



## 99TH GENERAL ASSEMBLY

### State of Illinois

2015 and 2016

HB3364

by Rep. Jaime M. Andrade, Jr.

#### SYNOPSIS AS INTRODUCED:

105 ILCS 5/10-20.12b

Amends the School Code. Provides that the principal of a school within any school district may admit a non-resident pupil requesting to attend that school if the parent or legal guardian of the pupil is a licensed employee for 2 or more years at that school. Provides that the principal of a school within the Chicago school district may admit a resident pupil, regardless of attendance boundaries, requesting to attend that school if the parent or legal guardian of the pupil is a licensed employee for 2 or more years at that school. Provides that if the pupil is requesting to attend a selective enrollment school or a magnet school within the Chicago school district where the parent or legal guardian of the pupil is a licensed employee, then the district shall add one additional point to the pupil's total application score or exam score for the school in which the pupil is requesting to attend. Allows a school district to charge tuition to non-resident pupils whose parents are employees of the district. Effective immediately.

LRB099 03491 NHT 27942 b

FISCAL NOTE ACT  
MAY APPLY

STATE MANDATES  
ACT MAY REQUIRE  
REIMBURSEMENT

A BILL FOR

1 AN ACT concerning education.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

4 Section 5. The School Code is amended by changing Section  
5 10-20.12b as follows:

6 (105 ILCS 5/10-20.12b)

7 Sec. 10-20.12b. Residency; payment of tuition; hearing;  
8 criminal penalty.

9 (a) For purposes of this Section:

10 (1) The residence of a person who has legal custody of  
11 a pupil is deemed to be the residence of the pupil.

12 (2) "Legal custody" means one of the following:

13 (i) Custody exercised by a natural or adoptive  
14 parent with whom the pupil resides.

15 (ii) Custody granted by order of a court of  
16 competent jurisdiction to a person with whom the pupil  
17 resides for reasons other than to have access to the  
18 educational programs of the district.

19 (iii) Custody exercised under a statutory  
20 short-term guardianship, provided that within 60 days  
21 of the pupil's enrollment a court order is entered that  
22 establishes a permanent guardianship and grants  
23 custody to a person with whom the pupil resides for

1 reasons other than to have access to the educational  
2 programs of the district.

3 (iv) Custody exercised by an adult caretaker  
4 relative who is receiving aid under the Illinois Public  
5 Aid Code for the pupil who resides with that adult  
6 caretaker relative for purposes other than to have  
7 access to the educational programs of the district.

8 (v) Custody exercised by an adult who demonstrates  
9 that, in fact, he or she has assumed and exercises  
10 legal responsibility for the pupil and provides the  
11 pupil with a regular fixed night-time abode for  
12 purposes other than to have access to the educational  
13 programs of the district.

14 (a-5) If a pupil's change of residence is due to the  
15 military service obligation of a person who has legal custody  
16 of the pupil, then, upon the written request of the person  
17 having legal custody of the pupil, the residence of the pupil  
18 is deemed for all purposes relating to enrollment (including  
19 tuition, fees, and costs), for the duration of the custodian's  
20 military service obligation, to be the same as the residence of  
21 the pupil immediately before the change of residence caused by  
22 the military service obligation. A school district is not  
23 responsible for providing transportation to or from school for  
24 a pupil whose residence is determined under this subsection  
25 (a-5). School districts shall facilitate re-enrollment when  
26 necessary to comply with this subsection (a-5).

1 (b) Except as otherwise provided under subsection (b-5) of  
2 this Section or Section 10-22.5a of this Code, only resident  
3 pupils of a school district may attend the schools of the  
4 district without payment of the tuition required to be charged  
5 under Section 10-20.12a of this Code. However, children for  
6 whom the Guardianship Administrator of the Department of  
7 Children and Family Services has been appointed temporary  
8 custodian or guardian of the person of a child shall not be  
9 charged tuition as a nonresident pupil if the child was placed  
10 by the Department of Children and Family Services with a foster  
11 parent or placed in another type of child care facility and the  
12 foster parent or child care facility is located in a school  
13 district other than the child's former school district and it  
14 is determined by the Department of Children and Family Services  
15 to be in the child's best interest to maintain attendance at  
16 his or her former school district.

