



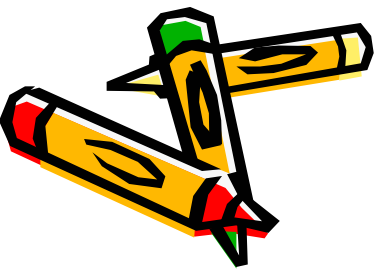
Rights and Responsibilities of South Carolina Students

Presented by Amanda Adler
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South Carolina Appleseed Legal Justice Center



Our Mission

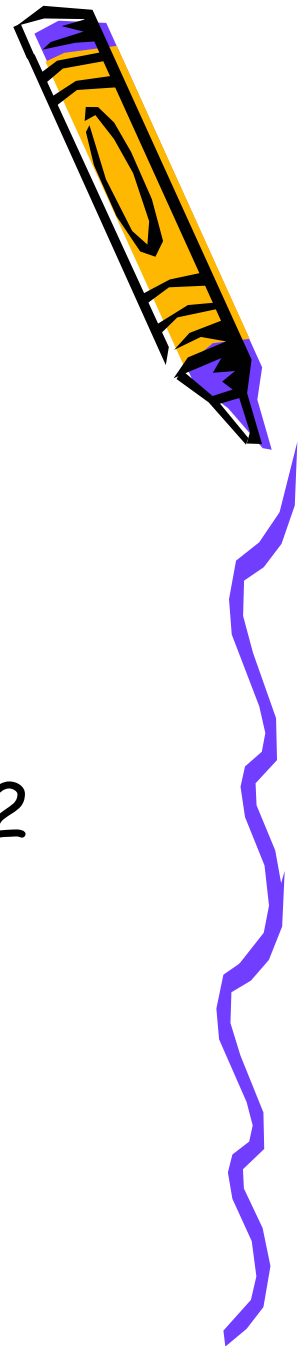


Basic Rights and Responsibilities and Equal Opportunity

- As Citizens
 - Constitutional rights are somewhat limited in schools, but schools must have a good reason for doing so
- As Students
 - Right to take advantage of educational opportunities offered
- As Adult Students
 - School rules still must be followed
- School Handbooks
 - All policies must be outlined there
- Non-Discrimination
 - Students must receive equal opportunities to participate
- Harassment
 - Sexual harassment, bullying, hazing
- Grievance Procedures
 - Typically a bottom-up approach



Attendance



- Enrolling in School
 - First-Time Enrollees K-1: Birth Certificate or other documentation, Immunization records
 - Transfer Students: K-8 form or 9-12 transcript

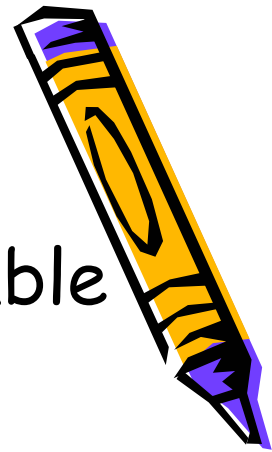


Attendance

- School Affidavits: 5 reasons for use
 - Death, serious illness, or incarceration of parent/guardian
 - Relinquishment by parent or guardian of complete control as evidenced by failure to give financial support or guidance
 - Abuse or neglect by parent/guardian
 - Physical or mental condition of parent/guardian is such that he or she cannot provide adequate care/supervision
 - Parent or guardian is homeless



Attendance



- Students who are Homeless or in Unstable Housing Situations
 - Homeless: a lack of permanent housing resulting from poverty or a safe, stable living environment
 - Includes students who are 'doubled-up' with other family members
 - Includes unaccompanied youth
 - Immediate Enrollment:
 - Even without records normally required
 - If immunization records are unavailable, the student should be immediately referred to the district homeless liaison who is required to assist in obtaining the records.
 - Suggested standard: within one full day of initial presentment for enrollment



Attendance

- Absences from School

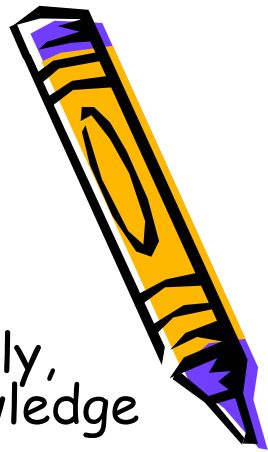
- Lawful: illness of student or immediate family, religious holidays, or pre-approved with knowledge of parent
- Unlawful: without parent's knowledge or with parent's knowledge but not for valid reason
- After 3 unlawful in a row, or 5 total, school must contact parent - and sometimes will contact the court at this time

- School Fees

- New law guarantees reduced fees for reduced-price lunch-eligible students and no fees for free lunch-eligible students.

