

BOARD AGENDA ITEM

July 16, 2024

SUBJECT:

Revision of Policy JFAB Nonresident Students, Second Reading

BACKGROUND INFORMATION:

The district may charge tuition to nonresident students seeking to enroll in district schools.

ADMINISTRATIVE CONSIDERATION:

Administration has recommended revisions to Policy JFAB Nonresident Students to reflect current practice in the District.

RECOMMENDATIONS:

Approve Policy JFAB Nonresident Students, Second Reading

ATTACHMENT:

Policy JFAB Nonresident Students

PREPARED BY:

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Dr. Salvatore Minolfo

## NONRESIDENT STUDENTS

Code **JFAB** Issued **12/197/24**

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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 ~~January 15<sup>th</sup>~~ 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

## PAGE 2 - JFAB – NONRESIDENT STUDENTS

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)**

~~Tuition~~ **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

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### Legal references:

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

- Every Student Succeeds Act, Pub. L. No. 114-95, 129 Stat. 1802.
- 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).
- Plyler v. Doe*, 457 U.S. 202 (1982).

#### S.C. Cases:

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

## **PAGE 3 - JFAB – NONRESIDENT STUDENTS**

State Board of Education Regulations:

R-43-272 - School admission.

R-43-273 – Transfers and withdrawals