

ADMISSION OF RESIDENT STUDENTS

Code **JFAA-R** Issued **06/11**

Purpose: To establish the basic structure for admitting to district schools those students who reside in the district.

Generally, all persons of legally defined and mandated school age who reside in the district and who have presented required birth certificates and certificates of immunization may attend the free public schools.

First-time enrollment

When a student seeks to enroll in the district for the first time, the board may consider whether the student meets the district's standards of conduct and behavior. The board will consider non-school records and the student's disciplinary records in any school in which the student was previously enrolled. The board will consider these records as they relate to the adjudication of delinquency in any jurisdiction for violent crimes, unlawful use or possession of weapons, or unlawful sale of drugs.

If the board does not allow the student to enroll based on his/her record, the board will notify the student's parent/legal guardian. The board will give the student a hearing and other procedural rights in accordance with administrative rule JKE-R (Expulsion).

The bar to enrollment applies for a maximum of one year. After the bar is lifted, the student may reapply.

Criteria for admission

Under South Carolina law, district may admit a student who lives in the district provided the student meets one of the following criteria.

- lives with his/her parents
- lives with his/her legal guardian
- lives with his/her foster parents
- is emancipated
- is homeless or is a child of a homeless individual, as defined in Public Law 100-77
- resides in an emergency shelter located within the district
- lives in a residential community-based care facility licensed by the South Carolina Department of Social Services or operated by the South Carolina Department of Social Services or the South Carolina Department of Youth Services

Guardianship

The school district adheres to the opinion of the Attorney General that the term "legal guardian" as used in Section 59-63-30(b) of the Code of Laws of South Carolina means either a testamentary guardian or guardian by judicial appointment. A copy of the official document establishing the guardian relationship will be filed in the child's permanent record at the school.

Enrollment will not be permitted until an appropriate guardianship has been established. An exception may be allowed for bona fide hardship cases, as determined by the superintendent or his/her designee. Students whose parents/legal guardians reside in districts contiguous to Abbeville County School District normally will not be a bona fide hardship case. In all cases of

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hardship exceptions, the student will pay in advance tuition based on cost per student as last determined for attendance in the public schools of the school district until an appropriate guardianship has been established.

If an adult resident of the district signs an affidavit as required by law, the district must admit a student who lives with an adult resident of the district provided the child resides with the adult as a result of any of the following.

- the death, serious illness, or incarceration of a parent/legal guardian
- the relinquishment by a parent/legal guardian of the complete control of the child as evidenced by the failure to provide substantial financial support and parental guidance
- abuse or neglect by a parent/legal guardian
- the physical or mental condition of a parent/legal guardian is such that he/she cannot provide adequate care and supervision of the child
- a parent's/legal guardian's homelessness, as that term is defined by Public Law 100-77

In addition, the adult must attest that the child's claim of residency in the district is not primarily related to attendance at a particular school. The adult must also accept responsibility for educational decisions for the child.

In all cases the student must do the following.

- have maintained a satisfactory scholastic record in accordance with scholastic standards of achievement set by the board of trustees
- not have been guilty of violating the rules of conduct and behavior that must be met by all students as a condition to the right to attend the public schools of the district as set by the board of trustees

Verifying Residence and Domicile

Students who live in Abbeville County and are seeking admission to a school or special program must verify where they live. This verification concerns a student's domicile, the place at which a person is physically present and that the person regards as home. This requires documentation on the property the student occupies as his/her domicile.

A student's domicile shall be verified not later than the date the student is admitted to the school. Once a student has been admitted, it shall not be necessary for the student to re-establish domicile each year; however, if deemed necessary by the principal, the principal may require a student to provide the required documentation to verify a student's domicile.

Special circumstances (e.g., student not living with a parent/legal guardian, other primary caregiver and primary vs. secondary residence) will require the investigation of state legal requirements and interpretation of legal counsel, if necessary. Any adult resident of the district with whom a student lives must provide an affidavit as required by law to show that the child is domiciled with the adult.

Documents to Prove a Student's Domicile

Each new enrollee must have the following:

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- Parent/Legal guardian's affidavit about the student's domicile. The "Affidavit of Student's Domicile" must be signed under penalty of perjury and state law penalties for falsifying domicile information.
- One of the documents in category one
- One or more of the documents in category two (all documents must be current; must show name and street address; display of P.O. Box is unacceptable).

