

ADMISSION OF NONRESIDENT STUDENTS (INTERDISTRICT TRANSFERS)

Code **JFAB** Issued

The board recognizes that parents/legal guardians residing in one district may, for various reasons, wish to enroll their children in a school in another district. Therefore, in accordance with applicable state law, Florence School District Three will maintain a clear and consistent process for student admissions and transfers into or out of the district.

The district will prominently post information regarding the interdistrict transfer process on its website. In addition, the district will notify families by mail or email and hold community meetings or information sessions regarding interdistrict transfers.

The district will comply with applicable federal and state laws regarding student admissions and transfers into or out of the district. The superintendent or his/her designee will review all interdistrict transfer applications.

Definitions

For purposes of this policy, the following terms are defined below.

Interdistrict transfer means a transfer that allows students to enroll in a school or school district outside their residentially zoned school district. Transfers to a charter school are not considered interdistrict transfers for the purposes of this policy.

School capacity is 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 building capacity, individual class sizes, and other considerations required by state and federal law.

Specialized program is a structured educational initiative or curriculum designed to meet the distinct academic or vocational needs of students.

Waitlist is a list of students who have applied for enrollment in a school that has reached full capacity.

Resident district means the district for which a student is residentially zoned.

Nonresident transfer district means the district to which the non-resident student applies for transfer.

Resident refers to a student who lives within the boundaries of a specific school district.

Nonresident means a student who resides outside the district boundaries but enrolls in a district school through interdistrict transfer.

Sibling means 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.

Eligibility

A student in grades K-12 who does not live in the district but is otherwise eligible to attend a South Carolina public school may apply for an interdistrict transfer into the district's schools, subject to the capacity and eligibility criteria outlined in this policy.

The district will permit an eligible nonresident student with disabilities to apply for transfer into district schools. The district will consider whether the requested school can provide the services required by the student's Individualized Education Plan (IEP). If the requested school cannot adequately meet the students' IEP requirements, the district will ensure the student is placed in a district school that can provide the student with the appropriate services and accommodations.

Applications For Admission

Parents/Legal guardians of nonresident students seeking admission into the district's schools may apply for an interdistrict transfer by completing either an online or paper application during the annual interdistrict transfer enrollment window. The online application will be available on the district's website and accessible from mobile or other electronic devices. Parents/Legal guardians may obtain the paper application from district office.

Along with the interdistrict transfer application, the district will provide parents/legal guardians with detailed information about the interdistrict transfer process, including eligibility criteria and a list of schools with available space.

Annual transfer enrollment window

The district will establish an annual transfer enrollment window for nonresident students seeking to enroll in the district schools. The enrollment window will open no later than February 1st for the upcoming school year and will remain open for at least 90 days. The district will advertise the enrollment window on the district website at least 15 days before its opening.

Applications for interdistrict transfers must be submitted to the superintendent or his/her designee by no later than June 1st. Applications received after June 1st, will be considered late transfer applications and may be considered at the discretion of the superintendent or his/her designee.

Approval and denial criteria

In determining whether to grant admission or a request for readmission, the superintendent or his/her designee may consider any factor he/she deems relevant, including, but not limited to, financial consequences, available staff, available facilities, class enrollment, prior disciplinary problems, and prior attendance record.

The superintendent or his/her designee may deny an application or reject a previously accepted application if the application contains false or substantially misleading information.

Priority for acceptance of interdistrict transfer applications, subject to space availability, will be given to siblings of currently enrolled students in the same school, as well as existing nonresident students.

The superintendent or his/her designee will not approve admission of a nonresident student if such admission would overcrowd the facilities of the district, exceed the established maximum enrollment (at least 90 percent of its capacity) in any of the grade levels, classrooms, or programs of the district.

The district will consider building capacity, individual class sizes, and other considerations required by state and federal law when determining capacity. However, the district is not required to create additional seats, expand facilities, hire additional staff members, or alter programs to accommodate interdistrict transfer requests.

Notice of enrollment status

The district will notify applicants of their student's enrollment status in writing within 30 days of the close of the application period. The notice will include whether the student has been accepted, placed on a waitlist, or denied enrollment. If accepted, the applicant must accept the transfer within fifteen business days of being notified of acceptance. If an application is denied, the notice will

include a clear explanation of the reason(s) for the denial. Waitlisted students will be enrolled only if space becomes available.

The district will not deny any student's application for interdistrict transfer on the basis of race, religion, sex, color, disability, national origin, income level, athletic ability, artistic or other extracurricular ability (unless these are included as part of a specialized program's application process), or any other applicable status protected by local, state, or federal law.

