Non-Regulatory Guidance on Registration

Residency & Enrollment, Immigrant Pupils, Homeless Pupils and School Fees & Waivers

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ILLINOIS STATE BOARD OF EDUCATION

REGISTRATION GUIDANCE

RESIDENCY & ENROLLMENT, IMMIGRANT PUPILS,
HOMELESS PUPILS AND SCHOOL FEES & WAIVERS

As we begin a new school year, we want to take this time to discuss four areas that traditionally have generated confusion: Residency & Enrollment, Immigrant Pupils, Homeless Pupils and School Fees & Waivers. For additional information, please contact the ROE/ISC Department at roeisc@isbe.net.

Residency & Enrollment for Pupils Who Do Not Receive Special Education Services

School districts are concerned about registering or enrolling pupils who cannot produce documented proof of residency in the school district. Oftentimes, in an attempt to help families seeking to register students, school district personnel may be asked to provide legal advice to families. School district employees should not be providing or purporting to provide legal advice to parents or other adults enrolling children. To help combat some confusion at registration, we have some guidance that explains all the areas of residency for non-special education pupils. [Residency for special education pupils is generally based on guardianship. See 105 ILCS 5/14-1.11 and 5/14-1.11a; see also 23 Ill. Admin. Code 226.]

Determining a pupil's residence all comes down to what "legal custody" means. "Legal custody," for the sole purpose of determining the residency of a pupil and enrolling him or her in school, is defined five ways in 105 ILCS 5/10-20.12b(2) of the School Code, as subsections (i) through (v). The task of the registrar and the adult enrolling the pupil is to determine which one of the five situations most clearly reflects the reason the pupil lives in the district:

(i) If the pupil lives with his or her natural or adoptive parents, the pupil is a resident of the school district in which his or her natural or adoptive parents live.

(ii) If a court has granted custody, not guardianship, to an adult with whom the pupil lives, then the pupil is a resident of the district in which that adult lives, as long as the pupil is not living with the adult for access to the educational programs of the district.

(iii) If an adult has been granted short-term guardianship, then the pupil is a resident of the district in which that adult lives, as long as the pupil is not living with the adult for access to the educational programs of the district. An adult's written appointment of short-term guardianship is sufficient to enroll a student under 105 ILCS 5/10-20.12b of the School Code. The adult is required to obtain a court order granting permanent guardianship within 60 days of enrollment of the pupil; however, failure to do so shall not be grounds to disenroll the pupil.

(iv) If the pupil lives with an adult relative caretaker receiving aid under the Illinois Public Aid Code for that pupil, then the pupil is a resident of the district in which that adult lives, as long as the pupil is not living with the adult for access to the educational programs of the district.

For subsections (ii), (iii) and (iv), documentation provided by the court or the state is sufficient to prove the relationship with the child.

(v) If the pupil lives with an adult who has accepted responsibility for the pupil and provides a fixed nighttime abode for the pupil, then the pupil is a resident of the district in which that adult lives, as long as the pupil is not living with the adult for access to the educational programs of the district.

Subsection (v) is a "catch-all" provision designed to cover residency situations that do not fit into one of the above four definitions. If provision (v) applies, the Illinois State Board of Education (ISBE) encourages use of the Affidavit of Enrollment and Residency [ISBE Form 85-51] (English or Spanish) as proof that the pupil is a bona fide resident of the school district.

Therefore, residence of a person who has legal custody of a pupil is deemed to be the residence of the pupil. Legal custody for residency and enrollment DOES NOT mean guardianship.

Residency & Enrollment for Pupils Who Receive Special Education Services

Determining the residence of a pupil that receives special education services is generally related to guardianship, but also depends upon whether the location of the guardian is known. Pursuant to 105 ILCS 5/14-1.11, the resident district is the school district in which the parent or guardian, or both parent and guardian, of the student reside when:

(1) the parent has legal guardianship of the student and resides within Illinois; or

(2) an individual guardian has been appointed by the courts and resides within Illinois; or

(3) an Illinois public agency has legal guardianship and the student resides either in the home of the parent or within the same district as the parent; or

(4) an Illinois court orders a residential placement but the parents retain any legal rights or guardianship and have not been subject to a termination of parental rights order.

