THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM CHARLESTON COUNTY
Court of Common Pleas

W Jeffrey Young, Circuit Court Judge

Case No 2013-000084

Jane Doe

Appellant,

v

Charles Smith, Charleston County School District and James Island High School

Respondents

RECORD ON APPEAL
VOLUME V OF V

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Q Okay And I understand that you gave it to the sheriff's office Did you type it for the purpose of giving it to the sheriff's office or did you type it as part of therapy and then use it?

A. No I typed it for the purpose of giving it to the sheriff's office.

Q Okay And then Exhibit 9, which says, "Charleston County Sheriff's Office Statement," at the top

A. That was an additional follow-up, yes, ma'am

Q Did you type that yourself or did somebody type that for you?

A. That was -- I typed it. That was an -- I believe that was an additional statement that gave to Detective Avilla regarding more information. I want to say possibly for the solicitor's office.

Q Okay But you typed this yourself --

A Yes, ma'am

Q -- Exhibit 9 Okay And just so that the Record is clear, somebody looks at the exhibits, the Richter 106 and Richter 107 appear to be an addendum that just got stuck in the middle of the typed statement, is that correct?

A Yes. And I don't believe that they go with 105, 108 and 9, 10 and 11. I don't think I submitted them during the same time that I submitted the statement 105 I'm thinking that it may be part of 98, but I'm not 100 percent sure.

Q 98, which is Exhibit 3?

A. Yes, ma'am.

Q Okay

A. And I'm not 100 percent sure when this one, 106 and 107 was submitted

MR EDWARDS Yeah Having looked through this, I doubt this was even supposed to be produced, to be quite honest with you It looks like something that we got -- it looks like something that we would have got between attorney/client and I don't know why it would have been inserted in there

A. This is attorney/client stuff. This is stuff that I've given you.

Q This is not something -- this document that says at the top '88/'89 softball players, Richter 106 and 107, is an attorney/client privilege document, is that what you're telling me? You prepared this document solely to give to your attorney or did you provide this to the sheriff's office, too?

A. I'm unsure. I can't say 100 percent either way

MR EDWARDS Y'all subpoenaed the sheriff's office, or somebody has, I believe, for criminal records and this I'm fairly certain was not in there

THE DEPONENT That would have been investigation file stuff

MR EDWARDS If it's in there, then it's in there, then there's no problem

MS JACKSON If it's not, let me know, then we will redact it from the Record and I will remove it And just send me something in its place that just says pages 106 and 107 are attorney/client privileged and I will send you a certification of destruction

MR EDWARDS Okay

MS JACKSON Well, then for today what we'll do is we'll not refer to pages 106 and 107, okay? We'll just refer to the actual formal typed statement on the sheriff's office

statement form, okay?

THE DEPONENT Yes, ma'am

BY MS JACKSON

Q Okay All right With that caveat, what I want to do is talk to you about the September 11, 2007 statement and the December 7, 2007 statement

A What is a caveat?

Q With that being -- with that agreement --

A Okay.

Q -- that we'll not talk about these pages We'll just pretend like they're not there

A Yes, ma'am

Q We'll talk about these (indicating) two statements

A Yes, ma'am

Q Okay Sorry Thank you for asking me to clarify that

A I gave both of these statements when I was in therapy with the National Crime Victims Research and Treatment Center and I was being treated for PTSD at the time and also suicidal thoughts, so just wanted to advise you of that

Q Okay Are you still being treated for PTSD?

A No, ma'am

Q Okay All right In the September 11 statement it says in the first paragraph, "I had a fellow co-worker come to me in conversation and stated that he found out that the inmate was raping his cell mate while he was at CCDC "
A Yes Where's it at?
Q (Indicating) "I" -- see right there, "I had a fellow "
A Yes, ma'am.
Q "I had a fellow " Then it says, "The cell mate had enough confidence in the officer to tell him that he had been repeatedly raped by this particular inmate Something inside of me snapped and I began to have nightmares of Charlie Smith standing over me laughing " Is that how you remember it occurring?
A When I began to have memories come back to me, is that what you're responding?
Q Yes
A Yes, ma'am
Q All right Now, we have to tread very softly in the next set of questions because it deals with an attorney and again, I don't want to know what you said to this attorney, nor do I want to know what the attorney said to you I only want to

know what your thoughts or plans were, okay?
A. Okay.
Q It says, "I realized I needed to get some help in dealing with the nightmares I did not know where to go, so I went to see an attorney " Why didn't you go to a doctor?
A. Because of my job I didn't want to involve my job
Q Why would going to a doctor involve your job?
A. It's -- would be on my medical insurance. You have to understand, in 2007 I didn't understand anything about legal stuff I didn't understand -- I understood how to go to work and do my job I didn't want any repercussions from work and I didn't want any issues I felt like I needed to protect myself. That was what I did. Is it right or wrong, I don't know, but that's what I did
Q Okay At that point were you only having dreams that Charlie Smith was standing over you laughing?
A Coupled with the waking up, the sweats, not being able to sleep I mean, I was having a bunch of things going on, but that's what I first began to remember

Q Okay Now, to your knowledge with the memory that you have recovered, did Charlie Smith ever actually stand over you and laugh?
A He -- he was always laughing and he was taller than me then, so I remember him standing over me laughing.
Q Was it in a way that you recall it actually happening that it was frightening?
A Yes. When I had the nightmares it was frightening.
Q I'm talking about in reality
A I don't recall being frightened
Q Okay All right So at that point you went to see Doctor, is it Zinzow, at the National Crime Victims, is that how you pronounce it?
A To go back on something that you were just talking about, I recall Charlie Smith, the time that he touched my breast he had a smile on his face and the times that he was doing stuff, the sexual stuff, he was smiling I do recall him smiling.
Q Have you reviewed the December 7th statement today?
A You just gave it to me, yes. You gave it to me
Q Is it still true and correct to the best of your

knowledge?
A. You're referring to Exhibit 9, correct?
Q Yes
A 1128 Landsdowne is no longer on the market. It's been taken off the market My mom and my stepfather have divorced My stepfather currently resides at the lake house in Eutawville and I reside with my mom at 1128 Landsdowne So that part is not correct currently today I did get my driver's license and I believe it was after the start of the school year I did -- my mom did purchase me a car, but I can't remember when she purchased that car
You asked me in a previous question how I felt when Charlie Smith had put his hand on my breast in the classroom. Here in the statement it explains how I felt
Q Are you talking about the second paragraph where it says, "I remember the anxiety"?
A Yes Now, keep in mind this was written in 2007 and I was going through therapy I have been out of therapy with MUSC for now, maybe three years. I don't want to remember this stuff and I don't want to continue to remember it So

when I wrote this in 2007, you asked me now what I felt then, well, this is some of what I felt then.

Q All right And that's why I wanted to make sure that this statement is still true and correct to the best of your knowledge

A To the best of my knowledge when I wrote this in 2007 if I was feeling the nervousness and anxiety, then yes, that is true And you asked me about the time that he put my hand on his leg and it, again, explains how I felt. When I was in therapy we focused on this stuff And there's techniques that my therapist and I used and I remembered feelings from then Today, three years later, I don't care about feeling anything and I hope that after today I never see Charlie Smith again or you, no disrespect intended

And if I do by chance see anybody in this room, I'll be courteous and not say anything and move on with my business, but this is three years later and you're asking me today how I felt when I was fifteen and I don't recall, because I don't recall Ask me in 2007 whenever I'm going through therapy working on these

issues, this is how I felt I don't know if that will help you understand any of this, but that is the way that I feel That those were the things that I feel.

Q Why did you ride your bicycle to the stables when he was there?

A To see the horses.

Q Why didn't you go when he wasn't there?

A It's somebody's property I don't -- you just don't go on somebody's property without somebody being there that you know I always wanted a horse whenever I was younger and just excited to see horses

All right, I've glanced over Exhibit 9 What are your questions?

Q Is it true and correct to the best of your knowledge, except for what we talked about, about moving the house?

A Everything that I just said is true and correct to the best of my knowledge

Q You mean everything in this statement is true and correct to the best of your knowledge with the exceptions that you've given me?

A Let me read the last part because I just glanced over it We spoke about the -- the conditioning

that you were talking about.

Q Yeah

A Evidently there was try-outs.

(Whereupon, there was a short break in the proceedings.)

BY MS JACKSON

Q Have you now had a chance to review the five-page statement that has been marked as Exhibit 9?

A Yes, ma'am

Q And is it true and correct to the best of your knowledge?

A. Like I have already stated to you, in referring to this last paragraph on page 111, second to last paragraph, my feelings were so strong at the time in 2007 that I'm unsure if that was what I was feeling at the time or if that's what I was feeling in 2007.

Q Is it possible that that's what you were feeling at the time?

A. It's possible that that's what I was feeling at the time and it's also possible that that's what I wasn't feeling at the time and that's what I was feeling in 2007.

Q Okay And 2007 did you feel that everyone at

the school was unapproachable?

A Yes

Q Did you feel that way -- do you know whether you felt that way in 1989?

A I'm not sure if I felt that way or if I didn't feel that way I'm not 100 percent sure either way

Q Okay

A I had a very, very difficult time with the school district in 2007

Q All right Let's go back to the September statement and on page two --

A Exhibit 3?

Q Yes Page two, the third sentence that says, "I have, for the most part, stayed off of the island except to visit my parents who live there "

A And I wrote this in 2007.

Q Yes Why did you stay off the island?

A Because I didn't have any reason to go over there unless I was seeing my mom or my step dad. I just didn't -- I mean, I didn't have any reason to go there

Q Okay Let's look at the context of that sentence The context says, "I tried not to

think about him, so I may not remember much now " Is the him in that sentence Charlie Smith?

A. Where's that at?

Q The very first sentence

A Yes, this was -- whenever I wrote this in September of 2007, because I was struggling in therapy.

Q Okay And then you said, "I have not seen him since 1992 when he operated a sports memorabilia shop on James Island " And the him in that sentence is Charlie Smith?

A. Yes. And I wrote this in 2007

Q Right

A. And I believe I already told you I saw him in a sports memorabilia shop, right?

Q All right The next sentence is the one about staying off the island The next sentence says, "He is from somewhere up north, I believe Illinois, and he served in the military " Are the hes in that sentence Charlie Smith?

A Yes

Q And the next sentence is, "He has a wife and a daughter whose name I believe is Kim." Is the "he" Charlie Smith?

A. Yes. If you go onto the sentence after that, two sentences after that, the him would also be he, Charlie Smith.

Q Okay Because of the placement of the sentence, "I have for the most part stayed off the island except to visit my parents who live there," in the context of the paragraph it talks repeatedly about Coach Smith Is Coach Smith one of the reasons you stayed off the island --

A. No.

Q -- so you didn't have to run into him?

A No. I just didn't have any business there. You have to keep in mind that I've only finished the eighth grade. I write the best that I can and my sentences are run on and they're probably repeats, but I do the best that I can

Q You've also completed the criminal justice academy and the fire academy?

A The detention portion, specializing in those areas

Q And you have to complete incident reports for the detention center, don't you?

A And they're written on a very low grade level, yes

Q And you also had to complete incident reports

when you worked at the Department of Corrections?

A Yes. I don't believe I did very many, but yes.

Q And you typed the September 11, 2007 statement and the December 7, 2007 statement all by yourself, right?

A. I pecked at it. I'm not a very good typer.

Q But you did do these all by yourself, nobody told you what to say?

A. No. No one told me what to say.

Q All right Let's go to page three The last sentence of the paragraph before the heading, "other memories," it says, "It got harder and harder to go back into that building " I guess we should back up The sentence before that says, "I ended up quitting James Island High all together It got harder and harder to go back into that building "

A. Again, I don't know if that is what I felt in 2007 or if that is what I felt when I was 15. In 2007 I didn't want to be anywhere near that building, thus the reason for the photos. So I'm taking pictures of the photos and it was hard enough to go near the building to take the pictures in 2007 and I also wrote this in 2007.

So do they cross, I don't know. Could I have felt that, possibly. Could I have meant it in 2007, possibly

Q So you wrote this and you don't even know what you meant?

A. I know that it was harder and harder to go back into that building. Now, was it when I was taking these pictures, yes. That's the reason for the pictures. That's why we went through this portion of the therapy. That's why you have the high school pictures on there

Q But this sentence comes after, "I ended up quitting James Island High all together It got harder and harder to go into that building "

A. Okay This is a play on sentences and I'm now telling you what I'm meaning What I'm meaning is that in 2007 I had a problem going near the building. I couldn't even go into the building. I couldn't even get out of my vehicle to walk into the front of the building in 2007 and I wrote this in 2007 So that is what I mean. Now, could I have felt this way in 2000 or in whenever I was 15, it's a possibility

Q But you have no idea?

A I don't recall if I meant that. But I know in

2007 I couldn't walk anywhere near the building I couldn't get out of my vehicle to go into the front of the building just as an exercise for therapy You got to understand, I was being treated for PTSD and a severe case of it.

Q And so the same thing is about the portion of your December 7 statement about the suicide where you said, "I was scared and tired of the abuse"?

A The same thing for that

Q You don't know whether you were feeling that way in 1989 or not?

A I don't know. I know as a reasonable person in 2007 this shouldn't have happened I know that it would be normal for any child to be in this situation for them to be scared.

Q But you don't know whether you were?

A. I'm not 100 percent sure to say if I was or wasn't

Q When you first started having these memories, who's the first person you told?

A. I told my mom.

Q Who was the second person you told?

A I believe my mom and I went to see an attorney or I went to see an attorney and she may have

went with me

Q Who is the third person you told?

A I don't know.

Q How many people did you tell before you finally went to the police?

A I told my mom, I told an attorney, I talked to my counselor, my therapist, Dr Zinzow I talked to the police department sometime in there I had a meeting with my chief and I advised my chief that I was gonna need some time off, supervisors, having to get the time off. Dr Best, I spoke with her Dr Zinzow, and I could be missing somebody, but off the top of my head, that is what I recall

Q What about the media?

A Did I talk to anybody with the media? I do have a connection with the media Did I actually -- I can't recall if I actually told him that I was sexually abused

Q Was there a situation where you had feelings of romantic attraction for your therapist?

A Yes

Q What happened with that?

A We talked about it and that was it That she had advised me that sometimes in therapy that

happens I mean, now we're talking about things that happened between me and my therapist I

Q Did you mail out letters to other potential victims?

A Yes

Q Who did you mail those letters to?

A A boatload of people

Q Like who?

A Just anybody that I came up with a name

Q Do you have copies of those letters?

A It wasn't a letter, it was the summons and complaint, I believe. You already have a copy somewhere, I think

Q I have the summons and complaint, but the note from the --

A That was what was mailed.

Q -- from the hospital says, "You have been mailing out letters to potential victims and others have come forward to accuse him, too "

A Summons and complaint. I mailed out the summons and complaint I didn't mail out a letter

Q Who else came forward?

A. You would have to ask my attorney that I fired

Q And what's the name of that attorney?

A. David Flowers

Q Do you know those names?

A I do not. If I should ever come across that name in my inactive search, I will advise you.

Q And it's your understanding that more than one person came forward and accused Charlie Smith of sexual abuse?

A That is my understanding And now you're talking about information that was discussed between me and my attorney and that is information that my attorney has advised me of, so now -- I mean, I don't know

Q Well, what I want to know is what did you learn as a result of you mailing out --

A I learned --

Q Let me finish my question

A I'm sorry

Q Copies of the summons and complaint to "potential victims"?

A I learned what my attorney told me

MR EDWARDS If you learned something from your attorney, then that's protected by attorney/client privilege

A Then that information is protected by attorney/client privilege

Q Did any of those potential victims contact you directly?
A No
Q Did the letter go with anything with your name on it, other than the Jane Doe on the summons and complaint?
A No, ma'am.
Q Did you put your return address on the envelope?
A I'm not sure if I did or not. I put my return address on something.
Q And did you give those potential victims your attorney's contact information?
A. It was in the summons and complaint I didn't -- I mailed the summons and complaint out
Q There was no note on it or no reason why you were sending it?
A No, ma'am. No, ma'am
Q Where did you get the list of names to mail the summons and complaint out?
A. Just a list that I compiled through the yearbook.
Q To your knowledge has anybody else filed suit against Charles Smith?
A. Not to my knowledge.
Q How many people is a boatload?

A (Indicating.)
Q Approximately
A I didn't keep track. I didn't keep count
Q Well, you did the mailing I wasn't there I need to know what your best approximation is on how many of these --
A A bunch of books of stamps
Q Have you done anything else to disseminate the allegations that you've made against Mr Smith or to tell people about your allegations against Mr Smith?
A Outside of the mailings, no.
Q Did you ever play softball between '89 and 2007?
A Can you be a little bit more specific with that question? I mean, pick the ball up and throw it or play on a team?
Q Not just pass a ball, but play a game of softball, whether it be a pick up game or an organized game with uniforms or a league?
A. I think I may have played at a family reunion I don't recall ever playing in a league after that In fact, I now don't even like softball as I sit here and tell you today.
Q Is the reason that you're living with your mother is because your condo was foreclosed on?

A. Yes
Q How many times have you been suspended from work at the Charleston County Detention Center?
A I'm not sure of exactly how many times
Q Has it been at least three?
A I believe so.
Q Why did you get an HIV test in 2006?
A Standard. I -- where did I get it done at? I mean --
Q It appears from the records it was done at Franklin C Fetter
A That is a nonprofit clinic and it may have been standard for them to do it on everybody
Q You were convicted of a fraudulent check charge in Berkeley County in 1998?
A That was expunged.
Q Why did you refuse a Pap smear in July of 2007?
A With what doctor?
Q Franklin C Fetter?
A. I don't know why. I just didn't -- I just didn't get one
Q All right The note says, "Refused Pap smear Going to go for counseling for sexual abuse, old " Did your refusal of the Pap smear have to do with recalling memories of sexual abuse?

A I haven't had a Pap smear in many, many, many years In fact, I don't even like doctors. I don't like people to touch me So when they asked for me to have a Pap smear, at the time I may have said, no, I don't want one. That would be a typical response from me.
Q In your answers to interrogatories when I asked about injuries, it said that you were claiming debilitating physical injuries
A Can you -- can I read the paperwork?
Q That's the answer to, I think 15
(Off-the-Record conversation)
A Okay What is your question again, I'm sorry?
Q It lists debilitating physical injuries
A. Can you please define, "debilitating," because I don't know what that means?
Q Generally, debilitating means that they hamper your ability to act in a normal way Is that -- and let me actually ask at this point I will allow your attorney to speak, because he used the word debilitating on your behalf If you think that I did not define it well, feel free
MR EDWARDS For fear of making Mr Webster upset, I would say from a broad brush perspective almost like

something that would cause a disability, either physically or mentally

A. In the way that I'm reading this says and/or debilitating physical and/or mental injuries. So what is your question again, I'm sorry?

Q Are you suffering from any debilitating physical injuries as a result of the claims you have made against Charlie Smith?

A. I don't clearly understand debilitating

Q Okay Let's take debilitating out and just go with are you suffering from any physical injuries, injuries to your body itself, physical, like a cut, a scrape, a bruise, a broken bone?

A I don't have any cuts, scrapes, bruises or broken bones from Charlie Smith

Q Do you have any kind of physical damage to your body as a result of what happened with Charlie Smith?

MR EDWARDS Do you consider the taste that she had in her mouth earlier a physical ailment?

MS JACKSON I'm leaving that up to her to tell me

A. In that case, there would be, yes

Q Okay And other than the taste or the act of having a person ejaculate in your mouth, do you have any other physical injuries or damages to you?

A I have a smell issue with some cologne that he used to wear I don't -- outside of taste and smell, I don't believe I have any other physical injuries

Q All right

A Would you like your --

Q Go ahead and keep it because I'm going into the next part, which also comes from that same answer What are the psychological or emotional injuries that you are claiming from the incidents that you allege with Mr Smith?

A Psychological, mental issues?

Q Yes

A After the repressed memories come back, began to come back in 2007, my life has changed drastically. I have headaches a lot I can't focus I have a very, very, extremely difficult time doing my job in being around inmates with sexual misconduct charges of minors I'm depressed a lot I have a great deal of anxiety I don't trust anybody in an

authoritative figure over me. I absolutely refuse to be in a sexual relationship with a man, because I don't trust them.

Q Do you think that these issues that you had not developed at the time had anything to do with the reason you had sexual relationships with more than one of your supervisors?

MR EDWARDS Object to the form I don't think I followed that I might have missed something though

A. Can you --

Q You said that you don't trust authority figures and that you don't have relationships with men because you don't trust them But that this is all as of when you have come up with these memories in 2007 that these issues have arisen, is that correct?

A. This is the stuff that I'm talking about since 2007.

Q Right So my question is, do you think that having those memories repressed contributed to your having a sexual relationship with several of your supervisors on different jobs who were both men and authority figures?

A. I don't know

Q Okay Have you addressed that with your counselor?

A. No.

Q Okay Go ahead

A. I don't believe we spoke about it, but we've spoke about many things, so we could have touched on it.

Q Do you have problems with your self-worth?

A. No, I love myself.

Q Okay I believe that's --

A I'm sorry.

Q I am certainly not trying to say that you should have problems with self-worth, but if you look at the response to number 15, it says, self-worth issues and self-esteem issues

A I do have self-esteem issues. My self-esteem issues are the part of me that closes myself off from other people. And the self-worth issues in that context is the part of me that closes myself off from other people. Outwardly I can go out and be the most confident, self-worthy person in the world. But deep inside I can't -- I just -- I find flaws in myself. Self-esteem issues, outwardly I can have all the self-esteem in the world, but inside, I may find flaws in

myself. I don't talk or communicate my feelings to people.
Q Wouldn't you agree that a lot of people are like that?
A. I don't know. I'm speaking for myself and not a lot of people. I don't spend time trying to figure out what the other people are thinking, so if you don't just ask me what I'm thinking.
Q Did you think of the current counselor's name now?
A. We went over there Tonya -- Tanya
Q But then you also mentioned another one at Dr Clark's office?
A Her father owns the place, Machado. I'm not exactly sure how to spell it It starts with an 'M' I think it's M-A-C-H-A-D-O or something along those lines But she's a counselor there and I've seen her once.
Q Okay And when was the last time you saw Tonya Bolton?
A I haven't saw Tonya for a while, but I texted her last night and we text back and forth for a little bit It was kind of late and I'm supposed to call her today I was gonna call her after I left here.

Q Okay Do you have any appointment scheduled with her?
A We're gonna probably get together next week if I don't drive to Columbia. And I was planning on possibly driving to Columbia and seeing her tomorrow, but that is in the very near future, if not Friday
Q Okay What about the therapist at Machado?
A Machado, I've set her up and I've spoken with her about this, but I have her in place as a back-up in the event that I need somebody to talk to immediately.
Q Okay
A And Tonya, I can pretty much get Tonya on the phone whenever I need to speak with her
Q All right During the time that you were at James Island from when you started James Island in the fall of '88 until the suicide attempt, February of '89 --
A Yes, ma'am
Q -- was there anything else negative or traumatic or troublesome going on in your life, other than the incidents that you were having with Mr Charlie Smith?
A And my stepfather, us having issues, no

Q Okay
A Not that I can recall
Q And the first police report that I show between you and your stepfather is October of 1990 So I'm not saying you weren't having troubles between then, but at least it hadn't gotten to the point of police involvement, is that your recollection?
A Just because a police officer shows up doesn't mean that he does a report So if you're going based off of police reports solely, I want to say that there was another occasion or two where the police officers may have come to the house. When, I'm not sure
Q Do you know the policy of the Charleston City Police Department about whether or not they have to file a report if they show up at the scene of a call for domestic violence?
A. Do I know what the Charleston Police Department's policy was in 1987, 1988, 1989, no, I do not
Q Okay
A I don't know If you have it, can I please see it?
Q I'm sure I've got it somewhere All right But

as of the records that we have from the police department, the earliest call was 1990 Do you recall physical abuse against you by your stepfather during that school year 1988/1989?
A I don't recall if it happened during that time or if it was after that time.
Q Okay Do you recall any other troubling or traumatic events or occurrences happening during the 1988/1989 school year?
A. I don't recall anything off the top of my head.
Q Okay Just that we have these instances going on with Charlie Smith and that you and your stepfather are not getting along?
A That's all I recall
Q Okay
A. I'm not saying there couldn't have been other things, but off the top of my head as we sit here today, I don't recall anything else
Q All right Let's go off the Record Let me look through my notes I may be -- should be close to done, but then it's his turn
(Whereupon, there was a short break in the proceedings)
MS JACKSON All right I have maybe another 30 minutes or so And I

don't know what Brian has, he may have another 30 minutes or so, but I can't stay that late I know you don't want to come back tomorrow, but are you able to come back tomorrow?

MR EDWARDS How much time are you looking at?

(Off-the-Record conversation)

(This deposition was adjourned at 5 00 o'clock p m)

(Signature waived)

CERTIFICATE OF REPORTER

STATE OF SOUTH CAROLINA)
COUNTY OF CHARLESTON)

I, Nicole D White, the officer before whom the foregoing deposition was taken, do hereby certify that the witness whose testimony appears in the foregoing deposition was duly sworn by me, that the testimony of said witness was taken by me to the best of my ability and thereafter reduced to typewriting under my direction, that I am neither counsel for, related to, nor employed by any of the parties to the action in which this deposition was taken, and further, that I am not a relative or employee of any attorney or counsel employed by the parties thereto, nor financially or otherwise interested in the outcome of the action

_____ Date _____
Nicole D White
Notary Public in and for the
County of Charleston
State of South Carolina

My Commission expires September 11, 2017

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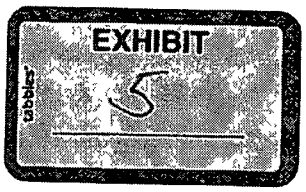


Statement Given By [redacted] on September 11, 2007 Regarding the Sexual Abuse By Charles Smith (James Island High School Teacher) Between the Beginning of the School Year 1988 until About February 1989

I am very slowly getting my memory back and am beginning to remember things that happed regarding the sexual abuse from Charlie Smith. He was my Geography Teacher at James Island High School. The sexual abuse happened between the beginning of school year 1988 until I attempted suicide at James Island High School in February 1989. On May 4, 1988 I turned 15. I have not gotten much of my memory back as to what occurred after the suicide attempt because I blocked it all out of my mind.
I have had repressed memories all these years. I currently work at the Charleston County Detention Center. About December 2006/January 2007 I was dealing with a particular inmate who was one of my inmate workers in Housing Unit 1-B. He was white and very tall. He was a very good worker but was in jail on sexual charges regarding a juvenile. I do not know the details of his case and never spoke to him about them. After He was charged and sent to South Carolina Department of Corrections, I had a fellow co-worker come to me in conversation and stated that he found out that the inmate was raping his cellmate while he was at CCDC. The cellmate had enough confidence in the officer to tell him that he had been repeatedly raped by this particular inmate. Something inside of me snapped and I began to have nightmares of Charlie Smith standing over me laughing. I would wake up in a sweat and had many sleepless nights. I was exhausted and needed some rest. I realized that I needed to get some help in dealing with the nightmares. I did not know where to go so I went to see an attorney. I did not want to get my job involved and am ashamed of what happened and did not know where to turn. The attorney told me about a place called "The National Crime Victims Research & Treatment Center". I met with Dr. Best who assigned me with Dr. Zinzow. I am currently in treatment with Dr Zinzow.

My parents (Stepfather-[redacted])
My Mom, my brother and I are very close. I just recently within the last few months told my mom of the sexual abuse. My stepfather and I are not so close. He was somewhat violent after they got married in 1988. Over the years he has matured and has for the most part grown out of it. My mom says it's because he did a lot of drugs when he was younger and his father was violent toward him.
They are currently selling their house on James Island. They made this decision about a month ago. They also have a house in Eutawville that they have been staying at on and off for the last six years or so. This is where they plan to retire. We had three homes between July 88 to February 89. My parents were going to buy a house; they just were not sure where they wanted to buy it at on James Island. Our first house was on [redacted] Drive (July-September?). The second house was on [redacted](sp) Drive (maybe Sept-Jan). The third house was on [redacted] Drive (which is the house they own today). My mom recently told me Charlie Smith showed up at my house after I attempted Suicide. You'll have to get more details from her.

What I remember about Charlie Smith

I have tried not to think about him so I may not remember much now. I have not seen him since 1992 when he operated a sports memorabilia shop on James Island. I have for the most part stayed off of the Island except to visit my parents who lived there. He is from somewhere up north, I believe Illinois and he served in the military. He has a wife and daughter who's name I believe is Kim. She was very young. I remember him having her at softball practice once. When I first began to attend James Island High School, he did not coach anything but everyone called him Coach Smith. I think he coached sports prior to me attending the school. He had a horse that he borded at [redacted] with other horses. I don't remember why, but prior to softball season and after I first began attending James Island High, he would give me a ride home. One day he took me to where his horse was at. I remember him saying that he had to feed it. I remember him taking me home at all three of the houses I lived in. He came inside of the Rivercrest home. Nothing happened at my home, I do remember showing him around. He drove a big old yellow Bronco. I used to think that Bronco was cool. It had big tires. I loved Softball. I was a pitcher. He made the decision to coach softball when it began in (I think) January 1989. I started the school year off with very good grades. Despite a few bumps in the road at home, I was very happy and excited about school and starting all over in the South. The weather was very different in Pennsylvania. Most of the time it was dreary there. Always cloudy. During the sexual abuse, my grades began to drop. I became ineligible to play softball, but still went to all the practices and games. I don't remember if I started the season playing or not. He took me buy his house one day, I waited in his Bronco. I remember him running inside to get something, then we went to feed his horses again. I remember feeding the horses a lot with him. His classroom- It was near the main entrance of the high school. The main door was near the front of the room. If you walked into the room and looked directly across you would see his desk. If you looked right, you would see the big green chalk board. If you looked left you would see all the desk.. If you walked in the door and looked down the wall the door was on you would see another green chalk board and a row of desk next to the chalk board. His desk area was concealed to where you could almost not see behind it. It was like two huge desks together with books and other things blocking views. He also painted houses on the side after school. I remember going to some sites where he painted houses. He painted part time for Shaddrix Painting(?) across from Captain D's on James Island. Lynn Shaddrix was a secretary at the school and a very good friend. Lynn's husband's name is Steve.

Sexual Abuse Memories

I remember when I first went to the classroom, I sat up front in the middle. I was very eager to learn and have always liked school. I eventually moved from the front to sitting next to the chalkboard that was on the same wall the door was on near the back. I remember him answering a question one day and him putting his right hand on the back of my chair and slowly moving his hand to the right side of my right breast. He slid his hand around as if he was leaning on the chair. I don't remember if this was after he began giving me a ride home. I don't remember what came upon him giving me a ride home in

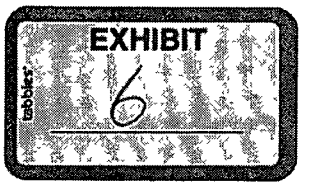
the first place. I remember riding around with him a lot. To the horse stables, to my houses, to his house (but I never went inside his house), and to his paint sites. I used to wear dresses and dress clothes to school. I remember me sitting behind his desk with him and him putting his hand on my leg. Over a period of time he did put his hand all the way under my dress and touched my vagina. I remember him smelling his fingers between turning pages as he was reading. One day before he took me home after softball practice he pulled the bronco over. I remember it being sunny that day. It was next to the school. The little grocery store. It had to be around 5pm I think. It was sort of warm out. Maybe it was getting ready to be dark. I'm still not sure of all the details. He pulled over and shut the Bronco off. The next thing I remember is him unzipping his polyester sport shorts and pulling out his penis and me giving him oral sex. I remember being able to clearly see his penis and that his short were a dark shade. I don't remember what was said. I remember him ejaculating in my mouth. I remember him holding my head when I was performing oral sex on him. I remember having a hard time and nearly choking because his penis was short but large. He then took me home that evening. Then everything goes dark in my mind. When we were at the horse stables he would grab on me but in a gentle way not to hurt me. He got rid of his Bronco and got a Camaro. The sexual abuse happened when he had his Bronco. I remember wanting to die after that happened. When I attempted suicide at the school I remember thinking that I wanted him to pay for what he did to me. I was to embarrassed to tell anyone. I was a person who never had sex and really did not understand what happened. I ended up quitting day school and started night school. I then ended up quitting James Island High all together. It got harder and harder to go back into that building.

Other Memories

I went to school with Doug Wright (Summerville Police). I did at some point join the Charleston Police Explorers. I don't remember when it was. I did it because I had the biggest crush on Doug. I was very competitive in school and Doug was a County Explorer. We were in math class together and sat next to each other. Doug might have suspected something was not right. I think I joined the Police Explorers before the Suicide and after the sexual abuse. These time periods are blurry to me. This was all a very short period of time. I remember wearing my Explorer uniform to school one day and Charlie Smith Ignoring me that day.

Mrs. Saddie Brown (my English Teacher). I thought a lot of her then. I think she had her suspicions about him giving me a ride home. She may have even said something. I'm not sure. I think she stopped teaching at James Island at the end of the 1988 school year and began teaching at another school.

CC: Dr. Zinzow



STATE OF SOUTH CAROLINA COUNTY OF CHARLESTON	)	IN THE FAMILY COURT FOR THE NINTH JUDICIAL CIRCUIT
JANE DOE, Plaintiff, vs. CHARLES SMITH AND CHARLESTON COUNTY SCHOOL DISTRICT Defendant.	)	C.A. NO.: 2007-CP-10-5203 AFFIDAVIT OF JANE DOE

FILED
2008 JUN -6 AM 10: 17
JULIE J. ARMSTRONG
CLERK OF COURT
BY

PERSONALLY APPEARED BEFORE ME, Jane Doe, who after first being duly sworn testifies:

1. I am over the age of 21 and I make the statements contained herein of my own free will.
2. In the academic year 1988-89, I was a freshman at James Island High School.
3. The Defendant Charles Smith was one of my teachers that year.
4. During that year, when I was 15 years old, the Defendant Charles Smith sexually assaulted me on several occasions.
5. During that same year, I attempted to commit suicide after one of the worst assaults that I can recall so far.
6. From the time I was 15 until last year, 2007, I had no memory of those assaults.
7. I am employed in law enforcement.
8. In January and February of 2007, as a result of a situation in my occupation, specifically the sexual assault of a minor by one of the inmates that I was

supervising, I began having a lot of anxiety and depression that was not normal for me.

9. Gradually, memories of Charles Smith assaulting me began to return to me. The memories also included nonsexual activities that he would engage in with me.

10. The memories were causing me a very difficult time and I sought treatment at MUSC.

11. In therapy, I am recovering more memories, and that process continues today.

12. Attached to this Affidavit are medical records that I recently obtained from Roper-St. Francis Hospital in Charleston that evidence my suicide attempt in 1989.

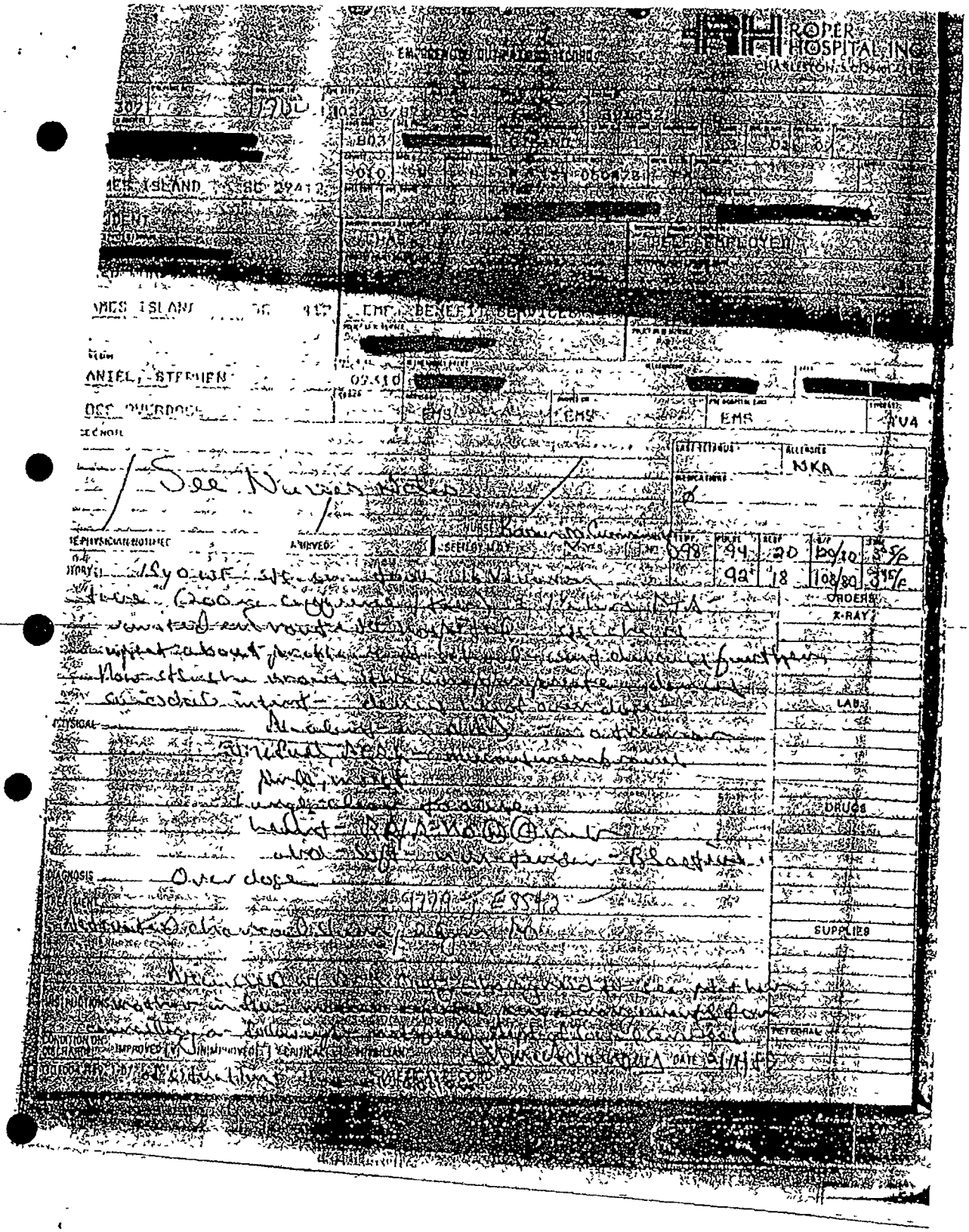
FURTHER THE AFFIANT SAYETH NOT.

Jane Doe

Jane Doe

Sworn to before me this 2ND day of JUNE, 2008

Notary Public for South Carolina
My commission expires: 1/23/2017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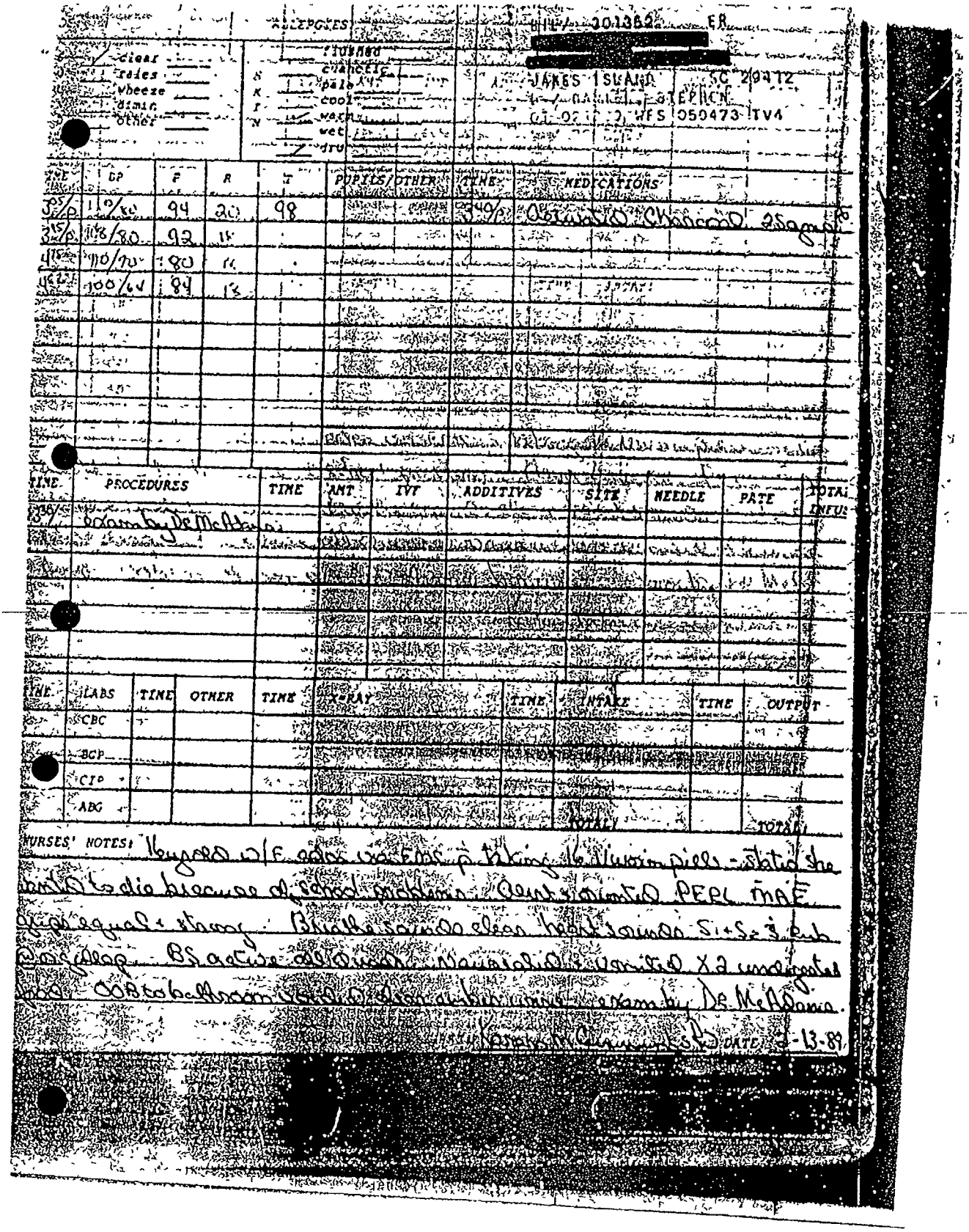

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20-1362 ER

[redacted]

JAMES SUSAN SC 2/9/72
STEPTON
01-02 2 WFS 050473 TV4

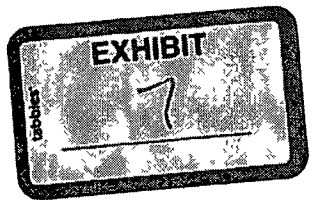
TIME	BP	P	R	T	PUPILS/OTHER	TIME	MEDICATIONS
1305	110/80	94	20	98		1340	Ortho 10 Chloram 25 mg IM
1315	108/80	92	18				
1415	110/70	80	16				
1422	100/64	84	13				

TIME	PROCEDURES	TIME	AMT	IVF	ADDITIVES	SITE	NEEDLE	PATE	TOTAL INFUS
1330	exam by DeMeans								

TIME	LABS	TIME	OTHER	TIME	X-RAY	TIME	INTAKE	TIME	OUTPUT
	CBC								
	BCP								
	CIP						TOTALS		TOTALS
	ABG								

NURSES' NOTES: Vagues w/F adm via EMS à triage. 16 Nuvim pills - stated she took 16 pills because of school problems. Denies SI/HI. PERL MAE equal reactive. Skin warm/dry. Breath sounds clear bilat. Lungs CTA. RRR. Abd soft/NT/ND. Active BS x4 quadrants. Neuro intact. Ambulates with steady gait. Exam by DeMeans.

[redacted] DATE 3-13-89



STATE OF SOUTH CAROLINA COUNTY OF CHARLESTON	)	IN THE FAMILY COURT FOR THE NINTH JUDICIAL CIRCUIT
JANE DOE, Plaintiff, vs. CHARLES SMITH AND CHARLESTON COUNTY SCHOOL DISTRICT Defendant.	)	C.A. NO.: 2007-CP-10-5203 AFFIDAVIT OF HEIDI ZINZOW, PH.D.

FILED
2008 JUN -6 AM 10:18
JULIE J. ARMSTRONG
CLERK OF COURT
BY

PERSONALLY APPEARED BEFORE ME, Heidi Zinzow, Ph.D., who after first being duly sworn testifies:

I have seen Jane Doe for twenty-four (24) sessions of psychotherapy at the National Crime Victims Research & Treatment Center since August 9, 2007. During her initial intake session, she reported that Mr. Charles Smith, her former softball coach and geography teacher, had fondled her on several occasions and forced her to perform oral sex on at least one occasion when she was fifteen (15) years old. She reported that she did not actively recall these events since age fifteen (15) until February 2007. It appears that she was highly avoidant of these memories, as is sometimes the case with traumatic events for some people, who choose not to talk about, remember, or allow themselves to be exposed to reminders of the negative events. Thus, failure to recall is sometimes due to the fact that such recollections are

emotionally painful. In this case, it appears that she actively and successfully put these memories out of her mind to avoid associated emotional pain, which manifested as a lack of recollection of the abusive events. In February 2007, her memories were triggered or cued by a thematically related incident involving sexual assault of a minor by a former coworker at the detention center where she is employed. At that point, she noted that several symptoms of anxiety and depression were interfering with her social and occupational functioning because she could not stop thinking about the past event, At intake, she met criteria for Posttraumatic Stress Disorder and Major Depressive Disorder.

Of note, Jane Doe's d escriptions of the sexual abuse fit with established patterns of abuser "grooming" behavior, during which a perpetrator undertakes activities with a child to build trust and lower inhibitions in preparation for later sexual abuse of the child. These descriptions add further validity to the accuracy of her memories. Jane Doe reported a suicide attempt following the most severe incident, which is consistent with a high level of distress at the time of the abuse, as well as the high level of distress she reported when later recalling these memories. She received medical treatment at this time. The focus of our therapy has been on reducing anxiety related to the sexual abuse memories, increasing exposure to avoided thoughts and activities, and developing coping skills to manage anxiety and depression.

Heidi Zinzow, Ph.D.
Postdoctoral Fellow

Ron Acierno, PhD
Supervisor

Sworn to before me this 30th
day of May, 2008

Belinda Thrower-Lewis
Notary Public for South Carolina
My commission expires: July 17, 2016

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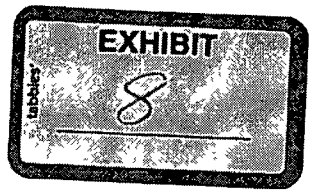

Client: [redacted]

Date of Service: March 25, 2011

Length of Session: 2 5 hrs

Initial Assessment

[redacted] (i.e., client) reported early for our session in Mount Pleasant, S C She was neatly and appropriately dressed; was well-groomed; her affect appeared normal and stable, yet melancholy She voluntarily participated in the discussion and cried throughout the session as she reflected on her sexual abuse history and how her life seemingly took a downward spiral thereafter. Her eye contact was minimal; she fixated on the table. Overall, she appeared coherent, oriented in all spheres, and presented coherent, logical speech.

[redacted] was referred to me by the Richter Law Firm following a claim of sexual abuse by Charles Smith, a former World Geography teacher and soft ball coach during her grade school years at James Island High School.

Re: Family – [redacted] is a 37 year old single, Caucasian female. She has resided in Charleston, S C. and has lived with her mother, [redacted] (age 57), for the past 2 years She reported her mother as being a good mother, friend, and as being supportive. [redacted] said her mother [redacted], and father, [redacted] (mid-late 50's), divorced when she was age 3 or 4. [redacted] and [redacted] also have a son, [redacted]), who [redacted] said is a prominent businessman in St George [redacted] gleamed as she talked about her brother [redacted] and said they have a "really good, close" relationship.

[redacted] father [redacted], now resides in Pennsylvania. Per [redacted], her father remarried [redacted] age 50's) many years ago and had two children – [redacted] (age 20's) and [redacted] (age uncertain) [redacted] reported having a distant relationship with her father and her sister [redacted], but maintains contact with [redacted], who resides in St George and works for her brother [redacted]

Re: School / Education -- [redacted] reported dropping out of high school during her 9th grade year following the sexual abuse. She talked about how shy yet vibrant she was during those years and how she loved her friends and various activities. She also recounted how she felt "dead" inside after the abuse and blamed herself for not knowing how to stop it She contributed her dropping out to the depression, anxiety, and other negative symptoms related to the sexual abuse by her former teacher and coach, Charles Smith

Re: Employment – [redacted] reported working with the Summerton Fire Station prior to working for the Department of Corrections for the past 10 years She is currently employed with the Charleston County Sheriff's Office in North Charleston While she enjoys working in her

current position, she reported it has become strained over the past several years after having more access to the inmate's crimes and dealing with the enormous amount of sex offenders

Re: Sexual Abuse History – [redacted]e reported remembering being sexually abused (i.e., inappropriately touched, etc.) by a former baby sitter, Linda. She said she doesn't remember Linda's last name or other identifiable information at this time.

[redacted] also recalled being courted and sexually abused by her former World Geography teacher and softball coach, Charles Smith, while attending James Island High School (roughly in 1988-89). [redacted]e recounted how supportive and encouraging Charles Smith was and how he charismatically won the confidence of various students regarding personal, academic, and sports-related matters. [redacted] said that's how the abuse began and she briefly recounted places where the sexual abuse occurred. Due to her uncontrollable crying and emotional distress, I asked her to not recount any other details at that time and helped her calm down. I assured her that we would cover that information in our next session but wanted to build rapport and get a brief overview of what we would be dealing with. [redacted]e agreed to continue with the session via phone and face-to-face meetings and worked to calm herself prior to the end of the session.

Overall Assessment – [redacted]e was pleasant to talk to, but was guarded and frustrated. Her being guarded was related to her previous counseling relationship with Dr. Heidi Zinzow in 2008-2009 for Post-traumatic Stress Disorder (PTSD) and Depression as related to her sexual abuse by Charles Smith. [redacted]e said she and Dr. Zinzow made remarkable strides before Dr. Zinzow ended the counseling relationship because she relocated for an employment opportunity. Further, [redacted] said she's guarded because she lost her overall trust in people following the sexual abuse and feels "naked, embarrassed, and dirty" as she recollects the memories of the sexual abuse by Charles Smith.

[redacted] often dissociated during her recalling the sexual abuse, which then led her to severe emotional distress so much so that we had to stop the session and help her compose herself. I feel she is desperate to find peace within and to work towards success in her personal and professional lives.

[redacted]e is experiencing much regret for dropping out of high school, for not informing anyone about her abuse, for trusting Charles Smith (who she looked at as a father figure since she and her father never had that type relationship), and for feeling she never had a chance at true happiness, peace, and success following the sexual abuse. She talked about feeling damaged, used, and worthless; and remembers feeling that way following the sexual abuse. [redacted]e also reported having attempted suicide following the sexual abuse because she couldn't deal with the depression and severe emotional distress. She hated the fact she trusted in Mr. Smith so much and that he used her trust to get close to her and ultimately harm her in a way that "damaged (her) soul."

Treatment Recommendations – Biweekly sessions at 1.5 hours per session with brief phone contact in between sessions to ensure client's safety as we deal with her sexual abuse history. Further, [redacted] reported seeing Charles Smith in town at the local grocery store, etc., and I want to ensure her emotional state does not deteriorate during our therapeutic process. Note that she presents NO suicidal/homicidal ideations or self-destructive behaviors/risks at this time. Long-term therapy is needed.

[redacted]
In[redacted]ssment
03-25-11

Signed,

Tanya L. Bolton, MA, LPC, CAC

Bolton Counseling & Consulting, LLC
Tanya E. Bolton, MA, LPC, CAC
5000 Thurmond Mall, Suite 309
Columbia, South Carolina 29201
Office: 803 252.7952 / Fax: 803.252 7953 / Mobile: 803 447 3230

Client: [redacted]
Date: Tuesday, April 5, 2011
Time 5:30pm X 45 minutes

Diagnoses: 309.81 Post-Traumatic Stress Disorder (PTSD)
296.30 Major Depressive Disorder NOS
V62.81 Relational Problem NOS

Client called to inquire about a meeting time this Friday due to her change in work schedule. Per client, she was suspended this week but didn't want to discuss the specifics She did mention, however, that her stress level was heightened because she knows she is listed in their main computer as a victim, specifically as having been raped, after having filed a formal complaint against Charles Smith a while ago Client said she knows employees often look up names of other employees and fears everyone will know she was a victim She is aware that several colleagues know and is "humiliated" by that. Based on information client shared, her suspension might have been related to her continually asking her superiors to change her status from "raped" to something more vague because she's an employee. So far, her request has been denied.

Client said she feels numb and like she can't stop being a victim because of the constant reminders around her. Besides her internal "reminders" (i.e., memories, etc), she is terribly fearful of being exposed because of her information on the computer at work. She denied suicidal and homicidal ideations or self-destructive behaviors, but mentioned she has felt suicidal since our initial meeting after having talked about her sexual abuse history by Charles Smith.

Client talked about regrets and how she dreams and wonders what her life would have been like had she not been assaulted. She then began to blame herself for not having stopped Charles Smith from molesting her and blamed herself for having trusted him. She talked about how highly regarded he was by other students, particularly females. Client remembered how "nice" he was and how he was a "father figure" to so many

The remainder of our conversation focused on relaxation and anti-stress/anxiety techniques client should use to help her sleep with fewer disturbances and to help reduce stress and anxiety throughout the day. She reports being flooded with thoughts and memories of the sexual assault and feels helpless in controlling, even stopping, those thoughts. We also discussed a bedtime routine that should help her sleep better, let alone reduce stress. Client is in agreement

Next appt. is scheduled for Friday, April 8, 2011.

Signed, Tanya E. Bolton, MA, LPC, CAC

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Client: [redacted]
Date: Friday, April 15, 2011
Time: N/A - phone X 30-45 minutes

Diagnoses: 309.81 Post-Traumatic Stress Disorder (PTSD)
296.30 Major Depressive Disorder NOS
V62.81 Relational Problem NOS

Client wanted to meet today but couldn't due to work schedule Client asked if we could meet next Wednesday, April 20, 2011.

While we talk and text rather frequently throughout the week, I feel client minimizes her levels of depression and anxiety due to fear of committal. I will continue to assess for suicidal/homicidal ideations via phone and text as we continue to explore issues related to the sexual assaults

Client is flooded with questions and anger related to being sexually assaulted by an old, trusted teacher, Charles Smith. She blames them both for the assaults – Smith for "doing the unthinkable and taking someone's trust and abusing it...wrecking their lives," and herself for not having told her mother of some adult about the assaults She remembers the shame and fear of telling, more shame per client. She said she feels that same shame when she thinks about it now She questions how her life would have been different if she hadn't gotten raped by him. Client asked me if she would have been married with a child; would she had attended college and had a "better" job; would she be happy and not plagued with depression and poor self-esteem. She said she battles with questions regarding her life and how it would have been versus how it is now.

I asked client to consider talking to her doctor about prescribing her anti-depressants to help cope with the symptoms of depression and anxiety. Client is agreeable and will contact her doctor. She fears the negative side effects of the meds.

We will maintain contact via phone/text and I will continue to assess for suicidal ideations to ensure her safety. She has never presented homicidal ideations during our meetings/conversations. Client was encouraged to call me if she felt too depressed or feelings of hopelessness, etc , which she agreed.

Signed, Tanya E Bolton, MA, LPC, CAC

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Client: [redacted]
Date: Monday, May 2, 2011 thru Friday, May 6, 2011 (phone conversations)
Time: N/A - phone X 30-1:45 minutes

Diagnoses. 309.81 Post-Traumatic Stress Disorder (PTSD)
296.30 Major Depressive Disorder NOS
V62.81 Relational Problem NOS

Client and I have maintained contact via phone Client reported having several memories she wanted to mention and discuss. She said she's been flooding with thoughts and memories and feels overwhelmed. The following are critical thoughts, concerns, and memories she's plagued with that must be properly addressed to help with her healing:

- Cl. Still upset about being labeled as "raped" in the work computer, where "tons of co-workers have access to my life..." Cl. Said being labeled is a constant reminder of the assault and is traumatic for her. She said she's constantly angry about the label and asked to be re-coded as "victim," but so far that request has been denied. Cl. Says she feels "picked on" at work by those in authority
- Cl. Says she feels underappreciated at work, especially since she filed a police report regarding being sexually assaulted by Charles Smith. Cl. Reported roughly 15 years of employment with law enforcement, and said she's the only Nationally Certified C.O. in her dept.
- Cl. Remembered being "excited about life" prior to being sexually assaulted Described herself as "happy," "loved softball," "trusting," "shy," and said she "had lots of friends," prior to the sexual assault. Following the assault, however, cl. Described herself as "still a kid," "numb," "LOST," "couldn't eat around others,"...and said "everything goes blank from there."
- Client said she wanted to be "compassionate" to others, but has limited emotional strength to deal with others' problems. She considers herself "friendly, loyal, and I never meets a stranger." Yet she struggles with her inability to trust others, constantly feeling paranoid that someone will try to take advantage of her kindness (or her in general), and said she always feels "confused and exhausted"
- Cl. Is happy she completed her G.E. D (and successfully completed Job Core), but is angry that she dropped out of school following the assault. She said she always wonders what her life would have been like had Charles Smith never sexually assaulted her
- Cl. Recalled Charles Smith taking her home from school and softball practice, but doesn't remember why he had to or chose to do so She recalled living in three different homes when she relocated from Pennsylvania to the Charleston area. She recalled Charles Smith touching her leg(s) and vagina area in class and "smelling his fingers;" she recalled him making her perform oral sex on him and then

ejaculating in her mouth; she recalled wanting to vomit and constantly feeling "nasty" and "disgusting" following him ejaculating in her mouth while holding her head down (She reported feeling physically ill as she recalled the incidents and gagged on the phone)

- Cl Recalled various "subtle advances" from Charles Smith from when he was her World Geography teacher She recalled him being "touchy," and said he would touch her shoulder and touch her breast area "by accident" as he was walking away She recalled him being real nice to all the kids; said he looked like Chuck Norris; that he had a mustache; and that he was "cool and popular with all the kids, especially with the girls " Cl. Said she remembered he drove her home a lot from school and/or softball practice; dropped by his home on several occasions to "pick something up", but denied going inside his home, went to the stables where he boarded a horse to feed it, and was taken by various homes that he painted or had painting projects. Client even recalled Charles Smith letting her drive his truck sometimes, which she thought was "cool and fun "
- Cl. Recalled attempting suicide (via OD'ing on meds at home) following the sexual assaults, being hospitalized, and not being able to return to school because Mr. Smith was there.-Cl said her mother later told her that Charles Smith visited their home following the suicide attempt, but that her mother turned him away because she wasn't ready for visitors. Cl. Had not informed her mother of the assault at that time.
- Cl. Recalled entering counseling with Dr Zinzow in late 2007 following accepting having been sexually assaulted by Charles Smith. She was referred to the National Crime Victims Research and Treatment Center at MUSC. Cl. Said therapy was most beneficial and that Dr. Zinzow helped her to recall memories that had been repressed for years. Their constant battle was encouraging cl. To stop repressing them due to the pain of remembering. Therapy ended after Dr. Zinzow accepted new employment elsewhere and cl. wasn't able to "start over" with someone else. Cl Said she understood her therapist leaving, but felt upset and abandoned, even though Dr. Zinzow engaged cl. In several closure sessions.
- Client said she vaguely remembers her visits at the stables with Charles Smith and wonders if sexual acts occurred there, too. She has questionable memories about fondling and her performing oral sex on Mr Smith there, but will not say it happened until she knows within herself that her memories are clear and "actual memories" versus being confused from incidents that occurred in the classroom or in his car. I admire and respect her desire to ensure her accuracy in this matter.

It is apparent that these memories are quite painful for my client After these conversations, she would complain of restless nights, stomach pains and headaches/migraines, and debilitating depression. She complained of feeling lethargic and "numb " I will continue to assess for suicidal ideations, have established a supportive network for my client, and will continue to address these concerns and memories utilizing various therapeutic processes. I will also encourage compartmentalization as a coping tool so that she can focus on her job effectively and enjoy her personal and family life while not discussing Mr . Smith during our sessions

Signed, Tanya E. Bolton, MA, LPC, CAC TB

[redacted]one conversations, dates 5-02-2011 thru 05-06-2011

Bolton Counseling & Consulting, LLC
Tanya E. Bolton, MA, LPC, CAC
5000 Thurmond Mall, Suite 309
Columbia, South Carolina 29201
Office: 803.252.7952 / Fax: 803.252.7953 / Mobile: 803.447.3230

Client: [redacted]
Date: May 31, 2011
Time: 1 hour (90806) session(s)

Diagnoses: 309.81 Post-Traumatic Stress Disorder (PTSD)
296.30 Major Depressive Disorder NOS
V62.81 Relational Problem NOS

Client reported her affect/mood as being "okay." She is clearly acclimating to her medication and feels optimistic about its effects. She reported wanting to feel "numb" so she doesn't have to feel any sadness. She also reported less images or memories regarding the sexual assault due to the meds. Client reported her appetite has decreased a tad and that she sleeps more. She reported still having interruptions during sleep but said she can return to sleep fast.

Client focused on taking leave and feeling guilty for needing time off from work to "cope." She talked about feeling "weak" and talked about how energetic and fearless she was as a young child. She wished she still had those attributes and characteristics now at her age. Client talked briefly about how abusers "steal so much from their victims...things they will never get back no matter how long you live." She appeared somber but quickly tried to reclaim her sense of calm. Client reported she is expecting her medications to make her "feel better (emotionally). She appears to be putting all faith in her medications to help her regain peace.

I could hear her voice sounding sleepy and wanting to relax. I was surprised she talked as long as she did. This is the true only time my client appeared remotely separate from pain, distress, and depression. While it's soothing on some level, I eagerly anticipate her becoming acclimated and better able to really cope with her fears and anxieties on a different level. I trust she will.

Signed, Tanya E. Bolton, MA, LPC, CAC

Bolton Counseling & Consulting, LLC
Tanya E. Bolton, MA, LPC, CAC
5000 Thurmond Mall, Suite 309
Columbia, South Carolina 29201
Office: 803.252 7952 / Fax. 803.252 7953 / Mobile 803 447 3230

Client: [redacted]
Date: THURSDAY, JUNE 30, 2011 & FRIDAY, JULY 8, 2011 & *Saturday, July 9, 2011*
Time. N/A - phone X 30-45 minutes

Diagnoses: 309.81 Post-Traumatic Stress Disorder (PTSD)
296.30 Major Depressive Disorder NOS
V62 81 Relational Problem NOS

THURSDAY, JUNE 30, 2011 -- Client reported having experienced another panic attack since we last spoke several days ago. She experienced diarrhea, nausea and vomiting, heart burn and palpitations, and dizziness/headaches. Client said she sought medical attention and that her physician, Dr. Yoo, increased her Zoloft from 50mg to 75mg to help her manage her anxiety and depression better. Client was also prescribed Ativan for the anxiety Cl Reported having headaches daily, which prevents her from resting and sleeping peacefully Cl. Was encouraged to maintain compliance in taking her medications and to eat healthy meals and try to rest/sleep regularly. Client agreed and said she'll try to utilize the old relaxation techniques we discuss earlier in the therapy sessions.

Friday, July 8, 2011 -- Client reported she's still experiencing panic attacks accompanied by feelings of nausea, diarrhea, vomiting, pain in chest, headaches, and a burning stomach She is very fearful of seeing Charlie Smith in the deposition, but reminds herself that she's no longer that little girl he touched without permission and made to perform orally on him. She had to be reminded that he is no longer a threat to her and that that office will be a safe environment for her Symptoms of anxiety and depression are major per client and debilitating Cl. reported she's already requested time off from work for the deposition. She's concerned about how her job views her having to take time off for this process

SATURDAY, JULY 9, 2011 – Client texted me at 10 02am saying she just woke up She was in bed crying and upset most of the night and early morning before finally being able to calm herself and fall asleep She's counting down days until the deposition (13 days) and fearful of facing Charles Smith. Yet she feels relieved she can finally let him know how his actions changed the course of her life, per client We will continue to focus on ways to relieve her anxiety and stress to allow her to prepare for the deposition

Signed, Tanya E. Bolton, MA, LPC, CAC

~2 mos. ago mom started staying w/me - helps me
scared at night
contemplating whether to stay w/Sheriff's office - hard core there & get to yap & cry
angry to see [redacted] masturbating to unit

BRIEF ASSESSMENT OF PRESENTING TRAUMATIC EVENT

Briefly summarize incident that led to referral / treatment seeking & basic information: $55-60k

geography teacher / softball coach - 1 incident that I recall; some still blurry; I currently work @ jail; 9.5 yrs. Dept of Corrections before; stopped in 9/05; CHS Co. Sheriff's office - 60-65 hrs. plus/wk.; dealing w/inmates going through crimes; dealt w/man involved in relation w/juvenile - was a unit worker - seemed like a good guy - he got sentenced; [redacted] was raping his roommate nightmares, feeling bad, feeling "blah" - started [redacted] saw roommate went thru

2. Did this incident include (check all that apply):

- ☐ Fear of being killed or seriously injured no
- ☐ Serious physical injury no
- ☐ Minor injury
- ☐ A series of assaults over a period of time
- ☐ Multiple assaults no

Perpetrator was ☒ Male ☐ Female

- ☐ Completed rape (force / threat; vaginal / anal / digital penetration)
- ☐ Completed molestation (touching breasts / genitals or forced to touch assailant's genitals) fondling over period of time
- ☐ Homicide of significant other / family; specify relationship: oral sex - me to him
- ☐ Other; specify
- ☒ Oral dream he's holding my head down, don't

3 000794418 [redacted] F W
08/09/07 10:00AM NEW
ACIERNO PHD, RONALD E
V# 229772017 A# 3825451 Z97
PSYCH DEPT CVC PSY

- ☐ Husband
- ☒ Ex-husband
- ☐ Other relative
- ☐ Acquaintance (NOS): specify teacher

EXHIBIT 9 tabbies

4. Was this incident reported to the police? ☐ Yes ☒ No

Police contact person. _____

Phone #. _____

5. Was anyone arrested? ☐ Yes ☒ No
going to press charges
atty. for my protection @ jail
he's still teaching @ this ed

What is the current perpetrator status?

☐ Jail ☐ Bond ☐ Other _____

7 Do you (victim) feel safe? ☐ Yes ☒ No at night

What are you doing to help yourself feel safe?

List: _____

8. Is the solicitor pursuing the case? ☐ Yes ☒ No

Who is the solicitor? attorney - in limbo

Advocate? will press charges

9. Are you taking any civil action? ☐ Yes ☐ No don't know -

10. Do you have any of the following medical concerns as a result of this incident?

- ☐ you may be pregnant
- ☐ you may have caught some type of sexually transmitted disease
- ☐ you may be infected with HIV (AIDS)

Did you receive any medical treatment? ☐ Yes ☐ No no

11. Did you have any of the following symptoms during incident? (check all that apply)

- ☐ palpitations, pounding heart, accelerated heart beat
- ☐ sweating
- ☐ trembling or shaking
- ☐ sensations of shortness of breath or smothering
- ☐ feeling of choking
- ☒ chest pain or discomfort
- ☒ nausea or abdominal distress
- ☐ derealization (unreality)
- ☐ depersonalization (detached from self)
- ☐ fear of losing control / going crazy
- ☐ fear of dying
- ☐ numbness or tingling and sadness - lasts 5-15 mins
- ☐ chills or hot flashes

feel space around me not big enough

12 Do you find that certain activities / places / people lead to increases in distress? (check all that apply):

- ☒ darkness / night sleep at day
- ☐ particular room in the home
- ☒ stories / programs on TV or in the newspaper → pulling up records
- ☐ specific locations
- ☐ being outdoors in general
- ☐ other. lost interest in lake
- ☒ men who resemble perpetrator
- ☒ sexual activities - don't have sex anymore relationship Dec to Jan - ended w/this stuff no sex drive
- don't go to James Island (where it happened)

now I'm angry - "why didn't anyone protect the kid"
made appt. w/chief - told them starting therapy

 → needs to better that she's in counseling Rev 8/4/06

MUSC
MEDICAL UNIVERSITY OF SOUTH CAROLINA

IOPPROBSUM

[redacted]
000794418
08/09/07 10:00AM NEW F W
ZINZOW PHD, HEIDI
V# 230953812 A# 3978223 Z97
PSYCH CVC PCV

Institute of Psychiatry
OUTPATIENT PROBLEM SUMMARY

Form Origination Date. 8/04
Version 2 Version Date: 5/05

Primary Clinician: Heidi Zinzow, Ph.D Physician: _____

Date Opened	Significant Diagnosis Medical and Psychiatric	Date Resolved	Medications Current Prescriptions, OTC, and Herbals (include dosage and frequency)	Date Started	Date D/C'd or Dose Changed	Initials
8/9/07	309.81 PTSD					HZ
8/9/07	296.22 Major Depression					HZ

Comments	Allergies	Significant Operative and Invasive Procedures
Problem with No-Shows ☐ Yes ☐ No	☐ No known allergies ☐ Allergies _____	_____ _____ _____ _____

Signature/Title Heidi Zinzow, Ph.D., postdoctoral fellow Pager ID 13253 Initials HZ
Signature/Title. _____ Pager ID _____ Initials _____
Signature/Title _____ Pager ID _____ Initials _____
Signature/Title. _____ Pager ID _____ Initials. _____

iopopprobsumm

OTE 700088 Rev 5/05

MUSC
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IOPTRTMTPLN
Institute of Psychiatry
Outpatient Plan of Care
Page 1 of 1

Form Origination Date 3/06
Version 3
Version Date 2/07

Patient Name [redacted]
MRN 000794418
STAMP PLATE AREA

Medicaid ID#: _____ ☒ NA
Admission Date. 8/9/07
Next Plan of Care Due: 8/9/08

DSM-IV Code / ICD-9:
Axis I: PTSD
Major Depression
Axis II. none
Axis III: none
Axis IV: child sexual abuse
witnessed violence
Axis V. 55

1. Problem / Need: Posttraumatic Stress Disorder Date Opened: 8/07
Behavioral Description: nightmares, flashbacks, irritability, difficulty concentrating
Long Term Goal: minimal or no anxiety in response to trauma cues; symptom remission
Behavioral Objective / Short Term Goal (as evidenced by)
A. decreased nightmares
B. decreased flashbacks
C. decreased irritability
Intervention
A. skills training (relaxation, cognitive restructuring)
B exposure therapy
C.

Target Date	Service	Frequency / Duration	Staff Credentials
8/08	Ind Tx	1x wk x 12 mts	PhD

2 Problem/Need. Major Depression, Single Episode Date Opened: 8/07
Behavioral Description Increased eating, increased sleeping, low motivation, decreased activity
Long Term Goal: remission of symptoms
A. engaging in pleasurable activities
B decreased negative thoughts
C. decreased sleeping and eating; able to concentrate
Intervention
A behavioral activation
B. cognitive restructuring
C.

Target Date	Service	Frequency / Duration	Staff Credentials
8/8/08	Ind Tx	1x wk x 12 mts	PhD

Patient / Caregiver Signature _____ Date 10/4/07
Clinician Signature Hilda Gonzalez, Ph.D. Pager ID 13253 Date 8/16/07
Treating Physician Signature _____ Pager ID _____ Date _____
Supervisor (if applicable) Signature _____ Pager ID _____ Date _____
lopopplanofcare
OTE 700180 Rev 2/07

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MEDICAL UNIVERSITY OF SOUTH CAROLINA

IOPNOTE

Institute of Psychiatry
Outpatient Clinic Service Note

Form Origination Date 2002
Version 2 Version Date. 08/04

STAMP PLATE AREA

Patient Name [redacted]
MRN 000794418

Clinic Specialty Code PCV 1662 Diagnosis: 309.81
Date: 10/16/07 Start Time: 1 00 Stop Time: 2 00 (if different from date and time of signature below)
Service Provided: Individual Therapy
Check problem number addressed (as applicable) during session ☐ 1 ☐ 2 ☐ 3 ☐ 4

Pt reported that she completed 5 exposures last week (reading over her sexual assault account) Pt reported that her SUDS rose to about 80 each time, but that new elements had been added to the exposure, such as reading the police report. Pt reported that she has hired an attorney. Pt stated that she is concerned for her safety, given that the police report is public record and includes her personal information. Discussed options for improving Pt's sense of safety. Completed 2 imaginal exposure exercises in session, involving same memory of Pt in softball practice and riding home with perpetrator. Pt digressed into new details and/or memories each time, which appeared to increase her SUDS Pt reported peak SUDS of 95 each time, although memory of softball practice decreased from 85 to 75. Spent time on activity scheduling at the end of session. Pt wrote activities and exposure practice into her planner.

Pt was casually and appropriately dressed Pt spoke freely, in a soft tone of voice. Pt hugged a pillow during exposures and became tearful when describing interior of perpetrator's car. Upon reaching peak SUDS, Pt developed hives under her chin.

Pt continues to report several symptoms of PTSD and depression. Pt's anxiety has remained high, which appears to be related to continued recall of new memories and approaching new situations. Pt is also overwhelmed with commitment to both therapy and the legal process. With repeated exposure using the same exercise (recorded to CD), Pt's symptoms should begin to decrease. Future sessions will assist Pt in focusing on one memory at a time to improve habituation

Pt will listen to recorded imaginal exposure each day. Pt will engage in scheduled pleasant activities (fair and dinner with her mother) Next session scheduled for Thursday, Oct. 18 at 10:00 a.m.

Patient/Family Teaching: (If someone other than patient is taught, identify below)

Education Reviewed	Willingness to Learn	Outcome:
☒ Diagnosis	☐ Denial	☐ Patient/Family able to verbalize or demonstrate — no review
☐ Medications	☐ None	☒ Needs reinforcement
☐ Parenting skills	☒ Anxiety	☐ Poor understanding — repeat
☐ Behavior management	☐ Cognitive/Sensory	☐ Involve family
☐ Community resources	☐ Low literacy	☐ Unable to teach
☒ Stress/Coping skills	☐ Communication	
☐ Other	☐ Other	

Comments

Signature [signature] Pager ID 13253 Date 10/16/07 Time 2 30 AM/PM
iopopclinicnote

OTE 804008 Rev 8/04

PALMETTO PRIMARY CARE PHYSICIANS

Summerville		Moncks Corner		North Charleston	
Cum St.	(843)873-1720	Live Oaks	(843)761-7884	Appian Way	(843)552-0400
Oakbrook	(843)875-0400	Moncks Corner	(843)761-2815	Trident	(843)572-1200
Pine St.	(843)873-0202	Goose Creek		Other Locations	
Summerville	(843)873-0681	Goose Creek	(843)574-0060	Bonneau	(843)825-3404
Laurel St.	(843)875-0600	Crowfield	(843)553-4383	Daniel Is.	(843)856-6402
West 8th	(843)871-9440	Springhall	(843)266-2520	St. Stephens	(843)567-3206
				Yeamans Hall	(843)554-8312

Corporate Office (843)572-7727
Ancillary Services, Urgent Care, & Central Billing

****

Patient: [redacted] MR No.: 168709 DOB: [redacted]

****

CHIEF COMPLAINTS: Rash on both arms x 1 mo..

HISTORY OF PRESENT ILLNESS:

On 10/19/2007, [redacted], a 34 year old female, presented with:

-- Skin rash which began months ago. It was located on the both arms, [redacted] characterized the quality as red bumps. Severity was described as worsening. Duration is months. The timing was gradual onset. It is aggravated by stress and relieved by nothing - used triamcinolone cream on it without improvement.. Associated signs and symptoms are occasional itching. Pt reports was milder when saw dermatologist about the mole on her nose. The derm told her rash was stress-related and gave her steroid cream which did not help..

MEDICATIONS HISTORY:

Current medications prescribed to the patient are:
1. Nasonex 50 mcg/inh, 1 Spray each nostril bid
2. ~~Zithromax Z-Pak 250 mg~~, Take as Directed
3. Zoloft 50 mg, 1 PO Q AM

REVIEW OF SYSTEMS:

GENERAL - Denies fever, or chills
SKIN - raised rash boh arms x 1 mo. + itching. seen by dermotologist. applies tramcinolone 0.1% cr. no relief
RESPIRATORY - Denies shortness of breath, cough, wheezing
CARDIOVASCULAR - Denies palpitations, chest pain,peripheral edema
GASTROINTESTINAL - Denies nausea, vomiting, diarrhea, constipation,abdominal pain
GENITOURINARY - Denies dysuria, frequency of urination, urgency, or hesitancy
MUSCULOSKELETAL - Denies joint or muscle pain, or back pain

ALLERGIES: penicillin G potassium- Rash - diffuse

EXAMINATION:
VITAL SIGNS: B/P - 104/64 Sitting, Left arm, regular cuff, Weight - 211.00

BLOOD PRESSURE: 104/64, Sitting, Left arm, regular cuff

CONSTITUTIONAL - well nourished,well developed,looks like stated age,in no distress

SKIN - folliculitis noted on L arm, Both arms with multiple red papules, some excoriated

CHEST - clear to auscultation, no wheezing, no crackles, no rales

CARDIAC - normal heart sounds and physiologic rhythm, no murmurs

EXTREMITIES - no edema, no cyanosis or clubbing,no tenderness in extremities/spine

NEUROLOGICAL - normal gait,cranial nerves intact

PSYCHIATRIC - alert,oriented to time, place, person,no difficulty with speech or language

DECISION MAKING:

Richter 0359

ASSESSMENT:

1. Folliculitis, New
2. Rash, New

DRUG RX: Doxycycline Hyclate 100 mg 1 PO BID #20 Refills: 0 and Zyrtec 10 mg 1 PO QD #30 Refills: 0

PLAN DISCUSSION: Treat follicultis. Try antihistmine. Rash may be stress-related and ~~discd this w/ pt.~~ She reports she is currently going through pressing charges against a teacher who sexually molested her years ago. WIll cont to monitor. Consdier add benzo ~~if~~ needed. Consdier referral back to derm.

Electronically signed by VIDUYA-Goose Creek 10/19/2007 14:34:32

Richter 0360

PALMETTO PRIMARY CARE PHYSICIANS

Summerville		Moncks Corner		North Charleston	
Cum St.	(843)873-1720	Live Oaks	(843)761-7884	Appian Way	(843)552-0400
Oakbrook	(843)875-0400	Moncks Corner	(843)761-2815	Trident	(843)572-1200
Pine St.	(843)873-0202	Goose Creek		Other Locations	
Summerville	(843)873-0681	Goose Creek	(843)574-0060	Bonneau	(843)825-3404
Laurel St.	(843)875-0600	Crowfield	(843)553-4383	Daniel Is.	(843)856-6402
West 8th	(843)871-9440	Springhall	(843)266-2520	St. Stephens	(843)567-3206
				Yeamans Hall	(843)554-8312

Corporate Office (843)572-7727
Ancillary Services, Urgent Care, & Central Billing

****

Patient: [redacted] MR No.: 168709 DOB: [redacted]

****

CHIEF COMPLAINTS: Discuss meds; F/u rash on arms; F/u st. frances er 11/4/7 dx. chest pai.

HISTORY OF PRESENT ILLNESS:

On 11/05/2007, [redacted] a 34 year old female, presented with:

-- Anxiety and Stress which began months ago. Severity was described as worsening. Duration is months. The timing was progressive. It is aggravated by recent life stressors and pt currently involved in lawsuit against a teacher who molested her years ago and relieved by nothing - taking zoloft 50mg and getting counseling. Associated signs and symptoms are depressed mood, irritability, no energy, palpitations, chest pains and nausea.

-- Skin rash which began months ago. It was located on the both arms. [redacted] characterized the quality as red bumps. Severity was described as improving. Duration is months. The timing was gradual onset. It is aggravated by stress and relieved by abx, but only able to take it once a day instead of BID. An associated sign and symptom is occasional itching which is also better.

