



The South Carolina Court of Appeals

JENNY ABBOTT KITCHINGS
CLERK

V. CLAIRE ALLEN
DEPUTY CLERK

POST OFFICE BOX 11629
COLUMBIA, SOUTH CAROLINA 29211
1220 SENATE STREET
COLUMBIA, SOUTH CAROLINA 29201
TELEPHONE: (803) 734-1890
FAX: (803) 734-1839
www.sccourts.org

July 14, 2017

The Honorable J. Frank Baker, Superintendent
1345 Wilson Hall Rd.
Sumter SC 29151

REMITTITUR

Re: Sumter School District v. Stara McLeod
Appellate Case No. 2017-000615

Dear Mr. Baker:

The above referenced matter is hereby remitted to the lower court or tribunal. A copy of the judgment of this Court is enclosed.

Very truly yours,

V. Claire Allen, Deputy

CLERK

Enclosure

cc: Dwight Christopher Moore, Esquire
Sumter School District Board of Trustees

The South Carolina Court of Appeals

Sumter School District, Respondent,

v.

Stara S. McLeod, as Mother and Natural Guardian of
R.J.S., a Minor Under Eighteen (18) Years of Age,
Appellant.

Appellate Case No. 2017-000615

ORDER

This notice of appeal arises out of a letter from the superintendent of the Sumter School District indicating that the Sumter School District Board of Trustees declined to consider an appeal of the minor's transfer to another school in lieu of expulsion. This appeal is dismissed. *See* S.C. Code Ann. § 59-63-250 (2004) (providing for the appeal for transfers made by an administrator to the board); *Byrd v. Irmo High Sch.*, 321 S.C. 426, 468 S.E.2d 861 (1996) (distinguishing the statutory procedure for suspensions and expulsions, and concluding that the statutes do not provide for suspensions to be appealable to the circuit courts absent clear language to the contrary); *Davis v. Sch. Dist. of Greenville Cty.*, 374 S.C. 39, 46, 647 S.E.2d 219, 223 (2007) (finding circuit court lacked subject matter jurisdiction to entertain the Board's decision to transfer a student). The remittitur will be sent pursuant to Rule 221(b) of the South Carolina Appellate Court Rules.


FOR THE COURT

Columbia, South Carolina

cc:

Dwight Christopher Moore, Esquire
Sumter School District Board of Trustees

FILED

March 31, 2017

The South Carolina Court of Appeals

Sumter School District, Respondent,


v.

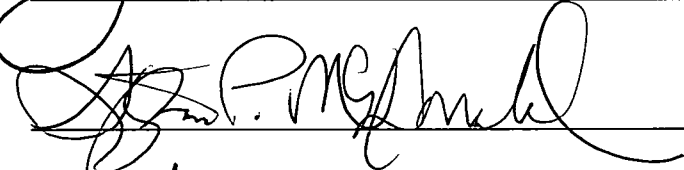
Stara S. McLeod, as Mother and Natural Guardian of
R.J.S., a Minor Under Eighteen (18) Years of Age,
Appellant.

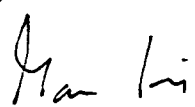
Appellate Case No. 2017-000615

ORDER

Appellant has filed a motion to reinstate, which we construe as a petition to rehear the dismissal of this appeal. After careful consideration of the petition for rehearing, the Court is unable to discover that any material fact or principle of law has been either overlooked or disregarded, and hence, there is no basis for granting a rehearing. Accordingly, the petition for rehearing is denied.



J.


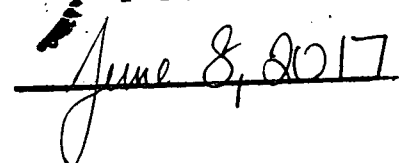
J.


J.

Columbia, South Carolina

cc:
Dwight Christopher Moore, Esquire
Sumter School District Board of Trustees

FILED


June 8, 2017