

# ADMISSION OF RESIDENT STUDENTS

Code **JFAA** Issued **3/15**

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Purpose: To establish the basic structure for the admission of those students who reside in Charleston County School District to the district schools.

*Note: Admission of nonresident students is governed by policy JFAB.*

Generally, persons of legally defined and mandated school age who reside in Charleston County School District and who have presented certificates or records of immunization and vaccination in accordance with the directions of the State Department of Health and Environmental Control may attend the free public schools.

## First-time enrollment

~~The appropriate associate superintendent~~ Upon enrollment, the school principal should review the student enrollment information. If there is concern, the information should be forwarded to the Department of Alternative Programs and Services (hereafter referred to as DAP). DAP shall refer to the appropriate constituent board any student who seeks to enroll in the constituent district for the first time if it appears to the ~~associate superintendent~~ principal and DAP staff, from non-school records and/or the student's disciplinary records, that the student does not meet the district's standards for conduct and behavior. The constituent board shall consider these records and any adjudication of delinquency in any jurisdiction for violent crimes, unlawful use or possession of weapons or unlawful sale of drugs and render a decision as to whether to allow the student to enroll.

If the constituent board does not allow the student to enroll based on his/her record, the constituent ~~board~~ board's administrative assistant shall notify the student's parent/legal guardian who shall have the right to request a hearing before the constituent board. ~~in accordance with CCSD policy JKE-R – Expulsion.~~ The parent/legal guardian may appeal an adverse decision of the constituent board to the county board.

~~The district will not admit a student currently expelled from another district/state.~~

The bar to enrollment applies for a maximum of one year. ~~The constituent board will decide on the time frame for the bar to enrollment.~~ After the bar is lifted, the student may reapply. ~~for enrollment and the constituent board will order the student enrolled if he/she otherwise meets enrollment criteria.~~

## Criteria for admission

Under South Carolina law, a student who lives in the district is eligible for enrollment so long as he/she meets one of the following criteria.

- lives with one or more of his/her parents, legal guardian or foster parent
- is emancipated
- is homeless or is a child of a homeless individual, as defined in Public Law 100-77
- resides in an emergency shelter located within the district
- lives in a residential community-based care facility licensed by the South Carolina Department of Social Services or operated by the South Carolina Department of Social Services or the South Carolina Department of Youth Services

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Charleston County School District must admit any student who lives with an adult resident of the district, provided the adult provides an affidavit as required by law to show that the child resides with the adult as a result of any of the following.

- the death, serious illness or incarceration of a parent/legal guardian
- a parent/legal guardian's relinquishing complete control of the child, as evidenced by the failure to provide substantial financial support and parental guidance
- abuse or neglect by a parent/legal guardian
- 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 parent/legal guardian's homelessness, as that term is defined by Public Law 100-77
- a parent/legal guardian's military deployment or call to active duty is more than 70 miles from his/her residence for a period greater than 60 days; provided, however, that if the child's parent/legal guardian returns from such military deployment or active duty prior to the end of the school year, the child may finish that school year in the school he/she attends without charge even if the child resides in another school district for the remainder of the school year due to his/her parent/legal guardian returning home

In addition, the adult must attest that the child's claim of residency in Charleston County School District is not primarily related to attendance at a particular school. The adult must also accept responsibility for educational decisions for the child.

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 Charleston County School Board
- 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 Charleston County School Board

No student shall be denied admission on the basis of race, religion, color, creed, sex, gender preference, immigrant status or English-speaking status, national origin or disabling condition.

Adopted 10/25/76; Revised 11/28/05, 1/23/06, 1/24/11, 3/9/15

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Legal references:

A. Federal Law:

1. McKinney-Vento Homeless Education Assistance Improvements Act of 2001, 42 U.S.C.A. Section 11431 *et seq.*
2. No Child Left Behind Act of 2001, Pub. L. No 107-110, 115 Stat. 1425, Section 4155.
3. Title IV of the Civil Rights Act of 1964, 42 U.S.C.A. Section 2000c *et seq.* - Prohibits discrimination on the basis of race, color or national origin, among other factors, by public elementary and secondary schools.
4. Title VI of the Civil Rights Act of 1964, 42 U.S.C.A. Section 2000d - Prohibits discrimination on the basis of race, color, national origin or immigration status, among other factors, in programs receiving federal financial assistance.

B. S.C. Code, 1976, as amended:

1. Section 44-29-180 - Student must show immunization prior to admission.
2. Section 59-19-90(10) - Power of board to transfer and assign pupils.
3. Section 59-38-10 - South Carolina Education Bill of Rights for Children in Foster Care.
4. Section 59-63-30 - Qualifications for attendance.
5. Section 59-63-31 - Additional qualifications for attendance at public school.

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6. Section 59-63-32 - Requirements to enroll child in public school; affidavit; penalties for providing false information.
  7. Section 59-63-217 - Board of trustees may consider non-school records and prior school disciplinary records in determining whether a school district may refuse to enroll a student for the first time.
  8. Section 59-63-390 - Ages of attendance.
  9. Sections 59-63-480 and 490 - Attendance of non-resident students.
- C. Federal Cases:
1. *Parents Involved in Community Schools v. Seattle School District No. 1*, 551 U.S. 701 (2007).
- D. State Board of Education Regulations:
1. R43-272 - School admission.
- E. South Carolina Department of Health and Environmental Control Regulations:
1. R61-8 - Immunization of students.