- Visiting Schools

Visitor rules can be set by school board and principal; those visiting schools consent to being searched.



General Discipline Policies Concerning Students

School boards have discretion in many areas.

- Activities Outside School
 - May be punished by school if materially and substantially disruptive of educational processes
- Beepers/Cell Phones
 - Need medical documentation
- Buses
 - Remember potential criminal penalties
- Computer Use
 - Must follow Acceptable Use Policy of school; filtering programs in place
- Dress/Appearance
 - Cannot interfere with school process



Discipline Policies Which Apply to all Districts

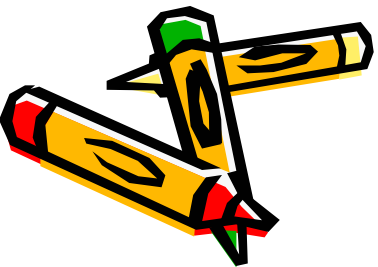
Remember, the most severe punishment is not required by law!

- Disorderly Conduct - Level I
 - School staff takes action; may contact parent or administrator if needed
- Disruptive Conduct - Level II
 - Threat to health/safety - parents notified
- Criminal Conduct - Level III
 - Student immediately removed from school



Disciplinary Procedures

- Due Process & Lesser Disciplinary Actions
 - If no loss of educational opportunity, no right to be heard
- Due Process & Student Suspensions
 - Notice of offense, opportunity to give student version to administrator, parent notified within 3 days, appeal to school board
- Due Process & Expulsion
 - Hearing before school board or designee; all regular legal rights (attorney, cross-examination, impartial decision-maker)
- Transfer & Alternative Schools
- Criminal Behavior
 - Schools required to contact law enforcement if injury/threat of injury; police questioning implicates different rights



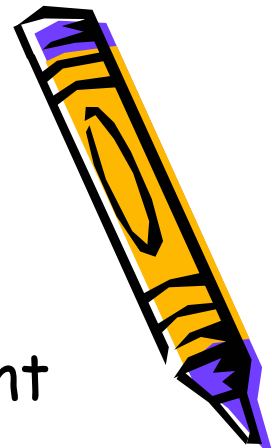
School Investigations & Searches

- Lockers/Personal Property
 - Only need reasonable suspicion to search - this includes automobiles
- Drug Testing
 - Can be randomly administered to students in extracurricular activities
- Questioning of Students by School Officials & Law Enforcement
 - Important that parents are contacted when law enforcement questions a student



Freedom of Expression

- Speech
 - Nothing lewd or offensive; no viewpoint discrimination
 - No disruption of educational process
- Print Publications
 - Protection depends on who controls content
 - Students - cannot materially/substantially disrupt
 - Teacher/Advisor - only need some educational purpose for censorship
 - No viewpoint discrimination
- Electronic Publications
 - Student-created websites cannot pose threat and if accessed at school, cannot violate Acceptable Use Policies



Student Activities

- Clubs and Organizations
 - Equal opportunity/no discrimination in organizational process
- Religious Activities in School
 - Equal Access Act - what some clubs get, all must get
 - Student-organized clubs OK if non-school hours, faculty doesn't run
 - Generally, no Establishment; permission of Free Exercise
 - Equal grading of religious-themed school work



Student Records

- The Family Educational Rights and Privacy Act
 - Right to inspect/review records
 - Right to request corrections/hearing if denied
 - Right to consent before personal information disclosed
 - Right to file complaint with U.S. Department of Education
- Notification of Criminal Records
 - Convictions must be relayed to administrators, teachers



Contact Information



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