

ADMISSION OF NONRESIDENT STUDENTS

Code **JFAB** Issued **7/19**

Purpose: To establish guidelines for admitting to Charleston County School District schools those students who do not reside in the district.

The superintendent will make recommendations to the board when students residing outside of Charleston County request to be admitted to district schools. These recommendations will follow applicable state law. No out-of-district student may be admitted unless the parent/legal guardian assumes responsibility for transportation. Behavioral and academic requirements set out in policy JFAA, *Admission of Resident Students*, apply to non-resident students.

Tuition

The district will charge tuition to certain non-resident students.

Examples of students who must pay tuition include the following:

- a student in one county who resides closer to schools in an adjacent county (59-63-480)
- ~~a student so situated as to be better accommodated by a school of an adjoining district (59-63-490)~~
- a student who qualifies for attendance only by virtue of owning real property with a tax assessed value of \$300.00 or more, pursuant to S.C. Code of Laws, 1976, as amended, Sections 59-63-30 and 59-63-45.

The finance office will collect the tuition as specified in S.C. Code of Laws, 1976, as amended, Sections 59-63-480 and 59-63-45. In accordance therewith, the district will determine the yearly per-student cost of all overhead expenses of the school, which will include all expenses of the school not paid by the state, less the property tax assessed for the benefit of CCSD, and will require that the parent/legal guardian make those payments in two equal installments prior to the beginning of the first and second semesters.

Student Planning to Move into the District

The superintendent will not charge tuition for a student planning to move into the district, provided the parent/legal guardian provides a release from the district in which the student resides and demonstrates by a statement from a builder, seller, or lessor that the student and his/her parent/legal guardian will establish residency in the district by the end of that school year. If residency is not established by the end of the school year in which the student has been admitted, the student must be withdrawn from the district school and may not use this provision for enrollment until residency has been established.

Students Who Own Real Property

The location of real property owned by a student who is attending school in the district pursuant to S.C. Code of Laws, as amended, Section 59-63-30(c) does not dictate the school or attendance area in which the student will attend. Such student may apply through the superintendent's office or his/her designee for enrollment at a specific school; however, for each such student, the district reserves the right to designate a "home school" or "home attendance zone" based on school capacity and other criteria.

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Magnet Schools/Programs

To attend a magnet school or program, a nonresident student must be authorized to attend in the attendance area, if any, served by that magnet school or program.

Student Who Move during the School Year

Students who move out of the district at any time during the school year will no longer be eligible to remain in a district school without district approval. Such students may appeal to the county board for permission to continue enrollment for the remainder of that school year. Pending any such appeal, the student may remain enrolled in the school. If the student is not granted board permission to continue enrollment, the student must withdraw from the district school. If the student moves outside of the district **before** the 135th day of school, and is given board permission to remain at the school, the student's parent/legal guardian will be required to pay a pro-rated amount of tuition for the remainder of the school year. If the student moves outside of the district **after** the 135th day of school, and the parent/legal guardian is only requesting the student be allowed to remain enrolled through the end of the school year, the superintendent or his/her designee will be given the authority to process these requests. If approved, tuition will be waived for the remainder of that school year. If the parent/legal guardian is requesting the student be allowed permission to return to the school in the fall and in subsequent years, the board will retain its authority to make such decisions and tuition will be charged as established by policy.

Foreign Exchange Students

The district will admit students from foreign countries who are age eligible and who are participating in a foreign student exchange program based on space availability in the requested school.

Charleston County School District will not deny admission to any student on the basis of race, religion, creed, sex, gender preference, color, disability, national origin, immigrant status, or English-speaking status.

Active Duty Military Personnel

The district will admit a limited number of out-of-county kindergarten through 12th grade students whose parent/legal guardian are active duty military personnel assigned to Joint Base Charleston to CCSD neighborhood schools. This provision does not include enrollment at magnet schools/programs or charter schools. The district must receive written confirmation of the military personnel's status (temporary duty/TDY or permanent duty station/PDS) from an official from Joint Base Charleston. The confirmation should include the timeframe in which the military personnel will be stationed at Joint Base Charleston. Enrollment approval is contingent upon space availability at the neighborhood school. If approved, the student may remain enrolled at the school until completion of the school's highest grade level. The student must re-apply when matriculating to another school level or for any other request to change schools. Out-of-County tuition will not be assessed for students admitted pursuant to this provision. Transportation to/from the school must be provided by the parent. If approved, the parents must submit a release from their home district.

See administrative regulation for additional implementation information.

See policy and administrative rule JRA, Student Records, for information pertaining to the transfer of student records.

Cf. JRA

Adopted 10/25/76; Revised 1/23/06, 2/11/08, 9/27/10, 1/13/14, 4/28/14, 6/27/16, 1/22/18, 7/15/19

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Legal References:

A. United States Code of Laws, as amended:

1. Every Student Succeeds Act, Pub. L. No. 114-95, 129 Stat. 1802.
2. McKinney-Vento Homeless Assistance Act, 42 U.S.C.A. Section 11431, *et seq.*
3. Section 504 of the Rehabilitation Act of 1973, 29 U.S.C.A. Section 701, *et seq.*
4. Title II of the Americans with Disabilities Act, 42 U.S.C.A. 12132.
5. Title IV of the Civil Rights Act of 1964, 42 U.S.C.A. Section 2000c, *et seq.*
6. Title VI of the Civil Rights Act of 1964, 42 U.S.C.A. Section 2000d, *et seq.*
7. Title IX of the Education Amendments of 1972, 20 U.S.C.A. Section 1681, *et seq.*

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

1. Section 44-29-180 - Students must show immunization records prior to admission.
2. Section 59-19-90(10) - Authority of board to prescribe conditions and charges for attendance.
3. Section 59-38-10 - South Carolina Education Bill of Rights for Children in Foster Care.
4. Section 59-63-30, *et seq.* - Qualifications for attendance.
5. Section 59-63-45 - Reimbursement requirements for nonresident students.
6. Section 59-63-480, *et seq.* - Attendance of nonresident students.

C. Federal Cases:

1. *Parents Involved in Community Schools v. Seattle School District No. 1*, 551 U.S. 701 (2007).
2. *Plyler v. Doe*, 457 U.S. 202 (1982).

D. S.C. Cases:

1. *Storm M.H. ex rel. McSwain v. Charleston County Board of Trustees*, 400 S.C. 478, 735 S.E.2d 492 (2012).

E. S.C. State Board of Education Regulations:

1. R43-272 - School admission.
2. R43-273 - Transfers and withdrawals.