In cases of divorced or separated parents, when only one parent has legal guardianship or custody, the district in which the parent having legal guardianship or custody resides is the resident district. When both parents retain legal guardianship or custody, the resident district is the district in which either parent who provides the student's primary regular fixed night-time abode resides; provided, that the election of resident district may be made only one time per school year.

When the parent has legal guardianship and lives outside of the State of Illinois, or when the individual legal guardian other than the natural parent lives outside the State of Illinois, the parent, legal guardian, or other placing agent is responsible for making arrangements to pay the Illinois school district serving the child for the educational services provided. Those service costs shall be determined in accordance with 105 ILCS 5/14-7.01.

Pursuant to 105 ILCS 5/14-1.11a, the resident district is the school district in which the student resides when:

(1) the parent has legal guardianship but the location of the parent is unknown*; or

(2) an individual guardian has been appointed but the location of the guardian is unknown*; or

(3) the student is 18 years of age or older and no legal guardian has been appointed; or

(4) the student is legally an emancipated minor; or

(5) an Illinois public agency has legal guardianship and such agency or any court in this State has placed the student residentially outside of the school district in which the parent lives.

* Subsection (c) of Section 1.11a defines how the State Superintendent may determine that the location of the parent or guardian is unknown.

In cases where an Illinois public agency has legal guardianship and has placed the student residentially outside of Illinois, the last school district that provided at least 45 days of educational service to the student shall continue to be the district of residence until the student is no longer under guardianship of an Illinois public agency or until the student is returned to Illinois.

If a student who is 18 years of age or older with no legal guardian is placed residentially outside of the school district in which the student's parent lives and the placement is funded by a state agency or through private insurance, then the resident district is the school district in which the parent lives.

Immigrant Pupils

Please review your district's enrollment policy to ensure it is consistent with applicable laws, including the guidance related to enrollment of immigrant pupils outlined here. The following information is provided to help you fulfill administrative duties without infringing upon children's educational rights.

The immigration status of the parent or child has no bearing on the rights of the student to enroll. The laws of Illinois and the United States guarantee all students, including undocumented immigrant students, access to a free public education through grade twelve until the age of 21, regardless of immigrant status. This requires every district to guarantee all immigrant students equal access to the full range of programs and resources. Districts' enrollment procedures might violate immigrant students' right to equal educational access.

Immigrant students are entitled to the same access to a district's educational program as nonimmigrant students. Equal access is influenced by admission policies adopted at the district level and implemented at the school level.

The law prohibits any action that might have a "chilling" effect on the right of access to schools. Districts must not inquire about the immigration status of a student or parent; they must not require parents or adult caretakers to provide any information concerning their or their children's immigration status. Care must be taken to ensure that parents or adult caretakers can establish residency within the district by means that will not force them to, albeit indirectly, reveal their immigration status. Furthermore, "the documents required by a school system as proof of residency for a student, when taken together, shall not result in a requirement for proof of legal presence, such as a Social Security number. That is, the permissible combinations of documents must be sufficiently variable to afford an opportunity for those who lack proof of legal presence or immigration status to meet the stated requirements." [See 23 Ill. Admin. Code 1.240(b).]

Policies or procedures that condition services or benefits by requiring a child's or a parent's Visa, Green Card, Illinois driver's license or Social Security number must be immediately modified because these practices have the effect of infringing the rights of undocumented students. School districts should continue to determine whether a student resides in the district, but they do not have a right to delve into a child's immigration status and, indeed, pursuant to a 1981 U.S. Supreme Court case and 23 Ill. Admin. Code 1.240, should not. [See Plyler v. Doe, 457 U.S. 202 (1982) and 23 Ill. Admin. Code 1.240(b).] Thus, districts may not require that parents or adult caretakers provide a Visa, Green Card, Illinois driver's license, a state identification card or other documents that require Social Security numbers.