17 (b-5) In this subsection (b-5):

18 "Magnet school" means a school within a school district  
19 having a population of 500,000 or more that offers one or more  
20 specialty programs, including without limitation fine and  
21 performing arts programs, agricultural sciences programs, or  
22 International Baccalaureate programs, and has criteria  
23 requirements for enrollment, including prequalification based  
24 on performance on an exam.

25 "Selective enrollment school" means a school within a  
26 school district having a population of 500,000 or more that

1 offers a curriculum that is specifically designed to meet the  
2 needs of academically advanced students and has criteria  
3 requirements for enrollment, including without limitation an  
4 application score based on an entrance exam, standardized test  
5 scores, and final classroom grades.

6 The principal of a school within any school district,  
7 including a district having a population of 500,000 or more,  
8 may admit a non-resident pupil requesting to attend that school  
9 if the parent or legal guardian of the pupil is a licensed  
10 employee for 2 or more years at that school. The principal of a  
11 school within a school district having a population of 500,000  
12 or more may admit a resident pupil, regardless of attendance  
13 boundaries, requesting to attend that school if the parent or  
14 legal guardian of the pupil is a licensed employee for 2 or  
15 more years at that school. If the pupil is requesting to attend  
16 a selective enrollment school or a magnet school within a  
17 school district having a population of 500,000 or more where  
18 the parent or legal guardian of the pupil is a licensed  
19 employee, then the district shall add one additional point to  
20 the pupil's total application score or exam score for the  
21 school in which the pupil is requesting to attend. A school  
22 district may charge tuition to non-resident pupils whose  
23 parents are employees of the district, as provided under  
24 Section 10-20.12a of this Code.

25 (c) The provisions of this subsection do not apply in  
26 school districts having a population of 500,000 or more. If a

1 school board in a school district with a population of less  
2 than 500,000 determines that a pupil who is attending school in  
3 the district on a tuition free basis is a nonresident of the  
4 district for whom tuition is required to be charged under  
5 Section 10-20.12a, the board shall notify the person who  
6 enrolled the pupil of the amount of the tuition charged under  
7 Section 10-20.12a that is due to the district for the  
8 nonresident pupil's attendance in the district's schools. The  
9 notice shall be given by certified mail, return receipt  
10 requested. Within 10 days after receipt of the notice, the  
11 person who enrolled the pupil may request a hearing to review  
12 the determination of the school board. The request shall be  
13 sent by certified mail, return receipt requested, to the  
14 district superintendent. Within 10 days after receipt of the  
15 request, the board shall notify, by certified mail, return  
16 receipt requested, the person requesting the hearing of the  
17 time and place of the hearing, which shall be held not less  
18 than 10 nor more than 20 days after the notice of hearing is  
19 given. The board or a hearing officer designated by the board  
20 shall conduct the hearing. The board and the person who  
21 enrolled the pupil may be represented at the hearing by  
22 representatives of their choice. At the hearing, the person who  
23 enrolled the pupil shall have the burden of going forward with  
24 the evidence concerning the pupil's residency. If the hearing  
25 is conducted by a hearing officer, the hearing officer, within  
26 5 days after the conclusion of the hearing, shall send a

1 written report of his or her findings by certified mail, return  
2 receipt requested, to the school board and to the person who  
3 enrolled the pupil. The person who enrolled the pupil may,  
4 within 5 days after receiving the findings, file written  
5 objections to the findings with the school board by sending the  
6 objections by certified mail, return receipt requested,  
7 addressed to the district superintendent. Whether the hearing  
8 is conducted by the school board or a hearing officer, the  
9 school board shall, within 15 days after the conclusion of the  
10 hearing, decide whether or not the pupil is a resident of the  
11 district and the amount of any tuition required to be charged  
12 under Section 10-20.12a as a result of the pupil's attendance  
13 in the schools of the district. The school board shall send a  
14 copy of its decision to the person who enrolled the pupil, and  
15 the decision of the school board shall be final.

