

Administrative Rule for Admission of Resident Students

Purpose: To establish the basic structure and procedure for admitting to district schools those students who live in the district.

1) District staff will follow applicable state law and federal law with regard to all student admissions and student transfers into or out of the district. Affidavits are subject to renewal each year.

2) Generally, all persons of legally defined and mandated school age who reside in the district and who have presented required birth certificates and certificates of immunization may attend the free public schools of the district. Persons seeking admission to the district's schools may be provisionally admitted for up to 30 calendar days, if provisional admission is necessary for submission to the district of documentation required for admission. However, all necessary admission documentation must be provided to the district within 30 calendar days of a student's provisional admission, or the student shall be discharged or dismissed from the district.

3) Under South Carolina law, not all students who live in the district reside in the district for school admission purposes. The district may admit a student who lives in the district provided that the student meets one of the following residency criteria.

- a. lives with his/her parents
- b. lives with his/her legal guardian (see guardianship provision below)
- c. lives with his/her foster parents
- d. is emancipated
- e. is homeless or is a child of a homeless individual as defined in the McKinney-Vento Act, Pub. L. No. 100-77, 101 Stat. 482-538 (1987), or
- f. resides full time with an adult resident of the district as a result of any of the following, as documented through an affidavit:

1. The death, serious illness or incarceration of a parent/legal guardian:
 - a. The death of a parent/legal guardian should be documented by an official death certificate.
 - b. The serious illness of a parent/legal guardian should be documented by a statement signed by a licensed physician indicating the illness and why it precludes the parent/legal guardian from providing adequate care, support, or supervision of the child, as well as the likely duration of the serious illness.
 - c. The incarceration of a parent/legal guardian should be documented by an official court or department of prisons record showing the parent/legal guardian's incarceration and the duration of incarceration.
2. The relinquishment by a parent/legal guardian of the complete control of the student as evidenced by the failure to provide substantial financial support and parental guidance:
 - a. Evidence of the relinquishment by a parent/legal guardian of the complete control of the student should be documented by a statement from the parent/legal guardian if practical, in addition to financial and other records showing others are providing the financial support for and guidance of the child. Records showing the parent/legal guardian of the child is still providing some financial support, providing guidance, or otherwise has not

relinquished complete control of the child may be relied upon in denying the student admission.

3. Abuse or neglect by a parent/legal guardian:
 - a. Abuse or neglect by a parent or legal guardian should be documented by court or Department of Social Services records reflecting allegations of abuse or neglect by the parent/legal guardian with respect to the child.
4. The physical or mental condition of a parent/legal guardian is such that he/she cannot provide adequate care and supervision of the child:
 - a. The physical or mental condition of the parent/legal guardian should be documented by a statement from a licensed physician or other appropriate health care provider indicating the physical or mental condition and why it renders the parent/legal guardian incapable of providing adequate care and suspension of the child, as well as the likely duration of the incapacity.
5. A parent/legal guardian's homelessness, as that term is defined by the McKinney-Vento Act:
 - a. The McKinney-Vento Act defines homeless children as "individuals who lack a fixed, regular, or adequate nighttime residence." Examples of homelessness for children include:
 - i. Children sharing housing due to economic hardship or loss of housing;
 - ii. Children living in motels, hotels, trailer parks or camp grounds due to lack of alternative accommodations;
 - iii. Children living in emergency or transitional shelters;
 - iv. Children awaiting foster care placement;
 - v. Children whose primary nighttime residence is not ordinarily used as a regular sleeping accommodations (e.g., park benches);
 - vi. Children living in cars, parks, public spaces, abandoned buildings substandard housing, bus or train stations, etc. Questions concerning whether a child is homeless under the McKinney-Vento Act may be addressed to the district's McKinney-Vento coordinator or liaison, _____, at _____.

(The District may ask for official documents proving the grounds for admission selected on the affidavit. In addition, the adult must attest that the student's claim of residency in the district is not primarily related to attendance at a particular school. The adult must also accept responsibility for educational decisions for the child.)

4) *Guardianship: The district adheres to the opinion of the South Carolina Attorney General that the term "legal guardian" as used in this Rule and in Section 59-63-30(b) of the South Carolina Code of Laws means either a testamentary guardian or guardian by judicial/court appointment or order. A copy of the official court order appointing the guardian, or establishing the guardianship relationship, must be filed at the district office and the school to which the student is assigned. Although a student may be admitted provisionally for up to 30 calendar days pending the district's receipt of a court's guardianship order, proper documentation of a legal, judicially established guardianship must be received by the district within 30 calendar days of the student's provisional admission.

5) Proof of residence: In order to ensure that students are qualified for attendance under Section 59-63-30 of the Code of Laws of South Carolina, the district may require the parent/legal guardian with whom the child resides to establish proof of residency in Beaufort County.

Two proofs of residency are required in order for the student to attend the district's schools. Typical documents requested for this purpose are as follows.

- a copy of the parent/legal guardian's current monthly utility bill (electric, gas, water) showing his/her correct name and address.
- a copy of the parent/legal guardian's current monthly land line phone statement showing his/her correct name and address.
- a copy of the parent/legal guardian's rental lease or real estate purchase contract showing his/her correct name and address
- a copy of the parent/legal guardian's cable or satellite bill showing his/her correct name and address.
- a copy of the parent/legal guardian's rent receipt showing the address of the dwelling as well as the landlord/landlady's name, address and telephone number; statements from apartment complexes or other multiple dwellings need to be on letterhead stationary showing the appropriate information mentioned above.

The school will also request a copy of the parent/legal guardian's South Carolina driver's license as a means of verifying identity. Production of the above enumerated documents does not necessarily establish bona fide residency.

In all cases, the student must do the following.

- have maintained a satisfactory scholastic record in accordance with scholastic standards of achievement set by the board of education
- not have been guilty of violating the rules of conduct and behavior that must be met by all students as a condition to the right to attend the public schools of the district as set by the board of education.

The district will not deny admission to any student on the basis of race, religion, color, creed, gender, national origin, or disability.

Legal services that provide aid to families seeking information on Guardianship:

1. Low Country Legal Aid
P.O. Box 2496
167-A Bluffton Road
Bluffton, SC 29910
Phone: 843-815-1570
2. South Carolina Legal Services
69 Robert Smalls Parkway, Suite 3-A
Beaufort, SC 29902

Local Attorneys that provide legal services for families seeking Guardianship

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| 1. Law Offices of Grady Brown | 843-379-3900 |
| 2. Harvey & Battey Law Firm | 843-524-3109 |
| 3. Law Offices of Bree R. Kennedy | 843-341-5555 |
| 4. Law Offices of Clifford Bush, III | 843-379-9500 |
| 5. Law Offices of Bernard McIntyre | 843-524-9040 |