

Residency Hearing Timeline

(105 ILCS 5/10-20.12b)

*****Changes due to P.A. 99-670 in underline; effective January 1, 2017*****

Date of non-residency notification – District provides parent/guardian who enrolled student with notice of non-residency determination by certified mail, return receipt requested. The notice must detail the specific reasons why the Board believes the student is a nonresident of District.

10 calendar days after parent/guardian receives notice – Deadline for parent/guardian to request hearing. Request is technically to be made in writing to the Superintendent by certified mail, return receipt requested.

10 calendar days from the date the Superintendent receives parent/guardian hearing request – Deadline for District to notify parent/guardian by certified mail, return receipt requested of the date, time, and place of the hearing.

Not less than 10 calendar days or more than 20 calendar days after notice of hearing provided to parent/guardian – Hearing must occur.

3 calendar days before the hearing – Both parties must disclose to each other all written evidence and testimony that it will submit during the hearing and a list of witnesses that it may call to testify during the hearing. A party who does not disclose the required information is to be prohibited from using it at the hearing without consent of the other party.

5 calendar days after conclusion of hearing – If hearing is conducted by a hearing officer, deadline for hearing officer to issue report. Hearing officer should send report to both parties. Recommend District verify hearing officer provided report to parent/guardian and/or forward copy of report to parent/guardian.

5 calendar days after receiving hearing officer's report – Deadline for parent/guardian to tender written objections with the school board as to the hearing officer's findings. Objections technically to be made in writing to the Superintendent by certified mail, return receipt requested.

30 calendar days after conclusion of hearing – Deadline for Board Meeting to determine whether or not student is a resident (based on hearing officer's report and any written objections) and, if not, the amount of tuition to be charged.

5 calendar days after Board Meeting – Deadline for school board to send a copy of its decision to the parent/guardian who enrolled the student by certified mail, return receipt requested. This decision must inform the parent/guardian who enrolled the student that he/she may petition the Regional Superintendent of Schools to review the school board's decision.

5 calendar days from the date the parent/guardian receives the school board's decision – Deadline for parent/guardian who enrolled the student to file a petition with the Regional Superintendent of Schools to review the school board's decision. Petition technically to be made in writing and sent to the Regional Superintendent of Schools and the Superintendent by certified mail, return receipt requested.

5 calendar days after receipt of petition from parent/guardian who enrolled the student –
Deadline for District to send to Regional Superintendent of Schools 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 (audio or video recording). District also may provide the Regional Superintendent of Schools and parent/guardian who enrolled the student a written response to the petition.

10 calendar days after receipt of documentation from District - Regional Superintendent of Schools to issue written decision as to whether there is clear and convincing evidence that the student is a resident of the District and eligible to attend school in the District on a tuition-free basis. The decision is to be sent to the District and the parent/guardian who enrolled the student.

The amount of tuition to be charged is set forth in Section 10-20.12a of the *School Code* (105 ILCS 5/10-20.12a) as follows:

(a) To charge non-resident pupils who attend the schools of the district tuition in an amount not exceeding 110% of the per capita cost of maintaining the schools of the district for the preceding school year.

Such per capita cost shall be computed by dividing the total cost of conducting and maintaining the schools of the district by the average daily attendance, including tuition pupils. Depreciation on the buildings and equipment of the schools of the district, and the amount of annual depreciation on such buildings and equipment shall be dependent upon the useful life of such property.

The tuition charged shall in no case exceed 110% of the per capita cost of conducting and maintaining the schools of the district attended, as determined with reference to the most recent audit prepared under Section 3-7 which is available at the commencement of the current school year. Non-resident pupils attending the schools of the district for less than the school term shall have their tuition apportioned, however pupils who become non-resident during a school term shall not be charged tuition for the remainder of the school term in which they became non-resident pupils.