

Policy

ADMISSION OF NON-RESIDENT STUDENTS

Code JBCA Issued 3/16/22 Revised 7/27/22

The District will follow applicable state law with regard to all student admissions and student transfers into or out of the District. The superintendent or his/her designee will closely examine all inter-district student transfer requests in order to guard against transfers that significantly contribute to a reseparation of the races in either the sending or receiving district. The superintendent will make a recommendation based on his/her examination at the time the Board acts on inter-district transfer requests, and consult with legal counsel, as appropriate. The District reserves the right to assign non-resident students to schools which are able to admit such students without placing undue demands on the space and/or student/teacher ratio at any school.

The Board has the authority to transfer and assign students within the district. The Board or its designee may make disciplinary transfers to another school in lieu of suspension or expulsion but only after a conference or hearing with the parent/guardian. The parent/guardian may appeal a disciplinary transfer made by an administrator to the Board.

In all cases of nonresident student admission, the parent/guardian must assume responsibility for transportation. The Board will hold nonresident students to the behavioral and academic requirements set out in policy JBC (Admission of Resident Students). The District will not accept students who have been expelled from other school districts or who are otherwise ineligible to attend school in their prior school system.

Tuition

The District will charge tuition to nonresident students seeking to enroll in district schools. The District will require full payment of nonresident tuition at the time of enrollment unless a special payment schedule is arranged by the District Finance department. As required by state law, the District will remove a student from attendance in the district for nonpayment after giving written notice five days in advance of withdrawal.

For students who qualify for attendance under circumstances set out in Section 59-63-30(c) of the S.C. Code of Laws, the District will charge tuition in an amount equal to the prior year's per student revenue less the amount of school taxes paid on the real property owned by the student. The parent/guardian must present a certificate from the county auditor verifying the student, in his/her own name, owns real estate in the district assessed at \$300 or more.

The District may waive all or part of this tuition requirement.

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

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Special accommodations

A student that is better accommodated at schools in Lancaster County School District will be enrolled in the district with the consent of the district where the student resides.

Students residing in an adjacent county

If a student in an adjacent county resides closer to schools in Lancaster County School District, he/she may attend such schools upon the written application of admission from the District Board of residence and the written acceptance from the Lancaster County School District. The application will list the full information as to age, residence, and grade level of the student. Lancaster County School District will determine the monthly per pupil cost of all overhead expenses for the student's admission. Upon proper arrangement being made for payment of the overhead per pupil cost by the District Board of residence, the student will be enrolled in Lancaster County School District.

Students planning to move into district

Students of any parent/guardian residing out-of-district but in the process of building or buying a residence in the district may request enrollment in the attendance zone's school of the new residence. The parent/guardian must present a statement from the builder or seller showing the expected date of occupancy of the new residence. A nonresident tuition must be paid prior to enrollment. This payment would be based on the daily rate of the yearly tuition rate established by Lancaster County School District. The tuition will be charged for each day prior to the actual move into a Lancaster County School District residence. If the actual occupancy of the new residence occurs before or after the expected date, the amount of the non-resident tuition will be adjusted accordingly. The parent/guardian must also present an official release from the district in which he/she resides. The superintendent or designee has authority to admit students under this provision.

Students of employees

Consistent with the District's policy, the District will admit children of employees provided they submit an annual release from the school system in which they reside. The District reserves the right to make the school assignment. Nonresident tuition charges will be waived for the children of employees.

Students who move during the school year

Students who move out of the district after the final day of the first semester of the school year may continue attending school in the system for the remainder of the year without tuition provided the new school district of residence grants permission.

International exchange students

Admittance of students from foreign countries who are the age of eligibility and who are participating in an international student exchange program will be contingent upon Board approval. The student must reside within Lancaster County School District.

Transfers into and out of District (Inter-District transfers)

If the school district grants transfers either in or out of the district it will do so on a non-discriminatory basis except that it will not consent to transfers where the cumulative effect will reduce desegregation in either district or reinforce the dual school system.

All transfers into or out of the district will be governed by state law where applicable and where not applicable, will be contingent upon Board approval. All requests for transfer of the latter kind will be closely scrutinized by the superintendent or his/her designee, and the Superintendent or his/her designee shall consult with legal counsel, as appropriate; and the Board will have the benefit of the advice of the superintendent at the time action is taken by the Board on inter-district transfer requests.

The Board has the authority to transfer and assign students within the district. The Board or its designee may make disciplinary transfers to another school in lieu of suspension or expulsion but only after a conference or hearing with the parents/guardians. The parents/guardians may appeal a disciplinary transfer made by an administrator to the Board.

A student may transfer to an adjoining district with the consent of both the receiving district and the district of residence.

Release from Resident District

An annual written release from the resident school district will be submitted by the parent/legal guardian prior to a non-resident student being enrolled in the district in all circumstances except a student who owns real estate in the district assessed at \$300 or more in accordance with Section 59-63-30.

The District will not deny admission to any student on the basis of race, color, religion, national origin, disability, sex (including pregnancy, childbirth, or any related medical conditions, and gender identity), age, genetic information, or any other protected trait or characteristic as may be required by federal or state law.

See policy and administrative rule JR/JR-R (Student Records) for information pertaining to the transfer of student records.

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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. Every Student Succeeds Act of 2015, Pub. L. No. 114-95, 129 Stat. 1802.
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 - Students must show immunization prior to admission. Section 59-19-90(10) - Power of Board to transfer and assign pupils.
2. Section 59-38-10 - South Carolina Education Bill of Rights for Children in Foster Care. Section 59-63-30 - Qualifications for attendance.
3. Section 59-63-45 - Reimbursement for attending another school district. Section 59-63-480 & 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).
2. *Plyler v. Doe*, 457 U.S. 202 (1982).

D. S.C. Cases:

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

E. State Board of Education Regulations:

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