Districts cannot impose requirements for enrollment that are more restrictive than those established under relevant Illinois and federal law. Districts must not apply inflexible rules to determine residency. A district cannot mandate that parents or adult caretakers provide any particular document – such as a lease, mortgage documentation, driver's license or state identification card – as proof of residency. It may, however, accept such documents. The documents required by a district as proof of residency must be sufficiently variable to allow any resident to meet the stated requirements.

Residence in the school district is sufficient to entitle school-age immigrant children to attend school on a tuition-free basis. Note that alternate provisions apply for students attending school in Illinois as a foreign exchange student. A foreign exchange student is a student enrolled in a school district via a written agreement between a school district and a cultural exchange organization. The written agreements may provide for tuition free attendance at the local district school by foreign exchange students. See 105 ILCS 5/10-22.5a.

Once an immigrant student of proper age and residency seeks admission to school in the district, the student has an immediate legal right to attend school on a tuition-free basis. The only factor in determining whether to charge tuition should be whether or not the child is a resident in that school district under 105 ILCS 5/10-20.12b(a) of the School Code. The residence of the parents or other proper enrolling custodian is considered to be the residence of the minor child. Residency may be established with information documenting that the child's parent or other proper enrolling custodian is actually living within the district - for example, a lease, addressed mail, utility bill (gas, electric, water,

home telephone, cable television, etc.), residential property tax statement, mortgage account or proof of home ownership, major credit card bill, canceled checks with imprinted name and address, vehicle title or registration card, installment loan contract from bank or other financial institution, residential service contract (e.g., appliance repair, exterminator, window installation, etc.), paycheck or pay stub, insurance policy (life, home, auto or health), checking or savings account statement, third-person affidavit of residency (landlord or homeowner), etc. Districts cannot require adult caretakers or relatives with whom a child lives to establish legal guardianship as a condition for gaining access to the district's schools.

It is not uncommon among immigrant families to find children who do not live in the same household as their parents. To safeguard immigrant students' right to a free public education districts must not conclude that children who live within the district - but apart from their parents - must be charged tuition as if they were nonresidents. A student who is living with someone other than his or her parent has a right to tuition-free education through the local district, provided that the child is not in the district for the sole purpose of attending school in the district. Students under these circumstances may often be homeless under applicable law and may, therefore, be entitled to additional assistance. Furthermore, districts cannot require adult caretakers or relatives with whom a child lives to establish legal guardianship as a condition for gaining access to the district's schools. Districts may require reasonable assurance from the responsible adult caretaker that they accept responsibility for the child and that while exercising control, care and support over the child, they will provide him or her with a regular fixed nighttime abode. This may be done through a letter or affidavit. ISBE, on the Public School Recognition website (under "Additional Resources"), has an Affidavit of Enrollment and Residency [ISBE Form 85-51] (English or Spanish) that may be used for this purpose.

School districts are prohibited from requiring Social Security numbers, which are not required to determine eligibility for any education benefits (including pre-K services) or other benefits, such as free or reduced lunch. Schools are required to provide undocumented immigrant students all the same benefits and services made available to other students. Therefore, when determining eligibility for services and benefits, including free or reduced lunch and school fee waivers, districts should not reject applications that do not include a parent's Social Security number. Parents without Social Security numbers need only indicate on the application that they do not have a number. When applicable, districts must make it clear that any and all information provided is used solely to obtain federal funds.

School districts have no legal right or obligation to enforce immigration laws. Upon enrolling immigrant students, district personnel should never contact (or threaten to contact) the U.S. Department of Homeland Security. Reporting students' immigration status to immigration authorities can be a violation of the Family Educational Rights and Privacy Act and the Illinois School Student Records Act. Conversely, the U.S. Department of Homeland Security has no legal authority to determine or infringe on district residency policies.

Funds may be available for districts with a large influx of immigrant students. Districts heavily affected by an increase of immigrant students may qualify for Immigrant Student Education Program funds through ISBE. Districts may also be eligible for funding through the federal Title III Language Instruction Education Program for supporting students who are English learners. Contact (312) 814-3850 to inquire about the availability of funds under these programs or visit ISBE's English Learners/Bilingual Education webpage.

