

# ADMISSION OF RESIDENT STUDENTS

Code **JFAA** Issued **10/08**

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Purpose: To establish the basic structure for admitting to district schools those students who reside in the district.

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 the public schools without charge.

## **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 notify the student's parent/legal guardian. The board will give the student a hearing and other procedural rights in accordance with administrative rule JKE-R (Expulsion).

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

## **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 legal guardian
- lives with his/her foster parents
- 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

If an adult resident of the district signs an affidavit as required by law, the district must admit a student who lives with an adult resident of the district provided 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
- the relinquishment by a parent/legal guardian of the 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

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- 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 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 the 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 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 board

The district will not deny admission to any student on the basis of race, religion, color, creed, sex, immigrant status or English-speaking status, national origin or disabling condition.

Adopted 6/26/00; Revised 6/14/05, 10/14/08

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Legal references:

A. Federal Law:

1. Homeless Assistance Act, Pub.L.No. 100-77, 101 Stat. 482-538 (1987), also known as the McKinney Act.
2. Title VI of the Civil Rights Act of 1964 - Prohibits discrimination on the basis of race, color, national origin, religion or sex.
3. Uniform Tax Act (Section 1524, Internal Code) Section 610 E, Code Section 6676 E - All dependents age five and above required to have social security number.
4. No Child Left Behind Act of 2001, P.L. 107-110, Section 4155.

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

1. Section 16-1-60 - Violent crimes.
2. Section 44-29-180 - Student must show immunization prior to admission.
3. Section 59-63-30 - Qualifications for attendance.
4. Section 59-63-31 - Additional qualifications for attendance at public school.
5. Section 59-63-32 - Requirements to enroll child in public school; affidavit; penalties for providing false information.
6. 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.
7. Section 59-63-390 - Ages of attendance.
8. Sections 59-63-480 and 490 - Attendance of non-resident students.
9. Section 59-19-90(10) - Power of board to transfer and assign pupils.

C. State Board of Education Regulations:

1. R-43-272 - School admission.

D. State Board of Health and Environmental Control Regulations:

1. R-61-8 - Immunization of students.

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E. U.S. Supreme Court:

1. Parents Involved in Community Schools v. Seattle School District No. 1, 127 S. Ct. 2738 (2007).