MEDICATIONS HISTORY:

Current medications prescribed to the patient are:
1. Doxycycline Hyclate 100 mg, 1 PO BID
2. Zoloft 50 mg, 1 PO Q AM
3. Zyrtec 10 mg, 1 PO QD

REVIEW OF SYSTEMS:

GENERAL - Denies fever, or chills
SKIN - rash(es)
EYES - Denies blurred vision, or change in visual acuity
NOSE - Denies nasal congestion, discharge, or bleeding
MOUTH - Denies sore throat, or difficulty swallowing
RESPIRATORY - Denies shortness of breath, cough, wheezing
CARDIOVASCULAR - chest pain yesterday. seen at st. frances er, negative ekg. denies sob
GASTROINTESTINAL - nausea yesteday. still has some nausea today
MUSCULOSKELETAL - pain left arm yestrday. resolved today. told by er dr. she had pulled muscle
NEUROLOGICAL - Denies localized numbness, weakness, or tingling
PSYCHIATRIC - states she has alot of stress, wants to discuss meds

SOCIAL HISTORY: Alcohol Use - denies use; Smoking - denies smoking; Diet - balanced Diet; Exercise - walking; Illicit Drug Use - denies use of street drugs;

ALLERGIES: penicillin G potassium- Rash - diffuse

Richter 0361

EXAMINATION:
VITAL SIGNS: B/P - 124/60 Sitting, Right arm, large cuff, Pulse - 80 , Weight - 212.00

ONSTITUTIONAL - well nourished,well developed,looks like stated age,in no distress

SKIN - folliculitis noted on L arm, Both arms with multiple red papules, some excoriated, much improved form last visit. and hough still present

ENT -mucosa pink and moist

CHEST - clear to auscultation, no wheezing, no crackles, no rales

CARDIAC - normal heart sounds and physiologic rhythm, no murmurs

EXTREMITIES - arm w/ no TTP, FROM

NEUROLOGICAL - normal gait,cranial nerves intact

PSYCHIATRIC - alert,oriented to time, place, person,no difficulty with speech or language, flat affect and somewhat teary-eyed

DECISION MAKING:

ASSESSMENT:

1. Generalized Anxiety Disorder, New
2. Folliculitis, Improving
3. Rash, Improving

DRUG RX: Ativan 0.5 mg 1 PO q8h prn anxiety #30 Refills: 0 and Zoloft 100 mg 1 PO QD #30 Refills: 3

FOLLOWUP:Return Visit in 2 Weeks

PLAN DISCUSSION: GAD - cont zoloft, but inc dosage. Add prn benzo. AE discd. CAll if any probs. COnt ocunseling. COnsider psych referral.
RAsh/folliculitis - better, however, pt unable to tolerate abx bid sec to nausea. COnt as is and finish all abx given. REhck when done if no better.

Electronically signed by VIDUYA-Goose Creek 11/5/2007 16:23:22

Richter 0362

PALMETTO PRIMARY CARE PHYSICIANS

Summerville		Moncks Corner		North Charleston	
Gum St.	(843)873-1720	Live Oaks	(843)761-7884	Appian Way	(843)552-0400
Oakbrook	(843)875-0400	Moncks Corner	(843)761-2815	Trident	(843)572-1200
Pine St.	(843)873-0202	Goose Creek		Other Locations	
Summerville	(843)873-0681	Goose Creek	(843)574-0060	Bonneau	(843)825-3404
Laurel St.	(843)875-0600	Crowfield	(843)553-4383	Daniel Is.	(843)856-6402
West 8th	(843)871-9440	Springhall	(843)266-2520	St. Stephens	(843)567-3206
				Yeamans Hall	(843)554-8312

Corporate Office (843)572-7727
Ancillary Services, Urgent Care, & Central Billing

****

Patient: [redacted] MR No.: 168709 DOB: [redacted]

****

CHIEF COMPLAINTS: F/u anxiety; F/u rash on arms.

HISTORY OF PRESENT ILLNESS:

On 11/19/2007, [redacted] a 34 year old female, presented with:

-- Anxiety and Stress which began months ago. Severity was described as improving. Duration is months. The timing was progressive. It is aggravated by recent life stressors and pt currently involved in lawsuit against a teacher who molested her years ago and relieved by increasing zoloft to 100mg and getting counseling. Associated signs and symptoms are depressed mood, irritability, no energy, palpitations, chest pains and nausea.

MEDICATIONS HISTORY:

Current medications prescribed to the patient are:
1. Ativan 0.5 mg, 1 PO q8h prn anxiety
2. Doxycycline Hyclate 100 mg, 1 PO BID
3. Zoloft 100 mg, 1 PO QD
4. Zyrtec 10 mg, 1 PO QD

REVIEW OF SYSTEMS:

GENERAL - Denies fever, or chills
SKIN - rash improving on arms - finished abx and using proactive on lesions
RESPIRATORY - Denies shortness of breath, cough, wheezing
CARDIOVASCULAR - Denies palpitations, chest pain,peripheral edema
GASTROINTESTINAL - Denies nausea, vomiting, diarrhea, constipation,abdominal pain
GENITOURINARY - Denies dysuria, frequency of urination, urgency, or hesitancy
NEUROLOGICAL - Denies localized numbness, weakness, or tingling
PSYCHIATRIC - less anxiety w/increase in zoloft

ALLERGIES: penicillin G potassium- Rash - diffuse

EXAMINATION:
VITAL SIGNS: B/P - 100/70 Sitting, Left arm, large cuff, Pulse - 72 , Weight - 213.00

CONSTITUTIONAL - well nourished,well developed,looks like stated age,in no distress

SKIN - folliculitis resolved, scarring noted on arms, few active lesions

CHEST - clear to auscultation, no wheezing, no crackles, no rales

CARDIAC - normal heart sounds and physiologic rhythm, no murmurs

EXTREMITIES - arm w/ no TTP, FROM

NEUROLOGICAL - normal gait,cranial nerves intact

PSYCHIATRIC - alert, oriented to time, place, and person, no difficulties with speech or language, more active affect and not teary today

DECISION MAKING:

Richter 0363

ASSESSMENT

1. Generalized Anxiety Disorder, Improving
2. Folliculitis, Improving
3. Rash, Improving

FOLLOWUP: Return Visit in 1 month

PLAN DISCUSSION: Pt reports has used ativan 2-3 times in past week. COnt meds and RTC if rash worsens again.

Electronically signed by VIDUYA-Goose Creek 11/19/2007 12:50:6

Richter 0364

OLD-MAN PAGE

EXHIBIT 10

Autographs

[redacted]

You have made this year a very interesting one. Maybe next year you will make it easier on yourself by letting someone else work out your problems. You need to set priorities and stay with those and not let other things interfer with what you want out of life. You better practice or get out of the way in order to see better if you plan on coming out for Softball next year. Well I hope your plans become reality, everything that you want. You a sweet person that thinks of people and can make them happy. Even though you argue too much with certain people. Take care and work hard for next year.

Cecil Smith

IN THE COURT OF COMMON PLEAS
FOR THE STATE OF SOUTH CAROLINA
CHARLESTON COUNTY

DEPOSITION OF CHARLES SMITH

JANE DOE,

Plaintiff,

Case No 2010-CP-10-7699

vs

CHARLES SMITH, CHARLESTON COUNTY SCHOOL DISTRICT, and JAMES ISLAND HIGH SCHOOL,

Defendants

DEPONENT CHARLES SMITH
DATE February 28, 2012
TIME 9 45 A M
LOCATION THE RICHTER FIRM
622 Johnnie Dodds Boulevard
Mount Pleasant, South Carolina

REPORTED BY TERI L HORNAN
NCRA REGISTERED PROFESSIONAL REPORTER
CLARK & ASSOCIATES, INC
P O Box 73129
Charleston, SC 29415
843-762-6294
WWW CLARK-ASSOCIATES COM
Teri@Clark-Associates com

APPEARANCES

ON BEHALF OF JANE DOE

THE RICHTER FIRM
BY AARON EDWARDS
BY LAWRENCE E RICHTER
622 Johnnie Dodds Boulevard
Mount Pleasant, SC 29464

ON BEHALF OF CHARLES SMITH

SENN, McDONALD & LEINBACH
BY ROBIN L JACKSON
3 Wesley Drive
Charleston, SC 29407

ON BEHALF OF CHARLESTON COUNTY SCHOOL DISTRICT and JAMES ISLAND HIGH SCHOOL

YOUNG CLEMENT RIVERS
BY BRIAN L QUISENBERRY
28 Broad Street
Charleston, SC 29401

Also Present [redacted]

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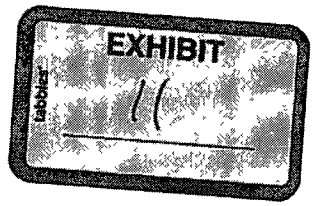

CHARLES SMITH,
having been first duly sworn, was examined and testified as follows

EXAMINATION

BY MR EDWARDS

Q State and spell your name for the record, please

A Charles Smith, C-H-A-R-L-E-S S-M-I-T-H

Q Your address?

A [redacted]

Q How long have you been at that address?

A Approximately 38 years

Q Do you own that home?

A Yes

Q Are you married?

A Yes

Q Your wife's name?

A I have to spell it for you C-H-I-A-K-I, Chiaki

Q C-H-I-A-K-A'?

A No K-I

Q K-I Chiaki And Smith is the last name?

A Yes

Q That's an unusual name Does it have any

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Q Okay Seems like an unusual thing I would be surprised to learn that you failed a lot of your students Is that a fair statement?
A Say that again
Q Well, would you say that you -- you can't remember how many you failed?
A Right
Q All right And if you have a student who's on the borderline between a 69 -- which would be failing, correct?
A Right
Q -- and a 70, which would be passing?
A Right
Q There's some discretion there, isn't there?
A Some
Q You give them a 70, and they pass?
A Depending on their work ethics, yes
Q Well, what was this student's work ethic like?
A I really couldn't tell you exactly I don't -- I don't remember
Q Was he a troublemaker?
A No
Q Okay Did he work hard?
A Not if he's failing

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Q Maybe he's just not smart Did he attend class?
A Yes
Q He didn't -- did he seem to pay attention?
A I really can't answer that
Q Did he seem happy?
A I don't know
Q Well, when a student's failing in your class, what do you do? Do you just give them an F and a foot in their butt and out the door?
MS JACKSON Object to the form
A No
Q Do you talk with them?
A Yes
Q Did you talk with this student?
A Yes
Q And was he a happy kid?
A I would believe so
Q Okay Was he happy about the fact that he was failing your course?
A There was no -- there was no indication that he was sad or happy
Q Did he say, I'm trying hard, I'm just not getting it?
A Might have

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Q Was he just not trying, not paying attention, not doing his homework, things like that?
A That's a possibility
Q You don't remember?
A No.
Q Okay Did you remember in your deposition?
A No
Q You haven't thought about it since then?
A No
Q Now, this student, did you give him rides home?
A No
Q Have you ever given students rides home?
A Yes
Q In your personal vehicle?
A Yes
Q From school?
A Yes
Q And was that a common practice for you?
A Most of the time, they were athletes, which is -- coaches then did that
Q Other coaches did it?
A Yes
Q Okay How often would you give students --

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let's exclude the athletes right now How often would you give students rides home?
A I wouldn't give students rides home
Q What do you mean?
A If it was an athlete, policy states we have to make sure that they're protected and that they're not left after your practice, and we were supposed to wait Or if a student does not have a ride, you know, we could possibly give them a ride home so they're not staying there after the practice is over with
Q Okay I want to talk just about nonathlete students Did you ever give nonathlete students a ride home?
A Yes
Q Okay And was that something you did often?
A No
Q So tell me how that would happen
A If --
Q First of all, before we do that, do you remember who?
A No
Q You don't remember any students?
A Well, yes
Q Who would they be?

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A Standing up in the front entrance of the school
Q Is that where the buses come?
A Yes
Q Was she alone?
A She was alone herself There was other students there
Q So it was during the time when buses were coming and going?
A They were already gone
Q What were other students doing? Just standing around?
A Waiting for parents
Q Okay How did the bus -- did you have a homeroom assignment?
A Pardon me?
Q Did you have a homeroom?
A Not that year, I don't think
Q Have you ever?
A Yes
Q And so in your -- homeroom is kind of the class where the students go to start off the day, and then they go to then classes
A Right
Q Right?

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A Right
Q Did you as a homeroom teacher have any knowledge about your students? How they got home? Whether they took a bus? Whether they drove a car? Whether they had parents drop them off? Big brother, big sister, anything like that?
A No
Q No idea how they got to school or how they left school?
A No
Q So how did you -- at the end of the day, the students would just -- they just left?
A. They went all directions
Q Yeah And did anybody know who was going, where?
A Actually, I don't think so
Q Now, athlete -- no other nonathlete students that you gave rides home?
A They were associated with the athletic program
Q All right Let's talk about those I'd like to know the students that you gave rides to
A Football players
Q Okay
A Wrestlers

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Q Okay
A That's about it, ones that I was associated with
Q Football players and wrestlers That's it?
A Well, softball players
Q Softball players Never gave any rides to any golf players, soccer players?
A No
Q Now, where is the -- where did the football team practice?
A I have to give you two answers because I was a coach at one high school, and then I coached at the combined high school And it was two different practice facilities
Q. That was the five years you talked about earlier?
A Pardon me?
Q Was that the five consecutive years that you coached, or was that some other sport?
A No This is -- you're talking about football I coached football for half of my career
Q Yeah? Why did you stop?
A. Stop?
Q I mean, did you stop and start? You coached

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football for a period of time, and then you wouldn't, and then you'd coach again?
A Yeah, kind of
Q Why?
A It got to be a lot of time that is spent with coaching, and it was less time that I could spend with my family
Q Okay When was your daughter born?
A In '83
Q So when did you -- can you tell me when you coached football?
A I coached it in '77 up to when we combined high schools, and then I went to the JV program Because I was on the varsity, JV previously and varsity I coached it at different times at different levels
Q All right Maybe it would be easier for you to tell me when you didn't coach
A No Over 35 years, I couldn't give you the specific dates and times
Q How about in the '80s? Did you coach football in the '80s?
A Yes
Q Did you coach football in the '90s?
A Yes

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Q What is wrong with that?
A Because I just said they have to be eligible
Q If they're not eligible, they're not part of the team?
A That's right
Q So you didn't have a team at that point because nobody was eligible?
A Yes, that's true
Q You had a group of girls who were interested in softball who got together and went to the softball field and you orchestrated workouts?
A Yes
MR QUISENBERRY Object to the form of the question Sorry
Q Okay But no team?
A No team
Q When did your team become eligible and therefore become a team?
A Different girls, depending on when their eligibility was sent in became eligible at different times Some girls might not have got the eligibility to me at the time I needed their birth certificate Some of them might have been late getting it to me So they might be put on a

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different eligibility So they -- their eligibility would come at different times
Q Okay So what would you have classified [redacted] as during the two weeks or so between February 1st and February 13th?
MR QUISENBERRY Object to the form of the question
A A young lady trying out for the team
Q Okay. Now, when she tried to commit suicide, where were -- do you remember -- you remember this, I think you just said
A Yes
Q And tell me what it is you remember about that
A In what -- I mean, what are you asking me about?
Q How many students have tried to kill themselves in your career?
A In my career?
Q In your classroom
A Oh, in my classroom? None
Q Not even [redacted]
A Oh, yes, her
Q Except for her Okay So I want you to tell me what it is you remember about that one time

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when a student of yours tried to kill herself in your classroom
A She -- it was at the end of school She came through my doorway, and I was standing back by my desk She kind of stumbled into my room, and I asked her if she was okay because I didn't know if she had fallen, she had been -- you know, was sick or something was wrong with her She mumbled some words that I didn't understand, but I did pick out, I've taken an overdose of pills I instantly hollered into the hallway to get the nurse, call 911, and I began walking her back and forth in my classroom because she had -- she kind of almost fell to pass out So I start walking her back and forth in my classroom till the nurse came down
Q Okay
A That was it And the nurse just helped me walk her around, and the EMS came and took her, and that was it
Q That was it?
A (Witness nodded)
Q Okay Was your classroom empty at the time?
A Yes
Q And the EMS people came in and brought a

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gurney or a wheelchair or something to transport her out of the school?
A I don't remember exactly -- I don't remember exactly what took place at that time
Q Did she lose consciousness in your classroom?
A No
Q No?
A She looked like she was
Q She was nonresponsive, right?
MS JACKSON Object to the form
MR QUISENBERRY Same objection
A With me questioning her about, are you okay, she didn't really -- she wasn't really saying anything to me It was all garbled
Q Were her eyes open?
A Halfway
Q Okay Was she standing -- you were physically trying to hold her up, weren't you?
A Yes
Q But she couldn't have done it on her own?
A I don't know
MS JACKSON Object to the form
Q If you had not been holding her, do you think she would have fallen?

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MS JACKSON Object to the form
MR QUISENBERRY Same objection
A I don't know
Q Well, you're a -- why else would you be holding her?
MR QUISENBERRY Object to the form
MS JACKSON Object to the form
A Because she made the movement like she was going to fall forward, and I did not want her to hit the floor
Q Okay I'm not trying to trick you I'm just trying to figure out what happened And if someone comes stumbling in and you're holding her up, it seems to me that she probably would have fallen over if you hadn't held her That's all I'm trying to say
Now, what -- how long was it between the time she came stumbling in and the nurse came? A couple minutes?
A No It wasn't that long
Q A few seconds?
A Probably a few seconds
Q A few seconds You hollered out into the hallway, right?
A Yes

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Q Were there students in the hallway?
A Yes
Q And they heard you?
A Yes
Q And they went to get help, to get the nurse?
MS JACKSON Object to the form
MR QUISENBERRY Same objection
A I don't know
Q But you didn't go get the nurse?
A No
Q You just hollered, and then a nurse showed up?
A Yes
Q And somebody called 911?
A Yes
Q But you didn't call 911?
A No
Q All right And then at that point, did the nurse attempt CPR or any type of first aid?
A I don't remember
Q Did you perform CPR or any type of first aid?
A No
Q Are you trained in that way?
A At that time, outside of my classes that I have taken, I was not trained what you would call where I had a card for CPR, no

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Q But you knew a little bit about it?
A Yes
Q Okay And when EMS -- when the nurse came -- do you remember who the nurse was?
A No
Q Okay Male nurse or female nurse?
A Female
Q Okay Did you-all have a nurse on staff there at the school every day?
A Not every day
Q She was there that day though?
A. Yes
Q Okay Did she ask you any questions?
A No
Q Did you -- what did you say to her?
A I just said, this girl came into my class and said she had taken an overdose That was it
Q All right And then EMS personnel came and took her away to the hospital At that point, did you have to -- I mean, nobody asked you any questions? Did you have to tell -- go talk to the principal or the administration or to anybody --
A No The nurse --

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Q -- of your higher-ups?
A No
Q Nobody asked you any questions?
A The nurse -- the nurse just filed a report herself
Q With who?
A For the school, I --
Q Are you guessing about that?
A No The nurse has to file a report of anything -- any injury or anything like that
Q Have you seen a report?
A No
Q Did you help her write it?
A No
Q Okay So you just went about your business that day, taught the rest of your classes?
A No This was at the end of school School was over
Q School was over All right Was the principal still there?
A I don't know
Q Well, the principal is there the next day, right?
A Yes
Q And did you talk to anybody about that,

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about what happened?
A Just the nurse
Q Let me get this right A student of yours overdoses on pills, comes stumbling into your classroom belligerent, falling over, barely can keep her eyes open, you're holding her up. You holler out to call 911, ask for a nurse The nurse comes, the EMS personnel come to the school in the school, take the student physically from your classroom through the hallways out the door to the hospital, and not one person in the administration asked you any questions about that?
MR QUISENBERRY Object to the form of the question
A No Because it was handled through the nurse
Q And you didn't tell anybody about that?
MS JACKSON Object to the form
MR QUISENBERRY Object to the form
A I don't remember
Q Why wouldn't you tell anybody?
MR QUISENBERRY Object to the form
A It wasn't something that you just go out and start having a conversation about
Q I would

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MS JACKSON Object to the form
MR QUISENBERRY Object to the form
Q How do you not?
MR QUISENBERRY Object to the form
A That's a -- that's a private thing of an individual You just don't go out and have conversations with just anybody about, you know, something happening like that
Q Did other teachers know about this?
A No
Q Were there no other teachers in next-door classrooms?
A No
Q You were the only one there?
A My classroom is the last classroom on the end next to the doors
Q What about the students? You see any students that were in the hallway when you hollered out, call 911, the next day or the day after or in the following days after this happened?
A At the time that that took place, I was more involved and interested in her safety and what it -- keeping her -- because I did not know what had actually happened except for her garbled conversation

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I was more looking for her safety than looking around the school and seeing what students were there or when EMS came or anything like that That was my main concern was I knew one of the things was to walk them if they had taken any kind of overdose of any kind of medication
Q Okay Did you call her parents?
A No
Q Who called her parents?
MR QUISENBERRY Object to the form
A I don't know
Q Did you go check on her in the hospital?
A No
Q Did you go check on her at her house?
A Yes
Q Okay When?
A That same evening
Q Tell me about that
A I went to the house I met the mother I said, I hope everything is okay Is she doing okay? She says, yes I said, thank you I was just concerned
Q That's it?
A That's it.
Q What was her reaction to that?

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A She says, thank you for being concerned
Q She didn't ask you any questions?
A No
Q How long was she out of school?
A I don't know
Q Well, was it a long time?
MS JACKSON Objection Asked and answered
A I don't know
Q When she came back, did you talk to her about what happened?
A No
Q Never came up?
A Never came up
Q Did you talk to her mother any more?
A No
Q What about her father?
A No
Q Did she say anything else when she came into the classroom?
A No
Q Did she ever try to talk to you about it after the fact?
A No
Q At the -- you say it was at the end of the

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day Had the school just let out?
A No
Q How -- I mean, what time frame are we talking about here?
A I don't know
Q Okay If school hadn't just let out, you'd be at softball practice, wouldn't you?
A No Because our softball practice was set at a certain time because we as teachers had to stay at the school for a certain length of time getting any reports done, any other work So our practice might have been an hour later
Q 4.00? What time did school get out?
A Time was changed with that too 2 10
Q 2 10 So your softball practice would have started around 3, 3 15, 3 30, something like that?
A If that's the time that I scheduled it, yes
Q And you would have -- did you not have a consistent practice schedule?
A Depending on games
Q But you didn't have games at this point This was still practice
A Scrimmages
Q Okay Against -- okay But sometime between the end of school and the time you would

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have had to leave to go to softball practice is when this happened, right?
A Yes
Q Did you go to softball practice that day?
A I don't remember
Q All right What did you tell the softball team about it?
A I didn't
Q How did you explain [redacted] absence?
A Nobody questioned it
Q Not one person asked, hey, where's [redacted]
A No
Q And you just -- she just vanished from the team, and that was it?
MR QUISENBERRY Object to the form
MS JACKSON Same objection
A Yes
Q How do you think she felt about that?
MS JACKSON Objection
MR QUISENBERRY Same objection
A I don't know
Q Do you care?
MS JACKSON Objection
MR QUISENBERRY Object to the form
A I was concerned for her to be able to play

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softball because that was one of her things that she wanted to do
Q And how did you do that?
A How did I do what?
Q Well, you were concerned about her playing softball, and she had just tried to kill herself She ain't playing softball if that was successful Fortunately, she was unsuccessful You were concerned about her playing softball How did you help her do that?
MR QUISENBERRY Object to the form
MS JACKSON Same objection
Q Did you welcome her back on the team?
MR QUISENBERRY Object to the form
MS JACKSON Same objection
A There wasn't a time that she would have been not a player for the team It would be just she came back from being sick I had many athletes that got sick during practice times and didn't come to practice
Q She wasn't sick, was she?
MR QUISENBERRY Object to the form
MS JACKSON Object to the form
A I don't know
Q Well, she didn't have the flu, did she?

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MR QUISENBERRY Object to the form
MS JACKSON Object to the form
A Don't know
MR QUISENBERRY Aaron, do you want to eat the food at some point?
MR EDWARDS Yeah, I need a break
(A recess was taken)
Q All right Mr Smith, you don't have a Ph D , do you?
A No, sir
Q Can you -- can you briefly give me your professional background? We'll get to that I don't want to -- I don't want to mess with the record
When we left, we were talking about [redacted] suicide attempt, and, specifically, we were talking about the softball team and the softball season and [redacted] either coming back or not coming back and what you told anybody or didn't tell anybody about that Do you remember all of that --
A Yes
Q -- before we broke for lunch? Okay Now, how well did you know [redacted] at that point?
A Not real well

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Q Did you know that she had recently moved to the area?
A Yes
Q Did you know that it was a large move? And what I mean by large is a large distance She had moved from Pennsylvania
A No
Q You didn't know that?
A No
Q How did you know that she had moved?
A She had made a comment to me when she wanted to play softball that she had played at her last school, and that she had just moved into our area
Q Okay So you at least knew she wasn't -- it wasn't like she moved from Mount Pleasant to James Island or anything like that?
A Right, yes
Q Now, how did that conversation come up?
A Any time that new athletes transfer into the school, we kind of talk to them and question them about where they played at, what they -- you know, if they were on the varsity level or the junior varsity level, how much ability they had And that's kind of the same conversations that I use with any athlete that transfers in

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Q Okay So how did it start? Did she -- did you as the coach mention you were coaching, and she came up and asked you about it or talked to you about it? Or did she approach you on her own to talk about joining the softball team?
A An announcement would have been made for any girls interested in playing softball, report to my room And that would be the rules and regulations told them and a sheet handed out for me to get their names and what grade they were in
Q I'm not sure that answers my question Did she come and talk to you?
A After the initial meeting, she did, yes
Q The initial meeting So you had a meeting, anybody who's interested in playing softball, come here at this place and time?
A Yes
Q And some people showed up, and [redacted] was one of those people?
A Yes
Q Okay D[redacted]e have any friends on the softball team?
A I don't know
Q Were the softball players themselves, were they friends? Do you know?

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A They were all friends, but they had -- each individual girl was closer to being a friend with one than another
Q Okay Teenage girls can be a wild animal I understand that Now, was there any infighting within the softball team, or did they all generally get along pretty well?
A Generally got along
Q And you're a coach Kind of your job to reign that in, don't you think?
A Yes
Q Keep them cohesive and things like that?
A Yes
Q So when [redacted] tried to kill herself, nobody sent her flowers? Nobody sent her a card? Nobody came to visit her? Nobody came to ask her how she was doing?
A I don't know
Q Well, how would they know? You didn't tell them, did you?
A No, I didn't
Q Why would you separate her from the group like that?
MR QUISENBERRY Object to the form
MS JACKSON Same objection

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A It's not that I separated her from the group I just didn't give them information about her personal situation that she had gone through
Q But you said earlier you were concerned about her and that she wanted to play softball
A I was concerned about her
Q Right Did she not want to come back and play?
A No She wanted to come back and play
Q So why didn't she?
A I don't know
Q Did you invite her back on to the team?
A She was never -- never off the team that I would have come up and said to her, you know, you're off the team, unless she would have been ineligible And if she was ineligible to play, then I would have confronted her just like I do with any of the athletes that are not eligible to play You didn't pass enough subjects You're -- the High School League and the Charleston County School rules say that you're ineligible to play for this season
Q Was she ineligible?
A I'm going to say that at the time, I didn't get the eligibility in for her because I didn't

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have her birth certificate But I -- I would say, yes, she was ineligible to play.
Q Okay Did you know her family situation at all? Did you ever talk to her about that?
A No
Q So when you were giving her rides to and from school and practice to her home, that never came up?
MR QUISENBERRY Object to the form
A No
Q But you did, in fact, give her rides to and from school and practice, didn't you?
MR QUISENBERRY Object to the form
MS JACKSON Object to the form
A Practice
Q And from school, right?
A Practice is held at the school
Q From school grounds?
A Yes
Q Okay So what did you talk about?
MR QUISENBERRY Object to the form
MS JACKSON Same objection
A I really don't know. I don't have an answer of what the conversations were
Q Well, we've excluded family talk We've

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excluded the fact that she moved from Pennsylvania Okay Did you talk to her at all, or did you-all just sit in the car and ride in silence?
MS JACKSON Objection
MR QUISENBERRY Same objection
A Usually, it was two or three people in the car, and conversations were going on I really never paid attention to a majority of the conversations because I was driving, and that was my main thing was making sure I got the kids home safely
Q What kind of car did you drive?
A I had a Ford Bronco
Q What color?
A It was a yellow color
Q Manual transmission or automatic?
A It was manual
Q Now -- so you don't remember the types of conversations you had? Did you talk on a personal level?
MS JACKSON Objection Asked and answered
MR QUISENBERRY Same objection
A No
Q You never asked her what types of things she

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liked, didn't like? Anything like that?
MR QUISENBERRY Object to the form.
MS JACKSON Object Asked and answered
MR EDWARDS I definitely haven't asked him that
MS JACKSON You've already asked him if he had any personal conversations, and he said no
Q Let me clarify What I mean by personal conversations, specifically, did you ever ask her what types of things that she enjoyed doing?
A No
Q Okay Do you happen to know or did you know at that time things that she enjoyed doing or that she was interested in?
A One time, I think she spoke of -- yeah, I know she spoke of being a police officer She wanted to be a police officer
Q She said she wanted to be a police officer?
A Yes
Q. Did she say why that was?
A Didn't have a reason She just -- just in conversation
Q Anything else?

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A That was about it
Q Did she like horses?
A Did she like horses? I don't know
Q Did you ever take her to the horse stables?
A No, I did not
Q Did you ever see her at the horse stables?
A Saw her one time
Q Okay Tell me about that
A I pulled into the horse lot and walked out into the pasture, and as I was about halfway into the pasture, I heard some conversation behind me, and I stopped, turned, and looked at where the gate area was, and saw [redacted] standing with Mrs Quinn
And she was saying something to her I could not hear I mean, all I did was hear the voices I did not know what they were talking about And I went ahead on up, fed my horse
And came back later on And I asked Ms Quinn, I says, what was that all about? And she says, this young lady followed you into -- up at the gate here I stopped her and told her that nobody was allowed in that pasture and that she would have to leave And I said, thank you
Q Thank you?

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A (Witness nodded)
Q Were you happy that she had been turned away?
A Yes
Q Why?
A I was the only one in that pasture at the time, and I did not want anybody else at that time coming back into that pasture while I was by myself
Q What were you doing back there?
A Feeding the horse
Q Require privacy for that?
A Horses can get spooked many times Somebody walks in the pasture, doesn't know all the different things about the way a horse will act, could get kicked, could get run over And so unless they know about horses, have been around horses, then there's a possibility of them getting hurt
Q Did she know anything about horses?
MR QUISENBERRY Object --
A I don't know
MR QUISENBERRY I want to put an objection Go ahead
Q And did you talk with her about that

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incident after the fact?
A No
Q Why do you think it is that she was there?
MS JACKSON Object to the form
MR QUISENBERRY Same objection
A I really don't know
Q Anybody else ever come to the horse stables to see you?
A No
Q Did you think it was unusual?
MR QUISENBERRY. Object to the form
MS JACKSON Same objection
A Yes
Q Were you curious to find out what she wanted?
A No
Q Not at all?
A Not at all
Q Okay Do you think she had a crush on you?
MR QUISENBERRY Object to the form
MS JACKSON Same objection
A I can't answer that because I don't know what her idea of what she would have, as you say, a crush I don't know if that was -- I can't say yes No

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Q All right From your perspective, how would you describe in your own words how you think [redacted] felt about you?
A I think she wanted a friend, somebody to talk to
Q And that friend was you?
A Because, I guess, me being her coach, a lot of athletes will --
Q And teacher?
A -- confide -- right A lot of athletes will confide in their coach, talk to them
Q But you turned her away at the gate and never asked her about it, never talked to her about it?
A That's right
MS JACKSON Objection to form
A No, I didn't turn her away
Q She was turned away at the gate?
A. Right
Q. And you were happy about that, right?
A Yes
Q And you never asked her or talked to her about it after that, right?
A Right
Q That's not very friendly, is it?

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MS JACKSON Objection
A No But I --
Q And she was looking for a friend
MS JACKSON I'm sorry You need to let him finish his answer
A No
Q I'm sorry No, it wasn't very friendly, or, no, she was not looking for a friend?
A No She was not allowed in the pasture What she was looking for, I don't know
Q Okay We're missing each other here In your own words, based on your own interactions with [redacted] why was it, do you think, she was looking for a friend?
A New to the school
Q Anything else?
A A coach usually has a lot of students that they know She could have been a friend of one of my students, that I knew
Q Do you think she looked up to you?
MR QUISENBERRY Object to the form
MS JACKSON Same objection
A No
Q You don't think that?
A No

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Q Why not?
A She never made any comments to the fact that she looked up to me for any reason except being a coach, her coach
Q And so because she never made a comment to you to the effect that, I look up to you, you don't think that she did?
MR QUISENBERRY Object to the form
MS JACKSON Same objection
Q Aren't you the leader of the team as the coach?
A Yes
Q All right Don't the players -- don't you want the players to look to you for leadership as far as the team is concerned?
A Yes
Q Don't you want the same thing from your students as a teacher?
A By all means, yes
Q Okay And of course you want them to respect you, correct?
A Definitely
Q All right And holding that position, teacher and coach, in both areas, it requires -- do you agree that it requires somebody who embodies

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and exhibits what it is that that team is to represent as well as the school in a classroom that you're teaching?
MS JACKSON Object to the form
MR QUISENBERRY Same objection
Q Do you understand that question?
A No You're getting a little bit --
Q It was a little wordy You say that you don't think she looked up to you Do you think she admired you?
MS JACKSON Object to the form
MR QUISENBERRY Same objection
A No
Q Don't think that? Okay Did she respect you?
MR QUISENBERRY Object to the form
A Yes
Q. Now, I'm trying to figure it -- I'm trying to figure this thing out, right? And so maybe you can help me with that [redacted] in your words, was looking for a friend, moved from out of town, maybe didn't have a lot of friends Do you know if she had a lot of friends?
A No, I don't
Q Don't know Did you encourage the other

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softball players to include [redacted] in whatever it was they were doing so she could feel part of the group?
A I was not what you would call involved in the sociability of my athletes with one another I wanted them to be team players and to respect each other on the field What they did off the field, I can't control
Q Okay Why then did you not talk with her about the -- about when she came to the horse stables?
A Because it was getting to the point that she was around different places that I was at Like in a stalking way
Q You think she --
A And I didn't appreciate that
Q Did you tell her that?
A Yes
Q How did she react to that?
A Unconcerned
Q Not concerned Okay Was that before or after she tried to kill herself?
A I don't -- I don't know Don't remember the time
Q Don't remember When she went to the horse

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stables, was that before or after she tried to kill herself?
A Don't remember that
Q You don't remember whether it was before or after?
A Don't remember whether it was before or after
Q Okay Can you explain -- well, as a coach, are you concerned about the well-being of your players?
MR QUISENBERRY Object to the form of the question
MS JACKSON Object to the form
A For the most part
Q As a teacher, are you concerned about the well-being of your students?
MR QUISENBERRY Same objection
MS. JACKSON Same objection
A In some instances
Q Okay Do you think that the school is concerned about the well-being of their students?
MR QUISENBERRY Object to the form of the question
A Definitely Yes, yes, I do
Q And of course, they put, among other people,

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the teachers in positions in which the school can actually make that happen?
MR QUISENBERRY Object to the form
MS JACKSON Object to the form
Q The school is an entity itself It's an idea, really Okay So the school wants its students to generally be okay, right? They want them to be safe, right?
MR QUISENBERRY Object to the form
A Right
Q Based on your experience as a teacher at James Island High School, that's what you understand to be true, right?
A Yes
Q Okay And so -- but the only way that the students can be cared for is through its teachers and coaches and things like that, right?
MS JACKSON Object to the form
MR QUISENBERRY Same objection
A Not just teachers and coaches The administration, guidance counselors
Q Sure
A Everybody at the school
Q All right Well, we know the administration and guidance counselors couldn't have helped

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[redacted] after she attempted suicide because you didn't tell them about it So the only people who knew about it was you and the nurse
MR QUISENBERRY Object to the form
MS JACKSON Object to the form
Q So what did you do after she attempted suicide to try to make her feel better, to ask her what was going on, or to otherwise figure out what it was that led her to swallowing a bunch of pills and coming into your classroom?
MR QUISENBERRY Object to the form
MS JACKSON Same objection
Q Did you do anything?
MR QUISENBERRY Object to the form
MS JACKSON Same objection
A Outside of asking her how she was, no, I didn't
Q Do you think you should have?
MR QUISENBERRY Object to the form
MS JACKSON Same objection
A Not really Because I thought if there was a problem that a guidance counselor would have been the best person to go to to talk about the situation and not come to me because I don't have the counseling skills under psychology, psych,

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whatever I don't have those skills to talk with a student about that The guidance counselor would have been the best person to go to
Q Did you tell her to go to the guidance counselor?
A No
Q Do you think you should have since the guidance counselor is the one with the skills required to help her with that?
MR QUISENBERRY Object to the form
MS JACKSON Object to the form
A I guess Well, I really figured after her mother knowing that she did this that it would have been her responsibility to go to the guidance counselor
Q You think it was the mother's responsibility to go to the guidance counselor at the school?
A Yes, I do
Q Okay And that you shouldn't have told her the same thing? That's what your testimony is?
MR QUISENBERRY Object to the form
MS JACKSON Same objection
A I didn't know what her reason for doing that was
Q Did you ask her?

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A No Because there's some things that students outside of activities that they perform with the teacher in the way of classroom is not a teacher's responsibility to become involved in something like that
Q But she wasn't some random student that you didn't know, right?
MR QUISENBERRY Object to the form
MS JACKSON Same objection
Q She was in your class, and she was on the softball team, isn't that right?
MS JACKSON Objection
MR QUISENBERRY Same objection
A Yeah But you've got to look at what if everyone student felt that way
Q Obviously, every student is not going to feel that way because you don't know every student The two students that you saw embracing you said you didn't know. But [redacted] was in your geography class that year and on the softball team, which you were the head coach, correct?
A Right
Q And there's only a few people on a softball team Couldn't have been more than, what, 12, 13 people?

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A About that, yes
Q So that's a dozen, baker's dozen Not very many people Those people you know, right?
MR QUISENBERRY Object to the form
Q Right?
MR QUISENBERRY Same objection
A Yes
Q Okay So when one of those people tries to kill themselves and comes into your classroom -- why do you think she did that?
MR QUISENBERRY Object to the form.
MS JACKSON Object to the form
A. I really don't know
Q You never asked her?
A No
Q Did you not wonder why?
A In my own mind
Q What do you think?
A I don't know because I don't know why she did it in the first place Don't know the reasoning
Q Could it have been because she was looking for a friend, and the person she was looking to be a friend turned her away?
MR QUISENBERRY Object to the form

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MS JACKSON Objection
A Well, first off, that was a wrong way of putting it I didn't turn her away. I did everything I could do at that time that she came into my classroom to provide her with as much first aid as I could to keep her alive because all I knew was she took an overdose
And I did what any teacher, coach, whatever in that school would come across is providing help for a student that needed help because of the situation she put me in
Q That she put you in?
A Yes
Q And what situation was that?
A Walking into my classroom
Q And that put you in a bind?
MS JACKSON Objection
MR. QUISENBERRY Same objection
A Not a bind
Q Why did it put you in a situation?
A Any teacher, coach, or whatever gets put into a situation that is life-threatening possibly or something that is harm to athlete, student, whatever, is putting that person into a situation that they have to do certain things in order to

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make everything okay
Q Did you think it made you look like you had done something wrong?
MR QUISENBERRY Object to the form
MS JACKSON Objection
A No
Q You didn't think that?
A No
Q You didn't feel that way?
A No
Q. Why didn't you tell anybody then?
MR QUISENBERRY Object to the form
MS JACKSON Same objection Asked and answered
A Back to the same comment, what happens to students with their personal life is not to be talked about to other people
Q. So you think and it's your testimony that you did everything that you could do for her?
A Yes
Q Okay And do you think that the school did everything that they could do for her?
MR QUISENBERRY Object to the form
MS JACKSON. Object to the form
Q You didn't tell anybody else at the school,

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so they didn't do anything, right?
MS JACKSON Objection
MR QUISENBERRY. Object to the form
A I don't know what the school did--
Q Do you know if they did anything?
A I don't know that, no
Q How would the school even know what happened other than the fact that the ambulance showed up and paramedics came in and wheeled her out?
MR QUISENBERRY Object to the form
MS JACKSON Same objection
Q How would the administration or the principal or anybody in charge of running the school have known what had happened?
A The nurse would have said something that dealt with that situation
Q You think so?
A I know that any time a student is injured that the nurse takes over the job of handling the situation We are not -- we are not doctors We cannot -- we can't diagnose an injury or diagnose what is happening We have to do what we can do that we know of to try to protect the person Outside of that, when it goes to the nurse, it's out of our hands at that time They take over, and

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we back out of the way
Q But you didn't do anything to protect her person, did you?
MR QUISENBERRY Object to the form
A Yes
MS JACKSON Object to the form
A I walked her around up and down in my classroom thinking that that was the only way to keep her --
Q You kept her physical body from dying is what you're saying, right?
MR QUISENBERRY Object to the form
A In my estimation of what possibly she had done, yes
Q What about in here, in her head, and in here, in her heart? What did you do to help her with that?
MS JACKSON Objection
MR. QUISENBERRY Object to the form
Q Did you do anything?
MR QUISENBERRY Object to the form
MS JACKSON Objection
A I would say showing my concern by asking her mother how she was and hope she feels okay
Q This is a girl who's got such bad thoughts

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in her head that she is prepared and, in fact, attempted to end her life, and you think that that -- asking her mom if she was okay is helping her with that?
MR QUISENBERRY Object to the form
MS JACKSON Objection
Q And that's enough? That's all you could have done?
MR QUISENBERRY Object to the form
MS JACKSON Same objection
Q Couldn't you have asked her about it? Talked to her about it?
MR QUISENBERRY Object to the form
MS JACKSON Same objection
Q I mean, I know you didn't You say you didn't But you could have, couldn't you?
MR QUISENBERRY Object to the form
MS JACKSON Same objection
A No Because I believe that if she needed some form of help, that her mother would take her to somebody that could help her out with her problem Because, like I said, I do not have the education of a psychiatrist or a guidance counselor to talk with her about her situation or her problem

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I am a coach and a teacher of hers Problems with softball, yes Problems in the classroom about doing an activity or doing -- performing in her school work, yes Outside of that, when it comes to medically, no
Q What about fondling her in the classroom?
A That didn't happen
Q Never happened?
A Never happened
Q Okay What about forcing her to perform oral sex?
A That didn't happen
Q Never happened?
A Never happened
Q Weren't you part of the problem?
MR QUISENBERRY. Object to the form
MS JACKSON Objection
Q You're saying that she didn't -- wasn't your problem, that your problem is homework assignments and softball drills She took a bunch of pills and walked into your classroom Weren't your part of the problem?
MS. JACKSON Objection
MR QUISENBERRY Object to the form
A No

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Q You think it was just a coincidence that she came to your classroom? You don't think that, do you?
MS JACKSON Objection
MR QUISENBERRY. Object to the form
A I don't know
Q Why wouldn't you talk to the police whenever they came and asked you questions?
MS JACKSON. Object to the form Can you set a timeline?
MR QUISENBERRY Objection
A I don't understand your question What are you talking about?
Q Did the police ever come asking you questions about you and [redacted]
A. They never came They requested me to come to the substation
Q Yeah Why didn't you talk to them?
A My personal lawyer was there and said that -- told them that he would talk with them about any of the situation
Q Why would you need a lawyer?
MR QUISENBERRY Object to the form
MS JACKSON Same objection
A Any time you're going to go talk about a

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about you, right?
A Talked about the allegations about me.
Q Okay Did you talk with his wife?
A Yes
Q And what did she have to say?
A You want her comments?
Q She works at the school too, right?
A Yes
Q What is her job?
A She is the head of the secretaries in the office
Q In the front office?
A Yes
Q. Okay Where is the -- where was the front office in relation to your classroom at that time?
A On the same side as my room into the next building The next building over, it's on that same side, the first room on that side
Q I'm not sure I'm following you with that
A My room is here You walk outside the school, go into the next building, office is the same thing
Q Can you draw it?
MR QUISENBERRY· Can we go off the record while he's drawing it?

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(Off-the-record discussion)
(Exhibit No 8 was marked for identification)
Q All right Exhibit Number 8 is your drawing of your classroom and the front office of the school What is this thing between?
A That's the -- that's the end of this part of the building and the beginning of the next part of the building
MR QUISENBERRY Can I see the exhibit? Do you mind?
Q Is there a corridor or a hallway?
A It's a breezeway right there
Q Connecting them?
A It's not connecting them It's a breezeway that's like a courtyard, entrance to the courtyard out of this side of the building to that side of the building
Q Can you draw the whole rest of the building? And the reason why I ask you that is, where -- where was the nurse's office?
A Right across from the main office
Q Okay So did you leave the classroom and shout out to someone -- walk me through that again
A No I was in my room and hollered -- my

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door was open I hollered out through my door
Q Towards the offices there?
A No Towards the hallway. There's a hallway that runs right here Kids were in that hallway
Q Is there a lot of kids there?
A I don't know
Q In my experience, at the end of the school day, the kids are gone
A Some A lot of them have after-school meetings with their teachers or after-school work or just anything that they might need to accomplish at the end of the school day
Q How many do you think were in the hallway? Was it a --
A I couldn't give you a number
Q Was it a crowded hallway like in between classes?
A No
Q No? And you just shouted?
A Yes
Q Did you recognize any students?
A I didn't look
Q How did you know that there were students there?
A I saw bodies passing my door I just

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glanced up while I was with [redacted] and glanced up just to see bodies and just hollered to them
Q Okay Can you see from your classroom over to the -- through the courtyard area to the offices, administrative offices and the nurse's office?
A There's little skinny windows, so you -- from my room, you mean?
Q Yes
A No.
Q You can't?
A No
Q Okay Can you see, if you peer out your door, look down the hallway, and those are the offices down there? Can you see that?
A You can't see the offices You can see the hallway
Q I've got you And so, fortunately for you, the nurse was in that day?
A Yes
Q And how often was the nurse there?
A I don't know They had their own schedule I don't know what it was
Q Well, what happens if somebody got injured when a nurse wasn't there?

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MR QUISENBERRY Object to the form
A Usually, secretary handled it
Q Steve Shaddrix's wife?
A Her and any of the other ladies that would be in the office.
Q Did she help you out here when [redacted] Redden tried to kill herself?
A No
Q Was she there?
A I don't know
Q You didn't talk to her about it?
A I don't remember
Q Did you talk to Steve Shaddrix about it?
A No.
Q Did you talk to anybody about the fact that a student of yours tried to kill herself?
A My wife
Q Okay What did you tell her?
A Same thing that I told you, that she came in my classroom, she had taken an overdose, and they transported her to the hospital
Q Did you speak with the paramedics?
A No
Q Why not? Did they not ask you what happened?

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A Nurse took over that Like I said, once we get the nurse involved, she handles it all
Q And who was the nurse again? What was her name?
A I don't know
Q And was there more than one nurse or just the one lady?
A One
Q Just one lady? Okay And she had an office, a nurse's office?
A She had a -- like a little clinic where kids could come to if they were sick, got hurt, injured in any way. She had a little small one
Q Okay And at the end of the day, did she stay?
A I don't know what her schedule was
Q You don't know if she stayed after the end of the school day?
A No
Q Now, did you happen to know any of the police officers that were involved in this investigation?
A You mean the ones that wanted to question me?
Q Did you know any of the officers that wanted to question you?
A No
Q Okay Do you know any of the officers that were involved in any way with this investigation?
A No
Q Are you sure?
A Not any of them that were involved in talking to me about the situation, no
Q Who did you know?
A The one police officer, Doug Wright
Q You know him?
A Yes
Q How do you know him?
A He was a student of mine.
Q Talk to him?
A After the situation, yes
Q But your lawyer told you not to talk
A To the two officers that were investigating it
Q And you said earlier that you didn't want to talk
A. To the officers that were investigating it
Q Why did you want to talk to Doug Wright about it?
A He was in school during that time

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Q So what?
A He was in my class during that time
Q And --
A Just out of the blue He was a wrestler of mine
Q Have you stayed in contact with him all these years?
A No
Q. Well, how did you contact him?
A. His mother works at the school
Q What's her job?
A She is a teacher's aide
Q. What is a teacher's aide?
A One that works in with English teachers or the special education
Q She ever work with you?
A Handicapped Pardon me?
Q Ever work with you?
A No
Q So did she -- did you tell her about what happened?
A No
Q Did she give you Doug Wright's contact information?
A I asked her for his phone number

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Q And why did you ask her for that phone number?
A He was a student that was in school during that year
Q And what did you hope to accomplish by contacting Doug Wright?
A Just to find out information that he might know about the time that I had [redacted] in my class Do you remember her? That was the question Do you remember her?
Q How many students were in your class at that time?
A Approximately 30 to 32
Q And of those 30 to 32, do you know the whereabouts or anything about what those people are doing now or what they were doing at the time the police came calling?
A Not very many of them
Q A few of them though, right?
A A few of them
Q And of those few, can you name them?
A Names?
Q Yes
A I can't tell you, no
Q Well, I can save the rest of your classmates

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from being subpoenaed and tracked down and then time wasted if you can just tell me who those people are
A I don't know all their names I don't remember that
Q How do you know where they are and what they're doing then if you don't know what their names are?
A I might see a friend of theirs that says, so-and-so --
Q But if you don't know what their names are, how do you know the identity of the person that you're referring to right here, right now?
A No I'm saying I don't know of the names of the students -- all the students that were in the class during that time
Q I'm not asking you about that I'm asking you about the students that were in your class at that time that when the police came calling, you knew where they were and what they were doing?
A Oh, no, no
Q None? Just a minute ago, you said there was a few
A You asked me if there was a few that I knew where they might have been You didn't say during

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this time right here
Q Yes, I did And you said there was a few
A Okay If you said it was the time during this, then, no, I do not
Q Well, when then did you learn of these few people?
A When I started figuring out that I needed to find students that would have knowledge of knowing [redacted]
Q And why would you want to do that?
A Well, I'm being charged with -- allegedly charged with something that is ridiculous, and I am upset about it, and I'm getting -- and I get fired up about it every time it comes up And I wanted to make sure I knew of people that were going to be there that would know about this and be able to tell the truth
Q Okay Did you contact them?
A No, I didn't
Q The only person you contacted was Doug Wright, who happens to be a police officer with the Charleston Police Department, isn't that right?
MS JACKSON Objection to the form
MR QUISENBERRY Same objection
A I don't know who he's -- you know --

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Q You know he's a cop, right?
A Yes
Q And you called him?
A Yes
Q In fact, you sought out his information to call him from his mother?
A Yes
Q And she gave that to you, right?
A Yes
Q And did you tell her why you wanted to call her son who was a cop?
A Her family, her other son, Doug, were athletes of mine She is a friend of mine I have asked about Doug over the last amount of years that he was in school because he was good friends with my godsons that were also on the wrestling team And I kind of kept up -- he played football for me, and I kept up with his -- what he had done
Q Through his mother?
A Yes
Q You didn't -- never called him before that, right?
A No
Q Okay So every other time you kept up to date on Doug and what he was doing, how he was

IN THE COURT OF COMMON PLEAS
FOR THE STATE OF SOUTH CAROLINA
CHARLESTON COUNTY

DEPOSITION OF RITA AVILA

JANE DOE,

Plaintiff,

vs

Case No 2010-CP-10-7699

CHARLES SMITH, CHARLESTON COUNTY SCHOOL DISTRICT, and JAMES ISLAND HIGH SCHOOL,

Defendants

DEPONENT RITA AVILA

DATE January 24, 2012

TIME 11 00 A M

LOCATION THE RICHTER FIRM
622 Johnnie Dodds Boulevard
Mount Pleasant, South Carolina

REPORTED BY TERI L HORIHAN
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ON BEHALF OF CHARLESTON COUNTY SCHOOL DISTRICT and JAMES ISLAND HIGH SCHOOL

YOUNG CLEMENT RIVERS
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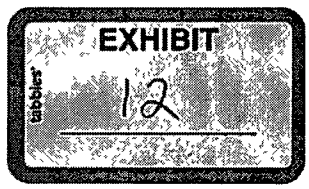

RITA AVILA,
having been first duly sworn, was examined and testified as follows

EXAMINATION

BY MR EDWARDS

Q State your name and address for the record, please

A Sergeant Rita Avila, A-V-I-L-A, [redacted]
[redacted]
29405 or 09 I'm sorry 05

Q And what do you do for a living?

A I am a detective sergeant with Charleston County Sheriff's Office

Q How long have you been in that position?

A As a sergeant, I have been there about seven months, since July As a detective, since 2007, a little over four years

Q So July, you were promoted to --

A Sergeant

Q -- sergeant And you became a detective in 2007?

A 2007, yes

Q Do you remember when in 2007?

A I was officially transferred in August 2007, but I had been training and receiving cases since

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than that he did remember that [redacted] followed Smith around and that he had no reason to believe that Smith was involved in any inappropriate behavior with [redacted] or anyone else

Q Do you recall anything else?

A I believe -- and I don't -- I'm trying to remember from that, but I believe he said he would actually make a better witness for Mr Smith than for [redacted]

Q Why would that be?

A He -- from what I can recall from what he said, he did not believe that Mr Smith had done anything like this with her, and that she probably just, like he said, followed her (sic) around

Q And what did he base that conclusion on?

A I'm assuming from his knowledge of when they were in school together

Q But he did confirm that he -- that [redacted] and Smith -- she followed, quote, unquote, Smith around?

A Yes. He said that he remembered [redacted] following him, Smith, around

Q So he recalls them spending time together at least, whether or not she was following him or not Is that fair to say?

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MR QUISENBERRY Object to the form of the question You can answer, if you can

A I mean, he recalled her following him But as far as what kind of time they spent together, he didn't say

Q Okay What about Tori Mack? Do you remember what she had to say? Is that a -- it's a she?

A She, yes She said she did not have any knowledge of anything, but that [redacted] used to talk a lot about Coach Smith And she said that if anything did happen, it would have been consensual, that she -- that [redacted] constantly spoke about Smith and that she had a crush on him And she said that they spent a lot of time together

Q So she corroborated that allegation that they spent time together at least, is that right?

A Yes And I do recall -- I apologize I do recall that I spoke with [redacted] mother

Q What did she have to say?

A And she said that she never suspected anything, but that the coach -- after Ms [redacted] suicide attempt, that the coach did call and check on her to see if she was okay. But [redacted] -- I'm sorry -- Ms [redacted] mother did not think

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anything odd at the time about that

Q Okay What is ROCIC?

(Off-the-record discussion)

Q What was the last thing that you said?

A I don't know what we asked

MR QUISENBERRY: Can you read it back?

(The question on page *63, line 2, was read back by the reporter)

A I don't know exactly what it stands for, but it's a -- basically like a law enforcement search engine that we can try to locate people based on the limited information that we may have

Q Okay Is it your understanding that at the age of 15, sexual activity could have been consensual between [redacted] and Smith?

A Legally or -- I mean --

Q Legally

A Legally, at the age of 15 back in 1980 -- whatever time this was that she was 15, back in the '80s, no, you cannot consent to sex at 15 with someone over the age of 18

Q. Okay So that statement that it would have been consensual, did that factor in at all to your investigation?

A No

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Q Okay Is there any -- okay What significance did that carry for you?

A About Ms Mack saying that it was consensual?

Q Uh-huh

A It was not surprising at all In cases of sexual abuse, a lot of times in child sexual abuse, the activity is consensual based on -- in other words, it's not a forcible situation It's very common in child sexual abuse that a victim will willingly cooperate or go along with the activity

Q Why do you think that is?

A Most of the time in child sexual abuse, it's someone that the child and family trust and that they have a close relationship with

Q And doesn't that also lead people to believe that -- or strike that

That being the case in your experience, is it not also the case that the victims and their family members don't suspect that type of activity because they trust the perpetrator?

A In my experience, yes

Q And is it common in cases of child sexual abuse that the victim -- perpetrator is someone in a trusting relationship like a teacher and a

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student?
A Yes, it is common.
THE WITNESS Excuse me Can we go off the record?
MR. EDWARDS -Sure
(Off-the-record discussion)
(Exhibit No 2 was marked for identification)
Q I've handed you Plaintiff's Exhibit Number 2 That's a statement given by [redacted] Redden on September 11, 2007 Have you ever seen this statement before?
A I've seen a copy of this This is not the statement that -- the one that I have that she was giving to us was signed
Q Okay If you'll review that if you need to, and let me know when you're finished
A Okay
MR EDWARDS. Let's mark this as 3
(Exhibit No 3 was marked for identification)
Q Plaintiff's Exhibit Number 3, is that the signed statement you're referring to?
A No Let me see This is a -- this is a -- this is another statement she gave This is the

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original one she gave us, in which I had her sign and initial each page, and then this was a --
MR QUISENBERRY Can you say -- you're pointing to Exhibit --
A I'm sorry To Exhibit 2 She had brought this in, and I had her sign, and then I signed and witnessed And then this one, Exhibit 3, was brought in at a later date And I don't remember if this is the one that came in after she had had more memories
But I -- in my case file, I was given both of these This is not -- again, this is not a copy of the one I received because the one I received has signatures on it
Q Exhibit 2, you're referring to?
A Exhibit 2 I'm sorry
Q But it appears to be the same one that you've seen?
A Yeah I mean, I can't testify to if it's the same because I -- again, the one that I -- the one that I was given, I have signed, yeah
Q Okay
A But it looks -- it appears to be similar, yes
Q Okay Let's start with Exhibit Number 2

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Do you remember what [redacted] told you -- understanding this had been a case of repressed memory -- what had triggered her memory?
A Yeah She had said that -- as she explains in the first section here, that she had talked to an inmate or an officer had talked to an inmate or something about some sexual abuse between adults that was going on, and this triggered a nightmare that she had of Coach Smith standing over her laughing And then she says she couldn't sleep, so she went to see an attorney
Q Okay Did you ever look into repressed memory? Did you ask anybody in the department what it was, what it was about? Ask anybody about information regarding repressed memory syndrome?
A No, not as far as that goes, no Not as --
Q Okay Was that ever discussed internally?
A Between Sergeant Williams and I, yes I do remember discussing with him, again, one of the hurdles with repressed memories to investigate cases like this
Q And what are the hurdles, and how do you overcome them?
A Again, it's just waiting for all the memories to come out Sometimes, you know, I mean,

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there's -- there's holes in the chain of events because the memory isn't there
Q Williams told you that?
A That -- I mean, yeah, that was our basic conversation is that because it's a repressed memory -- and, actually, Ms [redacted] had mentioned it, how it was spotty because of her memory
Q Did you ever speak with her therapist?
A I don't recall if I did or not I don't see anything in here I know that she finally gave a release for it, but I don't recall if we ever spoke in person or on the phone
Q Okay If you did, would that be reflected in your case file?
A More than likely, yes
Q Okay Did you speak with any therapists or medical professionals about repressed memory syndrome?
A I did not, no
Q Do you know whether or not -- did you do any independent investigation on Charlie Smith?
A As far as his school records or anything? I do not -- I don't recall if we were able to get -- or if we did get his school records I don't recall if we did that

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depends Now, again, at the time if she would have come forward, in the '80s, things were handled much differently than they are now I can say that if a 15-year-old child would have come forward right now, it would be handled slightly different, depending on their education level, their learning -- if they're learning disabled or any kind of disability that they may have, it would be handled based on all of that

Q Okay

A So, again, I don't know how it would have been handled in the '80s, but as far as now, there would be a different -- it would depend basically on their -- on the child.

Q Okay You were also asked earlier about the differences between this case and the Charles Long case

A Yes

Q And there was a discussion of the fact that the Charles Long victim did not have a repressed memory and that he did tell people about it at the time Is it also -- is there also a difference in that there were witnesses to other inappropriate contact such as sleepovers?

MR EDWARDS Object to the form

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A The two cases are really, really quite different So to compare them is really hard because it's two separate cases In both cases, both allegations were made that things were done privately where no other witnesses were around But, yes, we did have other witnesses in the Long case that testified to behaviors that could contribute to I guess what his allegations were

Q Okay Was there anything that [redacted] told you with regard to the fondling incidents that implied that there was any penetration versus fondling?

A No And again, those were all reviewed -- each of those were reviewed based on what the statute -- the criminal statute was at the time

Q Okay When you first met with [redacted] Redden, is that when she brought you the photographs and the yearbook and the maps?

A The maps she drew with me when we first met The photographs may have come afterwards I don't recall And I don't know if it's somewhere in all of these notes if it came afterwards But the maps she actually drew -- I had her draw when we sat down together

Q Okay Since you put this file as inactive,

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have you received any additional information that would change the findings that caused it to become inactive?

A No

Q Have you ever been given the name of any person who would have any actual firsthand knowledge about any abusive acts between Charles Smith and [redacted] [redacted]

A No.

MS JACKSON I don't have anything further

EXAMINATION

BY MR EDWARDS

Q I have a few follow-up questions Isn't it the case that sexual molestation occurs in private?

A Most of the time, yes

MR. QUISENBERRY Object to the form

Q And that being the case, there usually are no independent third-party witnesses that viewed the acts of sexual abuse?

A In the majority of cases, correct

Q And when something is concealed, say behind a desk or underneath a desk, behind a stack of books, people can't see it Doesn't mean it didn't happen, right?

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A Correct Just because there's nobody else who saw firsthand does not mean it did not happen

Q And you don't have any witnesses in your investigation that can say, no, that didn't happen; I saw that incident, and the fondling did not occur?

A I have no witnesses that can say that the allegations are absolutely false, correct

Q Okay You talked about Charles Long and other statements or witnesses who would support allegations as being some sort of difference in this -- between that case and this case Do you remember that?

A Yes

Q All right You agree with me, don't you, that there are witnesses who corroborate the fact that Redden and Smith spent time together in one form or another?

A Correct

Q And that Smith -- or Redden, I should say, may have had a crush on Smith, right?

A There -- there was a -- yes, at least one -- a witness who said that

Q And you acknowledge that at the age of 15, she couldn't have consented to sexual acts with

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Smith?
A Correct
Q So even if she had a crush on him, it wouldn't matter because any sexual activity between the two of them is unlawful, isn't that right?
A Correct
Q So you have several witnesses who identified to you that the victim, the alleged victim, had a crush on the perpetrator at an age where she could not consent to sexual activity Doesn't that corroborate or give some support, at least, to the allegation that some sexual activity did, in fact, take place?
MS JACKSON Object to the form
A It does not corroborate it It doesn't prove it It's an element of it
Q Sure
A But it doesn't prove it It doesn't corroborate it
Q You've got a victim who says -- let's assume this fact You've got a victim that says I had a crush on him I liked him I looked up to him I respected him, so on and forth Then you have various other witnesses that say, yeah, she had a crush on him She followed him around She liked

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him She respected him She looked up to him Right?
A Right
Q That's what we have Let's assume that. Is that a fair statement?
MR QUISENBERRY Object to the form of the question
A In a figure or this case?
Q Let's assume that [redacted] said that, okay, to you, that she had a crush on him And based on your documents, other witnesses indicated something to that effect Is that true?
MR QUISENBERRY Object to the form of the question You can answer
A Well, I mean, I just have an issue --
MS JACKSON Same
A I have an issue with saying that we're going to assume that -- I mean, she said it and then denied it
Q Okay
A But we do have a person who is -- one person who said, yes, she had a crush on him She may have had a crush on him We have another witness who said that she followed him around
Q Uh-huh

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A Does that corroborate what she says --
Q Well, and you have the victim who says that sexual activity took place
A Correct
Q And you have the law that says she can't consent to it
A Correct
Q And you've got a perpetrator who won't talk to you
A Correct.
Q Okay All of those circumstances don't give you any indication of some sexual activity may have taken place?
MS JACKSON Objection to form
A I think it's important to understand that the case was not unfounded It was deemed that we couldn't prosecute it
Q Why couldn't you prosecute it with those facts and circumstances?
A It was -- I mean, that's a Solicitor's Office call on that one
Q Well, you said earlier it was your call whether or not to secure --
A Ultimately, it's my call to make an arrest. It's the Solicitor's Office's call to prosecute it

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Q But doing your job is to secure the arrest warrant and arrest someone who there's probable cause to believe a crime has been committed
A Doing my job is to produce a case, if we find that there's been a crime that has been committed This case, unfortunately or fortunately, depending on I guess which side of the -- which party you're with, it was a case that was not a case that we were able to bring an arrest warrant and a prosecutable case on
Q How do you know?
A How do I know that it wasn't prosecutable?
Q Yeah
A Because we worked with the Solicitor's Office on it and went through all the leads that we had
Q But you didn't -- you didn't go through every lead that you had, did you?
A We went through every lead that we felt needed to be followed into
Q You didn't ask a judge for an arrest warrant, right?
A We did not go to a judge, correct
Q You didn't go and ask a jury to determine whether or not the facts are such that it can be

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concluded that sexual abuse took place?
A Correct
Q So how do you know whether or not it's prosecutable?
A That is a Solicitor's Office call The Solicitor's Office writing a letter to us saying that they will not prosecute -- that it's not a prosecutable case
Q Isn't a more accurate statement that the Solicitor's Office wouldn't prosecute it?
A The letter that I received said that it was not able to be successfully prosecuted
Q Sure But they don't know that, do they?
MR QUISENBERRY Object to the form of the question
A That's not my -- I can't answer for them I don't know I can just tell you what I was told
Q But you agree at the end of the day for every criminal charge, assuming the person being accused exercises his right and doesn't enter any plea, the only person or people who can determine whether or not a crime has been committed are those members of the jury
MR QUISENBERRY Object to the form of the question

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MS JACKSON Object to the form
Q Right?
A I think -- and I'm trying to make sure I understand your question You're saying that a jury is the only one who can determine if a person is guilty or innocent, absolutely But the steps it takes to get there --
Q Sure You also were asked about the fondling allegation and whether or not there was anything to support a finding or conclusion of some criminal sexual conduct Do you remember that?
A Yes
Q All right And you said -- I think you said no
A Correct
Q But you recall seeing the allegation and the statement from [redacted] that said that he smelled his fingers?
A Correct
Q Why would he smell his fingers if there's nothing to smell on his fingers?
MS JACKSON Objection to the form
A I can't answer for that I just know that based on the statute at the time, that was something that we did not further look into, that

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these oral abuse -- or oral sex was what our investigation was on
Q Would you agree that a reasonable inference to be made from the fact that he put his hand down her dress, pulled his hand out, smelled his fingers, a reasonable inference would be that his fingers went in somewhere down there and that he wanted to smell it?
MS. JACKSON. Objection
A Again, I can't --
Q I'm just asking you if that's a reasonable inference
A It could be
MS JACKSON Objection
A But I don't -- again, I don't know what the -- I don't have in front of me what the statute of -- at the time was, if it --
Q Yeah I'm not asking about statutes or about anything I'm just asking whether or not a reasonable person with a reasonable mind like yourself would say it's reasonable to conclude that -- assuming that's true, he smelled his fingers, that they had been somewhere that required -- that ended up with a smell on them
MS JACKSON Objection to the form

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MR QUISENBERRY Objection to the form of the question
Q I mean, is that completely unreasonable to think?
A No I don't think it's completely unreasonable
Q What does ROCIC stand for again?
A It's in here somewhere It's like Regional --
Q -- Organized --
MS JACKSON -- Crime Information Center.
A It's something like that, yes
Q What exactly is that, the Regional Organized Crime Information Center?
A Like I said, it's a database that if we are trying to locate someone but only have limited information, we could use that and take a chance that it's -- I believe it's just like a search engine
Q Who would be included in that search engine?
A I don't know I was never -- I never had access to it Another detective had to do that for me I'm trying to find where it is right here
Q I mean, does it have specific reference to

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those associated with organized crime?
A No, no
Q Okay So what types of people -- what would make your name appear in that particular database?
A I believe it's just like a -- again, and I don't know I have not been trained in it I didn't have access to it As you can see, it's not even my name that's on here
But it is -- from my understanding of it, it is basically a search engine like Accurint or any other kind of search engine that's out there' It may be in this that it's anyone who has ever had any kind of police report I don't know That I don't know
Q. Okay But Troi Myers is the only one that you found in that system, is that right?
A Yes It's the only one that we looked in for that one.
Q Why was her opinion and statement so desired?
A It was one of the people that Ms [redacted] had asked us to check with
Q She had asked you to check with other softball players and other people as well, but Troi Myers was the one that you sought out

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A Troi Myers was -- in her original -- I believe it's her original statement, she had said that she may have known -- I'm trying to find it here In Exhibit 2 -- let's see
She specifically asked us to look for Troi Myers, and I don't see where it is But the list of other people were basically just a list of students that she wanted us to contact Troi Myers and her were friends
I believe -- I don't want to say it unless I know for sure in here, but I believe Troi Myers was a -- she considered someone who was a very close friend of hers So someone that she wanted to seek out to get information on, as opposed to a list of students
Q Okay Weren't you told not to look into those other students?
A I had already felt like that would be inappropriate to basically go on a fishing expedition with students who she clearly stated had no knowledge of anything And when I spoke with Assistant Solicitor Herring-Lash, I believe at the meeting -- I believe it was at the meeting with [redacted] she had said that that would not be something we needed to look into it

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Q And she told you not to do it, right?
A She said don't worry about looking into it.
Q But she said go find Troi Myers?
A Yes
Q But those other students could have corroborated other things like softball practices, the fact that she was either on the softball team or not on the softball team, right?
A They could have said that she was out there, correct
Q They could have said whether or not she often took rides in the car with Smith, couldn't they?
A May or may not have been able to
Q They may or may not have been able to tell you what car he drove, right?
A Correct
Q They could have told you whether or not he had a mustache
A Correct
Q They could have told you if he had horses at the horse stables
A. May or may not
Q They might have been able to tell you if they were in car rides with Smith, right?

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A May or may not
Q Or that they went to the horse stables
A They may or may not have been --
Q Or that they were assaulted by Smith
A They may or may not have been able to
Q But you were told not to ask them any of those questions?
A I mean, with that logic, anyone at the school could have. We could have contacted the entire school
Q Well, sure, yeah
A Absolutely
Q But this is a list of people given to you by the victim of those close to her at the time, either close in proximity or close by friendship, but ran in the same circles, did the same things, saw the same people
A I would not say ran in the same circles It was students that she said were on the softball team Again, not -- students that she clearly stated did not have knowledge of the incidents
Q The actual acts of abuse?
A Correct Whereas, these -- Ms Troi Myers was someone that she wanted us to look up because Troi would possibly have some information

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Q But she didn't give you anything, did she?
A No
Q But she wouldn't sign a statement to that effect either?
A She said that she -- I believe that the last contact I had with her was that she would call back if she would do that, but she gave me her statement over the phone
Q So she didn't ever sign a statement?
A Correct
Q She never swore under oath?
A Correct
Q She never said that this is absolutely the truth, I'll put my name down on here and swear it to be true?
A Correct
Q She refused to do that?
A She didn't refuse to I mean, she was wasn't not cooperative She cooperated but --
Q She declined?
A Correct, she declined
Q You also didn't get a statement from Wright
A Correct
Q And none from Brown either
A. Correct Not written, correct

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Q You didn't take a statement from anyone at the school
A Correct
Q No statement from any other softball players
A Correct
Q No statement from any other students that were in her class with Smith --
A Correct
Q -- that could testify about inappropriate conduct in the classroom
A Correct
Q So what you have is an uncontradicted allegation by the victim, one of your own that works in the Sheriff's Department
A An uncontradicted --
MR QUISENBERRY Object to the form of the question
Q You don't have any witness or person that says, no, these things that she just said are not true She -- do you?
MR QUISENBERRY Object to the form of the question
A I don't have anyone who said that she was lying or that they witnessed or did not witness

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Q So what you have is an uncontradicted allegation from a member of the department, the Sheriff's Department, team --
A Correct
Q -- of a sexual assault that happened to her?
A Correct.
Q Okay It's a bit strange, don't you think, that being the case, that you're told specifically not to contact certain people but to contact other people, not take statements, not seek a search warrant, and declare or decide in the Solicitor's Office -- you may not have done it, but the Solicitor's Office just decides on their own, this can't be prosecuted with [redacted] while a similar allegation during the same time period at the same school --
A Not at the same school
MR QUISENBERRY Object to the form of the question
Q Not at the same school?
A Again, I don't believe -- I don't recall if Mr Long had any actual --
Q. Not at the school
A Right
Q But he did work at the school at some point

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in the mid '80s
A I don't know if he worked at the high school I don't know
Q Does that not strike you as odd?
A No, it does not
Q Why?
A Again, the case was not unfounded It was -- it's not a prosecutable case It was -- we have never, never, never at all said the case was unfounded That would be totally separate It would be different There would be a different marking on here There would be different markings on the report The case was never unfounded
Again, it was, it's not prosecutable, but it's not unfounded Unfounded means it didn't happen or it didn't happen in our jurisdiction Or what I should say -- it didn't happen -- a crime did not happen So it was never unfounded.
Q So you're not saying that a crime didn't occur?
A Correct We are not saying that a crime did not occur We are saying that it could not be prosecuted
Q And the standard -- a criminal standard is much higher than a civil standard Do you

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understand that?
A Yes
Q Do you think that had anything to do with it?
A That what had anything to do with it?
Q The higher standard required for a criminal prosecution versus a civil lawsuit
MR QUISENBERRY Object to the form of the question
A Yes I mean, we don't compare criminal to civil cases when we're doing these But, yes, it is much different from a civil action.
Q Okay Did you draw up this statement yourself?
A Yes
MR QUISENBERRY Can you say what you're referring to? Exhibit 6, I think
A Yeah, top of 6
Q Yeah, the statement of Detective Avila on Exhibit 6 This is your own words?
A Yes
Q Do you have a signed copy?
A I don't This was something I pulled off of my computer IA might have a signed copy.
Q Okay

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A I'll be honest, I don't even know if I spell checked this thing, so I don't -- I apologize if the spelling is off
Q When did you prepare this statement?
A This would have been prepared for the internal affairs investigation I don't know when that was Whenever the -- it would have been around the time that this allegation was made in Number 5, so around 2009
Q Okay Do you know whether that internal affairs investigation -- do you know anything about an issue that was raised by [redacted] with regard to Major Clark and getting some documents regarding the investigation?
A I don't know if -- I don't I don't know offhand, no
Q All right But there was an issue raised by [redacted] with regard to the internal computer system and how it was coded or whatever --
A Yes.
Q -- it was in the system?
A That was during the investigation, yes
Q And that became known to the people in the Sheriff's Department?
A Yes

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Q And that went up her chain of command to whoever it had to go to, is that right?
A I don't know if she -- I'm assuming she went up through her chain of command I know that it made it to her chief
Q And this internal affairs investigation likewise went up to her top chain of command, and they were all aware of that as well, is that right?
A This one in Number 5 that she made against me?
Q Yes
A I don't know I don't -- I don't know how internal affairs works, but I don't think that it goes up through chain of command I don't know
Q Who knows about it?
A I believe just internal affairs and the parties involved
Q Do you believe that to be true, that only the internal affairs department and the parties involved became aware of this investigation?
A I don't know
Q You never spoke to anybody about it?
A I spoke with my supervisor and with the internal affairs on it
Q Your supervisor?

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A Yes
Q Detective Williams?
A It was -- I told Detective Williams that I had a thing I didn't go into details on what it was
Q Who was your supervisor that you talked --
A I, again, didn't go into details on what it was But I did tell my immediate supervisor at the time and now still, Sergeant Zimmer She's now Lieutenant Zimmer.
Q How did they feel about it?
A I mean, they basically just kind of said whatever I mean, they laughed at it because -- again, and not talking about details of it, but just, I've got an internal affairs investigation
Q How did it make you feel?
A Honestly, it was irritating, but, again, as a police officer, we get internal affairs investigations We get complaints from citizens a lot, so, you just go with it And as long as you know you were doing what's right, you're not worried about it
Q Did [redacted] make people mad in the Sheriff's Department?
A I don't know She works at the jail I

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don't deal with her other than this case, this investigation, and like I said, another incident that had come up I am sure she's had run-ins with people .
Q Does she rub some people the wrong way?
A She may
Q Do you know?
A Do I know for a fact? No Can I assume? Yes
Q What do you base that assumption on?
A Probably based on the fact that, again, I've had my investigation time with her. I've had my IA complaint But as far as what she has done with anyone else, I don't know
Q Okay Do you know if the City of Charleston ever investigated anything in regards to these allegations?
A. I know that we -- I spoke with Investigator or Detective Cooper, and that the stuff that was done in the City was determined that based on the statute, it was not criminal
Q. Okay But the oral sex incident off the school ground in the county jurisdiction did meet the statutory requirements?
A Yes

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Q Do you know if the police department, the City of Charleston Police Department, opened up its own investigation and interviewed any witnesses?
A I don't know I don't --
Q When you spoke with Detective Cooper, was it the first he had heard about it?
A I believe so, but I don't -- I don't remember
Q After that first conversation, did you have any follow-ups with him?
A No And I believe -- I believe we spoke twice on it, when I initially called to let him know about it and then when we met with the solicitor
Q Okay So you and Cooper and Herring-Lash met together?
A Yes
Q And that was when you were told to find Troi Myers?
A No
Q When was that?
A. I was told to find Troi Myers --
Q That would have been at a meeting with Zimmer, Watson --
A Yes With the Solicitor's Office, yes

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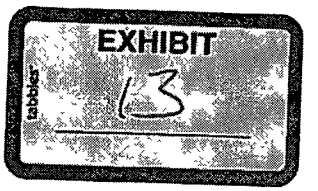
Q -- Solicitor and [redacted] and yourself?
A Yes And I don't remember if that was exactly when she said to call We had made attempts to contact her The ROCIC thing hadn't come back yet Yeah And that's when we -- that's when we met with her I'm sorry That's when she told me to do it, to make sure we found Troi or at least continued to try to contact her
Q She told you that privately?
A No That was in the meeting with Ms Redden
Q What did [redacted] have to say about that?
A Nothing That was one of the people she wanted us to contact
Q Okay
A Not that I can recall
Q After that meeting -- was that the last thing that you remember in the investigation, speaking with Troi Myers?
A Yes And then we, again, presented it to the Solicitor's Office, and we had exhausted everything, so the case was, again, stated that it couldn't be prosecuted
Q And now it's inactive?

Page 128

A Correct
Q But not closed?
A Correct
MR EDWARDS Okay. I don't have anything else
MS JACKSON Nothing further
MR EDWARDS You're all done
MS JACKSON Detective, you have the ability to read and sign your deposition, or you can waive it You can't change your answers, but you can correct things that she may not have gotten correct Court reporters are very good, but it's totally up to you. Some witnesses do, and some witnesses don't
THE WITNESS I'll waive it
(The deposition was concluded at 2 42 p m)



Policy EFA Student Transportation

Issued 8/05

Purpose To establish the basic structure for management of student transportation

The superintendent is responsible for executing overall bus transportation in the school district

Charleston County School District shall provide transportation to all eligible students within the boundaries provided for by state funds and state board of education regulations. The district shall adhere to all applicable rules and regulations relative to the routing and operation of the transportation system.

In accordance with federal law the district shall also provide transportation to homeless students to and from their school of origin, students transferring from a Title I school identified for school improvement, a student who is a victim of a violent criminal offense occurring in or on the grounds of the school the student attends or a student transferring from a school identified as persistently dangerous for three consecutive years

Students who travel to and from school on school buses or who make trips in connection with school sponsored activities are under school supervision.

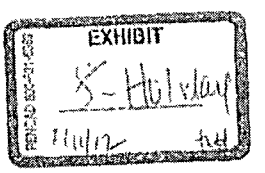
Adults on school buses

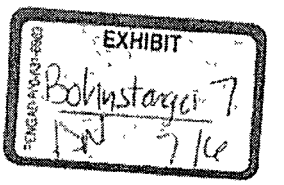
Parents/Legal guardians and other adult school volunteers or employees may ride school buses under the following conditions

- if a space is available (as determined by the superintendent's designee)
- in conjunction with special programs sponsored by the district

The district shall not re-route school buses to accommodate the pickup of adults authorized to ride buses under this policy.

The principal or his/her designee as authorized by state law and regulation, may suspend or deny bus transportation to a student or adult whose conduct is persistently and/or flagrantly detrimental to safety and order on the bus





Adopted 8/8/05

Legal references

Federal Law

McKinney-Vento Homeless Education Improvements Act of 2001, P.L. 107-110, 42 U.S.C. Sections 11431-11435

No Child Left Behind Act of 2001, P.L. 107-110 Section 1116 and Title IX, Section

9532.

S.C. Code, 1976, as amended:

Section 59-67-410, et seq. - School bus transportation.

Section 59-67-545 - Authorizes certain adults to ride school buses

Section 56-5-2770 (F)- Signals and markings on school buses, meeting, overtaking and passing school bus.

Section 59-67-240 - Disciplinary powers of bus driver.

