

NONRESIDENT STUDENTS

Code **JFAB** Revised **10/18**

Purpose: To establish the basic structure for admitting to district schools those students who do not reside in the district.

The district will follow applicable state law with regard to all student admissions and student transfers into or out of the district.

The superintendent will make a recommendation based on his/her examination at the time the board acts on interdistrict transfer requests.

In all cases of non-resident student admission, the parent must assume responsibility for transportation. The board will hold non-resident students to the behavioral and academic requirements set out in policy.

The district is required by federal and state laws, executive orders, rules and regulations not to illegally discriminate on the basis of race, religion, color, disability, sex (including pregnancy, childbirth, or any related medical conditions), age, alienage, national origin, marital status, family sex-orientation, immigrant status or English-speaking status.

Tuition

The district may charge tuition to non-resident students seeking to enroll in district schools. For students who qualify for attendance under circumstances set out in Section 59-63-30 of the S.C. Code of Laws, the district will charge tuition in an amount equal to the prior year's per pupil revenue less the amount of school taxes paid on the real property owned by the child. Section 59-63-60 provides that a student who presents a certificate from the county auditor verifying that he/she, in his/her own name, has fee simple absolute ownership of real estate in the district assessed at \$300 or more, qualifies for attendance. In lieu of the real estate ownership requirement, the student may opt to pay a district committee approved price.

The district will require payment of non-resident tuition before registering the child to be enrolled. State law requires the district to remove a child for nonpayment after giving notice.

Students who qualify under the property ownership/tuition payment clause are considered as residents with regard to participation in school district programs.

However, the district will not charge tuition to students in the following categories:

- Students planning to move into district:
Students of any parent residing out-of-district at the time of admission but in the process of building, buying or renting a residence in the district may request enrollment in the attendance area's school of the new residence. The parent must present a statement from his builder, buyer or lessor in support of this request. The parent must also present an official release from the district in which he/she resides. The superintendent has authority to admit students under this provision.

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- Children of employees:
The district may admit children of employees of the district provided they submit a release from the school district in which they reside.

- Foreign exchange students
The district will admit students from foreign countries, temporarily residing with sponsors living in the school district, who are the age of eligibility and who are participating in a foreign student exchange program approved by the school board.

Adopted 8/4/80; Revised 6/6/83, 10/5/98, 6/2/03, 11/2/09, 5/7/12, 3/4/13; 10/7/13; 10/1/18

Legal references:

- A. S.C. Code of Laws, 1976 as amended:
 - 1. Section 44-29-180 – Students must show immunization prior to admission.
 - 2. Section 59-63-30 – Qualifications for attendance.
 - 3. Section 59-63-45 – Procedures for reimbursement for districts for cost of educating non-resident students.
 - 4. Section 59-63-480 & 490 – Attendance of non-resident students.
 - 5. Section 59-19-90(10) – Power of board to transfer and assign pupils.

- B. Federal Court Decisions:
 - 1. Milliken v. Bradley, 418 U.S. 717
 - 2. Tasby v. Estes, 412 F. Supp. 1185, aff'd 572 F.2d 1010.
 - 3. Evans v. Buchanan, 393 F.Supp. 428
 - 4. Armour v. Nix, NO.79-6108 (N.D. Ga. May 12, 1979).

- C. State Board of Education Regulations:
 - 1. R-43-272 – School admission.