

*S.C. Board of Education Regulation R 43-272 – School admission.  
Revised: 7-1-02; 4-12-04.*

## **Foreign Students**

The District shall admit students from foreign countries who are age eligible and who are participating in and sponsored by an accredited foreign student exchange program. Student must have a J-1 or J-2 visa. No other visas are accepted. The District is not authorized to issue or sign the I-20 form for all other visa classifications.

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

### **Students with J-1 visas (exchange students)**

A J-1 student is a foreign student who has been selected by a sponsor designated by the U.S. Department of State to participate in an exchange visitor program in the United States. J-1 students do not have to pay tuition.

### **Students with J-2 visas (exchange students)**

A J-2 student is a foreign student who is the spouse or qualifying child of a J-1 student. J-2 students do not have to pay tuition.

#### *Legal references.*

##### *Federal.*

*8 U.S.C. § 1101 et seq – Immigration and Nationality Act.  
Fourteenth Amendment of the U.S. Constitution.*

*Revised: 7-1-03; 7-1-04; 7-1-09; 7-14-16.*

## **Student Assignment to Schools**

Except as noted below, students are required to attend the school in the attendance area in which they reside except in cases in which a transfer has been approved by the Superintendent or his/her designee. Each case shall be considered separately and a decision made accordingly. A student may not transfer to another District school on the basis of S.C. Report Card designations, and notwithstanding the provisions of Public Law 106-554, a student may not transfer to another school on the basis that the student attends a school designated for "school improvement" pursuant to Section 1116(c) of Part A of Title I of the Elementary and Secondary Education Act of 1965 as may be amended.

An employee's child will be allowed to attend a school which serves students in the high school attendance area in which the employee works.

Students whose transfer requests are approved are responsible for their own transportation to and from school.

Transfer requests are approved only for the period comprising a single academic year except as noted in the following sentence. Transfer requests do not have to be submitted for a student to remain in the same school for which his/her transfer request was previously approved as long as he/she meets the same conditions that led to the prior approval.

Approval of the transfer request for a student does not guarantee that approval will be granted for his/her siblings either for the same academic year or for future academic years. The application for a sibling will be considered according to the regulations associated with the category of the school to which the sibling wishes to transfer. For example, the application of a sibling to attend a Category 1 school will not be accepted. The application of a sibling to attend a Category 2 school will be considered only in terms of the hardship rules noted below.

Each year, applications for transfer will be subject to the policies and regulations in effect at that time. The capacity of a school is subject to change; therefore, parents should carefully consider the potential effect on the family if their children attend schools in more than one attendance area.

1. Based upon the most recent 45-day enrollment data, the Office of Facilities Management shall classify each school (excluding academies and the alternative school) into one of two capacity categories which will affect the decisions made concerning student transfer requests.

- a. Category 1: schools with a projected enrollment which is 100 percent or more of the design capacity of the facilities and/or schools designated as Category 1 schools because they are projected to be high growth schools by the Office of Facilities Management. [Note: The percent is subject to change by the District.]

New transfer requests will not be accepted except as otherwise provided by this policy. Exceptions will not be granted for a student whose sibling has had a transfer request approved for another school which serves students in the same high school attendance area.

Out-of-county students will not be allowed to attend Category 1 schools.

- b. Category 2: schools with a projected enrollment which is less than 100 percent of the design capacity of the facilities. [Note: The percent is subject to change by the District.]

Transfer requests will be approved subject to the hardship rules as noted below.

2. Applications for transfer are available through the website of the Office of Student Affairs. Subject to the above categories, the parent will submit a written application for transfer to the Executive Director of Student Affairs requesting permission for the child to attend a school outside his/her attendance area. The application shall specify the reason(s) for the request. For Category 2 schools, hardship cases may include, but are not limited to, the following:

- a. Lack of an academic course or program within the normal school day in the school to which a student has been assigned;
- b. After school child care due to:
  - (1) Parent's work schedule and/or work location; or
  - (2) Lack of afternoon child care at sending school or in its area;
- c. Health of child and/or parent;
- d. Purchase of a lot and planning to build or building a house intended as the parent's primary residence (proof of purchase must be furnished and if the transfer is approved, evidence indicating substantial progress towards completion must be furnished for an application for transfer to be approved the following year);
- e. Traditional/year-round school calendars.

3. Transfers will not be allowed in order for a student to participate in an extra-curricular program.
4. Applications should be received by the Executive Director of Student Affairs no later than the date published by the District each school year. However, students who move into the District from another county or state after the published date have three weeks after arrival to apply for a transfer.
5. The Executive Director of Student Affairs will provide an opportunity for the sending principal and the receiving principal to present their recommendations concerning the transfer of the student. In making his/her recommendation, the receiving principal must give consideration to the capacity of his/her facilities by grade level or programmatic area. A record of excessive absences, discipline problems, or tardiness could be grounds for non-approval, non-renewal, or termination of the transfer application/permission.
6. The Executive Director of Student Affairs will approve or disapprove transfer requests based upon the information associated with the request for transfer and the policy on assignment to schools.
7. The decision of the Executive Director of Student Affairs may not be appealed to anyone other than

the Superintendent or his/her designee, including the Board.

8. If a student changes residences after mid-year from one school attendance area to another within the District, the student may elect to complete the current year in the same school.

*Legal references.*

*State.*

*S.C. Code § 59-19-90 (9) – Transfer and assignment authority.*

*S.C. Code § 59-63-425 – Student may transfer.*

*S.C. Code § 59-63-470 – Transfer of pupils when enrollment of such pupils threatens to disturb peace.*

*Revised: 7-1-03, 7-1-04; 7-1-07; 7-1-11.*

## **Student Attendance and Attendance for Course Credit/Promotion**

State law requires a parent to cause his/her children, from age five until the attainment of their seventeenth birthday or graduation from high school, to attend regularly a public or private school, unless the child meets an exception contained in State law. If a child is not six years of age on or before the first day of September in a particular school year, the parent/guardian may elect for his/her child not to attend kindergarten; in which case, the parent must sign and provide to the District a written document making such an election.

The school year consists of 180 days. In order to receive credit for a term (90-day) course, high school students cannot be absent for more than five days. For two-term (180-day) courses, high school students cannot be absent more than ten days (Promotion and Retention purposes only).

Students may be counted present only when they are actually at school, on homebound instruction, on approved home instruction, or are present at a school-day activity which is authorized by the school – this may include field trips, athletic contests, music festivals, student conventions, and other similar activities. However, attendance at an activity or program (such as "Saturday School") which takes place outside a normal school day cannot be used to replace a school-day absence in order for a student to maintain a perfect attendance record.

For attendance purposes, a middle school (grades 6 through 8) or high school (grades 9 through 12) student is considered in attendance for a class period if he/she is present for a majority of the official class period time. An elementary student is considered in attendance when present for at least three hours of a school day.

### **Perfect attendance**

Prior to July 1, 2006, each school will use the criteria it previously established for determining perfect attendance. Beginning with the 2006-2007 school year, perfect attendance for all students is defined as being present a minimum of three hours during each school day for the entire school year except as noted below.

Note that a student is also considered present if:

1. He/she is on approved homebound instruction,
2. He/she is on approved home-based instruction, or
3. He/she is present at a school-day activity which is authorized by the school (such as, but not limited to, field trips, athletic contests, music festivals, student conventions, and other similar activities). However, attendance at an activity or program (such as "Saturday School") which takes place outside a normal school day cannot be used to replace a school-day absence in order for a student to maintain a perfect attendance record.