Section 59-67-250 - Posting of copies of relevant statutes.

Section 59-67-470 - Superintendent to supervise conduct of pupils riding buses.

S.C. Acts and Joint Resolutions:

1967 Act 340 - Creates the School District of Charleston County and abolishes the county board of education; sets forth the powers of the constituent district boards.

State Board of Education Regulations:

R-43-80 through R-43-82 - Transportation.

CHARLESTON COUNTY SCHOOL DISTRICT

Policy EEAG Student Transportation in Private Vehicles

Issued 8/05

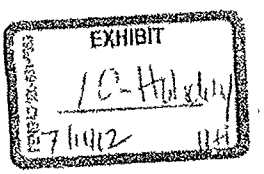
Purpose: To establish the basic structure for transporting students in private vehicles.

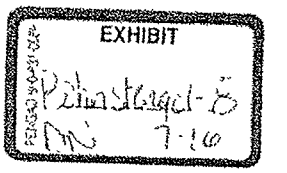
The board does not encourage the use of private vehicles unless it is essential.

Only the superintendent may authorize the use of private vehicles for the transportation of school children to and from school sponsored activities.

Adopted 8/8/05

CHARLESTON COUNTY SCHOOL DISTRICT





Policy JLCF: First Aid and Emergency Care

Issued 11/05

Purpose: To establish the basic procedure for the administration of first aid and emergency care.

The school nurse or principal's designee shall be responsible for providing emergency services in case of injury to, or sudden illness of, a child or staff member. A major injury includes any injury severe enough to cause the loss of one limb, digit or most of a tooth or eyes. Policy: the consultation of a physician for medical assistance.

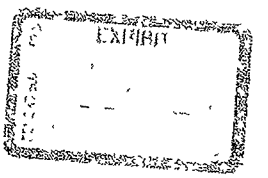
If a school employs a licensed practical nurse (LPN), a registered nurse (RN) must be available on call (via phone, fax, pager).

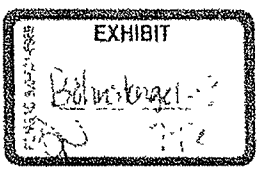
Procedure:

The superintendent shall require each school to develop procedures for the proper handling of such emergencies. The administration shall distribute these procedures to the staff.

The procedures shall include the following requirements:

- The school nurse or another trained person will be responsible for administering first aid.
- The school will notify the student's parent/legal guardian of the student's illness or injury. The school will request that the parent/legal guardian make appropriate arrangements for the student's care.
- If the school cannot contact the parent/legal guardian immediately when a very serious accident occurs or when a child becomes alarmingly ill, the school shall summon medical service or an ambulance to take the child to the appropriate medical facility. Schools shall notify the parent/legal guardian as soon as possible.
- Schools shall administer first aid, emergency care and the routine delivery of health services to students according to the procedures specified in the health service procedures manual or other appropriate document.





Adopted 3/97.0, Revised 10/12/98, 11/28/05

Legal References:

S.C. Code of Laws, 1976, as amended:

Section 40-33-70. Amends law relating to on-site supervision of a nurse.

Section 44-76-10 through 90 - South Carolina Automated External Defibrillator Act

CHARLESTON COUNTY SCHOOL DISTRICT

Policy EHB Data/Records Retention

Issued 1/07

Purpose To establish the basic structure for maintenance and retention of district records

The board recognizes the importance of maintaining complete and accurate records in compliance with all applicable laws and regulations. The board directs the superintendent to ensure that all records and documents are retained in accordance with the schedule provided by the South Carolina Division of Archives and Records Management.

Charleston County School District records are open to the public in compliance with the South Carolina Freedom of Information Act. Persons who wish to review those records must forward their requests to the superintendent.

The superintendent shall establish procedures which implement the provisions of this policy.

Adopted 9/24/84, Revised 8/8/05, 1/9/07

Legal references:

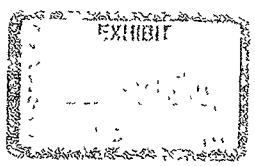
S.C. Code 1976, as amended:

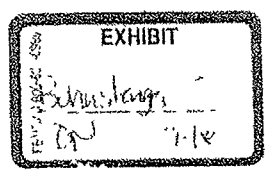
Section 30-4-10, et seq. South Carolina Freedom of Information Act

Department of Archives and History Regulations:

Regulation 12-901 through 12-906.6 - Article 9 - General retention schedules for school districts.

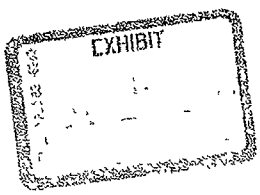
CHARLESTON COUNTY SCHOOL DISTRICT





South Carolina Department of Archives and History
Archives & Records Management Division
8301 Parklane Road
Columbia, South Carolina 29223-4905

General Records Retention Schedules
for School District Records



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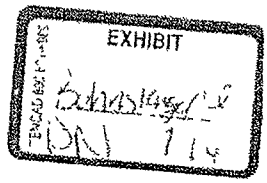

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Introduction

The Archives and Records Management Division of the State Archives has prepared these general retention and disposition schedules to give South Carolina's school districts the legal authorization to retain and dispose of records common to six departments, offices, and functions. The schedules list permanently valuable records which should be properly protected for future use, and they also supply a timetable that will allow records custodians to routinely and legally dispose of records of non-permanent value. In preparing the schedules, the Division consulted with various school district officials.

Purpose

The schedules are designed to

- give school districts uniform guidelines for the retention and disposition of common records;
- make sure school districts retain records for as long as necessary the records they will need for administrative, legal, fiscal, and other use;
- make sure school districts retain records for as long as state and federal laws, regulations, policies, and procedures require;
- promote the cost-effective management of records;
- give school districts the legal authorization they need to dispose regularly of their obsolete records.

Statutory authority

Section 30-1-90(B) of the *Code of Laws of South Carolina, 1976*, as amended, authorizes the State Archives to promulgate as state regulations, general schedules for records common to local governments. On 21 June 1991, the General Assembly approved the school district general schedules as Regulation 12-901 through 12-906. Additional revisions to the school district general schedules were approved by the General Assembly as Regulation 12-901 through 12-906.1, and became effective on 23 May 2003.

Definitions of schedules

A records retention schedule describes one or several records series, shows the length of time the records should be retained, and indicates their final disposition. Schedules are of two types - specific and general.

Specific Records Retention Schedules - these schedules are prepared and approved specifically for your school district; your school district's name will appear on these.

General Records Retention Schedules - these schedules are state regulations issued by the State Archives and are published in the *Code of Laws of South Carolina 1976*, as amended. When a general schedule applies to records already covered by a specific schedule, the general schedule will supersede the specific schedule unless you wish to opt out of using the general schedule.

Special provisions

Opting out - You may already have approved specific schedules that cover some or the same records as the general schedules. If you prefer to continue using these specific schedules, the regulations allow you to opt out of using the general schedules. The regulations will also let you opt out of using general schedules if you wish to establish new specific schedules instead.

ROA2152

Unique records These general schedules do not list records that are unique to your school district. To control the retention and disposition of these you should refer to your specific schedules. If you have no specific schedules, contact your records officer. If you do not know who your records officer is, contact Local Records Services at 803-896-0122.

Confidential and restricted records School district records officers and records custodians should ensure that confidential records are filed, accessed and disposed of according to federal, state and local legal requirements.

Exceptions to minimum retention periods These general schedules establish minimum retention periods for the official copy of your school district's records. Although most records can be destroyed when their minimum retentions have been met, you may need to keep some records longer to satisfy specific requirements. Be sure those requirements have been met before you dispose of those records.

Copies These general schedules do not cover copies of records that were made for convenience, information or duplication. You may destroy copies when you no longer need them.

To what type of records do these schedules apply?

The following school district departments, offices and functions: administrative, finance, food services, payroll, personnel, and student records.

To whom do these schedules not apply?

Counties, municipalities, special purpose districts, and any quasi-governmental subdivisions. The State Archives has developed a separate general schedule for counties and municipalities.

General schedule format

Each record series listed in the general schedules is presented in the following format:

Format for School District Board Meeting Minutes
Subarticle 1. Administrative
12-901.3 School District Board Meeting Minutes
A. Description: Proceedings at meetings of the School District Board. Information includes date of meeting, meeting time, meeting place, board members present, order of business, business discussed, and decisions made.
B. Retention: Permanent. Microfilm for security.

Subarticle number This publication contains schedules for six departments, offices/functions, each with a separate subarticle number.

Regulation number and series title The first line includes the regulation number, which is used for reference, and the only most commonly used by school districts.

Part A. Description A short statement describing the use and informational content of the record series. It helps to identify the record.

Part B. Retention: The time period indicating *the minimum length of time* that records should be retained by the office before their disposition can take place. Some records are scheduled for permanent retention because of their value; others have retention periods that vary from "until no longer needed for reference" to seventy-five years.

Explanation of micrographics terms used in retention schedules

"Microfilm Optional" – Microfilm may be substituted for the original records IF the microfilm meets state standards (see R-12-200 of the *Code of Laws of South Carolina, 1976,* as amended). Before you destroy the originals, you must submit to the State Archives and have approved a Microfilm Quality Certification for Records Disposition form

"Permanent. Microfilm for security" – You cannot destroy the original records after microfilming

"Permanent. Microfilm" – You must microfilm records of permanent value that are on non-permanent media like computer tape and computer printouts to preserve the information they hold And you must submit a copy of the Microfilm Quality Certification for Records Disposition form to the State Archives for approval before you destroy the non-permanent media those records are on

Using this schedule effectively

- Your school district records officer should coordinate all activities relating to the retention and disposition of your records and function as a liaison with the State Archives in administering the school district's records management program If you have no school district records officer, each records custodian has these responsibilities
- School district records officers should work with other school district staff to coordinate the regular disposition of obsolete records. Disposition should be carried out periodically – at least once a year To streamline disposition, your staff should review filing arrangements, cut off files periodically, and develop procedures to segregate inactive and obsolete files
- Generally, non-archival records should be destroyed when the minimum retention periods have been met unless they are needed to meet specific requirements (see Section 12-901) Although you are not required to destroy records at the end of their minimum retention periods, obsolete records should not occupy expensive office and storage space
- The titles and descriptions of record series listed in the general schedule may not reflect exactly the titles and descriptions you use If you are not certain whether the schedule applies to a specific record in your office, please contact Local Records Services at 803-896-6122

How to use the general schedules

1. Study the general schedules and compare them with your specific schedules, if you have any, to determine which schedules you will use
2. Locate and examine all your records.
3. Match each records series with the title and description on the general schedule
4. Follow the records disposition process outlined below The process is illustrated by the flow chart on page 11

Records disposition process

Permanent (archival) records:

Paper Records – After your permanently-valuable paper records become inactive, you should transfer them to an archival repository Contact Local Records Services for advice on how to care for and protect your archival records

Micrographics – If you microfilm permanent records, contact Micrographics Services at 803-896-6208 for help and information about microfilm standards

Optical disk – If you are maintaining permanent records as digital images, special requirements apply Contact Local Records Services at 803-896-6122 for more information

ROA2154

Non-permanent records:
To destroy records according to general schedules, you must complete and forward to Local Records Services a "Report on Records Destroyed" form A sample form is included on pages 8-9, and blank forms are available from Local Records Services Follow the step-by-step instructions on the back of the form Please note that both the form and the process are the same as those you use to document records disposal under your specific schedules To help you estimate cubic footage for column 9 on the form, we have included a table of volumes on page 10

Contacting the State Archives—When and Whom?

When?

1 You submit a "Report on Records Destroyed" form when destroying records covered by general and/or specific schedules
2 You need to prepare or revise specific schedules
3 You need help with your records management duties

Whom?

Local Records Services
8301 Parklane Road
Columbia, SC 29223-4905 Phone 803-896-6122 Fax 803-896-6138

When?

1. You want to substitute microfilm (Microfilm Quality Certification For Records Disposition Form) for the original records (Note You must have a records schedule to do this)
2. You need to store security microfilm of permanently valuable records
3. You want information about the processing, quality control, and duplicating services the State Archives provides

Whom?

Micrographics Services
8301 Parklane Road
Columbia, SC 29223-4905 Phone 803-896-6208 Fax 803-896-6138

SC DEPARTMENT OF ARCHIVES & HISTORY
DIVISION OF ARCHIVES & RECORDS MANAGEMENT

REPORT ON RECORDS DESTROYED

Return the original copy of this form to

SOUTH CAROLINA DEPARTMENT OF
ARCHIVES & HISTORY
RECORDS SERVICES BRANCH
8301 PARKLANE ROAD
COLUMBIA, SC 29223-4905
FAX: 803-896-6138

1. STATE OR LOCAL AGENCY: Carolina School District
2. RECORD GROUP NUMBER: (For Archives Use)
3. DIVISION OR OFFICE: Finance
4. DATE: July 2, 2003

5. The records listed below have been disposed of in accordance with provisions of the PUBLIC RECORDS ACT, CODE OF LAWS OF SOUTH CAROLINA, 1976, Sections 30-1 10 through 30-1-140, as amended, and approved Records Retention Schedules

SIGNATURE OF RECORDS OFFICER OR REPRESENTATIVE: Daniel Edwards

6 RECORD SERIES TITLES	7 RECORD SERIES NUMBER	8 INCLUSIVE DATES	9. VOLUME (Cu. Ft.)	10 DATE OF DESTRUCTION
Banking Records	12-902.16	1990-June 1998	12.00	Jul. 2, 2003
Paid Invoices	12-902.17	1991-June 1998	10.00	July 2, 2003
Purchase Orders	12-902.18	1995-June 2000	8.00	July 2, 2003
Certified Staff List	12-902.22	1995-June 2002	.50	July 2, 2003
			30.50	11 TOTAL CU FT DESTROYED

ARM 11 (94)

ROA2156

INSTRUCTIONS FOR COMPLETING THE FORM
REPORT ON RECORDS DESTROYED

Please read the Instructions carefully before completing this form.

After completion, your agency must return this form to the State Archives, Records Services Branch, and retain a copy for reference to document the legal disposition of your records.

AGENCY means any state or local government entity

This form should only be used to report the destruction of records covered under a specific Record Retention/Disposition schedule. Generally, this form should be completed by the agency records officer or authorized representative

1. Enter your agency's name (Department of Health and Environmental Control) or the name of your political subdivision (Lexington County Sheriff's Office).
2. Leave block 2 blank This block will be completed by SC Department of Archives and History Record Analysts upon receipt of this form by the Records Services Branch.
3. Enter any division or office identification which will clarify the records destroyed (Retirement System, State Law Enforcement Division).
4. Enter the date your agency prepares this form.
5. The official making the report should sign here. The approving authority must be the agency's chief administrative officer or authorized representative. In most state agencies, this authorized representative may be the agency records officer. In local agencies this authorized representative may be the manager, administrator, elected department head or other designated official.
6. Enter the exact record series title Each series title should correspond to the one cited in the record retention schedule.
7. Enter the appropriate record series/schedule number for each record series destroyed.
8. Enter the earliest and latest dates covered by the records destroyed (2/1992-5/1993, or 1987-1990).
9. Enter the volume (in cubic feet) of records destroyed. *See 11 below.*
10. Enter the date (month and year) of destruction (3/1993; 1/1987; 12/1980).
11. Enter the total volume of records destroyed. Add figures entered in column 9.

TABLE OF VOLUMES

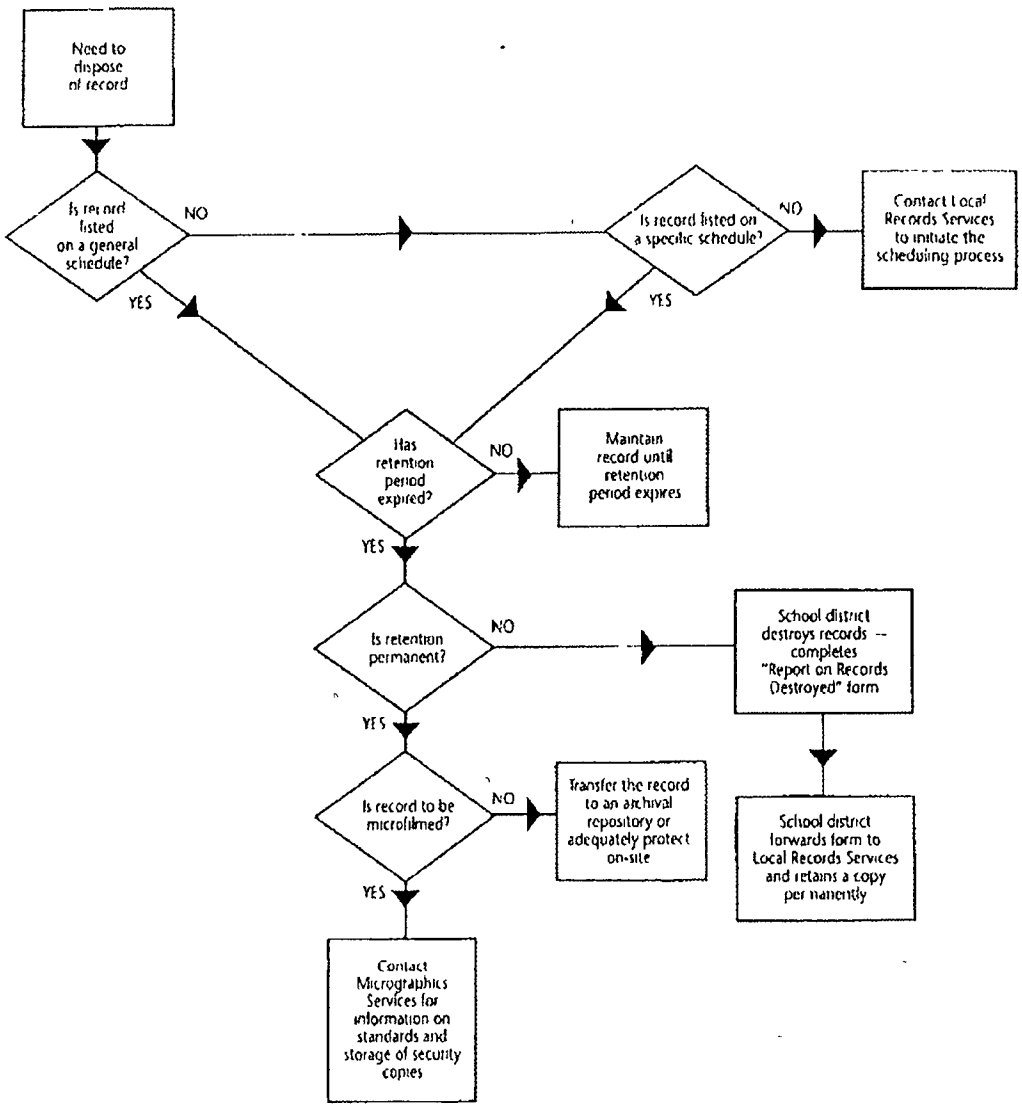
	QTY.	ITEM/SIZE	CAPACITY
CABINETS	1	vertical letter-size file drawer	1 5 cubic feet
	1	vertical legal-size file drawer	2.0 cubic feet
	1	lateral legal-size file drawer	2.5 cubic feet
BOXES	1	standard Records Center box	1.0 cubic foot
SHELVES	1	letter-size open shelf—36" long	2.0 cubic feet
	1	legal-size open shelf—36" long	2.5 cubic feet
CARD FILES	10	12" rows of 3" x 5" cards	1.0 cubic foot
	6	12" rows of 4" X 6" cards	1.0 cubic foot
	4	12" rows of 5" x 8" cards	1 0 cubic foot
	5	14" boxes of tab cards	1.0 cubic foot

CUBIC FOOT EQUIVALENCY FORMULA

$$\frac{\text{LxWxH (in inches)}}{\text{1728 inches}} = \text{cubic feet/unit}$$

ROA2158

Records Disposal Process



ROA2159

General Retention Schedule for School District Records

12-901. Introduction and general matters; application of schedules.
The following general schedules contain minimum records retention periods for the official copy of the records These retentions and dispositions apply regardless of physical format, i e paper, microfilm, electronic storage, digital imaging, etc Convenience, informational or duplicate copies are not governed by this regulation and may be destroyed when no longer needed for reference To destroy records in accordance with this regulation, school districts must complete and submit a Report on Records Destroyed form to the Department of Archives and History after eligible records have been destroyed These forms are available from the Department's Division of Archives and Records Management Before disposing of public records under these general schedules, school districts should insure that the records have no further audit, legal, or fiscal value These general schedules supersede all schedules approved previously for the same records series However, school districts may opt out of these general schedules and request the continuing use of existing schedules or the establishment of specific retention schedules for their records when appropriate, necessary, or in order to avoid conflict with other laws or regulations

Subarticle 1. Administrative

12-901.1. School District Board Meeting Tapes
A. Description. Cassette tape recordings of school district board meetings used in preparing the school district board minutes Information includes date of meeting, meeting time, meeting place, board members present, order of business, business discussed and decisions made
B. Retention: 2 years, then destroy/re-use, provided paper copies of the minutes have been produced.

12-901.2. School Board Meeting Agenda Packets
A. Description: Record of items submitted for the school board's consideration Information includes date, time, and locale, order and description of proposed business
B. Retention: Permanent. Microfilm optional

12-901.3. School District Board Meeting Minutes
A. Description: Proceedings of the monthly meetings of the School District Board. Information includes date of meeting, meeting time, meeting place, board members present, order of business, business discussed, and decisions made
B. Retention: Permanent. Microfilm for security

12-901.4. Committee Meeting Minutes
A. Description: Minutes taken at meetings of committees that report to the school board on areas of specialized study Types of committees include but are not limited to finance, budget, personnel, fund raising, facilities, disciplinary hearings, and curriculum and instruction
B. Retention: Permanent Microfilm for security

12-901.5. Deeds
A. Description: Documents deeds to school property Information includes grantor, grantee, location, description of land, monetary consideration, encumbrances, signature of grantor, notary, and witnesses, and date recorded
B. Retention: Permanent Microfilm optional

12-901.6. Basic Education Data System Survey
A. Description: Employee personnel questionnaire to all principals and staff of elementary and middle schools, generated by the South Carolina Department of Education. Information includes

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school identification number, school name, school address, grade span, employee social security number, years of experience, certificate number, age, educational level, and salary
B. Retention: Until superseded and/or of no further administrative value, then destroy

12-901.7. Federal Project Files
A. Description: Records federal money spent as approved by the State Department of Education Types of documents include grant application, project approval letter, and budget reports
B. Retention: 5 years after completion of activity for which funds were used, then destroy

12-901.8. General Correspondence And Subject Files
A. Description: Copies of incoming and outgoing correspondence to and from the office with students, parents, businesses and other government offices and citizens, reports, technical papers, studies, reference materials, and other records created or received in the general administration of a program or in the management of the office For the purposes of retention scheduling, the files are broken down as follows

(1) Policy and Program Records These records document the formulation and adoption of policies and procedures and the implementation or management of the programs or functions of the office or department. Included are such records as correspondence with citizens and government officials regarding policy or procedures development or program administration, annual or ad hoc narrative or statistical reports on program activities, achievements or plans, organizational charts and mission statements, studies regarding department or office operations, circular letters, directives or similar papers addressed to subordinate units or staff concerning policies, procedures or programs, and records related to significant events in which the department or office participated Records may include photographs, published material, audio tapes, or other record forms.

(2) General Administrative Records These records are of a general facilitative nature created or received in the course of administering programs Included are such records as correspondence of a routine or repetitive type, such as requests for information, reference materials, sometimes of a technical nature, used, but not created by, the office, daily, weekly or monthly office activity reports which are summarized in annual reports or which relate to routine activities, personnel data on office staff which are duplicated in Personnel Office files, daily or weekly work assignments for office staff, suspense or follow-up files which duplicate copies of papers filed elsewhere, circular letters, directives or similar papers received from other offices; and rough drafts or notes created in compiling reports or studies

(3) General Housekeeping Files These records are of a general "housekeeping" nature created or maintained by an office which do not relate directly to the primary program responsibility of the office Included are such records as charitable fund raising drive materials, custodial services requests, emergency evacuation procedures, notices of holidays, parking assignment lists; telephone installation requests, and lists showing the distribution of keys

B. Retention:
(1) Policy and Program Records Permanent Microfilm optional
(2) General Administrative Records 5 years, then destroy
(3) General Housekeeping Files Until no longer needed for reference, then destroy

12-901.9. Blueprints and Maps of School Buildings
A. Description: Records documenting the physical structure of school buildings and related equipment Information includes site plans, geological/topographical maps of site areas, and maps of city services
B. Retention: Permanent Microfilm for security.

12-901.10. South Carolina High School League Student Eligibility Files
A. Description: Documents student eligibility to participate in sanctioned athletic events Information includes League Handbook, birth certificate, parent permission/physical form, certificate of eligibility, interscholastic completion eligibility reporting form, high school league passes form, form A for transfer student, request for hardship eligibility, copies of student permanent record cards, report cards and league directory information
B. Retention:
(1) League Directory/Handbook Until superseded, then destroy
(2) Other Records 5 years, then destroy

12-901.11. Media Center Records
A. Description: Records used in the operation of the media center program Information includes shelf list, list of materials available in media center, computer information on school/books/user/return date, security bars and codes, center instructional schedules, equipment schedules, fee documentation, and end of year inventory reports.
B. Retention: Until no longer needed for reference, then destroy

Subarticle 2. Finance

12-902.1. General Ledgers (Superintendent's Ledgers)
A. Description: One or more series of computer and non-computer generated financial ledgers providing final year-to date accounting summary and a permanent audit trail for all fiscal receipt and disbursement transactions affecting any and all school district funds and accounts, including receipts and expenditures from all revenue sources. Records covered under this schedule include annual accounting code and system table documentation required to access general ledger information.
B. Retention:
(1) Computer Generated Ledgers Permanent. Microfilm
(2) Non-Computer Generated Ledgers Permanent Microfilm optional

12-902.2. Chart of Accounts
A. Description: Format created by the Department of Education and sent to the school district for the purpose of providing a cost accounting system to satisfy legal and stewardship requirements connected with handling public funds. Information includes balance sheet accounts, revenue accounts and expenditure accounts This information is retained permanently in the Superintendent's Ledgers as accounting code data to access ledger information
B. Retention: 5 years, then destroy

12-902.3. Audit Reports
A. Description: Printed reports documenting the annual audit of school district funds These reports, prepared by an outside accounting firm, are categorized by the various school district offices and further classified by accounts to which they relate This series also includes semiannual and special audits Information includes balance sheet, summary of revenue and expenditures, cash balances, and statement of account by type
B. Retention: Permanent Microfilm optional

12-902.4. Annual Budgets
A. Description: Printed copies of annual budgets showing projected receipts and expenditures from various offices Approved budget appropriations are listed for each department
B. Retention: Permanent Microfilm optional

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12-902.5. Record of General Obligation Bonds
A. Description: Informational volumes concerning the issuance of general obligation bonds issued by the district Information includes legislation authorizing the issuance of bonds, certificate of the Clerk of Court, certificate of incumbency, notice of bond issuance, debt structure, tax information, and financial information on the district
B. Retention: Permanent Microfilm optional

12-902.6. Capital Project Records
A. Description: Record of capital projects undertaken by the school district Information includes project number, fund number, name of project, description of work, estimated starting and finishing date, estimated costs, total, signature of originator, approval, and date
B. Retention: Permanent Microfilm optional

12-902.7. Grant Files
A. Description: Background application information and action taken on federal and state grants awarded to the school district Information includes filing guidelines, grant applications, contracts, correspondence, reimbursement requests, progress reports, and final reports
B. Retention:
(1) Applications, Grant Contract Agreements, and Annual and Final Grant Project Report for Significant Projects Permanent Microfilm optional.
(2) Other Records. 3 years after completion of grant project, then destroy

12-902.8. Fixed Assets Inventory
A. Description: This series provides an inventory of fixed assets (office equipment and furniture, motor vehicles) for each department Information includes school, district, item number, item description, and funding source
B. Retention: Until superseded, then destroy

12-902.9. Balance Sheet
A. Description: Monthly summary of accounting data, assets, liabilities, and net worth Information includes account number, assets, reserve and fund balances, liabilities, totals, and net worth
B. Retention: 5 years, then destroy

12-902.10. Monthly Financial Reports
A. Description: A monthly record of the school district finances Information includes accounting numbers, account names, budgeted amounts, inventory, monthly accounting, accounting to date, and balance
B. Retention: 5 years, then destroy

12-902.11. Interim Pupil Activity Audit Report
A. Description: Audit documenting student money collected by the school district and applied to the funding of various school-related programs such as pictures, book fairs, fund raising, class activities, alumni assistance, and club (French, music, etc.) dues Type of information includes receipt number, original amount, charged amount, and difference Also includes bank reconciliation statements and correspondence
B. Retention: 5 years, then destroy

12-902.12. Budget Status By Location
A. Description: Record to inform each school of budget status Information includes budget for expenditures, year-to-date expenditures, and budget balances
B. Retention: 3 years, then destroy

12-902.13. Budget Transfers
A. Description: Forms documenting the transfer of funds from one account to another within the same department or school Information includes account number, description, debit amount, and credit amount
B Retention: 2 years, then destroy

12-902.14. Journal Entries
A. Description: Record series used for reviewing and adjusting various accounts before transferring information to the general ledger Information includes name of department, account number, description, voucher number, date, reference number, debit, credit, and date
B. Retention: 3 years, then destroy

12-902.15. Expenditure Report
A. Description: Monthly status of expenditures for each department, office and school Information includes date, account number, purchase order number, vendor code, transaction code, and totals
B. Retention: 2 years, then destroy

12-902.16. Banking Records
A. Description: Cancelled checks and deposit slips written by the school district along with the statements issued by the bank Information includes checks' date, to whom paid, amount, check number, authorized signature of finance officer, bank statements list of checks for one month period, dates, beginning balance, ending balance, and deposit slips' date, amounts of deposits, and total deposit.
B. Retention: 5 years, then destroy.

12-902.17. Paid Invoices
A. Description: Filed copies of invoices submitted by various vendors supplying goods and services to the school district These invoices are filed together with copies of the school district checks and/or claim forms containing descriptions of the items purchased Information includes invoice vendor name, address, date of purchase, purchase order (if any), invoice number, item(s) or service(s) purchased, amounts, total, check copy: vendor name, address, date of check, amount, check number, and claim form date, account number(s), description of item(s), amount(s), approval signature(s)
B. Retention: 5 years, then destroy.

12-902.18. Purchase Orders
A. Description: These records serve as office copies of purchase order for goods and services paid for by the school district or for goods and services yet to be delivered to the school district. Information includes vendor name and address, shipping information, quantity ordered, unit of issue, description of goods/services ordered, general ledger account number, unit price, extended price, purchasing agent's signature, individual who signs for receipt of goods/services and date received, and notations regarding any shortages in shipment
B. Retention: 3 years, then destroy

12-902.19. Accounts Payable Check Registers
A. Description: Documents check payments to vendors/contractors for services/materials sold to the school district. Information includes name, date, check number, and amount
B. Retention: 3 years, then destroy.

12-902.20. Receipts (Receipt Books)
A. Description: Copies of receipts issued for funds received. Information includes date, receipt number, from whom received, amount, purpose, and signature of person who received the funds
B. Retention: 3 years, then destroy

12-902.21. Bid File
A. Description: This series provides a record of each bid submitted by vendors selling goods and/or services to the school district. Information includes request for quotation, bid spread sheet, bid award letter, advertisements, bid invitations, specifications, bids, bid tabulation, purchase orders, and correspondence
B. Retention: 3 years, then destroy

12-902.22. Certified Staff Listing
A. Description: List of certified teachers employed by the school district. Information includes social security number, teacher name, race, sex, year certified, group, class, grade, days actually employed, federal funds, total annual salary, and school number
B. Retention: Until superseded, then destroy

12-902.23. Ticket Sales for School Events
A. Description: Records documenting the audit practices of the school in keeping records of ticket sales, income and other pertinent records related to athletic events, activity cards, school productions, or extracurricular events which charge admission. Information includes list of activity cards sold, tickets to be destroyed, season ticket holders (number of seats), statement of receipts, disbursements, game ticket forms, athletic ticket sales form showing advanced location sales
B. Retention: 3 years, then destroy

12-902.24. Uncollected Fees Documentation
A. Description: List of students owing fees to the school. Information includes fees owed for lost or damaged textbooks, library books and materials, locks and equipment
B. Retention: 3 years, then destroy

12-902.25. Requisitions
A. Description: Record of requests for purchase orders from the purchasing agent to order materials with district monies. Information includes records of request, attached order, name of school, address of vendor, district budget number to which the amount is charged, quantity, description, catalog number, specifications, unit price, total, authorization signature of principal, and district office personnel
B. Retention: 3 years, then destroy

12-902.26. General Budget Preparation Records
A. Description: Budget preparation materials for next fiscal school year. Information includes revenue listings provided by the South Carolina Department of Education, future projections, new budget account number, memos, and correspondence
B. Retention: 3 years, then destroy

12-902.27. Work Orders
A. Description: Copies of work orders for services requested and subsequent services rendered. Information includes service requested, location, cause of problem, signature of department, and by whom request made
B. Retention: 3 years, then destroy

Subarticle 3. Food Services

12-903.1. School Lunch Applications
A. Description: Applications for free and reduced priced meals, filled out by sponsor of students applying for free and reduced meal program Information includes student's name, other household members names, sponsor's name and address, monthly income statement, and signature of sponsor.
B. Retention: 3 years, then destroy

12-903.2. Food Service Report
A. Description: Record of receipts and expenditures from the school district food service This report is generated monthly and submitted to the South Carolina Department of Education. Information includes food service balance sheet, beginning balance, revenue generated, operating balance, inventory, and break out data
B. Retention: 3 years, then destroy

Subarticle 4. Payroll

12-904.1. Payroll Register
A. Description: Documents wages paid to school district employees for services rendered. Information includes name of employee, social security number, date of check, hourly or salaried amount, overtime, number of hours worked, volunteered and other deductions
B. Retention:
(1) Year End Payroll Registers· 60 years, then destroy.
(2) Other Payroll Registers. 1 year, then destroy

12-904.2. Employee Earnings Records
A. Description: Separate posting sheets for each school district employee which contain record of earnings per pay period Information includes name of employee, employee's address, social security number, base pay, period ending, time worked, FICA tax, federal tax, state tax, retirement, insurance, other deductions, net pay, check number, quarterly totals, and accumulated totals
B. Retention:
(1) When Payroll Register is Missing 60 years, then destroy
(2) When Payroll Register is in Existence 3 years, then destroy

12-904.3. Payroll Audit Reports – Employee
A. Description: Documents individual employees gross pay for each pay period and their yearly gross pay Information includes date of report, employee name, social security number, date paid, check number, gross pay, total gross for the year
B. Retention:
(1) When Payroll Register is Missing 60 years, then destroy
(2) When Payroll Register is in Existence. 3 years, then destroy

12-904.4. Supplemental Audit Report – Employee
A. Description: Record of accrued employee gross salaries on each school district employee and is needed to show the amount of accrued salaries after the fiscal year has been completed Information includes account numbers, date of report, date of transaction for accrual and total amount accrued
B. Retention: 3 years, then destroy

12-904.5. Payroll Audit Report – Account
A. Description: Record of individual gross pay for each pay period and their yearly gross pay Information includes date of report, employee name, social security number, date paid, check number, gross pay, and total gross for the year
B. Retention: 3 years, then destroy

12-904.6. Supplemental Audit Report – Account
A. Description: This record is created by the school district payroll department to reflect accrued employee gross by account number and is needed to show the amount of accrued salaries after the fiscal year has been completed Information includes account number, date of report, date of transaction for accrual and total amount accrued
B. Retention: 3 years, then destroy

12-904.7. Payroll Retirement Files
A. Description: Records the contributions made by employees of the school district to the South Carolina Retirement System Information includes employee's name, social security number, gross salary distribution, and retirement contribution
B. Retention: 60 years, then destroy

12-904.8. Payroll Check Registers
A. Description: Records payroll checks issued to school district employees and documents tax and insurance deductions and retirement contributions by the employee Information includes name of employee, social security number, account number, date paid, check number, gross salary, retirement, FICA, federal taxes, state taxes, net salary, insurance deduction, credit union deduction, and year to date gross, retirement, FICA, federal and state tax.
B. Retention: 5 years, then destroy.

12-904.9. Employee Withholding Certificates
A. Description: These certificates document the number of exemptions to be withheld for each employee Information includes employee's name, social security numbers, address, number of exemptions, and employee's signature
B. Retention: Until superseded, then destroy

12-904.10. W-2 Summarizations
A. Description: Employer's copy of employee's total earnings and withholdings for the calendar year to be reported to the Internal Revenue Service Information includes employee name, social security number, gross earnings, non-taxable deductions, retirement, federal tax, state tax, FICA wages and FICA tax
B. Retention: 5 years, then destroy

12-904.11. Voluntary Deductions Summarizations
A. Description: Created to show voluntary deductions, such as contributions to charitable organizations and deferred compensation, to the payroll on an annual basis Information includes name and amount deducted and name and social security number of person for whom the deduction is made
B. Retention: 3 years, then destroy

12-904.12. Direct Deposit Register
A. Description: Record of employees on direct deposit, as well as a record that the direct deposit was made Information includes bank number, account number, transaction code, deposit amount, employee number, employee name, bank count, bank total, final count, and final total
B. Retention: 3 years, then destroy

Subarticle 5. Personnel

12-905.1. State and Local Government Information Reports (EEO-5)
A. Description: Annual report monitoring internal programs for insuring equal employment opportunities Information includes number of employees by job categories, by race, by sex, by salary and number of part-time and newly-hired employees during the fiscal year
B. Retention: Permanent Microfilm optional

12-905.2. Teacher Register/Certification
A. Description: Record of educational qualifications of all teachers in the district Information includes name of teacher, certificate number, grade, date issued, date recorded, and date of expiration.
B. Retention: Permanent Microfilm optional

12-905.3. Application File (Not Hired)
A. Description. Application forms submitted by persons applying for jobs with the school district who were not hired Information includes name, address, education and work experience
B. Retention: 2 years after rejection, then destroy.

12-905.4. Personnel Files (Active and Inactive)
A. Description: Forms and materials relating to employees of the school district Files include applications, salary data, professional background, contracts, evaluations, and complete employment history
B. Retention: 5 years after termination of employment, then destroy.

12-905.5. Bus Driver Employment File
A. Description: File documenting current and recently employed bus drivers in the district. Information includes application of classified employment, Department of Social Services request for wage information, narrative evaluation, copy of school bus driver's certificate, and pay rate memorandum
B. Retention: 5 years after termination of employment, then destroy.

12-905.6. Substitute Teacher File (Hired and Not Hired)
A. Description: Applications and related information submitted by persons applying for jobs as substitute teachers for both persons who were hired and those not hired Information includes application for classified employment, correspondence, South Carolina Retirement System enrollment form, W-4, school selection, criminal record checks from SLED, reference form for classified employment, copy of notification of application received, copy of notification of workshop for prospective substitute teachers, and proficiency exam taken by applicant
B. Retention:
(1) Records of Applicants Hired 5 years after termination of employment, then destroy
(2) Records of Applicants Not Hired 2 years after date of rejection, then destroy

12-905.7. Assessment Of Performance In Teaching (APT)
A. Description: Formal observation of first year teachers required by the South Carolina Department of Education and conducted by trained observers Information includes APT Conference Sheet, APT Schedule Sheet, APT Observation Sheet, sample teacher activity sheets, and correspondence
B. Retention: 2 years, then destroy

12-905.8. Teacher Incentive Program
A. Description: Documents the teacher incentive program started as a result of the Education Improvement Act Information includes agreements to meet certain criteria, signed understanding

statements of money to be allotted, schedule of their student achievement, names of all students from chosen classes, actual student achievement proposals, written goals, and workshop presentations
B. Retention: 5 years, then destroy

12-905.9. Benefits Information
A. Description: Record of employee insurance coverage Information includes notice of election, enrollment election form, correspondence, approval letters, authorization for payroll deduction, premium correspondence, and claim correspondence
B. Retention: 3 years after expiration of policy or replacement by a new policy, then destroy, unless claims are pending

12-905.10. Notice of Elections
A. Description: Forms filled out by school district employees stating insurance coverage preferences Information includes employee's signature and election forms for health insurance
B. Retention: 3 years after expiration of policy or replacement by new policy, then destroy, unless claims are pending

12-905.11. Time Sheets
A. Description: Record of number of hours worked by each employee. Information includes name, number of hours worked, and location of employee.
B. Retention: 3 years, then destroy.

12-905.12. Worker's Compensation Records
A. Description: Consists of case files containing records and reports generated as the result of employment related accidents involving school district employees. Information includes Reports of Accidents Involving Only Medical Attention; Physician's Report and Itemized Statement, Employer's First Report of Injury and Illness; Agreement as to Compensation, Conditional Waiver of Hearing, 60-Day Report, Status Report and Compensation Receipt; Supplemental Memorandum of Agreement As to Payment of Compensation, correspondence with South Carolina Worker's Compensation Commission, physicians, attorneys, and employees, statements from physicians, copies of internal invoices; copies of receipts and statements for the purchase of medications, copies of purchase requisitions, copies of health insurance claim forms, copies of patient return reports; disposition forms from physicians, and handwritten notes
B. Retention:
(1) Employer's First Report of Injury 5 years after case settlement, then transfer to employee files
(2) Other Records 5 years after case settlement, then destroy.

12-905.13. Hepatitis "B" Program/Blood Pathogens Training Files
A. Description: Record of training in handling blood borne pathogens as mandated by state and district regulations Identified employees are administered the Hepatitis B vaccine and documentation is given to each individual vaccinated Information includes identification of person needing vaccine, in-service verification of all employees, vaccination consent forms, date vaccinated, blood drawn forms, participants listing, correspondence, memos, invoices, and check requisitions
B. Retention: 30 years after termination of employment, then destroy

Subarticle 6. Student Records

12-906.1. Cumulative Pupil Record File (Student Records)

A. Description: Cumulative record of student's activities throughout their elementary and secondary educational career. Also recorded are personal and physical data relevant to each individual student. Information on the permanent record card includes name, grade, attendance, courses taken, and standardized test scores. In addition to the permanent record card, the file may contain many other types of material such as photographs, tests (mental and physical), application for admission, health cards (immunization records), general correspondence to/from parents/guardian and school personnel, special medical reports (if the student is physically impaired), guidance counseling records, and legal documents verifying birthdate and name changes. The separation date is always included whether by graduation, withdrawal or expulsion.

B. Retention:

(1) Record Cards, Health, and Legal Records: 75 years after student's separation from school, then destroy.

(2) Other Records: 1 year after student's separation from school, then destroy.

12-906.2. Special Education Records (Local School District Program Scholastic Records For Handicapped Students)

A. Description: Documents a handicapped student's participation and progress in a special education program. Information includes handicapped/psychological needs, placement forms, record of staffing, individual educational programs, confidential education reports, and least restrictive environment verification papers.

B. Retention: Until no longer needed to provide educational services to the student or for the necessary school district purposes such as auditing or monitoring, then notify the parents that they have a right to have these records destroyed. If the parents so request, the records must be destroyed. If the parents do not request destruction, the school district may retain these records permanently or destroy them at their discretion. In all instances of destruction, the parents of the student must be notified forty-five calendar days prior to destruction that they have a right to request and be provided a copy of any personally identifiable data which has been obtained or used while providing educational services for their children. Documentation of the notification of parents must be retained permanently. (Note: This retention does not apply to the permanent record of a student's name, address, telephone number, grades, attendance record, classes attended, grade level completed, and year of completion.)

12-906.3. Student Test Results

A. Description: Computer generated test data on student progress in basic skills. Information includes student name, date of birth, sex, test type, test percentile, battery scores, national percentile, raw scores, scale scores, and local school percentiles.

B. Retention: Until no longer needed for administrative purposes, then destroy.

12-906.4. Individual Record Sheets

A. Description: Cumulative record of each student's achievements while attending school in the district. Information includes name of high school, county, pupil's name, residence, name of superintendent, school term, subjects taken each year, grades, total credits for the year, student's address, place of birth, date of birth, family physician, name of parent or guardian, occupation, race, school previously attended, physical record, personal characteristics, attendance, extra activities, and remarks.

B. Retention:

(1) When Cumulative Pupil Record Files are Missing: 75 years, then destroy.

(2) When Cumulative Pupil Record Files are Present: 2 years after end of the school term for which grades were recorded, then destroy.

12-906.5. Pupil Record Cards
A. Description: Contains scholastic and personal information on students who attended schools within the district Information includes name of student, date of birth, name of parent or guardian, residence, school entered from, date entered, age at entrance, subjects taken, and grades
B. Retention:
(1) When Cumulative Pupil Record Files are Missing 75 years, then destroy
(2) When Cumulative Pupil Record Files are Present 2 years after end of the school term for which grades were recorded, then destroy

12-906.6. Teacher's Grade Books
A. Description: Contain student grades for each six or nine week grading period for the school year. These grades are used to compute semester averages as well as the yearly averages for each subject Based on the results of these grades, students are promoted for the school term.
B. Retention:
(1) When Cumulative Pupil Record Files are Missing 75 years, then destroy
(2) When Cumulative Pupil Record Files are Present 2 years after end of the school term for which grades were recorded, then destroy.

12-906.7. Adult Education Pupil Records File
A. Description: Cumulative record of student's activities throughout their adult educational career Information includes classes taken, test scores with accompanying information (date of examination; name and form of standardized test, name of examiner, signature of principal's approval) and age
B. Retention:
(1) Record Cards and Legal Records 75 years after student's separation from school, then destroy
(2) Other Records: 1 year after student's separation from school, then destroy

12-906.8. Student Schedules File
A. Description: Forms completed by school personnel for student scheduling into class Information includes printouts of student schedules, class lists, student class assignments and completed forms requesting change of schedule
B. Retention: Until no longer needed for administrative purposes, then destroy

12-906.9. Homebound Files
A. Description: Record of homebound instruction provided for students unable to attend school for medical reasons Information includes reason for homebound, dates of service, teacher performing service, application for homebound instruction, physician authorization, pupil's name, and social security number
B. Retention. 5 years after end of fiscal year to which the records pertain, then destroy

12-906.10. Pupil Accounting and Support Documentation
A. Description: Record of pupil accounting data submitted on a regular basis and in compliance with district and state regulations Information includes data for Educational Improvement Act, data for 45, 135, and 180 reports, supporting verification documentation, software back-ups, manuals, memorandum; correspondence, rosters, placement forms, attendance cards, scan sheets, daily bulletins, and alternative school documentation
B. Retention: 3 years, then destroy

12-906.11. Student Discipline, Suspension, and Expulsion Records
A. Description: Records documenting inappropriate student behavior and corrective actions taken Information includes referral and action form, notes, letters to parents, suspension documentation, detention documents, hearing notices, bus driver referrals, statements and conference notes
B. Retention:
(1) When suspended and subsequently expelled permanently: Transfer to Cumulative Pupil Record File and retain according to part 1 of the retention
(2) When suspended and subsequently expelled for remainder of the school year OR when suspension is deemed the only corrective action 1 year after student's permanent separation from school, then destroy

12-906.12. Teacher Lesson Plans
A. Description: Records relating to teacher's daily instructional plans and activities for each class Information includes a yearly planning book
B. Retention: Until no longer needed for reference, then destroy.

12-906.13. Student Truancy Records
A. Description: Records created to document student's excessive absences and action taken to correct the problem by school personnel. Information includes referral and action forms, letters to parents, attendance profile sheets, correspondence, release forms, copies of initial court petitions, copies of court orders, hearing notices, affidavits and visitation documentation.
B. Retention: Until student reaches age of majority, then destroy

12-906.14. Teacher's Student Attendance Record
A. Description: Record of student's daily attendance, absences and tardies Information includes student name, school year, attendance, tardies, and absences.
B. Retention: 1 year, then destroy

12-906.15. Student Registration Materials
A. Description: Record of students registering at a school Information includes registration form showing name, student identification number, parent's name, physician, address, telephone numbers, proof of age, residence, letters to parents, assignments, letters of placement, schedule requests, and automobile registration
B. Retention:
(1) Registration Form 3 years, then destroy
(2) Other Records Until no longer needed for administrative purposes, then destroy

12-906.16. Reserve Officer Training Corps (ROTC) Records
A. Description: Summarize military history/citizenship training and other items pertaining to the ROTC program Information includes student name, history, promotion agreement, rank and testing for awards.
B. Retention: 5 years after student's separation from school, then destroy

STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
	)	
COUNTY OF CHARLESTON	)	
	)	Case No 2010-CP-10-7699
JANE DOE	)	
	)	
Plaintiff,	)	**PLAINTIFF'S SUPPLEMENTAL MEMORANDUM IN OPPOSITION TO THE DEFENDANTS' MOTIONS FOR SUMMARY JUDGMENT**
	)	
v	)	
	)	
CHARLESTON COUNTY SCHOOL DISTRICT, JAMES ISLAND HIGH SCHOOL, AND CHARLES SMITH	)	
	)	
Defendants	)	
	)	

FILED
2012 JUL 24 PM 1:21
JULIE J ARMSTRONG
CLERK OF COURT
BY

The Plaintiff hereby supplements her memorandum in opposition to the Defendants' motions for summary judgment as follows

I. THE SCHOOL DISTRICT HAS PRESENTED NO EVIDENCE TO ESTABLISH ITS AFFIRMATIVE DEFENSES.

Pursuant to the South Carolina Tort Claims Act, a governmental entity is not liable for a loss arising from the entity's responsibility to supervise, protect, or control a student unless the entity acts in a grossly negligent manner S C. Code Ann § 15-78-60(25)

"The burden of establishing this limitation upon liability is upon the governmental entity asserting it as an affirmative defense" Doe by Roe v Orangeburg County Sch Dist. No 2, 329 S C 221, 223-224 (Ct App 1997) *citing* Rakestraw v South Carolina Dep't of Hwys & Pub Trans., 323 S C 227, 230-31, 473 S E 2d 890, 892 (Ct. App 1996), Strange v. S C. Dep't of Highways & Pub Transp., 314 S C 427, 430 (S C. 1994)("The burden of establishing a limitation upon liability or an exception to the waiver of immunity is upon the governmental entity asserting it as an affirmative

defense ")

Here, The Defendants present no evidence supporting its contention that was not grossly negligent On these grounds alone, their motions should be denied

II. WHETHER SMITH WAS ACTING WITHIN THE SCOPE OF HIS EMPLOYMENT IS A QUESTION OF FACT.

"The terms 'course of employment' and 'scope of authority' are not susceptible of accurate definition What acts are within the scope of employment can be determined by no fixed rule The authority from the master is generally to be gathered from all the surrounding and attendant circumstances" Adams v South Carolina Power Co , 200 S C 438, 441 (S C. 1942).

Under South Carolina law, it is not necessary to find the particular act creating liability was within the servant's authority. Nor is it necessary that the assault should have been made as a means or for the purpose of performing the work the servant was employed to do. Crittenden v. Thompson-Walker Co., Inc., 288 S C. 112, 341 S.E 2d 385 (Ct App 1986), Carr v William C. Crowell Co , 28 Cal.2d 652, 171 P.2d 5 (1946), Fields v Sanders, 29 Cal 2d 834, 180 P 2d 684 (1947).

The proper inquiry is "if the servant is doing ***some*** act in furtherance of the master's business, he will be regarded as acting within the scope of his employment, although he may exceed his authority." Crittenden v Thompson-Walker Co , 288 S C. 112, 115-116 (S C Ct App 1986) (emphasis added), Jones v Elbert, 211 S C 553, 558, 34 S E 2d at 798-799, (S C 1945) *quoting* Cantrell v Claussen's Bakery, 172 S C 490, 494, 174 S E. 438, 440 (1934) 288 S.C at 115-116, 341 S.E 2d at 387 (citations

omitted), *accord* S C. State Budget & Control Bd v Prince, 304 S.C 241, 246 (S C. 1991)

"The reason which has supported the principle of respondeat superior, based upon the judicial interpretation and declaration of public policy, is that the principal, selecting his agent and directing the manner in which he shall execute the agency, should in justice to third persons with whom the agent may deal, and who are not responsible either for his selection or conduct, be held liable for his torts." Jones v Elbert, 211 S C 553, 558 (S.C 1945) *citing* Sams v. Arthur, 135 S C. 123, 133 S E 205, 208

Under South Carolina law - which takes a decidedly broad view of acts in furtherance of the master's business[1] - it is irrelevant if Smith may have taken actions that were outside of the technical scope of his authority as a teacher If Smith is doing ***some*** act in furtherance of James Island High School or the Charleston County School District with the Plaintiff, he must be regarded as acting within the scope of his employment, even if he exceeds his technical authority in doing so *See* Crittenden, Jones *supra.*

The Defendants claim that Smith was not acting within the scope of his employment while assaulting the Plaintiff However, Smith clearly was acting within the scope of his employment when he taught and coached the Plaintiff, both on school grounds and during extracurricular activities Smith routinely would take the Plaintiff in his car from school to practice and to her home According to the Defendants, this

[1] South Carolina routinely holds that employers can properly be found vicariously liable for the intentional torts of their employees *See* Berkeley - Dorchester Counties Econ Dev Corp v United States HHS, 395 F Supp 2d 317, 323 (D S C 2005) (civil conspiracy and slander within scope of employment), Polatty v Char, 67 S C 391, 395 (S C 1903) (assault and battery within scope despite lack of express authorization by principal), Jamison v Howard, 271 S C 385, 388 (S C 1978) (assault within the scope of employment even when the employee exceeded his authority and acted contrary to the express orders of the employer), Crittenden v Thompson-Walker Co , 288 S C 112, 116 (S C Ct App 1986) (assault and battery), Murphy v Jefferson Pilot Communs Co , 364 S.C 453, 462 (S C Ct App 2005) (defamation), Murray v Holnam, Inc , 344 S C 129, 139, 542 S E 2d 743, 748 (Ct App 2001) (defamation), S C State Budget & Control Bd v Prince, 304 S C 241, 247 (S C 1991) (defamation)

conduct was not only within the scope of his employment but common place at the time. The Defendants' should have known of Smith's trips with the Plaintiff and others, yet did not to prevent this from happening, did nothing to warn Smith or the Plaintiff that this was inappropriate conduct, and did nothing to otherwise take any reasonable measure to protect the Plaintiff While the assaults themselves may or may not have been technically outside the scope of his employment, the conduct of transporting the Plaintiff to and from school to practice and to her home apparently fell squarely within his employment duties Accordingly, Smith was performing at least *some* act in furtherance of the school and the district's business, and whether or not the Defendant's are responsible for the resulting harm is a question to be determined by the jury.

Moreover, Smith's conduct with respect to the Plaintiff's attempted suicide was clearly within the scope of his duties as a teacher The emergency medical care of a student and the following actions to be undertaken by the teacher, the school, and the school district are all actions, independent of any acts sexual abuse, that are within Smith's scope of employment [2] The question of whether or not the Plaintiff's resulting drop out was a proximate cause of the failure of Smith, the school, and/or the district failure to exercise even slight care owed to the Plaintiff arising out of her suicide attempt

[2] For these reasons, the analysis set forth in Degenhart v Knights of Columbus, 309 S C 114 (1992), Moore v Berkeley County School District, 326 S C 584 (1997), and Brockington v Pee Dee Mental Health Center, 315 S C 214 (1993), all of which apply to an employer's duty with respect to employee conduct that is outside the scope of employment, is not applicable To the extent Smith was taking any action in furtherance of the school's business, the question becomes one for the jury To the extent Smith was acting outside the scope of his employment by taking the Plaintiff for rides in his car and his conduct with respect to the Plaintiff's suicide attempt and her resulting drop out, none of the Defendants have presented any evidence of the scope of his employment or how he exceeded the scope of his employment in these respects Accordingly, the record and evidence supports the inference to be drawn in the Plaintiff's favor insofar as the question is one of fact for the jury to determine what the actual scope of his employment was, how exactly Smith exceeded the scope of his employment, whether or not conduct outside the scope of his employment was the proximate cause of the Plaintiff's injuries, and/or whether other conduct within the scope of his employment contributed in whole or in part to her injuries

is a question for the jury to determine At this stage of the proceedings, all reasonable inferences must be drawn in the light most favorable to the plaintiff

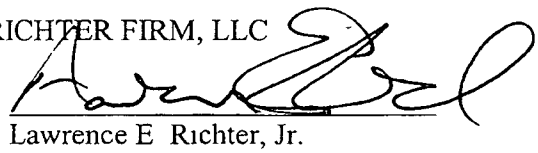
Clearly, Smith was doing at least *some* act in furtherance of the school and the districts business during his travels with the Plaintiff Even if Smith was acting without the express authorization of the school or the district, which is most properly reserved for determination by a jury, his activities with the Plaintiff were not so wholly disconnected from the business of the school and the district such that he was acting outside the scope of his employment as a matter of law This question remains a fact question to be determined by the jury Accordingly, the Defendants' motions must be denied

CONCLUSION

For the foregoing reasons, the Defendants' motions for summary judgment should be denied.

Respectfully Submitted,

THE RICHTER FIRM, LLC

By 

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July 23, 2012

Julie J Armstrong
Charleston County Clerk of Court
100 Broad Street
Charleston, SC 29401

Re: Jane Doe v. Charleston County School District, James Island High School and Charles Smith
Case No. 2010-CP-10-7699

Dear Ms. Armstrong:

Enclosed for filing please find the original and two copies of Plaintiff's Supplemental Memorandum in Opposition to the Defendant's Motions for Summary Judgment in the above-referenced matter. Please file the original and return the copies to our office in the self addressed, stamped envelope enclosed.

By copy of this letter to all counsel of record, I am advising them of this communication with the Court.

Very truly yours,

Michelle Stith

Michelle Stith

/cms
Enclosures

cc The Honorable W Jeffrey Young
Brian Quisenberry, Esq.
Robin Jackson, Esq.
Jane Doe

STATE OF SOUTH CAROLINA COUNTY OF CHARLESTON JANE DOE, Plaintiff, v CHARLES SMITH, CHARLESTON COUNTY SCHOOL DISTRICT AND JAMES ISLAND HIGH SCHOOL, Defendants.	IN THE COURT OF COMMON PLEAS FOR THE NINTH CIRCUIT CASE NO.: 2010-CP-10-7699 **DEFENDANT SMITH'S MEMORANDUM IN SUPPORT OF HIS MOTION FOR SUMMARY JUDGMENT**

Defendant Smith hereby supplements his memorandum in support of summary judgment and the arguments of counsel at the July 23, 2012, hearing as follows:

I. THE PLAINTIFF HAS NOT MET HER BURDEN OF PROOF ON THE *MORIARTY* REQUIREMENTS.

The requirements set forth in *Moriarty* include a "proof of a chain of facts and circumstances having sufficient probative force to produce a reasonable and probable conclusion that sexual abuse occurred." 334 S.C. 150, 511 S.E.2d 699 (Ct App. 1999). In her brief and during argument, the plaintiff points to what they contend meet the requirements. They do not. They are required to have objectively verifiable information and they do not

At the beginning of this case, the plaintiff only pointed to the attempted suicide as their "proof of a chain of facts or circumstances." (Transcript of Motion to Dismiss Hearing in front of Judge Few, 25/15-20) Now, however, they have removed this allegation, because they know that

by making the suicide attempt the event that points to the abuse, they inevitably lose their argument that the plaintiff did not have knowledge of harm at the time. (Transcript, 16/18-17/4) Now, that argument has disappeared and they have set forth several new attempts: (1) a documented medical history of childhood sexual abuse, (2) contemporaneous statements of the abuser, (3) an unknown chain of facts and circumstances, including classic grooming, (4) Smith's concealment of suicide attempt, and (5) other incidents involving inappropriate conduct by Smith. None of these meets the threshhold.

First, there is no documented history of childhood sexual abuse, other than the mentions by the plaintiff later in life, that it happened. She claims her babysitter forced her to perform oral sex. There have been no documents from doctors or others, *during her childhood*, that have been produced to show abuse. Additionally, there have been no documents from age 15 to show abuse. Second, the plaintiff has submitted a yearbook entry from Coach Smith. This entry makes no mention of any sexual relationship or abuse by him. He tells her to practice more in order to make the softball team, and to quit arguing so much. Then he tells her she is a sweet girl and makes a few other comments He was both her teacher and her coach during that school year. There is nothing unusual about a teacher signing a yearbook She probably asked him to sign it. Additionally, here are probably several students from that time frame who were students or athletes on one of his teams, who have similar entries in their yearbooks The plaintiff has not shown any evidence that anything in that entry is sexually related.

Third, the plaintiff sets forth, generically, "a chain of facts and circumstances, including classic grooming". There is no evidence that Smith treated the plaintiff any differently than he treated any other student He testified that he gave rides to a number of his players and the male manager of the softball team Fourth, the statement that Smith concealed the plaintiff's suicide

attempt is ridiculous. When the plaintiff entered his room and told him she had taken pills, he testified that he yelled down the hallway for someone to get the nurse. But for the fact that this occurred over 20 years ago, there would probably be quite a few people who heard that and would remember it. The school nurse came and EMS came to the school, into the classroom and put her on a stretcher and took her to the hospital. Mr Smith did not conceal anything He reported it to the nurse Anything the nurse may or may not have done after that is not on Mr. Smith The plaintiff has produced no policies or procedures showing that Smith, in February 1989, was required to do anything beyond notifying the nurse.

Finally, the plaintiff claims "other inappropriate conduct". Years after [redacted] left James Island High School, Mr. Smith caught two students making out in the hallway. When he tried to corral them to the office, they ran in two different directions and he was unable to catch them. He was reprimanded for not physically holding on to them as he escorted them and told he handled the situation "inappropriately." Additionally, again, years after [redacted] left the school, Mr Smith was teaching a swimming class. During class, a female student lost her top. As Mr. Smith was helping clear the pool so she could find it, she thought he might have looked at her. Mr Smith was cleared Neither of these instances has any bearing on this case

Even in the light most favorable to the plaintiff, there is no objectively verifiable evidence to support the application of the discovery rule in 2007.

II. THE PLAINTIFF HAS NOT MET HER BURDEN OF PROOF WITH REGARD TO EXPERT TESTIMONY.

Though the plaintiff has managed to find expert witnesses who will testify that she appears to meet the qualifications for repressed memory, neither of her experts can say to a reasonable degree of medical certainty when the memories were repressed or when she recovered them When

asked about the earlier alleged episode of abuse, the could not tell when those memories were allegedly repressed or recovered either. The prior episode of similar abuse (forced oral sex), which the plaintiff also claims was repressed at some unknown point, was recovered, according to her, in the mid 1990's The experts could not explain why that memories of abuse would be recovered in the 1990's and memories of this one would not. They can only say that they believe that at some point she repressed the memories and at some later point, she recovered them. This is not enough to bypass the statute of limitations. The plaintiff knew at the time of the events what was going on, and that she was being harmed. She was fifteen (15) years old, was getting her drivers license, and going out for a sporting team. She knew right from wrong. Her own testimony, statements to doctors and other written statements show that she claims that at the time he was abusing her, she was fearful, "frozen" and crying. This is evidence of knowledge of harm. Under *Doe v. Crooks,* the plaintiff does not need to understand the extent of the harm, just the fact of it 364 SC 349, 613 S.E 2d 536 (2005). Like Doe, the plaintiff "was aware of the abuse while it was occurring." *Id.* at 537. Because she knew at the time, the statute is only tolled due to her being a juvenile. She is not entitled to any additional tolling, because there is no objectifiable evidence of when she repressed the memories, and no expert testimony regarding the same

CONCLUSION

Defendant Charles Smith is entitled to be dismissed from this case as a matter of law There is no evidence of gross negligence on the part of Smith, nor is there any evidence of a breach of fiduciary duty. The plaintiff has missed her statute of limitations, and should not be permitted to pursue her claims. For all of the reasons stated here as well as in the original brief and arguments of counsel, Charles Smith submits that there are no genuine issues for trial and asks that the Court

grant his Motion for Summary Judgment as to all causes of action.

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July 24, 2012

Attorney for Defendant Smith

STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
	)	
COUNTY OF CHARLESTON	)	NINTH JUDICIAL CIRCUIT
JANE DOE,	)	CASE NO. 2010-CP-10-7699
PLAINTIFF,	)	**SUPPLEMENTAL MEMORANDUM IN SUPPORT OF MOTION FOR SUMMARY JUDGMENT BY DEFENDANTS CHARLESTON COUNTY SCHOOL DISTRICT AND JAMES ISLAND HIGH SCHOOL**
vs	)	
CHARLES SMITH, CHARLESTON COUNTY SCHOOL DISTRICT AND JAMES ISLAND HIGH SCHOOL,	)	
DEFENDANTS.	)	

FILED
2012 JUL 30 PM 4:13
JULIE J. ARMSTRONG
CLERK OF COURT

Defendants Charleston County School District ("District") and James Island High School ("High School") submit this Supplemental Memorandum in Support of Defendants' Motion for Summary Judgment.

ARGUMENT AND CITATION OF AUTHORITY

I. Plaintiff fails to respond to Defendants' arguments regarding her fiduciary duty and outrage claims therefore the claims fail as a matter of law.

Plaintiff failed to respond to Defendants' arguments regarding her fiduciary duty and outrage claims during oral argument or in her Supplemental Memorandum. Summary Judgment should therefore be granted as to these claims.

II. Plaintiff's negligence claim fails as a matter of law because Plaintiff failed to identify evidence supporting the required elements of her claim.

Acknowledging her failure to submit evidence that the District and High School knew or should have known of the danger presented by Smith, Plaintiff attempts to shift her burden of proof to Defendants. Plaintiff argues that if Defendants rely on the affirmative defense of gross

negligence under the Tort Claims Act Defendants have the burden to show evidence of slight care.

Plaintiff's argument fails because Defendants' summary judgment motion is not based on an affirmative defense. Defendants' motion is based on Plaintiff's failure to produce evidence to establish even general negligence against the District and High School.

Under South Carolina law, Plaintiff has the burden of submitting evidence supporting her claim. "In order to resist a defendant's motion for summary judgment, the plaintiff, as the party with the burden of proof at trial, must present the fact of breach [of the duty of care] in dispute." *Estate of Cantrell v Green*, 302 S.C. 557, 560-61 (Ct. App. 1990) (affirming summary judgment to defendant on the plaintiff's negligence claim because the plaintiff could not show a breach of the duty of care without evidence that the defendant knew or should have known of the dangerous condition causing the plaintiff's injury).

Plaintiff fails to show the District and High School knew or should have known of the alleged danger presented by Smith. Prior notice is a required element of her claim. See, *Degenhart v Knights of Columbus*, 309 S C. 114 (1992); *Moore v Berkeley County School District*, 326 S.C. 584 (Ct. App. 1997); *Brockington v Pee Dee Mental Health Center*, 315 S.C. 214 (Ct. App 1993). The Supreme Court requires actual or constructive notice of the alleged danger because otherwise employers would be held as insurers against all harm on their premises. Under South Carolina law, the duty to act is not imposed without actual or constructive notice of the alleged danger. *Brockington,* 315 S.C. at 217-18. *See also, Rogers v S C Dept of Mental Health*, 320 S.C. 253 (1995) (holding duty to act does not arise until the defendant has

notice of a specific threat to others); *Estate of Cantrell v Green*, 302 S.C. at 560-61 (holding no duty to act without prior notice of the danger).[1]

To avoid the prior notice requirement, Plaintiff cites cases that are completely distinguishable. Plaintiff cites no cases where a school employee caused the student's alleged injury. Rather, Plaintiff cites to cases where a student injures another student. *See, Doe v Orangeburg County School District*, 329 S.C. 221, 222 (Ct. App. 1997) (student sexually assaulted by a sixteen-year-old male special education student); *Woodell v Marion School District One*, 307 S C. 297, 298 (Ct. App. 1992) (student assaulted by another student); *Duncan v Hampton County School District*, 335 S.C. 535, 541 (Ct. App. 1999) (mentally disabled student sexually assaulted by other students in her class). These cases all arise out of the school's alleged failure to prevent a student from injuring another student.

By contrast, the present case alleges that the District and High School failed to prevent an employee from harming Plaintiff. Therefore, *Degenhart, Moore* and *Brockington* are controlling. Indeed in *Moore v Berkeley County School District*, the Court of Appeals analyzed the plaintiff's gross negligence claim against a school district under the Supreme Court's test set out in *Degenhart* The *Moore* court held that it was "bound to follow the precedent of *Brockington* and *Doe*" which both applied the *Degenhart* test, stating that "as in those cases, the crux of [the plaintiff's] case is the sexual conduct of an employee of a public entity." *Moore*, 326 S.C. at 591.

[1] Plaintiff acknowledges prior notice as a required element of her negligence claim in her Second Amended Complaint See ¶ 34 of Plaintiff's Second Amended Complaint, attached as Exhibit 9 to Defendants Memorandum in Support (pleading that the District and High School "knew or should have known that its teachers, including Defendant Smith, were engaging in inappropriate sexual conduct with students during the relevant time periods ") Now that discovery is complete Plaintiff has no evidence to support this allegation.

Here Plaintiff concedes she has no evidence to show that the District or High School should have known about the alleged danger presented by Smith prior to the alleged sexual assaults.[2] Accordingly, Plaintiff's claim fails to meet the test set out in *Degenhart, Moore* and *Brockington* and her claim fails as a matter of law.

III. Smith's alleged sexual assaults were committed outside the scope of his employment as a matter of law.

In a desperate attempt to avoid the prior notice requirement, Plaintiff now argues this Court should hold Smith's alleged sexual acts were committed within the scope of his employment. Plaintiff apparently now argues the District and High School should be liable under a theory of *respondeat superior*.[3] Plaintiff is wrong. The Supreme Court in *Armstrong v Food Lion, Inc* set out the test for determining whether an employee acts outside the scope of his employment.

> An act is within the scope of a servants' employment ***where reasonably necessary to accomplish the purpose of his employment and in furtherance of the master's business*** These general principles govern in determining whether an employer is liable for the acts of his servant. The act of a servant done to effect some independent purpose of his own and not with reference to the service in which he is employed, or while he is acting as his own master for the time being, is not within the scope of his employment so as to render the master liable therefor. Under these circumstances the servant alone is liable for the injuries inflicted. ***If a servant steps aside from the master's business for some***

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[2] Plaintiff's Depo , Vol II p 49-50 (Q. Do you have any information or knowledge that the school district had any information about Mr. Smith that should have put them on notice prior to these incidents? A Prior to 1989? Q Uh-huh. **A. Not at this time** Q. You don't know of any school district official or teacher official or anyone, that had any knowledge prior to these instances that should have put them on notice? A Prior to 1989? Q (indicating) A. **Not at this time.**"), attached as Exhibit 3 to Defendants' Memorandum in Support Plaintiff also admits she did not tell anyone about the alleged sexual assaults until 2007, and admits she did not report the alleged instances to anyone at the school and did not tell any friends or parents Plaintiff Depo Vol II p. 35, attached as Exhibit 3 to Defendants Memorandum in Support

[3] *Respondeat Superior* is not alleged in Plaintiff's Second Amended Complaint See Exhibit 9 to Defendants Memorandum in Support See, *Armstrong v Food Lion, Inc* 371 S C 271 (2006) ("The doctrine of respondeat Superior rests upon the relation of the master and servant").

> ***purpose wholly disconnected with his employment, the relation of master and servant is temporarily suspended; this is so no matter how short the time, and the master is not liable for his acts during such time.***"

Armstrong v Food Lion, Inc 371 S.C. 271 (2006) (emphasis added) In *Armstrong*, the Supreme Court held that the employee who stabbed the plaintiff during store hours, inside the employer's store, with the employer's knife was acting outside the scope of his employment as a matter of law because there was no evidence the employee was motivated to further the employer's business. The Court distinguished prior cases where an employee's assault was held inside the scope, because in those cases the employee's assault was motivated to further the employer's interests [4]

Plaintiff here alleges Smith fondled her genitals and forced her to perform oral sex on him. Plaintiff's contention that Smith's alleged sexual abuse was "reasonably necessary to accomplish the purpose of his employment and in furtherance of the employer's business" because it occurred while Smith was giving Plaintiff a ride is absurd. Furthermore, the record contains no evidence Smith's alleged sexual abuse was committed to further the District or High School's business Plaintiff also cites no cases holding an employee's sexual abuse could be considered within the scope of employment. Indeed, the South Carolina Supreme Court has held such actions are clearly outside the scope. *Whittle v Southern Bell Telephone and Telegraph Co.*, 306 S C. 163, 164-66 (1991) (treating the employee's alleged sexual battery of the plaintiff as

[4] The cases Plaintiff cites are likewise clearly distinguishable In each case, the employee was motivated to further the employer's business when he harmed the plaintiff *Jamison v Howard,* 271 S.C. 385 (1978)(employee's assault and battery of plaintiff was motivated by attempt to collect a debt the plaintiff owed to the employer), *Polatty v Charleston &W C RY*, 67 S C. 391 (1903)(employee injuring plaintiff while attempting to expel plaintiff, a trespasser, from the employer's rail car), *S C State Budget Control Board v Prince*, 304 S C 241 (1991)(defamatory statements by school board member motivated by concern over the school district's fiscal management), *Jones v Elbert*, 211 S C 553 (1945) (employee's assault and battery of plaintiff arose from argument over plaintiffs installation of refrigeration plant at the master's business)

committed outside the scope of his employment and affirming summary judgment for the employer). Plaintiff's claim therefore fails as a matter of law.

IV. Plaintiff's inaccurate description of the record shows the lack of evidence to support her claims against the District and High School.

In an attempt to save her failed claims from summary judgment, Plaintiff submits an inaccurate description of the record to the Court Plaintiff repeatedly cites to the District and High School's current 2012 policies and applies them to Smith's alleged conduct from over twenty three years ago.[5] Plaintiff further cites to testimony from the current principal of the High School regarding current 2012 procedures and applies those to the allegations from the 1988-89 school year.[6]

None of the policies Plaintiff cites were issued earlier than 2005.[7] Moreover, the current principal's testimony regarding the High School's current procedures and policies has no relevance to the policies and procedures in place in the 1988-89 school year. Indeed, the Principal testified he had no knowledge of the policies governing the High School in the 1988-89 school year.[8]

Plaintiff alleges that Smith giving Plaintiff rides home after softball practice should have put the District on notice of the danger presented by Smith because providing transportation to students was against policy However, the policy regarding transportation of students in private

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[5] See Plaintiff's Memorandum in Opposition, p 2-9, and see Exhibit 13 to Plaintiff's Memorandum in Opposition.

[6] See Plaintiff's Memorandum in Opposition, p 2-9, and see Exhibit 1 to Plaintiff's Memorandum in Opposition

[7] See Exhibit 13 to Plaintiff's Memorandum in Opposition Each policy shows the date it was issued directly below the title of the policy. Plaintiff also attaches a document titled "General Records Retention Schedules for School District Records" published in 2003 by the SC Department of Archives and History. Because these retention schedules were published in 2003 they have no relevance to the District or High Schools retention procedures from the 1988-1989 school years

[8] See Exhibit 1 to Plaintiff's Memorandum in Opposition, p 98-100 (Q. Do you have any knowledge of the contents of the policies governing the high school in 1988, 1989? A I have no knowledge of that ").

vehicles was not issued until 2005.[9] Moreover, at the time, it was not uncommon or suspicious whatsoever for coaches to give rides to students if they had no way home after practice.[10] Plaintiff concedes she has no evidence to show that the District or High School should have known about the alleged danger presented by Smith prior to the alleged sexual assaults.[11] Because the School had no notice of any propensity on Smith's part to sexually abuse students, the duty to supervise Smith's actions outside the scope of his employment did not arise. See, *Moore v Berkeley County School District,* 326 S.C. 584, 591 (Ct App. 1997) (holding "inappropriate behavior" and a lax classroom was not sufficient to put the District on notice of sexual misconduct by a teacher).

Because Plaintiff has failed to submit evidence showing a genuine issue of material fact, her claims against the High School and District fail as a matter of law.

CONCLUSION

Based on the forgoing reasoning and those cited in Defendants' Memorandum in Support, Defendants Charleston County School District and James Island High School respectfully request that this court grant Defendants' motion for summary judgment as to all of Plaintiff's claims

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[9] See, Exhibit 13 to Plaintiff's Memorandum in Opposition

[10] Shaddrix Depo p. 53, attached to Defendants' Memorandum in Support as Exhibit 5 (Mr. Shaddrix was a football coach at the school during the 1988-1989 school year), Dilligard Depo. p. 50, attached to Defendants' Memorandum in Support as Exhibit 6 (Dr. Dilligard served as the Deputy Superintendent for the District during the 1988-89 school year); Shealy Depo p 55, attached to Defendants' Memorandum in Support as Exhibit 7 (Dr Shealy was the assistant principal at the school during the 1988-89 school year)

[11] Plaintiff's Depo , Vol II p 49-50 (Q Do you have any information or knowledge that the school district had any information about Mr Smith that should have put them on notice prior to these incidents? A Prior to 1989? Q Uh-huh **A. Not at this time** Q. You don't know of any school district official or teacher official or anyone, that had any knowledge prior to these instances that should have put them on notice? A Prior to 1989? Q (indicating). A. **Not at this time.**"), attached as Exhibit 3 to Defendants' Memorandum in Support

YOUNG CLEMENT RIVERS, LLP

By _____

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Attorneys for the Defendants Charleston County School District and James Island High School

Charleston, South Carolina

Dated 7/27/2012

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing pleading was emailed to all counsel of record in this proceeding this 27 day of July 2012

_____

YCRLAW
Young Clement Rivers, LLP

Brian L Quisenberry

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July 30, 2012

HAND DELIVERED
Honorable Julie J. Armstrong
Charleston County Clerk of Court's Office
100 Broad Street, Suite 106
Charleston, SC 29401

Re. Jane Doe v Charles Smith, Charleston County School District and James Island High School
Case No.: 2010-CP-10-7699
Claim No.: 46138
YCR File. 2235-20080353

Dear Ms Armstrong:

Enclosed please find an original and one copy of a Supplemental Memorandum in Support of Motion for Summary Judgment by Defendants Charleston County School District and James Island High School for filing in the above-referenced case. Please file the original and return a clocked-in copy to me via our courier. Consistent with our Certificate of Mailing, a copy of same has been served on opposing counsel via e-mail on July 27, 2012.

