

Model Guidelines for a School District Interdistrict Transfer Policy in South Carolina

Purpose:

The purpose of these guidelines is to establish a consistent and transparent process for interdistrict transfer within school districts in South Carolina, pursuant to SC Code Ann. 59-8-165 (2025).

These guidelines apply to traditional school districts – they do not apply to statewide charter authorizers and their schools, nor do the guidelines apply to any of South Carolina’s special schools, including Palmetto Unified School District, South Carolina School for the Deaf and Blind, District of SC Juvenile Justice Schools, the John de la Howe Governor’s School for Agriculture, the Governor’s School for the Arts & Humanities, and the Governor’s School for Science and Math.

These guidelines are intended to set the floor, not the ceiling for school district interdistrict transfer policies. Districts may create their own policies, as long as their policies comply with these guidelines.

Interdistrict Transfer is available to all South Carolina students, and not just students participating in the Education Scholarship Trust Fund (ESTF) program.

These guidelines were promulgated consistent with SC Code Ann. § 59-8-165, which reads:

The department shall develop model guidelines for interdistrict transfers to assist local boards of trustees in establishing an interdistrict enrollment policy. The model guidelines shall serve as the minimum standard, ensuring a baseline of expectations for all districts. Each local policy shall be based on an evaluation of available data reflecting student, school, district, and community needs to ensure access and efficient resource allocation. The policy must include and describe the application requirements, timelines, communication plans, capacity standards, approval and denial criteria, priorities of acceptance, and transportation. Capacity standards must be based on objective measures like facility constraints, staffing levels, and class size limits. A school district may, but is not required to, expand capacity at a school or in a program to accommodate increased demand for interdistrict transfers. Each district shall review and publicly post available capacity for interdistrict student transfers on its website and update this information at least annually. School districts are not required to provide transportation but must disclose their transportation policy. Districts may establish cost-sharing agreements for interdistrict students who require transportation. All school districts must have an interdistrict policy in place within one hundred twenty days of the publication of the model guidelines by the department. Any school district with an existing interdistrict policy must review and ensure compliance with this section within sixty days of its enactment. The department shall review all local interdistrict transfer policies to ensure alignment with the model guidelines. If a district fails to

meet minimum standards, the department may withhold administrative funding until the district demonstrates full compliance. The provisions of this chapter do not restrict a school district's ability to enact or enforce an intradistrict student transfer policy.

These guidelines comply with SC Budget Year 2025-26 Proviso 1.42, which reads:

1.42. (SDE: School Enrollment Policy) For the current fiscal year, any school district with an open enrollment policy for all schools or certain schools which had previously accepted certain students residing outside of the district to an academic magnet school in the district must continue to accept these students and their siblings for enrollment at the academic magnet school under the same terms and conditions these students were previously permitted to attend the school.

Model guidelines:

1. Definitions:

- **Charter School:** a public, nonreligious, nonhome-based, nonprofit corporation forming a school that operates by sponsorship of a public school district, the South Carolina Public Charter School District, or a public or independent institution of higher learning, but is accountable to the board of trustees, or in the case of technical colleges, the area commission, of the sponsor which grants its charter.
- **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.
- **Nonresident 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

- Capacity Study shall include the following data points:
 - Grade level capacity, as determined by the number of grade-level educators multiplied by the grade level's required student to teacher ratio.
 - Class capacity as determined by the district board of trustees required student to teacher ratio or state board teacher to teacher ratio.
 - Specialized Program capacity, (if applicable) as set in board policy.
 - Individual instructional coach capacity for students that test more than 2 grade levels behind and need individualized interventions.
- Districts are not required to accept any additional non-resident students once the school has reached at least ninety percent (90%) of its grade level, class, or specialized program 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 school 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 will set up an annual transfer enrollment window during which non-resident students can apply for enrollment in a school outside their district. Districts may allow applicants to rank schools with additional capacity in order of the applicant's preference on the application. This period shall be no shorter than 90 days, and the district must advertise the enrollment window in advance. The enrollment window shall open no later than February 1st.

- **Application Deadlines:** Applicants must submit interdistrict transfer applications by the established deadline. If the district chooses to have an enrollment window, then applications made outside of the window may be considered at the discretion of the district superintendent or their 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 must have at least two weeks in which to accept the transfer.
- **Continued Enrollment:** Parents are not required to fill out a renewal application for their nonresident student to remain enrolled in the school as long as the student remains in good standing in terms of behavior and attendance. When a nonresident student is ready to matriculate to the next school in the district's grade progression, typically elementary to middle or middle to high, districts should 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 nonresident student should be afforded priority over new nonresident 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:** Districts may deny entry to students with a history of Level III disciplinary offenses in the previous school year. The list of Level III disciplinary offenses are fully enumerated in Regulation 43-279. Additionally, districts may deny entry to students with a history of suspension for more than five days or expulsion. Districts may, but are 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:

- **Non-Resident Transportation:** Families of non-resident students enrolled through interdistrict transfers are generally responsible for providing transportation to and from the school. However, the district may create a transportation plan for students outside of the district. The district may charge families for this service.
- **District Transportation:** If transportation is provided, the district will establish designated bus routes and inform families of available options. However, transportation is not guaranteed for non-resident students.

9. Records Transfer

- The resident district must release all pertinent records to the nonresident 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 (MAP testing).

10. Interdistrict Transfer Fees

- **Fees:** Interdistrict Transfer Fees charged by the receiving school 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 135-day 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. Districts 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.

- **Appeals Committee:** The district board shall review the case and provide a decision.
- **Final Board Decision:** The district must communicate the final appeal decision in writing within 10 days after the next scheduled district board meeting.
- **State Board Appeal:** The parent may appeal the District Board's final decision to the State Board of Education within 10 days of receiving the District Board's final 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. Districts may submit their review of the policy to the South Carolina Department of Education Office of Policy.

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

- **Class Rank:** Districts may set their own policies to handle whether nonresident transfer students are eligible for salutatorian and valedictorian if the student transfers into the district after the 9th grade. Nonresident students transferring during or prior to 9th grade must be ranked the same as resident students for consideration of salutatorian and valedictorian. For all other class ranking

systems, nonresident transfer students and resident students shall be treated the same.