

MAROA-FORSYTH C.U.S.D. #2

SPECIAL SCHOOL BOARD MEETING and HEARING

July 22, 2019 - 6:00 P.M.

Maroa-Forsyth HIGH SCHOOL LIBRARY

610 W. Washington - Maroa, IL 61756

Agenda

1. Call to Order
2. Roll Call
3. Discussion regarding seeking of proposed legislative waiver of 10-20.12a of the *Illinois School Code* requiring the charging of tuition for children of non-resident school district teachers.
4. Citizens Wishing to Address the Board, Public Participation
5. Adjournment

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[to be reproduced on district letterhead]

Date

Rules and Waivers Unit S-493
Attn: Cara Wiley
Illinois State Board of Education
100 North First Street
Springfield, Illinois 62777-0001

RE: Maroa-Forsyth CUSD No. 2 Request for Waiver

Dear Ms. Wiley:

Please find, enclosed, a request from Maroa-Forsyth CUSD No. 2 (hereinafter "the District") for a legislative waiver of 105 ILCS 5/10-20.12a, tuition for non-resident pupils. The application attached addresses all 8 items required for submission, to wit:

Item 1. The application for ISBE approval of waivers or modifications of ISBE rules and of modifications of School Code mandates will allow the District to meet the intent of the rule or mandate in a more effective, efficient or economical manner because families who send their children to the District's school will be unduly impacted financially and practically by having to send transport their children to other schools before transporting themselves to our schools. Moreover, the school district will be better served by teachers who arrive on time, consistent with our schedule, and are not impeded by the schedules of other districts. Finally, during this time of great difficulty attracting qualified teaching candidates, particularly to rural and suburban schools already operating as close to bare-bones as we can, a tuition waiver will provide an inexpensive incentive which will help attract teachers to the areas to teach in areas they are needed the most. The District seeks to reduce administrative complexity and financial burden on everyone involved by instituting an "employee-child waiver of tuition" policy (attached hereto at Exhibit A).

Item 2. The applicant is Maroa-Forsyth CUSD No. 2, a community consolidated public school district serving grades k-12 and organized under 10-10 of the Illinois School Code. The District is therefore eligible to receive a waiver if it is approved.

Item 3. The language of the statute (105 ILCS 5/10-20.12a) is attached hereto as Exhibit B.

Item 4. As above in Item 1, the District seeks to improve the education of students whose families wish to send their children to Maroa-Forsyth Schools. It is the belief of the board of education, community, and administration of Maroa-

Forsyth CUSD No. 2 that the needs of students, parents, and administration of this and other districts will be better served by not charging tuition to employees presently working the District, but who reside within the boundaries of a District where the schedules conflict, travel is inconvenient, and curriculums are distinct.

Item 5. Answers to Item 5 are included and attached hereto as Exhibit C.

Item 6. The waiver request is for five (5) years of validity.

Item 7.

- a) Newspaper notice of hearing is attached hereto as Exhibit D.
- b) Written notice to the collective bargaining agent is attached hereto as Exhibit E. The District has discussed the waiver with the collective bargaining agent and is aware of no objection therefrom.
- c) Written advance notice to the state legislators representing the District's territory is attached hereto as Exhibit F.

Item 8. The hearing took place on _____, 2019 at _____:____ p.m. at _____, Maroa, Illinois. The hearing agenda is attached hereto as Exhibit G.

Please consider the attached application and Exhibits for legislative waiver as soon as appropriate or permissible. Should you have any questions or concerns, please do not hesitate to contact me.

Sincerely,

Dr. John Ahlemeyer
Superintendent of Schools
**Maroa-Forsyth Community Consolidated
School District No. 2**

DJB/dms
Enclosures

Cc: David J. Braun, attorney
Miller, Tracy, Braun, Funk & Miller, Ltd.

Exhibit A
Proposed Policy

Maroa-Forsyth Community Unit School District 2

7:60

Proposed policy for adoption by the Board of Education effective July 1, 2020.

Adopted effective July 1, 2020.

Students

Residence

Resident Students

Only students who are residents of the District may attend the District school without a tuition charge, except as otherwise provided below or in State law. A student's residence is the same as the person who has legal custody of the student.

A person asserting legal custody over a student, who is not the child's natural or adoptive parent, shall complete a signed statement, stating: (a) that he or she has assumed and exercises legal responsibility for the child, (b) the reason the child lives with him or her, other than to receive an education in the District, and (c) that he or she exercises full control over the child regarding daily educational and medical decisions in case of emergency. If the District knows the current address of the child's natural or adoptive parent, the District shall request in writing that the person complete a signed statement or Power of Attorney stating: (a) the role and responsibility of the person with whom their child is living, and (b) that the person with whom the child is living has full control over the child regarding daily educational and medical decisions in case of emergency.

