



## 103RD GENERAL ASSEMBLY

### State of Illinois

2023 and 2024

**HB5364**

Introduced 2/9/2024, by Rep. Harry Benton

#### SYNOPSIS AS INTRODUCED:

105 ILCS 5/10-22.5a

from Ch. 122, par. 10-22.5a

Amends the School Boards Article of the School Code. Provides that a school district shall allow a dependent of United States military personnel who is housed in temporary housing located outside of a school district, but will be living within the district within 6 months after the time of initial enrollment, to be educated through an electronic learning program or remote learning program for the time period that the dependent is housed in temporary housing. Provides that if a dependent of United States military personnel is moving out of the State because the United States military personnel received a permanent change of station order, then the student shall be allowed to remain enrolled in the school district and be educated through an electronic learning program or remote learning program until a student enrolls in another school district.

LRB103 38966 RJT 69103 b

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 10-22.5a as follows:

6 (105 ILCS 5/10-22.5a) (from Ch. 122, par. 10-22.5a)

7 Sec. 10-22.5a. Attendance by dependents of United States  
8 military personnel, foreign exchange students, and certain  
9 nonresident pupils.

10 (a) To enter into written agreements with cultural  
11 exchange organizations, or with nationally recognized  
12 eleemosynary institutions that promote excellence in the arts,  
13 mathematics, or science. The written agreements may provide  
14 for tuition free attendance at the local district school by  
15 foreign exchange students, or by nonresident pupils of  
16 eleemosynary institutions. The local board of education, as  
17 part of the agreement, may require that the cultural exchange  
18 program or the eleemosynary institutions provide services to  
19 the district in exchange for the waiver of nonresident  
20 tuition.

21 To enter into written agreements with adjacent school  
22 districts to provide for tuition free attendance by a student  
23 of the adjacent district when requested for the student's

1 health and safety by the student or parent and both districts  
2 determine that the student's health or safety will be served  
3 by such attendance. Districts shall not be required to enter  
4 into such agreements nor be required to alter existing  
5 transportation services due to the attendance of such  
6 non-resident pupils.

7 (a-5) If, at the time of enrollment, a dependent of United  
8 States military personnel is housed in temporary housing  
9 located outside of a school district, but will be living  
10 within the district within 6 months after the time of initial  
11 enrollment, the dependent must be allowed to enroll, subject  
12 to the requirements of this subsection (a-5), and must not be  
13 charged tuition. Any United States military personnel  
14 attempting to enroll a dependent under this subsection (a-5)  
15 shall provide proof that the dependent will be living within  
16 the district within 6 months after the time of initial  
17 enrollment. Proof of residency may include, but is not limited  
18 to, postmarked mail addressed to the military personnel and  
19 sent to an address located within the district, a lease  
20 agreement for occupancy of a residence located within the  
21 district, or proof of ownership of a residence located within  
22 the district. A school district shall allow a dependent of  
23 United States military personnel who is housed in temporary  
24 housing located outside of a school district, but will be  
25 living within the district within 6 months after the time of  
26 initial enrollment, to be educated through an electronic

1 learning program or remote learning program for the time  
2 period that the dependent is housed in temporary housing under  
3 this subsection (a-5).

4 If a dependent of United States military personnel is  
5 moving out of this State because the United States military  
6 personnel received a permanent change of station order, then  
7 the student shall be allowed to remain enrolled in the school  
8 district and be educated through an electronic learning  
9 program or remote learning program until a student enrolls in  
10 another school district.

11 (b) Nonresident pupils and foreign exchange students  
12 attending school on a tuition free basis under such agreements  
13 and nonresident dependents of United States military personnel  
14 attending school on a tuition free basis may be counted for the  
15 purposes of determining the apportionment of State aid  
16 provided under Section 18-8.05 or 18-8.15 of this Code. No  
17 organization or institution participating in agreements  
18 authorized under this Section may exclude any individual for  
19 participation in its program on account of the person's race,  
20 color, sex, religion or nationality.

21 (Source: P.A. 102-126, eff. 7-23-21.)