

1983 WL 181886 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

May 16, 1983

*1 Honorable John L. Napier
Goldberg, Cottingham, Easterling & Napier, P.A.
Attorneys at Law
Post Office Drawer 655
Bennettsville, South Carolina 29512-0655

Dear John:

As attorney for the Marlboro County School District, you have requested that this office advise you as to the legality of a proposed disciplinary policy of the District regarding possession of alcohol and drugs. Under this policy, for a first offense of possession of alcohol or drugs, a student will be suspended for the remainder of the school year, except that students who enroll in the 'school intervention program' sponsored by the Alcohol and Drug Abuse Commission (Commission) for Marlboro County will be allowed to continue classes. Those students enrolled in the program will still be barred from participation in extracurricular activities. Your specific questions are directed to whether the program enrollment provisions and a projected \$100.00 fee to be charged by the Commission would be prohibited.

[Section 59-63-210 of the Code of Laws of South Carolina \(1976\)](#) authorizes district boards of trustees to expel, suspend or transfer students for disciplinary violations. Even if this statute is a limitation on the means of discipline which may be applied, the proposed policy would not violate it. Enrollment in the program is not required. It is merely a condition optional with the students and their parents, which can be used as a means for the students to avoid continued suspension from class. For this same reason, the fee for the program should not be violative of [Section 59-63-210](#). Section 59-19-90(8), which authorizes districts to charge and collect matriculation and incidental fees when allowed by the General Assembly, should not be applicable here because the fee is imposed by the Commission rather than the school district and the program is optional with the student; however, some provision should be made for those students who desire to attend the program but who lack the resources to pay the \$100.00. You may wish to inquire as to this matter with the State Commission on Alcohol and Drug Abuse.

If we may be of further assistance, please contact us.

Very truly yours,

J. Emory Smith, Jr.
Assistant Attorney General

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