With kindest regards, I am

Sincerely,

YOUNG CLEMENT RIVERS, LLP

Brian L. Quisenberry

BLQ/klr
Enclosures
cc The Honorable W Jeffrey Young (Via FedEx Overnight Delivery)
Aaron E Edwards, Esquire (w/enc)
Robin L Jackson, Esquire (w/enc)

STATE OF SOUTH CAROLINA COUNTY OF CHARLESTON Jane Doe Plaintiff, vs Charleston County School District, James Island High School, and Charles Smith Defendant	)	IN THE COURT OF COMMON PLEAS NINTH JUDICIAL CIRCUIT CASE NO 2010-CP-10-7699 **MOTION AND ORDER INFORMATION FORM AND COVERSHEET**

Plaintiff's Attorney. Aaron Edwards, Bar No. 77136 Address The Richter Firm, LLC 622 Johnnie Dodds Blvd Mt. Pleasant, SC 29464 Phone 843-849-6000Fax 843-881-1400 E-mail aaron@richterfirm.comOther: ____	Defendant's Attorney Brian Quisenberry, Bar No ____ Address Young Clement Rivers, LLP P.O. Box 993 Charleston, SC 29402 Phone 843-724-6659 Fax____ E-mail: ____Other: ____

☒ **MOTION HEARING REQUESTED (attach written motion and complete SECTIONS I and III)**
☐ **FORM MOTION, NO HEARING REQUESTED (complete SECTIONS II and III)**
☐ **PROPOSED ORDER/CONSENT ORDER (complete SECTIONS II and III)**

SECTION I: Hearing Information

Nature of Motion: Motion to Reconsider
Estimated Time Needed. 30 Court Reporter Needed. ☒YES/☐ NO

SECTION II: Motion/Order Type

☒Written motion attached
☐Form Motion/Order

I hereby move for relief or action by the court as set forth in the attached proposed order

Signature of Attorney for ☒ Plaintiff /☐ Defendant — 9/20/12 Date submitted

SECTION III: Motion Fee

☒ PAID – AMOUNT. $_____
☐ EXEMPT: (check reason)
- ☐ Rule to Show Cause in Child or Spousal Support
- ☐ Domestic Abuse or Abuse and Neglect
- ☐ Indigent Status ☐ State Agency v. Indigent Party
- ☐ Sexually Violent Predator Act ☐ Post-Conviction Relief
- ☐ Motion for Stay in Bankruptcy
- ☐ Motion for Publication ☐ Motion for Execution (Rule 69, SCRCP)
- ☐ Proposed order submitted at request of the court, or, reduced to writing from motion made in open court per judge's instructions
  Name of Court Reporter ____
- ☐ Other ____

JUDGE'S SECTION	
☐ Motion Fee to be paid upon filing of the attached order ☐ Other. _____	JUDGE CODE ____ Date ____

CLERK'S VERIFICATION

Collected by _____ Date Filed: _____
☐ MOTION FEE COLLECTED. $ _____
☐ CONTESTED – AMOUNT DUE: $ _____

SCCA 233 (11/2003)

STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
	)	
COUNTY OF CHARLESTON	)	
	)	Case No.. 2010-CP-10-7699
JANE DOE	)	
	)	
Plaintiff,	)	
v.	)	Notice of Motion and Motion to Reconsider
	)	
CHARLESTON COUNTY SCHOOL DISTRICT, JAMES ISLAND HIGH SCHOOL, AND CHARLES SMITH	)	
	)	
Defendants.	)	

FILED
2012 SEP 21 PM 1:12
JULIE J. ARMSTRONG
CLERK OF COURT
BY

TO: BRIAN QUISENBERRY, ESQ., ATTORNEY FOR DEFENDANTS CHARLESTON COUNTY SCHOOL DISTRICT AND JAMES ISLAND HIGH SCHOOL

YOU WILL PLEASE TAKE NOTICE that, pursuant to Rules 52 and 59 of the South Carolina Rules of Civil Procedure, Plaintiff will move in ten (10) days at the Charleston County Courthouse or at such other time and place as the Court may determine, for an Order vacating, amending, altering, or otherwise modifying the Order granting summary judgment in favor of Defendants Charleston County School District and James Island High School filed on September 10, 2012, and received by the undersigned on September 11, 2012, and for such other relief as shall appear to this Court just, prudent, and proper. Plaintiff requests oral arguments. Plaintiff respectfully asserts the court erred with respect to several issues and requests the Court to vacate, amend, alter, or otherwise modify its order due to the following errors:

1. The court did not construe the facts in the light most favorable to the Plaintiff;
2 Genuine issues of material fact exist with respect to the application of the statute of limitations and the breach of duties owed to the Plaintiff;

3. Smith's act(s) of giving Plaintiff rides in his vehicle were undertaken in his capacity as the School's agent. Smith's conduct with respect to the Plaintiff's suicide attempt on school grounds were undertaken in his capacity as the School's agent. To the extent there is dispute regarding whether or not Smith's acts undertaken in his capacity as the School's agent, these issues are questions of fact properly reserved for a jury. The court's ruling otherwise was in error;
4. The School had a duty to, among other things, supervise Smith's actions undertaken in his capacity as its agent. The court's ruling otherwise was in error;
5. The School had a duty to, among other things, supervise, protect, and/or control the transportation of its student, the Plaintiff, from school grounds by a school employee. The court's ruling otherwise was in error;
6. Whether the School breached its duties owed to the Plaintiff is a question of fact. The court's ruling otherwise was in error;
7. Whether the Plaintiff's damages proximately resulted from the School's breach(es) of its duty to the Plaintiff is a question of fact. The court's ruling otherwise was in error;
8. The burden of establishing the gross negligence limitation upon liability is upon the governmental entity asserting as an affirmative defense. The School presented no evidence demonstrating it exercised any care regarding the transportation of students, among other things, and, therefore, genuine issues of material fact exist with respect to the breach(es) of the duties owed to the Plaintiff. The court's ruling otherwise was in error,

9. The policy with respect to student transportation that was adopted in 2005 does not afford protection of absolute immunity under the Tort Claims Act because the policy mirrors the general standards of care with respect to teachers, schools, and their students. The court's ruling otherwise was in error. The mere fact that the School enacted a policy does not protect it from having to meet a standard of care that existed whether the policy was enacted or not. The Plaintiff's action is not brought as a violation of School policy, but as a violation of the recognized duty of care that schools owe to their students;
10. Plaintiff presented sufficient facts to establish a fiduciary relationship existed between herself and Defendant Smith. None of the case law cited by the Court in its order state that a fiduciary relationship cannot, as a matter of law, exist between a school and its student(s). The court's ruling otherwise was in error;
11. The court required additional and/or different requirements to the application of the statute of limitations in repressed memory cases than the law espoused in Moriarty v. Garden Sanctuary Church of God, 334 S.C 150, 511 S E.2d 699 (Ct. App 1999);
12. The court erred in its application of SC Code 15-3-40 and/or SC Code 15-3-555;

This motion is based upon the constitutional laws, common laws and statutory laws of the State of South Carolina and the United States of America and Plaintiff reserves the right to supplement this motion with additional issues to be reconsidered and may be supported by such affidavits and memoranda as appropriate

Signature page to follow

The Richter Firm, LLC

Lawrence E. Richter, Jr., Esq
Aaron E Edwards, Esq.
622 Johnnie Dodds Blvd
Mt. Pleasant, SC 29464
843.849.6000 phone
843.8881.1400 fax
aaron@richterfirm.com

ATTORNEY FOR THE PLAINTIFF

9/20, 2012
Mt. Pleasant, South Carolina

THE RICHTER FIRM, LLC

Attorneys & Counselors at Law
622 Johnnie Dodds Boulevard
Mount Pleasant, South Carolina 29464

Lawrence E Richter, Jr
Alice Anne Richter Lehrman
Aaron E Edwards

Telephone (843) 849-6000
Telefax (843) 881-1400

September 20, 2012

Julie J. Armstrong
Charleston County Clerk of Court
100 Broad Street
Charleston, SC 29401

Re: Jane Doe v Charleston County School District, James Island High School and Charles Smith
Case No. 2010-CP-10-7699

Dear Ms. Armstrong:

Enclosed for filing please find the original and two copies of Plaintiff's Notice of Motion and Motion to Reconsider in the above-referenced matter. Please file the original and return the copies to our office in the self addressed, stamped envelope enclosed.

By copy of this letter to all counsel of record, I am advising them of this communication with the Court.

Very truly yours,

Michelle Stith

Michelle Stith

/cms
Enclosures

cc: The Honorable W. Jeffrey Young
Brian Quisenberry, Esq.
Robin Jackson, Esq.
Jane Doe

STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
	)	NINTH JUDICIAL CIRCUIT
COUNTY OF CHARLESTON	)	
	)	CASE NO.. 2010-CP-10-7699
	)	
Jane Doe	)	**MOTION AND ORDER INFORMATION**
Plaintiff,	)	**FORM AND COVERSHEET**
vs	)	
	)	
Charleston County School District, James Island High School, and Charles Smith	)	
Defendant.	)	

Plaintiff's Attorney	Defendant's Attorney
Aaron Edwards, Bar No. 77136 Address. The Richter Firm, LLC 622 Johnnie Dodds Blvd Mt. Pleasant, SC 29464 Phone· 843-849-6000Fax 843-881-1400 E-mail. aaron@richterfirm.comOther· _____	Robin Jackson, Bar No. _____ Address: Senn Legal P.O. Box 12279 Charleston,SC Phone. _____ Fax_____ E-mail _____Other _____

☒ **MOTION HEARING REQUESTED (attach written motion and complete SECTIONS I and III)**
☐ **FORM MOTION, NO HEARING REQUESTED (complete SECTIONS II and III)**
☐ **PROPOSED ORDER/CONSENT ORDER (complete SECTIONS II and III)**

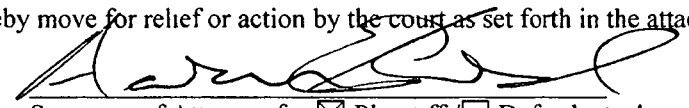
SECTION I: Hearing Information

Nature of Motion Motion to Reconsider
Estimated Time Needed· 30 Court Reporter Needed· ☒YES/☐ NO

SECTION II: Motion/Order Type

☒Written motion attached
☐Form Motion/Order

I hereby move for relief or action by the court as set forth in the attached proposed order



Signature of Attorney for ☒ Plaintiff /☐ Defendant 10/3/12 Date submitted

SECTION III: Motion Fee

☒ PAID – AMOUNT: $_____
☐ EXEMPT: (check reason)
☐ Rule to Show Cause in Child or Spousal Support
☐ Domestic Abuse or Abuse and Neglect
☐ Indigent Status ☐ State Agency v Indigent Party
☐ Sexually Violent Predator Act ☐ Post-Conviction Relief
☐ Motion for Stay in Bankruptcy
☐ Motion for Publication ☐ Motion for Execution (Rule 69, SCRCP)
☐ Proposed order submitted at request of the court, or, reduced to writing from motion made in open court per judge's instructions
Name of Court Reporter _____
☐ Other _____

JUDGE'S SECTION	
☐ Motion Fee to be paid upon filing of the attached order	JUDGE CODE _____
☐ Other _____	Date _____

STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
	)	
COUNTY OF CHARLESTON	)	
	)	Case No.: 2010-CP-10-7699
JANE DOE	)	
	)	
Plaintiff,	)	
v.	)	Notice of Motion and Motion to Reconsider
	)	
CHARLESTON COUNTY SCHOOL DISTRICT, JAMES ISLAND HIGH SCHOOL, AND CHARLES SMITH	)	
	)	
Defendants.	)	

FILED
2012 OCT -4 PM 2:45
JULIE J ARMSTRONG
CLERK OF COURT
BY

TO ROBIN JACKSON ESQ., ATTORNEY FOR DEFENDANT CHARLES SMITH

YOU WILL PLEASE TAKE NOTICE that, pursuant to Rules 52 and 59 of the South Carolina Rules of Civil Procedure, Plaintiff will move in ten (10) days at the Charleston County Courthouse or at such other time and place as the Court may determine, for an Order vacating, amending, altering, or otherwise modifying the Order granting summary judgment in favor of Defendant Charles Smith received by the undersigned on September 24, 2012, and for such other relief as shall appear to this Court just, prudent, and proper. Plaintiff requests oral arguments. Plaintiff respectfully asserts the court erred with respect to several issues and requests the Court to vacate, amend, alter, or otherwise modify its order due to the following errors:

1. The court did not construe the facts in the light most favorable to the Plaintiff;
2. The court did not draw all factual inferences in favor of the non-moving party Plaintiff;
3 Genuine issues of material fact exist with respect to the application of the statute of limitations,

4. The court required additional and/or different requirements to the application of the statute of limitations in repressed memory cases than the law espoused in Moriarty v. Garden Sanctuary Church of God, 334 S.C. 150, 511 S.E.2d 699 (Ct. App. 1999);
5. The court erred in its application of SC Code 15-3-40, SC Code 15-3-530, and/or SC Code 15-3-555;
6. The court made no finding that Smith was acting within the scope of his employment; a pre-requisite to any immunity from punitive damages;
7. The court made no finding that Smith was acting within the scope of his employment; a pre-requisite to any immunity from intentional infliction of emotional distress;
8. The court erred in its reliance and application of Doe v. Crooks, 364 S.C. 349 (2005);

This motion is based upon the constitutional laws, common laws and statutory laws of the State of South Carolina and the United States of America and Plaintiff reserves the right to supplement this motion with additional issues to be reconsidered and may be supported by such affidavits and memoranda as appropriate

The Richter Firm, LLC

Lawrence E. Richter, Jr., Esq.
Aaron E. Edwards, Esq
622 Johnnie Dodds Blvd
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843.849.6000 phone
843.8881.1400 fax
aaron@richterfirm com

ATTORNEY FOR THE PLAINTIFF

10/3, 2012
Mt. Pleasant, South Carolina

THE RICHTER FIRM, LLC

Attorneys & Counselors at Law
622 Johnnie Dodds Boulevard
Mount Pleasant, South Carolina 29464

Lawrence E Richter, Jr
Alice Anne Richter Lehrman
Aaron E Edwards

Telephone (843) 849-6000
Telefax (843) 881-1400

October 3, 2012

Julie J. Armstrong
Charleston County Clerk of Court
100 Broad Street
Charleston, SC 29401

Re: Jane Doe v. Charleston County School District, James Island High School and Charles Smith
Case No. 2010-CP-10-7699

Dear Ms. Armstrong:

Enclosed for filing please find the original and two copies of Plaintiff's Notice of Motion and Motion to Reconsider in regard to Charles Smith in the above-referenced matter. Please file the original and return the copies to our office in the self addressed, stamped envelope enclosed.

By copy of this letter to all counsel of record, I am advising them of this communication with the Court.

Very truly yours,

Michelle Stith

/cms
Enclosures

cc: The Honorable W Jeffrey Young
Brian Quisenberry, Esq.
Robin Jackson, Esq.
Jane Doe

NOTICE OF APPEAL IN A CIVIL CASE

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM CHARLESTON COUNTY
Court of Common Pleas

W. Jeffrey Young, Circuit Court Judge

RECEIVED
JAN 14 2013
SC Court of Appeals

Case No. 2010-CP-10-7699

Charles Smith, Charleston County School District and James Island High School — Respondents,

v.

Jane Doe, — Appellant.

NOTICE OF APPEAL

Jane Doe appeals the Order Granting Defendants Charleston County School District and James Island High School's Motion for Summary Judgment by the Honorable W. Jeffrey Young dated September 10, 2012 (Exhibit A) and the Order Denying Plaintiff's Motion to Reconsider dated December 27, 2012 (Exhibit B). The Order Denying Defendants' Motion to Alter or Amend Order and Defendants' Motion to Amend Pleadings was received on December 31, 2012. Jane Doe also appeals the Order Granting Defendant Charles Smith's Motion for Summary Judgment by the Honorable W. Jeffrey Young dated September 24, 2012 (Exhibit C) and the Order Denying Plaintiff's Motion to Reconsider dated December 13, 2012 (Exhibit D). The Order Denying Defendants' Motion to Alter or Amend Order and Defendants' Motion to Amend Pleadings was received on December 13, 2012.

January 11, 2013

Lawrence E. Richter, Jr.
Alice Richter Lehrman
Aaron E. Edwards
The Richter Firm, LLC
622 Johnnie Dodds Blvd.
Mt. Pleasant, SC 29464
(843) 849-6000

Attorney for Appellant

Other Counsel of Record:

Brian Quisenberry
Young Clement Rivers, LLP
25 Calhoun Street, Suite 400
P.O. Box 993
Charleston, SC 29402

Attorney for Respondents Charleston County School District and James Island High School

Robin Jackson
Senn Legal, LLC
3 Wesley Drive
P.O. Box 12279
Charleston, SC 29422
843-556-4045

Attorney for Respondent Smith

NOTICE OF APPEAL IN A CIVIL CASE

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM CHARLESTON COUNTY
Court of Common Pleas

W. Jeffrey Young, Circuit Court Judge

Case No. 2010-CP-10-7699

RECEIVED
JAN 14 2013
SC Court of Appeals

Charles Smith, Charleston County School District and James Island High School Respondents,

v.

Jane Doe, Appellant.

Proof of Service

I certify that I have served the Appellant's Notice of Appeal by depositing a copy of it in the United States Mail, postage prepaid, on January 11, 2013, addressed to the attorneys of record, Robin Jackson at Senn Legal LLC, P. O. Box 12279, Charleston, SC 29422 and Brian Quisenberry at Young Clement Rivers, LLP, 25 Calhoun Street, Suite 400, P.O. Box 993, Charleston, SC 29402.

January 11, 2013

Lawrence E. Richter, Jr.
Alice Richter Lehrman
Aaron E. Edwards
The Richter Firm, LLC
622 Johnnie Dodds Blvd.
Mt. Pleasant, SC 29464
(843) 849-6000

Attorney for Appellant

Other Counsel of Record:

Brian Quisenberry
Young Clement Rivers, LLP

25 Calhoun Street, Suite 400
P.O. Box 993
Charleston, SC 29402

Attorney for Respondents Charleston County School District and James Island High School

Robin Jackson
Senn Legal, LLC
3 Wesley Drive
P.O. Box 12279
Charleston, SC 29422
843-556-4045

Attorney for Respondent Smith

STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
	)	
COUNTY OF CHARLESTON	)	NINTH JUDICIAL CIRCUIT
JANE DOE,	)	CASE NO. 2010-CP-10-7699
PLAINTIFF,	)	
vs.	)	ORDER
CHARLES SMITH, CHARLESTON COUNTY SCHOOL DISTRICT AND JAMES ISLAND HIGH SCHOOL,	)	
DEFENDANTS.	)	

FILED
2012 SEP 10 PM 4:32
JULIE J. ARMSTRONG
CLERK OF COURT
BY

This matter came before this Court on July 23, 2012, upon the motion of the Defendants, Charleston County School District and James Island High School for Summary Judgment pursuant to Rule 56 of the South Carolina Rules of Civil Procedure. Attorney Aaron Edwards was present on behalf of the Plaintiff, attorney Brian Quisenberry was present for James Island High School and the Charleston County School District, and attorney Robin Jackson was present for Charles Smith. This Order addresses only the Motion filed by Defendants James Island High School and Charleston County School District.

The Court has considered the motions, memoranda, and supporting exhibits submitted from the parties. The Court advised counsel for all parties that it would consider any additional submissions following the hearing. The Court has reviewed all additional submissions and the matter is now ripe for resolution. After considering the record and the parties' submission and arguments, the Court hereby GRANTS the Motion for Summary Judgment by Defendants Charleston County School District and James Island High School.

I. FACTS.

Plaintiff's lawsuit is based on events from the 1988-1989 school year. Plaintiff alleges that her former teacher and softball coach, Defendant Charles Smith, sexually assaulted her during the 1988-1989 school year, when she was a freshman at James Island High School (hereafter "High School"). In the 1988-1989 school year, the High School was part of the Charleston County School District (hereafter "District") and did not exist as a separate legal entity.[1]

Plaintiff identifies five alleged instances of sexual assault, which include allegations that Smith fondled her genitals and forced her to perform oral sex on him.[2] Plaintiff identified three instances where Smith allegedly brushed or touched her inappropriately in his classroom.[3] Plaintiff alleges the other two instances occurred off school grounds when Smith took her home from softball practice.[4] Plaintiff cannot identify when the alleged instances occurred or in what order they occurred.[5] Plaintiff alleges the assaults took place at some point between the beginning of the school year in September 1988 and February 12, 1989, when Plaintiff alleges she attempted to commit suicide by taking Vivarin caffeine pills.[6] Plaintiff has identified no further incidents of sexual assault after February 12, 1989.[7]

Plaintiff did not tell anyone about the alleged sexual assaults until 2007.[8] Plaintiff did not report the alleged instances to anyone at the School and did not tell any friends or parents.[9] Plaintiff's mother had no suspicions of Smith prior to 2007.[10] Plaintiff's mother knew Smith

[1] Bohnstengel Depo. p. 53-55.
[2] Plaintiffs Depo. Vol I, p. 88 -101.
[3] Plaintiffs Depo. Vol I, p. 88, 95-97, 100,
[4] Plaintiff's Depo. Vol I. p. 91, 101.
[5] Plaintiff's Depo. Vol I p 95.
[6] Plaintiff's Depo. Vol I p. 96, 110.
[7] Plaintiff's Depo. Vol I p. 96.
[8] Plaintiff Depo. Vol II p. 35.
[9] Plaintiff Depo. Vol II p. 35.
[10] Moore Depo., p. 107.

gave Plaintiff rides home from softball practice and did not have a problem with it.[11] Plaintiff's mother did not complain to anyone at the School about Smith.[12] During the 1988-1989 school year, it was not uncommon for coaches to give rides to students after practice and it did not violate school policy.[13] There are no former students, teachers, employees or any other witnesses that testified they suspected Smith of sexual misconduct or acting inappropriate towards students.

Plaintiff testified that she has no evidence to show that the District and High School should have known about the alleged danger presented by Smith prior to the alleged sexual assaults.[14] The District hired Smith as a teacher in 1975.[15] At all times in issue Smith held full certification credentials from the South Carolina Department of Education.[16] Prior to the alleged instances at issue, Smith received a score of satisfactory or higher on all of his teacher evaluations, and Smith received no reports of misconduct or reprimands.[17]

Plaintiff filed her complaint in this action on November 20, 2007. Plaintiff's Second Amended Complaint alleges three causes of action against the District and High School: (1) breach of fiduciary duty, (2) outrage (intentional infliction of emotional distress), and, (3) gross negligence.[18] Defendants argue that Plaintiff's claims all fail against the District and the High School because Plaintiff did not timely file her complaint within the applicable statute of limitations. Defendants further argue that each of Plaintiff's claims against the District and High

[11] Moore Depo., p. 111.
[12] Moore Depo., p. 111.
[13] Shaddrix Depo. p. 53; Dilligard Depo. p. 50; Shealy Depo. p. 55. Bohnstengel Depo. p. 98-100. Plaintiff submits current 2012 policies and attempts to apply those to the allegations from the 1988-89 school year. The policies Plaintiff cites are irrelevant to the present case because none were issued earlier than 2005. See, Current Policies; Bohnstengel Depo. p. 98-100.
[14] Plaintiff's Depo. Vol II, p. 49-50.
[15] Smith's Personnel file.
[16] Smith's Personnel file.
[17] Smith's Personnel file.

School also fail substantively as a matter of law. For the reasons set forth below, the Court agrees and GRANTS the Motion for Summary Judgment by the District and High School.

II. STANDARD OF REVIEW.

"The purpose of summary judgment is to expedite disposition of cases which do not require the services of a fact finder." *George v Fabri*, 345 S.C. 440, 452, 548, S. E. 2d 868, 874 (2001). "A motion for summary judgment shall be granted "if the pleadings, depositions, answers to interrogatories, and admission on file, together with the affidavits, if any, show that there is no genuine issue as to any material fact and that the moving party is entitled to a judgment as a matter of law." *Id.* (quoting Rule 56(c), SCRCP) *accord Trivelas v. South Carolina Dep't of Transportation*, 348 S.C. 125, 130, 558 S.E. 2nd 271, 273 (Ct. App. 2001); *Wells v. City of Lynchburg*, 331 S.C. 296, 301, 501 S.E. 2d 746, 749 (Ct. App. 1998); *see also Tupper v. Dorchester County*, 326 S.C. 318, 325, 487 S.E. 2d 187,191 (1997). Summary judgment is appropriate when "there is no genuine issue as to any material fact and...the moving party is entitled to judgment as a matter of law." *Celotex Corp. v. Catrett*, 477 U.S. 317, 322, 106 S. Ct 2548 (1986), and "where the record taken as a whole could not lead a rational trier of fact to find for the non-moving party, there is no "genuine issue for trial." *Matsushita Electrical Industrial Co., Ltd. V. Zenith Radio Corp.*, 475 U.S. 574 106 S. Ct. 1348, 1356 (1986).

III. FINDINGS AND CONCLUSIONS OF LAW.

A. Statute of Limitations.

Defendants argue that all of Plaintiff's causes of action fail as a matter of law against the District and High School because Plaintiff did not timely file her complaint within the three-year statute of limitations set forth in the SC Code Ann. § 15-3-530 (5). Defendants further argue that Plaintiff's allegation of repressed memory fails to save her claims because she presented no

[18] Plaintiff's Second Amended Complaint.

"objectively verifiable" evidence of the alleged abuse, and the expert testimony she submitted did not identify the specific date when Plaintiff allegedly recovered her memories. *See, Moriarty v Garden Sanctuary Church of God*, 334 S.C. 150, 511 S.E. 2d 699 (Ct. App. 1999). Based on the reasoning and authorities cited in this Court's Order granting Defendant Smith's Motion for Summary Judgment, the Court agrees and finds that the same reasoning and authorities, which are incorporated by reference herein, apply equally to Plaintiff's claims asserted against the District and High School.

B. Fiduciary Duty.

Plaintiff's first cause of action asserts that the District and High School owed a fiduciary duty to Plaintiff when she attended the High School during the 1988-89 school year and breached that duty by failing to prevent Smith's alleged abuse. The Court disagrees. Under South Carolina law, the District and High School do not have a fiduciary relationship with their students. In *Doe v. Greenville County Sch. Dist.*, 375 S.C. 63, 72, 651 S.E.2d 305, 309-310 (2007), the South Carolina Supreme Court upheld a trial court's decision dismissing a cause of action for breach of fiduciary duty against a school district. The Court held that the plaintiffs "have not alleged any facts under which this Court could find another duty owed by the School District other than the duty of supervision as outlined by the Tort Claims Act." *Id.* The Court held that the plaintiff was limited to a recovery under a negligent supervision claim. *Id.*

Likewise in *Hendricks v. Clemson Univ.*, 353 S.C. 449, 459, 578 S.E.2d 711, 715-16 (2003), the South Carolina Supreme Court "decline[d] to recognize the relationship between [a school] advisor and student as a fiduciary one." The *Hendricks* Court held that the state "has reserved imposition of fiduciary duties to legal or business settings, often in which one person entrusts money to another, such as with lawyers, brokers, corporate directors, and corporate

promoters." *Id.* Plaintiff's fiduciary duty claim against the District and High School therefore fails as a matter of law.

C. Intentional Infliction of Emotional Distress (Outrage).

Plaintiff's second cause of action against the District and High School is for outrage. The Court finds that the District and High School are entitled to Summary Judgment as to Plaintiff's outrage claim because the South Carolina Tort Claims Act ("SCTCA") does not waive sovereign immunity for claims of intentional infliction of emotional distress. The SCTCA excludes "the intentional infliction of emotional harm" from the definition of "loss" for which a governmental entity may be liable. *See* S.C. Code Ann. § 15-78-30(f) (defining "loss" as "bodily injury, disease, death, or damage to tangible property, including lost wages and economic loss to the person who suffered the injury, disease, or death, pain and suffering, mental anguish and any other element of actual damages recoverable in actions for negligence, ***but does not include the intentional infliction of emotional harm.***")(emphasis added). See also, *Newman v. S.C. Dep't of Empl. & Workforce*, 2010 WL 4791932 (D.S.C. 2010) (holding that "the Department, as a state agency, has sovereign immunity with regard to this tort claim"); *Harkness v. City of Anderson*, 2005 WL 2777574 (D.S.C. 2005) (holding that "the SCTCA does not waive sovereign immunity for [an outrage] claim"). Furthermore, the SCTCA excludes liability for "employee conduct outside the scope of his official duties or which constitutes actual fraud, actual malice, intent to harm, or a crime involving moral turpitude." S.C. Code Ann. § 15-78-60(17). Plaintiff's outrage claim against the District and High School therefore fails as a matter of law.

D. Gross Negligence.

Plaintiff's third cause of action in her Second Amended Complaint asserts that the District and High School were grossly negligent in their supervision of Smith and in failing to

prevent his alleged sexual assaults.[19] In *Degenhart v. Knights of Columbus*, 309 S.C. 114, 420 S.E.2d 495 (1992), the South Carolina Supreme Court set out an employer's duty to supervise employees acting outside the scope of their employment:

> Under certain circumstances, an employer is under a duty to exercise reasonable care to control an employee acting outside the scope of his employment. An employer may be liable for negligent supervision if the employee intentionally harms another when he:
>
> (i) is upon the premises in possession of the [employer] or upon which the [employee] is privileged to enter only as his [employee], or (ii) is using a chattel of [the employer],
>
> **and** ... [the employer]
>
> (i) knows or has reason to know that he has the ability to control his [employee], **and**
>
> (ii) ***knows or should know of the necessity and opportunity for exercising such control,***

Degenhart v. Knights of Columbus, 309 S.C. at 116-17 (emphasis added), citing, Restatement (Second) of Torts § 317 (1965). *See also, Moore v. Berkeley County School District*, 326 S.C. 584, 486 S.E.2d 9 (1997) (applying the test for negligent supervision from *Degenhart* to the plaintiff's claim for gross negligence arising out of a teacher's alleged sexual assault of a student).

In *Brockington v. Pee Dee Mental Health Center*, 315 S.C. 214, 433 S.E. 2d 16 (1993), the plaintiff asserted a negligence claim based on similar allegations of sexual abuse against the employer of the alleged abuser for failing to prevent the abuse. The plaintiff alleged he was repeatedly sexually assaulted by defendant's employee while he was a mental health client at the Defendant's medical center. The Court of Appeals reversed the verdict in favor of the plaintiff and held the negligence claim failed as a matter of law because he could not establish the

[19] Plaintiff's Second Amended Complaint, ¶ 33-37.

employer knew or should have known of the necessity to exercise control of the employee:

> Our focus here is upon the last element [of the Supreme Court's test]. Did the defendants know or should they have known of the necessity to exercise control over Davis? When viewed in the light most favorable to [the plaintiff], the evidence and its reasonable inferences do not support the finding, implicit in the jury's verdict, that the defendants knew or should have known of this necessity.
>
> [The plaintiff] presented no evidence that the defendants had any knowledge whatever that Davis had sexually assaulted [the plaintiff]. Moreover, nothing that the defendants gathered from Davis, co-workers at the Hartsville office, or elsewhere about either Davis' personal history or his work activities alerted the defendants that Davis would engage in predatory homosexual activity or other inappropriate sexual conduct with clients and with [the plaintiff] in particular.

Brockington, 315 S.C. at 217-18.[20]

Likewise, in a case factually similar to the present case, *Moore v. Berkeley County School District*, 326 S.C. 584, 486 S.E.2d 9 (1997), the Court of Appeals held the plaintiff's claim for gross negligence against the school district failed as a matter of law in part because the plaintiff could not establish the District knew or should have known about the teacher's alleged sexual proclivity prior to the incidents of abuse. The plaintiff in *Moore* was a fifteen year-old- middle school student who alleged his teacher sexually assaulted him while tutoring him at her home. The *Moore* Court applied *Degenhart* negligent supervision test to the plaintiff's gross negligence claim and held "there is no evidence in this case that the District had notice of improper sexual contact between [the employee] and any other students prior to the incident involving [the plaintiff]." *Id.* at 591. The *Moore* Court held the district had no prior notice as a matter of law even though other teachers at the school testified that they observed "inappropriate" behavior,

[20] *Compare, Doe v. Greenville Hosp. System*, 323 S.C. 33 (1994) (affirming a verdict in favor of the plaintiff because the record established that the employer had prior notice of a prior incident of alleged sexual abuse by the employee at issue, which established a reasonable inference that the employer knew or should have known of the necessity of controlling the employee while acting outside the scope).

including a student in the teacher's classroom with the door locked and the lights off, the teacher receiving classroom massages from students, and holding students hands in class. *Id.* The Court held that these instances were insufficient because they were not reported to administration, and even if they had been, it would not have put the District on notice that the teacher would have sexual intercourse with a student. *Id.*

The Supreme Court requires actual or constructive notice of the alleged danger presented by the employee because employers are not insurers against all harm on their premises. Under South Carolina law, the duty to act is not imposed without actual or constructive notice of the alleged danger. *Rogers v. S.C. Dept. of Mental Health*, 320 S.C. 253, 464 S.E.2d 330 (1995) (holding duty to act does not arise until the defendant has notice of a specific threat to others); *Estate of Cantrell v. Green*, 302 S.C. 557, 560-61, 397 S.E.2d 777 (holding no duty to act without prior notice of the danger). *See also, Brockington*, 315 S.C. at 217-18.

In the present case, when viewed in the light most favorable to Plaintiff, the evidence and its reasonable inferences do not support the finding that the District and High School knew or should have known of the alleged danger presented by Smith. Plaintiff did not tell anyone about the alleged sexual assaults until 2007.[21] Plaintiff did not report the alleged instances to anyone at the school and did not tell any friends or parents.[22] There are no former students, teachers, employees or any other witnesses that testified they suspected Smith of sexual misconduct or any inappropriate actions towards students. The allegation that Smith gave Plaintiff rides home after softball practice did not put the District on notice of any danger presented by Smith. During the

[21] Plaintiff Depo. Vol II p. 35.
[22] Plaintiff Depo. Vol II p. 35.

1988-1989 school year, it was not uncommon for coaches to give rides to students after practice and it did not violate any school policy.[23]

At all times in issue Smith held full certification credentials from the South Carolina Department of Education.[24] Smith received a score of satisfactory or higher on all of his teacher evaluations, and Smith received no reports of misconduct or reprimands whatsoever prior to the alleged instances.[25]

Plaintiff testified she has no evidence to show that the District or High School should have known about the alleged danger presented by Smith prior to the alleged sexual assaults.

> Q. Do you have any information or knowledge that the school district had any information about Mr. Smith that should have put them on notice prior to these incidents?
>
> A. Prior to 1989?
>
> Q. Uh-huh.
>
> **A. Not at this time.**
>
> Q. You don't know of any school district official or teacher official or anyone, that had any knowledge prior to these instances that should have put them on notice?
>
> A. Prior to 1989?
>
> Q. (indicating).
>
> **A. Not at this time.**[26]

In response to the Defendants' Summary Judgment Motion, Plaintiff attempts to shift her burden of proof to Defendants. Plaintiff states that if Defendants rely on the affirmative defense

[23] Shaddrix Depo. p. 53. Dilligard Depo. p. 50. Shealy Depo. p. 55. The policy regarding transportation of students in private vehicles was not issued until 2005. See. Current Policies; Bohnstengel Depo. p. 98-100.
[24] Smith's Personnel file.
[25] Smith's Personnel file.

of gross negligence under the Tort Claims Act Defendants have the burden to show evidence of slight care.[27] Plaintiff's argument fails because Defendants' summary judgment motion is not based on the affirmative defense of gross negligence. Defendants' motion is based on Plaintiff's failure to produce evidence to establish even general negligence against the District and High School.

Under South Carolina law, Plaintiff has the burden of submitting evidence supporting her claim. "In order to resist a defendant's motion for summary judgment, the plaintiff, as the party with the burden of proof at trial, must present the fact of breach [of the duty of care] in dispute." *Estate of Cantrell v. Green*, 302 S.C. 557, 560-61 (Ct. App. 1990) (affirming summary judgment to defendant on the plaintiff's negligence claim because the plaintiff could not show a breach of the duty of care without evidence that the defendant knew or should have known of the dangerous condition causing the plaintiff's injury).

In support of her claim, Plaintiff cites no cases where a school employee caused the student's alleged injury. Rather, Plaintiff cites to cases where a student injures another student. *See, Doe v Orangeburg County School District*, 329 S.C. 221, 222, 495 S.E.2d 230 (Ct. App. 1997) (student sexually assaulted by a sixteen-year-old male special education student); *Woodell v. Marion School District One*, 307 S.C. 297, 298, 414 S.E.2d 794 (Ct. App. 1992) (student assaulted by another student); *Duncan v. Hampton County School District*, 335 S.C. 535, 541, 517 S.E.2d 449 (Ct. App. 1999) (mentally disabled student sexually assaulted by other students

[26] Plaintiff's Depo., Vol II p. 49-50.

[27] S.C.Code Ann. § 15-78-60(25) (Supp.1996) "A governmental entity is not liable for a loss resulting from "responsibility or duty including but not limited to supervision, protection, control, confinement, or custody of any student, ... except where the responsibility or duty is exercised in a grossly negligent manner." S.C.Code Ann. § 15-78-60(25) (Supp.1996). "Gross negligence means the failure to exercise a slight degree of care. Gross negligence involves an intentional, conscious failure to do something which it is incumbent upon one to do or the intentional doing of a thing one ought not to do. The term is relative

in her class). These cases all arise out of the school's alleged failure to prevent a student from injuring another student and are distinguishable from the present case.

By contrast, the present case alleges that the District and High School failed to prevent an employee from harming Plaintiff. Therefore, *Degenhart, Moore* and *Brockington* are controlling. Indeed, in *Moore* the Court of Appeals analyzed a similar gross negligence claim against a school district under the Supreme Court's negligent supervision test set out in *Degenhart*. *Moore*, 326 S.C. at 591. The *Moore* court held that it was "bound to follow the precedent of *Brockington* and *Doe*" which both applied the *Degenhart* negligent supervision test against public entities, stating that "as in those cases, the crux of [the plaintiff's] case is the sexual conduct of an employee of a public entity." *Moore*, 326 S.C. at 591, *citing*, *Doe v Greenville Hosp. System*, 323 S.C. 33, 448 S.E.2d 564 (1994), and *Brockington*, 315 S.C. at 217-18.

Here Plaintiff concedes she has no evidence to show that the District or High School should have known about the alleged danger presented by Smith prior to the alleged sexual assaults.[28] Plaintiff's claim therefore fails to meet the test set out in *Degenhart, Moore* and *Brockington*.

Plaintiff alternatively asserts that her claim should survive because the District and High School did not have sufficient policies regarding training and prevention of sexual misconduct at the time of Smith's alleged sexual assaults. The Court disagrees. In *Brockington v. Pee Dee Mental Health Center*, 315 S.C. at 218, the Court of Appeals held there was no duty to adopt or enforce certain rules against employees acting outside the scope of their employment. The plaintiff in *Brockington* alleged his negligence claim should survive because the employer owed

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and means the absence of care that is necessary under the circumstances." *Moore v. Berkeley County School District*, 326 S.C. 584, 486 S.E.2d 9 (1997).

him a duty to supervise its employees under the employer's internal rules and directives. *Id.* The Court rejected the plaintiff's claim and held an employer can only be held liable for failing to enforce its rules and policies with respect to actions within the scope of employment. *Id.* The Court held "we conclude the defendants possessed no duty arising out of the internal directives to protect [the plaintiff] from unreasonable risks resulting from his relationship with [the employee] in [his] individual capacity." *Id.* (emphasis added). *See also, Ellis v. Niles*, 324 S.C. 223, 227, 479 S.E.2d 47 (1996) ("Whether the law recognizes a particular duty is an issue of law to be determined by the court. If there is no duty, then the defendant in a negligence action is entitled to a directed verdict.").

Even if there was such a duty to adopt or enforce rules or polices, the District and High School are immune from such a claim in this case under the Tort Claims Act. The SCTCA states in relevant part "The governmental entity is not liable for a loss resulting from. . . ***adoption, enforcement, or compliance*** with any law ***or failure to adopt or enforce*** any law, whether valid or invalid, ***including, but not limited to, any charter, provision, ordinance, resolution, rule, regulation, or written policies.***" S.C. Code Ann. § 15-78-60(4) (emphasis added).

Plaintiff further responds to Defendants' summary judgment motion by arguing that the District and High School should be liable under a theory of *respondeat superior*.[29] Plaintiff's *respondeat superior* claim fails because Smith's alleged acts of sexual abuse were outside the scope of his employment as a matter of law. The Supreme Court in *Armstrong v. Food Lion, Inc.* set out the test for determining whether an employee acts outside the scope of his employment for purposes of *respondeat superior* liability.

> An act is within the scope of a servants' employment where reasonably necessary to accomplish the purpose of his employment

[28] Plaintiff's Depo., Vol II p. 49-50.
[29] *Respondeat Superior* liability is not alleged in Plaintiff's Second Amended Complaint.

> and in furtherance of the master's business These general principles govern in determining whether an employer is liable for the acts of his servant. The act of a servant done to effect some independent purpose of his own and not with reference to the service in which he is employed, or while he is acting as his own master for the time being, is not within the scope of his employment so as to render the master liable therefor. Under these circumstances the servant alone is liable for the injuries inflicted. If a servant steps aside from the master's business for some purpose wholly disconnected with his employment, the relation of master and servant is temporarily suspended; this is so no matter how short the time, and the master is not liable for his acts during such time."

Armstrong v. Food Lion, Inc. 371 S.C. 271, 639 S.E.2d 50 (2006) (holding the employee who stabbed the plaintiff during store hours, inside the employer's store, with the employer's knife was acting outside the scope of his employment as a matter of law because there was no evidence the employee was motivated to further the employer's business).

Here, Plaintiff alleges Smith fondled her genitals and forced her to perform oral sex on him. The record contains no evidence Smith's alleged sexual abuse was motivated to further the District or High School's business. Plaintiff also cites no cases holding an employee's sexual abuse could be considered within the scope of employment. Indeed, the South Carolina Supreme Court has held such actions are clearly outside the scope. *Whittle v. Southern Bell Telephone and Telegraph Co.*, 306 S.C. 163, 164-66, 410 S.E.2d 575 (1991) (treating the employee's alleged sexual battery of the plaintiff as committed outside the scope of his employment and affirming summary judgment for the employer). Plaintiff's gross negligence claim therefore fails as a matter of law and the District and High School are entitled to summary judgment.

E. Claims against Defendant James Island High School.

The Plaintiff's claims against the High School also fail for the additional reason that during the 1988-1989 school year, the High School was part of the Charleston County School

District system and did not exist as a separate legal entity.[30] In 2003, James Island Charter High School was formed as a separate entity from Charleston County School District.[31] The High School, however, did not exist separate from the District at the time the alleged incidents giving rise to Plaintiff's claims occurred. Therefore, the High School is entitled to summary judgment on this additional ground as well.

IV. CONCLUSION.

For the reasons stated herein, the Motion for Summary Judgment by Defendants Charleston County School District and James Island High School is GRANTED.

AND IT IS SO ORDERED.

The Honorable ~~W. Jeffery Young~~
W. Jeffrey Young

Sept. 4, 2012.
Florence, South Carolina.

[30] Bohnstengel Depo. p. 53-55.
[31] Bohnstengel Depo. p. 100.

STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
COUNTY OF CHARLESTON	)	NINTH JUDICIAL CIRCUIT
JANE DOE,	)	CASE NO. 2010-CP-10-7699
PLAINTIFF,	)	
vs.	)	ORDER
CHARLES SMITH, CHARLESTON COUNTY SCHOOL DISTRICT AND JAMES ISLAND HIGH SCHOOL,	)	
DEFENDANTS.	)	

FILED
2012 DEC 27 PM 4:29
JULIE J. ARMSTRONG
CLERK OF COURT
BY

This matter came before this Court on Plaintiff's motion to reconsider the grant of summary judgment to Defendants Charleston County School District and James Island High School under Rules 52 and 59 of the South Carolina Rules of Civil Procedure. After reviewing the motion to reconsider, the summary judgment motion and memorandum of law, the memorandum in opposition to summary judgment, and the order granting summary judgment, the motion to reconsider is hereby DENIED.[1]

AND IT IS SO ORDERED.

Honorable W. Jeffrey Young
W. Jeffrey Young

Dec. 13, 2012
Aiken, SC

[1] To the extent Plaintiff's motion to reconsider presents issues not raised prior to judgment the motion fails on those grounds as well. "A party cannot use a motion to reconsider to present an issue [the party] could have raised prior to judgment but did not." *Anderson Memorial Hospital, Inc. v. Hagen*, 313 S.E. 497, 443 S.E.2d 399, 400 (Ct. App. 1993).

STATE OF SOUTH CAROLINA COUNTY OF CHARLESTON JANE DOE, Plaintiff, v. CHARLES SMITH, CHARLESTON COUNTY SCHOOL DISTRICT AND JAMES ISLAND HIGH SCHOOL, Defendants.	IN THE COURT OF COMMON PLEAS FOR THE NINTH CIRCUIT CASE NO.: 2010-CP-10-7699 **ORDER**

FILED
2012 SEP 24 PM 1:29
JULIE J. ARMSTRONG
CLERK OF COURT
BY

This matter came before the Court for a hearing on Defendant Charles Smith's motion for summary judgment on July 23, 2012. Attorney Aaron Edwards was present on behalf of the Plaintiff, attorney Robin Jackson was present for Charles Smith and attorney Brian Quisenberry was present for James Island High School and the Charleston County School District. All parties submitted briefs with exhibits, and supplemental briefs that were considered by this Court.

On November 20, 2007, Plaintiff filed her complaint in this action. Thereafter, the Plaintiff amended her complaint. The amended complaint alleges causes of action for breach of fiduciary duty, gross negligence and outrage. This order addresses only Defendant Charles Smith.

FACTS

The Plaintiff alleges that while she was a second year freshman at James Island High School, more than twenty (20) years ago, during the 1988-1989 school year, she was sexually assaulted by Charles Smith. (See Exhibit A, School Records). During that school year, Mr. Smith was Plaintiff's

WPB

[redacted]

geography teacher, and was also the high school softball coach. The Plaintiff alleges that she does not know the dates of the assaults, but claims they occurred at some unknown point between September 1988 and February 12, 1989. February 12, 1989 is when the Plaintiff allegedly attempted to commit suicide by taking an unknown amount of Vivarin caffeine pills. (Exhibit C, Hospital report). The Plaintiff has alleged five separate incidents occurring at an unknown points and in unknown order during this time period. She further asserts that the there were no further incidents after her suicide attempt. She returned to school and the softball team after the alleged suicide attempt and finished out the year both in Mr. Smith's class and on his softball team. The following year, she returned to the school, as a third year Freshman. (Exhibit A, School Records). At the end of the 1989-1990 school year, she dropped out and later earned her GED. (Exhibit B, Withdrawal Form). Mr. Smith continued as both a teacher and coach at James Island High School until his retirement in 2008.

In 2007, the Plaintiff asserts she suddenly remembered being sexually assaulted by Mr. Smith approximately 19 years prior. She claims that until her epiphany in 2007, she had no recollection of anything that had occurred in her life between sometime after the alleged assault and/or suicide attempt, through age 18. This is the second time the Plaintiff has alleged that she was sexually abused by being forced to perform oral sex, followed by an allegation of memory repression. The first time, the Plaintiff asserts that she was sexually abused by a babysitter sometime between the ages of 4 and 6. (Exhibit F, Deposition of [redacted], 29/23-25). She claims she was forced to perform oral sex on the babysitter. ([redacted], 30/3-4, Exhibit F). She also claims that she repressed the memories of such abuse until 1995-96 (Exhibit F, [redacted], 33/16-20). She has no explanation for why those allegedly repressed memories of the same kind of alleged abuse surfaced in 1995 or 1996, but the second alleged abuse allegations did not, and did not come forward until 2007.

Mr. Smith has continuously and consistently asserted that he acted properly and had no relationship with the Plaintiff other than that of a teacher-student and coach-player. He asserts that there was no sexual contact of any kind. (Exhibit G, Deposition of Smith, 171/6-14). While he admits that he occasionally gave ~~her~~ Plaintiff and other members of the softball team a ride home after practice or games, he denies sexually assaulting anyone and further asserts that no inappropriate behavior took place. (Exhibit G, Smith, 31/14-24).

STANDARD OF REVIEW

"The purpose of summary judgment is to expedite disposition of cases which do not require the services of a fact finder." *George v. Fabri*, 345 S.C. 440, 452, 548 S.E. 2d 868, 874 (2001). "A motion for summary judgment shall be granted 'if the pleadings, depositions, answers to interrogatories, and admissions on file, together with the affidavits, if any, show that there is no genuine issue as to any material fact and that the moving party is entitled to a judgment as a matter of law.'" *Id.* (quoting Rule 56(c), SCRCP) *accord Trivelas v. South Carolina Dep't. of Transportation*, 348 S.C. 125, 130, 558 S.E. 2d 271, 273 (Ct. App. 2001); *Wells v. City of Lynchburg*, 331 S.C. 296, 301, 501 S.E.2d 746, 749 (Ct. App. 1998); *see also Tupper v. Dorchester County*, 326 S.C. 318, 325, 487 S.E. 2d 187, 191 (1997). Summary judgment is appropriate when "there is no genuine issue as to any material fact and...the moving party is entitled to judgment as a matter of law." *Celotex Corp. v. Catrett*, 477 U.S. 317, 322, 106 S.Ct. 2548 (1986), and "where the record taken as a whole could not lead a rational trier of fact to find for the non-moving party, there is no 'genuine issue for trial.'" *Matsushita Electrical Industrial Co., Ltd. v. Zenith Radio Corp.*, 475 U.S. 574, 106 S.Ct. 1348, 1356 (1986).

I. STATUTE OF LIMITATIONS

All of Plaintiff's causes of action brought in the amended complaint are hereby dismissed as to Charles Smith because the Plaintiff did not timely file her complaint within the three-year statute of limitations set forth in the SC Code Ann. §15-3-530 (5). The statute of limitations applicable to actions "for assault, battery, or any injury to the person or rights of another... is three years for actions arising on or after April 5, 1988." Although a statute of limitations specifically concerning sexual-abuse actions, S.C. Code Ann. § 15-3-555, became effective on August 31, 2001 and would normally apply retroactively, that statute is not applicable here for reasons that are discussed in more detail below.

According to the discovery rule, the three-year statute of limitations found in section 15-3-350 (5) begins to run when the underlying cause of action reasonably ought to have been discovered. *Dean v. Ruscon Corp.*, 321 S.C. 360, 363, 468 S.E. 2d 645, 647 (1996). Thus, the three-year clock starts ticking on the "day the injured party either knows or should have known by the exercise of reasonable diligence to cause of action arises from the wrongful conduct." *Bayle v. S. C. Department Of Transportation*, 340 4 S. C. 115, 123, 5402 S.E.2d 376, 740 (Ct.App. 2001). This determination is objective, rather than subjective. *Id.* As such, the question is not whether the particular Plaintiff in this case actually knew she had a claim. *Martin v. Companion Healthcare Corp.*, 357 S. C. 570, 576, 593 S.E. 2d 624, 627 (Ct. App. 2004). Instead, the proper inquiry is "whether the circumstances of the case with a person of common knowledge and experience on notice that some right of his has been invaded, or that some claim against another party might exist." *Young v. S.C. Department of Corrections*, 330 3S. C. 714, 719, 511 S.E.2d 413, 416 (Ct.App. 1999).

In *Doe v. Crooks*, 364 SC 349, 613 S.E.2d 536 (2005), the Plaintiff sued his former physician for sexual abuse allegedly committed when the Plaintiff was 14 or 15 years old in 1983. *Id.* At 351,

613 S.E.2d at 537. The action was commenced in 2002, when the Plaintiff was 34 years old. *Id.* The Plaintiff acknowledged that he was aware of the abuse while it was occurring but alleged that he did not realize the full extent of his injuries until 2001. *Id.* Thus, the Court concluded that discovery occurred in 1983 when the Plaintiff was 15. *Id.* at 352, 613 S.E.2d at 538. Under § 15-3-40 (1), the limitation period was tolled until the Plaintiff reached the age of maturity, eighteen. *Id.* Therefore, pursuant to §15-3-535, the Plaintiff had six years from the date that he reached the age of eighteen to file his action.[1] *Id.* Because he failed to do so, his cause of action lapsed in 1992. *Id.* at 353, 613 S.E.2d at 538.

On appeal, the Plaintiff argued that the statute of limitations enacted in 2001 for sexual abuse claims applied:

> An action to recover damages for injury to a person arising out of an act of sexual abuse or incest must be commenced within six years after the person becomes 21 years of age or within three years from the time of discovery by the person of the injury and the causal relationship between the injury and sexual abuse or incest whichever occurs later.

S.C. Code Ann. §15-3-555 (A). The Court acknowledged that statutes of limitations are generally applied retroactively and that the general assembly did not express any intent to limit the application of §15-3-555 prospectively. *Id.* At 352, 613 S.E.2d at 538. However, a new statute of limitations cannot operate to revive an action for which the limitations period has already expired. *Id.* At 351-52, 613 S.E.2d at 538. Therefore, because the Plaintiff's cause of action lapsed in 1992, nine years before §15-3-555 was adopted, the same did not apply. *Id.* at 353, 613 S.E.2d at 538. The South Carolina Supreme Court affirmed that trial Court's dismissal of the action on the grounds that, when

[1] For actions accruing prior to April 5, 1988, the limitations period of 6 years in duration. The three-year limitations period now found in the Code applies to actions accruing on or after April 5, 1988.

§15-3-555 became effective, the Plaintiff's cause of action had already lapsed under §§15-3-530 (5) and 15-3-535. *Id.*

In this case, the Plaintiff alleges Defendant injured her during the 1988-1989 school year while she was a minor. In accordance with the allegations of the amended complaint, the alleged circumstances would have put a person of common knowledge and experience on notice some right of hers had been invaded or that she had a claim against another person. Under *Doe*, the Plaintiff did not have to fully understand the extent of the injury, she only had to understand that she was harmed. When asked about two alleged incidents at the teachers desk, she testified:

98

2 Q. And did you say anything while he was doing
3 this?
4 A. I was very, very uncomfortable.
5 Q. Did you say anything?
6 A. I don't recall saying anything.
7 Q. Did you try to get up out of the chair?
8 A. I remember just freezing.

99

25 Okay. Were there any other instances?

100

1 A. I was sitting behind his desk another time and
2 he took my hand and put my hand on his penis
3 through his pants.
4 Q. Did you try to pull your hand away?
5 A. I froze.

Exhibit F, Deposition of [redacted] 98/2-8, 99/25-100/5

This testimony is evidence that the Plaintiff knew at the time the situation was allegedly going on,

that she was being harmed. Additionally, she testified that after the alleged oral sex incident:

104

16 When you got home was there anybody at your
17 house?
18 A. All I remember is going into my room and closing
19 my door. I don't -- I don't recall if anybody
20 was home or not.
21 Q. What was the next time you saw anybody?
22 A. I don't recall. All I remember is going home
23 and going into my room and laying on my bed with
24 my cat.
25 Q. Your mom never came in to say, hey, welcome home

105

1 or --
2 A. I don't recall. All I remember is going home,
3 going into my room, closing my door and holding
4 onto my cat crying.

Exhibit F, Deposition of [redacted]
104/16-25, 105/1-4.

After the caffeine pill overdose, the Plaintiff told hospital staff she was having problems at school, but although offered, she and her mother declined counseling. This behavior also demonstrates knowledge of harm during and after the events. Doe was fifteen years old at the time of the alleged events. She was in high school and was old enough to know right from wrong, and to know that a teacher should not be fondling her vagina in the classroom or forcing her to perform oral sex on him in his car. Though the Plaintiff has apparently refused to answer any questions about her actual feelings at the time, claiming she still cannot remember them, it is not reasonable for Doe to say that she was uncomfortable and "froze" while he was touching her in the classroom, and that she went

home and cried after the oral sex incident, but that she did not think it was wrong, or that Smith was harming her.

Because the Plaintiff was a minor when the alleged injuries occurred, the statute of limitations was tolled until she reached the age of majority. *See* S.C. Code Ann. §15-3-40. Based on her date of birth, [redacted], she would have reached the age of 18 in 1991. She then had three years, or until 1994 to file her action. *See* S.C. Code Ann. §15-3-530 (5). She failed to do so and, therefore, her right to bring an action lapsed in 1994, seven years before §15-3-555 was adopted and thirteen years before she filed it in 2007.

II. REPRESSED MEMORY

A. Objective Verifiability

As her claim is untimely under the statute of limitations, the only way the Plaintiff can maintain this action is with evidence of repressed memory. The Plaintiff claims that at some point after the last alleged abuse incident in 1988 or 1989, she involuntarily repressed all memories relating to her life between the ages 15 and 18. At age 18, she picks up recollection, but had no memories from the period of time between ages 15 and 18, until 2007. In 2007, she asserts she suddenly started having dreams of Mr. Smith standing over her laughing, and that those dreams have turned into memories. (Exhibit F, [redacted] 138/10-20). Therefore, she asserts that she is entitled to use 2007 as the date she was first aware of the abuse, and the applicable date for the running of the statute of limitations. This is not supported by the evidence, and the Plaintiff does not meet the required criteria.

The Court in *Moriarty v. Garden Sanctuary Church of God*, 334 S.C. 150, 511 S.E.2d 699 (Ct. App. 1999) decided that objective verifiability is required for the application of the discovery

rule. It set forth eight ways to verify the abuse: (1) admission by the abuser; (2) a criminal conviction;(3) documented medical history of childhood sexual abuse; (4) contemporaneous records or written statements of the abuser, such as diaries or letters; (5) photographs or recordings of the abuse; (6) an objective eyewitness's account; (7) evidence the abuser had sexually abused others; or (8) proof of a chain of facts and circumstances having sufficient probative force to produce a reasonable and probable conclusion that sexual abuse occurred. Here, the Plaintiff has met none of these requirements. There has been no admission, conviction or documentation, there are no records, photographs, eyewitnesses or other alleged victims. The Plaintiff appears to have initially relied on the attempted suicide as their "proof of a chain of facts or circumstances." (Exhibit H, Transcript of Motion to Dismiss Hearing in front of Judge Few, 25/15-20). This reliance fails, as it would show knowledge of harm at the time the incidents. (Exhibit H, Transcript, 16/18-17/4). At summary judgment, the Plaintiff set forth what she asserts is: (1) a documented medical history of childhood sexual abuse, (2) contemporaneous statements of the abuser, (3) an unknown chain of facts and circumstances, including classic grooming, (4) Smith's concealment of suicide attempt, and (5) other incidents involving inappropriate conduct by Smith. After a review of each of these, I find that none of these meets the threshold.

First, this Court found no documented history of childhood sexual abuse during the time period that the Plaintiff alleges she was abused by Smith. There have been no records submitted to the Court from doctors or others, *during her childhood*, that show abuse. Second, the Plaintiff has submitted a yearbook entry from Coach Smith. This entry makes no mention of any sexual relationship or abuse by him. He was both her teacher and her coach during that school year. There is nothing unusual about a teacher signing a yearbook. The Plaintiff has not shown any evidence that anything in that entry is sexually related.

Third, the Plaintiff sets forth, generically, "a chain of facts and circumstances, including classic grooming". There has been no evidence submitted that Smith treated the Plaintiff any differently than he treated any other student. He testified that he gave rides to a number of his players and the male manager of the softball team. He denied any improper behavior and the Plaintiff provided no evidence to the Court that she was treated differently.

Fourth, the evidence contradicts the allegation that Smith concealed the Plaintiff's suicide attempt. To the contrary, the school nurse responded and EMS came to the school, into the classroom and put Plaintiff on a stretcher and took her to the hospital. Mr. Smith did not conceal anything. He reported the suicide attempt to the nurse. Anything the nurse may or may not have done after that is not attributable to Mr. Smith. The Plaintiff has produced no policies or procedures showing that Smith, in February 1989, was required to do anything beyond notifying the nurse.

Finally, the Plaintiff claims "other inappropriate conduct". The incidents cited by the Plaintiff occurred years the Plaintiff left James Island High School, and were not related to any sexual misconduct on the part of Mr. Smith. Even in the light most favorable to the Plaintiff, the Plaintiff cannot meet any of the criteria required by *Moriarty* as there is no objectively verifiable evidence to support the application of the discovery rule in 2007.

B. Expert Testimony.

Though the Plaintiff's expert witnesses have testified that she appears to meet the qualifications for repressed memory, neither of her experts can say to a reasonable degree of medical certainty when the memories were repressed or when she recovered them. When asked about the earlier alleged episode of abuse, they could not tell when those memories were allegedly repressed or recovered either. The prior episode of similar abuse (forced oral sex), which the Plaintiff also claims was repressed at some unknown point, was recovered, according to her, in the mid 1990's.

The experts could not explain why that memories of abuse would be recovered in the 1990's and memories of this one would not. They can only say that they believe that at some point she repressed the memories and at some later point, she recovered them. This is not enough to bypass the statute of limitations. The Plaintiff knew at the time of the events what was going on, and that she was being harmed. She was fifteen (15) years old, was getting her drivers license, and going out for a sporting team. She knew right from wrong. Her own testimony, statements to doctors and other written statements show that she claims that at the time he was abusing her, she was fearful, "frozen" and crying. This is evidence of knowledge of harm. Under *Doe v. Crooks*, the Plaintiff does not need to understand the extent of the harm, just the fact of it. 364 SC 349, 613 S.E.2d 536 (2005). Like Doe, the Plaintiff "was aware of the abuse while it was occurring." *Id.* at 537. The expert testimony she has provided is not enough to overcome the statute of limitations.

III. INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS/OUTRAGE

To the extent that the Plaintiff claims Intentional Infliction of Emotional Distress against Charles Smith, there is no proper claim for such. The South Carolina Tort Claims Act specifically states that a "loss" is defines as "bodily injury, disease, death, or damage to tangible property, including lost wages and economic loss to the person who suffered the injury, disease, or death, pain and suffering, mental anguish, and any other element of actual damages recoverable in actions for negligence, **but does not include the intentional infliction of emotional harm.**" S.C. Code Ann. § 15-78-30(f) (*emphasis added*). Thus, this cause of action is dismissed.

WJS

IV. PUNITIVE DAMAGES

Punitive damages are barred against a governmental entity by Section § 15-78-120(b), which mandates that "[n]o award for damages under this chapter shall include punitive or exemplary damages or interest prior to the judgment." Therefore, this Defendant, as the employee of a governmental entity is entitled summary judgment on this claim and all claims for punitive damages against this Defendant are be dismissed.

CONCLUSION

After reviewing all of the evidence submitted, the briefs of the parties and the arguments of counsel, this Court finds that the Plaintiff has failed to file her action within the applicable statute of limitations. Therefore, all causes of action contained in this matter are hereby dismissed.

~~AND IT IS SO ORDERED!~~

19 Sept, 2012
Sumter, SC

Honorable W. Jeffrey Young

STATE OF SOUTH CAROLINA

COUNTY OF CHARLESTON

JANE DOE,

Plaintiff,

v.

CHARLES SMITH, CHARLESTON COUNTY SCHOOL DISTRICT AND JAMES ISLAND HIGH SCHOOL,

Defendants.

IN THE COURT OF COMMON PLEAS
FOR THE NINTH CIRCUIT
CASE NO.: 2010-CP-10-7699

ORDER

FILED
2012 DEC 13 PM 3:45
JULIE J. ARMSTRONG
CLERK OF COURT
BY

This matter came before the Court on the Plaintiff's motion to reconsider the grant of summary judgment to Defendant Smith. After reviewing the motion to reconsider, the summary judgment motion and memorandum of law, the memorandum in opposition to summary judgment, and the order granting summary judgment, the motion to reconsider is hereby DENIED.

AND IT IS SO ORDERED!

Honorable W. Jeffrey Young

13 Dec, 2012
Sumter, SC

Statement Given By [redacted] on September 11, 2007 Regarding the Sexual Abuse By Charles Smith (James Island High School Teacher) Between the Beginning of the School Year 1988 until About February 1989

I am very slowly getting my memory back and am beginning to remember things that happed regarding the sexual abuse from Charlie Smith. He was my Geography Teacher at James Island High School. The sexual abuse happened between the beginning of school year 1988 until I attempted suicide at James Island High School in February 1989. On [redacted], 1988 I turned 15. I have not gotten much of my memory back as to what occurred after the suicide attempt because I blocked it all out of my mind.
I have had repressed memories all these years. I currently work at the Charleston County Detention Center About December 2006/January 2007 I was dealing with a particular inmate who was one of my inmate workers in Housing Unit 1-B. He was white and very tall. He was a very good worker but was in jail on sexual charges regarding a juvenile. I do not know the details of his case and never spoke to him about them. After He was charged and sent to South Carolina Department of Corrections, I had a fellow co-worker come to me in conversation and stated that he found out that the inmate was raping his cellmate while he was at CCDC. The cellmate had enough confidence in the officer to tell him that he had been repeatedly raped by this particular inmate. Something inside of me snapped and I began to have nightmares of Charlie Smith standing over me laughing. I would wake up in a sweat and had many sleepless nights. I was exhausted and needed some rest. I realized that I needed to get some help in dealing with the nightmares. I did not know where to go so I went to see an attorney. I did not want to get my job involved and am ashamed of what happened and did not know where to turn. The attorney told me about a place called "The National Crime Victims Research & Treatment Center". I met with Dr Best who assigned me with Dr. Zinzow. I am currently in treatment with Dr Zinzow.

My parents (Stepfather-[redacted]
My Mom, my brother and I are very close. I just recently within the last few months told my mom of the sexual abuse. My stepfather and I are not so close. He was somewhat violent after they got married in 1988. Over the years he has matured and has for the most part grown out of it My mom says it's because he did a lot of drugs when he was younger and his father was violent toward him.
They are currently selling their house on James Island. They made this decision about a month ago. They also have a house in Eutawville that they have been staying at on and off for the last six years or so This is where they plan to retire. We had three homes between July 88 to February 89. My parents were going to buy a house; they just were not sure where they wanted to buy it at on James Island. Our first house was on [redacted] (July-September?). The second house was on [redacted](sp) Drive (maybe Sept-Jan) The third house was on [redacted] (which is the house they own today). My mom recently told me Charlie Smith showed up at my house after I attempted Suicide You'll have to get more details from her.

What I remember about Charlie Smith

I have tried not to think about him so I may not remember much now I have not seen him since 1992 when he operated a sports memorabilia shop on James Island. I have for the most part stayed off of the Island except to visit my parents who lived there He is from somewhere up north, I believe Illinois and he served in the military. He has a wife and daughter who's name I believe is Kim. She was very young. I remember him having her at softball practice once. When I first began to attend James Island High School, he did not coach anything but everyone called him Coach Smith. I think he coached sports prior to me attending the school He had a horse that he borded at [redacted] with other horses. I don't remember why, but prior to softball season and after I first began attending James Island High, he would give me a ride home. One day he took me to where his horse was at I remember him saying that he had to feed it. I remember him taking me home at all three of the houses I lived in. He came inside of the Rivercrest home. Nothing happened at my home, I do remember showing him around. He drove a big old yellow Bronco. I used to think that Bronco was cool. It had big tires. I loved Softball. I was a pitcher. He made the decision to coach softball when it began in (I think) January 1989. I started the school year off with very good grades. Despite a few bumps in the road at home, I was very happy and excited about school and starting all over in the South. The weather was very different in Pennsylvania. Most of the time it was dreary there. Always cloudy. During the sexual abuse, my grades began to drop. I became ineligible to play softball, but still went to all the practices and games I don't remember if I started the season playing or not He took me buy his house one day, I waited in his Bronco. I remember him running inside to get something, then we went to feed his horses again. I remember feeding the horses a lot with him His classroom- It was near the main entrance of the high school The main door was near the front of the room. If you walked into the room and looked directly across you would see his desk. If you looked right, you would see the big green chalk board. If you looked left you would see all the desk.. If you walked in the door and looked down the wall the door was on you would see another green chalk board and a row of desk next to the chalk board. His desk area was concealed to where you could almost not see behind it. It was like two huge desks together with books and other things blocking views. He also painted houses on the side after school. I remember going to some sites where he painted houses. He painted part time for Shaddrix Painting(?) across from Captain D's on James Island Lynn Shaddrix was a secretary at the school and a very good friend. Lynn's husband's name is Steve

Sexual Abuse Memories

I remember when I first went to the classroom, I sat up front in the middle. I was very eager to learn and have always liked school I eventually moved from the front to sitting next to the chalkboard that was on the same wall the door was on near the back. I remember him answering a question one day and him putting his right hand on the back of my chair and slowly moving his hand to the right side of my right breast. He slid his hand around as if he was leaning on the chair I don't remember if this was after he began giving me a ride home. I don't remember what came upon him giving me a ride home in

the first place. I remember riding around with him a lot. To the horse stables, to my houses, to his house (but I never went inside his house), and to his paint sites. I used to wear dresses and dress clothes to school. I remember me sitting behind his desk with him and him putting his hand on my leg. Over a period of time he did put his hand all the way under my dress and touched my vagina. I remember him smelling his fingers between turning pages as he was reading. One day before he took me home after softball practice he pulled the bronco over. I remember it being sunny that day. It was next to the school The little grocery store. It had to be around 5pm I think. It was sort of warm out Maybe it was getting ready to be dark. I'm still not sure of all the details. He pulled over and shut the Bronco off. The next thing I remember is him unzipping his polyester sport shorts and pulling out his penis and me giving him oral sex. I remember being able to clearly see his penis and that his short were a dark shade. I don't remember what was said. I remember him ejaculating in my mouth. I remember him holding my head when I was performing oral sex on him I remember having a hard time and nearly choking because his penis was short but large. He then took me home that evening. Then everything goes dark in my mind. When we were at the horse stables he would grab on me but in a gentle way not to hurt me. He got rid of his Bronco and got a Camaro The sexual abuse happened when he had his Bronco. I remember wanting to die after that happened. When I attempted suicide at the school I remember thinking that I wanted him to pay for what he did to me. I was to embarrassed to tell anyone. I was a person who never had sex and really did not understand what happened. I ended up quitting day school and started night school. I then ended up quitting James Island High all together. It got harder and harder to go back into that building.

Other Memories

I went to school with Doug Wright (Summerville Police). I did at some point join the Charleston Police Explorers. I don't remember when it was I did it because I had the biggest crush on Doug. I was very competitive in school and Doug was a County Explorer. We were in math class together and sat next to each other. Doug might have suspected something was not right. I think I joined the Police Explorers before the Suicide and after the sexual abuse. These time periods are blurry to me. This was all a very short period of time. I remember wearing my Explorer uniform to school one day and Charlie Smith Ignoring me that day

Mrs. Saddie Brown (my English Teacher). I thought a lot of her then I think she had her suspicions about him giving me a ride home She may have even said something. I'm not sure. I think she stopped teaching at James Island at the end of the 1988 school year and began teaching at another school.

CC: Dr. Zinzow

CHARLESTON COUNTY SHERIFF'S OFFICE
STATEMENT

OCA # _____ DATE 12/7/2007

STATEMENT OF [redacted]
ADDRESS N/A PHONE # N/A
EMPLOYER Charleston County Detention Center PHONE # N/A
RACE: White SEX Female DATE OF BIRTH

During the 1988-1989 school year I attended James Island High School (JIHS). Charles R. Smith (Smith) was my Geography Teacher. That also was the first year he coached softball. He was the head coach and had the help of two other individuals. One of which was a female who only helped at the beginning a few times and th I don't recal what happened to her. The other was a person by the name of Bubba Brandt. I lived at three different addressed during the 1988-1989 school year. The first was [redacted], the second was on [redacted] Drive and the third was on [redacted]. My parents still currently own that house however, it is listed on the market to be sold. I started the school year off well. I had just moved down here fr Pennsylvania with my Step-father, Mother and Brother. I did not have a car and don't recall having a driver License. I don't recall how being given a ride home from Smith started. I do recall him giving me a ride to ea of the three houses.

When I was fifteen, things seemed bigger that they are now. For instance, I remember the softball field being huge. As I walked on it about two months ago for therapy purposes, it seamed small. Please keep this in mind when reading this statement.

Smith painted part time for Steve Shaddrix of Creekside Painting. His wife Lynn Shaddrix worked or still do at JIHS. I have not had any affiliation with JIHS itself since I quit school. The Shaddrix's lived at [redacted] Avenue. Smith took me to their house one day. I went inside the side door and the only person I recall being there was Steve Shaddrix. I remember the both of them smiling a lot. I don't recall if anything happened but do recall the feeling of nervousness overwelming me. I remember saying to myself that he had a very nice hou As I went into the side door I vaguley remember the room sort of opening up. I sat at the kitchen table and remember really liking the table. I think it was round. I think they had hardwood floors. They had a son in 9 grade who attended JIHS at the time I did. His name is Brian Shaddrix. I don't rember him being in any of n classes. I did however see him in Smith's classroom from time to time. Smith seemed to somewhat avoid me when he was there. I had went with Smith to Creekside Painint company that was located at [redacted] I remember us going upstairs and noone being there. I don't remember if anything happened there. I remem being at least at four of his paint sites. I definitely only know the address of one and think I know the address the other. The first one I know the address of is [redacted]. The one I am unsure of is [redacted] Drive.

Smith boarded a horse at [redacted]. I remember him only telling me he owned one of the horses. There were other horses on the property. I never seen him ride any horse. I remember being so taken by the horses. I had always wanted one that I could ride. Although he never let me ride (continue on pg 2)

I HAVE READ (HAD READ TO ME) THE FOREGOING STATEMENT WHICH HAS BEEN FREELY AND VOLUNTARILY MADE AND IT IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE.

WITNESS: [redacted]
Signature

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I HAVE RECEIVED A COPY OF THE ABOVE STATEMENT _____
Signature

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1988-1989 Softball Ball Players

Katheryn Hammerlund
"Katheryn David"
[redacted]

Lillian Aquino
"Lillian Hanna"
[redacted]

Jacqeline Smalls
[redacted]

Melissa Heaton
[redacted]

Nicole L. Ramsey
[redacted]

Katie Huck
[redacted]

I'm still trying to find Troi Myers. She lived at [redacted] in 1988-1989

MISC INDIVIDUALS

John Russell Price III
[redacted]
He is the one who wrote in the yearbook about "Coach might get in your pants if your not careful"

Info through the grapevine:
There is a young female teacher at James Island who is currently teaching there. She used to be a student at James Island High School. I do not know her name but it should not be that hard to find out. She or a close friend of hers was originally assigned to Charles Smith's class and had asked for a transfer due to not feeling comfortable being one of his students. Supposedly he moved another student and assigned this person the front row so that he could have her closer to him.

I looked through my entire yearbook the other day. There are a lot of faces I remember but I don't remember why. As I have free time, I will try and find them and other individuals.

CHARLESTON COUNTY SHERIFF'S OFFICE
STATEMENT

OCA # _____ DATE 12/7/2007

STATEMENT OF [redacted]
ADDRESS N/A PHONE # N/A
EMPLOYER Charleston County Detention Center PHONE # N/A
RACE: White SEX Female DATE OF BIRTH

(continue from pg 1) the horse. We went to feed his horse a lot after school. I don't remember when it first started. I do remember the first time we went to the horse stables. I was really surprised and excited. I remember him kissing me one time at the stable and the feel of his mustache. I also remember him feeling my breast when we were at the stables. I remember his penis getting hard through his pants at the stables. I remember the stable being small and the grass being bushy. I used to hate walking from the gate to where the horses were. There was a metal fence that you could drive through. You had to get out of the vehicle to move th fence. We never drove back to the stables. I don't remember ever seeing anyone there. I remember anxiety feeling from being at the stables. The memories of the stable are still very fuzzy.

Memories of my Geography classmates are still very fuzzy. I don't remember who was in my class. I don't remember a lot about JIHS, just some things and most of what I do remember is about Smith. I started the clas year off sitting near the front of all my class. I wanted to do well in school. I then remember moving from near the front to further from his desk. I don't remember why. I ended up next to the side chalk board at the back. I remember when I was sitting next to the chalk board and having a question. I raised my hand. We were taking test or working on something quietly. When Smith came over, he put his right hand on top of the back of my chair near the right side. He leaned over me in a way to conceal his hand placement. His left hand was on the edge of my desk. His head was near my left shoulder. I was nervous. He moved his right hand around the back of my chair and began to rub the side of my right breast. I remember the anxiety and him smiling. I did not say anything. I remember being scared because of what he did.

I was very interested in Geography. I enjoyed learing. Smith had his desk blocked off to where you could not se behind it. He had alot of books on a desk next to his workdesk. I was getting some help from Smith one day. I then moved to his desk for help. This put me behind Smith's desk with him to where our middle and lower bodies were out of sight of other classmates. I remember it being quit. I was sitting in a chair next to his with m hands in my lap. He was very close to me. We were looking at the geography book. I began to read something. The next thing I knew he had gently took ahold of my hand and put it on his leg. I remember feeling scared. He then moved my left hand and put it on his penis. I remember his penis feeling hard. He massaged his penis with my left hand. I was very scared and did not know what to do. I feel as if I had somewhat built a trust for him by the point this had happened. I remember being shocked and not knowing what to do.

I remember Smith assigning me the desk next to his. I don't remember why. (continue on pg 3)

I HAVE READ (HAD READ TO ME) THE FOREGOING STATEMENT WHICH HAS BEEN FREELY AND VOLUNTARILY MADE AND IT IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE.

WITNESS: [redacted]

Signature

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I HAVE RECEIVED A COPY OF THE ABOVE STATEMENT _____

Signature

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CHARLESTON COUNTY SHERIFF'S OFFICE
STATEMENT

OCA # _____ DATE 12/7/2007

STATEMENT OF [redacted]
ADDRESS N/A PHONE # N/A
EMPLOYER Charleston County Detention Center PHONE # N/A
RACE: White SEX Female DATE OF BIRTH

(continue from pg2) I remember sitting at this desk a lot. Sometimes Smith had me sit very close to him behinc his desk. I remember having on a dress and a blouse. I wore underware with knee high stockings. I liked to we dresses and dress clothes. I remember him telling me to come and sit next to him. I did. It was quiet again and the class was working on something quietly. There were a lot of books on his desk. They were arranged like yo would put them on a book shelf. Side by Side. I had a hard time seeing up over them. I sat next to him. We wei looking at the Geography book. He put his right hand on my left leg and turned pages with his left hand. I was nervous and remember being scared. Smith put his right hand up my skirt and moved my underware and touched my vagina. I froze. I could feel him moving his fingers around on my vagina and having a smile on his face. He was looking at the book. I remember looking down at the desk as he did what he did and wanting to cry. I remember being very nervous and hoping another student would get up and come to the desk to ask a question. When Smith moved his hand, he put it to his face and nose. He left it near his nose while he turned tl pages. I remember feeling sick to my stomach and froze until the school bell rang. I feel like I sat there forever then remember going into the school bathroom and crying. I feel like I sat there forever.

Smith used to keep it really cold in his classroom. I remember him giving me his jacket to wear a lot. It was lig yellow. I also remember wearing a blue jacket. When we took the softball picture. I had his blue jacket on. I believe I also had his hat on in that picture. I remember wearing his yellow jacket in Sadie Brown's English class.

Smith did not coach any sports when I started school. I loved playing softball. I was a pitcher. He then decide to begin coaching softball that year. I remember him telling me how much he liked wrestling. I think he may have wrestled in college or high school. He may have even been a wrestling coach prior to the 1988-89 school year. I am not sure if I began playing softball but did make the softball tryouts. I remember practicing and running alot. I remember smith wearing a ball cap a lot. I don't ever remember seeing him with a tie on. He used to wear jeans and cowboy boots sometimes when he was at the stable. I remember him having a jean jacl with like a fleece or something around the collar. I did not live far from the stables. I remember riding my bicycle to the stables sometimes when he was there. I don't remember many of my softball team members exc Stacey, Troi, Jennifer and Lilly. I remember other faces.

Smith had a big yellow bronco. It was loud and dirty inside. Dusty. He kept a lot of stuff in it. He used to alwa park up on the grass near and sometimes under the tree next to the home plate back fence. He would try to pa in the shade. I remember him letting me move the vehicle a few (continue on pg 4)

I HAVE READ (HAD READ TO ME) THE FOREGOING STATEMENT WHICH HAS BEEN FREELY AND VOLUNTARILY MADE AND IT IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE.

[redacted]
Signature

WITNESS:

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I HAVE RECEIVED A COPY OF THE ABOVE STATEMENT _____
Signature

CCSO-109

CHARLESTON COUNTY SHERIFF'S OFFICE
STATEMENT

OCA # _____ DATE 12/7/2007

STATEMENT OF [redacted]
ADDRESS N/A PHONE # N/A
EMPLOYER Charleston County Detention Center PHONE # N/A
RACE: White SEX Female DATE OF BIRTH

(continued from pg 3) a few times for him. I did not drive it far. Just from one spot to the next. I remember being excited about that. I liked driving his bronco. I thought it was cool. The bronc sat really high off of the ground. It was hard for me to get into it. The bronco had window vent next to the side windows. He had his o a lot. It had row down windows. I always wondered if the top would come off the back and I remember thinki that would be neat if it was a convertible bronco. It had really big tires. I don't remember it smelling inside. I remember Smith always wearing a musk cologne. He always had a watch on. he wore glasses all the time. I never would see him wear sunglasses. He always fixed his hair with his right hand alot. Taking what little bit had and pushing it to the side. I remember him having a lot of hair on his chest and a lot of hair on his arms. ears were fuzzy. He chewed gun sometimes. He used to wear shorts a lot when the rest of us would wear sweatpants at softball practice. When Smith would give me rides home, sometimes I would meet him at his bronco after school. He dropped me off at all three houses.

I remember him giving me a ride home one day. It was a nice day out. We were leaving the softball field like v have done before. We were the last ones to leave. I don't remember seeing any other vehicles on the school premises. The ride felt normal. It was not dark out but it was not bright and sunny neither. Smith turned ont Seaside Lane. I figured we were going to feed the horses. He stopped the vehicle on the side of the little store. There was noone at the store. I wondered why he was stopping. He shut the bronco off and put it into first ge He always did that when he shut the bronco off. I think that was to stop it from rolling. He was smiling and began to talk to me. I remember him talking to me but I can't remember what he was saying. I opened the console between the two seats. I was looking through it. I remember being nervous and scared. I remember a coffee cup. I don't remember what color the cup was or any details of writing on the cup. He was still talking me. I don't remember why, but I sat up on the console. Smith lifted up his grey t-shirt and I saw him pull out penis. I don't remember him unzipping his shorts. I remember him reaching into his shorts and pulling out hi penis. I don't remember what was said. The next thing I remember is leaning down, opening my mouth and h putting his penis in my mouth. His penis was fat and short. I don't remember seeing his testicles exposed to m Smith was already hard when he pulled his penis out. I'm pretty sure he was circumsized. I remember his ski being tight on his penis. I had never performed oral sex on anyone and really did not know what to do. He started to wiggle in the seat pushing his penis in and out of my mouth while he was holding my head. I remember gagging from him pushing his penis so deap down (continue on pg 5)

I HAVE READ (HAD READ TO ME) THE FOREGOING STATEMENT WHICH HAS BEEN FREELY AND VOLUNTARILY MADE AND IT IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE.

