West 40 Intermediate Service Center #2 – Region 6
2701 West Washington Blvd • Bellwood, IL 60104
(708) 544-5490 • Fax: (708) 544-5491
www.west40.org
Kay Poyner Brown, Executive Director
Richard D. Erdman, Comprehensive Educational Services Director
Pricilla Bradley, West Cook McKinney-Vento Advocate

DISPUTE RESOLUTION

Resolution Notification (Who are you sending this completed dispute resolution form to?):

School District Notification of Low-Cost or Free Legal Counsel:  YES

In the case of: ___________________________ and ___________________________, a student enrolled in ______

Dispute Notification Sent To (As indicated below, notification had been sent to legal representation of each party and such representatives should have notified their respective clients. If either party had not been represented by legal counsel, then notification was sent directly to the respective party):__________________________

Date & Time of Hearing: Friday, April 19, 2011 at 10am at the South Cook Intermediate Service Center offices

In Attendance:
District representation: __________________________________________

Parent representation: Did not attend


In the matter of: ___________________________
Rationale (explanation of disposition):
The questions in this matter are specific and narrow as the focus is limited to where the children were living on the day they began school, under what conditions, and for what reason. As such, the focus of the ombudsperson was to seek answers to the following:

- Where did the child reside on the day in which they were registered at their respective schools?
- Did the residence and the conditions under which they reside at this residence meet the standard of homelessness defined within the McKinney Vento Act?

Section 725(2), et seq. of the McKinney Vento Act defines the conditions for enrollment in a school district under the terms of this Act. The section is cited below [emphasis added]:

(2) The term homeless children and youths' —
(A) means individuals who lack a fixed, regular, and adequate nighttime residence (within the meaning of section 103(a)(1)); and
(B) includes —
(i) children and youths who are sharing the housing of other persons due to loss of housing, economic hardship, or a similar reason; are living in motels, hotels, trailer parks, or camping grounds due to the lack of alternative adequate accommodations; are living in emergency or transitional shelters; are abandoned in hospitals; or are awaiting foster care placement;
(ii) children and youths who have a primary nighttime residence that is a public or private place not designed for or ordinarily used as a regular sleeping accommodation for human beings (within the meaning of section 103(a)(2)(C));

As is indicated earlier in this document, [redacted] did not attend this Dispute Resolution Meeting though she was granted an opportunity to appeal by the Illinois State Board of Education after an opinion issued in January, 2011 stated that procedural due process was not followed with regards to providing her with information about her rights.

In the light of these circumstances, this Ombudsperson made certain that multiple measures were undertaken in this matter to assure that the rights of [redacted] were protected. These measures included sending emails to [redacted] making multiple attempts to contact [redacted] by telephone and leaving voice and "live" messages, speaking with [redacted] on April 1, 2011, assuring that she was contacted by Terry McCullough, the area homeless liaison serving South Cook, and having Dave Levek from the Area 1 office contact her.

While the districts presented a plethora of evidence to support the position that the children are not eligible to attend schools in either district, this opinion is not based on that information, but rather an investigation of Cook County Tax Records. During the meeting, [redacted] conducted an online search of property tax records at the request of this Ombudsperson. The property located at [redacted] is the address at which the districts claim the children to reside was associated with.

This property is shown as being owned by [redacted] The districts presented that [redacted] is the mother of [redacted]. A screen capture of this information found on the Cook County Treasurer's Office follows. Note that the information is shown current as of 4/26/2011 as indicated in the bottom right corner.

In the matter of
Registrations forms for the school districts completed by [REDACTED] and [REDACTED] provide evidence of an ongoing relationship between the two. Given that [REDACTED] owns the property and [REDACTED] there is nothing to suggest that [REDACTED] and the children are unable to reside at that address. Therefore, it is concluded they are not homeless.

In the absence of any information to the contrary, this Ombudsperson determines that the children are not homeless and are therefore not eligible to legally attend the schools in District 124 or District 231.

Transcript/Recording (identify who completed and provided this documentation):
Meeting was recorded on a cassette tape that has been sent to Richard Erdman at West 40.