Public Act 104-0288 (Denial of Free Education Prohibited)

Public Act 104-0288 (eff. Jan. 1, 2026), affirms the basic holding of *Plyler v. Doe* that "no child may be denied a free public education through secondary school while in this State based on the child's perceived or actual immigration status or the child's parent's or guardian's perceived or actual citizenship or immigration status." Subsection (c) outlines prohibited activities that would violate a child's right to a free public education through secondary school regardless of perceived or actual immigration status. It also requires schools to develop procedures for reviewing and authorizing requests from law enforcement agents attempting to enter a school or school facility by July 1, 2026, and prescribes required components for such procedures. By no later than July 1, 2026, all schools and districts must adopt a policy for complying with subsection (c) in full. Beginning on that date, any person aggrieved by conduct that violates subsection (c) may file a civil lawsuit.

Maximum Age

A general education student who is 21 years of age or older has no legal right to continue attending the free schools of Illinois. However, the School Code explicitly permits school boards to establish classes for the instruction of persons 21 years of age or older and to pay the necessary expenses of such classes out of a district's school funds. This can include courses of instruction regularly accepted for graduation from high school and high school equivalency testing review classes. See 105 ILCS 5/10- 22.20(a). Pursuant to this Section, a district may permit a student who turns 21 during the school year to continue their education through the end of the school year and beyond but may not claim Evidence-Based Funding for them after they have turned 21. *Id*. at 10-22.20(j). The benefits of allowing a student in this situation to remain enrolled for the remainder of the school year should be considered, as should the safety implications of allowing an adult student over the age of 20 to be in the same building as much younger children. The district should consult with its own legal counsel on these various considerations.

Pursuant to 105 ILCS 5/26-2(b), "A school district shall deny reenrollment in its secondary schools to any child 19 years of age or above who has dropped out of school and who could not, because of age and lack of credits, attend classes during the normal school year and graduate before his or her twenty-first birthday." Students who meet this criteria are still entitled to due process protections and certain supports as outlined in this Section. Note that a student's inability to graduate before age 21 is relevant only in the context of school dropout situations. For instance, a student who has remained continuously enrolled until age 19 but is credit deficient and unlikely to graduate before his or her 21st birthday because of age and lack of credits cannot be denied enrollment or disenrolled under this provision. Additionally, an immigrant student whose formal education was interrupted in their home country prior to their attempt to enroll in school in this state does not qualify as a dropout. The student has the right to enroll and attend up until their 21st birthday.

The maximum age of attendance for special education students is the day before their 22nd birthday. Additionally, per Public Act 102-0172 and 105 ILCS 5/14-1.02, a student with a disability eligible for special education who requires continued public school educational experience to facilitate his or her successful transition and integration into adult life is eligible for such services through age 21 inclusive. That means the day before the student's 22nd birthday, unless his or her 22nd birthday occurs during the school year, in which case he or she is eligible for such services through the end of the school year.

Homeless Pupils

ISBE considers the school enrollment, attendance and success of homeless children and youth throughout Illinois a high priority. When responding to residency questions, districts need to think about whether the pupil at issue may be homeless as defined under federal (McKinney-Vento Act, 42 U.S.C. 11431 et seq.) and Illinois (the Illinois Education for Homeless Children Act, 105 ILCS 45/ Art.1, or IEHCA) law. Under both federal and Illinois law, school districts have an affirmative duty to identify homeless families within the district. Each school district's homelessness liaison must be involved to provide assistance to families who may be homeless, so that they are aware of their right to enroll their child(ren) in school.

Homeless pupils include, but are not limited to, children or youth sharing the housing of other persons due to loss of housing, economic hardship or a similar reason (commonly referred to as being "doubled up") and pupils who are otherwise not residing in a fixed, regular and adequate nighttime residence. A homeless pupil must be immediately enrolled in any of the following:

(a) the school in which he or she was enrolled when permanently housed ("school of origin"); or

(b) the school in which he or she was last enrolled ("school of origin"); or

(c) any public school that non-homeless students who live in the attendance area in which the homeless pupil is living are eligible to attend.