[redacted]
Signature

WITNESS:

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I HAVE RECEIVED A COPY OF THE ABOVE STATEMENT _____
Signature

CCSO-109

CHARLESTON COUNTY SHERIFF'S OFFICE
STATEMENT

OCA # _____ DATE 12/7/2007

STATEMENT OF [redacted]
ADDRESS N/A PHONE # N/A
EMPLOYER Charleston County Detention Center PHONE # N/A
RACE: White SEX Female DATE OF BIRTH

(continued from pg 4) my throat. I remember looking up and seeing something silver. He then ejaculated in my mouth. I gagged. It tasted horrible and nasty. He stopped grunting and let loose of my head. I was so scared. I came up from his lap and as I was coming up I say his ignition with the keys in the ignition. He had a lot of keys with a big clip on them. It was dirty gold. He did not say anything. I got off of the console. I remember hurting because of how uncomfortable I was. He began to fix his shorts and was moving around. I got into the seat on the passenger side. I remember not looking at him the whole way home. I remember not hearing the vehicle start up. I only looked out the window and it was rolled up. I cryied and did not look at him. He did not say anything. I remember watching the trees go by out the window. They passed by slow, as if they were not moving. We pulled up to [redacted]. I grabbed my bookbag, opened the door and jumped out. I don't remember shutting the door. I went straight to my room, shut my door and held onto my cat. I don't think I come out of my room at all that night. As time goes on I remember more about what happened concerning this issue. My therapist and I are currently doing exposure regarding this memory. This exposure is the one we are focusing on due to it causing me the most anxiety.

The next thing I remember is attempting suicide at JIHS. I was scared and tired of the abuse. I felt as if everyone at the school was unapproachable. So many people liked him. I did not know who to tell. What was I going to say and to who. I swallowed a large bottle of Vivarin. I remember wanting to die and how hard it was to swallow all those pills. I swallowed them in the bathroom. I remember crying as I was swallowing them. I went back to his classroom and don't remember anymore until I was at the hospital. I remember being forced to drink charcoal. At least I think it was charcoal. I remember how much I threw up and how sick I was. I remember going home and my mom sitting on the floor next to my bed, crying and telling me how much she loved me. I remember crying and throwing up all night. Then everything goes dark. I can't remember if I went back to school or for how long. I do remember quitting school and starting night school. I remember feeling isolated.

I remember going to see Mrs. Sadie Brown while she taught at a school in Charleston. She was my favorite teacher.

End Of Statement**********

I HAVE READ (HAD READ TO ME) THE FOREGOING STATEMENT WHICH HAS BEEN FREELY AND VOLUNTARILY MADE AND IT IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE.

WITNESS: [redacted]
Signature

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I HAVE RECEIVED A COPY OF THE ABOVE STATEMENT _____
Signature

CCSO-109

HIGH SCHOOL RECORD

James Island High School
1000 Fort Johnson Road
Charleston County Schools
Charleston, South Carolina 29412

Merger in 1983-84 of Fort Johnson and James Island High Schools

Accredited by South Carolina Dept of Education

Name: [redacted] Place of Birth: MEADVILLE, PA Date of Birth: [redacted]

Parent: [redacted] Address [redacted] hone

Date Entered: 8-24-89 Was (Will be) graduated:

Grade Point Average Rank in class: Number in class of

[redacted]

008830113 Gr 9 Yr [redacted]

		1st	2nd	Sem	3rd	4th	Sem	Fin	
English 1	BROWN S	60	65	70	50	63	62	66	0.0
Spanish 1	ROCKHOLD T	63	60	62	50			6	0 0
STUDY HALL	BAKER E								
World Geography	SMITH C	80	70	72	68	72	66	70	1 2.0
DRIVER ED	GIST G	80	80	80				80	½ -
LUNCH									
Prac Phy Science	DERCOLA N	75	78	75	64	70	67	71	1 1.1
9TH GD HOMEROOM	FITCHETT J								

88-89 Grades From Central Cambria HS Ebenburg, Pa.

					units
World History	75	65	70	70	1 2.0
English I	75	65	65	65	0 0.0
Alg. I	70	70	70	65	0 0.0
G. Science	75	65	65	65	0 0.0
Spanish I	75	70	70	65	1 2.0
Computers	75	65			½

2½

2½

[redacted]

008830113 Gr 9 Yr 89-90

		1ST	2ND	SEM	3RD	4TH	SEM	FIN
ALGEBRA	RICHARDSON	74	67	71	65	10	35	40
GENERAL ENGLISH I	BROWN B	64	72	75	50	64	67	71
GENERAL MATH I	BROWN K	80	81	81	62	67	65	77
PHYSICAL ED I	BERRIER J	70	92	82	87	85	84	83
GENERAL BIOLOGY	DERCOLA N	75	77	76	64	66	67	72

4

ade / ar	1st Sem	2nd Sem	Avg	UNITS

lays Absent Total Units

SUMMER SCHOOL WORK

Tests, Activities, Honors

Charleston County School District
JEB
SEP 29 2008
Records Office

Principal or Counselor

8-21-90

GUIDANCE DEPARTMENT
WITHDRAWAL FORM

James Island High School
1000 Fort Johnson Road
Charleston, S.C. 29412

STUDENT' NAME [redacted] GRADE & SECTION 9TH

ADDRESS [redacted] DATE OF BIRTH [redacted]

PARENT/GUARDIAN [redacted] PHONE 803-795-2152

I am officially withdrawing from James Island High School for the reason given below. I certify that my parents or guardian have knowledge of my withdrawal. I understand that if I am not cleared properly by all teachers and school agencies concerned, my records cannot be sent to any other school of outside agency.

REASON FOR WITHDRAWAL: GOING TO NIGHT SCHOOL.

DATE: 08-21-90 [redacted]
Signature of student or guardian

TEACHERS: Please indicate by your initials below if the student has cleared with you to withdraw from James Island High School. Mark the appropriate column to show whether a student has returned his/her book, or paid any appropriate fees that were due.*

HOMEROOM TEACHER	SUBJECT	Room	INITIALS	Book Returned	Grades
1st Period					
2nd Period					
3rd Period					
4th Period					
5th Period					
6th Period					
7th Period					

*Example: Student withdraws, but has lost his/her textbook. Mark NO in the Book Returned column and the price of the book (if not paid for) in the Fee Owed column.

*Example: Student transfers, returns his/her book but had neglected to pay the department fee, i.e. math fee -$4.00. Mark YES in the Book Returned column and the math fee owed, $4.00 in the Fee Owed column.

LIBRARY _____ OFFICE _____ ATTENDANCE _____

GUIDANCE _____ Removed from all rolls DATE _____

BOOKROOM AGENT _____

Charleston County
School District
SEP 29 2008
Staff Sec.
Records Office

PENGAD 800-631-6989
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1000 SERIES - COMMUNITY

Policy 1000 Mission Statement

The Mission of James Island Charter High School is to develop confident, responsible, life-long learners who can excel in society This mission will be accomplished by creating a diverse curriculum and extracurricular experiences in a safe, nurturing environment, which is supported by faculty, parents and community

ADOPTED: 03/31/2003
EFFECTIVE: 07/01/2003

Policy 1100 Goals and Objectives --
Public Relations And Communications

The Board endorses a strong public relations and communications policy in order to keep the public informed on school matters and to obtain community support for public education

The goals of the public relations effort are

- To accurately portray the activities of the school to both internal and external communities
- To enhance all internal and external communications of the school
- To solicit support for improved public education from local business and industry through such methods as the Business/Education Partnership Program and from other community citizens and groups

ADOPTED 03/31/2003
EFFECTIVE. 07/01/2003

AR 1100-R News Releases

All news releases concerning James Island Charter High School shall be cleared through the office of the principal

Administrators, teachers, and other staff members are urged to write up school news, but such articles, with the exceptions noted above, must be coordinated centrally for the following reasons

- Avoidance of duplication of material
- Maintenance of consistency with respect to school publicity
- Compilation of a file of releases as a protection to the school

The principal or designee is responsible for the preparation and distribution of news releases concerning the activities within his area of cognizance and for seeing that they are cleared when necessary

If queried by the media about some matter under his cognizance, the principal or administrator should respond directly to the media representative. In matters where the query concerns personnel, the respondent should be careful not to violate the privacy of an individual

ADOPTED. 03/31/2003
EFFECTIVE 07/01/2003

Policy 1112.11 Coverage of Board Meetings

It shall be a policy of the James Island Charter High School Board of Directors that all information relative to board meetings is to be given to the news media by request in accordance with the privacy act.

ADOPTED 03/31/2003
EFFECTIVE 07/01/2003

Policy 1112.13 Inclement Weather (Emergency Closing/Delayed Openings)

CCSD REF: 6114.6/4153 3/4253 3

During emergencies due to weather or other conditions, it may be necessary to close schools and offices Public announcements and/or administrative announcements shall indicate one of the following types of closings:

- **School and Offices Closed** The school, including Adult and Community Education classes, will be closed Students will not attend school Personnel will not report to work.

- **School Closed -Offices Open** The school, including Adult and Community Education classes is closed Students will not attend school All office workers and twelve-month employees, both school-based and non school-based, will report at the regular time or when it is safe

- **Delayed Opening** The school will operate on a two (2) hour delay School and offices will open two (2) hours later than normal (i e regular opening 8 00 AM-delay opening 10 00 AM).

  Students should not be dropped off before school opening

  Buses will run on a two (2) hour delayed schedule, (i e normal pick up is 7 30 AM -delayed pick up will be at 9 30 AM)

  Breakfast will not be served

  School day ends at the regular time.

Designated employees in critical areas will report as directed by their supervisors All other personnel will report to work two hours later than normal

ADOPTED 03/31/2003
EFFECTIVE: 07/01/2003

Policy 1230 Advisory Committee-Technology Standards

CCSD REF 4135 2/4235 2

The Board supports and encourages the use of technology in the schools to promote better educational opportunities for the students and the educators in the school The Board believes in utilizing all of the resources at its disposal at the highest competency level possible to increase the learning opportunities for students.

In order to meet these objectives, the principal or designee shall attempt to involve community businesses and their representatives, to provide ongoing technology goals for use in the school

ADOPTED: 03/31/2003
EFFECTIVE. 07/01/2003

Policy 1240 Business Involvement in the Schools

The Board supports and encourages the participation of business and industry in the school to promote better educational opportunities for the students and the educators in the school The Board believes in utilizing all of the resources of the community at the highest competency level possible to increase the learning opportunities for students

The Board believes that business and industry personnel should be encouraged to become involved in efforts to strengthen the school by offering advice and suggestions

The Board encourages the business and industry personnel and the school personnel to share resources that contribute to the successful operation of both the school and business or industry. The Board believes that this sharing of resources will enhance the school and the business and industry communities so that the total community of Charleston County benefits The ultimate goal of business and industry involvement in the school is to create a sense of spirit and pride in the community by sharing resources in a positive, professional working relationship

ADOPTED 03/31/2003
EFFECTIVE 07/01/2003

Policy 1241 Volunteers in the Schools

The Board supports volunteer programs that are professionally organized and promote better educational opportunities for students The Board believes in utilizing all of the resources of the community at the highest competency level possible to increase the learning opportunities for students The Board also believes that the professional use of volunteers will allow teachers to function in the capacities for which they have been educated.

The Board understands that a professionally run school volunteer program serves as a channel for all volunteer activity in the schools The school volunteer program is school oriented All projects and requests originate within the school and are supervised by the professional staff, teachers are encouraged to use volunteers but that use is optional The school volunteer program is decentralized, in that the principal, teacher, or department head plans for volunteer help in areas that satisfy a different need

ADOPTED 03/31/2003
EFFECTIVE 07/01/2003

Policy 1310 Search and Seizure

CCSD REF 5145 2

In accordance with the laws of the State of South Carolina·

Any person entering the premises of James Island Charter High School shall be deemed to have consented to a reasonable search of his or her person and effects

The school principal, or designee, may conduct a reasonable search, on school property, and in accordance with State procedures, of lockers, desks, vehicles, and personal belongings such as purses, shoes, book bags, wallets, and satchels with or without probable cause.

The school principal, or his designee, may conduct reasonable searches, on school property, and in accordance with State procedures, of the person and property of visitors to the school premises

No school administrator or official shall conduct a strip search.

ADOPTED. 03/31/2003
EFFECTIVE 07/01/2003

AR 1310-R Search and Seizure

CCSD REF: 5145.2
4155/4255

School officials will post right-to-search notices at entrances to all school property.

The principal or designee may make a reasonable search of any person either entering a school building and grounds or attending a school-sponsored activity

The reasonable standard is met if (1) a search can be justified at its inception, and (2) the search is reasonably related in scope to the circumstances that justified it in the first place, e g , acting on a tip or an observation of a suspicious situation Probable cause, belief that the subject is violating the law, is not required prior to conducting a search

An adult witness, preferably another administrator, should be present when conducting a search If possible, someone of the same gender should conduct a search

Searches, insofar as possible, should be private. An exception to this general rule is when an illegal substance (drug) or weapon is in clear sight and immediate action is necessary

Miranda-type warnings or announcements of impending searches are not required prior to conducting a reasonable search

Students who refuse a reasonable search of themselves or their property shall be suspended and may be recommended for expulsion All others refusing a reasonable search shall be removed from the school premises, and the police will be contacted.

Strip searches are prohibited.

ADOPTED 03/31/2003
EFFECTIVE 07/01/2003

Policy 1312 Reconsideration of Instructional Materials

Teachers, media specialists, guidance counselors, and administrators have the responsibility to select materials for the education of all students in the school. Ultimately, the leadership team has final approval of all instructional materials Occasional objections to instructional materials may arise, however, despite the care taken to select appropriate materials and the qualifications of the professionals selecting the materials

The right of students to learn and the freedom of teachers to teach shall be respected Every effort will be made to provide materials that present all points of view concerning international, national, and local issues Materials will not be excluded from use because of the race, nationality, or political or religious views of the author or publisher Materials of sound factual authority or generally accepted theories will not be proscribed or removed from classrooms and media centers

While the leadership team will not permit anyone to exercise censorship over instructional materials and library collections, provision will be made for parents/guardians to request the reconsideration of material In the absence of a formal request for reconsideration, the leadership team recognizes the right of an individual parent to ask that particular instructional materials not be made available to his/her child

A teacher, media specialist, guidance counselor, or administrator may also request the reconsideration of material at his school believed to be age-inappropriate and for which there are no supporting reviews in recognized sources.

The principal shall establish appropriate procedures to facilitate the reconsideration of any book or educational material in the school The final decision for use of controversial books and other educational materials in the school shall rest with the board after receiving the principal's recommendation

ADOPTED: 03/31/2003
EFFECTIVE 07/01/2003

Policy 1312.1 Complaints Concerning School Personnel

Any complaints by a parent of a student directed toward a teacher shall be made known to the teacher at the discretion of the principal, and no action shall be initiated by the principal affecting the teacher until a parent-teacher conference has taken place.

ADOPTED 03/31/2003
EFFECTIVE. 07/01/2003

Policy 1314 Soliciting Funds From School Personnel/ Students

It shall be the policy of the James Island Charter High School to permit no outside solicitation of students or school personnel unless otherwise authorized by the principal or designee

This shall not prohibit unique, nonrecurring limited appeals in the school wherein individuals, because of a direct personal relationship, may wish to contribute in those cases resulting from a death, serious illness or natural disaster, provided approval is obtained from the principal

ADOPTED 03/31/2003
EFFECTIVE. 07/01/2003

Policy 1322 Contest Activities

The Board approves a policy of selective participation in student contests.

Student participation in any such activities must be on a voluntary basis and at no time can such participation interfere, more than minimally, with the instructional program The contest must contribute to or be related to the educational goals of the school

Final approval for school participation in student contests will rest with the principal

ADOPTED 03/31/2003
EFFECTIVE: 07/01/2003

Policy 1323 Research Activities

The Board approves a policy of selective participation in student related research activities

Student participation in any such activities must be on a voluntary basis and at no time can such participation interfere, more than minimally, with the instructional program The research activity must contribute to or be related to the educational goals of the school.

All requests for research activities recommended for approval must receive final approval by the principal

ADOPTED 03/31/2003
EFFECTIVE. 07/01/2003

Policy 1330 Use of School Facilities

The Board recognizes that prudent fiscal management requires that the school identify and pursue opportunities to enhance the generation of revenues to support the school's educational program and extra-curricular student activities The principal may, through the bid procurement process, bring before the Board recommendations for the school to enter into contracts that grant the exclusive sales right to a single or multiple vendors for specified categories of products. In awarding the contracts, the Board shall consider not only the amount of revenue generated by the contract, including sales incentives such as scholarships, awards, athletic team support and other educational program enhancements, but student interest, employee, parent and local community support

ADOPTED 03/31/2003
EFFECTIVE 07/01/2003

AR 1330-R Use of School Facilities

The Board wishes to encourage use of school facilities when school is not in session When school facilities are used for purposes not related to the school, it is necessary that a fee be charged to cover costs of cleanup, utilities, and other items related to the use of the facilities The recovery of cost is essential in order that taxpayers' funds for education not be diverted for other purposes.

The use of school facilities for appropriate civic, cultural, welfare, or recreational activities by responsible organizations, associations, or individuals shall be at no cost to the school School-affiliated groups such as PTSA, student clubs, booster clubs, scouts, and other such groups shall be provided the use of school facilities at no cost to the organization.

Use of school facilities by other than school-affiliated groups is not to interfere with the school program Organizations that are not school related are encouraged to make arrangements for use of facilities through the principal.

A school employee approved by the principal shall be present at all times school facilities are in use. If the facilities are being used by a school-related activity, the principal or club sponsor will be responsible for the school facility. If the principal desires that the custodian be present for this activity, suitable arrangements will be made for compensatory time in accordance with Board policy If an organization which is non-school related wishes to use the school facilities on a one-time basis, an agreement must be executed in advance by the principal and a responsible member of the organization It is essential that the dates and time of use be agreed upon and that payment is made in advance by the organization When a non-school affiliated group wishes to use the facility on multiple occasions or on a long-term basis, such requests are submitted to the principal's office at least two weeks prior to the intended use and require a special agreement.

General Conditions

- The granting of a permit for the use of one part of a building or grounds confers no privileges for the use of any facilities other than those stated in the permit. It does not include any other time or times for preparation or rehearsal, unless specifically permitted
- A permit is not transferable. If the event is to be cancelled, the applicant should notify the principal at least forty-eight (48) hours in advance of the date reserved.
- Violation by a permit-holder of any of the regulations governing the use of school buildings or grounds may be cause for the cancellation of all existing permits and the denial of any permits in the future
- Special school facilities (stage equipment, etc) will require the use of school employees trained in their use and such cost will be added to the regular fee
- School equipment such as audio-visual equipment and musical instruments, etc will not be loaned or rented Use of the school space does not include the use of school equipment

unless specifically permitted. Use of school equipment when and where required must be by school personnel, the cost of which will be added to the regular fee

- A school custodian or other school employee is required to be on duty during the use of any school facility Evening affairs are to end by 11 30 p m unless special arrangements have been made. Complete vacating of the facilities is to be made according to the terms of the permit. Departure time should be included in the use hours applied for.

- No alcoholic beverages or smoking will be permitted at any time Any violation of this rule will prohibit future use.

- The board or its authorized representatives shall have full and free access to the premises at all times.

- If the application is approved, the person and/or organization will assume responsibility or orderly and careful use of the school facilities The applicants assume liability for damage or loss of property that may accrue. The applicants will hold the board harmless for claims arising out of the use of the school buildings or grounds, for the function being sponsored, on the specified date or dates The sponsoring group may be required to furnish a bond or certificate of insurance to indemnify the group and the board against any and all suits for injury or loss sustained by attendance at the function.

- Kitchens and kitchen equipment are not to be used without authorization. If authorized, cafeteria personnel must be present The costs of this service will be added to the regular fee

Limitations of Use

- Since the Board is charged by law, with the responsibility for school facilities, it must reserve the right to deny the use of school facilities when the board deems it necessary in the public interest. No school facility, building, or grounds will be used for unlawful purposes.

- Sponsoring organizations will conduct orderly meetings and such gatherings are not to incite others to disorder nor be abusive of other groups or individuals by reason of race, creed, or color.

- No school facility is to be used for any other purpose or in any other way than its design use without expressed written permission

- School facilities shall not be used for parties or celebrations that are essentially private in nature-this exclusion include birthdays, anniversaries, and other similar parties

- No ticket selling or donations will be allowed for any event or the sale of merchandise or food be permitted without written approval

- No group that limits membership in or attendance at its activities on a basis of race or color shall be allowed to use the school buildings or grounds

- Normal permitted use of a facility is not to exceed four (4) hours from the time of entry to the building closing Any additional time for set-up, preparation, or extended exhibit hours will be charged at prevailing rates for extra personnel services and space uses. Custodial fees are included in regular rental fees, during the regular work day All rental fees are subject to additional charges for overtime on Saturday, Sunday, or after the normal workday

- Custodial services include opening and closing the building, operating heating and ventilation equipment, and normal cleanup Custodians will not be required to help load or unload equipment without additional compensation.

- Kitchen facilities except for cafeterias will not be available for lease

SPECIAL CONDITIONS

- All permits are subject to immediate cancellation if it is discovered that information given on an application is misrepresented. If the use of the facility is discovered to be contrary to any policies, rules, and regulations of the board, the permit is subject to immediate cancellation Upon notice by a duly authorized agent of the board, such activity is to cease. The board and its agents are to be held harmless of any expenses or losses incurred by the sponsoring organization due to such cessation

- Free use of school facilities may be granted to organizations with the following provisions:

    - Use of the facilities is not to interfere with the school program

    - Use of the facilities must be within the normal workday of the day porter

    - Use of facilities will not create unreasonable additional supervisory or custodial requirements

    - Organizations will provide sufficient supervision to restrict use to permitted areas

Rates for use of school facilities will be established and maintained by the school on an annual basis

ADOPTED 03/31/2003
EFFECTIVE 07/01/2003

Policy 1420 Voting Precincts

The Board accepts the responsibility of making its facilities available as polling places for primary, special and general elections Such activities shall not interfere with the conduct of the school

When school is not in session, the principal shall allow location of the voting machines where the poll manager desires When school is in session, the principal shall provide space for the voting machines that will permit minimum disruption of the normal operation of school activities. A school custodian or school employee is required to be on duty during the use of any school facility

ADOPTED 03/31/2003
EFFECTIVE. 07/01/2003

Policy 1440 Federal Government/Compliance

CCSD REF: 3230

In view of the inevitability of court action to require compliance whether or not federal funds are accepted, it is the policy of the Board to come into compliance with the requirements of the Department of Health, Education and Welfare to the extent that it is administratively and educationally feasible To do otherwise is not only to insure a loss of important financial support, but also to invite court action that would probably result in requirements of greater change than those now demanded.

ADOPTED: 03/31/2003
EFFECTIVE. 07/01/2003

2000 SERIES

SERIES 2000 - FINANCE

Policy 2010: Required Reserve Balance

It shall be the aim to accumulate and reserve a minimum of 5% of all General Operating Funds for future development or emergency situations A Reserve Account shall be opened and separated from other funds Expenditure of these funds shall be by Resolution of the Board of Directors

Purpose: To prepare for unknown contingency, future capital improvement or catastrophic emergency

Goal To maintain an amount between to 5% to 8% of the annual General Operating Fund Appropriation as a Reserve Account

ADOPTED. 06/12/2003
EFFECTIVE 07/01/2003

3000 SERIES

SERIES 3000 - BUSINESS

Policy 3100 Student Meal Charge

CCSD REF. 5146

All students shall have an equal opportunity to be given an alternate meal when the students have reached the charged limit for meals and the student fails to bring his/her lunch money.

Students will be permitted to charge three meals A letter will be sent home with the student stating that he/she will not be allowed to charge any more meals and will be given an alternate meal. After three charges have occurred, the charged meal must be paid in full before the student may have a regular lunch

Alternate Meal: Student will be given a fruit, vegetable, and milk

The Food Service Managers will be vigilant in observing any student who is frequently without funds to purchase lunch Such occurrences may indicate a problem of neglect, which should be called to the attention of the principal Upon notification of such problems, the principal shall conduct an investigation to determine of there is cause for further action

ADOPTED: 03/31/2003
EFFECTIVE: 07/01/2003

Policy 3200 Contracted Professional Services

The principal's signature level for contracted professional services is $3,000 All expenditures over this limit must be presented to the Board for approval

ADOPTED 03/31/2003
EFFECTIVE 07/01/2003

Policy 3231 Grant Approval

It shall be the policy of James Island Charter High School that all federal, state, private or other grant programs or renewals and their budgets sought by James Island Charter High School shall be first approved by the principal or leadership team upon presentation All personnel hired under such grants shall be first approved in similar fashion to non-grant school personnel

ADOPTED. 03/31/2003
EFFECTIVE: 07/01/2003

AR 3231-R Grant Approval
JICHS PROCEDURES FOR OBTAINING GRANT PROPOSAL APPROVAL:

Any JICHS employee wishing to submit a grant proposal to the principal or leadership team shall do the following

- Notify the principal or leadership team, prior to submission of intent to submit
- Meet with the principal or leadership team to review the grant proposal
- File a copy of the grant proposal with the principal
- Enter into no contracts without board approval

Board will be kept informed of potential grant proposals on a regular basis.

ADOPTED 03/31/2003
EFFECTIVE 07/01/2003

Policy 3295 Local School Funds

The Board recognizes its' responsibility and authority for the stewardship of all monies and property in the school Strict accounting should be made for all funds received in the school In general, the funds should be expended for the same purposes for which they were raised When this is not the case, they should be used first for the benefit of the student body as a whole, and, secondly, for the benefit of the educational program These provisions will apply to funds belonging to outside organizations, PTA, Booster Clubs, et cetera, when they are placed on deposit with the principal Such outside organizations shall be notified by the principal of this policy prior to acceptance of funds for deposit

The principal shall detail the procedures for handling money and property in the school and cause periodic audits and checks to determine that the procedures are being followed

ADOPTED 03/31/2003
EFFECTIVE 07/01/2003

Policy 3296 Exclusive Beverage, Snack and Product Sales Contracts

The board recognizes that prudent fiscal management requires that the school identify and pursue opportunities to enhance the generation of revenues to support the educational programs and extra-curricular student activities. Staff may, through the bid procurement process, bring before the board recommendations for the school to enter into contracts that grant the exclusive sales right to a single or multiple vendors for specified categories of products In awarding the contracts, the board shall consider not only the amount of revenue generated by the contract, including sales incentives such as scholarships, awards, athletic team support and other educational program enhancements, but student interest, employee, parent and local community support.

Procedure for Contracting

Exclusive contracts shall be entered into using a competitive bid or other Procurement Process pursuant to State purchasing codes and regulations. All revenues generated shall be budgeted and accounted for by the school.

Expenditure of Funds

The revenues derived may be used, but not necessarily be limited, to do the following.

- Enhance student achievement
- Assist in the purchase of classroom instructional materials
- Purchase additional school and bus security, safety devices
- Purchase field trips
- Purchase in-service training for teachers
- Purchase computers for schools
- Assist in the purchase of school buses for athletic and extra-curricular programs
- Purchase band equipment and uniforms
- Purchase transportation for after school academic enhancement, tutoring programs
- Pay for expenses of students and teachers who travel to represent the school in State and National competitions
- Establish a scholarship fund to include each high school, valedictorian and salutatorian
- Supplement the school's General Operating Fund

- Other purposes as approved by the Board

Annual Monitoring

The principal or designee shall make an annual report to the Board during each fiscal year concerning the administration of all exclusive contracts The report shall address the revenue generated by the contract, the expenditure of such revenue, vendor and school site marketing and promotion plans, vendor advertising at school, sales, and any other items which may be of interest to the Board. The Board may make adjustments in the program if determined necessary or appropriate

Annual Audit of Funds

The revenue generated shall be subject to annual audit by an independent third party auditor in conjunction with the school's regular annual audit pursuant to state law

ADOPTED: 03/31/2003
EFFECTIVE: 07/01/2003

Policy 3297 Revenue Enhancement Contracts

All revenue-generating contracts entered into by school personnel, assistant principals or department heads, must be approved by the principal or designee. If the revenue generated is over $50,000 and/or the contract is for a term of more than two (2) years, the contract is to be presented to the Board for approval

ADOPTED 03/31/2003
EFFECTIVE 07/01/2003

Policy 3298 Operations Advertising in Schools – Revenue Enhancement Contracts

The Board recognizes that prudent fiscal management requires that the school identify and pursue opportunities to enhance the generation of revenues to support the school's educational program and extra-curricular student activities To that end, staff may through the bid, procurement process, bring before the Board recommendations for the school to enter into contracts that grant advertising rights to a single or multiple vendors for specified categories of products In awarding the contracts, the Board shall consider not only the amount of revenue generated by the contract, including sales incentives such as scholarships, awards, athletic team support and other educational program enhancements, but student interest, employee, parent and local community support The Board shall also determine the appropriate use of funds generated by the contract

Opportunities for Marketing Activities

- Fixed signage
- Banners
- School publications
- Television
- Athletic facilities
- School level projects
- Fine arts programs
- Tournaments, District and State
- Interior and exterior of school owned school buses
- Athletic Team Uniforms/ Where allowed under state and national rules
- Individual school publications
- School stationery
- Rooftops of schools
- School marquees
- Other activities as appropriate

Revenue enhancement activities <u>will not</u>:

- Promote hostility, disorder or violence
- Attack ethnic, racial or religious groups
- Discriminate, demean, harass or ridicule any person or group of persons on the basis of gender
- Be libelous
- Inhibit the functioning of the school
- Override the school identity
- Promote, favor or oppose the candidacy of any candidate for election
- Promote bond or budget issues listed on an election ballot
- Be obscene or pornographic
- Promote any religious or political organizations
- Use any school logo without prior approval

- Interfere with other existing contracts, except as determined to be in the best interest of the schools

Restrictions

Revenue enhancement through a variety of marketing activities, including but not limited to advertising, corporate sponsorship, signage, et al , must be Board approved Such activities shall comply with school policies and with the Federal and State guidelines These opportunities are subject to certain restrictions as approved by the Board in keeping with community values and contemporary standards of good taste The Board reserves the right to make the final determination in setting standards of good taste as they apply to this program Such advertising will seek to model and promote positive values for students through proactive educational messages, to encourage academic achievement as well as the advertising of products.

Procedure for Contracting

Exclusive contracts shall be entered into on a competitive bid basis pursuant to State and District purchasing regulations

Expenditure of Funds

The revenues derived may be used, but not necessarily be limited, to do the following.

- Enhance student achievement
- Assist student achievement
- Assist in the purchase of classroom instructional materials
- Purchase additional schools and bus security devices
- Purchase field trips
- Purchase in-service training for teachers
- Purchase computers for schools
- Assist in the purchase of school buses and vans for athletic programs and other extra curricular groups
- Purchase band equipment and uniforms
- Purchase transportation for after-school academic enhancement, tutoring programs
- Pay for expenses of students and teachers who travel to represent the school in state and national competitions
- Establish a scholarship fund to include each high school's valedictorian and salutatorian
- Supplement the school's General Operating Fund
- Other purposes as approved by the Board

Annual Monitoring

The principal or designee shall make an annual report to the Board during each fiscal year concerning the administration of all exclusive contracts The report shall address the revenue generated by the contract, the expenditure of such revenue, vendor and school site marketing and promotion plans, vendor advertising at school sites, sales, and any other items which may be of

interest to the Board. The Board may make adjustments in the program if determined necessary or appropriate.

Annual Audit of Funds

Each annual budget during the life of each exclusive beverage, snack or other product contract shall identify the uses of revenue generated during the fiscal year covered The revenue generated shall be subject to annual audit by an independent third party auditor in conjunction with the school's regular annual audit pursuant to state law

ADOPTED 03/31/2003
EFFECTIVE: 07/01/2003

Policy 3313 Small and Minority Business Enterprise Utilization Plan
PROCUREMENT CODE AND REGULATIONS

The James Island Charter High School affirms that small and minority-owned businesses be offered the full opportunity to participate in the overall procurement process for goods and services purchased by the school

ADOPTED. 03/31/2003
EFFECTIVE· 07/01/2003

Policy 3320 Expenditures
Procedures

It is the policy of the Board that the Board strictly abides by, without exception, the letter and the spirit of all laws and regulations relating to purchases by the school and the control of its finances and property

Within the framework of applicable laws and regulations, purchases and use of materials and manpower shall be accomplished in accordance with good business practices with the primary purpose of serving the program of instruction

The principal shall detail the procedures for executing this policy in written administrative directives

ADOPTED: 03/31/2003
EFFECTIVE: 07/01/2003

Policy 3326 Petty Cash Fund

The establishment of a revolving bank account in the amount of $1,000 00 is authorized for use as a petty cash fund by the principal's office.

ADOPTED: 03/31/2003
EFFECTIVE 07/01/2003

Policy 3330 Political Activity

It shall be the policy of the James Island Charter High School Board that use of school funds for partisan political activity is prohibited

ADOPTED. 03/31/2003
EFFECTIVE 07/01/2003

Policy 3340 Matching Funds

It shall be the policy of the Board to encourage local community support in the purchase of certain capital improvements, fixed assets, furnishings, and equipment, and to this end, the Board will consider appropriating funds annually to match contributions from the community.

ADOPTED 03/31/2003
EFFECTIVE: 07/01/2003

Policy 3513 Utility Conservation

It is the policy of this Board that utilities be conserved in all ways possible, consistent with the requirements of an adequate school program and a healthful environment. There shall be an effective utilities management program designed to reduce or efficiently control the consumption of utilities.

ADOPTED. 03/31/2003
EFFECTIVE 07/01/2003

AR 3513-R Utilities Conservation

Equipment Operations

- Copiers and computer equipment should be turned off overnight when possible
- In new equipment purchases, life cycle costs should be utilized in the equipment selection process
- Water heaters should be turned off for extended periods when not in use, i.e., vacations, holidays. Temperature setting for water heaters should not exceed 120 degrees, with the exception of kitchens
- Portable heaters are not allowed
- When possible, cooking equipment should be turned off after breakfast and preheated 30 minutes prior to lunch preparation.
- Household appliances including refrigerators, microwaves, coffee pots, and hot plates shall be prohibited in classrooms These appliances should be limited to special needs classrooms, clinics, laboratories, workrooms and lounges

Heating and Air Conditioning

- Temperature guidelines for all facilities shall be set as follows. heating 68° to 70° and cooling 73° to 75°.
- Temperature guideline for special areas such as gymnasiums, multi-purpose areas and kitchens:

Heating: 68°-70° **Cooling: 75°-77°**

- All thermostats will be adjusted so that occupied room temperatures comply with the temperature guidelines
- All manual thermostats shall have a locking cover, and necessary adjustment made by authorized personnel
- After student dismissal, thermostats in portable classroom should be set at 80° during the cooling season and 60° in the heating season.
- Use of electric heat is discouraged in any areas other than bathrooms, hallways, and mechanical rooms

Lighting

- Classroom/office lights should be turned off when unoccupied
- Corridor lighting should be turned off at the end of day, however, minimal security lighting should be used
- Cafeteria lights should be turned off as soon as reasonably possible after lunch periods
- Field/stadium lights should be turned off in a timely manner after practices and after games
- When lighting is upgraded, utilize current technology systems.

Water Consumption

- In landscaping, plants and shrubs that have low water requirements should be used
- Controlled irrigation systems should be maintained to provide adequate water without over-watering.
- Car washes as fundraisers are discouraged.
- Landscape watering should be minimized, especially when utilizing a public water supply
- Faucets, water fountains, toilets, etc that do not shut off properly should be identified by staff and communicated for prompt maintenance

Miscellaneous

- Consideration of energy conservation should be given when planning the location of meetings and activities.
- Air conditioning will be provided in office areas, media centers and classrooms where summer programs are held Provisions for other areas (band, choral rooms, ROTC, computer labs) will be handled on a case-by-case basis
- Air conditioning will be provided as needed for custodial and maintenance operations
- Animals in classroom should be removed during vacations and holidays to prevent heating and cooling areas otherwise unoccupied.
- Shrubbery should be trimmed to a minimum of three feet from any mechanical equipment.

ADOPTED 03/31/2003
EFFECTIVE 07/01/2003

Policy 3517 Security -Mobile Home Sites

In order to increase security and protect school buildings and grounds from incidents of vandalism, illegal entry, theft of school property or damage from other causes, the school shall allow regular police officers or school employees to place mobile homes on certain school campuses Space will be provided free and all utilities, except telephone, will be provided.

The mobile home owner shall pay all costs associated with locating his home on the school premises The school will pay all costs involved in bringing utilities to the mobile home site The homeowner will then reimburse the school that amount in full on a monthly basis over a two-year period The homeowner will be responsible for the hook-up costs

ADOPTED 03/31/2003
EFFECTIVE 07/01/2003

Policy 3541 School Owned Activity Vehicles

School-owned activity vehicles, shall be used exclusively in support of programs or activities of the school The title shall be in the name of the school. The vehicle driver must possess a valid state driver's license Parental authorization must be submitted to the principal prior to use of the school activity vehicle The school shall maintain such vehicles at its expense in a clean and mechanically sound operating condition at all times The school shall maintain liability insurance in an amount not less than the minimum defined by the State code on each owned activity vehicle

ADOPTED. 03/31/2003
EFFECTIVE. 07/01/2003

Policy 3610 Archives and Records Management

The Board, in order to protect the legal rights of students and employees, and to provide for efficient, economic, and effective controls over the creation, organization, preservation, use and disposition of school records, directs administration to implement an Archives and Records Management Program.

ADOPTED 03/31/2003
EFFECTIVE 07/01/2003

4000 SERIES

4000 Series - PERSONNEL POLICIES

Policies 4000/4200 James Island Charter High School Personnel Goals

The personnel employed by the school constitute the most important resource for effectively conducting a quality learning program Through its personnel policies, the Board wishes:

- To establish conditions that shall attract and retain the highest qualified personnel for all positions,
- To employ personnel who shall devote themselves to the education and welfare of all students,
- To employ personnel who are motivated to do their best work without administrative and/or external pressures,
- To encourage young people to enter the profession of education as their life's work;
- To encourage young people who are dedicated to a teaching career to seek employment in this school.

To achieve the above purposes, the Principal is directed to establish the procedures and administrative regulations needed.

ADOPTED. 04/28/2003
EFFECTIVE. 07/01/2003

Policies 4111/4211 Recruitment and Selection

It shall be the responsibility of the principal and leadership team to determine personnel needs and to locate suitable candidates for employment Persons recommended for hiring shall meet all certification requirements of the Board for the announced vacancy.

Recruitment shall be the responsibility of the leadership team The principal/department heads must interview all prospective employees.

ADOPTED. 04/28/2003
EFFECTIVE 07/01/2003

Policies 4112/4212.1 Employment Responsibilities

Principals and assistant principals shall be recommended to the Board by the leadership team from a list of qualified persons.

All other employees shall be recommended for employment by the principal to the Board

To efficiently meet this responsibility, the principal or department head shall determine the candidate's eligibility and verify that all eligibility criteria have been met prior to recommendation of employment to the Board.

All employees shall be subject to the policies of the Board and all applicable laws. The principal shall establish job descriptions and salaries for each type of work to be performed

ADOPTED: 04/28/2003
EFFECTIVE: 07/01/2003

Policies 4112.1/4212.11 Contracts

The principal shall confirm contracts after personnel requiring contracts have been approved by the Board, in compliance with the laws of the state of South Carolina. Special provisions may be included in the contract as recommended and approved by the Board.

Throughout the contractual period, all conditions of employment contained in the contract or personnel policies shall be maintained at no less than the highest standard Should any article, section, or clause of personnel policies be declared illegal by a court of competent jurisdiction, said articles, sections, and clauses shall be automatically deleted from these policies to the extent that they violated the law The remaining article, sections, and clauses shall remain in full force and in effect.

ADOPTED: 04/28/2003
EFFECTIVE. 07/01/2003

Policies 4112.3/4212.31 Contract Renewal Recommendations

In March of each year, the department head or supervisor shall recommend to the principal, the contract status, i.e , renewal, non-renewal, position retention, transfer, etc. for each teacher These recommendations shall be made on appropriate James Island Charter High School forms

When non-renewal is recommended, sufficient documentation shall be available to ensure due process in accordance with current personnel policies.

ADOPTED: 04/28/2003
EFFECTIVE. 07/01/2003

Policies 4112.62/4212.62 Employee Orientation

CCSD shall be responsible for providing orientation for all employees to include information about the school, the job assignment, and the evaluation process All teachers hired to work at James Island Charter High School shall be required to participate in an orientation program

ADOPTED: 04/28/2004
EFFECTIVE 07/01/2004

Policies 4114/4214 Drug-Free Workplace

The James Island Charter High School shall maintain a drug and alcohol free workplace for all employees Employees shall be notified that it is unlawful and against policy to manufacture, distribute, dispense, possess or use a controlled substance as defined by state law Any violation of this policy shall subject the employee to appropriate disciplinary action, which may include dismissal.

The principal shall establish a drug-free awareness program to inform employees about the dangers of drugs or drug abuse and alcohol use in the workplace

ADOPTED: 04/28/2003
EFFECTIVE: 07/01/2003

AR 4114-R/4214-R Drug-Free Workplace

TERMS

- "Workplace" means the site for the performance of work done in connection with employment at James Island Charter High School.
- "Drug" means any narcotic drug, hallucinogenic drug, amphetamine, barbiturate, marijuana or any other controlled substance as defined by the Drug Free Workplace Act and regulation cited below Employees abusing alcohol are subject to these regulations This may also include any substance, which may impair an employee's ability to function
- " Alcohol" means any substance that contains alcohol (ethanol)
- "Supervisor" includes officers, coordinators and above
- "Administrator" includes all school personnel who have management and/or supervisory responsibilities as defined by Board Policy
- "Employee" means anyone presently employed by the JICHS
- "Verified Positive Test" will be determined by a certified physician who will conduct the drug screening A verified positive test occurs when an initial screening test indicates a positive conclusion and a second test on the same sample is also positive The second test will be based on a different scientific principle.
- "Probable Cause" means more than mere suspicion. Probable cause is a good faith belief resting on the existence of facts and circumstances that would induce an ordinarily prudent and cautious person, under the circumstances, to believe that an employee has used or is using drugs or alcohol which may create a risk to the safety and well-being of the individual, students, or other employees, the public or school property
- "Suspicion" means a belief or opinion based upon facts or circumstances, which do not amount to proof

PROVISIONS FOR ALL EMPLOYEES

- Any employee arrested for alcohol and/or drug activity may be suspended in appropriate cases pending outcome of any criminal prosecution
- Any employee convicted for alcohol and/or drug activity may be considered in violation of this policy. The school shall take into consideration the nature of the conviction, the employee's present job assignment, the employee's record and other factors relative to the impact of the employee's conviction upon the conduct of school business in determining the appropriate disciplinary action

- Any employee who is convicted of alcohol or drug related incident shall be required to notify the principal within three to five days of this action

- Any employee who voluntarily requests assistance in dealing with a personal drug or alcohol problem may utilize sick or annual leave to participate in a rehabilitation program without jeopardizing his or her continued employment with the school provided he or she stops all involvement with such substances The state health insurance program covers portions of such rehabilitation programs for full-time employees Part-time employees must pay all costs for rehabilitation Voluntary participation treatment programs may not prevent disciplinary action for policy violations that have already occurred. At the conclusion of treatment, arrangements for drug screening follow-up will be made

PROVISIONS FOR NON-TRANSPORTATION EMPLOYEES ONLY

Determination of Use for All Non-Transportation Employees:

An employee may be found to use illegal drugs or alcohol on the basis of appropriate evidence including, but not limited to:

- Post-accident

- Direct observation or probable cause

- Information obtained from an arrest or criminal conviction

- An employee's voluntary admission

This policy and regulation shall allow for the inspection of persons and personal belongings of any employee suspected of possessing alcohol or drugs on school property and at any time while on duty If a search is anticipated, the administrator should notify the security officer for appropriate assistance, which may include a search warrant or the employee's permission

Action to be taken when the administrator determines use

- Notify principal of actions taken

- Take appropriate action based upon past history, job performance, record of past disciplinary action and nature of job Such action may include but not be limited to warrant probation, suspension or termination

- Explain to the employee, if appropriate, that he or she has the right to seek voluntary professional help through the JICHS Employee Assistance Program (EAP) or from a private agency.

- Refer the employee to the JICHS contracted EAP service as a supervisory referral. If the employee refuses to enter a rehabilitation program or does not complete a program that is started, he or she can then be suspended or terminated.

PROCEDURE

If probable cause indicates that any James Island Charter High School employee is under the influence of a drug or alcohol, which interferes with his or her judgment or motor coordination while on the job, the observer of such incident shall immediately notify the principal The principal and at least one member of the staff, preferably an administrator, shall witness the employee's behavior.

If the principal has cause to believe that the employee is under the influence of alcohol or drugs, the employee shall be confronted immediately regarding his or her condition If the employee acknowledges alcohol or drug abuse, appropriate disciplinary and/or Employee Assistance Program provisions should be taken.

If the employee refuses to acknowledge alcohol or drug abuse, but continues to exhibit impaired behavior, the principal shall request that the employee voluntarily submit to a test

The principal shall notify the approved JICHS physician of the incident and inform the physician that an employee needs to be tested The principal or designee shall escort the employee to the testing site.

After completion of the physical examination, the employee shall be sent or escorted home and placed on temporary suspension pending final disposition, The principal or designee must offer to call a taxi or have someone drive the employee home from the work site with another administrator or staff member to witness this offer. If the employee becomes unruly or refuses to follow instructions, the principal shall call the school security officer or Department of Public Safety for assistance

Action to be taken if test results are positive

- Determine disciplinary action to be taken
- Notify the employee of the test results and the appropriate disciplinary action to be taken, which may include termination
- Take appropriate action based upon past history, job performance record of past disciplinary action and nature of job.
- Explain to the employee, if appropriate, that he or she has the right to seek voluntary professional help through the Employee Assistance Program (EAP) or from a private agency.

- Refer the employee to the contracted EAP service as a supervisory referral. If the employee refuses to enter a rehabilitation program or does not complete a program that is started, he/she can then be suspended or terminated

PROVISIONS FOR TRANSPORTATION PERSONNEL ONLY

The following provisions of this policy apply to transportation only.

- Transportation employees, reporting to work, or while at work, or on school business, and/or operating a motor vehicle, machinery and equipment, reasonably suspected of being under the influence of illegal drugs or alcohol, as defined herein, shall be required to take a drug or alcohol test. The types of tests may include but not be limited to the breathalyzer, urinalysis or blood test.

- Transportation employees who refuse to be tested when so required will be considered insubordinate and subject to the full range of disciplinary action, including dismissal. Attempts to alter or substitute the specimen provided shall be deemed a refusal to take the test when required. Unjustified failure to appear for testing will also be considered refusal to participate and disciplinary action for insubordination will be initiated Employees returning to work after receiving treatment for alcoholism or drug abuse shall be tested for 12 months on a periodic basis in addition to being subject to the random selection testing process.

Circumstances of Testing

- Pre-Employment Drug Screen· Drug screening is required of all applicants for transportation positions. If the applicant refuses to be tested. the applicant shall be rejected The results of a positive drug or alcohol screen shall be retained in the applicants' file for one year

- Periodic Physical Examinations· Employee physical examinations required by the School Bus Driver's Certificate and the Commercial Driver's License shall include a drug screening

- Random Selection: Transportation personnel shall be subjected to random drug and alcohol testing on an unannounced basis

- Post Accident Employees involved in personal injury accidents or property damage accidents shall be immediately subjected to the drug screening process

- For Cause· Transportation personnel reasonably suspected of being under the influence of drugs or alcohol at work or whose job performance is being adversely affected by possible substance abuse shall be screened for drug or alcohol

Determination of use for Transportation Employees.

An employee may be found to be using illegal drugs or alcohol on the basis of appropriate evidence including, but not limited to:

- post-accident
- direct observation or probable cause
- information obtained from an arrest or criminal conviction
- an employee's voluntary admission
- a verified positive test result

Procedure

If reasonable suspicion indicates that any transportation employees are under the influence of any drug, which interferes with motor coordination while on the job, the observer of such incident shall immediately notify the employee's supervisor The supervisor and at least one member of the staff, preferably an administrator, shall witness the employee's behavior.

If the principal has cause to believe that the employee is under the influence of alcohol or drugs, the principal reserves the right to immediately relieve the employee of his/her duties

The principal is to notify the approved physician of the accident and inform the physician that an employee needs to be tested. The principal or designee shall escort the employee to the testing site

After completion of the physical examination, the employee shall be sent or escorted home and placed on temporary suspension pending final disposition The principal or designee is to offer to call a taxi or have someone drive the employee home from the work site and ask another administrator or staff member to witness this offer If the employee becomes unruly or refuses to follow instructions the principal shall call the school security officer or Department of Public Safety for assistance.

Actions to be taken if Test Results are Positive:

- Contact the Department of Employment in Personnel to discuss the problem.
- Determine disciplinary action to be taken.
- Notify the employee of the test results and the appropriate disciplinary action to be taken, which may include termination.
- Take appropriate action based upon past history, job performance, record of past disciplinary action and nature of job

- Explain to the employee, if appropriate, that he or she has the right to seek voluntary professional help through the Employee Assistance Program (EAP) or from a private agency.

- Refer the employee to the contracted EAP service as a supervisory referral If the employee refuses to enter a rehabilitation program or does not complete a program that is started, he or she can then be suspended or terminated

ADOPTED 04/28/2003
EFFECTIVE: 07/01/2003

Policies 4114.1/4214.1 Health Examination

Any person applying for a position in the school shall, as a prerequisite to employment, secure a health certificate from a licensed physician certifying such person does not have tuberculosis in an active stage

In addition, no person shall be initially hired to work in the school until appropriately evaluated for tuberculosis, according to guidelines approved by the Board of Health and Environmental Control Re-evaluation shall not be required for employment in consecutive years unless otherwise indicated by such guidelines.

ADOPTED: 04/28/2003
EFFECTIVE: 07/01/2003

Policy 4114.2 Employee Eligibility Criteria

The board requires all eligibility criteria for prospective employees to be completed before an individual is offered a contract for employment. A background check will be completed with the SC Law Enforcement Division (SLED) in addition to all other certification, validations of job eligibility and credentialing

The background check will be conducted in accordance with current state law, and the results must be fully validated by the school prior to a job offer being made

Minimum certification requirements for each classification of employee are specified in Section 6 3 of the JICHS Charter document.

The school will create working guidelines on the interview process, requirements for eligibility for individual positions, verification of education and follow-up references

ADOPTED 03/31/2003
EFFECTIVE: 07/01/2003

Policies 4114.3/4214.3 Credit Check

A credit investigation may be required, at the discretion of the principal, as part of the vital statistics of a prospective employee Such credit checks must be relevant to the prospective position The prospective employee shall be notified that such investigation is to be made and may elect to be withdrawn from consideration.

ADOPTED 04/28/2003
EFFECTIVE: 07/01/2003

Policies 4114.4/4214.4 Communicable Diseases

The principal or designee shall decide, on a case-by-case basis, whether or not students, faculty, or other staff members infected with communicable diseases shall be permitted to attend classes, participate in school activities, or report to work.

In making these case-by-case determinations, the principal or designee shall (1) confer with individuals from the medical community and/or other disciplines and (2) shall use the recommended procedures from the Department of Health and Environmental Control.

Persons affected by this policy shall be treated with total confidentiality.

ADOPTED. 04/28/2003
EFFECTIVE. 07/01/2003

Policies 4114.41/4214.41 Acquired Immune Deficiency Syndrome (AIDS)

Decisions regarding school employees known to school officials to be infected with HTLV-III (upon adequate documentation from the employee's physician) shall be made on a case-by-case basis by the principal Individuals with AIDS or AIDS Related Complex (ARC) or HTLV-III Asymptomatic infection shall not be excluded from employment on this basis alone The principal shall make these decisions by using a team approach, that includes the employee's physician, local health department, and others deemed necessary

The identity of any school employee with AIDS or ARC or HTLV-III infection shall be kept confidential.

ADOPTED 04/28/2003
EFFECTIVE: 07/01/2003

Policies 4115.1/4215.11 Work Scheduling

The principal shall assign and make known through administrative publication, the work schedules and duties of the different classes of employees.

The principal and leadership team shall, as far as possible, accomplish scheduling prior to the opening of school to ensure adequate supervision of students

ADOPTED: 04/28/2003
EFFECTIVE 07/01/2003

Policies 4115.13/4215.31 Assignment and Transfer of Administrative Staff

The Board will support transfers of administrative staff who were employees of CCSD at the time of the Charter School Approval and implementation. Should an administrator desire to transfer from JICHS back into the CCSD system, the principal will be notified and appropriate action will be taken to ensure a smooth transition from JICHS to the CCSD in accordance with current JICHS and CCSD policy

ADOPTED 04/28/2003
EFFECTIVE 07/01/2003

Policies 4115.21/4220 Position Upgrade

When a principal recognizes a significant change in job description and responsibilities of a staff member, the principal shall submit a revised job description and position review/upgrade request to the Board The principal shall prepare the necessary documents and reference information for review by the Board. During its deliberation, the Board may request information from persons who have special knowledge of the position or similar positions

The board's decision shall be submitted to the principal for appropriate action

Approved upgrades are subject to budget approval and availability of funds to support financial requests

ADOPTED 04/28/2003
EFFECTIVE 07/01/2003

Policies 4115.3/4215.3 Professional Staff Schedule

The length of the normal teacher workday shall be no less than 7 hours. The length of the normal teacher work week shall be no less than 35 hours with no more than five hours added per week for faculty meetings, in-service training, workshops, or other additional assignments made by the principal.

Because of the nature of the duties and responsibilities of administrators and supervisory personnel, their hours of work shall vary and extend as necessary to fulfill requirements of the position. They shall be expected to work during the hours that the school offices are open unless other special arrangements have been approved by the principal

ADOPTED 04/28/2003
EFFECTIVE: 07/01/2003

Policies 4116.11/4216.11 Non-Discrimination

The Board is committed to a policy of non-discrimination against any employee or applicant otherwise qualified for promotion or employment because of race, creed, color, national origin, disability, gender or age This policy applies to recruitment, employment, subsequent placement, training, promotion, compensation, probation, and other activities

ADOPTED 04/28/2003
EFFECTIVE. 07/01/2003

AR 4116.11-R/4216.11-R Non-Discrimination

The Board has adopted a policy to offer equal employment opportunity to all qualified employees and applicants regardless of race, creed, color, national origin, disability, gender or age There shall be no intentional discrimination in violation of the provisions of this policy

It is the school's fundamental policy to provide equal opportunity in all areas of employment practices This policy extends to hiring, working conditions, employee treatment, training programs, promotions, and all other terms and conditions of employment. All employees shall feel free to exercise their rights under this policy.

The school shall not retaliate against any employee because he or she has opposed any unlawful practice under this policy or has filed charges, testified, assisted or participated in any manner in any investigation, proceeding, hearing or lawsuit relating to violation of this policy

ADOPTED 04/28/2003
EFFECTIVE 07/01/2003

Policies 4116.2/4216.2 Access to Personnel File (CCSD Employees)

CCSD REF Corrected 2/16/87

Every employee shall be permitted to have access to the records maintained by the Personnel Division at CCSD and JICHS, which contains personal data relating to the employee, except for confidential references The records may be reviewed only in the presence of a designated personnel official.

Employees may not write on documents but may be permitted to have copies made at the going rate per copy Requests for copies must be made in advance.

The employee may submit a formal request to the CCSD Ombudsman or to the school to amend records of disagreement in the personnel records If the request is denied through the CCSD Ombudsman process or the school, the employee's recourse is to place a concise statement of disagreement in the personnel records

ADOPTED. 04/28/2003
EFFECTIVE 07/01/2003

Policies 4116.26/4216.26 Employee Participation in School Budget Preparation

All school employees shall have an opportunity to be involved in the budget-making process Department heads shall be informed of the funds allocated to each department. Said budgets are public records and shall be made available to the public.

ADOPTED 04/28/2003
EFFECTIVE. 07/01/2003

Policies 4117.1/4217.1 Evaluation

In order to ensure that the students of JICHS are taught and served by competent educators, e g , teachers and administrators, the Board directs the principal to develop and maintain an appropriate program of evaluation of all certified and/or administrative employees This program may include testing of current and future employees to ensure that all teachers and administrators are proficient in basic reading, mathematics, and writing skills The testing program may include, but not be limited to the use of the Teacher Test of Language Skills when its use is appropriate to the performance concern(s) of the principal

TERI (Teacher and Employee Retention Incentive Program) program participants are subject to the same evaluation requirements as a regular employee. Therefore, participation in the program does not guarantee employment for the duration of the program period

The principal is required to evaluate all employees in accordance with SC State Code and existing Board Policy

ADOPTED. 04/28/2003
EFFECTIVE. 07/01/2003

Policies 4117.2/4217.2 Employee Benefit

Each employee shall receive an activity pass, which allows for admission to ten (10) school events

ADOPTED 04/28/2003
EFFECTIVE: 07/01/2003

AR 4117.2-R/4217.2-R Employee Benefit

Use of Athletic Passes

The pass shall provide free admission for the employee and guest(s) up to a total of ten admissions to any regular season contest sponsored by a Charleston County public high school Employees shall be granted only one pass per school term. The passes are not good for special events such as the Sertoma Football Classic, State play-off competitions, or other Jamborees.

Passes are not transferable. The name of the employee must be typed or written in ink prior to distribution. The person whose name appears on the pass must be present and admitted to the event in order for the pass to be used.

The gatekeeper may request identification.

The pass shall be honored for admission to most other school-sponsored activities Exceptions are fund-raising activities, events with limited space requiring admission by pre-sale or reserved tickets, and direct cost events such as dinners, banquets or receptions. If there is any doubt, the sponsoring school's office shall be contacted for clarification prior to the time of the function

Abuse of this pass may result in the confiscation of the pass by the gatekeeper and the return of the pass to the employee's immediate supervisor

ADOPTED: 04/28/2004
EFFECTIVE: 07/01/2004

Policies 4119.1/4219.1 Separation-Resignation (CCSD Employees)

CCSD REF 4120

Contracted employees must submit their Notice of Resignation in writing to the principal and department head at least thirty days prior to the effective date of such resignation Acceptance of the resignation is subject to the approval of the Board. In cases where such separation will cause an undue hardship on the school if a suitable replacement is not employed prior to the separation date, approval will be contingent upon finding and employing a suitable replacement Pertinent SC State Department of Education Regulations applies and will be furnished upon request

If an employee resigns from JICHS, re-employment in another constituent district or division is subject to review by the Department of Human Resource Services and subsequent recommendation of the Superintendent in accordance with the charter

In order to maintain the best-qualified faculty and staff to meet the mission of the school, employees under contract are required to submit anticipated resignations, including retirement or transfer request by June 1 for employment in the ensuing year. Requests made after that time will be contingent upon locating and hiring a suitable replacement for the posted position vacated

To facilitate the timely acceptance of a resignation, when appropriate, the principal shall accept the resignation on behalf of the board.

Employment separation terminates benefits and return to employment is as that of a new employee.

ADOPTED. 04/28/2003
EFFECTIVE. 07/01/2003

Policies 4119.10/4219.61 Employee on Probation Financial Consequences

Any employee of JICHS placed on probation by the principal for any reason shall not be eligible for promotion and shall not receive or accrue any salary increase or other enhanced job-related benefit not required by law during the probationary period. Employee accumulation of seniority or longevity credits is not affected.

This policy does not in any way limit the principal's authority to impose sanctions, penalties or conditions of employment related to other disciplinary actions

Sanctions, such as warnings or limited probation, may not result in the financial consequences of this policy.

ADOPTED 04/28/2003
EFFECTIVE: 07/01/2003

Policies 4122/4254 Substitute Teachers

Note. To be determined by the admin.

ADOPTED:
EFFECTIVE 07/01/2003

Policies 4131.32/4231.32 Professional Staff Development Activities

The Board recognizes its particular responsibility to provide opportunities for continual professional growth of its staff. Such opportunities shall include special in-service courses and workshops; a professional library, assistance from consultants (in-house as well as outside the school), and, within budgetary limitations, school visitations and attendance at professional conferences and meetings.

In-service training, workshops, and meetings called by the principal shall be considered school business and shall not be charged against any other leave.

ADOPTED: 04/28/2003
EFFECTIVE 07/01/2003

Policies 4133/4233.1 Travel

The Board shall, within budgetary limitations, reimburse employees for normal and reasonable expenses for hotel, food, registration, and transportation costs incurred while attending authorized conferences and/or visitations for purposes related to instructional or operational improvements in the school. Arrangements for attendance must be approved, in writing, by the principal or designee The participant may attend without loss of salary

The principal is authorized to approve travel under the following conditions.

- County Travel. Members of the staff who are required to travel from school to school or from office to office, etc. in the performance of assigned duties are entitled to reimbursement for such travel at the rate established by the State of South Carolina for all State employees Travel is expected to be made by the most direct route unless otherwise justified The principal shall approve this travel.

- Out-of-County Travel Members of the staff may be reimbursed for travel fees and subsistence for professional meetings, conferences, etc. provided that.

    - All such travel outside of South Carolina has prior approval of the principal

    - Such travel has approval as prescribed above even if it involves only leave for the employee when some other agency of the employee pays other expenses.

- A school vehicle may be used for travel whenever available. Authorized public transportation may be used whenever it is in the best interest of the school. Whenever practical, private vehicles may be used Reimbursement will be limited to the prevailing state mileage rate, or the airline tourist fare

- The number of vehicles necessary to transport the number of conferees attending the same conference shall be limited. Reimbursements shall not be made for additional vehicles driven solely for personal reasons. The principal is responsible for designating, in advance, the number of vehicles for which the mileage is reimbursable. Reimbursement for meals and lodging may be restricted to the period of time which would have been appropriate if air travel had been utilized as the most economical mode of transportation

- The use of rental vehicles shall be prohibited unless it is determined to be in the best interest of the school. Reimbursement shall be limited to official school business.

- Fees to be paid by the school shall be limited to those incurred for attendance at the conferences, meetings, etc

- Subsistence shall be limited to hotel charges, meals, and other such necessary items The school shall pay no purely personal charges The school shall pay no alcoholic beverages, tours, or personal charges Gratuities shall be limited to no more than 15 percent

- A detailed expense account shall accompany requisitions from school funds and shall be filed as soon as possible upon completion of the authorized travel

- Lodging Reimbursement of actual expenses incurred for lodging shall be made upon presentation of a paid receipt Dual occupancy of rooms is encouraged when practical and acceptable. No reimbursement shall be made for overnight lodging within a 50-mile radius of the school unless approved in advance by the principal

- Dependents Accompanying District Representatives If a dependent accompanies an employee of the school on an authorized trip, only those expenses directly attributable to the employee shall be reimbursed

- Travel Advances Payment of travel advances, if necessary, shall normally be limited to pre-payment of commercial travel, required pre-registration and/or necessary lodging deposits. The principal or designee must approve payment of estimated travel expenses to the employee in advance

  Such advances shall be for extreme situations and shall be limited to trips of three nights lodging or more with a maximum advance of 75% of the expected charges. Appropriate documentation must be filed upon return and prior to final payment of expenses.

- Responsibility It shall be the responsibility of the principal to provide for the monitoring of the charges for travel which may be claimed by his/her employees in order to determine that such charges are reasonable, taking into consideration the location, purpose of travel, or other extenuating circumstances. A report shall be submitted to the employee's supervisor of attendance at conferences or other activities related to instructional improvement in the school

- Board Discretion. At its discretion, the Board may direct specified personnel to represent the school in a variety of activities not specifically mentioned above and activities beyond the limitations of this policy

ADOPTED 04/28/2003
EFFECTIVE 07/01/2003

Policies 4134/4234.1 Tutoring

It is expected that every effort shall be made by the principal and the teacher to help the students before recommending that parents engage a tutor. When teachers or employees enter into an agreement with parents for tutoring students for a fee, the following guidelines shall be used.

- Tutoring for a fee or soliciting for tutoring may not be done during school hours or within school.
- Tutoring one's own current student for a fee is strictly prohibited.
- Employees may not charge a student a fee for any instructional or guidance services which may be considered part of his/her regular teaching responsibilities

This policy shall not preclude teachers and other employees from providing tutorial services to students not assigned to them in the regular school program. Such activities shall be conducted outside of the school time and away from school facilities.

For the purpose of this policy, tutoring includes, but is not limited to, direct instruction in the academic areas, private music or voice lessons, guidance and counseling services, and coaching for a fee.

The Board is not involved in setting tutoring fees and accepts no responsibility for the services rendered as a result of tutoring for a fee by one of its employees.

ADOPTED: 04/28/2003
EFFECTIVE: 07/01/2003

Policies 4135.4/4235.4 Grievances

A PURPOSE

The purpose of this grievance procedure is to secure at the lowest possible administrative level, equitable solutions to problems, which may arise, affecting the welfare or working conditions of employees of James Island Charter High School All proceedings shall be confidential and any disposition of the case shall not be made public without the agreement of all parties Events or conditions where the Board is without the authority to act or where the review is prescribed by law are not grievances and are, therefore, not covered by this procedure

B DEFINITION

- Grievance a claim by an employee of a violation, misrepresentation or misapplication of a provision of Board policies and administrative procedures or rules and regulations as they affect the employee or work of such employee, any problem or concern an employee may have regarding employment, based upon a claim of race, sex, age or other discriminatory action. (The following shall not be considered grievances under this procedure as separate procedures are provided under other policies: DISMISSAL (4119.2), NON-RENEWAL/DEMOTION (4119.3, 4119.4, 4119 5, 4119.6, 4119 7)

- Aggrieved Person· an employee making the complaint.

- Conferee· an employee selected by the aggrieved person to be present as a witness at a grievance conference (The grievance conference begins at Level One)

- Peer Review Panel. a panel composed of five (5) voting members, selected at random from the same work category as the aggrieved employee to hear the appeal from a Level Two decision

C. PROVISION

- The employee may initiate the formal grievance procedure within ten (10) workdays following the time when the employee reasonably should have gained knowledge of its occurrence.

- During the period of processing the grievance, the employee shall continue to perform duties and observe all applicable rules and regulations of the Board until such grievance has been resolved.

- Grievances and appeals shall be filed on official forms provided by the school

- Each party shall bear total costs incurred

- The grievance procedure shall not be construed as limiting the right of an employee to discuss a concern with a member of the school's administration

- An administrator or supervisor may not deny or restrict any rights or privileges of an employee who has filed a grievance
- A grievance shall be initiated at the lowest level appropriate to render a decision
- Failure at any step of this procedure to communicate the decision of a grievance within the specified time limits shall permit the employee to proceed at the next level.
- Failure at any step of this procedure to appeal a grievance to the next level within the specified time limits shall be deemed acceptance of the decision rendered at that level
- At level one or higher, the employee, supervisor or administrator may request a fellow employee, department head, supervisor, administrator, or other staff member to participate in a grievance as a conferee

D. PROCEDURE

Intermediate Level -Informal Complaint

- When an employee feels that a grievance exists, the matter shall first be discussed with the immediate supervisor in an effort to resolve the problem informally.

Level One -Formal Complaint to Immediate Supervisor

- If the problem is not resolved to the satisfaction of the aggrieved person at the Intermediate Level, a formal grievance may be submitted to the immediate supervisor. *The grievance may be submitted on the School Grievance Form within ten (10) workdays after termination at the Intermediate Level
- The supervisor shall schedule a personal conference with the employee at a mutually agreeable time within five (5) workdays, unless both parties agree to delay for mutual convenience. The supervisor shall render a written decision to the aggrieved employee within five (5) workdays after the conference

Level Two -Appeal to principal

- An employee may appeal the decision made at Level One by submitting a School Appeal Request Form to the principal within five (5) workdays after receiving the Level One decision. A copy of the appeal shall be submitted to the Level One decision-maker. If the appeal relates to a complaint concerning the principal, Level Two is preempted and the appeal is made directly to Level Three.

The principal and appropriate parties shall investigate and conduct an appeal conference with the parties involved within five (5) workdays, unless the parties involved agree to a delay for mutual convenience The principal shall render a written decision to the aggrieved employee within five (5) workdays after the conference

Level Three - Hearing by a Review Panel

The employee may appeal the Level Two decision, within five (5) workdays after receipt, by requesting a Review Panel Hearing. Within five (5) workdays, the principal's designee shall supervise the selection of a review panel

The Review Panel shall consist of the five (5) voting members selected at random.

The majority of the panel members shall be selected from the same employee group as the complainant but shall not be selected from the same department or office. The principal or designee shall appoint an ex-officio member of the panel. The ex-officio member shall rule on procedure and admissibility of evidence Each panel shall elect a chairperson. The Review Panel shall conduct the hearing ten (10) workdays after receipt of an appeal request

To expedite the work of the panel, release time may be approved by the principal for participating employees. Parties involved shall be given at least five (5) workdays' notice of any scheduled hearing

At the conclusion of the hearing(s), the chairperson of the Review Panel shall submit a written report to the principal. The report to the principal shall contain the facts presented and the conclusions of the panel from the hearing(s). Any member of the panel dissenting from the majority view may include written reasons in the report as minority opinion. The principal may concur with or overrule the findings and commendations of the Review Panel. Should the grievance involve the principal, the panel's report shall be submitted directly to the Board. The principal shall render a decision to the aggrieved employee within ten (10) workdays of receipt of the Review Panel's report.

Level Four - Appeal to the Board

An employee may appeal the decision of the principal to the Board within five (5) workdays after receipt of the principal's decision. After reviewing all documents relating to the grievance, the Board shall render its decision within thirty (30) days of receipt of the appeal The Board may wish to conduct (a) hearing(s) prior to making its decision. The decision of the Board shall be final.

*Lowest Level appropriate to render a decision

ADOPTED 04/28/2003
EFFECTIVE 07/01/2003

Policies 4135.5/4224 Harassment Prevention

The school is committed to providing a work environment that is free from harassment. In keeping with this commitment, a strict policy prohibiting harassment, including sexual harassment, shall be maintained. Harassment in any form including verbal, physical, and visual harassment is prohibited

Any employee who believes that he or she has been harassed by a co-worker, supervisor, or agent of the school should promptly report the facts of the incident(s) and the names of the individuals allegedly involved This report shall be made to the immediate supervisor or directly to the department head Supervisors should immediately report any incidents of harassment to the principal when such reports are made to them. The principal or a designee shall investigate all such claims

The complainant will be notified of the resolution, in writing, as soon as the investigation is completed

Any person determined to have purposefully made a false report of harassment, shall be disciplined for such conduct and may be reported to the proper authorities for appropriate action

All complaints will be handled expeditiously

No retaliation will be taken against the complainant.

Definitions

There are two types of harassment· Quid pro quo and Hostile Environment

- Quid pro quo harassment is any unwelcome advances, requests for sexual favors, or other verbal or physical activity of sexual nature, when the acceptance or rejection of such activity, explicitly or implicitly, affects the basis of employment for the employee.

- Hostile Environment harassment is any unwelcome verbal, visual, or physical conduct of a sexual or unprofessional nature that is so severe or pervasive that it alters the employee's condition of employment and creates an environment that the employee and a "reasonable" person would find intimidating, hostile, abusive or offensive

ADOPTED. 04/28/2003
EFFECTIVE· 07/01/2003

Policies 4138/4226 Non-School Employment

All full-time personnel of James Island Charter High School, with the exception of teachers, work a minimum forty-hour week

Outside employment, which causes variation in the individual's workday and/or workweek, must be approved in writing by the principal Such approval shall include certification that the forty-hour week requirement is being met and the approval shall be kept on file.

Outside employment after working hours by employees does not require prior approval Any employment that adversely affects work performance or employment that adversely affects or damages the school's image may be prohibited Should employment be prohibited, the employee may appeal to the Board.

ADOPTED 04/28/2003
EFFECTIVE. 07/01/2003

Policies 4141/4231 Salary Guide

All employees shall be governed by the salary schedule approved by the CCSD Board of Trustees. When applicable, local, state, and federal allotments of any combination of these shall be included A TERI (Teacher and Employee Retention Incentive Program) Program participant is retired for retirement benefits purposes only. A TERI program participant is considered to be an active employee, retaining all other rights and benefits of an active employee and is eligible for any salary increases that other employees receive

James Island Charter High School shall use the salary schedules approved by the CCSD Board of Trustees

Any employee whose position remains unchanged and whose salary is higher than that provided for his/her classification on any newly adopted salary schedule shall remain at the higher salary but shall not be entitled to an increase until such time as his/her classification warrants it on the salary schedule.

For special programs not included in the adopted budget i e , summer projects, adult education, community school activities, etc. the Board-approved hourly wage shall be used and a pro rata amount as needed, in accordance with job responsibilities and requirements

ADOPTED. 04/28/2003
EFFECTIVE 07/01/2003

Policies 4142/4242 Salary Checks (CCSD Employees)

Salary checks shall be paid on a bi-weekly schedule, as published by the administration, prior to the beginning of the fiscal year If the regular payday falls on a day when central offices are scheduled to be closed, paychecks shall be distributed the last workday prior to the scheduled closing

Any balance, in the salary due to an employee at the time of termination of employment, shall normally be paid on the payday following the next full pay schedule cycle

DEDUCTIONS

The following payroll deductions, other than legally required, are authorized Tax Sheltered Annuity, Health and Dental Insurance, United Way, approved credit unions, approved life insurance plans, U S. Savings Bonds, and South Carolina Deferred Compensation Plan The consent of the employee shall be obtained on a form supplied by the district

ADOPTED. 04/28/2003
EFFECTIVE 07/01/2003

Policies 4144/4244 Workers' Compensation

Employees shall be covered under the provision of the South Carolina Workers' Compensation Law. Any employee who is absent due to a job-related, on-the-job injury, may elect to be compensated using a combined payment from the Workers' Compensation Benefit Pool and a portion of regular salary, to be charged against any accumulated sick leave or annual leave The total payment of this combined salary may not exceed the employee's current daily rate

ADOPTED. 04/28/2003
EFFECTIVE 07/01/2003

Policies 4146.1/4236.1 Tax Sheltered Annuities (CCSD Employees)

Employees may participate in the tax sheltered annuity programs as authorized by the Charleston County School Board of Trustees for payroll deduction. Participating companies must have a minimum of ten employee applications before payroll deduction shall be initiated. A CCSD disclosure form must be completed and signed by an authorized company representative and the employee before the payroll deduction process begins The employee shall initiate this request on forms supplied by the school district Authorization of this program does not mean that the Charleston County School District Board of Trustees or its administration endorses any of the participating companies. This program is voluntary and employees shall bear full responsibility for their involvement with these companies.

ADOPTED 04/28/2003
EFFECTIVE. 07/01/2003

Policies 4147/4237.1 Employee/Employment-Related

ACCOMMODATIONS

The Board is concerned about providing a safe working environment for all employees Every precaution should be taken to make the employee's work environment safe Employees shall not be required to work under unsafe or hazardous conditions or to perform tasks that endanger their health, safety or well-being.

Prevention of accidents is an important responsibility of all personnel If a condition exists which constitutes a hazard to students, visitors, or other employees, the employee should report the same to the supervisor immediately

All employees should familiarize themselves with the Fire, Safety, and Disaster plans of the school

ADOPTED 04/28/2003
EFFECTIVE. 07/01/2003

Policies 4147.2/4237.2M Employee Assistance Plan

When, in the opinion of the supervisor, an employee's performance is negatively affected by personal problems such as alcohol or substance abuse, depression, etc., the supervisor may require that the employee seek the services of a reputable counselor or agency.

Verification that such services are being used by the employee may also be required to the extent that such information does not infringe upon the confidentiality or specific nature of the assistance needed.

If the employee's performance has been affected by this condition, such that continuation of his/her duties would jeopardize health, safety or education of the students and/or fellow co-workers, the supervisor may submit, for approval, an Employee Assistance Plan that may include temporary suspension or reassignment

All employee Assistance Plans shall be kept in the individual's personnel records

ADOPTED: 04/28/2003
EFFECTIVE: 07/01/2003

Policies 4147.3/4237.3 Smoking

The Surgeon General of the United States has declared smoking and the inhaling of smoke by a second party, as hazardous to the health of human beings Therefore, smoking in the James Island Charter High School facility is strictly prohibited.

Persons conducting meetings, in-service training and other group gatherings for the school shall announce this smoking policy to all attendees

For the purpose of this policy, school facilities include any buildings or stadiums, as well as school-owned and operated vehicles Individuals shall be allowed to smoke in their own vehicles while parked on school property

ADOPTED 04/28/2003
EFFECTIVE 07/01/2003

Policies 4148/4248 Employee Protection

Any employee of James Island Charter High School who is threatened with bodily harm by an individual or group while carrying out his assigned duties shall be offered reasonable protection by the school as may be within its available manpower resources He/She shall immediately notify the principal or supervisor. The principal or supervisor shall then immediately notify the police department, if appropriate. Immediate steps will the taken in cooperation with the employee to provide such reasonable precautions for the employee's safety as are available

Upon determination of the Board that an employee has been physically disabled from performing his/her duties because of bodily injuries received in an assault on an employee occurring in the course of employment, the Board shall grant the injured employee leave of absence with contract pay for the period that such disability continues, not to exceed one year All disability payments and benefits received from South Carolina Workmen's Compensation or any other federal or state agency or other benefits from whatever source (other than privately owned insurance) shall be credited against such pay

The assaulted injured employee shall undergo necessary medical examinations by such examiners as are requested by the Board at school expense, and when found fit for duty shall return to employment or such payments shall be discontinued

Employees, whose indispensable personal property (such as eyeglasses, hearing aid, dentures, or articles of clothing necessarily worn or carried) is damaged beyond repair, may be reimbursed actual value at the time of damage

The school shall not be obligated to assume any cost when injury is proved to be due to the employee's provocation of his attacker, or to feelings between the parties not related to the employee's performance of duty

ADOPTED: 04/28/2003
EFFECTIVE. 07/01/2003

Policies 4148.1/4248.1 Employee Protection From Economic Loss

The school shall protect from economic loss any employee whose personal property is damaged or stolen when such loss is the result of the employee carrying out his/her duties and not due to negligence by the employee making the claim. This economic protection shall include loss resulting from the inadvertent actions of another employee Reimbursement shall be limited to the insurance deductible amount carried by the employee and shall not exceed $250 unless approved by the Board.

ADOPTED. 04/28/2003
EFFECTIVE: 07/01/2003

Policies 4149/4238 Legal Assistance

Any employee menaced, threatened, assaulted, or battered as a result of employment with the school, shall be offered free legal counsel and service through attorneys for the school

In the event that any employee of the school is prosecuted in any action, civil or criminal, or special proceeding in the Courts of this State, or of the United States, by reason of any act done or omitted in good faith in the course of his employment, the school, when requested in writing by any such employee, shall appear and defend the action or proceeding in said employee's behalf

The employee involved shall be granted leave time when required by the attorneys for the school to prepare or participate in the prosecution or defense of the matter Such leave shall be granted with pay after notice When other attorneys are used by the employee, the standard leave provisions in force shall apply.

The employee shall make written requests for legal representation. The Board shall be notified of all such requests and the grounds for such requests

ADOPTED 04/28/2003
EFFECTIVE 07/01/2003

Policies 4150/4250 Temporary Leave

The Board recognizes that employees may wish or may be required to be absent for several reasons

- Those beyond their control, such as personal sickness or injury, pregnancy, jury duty, military service or emergencies;
- Those governed by compassion or conviction, such as family illness, bereavement, religious observances,
- Those stemming from occupational status such as attendance at meetings, conventions, etc,

Absence for any reason is justified and is considered as such to the extent that the welfare of the educational program and the fiscal resources permit

Employees may not be absent from their place of duty during working hours without the permission of the principal or designee.

