

STUDENT TRANSFERS

Code **JFAB** Issued **8/26**

Purpose: To establish consistent, and transparent process for student transfers, including interdistrict transfers for students residing outside of Charleston County, and intradistrict transfers for students residing within Charleston County, in accordance with applicable federal and state laws.

The superintendent will make recommendations to the board for inter-or intra-district transfers. These recommendations will follow applicable state law and adhere to school capacity determinations. School capacity shall be determined through an annual capacity study considering facility constraints, staffing levels, class size limits, grade-level enrollment, specialized programs, and other applicable state and federal requirements. No inter-or intra-district transfer 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.

The district shall annually review this policy and maintain data regarding applications, approvals, denials, waitlists, and appeals, and shall report such data to the South Carolina Department of Education as required.

The district shall prominently post transfer procedures, available capacity, transfer fees, transportation information, and application for enrollment timelines on its website and shall provide public notification.

Nothing in this policy shall be construed to alter the rights of students with disabilities under IDEA or Section 504. Educational placement and the provision of special education and related services shall be determined through the applicable IEP or Section 504 process.

Definitions

For purposes of this policy, the following terms are defined below.

Interdistrict transfer means a transfer that allows students to enroll in a school or school district outside their residentially zoned school district. Transfers to a charter school are not considered interdistrict transfers for the purposes of this policy.

Intradistrict transfer means a transfer that allows students who are residents of Charleston County to enroll in a neighborhood school within their residential school district that is outside their residential enrollment zone as assigned by the District Board of Trustees. Transfers to a charter school are not considered intradistrict transfers for the purposes of this policy.

School capacity is the maximum number of students that can be accommodated in a school, ensuring a safe and effective learning environment. School capacity shall be determined by a capacity study, which shall include consideration of building capacity, individual class sizes, specialized program capacity and other considerations required by state and federal law.

Specialized program is a structured educational initiative or curriculum designed to meet the distinct academic or vocational needs of students.

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Waitlist is a list of students who have applied for enrollment in a school that has reached full capacity.

Resident district means the district for which a student is residentially zoned.

Nonresident transfer district means the district to which the non-resident student applies for transfer.

Resident refers to a student who lives within the boundaries of a specific school district.

Nonresident means a student who resides outside the district boundaries but enrolls in a district school through interdistrict transfer.

Sibling means a person who shares at least one biological or legal parent or who is legally recognized as a sibling through adoption, an active foster care placement, or an established legal guardianship or custodial arrangement. For purposes of determining sibling priority, an active foster care placement or legal guardianship/custodial arrangement must be established within the same residence at the time of application and remain in effect through the lottery, selection, and seat offer process.

Lottery is a process in which all applicants are randomly ordered, with designated priorities applied within the randomization process.

Transfer Application and Enrollment Timeline

The district shall establish an annual inter- and intra-district transfer application for enrollment window opening no later than February 1 for the upcoming school year and remaining open for at least ninety (90) days. Parents/legal guardians may submit an online or paper application during the annual application for enrollment window. The district will advertise the application for enrollment window for at least 30 days in advance of its opening.

The district shall annually publish available capacity by school, grade level, and specialized program on the district website prior to the opening of the application for enrollment window. The district may, but is not required to, update its capacity numbers during the transfer application for enrollment window.

The superintendent or designee shall evaluate applications based upon available capacity and objective criteria including attendance, disciplinary history, specialized program eligibility, staffing, facilities, and other factors authorized by law.

Deadlines

All inter- or intra-district transfer applications for enrollment must be submitted by the designated deadline in order to be considered for placement through the transfer lottery process for the next school year.

Application Notification

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Applicants shall receive written notification of the outcome of their application within thirty (30) days following the close of the application for enrollment window and advancement to the lottery process. If the school or specialized program is at capacity, students will be placed on a waitlist.

Seat Acceptance

Upon receiving a transfer seat offer notification, the applicant must accept or reject the seat within 14 calendar days of the date of the seat offer notification.

Waitlist

Eligible applicants for schools or programs at capacity shall be placed on a waitlist according to random lottery with published priorities and offered admission if space becomes available. Waitlists are applicable to one school year only and do not carry over to the next application year.

Sibling Priority

Subject to available capacity and published program or school criteria and priorities, a priority shall be given to resident students and then to nonresident students. Sibling priority will be applied within the applicable resident status.