Required Affidavit

The affidavit which shall be required of all new enrollees shall be the form "Affidavit of Student's Domicile" as attached to this administrative rule.

Required Category One Document (at least one must be provided for each student)

- If property is rented, the parent/legal guardian or responsible person must provide a copy of a signed and dated lease. If a lease was not provided or required by the property owner at the time of occupancy, a signed, notarized and dated writing from the property owner verifying that the parent/legal guardian or responsible person and the student are domiciled at the stated address.
- If property is owned, a copy of the most recent tax bill reflecting that the student's parent/legal guardian or responsible person owns the property.
- If property is being bought or being built, a copy of the contract for sale with date of closing including buyer and seller, or a copy of the contract for construction.

Required Category Two Documents (at least one of which must be provided for the property you and the student occupy as your domicile)

- Electric or gas bill
- Water bill
- Phone bill (not cell phone)
- Cable bill
- Voter registration card
- Car registration (not driver's license)
- Pay stub (must show employer's name, name and address of the parent/legal guardian or responsible person)
- Local, state, or federal agency correspondence (Social Security, Medicaid, DSS, IRS, food stamps, court documents, etc.) that reflects the name and address of the parent/legal guardian or responsible person

If the parent/legal guardian or other responsible person and the student live with someone else in their home, the affidavit and documents from categories one and two must be provided.

- The parent/legal guardian or other responsible person must provide the required affidavit. In addition, the person with whom you and the student are living must provide a signed,

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notarized and dated writing verifying the address and that the parent/legal guardian or responsible person and the student are domiciled at the stated address.

- The person with whom you are living must provide the required documents from categories one and two.
- The parent/legal guardian or other responsible person must provide two documents from category two showing their name at that address.

Procedures and proof of residency affidavit are contained in exhibit JFAA-E. Falsification of documentation may be subject to forgery and penalties of perjury. Applicants must certify as follows:

“Under penalty of perjury I certify that, as primary caregiver of my applicant child: (A) the residence which is the subject of this application **is my legal residence and my domicile, the place where I and the student actually live at the time of this application** and that I do not claim to be a legal resident of a jurisdiction other than Abbeville County, South Carolina for any purpose; and (B) that neither I nor any other member of my household (that is; the owner-occupant’s or leaser-occupant’s spouse, except when that spouse is legally separated from the owner/leaser-occupant and any child of the owner/leaser-occupant claimed or eligible to be claimed as a dependent on the owner/leaser-occupant’s federal income tax return) is residing in or occupying any other residence which I or any member of my immediate family has qualified for legal residency.”

The district will not deny admission to any student on the basis of race, religion, color, creed, sex, immigrant status or English-speaking status, national origin or disabling condition.

Adopted 06/28/11

Legal references:

A. Federal Law:

1. Homeless Assistance Act, Pub.L.No. 100-77, 101 Stat. 482-538 (1987), also known as the McKinney Act.
2. Title VI of the Civil Rights Act of 1964 - Prohibits discrimination on the basis of race, color, national origin, religion or sex.
3. Uniform Tax Act (Section 1524, Internal Code) Section 610 E, Code Section 6676 E - All dependents age five and above required to have social security number.
4. No Child Left Behind Act of 2001, P.L. 107-110, Section 4155.

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

1. Section 16-1-60 - Violent crimes.
2. Section 44-29-180 - Student must show immunization prior to admission.
3. Section 59-63-30 - Qualifications for attendance.
4. Section 59-63-31 - Additional qualifications for attendance at public school.
5. Section 59-63-32 - Requirements to enroll child in public school; affidavit; penalties for providing false information.
6. Section 59-63-217 - Board of trustees may consider non-school records and prior school disciplinary records in determining whether a school district may refuse to enroll a student for the first time.
7. Section 59-63-390 - Ages of attendance.
8. Sections 59-63-480 and 490 - Attendance of non-resident students.
9. Section 59-19-90(10) - Power of board to transfer and assign pupils.

C. State Board of Education Regulations:

1. R-43-272 - School admission.

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- D. State Board of Health and Environmental Control Regulations:
 - 1. R-61-8 - Immunization of students.