

Code of Laws of South Carolina 1976 Annotated Currentness

Title 59. Education

+ Chapter 63. Pupils Generally

+ Article 1. General Provisions

>> s 59-63-31. Additional qualifications for attendance at public school or particular public school.

(A) Children within the ages prescribed in Section 59-63-20 also are entitled to attend the public schools of a school district, without charge, if:

(1) the child resides with one of the following who is a resident of the school district:

(a) a person who is not the child's parent or legal guardian to whom the child's custody has been awarded by a court of competent jurisdiction;

(b) a foster parent or in a residential community-based care facility licensed by the Department of Social Services or operated by the Department of Social Services or the Department of Juvenile Justice; or

(c) the child resides with an adult resident of the school district as a result of the:

(i) death, serious illness, or incarceration of a parent or legal guardian;

(ii) relinquishment by a parent or legal guardian of the complete control of the child as evidenced by the failure to provide substantial financial support and parental guidance;

(iii) abuse or neglect by a parent or legal guardian;

(iv) physical or mental condition of a parent or legal guardian is such that

he cannot provide adequate care and supervision of the child;

(v) parent's or legal guardian's homelessness, as that term is defined by

Public Law 100-77; or

(vi) parent's or legal guardian's military deployment or call to active duty more than seventy miles from his residence for a period greater than sixty days; provided, however, that if the child's parent or legal guardian returns from such military deployment or active duty prior to the end of the school year, the child may finish that school year in the school he attends without charge even if the child resides in another school district for the remainder of the school year due to his parent or legal guardian returning home;

(2) the child is emancipated and resides in the school district;

(3) the child is homeless or is a child of a homeless individual, as defined in Public Law 100-77, as amended; or

(4) the child resides in an emergency shelter located in the district.

In addition to the above requirements of this subsection, the child shall also satisfy the requirements of Section 59-63-30(d) and (e).

(B) A child between five and twenty-one years of age is entitled to continue attending a particular public school or a successor school in the same school district without charge if:

(1) the child has been attending the school or a predecessor school in the same district prior to being taken into custody by the Department of Social Services or prior to being moved from one placement to another by the department;

(2) the Department of Social Services places the child outside the school district or school attendance zone in a foster home or residential community-based facility licensed or operated by the department; and

(3) the Department of Social Services has determined that it is in the child's best interests for the child to continue attending the school, and that transportation for the child to and from the school is reasonably available.

In addition to the requirements of this subsection, the child also shall satisfy the requirements of Section 59-63-30(d) and (e).