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Further and as a result, the principle of double jeopardy may be implicated by such a requirement. The Double Jeopardy Clause of the Fifth Amendment to the United States Constitution prohibits anyone from being prosecuted or sentenced twice for

“[n]o person shall . . . be subject for the same offense to be twice put in jeopardy of life or limb . . . .” To that end, if a District student is expelled for the remainder of the year, the expulsion is treated for the purposes of double jeopardy as if it were a conviction.

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However. "Even in those cases where the legislature 'has indicated an intention to establish a civil

penalty, we have inquired further whether the statutory scheme was so punitive either in purpose  
or effect' as to 'transform what was clearly intended as a civil remedy into a criminal one.' "

South Carolina appellate courts have treated local school boards as administrative agencies. *See e.g. Lee Cnty. Sch. Dist. Bd. of Trustees v. MLD Charter Sch. Acad. Plan. Comm.* 371 S.C. 561

567-68 n.1, 641 S.E.2d 24, 28 n.1 (2007) (finding the requirements for administrative agencies when presenting their findings apply to "all administrative agencies, including local school



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shall enroll: ... in ... wain y. Charleston

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