

1981 WL 158133 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

February 5, 1981

*1 Dr. John M. Liston
Superintendent
Laurens County School Districts
Post Office Box 388
Laurens, South Carolina 29360

Dear Dr. Liston:

You have requested the opinion of this Office as to whether the disciplinary power of school districts over school bus passengers is limited to the provisions of §59-67-240 of the Code of Laws of South Carolina (1976). This law allows drivers, with the approval of the principal or superintendent, to suspend students from riding the bus for misconduct. Specifically, you wish to know whether a district may suspend a student from attending school as well as riding the bus when the student has acted in a manner which school officials believe warrants such action. The present policy of this Office is to issue opinions only to those to whom it is authorized to give legal advice, the Governor, members of the General Assembly, and other state officers (§§ 1-7-90, 1-7-100 and 1-7-110 of the Code); however, because of the state-wide importance of your question, this Office will advise you as to this matter.

That school districts have broad disciplinary control over students on buses is made clear by § 59-67-470 which states that local school superintendents shall supervise the conduct of pupils being transported. In addition, the State Board of Education, in which the control and management of school bus transportation is vested (§ 59-67-410), has required that the governing bodies of the school districts be responsible to it for the supervision of pupils being transported. Rule 43-80, Vol. 24 of the Code, as amended. Thus, when the school districts' broad power under § 59-63-210 to suspend or expel students from the attendance of school is not restricted as to physical location, the reasonable conclusion is that it applies to students on school buses as well as to those on school grounds. See also § 59-19-90(3). Any conclusion to the contrary would allow a student to misbehave in any manner on the bus and fear no greater punishment than suspension from riding the vehicle under § 59-67-240, while a student in a classroom could be expelled from attending school for the same conduct. Thus, the opinion of this Office is that the legislature intended to give the school districts the same power to deal with discipline on the school buses as it has in the classroom. § 59-67-240 merely gives the districts the option of suspending a child from riding the bus as an alternative or supplement to suspending or expelling him from school.

If I may be of further assistance, please let me know.

Very truly yours,

J. Emory Smith, Jr.
Assistant Attorney General

1981 WL 158133 (S.C.A.G.)

End of Document

© 2015 Thomson Reuters. No claim to original U.S. Government Works.