



Rep. Elizabeth Coulson

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09500HB0693ham003

LRB095 04360 RAS 35254 a

1 AMENDMENT TO HOUSE BILL 693

2 AMENDMENT NO. _____. Amend House Bill 693, AS AMENDED, by
3 replacing everything after the enacting clause with the
4 following:

5 "Section 5. The School Code is amended by changing Section
6 10-20.12b as follows:

7 (105 ILCS 5/10-20.12b)

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

10 (a) For purposes of this Section:

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

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

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

16 (ii) Custody granted by order of a court of

1 competent jurisdiction to a person with whom the pupil
2 resides for reasons other than to have access to the
3 educational programs of the district.

4 (iii) Custody exercised under a statutory
5 short-term guardianship, provided that within 60 days
6 of the pupil's enrollment a court order is entered that
7 establishes a permanent guardianship and grants
8 custody to a person with whom the pupil resides for
9 reasons other than to have access to the educational
10 programs of the district.

11 (iv) Custody exercised by an adult caretaker
12 relative who is receiving aid under the Illinois Public
13 Aid Code for the pupil who resides with that adult
14 caretaker relative for purposes other than to have
15 access to the educational programs of the district.

16 (v) Custody exercised by an adult who demonstrates
17 that, in fact, he or she has assumed and exercises
18 legal responsibility for the pupil and provides the
19 pupil with a regular fixed night-time abode for
20 purposes other than to have access to the educational
21 programs of the district. A court order of guardianship
22 is not required to establish legal custody under this
23 item (v).

24 (a-3) A school district must require an adult claiming
25 custody under item (v) of subdivision (2) of subsection (a) of
26 this Section to complete and sign an Attestation of Enrollment

1 and Residency, developed by the State Board of Education, prior
2 to enrollment of the pupil.

3 (a-5) If a pupil's change of residence is due to the
4 military service obligation of a person who has legal custody
5 of the pupil, then, upon the written request of the person
6 having legal custody of the pupil, the residence of the pupil
7 is deemed for all purposes relating to enrollment (including
8 tuition, fees, and costs), for the duration of the custodian's
9 military service obligation, to be the same as the residence of
10 the pupil immediately before the change of residence caused by
11 the military service obligation. A school district is not
12 responsible for providing transportation to or from school for
13 a pupil whose residence is determined under this subsection
14 (a-5). School districts shall facilitate re-enrollment when
15 necessary to comply with this subsection (a-5).

16 (a-10) Nothing in this Section shall be construed to
17 preclude a school district from investigating, in appropriate
18 cases, all facts pertinent to the residency status of a pupil
19 for school attendance purposes.

20 (b) Except as otherwise provided under Section 10-22.5a,
21 only resident pupils of a school district may attend the
22 schools of the district without payment of the tuition required
23 to be charged under Section 10-20.12a. However, children for
24 whom the Guardianship Administrator of the Department of
25 Children and Family Services has been appointed temporary
26 custodian or guardian of the person of a child shall not be

1 charged tuition as a nonresident pupil if the child was placed
2 by the Department of Children and Family Services with a foster
3 parent or placed in another type of child care facility and the
4 foster parent or child care facility is located in a school
5 district other than the child's former school district and it
6 is determined by the Department of Children and Family Services
7 to be in the child's best interest to maintain attendance at
8 his or her former school district.

9 (c) The provisions of this subsection do not apply in
10 school districts having a population of 500,000 or more. If a
11 school board in a school district with a population of less
12 than 500,000 determines that a pupil who is attending school in
13 the district on a tuition free basis is a nonresident of the
14 district for whom tuition is required to be charged under
15 Section 10-20.12a, the board shall notify the person who
16 enrolled the pupil of the amount of the tuition charged under
17 Section 10-20.12a that is due to the district for the
18 nonresident pupil's attendance in the district's schools. The
19 notice shall be given by certified mail, return receipt
20 requested. Within 10 days after receipt of the notice, the
21 person who enrolled the pupil may request a hearing to review
22 the determination of the school board. The request shall be
23 sent by certified mail, return receipt requested, to the
24 district superintendent. Within 10 days after receipt of the
25 request, the board shall notify, by certified mail, return
26 receipt requested, the person requesting the hearing of the

1 time and place of the hearing, which shall be held not less
2 than 10 nor more than 20 days after the notice of hearing is
3 given. The board or a hearing officer designated by the board
4 shall conduct the hearing. The board and the person who
5 enrolled the pupil may be represented at the hearing by
6 representatives of their choice. At the hearing, the person who
7 enrolled the pupil shall have the burden of going forward with
8 the evidence concerning the pupil's residency. If the hearing
9 is conducted by a hearing officer, the hearing officer, within
10 5 days after the conclusion of the hearing, shall send a
11 written report of his or her findings by certified mail, return
12 receipt requested, to the school board and to the person who
13 enrolled the pupil. The person who enrolled the pupil may,
14 within 5 days after receiving the findings, file written
15 objections to the findings with the school board by sending the
16 objections by certified mail, return receipt requested,
17 addressed to the district superintendent. Whether the hearing
18 is conducted by the school board or a hearing officer, the
19 school board shall, within 15 days after the conclusion of the
20 hearing, decide whether or not the pupil is a resident of the
21 district and the amount of any tuition required to be charged
22 under Section 10-20.12a as a result of the pupil's attendance
23 in the schools of the district. The school board shall send a
24 copy of its decision to the person who enrolled the pupil, and
25 the decision of the school board shall be final.

