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Lawyers try to get word out about help to fight expulsion
They say district won't tell poor families that free aid is available

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Local lawyers offering free legal help for low-income students recommended for expulsion is putting up billboards to get the word out about their service -- because Greenville County Schools is refusing to tell families about it.

The district, which failed to tell families about a free summer lunch program for low-income children last year, has been fighting for three years against informing students they can have a lawyer at no charge.

"I just think poor children and poor parents get, as usual, the short end of the stick," said Steve Henry, an organizer of the attorneys group called Law in Action.

The issue came up at the board's Committee of the Whole meeting this week.

Advertisement Trustee Leola Robinson-Simpson asked for a vote on the issue at the next regular board meeting Jan. 23. She wants the district to inform parents about the free service in a letter that tells them when and where the hearing will be.

Her motion failed. But the board, which has three new members, voted 5-3 to take the issue up at its next committee meeting Feb. 13, after the office that handles disciplinary actions provides data on expulsion cases. Final action can't be taken at committee meetings.

"I think we'd be blessed for the better if we took the high road on this," Robinson-Simpson said.

A big part of the reason for the district's refusal to let people know they can have free legal help is financial.

Burke Royster, deputy superintendent for operations, told the board to keep in mind that when students have legal representation at expulsion hearings the district needs to have a lawyer to represent its side.


The district's general counsel, Wade Cleveland, doesn't have time to do it, he said.

"It could cause us to have to do some additional outside contract work with attorneys," Royster told the board.

Trustee Debi Bush said she is concerned that giving parents the phone number to get a free attorney might give the appearance that the district is recommending a particular attorney.

Henry said the phone number his group is asking the district to provide to parents isn't for his group of about 20 lawyers but for the South Carolina Centers for Equal Justice, a decades-old nonprofit organization that does free legal work for indigents in civil cases.

Although his group has been available to help low-income families for the past three years, they have handled

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only three or four cases a year out of more than 200 each year that would qualify, he said.

"We are trying to serve a public need, and we're getting hammered for it by certain school board members," he said.

Superintendent Phinnize Fisher said the district doesn't know how to make the program available only to low-income students because the district doesn't have any way of knowing who is eligible for free or reduced lunch when they are recommended for expulsion.

"We don't discriminate," she said.

Just send the same letter to everybody, and the Centers of Equal Justice can determine who qualifies, Henry said.

Trustee Megan Hickerson said she thinks the same legal help should be available to all students regardless of income.

The district's underlying motive, Henry said he believes, is fear of loss of control of a system that he says often is unfair.

"They're kangaroo courts," he said. "They don't want lawyers in there to spoil their 15-minute hearings when they kick out a kid for being a victim of assault and battery for disturbing schools, things like that."

He cited examples of a girl who was expelled because she brought a steak knife to school to cut poster boards and a student who was expelled because he had an old knife under a toolbox that he used to fix his stereo equipment.

The district says it tells parents about Henry's group if they say they can't afford an attorney and want one. Henry tested that by having a person pose as a parent and ask the question. The district, he said, told the "parent" they knew of no free legal help.

It's similar to the district's failure to notify low-income parents that their children could eat free lunch during the summer, last year, Henry said. The Greenville News reported that hundreds of children missed out on the nourishment, even though the district had federal money available for the program.

Henry filed a lawsuit against the district in 2005, and Judge John L. Breeden Jr. of Conway first ruled in favor of his clients. Then after the district asked him to reconsider, the judge reversed his ruling.

The law, the judge decided, allows students to have a lawyer at expulsion hearings, but since it doesn't specifically say low-income families have a right to free legal counsel, the district can't be forced to tell families about it, according to his order filed in October.

Henry has appealed to the state Court of Appeals.

"All we're asking them to do is give them the legal services phone number," he said. "I don't see what's so complicated or radical about that."
