



2017-18 Residency

Determining the
Residency Status of a Student in
Community Consolidated
School District 181

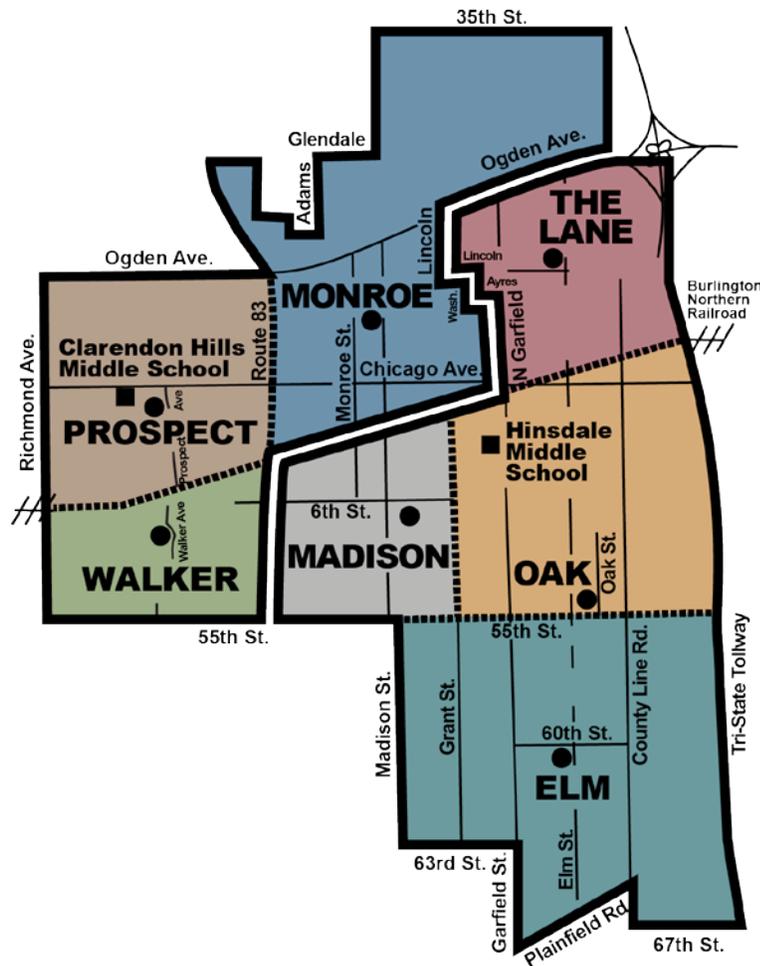


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Introduction

In Illinois, like many states, the means for entry into a school district is residency. It is important to understand the residency requirements of Illinois law contained in the Illinois School Code, 105 ILCS 5/10-20.12b and 105 ILCS 5/14-1.11a, as well as the educational rights of homeless children as embodied in The Education for Homeless Children Act, 105 ILCS 45/1-5 *et seq.*, and the federal McKinney-Vento Act, 42 U.S.C. §11431 *et seq.* Understanding residency rules and procedures can help keep children in a stable school setting and prevent schools from excluding children or causing them to miss school days.

Some important principles of school residency law are:

- Any Illinois child has the right to finish the school year in the school he or she lawfully started the year in, regardless of whether the child subsequently moves out of the District.
- There is no requirement that an adult possess a formal court order of guardianship to enroll a child in school.
- There is no requirement about a set number of days, weeks, or months that a child must be living in a school district to establish residency or permanent residency.
- There is no "24/7" requirement, i.e. a child who lives at an address in a district need not stay at that address every day or night or take all meals there in order to be a valid resident.
- A school district cannot require one particular form of proof from an enrolling adult to show residency.
- No child can validly enroll in school if he or she lives within a district *solely* for the purpose of accessing that District's schools.

The District has specific procedures with regard to families building a home within the boundaries of District 181 and currently living outside the District, as outlined in the pages that follow.