A student whose family moves out of the District during the school year will be permitted to attend school for the remainder of the year without payment of tuition.

When a student's change of residence is due to the military service obligation of the student's legal custodian, the student's residence is deemed to be unchanged for the duration of the custodian's military service obligation if the student's custodian made a written request. The District, however, is not responsible for the student's transportation to or from school.

If, at the time of enrollment, a dependent child of military personnel is housed in temporary housing located outside of the District, but will be living within the District within 60 days after the time of initial enrollment, the child is allowed to enroll, subject to the requirements of State law, and must not be charged tuition.

Requests for Non-Resident Student Admission

For purposes of the remainder of this policy, "first child" means a non-resident student attending Maroa-Forsyth CUSD No. 2 paying full-tuition whose payments are current and paid in full.

For purposes of the remainder of this policy, "second child of a household" means:

1. Any child who is related by blood to first child OR marriage of first child's parent to a parent of the child; AND
2. Maintains residence in the same household as first child who is prior enrolled at Maroa-Forsyth CUSD No. 2 and paying full tuition.

Non-resident students may attend the District school upon the approval of a request submitted by the student's parent(s)/guardian(s) for non-resident admission. The Superintendent may approve the request subject to the following:

1. The student will attend on a year-to-year basis. Approval for any one year is not authorization to attend a following year.
2. The student will be accepted only if there is sufficient room.
3. The student's parent(s)/guardian(s) will be charged the maximum amount of tuition as allowed by State law for the first child of a household. The second child of a household will be permitted to attend tuition-free pursuant to the Illinois General Assembly's waiver of the tuition requirements of the Illinois School Code until July 1, 2018. After July 1, 2018, all non-resident students will be required to pay full tuition to the school pursuant to this policy. No waivers of tuition will continue beyond July 1, 2018, and no waiver will be issued to any student who was subject to any waiver prior.
4. The student's parent(s)/guardian(s) will be responsible for transporting the student to and from school.

Admission of Non-Resident Students Pursuant to an Agreement or Order

Non-resident students may attend District schools tuition-free pursuant to:

1. A written agreement with an adjacent school district to provide for tuition-free attendance by a student of that district, provided both the Superintendent or designee and the adjacent district determine that the student's health and safety will be served by such attendance.

2. A written agreement with cultural exchange organizations and institutions supported by charity to provide for tuition-free attendance by foreign exchange students and non-resident pupils of charitable institutions.

3. According to an intergovernmental agreement.

4. Whenever any State or federal law or a court order mandates the acceptance of a non-resident student.

5. From July 1, 2020 through June 30, 2025, the biological, adopted, or step child of a non-resident employee who presently resides with that non-resident teacher may attend school at the District pursuant to the waiver of tuition requirements of the Illinois School Code granted by the Illinois State Board of Education and Illinois General Assembly on _____ of 2019.

Homeless Children

Any homeless child shall be immediately admitted, even if the child or child's parent/guardian is unable to produce records normally required to establish residency. School Board policy 6:140, Education of Homeless Children, and its implementing administrative procedure, govern the enrollment of homeless children.

Challenging a Student's Residence Status

If the Superintendent or designee determines that a student attending school on a tuition-free basis is a non-resident of the District for whom tuition is required to be charged, he or she on behalf of the School Board shall notify the person who enrolled the student of the tuition amount that is due. The notice shall be given by certified mail, return receipt requested. The person who enrolled the student may challenge this determination and request a hearing as provided by The School Code, 105 ILCS 5/10-20.12b.

LEGAL REF.: McKinney Homeless Assistance Act, 42 U.S.C. §11431 et seq.

105 ILCS 5/10-20.12a, 5/10-20.12b, and 5/10-22.5.

105 ILCS 45/.

23 Ill.Admin.Code §1.240.

Israel S. by Owens v. Board of Educ. of Oak Park and River Forest High School

Dist. 200, 601 N.E.2d 1264 (Ill.App.1, 1992).

Joel R. v. Board of Education of Manheim School District 83, 686 N.E.2d 650 (Ill.App.1, 1997).

Kraut v. Rachford, 366 N.E.2d 497 (Ill.App.1, 1977).

