

EXPULSION

WHAT SOUTH CAROLINA LAW SAYS ABOUT EXPULSION

WHAT DOES IT MEAN TO BE EXPELLED?

If you are expelled, you are taken out of school for the rest of the school year or longer.

WHAT ARE REASONS I CAN BE EXPELLED?

There are many different actions that can lead to your expulsion. Only the school board can give out this very serious punishment. Sometimes one event is enough to lead to expulsion. Sometimes several smaller offenses repeated over time can lead to this punishment. School rules are a little different in every school district, and it is important for you to read your student handbook carefully to make sure you understand them. State law also lists offenses that can lead to expulsion:

- committing a crime,
- major immorality (behavior that is extremely inappropriate by social standards),
- major misbehavior,
- ongoing disobedience, or
- violation of the school district's or State Board of Education's written rules.

Also, if your presence is believed to be damaging or harmful to the best interest of the school, an administrator can recommend that you be expelled.

WHAT WILL HAPPEN WHEN I AM RECOMMENDED FOR EXPULSION?

When you are recommended for expulsion, you may lose your chance to get an education. Therefore, the school district must follow the steps required by law before your right to an education can be taken away. Here is a brief outline of what must generally take place:

- The school district will schedule a hearing to determine if you should be expelled for your behavior. The hearing must take place within 15 days after your school administrator recommends you for expulsion.
- Your parents will be told in writing of the time and place of the hearing. The hearing may be conducted by the board or a person designated by the board, usually someone called a hearing officer.
- At this hearing, according to South Carolina law, you have the right to a lawyer and "all other regular legal rights." This means that your parent or attorney may read your student records prior to the hearing. At the hearing, witnesses testify under oath and promise to tell the truth. Either you or your lawyer has the right to question the school's witnesses, even if they are students, as well as present your own witnesses to testify on your side.
- If the hearing is held by a hearing officer appointed by the school board, either you or the school have the right to appeal the decision to the board.
- After the hearing, a decision must be made and given to you and your parent within 10 days.
- You have the right to appeal a decision to expel you to the circuit court in your county. If you decide to take this step, you should definitely seek the advice of an attorney.

IF I AM RECOMMENDED FOR EXPULSION, CAN I GO BACK TO SCHOOL BEFORE I AM ACTUALLY EXPELLED?

No. If an assistant principal or principal asks you to leave school grounds, do not go back on to school grounds unless an assistant principal or principal tells you that you may return. You cannot participate in any school activities until a school official tells you that you are allowed back into school activities.

AFTER I HAVE BEEN EXPELLED, CAN I DO ANYTHING ON SCHOOL GROUNDS?

No. If you are expelled, you may not attend any school functions, enter the school or school grounds, or ride a school bus. This does not apply if you are meeting with an administrator.

IS THERE A WAY I COULD GET A SMALLER PUNISHMENT?

Yes, the school district does not have to give you the harshest punishment – in most cases they have a range of punishments available. Students and parents should always ask about the possibility of smaller punishments. School districts are allowed to consider all factors in each discipline case when giving punishments. For example, they will look at whether this event is a student’s first major disciplinary offense.

MAY I ATTEND SCHOOL SOMEWHERE ELSE IF I HAVE BEEN EXPELLED?

If you are expelled, you may be able to enroll in another program such as adult education, a General Education Development (GED) program, a charter school, or a virtual school.

IF I AM EXPELLED, WHEN CAN I GO BACK TO SCHOOL?

If you are expelled, you have the right to ask to be readmitted at the start of the following school year unless you are expelled for bringing a gun onto school grounds.

WHAT IS THE PUNISHMENT FOR BRINGING A GUN TO SCHOOL?

According to the law, students who are expelled because they brought a gun to school are expelled for one calendar year, not just the remainder of the school year. This means that if you are expelled in December, you cannot return to school in August with other students, but must wait until December of the next year. This policy can still be modified on a case by case basis, so if this happens to you, you should still ask that you not be kept out of school for that long. Also, students guilty of this offense can still attend an alternative school. In every case involving a gun, the school board must also automatically refer the student to the Department of Juvenile Justice.

This is not all the information you need to know if you have questions about the school discipline laws in our state. You may want to talk to a lawyer about your individual situation.

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