

Policy JFAB Admission of Nonresident Students

Issued 2/18

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

Parents/Legal guardians who live outside of the district may request that their children attend school within the district. Such requests must be submitted in writing to the district superintendent accompanied by a written statement signed by the superintendent of the school district in which they reside, releasing the student(s) from attendance in that school district. The district reserves the right to approve the school assignment and may charge tuition in line with the per student cost of the program to which the student is enrolled.

Because of a superseding agreement between Union County, Laurens County, and Newberry County, out-of-county transfer requests to attend schools within the Whitmire attendance area will be handled in accordance with this earlier agreement.

The district will follow applicable state law with regard to all student admissions and student transfers into or out of the district. The superintendent will examine all inter-district student transfer requests in close consultation with the district's retained legal counsel. 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.

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

If applicable, 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. 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 [Section 59-63-30\(c\)](#) of the S.C. Code of Laws, 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 or student must present a certificate from the county auditor verifying that 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:

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, buyer, 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 employees

The district may admit children of employees 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 semester 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 may admit students from foreign countries who are the age of eligibility and who are participating in a foreign student exchange program approved by the superintendent or his/her designee.

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.

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

Adopted 3/1/90; Revised 9/28/98, 1/24/05, 2/26/18

Legal References:

Federal Law:

McKinney-Vento Homeless Education Assistance Improvements Act of 2001, [42 U.S.C.A. Section 11431](#), *et seq.*

Every Student Succeeds Act of 2015, [Pub. L. No. 114-95](#), 129 Stat. 1802.

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.

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.

S.C. Code, 1976, as amended:

[Section 44-29](#)-180 - Students must show immunization prior to admission.

[Section 59-19](#)-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.

[Section 59-63](#)-30 - Qualifications for attendance.

[Section 59-63](#)-45 - Reimbursement for attending another school district.

[Section 59-63](#)-480 & 490 - Attendance of non-resident students.

Federal Cases:

[Parents Involved in Community Schools v. Seattle School District No. 1](#), 551 U.S. 701 (2007).

[Plyler v. Doe](#), 457 U.S. 202 (1982).

S.C. Cases:

Storm ex rel. McSwain v. Charleston County Board of Trustees, 400 S.C. 478, 735 S.E.2d 492 (2012).

State Board of Education Regulations:

[R43-272](#) - School admission.

[R43-273](#) - Transfers and withdrawals.

School District of Newberry County
