**South Carolina General Assembly**

125th Session, 2023-2024

**S. 1188**

**STATUS INFORMATION**

General Bill

Sponsors: Senators Tedder and Hembree

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Introduced in the Senate on March 20, 2024

Introduced in the House on April 9, 2024

Last Amended on April 4, 2024

Passed by the General Assembly on May 9, 2024

Summary: Notification Requirements for Expulsion Hearings

**HISTORY OF LEGISLATIVE ACTIONS**

 Date Body Action Description with journal page number

 3/20/2024 Senate Introduced and read first time (Senate Journal‑page 4)

 3/20/2024 Senate Referred to Committee on **Education** (Senate Journal‑page 4)

 3/21/2024 Scrivener's error corrected

 4/3/2024 Senate Polled out of committee **Education** (Senate Journal‑page 135)

 4/3/2024 Senate Committee report: Favorable **Education** (Senate Journal‑page 135)

 4/4/2024 Scrivener's error corrected

 4/4/2024 Senate Amended (Senate Journal‑page 24)

 4/4/2024 Senate Read second time (Senate Journal‑page 24)

 4/4/2024 Senate Roll call Ayes-37 Nays-2 (Senate Journal‑page 24)

 4/4/2024 Senate Unanimous consent for third reading on next legislative day (Senate Journal‑page 24)

 4/5/2024 Senate Read third time and sent to House

 4/9/2024 House Introduced and read first time (House Journal‑page 23)

 4/9/2024 House Referred to Committee on **Education and Public Works** (House Journal‑page 23)

 4/30/2024 House Committee report: Favorable **Education and Public Works** (House Journal‑page 4)

 5/1/2024 Scrivener's error corrected

 5/2/2024 House Debate adjourned until Tues., 5-7-24 (House Journal‑page 47)

 5/7/2024 House Requests for debate-Rep(s). Erickson, Hiott, Carter, B Newton, Ligon, Guffey, Sessions, McCravy, West, Long, Leber, Sandifer (House Journal‑page 115)

 5/8/2024 House Read second time (House Journal‑page 248)

 5/8/2024 House Roll call Yeas-99 Nays-7 (House Journal‑page 248)

 5/9/2024 House Read third time and enrolled

View the latest  [legislative information](https://www.scstatehouse.gov/billsearch.php?billnumbers=1188&session=125&summary=B)  at the website

**VERSIONS OF THIS BILL**

[03/20/2024](https://www.scstatehouse.gov/sess125_2023-2024/prever/1188_20240320.docx)

[03/21/2024](https://www.scstatehouse.gov/sess125_2023-2024/prever/1188_20240321.docx)

[04/03/2024](https://www.scstatehouse.gov/sess125_2023-2024/prever/1188_20240403.docx)

[04/04/2024](https://www.scstatehouse.gov/sess125_2023-2024/prever/1188_20240404.docx)

[04/04/2024-A](https://www.scstatehouse.gov/sess125_2023-2024/prever/1188_20240404a.docx)

[04/30/2024](https://www.scstatehouse.gov/sess125_2023-2024/prever/1188_20240430.docx)

[05/01/2024](https://www.scstatehouse.gov/sess125_2023-2024/prever/1188_20240501.docx)

Indicates Matter Stricken

Indicates New Matter

Committee Report

April 30, 2024

S. 1188

Introduced by Senators Tedder and Hembree

S. Printed 04/30/24--H. [SEC 5/1/2024 12:19 PM]

Read the first time April 09, 2024

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The committee on House Education and Public Works

To whom was referred a Bill (S. 1188) to amend the South Carolina Code of Laws by amending Section 59‑63‑240, relating to expulsion for the remainder of the year and hearings, so as to amend requirements, etc., respectfully

Report:

That they have duly and carefully considered the same, and recommend that the same do pass:

SHANNON ERICKSON for Committee.

statement of estimated fiscal impact

Explanation of Fiscal Impact

State Expenditure

This bill specifies that if procedures for expulsion are initiated, the written notification to the parents or legal guardian of the pupil must include their right to have legal counsel present at the hearing and all other regular legal rights, including the right to question all witnesses, contact information for legal aid services, and the right to access the investigative file in its entirety prior to the hearing.

**S.C. Department of Education.** SCDE indicates that this bill does not alter the duties or responsibilities of the department. Therefore, this bill will have no expenditure impact on SCDE.

**State Agency Schools.** This bill will have no expenditure impact on the state agency schools. The Governor’s School for Agriculture at John de la Howe, the Governor’s School for the Arts and Humanities, the Governor’s School for Science and Mathematics, the School for the Deaf and Blind, and the Wil Lou Gray Opportunity School indicate that they can manage the provisions of the bill using existing appropriations.

Local Expenditure

This bill specifies that if procedures for expulsion are initiated, the written notification to the parents or legal guardian of the pupil must include their right to have legal counsel present at the hearing and all other regular legal rights, including the right to question all witnesses, contact information for legal aid services, and the right to access the investigative file in its entirety prior to the hearing.

The overall expenditure impact of this bill on local school districts will vary. SCDE surveyed the seventy-three regular school districts and three charter school districts and received responses from twenty-four districts. Nineteen of the responding districts indicate that the bill will have no expenditure impact. One district anticipates the need to hire additional staff but reports that the cost is currently undetermined and will depend upon whether the district will be required to perform any new duties in addition to providing a written notice to parents or legal guardians. The four remaining districts indicate that implementing the provisions of the bill will increase expenses by an amount ranging from $750 to $50,000 beginning in FY 2024-25 to hire legal counsel for hearings, and to develop and print materials for parents and guardians.

Frank A. Rainwater, Executive Director

Revenue and Fiscal Affairs Office

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A bill

TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 59‑63‑240, RELATING TO EXPULSION FOR THE REMAINDER OF THE YEAR AND HEARINGS, SO AS TO AMEND REQUIREMENTS TO BE INCLUDED IN THE WRITTEN NOTIFICATION TO PARENTS OR LEGAL GUARDIANS OF THE PUPIL.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Section 59‑63‑240 of the S.C. Code is amended to read:

 Section 59‑63‑240. The board may expel for the remainder of the school year a pupil for any of the reasons listed in Section 59‑63‑210. If procedures for expulsion are initiated, the parents or legal guardian of the pupil shall be notified in writing of the time and the place of a hearing either before the board or a person or committee designated by the board. The written notification to the parents or legal guardian of the pupil must include their right to have legal counsel present at the hearing, the right to question all witnesses, and contact information for a legal aid service provider which may determine eligibility for free legal representation. The notification must also include the right to access the investigative file in its entirety, to include all documents and videos, at least three days prior to the hearing, with appropriate exemptions and redactions as required by the Family Educational Rights and Privacy Act, 20 USC Section 1232g. At the hearing the parents or legal guardian shall have the right to legal counsel and to all other regular legal rights including the right to question all witnesses. If the hearing is held by any authority other than the board of trustees, the right to appeal the decision to the board is reserved to either party. The hearing shall take place within fifteen days of the written notification at a time and place designated by the board and a decision shall be rendered within ten days of the hearing. The pupil may be suspended from school and all school activities during the time of the expulsion procedures. The action of the board may be appealed to the proper court. The board may permanently expel any incorrigible pupil.

SECTION 2. This act takes effect upon approval by the Governor.

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