

REMINDER: CHANGES TO STUDENT RESIDENCY LAW TAKE EFFECT JANUARY 1, 2017

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As we head into the Thanksgiving weekend, it is a good time to look ahead to the changes in the Illinois Student Residency Law that take effect on January 1, 2017. While the ways to establish residency and a number of other provisions in the Law will remain the same, there are a number of changes as well.

If a school district believes that a student in attendance is actually not a resident, the school district will be required to include in a written notice to the student's parent or guardian the specific reasons why it believes the student is not a resident.

The law will specify that its relevant deadlines are based on a "calendar" day schedule, and are not limited to only days when school is in session.

- » If a hearing takes place related to a student's residency, the school district will be required to disclose all of its evidence and a list of witnesses three calendar days before the hearing. The student must also disclose the same information to the school district. If either side fails to make the required disclosures, the undisclosed information will be barred from use at the hearing.
- » The school district will be required to make a decision within 30 calendar days of the residency hearing.
- » Within five calendar days of reaching a decision, the school board will be required to send a written decision to the student's parent or guardian by certified mail.
- » Significantly, school district decisions on residency are currently final decisions, but as of January 1, parents or guardians will have a chance to appeal. Within five calendar days after receiving the school district's decision, a parent or guardian may petition the regional superintendent of schools to review the decision. The school district must inform the parent or guardian of the right to an appeal in its written decision.
- » The student may continue attending his or her current school pending the regional superintendent's review. However, if the family loses its appeal, it may be charged tuition for the time the student attended school while awaiting the appeal decision.
- » Within five calendar days of receiving a parent or guardian's petition for appeal, the school district must disclose all evidence, testimony and a witness list to the regional superintendent. The school district may also issue a written response to the petition.
- » Within 10 calendar days of receiving the evidence and other information from the school district, the regional superintendent will issue a written decision as to whether there is "clear and convincing evidence" that the student is a resident.

Please contact your attorney with any questions about how the amendments to the Illinois Student Residency Law apply to your school district or unit of local government.



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