School districts can best assist homeless families by:

► Ensuring that school forms, brochures, websites, handbooks and instructional materials reflect accurate information about homelessness and residency rights and are easily accessible.

► Training all staff, board members, and administrators responsible for school enrollment on Illinois and federal residency and homeless laws.

► Ensuring that the homeless education liaison is involved any time a child's residency is questioned, *before* a residency hearing has occurred or the child is disenrolled.

► Collaborating with local free and low-cost legal services programs to ensure that school district personnel are educated and that parents are provided with assistance.

There is no specific time limit on how long a child or youth can be considered homeless. Whether a child or youth meets the definition of being homeless depends on their living situation and individual circumstances. As already noted, if a pupil is (or that pupil or his or her parent or guardian claim the pupil is) homeless, districts must immediately enroll the pupil and also arrange for transportation and other services as appropriate.

If a district disputes that a pupil is homeless, the district must not engage in residency proceedings, but rather in dispute resolution procedures as dictated by McKinney-Vento and Section 1-25 of IEHCA. The Illinois ESSA Plan and ISBE's McKinney-Vento for Homeless Children webpage contain additional homeless information for review.

School Fees and Fee Waivers

During registration and throughout the school year, school districts must be aware of families who believe that they are unable to afford school fees. For purposes of this guidance, the term "school fees" includes school fines for the loss of school property. See Public Act 102-0805. Sections 105 ILCS 5/10-20.13 and 105 ILCS 5/34-21.6 of the School Code require that charges for textbooks and other fees be waived for children whose families are unable to afford them, including children eligible for the federal free lunch and breakfast program and for any other extenuating circumstances for which the school board will waive fees (e.g., reduced price lunch or medical emergencies). Each district must adopt a written policy and administrative procedures governing fee waivers; requirements for those policies are found at 23 Ill. Admin. Code 1.245. In terms of eligibility requirements for school fee waivers, the following categories of eligibility can be identified:

(a) Direct Certification. Students are "directly certified" for school fee waivers if they participate in any of the following federal programs: Supplemental Nutrition Assistance Program (SNAP)/Food Stamps, Temporary Assistance for Needy Families (TANF) or income eligible Medicaid.

(b) Categorical Eligibility. Students are "categorically eligible" for school fee waivers if, under state or federal law, they are: homeless, migrant, in foster care, runaway, or participating in Head Start.

(c) Income/Free Meal Eligibility. Students whose family income is at or below the federal income eligibility guidelines qualify for free meals and school fee waivers. Federal income eligibility guidelines may be viewed on ISBE's Nutrition Eligibility, Income and Reimbursement webpage.

(d) Income/Veterans and Active Military Personnel. Students whose parents are veterans or active duty military personnel with income at or below 200% of the federal poverty line qualify for school fee waivers.

(e) Extenuating Circumstances. District school fee waiver policies "must also include a description of other extenuating circumstances under which the district will grant a waiver of school fees. Examples include students who are eligible to receive reduced price lunch or breakfast; very significant loss of income due to

> severe illness or injury in the family or unusual expenses such as fire, flood, or storm damage; or similar emergency situations that the district determines to include in its policy." [23 Ill. Admin. Code 1.245(c)(1)(B)]

Additionally, a child living in the household of a child who is directly certified would also automatically receive school fee waivers as well under this option and would likewise have his or her receipt of free meals and a school fee waiver subject to the federal verification limitations. However, benefits are not extended to other children in a household if a child is listed only as foster child in the direct certification system. Also, a child living in the household of a child who is categorically eligible does not automatically receive a school fee waiver and must apply.