Temporary leave is not available to temporary employees Employees, who terminate employment, terminate benefits. Sick leave benefits and vacation earning rate, where applicable, may be re-instated by the board.

NOTIFICATION

All employees must call or otherwise notify their principals or immediate supervisors to report anticipated absences Notification shall be made as soon as the need to be absent is known, but is required to be made prior to the beginning of the workday On each day of absence, it is the responsibility of the employee to notify the authorized person regarding his/her return to work the succeeding (next) workday unless a period of absence has been pre-determined

The supervisor or principal may request verification for absence as to an employee's claimed reason in any situation that is believed not to be valid Such verification shall be made within five (5) calendar days of the absence

ADOPTED. 04/28/2003
EFFECTIVE. 07/01/2003

Policies 4151/4251 Absenteeism

Absences are sometimes unavoidable and, when legitimate, shall be considered excused absences. Unexcused absences or unauthorized leave is defined as non-performance of those duties and responsibilities assigned by the school These include all duties and responsibilities as defined by statute, rules, and regulations of the State Board of Education, policies of the board, and administrative regulations Such unauthorized leave may include but is not limited to collective refusals to provide service, unauthorized use of sick leave, and unauthorized use of other leave benefits

DISCIPLINARY ACTION

Unauthorized leave may constitute a breach of contract and, therefore, may result in the initiation of dismissal procedure, loss of salary, or such disciplinary action as may be deemed appropriate

VERIFICATION OF ABSENCE

The principal or the supervisor of the employee may require a physician's verification of illness or other verification as to an employee's claimed reason for absence within five (5) calendar days of the absence.

PROCEDURE

The first level supervisor holds primary responsibility for determining the application of the policy in each case

When employees are not meeting minimum attendance standards for the department or school, the immediate supervisor may develop an ATTENDANCE IMPROVEMENT PLAN in consultation with the employee to correct the attendance problem Failure to achieve the objective of the ATTENDANCE IMPROVEMENT PLAN may result in disciplinary action as described in the Absenteeism Control Policy

ADOPTED 04/28/2003
EFFECTIVE 07/01/2003

Policies 4151.1/4251.1 Illness And Injury

Sick Leave is allocated at the rate of one and one-fourth days per scheduled work month during the individual's work year. For example, a 12-month full time employee, i e , 30 hours or more of work per week, receives 15 days of sick leave annually A teacher receives 12 days of sick leave for the 190 days or nine and a half months of work

ADMINISTRATIVE RESPONSIBILITY

The principal, department head, or division head shall be responsible for administering the policy and its intent for persons under his or her supervision The supervisor may require a statement from a medical doctor or acceptable proof that the employee was or is unable to report for work, so that there shall be no abuse of sick leave privileges A doctor's certificate may also be required to indicate that an employee is able to return to work.

CUMULATIVE SICK LEAVE

Sick leave may be accumulated to the number of workdays in the employee's work year, less paid holidays and paid annual leave, e.g. teachers 190 workdays, 12- month full time employees: 260 workdays, less paid holidays and paid annual leave days

PROVISIONS

- SHORT TERM LEAVE. Leave requests, which extend fewer than ten days in succession, are considered short-term leaves and are approved by the principal and department head.

- LONG TERM LEAVE Leave requests which extend ten or more days in succession are considered long term leaves and must be submitted on the appropriate leave request form to the principal for review and processing. A final disposition shall be made and the leave request form shall be returned with the status indicated.

- EXTENDED SICK LEAVE: When cumulative sick leave has been exhausted, the employee who is unable to return to work shall be considered absent without pay Employees with long and faithful service may petition the Board, through the administration, for advance sick leave award. Employees may be required to repay leave approved under this provision

- RETURN TO CURRENT POSITION During the first 12 calendar weeks or less of the approved leave period, replacement for the employee shall be temporary to ensure the employee's position remains for his or her return. If an employee requests leave beyond the 12 calendar week period, the position may be filled with a regular replacement Upon request to return to duty, the employee shall be assigned to the same position vacated, if available, or offered a comparable position when one becomes available. This leave is

considered a long-term leave of absence and therefore, the appropriate form must be completed and processed

- REASONS This policy covers personal illness and injury, personal medical and dental appointments, birth of a baby, and adoption of a child (primary caretaker only) To attend to serious illness of a qualifying family member or for leave related to the death of a qualifying family member, leave is allowed under this policy Qualifying family members include. husband, wife, son, daughter, father, mother, brother, sister, stepson, stepdaughter, stepfather, stepmother, stepbrother, stepsister, son-in-law, daughter-in-law, father-in-law, mother-in-law, brother-in-law, sister-in-law, grandparents, grandchildren, and any relative who may reside in the employee's household at the time of illness or death. Not more than three days for each occurrence of illness in the family or bereavement shall be charged against the accumulated sick leave, subject to the approval of the supervisor. Additional days (not more than ten), may be requested in severe circumstances Any employee with ten years or more service and 100 or more days of accumulated sick leave shall be allowed to request additional sick leave days for illness in the family or bereavement. Such requests shall be submitted to the Board for disposition

- NOTE. There is no paid leave for foster care placement Childcare beyond six weeks after the birth or adoption of a baby may be extended by verification from a certified medical professional See Policies 4152.1/4252.1 for leave without pay to cover these leave requests.

- TRANSFER CREDIT As provided by South Carolina State Law, employees of South Carolina public school districts or other agencies with membership in the S.C State Retirement System, may transfer accumulated sick leave to James Island Charter High School, not to exceed the maximum allowed by state law. Leave is transferable if the employment with the school occurs within six calendar months following the employment from the former district or agency.

- CONVERSION CREDIT. Administrators in the positions of principal or director level and higher, who are employed from outside of the school and who do not meet the guidelines for Provision 6, shall be credited with sick leave equivalent to 1/2 the sick leave accumulated in his/her former employing district, not to exceed the maximum allowed by state law. Conversion credit becomes effective after eighteen months of service to the school

- NOTE: Credit converted under Provision 7 may not count toward any S C State Retirement Benefit.

ADOPTED: 04/28/2003
EFFECTIVE 07/01/2003

Policies 4151.2/4251.2 Temporary Leave For Employees Who Do Not Earn Annual Leave

There shall be five temporary leave days available for teachers and other employees who do not earn annual leave Three of these days may be used without loss of substitute pay Two of these days may be used, less the standard substitute pay deducted, as specified by the principal

Permission may be granted by the supervisor under the condition that the employee gives notice of such leave at least 48 hours prior to the requested time of absence

Understanding that emergency situations may occur, the supervisor has the discretion to approve or disapprove requests if notice is less than 48 hours and/or if faculty requests for the same period exceeds 10% of the faculty or 10 or more faculty members, whichever is the lesser amount

Temporary leave shall not be granted during the following periods:

- The first five days of school
- The last five days of school
- To extend a school holiday
- The period of standardized testing where the employee is involved with the testing program
- The last teacher workday
- Periods, as designated by the principal or director, which may cause a detrimental effect on the educational mission of the school or department

The principal or designee must approve any deviation from these provisions. Failure to receive approval shall result in loss of pay.

ADOPTED 04/28/2003
EFFECTIVE 07/01/2003

Policies 4151.3/4251.3 Temporary Leave For Employees Who Earn Annual Leave

There shall be two temporary leave days available for employees who earn annual leave. These days may be used without loss of substitute pay.

Permission may be granted by the supervisor under the condition that the employee gives notice of such leave at least 48 hours prior to the requested time of absence

Understanding that emergency situations may occur, the supervisor has the discretion to approve or disapprove the request if notice is less than 48 hours

Temporary leave shall not be granted during the following periods:

- The first five days of school
- The last five days of school
- To extend a holiday leave
- The period of standardized testing where the employee is involved with the testing program
- The last teacher workday
- Periods, as designated by the principal, which may cause a detrimental effect on the educational mission of the school.

The principal must approve any deviation from these provisions

Failure to receive approval shall result in loss of pay

ADOPTED: 04/28/2003
EFFECTIVE 07/01/2003

Policies 4151.4/4251.4 Temporary Leave-Professional Meetings and School Business

SCHOOL-BUSINESS

The principal may approve employee participation in school-related activities as a representative of the school Such activities include, but are not limited to, local and out-of-county workshops, school review teams (Southern Association Accreditation), teacher observations and evaluation, exchange programs, etc. This approved absence shall be recorded as school business (SH) and shall not result in a deduction from the employee's leave time or pay

PROFESSIONAL LEAVE

Attendance at professional meetings must be approved by the principal or authorized representative and is limited to five (5) days per year. Professional meetings covered in this policy are those whose specific objectives are to improve teacher and/or administrator competencies in their specific educational fields or areas Not included are meetings of organizations in which the above-described aims are by-products of or secondary to the purpose of the meeting as described by the meeting agenda It is recognized that some meetings of the same organization could be approved under this policy while other meetings may not. For example, a classroom teacher meeting to instruct teachers on methods of using media in their classrooms would be approved. A meeting of teachers to elect officers of the organization and/or to review or establish legislative programs would not be approved. Special consideration for additional days may be granted if the employee is an officer or is a participant on the program of a professional meeting The fact that an employee holds office in an organization would not in itself justify approval of a request for leave This approved absence shall be recorded as professional leave (P) and shall not result in a deduction from the employee's leave time or pay.

ADOPTED: 04/28/2003
EFFECTIVE 07/01/2003

Policies 4151.5/4251.5 Court Appearances-Jury Duty

When an employee is required to appear in court (for matters other than personal business or private concerns) or serve on a jury, he/she shall submit to the principal, a copy of a court order, summons, subpoena, or certificate from the Clerk of Court. This leave shall not be counted against other leave and shall not result in loss of salary The same shall not apply to out-of-state, non-federal court appearances Teachers are requested to re-schedule jury duty for non-school time whenever possible

ADOPTED. 04/28/2004
EFFECTIVE: 07/01/2004

Policies 4151.9/4251.9 Military Training

(RESERVE OR NATIONAL GUARD)

Employees are eligible to receive military leave for field training or active duty with the South Carolina National Guard, South Carolina Air National Guard, U S Army Reserve, U S Naval Reserve, U S. Air Force Reserve, U.S Marine Reserve, or U S Coast Guard Reserve This leave may not exceed fifteen consecutive calendar days (10 workdays) in the fiscal year, July 1-June 30 However, if an employee is ordered to fifteen non-consecutive workdays of military duty in order to complete his minimum requirements as required by federal law, that employee would be entitled to fifteen workdays of military leave In the event an employee is called upon to serve during an emergency, an additional thirty days may be granted with pay

The military unit commander concerned must certify that training during regular summer vacation was not available to the teacher reservist should said reservist be other than a 12-month employee.

The employee shall receive regular pay for workdays or paid holidays missed during his/her training leave Employees shall not be paid for days on which he/she would normally not be paid (Saturday, Sunday, etc)

ADOPTED. 04/28/2003
EFFECTIVE 07/01/2003

Policies 4152/4252 Long Term Leave (Including Family and Medical Leave Act)

CCSD REF: Replaces 4152.30 and 4152.31

Employees are eligible for long term leave under the following provision

Family and Medical Leave for the following purposes

- the birth of a baby
- the first-year care of a child
- the adoption or foster placement of a child
- the serious illness of a spouse, parent, or child
- personal illness (See Policy 4151.1)

Such leave shall be without pay unless used in concert with paid annual or accumulated sick leave, as allowed by the Illness and Injury and Annual Leave Policies

Employees with one or more years of James Island Charter High School or Charleston County School District experience and who have worked at least 1250 hours during that time are eligible for up to 12 calendar weeks of leave. No employee shall be eligible for more than 12 weeks of leave in any 12-month period. The 12-month period shall commence with the last day of leave used under this policy. The following summarizes conditions under this provision:

When accumulated sick leave is used under this provision, the period of the leave shall be counted calendar weeks rather than work weeks

When both spouses are employed by the School or District, the combined amount of leave for birth, adoption or foster care, and family illness shall be limited to the 12 calendar weeks No couple shall be eligible for more than 12 weeks of leave in any 12-month period. The 12-month period shall commence with the last day of leave used under this policy

When the need for leave is anticipated, a 30 day notice is required

Certification is required for medical leaves. Second or third medical opinions may also be required and shall be at the school's expense in such cases. Certification information shall include but not be limited to. (1) the date that the health condition commenced, (2) the duration, (3) the necessity for the employee's leave, and (4) the employee's inability to perform job functions (for personal illness only).

In the case of the employee's personal illness, the school may require certification from the health-care provider that the employee is able to resume work

The employer's portion of group health care plan(s) shall be paid by the school during the leave period.

The employee on leave shall notify the principal or designee at least 10 workdays prior to return to work, if that date is different from the date listed on the leave request form. Return to work after the 12 calendar week period, shall be in the same or equivalent position, with equivalent or higher pay, benefits and conditions of employment

NOTE Employees do not accrue seniority or employment benefits, i.e , sick leave, etc , during the leave period

To limit the disruption of the educational process, employee leave for planned medical treatment (personal or family) that requires the employee to be on leave for more than 20% of the working days may be approved with specifications to include but not be limited to

- taking the leave in a block of time,
- delaying the leave for a mutually agreeable time,
- transferring to an available position with equivalent pay and benefits that better accommodates recurring periods of leave than the employee's regular position

Because the end of the semester is a critical time for (a) curriculum review, (b) developing final examination and (c) evaluating students the following stipulations may be invoked:

- If the employee begins leave five or more weeks prior to the end of the semester, and the period of the leave is for more than three weeks, the employee may be required to delay return to work until the next semester.

- If the employee begins leave (except personal sick leave) less than five weeks before the end of the semester and the period of the leave is greater than two weeks, the employee may be required to delay return to work until the next semester.

- If the employee begins leave (except personal sick leave) less than three weeks before the end of the semester and the period of leave is greater than five working days, the employee may be required to delay return to work until the next semester

- Employees may be required to use annual leave or accumulated sick leave prior to using leave under this provision

- If an employee fails to return to work after the leave period has expired, the employee must reimburse the school for all premiums and cost paid during the leave period Exceptions may be made in cases of personal illness, family illness or circumstances beyond the employee's control.

Leave included herein may be extended beyond the 12 calendar-week period without cost to the school Requests should be forwarded to the board with approval of the principal. Recommendations for approval that require cost to the school shall be forwarded to the board for disposition

KEY DEFINITIONS

- Employment benefits. All benefits, including group life insurance, health insurance, sick leave, disability insurance, annual leave, educational benefits, and pension, regardless of whether the benefits are provided by a practice or written policy of an employer or through an employee benefit plan.

- Parent. A biological parent or person charged with the duties and responsibilities of a parent

- Son or Daughter· A biological, adopted, or foster child, a stepchild, or legal ward who is younger than 18 years old, or who is 18 years old or older and incapable of self-care because of a mental or a physical disability

- Spouse· Legal husband or legal wife

- Serious health condition An illness, injury, impairment, or physical or mental condition that involves (a) in-patient care in a hospital, hospice, or residential medical care facility, or (b) continuing treatment by a health-care provider.

ADOPTED. 04/28/2003
EFFECTIVE: 07/01/2003

Policies 4152.4/4252.4 Long-Term Leave Military Leave And Service

Military leave without pay shall be granted to any employee who enters active duty in the armed forces of the United States. Upon returning from military service, the employee shall be granted credit for experience in conformance with State Department of Education regulations. Such experience does not accrue credit toward sick leave An employee returning from military service must seek re-employment within three (3) months from the date of honorable discharge This section does not apply to temporary employees

ADOPTED· 04/28/2003
EFFECTIVE 07/01/2003

Policies 4152.7/4252.7 Long-Term Leaves-Political

An employee of the James Island Charter High School elected to a term of public office must secure leave without pay for the period he/she is required to serve in conflict with regular employment. When the employee requests return to duty, he/she shall be assigned to the same position, where possible Where this is not possible, the employee shall be offered a comparable job

The need for this provision is dictated by the nature of the conflict in employment that may require the absence of the employee three or four days each week for a period of time The Board may grant exceptions.

ADOPTED: 04/28/2003
EFFECTIVE: 07/01/2003

Policies 4153.1/4253.1 Annual Leave

Employees are entitled to annual leave if employed on a twelve-month basis In case of a holiday occurring during the employee's annual leave period, e.g . schools and offices are closed, the holiday shall not be counted as a part of the annual leave of the employee

Annual leave allowance shall not be cumulative Annual leave is earned at the end of the year and shall be used by the end of the succeeding year. A 60-day grace period shall be automatically allowed However, annual leave not used within the year and grace period shall be forfeited, unless a request for extension is made to the principal Approval for this request shall only be made under extreme circumstances where the employment schedule demands prevented the employee from taking the annual leave

In the event that an employee terminates employment, days approved for extension shall not be included in the annual leave pay if the extension exceeds ninety days beyond the grace period

Annual leave earnings shall be as follows

- After one year 2 weeks
- After three consecutive years 3 weeks
- After fifteen consecutive years 4 weeks

During the first 6 months of employment, the employee may borrow up to one week of annual leave, with the approval of the immediate supervisor This one week is included in the weeks to be earned at the end of the work year.

ADOPTED: July 1, 2003

Policies 4153.2/4253.2 Official Holidays

The following list constitutes approved holidays for employees of the James Island Charter High School Employees shall be paid for holidays occurring during their periods of employment (Exceptions. Teachers and other non-annual school contracted, certificated employees)

January 1 - New Year's Day

Easter -Two Days

Memorial Day

July 4 - Independence Day

Labor Day - First Monday in September

General Election Day -Even years in November

Thanksgiving -Thursday and Friday

Christmas Eve, Christmas Day, and the day after Christmas

Should a holiday fall on a Saturday, it shall be celebrated on Friday. If a holiday falls on a Sunday, it shall be celebrated on Monday

This holiday schedule can be adjusted for inclement weather

ADOPTED 04/28/2003
EFFECTIVE. 07/01/2003

Policies 4153.3/4253.3 Inclement Weather Emergency Closings/Delayed Openings

During emergencies due to weather or other conditions, it may be necessary to close schools and offices Public announcements and/or administrative announcements shall indicate one of the following types of closings:

- School and Offices Closed Students will not attend school. Personnel will not report to work.

  The telephone tree should be activated as soon as possible to notify all employees of school and office closings Designated employees in critical areas will report as directed by their supervisors When the school and offices are closed, personnel not scheduled to make up days will designate appropriate leave to cover the necessary time lost Typically, teachers, teacher assistants, food service workers, principals, and some office staff will be scheduled for make-up days Any leave used other than annual leave, e g , sick leave, to cover the lost time must be supported by appropriate documentation, submitted to the principal

- School Closed-Offices Open Students will not attend school. All office workers and twelve month employees, both school based and non-school-based, will report at the regular time or when it is safe.

  The telephone tree should be activated as soon as possible to notify all employees of school closings and offices opening Designated employees in critical areas will report as directed by their supervisors When the school and offices are closed, personnel not scheduled to make up days will designate appropriate leave to cover the necessary time lost. Typically, teachers, teacher assistants, food service workers, principals, and some office staff will be scheduled for make-up days. Any leave used other than annual leave, e.g., sick leave, to cover the lost time must be supported by appropriate documentation, submitted to the principal.

  The principal must approve exceptions to this procedure. The Board will address unusual or extended emergency situations.

- Delayed Opening· The school, and offices will operate on a two (2) hour delay.

  The telephone tree should be activated as soon as possible to notify all employees of delayed opening

  Schools and offices will open two (2) hours later than normal (i e regular opening 8·00 a.m -delayed opening 10.00 am)

  Students should not be dropped off before school opening.

  Buses will run on a two (2) hour delayed schedule, (i e normal pick-up is 7 30 a m. - delayed pick up will be at 9 30 a m)

Breakfast will not be served

School day ends at the regular time

Designated employees in critical areas will report as directed by their supervisors All other personnel will report to work two hours later than normal

ADOPTED 04/28/2003
EFFECTIVE 07/01/2003

Policies 4153.4/4253.4 Annual Leave Pay

Upon separation from employment with James Island Charter High School, a regular employee shall be entitled to annual leave pay earned in the current year plus any unused annual leave accumulated, not to exceed 45 days Because the allowable accumulation schedule does not permit the carryover to exceed 40 days, employees anticipating retirement may save five (5) days from the previous work year to designate for retirement pay. These five (5) days will only be added to those persons having 40 earned and accumulated days at the time of retirement Annual leave pay shall be made at the termination of employment or when the employee enters the TERI program.

Employees choosing the TERI (Teacher and Employee Retention Incentive) Program will be entitled to earn annual leave for those positions allowed in the current annual leave policy at the designated rate. Employees will not be entitled to annual leave pay at the time of employment separation under this program Such annual leave must be used prior to the separation day unless the principal or board requests the employee to remain on active duty until the completion of the approved separation date. Under these conditions, the employee will be paid for unused accumulated annual leave.

ADOPTED. 04/28/2003
EFFECTIVE 07/01/2003

Certificate Personnel

CERTIFICATE PERSONNEL

Policy 4100 Definitions

Certificated Employee - a teacher, librarian, principal, supervisor, specialist, or any other employee who must possess, as a condition of employment, a valid certificate issued by the S C Department of Education, pertinent to his/her position.

Provisional Contract Teacher - a teacher (a) new to the profession; (b) with fewer than 140 days of experience in South Carolina public schools who has not been administered the evaluation process as described in the Teacher Evaluation Guide, (c) with fewer than 1 1/2 years (270 days) of experience in an out-of state public or private school; (d) with all former experience in South Carolina private schools, any college or any technical school.

Annual Contract Teacher - a teacher (a) who has successfully completed the evaluation process for provisional contract teachers and is typically in the second year of teaching, (b) who has at least 1 1/2 years (270 days) of teaching experience in an out-of state public or private school; (c) who has had at least one year of teaching experience in CCSD, left prior to 1983-84, has not been granted a continuing contract by another South Carolina school district, and wishes to re-enter the school district, (d) who is a Trade and Industrial (T & I) teacher new to the profession

Continuing Contract Teacher - a teacher (a) who has been an employee of CCSD continuously since 1983-84 (and possibly before this date); (b) who has been employed by CCSD since the 1983-84 school year and has successfully completed a provisional and an annual contract year; (c) who was awarded continuing contract status by another South Carolina school district

Certified Non-Administrative Employees-regular positions for which a contract is awarded for services (i.e. teachers, media specialists, guidance counselors, itinerant teachers), etc.

ADOPTED. 04/28/2003
EFFECTIVE: 07/01/2003

Policy 4101 Definitions

- Administrative Employees - persons who have management and/or supervisory responsibilities as defined by Board policy.
- Non-administrative Employees - persons whose positions do not have management or supervisory responsibilities.
- Technicians - employees whose jobs require mechanical skills in an art, handicraft, science, etc.
- Temporary Employees - persons who accept assignments with the knowledge that the assignments are not regular assignments and are fewer than four months. These employees are not entitled to short or long term leaves
- Part-time Employees - employees who regularly work part of each regular workday, week or month Part-time employees are entitled to fringe benefits at the same rate as their employment, as defined by Board policy and State law.

ADOPTED: 04/28/2003
EFFECTIVE: 07/01/2003

Policy 4112.4 Contract Renewal Teachers and Other Non-Administrative Positions

The Board shall give written notice of contract renewal to certificated, non-administrative personnel on or before April 15 of each year Failure on the part of the Board to give such notification shall constitute automatic contract renewal Therefore, the teacher/employee shall be offered a contract. Personnel receiving an offer of a contract must give written acceptance to the Board or its designee on or before April 25. Failure on the part of the employee to give such notice shall constitute rejection of the contract See S C Code (1976) Sections 59-25- 410 and 59-25-420

Regular teachers' contracts shall be made on the basis of the minimum number of teacher workdays as defined by the State Department of Education All calculations for allowances and deductions shall be made on the basis of the number of teaching and planning days provided in the calendar as adopted by the Board of Directors

Planning days in addition to those specified in the approved calendar, shall be compensated at a rate approved by the board or the board's designee

ADOPTED: 04/28/2003
EFFECTIVE: 07/01/2003

Policy 4113 Certification

Certification requirements for school personnel in the James Island Charter High School are those officially approved by the State Board of Education and published as the "Defined Minimum Program for South Carolina School Districts "

ADOPTED 04/28/2003
EFFECTIVE 07/01/2003

Policy 4115 Assignment and Transfer

CCSD REF. 4115/4215 2

Assignment:

- **Teachers**

Grade level and subject assignments shall be made by the principal, based on parameters and guidelines specified in the Defined Minimum Program for South Carolina Schools Tentative subject or class assignments shall be made as early as possible, but no later than ten days prior to the opening of school

Relocation of personnel may become necessary for reasons such as the following: meeting allocation requirements, changing instructional placements, requesting transfers, etc. Any teacher affected by changes in grade or subject must be notified by the principal and conferred with as soon as it is practical to do so Every effort shall be made to consider the teacher's preference regarding the re- assignment

- **All other employees**

Relocation of personnel may become necessary for reasons such as the following meeting allocation requirements, changing instructional placements, reorganization for better service delivery, change in district priorities, etc Assignments will be made by the supervisor, based on the job description and with the knowledge of the employee's preparation, skills, experience, area(s) of expertise and school needs Every effort shall be made to consider the employee's preference regarding the re-assignment, when possible.

Transfer:

Any teacher hired prior to charter conversion and holding a valid employment contract for the succeeding school year may request a transfer to another school in the system where a vacancy exists. The provisions outlined in CCSD policy # 4115 shall apply

ADOPTED 04/28/2003
EFFECTIVE 07/01/2003
REVISED 01/20/2004

Policy 4115.2 Promotion / Vacancies

CCSD Ref: 4215.1

The principal shall have posted in the school a notice of vacancy for all certificated positions as they occur.

School level non-administrative positions shall be posted by the constituent district and updated weekly by the Division of Personnel Services. These positions are exempt from the fifteen-calendar day waiting period.

Central staff and school level administrative positions are considered promotional opportunities and, except in cases of emergency, shall not be filled until such vacancies have been posted for at least (15) calendar days.

ADOPTED 04/28/2003
EFFECTIVE 07/01/2003

Policy 4115.3 Increased Teacher Load – Steps to Determine Pay Increases

The following procedures should be followed when a teacher vacancy at JICHS cannot be immediately filled by a certified teacher The vacancy can be filled by a teacher on staff once the following criteria are met

a The principal must recommend the teacher for the increased teaching load

b The board must review and approve the principal's recommendation

c The recommended teacher must possess a current, valid professional certification in the content area of the additional class and must meet the federal definition of a "highly qualified" teacher

d The recommended teacher must have a full teaching load prior to assuming the additional class and the responsibilities thereof

e The extra pay will begin after ten consecutive days of coverage Pay will be retroactive to the first day of coverage A 90-minute class will receive 1/3 of the daily rate A 50-minute class will receive 1/5 of the daily rate Daily rate shall be determined as annual salary divided by contracted days

f The principal will complete the appropriate paperwork to advertise the vacancy

g The principal must be proactive in filling the vacancy and returning the teacher to his/her normal teaching load, based on the fact that this arrangement is not intended to be permanent

h The principal has the responsibility for ensuring that the increased workload does not have a negative impact on the teacher's other classes

Policy 4116.21 Academic Freedom

Academic freedom shall be granted to those who teach, and no arbitrary limitations shall be placed upon study, investigation, presentation, and interpretation of facts and ideas concerning man, human society, the physical and biological worlds and other branches of learning when presented in accordance with the curriculum

Academic freedom is not absolute. It must be used judiciously and prudently within the basic ethical responsibilities of the teaching profession.

ADOPTED. 04/28/2003
EFFECTIVE: 07/01/2003

Policy 4116.24 Selection of Materials

CCSD POLICY 6161

The department heads shall involve teachers in the selection process of textbooks, audio-visual materials, library reference materials, maps and globes, laboratory and shop equipment, art supplies, athletic equipment, current periodicals, standardized tests, guidance materials, and other necessary tools for the teaching profession Efforts shall be continued to seek and use textbooks and supplementary reading materials, which contain the contributions of minority groups to the development of the United States

ADOPTED. 04/28/2003
EFFECTIVE: 07/01/2003

Policy 4116.25 Requisition of Materials

Each teacher shall be given the opportunity to submit requisitions to the department head for instructional materials and supplies for the following school term. Teachers new to the school shall be instructed concerning the requisition procedure at the time of employment or during the pre-school orientation Material purchases must be made with the written approval of the designated signature authority and in accordance with the school procurement code. Purchases not made in this manner shall be the sole responsibility of the purchaser.

ADOPTED: 04/28/2003
EFFECTIVE: 07/01/2003

Policy 4116.27 Student Grade Assignment

Grades or evaluations given by a teacher shall not be changed without the approval of the principal and the teacher who assigned the grade Mathematical errors in averaging may be corrected by the principal with notification given to the teacher

ADOPTED. 04/28/2003
EFFECTIVE 07/01/2003

Policy 4116.31 Student Discipline

The Board recognizes that the teacher has responsibility for maintaining discipline within the classroom Disciplinary problems shall be handled among teacher, student, and parent or guardian in a calm, reasonable manner.

Recognizing its responsibility to give all reasonable support and assistance to the teacher with respect to the maintenance of control and discipline in the classroom, the Board provides the following procedures that shall apply when discipline in the classroom is unable to be maintained.

A teacher may exclude a student from a class period when, in the opinion of the teacher, the grossness of any violation interferes with the education of other students

When a student is so excluded by a teacher, the student shall be sent from the classroom to the administrative offices and the problem shall be referred for solution to the principal or designee.

The principal or designee shall take appropriate action to solve the discipline problem. The teacher shall be notified of the conditions under which re-admittance is granted

If the behavior problem persists or the student does not meet the conditions for re-admittance, said student shall be suspended until a parent conference may be held.

To aid teachers and administrators in their efforts to maintain a satisfactory disciplinary climate, the Board publishes and distributes to parents through students, a Student Code of Conduct.

ADOPTED. 04/28/2003
EFFECTIVE: 07/01/2003

Policy 4116.32 Teacher Notification of Student Disciplinary Action

CCSD Ref 5144 3

For any disciplinary hearing by the disciplinary review committee or by the board of directors, all administrators and teachers involved shall be notified of the intended action within at least five days, when possible, prior to a hearing These same individuals shall receive written copies of any Board or committee decision as a result of the hearing(s) within ten workdays following the written decision

Notification of the decision shall be the responsibility of the principal or designee.

ADOPTED 04/28/2003
EFFECTIVE 07/01/2003

Policy 4117.3 Suspension Without Pay

Whenever the principal has reason to believe that a teacher or other employee has committed an infraction of Board policy requiring admonition or reprimand, but which is not serious enough to warrant dismissal, the principal may suspend the teacher or other employee for up to five (5) workdays, without pay.

The suspended employee shall be notified in writing of the suspension and that a hearing before a Review Panel is available upon request provided such request is made in writing with n fifteen (15) calendar days of the suspension

A Review Panel composed of an administrative representative, a representative from one of the other departments, and an employee selected at random from the same employee class as the employee under question, shall be convened within fifteen (15) workdays following the request for review to consider the merits of the actions

DECISION BY THE PRINCIPAL

The Review Panel shall submit its recommendations to the principal, within fifteen (15) workdays following the hearing The principal shall notify the employee of his/her decision within ten (10) workdays following the hearing

APPEAL TO THE BOARD

The employee may appeal the principal's decision to the Board within ten (10) workdays after receiving the decision The appeal must briefly state why the employee believes the decision is in error.

The Board shall review all materials presented at the earlier hearing and, after examining these materials, the Board may or may not grant the request for a hearing of the matter. Written notice of the Board's decision on whether or not to grant the request shall be rendered within thirty (30) calendar days of receipt of the request.

If a hearing is granted in the above appeal, the employee shall be given written notice of the time and place of such hearing which shall be set within fifteen (15) calendar days from the time of the board's determination to hear the matter. A written decision of the board shall be made within thirty (30) calendar days following the hearing

ADOPTED 04/28/2003
EFFECTIVE: 07/01/2003
REVISED· 01/20/2004

Policy 4117.4 Endorsement Of School Administrators And Use Of Teacher Evaluation Instruments

All principals and assistant principals must be trained and endorsed as evaluators Principals and assistant principals who fail to become endorsed as evaluators shall be reassessed to determine their endorsement status. Failure to become endorsed after reassessment shall result in the removal of the individual from the principal or assistant principal position

Since the principal is the instructional leader of the school, he or she is not limited to the approved teacher evaluation instrument for assessing teachers. The principal may use additional methods to ensure that students receive appropriate instruction and that teachers exhibit appropriate teaching behaviors

ADOPTED: 04/28/2003
EFFECTIVE: 07/01/2003

Policy 4119.2 Separation-Dismissal Non-Renewal Continuing Contract Teachers And Administrators hired by JICHS after conversion

When an administrator charged with the supervision of employees, finds it necessary to admonish an employee for any reason(s) that he/she believes may lead to dismissal or may cause the employee not to be re-employed, the administrator shall:

- Bring the matter in writing to the attention of the employee involved and make a reasonable effort to assist the employee in correcting whatever appears to be the cause of the potential dismissal or failure to be re-employed

- Allow reasonable time for improvement unless, in the opinion of the principal, immediate suspension of the employee is necessary

- When the principal has reason to believe that cause exists for the dismissal of an employee and when he/she is of the opinion that the immediate suspension of an employee is in the best interest of students or other employees in the school, the principal shall notify the employee in writing of the suspension. Such written notice shall include the fact that a hearing before a review panel is available, provided such a request is made in writing within fifteen (15) workdays after receipt of the suspension notice. Further appeal from suspension shall be granted under the Statute of the State of South Carolina.

- The salary of the suspended employee shall cease as of the date the panel sustains the suspension If sufficient grounds for suspension are not subsequently found, the employee shall be reinstated without loss of compensation.

The following, not intended as an all inclusive list, shall be considered good cause for dismissal of an employee under contract:

- Violation of school policy
- Violation of State or Federal laws which substantially affect the school
- Incompetence
- Excessive unauthorized absences or tardiness
- Failure to obey a legal school directive or order of a supervisor
- Making a false statement or report, written or oral
- Breach of conduct
- Drunkenness or drinking on school property or at a school function
- Persistent neglect of duty
- Gross immorality in violation of State law
- Evident unfitness for position in which employed
- Unprofessional conduct
- Dishonesty
- Illegal use, sale or possession of drugs or narcotics
- Any cause involving moral turpitude in violation of State law
- Failure to successfully complete the required evaluation as specified in school policies

- Insubordination
- Physical or mental incapacity
- Conduct which substantially interferes with the performance of duties
- Use of racist or ethnic slurs

No employee shall be dismissed unless written notice specifying cause of dismissal is first given the employee by the principal and an opportunity for a hearing has been afforded the employee Such written notice shall include the fact that a hearing before a review panel is available upon request and shall set forth the reason for termination

Within fifteen (15) workdays after receipt of the notice of suspension or dismissal, an employee may serve upon the principal a written request for a hearing before a review panel. If the employee fails to make such a request, or after a hearing as herein provided for, the board shall take such action and shall enter such order as it deems lawful and appropriate The hearing shall be conducted by the panel not fewer than ten (10) nor more than fifteen (15) workdays after the request is served A notice of the time and place of the hearing shall be given the employee not fewer than five (5) workdays prior to the date of the hearing Any such hearing shall be public unless the employee requests in writing that it be private The employee has the privilege of (1) being present at the hearing with counsel, (2) cross-examining witnesses, (3) offering evidence and witnesses, and (4) providing defenses for the charges. The complainants shall initiate the introduction of evidence in substantiation of charges. Within ten (10) workdays following the hearing, the board shall examine the evidence and shall render a written decision accordingly

In the case of hearings conducted by the panel, the non-prevailing party may appeal the panel's decision to the board if written request is made within fifteen (15) workdays of the panel's decision If the employee is reinstated by the board, the employee shall receive back pay from the date of dismissal by the panel If the employee is not reinstated by the board, the employee's date of termination shall be the date his/her dismissal was recommended by the panel

The board may issue subpoenas requiring the attendance of witnesses at any appeal hearing which shall be a de novo hearing and, at the request of the teacher against whom a charge is made, shall issue such subpoenas which may limit the number of witnesses to be subpoenaed in behalf of either side to be no more than ten (10) per side. Character witnesses may be limited to three (3) Additional character statements may be submitted in writing All testimony at any hearing shall be taken under oath. The complainant(s) shall initiate presentation of evidence and the same procedures and rules of evidence in hearings before the panel shall apply in the de novo hearing before the board

Any member of the board or a designee of the board may administer the oath and shall employ a competent reporter to take stenographic or stenotype notes of all of the testimony. One-half of the cost of the reporter's services at the hearing shall be paid by the board and the other half by the employee. Either party desiring a transcript of the hearing shall pay for the cost thereof

The decision of the board shall be final, unless within thirty (30) days thereafter, an appeal is made to the Court of Common Pleas of Charleston County

Notice of such an appeal and the grounds thereof shall be filed with the board. The Board shall, within thirty (30) calendar days thereafter, file a certified copy of the transcript record with the clerk of such court.

ADOPTED: 04/28/2003
EFFECTIVE 07/01/2003

Policy 4119.2-A Separation-Dismissal Non-Renewal Continuing Contract Teachers And Administrators –Employees of CCSD at time of conversion

When an administrator charged with the supervision of employees, finds it necessary to admonish an employee for any reason(s) that he/she believes may lead to dismissal or may cause the employee not to be re-employed, the administrator shall:

- Bring the matter in writing to the attention of the employee involved and make a reasonable effort to assist the employee in correcting whatever appears to be the cause of the potential dismissal or failure to be re-employed

- Allow reasonable time for improvement unless, in the opinion of the principal, immediate suspension of the employee is necessary.

- When the principal has reason to believe that cause exists for the dismissal of an employee and when he/she is of the opinion that the immediate suspension of an employee is in the best interest of students or other employees in the school, the principal shall notify the employee in writing of the suspension. Such written notice shall include the fact that a hearing before a review panel is available, provided such a request is made in writing within fifteen (15) workdays after receipt of the suspension notice. Further appeal from suspension shall be granted under the Statute of the State of South Carolina.

- The salary of the suspended employee shall cease as of the date the panel sustains the suspension. If sufficient grounds for suspension are not subsequently found, the employee shall be reinstated without loss of compensation.

The following, not intended as an all inclusive list, shall be considered good cause for dismissal of an employee under contract.

- Violation of school policy
- Violation of State or Federal laws which substantially affect the school
- Incompetence
- Excessive unauthorized absences or tardiness
- Failure to obey a legal school directive or order of a supervisor
- Making a false statement or report, written or oral
- Breach of conduct
- Drunkenness or drinking on school property or at a school function
- Persistent neglect of duty
- Gross immorality in violation of State law
- Evident unfitness for position in which employed
- Unprofessional conduct
- Dishonesty
- Illegal use, sale or possession of drugs or narcotics
- Any cause involving moral turpitude in violation of State law
- Failure to successfully complete the required evaluation as specified in school policies

- Insubordination
- Physical or mental incapacity
- Conduct which substantially interferes with the performance of duties
- Use of racist or ethnic slurs

No employee shall be dismissed unless written notice specifying cause of dismissal is first given the employee by the principal and an opportunity for a hearing has been afforded the employee. Such written notice shall include the fact that a hearing before a review panel is available upon request and shall set forth the reason for termination

Within fifteen (15) workdays after receipt of the notice of suspension or dismissal, an employee may serve upon the principal a written request for a hearing before the board If the employee fails to make such a request, or after a hearing as herein provided for, the board shall take such action and shall enter such order as it deems lawful and appropriate The hearing shall be conducted by the board not fewer than ten (10) nor more than fifteen (15) workdays after the request is served A notice of the time and place of the hearing shall be given the employee not fewer than five (5) workdays prior to the date of the hearing. Any such hearing shall be public unless the employee requests in writing that it be private The employee has the privilege of (1) being present at the hearing with counsel, (2) cross-examining witnesses, (3) offering evidence and witnesses, and (4) providing defenses for the charges. The complainants shall initiate the introduction of evidence in substantiation of charges. Within ten (10) workdays following the hearing, the board shall examine the evidence and shall render a written decision accordingly.

In the case of hearings conducted by the board, the non-prevailing party may appeal the board's decision to the CCSD board if written request is made within fifteen (15) workdays of the board's decision If the CCSD board reinstates the employee, the employee shall receive back pay from the date of dismissal by the board If the CCSD board does not reinstate the employee, the employee's date of termination shall be the date his/her dismissal was recommended by the board

ADOPTED: 04/28/2003
EFFECTIVE: 07/01/2003

Policy 4119. 3 Separation- Non- Renewal Teachers Induction/Provisional Contract

Teachers hired at the Induction or Provisional contract level and who fail to successfully complete the Induction or Provisional level performance standards may be terminated at the end of their Induction or Provisional contract year .An Induction contract teacher who is not terminated but whose performance is not sufficient to be given an annual contract, may be employed for one additional year under a "Provisional Contract" with approval from the principal No person may be employed as a Provisional teacher for more than one year

During the Induction and Provisional contract periods, the provisions of the S.C Teacher Employment and Dismissal Act. S.C Code Ann 59-25-410 to 530 (1990 & Supp.) and the provisions of Personnel Policy 4119 2 shall not apply Should immediate dismissal during a contract period become necessary, the affected Induction/Provisional contract teacher shall be entitled to an informal hearing before the principal, whose decision regarding that teacher's continuing employment shall be final.

ADOPTED. 04/28/2003
EFFECTIVE: 07/01/2003
REVISED: 01/20/2004

Policy 4119.4 Separation-Non-Renewal - Annual Contract Teacher- hired by JICHS after conversion

After successful completion of the one-year Induction contract period, a teacher who is fully certified may be employed by the school under a one-year annual contract. Teachers employed under an "Annual" contract and who fail to successfully complete the evaluation program may be terminated at the end of the contract year The teacher may be re-employed for one additional year under an annual contract with the approval of the principal. No person may be employed under an annual contract for more than two years

During the annual contract period the employment dismissal provisions of Article 3, Chapter 19, and Article 5, Chapter 25 of this title and Personnel Policy 4119.2 do not apply.

HEARING BY A REVIEW PANEL

Teachers working under a one-year annual contract who are not recommended for re-employment at the end of the year may have an informal hearing before a review panel within fifteen calendar days after receiving notification of non-renewal. This request should be made to the principal, who shall convene a review panel appointed by the principal within fifteen workdays of such request The review panel, composed of an administrative representative from the school, a representative from one of the other departments, and a teacher selected at random from the grade level or subject areas as the teacher under question, shall review all of the evidence The teacher may provide such information, testimony, or witnesses as the teacher deems necessary An ex-officio member shall be appointed by the principal to rule on procedures and admissibility of evidence

DECISION BY THE PRINCIPAL

The review panel shall submit its recommendations to the principal within fifteen (15) workdays following the hearing The principal shall notify the teacher of his decision within twenty (20) workdays following the hearing

APPEAL TO THE BOARD

The teacher may appeal the principal's decision to the board within ten (10) workdays after receiving the decision The appeal must briefly state (1) the question to be presented before the board and (2) why the teacher believes the principal erred in his judgement.

The board shall review all materials presented at the earlier hearing and, after examining these materials, the board may or may not grant the request for a board hearing of this matter Written notice of the board's decision on whether or not to grant the request shall be rendered within thirty (30) calendar days of receiving the request

If the board determines that a hearing is warranted, the teacher shall be given written notice of the time and place of such a hearing, which shall be set forth within fifteen (15) calendar days

from the time of the board's determination to hear the matter A written decision of the board shall be made within thirty (30) calendar days following the hearing.

ADOPTED: 04/28/2003
EFFECTIVE. 07/01/2003

Policy 4119.4-A Separation-Non-Renewal - Annual Contract Teacher - Employed by CCSD at time of conversion

After successful completion of the one-year Induction contract period, a teacher who is fully certified may be employed by the school under a one-year annual contract Teachers employed under an "Annual" contract and who fail to successfully complete the evaluation program may be terminated at the end of the contract year. The teacher may be re-employed for one additional year under an annual contract with the approval of the principal No person may be employed under an annual contract for more than two years.

During the annual contract period the employment dismissal provisions of Article 3, Chapter 19, and Article 5, Chapter 25 of this title and Personnel Policy 4119.2 do not apply.

HEARING BY THE BOARD

Teachers working under a one-year annual contract who are not recommended for re-employment at the end of the year may have an informal hearing before the board within fifteen calendar days after receiving notification of non-renewal. This request should be made to the principal. The teacher may provide such information, testimony, or witnesses as the teacher deems necessary

DECISION BY THE BOARD

The board shall submit its recommendations to the principal within fifteen (15) workdays following the hearing. The principal shall notify the teacher of his decision within twenty (20) workdays following the hearing

APPEAL TO THE CCSD BOARD

The teacher may appeal the board's decision to the CCSD board within ten (10) workdays after receiving the decision. The appeal must briefly state (1) the question to be presented before the CCSD board and (2) why the teacher believes the board erred in its judgment.

The CCSD board shall review all materials presented at the earlier hearing and, after examining these materials, the CCSD board may or may not grant the request for a CCSD board hearing of this matter Written notice of the CCSD board's decision on whether or not to grant the request shall be rendered within thirty (30) calendar days of receiving the request

If the CCSD board determines that a hearing is warranted, the teacher shall be given written notice of the time and place of such a hearing, which shall be set forth within fifteen (15) calendar days from the time of the CCSD board's determination to hear the matter. A written decision of the CCSD board shall be made within thirty (30) calendar days following the hearing

ADOPTED: 04/28/2003
EFFECTIVE: 07/01/2003

Policy 4119.6 Separation-Non-Renewal Annual Contract Employees (Non- Teachers)

HEARING BY A REVIEW PANEL

Employees, not including principals, working under a one-year annual contract who are not recommended for re-employment at the end of the year may request a hearing before a review panel within fifteen (15) days after receiving notification of non- renewal. This request shall be made to the principal, who shall convene a review panel appointed by the principal, within fifteen (15) workdays of such request The review panel, composed of an administrative representative from the school, and a representative from one other office, plus an employee selected at random from the same employee class as the employee under question shall review all of the evidence. The employee may provide such information, testimony, or witness as the employee deems necessary. An ex-officio member shall be appointed by the principal to rule on procedures and admissibility of evidence,

DECISION OF THE PRINCIPAL

The review panel shall submit its recommendations to the principal within fifteen (15) workdays following the hearing. The principal shall notify the employee of his/her decision within twenty (20) workdays following the hearing

APPEAL TO THE BOARD

The employee may appeal the principal's decision to the board within ten (10) workdays after receiving the decision. The appeal must briefly state (1) the question to be presented before the board and (2) why the appellant believes the principal erred in his or her judgement

The board shall review all materials presented at the earlier hearing and, after examining these materials, the board may or may not grant the request for a board hearing of this matter Written notice of the board's decision on whether or not to grant the request shall be rendered within thirty-five (35) calendar days of the receipt of the request.

If the board determines that a hearing is warranted, the employee shall be given written notice of the time and place of such a hearing, which shall be set within fifteen (15) calendar days from the time of the board's determination to hear the matter A written decision of the board shall be made within thirty (30) calendar days following the hearing. The decision of the board shall be final.

ADOPTED: 04/28/2003
EFFECTIVE. 07/01/2003

Policy 4119.7 Separation-Non-Renewal Trade and Industrial Teachers

Teachers certified under the trade and industrial (T & I) education certification process are to follow the same sequence of potential contracts as other teachers i.e , induction, provisional, annual, and continuing (See Personnel Policies 4119 3 and 4119.4) However, T & I teachers who successfully complete an induction contract and who are hired as annual contract teachers may have up to four annual contracts T & I teachers who have an induction contract and then successfully complete a provisional contract may have up to three annual contracts

During the annual contract period, the employment dismissal provision of school policy 4119 2 shall not apply

ADOPTED 04/28/2003
EFFECTIVE. 07/01/2003

Policy 4119.9 Reduction-In-Force (Certified Non-Administrative Personnel)

CCSD Ref: 4119.11/4219 54219.51 School Based Employees

When faced with declining student enrollment, program changes, financial limitations, or state or federal regulations, the board may elect to abolish job positions, reduce the length of the work year and salary of employees, and/or reduce the number of employees If it is determined that a Reduction-In-Force (RIF) or elimination of position(s) is necessary, the principal shall recommend to the board the positions to be eliminated or a reduction in positions from the current contractual period to a lesser percent of service Such recommendations shall occur after reviewing the current curriculum offerings, program priorities, and services necessary for the effective and efficient operation of the school Reduction-In-Force for administrative and classified personnel are covered under separate policies

In order to retain and employ the most capable and productive of the qualified employees, the following provides an orderly manner to reduce the number of employees, when and if the need arises:

The principal shall review a list of employees in the affected group or classification, e g., teachers by area(s) of certification or assignment, media specialists, guidance counselors, etc.

Normal attrition shall be used as much as possible

In considering persons to fill the available positions, the employee must be certified for the job assignment and meet the qualifications established for the job. Employees shall be listed in rank order, based on their merit rating in the affected group. (The merit rating system will be defined in the regulations)

In case of a tie ranking, seniority, e.g , years of unbroken service in the school and/or CCSD will be the determining factor. If seniority results in a tie, a lottery drawing will be the final determinant. The principal will provide the merit ranking. The Division of Personnel Services will provide data on seniority for the ranking, when necessary Available positions will be filled from the list in descending order.

When all available positions have been filled, displaced persons with the least merit rating are considered RIFfed.

The principal will notify any RIFfed employees in writing as soon as a decision is made. RIF for contracted employees becomes effective at the end of the current contract. RIF notices should be sent in lieu of a contract renewal in such cases.

Such notice shall include but not be limited to·

The basis of the decision to conduct the RIF
The reason(s) for the selection of the employee affected class, e g , merit rank and seniority or lottery rank where applicable

A copy of the RIF policy
Provision to respond or to appeal the decision; and
Benefits information

Termination of employment through a RIF terminates benefits and other employee rights Group insurance benefits may be continued at the employee's expense as provided by state and federal laws.

Such benefits and rights shall be restored upon re-employment, if re-employment occurs under the Recall Provision of this policy

RECALL PROVISIONS

Recall provisions shall be in effect through October 1 of the ensuing school term. The school will be responsible to maintain and update its information The following guidelines shall govern the Recall Process:

Persons considered for recall have first priority for vacancies within their affected group or classification, prior to October 1 of the ensuing school term.

Persons not eligible for the recall positions in the school must apply for vacancies in the constituent district for which they wish to be considered.

Post conversion employees wishing to remain within CCSD, must submit an application to the office of personnel as a new hire.

Employees eligible for recall shall be required to keep the principal and Personnel Division informed of their current address, telephone number and any change in availability status

If any person qualified for recall (a) waives recall rights in writing; (b) fails to accept recall to a position for which the person is qualified; (c) fails to respond within five business days to a recall notice sent to the last address or to a contact made by telephone, or (d) fails to report for duty in an accepted position, the name shall be removed from the list.

Any person who is recalled shall have all employment benefits reinstated to which that employee was entitled at the time of termination However, no benefits may be accrued during the period of unemployment and the person shall be subject to all changes in employment conditions which have been made in the interim.

Positions accepted on recall shall carry the salary commensurate with that position.

For the purpose of this policy, the following definitions are provided

- Reduction-In-Force (RIF)- the termination of personnel before the end of a contract term/fiscal year or at the end of a contract/fiscal year when a program change, reorganization, or economic reasons are anticipated

- Program change- consolidation, curtailment or elimination of a curriculum offering, service, or activity

- Reorganization- consolidation, restructuring or elimination of a department within the school.

- Seniority- unbroken years of service in the school and/or CCSD Approved leaves of absence will be considered as unbroken service. Absence due to a RIF, with recall by October 1 of the ensuing school term after the RIF, will also be considered unbroken service.

- Service year- 1.0 FTE with 75% or more in attendance/pay credit Fractional parts of a year will be added to compute total service time.

- Affected Group- the classification or grouping in which the employee's position is considered for the RIF Policy implementation In cases of employees holding multiple certification, the employee must have worked in the specialty area for at least one year of the last five years.

ADOPTED. 04/28/2004
EFFECTIVE: 07/01/2004

Policy 4119.11 Reduction-In-Force Administrative Personnel (CCSD Employees)

(Certificated and Classified)

CCSD REFS· 4119.9, 4219 5, and 4219 51

If it is determined that a Reduction-in Force (RIF) or elimination of a position is necessary for program change, reorganization, or economic reasons, the principal shall recommend to the board, positions to be eliminated or a reduction in positions from the current contractual period to a lesser percent of service. Such recommendations shall occur after reviewing the current curriculum offerings, program priorities, and services necessary for the effective and efficient operation of the school, with regard to needs and priorities Reduction-in-force activities for teachers and classified, non-administrative personnel are covered under separate policies

The following provides an orderly manner to reduce staff, when and if need arises

The principal shall review a list of employees in the affected group or classification.

Normal attrition shall be used as much as possible.

In considering persons to fill the available positions, employees must have worked in the area of assignment or in a higher related position for at lease one year within the last five years of service or that employee is considered ineligible to replace an employee in a RIF situation. Because employees hold numerous certifications, some of which may be in areas for which the employees have no work experience or have not worked for a number of years, this minimum work experience requirement is added

Once the staff reduction plan has been approved by the board, staff members holding the position(s) in question shall be ranked with respect to the available position(s), based on their performance evaluation rating and then on seniority within the performance rank, and then years of unbroken service in the school and/or CCSD Available positions shall be filled from the list in descending order.

When all available positions have been filled, displaced person(s) of lesser rank shall be considered RIFfed

These RIFfed employees shall be placed on the school surplus list and offered the first available position in the affected group or classification

Employees recommended for a RIF shall be notified in writing as soon as a decision is made, but not less than 30 calendar days prior to the effective date of the RIF.

Such notice shall include, but not be limited to

- The basis of the decision to conduct the RIF
- The reason(s) for the selection of the employee affected class, e g , seniority rank

- A copy of the RIF policy
- Provisions for responding or appealing the decision, and
- Benefits information

Termination of employment through a RIF terminates benefits and other employee Rights. Group insurance benefits may be continued at the employee's expense as provided by state and federal laws

Such benefits and rights shall be restored upon re-employment.

For the purpose of this policy, the following definitions are provided:

- Reduction-in-Force (RIF) – the termination of personnel before the end of a contract term/fiscal year or at the end of a contract/fiscal year when a program change, reorganization, or economic reasons are anticipated.

- Program change – consolidation, curtailment or elimination of a curriculum offering, service, or activity

- Reorganization-consolidation, restructuring or elimination of a department within the school

- Seniority – Unbroken years of service in the Charleston County School District Approved leaves of absence will be considered as unbroken service Absence due to a RIF with recall within the 24-month period will also be considered unbroken service

- Service year - 1 0 FTE with 75% or more in attendance/pay credit Fractional parts of a year will be added to compute total service time.

- Affected Group – the classification or grouping in which the employee's position is considered for the RIF Policy implementation. In cases of employees holding multiple certifications, the employee must have worked in the specialty area for at least one year of the last five years

ADOPTED 04/28/2003
EFFECTIVE 07/01/2003

Policy 4123 Student Teachers

The James Island Charter High School shall cooperate with accredited teacher training institutions and other school systems in providing student teaching and observation opportunities for teacher candidates who are appropriately qualified and recommended

It shall be the responsibility of the teacher training institution to ensure adequate measures for the supervision and evaluation of student teachers. The school, upon the recommendation of the cooperating school, may ask for the recall of a student teacher found to be incompetent or otherwise unqualified in accordance with performance objectives as stated in the contractual agreement

The supervising teacher shall work with the perspective teacher in an effort to produce professional competency. No teacher shall supervise more than one student teacher per school year A department may not have more than two (2) student teachers per school year Teachers and principals shall be encouraged to participate in formal courses to prepare themselves for the supervision of student teachers.

No teacher (without his/her consent) shall be required to supervise student teachers

ADOPTED 04/28/2003
EFFECTIVE. 07/01/2003

Policy 4125 Summer School Teachers

Positions in the summer school program shall, to the extent feasible, be filled by regularly appointed teachers in the school In filling such positions, consideration shall be given to a teacher's competence, major and minor fields of study and length of service in the school

ADOPTED: 04/28/2003
EFFECTIVE: 07/01/2003

Policy 4131 Exchange Teachers

In the case of any teacher coming to James Island Charter High School on an exchange basis, the requirements of the certification rules and regulations may be waived by the principal within the limitations of the law and subject to approval by the board.

ADOPTED 04/28/2003
EFFECTIVE 07/01/2003

Policy 4136 Faculty Meetings

Faculty meetings shall be scheduled regularly Through faculty meetings, the staff shall be given an opportunity to receive and understand administration procedures, to discuss new educational findings, and to become familiar with the aims and purposes of the philosophy of the school for the continuing improvement of the education of all pupils.

Hours and dates of faculty meetings shall be stated at the beginning of the academic year Emergency meetings may be called at the discretion of the principal Where practical, there shall not be meetings or required attendance after regular school hours on Fridays or on a day immediately preceding any holiday or other days during which teacher attendance is not required

Faculty meetings are considered a normal part of a teacher's assignment and attendance is required as in any other assignment.

ADOPTED. 04/28/2003
EFFECTIVE 07/01/2003

Policy 4137 Soliciting And Selling

Employees shall not use school time or school facilities in connection with any personal activity for financial profit outside the regular school program School employees shall not initiate the sale of goods or services to students and/or parents who attend the school Any violation of this provision shall be held to be willful insubordination.

ADOPTED 04/28/2003
EFFECTIVE 07/01/2003

Policy 4137.1 Non-School Sponsored Excursions

Inasmuch as teachers and other employees conduct private, extended educational or sightseeing tours involving the participation of students, the board wishes to state its attitude and position regarding such excursions

As it is not the function of the board to regulate the activities of its employees and students during non-school time, the board shall neither sanction nor prohibit such activities or assume any responsibility for such excursions

Teachers and other employees shall not solicit or collect fees or other money from students for such excursions nor promote such excursions during school time or on school property.

When such excursions are conducted, the teacher or other employee responsible for the excursion shall notify parents and students that such trips are privately conducted and are not school related

ADOPTED: 04/28/2003
EFFECTIVE: 07/01/2003

Policy 4143 Extra Pay For Extra Work

Within James Island Charter High School, personnel shall not ordinarily receive extra compensation for multiple school assignments or activities being performed simultaneously.

Teachers shall be compensated when performing non-professional work in excess of the forty-hour (40) workweek at an approved rate.

Exceptions must be approved by department heads, the principal and the board.

ADOPTED. 04/28/2003
EFFECTIVE: 07/01/2003

Policy 4201 Definitions

- Classified Employees - employees whose jobs do not require a certificate from the State Department of Education as a condition of employment.
- Administrative Employees - persons who have management and/or supervisory responsibilities as defined by the Position Matrix for Salary Placement.
- Non-administrative Employees - persons whose positions are not listed on the Position Matrix and who do not have management or supervisory responsibilities.
- Office Workers - employees whose major responsibilities are of a clerical nature such as secretaries, bookkeepers, receptionists, switchboard operators, clerks, etc
- Technicians - employees whose jobs require mechanical skills in an art, in handicraft, or in science, etc.
- Aides - persons who assist a professional staff member; a paraprofessional.
- Temporary Employees - persons who accept assignments with the knowledge that the assignment is not on-going and regular (Temporary employees are not entitled to any fringe benefits other than workmen's compensation).
- Part-time Employees - persons who regularly work part of each regular workday, week or month (Part-time employees are entitled to fringe benefits at the same rate as their employment)

ADOPTED 04/28/2003
EFFECTIVE 07/01/2003

Policy 4203 Probationary Period

Employees not hired by contract are considered to be in a probationary status during their first sixty workdays of employment. This sixty-day period shall include paid holidays as stipulated by the Board. Employees hired for the first time in the school or rehired without transfer of benefits do not have emergency and/or personal leave benefits until the probationary period has been served. Sick leave shall be granted at a rate of one and one quarter days per month during the probationary period. At the end of the probationary period, accrued benefits shall be awarded

Should a probationary employee be absent for any reason for five or more consecutive days, his/her probation shall be extended by the length of such absence

During the probationary period the employee may resign without notice, explanation, or further obligation. The probationary employee may likewise be dismissed without notice and without further obligation

For jobs requiring a longer period of training, the probationary period may be longer but must be stipulated in writing to the employee prior to job acceptance. The supervisor may request an extension of the probationary period, if in his/her judgment, the employee's job performance warrants such an extension. Such requests must be made to the principal or designee When the probationary period is extended, the affected employee must be notified in writing prior to the end of the current probationary period The notice of extension should include the time period of the extension and the requirements necessary to successfully complete the extended probationary period.

School employees who voluntarily transfer or who apply and are selected for a position with a higher grade than their previous position shall also be required to serve a sixty-workday probationary period in the new position In the event that the employee is not able to perform the duties of the new assignment in accordance with the standards expected, he/she may be dismissed during the probationary period Employees in this category may use their sick leave and personal leave benefits accrued while serving their probationary period

ADOPTED 04/28/2003
EFFECTIVE 07/01/2003

Policy 4214.2 Health Certificates

Food service workers and any other employees whose regular duties include preparation or handling of food must possess current, valid health certificates issued by the Charleston County Health Department.

ADOPTED. 04/28/2003
EFFECTIVE 07/01/2003

Policy 4215.1 Promotion-Vacancies

CCSD Ref: 4115.2

It is the desire and policy of the board to promote from within the ranks whenever it is practical, educationally desirable and consistent with the educational needs of the community. An employee's eligibility for promotion is determined by the requirements of the job (i e. specific skills and related experience) All qualified personnel shall be given adequate opportunities to make application for such positions

ADOPTED. 04/28/2003
EFFECTIVE: 07/01/2003

Policy 4216 Workday and Work Week

Classified employees who are non-administrative personnel are considered hourly employees Unless otherwise specified or covered by a leave policy, hourly employees are paid for the hours worked and reported on the time sheet During the workday, no more than two (2) short rest breaks (5 to 15 minutes in duration) shall be provided

These breaks are considered work time and are included in the employee's pay for time worked

The workweek begins at 12:01 a m. on Saturday and ends at 12.00 midnight on Friday Employee work periods may be adjusted within a 40-hour period during the workweek Overtime is paid for hours worked beyond 40 in any workweek.

The board recognizes that there may be times when employees are called to work during "off-hours" for emergencies. There may also be times when supervisors anticipate a potential problem and may notify employees that the possibility exists for a call back to work. If and when the employee is called to duty during these periods, compensation will be made in compliance with the current overtime policy provisions.

ADOPTED 04/28/2003
EFFECTIVE: 07/01/2003

Policy 4216.36 Compensation and Benefits - Aides and Study Hall Proctors

Aides and study hall proctors, also referred to as paraprofessionals are hourly employees and shall be paid for hours worked All benefits provided by policy shall be afforded these employees.

ADOPTED 04/28/2003
EFFECTIVE 07/01/2003

Policy 4219.2 Separation-Dismissal or Non-Renewal -- Non-Contractual Employees

CCSD REF. 4219.22

When a supervisor finds it necessary to admonish an employee for any reason(s) that he/she believes may lead to dismissal or may cause the employee not to be re-employed, the supervisor shall counsel with the employee and make a reasonable effort to assist the employee in correcting whatever appears to be the cause of the potential dismissal or failure to be re-employed Reasonable time for improvement may be granted, unless in the opinion of the principal immediate suspension of the employee is necessary, pending a review and final disposition of employment status. Suspension shall be without pay, unless otherwise specified.

When dismissal or non-renewal is considered, the principal makes the final determination The principal notifies the employee with a written explanation of appeal rights if the decision is to dismiss or not renew employment The employee may appeal the principal's decision to the board Such appeal must be made in writing within ten workdays of receipt of the dismissal or non-renewal notice. The written notice shall clearly outline the reason for dismissal or non-renewal

The board will review the appeal request, any pertinent information provided by the employee, and information provided by the principal. The board may decide the issue based on the information presented or may request that a review panel be formed. If a review panel is requested, it shall be convened within ten workdays following the request for review. It shall submit a report to the board within five workdays following review completion

The board shall render a decision, which will be communicated to the employee in writing, within five workdays of receiving the review panel's report.

The board may uphold the dismissal or non-renewal action or reinstate the employee, with or without consequence, e g , suspension without pay, letter of reprimand, formal probation, etc If the employee is reinstated, lost wages may be paid in whole or in part, retroactive to the date of termination.

Failure on the part of the employee to appeal in a timely manner and at each opportunity provided shall result in a final disposition of termination The employee shall be notified of the final disposition by the principal within five workdays after the appeal period ends.

The decision of the board is final and concludes all due process available.

The following, not intended as an all inclusive list, shall be considered grounds for dismissal or non-renewal:

- Violation of school rules and regulations
- Violation of State or Federal laws which substantially affect the school
- Incompetence
- Excessive unauthorized absence or tardiness

- Failure to obey a legal directive or order of a supervisor
- Making a false statement or report, written or oral
- Breach of conduct
- Drunkenness or drinking on school property or at a school function
- Persistent neglect of duty
- Gross immorality in violation of State law
- Evident unfitness for position in which employed
- Unprofessional conduct
- Dishonesty
- Illegal use, sale or possession of drugs or narcotics
- Any cause involving moral turpitude in violation of State law
- Failure to successfully complete the required evaluation as specified in school policies
- Insubordination
- Physical or mental incapacity
- Conduct which substantially interferes with the performance of duties
- Use of racist or ethnic slurs

The provisions of this policy are limited to regular employees who are terminated as a disciplinary action Temporary employees and employees terminated due to a reduction in force are not covered by this policy.

ADOPTED: 04/28/2003
EFFECTIVE: 07/01/2003

Policy 4219.4 Suspension Without Pay

An employee guilty of misconduct, such as, but not limited to tardiness, under the influence of drugs and/or alcohol, and insubordination, not serious enough to warrant dismissal, may be suspended without pay for a period not to exceed five (5) days. Such employee must be notified in writing of the specific charges(s) and of the exact terms of the suspension. Such suspension must bear the recommendation of the immediate supervisor and the approval of the principal The employee shall have the right to appeal to the employing board any such suspension provided a written request for a hearing is made within five (5) calendar days after receipt of notice of suspension If the board determines that the suspension involves the employee's legal rights, it may grant said employee a hearing. Its decision, with appropriate instructions, in the event a hearing is granted, shall be given to the employee in writing

Should such suspension be moderated or overruled by proper authority, restoration of pay shall be made in part or whole as directed

ADOPTED. 04/28/2003
EFFECTIVE 07/01/2003

Policy 4219.5 Reduction-In-Force (Classified Non-Administrative Personnel) School-Based Employees (CCSD Employees)

CCSD REFS: 4119 9, 4119.11, and 4219 51

If it is determined that a Reduction-in Force (RIF) or elimination of a position is necessary for program change, reorganization, or economic reasons, the principal shall recommend to the board, positions to be eliminated or a reduction in positions from the current contractual period to a lesser percent of service. Such recommendations shall occur after reviewing the current curriculum offerings, program priorities, and services necessary for the effective and efficient operation of the school, with regard to school needs and priorities Reduction-in-force activities for teachers and administrative personnel are covered under separate policies

The following provides an orderly manner to reduce staff, when and if the need arises.

The principal shall review a list of employees in the affected group or classification, e g., secretaries, technicians, clerks, etc., in the same division.

Normal attrition shall be used as much as possible.

In considering persons to fill the available positions, employees must have worked in the area of assignment or in a higher related-position for at least one year within the last five years of service or that employee is considered ineligible to replace an employee in a RIF situation.

Once the staff reduction plan has been approved by the principal or designee, staff members holding the position(s) in question shall be ranked with respect to the available position(s), based on their performance evaluation rating and then on seniority within the performance rank, and then years of unbroken service in the school and/or CCSD Available positions shall be filled from the list in descending order

When all available positions have been filled, displaced person(s) of lesser rank shall be considered RIFfed

These RIFfed employees shall be placed on the school surplus list and offered the first available position in the affected group or classification.

Employees recommended for a RIF shall be notified in writing as soon as a decision is made, but not less than 30 calendar days prior to the effective date of the RIF

Such notice shall include, but not be limited to

- The basis of the decision to conduct the RIF
- The reason(s) for the selection of the employee affected class, e g. performance evaluation and seniority rank within the evaluation group
- A copy of the RIF policy
- Provisions for responding or appealing the decision, and

- Benefits information

Termination of employment through a RIF terminates benefits and other employee rights Group insurance benefits may be continued at the employee's expense as provided by state and federal laws.

Such benefits and rights shall be restored upon re-employment.

For the purpose of this policy, the following definitions are provided.

- Reduction-in-Force (RIF) - the termination of personnel before the end of a contract term/fiscal year or at the end of a contract/fiscal year when a program change, reorganization, or economic reasons are anticipated.

- Program change – consolidation, curtailment or elimination of a curriculum offering, service or activity.

- Reorganization – consolidation, restructuring or elimination of a department within the school

- Seniority – Unbroken years of service in the Charleston County School District. Approved leaves of absence will be considered as unbroken service Absence due to a RIF with recall within the 24-month period will also be considered unbroken service.

- Service year – 1.0 FTE with 75% or more in attendance/pay credit. Fractional parts of a year will be added to compute total service time.

- Affected Group – the classification or grouping in which the employee's position is considered for the RIF Policy implementation The employee must have worked in the area for at least one year of the last five years.

ADOPTED 04/28/2003
EFFECTIVE: 07/01/2003

Policy 4233 Overtime Pay/Compensatory Time

Employees who are non-certificated or non-administrative are entitled to overtime pay or compensatory time off after working 40 hours in a workweek. The workweek shall begin at 12:01 AM on Saturday and end at 12:00 midnight on Friday. When the workweek contains a paid holiday, overtime is paid after 40 hours of actual work have been completed, excluding the paid holiday time

Overtime is paid at the rate of one and one-half (1 1/2) times the hourly rate Compensatory time off is at a rate of one and one-half hours off for each hour of overtime worked. Compensatory time off should be used during the workweek in which the overtime was earned, but may be postponed for no more than four weeks beyond the time earned. Under extenuating circumstances, the four-week period may be extended by the supervisor, with approval of the principal. Supervisors shall grant compensatory time off rather than overtime pay where possible.

Employees required to work on holidays shall be entitled to overtime pay or compensatory time award, without regard to the number of hours worked in the week

ADOPTED 04/28/2003
EFFECTIVE. 07/01/2003

5000 SERIES

SERIES 5000 - STUDENT
Policy 5111 Student Admissions

JICHS is open to all students who are under the age of twenty-one years of age, eligible to attend grades 9 through 12, and reside within the CCSD District 3 attendance area.

- By adopting the rules set forth in the South Carolina Charter School Act, JICHS agrees to implement the following admission policies.

- All students, including special education students, who live within District 3 attendance zone, shall be given first-right of enrollment.
- Students who do not reside in District 3 may make application and qualify to participate in the International Baccalaureate Diploma Program at the beginning of the school year and shall be given priority enrollment after all District 3 students are given the opportunity to enroll.
- JICHS will give priority to siblings of students previously selected for enrollment.
- The South Carolina Charter School Act of 1996, as amended, shall govern the priority admission of children of employees and charter committee members.
- At the beginning of the school year, any other student residing outside of District 3 may apply for admission, with students previously enrolled in the school prior to its conversion given first priority to attend, and said students will be granted admission on a first-come-first served basis. If the level of interest exceeds the capacity of the school, students will be accepted into the school by random lot, as prescribed by the South Carolina Charter School Act A lottery, conducted at the end of each semester, will consist of a random selection
- Admission for students who live outside of the District 3 attendance zone is permitted only when space is available.
- Students who live within the District 3 attendance zone then under expulsion by any school will be denied admission for the remainder of the school year
- Every effort will be made to insure that the racial makeup of the school reflects the District 3 population within a 20% variance.

Children of employees who reside outside the district may enroll their children at JICHS in accord with the South Carolina Charter School Act of 1996, as amended JICHS does not anticipate the admission of any student residing outside of Charleston County

Proof of Legal Residence

All students must be eligible to attend school in the Charleston County School District Students must reside with legal guardians, and parents/guardians will be required to submit two proofs of residence upon enrollment Acceptable proof of residence includes lease agreement, power bill, or other acceptable proof of residence

Students denied admission to JICHS may appeal that decision to the Board of Directors of James Island Charter High School A decision of the JICHS Board of Directors may be appealed to the Charleston County District 3 Constituent Board of Trustees with that Board's decision on the issue being final and without further review.

ADOPTED: 05/22/2003

EFFECTIVE. 07/01/2003

Policy 5113 Attendance

Constitutional and Statutory Provisions

S.C. Code, 1976, as amended.

Section 59-63-20 -Age of Attendance

Section 59-63-30 -Qualifications for Attendance

Section 59-65-90 -State Board to establish rules and regulations defining lawful and unlawful absences

State Board of Education Regulations.

Regulations for Immediate Implementation-Student Attendance/ Lawful and Unlawful Absences, August 1, 1984.

ADOPTED: 05/22/2003
EFFECTIVE: 07/01/2003

Policy 5113-R Attendance and Credit/Promotion

As a result of the Education Improvement Act of 1984, the following guidelines have been established for student attendance at James Island Charter High School and approved by the James Island Charter High School Board of Directors.

- 85 days of each 90 day semester course to receive ½ unit of credit
- 42 days of each 45 day 4x4 course to receive ½ unit of credit
- 85 days of each 90 day 4x4 or A/B course to receive 1 unit of credit
- 170 days of each 180 day year course to receive 1 unit of credit

Credit for any course shall be denied if a student does not meet attendance requirements.

Credit will be denied for any course in which a student has excessive absences Denial of credit shall occur at the (on the)

- 6th absence for each 90 day semester course (1/2 unit of credit)
- 4th absence for each 45 day semester course (1/2 unit of credit)
- 6th absence for each 90 day 4x4 or A/B course (1 unit of credit)
- 11th absence for each 180 day year course (1 unit of credit)

The principal or designee may make exceptions for denial of credit Exceptions for denial of credit are limited to·

- court intervention (with appropriate documentation)
- serious illness, disabling injury (with medical documentation)
- death in the family (with appropriate documentation)
- other extraordinary hardships that prevented attendance (with applicable documentation)
- religious holidays of their faith (with applicable documentation)

Denial of credit for any course may be appealed to the principal in writing within 10 working days following the date of notification The principal will promptly approve or disapprove any absences in excess of the approved number. Approval will be based on, but not limited to·

- lawful (excused vs. unexcused) or unlawful absences
- circumstances affecting absences
- responsibility demonstrated by parents/guardians and students
- the educational record of the student
- court recommendation, if applicable

The decision of the principal may be appealed to the board in writing within 10 working days following the date of notification. The decision of the board will be final

ABSENCES

Students are expected to be in attendance ninety (90) days each semester/one hundred and eighty (180) days each year. Students enrolling in JICHS from in state will have attendance counted from the first day of school. Students enrolling in JICHS from out of state will have attendance counted from the day of enrollment

James Island Charter High School students will be counted absent if they miss more that 1/3 of a class period. Failure to attend class constitutes an absence

All absences shall be classified as either lawful or unlawful

Lawful excused absences shall include

- Students who are ill and whose attendance in school would endanger their health or the health of others may be temporarily excused from attendance (medical documentation).
- Students in whose immediate family (siblings, parents, or grandparents) there is a death.
- Students may be excused from attendance in school for recognized religious holidays of their faith
- Students ordered to appear in court.
- Students may be excused from attendance in class(es) to participate in activities representing the school The subject teacher may deny permission if the student does not have a passing average or has been excessively absent All missed work has to be made up. All student absences for such school activities must have prior approval of the principal.

Approved activities are:

- Region, State, National competition representing the school
- Ceremonies honoring outstanding students
- Activities approved by Team Leadership

- Students absent with acceptable cause Acceptable cause is interpreted as being out of school for a condition over which the students and parents or guardians had no control and/or for emergencies that could not be addressed at any other time.

NOTE The following circumstances will not be considered as an absence

- Students participating in approved field trips
- Students who are late or absent due to problems with school bus
- Students assigned to in-school suspension classes

Lawful unexcused absences shall include:

- Students who are absent from school as the result of suspension
- Suspensions that cause a student to exceed the allotted number of absences in a course must be promptly reviewed by the principal in order to determine if other alternatives may be more appropriate

- Students who are absent from class as a result of extra curricular activities, not approved by the school administration
- Students suspended from the school bus who do not report to school
- Students who are absent from class/school as a result of scheduled appointments that can be made at times other than school hours
- Parental notes for student illnesses that cannot be substantiated by medical statements regarding poor health or chronic illness

Unlawful absences:

- Students who are willingly absent from school without the knowledge of their parents
- Students who are absent from school without acceptable cause with the knowledge of their parents

Validation of lawful absences:

A student must provide a valid written statement to the attendance office for every absence.

The valid written statement must contain the student's name, grade and homeroom, the date(s) of absence(s), reason(s), for absences(s), the telephone number and signature of the parent/guardian.

With documentation, students may accumulate up to:

- 5 absences for each 90 day semester, 4x4 or A/B course
- 3 absences for each 45 day semester course
- 10 absences for each 180 day year course

Documentation will entitle the student to make up class work missed during the absences.

Even though documentation is received, credit/promotion may be denied for excessive absences, when the student accumulates:

- 6 days for each 90 day semester, 4x4 or A/B course
- 4 days for each 45 day semester course
- 10 days for each 180 day year course

The school office must receive all parental excuses within two days after the student returns to school. If some excuses require additional documentation, the student is given 5 days after the student returns to school. Excuses for absences received after the designated deadlines may not be accepted.

Procedures

Each teacher will be responsible for taking and maintaining accurate attendance records. Teachers will record all absences and tardies in the attendance book and send the information to the attendance officer electronically or by Scantron. The administration will determine if the absence is lawful excused, lawful unexcused, or unlawful. Upon receipt of the determination of the type of absences, the teacher will notify the parent/guardian before the student exceeds the allotted number of days. An Excessive Absence report will be signed by the student and dated A copy will be given to the student to take home to the parent, a copy sent to the attendance office, and a copy kept by the teacher. The report will be issued to a student who:

- misses 2 or more days in a ½ credit 90 minute class
- misses 3 or more days of a 1 credit 90 minute class
- misses 3 or more days of a ½ credit 50 minute class
- misses 5 or more days in a 1 credit 50 minute class

Denial of Credit form will be sent home when the student exceeds the number of absences and is passing the course. An Excessive Absence report will be signed by the student and dated. A copy will be given to the student to take home to the parent, a copy sent to the attendance office, and a copy kept by the teacher. The report will be issued when the student exceeds

- 3 days in a ½ credit 90 minute class
- 5 days in a ½ credit 50 minute class
- 5 days in a 1 credit 90 minute class
- 10 days in a 1 credit 50 minute class

When a student does not return to school the day after the required teacher notification date (Excessive Absences and Denial of Credit), both the yellow and white copies are forwarded to the office The office will mail the yellow copy to the parents the same day it is received from the teacher. A follow-up phone call will be made to the parents by the attendance office.

Each year should begin with an individual student file folder (alphabetical order) for each student to be controlled at the attendance office. All excuses will be placed in the file folders during the year along with any Absence or Denial of Credit notifications. Attendance records for all students denied credit must be maintained until the start of the next school year.

Attendance Make-up

James Island Charter High School students who have a passing average in a class that they will be denied credit due to excessive absences may attend attendance make-up school To attend Attendance Make-up School a student must meet the following requirements

- In a 90-day semester course more than 5 unexcused absences and less than 11 unexcused absences
- In a 45-day semester course more than 3 unexcused absences and less than 7 unexcused absences

- In a 90-day year course more than 6 unexcused absences and less than 11 unexcused absences
- In a 180-day year course more than 10 unexcused absences and less than 16 unexcused absences
- Meet the Make-up attendance requirements published in the student handbook and/or Code of Conduct and teacher handbook.

The principal shall establish and publish attendance requirements in the Student Handbook or Code of Conduct. Procedures for notification for excessive absences and denial of credit will be published in the faculty handbook.

ADOPTED: 05/22/2003
EFFECTIVE. 07/01/2003

Policy 5114 Absences and Excuses

CCSD REF 5113-R, 5114, and 5114-R

Tardiness and Early Dismissal

The principal shall establish consistent school procedures compatible with the Student Code of Conduct to deal with student tardiness and early dismissal Students will be counted absent for a full period if they miss more than 1/3 of a class period.

Students at JICHS must attend.