The board will hold nonresident students to the behavioral and academic requirements set out in policy JFAA, *Admission of Resident Students*.

Records Transfer

The resident district must release all pertinent records to the nonresident receiving district, including but not limited to the following:

- previous school records
- formative, summative, and screener testing data
- previous discipline records
- IEP and 504 documentations
- health records
- attendance records

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

Transfer fees

The district will charge annual interdistrict transfer fees to nonresident students enrolled in the district's schools. The fees will not exceed the prior school year's local per-pupil tax revenue amount as calculated by the South Carolina Department of Education. The interdistrict transfer fees will be prominently displayed on the district's webpage.

The district may charge nonresident students any additional fees permitted by law that would be charged to resident students for comparable services or materials.

The district may waive all or part of this transfer fees requirement.

However, the district will not charge transfer fees 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 resident 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, seller, or lessor in support of this request. The parent/legal guardian must also present an official release from the district in which in which he/she resides. The superintendent has authority to admit students under provision.

Children of staff members

The district may admit children of staff members 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. The district does not require transfer fees for nonresident students of staff members. Staff members who terminate employment with the district during the school year may then be required to pay non-resident tuition for the children if they continue to attend school in the district.

Notice of billing

The district schools will provide parents/legal guardians with advanced notice of upcoming billing dates. Billing invoices will outline due dates, payment instructions, penalties for late payment, and

align with the disbursement schedule of the Education Transfer Scholarship Trust Fund (ESTF) allocations. No invoice will be due until at least 10 business days after ESTF funds are dispensed.

Payment methods

District schools will offer multiple payment methods, including but not limited to online platforms, mail, and in-person. Parents/Legal guardians may make payments quarterly or semi-annually, based on their preference and financial need.

The superintendent or his/her designee will establish procedures for late payments and penalties.

Transportation

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

Athletics

Middle school students in grades six through eight or high school students in grades nine through eleven who transfer from one public middle school or high school to another are not prohibited by South Carolina High School League Regulations from participating in district sports programs. However, parents/legal guardians are responsible for reviewing the South Carolina High School League Regulations to determine how any ensuing transfers may impact the student's eligibility.

Continued Enrollment

A nonresident student enrolled in the district in good standing with respect to behavior and attendance will not be required to complete a renewal application to remain enrolled in the district's schools.

In most cases, a nonresident student matriculating to the next grade level and school in the district's grade progression will not be required to reapply. The district may require a nonresident student to reapply for admission if there is no feeder pattern or if the school or program has capacity constraints at the next grade level. When reapplication is required, the currently enrolled nonresident student will receive priority over new interdistrict transfer applicants.

The parent/legal guardian of a currently enrolled nonresident student who wants their child to attend a different school within the nonresident transfer district must complete a new application for interdistrict transfer and follow the same interdistrict transfer process to enroll their child in the new school.

Appeals Process

Any appeal of an interdistrict transfer denial must be made in writing to the board. Following the notification of the denial, the parent/legal guardian will have 10 days to request an appeal.

The board will review the appeal and consider all written documentation submitted with the initial appeal request. No external information will be considered, and no formal hearing will be held. The board will issue a written decision within 10 days of the next scheduled board meeting.

The parent/legal guardian may appeal the board's final decision to the State Board of Education within 10 days of receiving it.

Monitoring and Reporting

The board will review this policy annually to determine whether revisions are needed to improve fairness, transparency, compliance, and operational efficiency. The board may submit its review to the State Department of Education.

Additionally, the district will collect and maintain data on the number of transfer applications, acceptances, denials, the number of students placed on waitlists, and the outcome of appeals. The data collected will be reported to the State Department of Education.

Cf. JRA

Adopted ^

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 of Laws, 1976, as amended:
 - 1. Section 44-29-180 - Students must show immunization records prior to admission.
 - 2. Section 59-8-165 -Interdistrict transfers
 - 3. Section 59-19-90(10) - Authority of board to prescribe conditions and charges for attendance.
 - 4. Section 59-38-10 - South Carolina Education Bill of Rights for Children in Foster Care.
 - 5. Section 59-63-30, *et seq.* - Qualifications for attendance.
 - 6. Section 59-63-45 - Reimbursement requirements for nonresident students.
 - 7. Section 59-63-480, *et seq.* - Attendance of nonresident 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 and Guidelines:
 - 1. R43-272 - School admission.
 - 2. R43-273 - Transfers and withdrawals.
 - 3. Model Guidelines for a School District Interdistrict Transfer Policy in South Carolina