Districts may choose between one of two options when implementing state requirements for fee waivers:

> **Option 1.** A school board that participates in a federally funded, school-based child nutrition program and uses a student's application for that program as the basis for waiving fees must follow the federal requirements for verifying a student's eligibility for both the meals program and waiver of school fees. This means that if a child is eligible for free meals, his or her school fees are automatically waived based on the meals application; however, federal requirements restrict the school district to verifying only 3 percent of the approved meal applications on file as of Oct. 1, unless it has established just cause. No further verification of the student's eligibility for the fee waiver can be made. A child who is directly certified or is categorically eligible would automatically receive school fee waivers as well under this option and would likewise have his or her receipt of free meals and a school fee waiver subject to the federal verification limitations.
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> It should be noted that a school board that chooses to use the federal meals application as the basis for granting school fee waivers also must have a school fee waiver application available for families who wish to apply only for the fee waiver and not the free meals program. Verification of school fee waiver eligibility for any student not applying for the federal meals program may be conducted in accordance with Option 2 below.
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> **Option 2.** A school board must establish an application process for determining and verifying eligibility for school fee waivers that is completely independent from the process for determining and verifying eligibility for free meals. While a student would still qualify to have his or her school fees waived based on the federal income guidelines, the granting of school fee waivers could not be made based on the student's application for free and reduced price meals. Public Act 96-0360 relieved a district using a separate process from the verification thresholds set by the federal program. Instead, a school district may verify a student's eligibility for a school fee waiver no more often than once per academic year. (See changes to fee waiver statute made by Public Act 102-0805.) If information obtained during the school fee waiver verification process determines that the student's family income is not within the federal income guidelines for free meals, then the fee waiver can be denied. However, the school district cannot use the information received under this process to deny a student's participation in the free meals program. A discrepancy between the school fee waiver application and the free meal application is not sufficient evidence ("just cause") to allow a school district to verify the meal application. In other words, a district cannot verify the meal application based on information obtained through verification of a fee waiver.
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> It is important to note, however, that a child who is directly certified or is categorically eligible would automatically receive school fee waivers as well under this option and would likewise have his or her receipt of free meals and a school fee waiver subject to the federal verification limitations.

Q-1 When attempting to verify residency, may a district require parents or guardians to provide a specific set of documents?

A. No. A district may request that a parent or guardian provide specific documents but may not require an exhaustive list of documents. A district cannot mandate that parents or adult caretakers provide any particular document - such as a lease, mortgage documentation, driver's license or state identification card – as proof of residency. It may, however, accept such documents. The documents required by a district as proof of residency must be sufficiently variable to allow any resident to meet the stated requirements.

Q-2 Must an adult caretaker obtain an order of custody or guardianship of a child in order to enroll that child in school?

A. No. Pupils who are residents of a district may enroll to attend school in that district on a tuition-free basis. As noted in the body of this guidance, a pupil's residence is deemed to be the residence of a person who has "legal custody" of a pupil. If the pupil lives with an adult who has assumed and exercises legal responsibility for the pupil and provides a fixed nighttime abode for the pupil, then the pupil is a resident of the district in which that adult lives, *as long as the pupil is not living with the adult for access to the educational programs of the district*. Nothing in statute or rule requires an official action of a court or other administrative body to confer legal guardianship or custody to an adult caretaker for school enrollment purposes.

Q-3 May a district deny enrollment to a child because the parent/guardian has not filed a birth certificate with the district?

A. No. The purpose of requiring a certified copy of the child's birth certificate is to ensure that the pupil has not been listed as a missing child; it is not a document designed to verify residency for school enrollment purposes. According to Section 5 of the Missing Children Records Act [325 ILCS 50/5], a pupil must provide a certified copy of his or her birth certificate to the school district within 30 days of enrollment. If a birth certificate is unavailable, the parent may present other reliable proof of the child's identity and age that is supported by a sworn statement explaining why the birth certificate is not available. Other reliable proof of the child's identity and age includes a passport, visa or other governmental documentation of the child's identity. If the student was not born in the United States, the school must accept birth certificates or other reliable proof from a foreign government.

Upon failure to comply, the school or other entity shall immediately notify the Illinois State Police or local law enforcement agency of such failure and shall notify the person enrolling the child in writing that he or she has 10 additional days to comply. [325 ILCS 50/5] There is no basis in law to exclude a pupil for failure to produce a birth certificate or other proof even if the parent fails to provide such proof after the 10 additional days.

Q-4 May a district designate certain periods of time for enrollment and/or registration?

