

Policy

ADMISSION OF RESIDENT STUDENTS

Code JBC Issued 3/16/22

Generally, all persons of legally defined and mandated school age who reside in the District and who have presented required birth certificates and certificates of immunization may attend public schools without charge. Information regarding specific documentation required for admission may be obtained by contacting the district office or any school within the District.

First-Time Enrollment

When a student seeks to enroll in the District for the first time, the Board may consider whether the student meets the District's standards of conduct and behavior. The Board will consider non-school records and the student's disciplinary records in any school in which the student was previously enrolled. The Board will consider these records as they relate to the adjudication of delinquency in any jurisdiction for violent crimes, unlawful use or possession of weapons or unlawful sale of drugs.

If the Board does not allow the student to enroll based on his/her record, the Board will send written notification to the student's parent/guardian. The Board will give the student a hearing and other procedural rights in accordance with the District's expulsion policy.

The bar to enrollment applies for a maximum of one year. After the bar is lifted, the student may reapply.

Registration

Criteria for Admission

Under South Carolina law, the District may admit a student who lives in the District provided the student meets one of the following criteria:

- lives with his/her parents
- lives with his/her guardian
- lives with his/her foster parents
- is emancipated
- is homeless or is a child of a homeless individual, as defined by the McKinney-Vento Homeless Assistance Act
- 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, the South Carolina Department of Youth Services, or the South Carolina Department of Juvenile Justice

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- lives with a person who has been awarded custody of the student by a court
- lives in an emergency shelter located in the District

Criteria for admission by affidavit

If an adult resident of the District signs an affidavit as required by law, the District may admit a student who lives with the adult resident of the district provided the student resides with the adult as a result of any of the following:

- the death, serious illness or incarceration of a parent/guardian
- the relinquishment by a parent/guardian of the complete control of the student as evidenced by the failure to provide substantial financial support and parental guidance
- abuse or neglect by a parent/guardian
- the physical or mental condition of a parent/guardian is such that he/she cannot provide adequate care and supervision of the student
- a parent/guardian's homelessness, as defined by the McKinney-Vento Homeless Assistance Act, Public Law 100-177
- the parent's or guardian's military deployment or call to active duty more than 70 miles from his/her residence for a period greater than 60 days

An adult resident of the District seeking to enroll a student through an affidavit must attest that the student's claim of residency in the District is not primarily related to attendance at a particular school. In addition, the adult resident must also accept responsibility for educational decisions for the student.

Upon receipt of the affidavit, the District will admit the student to the appropriate school pending the results of any further procedures for determining eligibility for attendance within the school district, including request for documentation to support the basis for enrollment.

If it is found that information contained in the affidavit is false, the student will be removed from the school after notice of an opportunity to appeal the removal pursuant to the appropriate District grievance policy. In addition, willfully and knowingly providing false information in the affidavit to enroll a student could result in sanctions outlined in state law.

Proof of Residence and Guardianship

In order to ensure that students are qualified for attendance under Section 59-63-30 of the Code of Laws of South Carolina, the District may require the parent/guardian with whom the student resides to establish proof of residency in Lancaster County School District and guardianship.

Three proofs of residency are required in order for the student to attend Lancaster County School District. Typical documents requested for this purpose are as follows:

- a copy of the parent/guardian's current monthly utility bill (electric, gas, water) showing his/her correct name and physical address

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- a copy of the parent/guardian's current monthly landline phone statement showing his/her correct name and physical address
- a copy of the parent/guardian's rental lease or real estate purchase contract showing his/her correct name and physical address
- a copy of the parent/guardian's cable or satellite bill showing his/her correct name and physical address.
- a copy of the parent/guardian's rent receipt showing the physical address of the dwelling as well as the landlord/landlady's name, address, and telephone number; statements from apartment complexes or other multiple dwellings need to be on letterhead stationery showing the appropriate information mentioned above

The school may also request a copy of the parent/guardian's state or federal issued photo ID as a means of verifying identity. Production of the above enumerated documents does not necessarily establish bona fide residency.

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

Students who live outside of Lancaster County School District may be permitted to enroll free of charge provided their parents/guardians are employed by the District. The assignment will be determined by the District.

Adopted 9/17/96; Revised 3/15/22

Legal references:

A. Federal Law:

1. McKinney-Vento Homeless Education Assistance Improvements Act of 2001, 42 U.S.C.A. Section 11431, *et seq.* - Provides that homeless children are entitled to a public education, including a public preschool education.
2. 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.
3. Title VI of the Civil Rights Act of 1964, 42 U.S.C.A. Section 2000d - No person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of or be subjected to discrimination under any program or activity 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 trustees 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 59-63-20 - Ages of attendance.
5. Section 59-63-30 - Qualifications for attendance.
6. Section 59-63-31 - Additional qualifications for attendance at public school.
7. Section 59-63-32 - Requirements to enroll child in public school; affidavit; penalties for providing false information.

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8. Section 59-63-40 - Discrimination on account of race, creed, color, or national origin prohibited.
 9. 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.
- 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, et. rel. v. Charleston County Board of Trustees*, 400 S.C. 478 (2012).
- E. State Board of Education Regulations:
1. R43-272 - School admission.
- F. South Carolina Department of Health and Environmental Control Regulations:
1. R61-8 - Immunization of students.