CROSS REF.: 6:15 (School Accountability containing "School Choice for Students Enrolled in a School Identified for Improvement, Corrective Action, or Restructuring"),

6:140 (Education of Homeless Children), 7:50 (School Admissions and Student

Transfers To and From Non-District Schools), 7:70 (Attendance and Truancy)

ADOPTED: _____, 2019

Exhibit B
Language of 105 ILCS 5/10-20.12a from which the District
Seeks an ISBE and Legislative Waiver

Sec. 10-20.12a. Tuition for non-resident pupils.

(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.

(b) Unless otherwise agreed to by the parties involved and where the educational services are not otherwise provided for, educational services for an Illinois student under the age of 21 (and not eligible for services pursuant to Article 14 of this Code) in any residential program shall be provided by the district in which the facility is located and financed as follows. The cost of educational services shall be paid by the district in which the student resides in an amount equal to the cost of providing educational services in the residential facility. Payments shall be made by the district of the student's residence and shall be made to the district wherein the facility is located no less than once per month unless otherwise agreed to by the parties.

The funding provision of this subsection (b) applies to all Illinois students under the age of 21 (and not eligible for services pursuant to Article 14 of this Code) receiving educational services in residential facilities, irrespective of whether the student was placed therein pursuant to this Code or the Juvenile Court Act of 1987 or by an Illinois public agency or a court. The changes to this subsection (b) made by this amendatory Act of the 95th General Assembly apply to all placements in effect on July 1, 2007 and all placements thereafter. For purposes of this subsection (b), a student's district of residence shall be determined in accordance with subsection (a) of Section 10-20.12b of this Code. The placement of a student in a residential facility shall not affect the residency of the student. When a dispute arises over the determination of the district of residence under this subsection (b), any person or entity, including without limitation a school district or residential facility, may make a written request for a residency decision to the State Superintendent of Education, who, upon review of materials submitted and any other items or information he or she may request for submission, shall issue his or her decision in writing. The decision of the State Superintendent of Education is final.

(Source: P.A. 95-844, eff. 8-15-08; 95-938, eff. 8-29-08.)

Exhibit C
Descriptions of testimony from public hearing

1. Number of people attending the public hearing;
2. Number speaking in favor of and against the request;
3. Comments made during the hearing; and
4. Whether any written comments were provided.

Exhibit D
Newspaper Hearing Notice

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN: that a public hearing has been set by the Board of Education of Maroa-Forsyth Community Unit School District No. 2 for 5:30 p.m. on July 22, 2019, at 610 W Washington Street Rd., Maroa, Illinois in the High School Library. The purpose of this hearing shall be to consider whether the Board of Education should seek a legislative waiver from the requirements of section 10-20.12a of the *Illinois School Code* (105 ILCS 5/10-20.12a) to charge tuition to children of non-resident teachers attending school at Maroa-Forsyth schools. Any member of the public desiring to appear and be heard at said hearing may do so.

_____, Secretary
Board of Education,
Maroa-Forsyth Community Unit School District No. 2

Exhibit E
Written notice to Collective Bargaining Agent

[to be reproduced on district letterhead]

Date

Name, Union President
Maroa-Forsyth Education Association
[address]

RE: Legislative Tuition Waiver

Dear _____:

I write to inform you that the Board of Education of Maroa-Forsyth Community Unit School District No. 2 ("the Board" or "the District") intends to consider requesting a waiver of the Illinois School Code's provision on tuition for the purpose of permitting teaching employees' children to attend school in the District on a tuition-free basis.

In anticipation of such consideration, the Board has prepared a policy for consideration. I have enclosed the policy, as well as the notice of hearing which is required by law before the Board requests such a waiver from the legislature.

Please let me know should you have questions or concerns.

Sincerely,

Dr. John Ahlemeyer
Superintendent of Schools
Maroa-Forsyth Community Unit
School District No. 2

JA/djb
Enclosures

Exhibit F
Written advance notice to state legislators representing
Maroa-Forsyth CUSD 2 territory

[to be reproduced on district letterhead]

Date

Andy Manar, Senator
115 N. Washington St.
P.O. Box 636
Bunker Hill, IL 62014

Ms. Sue Scherer, Representative
1301 E. Mound Rd.
Suite 270
Decatur, IL 62526

RE: Legislative Tuition Waiver

Dear _____:

I write to inform you that the Board of Education of Maroa-Forsyth Community Unit School District No. 2 ("the Board" or "the District") intends to consider requesting a waiver of the Illinois School Code's provision on tuition for the purpose of permitting teaching employees' children to attend school in the District on a tuition-free basis.

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Please let me know should you have questions or concerns.