A. A district may designate certain dates/times for enrollment and/or registration. However, parents/guardians and pupils who are unable to enroll and/or register during designated dates/times must be accommodated during alternative dates/times so as to allow for access for all pupils and families.

Q-5 After the school year begins, how can a district challenge the residency of a pupil who it believes is a nonresident of the district?

A. The district must send notice to the parent that the district believes the pupil is a nonresident. The notice shall detail the specific reasons why the board believes that the pupil is a nonresident of the district, include the amount of nonresident tuition owed pursuant to 105 ILCS 5/10-20.12a(a) and shall be given by certified mail, return receipt requested.

Within 10 calendar days after receipt of the notice, the person who enrolled the pupil may request a hearing to review the determination of the school board. The request shall be sent by certified mail, return receipt requested, to the district superintendent. Within 10 calendar days after receipt of the request, the board shall notify, by certified mail, return receipt requested, the person requesting the hearing of the time and place of the hearing, which shall be held not less than 10 nor more than 20 calendar days after the notice of hearing is given.

At least 3 calendar days prior to 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 that it may call to testify during the hearing. The hearing notice shall notify the person requesting the hearing that any written evidence and testimony or witnesses not disclosed to the other party at least 3 calendar days prior to the hearing are barred at the hearing without the consent of the other party. The board or a hearing officer designated by the board shall conduct the hearing. The board and the person who enrolled the pupil may be represented at the hearing by representatives of their choice. At the hearing, the person who enrolled the pupil shall have the burden of going forward with the evidence concerning the pupil's residency.

If the hearing is conducted by a hearing officer, the hearing officer, within 5 calendar days after the conclusion of the hearing, shall send a written report of his or her findings by certified mail, return receipt requested, to the school board and to the person who enrolled the pupil. The person who enrolled the pupil may, within 5 calendar days after receiving the findings, file written objections to the findings with the school board by sending the objections by certified mail, return receipt requested, addressed to the district superintendent. Whether the hearing is conducted by the school board or a hearing officer, the school board shall, within 30 calendar days after the conclusion of the hearing, decide whether or not the pupil is a resident of the district and the amount of any tuition required to be charged under Section 10-20.12a of the School Code as a result of the pupil's attendance in the schools of the district.

The school board shall send a copy of its decision within 5 calendar days of its decision to the person who enrolled the pupil by certified mail, return receipt requested. This decision must inform the person who enrolled the pupil that he or she may, within 5 calendar days after receipt of the decision of the board, petition the regional superintendent of schools to review the decision. The decision must also include notification that, at the request of the person who enrolled the pupil, the pupil may continue attending the schools of the district pending the regional superintendent of schools' review of the board's decision but that tuition shall continue to be assessed under Section 10-20.12a of the School Code during the review period and become

due upon a final determination of the regional superintendent of schools that the student is a nonresident.

Within 5 calendar days after receipt of the decision of the board pursuant to this subsection (c) of this Section, the person who enrolled the pupil may petition the regional superintendent of schools who exercises supervision and control of the board to review the board's decision. The petition must include the basis for the request and be sent by certified mail, return receipt requested, to both the regional superintendent of schools and the district superintendent.

Within 5 calendar days after receipt of the petition, the board must deliver to the regional superintendent of schools the written decision of the board, any written evidence and testimony that was submitted by the parties during the hearing, a list of all witnesses that testified during the hearing, and any existing written minutes or transcript of the hearing or verbatim record of the hearing in the form of an audio or video recording documenting the hearing. The board may also provide the regional superintendent of schools and the petitioner with a written response to the petition. The regional superintendent of schools' review of the board's decision is limited to the documentation submitted to the regional superintendent of schools pursuant to this Section.

Within 10 calendar days after receipt of the documentation provided by the school district, the regional superintendent of schools shall issue a written decision as to whether or not there is clear and convincing evidence that the pupil is a resident of the district pursuant to this Section and eligible to attend the district's schools on a tuition-free basis. The decision shall be transmitted to the board and the person who enrolled the pupil and shall, with specificity, detail the rationale behind the decision.

