

ADMISSION OF NONRESIDENT STUDENTS

Code **JFAB** Issued **8/14**

Purpose: To establish the basic structure for admitting to district schools those students who do not reside in the district.

The district will enroll nonresident students who qualify according to state law. The district will follow applicable state and federal law with regard to all student admissions and student transfers into or out of the district. The superintendent or his/her designee will examine all inter-district student transfer requests and will consult with legal counsel as needed.

The superintendent will make a recommendation based on his/her examination at the time the board acts on inter-district transfer requests.

In all cases of nonresident student admission, the parent/legal guardian must assume responsibility for transportation. The district reserves the right to assign nonresident 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 will hold nonresident students to the behavioral and academic requirements set out in policy JFAA. The district will not accept students who have been expelled from other school districts, who withdraw from their previous school pending a recommendation for expulsion or who are otherwise ineligible to attend school in their resident system. The privilege of nonresident attendance is limited to students of other South Carolina districts.

Tuition

The district may charge tuition to nonresident students seeking to enroll in district schools. For students who qualify for attendance under circumstances set out in Section 59-63-30 of the S.C. Code of Laws (the child owns real estate in the district assessed at \$300 or more), the district will charge tuition in an amount equal to the prior year's per pupil revenue less the amount of school taxes paid on the real property owned by the child. A student enrolling on the basis of property ownership under Section 59-63-30 will be expected to present satisfactory evidence of ownership and the assessed value of the property by way of a certificate from the county auditor verifying that he/she, in his/her own name, owns real estate in the district assessed at \$300 or more.

The district will require full payment of nonresident tuition by the second Thursday in July prior to the beginning of the school year in which the child is enrolled. Any payment or application made after this date will result in the student(s) being put on a "space as available" waiting list. In the event that a nonresident student enrolls in the district after the start of the school year, a pro-rata tuition payment based on student days left in the school year will be required immediately prior to the date in which that student enrolls. State law requires the district to remove a child for nonpayment after giving written notice.

Students of any parent/legal guardian residing out-of-district at the time of admission but in the process of building, buying or renting a residence in the district may request enrollment in the attendance area's school of the new residence. The parent/legal guardian must present a statement from the builder, buyer or lessor in support of this request. A prorated nonresident tuition must be paid prior to enrollment. If the actual occupancy of the new residence occurs before or after the expected date, the amount of the nonresident tuition will be adjusted accordingly. The superintendent has authority to admit students under this provision for a maximum of one school year.

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Students with a joint custody status will be deemed as a resident based on the residency of the designated primary care giver. When a case has only a joint custody status with no designated primary care giver, as long as one parent in the joint custody has a bona fide residency in the Latta School District, that student has an in district residency status.

The board may waive all or part of the tuition requirement.

The district will not charge tuition to students in the following categories.

Children of employees

The district may admit children of full time (30 or more hours per week) employees of the district provided they submit a release from the school district 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 for as long as the custodial parent of the student remains employed by the district.

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 the district schools for the remainder of the year without tuition provided the new district of residence grants permission.

Foreign exchange students

The district will admit students from foreign countries who are the age of eligibility and who are participating in a foreign student exchange program approved by the school board.

Release from resident district

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

Adopted 8/13/91; Revised 9/10/96, 6/9/98, 10/13/98, 3/16/99, 6/14/05, 8/14/12, 6/11/13, 8/12/14

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. Title VI of the Civil Rights Act of 1964, 42 U.S.C.A. Section 2000d *et seq.* - Prohibits discrimination by recipients of federal financial assistance on the basis of race, color or national origin.
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. No Child Left Behind Act of 2001, Pub. L. No 107-110, 115 Stat. 1425, Section 4155.

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

1. Section 44-29-180 - Students must show immunization prior to admission.
2. Section 59-63-30 - Qualifications for attendance.
3. Section 59-63-45 - Reimbursement for attending another school district.
4. Section 59-63-480 & 490 - Attendance of nonresident students.
5. Section 59-19-90(10) - Power of board to transfer and assign pupils.
6. Section 59-38-10 - South Carolina Education Bill of Rights for Children in Foster Care.

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C. U.S. Supreme Court:

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).

E. State Board of Education Regulations:

1. R-43-272 - School admission.
2. R-43-273 - Transfers and withdrawals.