

BOARD AGENDA ITEM

August 11, 2026

SUBJECT:

Revision of the following policy:
Policy JFAB: Admission of Nonresident Students

BACKGROUND INFORMATION:

South Carolina Code 59.8.165 mandates that the state department develop model guidelines for interdistrict student transfers to help local school boards establish enrollment policies.

ADMINISTRATIVE CONSIDERATION:

Expanded School Choice website and information shared with the community will be updated upon the approval to reflect changes in tuition and procedures. Students who apply after the approval date will incur the new tuition fees.

RECOMMENDATION:

Approve the following policies:

Policy JFAB: Admission of Nonresident Students, First Reading

ATTACHMENTS:

PREPARED BY:

Kimbra Meek

Policy JFAB Admission of Non-resident Students (Interdistrict Transfers)

Code JFAB Issued 8/26

The District will maintain a clear and consistent process for student admissions and transfers into or out of the District. The District will follow applicable federal and state law with regard to all student admissions and student transfers into or out of the District. The Board will hold nonresident students to the behavioral and academic requirements set out in policy JFAA (Admission of Resident Students). The Superintendent or his/her designee will review all interdistrict transfer applications.

Students attending pursuant to S.C. Code § 59-8-165:

In accordance with S.C. Code § 59-8-165, students residing outside the District otherwise eligible to attend a South Carolina public school in grades K-12 may apply for interdistrict transfer into the school or school district of their choice, subject to school capacity and other eligibility criteria. The District will make available to potential non-resident applicants detailed information about the interdistrict transfer process, including the eligibility criteria, and the list of available schools, as set forth in the accompanying administrative rule. The District will ensure that families are informed about the interdistrict transfer process well in advance of the transfer enrollment window opening. The District will charge tuition to non-resident students seeking to enroll in its schools pursuant to S.C. Code § 59-8-165, as set forth in the accompanying administrative rule.

Students attending pursuant to S.C. Code § 59-63-30(C):

For non-resident students who qualify for attendance in the District pursuant to S.C. Code § 59-63-30(C) when the child owns real estate in the District having an assessed value of \$300 or more, the non-resident student who is otherwise eligible for enrollment in the District shall pay an amount for tuition equal to the prior year's local revenue per child raised by the millage levied for school district operations and debt service, reduced by school taxes on real property owned by the child paid to the District in which he is enrolled. The parent/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.

Students attending as children of employees:

For non-resident students who qualify for attendance in the District as a result of being children of current employees of the District, the District may waive all or part of the tuition requirement.

Students attending because they are planning to move into the District:

Students of any parent/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

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residence. The parent/guardian must present a statement from the builder or seller showing the expected date of occupancy of the new residence. A nonresident tuition must be paid prior to enrollment. This payment would be based on the daily rate of the yearly tuition rate established by the District. The tuition will be charged for each day prior to the actual move into a District 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/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.

Transportation

In all cases of non-resident student admission, the parent/legal guardian must assume responsibility for transportation.

Non-discrimination

Students shall not be denied or granted the ability to transfer based on race, ethnicity, national origin, sex, income level, athletic ability, artistic or other extracurricular ability (unless these criteria are included as part of a specialized program's application process), or disability.

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 being enrolled in the District, to the extent required by law.

Adopted 8/25/26

Legal References:

A. United States Code of Laws, as amended:

1. Every Student Succeeds Act, Pub. L. No. 114-95, 129 Stat. 1802.
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.

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

1. Section 44-29-180 - Students must show immunization records prior to admission.
2. Section 59-19-90(10) - Authority of board to prescribe conditions and charges for attendance.
3. Section 59-38-10 - South Carolina Education Bill of Rights for Children in Foster Care.
4. Section 59-63-30, et seq. - Qualifications for attendance.
5. Section 59-63-45 - Reimbursement requirements for nonresident students.
6. Section 59-63-480, 490 and 500. - Attendance of nonresident students.
7. Section 59-8-165 – Interdistrict transfers – non-resident students

C. Federal Cases:

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

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2. *Plyler v. Doe*, 457 U.S. 202 (1982).

D. S.C. Cases:

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

E. S.C. State Board of Education Regulations:

1. R43-272 - School admission.

2. R43-273 - Transfers and withdrawals.

3. SDE Guidance – Interdistrict transfer – non-resident students

Policy JFAB Admission of Nonresident Students

Issued 7/24

~~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 will examine all interdistrict 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 interdistrict 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

~~The district may charge tuition to nonresident students seeking to enroll in district schools. For students who qualify for attendance under circumstances set out in S.C. Code of Laws, 1976, as amended, Section 59-63-30(c), the district will charge annual tuition in an amount equal to the prior year's local revenue per child raised by the millage levied for school district operations and debt service less the amount of school taxes paid on the real property owned by the child. At its discretion, the board may elect to lower the tuition for all nonresident students.~~

~~Examples of such circumstances include the following.~~

- ~~▪ a student who presents a certificate from the county auditor verifying that he/she, in his/her own name, owns real estate in the district assessed at \$300 or more (59-63-30)~~
- ~~▪ a child in one county who resides closer to schools in an adjacent county (59-63-480)~~
- ~~▪ a person so situated as to be better accommodated by a school of an adjoining district (59-63-490)~~

~~The district will require payment of at least one half the nonresident tuition prior to the first day of school and the remainder will be paid by the first day of the second semester. If~~

payment is not made within fifteen (15) days after it is due, a delinquent notice will be mailed to the person responsible for educating the child. If payment is not made within thirty (30) days after it is due, the child will be removed from the school.

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 must present a statement from the builder, seller, 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 reporting period 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 will admit students from foreign countries who are the age of eligibility and who are participating in a foreign student exchange program approved by the school board (see policy JFABB, *Admission of Exchange and Foreign Students*).

Out-of-State Students (Other Than Children of Employees and Foreign Exchange Students)

Annual tuition for out-of-state students will equal the amount contributed per student by the state of South Carolina plus the prior year's local revenue per child raised by the millage levied for school district operations and debt service less the amount of school taxes paid on the real property owned by the child. The tuition payment schedule will be the same as for South Carolina nonresident students.

Adopted 9/9/75; Revised 1/10/84, 7/26/88, 9/10/96, 4/23/02, 12/17/19, 7/16/24

Legal References:

~~United States Code of Laws, as amended:~~

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~~McKinney-Vento Homeless Assistance Act, 42 U.S.C.A. Section 11431, et seq.~~

~~Section 504 of the Rehabilitation Act of 1973, 29 U.S.C.A. Section 701, et seq.~~

~~Title II of the Americans with Disabilities Act, 42 U.S.C.A. 12132.~~

~~Title IV of the Civil Rights Act of 1964, 42 U.S.C.A. Section 2000c, et seq.~~

~~Title VI of the Civil Rights Act of 1964, 42 U.S.C.A. Section 2000d, et seq.~~

~~Title IX of the Education Amendments of 1972, 20 U.S.C.A. Section 1681, et seq.~~

~~S.C. Code of Laws, 1976, as amended:~~

~~Section 44-29-180 – Students must show immunization records prior to admission.~~

~~Section 59-19-90(10) – Authority of board to prescribe conditions and charges for attendance.~~

~~Section 59-38-10 – South Carolina Education Bill of Rights for Children in Foster Care.~~

~~Section 59-63-30, et seq. – Qualifications for attendance.~~

~~Section 59-63-45 – Reimbursement requirements for nonresident students.~~

~~Section 59-63-480, et seq. – Attendance of nonresident students.~~

~~Federal Cases:~~

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

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Aiken County Public Schools

DRAFT

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