- 85 days of each 90 day semester course to receive ½ unit of credit
- 42 days of each 45 day 4x 4 course to receive ½ unit of credit
- 85 days of each 90 day 4 x 4 or A/B course to receive 1 unit of credit
- 170 days of each 180 day year course to receive 1 unit of credit
-

Students may not be considered eligible for credit if they have more than the allotted absences.

Excuses

Any student who is absent from school for one or more class periods must present a note from the parent or legal guardian upon returning to school All excuses shall be strictly confidential and will be accepted as evidence that the student was not truant Written excuses must contain the following information:

- Name of student
- Date
- Reason for absence
- Date of absence or absences
- Homeroom section
- Legal signature of parent

False excuses shall be referred to the school administration for appropriate disciplinary action.

The school must receive all parental excuses within 2 days after the student returns to school. **Some form of written excuse must cover every absence for exam exemption** When an excuse requires additional documentation, the two (2) day limitation may be extended to five days. Excuses not received for absences or excuses for absence received after the designated deadlines will not be accepted and these absences will not count as lawful unexcused and the student will not be allowed to make up work

All absences are defined as lawful (excused, unexcused) or unlawful. An **excused** lawful absence (including excused tardiness) shall permit a student to make up work missed during the absence Any absence determined to be unexcused or unlawful will not entitle a student to make up work missed during the absence. At the discretion of the principal, students will be permitted to make up work for an unexcused lawful absence

Students may not make up nine-week or semester exams without a doctor's excuse, court excuse, or death in the immediate family (parent. grandparent, or sibling).

Lawful excused absences shall include:

- Students who are ill, whose attendance in school would endanger their health or the health of others, and who may be temporarily excused from attendance (medical documentation).
- Students in whose immediate family (siblings, parents, or grandparents) there is a death.
- Students excused from attendance in school for recognized religious holidays of their faith.
- Students ordered to appear in court.
- Students excused from attendance in class (es) to participate in activities representing the school. The subject teacher may deny permission if the student does not have a passing average or has been excessively absent All missed work has to be made up. All student absences for such school activities must have prior approval of the principal.

  Approved activities are

  - State and national competitions representing the school
  - Ceremonies honoring outstanding students
  - Activities approved by leadership team

  Other:
  - Students absent with acceptable cause Acceptable cause is interpreted as being out of school for a condition over which the students and parents or guardians had no control and/or emergencies that could not be addressed at any other time.

NOTE. The following circumstances will not be considered as an absence·
- Students participating in approved field trips
- Students who are late or absent due to problems with school bus.
- Students assigned to in-school suspension classes

An excused lawful absence or tardiness shall permit a student to make up work.

Lawful unexcused absences shall include:

- Students who are absent from school as the result of out of school suspension.
- Students who are absent from class as a result of extra curricular activities, not approved by the school administration
- Students suspended from the school bus that do not report to school
- Students who are absent from class/school as a result of scheduled appointments, which can be made at times other than school hours.
- Parental notes for student illnesses in excess of allowed absences, which cannot be substantiated by medical statements regarding poor health or chronic illness.

At the discretion of the principal, students will be permitted to make up work for an unexcused lawful absence.

Unlawful absences

- Students who are willingly absent from school without the knowledge of their parents.
- Students who are absent from school without acceptable cause with the knowledge of their parents

Procedures

- The attendance officer is responsible for determining whether absences are lawful or unlawful Those determined to be unlawful shall be documented.
- At three (3) accumulated unlawful absences in a class, the grade level administrator or designee notifies the parent/guardian by telephone or mail
- At three (3) consecutive or five (5) accumulated unlawful absences in a class the grade level administrator or designee completes a truancy investigation A conference is requested with the student and parent or guardian to develop a truancy intervention plan designed to improve student attendance and eliminate unlawful absences. The conference must demonstrate efforts by the school to assist the parent or guardian and should
  - Include appropriate personnel, such as guidance counselor, attendance clerk, and grade level principal.
  - Include a written truancy intervention plan signed by all participants and a copy provided to the parent and student If a parent cannot, will not, or does not attend the scheduled truancy conference, this information is indicated on the truancy intervention plan and a copy or the plan is mailed to the parent
  - Ensure the parent or guardian is aware of the attendance law violation and the impending need for a petition to the courts to be made
  - Include referrals to community agencies/resources as appropriate.
  - Include plans to periodically review the effectiveness of the interventions

Intervention plans are considered unsuccessful when a student accumulates two unlawful absences after the plan has been implemented.

- At seven (7) accumulated unlawful absences or in the event the student has completely stopped attending school, intervention plans are updated to reflect the dates of absence to determine why the interventions are not effective and to prepare a truancy referral

Truancy referrals are made through the James Island Charter High School Office of Student Hearings (this should be the school principal) A truancy packet is forwarded to that office. The truancy packet must contain a copy of the following.

- Truancy Court Referral form

- Truancy Information and Intervention Plan
- Student Attendance Detail Summary

Students, parent, or guardians, as appropriate, will be summoned to appear before the James Island Charter High School Hearing Officer to answer to the charge of truancy Parent/guardian, student and Hearing Officer will sign an Attendance Contract. The document will be kept on file at 1000 Ft Johnson Rd. with copies to the parent and school attendance office

If a student stops attending school or accumulates two (2) additional *unlawful absences*, the following step is taken:

- If subsequent unlawful absences occur, a petition will be made to the Family Court. The following documents are forwarded to Family Court.

  - Copy of the prior court order(s)
  - Student Attendance Detail Record
  - Family Court Affidavit

At this time, the parent and student will be summoned to appear in Court

ADOPTED: 05/22/2003
EFFECTIVE: 07/01/2003

Policy 5115 Truancy

The school will endeavor to reduce truancy through adoption of strict policies and regulations in regard to unlawful absences. The administration is directed to investigate the cause of absences and to seek the cooperation and involvement of parents and other community resources to reduce truancy. An unlawful absence is defined as a student's willful absence from school without the knowledge of the parent or guardian or a student's absence from school without cause with the knowledge of the parent or guardian.

A concentrated effort will be made to prevent and remedy truancy in its early stages School personnel will seek cooperation from parents by making telephone contact and/ or holding parental conferences After three consecutive unlawful absences or a total of five unlawful absences, school officials shall identify the reasons for the student's continued absence and develop a plan in conjunction with the student and parent or guardian to improve future attendance

The school will be responsible to see that its employees take whatever action is required to see that students comply with the South Carolina Compulsory Attendance Law. Such authority includes filing of petitions or complaints in proper cases with the Family Court in Charleston County.

ADOPTED 05/22/2003
EFFECTIVE 07/01/2003

AR 5115-R Truancy

Truancy applies to children who become five (5) years old on or before September of the current year until they have reached their 17th birthday

When it is suspected that neighborhood school-aged children are not attending any school, the principal or designee in the residential area is responsible for making a truancy investigation

REPORTING AND PROCESSING NON-ATTENDANCE

- Step 1 At three (3) accumulated unlawful absences, the school notifies the parent or guardian by telephone or mail.

- Step 2 At three (3) consecutive or five (5) accumulated unlawful absences, the principal or designee completes a truancy investigation A conference is requested with the student and parent or guardian to develop a truancy intervention plan designed to improve student attendance and eliminate unlawful absences The conference must demonstrate efforts by the school to assist the parent or guardian and should:

  Include appropriate personnel, such as classroom/homeroom teachers, guidance counselor.

  Include a written truancy intervention signed by all participants and a copy provided to the parent and student. If a parent cannot, will not, or does not attend a scheduled truancy conference, this information is indicated on the truancy intervention plan, and a copy of the plan is mailed to the parents

  Include referrals to community agencies/resources as appropriate.

  Include plans to periodically review the effectiveness of the interventions.

  Develop further interventions.

  Ensure the parent or guardian is aware of the attendance law violation and the impending need for a petition to the courts to be made.

  Determine if a consultation with DSS is needed due to parental neglect

- Step 3 At seven (7) accumulated unlawful absences or in the event a student has completely stopped attending school, intervention plans are updated to reflect the dates of absence, to determine why the interventions are not effective and to prepare a court referral. Court referrals/petitions are made through the school's legal representative and must include the following documents:

  - Truancy Court Referral
  - Family Court Truancy Information and Action Sheet

- Student Attendance Detail Report

- Step 4. If subsequent absences occur, another petition is made to the Family Court. The following documents are forwarded to the legal representative:

  - Copy of the prior court order(s),
  - Student Attendance Detail Report,
  - Family Court Affidavit

ADOPTED. 05/22/2003
EFFECTIVE 07/01/2003

Policy 5116 School Day

CCSD REF· 6112

It shall be the policy of the school that the instructional day shall be in compliance with, and may exceed, state requirements as defined in the South Carolina Department of Education School Administrators Guide· Regulations and Statutes.

ADOPTED: 05/22/2003
EFFECTIVE: 07/01/2003

Policy 5116-R School Day

CCSD REF: 6112

The school day for all instructional levels must be at least seven hours. With the exceptions noted below, students are to be engaged in instruction during the seven school hours

A maximum of 40 minutes shall be allowed for lunch/recess as part of the seven hour day at all instructional levels.

At all instructional levels, a maximum of 10 minutes shall be allowed for homeroom as part of the seven-hour day When no homeroom period is utilized, administrative time required to determine attendance, make announcements, or complete other tasks normally accomplished during the homeroom period shall not exceed 10 minutes If it does, the time must be added to the seven hour day.

At the high school level, a maximum of 25 minutes shall be allowed for the change of classes as part of the seven-hour day If class changes require more than 25 minutes, the time must be added to the seven-hour day.

Breakfast shall not be included in the seven-hour day.

Priority must be given to teaching and learning tasks, that is, tasks that are directly related to the concepts and objectives of the courses to be completed.

Activities such as field trips, assemblies, and other tasks that directly relate to the concepts and objectives of the school curriculum may be scheduled as part of the instructional day.

Activity periods or club schedules may be scheduled as part of the instructional day as needed, provided that: (1) no more than 12 such periods are utilized during any school year, (2) no instructional period operates for less than 40 minutes excluding change-of-class time, and (3) no class is eliminated from the daily schedule

Field trips, pep rallies, and other activities not directly related to teaching and learning tasks may be scheduled as part of the time allocated for activity periods or clubs scheduled as stated above, or may be scheduled as additional time in the instructional day.

Class interruptions must be limited only to emergencies. Any outside interference with the continuous progress of teaching and learning shall be considered an interruption. Emergencies exist when conditions arise that make it impossible or impractical to delay class interruptions until the next change of class

The principal shall be responsible to see that policies and procedures are established that prohibit non-emergency class interruptions such as classroom deliveries or teacher visits from salesman, parents, students, or other persons not specifically authorized.

During instructional time, general announcements and announcements paging students shall not be considered as emergency interruptions unless emergency conditions exist.

The instructional day for students diagnosed as handicapped in accordance with the criteria established by the S.C State Board of Education shall be in compliance with the requirements of their individual education plan.

ADOPTED: 05/22/2003
EFFECTIVE 07/01/2003

Policy 5121 Assignment to Special Programs

CCSD REF: 6141

All JICHS students scoring below established South Carolina standards in basic skills will be required to enroll in appropriate remedial and compensatory education programs

In extreme cases only, where placement in such programs serves to impede the progress of a child, the principal of the school may waive the requirement, but must provide an alternative form of remediation consistent with the Basic Skills Assessment Act of 1978.

ADOPTED: 05/22/2003
EFFECTIVE: 07/01/2003

Policy 5121.1 Assessment Program

The board believes that each student is entitled to a sound education that provides the student an opportunity to acquire the basic skills needed to be an effective citizen in our society.

In affirming this belief, the board commits the school to implementation of any assessment program as mandated by the South Carolina General Assembly, and directs the administration to take steps necessary to comply with all South Carolina State Board of Education and State Department of Education rules and regulations.

ADOPTED: 05/22/2003
EFFECTIVE. 07/01/2003

Policy 5122.1 Exam Exemption Policy - High School

CCSD REF. 6155.3

- All mid-term exams will be taken.
- Exams for all ½ credit classes will be taken
- All students with an average of 93 or above for the second half of a full credit course may exempt the final exam in that class.
- Exemptions will not include IB exams, AP exams or any state mandated exam.
- In order to exempt the exam, the student must not have any unexcused/unlawful absences.

ADOPTED. 05/22/2003
EFFECTIVE: 07/01/2003

Policy 5125 Student Records Confidentiality

Right to Review and Challenge

STUDENT RECORD - CONFIDENTIALITY - RIGHT TO REVIEW AND CHALLENGE

A cumulative record shall be maintained for every pupil enrolled in the public schools of Charleston County. Such records may be used for the benefit, promotion or general welfare of the pupil and shall be considered as confidential No one but authorized school personnel, parents, or legal guardians shall have access to the cumulative record without a subpoena or written permission of the parent or legal guardian. Whenever a student has attained eighteen years of age or is attending an institution of post-secondary education, thereafter the permission of the student shall be required

A request to inspect and review official records, files and data shall be made in writing and permission granted to authorized persons within two weeks after such request The right to inspect and review cumulative records shall include the right to review all material incorporated in each student's cumulative folder specifically including, but not necessarily limited to, identifying data, academic work completed, level of achievement (grades, standardized achievement test scores), attendance data, scores on standardized intelligence, aptitude, and psychological tests, interest inventory results, health data, family background information, teacher and counselor ratings and observations, and verified reports of serious or recurrent behavior patterns.

Any parent desiring to challenge the content of their child's school record, to insure that the records are not inaccurate, misleading, or otherwise in violation of the privacy or other right of students, shall first make such request in writing to the school principal Should this effort be unsuccessful, the parent shall be entitled to a hearing before the board.

Information contained in school records shall not be made available to any individual, agency, or organization, without the written consent of parents, other than to the following: professional staff members of the school systems in which the student intends to enroll, an inspection with application for receipt of financial aid, and authorized representatives of the United States Comptroller General, Secretary of Education, and State Educational Authorities.

Schools shall establish procedures to verify the accuracy of data and to destroy, periodically, information no longer needed

When information is furnished in compliance with judicial order or pursuant to any lawfully issued subpoena, the parents should be notified in advance of compliance therewith by the principal.

Any information transferred to a third party shall be with the understanding that no additional persons shall have access to such information without the written consent of the parents of the students.

The custodian of school records may charge for reproduction of such records. Such charge shall not exceed the actual cost to the school.

Annual notification of their rights under this policy shall be made to parents and students eighteen or over

ADOPTED. 05/22/2003
EFFECTIVE: 07/01/2003

AR 5125-R Student Records

A divorced parent who does not have custody of his/her child does not lose all parental rights under the law. Such a parent has the right to inspect the child's records, including test data and report cards, and hold parental conferences with teachers. The only way such parental rights can be extinguished is by court order.

A stepparent does not acquire such parental rights through marriage to a natural parent Therefore, a stepparent would not have the right, unilaterally, to review records or have parental conferences. The only acceptable way a stepparent could acquire such parental rights would be through either adoption or by obtaining legal custody, both of which would require a court order

A grandparent would have the same rights as a stepparent, unless such grandparent has custody of the child.

A natural parent may obtain copies of report cards by furnishing a stamped self- addressed envelope to the school and by paying, in advance, for all reproduction costs

ADOPTED. 05/22/2003
EFFECTIVE: 07/01/2003

Policy 5127 Participation in School Commencement Exercises

PARTICIPATION IN HIGH SCHOOL COMMENCEMENT EXERCISES

It is the policy of the school that all student participants in high school commencement exercises shall have met as certified by the principal all requirements for a Diploma, Certificate of Achievement or Certificate of Attendance Students in addition must meet all requirements of the school administration. Participation in commencement is a privilege and not a right.

ADOPTED: 05/22/2003
EFFECTIVE. 07/01/2003

Policy 5128 Differentiated Diploma and Graduation Requirements

South Carolina High School Diploma Requirements

In order to receive a state high school diploma, the student must have attended the high school issuing the diploma for at least the semester immediately preceding graduation except in the case of a bona fide change of residence to a location where the sending school will not grant the diploma. Units earned in a summer school program do not satisfy this requirement.

No students shall be allowed to apply to the units required for a state high school diploma more than six units earned in summer school and/or through approved correspondence courses and/or through adult education programs.

Subjects	Diploma Requirements College Prep AND Tech Prep
English/Language Arts	4 units
Mathematics	4 units
Science	3 units
United States History and Constitution	1 unit
Economics	½ unit
United States Government	½ unit
Other Social Studies	1 unit
Physical Education or Junior ROTC	1 unit
Computer Science (including Keyboarding)	1 unit
	College Prep or Tech Prep
Foreign Language	1 unit
Career and Technology	1 unit
Total Core Units	17 units
Electives – language arts, math, science, social studies, visual and performing arts, foreign language, career and technology, physical education, etc	7 units
Total Units	24 units
Exit Exam	Pass South Carolina Exit Exam
Computer Science	Demonstrate Computer Literacy

Grade Classification

- **Grade 9**

  In order to be classified as a ninth grade student, the individual must have met the requirements of the Grade 8 Promotion Standard.

- **Grade 10**

  In order to be classified as a tenth grade student, the individual must have completed six (6) units to include:

  One unit in English 1
  One unit in mathematics

  (For purposes of the administration of the new S C Exit Exam, students will be tested in the spring of the second year after their initial enrollment in 9th grade, even if they are not classified as a 10th grader for other purposes)

- **Grade 11**

  In order to be classified as an eleventh grade student, the individual must have completed twelve (12) units to include.

  One unit in English 1
  One unit in English 2
  Two units in mathematics
  One unit in science

  In addition, students who do not pass one or more subtests of the S C. Exit Exam administered in the tenth grade will be put on academic probation until all subtests are passed

- **Grade 12**

  In order to be classified as twelfth grade student, beginning with the school year 2000-2001, the individual must have completed eighteen (18) units to include*

  One unit in English 1
  One unit in English 2
  One unit in English 3
  Three units in mathematics
  Two units in science

  In addition, the student must be enrolled in all other units (required and elective) needed to complete graduation requirements

  When, based on the student's schedule, it is anticipated that a student will complete graduation requirements by the end of the school year, the student may be placed in a

senior homeroom at the beginning of the first semester even if all of the units listed above are not completed

Course Load

All students enrolled as regular students in Grades 9-12 at JICHS must be enrolled in a minimum number of courses or unit equivalents as follows.

Grade 9-10	7 units
Grade 11	5 units
Grade 12	5 units

In cases of extreme hardship, a senior may request in writing to the Principal, permission for a waiver of the five-unit requirements These requests must flow through the board for a recommendation It is not the intent of JICHS to grant wholesale approval; only those cases considered a bona fide hardship should be approved.

International Baccalaureate Courses

The award of the IB Diploma requires a minimum of 24 points and coursework and passing scores on examinations in six IB subjects, completion of 150 hours of Creativity, Action, and Service (CAS) activities; a 4,000 word Extended Essay, and the Theory of Knowledge course. According to the International Baccalaureate Organization, "a candidate must be registered by an authorized IBO member school at the time of examinations. Each candidate must be in good standing at the school at the time of examinations. A candidate who does not fulfill the requirements for the award of the Diploma will receive a certificate indicating the results obtained in individual subjects. Certificates are not available for the Extended Essay, Theory of Knowledge or CAS." Students enrolled in an IB course must complete the coursework and sit for the IB examination or refund the school expenses incurred on their behalf.

Special Education

A goal of the CCSD/JICHS is to provide a free and appropriate public education for all students with disabilities. Students with disabilities who attain the same competencies required of non-disabled students receive a State High School Diploma. When a student's disabling condition prohibits him/her from earning a State High School Diploma, the exit options available are a CCSD/JICHS Employment Diploma for Students with Disabilities or a Certification of Completion. Guidance Counselors and caseload managers have a copy of the course descriptions and course numbers.

ADOPTED: 05/22/2003
EFFECTIVE. 07/01/2003

Policy 5130.1 Extracurricular Inter-Scholastic Activities

CCSD REF· 6145

To participate in extracurricular/interscholastic activities, students in grades nine through twelve must achieve an overall passing average in addition to the following:

1. To be eligible in the first semester, a student must pass a minimum of five Carnegie units applicable toward a high school diploma during the previous year. At least two units must have been passed during the second semester or in summer school

   To be eligible during the second semester, the student must meet one of the following conditions.

   a If the student met first semester eligibility requirements, then he or she must pass the equivalent of four ½ units during the first semester.

   b If the student did not meet first semester eligibility requirements, then he or she must pass the equivalent of five ½ units during the first semester

   In a 4 X 4 block schedule where units or ½ units are granted at the end of the first semester, the following will apply:

   - If not eligible first semester, must earn 2 units.
   - If not eligible first semester, must earn 2 ½ units.

2. Students must satisfy eligibility requirements in the semester preceding participation.
   a. Credits earned in a summer school approved by the State Department of Education may apply for first semester eligibility A maximum of two units per year may be used.
   b. Students eligible for a first semester sport will be permitted to complete that sport even if it extends into the second semester
3. Handicapped students·
   a Students diagnosed as handicapped and being served in a non-diploma program shall be considered eligible for participation in interscholastic activities if they are successfully meeting the requirements of their Individual Education Plan.
   b Students diagnosed as handicapped and being served in a program leading to a state high school diploma must meet all eligibility requirements previously stated for participation in interscholastic activities.
4 Credit courses used for eligibility purposes must be courses that are applicable as credit toward a high school diploma. A student may also use college credit courses provided the student has met or is meeting all requirements for graduation

ADOPTED 05/22/2003
EFFECTIVE. 07/01/2003

Policy 5131.6 Administration of Medicines

CCSD REF· 5144

School personnel will administer medications only pursuant to district policy and regulation.

The principal or designee may assist with the administration of prescribed oral, topical, or inhaler pharmaceutical medications to students during school hours or during authorized school events upon the written request of the physician or other legal prescriber and the parent/legal guardian. The employee may not assist in the administration of any non-pharmaceutical product.

In a life-threatening emergency, such as a severe allergic reaction (i e. bee sting), trained school personnel may give an Epi-Pen (injectable medicine), provided by the parent or legal guardian, in accordance with the individual's written Health Management Plan and orders from the student's physician or other legal prescriber.

The school retains the discretion to reject request(s) for the administration of any medication which requires administration by a licensed nurse In the event that the parent and the physician request a staff member be trained to administer such a medication, in the absence of the licensed nurse, in a life-saving situation (i.e glucagon for severe hypoglycemia), and a willing employee is identified and trained by the physician's staff and parents, an Authorization for the Administration of Emergency Health Care Procedures form should be completed by the employee, the parent, the principal and the physician. Competency of the employee is to be assessed by the physician and or physician's staff.

Long-term (over two weeks) prescription and non-prescription medications require a Medication Permission Request Form (or written orders from doctor or other legal prescriber) properly completed and signed by the parent/legal guardian and the physician or other legal prescriber All prescription medications must be properly labeled in their original prescription container Long-term, non-prescription medications do not require a prescription label but must be provided in the original sealed container with the manufacturer's label intact

Medications prescribed for a short term (two weeks or less) may be administered to those who present the medication in a pharmacy-labeled container with required information including a current date, plus written permission from the parent or legal guardian. (i.e., antibiotics, pain relievers for braces, injuries etc.)

The licensed school nurse may administer medications to students as directed by the school's physician consultant in written health services clinical policies and standing orders.

All medication must be kept in a secured/locked location in the school office or health room Parents are expected to bring the medication to school. The school is not responsible until the principal or designee receives it Non-school employees are prohibited from administering medication The only exception will be a currently licensed registered nurse volunteering at the school All individuals administering medication must be designated by the principal and oriented by the licensed school nurse

Students may not carry medicine in school with one exception Due to life-threatening conditions, some students may be given permission to carry their own medications. Permission will be granted only after careful review by the school in consultation with the registered professional school nurse and the student's parent/legal guardian and physician or legal prescriber. A Health Management Plan must be completed.

Any medication found in a student's possession (except as described above) will be confiscated by school officials. At the principal's discretion, the student may be sent home, a police report made, and disciplinary action taken as stated in policy # 5144.1 (Substance Abuse).

ADOPTED: 05/22/2003
EFFECTIVE: 07/01/2003

AR 5131.6-R Administration of Medicines

CCSD Ref. 5144.1

The school recognizes the occasional need for employees to administer medication to individual students. The procedures detailed below must be followed in the administration of medicine.

Prior to administering any long-term (over two weeks) prescription and non-prescription pharmaceutical medication, all the following conditions must be met

A Medication Permission Request Form, or other written authorization, properly completed and signed by the physician or other legal prescriber and the parent or legal guardian, must be on file. It must include

- child's name
- physician's name and telephone number
- name of medication
- dosage
- time(s) to be administered

In addition, the original prescription container, properly labeled with the student's name and a current date, is required for all prescription medications. Non-prescription, long-term medications do not require a prescription label but must be provided in a manufacturer's bottle with the seal and label intact.

The required parental permission, the physician's statement, and the prescribed medication will be delivered to the school principal or designee by the parent The school is not responsible for medication until the principal or designee receives it

Prior to administering short-term (two weeks or less) prescription medications, all of the following must be met.

The original prescription container, properly labeled with the student's name and a current date, is required for all prescription medications

Written permission must be obtained from the parent or guardian.

The employee will not assist with the administration of any non-pharmaceutical products. (i e herbal remedies)

The school will not be held liable in the event of adverse reactions when the medication has been given in the prescribed manner.

The school retains the discretion to reject request(s) for the administration of any medication

Responsibility for the particular aspects of this policy are indicated below

The principal may designate up to three specific individuals who have been trained to administer medication according to the Guidelines for Medication Administration. These individuals must be present at school on a daily basis. (In anticipation of absences and emergencies, a back-up schedule should be available.)

All designated individuals must receive in-service (Form # MED 5 0 is to be completed) related to the administration of medications as provided by the licensed school nurse and must be provided with on-going supervision by the principal to ensure safe practice School personnel assisting with the administration of medication to students must inform the principal and the licensed nurse of any problems. (Form # MED 4.0 is to be used to document)

The school principal or designee will be responsible for the safekeeping of all medication. All medication should be kept secured and locked up at all times. Only authorized personnel should have access to medications Medications requiring refrigeration should be kept separate from food and refrigerated in a secured/locked area available only to authorized school personnel.

A Student Medication Log will be maintained noting administration of all medicine by designated staff members. Each time the medication is received from home, the tablets must be checked and counted and the number recorded on the Student Medication Log. Any discrepancy must be reported to the principal, the licensed school nurse, and the parent/legal guardian immediately.

No more than a thirty-day supply of medicine will be kept at school.

School staff members will communicate with the principal, parent or legal guardian, and the licensed school nurse about any problems or effects of administering medicine to students at school.

All medication information is confidential At the end of the year, upon discontinuation of the medication, or upon transfer of the student to another school or district, the student's Medication Permission Request Form and his/her Student Medication Log must be placed in the child's health file, locked in the nurse's office.

The Guidelines for Medication Administration will be followed unless written authorization signed by the physician or other legal prescriber is received In all cases the principal and licensed school nurse should be immediately notified. The designee should observe the student taking the medication The student should not be permitted to leave the designated area until the medicine has been consumed If oral medication requires water, water and fresh paper cups should be available (i e. faucet or thermos of water).

Older students should assume the responsibility for appearing at designated times to take their medication However, the person designated by the principal to administer medication should remind any student not reporting at the specified time.

In the event there are unusual circumstances (or atypical requests), the licensed school nurse or RN supervisor should be notified to assist in establishing appropriate procedures.

The licensed school nurse should be notified of all student allergies so that she/he can record the information on the SC Comprehensive School Health Record

The Medication Permission Request Form must be completed by a physician or other legal prescriber and parent or legal guardian annually or as required by the length of the prescription(s). A new form or written authorization from the doctor must be obtained if there is a change in medication.

Parents must inform the principal or designee of any change in the pupil's health or change in medication and present an updated physician's statement.

Parents will reclaim any unused medications within one week of the discontinuation of the medication or on the last day of school for students (not before) The licensed school nurse (with a witness) will destroy any unused medications after this time or as soon as feasible and document on the Medication Log. Medications will not be sent home with students at the end of the year or at the discontinuation of the medication.

Public/Parent Awareness

The principal must communicate the medication policy and procedure by sending home the brochure (form # MED 1 0) that is a part of this regulation at the beginning of each year and as needed. It must also be a part of every registration and orientation packet

The same brochure should be distributed at PTA Meetings.

Form letter # MED 8 0 may be used to communicate to parents/legal guardians regarding the student's medication when specific needs arise.

ADOPTED 05/22/2003
EFFECTIVE· 07/01/2003

Policy 5131.7 Medicines at School

CCSD REF: 5144.1

School personnel will administer medications only pursuant to district policy and regulation.

The principal or designee may assist with the administration of prescribed oral, topical, or inhaler medications to students during school hours or during authorized school events upon the written request of the physician or other legal prescriber and the parent/legal guardian In a life-threatening emergency such as a severe allergic reaction (i.e. bee sting), trained school personnel may give an Epi-Pen (injectable medicine) in consultation with the principal, the registered professional school nurse, the parent/legal guardian, and the student's physician or other legal prescriber.

The school retains the discretion to reject request(s) for the administration of any medication that requires administration by a licensed registered nurse The school also refuses to administer medications except upon receipt of a Medication Permission Request Form (or written orders from doctor or other legal prescriber) properly completed and signed by the parent/legal guardian and the physician or other legal prescriber. (No over the counter medication or emergency medication will be given at school unless it is in compliance with all the requirements for a prescription medication) All medications must be properly labeled in their prescription container, and must be kept in a secured/locked location in the school office or health room Parents are expected to bring the medication to school The school is not responsible until the principal or designee receives it Non-school employees are prohibited from administering medication. The only exception will be a currently licensed registered professional nurse volunteering at the school All individuals administering medication must be designated by the principal and oriented by the registered professional school nurse.

No student may carry medicine in school with one exception Due to life-threatening conditions, students may be given permission to carry their own medications. Permission will be granted only after careful review by the school in consultation with the registered professional school nurse and the student's parent/legal guardian and physician or legal prescriber A Health Management Plan must be completed.

Any medication found in a student's possession (except as described above) will be confiscated by school officials. At the principal's discretion, the student may be sent home, a police report made, and disciplinary action taken as stated in policy #5144 1 (Substance" Abuse)

ADOPTED: 05/22/2003
EFFECTIVE· 07/01/2003

Policy 5132 Dress and Grooming

The standards for dress at James Island Charter High School are intended to discourage styles, which are inappropriate, for school or which present health hazards Students will adhere to the following restrictions concerning their dress.

- No hats, bandanas, or sweatbands may be in the student's possession during school Such items should be placed in a locker before first period or they will be confiscated. The school will claim no responsibility for confiscated items.
- Shorts are permitted with restriction. Shorts must be appropriate regarding length, tightness, and thickness of material. Shorts must reach the end of the fingertips. The following are NOT ALLOWED:
  - Short shorts (Daisy Dukes, running, and biking shorts)
  - Shorts with holes or shorts of thin material that reveal underwear.
  - Spandex shorts unless covered with a top, other shorts, or a dress
- Skirts and dress must reach the end of the fingertips
- Shirts and blouses
  - Boys: No tank tops, sleeveless shirts, or shirts that expose the midriff
  - Girls No tank tops, halter-tops, low cut blouses, or tops that expose the midriff. (Shoulder straps must be at least two fingers in width.)
- All clothing and jewelry advertising or displaying a controlled substance, profanity, or vulgarity is prohibited.
- Pants must be worn over the hips and at the waistline. Waistline is defined as that area where the body bends when leaning over.
- Sunglasses may not be worn in the building without a doctor's excuse.
- Bedroom slippers and/or sleepwear are not allowed.
- Accessories that may be used as a weapon or that may present a safety hazard are NOT PERMITTED Examples include spiked neck collars, dog collars, spiked wristbands, heavy chain, wallet chains, safety pins, and jewelry chains that link body parts Students who are not dressed in accordance with the dress code will be sent to the office to call parents, who, in turn, will bring a change of appropriate clothes or the student may wear clothing provided by the principal. A student's absence from class will be marked as "unexcused".

ADOPTED: 05/22/2003
EFFECTIVE: 07/01/2003

Policy 5133 Participation in After-School Activities

It shall be the policy of the school that no student who misses all or any portion of a school day, unless excused by the principal, shall be permitted to participate later that day or evening in any extracurricular or school-sponsored authorized or related activity or event.

ADOPTED 05/22/2003
EFFECTIVE 07/01/2003

Policy 5138 Pregnant Students

A pregnant girl may continue her educational program at school. She may, on request, receive homebound instruction when medical complications make it impossible for her to attend the regular program, as certified by a licensed physician. This may include the immediate post-delivery period with the length of instruction being determined by her physician

ADOPTED: 05/22/2003
EFFECTIVE 07/01/2003

Policy 5141.1 Accidents

Any school-related accident resulting in major injury to a pupil and/or property damage shall be reported to the principal's office. A major injury includes any injury severe enough to cause the loss of one half day or more of school or necessitating the consultation of a physician for medical assistance

ADOPTED: 05/22/2003
EFFECTIVE. 07/01/2003

Policy 5141.2 Communicable Diseases

CCSD REF 4114.4

The principal shall decide on a case-by-case basis whether or not students, faculty, or other staff members infected with communicable diseases should be permitted to attend classes, participate in school activities, or report to work

In making these case-by-case determinations, the principal shall (1) confer with individuals from the medical community and/or any other discipline and (2) shall use the recommended procedures from the Department of Health and Environmental Control.
Persons affected by this policy will be treated with total confidentiality.

ADOPTED: 05/22/2003
EFFECTIVE 07/01/2003

Policy 5141.21 Acquired Immune Deficiency Syndrome (AIDS)

Decisions regarding the type of educational setting for the Human T-lymphotrophic Virus Type III (HTLV-III) infected child will be made on a case by case basis by the principal taking into account the child's behavior, neurological development, and physical condition The principal shall make these decisions, using a team approach to include the child's physician, the child's parent or guardian, and personnel from the school district and local health department, and others as deemed necessary.

HTLV-III infected children with any one of the following conditions will be excluded from the classroom:

- Those who lack control of body secretions or
- Those exhibiting behavioral problems, such as biting or
- Those with uncoverable, oozing lesions

The identity of any student with AIDS/ARC or HTLV-III infection should be confidential.

ADOPTED 05/22/2003
EFFECTIVE: 07/01/2003

Policy 5141.4 Child Abuse and Neglect

The board fully supports the Department of Social Services (DSS) in its effort to provide a safe and healthy environment for underage children. In keeping with this policy, the school will develop a guide to be used by its faculty and staff in a reported abuse or neglect of a student at JICHS

General Guidelines

- The individual who first receives the report of abuse or neglect is required to inform DSS and becomes the first responder
- This first responder will keep the principal informed of the reported incident
- The first responder will work with guidance to complete the necessary paperwork
- Guidance will make a decision on the immediate response needed for the child and will keep the principal advised of action taken at the school level and actions taken by DSS
- In order to maintain student record continuity, a copy of the JICHS Child Abuse and Neglect form will be sent to CCSD, Guidance Services at 75 Calhoun St.

ADOPTED: 03/31/2003
EFFECTIVE. 07/01/2003

AR 5141.4-R Neglect/Child Abuse Administrative Regulation

Reporting Procedures for Child Abuse/Neglect

Any school employee first suspecting the abuse reports this observation as follows:

An immediate report shall be made by telephone or otherwise and shall include the following information· name, address and age of student name and address of parent or caretaker· nature and extent of injuries or description of neglect. and any other information that might help establish the cause of the injuries or condition, and followed by a written report on Charleston County School District form # 010-0153

Suspicion of child abuse or neglect is all that is required of school personnel in order to make the report It is not within the responsibilities of school personnel to prove that the child has been abused or neglected, or to make a determination of whether the child is in need of protection

Any involvement of school personnel in investigation or treatment should be in conjunction with the local Child Protection Unit of the Department of Social Services. When there is a question of the child's safety in returning home, DSS should respond immediately or direct you in disposition of the child.

Where there is visible evidence of physical trauma, school personnel should either: (a) take a color photograph which must be submitted with the report; or (b) bring this condition to the attention of the local Child Protection Unit of the Department of Social Services so that appropriate photographs and/or x-rays may be taken

School employees who make child abuse or neglect reports shall maintain the confidentiality of the information contained in the report. Such information is to be released only to the Department of Social Services or the county law enforcement agency

Unauthorized dissemination of such information may result in conviction of a misdemeanor that is punishable by imprisonment of not more than six months or payment of a fine of not more than five hundred dollars, or both.

ADOPTED 05/22/2003
EFFECTIVE 07/01/31

Policy 5144 Student Rights and Responsibilities

Consistent with state statute (See Sections 59-15-40, 59-19-90 et seq and 59-63-210 et seq Code of Laws of South Carolina, 1976, and Act 340 of the Acts of 1967), the board adopts these standards of student conduct described in the Student Rights and Responsibilities.

The rules set forth in this document shall establish minimum standards of conduct and behavior that must be met by all pupils as a condition for these pupils to attend school.

The Student Rights and Responsibilities shall be distributed annually to each student.

ADOPTED 05/22/2003
EFFECTIVE: 07/01/31

Policy 5144.1 Substance Abuse

CCSD REF 5131 6

The following are adopted as school policies and the violation of any these policies may result in expulsion

- No student shall be in possession of, use, manufacture, sell, dispense, or distribute a controlled substance, a counterfeit controlled substance, an imitation controlled substance (as defined by State law), or an illegal drug or narcotic.

- No student shall be in possession of or use a prescription drug unless procedures established in policy number 5131 6 (MEDICINE AT SCHOOL) and 5131 6 (R) have been followed.

- No student shall be in possession of, use, manufacture, dispense, sell or distribute beer, ale, liquor, wine, or alcoholic beverage of any kind.

- A student shall not be under the influence of any illegal drug, narcotic, controlled substance, beer, ale, liquor, wine, or alcoholic beverage of any kind

- The definition of "controlled substance", "counterfeit controlled substance", and "imitation controlled substance" is contained in the South Carolina Code of Laws for 1976, as amended, at Section 44-53-110 (1986 Supplement)

- In the event that a school administrator determines that a student has violated one of the above policies, the school administrator shall follow the general procedures listed below·

    - Ensure emergency medical care if needed
    - Notify the parent or parent's designee
    - Notify the guidance counselor.
    - Notify the registered professional school nurse
    - Notify appropriate law enforcement officials and immediately turn the prohibited substance over to the law enforcement officials if the possession of the prohibited substance is illegal.
    - Recommend the student for expulsion to the discipline committee

ADOPTED. 05/22/2003
EFFECTIVE: 07/01/31

Policy 5144.2 Extraordinary Proceedings

CCSD REF: 9361.1

When a majority of the board shall agree that the action of the discipline committee in readmitting a student to school or maintaining a student in school constitutes a reasonable chance of danger to persons or property, or that the re-admittance or maintenance so clearly undermines the goals of quality education that the integrity of the system is jeopardized, the board may then on its own motion, require that the matter be brought before it for hearing, de novo without regard to any decision formerly reached by the discipline committee

To overturn an action of the discipline committee under this Extraordinary Proceeding de novo hearing, a vote of six members of the board shall be required.

ADOPTED: 05/22/2003
EFFECTIVE 07/01/31

Policy 5144.3 Teacher Notification of Student Disciplinary Action

CCSD REF. 4116.32

For any disciplinary hearing by the discipline review committee or by the board of directors, all administrators and teachers involved shall be notified of the intended action within at least five days, when possible, prior to a hearing These same individuals shall receive written copies of any board or committee decision as a result of the hearing(s) within ten workdays following the written decision.

Notification of the decision shall be the responsibility of the principal or designee.

ADOPTED: 05/22/2003
EFFECTIVE: 07/01/31

Policy 5144.4 Corporal Punishment

The use of corporal punishment, defined as any act of physical force upon a pupil for the purpose of punishing that pupil, is not acceptable in this school and will not be used as a disciplinary measure.

The board will permit the use of reasonable and necessary physical force:

- to quell a disturbance threatening physical injury to others, and to themselves
- to obtain possession of weapons or other dangerous objects upon the person or within the control of a pupil
- for the purpose of self-defense
- for the protection of property, or
- for the purpose of removing a student from a classroom or other area deemed inappropriate.

ADOPTED. 05/22/2003
EFFECTIVE: 07/01/31

Policy 5144.5 Expulsion Procedures -Special Education

Under the doctrine of in loco parentis, the disciplining of public school children has been left to principals and school boards As a result of the Individual Disabilities Education Act (IDEA), the case law regarding discipline and expulsion for handicapped students has changed

To ensure compliance with recent court decisions, IDEA, and Section 504 of the Civil Rights Act, it shall be the policy of JICHS, before expelling a handicapped student, to

- Notify the parents of their rights under IDEA
- Hold an IEP team meeting to determine if the special education placement is appropriate and if a causal relationship exists between the offense and the handicapping condition
- Submit the team's recommendation to the principal for one of the following

    - To recommend expulsion when no relationship exists
    - To recommend appropriate discipline short of expulsion when a relationship exists
    - To place the student in a more appropriate placement
    - To request a due process hearing when parents do not agree with the committee's recommendation
    - To request JICHS counsel to obtain a court order to restrain the student from attending school because his/her behavior presents a danger.

In all cases, the principal's decision will be communicated to the JICHS board The JICHS board will be informed of all alcohol, drug, weapon and assault on employee-related offenses

ADOPTED 8/16/2004
EFFECTIVE 07/01/2004

AR 5144.5-R Expulsion Procedures -Special Education

Regulations: CCSD Handicapped Expulsion Policy
Recommendation for Expulsion:

When a handicapped student commits an expellable offense and is recommended for expulsion, a multidisciplinary placement review committee meeting must be held and the parents invited The multidisciplinary team must have a psychologist or a special education consultant, a principal, a regular education and a special education teacher in attendance

The multidisciplinary team must determine (1) whether the student's current placement is appropriate and (2) whether the expellable behavior has a causal connection to his handicap

At the placement review meeting, the individual student's records are reviewed and the specifics of the case are discussed

Psychologist reviews the psychological report for background information, observations, and other pertinent information Tests results are checked to see if placement is appropriate, if the evaluation is current, and if further testing is warranted

Teacher reviews the IEP and Functional Analysis and Behavior Intervention Plan (FA&BIP) to determine what behaviors are being addressed and how Teacher discusses the student's performance in special education class and recommends what changes should be made in the program and amends the IEP and FA&BIP when appropriate

Principal reviews discipline report and summarizes the specific incident that resulted in the recommendation for expulsion

Questions, concerns, and additional pertinent information are shared

The committee must determine if there is a causal connection between the behavior and the handicap If the committee feels the behavior was the result of the student's handicap, disciplinary action short of expulsion may be taken, and the committee may revise the student's IEP to address the inappropriate behavior

When the committee determines that the child needs a change of placement to a more restrictive setting, because the same behavior would probably not have occurred in another placement, and/or because in the current placement the student was not totally responsible for his action, then a change of placement is recommended

Recommended changes might be resource to self-contained, self-contained without any mainstreaming, self-contained without any unstructured or unsupervised time including special area, lunch, bathroom and class change, self-contained to abbreviated day or homebased (Note When either of the last two placements is recommended, it needs to be understood that it will be a very short placement) Individual student goals and the criteria for the student to be readmitted to a full day self-contained placement must be clearly set forth After every ten days, the

placement must be reviewed. The multidisciplinary team must determine if the student's behavior warrants a less restrictive placement.

When the parents agree with the recommended change of placement, the IEP is amended and the placement change occurs with the principal's approval.

If the parents refuse the placement change, then the school calls for a due process hearing pursuant to IDEA

A summary of the committee's decision and suggestions are sent to the principal

No Relationship

- When the multidisciplinary team, based on pertinent information, determines that the offense has no causal connection to the student's handicap, then the recommendation for expulsion continues as with any regular JICHS student

- The parents are notified of the committee's decision If the parents are a part of the IEP placement review meeting, they are given a copy of the Parent Information Handbook stating their rights and responsibilities under IDEA When the parents do not attend, a letter summarizing the placement committee's decision and a copy of the Parent Information Handbook must be sent by mail to the parents' home address.

- A letter summarizing the multidisciplinary placement review committee's decision should be sent to the principal The recommendation for expulsion should proceed and be heard by the discipline board

- The discipline board hears the case

- If the board elects to expel the special education student, the student will not be allowed to attend school for the remainder of the regular school year Special education students who have been expelled shall continue to receive a free appropriate public education

- The principal notifies the school, parent, and special education consultant The attendance clerk at the school continues to carry the student in his/her handicap category for the remainder of the regular school year A copy of the student's placement form indicating expelled should be maintained in the school's Attendance Office for EFA audit purposes

- The special education consultant and the parent will meet within (5) days to review/amend the IEP and to schedule the instruction and/or related services to be provided for the remainder of the regular school year

- A periodic review meeting will be held prior to the end of the school year to review and result the current IEP and develop an IEP for the following year

- The discipline board's decision may be appealed to the JICHS board in accordance with established policy

ADOPTED 8/16/2004
EFFECTIVE 07/01/2004

Policy 5144.6 Summer School Discipline Code Violations

It is the policy of the board that when an administrator recommends a student for expulsion, the discipline committee shall be the decision making body for that alleged violation and shall expel or not expel for that summer school program, confirming or denying academic credit therefore.

ADOPTED 05/22/2003

Policy 5144.7 Off-Campus Alcohol and Drug Abuse

It shall be the policy of the school that should Charleston County School District authorities determine in any demonstrable way from the behavior or statements of a student or any other testimony or evidence that a student has arrived or returned to Charleston County School District property or at a Charleston County School District sponsored event reasonably soon after the consumption of any alcohol or prohibited drug, there shall be a conclusive presumption that the student has intentionally presented himself or herself in such a manner so as to deliberately prevent the Charleston County School District from delivering education or other service to that student on that day or portion thereof. That student then shall be recommended for expulsion in the same manner and fashion as in Section 4.33 of the Students' Rights and Responsibilities discipline Code

ADOPTED
EFFECTIVE: 07/01/31

Policy 5144.8 Student Assaults On Employees

Anytime a student physically attacks a school employee, the principal shall be informed in writing.

The administration shall automatically appeal any decision of the discipline committee returning a student to school after any such attack or striking and inform the board of the circumstances.

ADOPTED. 05/22/2003
EFFECTIVE. 07/01/31

AR 5144.8-R Student Assaults On Employees

Administrators shall use the attached form to report all incidents of physical assault by a student on a school employee. When the discipline committee returns a student recommended for expulsion to school, the principal shall use the same procedures included in Policy 5144.1 to initiate an appeal to the board.

ADOPTED 05/22/2003
EFFECTIVE 07/01/31

AR 5144.8-R Attachment

STUDENT ASSAULTS ON SCHOOL EMPLOYEES
JAMES ISLAND CHARTER HIGH SCHOOL

Employee Name. _____ Date· _____

Class/Location. _____

Student's Name. _____

Employee Statement·

I, _____ attest that the above written statement is accurate and true

_____

Signature

Policy 5144.9 Staff/Student Relations

CCSD REF. 4134 1/4234.2

The primary focus of interactions between employees of the school and students is the furtherance of academic achievement and support of the educational mission of the school The relationship should be one of mutual respect with employees acting as role models, fostering positive, cooperative associations, while conducting themselves appropriately Taking a sincere interest in students' learning is commendable, however, special efforts should be made to avoid any semblance of impropriety

When working with students after school hours or outside of school, employees should be attentive to maintain professional appearances and make every effort to inform parents and obtain parental approval.

Following are examples of situations that may give rise to charges of unethical conduct (This is not an exhaustive list):

- Consistently working with an individual student behind closed doors in a private, non-work setting
- Hugging or touching a student in a private setting
- Kissing a student
- Leaving the school campus with a student without prior approval
- Tutoring a student at his/her home (except home school teachers) without parental knowledge or consent
- Using obscene or profane language with students
- Engaging in improper conversations with students
- Condoning a student calling teachers and administrators by their first name
- Dating a student currently enrolled in the school

The immediate supervisor shall promptly address an employee's behavior when questions are raised involving possible unethical conduct

ADOPTED: 05/22/2003
EFFECTIVE: 07/01/31

AR 5144.9-R Staff/Student Relations Regulations

CCSD REF 41341-R /4234 2-R

When possible unethical conduct by an employee has been reported, the immediate supervisor shall.

- Secure, if possible, statements from eyewitnesses and other people who have knowledge of the incident(s), including the alleged victim
- Discuss the incident(s) with the employee
- Present the employee with any credible information that has been gathered about the incident(s)
- Request a written response from the employee
- Emphasize the importance of maintaining a professional relationship with students if there is no factual basis to the incident
- Consult the school's attorney and other appropriate personnel for advice on consequences* (especially if the employee requests an opportunity to confront his/her accusers)
- Meet again with the employee and render a decision on consequences, if there is a factual basis to the incidents
- Report the incident(s) to the police and
- Confirm the decision in writing to the employee with copies to his or her personnel file and the principal

*Consequences may range from a reprimand to dismissal

ADOPTED 05/22/2003
EFFECTIVE 07/01/31

Policy 5144.11 Parent/Legal Guardian School Attendance in Lieu of Expulsion

In an effort to limit out of school suspensions, parents/guardians can be offered the opportunity to attend school with the student Should the parent choose not to elect this option, the student will then be recommended to the disciplinary committee for expulsion.

ADOPTED. 05/22/2003
EFFECTIVE: 07/01/31

AR 5144.11-R Parent/Legal Guardian School Attendance in Lieu of Expulsion Regulations

The principal presents the following options to the parent/guardian of students who have become disciplinary problems, but are not yet considered consistent offenders

- attend school with your child; or
- respond to a recommendation for expulsion.

If the parent/guardian elects to attend school for a number of days (can not be less than one day) to be determined by the principal, he/she will.

- attend all classes and periods with the student, including recess and lunch;
- sit next to the student for the entire day, and
- attend an end-of-day conference with the principal or designee to discuss the child's behavior, including the possibility of a recommendation for expulsion or placement in an alternative program if available.

If the parent/guardian attends school and disrupts the classroom or school in any way

- the police will be called immediately, and charges will be filed against the parent and
- the student will be removed from school immediately, and will be referred to the disciplinary committee with a recommendation for expulsion.

If the parent / guardian refuses to come to school, the principal will recommend expulsion to the disciplinary committee.

The disciplinary committee, after review of the expulsion recommendation, will:

- recommend expulsion to the board; or
- assign the student to an alternative school if available, or
- place the student on principal's probation and return him / her to school after an appropriate period of suspension.

The principal may excuse a parent/guardian from attending school for extenuating circumstances. Economic hardship or loss of pay is NOT an extenuating circumstance. Out of school suspension will be administered when the principal accepts an extenuating circumstance as legitimate (e.g. parent/guardian in hospital) The student will return to school, after suspension, on strict probation.

If the parent/guardian expresses hostility toward the school's staff and, in the judgment of the principal, his or her presence at school would present a potential danger, the student may be suspended in lieu of visitation.

In the event the student is a special education student as defined by state or federal law, a multidisciplinary team meeting, or an accommodation team meeting, as appropriate, will be held to determine whether the aberrant behavior is related to the handicapping condition before the

policy is implemented. If the team determines the aberrant behavior is related to the handicapping condition and the parent elects not to attend school with the child, the principal will not suspend the child if there have already been ten days of suspension during the academic year and will not recommend expulsion

ADOPTED 05/22/2003
EFFECTIVE: 07/01/31

Policy 5145.1 Police Interview and Apprehension of Students During School Hours

It shall be the policy of the school to allow police to interview students during school hours only when students have indicated they have information pertinent to the matter under investigation or when they are victims or complainants of the matter under investigation

A student who is suspected by the police or school officials of committing an offense shall be questioned by police on school property when all of his constitutional rights have been explained to him

It is recognized that police officers have the right to arrest, with or without warrant, students during school hours. The principal will negotiate with the arresting officer to insure that arrests at school are accomplished with minimum disruption to the classroom instruction If a student is placed under arrest, then the custody of such student is no longer that of the school and the police may remove the student from school grounds.

The principal or his representative shall notify the parents or guardians of any student arrested during school hours

ADOPTED: 04/28/2004
EFFECTIVE: 07/01/2004

Policy 5145.2 Search and Seizure

In accordance with the laws of the State of South Carolina·

Any person entering the premises of the school shall be deemed to have consented to a reasonable search of his or her person and effects.

The school principal, or designee, may conduct a reasonable search, on school property, and in accordance with school procedures, of lockers, desks, vehicles, and personal belongings such as purses, book bags, wallets, shoes, satchels and pockets with or without probable cause.

The school principal, or designee, may conduct reasonable searches, on school property, and in accordance with school procedures, of the person and property of visitors to the school premises.

No school administrator or official shall conduct a strip search.

ADOPTED 05/22/2003
EFFECTIVE· 07/01/31

AR 5145.2-R Search and Seizure

CCSD REF: 1310/4155/4255

The school will post right-to-search notices at entrances to all school property.

The principal or designee may make a reasonable search of any person either entering a school building and grounds or attending a school-sponsored activity.

The reasonable standard is met if (1) a search can be justified at its inception, and (2) the search is reasonably related in scope to the circumstances that justified it in the first place, e g , acting on a tip or an observation of a suspicious situation. Probable cause, belief that the subject is violating the law, is not required prior to conducting a search

An adult witness, preferably another administrator, should be present when conducting a search If possible, someone of the same gender should conduct a search.

Searches, insofar as possible, should be private An exception to this general rule is when an illegal substance (drug) or weapon is in clear sight and immediate action is necessary.

Miranda-type warnings or announcements of impending searches are not required prior to conducting a reasonable search.

Students who refuse a reasonable search shall be turned over to the school police officer who will conduct the search or have the student arrested. Students who are arrested shall be suspended and may be recommended for expulsion. All others refusing a reasonable search shall be turned over to the school's police officer for further action.

Strip searches are prohibited.

ADOPTED: 05/22/2003
EFFECTIVE: 07/01/31

Policy 5145.3 Freedom of Speech

Distribution of Printed Matter

The board encourages freedom of expression and creativity of its students subject to the following limitations:

- No person shall distribute any printed or written material on the grounds of the school or in the school building unless the distribution of such material shall have prior approval by the school administration and shall be signed by the authors
- The school administration shall give or deny its approval within two days of submission.

In granting or denying approval, the following guidelines shall apply:

- No material shall be distributed which, either by its content or by the manner of distribution itself, (1) will interfere with the proper and orderly operation and discipline of the school, (2) may cause violence or disorder, (3) is considered obscene, libelous, slanderous or defamatory according to current definition, (4) is designed for commercial purposes or to solicit funds for any purpose. (5) promotes favors, or opposes any political candidate or issue to be decided by general or special election, (6) attacks any ethnic, religious or racial group, or (7) will constitute an invasion of the rights of others.
- The principal shall designate reasonable times and places for the distribution of printed or written material on school grounds. Those students who are granted approval to distribute materials shall be responsible for removing all litter caused by such distribution.

Any student who shall distribute material on school grounds or property without obtaining approval shall be subject to suspension or expulsion

ADOPTED: 05/22/2003
EFFECTIVE: 07/01/31

Policy 5145.5 Non-Discrimination

It is the policy of the school not to discriminate on the basis of sex in its educational programs or activities. A student is protected from sex discrimination in the following areas: (1) admission to and enrollment in school, (2) access to enrollment in courses, (3) use of school facilities, (4) counseling and guidance materials, texts, and practices, (5) vocational education, (6) physical education, (7) competitive athletics, (8) graduation requirements, (9) student rules and regulations and benefits, (10) treatment as a married and/or pregnant student, (11) health services, (12) school approved extra-curriculum activities, and (13) most other benefits and services.

Any student discriminated against on the basis of sex should contact the Title IX Coordinator.

ADOPTED: 05/22/2003
EFFECTIVE: 07/01/31

ROA2493

6000 SERIES

SERIES 6000 - STUDENT
Policy 6112 School Day

CCSD Ref 5116

It shall be the policy of the school that the instructional day shall be in compliance with, and may exceed, state requirements as defined in the South Carolina Department of Education School Administrators Guide: Regulations and Statutes

ADOPTED 05/22/2003
EFFECTIVE 07/01/2003

AR 6112-R School Day

CCSD REF 5116-R

The school day for all instructional levels must be at least seven hours

With the exceptions noted below, students are to be engaged in instruction during the seven school hours

A maximum of 40 minutes shall be allowed for lunch/recess as part of the seven-hour day at all instructional levels

At all instructional levels, a maximum of 10 minutes shall be allowed for homeroom as part of the seven-hour day. When no homeroom period is utilized, administrative time required to determine attendance, make announcements, or complete other tasks normally accomplished during the homeroom period shall not exceed 10 minutes, if it does, the time must be added to the seven hour day.

A maximum of 25 minutes shall be allowed for the change of classes as part of the seven-hour day. If class changes require more than 25 minutes, the time must be added to the seven-hour day.

Breakfast shall not be included in the seven-hour day.

Priority must be given to teaching and learning tasks, that is, tasks that are directly related to the concepts and objectives of the courses to be completed

Activities such as field trips, assemblies, and other tasks that directly relate to the concepts and objectives of the school curriculum may be scheduled as part of the instructional day

Activity periods or club schedules may be scheduled as part of the instructional day as needed, provided that: (1) no more than 12 such periods are utilized during any school year, (2) no instructional period operates for less than 40 minutes excluding change-of-class time, and (3) no class is eliminated from the daily schedule.

Field trips, pep rallies, and other activities not directly related to teaching and learning tasks may be scheduled as part of the time allocated for activity periods or clubs scheduled as stated above, or may be scheduled as additional time in the instructional day

Class interruptions must be limited only to emergencies Any outside interference with the continuous progress of teaching and learning shall be considered an interruption Emergencies exist when conditions arise that make it impossible or impractical to delay class interruptions until the next change of class

The principal shall be responsible to see that policies and procedures are established that prohibit non-emergency class interruptions such as classroom deliveries or teacher visits from vendors, parents, students, or other persons not specifically authorized.

During instructional time, general announcements and announcements paging students shall not be considered as emergency interruptions unless emergency conditions exist

The instructional day for students diagnosed as handicapped in accordance with the criteria established by the S.C. State Board of Education shall be in compliance with the requirements of their individual education plan.

ADOPTED. 05/22/2003
EFFECTIVE· 07/01/2003

Policy 6114.6 Inclement Weather – (Emergency Closing/Delayed Openings)

CCSD REF 4153.3/4253 3/1112.13

During emergencies due to weather or other conditions, it may be necessary to close schools and offices. Public announcements and/or administrative announcements shall indicate one of the following types of closings:

- School and Offices Closed: The school will be closed Students will not attend school. Personnel will not report to work
- School Closed-Offices Open: The school is closed Students will not attend school All office workers and twelve-month employees, both school-based and non school-based, will report at the regular time or when it is safe.
- Delayed Opening. The school will operate on a two (2) hour delay
  - School and offices will open two (2) hours later than normal (i.e regular opening 8 00 am) -- Delay opening 10:00 am.
  - Students should not be dropped off before school opening.
  - Buses will run on a two (2) hour delayed schedule, (i e. normal pick up is 7 30 am -- Delayed pickup will be at 9:30 am)
  - Breakfast will not be served.
  - School day ends at the regular time.
  - Designated employees in critical areas will report as directed by their supervisors. All other personnel will report to work two (2) hours later than normal

ADOPTED: 05/22/2003
EFFECTIVE: 07/01/2003

Policy 6141 Assignment To Special Programs

CCSD REF· 5121

All school students scoring below established South Carolina standards in basic skills will be required to enroll in appropriate remedial and compensatory education programs.

In extreme cases only, where placement in such programs serves to impede the progress of a child, the principal may waive the requirement, but must provide an alternative form of remediation consistent with the Basic Skills Assessment Act of 1978

ADOPTED: 05/22/2003
EFFECTIVE· 07/01/2003

Policy 6145 Extracurricular/Interscholastic Activities

CCSD REF. 5130.1

To participate in extracurricular/interscholastic activities, students in grades nine through twelve must achieve an overall passing average and either

- pass at least four academic courses, including each unit the student takes that is required for graduation, or
- pass a total of five academic courses

Students must satisfy these conditions in the semester preceding participation in the extracurricular/interscholastic activity. Credits earned in a summer school approved by the State Department of Education may be applied toward first semester eligibility if all other requirements of this policy are met.

ADOPTED: 05/22/2003
EFFECTIVE: 07/01/2003

AR 6145-R Extracurricular/Interscholastic Activities

CCSD REF: 5130 1-R

The following DEFINITIONS pertain to the implementation of this policy:

- Extracurricular activities include those ongoing school sponsored activities, which may include student participation outside the normal school operating hours.
- Interscholastic activities shall be defined as all of those activities, which involve school-sponsored competition between or among schools.

Examples

- Activities for which a coach, director or sponsor receives a salary supplement from the school (cheerleading, student council, school plays, athletics, academic bowl, etc.)
- Activities which are included but extend beyond course requirements (marching band, debate, newspaper, etc)
- School clubs (UBASA, Spanish Club, Key Club, French Club, DECA, Academic Team)

Eligibility refers to the individual status of each student being extended the privilege of participation in extracurricular /interscholastic activities.

To participate in extracurricular/interscholastic activities, students in grades nine through twelve must achieve an overall passing average in addition to the following:

- To be eligible in the first semester a student must pass a minimum of five Carnegie units applicable toward a high school diploma during the previous year. At least two units must have been passed during the second semester or summer school.

  To be eligible during the second semester the student must meet one of the following conditions:

  - If the student met first semester eligibility requirements then he or she must pass the equivalent of four, ½ units during the first semester.
  - If the student did not meet first semester eligibility requirements then he or she must pass the equivalent of five, ½ units during the first semester

    In a 4x4 block schedule where units or ½ units are granted at the end of the first semester the following will apply

    - If eligible first semester, must earn 2 units
    - If not eligible first semester, must earn 2 ½ units

    - Students must satisfy eligibility requirements in the semester preceding participation

- Credits earned in a summer school approved by the State Department of Education may apply for first semester eligibility. A maximum of two units per year may be used

- Students eligible for first semester sport will be permitted to complete that sport even if it extends into the second semester

If more than one unit of credit is awarded on a yearly basis in a particular subject, this subject shall count as more than one academic course (Example: A subject taught for three units of credit shall be considered the equivalent of three academic courses)

Students passing the eighth grade by promotion academically will have met requirements for academic eligibility for first semester ninth grade.

An ineligible student shall not be allowed to participate in any extracurricular/ interscholastic activity. However, an ineligible student shall be allowed to participate in a co-curricular activity that occurs during the regular school day if he is a member of the class.

If activities are connected with curriculum experiences in a regular classroom situation (e g. band, chorus, vocational), a student determined to be ineligible will be allowed to continue as part of the class and earn the grade and credit(s) for that course Ineligible students will not be allowed to participate in extra-curricular/interscholastic activities and shall not be penalized or have the course grade lowered because of their ineligibility to participate in those activities.

Those students diagnosed as handicapped in accordance with the criteria established by the State Board of Education and satisfying the requirements of their Individual Education Plan (IEP) as required by Public Law 94-142 will be permitted to participate in extracurricular/interscholastic activities.

Credit courses used for eligibility purposes must be courses that are applicable as credit toward a state high school diploma If a student has met or is meeting all requirements for graduation and is enrolled in college credit courses, these college credit courses may be used to meet eligibility requirements

Attendance at extracurricular/interscholastic activities, (athletic event, concert, prom, etc) are not affected by this policy.

In order not to penalize an ineligible student more than one semester, the student will be allowed to participate in a tryout session for an activity that will occur in a forthcoming semester (i e , cheerleader tryouts, solo and ensemble, etc). Activities requiring multiple weeks of practice with a coach in preparation for the tryout session will not be allowed. Students are not permitted to practice during their period of ineligibility

ADOPTED 05/22/2003
EFFECTIVE. 07/01/2003

Policy 6152 Student Fees

The school may assess fees for instructional and related services, (e.g , field trips) provided the fee is necessary to promote and enhance the basic curriculum and related experiences.

School fees, to offset the cost of educational materials and supplies, may not be charged to students eligible for free lunch and must be pro rata for students eligible for reduced price lunches if the parents or guardians of these students so request.

Students who are exempted or unable to pay fees will not be denied access to any instructional activity.

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EFFECTIVE: 07/01/2003

Policy 6153-A Field Trips

For the purposes of this policy, a field trip is defined as any school sponsored activity that takes one or more students away from the school campus In order that students may benefit from experiences that make learning more relevant, memorable and meaningful The board supports and encourages the extension of learning experiences through instructional field trips as well as field trips which allow students to participate in interscholastic or extracurricular/co-curricular competitions and activities.

The board does not endorse field trips when their primary purpose is to purely reward students without any academic benefit

The staff is authorized to establish regulations and procedures to ensure that; all reasonable and prudent steps are taken to safeguard the physical and educational welfare of participating students and of students who do not participate; appropriate and adequate adult supervision is provided, the highest standards for instructional field trips are established to ensure that student participation enhances achievement of state curriculum standards. No child shall be denied access to field trips that take place during the school day due to an inability to pay field trip fees.

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EFFECTIVE. 07/01/2003

Policy 6153-R Field Trips

School-wide Coordination of Field Trips

Principals will facilitate school-wide planning to ensure that learning experiences away from the campus are articulated across the grade levels and/or among departments. Consideration should be given to the total number of hours/days dedicated to field trips as well as the distribution of field trip experiences within the school year calendar The impact of multiple field trips planned by different teachers on specific students or groups of students should also be examined. The cost of field trip experiences and the ability of the majority of the students to participate should also be considered

Field Trip Approval

All field trips will be approved by the principal Out of country field trips will be approved by the principal and board

Instructional field trips are linked to appropriate South Carolina Curriculum Standards The field trip supports the teacher's approved long-range plan for the academic year Specific objectives that clearly define what students will know and be able to do, as a result of participation in the field trip, are identified The teacher has planned preparatory activities to be conducted prior to the trip, learning activities to take place during the trip, and follow-up activities and assessments following the trip. The time away from the campus is carefully planned to maximize the effectiveness of the trip.

Arrangements have been made, for students who are unable to participate, to be engaged in appropriate instructional activities at school during the trip, non-participating students will also be provided with alternative activities to meet the objectives of the field trip. The number of students participating in the trip and the reasons for non-participation should be considered during the principal review of the field trip request

The duration of time away from the school/home and distance traveled is appropriate for the age and maturity of the students involved

The cost is reasonable and provisions are made to include students who are unable to pay for any trip that takes place within the school day.

Students are provided an opportunity to participate in fundraising activities for trips that extend beyond the school day

Safety and Supervision

Appropriate adult supervision is to be provided as follows

- Middle/High: Minimum one supervisor for every 15 students

- On overnight trips involving coed groups, at least one chaperone of each gender must be included in the total group of chaperones.

- At least one certificated employee of JICHS must be in charge of each field trip and must accompany students on the trip. All chaperones that are not school employees must sign a Field Trip Chaperone form for each trip they supervise. For each chaperone, the school must check any reference data available (i.e Sex Offender List) or any other information available at the school. All chaperones are to be briefed prior to the trip regarding their responsibilities and to be made aware of which employee is in charge of the trip.

- If students are divided into smaller groups, one chaperone will supervise each group. Tour guides provided at the field trip site may not be included as chaperones for small groups.

A roster of students on the trip will be made and checked each time students board or leave the bus A copy of the roster is to be filed at the school office prior to departure. A route description and itinerary will also be left in the school office prior to departure.

All students and staff participating in the trip must carry identification with them. Students with medical problems must include identification of these problems. The employee in charge of the trip will secure any medical information and medications to be administered for children on the trip from the school office with directions prior to leaving on the trip.

JICHS encourages groups to use school activity buses or state-owned vehicles when possible. If not possible, group should use commercial carriers as an alternative. Groups must not use private vehicles without securing the special permission of the principal as indicated on the Request for Field Trip Approval form. Students shall not drive private vehicles for field trips. If private vehicles are used, they shall be driven by a person at least 21 years of age and they must have minimum insurance coverage as required by the State of South Carolina

If an accident or unusual occurrence happens on the trip, the principal is to be notified immediately A complete follow-up report must be submitted to the principal and the board as soon as possible after the trip.

Student Participation

Parental/guardian permission must be obtained for each field trip. Parents/guardians are to be informed of the purpose of the trip and the details of trip logistics.

Students who participate in field trip activities shall be limited to those who are participating in the class or activity for which the trip is designed

The school principal may deny a student the opportunity to participate in a field trip if, in the professional judgment of the staff, the student's participation would jeopardize his/her personal safety/educational progress or the safety/educational progress of others

Guidelines for Student Safety

Assign students to permanent small groups, each accompanied by an assigned chaperone. Ensure that students understand that they are to remain with their assigned group.

Assign students to vehicle/buses and do not allow students to switch places Clearly communicate expectations for behavior on the bus and at rest stops.

Clearly communicate schedules, activities, dress codes and areas/sites where students may and may not be

Students may never be alone. Given the age of the students and the nature of the field trip location, students may be given the freedom to move about as small groups of students within clearly defined parameters.

Swimming is not an activity approved by the board.

Ensure continuous supervision of students on overnight trips. Establish a curfew after which room doors will be taped. One of the chaperones should walk the halls on an hourly basis Hotels are preferred to motels; rooms without balconies are preferred House boys and girls on different floors or different ends of the halls. Give students the room number and phone number of their assigned chaperones for emergency contacts. Leave a room assignment list at the hotel desk. No students are allowed in chaperones' rooms. Caution students to:

- avoid stairwells except in an emergency and always move in pairs
- avoid talking to strangers
- know where emergency exits are located
- open room doors only for chaperones, the trip sponsor or roommates
- never leave keys under door mats or other hiding places; never leave the room without locking the door

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EFFECTIVE 07/01/2003

Policy 6153-B Field Trips

The board supports the idea of extending the school program by providing learning experiences and other activities away from school that are of value in helping achieve educational objectives. These extensions of classroom instruction and the school program are referred to as field trips. For purposes of this policy, a field trip is defined as any school-sponsored activity that takes one or more students away from the school setting.

There are two types of field trips:

- Instructional Field Trips (extensions of classroom instruction)
- Interscholastic/Extracurricular Field Trips (extensions of the school program)

Field trips are further classified by the length of time and the approving authority.

- A field trip that will be completed and students returned to school at the close of the normal school day. Approving Authority --principal.

- A field trip that will be completed and students returned to school after the close of the normal school day or a field trip that will not be completed in one day Approving Authority -- principal.

The school staff, under the direction of the administration, shall take all reasonable and prudent steps to safeguard the physical and educational welfare of participating students

Each such student shall be given guidance in setting up educationally sound variations in his school program to enable him to participate and shall be counseled as to his obligations in fulfilling them. The administration may place restrictions upon a student's participation when in the staff's judgment his welfare requires it. Charges or fees for field trips may be necessary.

No funds are budgeted for field trips Field trips may be denied because of cost or because the sponsor has not made arrangements for all students in the group to participate.

In the event a school employee accompanying the students on a field trip in the capacity of either "professional employee in charge of the trip" or "student supervisor" is offered an opportunity for a reduced charge for admission, travel or accommodations, the fee charged the students shall be reduced a pro rata amount and the employee shall be responsible for paying the normal charge for admission, travel or accommodations School employees will not accept gratuities or reduced charges as a prerequisite for arranging fieldtrips

Students who participate in field trip activities shall be limited to those who are participating in the particular subject or activity and will benefit by achievement of the specific educational objective.

The principal shall develop administrative regulations pertaining to the implementation of this policy

ADOPTED: 05/22/2003

EFFECTIVE: 07/01/2003

Policy 6153-B-R Field Trips Administrative

INSTRUCTIONAL FIELD TRIPS

PREPARATION, EVALUATION AND FOLLOW-UP FOR INSTRUCTIONAL FIELD TRIPS

Preparation by the teacher

- Organize logistics
- Submit preliminary plan to the administration outlining specific academic objectives for students as well as logistics.
- Provide for the safety of students.
- Arrange for supervisors
- Make financial arrangements, if any.
- Secure parental consent
- Inform administration of completed plans in writing and gain approval.

Overnight field trip requests must be in the principal's office three weeks prior to the date of the trip.

Resources

Visit site of interest, noting displays, exhibits, etc., of particular interest to purpose(s) of the trip Observe potential danger spots to students. Locate potential danger spots to students Locate rest rooms and water fountains

Distribute available printed guides for the destination, make certain students understand the purpose(s) of the trip, allow question and answer session for students, and provide time for students to take notes, sketch, etc.

Instruction

Give sufficient in-school instruction time to explain, research and describe the field trip.

Make certain that students understand the purpose(s) of the trip and that they know what to look for by use of the instructional booklet.

Make certain that students and their parents understand the educational purpose(s) of the trip, the departure and return times and places, dates(s) and other pertinent information about the trip, that includes established standards of behavior, dress and safety.

Evaluation and Follow-up

Using one or more of the following procedures, the teacher shall evaluate the students' attainment of the educational objective stated in the field trip request

- Class discussion
- Testing
  - Written
  - Oral
- Individual and group projects
- Essays, poems and letters to officials at site visited
- Construction projects
- Art works
- Bulletin boards

Investigations

A complete follow-up report of the trip must be submitted to the principal as soon as possible after the trip is completed if an accident or unusual occurrence happens on the trip or if the principal specifically requests it.

SUPERVISION OF INSTRUCTIONAL FIELD TRIPS

Number of Supervisors

High School- There shall be a minimum of one supervisor for every 15 students. A coed group must be accompanied by a chaperone of each sex.

At least one professional employee (teacher, principal, assistant principal, supervisor) of the school must be in charge of each field trip and must accompany students on the trip.

All supervisors should be briefed in advance and made aware that one professional employee of the school is in charge of the field trip.

If the students must be divided into smaller groups, there shall be one supervisor for each group This supervisor may include guides at the site.

The professional employee in charge of the field trip shall be present at the site where the trip originates and remain until all students have departed for home when the trip terminates.

A roster of students going on a field trip shall be made and checked each time students board or leave the bus A copy of the roster is filed in the school office prior to departure.

The use of private transportation should be avoided if possible Private transportation, if used, shall have the minimum insurance required by the State of South Carolina.

Route descriptions are filed in the school office prior to departure

All students and staff participating in the trip must carry identification with them.

Students with medical problems must have identification of these problems on them when participating in field trips. The adult supervisors should have a written listing of these medical problems.

INTERSCHOLASTIC/EXTRACURRICULAR FIELD TRIPS

PREPARATION FOR INTERSCHOLASTIC/EXTRACURRICULAR FIELD TRIPS

- Submit preliminary plan to the administration outlining specific logistics for students.
- Provide for the safety of students.
- Arrange for supervisors.
- Make financial and accommodation arrangements, if any.
- Secure parental consent.
- Inform administration of completed plans in writing and gain approval.

SUPERVISION OF EXTRACURRICULAR FIELD TRIPS

Number of Supervisors

High School– There shall be a minimum of one supervisor for every 15 students. A coed group must be accompanied by a chaperone of each sex.

At least one professional employee (teacher, principal, assistant principal, supervisor) of the school must be in charge of each field trip and must accompany students on the trip.

All supervisors should be briefed in advance and made aware that one professional employee of the school is in charge of the field trip.

If the students must be divided into smaller groups, there shall be one supervisor for each group This supervision may include guides at the site.

The professional employee in charge of the field trip shall be present at the site where the trip originates and remain until all students have departed for home when the trip terminates.

A roster of students going on a field trip shall be made and checked each time students board or leave the bus A copy of the roster is filed in the school office prior to departure.

The use of private transportation should be avoided if possible Private transportation, if used, shall have insurance that will provide minimum insurance coverage required by the State of South Carolina

A complete follow-up report of the trip must be submitted to the principal and superintendent as soon as possible after the trip is completed if an accident or unusual occurrence happens on the trip or if the principal specifically requests it

Route descriptions are filed in the school office prior to departure

All students and staff participating in the trip must carry identification with them

Students with medical problems must have identification of these problems on them when participating in field trips, or adult supervisors have a written listing of these medical problems

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Policy 6154 Homework

It shall be the policy of the school that regular and meaningful homework assignments be educationally valuable and necessary Assignments will be made only after the teacher has observed the student perform the skill(s) correctly at least once. In addition to reinforcement or skills attained through guided and independent practice, homework assignments may also encourage students to conduct research and think independently. Teachers shall correct and grade written assignments The principal shall monitor to ensure a reasonable balance between subjects and length of assignments. The school's homework policy shall be communicated to parents.

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Policy 6155 Grading and Reporting Student Progress

CCSD REF 5122

The purpose of grades is to fairly evaluate and report student progress in a manner that is understood by a variety of audiences (e.g., students, parents, teachers, college admissions offices, and future employers). It shall be the policy of JICHS that students be given grades that accurately reflect the results of their work All parents and guardians will be informed of requirements for promotion and graduation at the beginning of the school year and shall be notified of student progress at regular intervals. The principal shall establish procedures to communicate this information to students and their parents or guardians

Classroom assessments are to be aligned to the S.C Curriculum Standards and are to provide opportunities for students to demonstrate critical and creative thinking, problem solving and application of skills as well as knowledge and comprehension Teachers are expected to measure each student's progress against the established grade level standards for performance rather than utilizing a method, which compares students' progress to that of others in the class or a method of grading based on student improvement (as opposed to achievement of standards).

Each teacher will establish a grading policy that clearly specifies which assignments and assessments will be included in the calculation of the grade and how grades for different student work will be weighted in the final grade; they will communicate this policy in writing to students and their parents and guardians at the beginning of the school year or semester.

Principals and teachers are expected to ensure that.

- Teachers in the same grade level and/or department confer to establish greater reliability in grading practices, including expectations for student performance, grading criteria, and the methods for calculating grades
- Clear communication to parents and students occurs at the beginning of the school year regarding academic objectives and expectations for student performance, grading practices and procedures
- Frequent assessments of student progress take place employing a variety of formal and informal assessment strategies and including assessments of varying degrees of cognitive complexity
- Assessment results are used to determine necessary adjustments in the pace of instruction, instructional strategies and instructional materials
- Ongoing feedback is provided to students and their parents about student progress and parents and students have an opportunity to review graded assessments in a timely manner, and
- When students are experiencing difficulty learning, conferences with the students and parents take place in advance of the end of the reporting period and when needed to develop an Academic Plan and minimize the chances of a continuing problem

Students are expected to take responsibility for their own learning and to continually strive to improve their performance Parents are expected to monitor student progress and to communicate with teachers as needed to ensure that optimal learning takes place at home and at school

ADOPTED. 05/22/2003

EFFECTIVE· 07/01/2003

AR 6155-R Grading and Reporting Student Progress Regulations

General Guidelines

- The James Island Charter High School shall develop a standardized report card to be issued at the end of each grading period.

- Assignment of grades shall be the responsibility of the teacher and shall be monitored by the principal to ensure accuracy The classroom teacher will keep accurate records of student performance by entering the exact numerical grade (or other assessment results) as earned and will be responsible for justifying grades recorded on report cards and permanent records.

- Once a grade is recorded on a student's record, it becomes a legal record of the student's performance and may only be changed by completing a Permanent Record Grade Change form signed by the teacher and the principal. Falsification or modification of a student's grade record without proper authorization is fraud

- Assignments of grades shall be the primary responsibility of the teacher and shall be monitored by the department head to ensure accuracy When the monitoring indicates the need for adjustment of a grade, and if the department head and teacher do not agree, either party has the right to appeal to the principal whose decision will be final.

- All work considered in grade determination must have been assigned for completion during the grading period and must reflect the content and skills required in the curriculum

- Extra credit assignments will be used sparingly. They must reflect the content and skills required through the established S C Curriculum Standards and must be graded to the same standards applied to other work in the course

- Students' academic grades may not include assessments of classroom behavior.

- When students work together to produce a product as a group, teachers are encouraged to acknowledge students' teamwork; however, each student shall be graded on his or her contribution to the project and/or assessed individually on what was learned through the group effort. The teacher shall determine the grading criteria in advance and communicate the criteria to students and parents when the unit of instruction is initiated.

- The grading policy is applicable to special education students (with the exception of special education students participating in non-traditional curricula (i e , self-help, independent living, functional and adaptive skills) who will receive a special education report card based on IEP goals) In addition to grades on the standard JICHS report card, the parents of all special education children must be informed in writing, at least quarterly, regarding students' progress toward attaining each annual goal on the IEP.

- At the end of the school year, teachers will turn in their grade books to the principal for reference regarding student grades and promotion during the summer months. Grade books will be maintained on file by the principal for one semester following the school year and then destroyed Principals may specify that either electronic and/or paper files be kept

- The use of a traditional grading system for ESOL students is often inappropriate. Classroom teachers of ESOL students are to consult with the ESOL teacher to determine appropriate instructional and grading accommodations.