Board of Education Policy 7:060

Resident Students

Only students who are residents of the District may attend a District school, except as otherwise required by State law and defined within this policy. A student's residence is the same as the person who has residential 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) that he or she provides the pupil with a regular fixed night-time abode, (c) the reason the child lives with him or her, other than to receive access to educational programs 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, both of the child's natural or adoptive parent(s), if available, shall complete a signed statement and Power of Attorney attesting to the same and also 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 school year without payment of tuition provided the parent(s)/guardian(s) provide transportation.

If a family who has established residency must temporarily vacate their residence due to construction, renovation, or repair and would like their children to continue to have access to educational programs in the District, they must provide a signed, notarized statement stating: (1) the reason for temporary relocation; (2) proof that they continue to maintain ownership of their residence in the District that is under construction, renovation, or repair; and (3) the expected duration of the construction, renovation or repair, which generally should not exceed one (1) year. They also must attach documentation sufficient to show the construction, renovation, or repair project that is underway.

If a student's change of residence is due to the military service obligation of the student's legal custodian, then upon the written request of the person having legal custody of the student, the student's residence is deemed to be unchanged for the duration of the custodian's military service obligation. 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 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 of foreign exchange students and non-resident pupils of charitable institutions.
3. According to an intergovernmental agreement.
4. Whenever any State or federal law or 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. Board of Education 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 non-resident student is attending a District school, he or she on behalf of the Board shall notify the person who enrolled the student of the tuition amount that is due and immediately begin proceedings to ban the student from future attendance. 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 per School Code, 105 ILCS 5/10-20.12b.

Property Owners Remodeling, Building, or Purchasing a Home in District 181

Situations arise in which families are currently not living within the boundaries of District 181 and are building or remodeling a home inside of the District's boundaries. In these cases, the District understands the importance of a child starting the school year at a District 181 school so as not to interrupt the educational environment of the child. Therefore, the following procedures have been established to assist in the enrollment of children whose parents/legal guardians are building, remodeling, or purchasing a home in District 181.

Remodeling an Existing Home in District 181

If a parent/guardian has established residency in District 181, currently owns a home in District 181, and is remodeling the home, the child may attend the school where the remodeled home is located. A parent/guardian is required to notify the child's school of the remodeling project and is to provide the following information to the school:

- Verification that the home being remodeled is under construction along with an estimated completion date and estimated move-in date verified by the builder. "Completion date" is defined as the date that the builder transfers occupancy to the parents/legal guardians. "Move-in date" is defined as the date the parents/legal guardians and child move into the home to live permanently. Verification must be in the form of a letter from the builder on company stationary or an email from a company email address.
- The current residential address of the child if the child is not living at the in-District address.

Building a New Home or Purchasing a Home in District 181

If a parent/guardian has not established residency in District 181 and is building a new home or purchasing an existing home in District 181, the child may attend the school where the new home is located under the condition that the home has a completion/closing date prior to October 1st of the current school year. Additionally, at the time of registration, a parent/legal guardian will need to present:

- All required documentation as stated on Page 6 of this booklet with regard to confirming the relationship of the child and parents/legal guardians, along with the identity and age of the child.
- Verification that the home being built is under construction along with an estimated closing date and estimated move-in date verified by the builder. "Closing date" is defined as the date that the builder transfers occupancy to the parents/legal guardian. "Move-in date" is defined as the date the parents/legal guardians and child move into the home to live permanently. Verification must be in the form of a letter from the builder on company stationary or an email from a company email address.
- Verification that the home being purchased is under contract along with an estimated closing date and estimated move-in date verified by the submission of a real estate contract. "Closing date" is defined as the date that the builder transfers occupancy to the parents/legal guardian. "Move-in date" is defined as the date the parents/legal guardians and child move into the home to live permanently.
- A check in the amount of \$17,704.17 for each child registered.
 - Prior to October 1, if an Occupancy Permit is submitted to the District Office on the property that was built, and the parents/legal guardians and child have moved into the home, the District will return the check.

