



# Establishing Residency for Illinois School Districts

Only students who reside in the district may attend a district school free of tuition, with limited exceptions.

## Residency Requirements:

A student's residence is the same as the person who has legal custody of the child. When the student receives special education services, the resident district is determined by 105 ILCS 5/14-1.11 and 14-1.11a.

When parents are divorced or separated, the district of the parent having legal guardianship or custody is the resident district. When both parents have legal guardianship or custody, the resident district is the one in which the parent providing the student's primary regular fixed night-time abode lives.

To establish residency, a student must provide necessary and truthful proof of residency prior to the start of the school year.

A district may not require specific documents to establish residency but should provide a list of documents that are sufficiently variable to allow a resident to demonstrate proof of residency.

When a student provides necessary and truthful proof of residency, prior to the start of the year, the student may complete the school year tuition-free, even if the student moves to another district during the current school year.

## Limited Exceptions to Residency Requirements May Include:

- Placement by DCFS with a foster parent or childcare facility
- Placement with a person who has temporary custody of a child while the guardian is on active military duty
- Placement with an individual responsible for making decisions for the student

## Additional Exceptions:

Military Family Exceptions:

- If a change of residence is due to a military service obligation of the student's legal custodian, upon written request of the custodian, the student's residence is deemed to be unchanged during the military service obligation.
- If a child of military personnel is housed in temporary housing outside of the district at the time of enrollment but will be living within the district within 60 days after enrollment, the student must be allowed to enroll tuition-free.

The parent/guardian is requesting nonresident student admission:

- While not required, the student may be granted approval by the superintendent and will be charged the maximum amount of tuition as allowed by State law.

Admission of a Nonresident Pursuant to an Agreement or Order:

- Written agreement with an adjacent school district to provide tuition-free attendance
- Written agreement with a cultural exchange organization/ institution supported by charity to provide tuition-free attendance by foreign exchange student
- Intergovernmental agreement
- As mandated by State or federal law or court order

A student who is homeless shall be admitted immediately, even if the student is unable to produce records normally required to establish residency

\*If the requirements above are not met, the student is not entitled to enrollment in the district. Page 2 outlines the process to challenge a student's residency once the year has begun and the district believes the student is a nonresident of the district.

## Challenging Residency When the District Believes a Student is a Nonresident

In the event the district believes a student attending the district is a nonresident and does not meet any of the exceptions listed on the Establishing Residency document, the district should follow the process outlined below:

**Step 1:** Begin an investigative process to acquire enough evidence to be confident the student does not reside within the district. There are no legal requirements on what evidence can or must be used, however, it is recommended the district conduct multiple observations on multiple occasions of both the in-district residence in which the student claims to reside, as well as the suspected out-of-district residence during times it would be reasonable for the student to be present. Surveillance documenting the location in which the student leaves to go to school is most persuasive. Observations should be documented and photographed when possible.

**Step 2:** Notify the person who registered the student that the district believes the student is a nonresident. The notification must state the specific reason the district believes the student is a nonresident, as well as the amount of nonresident tuition owed pursuant to 105 ILCS 5/10-20.12a(a). The notification should provide notice of the right to request a hearing and must be given by certified mail, return receipt requested.

**Step 3:** Within 10 calendar days of receiving the notice, the person who enrolled the student may request a hearing to review the determination by the school board. The request must be sent to the superintendent by certified mail, return receipt requested.

**Step 4:** Within 10 calendar days of receiving a request for a hearing, the school board must send notice by certified mail, return receipt requested, to the person requesting the hearing of the date, time, and place of the hearing. The hearing must be held no less than 10 nor more than 20 calendar days after the notice of hearing is given.

**Step 5:** At least 3 calendar days before the hearing, each party shall disclose to the other party all written evidence and testimony that it may submit during the hearing and a list of witnesses it may call to testify during the hearing.

**Step 6:** The hearing may be conducted by the school board or hearing officer designated by the board. Both parties may be represented by representatives of their choice. The person who enrolled the student will have the burden of going forward with the evidence concerning the student's residency.

**Step 7:** If the hearing is conducted by a hearing officer, within 5 calendar days after the conclusion of the hearing, the hearing officer will send a written report of findings by certified mail, return receipt requested, to the superintendent. Whether the hearing is conducted by a hearing officer or school board, the board shall, within 30 calendar days decide whether the student is a resident of the district and the amount of any tuition required to be charged as a result of the student's attendance in the district.

**Step 8:** The board shall send its decision within 5 calendar days of its decision to the person who enrolled the student. The decision must be sent by certified mail, return receipt requested. The decision must provide notice that within 5 calendar days of receiving the decision, the decision may be petitioned to the regional superintendent of schools for review. The petition must be sent to the superintendent and regional superintendent of schools.

**Step 9:** Within 5 calendar days after receipt of the petition, the board must provide the regional superintendent with the board's written decision, any evidence and testimony that was submitted during the hearing, a list of witnesses that testified during the hearing, and any written minutes, transcripts, or recordings of the hearing. The board may also provide the regional superintendent and petitioner with a written response to the petition.

**Step 10:** Within 10 calendar days after receipt of the documentation provided by the school district, the regional superintendent will issue a written decision regarding whether there is clear and convincing evidence the student is a resident of the district and eligible to attend the district on a tuition-free basis.

**NOTE:** During the time that a residency hearing is pending, including a petition to the regional superintendent, a student may continue to attend school in the district. However, tuition will continue to be assessed and if the student is ultimately determined to be a nonresident, the person who enrolled the student will be responsible for all tuition charged.