16 (c-5) The provisions of this subsection apply only in  
17 school districts having a population of 500,000 or more. If the  
18 board of education of a school district with a population of  
19 500,000 or more determines that a pupil who is attending school  
20 in the district on a tuition free basis is a nonresident of the  
21 district for whom tuition is required to be charged under  
22 Section 10-20.12a, the board shall notify the person who  
23 enrolled the pupil of the amount of the tuition charged under  
24 Section 10-20.12a that is due to the district for the  
25 nonresident pupil's attendance in the district's schools. The  
26 notice shall be given by certified mail, return receipt

1 requested. Within 10 days after receipt of the notice, the  
2 person who enrolled the pupil may request a hearing to review  
3 the determination of the school board. The request shall be  
4 sent by certified mail, return receipt requested, to the  
5 district superintendent. Within 30 days after receipt of the  
6 request, the board shall notify, by certified mail, return  
7 receipt requested, the person requesting the hearing of the  
8 time and place of the hearing, which shall be held not less  
9 than 10 nor more than 30 days after the notice of hearing is  
10 given. The board or a hearing officer designated by the board  
11 shall conduct the hearing. The board and the person who  
12 enrolled the pupil may each be represented at the hearing by a  
13 representative of their choice. At the hearing, the person who  
14 enrolled the pupil shall have the burden of going forward with  
15 the evidence concerning the pupil's residency. If the hearing  
16 is conducted by a hearing officer, the hearing officer, within  
17 20 days after the conclusion of the hearing, shall serve a  
18 written report of his or her findings by personal service or by  
19 certified mail, return receipt requested, to the school board  
20 and to the person who enrolled the pupil. The person who  
21 enrolled the pupil may, within 10 days after receiving the  
22 findings, file written objections to the findings with the  
23 board of education by sending the objections by certified mail,  
24 return receipt requested, addressed to the general  
25 superintendent of schools. If the hearing is conducted by the  
26 board of education, the board shall, within 45 days after the



1 conclusion of the hearing, decide whether or not the pupil is a  
2 resident of the district and the amount of any tuition required  
3 to be charged under Section 10-20.12a as a result of the  
4 pupil's attendance in the schools of the district. If the  
5 hearing is conducted by a hearing officer, the board of  
6 education shall, within 45 days after the receipt of the  
7 hearing officer's findings, decide whether or not the pupil is  
8 a resident of the district and the amount of any tuition  
9 required to be charged under Section 10-20.12a as a result of  
10 the pupil's attendance in the schools of the district. The  
11 board of education shall send, by certified mail, return  
12 receipt requested, a copy of its decision to the person who  
13 enrolled the pupil, and the decision of the board shall be  
14 final.

15 (d) If a hearing is requested under subsection (c) or (c-5)  
16 to review the determination of the school board or board of  
17 education that a nonresident pupil is attending the schools of  
18 the district without payment of the tuition required to be  
19 charged under Section 10-20.12a, the pupil may, at the request  
20 of a person who enrolled the pupil, continue attendance at the  
21 schools of the district pending a final decision of the board  
22 following the hearing. However, attendance of that pupil in the  
23 schools of the district as authorized by this subsection (d)  
24 shall not relieve any person who enrolled the pupil of the  
25 obligation to pay the tuition charged for that attendance under  
26 Section 10-20.12a if the final decision of the board is that

1 the pupil is a nonresident of the district. If a pupil is  
2 determined to be a nonresident of the district for whom tuition  
3 is required to be charged pursuant to this Section, the board  
4 shall refuse to permit the pupil to continue attending the  
5 schools of the district unless the required tuition is paid for  
6 the pupil.

7 (e) Except for a pupil referred to in subsection (b) of  
8 Section 10-22.5a, a pupil referred to in Section 10-20.12a, or  
9 a pupil referred to in subsection (b) or (b-5) of this Section,  
10 a person who knowingly enrolls or attempts to enroll in the  
11 schools of a school district on a tuition free basis a pupil  
12 known by that person to be a nonresident of the district shall  
13 be guilty of a Class C misdemeanor.

14 (f) A person who knowingly or wilfully presents to any  
15 school district any false information regarding the residency  
16 of a pupil for the purpose of enabling that pupil to attend any  
17 school in that district without the payment of a nonresident  
18 tuition charge shall be guilty of a Class C misdemeanor.

19 (g) The provisions of this Section are subject to the  
20 provisions of the Education for Homeless Children Act. Nothing  
21 in this Section shall be construed to apply to or require the  
22 payment of tuition by a parent or guardian of a "homeless  
23 child" (as that term is defined in Section 1-5 of the Education  
24 for Homeless Children Act) in connection with or as a result of  
25 the homeless child's continued education or enrollment in a  
26 school that is chosen in accordance with any of the options

1 provided in Section 1-10 of that Act.

2 (Source: P.A. 94-309, eff. 7-25-05.)

3 Section 99. Effective date. This Act takes effect upon  
4 becoming law.