

BOARD AGENDA ITEM

November 12, 2019

SUBJECT:

Changes to Policy JFAB Nonresident Students, First Reading

BACKGROUND INFORMATION:

Policy JFAB establishes the basic structure for admitting students who do not reside in the school district.

ADMINISTRATIVE CONSIDERATION:

The policy states that “[T]he district will charge 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 services....” The proposed change allows the board flexibility in determining tuition amounts.

RECOMMENDATION:

Approved changes to Policy JFAB Nonresident Students on first reading

ATTACHMENTS:

Policy JFAB Nonresident Students

PREPARED BY:

King Laurence

NONRESIDENT STUDENTS

Code **JFAB** Issued **4/02** / /

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 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 Section 59-63-30 of the S.C. Code of Laws, the district **will may** charge tuition **up to** 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.

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 one half the nonresident tuition prior to the first day of school and the remainder will be paid by January 15th. If payment is not made within 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 30 days after it is due, the child will be removed from the school.

~~The district will not require a nonresident student enrolled prior to September 9, 1996, to pay tuition as long as the student is continuously enrolled in the district and meets other legal qualifications for attendance.~~

The district will not charge tuition to students in the following categories.

- Students planning to move into district

Students of any parent 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

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area's school of the new residence. The parent must present a statement from the builder, buyer or lessor in support of this request. The parent 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).

Out-of-state students (other than children of employees and foreign exchange students)

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, / /

Legal references:

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

1. Section 44-29-180 - Students must show immunization prior to admission.
2. Section 59-63-30 - Qualifications for attendance.
3. Section 59-63-45 - Procedures for reimbursement for districts for cost of educating nonresident students.
4. Section 59-63-480 & 490 - Attendance of nonresident students.
5. Section 59-19-90(9) - Power of board to transfer and assign pupils.

B. Federal Court Decisions:

1. Milliken v. Bradley, 418 U.S. 717.
2. Tasby v. Estes, 412 F.Supp. 1185, aff'd 572 F.2d 1010.
3. Evans v. Buchanan, 393 F.Supp. 428.
4. Armour v. Nix, No.79-6108 (N.D. Ga. May 12, 1979).

C. State Board of Education Regulations:

1. R-43-272 - School admission.