

## NONRESIDENT STUDENTS

Code **JFAB** Issued **6/16**

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Purpose: To establish guidelines for admitting to Charleston County School District schools those students who do not reside in the district.

The superintendent shall make recommendations to the board when students residing outside of Charleston County request to be admitted to district schools. These recommendations shall follow applicable state law. No out-of-district student may be admitted unless the parent/legal guardian assumes responsibility for transportation. Behavioral and academic requirements set out in policy JFAA, Admission of Resident Students, apply to non-resident students.

### **Tuition**

The district shall charge tuition to certain non-resident students.

Examples of students who must pay tuition include the following:

- a student in one county who resides closer to schools in an adjacent county (59-63-480)
- a student so situated as to be better accommodated by a school of an adjoining district (59-63-490)
- a student who qualifies for attendance only by virtue of owning real property with [ana \(tax\)](#) assessed value of \$300.00 or more, pursuant to S.C. Code Ann. §59-63-30

The finance office shall collect the tuition as specified in S.C. Code Ann. §59-63-480. In accordance therewith, the district shall determine the yearly per-student cost of all overhead expenses of the school, which shall include all expenses of the school not paid by the state, less the property tax assessed for the benefit of CCSD, and shall require that the parent/legal guardian make those payments in two equal installments prior to the beginning of the first and second semesters.

### **Student Planning to Move into the District**

The superintendent shall not charge tuition for a student planning to move into the district, provided the parent/legal guardian provides a release from the district in which the student resides and demonstrates by a statement from a builder, buyer, or lessor that the student and his/her parent/legal guardian will establish residency in the district by the end of that school year. If residency is not established by the end of the school year in which the student has been admitted, the student must be withdrawn from the district school and may not use this provision for enrollment until residency has been established.

### **Students Who Own Real Property**

The location of real property owned by a student who is attending school in the district pursuant to S.C. Code Ann. §59-63-30(c) does not dictate the school or attendance area in which the student will attend. Such student may apply through the [relevant constituent district board Superintendent's Office or his/her designee](#) for enrollment at a specific school; however, for each such student, the district reserves the right to designate a "home school" or "home attendance zone" based on school capacity and other criteria.

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## Magnet Schools/Programs

To attend a magnet school or program, a nonresident student must be authorized to attend in the attendance area, if any, served by that magnet school or program.

## Student Who Move during the School Year

Students who move out of the district at any time during the school year shall ~~withdraw from the no longer be eligible to remain in a~~ district school ~~without district approval~~. Such students may appeal to the county board for permission to continue enrollment for the remainder of that school year. Pending any such appeal, the student may remain enrolled in the school. ~~If the student is not granted board permission to continue enrollment, the student must withdraw from the district school.~~ If the student moves outside of the district **before** the 135<sup>th</sup> day of school, and is given board permission to remain at the school, the student's parent/legal guardian will be required to pay a pro-rated amount of tuition for the remainder of the school year. If the student moves outside of the district **after** the 135<sup>th</sup> day of school, and is given board permission to remain at the school, tuition will be waived for the remainder of that school year. If the student is granted permission to return to the school in the fall and in subsequent years, tuition will be charged as established by policy.

## Foreign Exchange Students

The district shall admit students from foreign countries who are age eligible and who are participating in a foreign student exchange program based on space availability in the requested school.

Charleston County School District shall not deny admission to any student on the basis of race, religion, color, creed, sex, gender preference, immigrant status, English-speaking status, national origin, or disabling condition.

**See administrative regulation for additional implementation information.**

*See policy JRA and administrative regulations for information pertaining to the transfer of student records.*

Adopted 10/25/76; Revised 1/23/06, 2/11/08, 9/27/10, 1/13/14, 4/28/14, 6/27/16

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. Every Student Succeeds Act of 2015, Pub. L. No. 114-95, 129 Stat. 1802.
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.
4. Section 59-63-30 - Qualifications for attendance.
5. Section 59-63-45 - Reimbursement for attending another school district.

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6. Section 59-63-480 & 490 - Attendance of non-resident 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 ex rel. McSwain v. Charleston County Board of Trustees*, 400 S.C. 478, 735 S.E.2d 492 (2012).

E. State Board of Education Regulations:

1. R43-272 - School admission.
2. R43-273 - Transfers and withdrawals.