- On or after October 1, if an Occupancy Permit is submitted to the District Office on the property that was built, and the parents/legal guardians and child have moved into the home, the School District will charge a prorated amount based on the number of attendance days the child has attended school during the current school year.
- In the event the home is not completed or purchased by the conclusion of the current school year, the parents/legal guardians will need to complete the procedures again, including, but not limited to, the submission of another check in the amount of \$17,704.17 for each child registered plus any increase to be deposited as stated above.

How to Determine Residency in District 181

Determining residency in District 181 is a three-step process:

- Step 1: Confirmation of the adult's identity and relationship to the child
- Step 2: Confirmation of the age of the child
- Step 3: Confirmation that the child resides in CCSD 181

Step 1: Confirmation of the Adult's Identity and Relationship to the Child

a) Picture identification showing the adult's name and photograph issued by a governmental agency/entity, where 1) the photo recognizably depicts the individual registering the child and 2) the name of the adult on the identification matches the name of the individual registering the child.

Provide one (1) of the following:

- Current Illinois driver's license; or
- Current Passport; or
- Current school identification card; or
- Current Illinois Medicaid card; or
- Other original or certified document issued by the state or federal government/entity, identifying the adult, by name, as the parent of the child being enrolled. This must be an official document from a recognized state or federal agency/entity.

b) Documents accepted to identify the relationship of the adult to the child

Provide one (1) of the following:

- Certified birth certificate of the child being enrolled that identifies the names of the parents. This must be a certified birth certificate; photocopies cannot be accepted. Hospital / baptismal certificates are not acceptable. A certified birth certificate is issued through the County Clerk's Office / municipality in the state where the child was born. It must have an original stamp embossment, seal, etc., and parent information; or
- For a foster child, the Placement / Payment Authorization Form IL-418-906 from the Illinois Department of Children and Family Services; or
- Other original or certified official document issued by the state or federal government / entity identifying the adult by name as the parent of the child being enrolled.

Step 2: Confirmation of the Age of the Child

Please note that a child must be five (5) years old on or before September 1 of the current year to enroll in kindergarten in District 181. The following documents will be accepted to confirm the age of the child.

Provide one (1) of the following:

- The child's certified birth certificate (see Step 1b above); or
- The child's passport showing the child's birth date; or
- The child's Green Card for U.S. Permanent Residency; or
- The child's Health Identification Card from the Illinois Department of Children and Family Services

Step 3: Confirmation that the Child Resides in District 181

District 181 recognizes and will register/enroll students from two types of residence:

- Typical: Residents who own or lease their property and can provide the appropriate documentation to confirm that they own or are leasing their property.
- Third Party: Residents who reside with someone else within the boundaries of District 181 and who do not have a lease, mortgage or deed in their own name. Additional documents are necessary to confirm the residence of Third Party Residents.

Confirmation of Residence for a Typical Resident

The following documents will be accepted to confirm that the child resides within the District.

Three (3) proofs of residence are required, each showing the name of the parent/guardian and the in-District address at which the parent/guardian is living with the child, as follows:

Column A: One (1) Required	Column B: Two (2) Required
<p>All items must have in-District address and all addresses on all documents must match.</p> <ul style="list-style-type: none"> • Current lease • Mortgage statement showing the name of the property owner and the address of the real estate subject to the mortgage • Current tax assessment PLUS deed (considered one item) • Current tax bill • Home closing documents dated within six months from the current date 	<p>All items must have in-District address and all addresses on all documents must match.</p> <ul style="list-style-type: none"> • Illinois driver's license (not an Illinois State ID) • Utility bill of current month (gas, electric, or water) • State of Illinois vehicle registration • Homeowner's insurance policy • Renter's insurance policy showing name of the renter and in-District address of the rental property • Medicaid medical card • Voter registration card • Vehicle sticker receipt • Public Aid Card • Telephone Bill (landline only) or cable bill

