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Federal judge dismisses ACLU lawsuit challenging South Carolina's disturbing school's law

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A federal judge has dismissed a lawsuit challenging the constitutionality of South Carolina's disturbing schools statute, ruling that the plaintiffs lacked the legal ground to sue.

In a filing Friday, District Judge C. Weston Houck ruled that the court lacked the “subject-matter jurisdiction to hear their claims,” because the plaintiffs couldn’t demonstrate the constitutional standing for the suit.

“We are pleased with the judge’s ruling,” said Sandy Senn, an attorney representing Charleston Police Chief Greg Mullen, North Charleston Police Chief Eddie Driggers and Charleston County Sheriff Al Cannon.

The American Civil Liberties Union, which brought the suit on behalf of four current or former students charged under the disturbing schools law, and Girls Rock Charleston, a nonprofit that serves at-risk youth, sued 13 sheriffs and police chiefs around the state in addition to Attorney General Alan Wilson.

In their suit, the plaintiffs argued that the state’s controversial disturbing schools law violates their due process rights under the 14th Amendment because of the statute’s “broad reach and arbitrary and discriminatory enforcement.”

More than 9,500 children and teenagers have been referred to the state’s Department of Juvenile Justice on charges of disturbing schools between the 2010-2011 school year and March 2016, according to the complaint. Black students are nearly four times as likely to be charged with disturbing schools as their white peers, data shows.

One of the plaintiffs is 19-year-old Niya Kenny, who made national headlines last year when she filmed a viral video of a school resource officer violently arresting one of her classmates at Spring Valley High School in Columbia, forcefully flipping a student out of her desk and dragging her across the floor.

All of the plaintiffs' charges have since been dismissed or adjudicated.

“In the present case, the pleaded facts of past exposure to allegedly unconstitutional conduct are likewise insufficient to support equitable relief,” according to Houck’s filing.

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