Policy

**ADMISSION OF RESIDENT STUDENTS**

*Code* **JFAA** *Issued* **DRAFT/19**

Generally, all persons of legally defined and mandated school age who reside in the district and who have presented certificates of immunization may attend the public schools without charge.

Parents/Legal guardians or students are required to show proof of residency (e.g. copies of water bills, lease or mortgage agreements, affidavits, etc.) when enrolling a student in the district. The district may request documentation to show that a student falls within the minimum and maximum age requirements. Such documentation may include a religious, hospital, or physician’s certificate showing date of birth; an entry in a family bible; an adoption record; an affidavit from a parent; a birth certificate; or previously verified school records.

# 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 by the McKinney-Vento Homeless Assistance Act
* resides in an emergency shelter located within the district
* lives in a residential community-based care facility licensed or operated by the South Carolina Department of Social Services (DSS) or the South Carolina Department of Juvenile Justice (DJJ)

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 student 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
* a parent/guardian’s homelessness, as defined by the McKinney-Vento Homeless Assistance Act
* 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 sixty (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, including, but not limited to, making sure that the child attends school regularly; accepting notices about the child’s behavior and taking part in any required meetings with school officials; signing the child’s report card; signing permission slips for field trips and athletic activities; cooperating with the district, parents, or any surrogate parent if the child needs special education services; informing the school district of the addresses of the parents, if known; and notifying the school if the child returns to his/her parent(s) or other person with legal custody.

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 as set by the board that must be met by all students as a condition to the right to attend the public schools of the district

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.

# Standards of Conduct and Behavior

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 of Students*.

The bar to enrollment applies for a maximum of one (1) year. After the bar is lifted, the student may reapply.

Cf. JKE

Adopted ^

Legal References:

1. United States Code of Laws, as amended:
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*.
8. S.C. Code of Laws, 1976, as amended:
9. Section 44-29-180 - Student must show immunization records prior to admission.
10. Section 59-19-90(10) - Authority of board to prescribe conditions and charges for attendance.
11. Section 59-38-10 - South Carolina Education Bill of Rights for Children in Foster Care.
12. Section 59-63-20 - Kindergarten and first grade entrance age.
13. Section 59-63-30, *et seq*. - Qualifications for attendance.
14. Section 59-63-217 - Board may consider non-school records and prior school disciplinary records in determining whether a district may refuse to enroll a student for the first time.
15. Federal Cases:
16. Parents Involved in Community Schools v. Seattle School District No. 1, 551 U.S. 701 (2007).
17. *Plyler v. Doe*, 457 U.S. 202 (1982).
18. S.C. Cases:
19. *Storm M.H. ex rel. v. Charleston County Board of Trustees*, 400 S.C. 478, 735 S.E.2d 492 (2012).
20. S.C. State Board of Education Regulations:
21. R43-272 - School admission.
22. S.C. Department of Health and Environmental Control Regulations:

 1. R61-8 - Immunization requirements for students.