Confirmation of Residence for a "Third Party Resident"

This is a two-part process:

- (Part 1) Proof of Residence of the Property Owner/Leaseholder and
- (Part 2) Proof of Residence of the Third Party Resident

Part 1: Proof of Residence of the Property Owner/Leaseholder

Three (3) proofs of residence are required, each showing the name of the Property Owner or Leaseholder and the in-District address at which s/he is residing, as follows:

<i>Column A: One (1) Required</i>	<i>Column B: Two (2) Required</i>
<p>All items must have in-District address and all addresses on all documents must match.</p> <ul style="list-style-type: none"> • Current lease with a copy of the canceled check showing payment of the lease • Mortgage statement showing the name of the property owner and the address of the real estate subject to the mortgage • Current tax assessment PLUS deed (considered one item) • Current tax bill • Home closing documents dated within six months from the current date 	<p>All items must have in-District address and all addresses on all documents must match.</p> <ul style="list-style-type: none"> • Illinois driver's license (not an Illinois State ID) • Utility bill of current month (gas, electric, or water) • State of Illinois vehicle registration • Homeowner's insurance policy • Renter's insurance policy showing name of the renter and in-District address of the rental property • Medicaid medical card • Voter registration card • Vehicle sticker receipt • Public Aid Card • Telephone bill (landline only) or cable bill

Part 2: Proof of Residence of the Third Party Resident

Three (3) proofs of residence are required, each showing the name of the resident and the address of the property as listed in the Proof of Residence of the Property Owner / Leaseholder (Step 1) above.

<i>Column A: One (1) Item Required</i>	<i>Column B: Any Two (2) Items</i>
<p>All items must have in-District address and all addresses on all documents must match.</p> <ul style="list-style-type: none"> • Illinois driver's license (Not an Illinois State ID) • State of Illinois vehicle registration • Renter's insurance policy • Illinois DCFS Voucher • Payroll Stub / Unemployment statement • Receipt from moving van rental, dated within 30 days of current date 	<p>All items must have in-District address and all addresses on all documents must match.</p> <ul style="list-style-type: none"> • Utility bill of current month (gas, electric, or water) • Medicaid medical card • Voter's registration card • Bank account statement • U.S. Postal Change of Address Letter • Library card

Questioning a Family's Residency in CCSD 181

On some occasions, a question arises as to the legitimacy of the residency status of a parent, guardian, family, and/or student. To this question, the District Office will supply the appropriate support in determining whether families and/or individuals are residents of the District. In order to make a fair and proper judgment on the residency status of a family and/or student, the following procedures are in place:

Step 1: Request to Check Residency of a Family/Student

If an individual has adequate evidence that a family/student is a non-resident of the District, they will need to contact the Department of Business and Operations at 630-861-4900.

Step 2: Data Collection

Once the Department of Business and Operations receives notification that a family/student may not be a resident of District 181, the process of gathering data and information begins with the following items:

- a) Registration documents from building secretary
- b) Demographic report and contact information from Infinite Campus database
- c) Transportation information:
 - o Bus number and bus stop location
 - o Statement from the bus driver concerning any waiting vehicle or suspicions leading them to believe the student is not a resident
- d) Data from computer searches:
 - o Intellius
 - o Zabasearch
 - o County Assessor: Real Estate Tax Bill
 - o County Clerk: Divorce proceedings
 - o Water bill for address(es) (via FOIA from city municipality)

Step 3: Presentation of Findings

Upon completion of gathering data, an examination of the data for clear evidence of the family/student either being a resident or a non-resident will take place. In either case, the evidence will be presented to the Assistant Superintendent of Business and Operations/CSBO and a decision will be made that will have either of the following two conclusions:

- o End the investigation as there is clear evidence that the family/student is a resident, or
- o Proceed with the gathering of more data as there is evidence that the family/student may be a non-resident.