26 (c-5) The provisions of this subsection apply only in

1 school districts having a population of 500,000 or more. If the
2 board of education of a school district with a population of
3 500,000 or more determines that a pupil who is attending school
4 in the district on a tuition free basis is a nonresident of the
5 district for whom tuition is required to be charged under
6 Section 10-20.12a, the board shall notify the person who
7 enrolled the pupil of the amount of the tuition charged under
8 Section 10-20.12a that is due to the district for the
9 nonresident pupil's attendance in the district's schools. The
10 notice shall be given by certified mail, return receipt
11 requested. Within 10 days after receipt of the notice, the
12 person who enrolled the pupil may request a hearing to review
13 the determination of the school board. The request shall be
14 sent by certified mail, return receipt requested, to the
15 district superintendent. Within 30 days after receipt of the
16 request, the board shall notify, by certified mail, return
17 receipt requested, the person requesting the hearing of the
18 time and place of the hearing, which shall be held not less
19 than 10 nor more than 30 days after the notice of hearing is
20 given. The board or a hearing officer designated by the board
21 shall conduct the hearing. The board and the person who
22 enrolled the pupil may each be represented at the hearing by a
23 representative of their choice. At the hearing, the person who
24 enrolled the pupil shall have the burden of going forward with
25 the evidence concerning the pupil's residency. If the hearing
26 is conducted by a hearing officer, the hearing officer, within

1 20 days after the conclusion of the hearing, shall serve a
2 written report of his or her findings by personal service or by
3 certified mail, return receipt requested, to the school board
4 and to the person who enrolled the pupil. The person who
5 enrolled the pupil may, within 10 days after receiving the
6 findings, file written objections to the findings with the
7 board of education by sending the objections by certified mail,
8 return receipt requested, addressed to the general
9 superintendent of schools. If the hearing is conducted by the
10 board of education, the board shall, within 45 days after the
11 conclusion of the hearing, decide whether or not the pupil is a
12 resident of the district and the amount of any tuition required
13 to be charged under Section 10-20.12a as a result of the
14 pupil's attendance in the schools of the district. If the
15 hearing is conducted by a hearing officer, the board of
16 education shall, within 45 days after the receipt of the
17 hearing officer's findings, decide whether or not the pupil is
18 a resident of the district and the amount of any tuition
19 required to be charged under Section 10-20.12a as a result of
20 the pupil's attendance in the schools of the district. The
21 board of education shall send, by certified mail, return
22 receipt requested, a copy of its decision to the person who
23 enrolled the pupil, and the decision of the board shall be
24 final.

25 (d) If a hearing is requested under subsection (c) or (c-5)
26 to review the determination of the school board or board of

1 education that a nonresident pupil is attending the schools of
2 the district without payment of the tuition required to be
3 charged under Section 10-20.12a, the pupil may, at the request
4 of a person who enrolled the pupil, continue attendance at the
5 schools of the district pending a final decision of the board
6 following the hearing. However, attendance of that pupil in the
7 schools of the district as authorized by this subsection (d)
8 shall not relieve any person who enrolled the pupil of the
9 obligation to pay the tuition charged for that attendance under
10 Section 10-20.12a if the final decision of the board is that
11 the pupil is a nonresident of the district. If a pupil is
12 determined to be a nonresident of the district for whom tuition
13 is required to be charged pursuant to this Section, the board
14 shall refuse to permit the pupil to continue attending the
15 schools of the district unless the required tuition is paid for
16 the pupil.

17 (e) Except for a pupil referred to in subsection (b) of
18 Section 10-22.5a, a pupil referred to in Section 10-20.12a, or
19 a pupil referred to in subsection (b) of this Section, a person
20 who knowingly enrolls or attempts to enroll in the schools of a
21 school district on a tuition free basis a pupil known by that
22 person to be a nonresident of the district shall be guilty of a
23 Class C misdemeanor.

24 (f) A person who knowingly or wilfully presents to any
25 school district any false information regarding the residency
26 of a pupil for the purpose of enabling that pupil to attend any

1 school in that district without the payment of a nonresident
2 tuition charge shall be guilty of a Class C misdemeanor.

3 (g) The provisions of this Section are subject to the
4 provisions of the Education for Homeless Children Act. Nothing
5 in this Section shall be construed to apply to or require the
6 payment of tuition by a parent or guardian of a "homeless
7 child" (as that term is defined in Section 1-5 of the Education
8 for Homeless Children Act) in connection with or as a result of
9 the homeless child's continued education or enrollment in a
10 school that is chosen in accordance with any of the options
11 provided in Section 1-10 of that Act.

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

13 Section 90. The State Mandates Act is amended by adding
14 Section 8.31 as follows:

15 (30 ILCS 805/8.31 new)

16 Sec. 8.31. Exempt mandate. Notwithstanding Sections 6 and 8
17 of this Act, no reimbursement by the State is required for the
18 implementation of any mandate created by this amendatory Act of
19 the 95th General Assembly.

20 Section 99. Effective date. This Act takes effect upon
21 becoming law."