Recursose: Maria Cullen, State Coordinator, ISBE ~ C213, 100 N. 1st St., Springfield, IL 62777, (217) 557-7323
- Either party may, within 5 school days of the Ombudsperson's decision, send a written request to the State Coordinator asking the State Coordinator to review such decision for compliance with applicable law. Such request must include any documentation related to the dispute resolution proceeding.
- Upon receiving a request for review, the State Coordinator may request from either party any additional information that he or she deems relevant to determining compliance with applicable law. No later than 10 school days after receiving the request for review, the State Coordinator shall make a recommendation to the State Superintendent of Education regarding the Ombudsperson's decision and the appropriate placement of the student (deferring, in this review, to any and all findings of fact by the Ombudsperson).
- Within 10 days of receiving the State Coordinator's recommendation, the State Superintendent of Education or designee will inform all parties of the final determination.
- If the State Superintendent of Education or designee determines that the district's action giving rise to the dispute is inconsistent with applicable law, he/she may order the district to take any action necessary for such district to be in compliance with applicable law. Should the district not comply with such order, the State Superintendent shall place the district's recognition status on probation in accordance with 23 Ill. Admin. Code 1.20(b).
- Regardless of the decision of the State Superintendent of Education or designee, the State Coordinator will follow-up with the school district within 5 school days after such determination to review the status of the dispute.

Signature: [REDACTED]
Ombudsperson

Date: [REDACTED] 11/27
An inspection of your facility on Tue Dec 14, 2010 revealed the violations listed below.

ORDER TO COMPLY: Since these conditions are contrary to an adopted village code or ordinance, you must correct them upon receipt of this notice. A re-inspection to determine compliance will be conducted on Tue Dec 14, 2010

If you fail to correct the violation(s) noted prior to the re-inspection date listed, you may be subject to citation(s) and fine(s) provided for by ordinance for such violations.

Violation Code

0-0 ADD COMMENT ADDITIONAL COMMENTS

Received a complaint from the concerning overcrowding at the residence. I went to the home on Monday, December 13, 2010 and spoke to the home owner, Ms. and asked her as to how many persons currently resided in the home. told me that and , last name resided and her attended grammar school in . I asked if her other I asked if her other or resided there and she said no.

404.4.4 PROHIBITED OCCUPANCY:

Violation carried over from inspection on 06/29/2006
Kitchens, non habitable spaces and interior public areas shall not be occupied for sleeping purposes.

NOTE: THE BASEMENT CANNOT BE OCCUPIED AS A SLEEPING AREA.

12/16/2010 09:46
Affidavit of Residency

To Be Completed By Parent/Guardian Homeowner/Apartment Renter:
I reside at __________________________, Illinois.
I am the parent/guardian of __________________________, who resides with me at the above address.

To Be Completed By Those Who Reside With An
Resident:
I reside at __________________________, Evergreen Park, Illinois. The parent/guardian of __________________________ resides with me at the above address.

PLEASE READ BEFORE YOU SIGN

It is the policy of the Board of Education of the __________ School District to admit only students who legally reside with their parents/guardians within the district.
The information provided will be used by school officials to establish the eligibility of the above student applicant for admission. Falsification of any information regarding the residence of any of the persons listed will result in the student's being excluded from school and is a Class C misdemeanor. Those making or giving such false information are liable for the payment of tuition to the school for such time that the student was illegally attending.

Under penalty of law, I certify that I am the owner or lessee of the property located at the above address and that the student named above resides with me at said address. Also, I agree to inform the school within 5 days of any change in the student's residency or custodial status. I certify that, to the best of my knowledge and belief, the residency of the student named above has not been established solely for the purpose of attending the school. I further certify that the information provided above is correct, and I have read and understand the warning about falsification of information and the possible consequences of providing false information.

reserves the right to investigate the residency of any student in an ongoing effort to ensure that students attending __________ are in fact residents.

Signature __________________________
Date 2/10/10

Subscribed and sworn before me on the 10 day of February, 2010

Seal

NOTARY PUBLIC
BILL OF SALE

Seller(s), Midwest Bank and Trust Company, Trust #04-3-8325 of Chicago, Illinois for and in consideration of TEN DOLLARS and other good and valuable consideration in hand paid, receipt whereof is hereby acknowledged, hereby sell, assign and transfer to Purchaser(s), the following described personal property, to-wit:

All items listed in the Real Estate Contract dated July 12, 2006 located on the property commonly known as

Seller(s) hereby represent and warrant to Purchaser(s) that Seller(s) are the absolute owner(s) of said property, that said property is free and clear of all liens, charges and encumbrances, and that Seller(s) have full right, power and authority to sell said personal property and to make this Bill of Sale.