Step 4 (a): End the Investigation

An investigation will end if there is substantial evidence that the family/student is a resident of District 181. When this occurs, the following procedures will take place:

- a) A Summary Report will be created and presented to the Assistant Superintendent of Business and Operations/CSBO. The Summary Report will include the evidence that supports the decision of the family/student being classified as a resident.
- b) If the Assistant Superintendent agrees with the conclusions in the Summary Report, he/she will notify the individual who requested the residency check of the decision.
- c) All documentation will be electronically filed; all hard copies will be shredded.

- d) The District will reserve the right to reopen the case at a future date if evidence is presented to warrant reopening the case.

Step 4 (b): Continue the Investigation

If there is substantial evidence that warrants continuation of the investigation, the following procedures will take place:

- a) The Assistant Superintendent of Business and Operations/CSBO will decide that more data and information needs to be gathered in order to make a determination on the residency status of a family/student.
- b) In order to gather additional information and data, a field observation will be ordered through an investigations firm.
- c) The firm will be contacted and a meeting will be set up to inform them of the family/student and to establish parameters for conducting the field observation.
- d) Pertinent data will be transferred to the firm for them to begin the observation of the family/student.
- e) It is the responsibility of the firm to keep documentation, take pictures/videos, and update logs of observations and the results of searches.
- f) The firm will submit a written report of their findings and supporting documentation to the Department of Business and Operations. Additionally, the firm may be questioned concerning their findings and observation conclusions.
- g) The Assistant Superintendent will determine whether the evidence is sufficient for the family/student to be classified as a resident or non-resident.

If the family/student is classified as a resident, the investigation is concluded, and the individual requesting the residency check will be notified of the decision that has been rendered. All documentation on the residency case will be electronically filed, and all hard copies will be shredded. The District will reserve the right to reopen the case at a future date if evidence is presented to warrant reopening the case.

If the Assistant Superintendent determines that the case warrants a decision that the family/student is a non-resident, the evidence will be presented to the Board of Education for a determination of a hearing according to 105 ILCS 5/10-20.12b. If a child has enrolled in the District and it is determined that the student is a non-resident, they must be afforded due process before they may be charged tuition or barred from attendance. To charge tuition, the Board must:

- i. Notify the person who enrolled the student by certified mail of the amount of the tuition.
- ii. Within ten (10) days of receipt of the notice by the person who enrolled the student, that person may request a hearing before the Board to review the determination.
- iii. Within ten (10) days after receipt of the request, the Board must notify by certified mail the person requesting the hearing of the time and place of the hearing that must be held not less than ten (10) nor more than twenty (20) days after the notice is given.
- iv. The Board or hearing officer designated by the Board must conduct the hearing.
- v. The Board and the person requesting the hearing may be represented by representatives of their choice.
- vi. The person who enrolled the student has the burden of going forward with the evidence.
- vii. If a hearing officer conducts the hearing within five (5) days of the conclusion of the hearing, he/she shall send a written report of his/her findings to the Board and the person who requested the hearing.

- viii. The person who enrolled the student may, within five (5) days after receiving the findings, file written objections to the findings with the Board by sending the objections by certified mail addressed to the superintendent.
- ix. The Board shall, within fifteen (15) days after the conclusion of the hearing decide whether the pupil is a resident of the District and the amount of any tuition required to be charged as a result of the student's attendance.
- x. The Board must send a copy of its decision to the person who enrolled the child. Its decision is final.
- xi. If a hearing is requested, the student may continue attending the school enrolled pending a final decision of the Board. However, this attendance does not relieve the obligation to pay the tuition charged for attendance.
- xii. If the Board determines that the student is a non-resident, the Board must refuse to permit the student to continue attending the school unless the required tuition is paid.
- xiii. After the Board has rendered a decision, the individual requesting the residency check will be notified of the Board's decision.
- xiv. All documentation on the residency case will be electronically filed, and all hard copies will be shredded.
- xv. The District will reserve the right to reopen the case at a future date if evidence is presented to warrant reopening the case.