

SUPREME COURT OF SOUTH CAROLINA

McSwain v. Charleston County Board of Trustees

400 S.C. 478 (2012) · Decided December 12, 2012

SUMMARY

The South Carolina Supreme Court held that Charleston County School District could not exclude a qualified nonresident child from its magnet schools solely because she qualified to attend the district's public schools through ownership of qualifying real property rather than residence. The court interpreted S.C. Code section 59-63-30 to place qualifying resident children and property-owning children on equal footing, while recognizing the school board's authority to establish magnet-school admission criteria. The court also addressed exhaustion of administrative remedies and affirmed the circuit court's declaratory judgment.

CASE DETAILS

COURT	Supreme Court of South Carolina
WRITING FOR THE COURT	Chief Justice Toal; Toal; Beatty; Hearn; Kittredge; Pleicones
JURISDICTION	South Carolina
DECIDED	December 12, 2012
DISPOSITION	affirmed
PROCEDURAL POSTURE	Declaratory judgment action concerning a school district's residency policy for admission to a countywide magnet school; both parties appealed the circuit court's order, and the Supreme Court of South Carolina certified the appeal.
STANDARD OF REVIEW	Whether to require exhaustion of administrative remedies is reviewed for abuse of discretion. The interpretation of statutes is a question of law governed by the statute's plain language.
PRECEDENTIAL VALUE	published precedential opinion
PARTIES	Charleston County Board of Trustees, Nancy J. McGinley v. Gayla S.L. McSwain, Storm M.H.

TOPICS

administrative law

exhaustion of remedies

judicial review of agency action

statutory interpretation

appellate procedure

PRACTICE AREAS

administrative law

education law

statutory interpretation

appellate procedure

constitutional law

QUESTIONS PRESENTED

1. Whether the circuit court could exercise jurisdiction over the declaratory judgment action despite the absence of a final school-board order and the failure to exhaust administrative remedies.
2. Whether S.C. Code section 59-63-30 permits a school district to exclude a child from its magnet schools solely because the child qualifies through property ownership rather than residence.
3. Whether the school board's authority under section 59-19-90(9) to assign students and establish magnet-school admission criteria permits a physical-residency requirement that excludes statutorily eligible property-owning children.
4. Whether payment of tuition alone makes a nonresident child eligible to enroll in a particular school in another district.
5. Whether the circuit court improperly lifted the automatic stay pending appeal.

HOLDINGS

1. Failure to exhaust administrative remedies is generally a matter of prematurity, policy, convenience, and discretion rather than subject-matter jurisdiction. Exhaustion was excused because further administrative proceedings would have been futile, inadequate in light of the impending enrollment date, and the case presented important issues of public interest.
2. A child who owns real estate in a school district with an assessed value of at least \$300 is statutorily entitled to attend that district's public schools on the same eligibility footing as a resident child, assuming the other statutory requirements are met.
3. A school board may establish admission requirements and determine which school within its district a student will attend, but it may not use that authority to exclude an entire class of children whom section 59-63-30 recognizes as eligible to attend district schools.
4. Payment of tuition alone does not make a nonresident child eligible to enroll in a particular school in another district. Tuition is a secondary charge that may be imposed after the child is otherwise statutorily eligible and admitted to a particular school.

KEY QUOTATIONS

"Thus, the failure to exhaust administrative remedies goes to the prematurity of a case, not subject matter jurisdiction." (487)

"A school district may impose admissions requirements for its schools, including magnet schools. However, in considering eligible applicants, a school board may not distinguish between a child who qualifies to attend its schools as a resident under section 59-63-30(a) & (b) and a child who qualifies to attend its schools as a property owner under section 59-63-30(c)." (490)

“What it cannot do is exclude an entire segment of students recognized under the statute as qualified to attend its schools.” (492)

FACTUAL BACKGROUND

Storm M.H., a Berkeley County resident, was accepted into Charleston County's Academic Magnet High School after demonstrating the school's admission qualifications. The school district initially indicated that she could enroll if her family established Charleston County residence or if she acquired qualifying property, but later insisted that she physically reside in the county. Before enrollment, she purchased Charleston County real property with an assessed value of at least \$300 and enrolled in the school.

PROCEDURAL HISTORY

McSwain sought a declaration that her daughter could enroll in Academic Magnet High School without establishing domicile in Charleston County if the statutory eligibility requirements were otherwise satisfied. The circuit court exercised jurisdiction, rejected the school board's exhaustion arguments, and held that requiring domicile violated S.C. Code section 59-63-30 because property ownership could independently establish eligibility. The student purchased qualifying Charleston County property and enrolled, and the Supreme Court affirmed the circuit court's order.

DISPOSITION

affirmed

CASES CITED

- Ward v. State, 343 S.C. 14, 538 S.E.2d 245 (2000)
- Hyde v. S.C. Department of Mental Health, 314 S.C. 207, 442 S.E.2d 582 (1994)
- Brown v. James, 389 S.C. 41, 697 S.E.2d 604 (Ct. App. 2010)
- Cabiness v. Town of James Island, 393 S.C. 176, 712 S.E.2d 416 (2011)
- Curtis v. State, 345 S.C. 557, 549 S.E.2d 591 (2001)
- Media General Communications, Inc. v. S.C. Department of Revenue, 388 S.C. 138, 694 S.E.2d 525 (2010)
- Charleston County School District v. State Budget & Control Board, 313 S.C. 1, 437 S.E.2d 6 (1993)
- Gay v. Ariail, 381 S.C. 341, 673 S.E.2d 418 (2009)
- Stewart v. Charleston County School District, 386 S.C. 373, 688 S.E.2d 579 (Ct. App. 2009)
- Arnold v. Association of Citadel Men, 337 S.C. 265, 523 S.E.2d 757 (1999)
- Heyward v. S.C. Tax Commission, 240 S.C. 347, 126 S.E.2d 15 (1962)
- Ashwander v. Tennessee Valley Authority, 297 U.S. 288, 56 S. Ct. 466, 80 L. Ed. 688 (1936)
- Williams v. Town of Hilton Head, 311 S.C. 417, 429 S.E.2d 802 (1993)
- Garriss v. Governing Board of S.C. Reinsurance Facility, 319 S.C. 388, 461 S.E.2d 819 (1995)