Tuition/Transfer Fee

The district will charge tuition/transfer fee to non-resident students, including students accepted through the inter-district transfer process.

Examples of students who must pay tuition/transfer fee include the following:

- a student in one county who resides closer to schools in an adjacent county (S.C. Code Ann. § 59-63-480)
- a student who qualifies for attendance only by virtue of owning real property with a tax assessed value of \$300.00 or more (S.C. Code Ann. §§ 59-63-30, 59-63-45.)
- Students admitted to a Charleston County school through the interdistrict transfer process (S.C. Code Ann. § 59-8-110 *et seq.*)

The finance office will collect the tuition as specified in S.C. Code Ann. § 59-63-45 and 59-63-480. The annual interdistrict transfer fee shall not exceed the previous school year's local per-pupil tax revenue amount as calculated by the South Carolina Department of Education. Parents/legal guardians may elect quarterly or semiannual payments. Billing shall align with the Education Scholarship Trust Fund ("ESTF") disbursement schedule, and invoices shall not be due until at least ten business days after ESTF funds are distributed.

If the previous year's tuition is not paid by June 30, the student will not be allowed to re-enroll in any CCSD school for the upcoming school year.

Continued Enrollment

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Parents are not required to fill out a renewal application for their resident or nonresident student to remain enrolled in the school as long as the student remains in good standing in terms of the applicable CCSD Transfer Student Contract unless the child is progressing to the next school in the district's grade progression where there is not a feeder pattern or in cases where there are capacity constraints at the next level of school. In those instances, the district may require submission of a renewal application during the applicable CCSD transfer application window in order to establish intent to continue enrollment. In circumstances requiring a renewal application, the existing resident and nonresident student will be afforded priority over newly applying resident and nonresident students. If a parent wishes their resident or nonresident student to attend a different school serving the same grade levels as their currently enrolled transfer school, the parent must submit a new application and must follow the same inter-or-intra-district transfer process to apply for enrollment in the new school.

Enrollment Criteria

Denials: The District may deny entry to inter-district students based on their past disciplinary and/or attendance records, in accordance with state law and regulation.

Specialized Programs: Students applying to schools with specialized programs (e.g., magnet schools, STEM programs) are subject to additional eligibility requirements, including auditions, interviews, or standardized assessments. The district must give students transferring into a school equal opportunity to apply for any specialized programs at the school.

Students Planning to Move into the District

The superintendent will not charge tuition/transfer fee 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 district's established deadline for residency verification. 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.

Magnet Schools/Programs

Resident students shall receive acceptance priority in accordance with district School Choice procedures. Both resident and nonresident students may apply to magnet schools and specialized programs that are offered through the district's School Choice application process. Admission for non-resident applicants is subject to the same eligibility requirements and selection criteria as resident applicants. Non-resident students accepted to magnet schools/programs will be required to pay the applicable tuition/transfer fee.

Students 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.

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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 may 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.

Activity Duty Military Personnel

The district will admit a limited number of nonresident 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.

Appeals Process

Denial of Enrollment: If an applicant's request for an inter- or intra-district transfer is denied, applicants have the opportunity to appeal the decision. Appeals must be submitted within 10 calendar days of receiving the transfer denial notification, as documented in the application portal. Appeals will be reviewed by a District Transfer Appeal Hearing Panel.

Appeal decisions will be made before the transfer lottery is conducted. If the appeal is approved, the application will move forward in the transfer process and be included in the Transfer lottery for an available seat along with all other transfer applicants.

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Applicants will be notified of the appeal decision through the District Application Portal and/or the email address associated with the transfer application.

If the initial Transfer denial decision is upheld, the applicant may submit an additional appeal that will be reviewed by the District Board of Trustees for a district level decision. An appeal must be submitted within 10 calendar days of receiving the transfer denial notification, as documented in the application portal. This will be the final decision for intra-district applicants.

For Inter-District (non-resident transfer applicants) only, if the District Board of Trustees also upholds this denial, the applicant may appeal to the State Board, which may delay transfer lottery processes until the State Board provides a notification.

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.

Placement Subject to Change

The placement of any student, whether by attendance area, transfer or other process, is subject to change by operation of law, change in policy, altered attendance lines, or other Charleston County School District Board of Trustees action.

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, 5/20/24, 8/24/26

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.
 - 7. Section 59-8-165, Interdistrict enrollment policies

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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.