

1983 WL 181718 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

January 20, 1983

\*1 Honorable Harvey S. Peeler, Jr.  
Member  
South Carolina Senate  
Post Office Box 142  
Suite 504  
Gressette Senate Office Building  
Columbia, South Carolina 29202

Dear Senator Peeler:

Thank you for your letter of January 15, 1983. You have requested my opinion as to the legality of a school board policy concerning discipline for students who fail to return or make restitution for school property issued to them such as textbooks, or who fail to make restitution for damage caused by them to school or other state owned property. Students coming within the terms of the policy would be subject to suspension for the period of time that they fail to return the property in question or make restitution.

[Section 59-63-210 of the Code of Laws of South Carolina \(1976\)](#) authorizes school district boards of trustees to suspend, expel or transfer a student for the following reasons:

. . . commission of any crime, gross misbehavior, persistent disobedience, or for violation of written rules and regulations established by the district board, county board or the State Board of Education or when the presence of the pupil is detrimental to the best interest of the school.

This statute should permit the suspension or expulsion of some students who damage school property without making restitution or fail to return property assigned to them. Reasonable regulations pertaining to discipline which are reasonably applied can be sustained. See, 68 AM.JUR.2d Schools §§ 256-267; see also, [Stanley v. Gary](#), 237 S.C. 237, 116 S.E.2d 843 (1960); however, I have some concern about possible application of this policy. For example, a lengthy suspension for a student who had misplaced a textbook and did not have the money to replace it promptly might not be held to be reasonable. The same view might be taken of a student without financial resources who accidentally damages expensive lab equipment. I suggest that the suspension and expulsion policy be drafted and applied carefully so as to allow for the consideration of such factors as the circumstances of the loss or damage, the attitude of the student and his or her ability to make restitution, and the appropriate length of any suspension.

If I may be of further assistance, please do not hesitate to contact me.

With best regards, I am  
Sincerely yours,

T. Travis Medlock  
Attorney General

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