

## US Appeals Court Decides Students Cannot be Charged with School Disturbance Laws in South Carolina



The United States Court of Appeals for the Fourth Circuit has ruled that two South Carolina school disturbance laws cannot be used to prosecute students for disruptive behavior. The laws in question made it a crime to conduct oneself in a disorderly or boisterous manner, use profanity near a schoolhouse, and disturb or loiter in a school building. The disturbing school's law was later amended in 2018 to exclude students from its scope.

The court found that the laws were unconstitutionally vague when applied to elementary and secondary school students. It would be impossible to distinguish criminal boisterousness from the “garden-variety” boisterousness that one would expect from children and teenagers. Judge Toby Heytens said in the majority opinion that “[b]ased solely on the dictionary definitions of the statutory terms—particularly disorderly and boisterous—it is hard to escape the conclusion that any person passing a schoolyard during recess is likely witnessing a large-scale crime scene.”

The court also noted that the laws disproportionately impacted Black students, with evidence showing that between 2015 and 2020, Black youth were charged with disorderly conduct for incidents in schools at roughly seven times the rate of their white peers. This ruling comes one year after a US district court struck down South Carolina’s school disturbance laws.

The decision has been welcomed by civil rights groups, who argue that the laws unfairly target students, particularly those from marginalized communities. The American Civil Liberties Union (ACLU) has been advocating for repealing school disturbance laws nationwide, arguing that they are part of a more extensive school-to-prison pipeline that disproportionately affects students of color.

“Rather than funnel children into the school-to-prison pipeline over minor rule-breaking and protected First Amendment activities, schools must recognize and protect students’ rights,” said ACLU Staff Attorney Sarah Hinger.

The ruling is significant because it could set a precedent for states with similar laws. The court’s decision sends a clear message that vague and overbroad laws cannot be used to punish students for behavior that is typical of children and teenagers.

However, not everyone is happy with the ruling. In his dissent, Judge Paul V. Neymeyer wrote that similarly vague disorderly conduct laws are consistently applied across the United States and that “conduct that disturbs the learning environment is a proper target of regulation.”

The decision highlights the ongoing debate over addressing disruptive behavior in schools. While many agree that schools are responsible for maintaining a safe and orderly learning environment, there is concern that overly harsh discipline policies can do more harm than good, particularly for students who are already at a disadvantage.

Ultimately, the court’s decision underscores the importance of protecting the rights of students, particularly those who are most vulnerable, and ensuring that discipline policies are fair and equitable. As schools grapple with maintaining a safe and inclusive learning environment, this ruling provides an essential reminder that policies and laws must be carefully crafted to avoid unintended consequences.

### REFERENCES:

**US appeals court rules students cannot be prosecuted under South Carolina school disturbance laws**