Policy

**ADMISSION OF NONRESIDENT STUDENTS**

*Code* **JFAB** *Issued* **DRAFT/19**

The district will follow applicable federal and state law with regard to all student admissions and student transfers into or out of the district. The superintendent will examine all interdistrict student transfer requests and make recommendations to the board.

The board will not approve admission of a nonresident student if such admission would overcrowd the facilities of the district, exceed the established maximum enrollment in any of the classrooms or programs of the district, or in any way create a hardship upon the educational program as a result of the admission.

The admission of any nonresident student will be for a period of one (1) school year, and the nonresident student must reapply for admission the following year. In determining whether or not to grant an admission or request for readmission, the board may consider any factor it deems relevant including, but not limited to, financial consequences, available staff, available facilities, class enrollment, prior disciplinary problems, prior attendance record, and previous effort to make satisfactory academic progress, among others.

In all cases of nonresident student admission, the parent/legal guardian must assume responsibility for transportation. The board will hold nonresident students to the behavioral and academic requirements set out in policy JFAA, *Admission of Resident Students*.

# Tuition

The district may charge tuition to nonresident students seeking to enroll in district schools. The district will require payment of nonresident tuition prior to the beginning of the school year in which the student is enrolled *(or within \*\*\*\*\* following the beginning of the school year in which the student is enrolled)*. Any other terms of tuition payments must be approved by the board. State law requires the district to remove a child for nonpayment after giving notice.

For students who qualify for attendance under S.C. Code of Laws, 1976, as amended, Section 59-63-30(c), 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. The parent/legal 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:

*Special accommodations*

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

*Students residing in an adjacent county*

If a student in an adjacent county resides closer to schools in Orangeburg County, he/she may attend such schools upon the written application of admission from the district board of residence and the written acceptance from the Orangeburg County Board of Trustees. The application will list full information as to age, residence, and grade level of the student. Orangeburg 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 district.

*Students planning to move into district*

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, seller, or lessor in support of this request. The parent/legal guardian must also present an official release from the district in which he/she resides. The superintendent has authority to admit students under this provision.

*Children of staff members*

The district may admit children of staff members 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.

*Students who move during the school year*

Students who move out of the district after the first reporting period 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.

The district will not deny admission to any student on the basis of race, religion, sex, color, disability, national origin, immigrant status, English-speaking status, or any other applicable status protected by local, state, or federal law.

See policy and administrative rule JRA, Student Records, for information pertaining to the transfer of student records.

Cf. JRA

Adopted ^

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.

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.