
ENROLLMENT

Is my child required to attend school?

Yes. All children between the ages of six and 16 must attend a public or private school. If you do not enroll your child in school, you can be fined up to \$50 by the family court or placed in jail for up to 30 days.

Can I teach my child at home?

Yes, and state law gives essentially two options from which to choose in setting up a home education program. One is to get approval from your local school board. Approval should be given if your program meets certain standards set out in state law. The other method is to conduct home instruction under the auspices of the South Carolina Association of Independent Home Schools (SCAIHS) or some other association for home schools which meets the requirements of state law. Information concerning each of these associations may be found at the Web site for the South Carolina Home Educators Association (SCHEA) at www.schea.org/scaccount.htm. You may also reach them at (803) 754-6425.

FEES

Do I pay for books and other fees?

Books are usually provided at no cost, but students can be charged a rental fee for books to be used in a school year. Some schools charge fees for field trips, workbooks or club memberships. Some schools may not charge a fee or will lower the fee if your child receives free or reduced-fee lunches. The school district cannot refuse to pass the child to the next grade or keep your child's diploma just because of fees.

ADDITIONAL LEGAL TIPS AVAILABLE

To access prerecorded information on other legal issues, call the South Carolina Bar's LawLine. In the Columbia area, dial 771-0011. From anywhere else in South Carolina, call 1-800-521-9788. Follow the recorded instructions.

SOUTH CAROLINA BAR LAWYER REFERRAL SERVICE

If you need a lawyer, contact the South Carolina Bar Lawyer Referral Service from 9 a.m. to 5 p.m. Monday through Friday. Call 1-800-868-2284 or if you are in Richland or Lexington Counties, call 799-7100.

ASK-A-LAWYER

For free answers to legal questions over the phone, call the volunteers at Ask-A-Lawyer from 1 p.m. to 5 p.m. Tuesday through Thursday. Call 1-888-321-3644.



Provided as a public service of the South Carolina Bar

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Printed November 1999.

EDUCATION RIGHTS



AND THE LAW

ATTENDANCE

What happens if my child misses school?

The school will write or call you after your child has three unlawful absences in a row or after five unlawful absences in a school year. Your child cannot miss 10 days from school without the approval of the school board.

What is the difference between a lawful and an unlawful absence?

Lawful absence from school can result from a serious illness for a student whose attendance would endanger his or her health or the health of others; the illness or death in a student's immediate family; students who have a religious holiday; and other absences as approved by the local school board. Unlawful absence is when the child is out of school without the parent's knowledge or when the parent knows the child is out of school without good reason.

My child will not go to school. What can be done?

If your child has been out of school for more than 10 days, the school board may file an action against you and your child in family court. The court can order you to send your child to school, as well as order your child to attend school. Failure to follow the court order can result in a fine up to \$50 or a jail term of up to 30 days. The South Carolina Department of Juvenile Justice may also get involved if your child does not attend school.

Can my child continue with classes after missing school for weeks due to illness?

Your child can receive homebound teaching if the child cannot attend school because of illness, an accident or if the child is an expelled, handicapped child.

PUNISHMENT

What punishment can my child receive in school?

The school district can either suspend or expel your child. The school can also physically punish your child with your permission. Suspension is a

short time away from the classroom, no longer than 10 days for one offense but no more than 30 days for the school year. Expulsion is when a child is sent home from school for the rest of the school year.

What if I do not agree with my child's punishment?

The school must let you know in writing that your child has been suspended. You can meet with the school principal within three days of the suspension, and you are entitled to a school district board hearing.

What can I do if my child is expelled?

Only the local school board can expel your child. They must notify you of a hearing, which must take place within 15 days. You have the right to have a lawyer and your own witnesses at the hearing, as well as ask questions of the school's witnesses. The school must give you an order within 10 days of your hearing. If you don't like the order, you have 10 days to appeal to the circuit court in your county.

Can a school district refuse to enroll my child after an expulsion?

A school district can consider a student's disciplinary record in any school in which the student was previously enrolled including activities that constitute violent crimes, unlawful use or possession of weapons or unlawful sale of drugs. Once these factors are considered, the board can bar enrollment for up to one year. The board must notify you and your child of this action and provide a notice to request a hearing.

My child's grades are not good, and now he or she has been suspended. What should I do?

Your child may have learning problems. You should call the Special Education person at your child's school to arrange testing. The Individuals with Disabilities Education Act (IDEA) applies to children with emotional, learning and physical disabilities. Your child should be given IEP (Individual Education Program) information that

details the educational services to be provided to your child. You have the right to an independent test and a hearing if you do not agree with the results.

Can the school suspend or expel my child if he or she has a learning problem?

Your child could be punished by the school but you have the right to a IEP meeting first. If the group decides that your child's actions are because of his or her learning problems, your child cannot be suspended or expelled unless the child is a direct threat to the other students. The school has the right to punish your child if the child's actions were not caused by the learning problem. If you do not agree with the IEP decision, you have the right to a hearing and the right to have an attorney with you at the hearing. You also have the right to appeal the school's decision to the state Department of Education.

Can my disabled child continue lessons after suspension?

Yes. Your child has the right to receive an education while at home after he or she has been suspended for a least a 10-day period or expelled.

HIGH SCHOOL EXIT EXAM

What is the high school exit exam?

The exit exam tests students' basic skill levels in reading, writing and math. A student must pass the exit exam to receive a diploma. The school must give you the test results. Your child has four chances to pass. The school must arrange a special program to help your child pass.

My child has a learning problem. Will my child have to take the exam?

Whether or not your child takes the exit exam will depend on your child's IEP. Your child can be given an oral exam by tape or with the teacher reading the questions aloud. If your child is not allowed an oral exam, you can appeal within 30 days to the state Department of Education, which must hold a hearing within 20 days of your appeal.