the student is enrolled on “impending resident” status.

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/  
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)

ADOPTED: OCTOBER 18, 2010