Q-6 What is the school of origin for a homeless pupil and how long may the pupil stay enrolled in that school?

A. The school of origin for a homeless pupil includes: (a) the school in which he or she was enrolled when permanently housed; and/or (b) the school in which he or she was last enrolled. Per state and federal law and the Illinois ESSA Plan, children and youth who have experienced homelessness are permitted to attend their school of origin for as long as they remain homeless, or if the child becomes permanently housed, for the remainder of the academic year in which housing is acquired. Where a homeless child or youth may be staying day to day in different attendance areas, each such area shall be considered an available choice for school enrollment.

Q-7 As noted in this guidance, pupils who assert homelessness must be immediately enrolled, even if they lack the normal documentation used for enrollment. What if a district disagrees with a pupil's or parent's assertion that the pupil is homeless?

A. Per the Illinois ESSA Plan and applicable state and federal law, as soon as such a disagreement arises, the school district liaison should become involved. If the district has legitimate reason to disagree with a parent, guardian, or homeless youth regarding an issue related to the rights of homeless pupils, the district must follow a dispute procedure that includes these steps:

• Immediately enroll the pupil(s) and arrange for transportation and other services as appropriate.

• With the involvement of the district's liaison, attempt to discuss the issues with the parent/youth

to determine if more information can clear up the issues.

Failing to accomplish that:

• Issue a letter to the parent/guardian or youth explaining, with a degree of specificity, the district's position as to the homelessness-related dispute. In this letter, the district must also include referrals to free/reduced cost legal help and an outline of the dispute resolution procedure. The district must send a copy of the letter to the applicable regional superintendent of schools and Illinois' coordinator for the education of homeless children and youth ("state coordinator").

• Refer the child or his or her parent or guardian to the fair and impartial ombudsperson appointed by the district's regional superintendent of schools (the "ombudsperson"). The district's liaison should exercise responsibility for facilitating access to legal help and advocacy and other information and, upon knowledge that legal representation has been obtained by a family or youth, the district (through its liaison or otherwise) shall appropriately work with such legal representative throughout the dispute resolution process.

For a complete description of procedures and timelines, please see 105 ILCS 45/1-25, 23 Ill. Admin. Code 1.241, and the Illinois ESSA Plan.

Q-8 What action can a district take if a pupil has unpaid school fees?

A. Pupils may not be discriminated against, punished or academically penalized in any way for incurring outstanding school fees. For example, districts may not engage in any of the following actions for a pupil's inability or refusal to pay outstanding school fees: refuse to enroll or register a pupil, deny participation in graduation ceremonies, withhold a diploma, lower grades, remove classes from a class schedule, or otherwise exclude the pupil from district services.

Per the implementing regulations for the Illinois School Student Records Act, "[i]f the student has unpaid fines, fees, or tuition charged pursuant to 105 ILCS 5/10-20.12a and is transferring to a public school located in Illinois or any other state, the school may elect to include in the student's record transferred pursuant to this Section the unofficial record of the student's grades in lieu of the student's official transcript of scholastic records. If the school so elects, the school shall within 10 calendar days after the student has paid all of his or her unpaid fines or fees and at its own expense forward the student's official transcript of scholastic records to the student's new school." [23 Ill. Admin. Code 375.75(i)]

Further, subject to fee waiver guidelines, a district retains the ability to bring a civil claim against parents or guardians with outstanding fees, fines or other charges.

Q-9 May a district charge a late registration fee for a pupil enrolling in the district after specified dates?

A. No. A district may request, but not require, that pupils enroll and/or register during a certain window, but it may not institute a fine or additional fee for those pupils who register outside of a designated registration and/or enrollment period.

Q-10 If a school or school district does not participate in federal nutrition programs, must it still offer fee waivers to eligible students?

A. Yes. Whether a school or school district participates in federal nutrition programs does not impact its obligation to provide fee waivers to a student who lives in a household that meets the National School Lunch Program's free lunch eligibility guidelines.

Q-11 What school fees are subject to waiver for eligible students?

A. All charges for required textbooks and instructional materials must be waived for eligible students.