JFAB Admission of Non-Resident Students

Issued 5/05 Draft 19

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

The district will follow applicable state 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 in close consultation with the district's retained legal counsel. The purpose of this consultation is to guard against transfers that significantly contribute to a reseparation of the races in either the sending or receiving district.

The superintendent will make a recommendation based on his/her examination and the advice of legal counsel at the time the board acts on inter-district transfer requests. The district reserves the right to assign non-resident 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 has the authority to transfer and assign students within the district. The board or its designee may make disciplinary transfers to another school in lieu of suspension or expulsion but only after a conference or hearing with the parent/legal guardian. The parent/legal guardian may appeal a transfer made by an administrator to the board.

In all cases of non-resident student admission, the parent/legal guardian must assume responsibility for transportation. The board will hold non-resident students to the behavioral and academic requirements set out in policy JFAA (Admission of Resident Students). The district will not accept students who have been expelled from other school districts or who are otherwise ineligible to attend school in their resident prior school system.

Tuition

The district will charge tuition to non-resident students seeking to enroll in district schools. The district will require payment of non-resident tuition 10 days prior to the beginning of each school year in which the student child is enrolled. In the event that a non-resident student enrolls in the district after the start of the school year, tuition payment will be required within 10 days or less of the enrollment. As required by state law, the district will remove a student child from attendance in the district for nonpayment after giving written notice five days in advance of withdrawal.
For students who qualify for attendance under circumstances set out in Section 59-63-30 of the S.C. Code of Laws, the district will charge tuition in an amount equal to the current-prior year’s per student revenue less the amount of school taxes paid on the real property owned by the student 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 will require payment of non-resident tuition 10 days prior to the beginning of each school year in which the child is enrolled. In the event that a non-resident student enrolls in the district after the start of the school year, tuition payment will be required within 10 days or less of the enrollment. As required by state law, the district will remove a child from attendance in the district for nonpayment after giving written notice five days in advance of withdrawal.

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 is better accommodated at schools in Richland County School District Two will be enrolled in the district with the consent of the district board of residence where the student resides.

Students residing in an adjacent county

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

The district will not require a non-resident student enrolled by virtue of the child’s ownership of property in the district in accordance with Section 59-63-30 no later than September 9, 1996, to pay tuition as long as the student remains continuously enrolled in the district and meets other legal qualifications for attendance.

Students planning to move into district

Students of any parent/legal guardian residing out-of-district but in the process of building or buying a residence in the district may request enrollment in the attendance zone’s school of the new residence. The parent/legal guardian must present a statement from the builder or seller showing the expected date of occupancy of the new
residence. A non-resident tuition must be paid prior to enrollment. This payment would be based on the daily rate of the yearly tuition rate established by Richland School District Two. The tuition will be charged for each day prior to the actual move into a Richland School District Two residence. If the actual occupancy of the new residence occurs before or after the expected date, the amount of the non-resident tuition will be adjusted accordingly. 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.

**Students Children of employees**

The district will admit children of employees provided they submit an annual release from the school system in which they reside. The district reserves the right to make the school assignment. Non-resident 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 school in the system for the remainder of the year without tuition provided the new school district of residence grants permission.

**Foreign International exchange students**

The district will admit students from foreign countries who are the age of eligibility and who are participating in a foreign international student exchange program approved by the board. The student must reside within Richland School District Two. Tuition payment will be waived for students meeting these conditions.

**Transfers into and out of district**

If the school district grants transfers either in or out of the district, it will do so on a non-discriminatory basis except that it will not consent to transfers where the cumulative effect will reduce desegregation in either district or reinforce the dual school system.

All transfers into our or out of the district will be governed by state law where applicable and where not applicable, will be contingent on board approval. All requests for transfer of the latter kind will be scrutinized by the superintendent or his/her designee in close consultation with the district's retained legal counsel; and the board will have the benefit of the advice of the superintendent and its legal counsel at the time action is taken by the board on inter-district transfer requests.

The board has the authority to transfer and assign students within the district. The board or its designee may make disciplinary transfers to another school in lieu of suspension
or expulsion but only after a conference or hearing with the parents/legal guardians. The parents/legal guardians may appeal a transfer made by an administrator to the board.

A student may transfer to an adjoining district with the consent of both the receiving district and the district of residence.

**Release from Resident District**

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

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

The district will not deny admission to any student on the basis of race, color, religion, national origin, disability, pregnancy (including childbirth and other related medial conditions), age, sex, sexual orientation, gender identity status, spousal affiliation, or any other protected characteristic as may be required by law.

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

Adopted 1/28/75; Revised 9/26/78, 12/11/79, 8/31/82, 7/1/03, 5/17/05

Legal references:

**Federal Law:**

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. Title VI of the Civil Rights Act of 1964, 42 U.S.C.A. Section 2000d - Prohibits discrimination on the basis of race, color, national origin, or immigration status, among other factors, in programs receiving federal financial assistance.

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

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

C. Federal Cases:

D. S.C. Cases:

E. State Board of Education Regulations:
   1. R43-272 - School admission.
   2. R43-273 - Transfers and withdrawals.

Federal Law:
   Title VI of the Civil Rights Act of 1964 - Prohibits discrimination on the basis of race, color, national origin, religion or sex.
   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.
   S.C. Code, 1976, as amended:
   Section 44-29-180—Students must show immunization prior to admission.
   Section 59-63-30—Qualifications for attendance.
   Section 59-63-45—Procedures for reimbursement for districts for cost of educating non-resident students.
   Section 59-63-480 & 490—Attendance of non-resident students.
   Section 59-19-90(10)—Power of board to transfer and assign pupils.
   Federal Court Decisions:
   Jackson v. Waco ISD, 629 S.W. 2d 201 (1982).
   State Board of Education Regulations:
   R 43-272—School admission.