EXCEPT AS MAY BE PROVIDED IN THE REAL ESTATE CONTRACT PREVIOUSLY EXECUTED BETWEEN THE SELLER(S) AND THE PURCHASER(S), ALL WARRANTIES OF QUALITY, FITNESS AND MERCHANTABILITY ARE HEREBY EXCLUDED.

DATED this ______ day of _______ 2006

By:

[Signature]

Midwest Bank and Trust Company,
Trust #04-3-8325 dated 11/10/04

State of Illinois
County of Cook ss.

, a Notary Public in and for said County, in the State aforesaid, DO HEREBY CERTIFY that: the beneficiary of Midwest Bank and Trust Company, Trust #04-3-8325 personally known to me to be the same person(s) whose name(s) subscribed to the foregoing instrument, appeared before me this day in person, and acknowledged that (the) they signed, sealed and delivered the said instrument as their(s) free and voluntary act, for the uses and purposes therein set forth.

Given under my hand and official seal this ______ day of _______ 2006

NOTARY PUBLIC

Prepared By: Marshall Richter, 5225 Old Orchard Road Suite 30, Skokie, Illinois 708-967-5216
Affidavit Letter of Residency:
Person Seeking to Enroll a Student is Living With a District Resident

<table>
<thead>
<tr>
<th><strong>To be completed by the person seeking to enroll the student(s).</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>I am</strong> [guardian or parent], hereby state that I live at [full address], since moving from [previous address], I live with [district resident] for the following reasons: [State any and ALL reasons].</td>
</tr>
</tbody>
</table>

**IMPORTANT:**
The School District reserves the right to evaluate the evidence presented, and merely presenting the items listed in this Procedure does not guarantee admission.

**WARNING:**
If a student is determined to be a non-resident of the District for whom tuition must be charged, the persons enrolling the student are liable for non-resident tuition from the date the student began attending a district school as a non-resident.

A person who knowingly enrolls or attempts to enroll in this School District on a tuition-free basis a student known by that person to be a non-resident of the district is guilty of a Class C misdemeanor, except in very limited situations as defined in State law (105 ILCS 5/10-20.12b (e)).

A person who knowingly or willfully presents to the School District any false information regarding the residency of a student for the purpose of enabling that student to attend any school in that district without the payment of a nonresident tuition charge is guilty of a Class C misdemeanor (105 ILCS 5/10-20.12b (f)).

04.02.2009
In signing this document, I acknowledge I have read and understand the following:

"A person who knowingly or willfully presents to any school district any false information regarding the residency of a pupil for the purpose of enabling that pupil to attend any school in that district without payment the payment of a non-resident tuition charge shall be guilty of a Class C misdemeanor." (105 ILCS 5/10-20.12b)

I hereby attest that the above-named student's residence within has not been established solely for the purpose of attending the . I further understand that if any of the information provided in connection with this Proof of Residency is determined to be false and the student is not legally entitled to attend the , the student will be dropped from the attendance rolls in accordance with Board Policy No. , and the School District may take legal action to recoup valid tuition charges and legal fees.

I certify that I understand the residency requirements and that registration of a student who is not a resident of the District is a fraudulent act. I further understand the penalties for fraudulent registration, described above.

I hereby swear that the answers to the foregoing questions are to my knowledge true and correct, and I understand that I may be subject to criminal prosecution for perjury if I have knowingly answered any of the questions falsely.

Signature of Parent or Legal Guardian

Date

AFFIDAVIT

STATE OF ILLINOIS )
) ss.
COUNTY OF COOK )

The undersigned, being duly sworn, states that the answers to the above and foregoing questionnaire are true and correct.

Signature of Parent or Legal Guardian

SUBSCRIBED AND SWORN to
Before me this 27th day of

2009

Notary Public

04-02-2009