

1984 WL 250004 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

November 2, 1984

*1 The Honorable Robert R. Woods
Member
South Carolina House of Representatives
Post Office Box 2217
Charleston, South Carolina 29403

Dear Representative Woods:

You have requested information from this office concerning the provision of education to expelled students. Apparently no State law specifically provides for the education of expelled students; however, some options may exist according to the circumstances of the student. I have set them out as follows:

1. [Section 59-63-210 of the Code of Laws of South Carolina](#) 1976, does not preclude the attendance of expelled students at adult or night school. R.43-237 of the Rules of the State Board of Education (Vol. 24 of the Code) permits school district Boards of Trustees to assign students under age 18 to classes in an adult education program when they ‘. . . exhibit unusual educational need or exhibit physical, social or economic problems which can be more effectively served by the . . . program.’ Questions concerning the availability of adult education for a particular student should be addressed to his local school district.
2. If an expelled student is handicapped, some education may be available for him or her. Under such circumstances, the child's parents or guardian should check with the local school district or with the office of Programs for the Handicapped at the South Carolina Department of Education.
3. The Department of Youth Services does not appear to be an available option for expelled students unless they are under the jurisdiction of that agency. See [Section 20-7-3230](#) and [20-7-3240 of the Code](#).

For your reference, I am enclosing copies of [Section 59-63-210 et seq.](#) of the Code and R.43-237. I am also enclosing a copy of the portion of the Education Improvement Act concerning student discipline and attendance. See Act 512, Part 2, Division 2, Subdivision A, Subpart 2, Acts and Joint Resolutions of South Carolina, 1984.

I hope that this information will be of assistance to you. If you have additional questions or if we can be of service in any other way, please let us know.

Yours very truly,

J. Emory Smith, Jr.
Assistant Attorney General

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