Sincerely,

Dr. John Ahlemeyer
Superintendent of Schools
Maroa-Forsyth Community Unit
School District No. 2

JA/djb
Enclosures

**Exhibit G
Hearing Agenda**

MAROA-FORSYTH C.U.S.D. #2

SPECIAL SCHOOL BOARD MEETING and HEARING
June 22, 2019 - 5:30 P.M.

Maroa-Forsyth HIGH SCHOOL LIBRARY
610 W. Washington - Maroa, IL 61756

Agenda

1. Call to Order
2. Roll Call
3. Pledge of Allegiance
4. Discussion regarding seeking of proposed legislative waiver of 10-20.12a of the *Illinois School Code* requiring the charging of tuition for children of non-resident school district teachers.
5. Citizens Wishing to Address the Board, Public Participation
6. Possible action on Resolution of Board of Education of Maroa-Forsyth CUSD No. 2 Referencing Seeking of Legislative Waiver
7. Adjournment

Exhibit H
Resolution of Board of Education of Maroa-Forsyth CUSD No. 2
Referencing Seeking of Legislative Waiver

WHEREAS, the Board of Education of Maroa-Forsyth Community Unit School District No. 2 (hereinafter "the Board" or "the District") has considered recommendations regarding tuition of non-resident students; and

WHEREAS, the Illinois School Code, 105 ILCS 5/10-20.12a requires the Board to charge tuition not less than 100% of the cost of attendance to non-resident students served by the District; and

WHEREAS, the Board's policy (7:60) requires the Board to charge tuition not less than the full amount of tuition permitted to be charged by law to non-resident students served by the District; and

WHEREAS, the Board informed state General Assembly representatives representing the District's territory, Mr. Andy Manar and Ms. Sue Scherer, prior to the hearing notice of the Board's intention to consider recommendations regarding tuition of non-resident students; and

WHEREAS, the Board informed the exclusive collective bargaining representatives, the Maroa-Forsyth Education Association, IEA/NEA of its intention to consider recommendations regarding tuition of non-resident students; and

WHEREAS, the Board published notice of a hearing to discuss its intent with the public in the _____ local newspaper of regular circulation on _____ and on the District's public website; and

WHEREAS, the Board heard and recorded testimony from community members, staff, and others present regarding tuition of non-resident students; and

WHEREAS, at the hearing, the Board proposed a policy to address the tuition of non-resident students; and

WHEREAS, the Board, having closed the hearing and considered the testimony therein, has found and determined that certain students of the District should be exempt from tuition pursuant to the attached policy (Exhibit A) for a period not to exceed five (5) years, beginning no earlier than July 1, 2020; and

WHEREAS, the Board desires to seek a waiver from the Illinois General Assembly to permit such an exemption from mandates therefrom.

NOW, THEREFORE, it is hereby resolved as follows:

Section 1. That the recitals set forth hereinabove are incorporated in this Section as if set forth here word for word.

Section 2. That the Superintendent is hereby directed to prepare and complete documents, policies, letters, reports, and exhibits and take all other steps necessary to acquire permission from the Illinois State Board of Education, Illinois General Assembly and other parties as necessary to seek a waiver of the tuition requirements 105 ILCS 5/10-20.12a of the Illinois School Code for purposes of permitting the Board to adopt the proposed policy in Exhibit A, attached hereto and incorporated herein by reference.

Section 3. That, upon receiving approval of the waiver, the Superintendent is hereby directed to present the policy proposed and attached hereto as Exhibit A together with the notification of waiver approval for the Board's consideration and adoption in accordance with the Board's policy adoption procedures.

Section 4. That if the request for waiver is denied by either the Illinois State Board of Education or the Illinois General Assembly, the Superintendent shall so-inform the Board and no further action on the policy attached hereto and incorporated herein as Exhibit A shall result.

Section 5. That this Resolution shall be in full force and effect forthwith upon its adoption.

ADOPTED this ___ day of _____, 2019, by the following roll-call vote:

AYES: _____

NAYS: _____

ABSENT: _____

ABSTENTIONS: _____

President, Board of Education

ATTEST:

Secretary, Board of Education

CERTIFICATION

I, _____, Secretary of the Board of Education of Maroa-Forsyth Community Unit School District No. 2, do hereby certify that the foregoing Resolution was adopted at a _____ meeting of the Board of Education held on the _____ day of _____, 2019, by the following roll-call vote:

AYES: _____

NAYS: _____

ABSENT: _____

ABSTENTION: _____

and that the motion was duly declared carried by the President of the Board.

Dated this _____ day of _____, 2019.

Secretary, Board of Education