JFAA Admission of Resident Students

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 free public schools without charge. Information regarding specific documentation required for admission may be obtained by contacting the district office or any school within the district.

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 send written notification to 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.

Registration

District schools will use a uniform system for registering new students. The administration will establish regularly scheduled days for diagnostic testing for students registering with incomplete information regarding level of academic achievement.

The purpose of this policy is to improve the initiation of academic services to new students.

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
- in Public Law 100-77
- lives in a residential community-based care facility (group home) licensed by the South Carolina Department of Social Services or operated by the South Carolina Department of Social Services, the South Carolina Department of Youth Services or the South Carolina Department of Juvenile Justice Mental Health.
- lives with a person who has been awarded custody of the student by a court
- lives in an emergency shelter located in the district

Criteria for admission by affidavit

If an adult resident of the district signs an affidavit as required by law, the district may admit a student who lives with the 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/guardian
- the relinquishment by a parent/guardian of the complete control of the student as evidenced by the failure to provide substantial financial support and parental guidance
- abuse or neglect by a parent/guardian
- the physical or mental condition of a parent/guardian is such that he/she cannot provide adequate care and supervision of the student
- a parent/guardian’s homelessness, as defined by the McKinney-Vento Homeless Assistance Act, Public Law 100-177
- the parent’s or guardian’s military deployment or call to active duty more than 70 miles from his/her residence for a period greater than 60 days

An adult resident of the district seeking to enroll a student through an affidavit must attest that the student’s claim of residency in the district is not primarily related to attendance at a particular school. In addition, the adult resident must also accept responsibility for educational decisions for the student.

Upon receipt of the affidavit, the district will admit the student to the appropriate school pending the results of any further procedures for determining eligibility for attendance within the school district, including request for documentation to support the basis for enrollment.
If it is found that information contained in the affidavit is false, the student will be removed from the school after notice of an opportunity to appeal the removal pursuant to the appropriate district grievance policy. In addition, willfully and knowingly providing false information in the affidavit to enroll a student could result in sanctions outlined in state law.

**Guardianship**

The school district adheres to the opinion of the Attorney General that the term "legal guardian" \(\text{\textit{herein referred to as "guardian"}}\) as used in Section 59-63-30(b) of the Code of Laws of South Carolina means either a testamentary guardian or guardian by judicial appointment. A copy of the official document establishing the guardian relationship will be filed at the Richland County School District Two central administration offices.

Enrollment will not be permitted until an appropriate guardianship has been established. An exception may be allowed for bona fide hardship cases, as determined by the superintendent or his/her designee. Students whose parents/legal guardians reside in districts contiguous to Richland County School District Two normally will not be a bona fide hardship case. In all cases of hardship exceptions, the student will pay in advance tuition based on cost per student as last determined for attendance in the public schools of the school district until an appropriate guardianship has been established.

**Proof of residence**

In order to ensure that students are qualified for attendance under Section 59-63-30 of the Code of Laws of South Carolina, the district may require the parent/legal guardian with whom the child student resides to establish proof of residency in Richland County School District Two.

Three proofs of residency are required in order for the student child to attend Richland School District Two. Typical documents requested for this purpose are as follows:

- a copy of the parent/legal guardian's current monthly utility bill (electric, gas, water) showing his/her correct name and physical address
- a copy of the parent/legal guardian's current monthly landine phone statement showing his/her correct name and physical address
- a copy of the parent/legal guardian's rental lease or real estate purchase contract showing his/her correct name and physical address
- a copy of the parent/legal guardian's cable or satellite bill showing his/her correct address.
- a copy of the parent/legal guardian's rent receipt showing the physical address of the dwelling as well as the landlord/landlady's name, address and telephone number; statements from apartment complexes or other multiple dwellings need
to be on letterhead stationary showing the appropriate information mentioned above.

The school will also request a copy of the parent/legal guardian’s state or federal issued photo ID South Carolina driver’s license as a means of verifying identity. Production of the above enumerated documents does not necessarily establish bona fide residency.

If an adult resident of the district signs an affidavit as required by law, the district may admit a student who lives with an adult resident of the district provided the student child resides full time 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 student 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 student child
- a parent/legal guardian’s homelessness, as that term is defined by the McKinney-Vento Homeless Assistance Act Public Law 100-77

The district may ask for official documents proving items selected on the affidavit. In addition, the adult must attest that the student child 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 student 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, gender, sex, national origin, or disability, immigrant status, or English-speaking status.

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 medical conditions), age, sex, sexual orientation, gender identity status, spousal affiliation, or any other protected characteristic as may be required by law.
Students who live outside of Richland School District Two may be permitted to enroll provided their parents/legal guardians with whom they reside are employed on a full-time basis* by the district or by the Fort Jackson elementary schools.

*Full-time basis is defined as 30 or more hours per week on a contract basis.

Adopted 1972; Revised 1/22/80, 9/8/81, 8/25/98, 7/1/03, 5/17/05, 3/21/11.

Legal references:

A. Federal Law:
   1. McKinney-Vento Homeless Education Assistance Improvements Act of 2001, 42 U.S.C.A. Section 11431, et seq. - Provides that homeless children are entitled to a public education, including a public preschool education.
   2. 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.
   3. Title VI of the Civil Rights Act of 1964, 42 U.S.C.A. Section 2000d - No person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of or be subjected to discrimination under any program or activity receiving federal financial assistance.

B. S.C. Code, 1976, as amended:
   1. Section 44-29-180 - Student must show immunization prior to admission.
   2. Section 59-19-90(10) - Power of trustees to prescribe conditions and charges for attendance.
   3. Section 59-38-10 - South Carolina Education Bill of Rights for Children in Foster Care.
   5. Section 59-63-30 - Qualifications for attendance.
   7. Section 59-63-32 - Requirements to enroll child in public school; affidavit; penalties for providing false information.
   8. Section 59-63-40 - Discrimination on account of race, creed, color, or national origin prohibited.
   9. 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.

C. Federal Cases:

D. S.C. Cases:

E. State Board of Education Regulations:
1. R43-272 - School admission.

F. South Carolina Department of Health and Environmental Control Regulations:
   1. R61-8 - Immunization of students.

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 of Laws, 1976, as amended:

Section 16-1-60—Violent crimes.

Section 44-29-180—Student must show immunization prior to admission.

Section 59-63-30—Qualifications for attendance.

Section 59-63-31—Additional qualifications for attendance at public school.

Section 59-63-32—Requirements to enroll child in public school; affidavit; penalties for providing false information.

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.

Section 59-63-390—Ages of attendance.

Sections 59-63-480 and 490—Attendance of non-resident students.

Section 59-10-90(10)—Power of board to transfer and assign pupils.

Section 59-38-10—South Carolina Education Bill of Rights for Children in Foster Care.
State Board of Education Regulations:

R-43-272—School admission.

State Board of Health and Environmental Control Regulations:

R-61-8—Immunization of students.

U.S. Supreme Court: