

Policy

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 residence. The parent/guardian must present a statement from the builder or seller showing the expected date of occupancy of the new residence. 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 8/30/99; Revised 2/27/03, 6/28/04, 3/25/13, 8/24/26

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).

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

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1. Definitions:

- **Education Scholarship Trust Fund (ESTF) Program:** The Program authorized in SC Code Ann. 59-8-110 et al. that gives individual students an account that allows them to customize their education to meet their child's individual needs. The account can be used for a number of educational expenses, including payment of interdistrict transfer fees.
- **Interdistrict Transfer:** A transfer that allows students to enroll in a school or school district outside of their residentially zoned school district. Transfers to a charter school are not considered interdistrict transfers for the purposes of this policy.
- **Intradistrict Transfer:** A transfer that allows a student to enroll in a school within their current residentially assigned school district.
- **Resident:** A student who lives within the boundaries of a specific school district.
- **Non-Resident:** A student who resides outside the district boundaries but enrolls in a district school through interdistrict transfer.
- **Resident District:** The district for which a student is residentially zoned.
- **Non-resident Transfer District:** The district to which the non-resident student applies for transfer.
- **School Capacity:** The maximum number of students that can be accommodated in a school, ensuring a safe and effective learning environment. School Capacity shall be determined by a capacity study, which shall include consideration of, facility constraints, individual class sizes, staffing levels and other considerations required by state and federal law.
- **Sibling:** A person who shares at least one biological or legal parent, or who is legally recognized as a sibling through adoption, guardianship, or placement in the same foster care or custodial arrangement.
- **Specialized Program:** A structured educational initiative or curriculum designed to meet the distinct academic or vocational needs of students.
- **Waitlist:** A list of students who have applied for enrollment in a school that has reached full capacity. Waitlisted students will be enrolled only if space becomes available.

2. Capacity Study

- Grade-level capacity shall be calculated by dividing the number of students assigned to a grade level by the annual District Five staffing allocation.

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- The District is not required to accept any additional non-resident students once the school has reached at least ninety percent (90%) of its grade level or class capacity.

3. Eligibility:

- **Non-Resident Students:** 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 District of their choice, subject to school capacity and other eligibility criteria.
- **Sibling Preference:** Siblings of currently enrolled students will be given priority for enrollment in the same school, provided space is available.
- **Special Education Students:** Students with disabilities may apply for District transfer, and the receiving district will ensure they are placed in a school that meets their Individualized Education Plan (IEP) requirements. Students may not be denied entry based on their disability.

4. Interdistrict Transfer Period:

- **Annual Transfer Enrollment Window:** The District's annual transfer enrollment window during which non-resident students can submit applications for enrollment shall open no later than February 1st of each year. The enrollment window shall close no shorter than 90 days after the window opens annually. The enrollment window for submitting applications shall be advertised on an annual basis in advance. Applicants may rank schools with additional capacity in the order of the applicant's preference on the application.
- **Application Deadlines:** Applicants must submit interdistrict transfer applications by the established deadline. Applications made outside of the window may be considered at the discretion of the Superintendent or his/her designee.
- **Application Notification:** The District must notify applicants of the outcome of their application within 30 days after the close of the application period.
- **Decision Notification:** Upon receiving a transfer acceptance notification, the applicant will have two weeks in which to accept the transfer.
- **Continued Enrollment:** Parents are not required to fill out a renewal application for their non-resident student to remain enrolled in the school as long as the student remains in good standing in terms of behavior and attendance. When a non-resident student is ready to matriculate to the next school in the District's grade progression, typically elementary to middle or middle to high, the District will in most cases not require a renewal application. However, in cases where there is not a feeder pattern or in cases where there are capacity constraints at the next level of school, the District may require a renewal application. In circumstances requiring a reapplication, the existing non-resident student should be afforded priority over new non-resident students. If a parent wishes their child to attend a different school within the District, the parent must fill out a new application and must follow the same interdistrict transfer process in order to be

enrolled in the new school.

5. Enrollment Criteria:

- **Capacity:** Transfer acceptance is contingent upon space availability at the requested school. If the school or specialized program is at capacity, as determined by a capacity study, students will be placed on a waitlist.
- **Denials due to Disciplinary Offenses:** The District may deny entry to students with a history of Level III disciplinary offenses in the previous school year, as set forth in Regulation 43-279. Additionally, the District may deny entry to students with a history of suspension for more than five days or expulsion. The District may, but is not required to, allow students with these disciplinary offenses to transfer to the District's alternative school.
- **Denials due to Absences:** Schools may deny transfer applications of elementary and middle school students who have in excess of ten unlawful absences in the previous school year. Schools may deny transfer applications of high school students who have unlawful absences in excess of 5 days for 90 day semester courses or in excess of 10 days in 180 day courses.
- **Specialized Programs:** Students applying to schools with specialized programs (e.g., magnet schools, STEM programs) may be subject to additional eligibility requirements, including auditions, interviews, or standardized assessments. The District must give students transferring into a school equal opportunity to apply for any specialized programs at the school.
- **Anti-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.

6. Application Process:

- **Online and Paper Applications:** The District must provide both an online application and a paper application process to ensure accessibility for all families. The online application must also be fully accessible by a mobile device.
- **Information Provided:** All applicants should receive detailed information about the interdistrict transfer process, including the eligibility criteria, and the list of available schools.
- **Documentation Required:** The sending school will be required to submit the complete student record, including, but not limited to: previous school records, formative, summative, and screener testing data, previous discipline records, IEP and 504 documentation, and any other necessary documents (e.g., health records). See existing Regulation 43-273 for additional information regarding student transfers and required timelines.
- **Notification of Acceptance or Denial:** The District must notify applicants of their enrollment status in writing, including whether they have been accepted, placed on a waitlist, or denied enrollment. If denied, the District should provide a clear explanation of the decision.

7. Waitlist and Enrollment Priorities:

- **Waitlist Policy:** If a school is over-enrolled, non-resident students who meet all eligibility criteria will be placed on a waitlist in order of application date. Waitlisted students will be offered enrollment if space becomes available during the academic year.
- **Priority for Siblings:** Siblings of current students will be given priority for enrollment at the same school if space is available.

8. Transportation:

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

9. Records Transfer:

- The resident district must release all pertinent records to the non-resident receiving district. The same records must be released to a charter school if the resident student attends that charter school the following year.
 - This includes all attendance, behavior, and academic records including test records, etc.

10. Interdistrict Transfer Fees

- **Fees:** Interdistrict Transfer Fees charged by the receiving District may not exceed the previous school year's local per-pupil tax revenue. The Department will calculate this amount using the Chart of Account Codes 1110-1290 and the 135day Average Daily Membership and provide a district-by-district amount.
 - **Exemptions:**
 - The District may, but is not required to, charge additional fees that exceed the previous school year's local per-pupil revenue amount if the non-resident district provides transportation to the transfer student.
 - The District may charge any additional fees allowed by law that would be charged to resident students.
 - **Payment Schedule:**
 - Families are offered the flexibility to make payments on either a quarterly or semi-annual basis, as per their preference and financial planning needs. In either case, the schedule of payments shall be consistent with the ESTF disbursements.
 - **Alignment with ESTF Disbursements:**
 - To facilitate financial coordination for families, billing for Interdistrict Transfer Fees shall align with the disbursement schedule of the Education Scholarship Trust Fund (ESTF) allocations. Invoices may not be due until at least two (2) weeks

after ESTF funds are distributed, based on the schedule published by the SCDE.

- **Notification of Billing:**

- Schools will provide advanced notification of the upcoming billing dates to families, ensuring that they are aware of the schedule and can prepare accordingly. Invoices should clearly outline due dates and any pertinent payment instructions.

- **Payment Methods:**

- Schools must offer multiple payment methods, including online platforms, mail, and in-person payments. The District must also sign up as Education Service Providers (ESPs) under the Education Scholarship Trust Fund (ESTF) program.

- **Late Payment and Penalties:**

- A clear policy regarding overdue payments and associated penalties must be established. Schools should communicate any penalties associated with overdue payments clearly within the initial billing notification.

11. Appeals Process:

- **Denial of Enrollment:** If an applicant's request for an interdistrict transfer is denied, they have the right to appeal the decision to the District Board. The appeal must be submitted in writing within 10 days of receiving the denial notification, on a form created by the Department.
- **School Board Appeal:** The appeal of the parent/guardian, along with the written response from the administration, will be submitted to the Board in advance of its next regularly scheduled Board meeting. The Board shall review and consider the appeal based on the written record at the Board meeting and make a decision. The Board must issue a written decision within 10 days after the meeting.
- **State Board Appeal:** The parent may appeal the District Board's decision to the State Board of Education within 10 days of receiving the District Board's decision.

12. Monitoring and Reporting:

- **Data Collection:** The District will collect and maintain data on the number of transfer applications, the number of students accepted, the number of students placed on the waitlist, the number of students denied, and the outcomes of appeals. The District will report the data to the South Carolina Department of Education.
- **Annual Review:** The District will annually review the interdistrict transfer policy to assess its effectiveness, identify areas for improvement, and ensure it serves the needs of students and families in a fair and transparent manner.

13. Public Awareness and Communication:

- **Clear Communication:** The District will ensure that all families are informed about the interdistrict transfer process well in advance of the transfer enrollment window opening. The District must post information prominently on the district website, send notifications via email or mail, and host community meetings or information sessions.
- **Transfer Fee Notification:** The District is required to post the transfer fee prominently on its interdistrict transfer webpage.
- **Capacity Communication:** The District must post school capacity on its website prominently. The capacity numbers must be updated at least annually, and in advance of the District's interdistrict transfer application window. Capacity numbers must be disaggregated by school name, grade level, and program level. The District may but is not required to update their capacity numbers during the transfer application window.

14. Additional Considerations

Valedictorian and Salutatorian: Calculation for naming the ceremonial valedictorian and salutatorian will not be determined until the submission of grades for the final semester of the senior year. In order to be considered a valedictorian or salutatorian, a student must have been in attendance at Byrnes for the second semester of their junior year and both semesters of their senior year.

Adopted 8/24/26
