



## SCHOOL LAW GROUP

**KTJ**

KLEIN, THORPE & JENKINS, LTD.  
Attorneys at Law

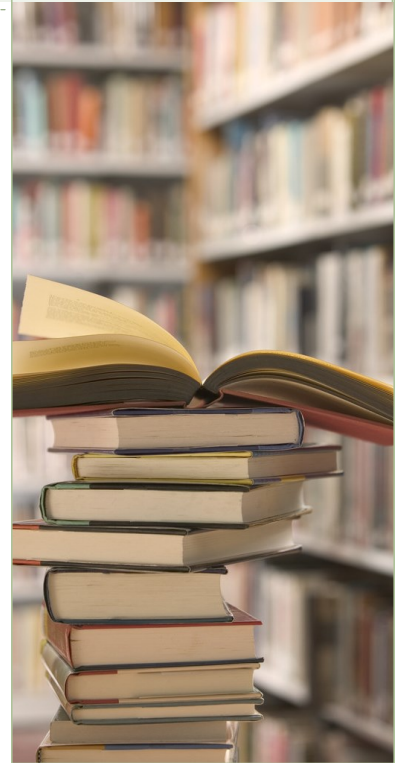
October 6, 2016  
Volume 1, Issue 1

# REGIONAL SUPERINTENDENT OF SCHOOLS AUTHORIZED TO REVIEW RESIDENCY HEARING DECISIONS

P.A. 99-0670 creates a new review mechanism (to the Regional Superintendent or Intermediate Service Center) for student residency disputes. There are also certain new notice and hearing procedures required when a school district conducts a residency hearing.

The full text of Public Act 99-0670 can be accessed at the following link:

[Public Act 99-0670](#)



### INSIDE THIS ISSUE

Summary of Public Act 99-0670 changes to student residency hearing procedures in Illinois

### SPECIAL POINTS OF INTEREST

New procedures are effective January 1, 2017.

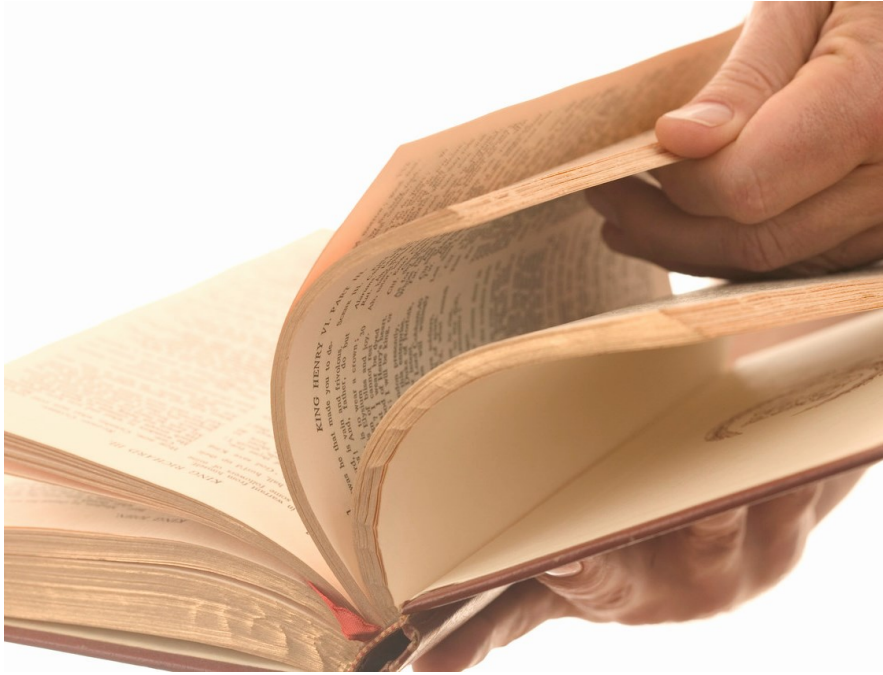


# Amendments to Procedures for Student Residency Hearings

## Public Act 99-0670 (effective January 1, 2017)

The following residency hearing procedures are established or revised:

1. In the notice of the determination of nonresidency to the person who enrolled the pupil the district must now provide the specific reasons why the Board believes that the pupil is a nonresident of the district.
2. The hearing and notice timelines are now clarified to be “calendar” days, not business or school days.
3. If the person enrolling the student requests a hearing, the board is to notify the person who enrolled the student:
  - a. The time and place of hearing.
  - b. The fact that any written evidence and testimony or witnesses not disclosed to the other party, at least three (3) calendar days prior to the hearing are barred at the hearing without the consent of the other party.
4. At least three (3) calendar days prior to the hearing both the school district administration and the person who enrolled the pupil must disclose to the other party:
  - a. All written evidence and testimony that it may submit during the hearing.
  - b. A list of witnesses that it may call to testify during the hearing.
5. The time period for the Board to make its decision regarding residency, after receiving the results of the hearing, is increased from 15 calendar days to 30 calendar days.
6. Within 5 calendar days of making its decision, the board must send a copy of its decision to the person who enrolled the pupil by certified mail, return receipt requested. The decision must inform the person who enrolled the pupil that he or she may:
  - a. Within 5 calendar days after receipt of the decision



of the board, petition the regional superintendent of schools (in Cook County, the applicable Intermediate Service Center) to review the decision.

- b. The decision must also include notice 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 during the review period and become due upon a final determination of the regional superintendent of schools that the student is a nonresident.
7. Within five (5) calendar days after receipt of the decision of the board, the person who enrolled the pupil may petition the regional superintendent of schools 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 superintendent of the local school district.
8. Within five (5) calendar days after receipt of the petition by the local school district, the school board must:
  - a. Deliver to the regional superintendent of schools its written decision.

For any questions or comments you might have regarding this newsletter or any other education or special education concerns, please feel free to us at:

#### **Chicago Office**

20 N. Wacker Drive, Ste. 1660  
Chicago, IL 60606

T: (312) 984-6400

F: (312) 984-6444

#### **Orland Park Office**

15010 S. Ravinia Ave., Ste. 10  
Orland Park, IL 60462

T: (708) 349-3888

F: (708) 349-1506

[www.ktjlaw.com](http://www.ktjlaw.com)

This newsletter is not to be construed as legal advice or a legal opinion under any circumstance. The contents are solely intended for general informative purposes, and the readers of this newsletter are strongly urged to contact their attorney with regard to any concepts discussed herein.

This newsletter may be deemed advertising under the laws of the Supreme Court of Illinois.

© 2016 Klein, Thorpe and Jenkins,  
Ltd.

**KTJ**

KLEIN, THORPE & JENKINS, LTD.  
Attorneys at Law

- b. Send any written evidence and testimony that was submitted by the parties during the residency hearing.
- c. Send a list of all witnesses that testified during the hearing.
- d. Send any existing written minutes or transcript of the hearing or verbatim record of the hearing in the form of any audio or video recording of the hearing.
- e. The school board also has the right to submit a written response to the petition to the regional superintendent with a copy to the person enrolling the student.

The regional superintendent of schools' review of the board's decision is limited to the documentation submitted hereunder to the regional superintendent.

9. Within ten (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 and eligible to attend the district's schools on a tuition-free basis. The decision shall be transmitted to the school board and the person who enrolled the pupil, and shall, with specificity, detail the rationale behind the decision.
10. If a hearing review is made to the Regional Superintendent, the pupil may, at the request of the person who enrolled the pupil, continue attendance at the schools of the district pending the decision of the board or regional superintendent of schools, as applicable (and the school district's payments under Section 18-8.05 of the School Code shall not be adjusted due to tuition collection). However, attendance of the pupil does not relieve any person who enrolled the pupil of the obligation to pay the tuition charged for that attendance if the final decision of the board or regional superintendent of schools is that the pupil is a nonresident of the district. If a pupil is determined to be a nonresident of the district, the board shall refuse to permit the pupil to continue attending the schools of the district unless the required tuition is paid for the pupil.