GRADING STANDARDS

1. The S.C. Uniform Grading Scale shall be implemented in all courses for grades 9-12

A	93-100
B	85-92
C	77-84
D	70-76
F	69 or below

Quality points will be assigned to grades to calculate the Grade Point Ratio (GPR) using the table provided by the state.

2 Numerical grades for the report cards issued in grades 9-12 shall be calculated as follows

- Quarter Grade – Advisory Progress Reports in half-year courses (4X4 schedule) will not count as a quarter grade. They shall be advisory progress reports only. Progress Reports are issued at 4 ½ weeks and 13 ½ weeks in an eighteen-week course
- Midcourse/Semester Grade – This grade includes all of the coursework assessments for the period being graded. This grade should include, but not be limited to major tests, quizzes, project grades, portfolio assessments and class participation This will be communicated to students at the beginning of each course in the teacher's grading policy. The average of these will count 75% of the grade. An exam is required for every course and will count 25% of the grade.

- Final Grade – The grade for the second term of a one-credit course will be calculated as described above The final grade will be the average of the midcourse grade and the second term grade.

  The final grade for a one-half credit course will be the grade arrived at by counting the course work 75% and the exam 25%.

3 A final exam will be administered in all courses regardless of the student's grade unless they are exempt. Teachers are not required to administer additional final exams to students who sit for the AP/IB exams or are enrolled in classes, which require state-

mandated end-of-course exams Students who elect not to sit for AP or IB exams will be required to take a course final exam, unless exempt and will reimburse JICHS for any expenses incurred on their behalf. Students who are failing AP or IB courses may have the option of taking a final exam

- Exemption Policy – Students with an average of 93 or above in the second half of the course, who have no unlawful absences, may be exempted from the final exam Students enrolled in courses, which have a state mandated, end-of-course exam, cannot exempt.

4 A maximum of two examinations will be administered on a given day. Unless otherwise approved by the principal or as required for standardized tests, (i.e , S C End-of-Course exams) exams are to be scheduled for a minimum of 100 minutes.

5. Teachers will document all actual grades in their grade books. However, the lowest grade recorded on the report card at the quarter or midcourse shall be 55, with a comment requiring a parent conference All grades thereafter shall be the true average achieved by the student.

6 A teacher may give a grade of "incomplete" if, in the teacher's professional judgment and with the approval of the principal, an extension of the time to complete course expectations is appropriate due to extenuating circumstances such as a documented long-term illness or a death in the immediate family. The teacher, student and parent will develop and sign a contract for completion of the course, which will not extend beyond the end of the next semester or the conclusion of the school year. The principal must approve the contract and it is at the principal's discretion to approve any extension of the contract. The student's incomplete grade will be reported as an "I". Once the work has been completed, the teacher will authorize the appropriate change in the grade If the work is not completed within the agreed upon time, zeros will be given for the incomplete work. The "I" will be replaced by the student's actual average

7 A grade of "audit" (AU) may be given, with the approval of the principal, if a student attends a class with no expectation of receiving credit A student who transfers to JICHS late in the semester or who wishes to review content of a course may choose to audit. The student and parent must sign a statement at the time of registration indicating that they understand that no credit will be awarded for the course. This option will be provided on a space available basis only Students who are auditing will meet attendance requirements and complete all coursework Failure to adhere to this policy will result in the student's removal from the class and placement in a study hall.

8 A student enrolled in more than the minimum number of courses may withdraw from a course if circumstances warrant, provided the course is an elective If a student withdraws on or before the 10th day of a 180 day course, the 5th day of a 90 day course, or the 3rd day of a 45 day course, the course name and number will be removed from the student's record and no grade will be posted. If a student withdraws from a course after the timelines established above with a passing grade, a grade of 62 will be posted and

will be included in the student's grade point ratio (GPR) This grade penalty for a late withdrawal does not apply in cases in which the school administration cancels a course or initiates other schedule changes. If the student withdraws from the course after the timelines established above with a failing grade, the student's failing average at the time of withdrawal will be recorded.

9. If a student retakes a course in which a D or F has been earned, all grades for the course will be included in the student's GPR. Students may retake a middle school Carnegie unit in 9th grade and, no matter what grade was earned in middle school, the freshman grade will appear on the transcript whether it is higher or lower.

10 Students may take the first unit of a foreign language, Algebra 1 and Keyboarding for Carnegie units in the middle school. Honors weight may not be awarded for these Carnegie units.

11 Teachers' grade books and student examinations are to be kept on file by the principal for one semester after the examination period and destroyed.

12. Students with a final average lower than a 50 will not be eligible to take that course in summer school.

Conversion Table: Numerical Grade to Weighted Quality Points

Average	Grade	College Prep/Tech Prep	Honors	Advanced Placement/ International Baccalaureate
100	A	4 87	5 37	5 87
99	A	4.75	5 25	5 75
98	A	4 62	5.12	5 62
97	A	4.50	5.00	5.50
96	A	4 37	4.87	5.37
95	A	4 25	4.75	5 25
94	A	4 12	4.62	5 12
93	A	4.00	4 50	5.00
92	B	3 87	4.37	4 87
91	B	3 75	4.25	4 75
90	B	3.62	4.12	4 62
89	B	3 50	4 00	4.50
88	B	3 37	3.87	4.37
87	B	3 25	3.75	4 25
86	B	3 12	3.62	4 12
85	B	3.00	3.50	4 00
84	C	2 87	3.37	3 87
83	C	2.75	3 25	3.75
82	C	2 62	3.12	3 62
81	C	2 50	3 00	3 50
80	C	2.37	2 87	3 37
79	C	2 25	2.75	3.25
78	C	2.12	2.62	3.12
77	C	2 00	2.50	3 00
76	D	1 86	2.36	2.86
75	D	1 72	2 22	2 72
74	D	1 57	2 07	2 57
73	D	1 43	1.93	2 43
72	D	1.29	1.79	2 29
71	D	1.14	1.64	2 14
70	D	1 00	1 50	2 00
69	F	87	1.37	1.87
68	F	75	1 25	1 75
67	F	62	1 12	1 62
66	F	50	1.00	1 50
65	F	.37	.87	1 37
64	F	.25	75	1 25
63	F	12	62	1 12
0-62	F	0 00	0 00	0 00

Grade Point Ratio will be calculated using the following formula with no rounding:

GPR = sum (quality points x units)
Sum of units attempted

EXAMPLE

Student A	Grade	Quality Points	Unit
English I CP	91	3 75	1.0
Algebra I CP	87	3.25	1 0
Physical Science CP	94	4 12	1 0
World Geography Honors	83	3 25	1 0
Physical Education CP	92	3 87	0 5
French I CP	84	2 87	1.0
			Sum 5.5

COMPUTATION:

3.75 x 1 = 3.75
3 25 x 1 = 3 25
4 12 x 1 = 4 12
3.25 x 1 = 3.25
3.87 x 5 = 1.935
2 87 x 1 = 2 87

Sum = 19 175/5.5 = 3.4863636

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EFFECTIVE 07/01/2003

Policy 6155.2 Grading Standards

CCSD REF 5122

It shall be the policy of the school that students are to be given grades that accurately reflect the results of their work. Papers, tests, assignments or other student products will be graded and marked accurately. All written work shall be graded from the standpoint of grammar and composition as well as the appropriate content.

Assignments of grades shall be the primary responsibility of the teacher and shall be monitored by the department head to ensure accuracy. When the monitoring indicates the need for adjustment of a grade, and if the department head and teacher do not agree, either party has the right of appeal to the principal whose decision will be final.

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Policy 6155.3 Exam Exemption Policy - High School

CCSD REF. 5122 1

All mid-term exams will be taken.

Exams for all ½ credit courses will be taken.

All students with an average of 93 or above for the second half of a full credit course may exempt the final exam in that class. In order to exempt the exam, the student must not have any unexcused/unlawful absences.

Exemption will not include AP exams, IB exams or any state mandated exams

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Policy 6155.4 Reading Policy

CCSD REF. 5122 2

The board recognizes the critical importance of reading as an essential academic skill, which all students must acquire to be successful in school and in life. The goal of the school is for all students to become lifelong, independent, strategic readers. The school will emphasize reading across the content areas and interventions for struggling readers.

Expectations for Reading

The school will provide an environment, which ensures effective and consistent reading instruction for all students. The school shall provide the necessary support for all students who experience difficulty in reading and use appropriate on-going strategies to assess students' performance and progress

ADOPTED 05/22/2003
EFFECTIVE: 07/01/2003

Policy 6156 Mathematics

The school recognizes the critical importance of mathematics education for all students. The school's goal is to have all students become confident problem-solvers who effectively communicate their ideas and results, value mathematics, and are actively engaged in learning mathematics.

Expectations for mathematics

The State will provide teachers with Curriculum Standards for Mathematics in grades 9 - 12 that identify grade level competencies for all students.

- SDE Curriculum Standards, 1998 & 2000
- SDE Blueprint for Success, 1998

The school will establish a comprehensive mathematics program that ensures effective and consistent mathematics instruction for all students

Indicators

- Build consensus for a math philosophy for the school
- Examine annually the School Renewal Plan and, if applicable, the Title I School Improvement Plan to re-evaluate math initiatives in the school
- Determine the instructional levels of students to provide differentiation of instruction in mathematics.
- Provide a balanced program between the Process Standards (problem solving, reasoning, communicating, and making connections) and computational fluency.
- Promote best practices of the teaching and learning of mathematics
- Increase direct teaching of mathematics to all students
- Use technology in instruction whenever appropriate.
- Promote professional development.
- Celebrate math successes of students, parents, and faculty.
- Provide all students with equal access to a challenging mathematics curriculum:
- Promote the integration of content and process standards whenever appropriate with other curricular areas .

The school will provide the necessary support for all students who experience difficulty in mathematics.

Indicators

- The math department will examine instructional methods, practices, technology, and programs to determine their effectiveness with students struggling in mathematics
- Promote extended-day learning opportunities
- Develop Academic Plans and Year-Long Comprehensive Remediation Programs that promote acceleration in mathematics for struggling students

The school will make manipulatives, calculators, and other materials necessary for effective teaching and learning of mathematics available to teachers, and students.

Indicators

- Provide all students access to math manipulatives and calculators
- Ensure access to computers
- Ensure that purchases of supplementary materials support the math initiatives of the school
- Seek grant opportunities for classroom manipulative kits & calculator sets.

ADOPTED 05/22/2003
EFFECTIVE. 07/01/2003

Policy 6157 High School Examinations

It shall be the policy of the school that all students be administered a final examination in every course in which they are enrolled for high school diploma credit, both first and second semesters.

ADOPTED: 05/22/2003
EFFECTIVE 07/01/2003

AR 6157-R High School Examinations

A maximum of two examinations will be administered on a given day.

The regular semester work will count 75% and the examination 25% of each semester grade.

All students, including seniors, will be required to take the examinations in every course taken for credit

Unless otherwise approved by the principal, examinations are to be scheduled for two regular class periods (100 minutes minimum)

Teachers' grade books and student examinations should be kept on file by the principal for one semester after the examination period.

ADOPTED. 05/22/2003
EFFECTIVE· 07/01/2003

Policy 6161 Selection of Instructional Materials

The board delegates to the professional staff the authority to select instructional materials on the basis of quality and relevance to student performance objectives, standards set forth by state regulations, the recommendations of professional academic organizations and the mores and sensibilities of the community. Teachers, media specialists, guidance counselors. and administrators are professionally trained personnel who know the requisites of a well-balanced media collection, courses of study, appropriate instructional materials, and the individual needs of students.

Students have the right to access a wide diversity of materials in their school library media centers and classrooms Selection of materials for media centers and classrooms includes representation of diverse points of view. Teachers should allow for reasonable competition of ideas within the classroom and should provide opportunities for students to study and discuss such topics openly. Materials selected for students to use in media centers or classrooms will be considered as a whole and will not be excluded because of the race, nationality or political or religious views of the author or publisher Materials should reflect the multi-faceted character of American society and present life in a true and realistic manner.

Instructional materials, as referred to in this policy, include the following categories: school library media collections, textbooks, curriculum guides, materials used in special education and guidance programs, commercial programs, teacher-generated classroom materials, and materials approved by advisory committees. All such materials, whatever their physical makeup, fall within the scope of this selection policy.

The professional staff shall ensure that instructional materials promote study, foster critical thinking, encourage recreational reading and enable students to make intelligent judgments in their daily lives.

The leadership team has final approval over textbooks and other instructional materials identified for use in classrooms. Teachers will be involved in the selection of all instructional materials JICHS promotes academic freedom and the student's right to read.

ADOPTED: 05/22/2003
EFFECTIVE. 07/01/2003

AR 6161-R Selection of Instructional Materials

School Library Media Collection:

The school media specialist uses State Department of Education approved selection sources to provide a well-balanced, up-to-date collection, which supports the school curriculum and offers a range of reading for all students. The media specialist systematically assesses the collection, determining needs and discarding materials which are outdated, worn out or inappropriate for the age and developmental levels of the students

Textbooks

The S.C. Department of Education annually names a statewide committee to identify textbooks, software, and other instructional materials appropriate for designated grade levels and content areas. The committee approves a range of materials from which local districts may select

The principal or designee implements the selection process for JICHS. Department heads chair teacher committees, which identify the materials to be used in the school

The principal is notified of the adopted materials by department heads

Curriculum Guides

The leadership team, using the state department guidelines, oversees the ongoing process of curriculum development. According to program needs, funds are budgeted to create or update curriculum guides For each program area, the department head and selected teachers read current research on theory and practice to write or revise Upon approval of the principal, the curriculum is implemented All curricula are monitored and evaluated as per state guidelines.

Special Education Program Materials

The school oversees the selection of materials from the S.C. Department of Education list of approved texts. Committees composed of special education teachers select additional materials for special education programs

Materials determined to be appropriate for the age, ability and reading level of the students are piloted on a limited basis before being accepted for general use. Because special education students have specific instructional needs as reflected in their Individual Education Plans, teachers are offered a range of materials from which to choose

Although the principal has responsibility for special education program materials, the special education teachers will advise the principal of materials selected for use in the program.

Guidance Program Materials

Guidance services for individuals, groups, and classrooms, are offered to students. The guidance program covers topics such as career counseling, substance abuse prevention, personal safety, decision making, higher order thinking skills, and self awareness. Guidance counselors should advise their principals and teachers of the nature of materials selected for the guidance program. Principals have ultimate responsibility for guidance program materials selected at the school.

Supplemental Classroom Materials

Supplemental classroom materials include commercial products, teacher-generated materials, and curriculum guides from other school districts. In the selection of supplemental classroom materials, teachers should consult guidelines published by the national councils of their professional organizations. Teachers must preview all materials introduced into classrooms.

Individual teachers should study commercially produced materials for content relevance and age-appropriateness and to ensure that the materials reflect the instructional philosophy and objectives of the school and knowledge of best practices. Teacher generated materials, including but not limited to writing samples, reading passages, study guides, demonstration handouts, and tests, should be relevant to the content of the course and appropriate for the age and developmental levels of the students. Principals have ultimate responsibility for supplemental materials.

Miscellaneous Materials

All professional staff should consult with someone who has seen, heard, or worked with outside speakers invited to the school and should carefully monitor any materials introduced by speakers, previewing such materials whenever possible. If speakers wish to distribute materials, that have not been previewed, staff members should request that the materials be left with them for subsequent distribution. Similar care should be taken regarding materials students bring into their classrooms from home. Principals are to be advised if any potentially controversial materials are introduced into the school

Gifts

Gifts of materials or of funds with which to purchase materials are accepted with the understanding that such materials are subject to the selection criteria and procedures of this policy School administrators may sign donors' receipts, accepting full ownership of a donated item, but they will not assign a dollar value to the donated item

ADOPTED 05/22/2003
EFFECTIVE. 07/01/2003

Policy 6161.1 Textbooks and Supplies

CCSD REF: 6161.2/4116 24

The staff shall involve teachers in the selection of texts, audio-visual materials, library reference materials, maps and globes, laboratory and shop equipment, art supplies, athletic equipment, current periodicals, standardized tests, guidance materials, and other necessary tools for the teaching profession Efforts shall be continued to seek and use textbooks and supplementary reading materials that contain the contributions of minority groups to the development of the United States

ADOPTED 05/22/2003
EFFECTIVE. 07/01/2003

Policy 6161.3 Supplementary Instructional Materials

Copyright Law

The board recognizes that the 1976 Federal Copyright Law, P.L. 94-553, (effective January 1, 1978) makes it illegal to duplicate copyrighted materials without permission except for certain exempt purposes.

The board further realizes that severe penalties are provided for unauthorized copying of audio, visual, or printed materials unless the copying falls with-in the bounds of the "fair use" doctrine. The board, therefore, informs all personnel that unauthorized reproduction and/or use of copyrighted materials is illegal, unethical, and not permitted by the board and that violations of the copyright law may result in criminal or civil suits and/or suspension or dismissal from employment in the system

To protect staff members and the school against legal redress for alleged violation of the copyright laws, the person making the reproduction is responsible for determining that the action is within the law. When an individual is not certain, he should contact the principal in order to ascertain whether copying falls under "permitted use". If it does not, the principal may request permission to reproduce materials from copyright holders Requests to reproduce copyrighted materials on school equipment will not be honored unless the reproduction is legally permissible

ADOPTED 05/22/2003
EFFECTIVE 07/01/2003

AR 6161.3-R Supplementary Instructional Materials
Copyright Guidelines

The copyright law applies to all formats, e.g., print and electronic. Educators may use copyrighted resources under the "Fair Use" guidelines provided the use meets these four criteria:

- The purpose of the use
- The nature of the work used
- The amount of the work used
- The effect the use will have on the potential market for the work used

A teacher may:

- Show a video of a broadcast television program within (10) days of the broadcast
- Show a movie (even if it is labeled "for home use only") if it meets the following criteria
    a. Is a part of face-to-face instruction
    b. Is documented in your lesson plans
    c. Supports the goals and objectives of that lesson
    d. Is a true and legal copy
- Use parts of legally attained and properly credited copyrighted materials for instructional purposes and for student projects, including multimedia presentations
- Retain the project for instructional purposes for up to two (2) years after the first use, after two years must have written permission to use any copyrighted materials
- Retain project indefinitely if needed for presentations to peers (i e., conferences, in-service workshops), job performance evaluations or interviews
- Use materials that are directly connected to the curriculum
- Make a class set of print copies if the copying meets the criteria of:
    a Brevity
    b Spontaneity
    c Cumulative effect
- Utilize Cable-in-the-Classroom, ITV, PBS programming
- Students to keep their projects as part of their electronic portfolios for school and/or job interviews
- Students to perform/display their projects in the course for which they were created

A Teacher may not:

- Show a dubbed tape of any program
- Show a tape of a movie or other program from a premium cable channel (e g HBO, Disney, A&E, Turner, The History Channel)
- Edit a video
- Show a movie for reward or entertainment
- Create anthologies for students in place of purchasing these materials
- Make multiple copies of computer software programs
- Load a single-user copy of a computer software program on multiple computers
- Make print copies for every student in the class

- Use copies of cartoon, TV, or film characters for classroom/hallway decorations, bulletin boards, newsletters, or hand-outs
- Use portions of copyrighted materials in multimedia projects beyond the Fair Use limits
- Copy entire workbooks, test booklets, sheet music, etc., in place of purchasing
- Make illegal copies at the direction of your supervisor
- Post presentations on the Internet without prior written permission from every copyright holder whose work was used

How Much Can be Copied:

- Motion media. 10% or 3 minutes, whichever is less, of a single work
- Print media. 10% or 1000 words, whichever is less, of a single work.
- Poems (less than 250 words). the entire poem, no more than three (3) poems by one poet or five (5) poems from one anthology.
- Poems (more than 250 words): up to 250 words, no more than three (3) excerpts from one poet, no more than five (5) excerpts by different poets from a single anthology.
- Music, lyrics, music videos· up to 10%, no more than thirty (30) seconds of music and lyrics from a single work
- Illustrations/photographs: Entire image; no more than five (5) images by single artist/photographer; no more than 10%, or fifteen (15) images, whichever is less, from a collection published as a single work.

Some Copyright reminders:

- Educational "Fair Use" is not a justification for defying the Law
- Any resources used in any type of project must be given proper credit
- Consider materials found on the Internet to be copyrighted unless specifically noted as "copyright free" or "royalty free"
- Copyrighted materials on the Internet have the same rights and protection as any other copyrighted materials
- Access to information does not mean freedom to copy and use

For complete information. http //www copyright.gov

ADOPTED: 05/22/2003
EFFECTIVE: 07/01/2003

Policy 6161.4 Technology Acceptable Use Policy

CCSD REF. 4135.1/4235.1

Technology Acceptable Use Policy
Student Guidelines

The school provides Internet access to students and teachers. Our goal in providing this service is to promote educational excellence by facilitating resource sharing, innovation, and communication. We believe the Internet offers vast, diverse, and unique resources to both students and teachers.

The Internet is an electronic highway connecting thousands of computers all over the world and millions of individual subscribers Students and staff will have access to.

- electronic mail (e-mail) communication,
- information and news as well as a variety of research institutions,
- public domain software and shareware of all types; and
- many University Library Catalogs, the Library of Congress, and
- ERIC- a large collection of information relevant to educators and students

With access to computers and people world-wide comes the availability of material that may not have educational value in the context of the school setting. On a global network, however, it is impossible to control all materials and limit all access to information which has no educational value.

JICHS firmly believes that the valuable resources and interactions available on this network far outweigh the possibility that some users may procure material that is inconsistent with the educational goals of the school.

The smooth operation of the network relies upon the proper conduct of the end users that must adhere to strict guidelines. These guidelines are provided as a part of this document so those users are aware of their responsibilities when accessing the Internet. Any violations of these guidelines will subject the user to appropriate disciplinary action and possible denial of access to the Internet.

Internet -Terms and Conditions or Use

Define a Purpose for Internet Use: All use of the Internet during school hours must be in support of education and research and consistent with the educational objectives of the school. Users must have a well-defined documented reason for accessing the Internet No "surfing" is allowed "Surfing" is the term for unstructured searches or just exploring to see what is out there Students must have a topic, or subject, to be researched, and it must be directly related to a given assignment from one or more teachers There should be adult supervision while any student is researching on the Internet.

- Maintain Network Etiquette (sometimes called "Netiquette").
- Be polite. Do not send abusive or threatening messages to others.
- Do not swear or use vulgarities or other inappropriate language.
- Do not send credit card numbers, bank account numbers, social security numbers, personal addresses, or personal phone numbers across the Internet.
- Be aware that the Internet is not a secure or private means of communication; you never really know who else may be "listening in" People who operate the system have access to all mail. Messages relating to or in support of illegal activities may be reported to the authorities.
- Do not disrupt network communications Disruptions would include downloading large files, sending mass e-mail messages, transmitting virus routines or annoying other users

All information accessible via the network should be assumed to be private property of the person presenting the material.

Acceptable Use· The purpose of NSFNET (National Science Foundation NETwork), which is the backbone network to the Internet, is to support research and education in and among academic institutions of the U S. by providing access to unique resources and the opportunity for collaborative work

Privileges· The use of the Internet is a privilege, not a right, and inappropriate use will result in the cancellation of the privilege (Before students log on to the Internet. they will be part of a discussion with a teacher pertaining to the proper use of the network) Any misuse of the Internet will result in disciplinary action by an administrator in the school/district

Security. Security on any computer system is a high priority, especially when the system involves many users If a user feels he can identify a security problem on the Internet, he must notify a system administrator or the technology coordinator Do not demonstrate the problem to other users. Do not use another individual's account without written permission from that individual. Attempts to log on to the network as a system administrator will result in cancellation of user privileges Any user identified as a security risk or having a history of problems with other computer systems may be denied access to the Internet.

Denying Access if a parent or guardian is uncomfortable with the option of his or her child/ren accessing the Internet, the student(s) may be assigned to a different activity when classmates are using the Internet That decision may be indicated in the parent signature part of the Student Technology Use Agreement and the student(s) will then be assigned an alternate activity.

Disclaimer The school makes no warranties of any kind, whether expressed or implied, for the service it is providing The school will not be responsible for any damages suffered while using the Internet. This includes loss of data resulting from delays, non-deliveries, mis-deliveries, or service interruptions caused by its own negligence or your errors or omissions Use of any information obtained via the Internet is at your own risk The school specifically denies any responsibility for the accuracy or quality of information obtained through its services.
ADOPTED 05/22/2003
EFFECTIVE· 07/01/2003

Policy 6162.5 Test Security

The school shall provide for the storage of all secure tests and evaluation instruments used for all state-operated testing or assessment programs Materials include, but are not limited to, test booklets, examiners' manuals, answer keys, completed answer documents, observational answer keys, audiotapes and videotapes, and completed observation sheets.

It is unlawful, for anyone knowingly or willfully, to violate test security procedures and regulations as promulgated by Part II, Section 98, of the 1985-86 South Carolina Appropriations Act Violations of these regulations and procedures are considered unethical and unprofessional and will result in appropriate disciplinary action. These regulations shall apply to tests administered through the State Board of Education as well as tests administered through school testing programs.

ADOPTED: 05/22/2003
EFFECTIVE: 07/01/2003

AR 6162.5-R Test Security

The school test coordinator or principal shall be accountable for the security of test materials assigned to him or her by the state. Test coordinators, principals, and teachers are accountable for storing secured materials under lock and key when not in use (i.e., for administration or coding of required information) and for ensuring that all materials distributed to teachers are returned and accounted for. If materials are stored in teachers' classrooms during the administration period, they must be kept in locked storage. Materials may be distributed to teachers in advance of testing as specified by each testing program. To ensure that all materials are accounted for, school test coordinators must use appropriate security forms for distribution and collection of test materials. All coding of identifying information, other than that coded by the examinee, should be done by teachers or by aides or adult volunteers under supervised conditions

It is unlawful for anyone to knowingly and/or willfully violate test security procedures and regulations as promulgated by Part II, Section 9B, of the 1985-86 South Carolina Appropriations Act. These violations include

- While in possession of a test, giving examinees access to test questions or directly teaching content of specific test items prior to testing;
- Copying, reproducing, or using in any manner inconsistent with test security regulations all or any portion of any secured test booklet,
- Coaching examinees during testing or altering or interfering with examinees' responses in any way,
- Making answer keys available to examinees;
- Failing to follow security regulations for distribution and return of secure tests as directed or failing to account for all secure test materials before, during, and after testing;.
- Participating in, directing, aiding, counseling, assisting in, encouraging, or failing to report any of the acts prohibited in this section.

The school may invalidate test scores for cases in which there has been a breach of test security or when a test has not been administered according to specified test administration procedures.

Any student violating test security provisions will be subject to disciplinary action. Offenses listed in the Student Rights and Responsibilities handbook shall apply to all statewide and school testing programs.

These include but are not limited to·

- 4 5 Possession of stolen property
- 4.10 Providing false information to a school official
- 4.13 Theft/larceny
- 4 16 Deliberate defacing or destruction of school property
- 4 18 Encouraging others to break school rules
- 4 24 Cheating/Plagiarism

Students should be notified (e.g.," through school handbooks) that the above offenses apply to secured test materials.

ADOPTED: 05/22/2003
EFFECTIVE: 07/01/2003

Policy 6174 Summer School

It shall be the policy of the school that summer school provides an opportunity for remediation, acceleration and enrichment. No student shall be allowed to take a required course unless he or she has previously failed that course or unless the student has an approved program of acceleration

The Administration shall prepare regulations to implement this policy.

ADOPTED: 05/22/2003
EFFECTIVE. 07/01/2003

AR 6174-R Summer School

The following regulations shall pertain to the implementation of this policy

With the permission of the school principal, a student shall be allowed to take a required course in summer school provided that the student:

- has previously failed the course; or
- has an approved, accelerated educational plan; or
- has an approved educational plan, into which the required subject cannot be scheduled during the regular school year; or
- is able to complete all graduation requirements in the summer session(s).

ADOPTED: 05/22/2003
EFFECTIVE: 07/01/2003

Policy 6190 Student Expulsion/Promotion Guides

In the event that a student has been expelled from school and that student has been returned to school under a Temporary Restraining Order issued by a court of competent jurisdiction, grade promotion or graduation for that student shall be denied and withheld by the school unless and until the student shall finally receive a favorable judicial ruling.

ADOPTED. 05/22/2003
EFFECTIVE 07/01/2003

OLD-MAN PAGE

[redacted]

You have made this year a very interesting one. Maybe next year you will make it easier on yourself by lettering someone else's name out. Problems you need to put priorities and stay with those and not let other things interfere with what you want out of life. You better practice or get out of town in order to be better if you plan on coming out for Softball next year. Well I hope your plans become reality, everything that you want. You a sweet person that thinks of people and can make them happy. Even though you argue too much with certain people. Take care and work hard for next year.

Cecil Smith

MUSC
MEDICAL UNIVERSITY OF SOUTH CAROLINA

IOPNOTE

Institute of Psychiatry
Outpatient Clinic Service Note
Page 1 of 1
Form Origination Date 2002
Version. 2 Version Date 08/04

STAMP PLATE AREA

Patient Name [redacted]
MRN 000794418

Clinic Specialty Code PCV 1662 Diagnosis 309 81
Date 10/16/07 Start Time 1 00 Stop Time 2 00 (if different from date and time of signature below)
Service Provided Individual Therapy
Check problem number addressed (as applicable) during session ☐ 1 ☐ 2 ☐ 3 ☐ 4

Pt reported that she completed 5 exposures last week (reading over her sexual assault account) Pt reported that her SUDS rose to about 80 each time, but that new elements had been added to the exposure, such as reading the police report Pt reported that she has hired an attorney Pt stated that she is concerned for her safety, given that the police report is public record and includes her personal information Discussed options for improving Pt's sense of safety Completed 2 imaginal exposure exercises in session, involving same memory of Pt in softball practice and riding home with perpetrator. Pt digressed into new details and/or memories each time, which appeared to increase her SUDS. Pt reported peak SUDS of 95 each time, although memory of softball practice decreased from 85 to 75 Spent time on activity scheduling at the end of session Pt wrote activities and exposure practice into her planner.

Pt was casually and appropriately dressed Pt spoke freely, in a soft tone of voice. Pt hugged a pillow during exposures and became tearful when describing interior of perpetrator's car Upon reaching peak SUDS, Pt developed hives under her chin

Pt continues to report several symptoms of PTSD and depression. Pt's anxiety has remained high, which appears to be related to continued recall of new memories and approaching new situations Pt is also overwhelmed with commitment to both therapy and the legal process With repeated exposure using the same exercise (recorded to CD), Pt's symptoms should begin to decrease Future sessions will assist Pt in focusing on one memory at a time to improve habituation.

Pt will listen to recorded imaginal exposure each day Pt will engage in scheduled pleasant activities (fair and dinner with her mother) Next session scheduled for Thursday, Oct. 18 at 10 00 a m

Patient/Family Teaching. (If someone other than patient is taught, identify below)

Education Reviewed	Willingness to Learn	Outcome
☒ Diagnosis	☐ Denial	☐ Patient/Family able to verbalize or demonstrate — no review
☐ Medications	☐ None	☒ Needs reinforcement
☐ Parenting skills	☒ Anxiety	☐ Poor understanding — repeat
☐ Behavior management	☐ Cognitive/Sensory	☐ Involve family
☐ Community resources	☐ Low literacy	☐ Unable to teach
☒ Stress/Coping skills	☐ Communication	
☐ Other	☐ Other	

Comments

Signature [signature] Pager ID 13253 Date 10/16/07 Time 2 30 AM/PM
iopopclinicnote
OTE 804008 Rev 8/04

PALMETTO PRIMARY CARE PHYSICIANS

Summerville		Moncks Corner		North Charleston	
Gum St.	(843)873-1720	Live Oaks	(843)761-7884	Appian Way	(843)552-0400
Oakbrook	(843)875-0400	Moncks Corner	(843)761-2815	Trident	(843)572-1200
Pine St.	(843)873-0202	Goose Creek		Other Locations	
Summerville	(843)873-0681	Goose Creek	(843)574-0060	Bonneau	(843)825-3404
Laurel St.	(843)875-0600	Crowfield	(843)553-4383	Daniel Is.	(843)856-6402
West 8th	(843)871-9440	Springhall	(843)266-2520	St. Stephens	(843)567-3206
				Yeamans Hall	(843)554-8312

Corporate Office (843)572-7727
Ancillary Services, Urgent Care, & Central Billing

****

Patient: [redacted] MR No.: 168709 DOB: [redacted]

****

CHIEF COMPLAINTS: Rash on both arms x 1 mo..

HISTORY OF PRESENT ILLNESS:

On 10/19/2007, [redacted] a 34 year old female, presented with:

-- Skin rash which began months ago. It was located on the both arms. [redacted] characterized the quality as red bumps. Severity was described as worsening. Duration is months. The timing was gradual onset. It is aggravated by stress and relieved by nothing - used triamcinolone cream on it without improvement.. Associated signs and symptoms are occasional itching. Pt reports was milder when saw dermatologist about the mole on her nose. The derm told her rash was stress-related and gave her steroid cream which did not help..

MEDICATIONS HISTORY:

Current medications prescribed to the patient are:
1. Nasonex 50 mcg/inh, 1 Spray each nostril bid
2. Zithromax Z-Pak 250 mg, Take as Directed
3. Zoloft 50 mg, 1 PO Q AM

REVIEW OF SYSTEMS:

GENERAL - Denies fever, or chills
SKIN - raised rash boh arms x 1 mo. + itching. seen by dermotologist. applies tramcinolone 0.1% cr. no relief
RESPIRATORY - Denies shortness of breath, cough, wheezing
CARDIOVASCULAR - Denies palpitations, chest pain,peripheral edema
GASTROINTESTINAL - Denies nausea, vomiting, diarrhea, constipation,abdominal pain
GENITOURINARY - Denies dysuria, frequency of urination, urgency, or hesitancy
MUSCULOSKELETAL - Denies joint or muscle pain, or back pain

ALLERGIES: penicillin G potassium- Rash - diffuse

EXAMINATION:
VITAL SIGNS: B/P - 104/64 Sitting, Left arm, regular cuff, Weight - 211.00

BLOOD PRESSURE: 104/64, Sitting, Left arm, regular cuff

CONSTITUTIONAL - well nourished,well developed,looks like stated age,in no distress

SKIN - folliculitis noted on L arm, Both arms with multiple red papules, some excoriated

CHEST - clear to auscultation, no wheezing, no crackles, no rales

CARDIAC - normal heart sounds and physiologic rhythm, no murmurs

EXTREMITIES - no edema, no cyanosis or clubbing,no tenderness in extremities/spine

NEUROLOGICAL - normal gait,cranial nerves intact

PSYCHIATRIC - alert,oriented to time, place, person,no difficulty with speech or language

DECISION MAKING:

Richter 0359

ASSESSMENT:

1. Folliculitis, New
2. Rash, New

DRUG RX: Doxycycline Hyclate 100 mg 1 PO BID #20 Refills: 0 and Zyrtec 10 mg 1 PO QD #30 Refills: 0

PLAN DISCUSSION: Treat follicultis. Try antihistmine. Rash may be stress-related and discd this w/ pt. She reports she is currently going through pressing charges against a teacher who sexually molested her years ago. WIll cont to monitor. Consdier add benzo if needed. Consdier referral back to derm.

Electronically signed by VIDUYA-Goose Creek 10/19/2007 14:34:32

Richter 0360

PALMETTO PRIMARY CARE PHYSICIANS

Summerville		Moncks Corner		North Charleston	
Gum St.	(843)873-1720	Live Oaks	(843)761-7884	Appian Way	(843)552-0400
Oakbrook	(843)875-0400	Moncks Corner	(843)761-2815	Trident	(843)572-1200
Pine St.	(843)873-0202	**Goose Creek**		**Other Locations**	
Summerville	(843)873-0681	Goose Creek	(843)574-0060	Bonneau	(843)825-3404
Laurel St.	(843)875-0600	Crowfield	(843)553-4383	Daniel Is.	(843)856-6402
West 8th	(843)871-9440	Springhall	(843)266-2520	St. Stephens	(843)567-3206
				Yeamans Hall	(843)554-8312

Corporate Office (843)572-7727
Ancillary Services, Urgent Care, & Central Billing

****

Patient: [redacted] MR No.: 168709 DOB: [redacted]

****

CHIEF COMPLAINTS: Discuss meds; F/u rash on arms; F/u st. frances er 11/4/7 dx. chest pai.

HISTORY OF PRESENT ILLNESS:

On 11/05/2007, [redacted] a 34 year old female, presented with:

-- Anxiety and Stress which began months ago. Severity was described as worsening. Duration is months. The timing was progressive. It is aggravated by recent life stressors and pt currently involved in lawsuit against a teacher who molested her years ago and relieved by nothing - taking zoloft 50mg and getting counseling. Associated signs and symptoms are depressed mood, irritability, no energy, palpitations, chest pains and nausea.

-- Skin rash which began months ago. It was located on the both arms. [redacted] characterized the quality as red bumps. Severity was described as improving. Duration is months. The timing was gradual onset. It is aggravated by stress and relieved by abx, but only able to take it once a day instead of BID. An associated sign and symptom is occasional itching which is also better.

MEDICATIONS HISTORY:

Current medications prescribed to the patient are:
1. Doxycycline Hyclate 100 mg, 1 PO BID
2. Zoloft 50 mg, 1 PO Q AM
3. Zyrtec 10 mg, 1 PO QD

REVIEW OF SYSTEMS:

GENERAL - Denies fever, or chills
SKIN - rash(es)
EYES - Denies blurred vision, or change in visual acuity
NOSE - Denies nasal congestion, discharge, or bleeding
MOUTH - Denies sore throat, or difficulty swallowing
RESPIRATORY - Denies shortness of breath, cough, wheezing
CARDIOVASCULAR - chest pain yesterday. seen at st. frances er, negative ekg. denies sob
GASTROINTESTINAL - nausea yesteday. still has some nausea today
MUSCULOSKELETAL - pain left arm yestrday. resolved today. told by er dr. she had pulled muscle
NEUROLOGICAL - Denies localized numbness, weakness, or tingling
PSYCHIATRIC - states she has alot of stress, wants to discuss meds

SOCIAL HISTORY: Alcohol Use - denies use; Smoking - denies smoking; Diet - balanced Diet; Exercise - walking; Illicit Drug Use - denies use of street drugs;

ALLERGIES: penicillin G potassium- Rash - diffuse

Richter 0361

EXAMINATION:
VITAL SIGNS: B/P - 124/60 Sitting, Right arm, large cuff, Pulse - 80 , Weight - 212.00

CONSTITUTIONAL - well nourished,well developed,looks like stated age,in no distress

SKIN - folliculitis noted on L arm, Both arms with multiple red papules, some excoriated, much improved form last visit. and hough still present

ENT -mucosa pink and moist

CHEST - clear to auscultation, no wheezing, no crackles, no rales

CARDIAC - normal heart sounds and physiologic rhythm, no murmurs

EXTREMITIES - arm w/ no TTP, FROM

NEUROLOGICAL - normal gait,cranial nerves intact

PSYCHIATRIC - alert,oriented to time, place, person,no difficulty with speech or language, flat affect and somewhat teary-eyed

DECISION MAKING:

ASSESSMENT:

1. Generalized Anxiety Disorder, New
2. Folliculitis, Improving
3. Rash, Improving

DRUG RX: Ativan 0.5 mg 1 PO q8h prn anxiety #30 Refills: 0 and Zoloft 100 mg 1 PO QD #30 Refills: 3

FOLLOWUP:Return Visit in 2 Weeks

PLAN DISCUSSION: GAD - cont zoloft, but inc dosage. Add prn benzo. AE discd. CAll if any probs. COnt ocunseling. COnsider psych referral.
RAsh/folliculitis - better, however, pt unable to tolerate abx bid sec to nausea. COnt as is and finish all abx given. REhck when done if no better.

Electronically signed by VIDUYA-Goose Creek 11/5/2007 16:23:22

Richter 0362

PALMETTO PRIMARY CARE PHYSICIANS

Summerville		Moncks Corner		North Charleston	
Gum St.	(843)873-1720	Live Oaks	(843)761-7884	Appian Way	(843)552-0400
Oakbrook	(843)875-0400	Moncks Corner	(843)761-2815	Trident	(843)572-1200
Pine St.	(843)873-0202	Goose Creek		Other Locations	
Summerville	(843)873-0681	Goose Creek	(843)574-0060	Bonneau	(843)825-3404
Laurel St.	(843)875-0600	Crowfield	(843)553-4383	Daniel Is.	(843)856-6402
West 8th	(843)871-9440	Springhall	(843)266-2520	St. Stephens	(843)567-3206
				Yeamans Hall	(843)554-8312

Corporate Office (843)572-7727
Ancillary Services, Urgent Care, & Central Billing

****

Patient: [redacted] MR No.: 168709 DOB: [redacted]

****

CHIEF COMPLAINTS: F/u anxiety; F/u rash on arms.

HISTORY OF PRESENT ILLNESS:

On 11/19/2007, [redacted] a 34 year old female, presented with:

-- Anxiety and Stress which began months ago. Severity was described as improving. Duration is months. The timing was progressive. It is aggravated by recent life stressors and pt currently involved in lawsuit against a teacher who molested her years ago and relieved by increasing zoloft to 100mg and getting counseling. Associated signs and symptoms are depressed mood, irritability, no energy, palpitations, chest pains and nausea.

MEDICATIONS HISTORY:

Current medications prescribed to the patient are:
1. Ativan 0.5 mg, 1 PO q8h prn anxiety
2. Doxycycline Hyclate 100 mg, 1 PO BID
3. Zoloft 100 mg, 1 PO QD
4. Zyrtec 10 mg, 1 PO QD

REVIEW OF SYSTEMS:

GENERAL - Denies fever, or chills
SKIN - rash improving on arms - finished abx and using proactive on lesions
RESPIRATORY - Denies shortness of breath, cough, wheezing
CARDIOVASCULAR - Denies palpitations, chest pain,peripheral edema
GASTROINTESTINAL - Denies nausea, vomiting, diarrhea, constipation,abdominal pain
GENITOURINARY - Denies dysuria, frequency of urination, urgency, or hesitancy
NEUROLOGICAL - Denies localized numbness, weakness, or tingling
PSYCHIATRIC - less anxiety w/increase in zoloft

ALLERGIES: penicillin G potassium- Rash - diffuse

EXAMINATION:
VITAL SIGNS: B/P - 100/70 Sitting, Left arm, large cuff, Pulse - 72 , Weight - 213.00

CONSTITUTIONAL - well nourished,well developed,looks like stated age,in no distress

SKIN - folliculitis resolved, scarring noted on arms, few active lesions

CHEST - clear to auscultation, no wheezing, no crackles, no rales

CARDIAC - normal heart sounds and physiologic rhythm, no murmurs

EXTREMITIES - arm w/ no TTP, FROM

NEUROLOGICAL - normal gait,cranial nerves intact

PSYCHIATRIC - alert, oriented to time, place, and person, no difficulties with speech or language, more active affect and not teary today

DECISION MAKING:

Richter 0363

ASSESSMENT:

1. Generalized Anxiety Disorder, Improving
2. Folliculitis, Improving
3. Rash, Improving

FOLLOWUP:Return Visit in 1 month

PLAN DISCUSSION: Pt reports has used ativan 2-3 times in past week. COnt meds and RTC if rash worsens again.

Electronically signed by VIDUYA-Goose Creek 11/19/2007 12:50:6

Richter 0364

MUSC
MEDICAL UNIVERSITY OF SOUTH CAROLINA

IOPPROBSUM

[redacted] L
000794418 [redacted] F W
08/09/07 10:00AM NEW
ZINZOW PHD,HEIDI
V# 230953812 A# 3978223 Z97
PSYCH CVC PCV

Institute of Psychiatry
OUTPATIENT PROBLEM SUMMARY

Form Origination Date 8/04
Version 2 Version Date 5/05

Primary Clinician: Heidi Zinzow, PhD Physician: _____

Date Opened	Significant Diagnosis Medical and Psychiatric	Date Resolved	Medications Current Prescriptions, OTC, and Herbals (include dosage and frequency)	Date Started	Date D/C'd or Dose Changed	Initials
8/9/07	309.81 PTSD					HZ
8/9/07	296.22 Major Depression					HZ

Comments	Allergies	Significant Operative and Invasive Procedures
Problem with No-Shows ☐ Yes ☐ No	☐ No known allergies ☐ Allergies _____	_____ _____ _____ _____

Signature/Title Heidi Zinzow, Ph.D., postdoctoral fellow Pager ID 13253 Initials HZ
Signature/Title _____ Pager ID _____ Initials _____
Signature/Title _____ Pager ID _____ Initials _____
Signature/Title _____ Pager ID. _____ Initials _____
iopopprobsumm

OTE 700088 Rev 5/05

MUSC
MEDICAL UNIVERSITY OF SOUTH CAROLINA

IOPTRTMTPLN

Institute of Psychiatry
Outpatient Plan of Care

Form Origination Date 3/06
Version. 3 Version Date 2/07

Patient Name [redacted]
MRN 000794418
STAMP PLATE AREA

Medicaid ID# _____ ☒ NA
Admission Date 8/9/07
Next Plan of Care Due. 8/9/08

DSM-IV Code / ICD-9: _____
Axis I: PTSD
Major Depression
Axis II: none
Axis III. none
Axis IV: child sexual abuse
witnessed violence
Axis V. 55

1 Problem / Need. Posttraumatic Stress Disorder Date Opened 8/07
Behavioral Description. nightmares, flashbacks, irritability, difficulty concentrating
Long Term Goal. minimal or no anxiety in response to trauma cues; symptom remission
Behavioral Objective / Short Term Goal (as evidenced by)
A decreased nightmares
B decreased flashbacks
C decreased irritability
Intervention
A skills training (relaxation, cognitive restructuring)
B exposure therapy
C.

Target Date	Service	Frequency / Duration	Staff Credentials
8/08	Ind Tx	1x wk x 12 mts	PhD

2 Problem/Need. Major Depression, Single Episode Date Opened 8/07
Behavioral Description increased eating, increased sleeping, low motivation, decreased activity
Long Term Goal: remission of symptoms
A engaging in pleasurable activities
B decreased negative thoughts
C decreased sleeping and eating; able to concentrate
Intervention
A behavioral activation
B. cognitive restructuring
C

Target Date	Service	Frequency / Duration	Staff Credentials
8/8/08	Ind Tx	1x wk x 12 mts	PhD

Patient / Caregiver Signature [redacted] Date 10/4/07
Clinician Signature Hilda Gonzalez, Ph.D. Pager ID 13253 Date 8/16/07
Treating Physician Signature _____ Pager ID _____ Date _____
Supervisor (if applicable) Signature _____ Pager ID _____ Date _____

iopopplanofcare OTE 700180 Rev 2/07

~2 mos. ago [redacted] started staying w/me - helps me
scared at night
contemplating whether to stay w/Sheriff's Office hard core there & get to yap & cry
angry to see [redacted] masturbating to unit

BRIEF ASSESSMENT OF PRESENTING TRAUMATIC EVENT

1 Briefly summarize incident that led to referral / treatment seeking & basic information. $55 took
geography teacher / softball coach - 1 incident that I recall; some still blurry; I currently work @ jail; 9.5 yrs. Dept of Corrections before; stopped in 9/05; CHS Co. Sheriff's office - 60-65 hrs. plus/wk.; dealing w/inmates going through crimes, dealt w/man involved in relation w/juvenile - was a unit worker - seemed like a good guy - he got sentenced; convicted - stood by his roommate
nightmares, feeling bad, feeling "blah" - started [redacted] - for NT roommate sex roommate went to hug

2 Did this incident include (check all that apply):
- ☐ Fear of being killed or seriously injured no
- ☐ Serious physical injury no
- ☐ Minor injury
- ☐ A series of assaults over a period of time
- ☐ Multiple assaults no
- Perpetrator was ☒ Male ☐ Female
- ☐ Completed rape (force / threat, vaginal / anal / digital penetration)
- ☐ Completed molestation (touching breasts / genitals or forced to touch assailant's genitals) fondling over period of time; oral sex - me to him
- ☐ Homicide of significant other / family; specify relationship: _____
- ☐ Other, specify _____
- ☒ Oral dream he's holding my head down, don't

3
[redacted] 000794418 0[redacted] F W
08/09/07 10:00AM NEW
ACIERNO PHD, RONALD E
V# 229772017 A# 3825451 Z97
PSYCH DEPT CVC PSY

- ☐ Husband
- ☐ Ex-husband
- ☐ Other relative
- ☐ Acquaintance (NOS). specify teacher

4 Was this incident reported to the POLICE? ☐ Yes ☒ No
Police contact person _____
Phone # _____

5 Was anyone arrested? ☐ Yes ☒ No
going to press charges
attd. for my protection @ jail
he's still teaching PHYS ED

6 What is the current perpetrator status?
☐ Jail ☐ Bond ☐ Other _____

7 Do you (victim) feel safe? ☐ Yes ☒ No at night
What are you doing to help yourself feel safe?
List. _____

8. Is the solicitor pursuing the case? ☐ Yes ☒ No
Who is the solicitor? attorney - in limbo
Advocate? _____ will press charges

9 Are you taking any CIVIL action? ☐ Yes ☐ No
don't know -

10. Do you have any of the following medical concerns as a result of this incident?
☐ you may be pregnant ☐ you may have caught some type of sexually transmitted disease ☐ you may be infected with HIV (AIDS)
Did you receive any medical treatment? ☐ Yes ☐ No no

11 Did you have any of the following symptoms during incident? (check all that apply).

☐ palpitations, pounding heart, accelerated heart beat	☐ sweating	☐ trembling or shaking
☐ sensations of shortness of breath or smothering	☐ feeling of choking	☒ chest pain or discomfort
☒ nausea or abdominal distress	☐ derealization (unreality)	☐ depersonalization (detached from self)
☐ fear of losing control / going crazy	☐ fear of dying	☐ numbness or tingling and sadness
☐ chills or hot flashes		

lasts 5-15 mins
feel space around me not big enough -

12 Do you find that certain activities / places / people lead to increases in distress? (check all that apply):

☒ darkness / night sleep at day	☐ specific locations	☒ men who resemble perpetrator
☐ particular room in the home	☐ being outdoors in general	☒ sexual activities - don't have sex anymore
☒ stories / programs on TV or in the newspaper pulling up records	☐ other lost interest in lake	relationship Dec to Jan - ended w/this stuff

don't go to James Island (where it happened)
no sex drive

now I'm angry - "why didn't anyone protect the kid"
made appt w/Chief - told them starting therapy
5 weeks letter that she's in counseling

BOLTON COUNSELING & CONSULTING, LLC
5000 THURMOND MALL, SUITE 309
COLUMBIA, SOUTH CAROLINA 29201
PHONE: 803.252.7952 / FAX: 803.252.7953
MOBILE: 803.447.3230

Client: [redacted]

Date of Service: March 25, 2011

Length of Session: 2.5 hrs

Initial Assessment

[redacted] (i.e., client) reported early for our session in Mount Pleasant, S.C. She was neatly and appropriately dressed; was well-groomed, her affect appeared normal and stable, yet melancholy. She voluntarily participated in the discussion and cried throughout the session as she reflected on her sexual abuse history and how her life seemingly took a downward spiral thereafter. Her eye contact was minimal, she fixated on the table. Overall, she appeared coherent, oriented in all spheres, and presented coherent, logical speech.

[redacted] was referred to me by the Richter Law Firm following a claim of sexual abuse by Charles Smith, a former World Geography teacher and soft ball coach during her grade school years at James Island High School.

Re: Family – [redacted] is a 37 year old single, Caucasian female. She has resided in Charleston, S.C. and has lived with her mother, [redacted] (age 57) for the past 2 years. She reported her mother as being a good mother, friend, and as being supportive. [redacted] said her mother, Pat, and father, Jim [redacted] (mid-late 50's), divorced when she was age 3 or 4. Pat and Jim also have a son, Mike (age 39), who [redacted] said is a prominent businessman in St. George. [redacted] gleamed as she talked about her brother Mike and said they have a "really good close" relationship.

[redacted] father, Jim, now resides in Pennsylvania. Per [redacted] her father remarried (Patty, age 50's) many years ago and had two children - Julie (age 20's) and Timothy (age uncertain). [redacted] reported having a distant relationship with her father and her sister Julie, but maintains contact with Timothy, who resides in St. George and works for her brother Mike.

Re: School / Education -- [redacted] reported dropping out of high school during her 9th grade year following the sexual abuse. She talked about how shy yet vibrant she was during those years and how she loved her friends and various activities. She also recounted how she felt "dead" inside after the abuse and blamed herself for not knowing how to stop it. She contributed her dropping out to the depression, anxiety, and other negative symptoms related to the sexual abuse by her former teacher and coach, Charles Smith.

Re: Employment – [redacted] reported working with the Summerton Line Station prior to working for the Department of Corrections for the past 10 years. She is currently employed with the Charleston County Sheriff's Office in North Charleston. While she enjoys working in her

current position, she reported it has become strained over the past several years after having more access to the inmate's crimes and dealing with the enormous amount of sex offenders.

Re: Sexual Abuse History – [redacted] reported remembering being sexually abused (i.e., inappropriately touched, etc.) by a former baby sitter, Linda. She said she doesn't remember Linda's last name or other identifiable information at this time.

[redacted] also recalled being courted and sexually abused by her former World Geography teacher and softball coach, Charles Smith, while attending James Island High School (roughly in 1988-89). [redacted] recounted how supportive and encouraging Charles Smith was and how he charismatically won the confidence of various students regarding personal, academic, and sports-related matters. [redacted] said that's how the abuse began and she but Dr. recounted places where the sexual abuse occurred. Due to her uncontrollable crying and emotional distress, I asked her to not recount any other details at that time and helped her calm down. I assured her that we would cover that information in our next session but wanted to build rapport and get a brief overview of what we would be dealing with. [redacted] agreed to continue with the session via phone and face-to-face meetings and worked to calm herself prior to the end of the session.

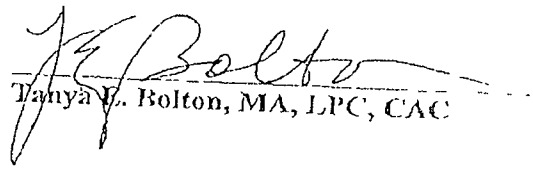
Overall Assessment – [redacted] was pleasant to talk to, but was guarded and frustrated. Her being guarded was related to her previous counseling relationship with Dr. Heidi Zinzow in 2008-2009 for Post-traumatic Stress Disorder (PTSD) and Depression as related to her sexual abuse by Charles Smith. [redacted] said she and Dr. Zinzow made remarkable strides before Dr. Zinzow ended the counseling relationship because she relocated for an employment opportunity. Further, [redacted] said she's guarded because she lost her overall trust in people following the sexual abuse and feels "naked, embarrassed, and dirty" as she recollects the memories of the sexual abuse by Charles Smith.

[redacted] often dissociated during her recalling the sexual abuse, which then led her to severe emotional distress so much so that we had to stop the session and help her compose herself. I feel she is desperate to find peace within and to work towards success in her personal and professional lives.

[redacted] is experiencing much regret for dropping out of high school, or not informing anyone about her abuse, for trusting Charles Smith (who she looked at as a father figure since she and her father never had that type relationship), and for feeling she never had a chance at true happiness, peace, and success following the sexual abuse. She talked about feeling damaged, used, and worthless; and remembers feeling that way following the sexual abuse. [redacted] also reported having attempted suicide following the sexual abuse because she couldn't deal with the depression and severe emotional distress. She hated the fact she trusted Mr. Smith so much and that he used her trust to get close to her and ultimately harm her in a way that "damaged (her) soul."

Treatment Recommendations – Biweekly sessions at 1.5 hours per session with brief phone contact in between sessions to ensure client's safety as we deal with her sexual abuse history. Further, [redacted] reported seeing Charles Smith in town at the local grocery store, etc., and I want to ensure her emotional state does not deteriorate during our therapeutic process. Note that she presents NO suicidal/homicidal ideations or self-destructive behaviors/risks at this time. Long-term therapy is needed.

Signed,



Tanya L. Bolton, MA, LPC, CAC

[redacted]
Initial Assessment
03-25-11

Bolton Counseling & Consulting, LLC
Tanya E Bolton, MA, LPC, CAC
5000 Thurmond Mall, Suite 309
Columbia, South Carolina 29201
Office: 803 252 7952 / Fax 803 252 7953 / Mobile 803 447 3230

Client [redacted]
Date: Tuesday, April 5, 2011
Time. 5 30pm X 45 minutes

Diagnoses 309 81 Post-Traumatic Stress Disorder (PTSD)
296.30 Major Depressive Disorder NOS
V62.81 Relational Problem NOS

Client called to inquire about a meeting time this Friday due to her change in work schedule Per client, she was suspended this week but didn't want to discuss the specifics She did mention, however, that her stress level was heightened because she knows she is listed in their main computer as a victim, specifically as having been raped, after having filed a formal complaint against Charles Smith a while ago Client said she knows employees often look up names of other employees and fears everyone will know she was a victim She is aware that several colleagues know and is "humiliated" by that Based on information client shared, her suspension might have been related to her continually asking her superiors to change her status from "raped" to something more vague because she's an employee. So far, her request has been denied.

Client said she feels numb and like she can't stop being a victim because of the constant reminders around her Besides her internal "reminders" (i.e., memories, etc), she is terribly fearful of being exposed because of her information on the computer at work. She denied suicidal and homicidal ideations or self-destructive behaviors, but mentioned she has felt suicidal since our initial meeting after having talked about her sexual abuse history by Charles Smith.

Client talked about regrets and how she dreams and wonders what her life would have been like had she not been assaulted She then began to blame herself for not having stopped Charles Smith from molesting her and blamed herself for having trusted him. She talked about how highly regarded he was by other students, particularly females Client remembered how "nice" he was and how he was a "father figure" to so many.

The remainder of our conversation focused on relaxation and anti-stress/anxiety techniques client should use to help her sleep with fewer disturbances and to help reduce stress and anxiety throughout the day. She reports being flooded with thoughts and memories of the sexual assault and feels helpless in controlling, even stopping, those thoughts We also discussed a bedtime routine that should help her sleep better, let alone reduce stress. Client is in agreement

Next appt. is scheduled for Friday, April 8, 2011

Signed, Tanya E Bolton, MA, LPC, CAC

Bolton Counseling & Consulting, LLC
Tanya E Bolton, MA, LPC, CAC
5000 Thurmond Mall, Suite 309
Columbia, South Carolina 29201
Office: 803 252.7952 / Fax 803 252 7953 / Mobile: 803 447 3230

Client [redacted]
Date. Friday, April 15, 2011
Time N/A - phone X 30 45 minutes

Diagnoses 309 81 Post-Traumatic Stress Disorder (PTSD)
296 30 Major Depressive Disorder NOS
V62 81 Relational Problem NOS

Client wanted to meet today but couldn't due to work schedule Client asked if we could meet next Wednesday, April 20, 2011

While we talk and text rather frequently throughout the week, I feel client minimizes her levels of depression and anxiety due to fear of committal. I will continue to assess for suicidal/homicidal ideations via phone and text as we continue to explore issues related to the sexual assaults

Client is flooded with questions and anger related to being sexually assaulted by an old, trusted teacher, Charles Smith. She blames them both for the assaults – Smith for "doing the unthinkable and taking someone's trust and abusing it wrecking their lives," and herself for not having told her mother of some adult about the assaults. She remembers the shame and fear of telling, more shame per client. She said she feels that same shame when she thinks about it now. She questions how her life would have been different if she hadn't gotten raped by him. Client asked me if she would have been married with a child; would she had attended college and had a "better" job, would she be happy and not plagued with depression and poor self-esteem. She said she battles with questions regarding her life and how it would have been versus how it is now.

I asked client to consider talking to her doctor about prescribing her anti-depressants to help cope with the symptoms of depression and anxiety. Client is agreeable and will contact her doctor She fears the negative side effects of the meds

We will maintain contact via phone/text and I will continue to assess for suicidal ideations to ensure her safety. She has never presented homicidal ideations during our meetings/conversations. Client was encouraged to call me if she felt too depressed or feelings of hopelessness, etc which she agreed

Signed, Tanya E Bolton, MA, LPC, CAC

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Office: 803.252.7952 / Fax: 803.252.7953 / Mobile: 803.447.3230

Client: [redacted]
Date: Monday, May 2, 2011 thru Friday, May 6, 2011 (phone conversations)
Time: N/A - phone X 30-1:45 minutes

Diagnoses: 309.81 Post-Traumatic Stress Disorder (PTSD)
296.30 Major Depressive Disorder NOS
V62.81 Relational Problem NOS

Client and I have maintained contact via phone. Client reported having several memories she wanted to mention and discuss. She said she's been flooding with thoughts and memories and feels overwhelmed. The following are critical thoughts, concerns, and memories she's plagued with that must be properly addressed to help with her healing.

- Cl. Still upset about being labeled as "raped" in the work computer, where "tons of co-workers have access to my life..." Cl. Said being labeled is a constant reminder of the assault and is traumatic for her. She said she's constantly angry about the label and asked to be re-coded as "victim," but so far that request has been denied. Cl. Says she feels "picked on" at work by those in authority.
- Cl. Says she feels underappreciated at work, especially since she filed a police report regarding being sexually assaulted by Charles Smith. Cl. Reported roughly 15 years of employment with law enforcement, and said she's the only Nationally Certified C.O. in her dept.
- Cl. Remembered being "excited about life" prior to being sexually assaulted. Described herself as "happy," "loved softball," "trusting," "shy," and said she "had lots of friends," prior to the sexual assault. Following the assault, however, cl. Described herself as "still a kid," "numb," "LOST," "couldn't eat around others,"...and said "everything goes blank from there."
- Client said she wanted to be "compassionate" to others, but has limited emotional strength to deal with others' problems. She considers herself "friendly, loyal, and I never meets a stranger." Yet she struggles with her inability to trust others, constantly feeling paranoid that someone will try to take advantage of her kindness (or her in general), and said she always feels "confused and exhausted."
- Cl. Is happy she completed her G.E.D. (and successfully completed Job Core), but is angry that she dropped out of school following the assault. She said she always wonders what her life would have been like had Charles Smith never sexually assaulted her.
- Cl. Recalled Charles Smith taking her home from school and softball practice, but doesn't remember why he had to or chose to do so. She recalled living in three different homes when she relocated from Pennsylvania to the Charleston area. She recalled Charles Smith touching her leg(s) and vagina area in class and "smelling his fingers;" she recalled him making her perform oral sex on him and then

[redacted] phone conversations, dates 5-02-2011 thru 05-06-2011

ejaculating in her mouth, she recalled wanting to vomit and constantly feeling "nasty" and "disgusting" following him ejaculating in her mouth while holding her head down (She reported feeling physically ill as she recalled the incidents and gagged on the phone)

- Cl Recalled various "subtle advances" from Charles Smith from when he was her World Geography teacher. She recalled him being "touchy," and said he would touch her shoulder and touch her breast area "by accident" as he was walking away She recalled him being real nice to all the kids, said he looked like Chuck Norris; that he had a mustache, and that he was "cool and popular with all the kids, especially with the girls " Cl. Said she remembered he drove her home a lot from school and/or softball practice; dropped by his home on several occasions to "pick something up", but denied going inside his home, went to the stables where he boarded a horse to feed it, and was taken by various homes that he painted or had painting projects Client even recalled Charles Smith letting her drive his truck sometimes, which she thought was "cool and fun "
- Cl Recalled attempting suicide (via OD'ing on meds at home) following the sexual assaults, being hospitalized, and not being able to return to school because Mr Smith was there Cl said her mother later told her that Charles Smith visited their home following the suicide attempt, but that her mother turned him away because she wasn't ready for visitors. Cl Had not informed her mother of the assault at that time
- Cl. Recalled entering counseling with Dr Zinzow in late 2007 following accepting having been sexually assaulted by Charles Smith. She was referred to the National Crime Victims Research and Treatment Center at MUSC. Cl. Said therapy was most beneficial and that Dr. Zinzow helped her to recall memories that had been repressed for years Their constant battle was encouraging cl. To stop repressing them due to the pain of remembering. Therapy ended after Dr Zinzow accepted new employment elsewhere and cl. wasn't able to "start over" with someone else Cl Said she understood her therapist leaving, but felt upset and abandoned, even though Dr Zinzow engaged cl in several closure sessions.
- Client said she vaguely remembers her visits at the stables with Charles Smith and wonders if sexual acts occurred there, too. She has questionable memories about fondling and her performing oral sex on Mr. Smith there, but will not say it happened until she knows within herself that her memories are clear and "actual memories" versus being confused from incidents that occurred in the classroom or in his car. I admire and respect her desire to ensure her accuracy in this matter

It is apparent that these memories are quite painful for my client After these conversations, she would complain of restless nights, stomach pains and headaches/migraines, and debilitating depression She complained of feeling lethargic and "numb." I will continue to assess for suicidal ideations, have established a supportive network for my client, and will continue to address these concerns and memories utilizing various therapeutic processes. I will also encourage compartmentalization as a coping tool so that she can focus on her job effectively and enjoy her personal and family life while not discussing Mr Smith during our sessions

Signed, Tanya E. Bolton, MA, LPC, CAC TB

[redacted], phone conversations, dates 5-02-2011 thru 05-06 2011

Bolton Counseling & Consulting, LLC
Tanya E Bolton, MA, LPC, CAC
5000 Thurmond Mall, Suite 309
Columbia, South Carolina 29201
Office 803 252 7952 / Fax 803 252 7953 / Mobile 803 447 3230

Client: [redacted]
Date: THURSDAY, JUNE 30, 2011 & FRIDAY, JULY 8, 201_ & Saturday July 9, 2011
Time N/A - phone X 30-45 minutes

Diagnoses: 309.81 Post-Traumatic Stress Disorder (PTSD)
296.30 Major Depressive Disorder NOS
V62 81 Relational Problem NOS

THURSDAY, JUNE 30, 2011 -- Client reported having experienced another panic attack since we last spoke several days ago. She experienced diarrhea, nausea and vomiting, heart burn and palpitations, and dizziness/headaches Client said she sought medical attention and that her physician, Dr. Yoo, increased her Zoloft from 50mg to 75mg to help her manage her anxiety and depression better. Client was also prescribed Ativan for the anxiety Cl Reported having headaches daily, which prevents her from resting and sleeping peacefully Cl. Was encouraged to maintain compliance in taking her medications and to eat healthy meals and try to rest/sleep regularly. Client agreed and said she'll try to utilize the old relaxation techniques we discuss earlier in the therapy sessions

Friday, July 8, 2011 -- Client reported she's still experiencing panic attacks accompanied by feelings of nausea, diarrhea, vomiting, pain in chest, headaches, and a burning stomach She is very fearful of seeing Charlie Smith in the deposition, but reminds herself that she's no longer that little girl he touched without permission and made to perform orally on him. She had to be reminded that he is no longer a threat to her and that that office will be a safe environment for her Symptoms of anxiety and depression are major per client and debilitating. Cl reported she's already requested time off from work for the deposition She's concerned about how her job views her having to take time off for this process

SATURDAY, JULY 9, 2011 -- Client texted me at 10 02am saying she just woke up She was in bed crying and upset most of the night and early morning before finally being able to calm herself and fall asleep She's counting down days until the deposition (13 days) and fearful of facing Charles Smith. Yet she feels relieved she can finally let him know how his actions changed the course of her life, per client We will continue to focus on ways to relieve her anxiety and stress to allow her to prepare for the deposition.

Signed, Tanya E Bolton, MA, LPC, CAC TB

Bolton Counseling & Consulting, LLC
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Office: 803.252.7952 / Fax: 803.252.7953 / Mobile: 803 447.3230

Client: [redacted]
Date. May 31, 2011
Time: 1 hour (90806) session(s)

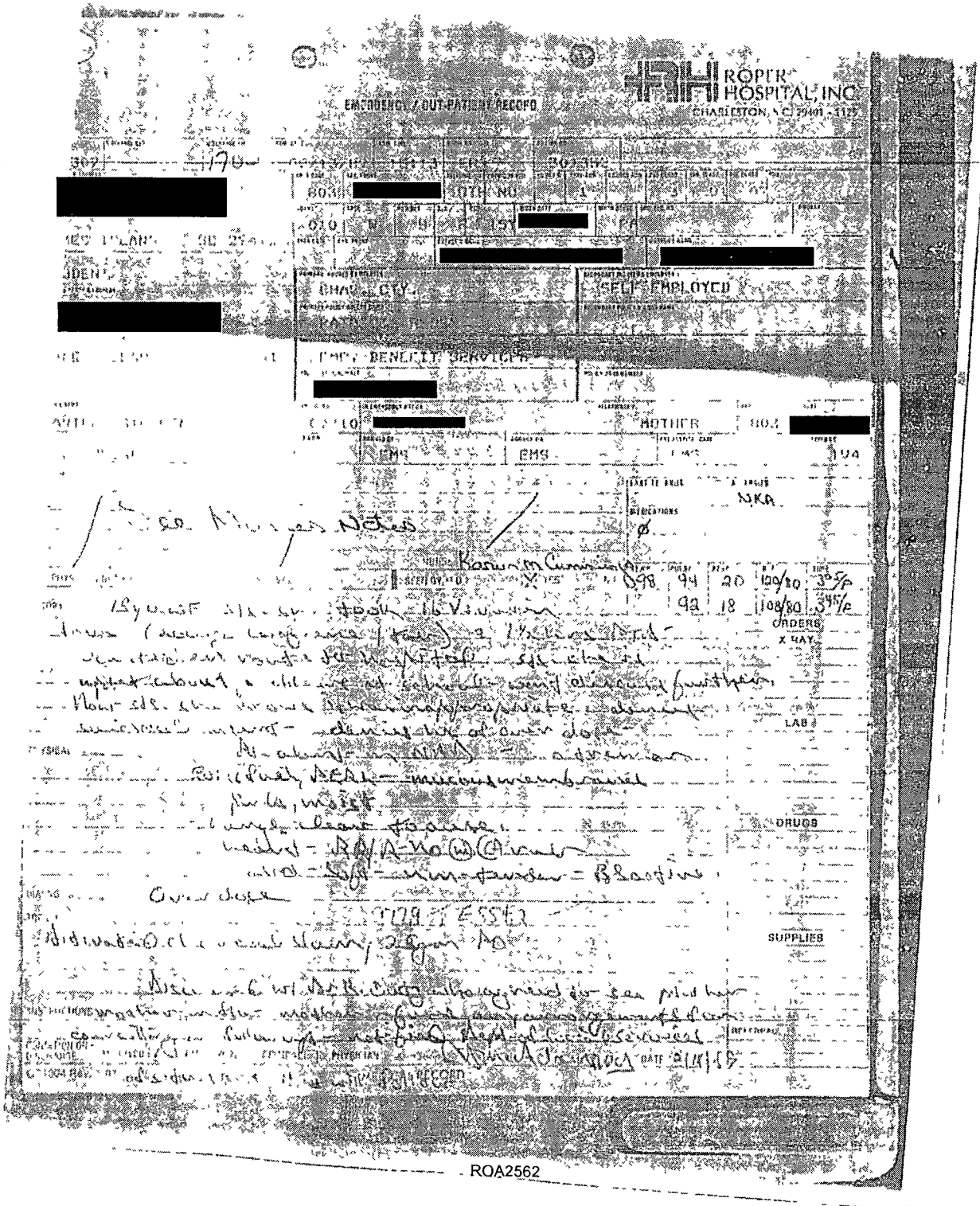
Diagnoses: 309.81 Post-Traumatic Stress Disorder (PTSD)
296.30 Major Depressive Disorder NOS
V62.81 Relational Problem NOS

Client reported her affect/mood as being "okay." She is clearly acclimating to her medication and feels optimistic about its effects. She reported wanting to feel "numb" so she doesn't have to feel any sadness. She also reported less images or memories regarding the sexual assault due to the meds. Client reported her appetite has decreased a tad and that she sleeps more. She reported still having interruptions during sleep but said she can return to sleep fast.

Client focused on taking leave and feeling guilty for needing time off from work to "cope." She talked about feeling "weak" and talked about how energetic and fearless she was as a young child. She wished she still had those attributes and characteristics now at her age. Client talked briefly about how abusers "steal so much from their victims...things they will never get back no matter how long you live." She appeared somber but quickly tried to reclaim her sense of calm. Client reported she is expecting her medications to make her "feel better (emotionally). She appears to be putting all faith in her medications to help her regain peace

I could hear her voice sounding sleepy and wanting to relax. I was surprised she talked as long as she did. This is the true only time my client appeared remotely separate from pain, distress, and depression. While it's soothing on some level, I eagerly anticipate her becoming acclimated and better able to really cope with her fears and anxieties on a different level. I trust she will

Signed, Tanya E. Bolton, MA, LPC, CAC


ROPER HOSPITAL, INC.
EMERGENCY / OUT-PATIENT RECORD
CHARLESTON, S.C. 29401-1122
[redacted]
CHG. CTY.
SELF EMPLOYED
EMP. BENEFIT SERVICES
[redacted]
MOTHER
[redacted]
EMS
EMS
N.K.A.
Nurses Notes
ORDERS
X RAY
LAB
DRUGS
SUPPLIES
DATE 2/14/15

ALLERGIES:

[redacted] 2

✓ clear		flushed							
rales		cyanotic							
wheeze		pale							
other		cool							
		✓ warm							
		wet							
		✓ dry							

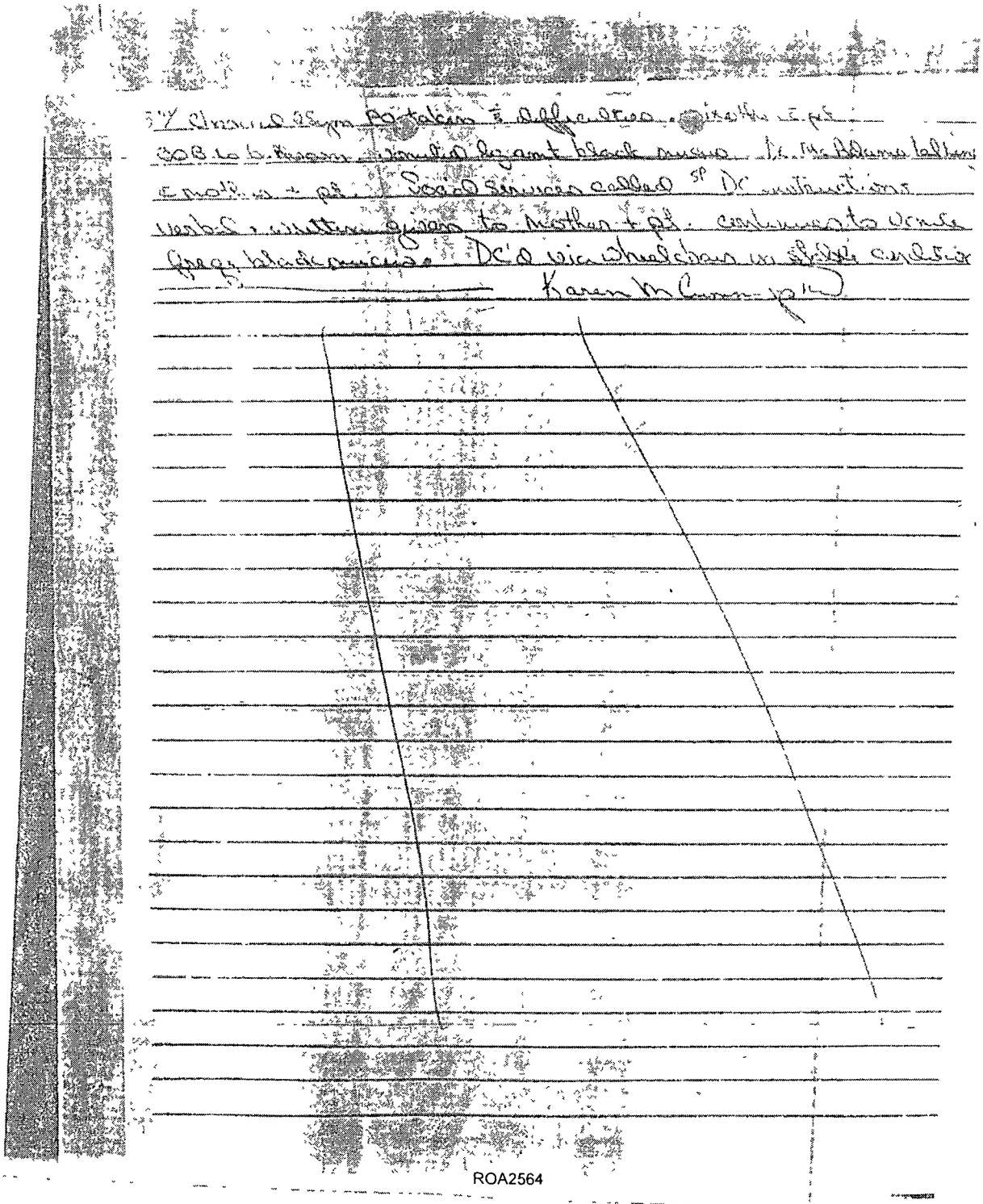
TIME	BP	P	R	T	PUPILS/OTHER	TIME	MEDICATIONS
3⁰⁰/p	110/80	94	20	98		340/p	Ceftriaxone Chewed 2 Sages
315/p	104/80	92	18				
415	110/70	80	16				
452	100/64	84	16				

TIME	PROCEDURES	TIME	AMT	IVF	ADDITIVES	SITE	NEEDLE	RATE	TOTA. INFUS.
330/	exam by Dr McAdams								

TIME	LABS	TIME	OTHER	TIME	X-RAY	TIME	INTAKE	TIME	OUTPUT
	CBC								
	BCP								
	CIP								
	ABG						TOTAL:		TOTAL:

NURSES' NOTES: Voyered w/F adm via EMS ↑ taking 16 Vicam pills - states she vomited to die because of school problems. Alert + oriented PERL MAE equal + strong. Breaths sounds clear heart sounds S.+S2 ↑ R.R. Cardiac RS active all quads. Nauseated + vomited X2 undigested food. OOB to bathroom voided clear amber urine. exam by Dr McAdams.

NURSE: Karen M Cummings RN DATE: 2-13-89



CHARLESTON COUNTY EMS — INCIDENT REPORT

DISPATCH NO. 1 3 4 1 0

REPORT NO. 1 7 2 3 7 0

CHIEF A B C

DATE 1/13/17

MEDIC UNIT 1 2 3 4 5 6 7 8 9 0 1

☑ TRANSPORT-BILL
☐ NON-TRANSPORT-BILL
☐ NON-TRANSPORT-NON-BILL
☐ BACK-UP UNIT, TRANSPORT BY
☐ PT. ADVISED OF FEES

DISTRICT 4-391 | THROUGH SCENE 14 | ACTUAL 14

[redacted] M D Y AGE 15 SEX M W

[redacted] [redacted]

[redacted] STATE PT CODE

[redacted]

PT FOR TREATMENT/TRANSPORTATION

BILLING INFORMATION

		10 ATROPINE	19 LASIX	28 PSYCH INTERVENT	37 XYLOCAINE BOLUS	CARS PRIOR TO EMS: 1 ☐ CPR 2 ☐ Other			
		11 BANDAGES	20 DOPAMINE	29 RESTRAINTS (PSYCH)	38 PROPRANOLOL				
		12 XYLOCAINE	21 SUCTION	30 BENADRYL	39 BRETHINE	PROVIDED BY: 1 ☐ LAY PERSON 2 ☐ 1ST RESPONDER EMS			
		13 EPINEPHRINE	22 HOBT SPAN	31 BLOOD DRAWN	40 NITRO-OSMOLUB				
		14 SOD BICARB	23 SHORT BOARD	32 GLUCOSE CHECK	41 TRAUMA EYE IRRIGATION SET				
		15 ADRENALIN	24 LCWD SBB	33 BRETYLIUM	42 POISON/SNAKE KIT				
		16 ATROPINE	25 BAND EARS	34 NITRO	43 CONTAM NATIONS KIT				
		17 50% DEXTROSE	26 ICE PAK	35 VALIUM	44 ESOPHAGEAL AIRWAY				
		18 SUPREL	27 INTUBATION	36 NARCAN	45 PNEUMOTHORAX EVAC	4 ☐ Other			

TIME RECORD

DISPATCH	1434	AT SCENE	1501
EN ROUTE	1442	CLEAR	1609
10-23	1447	AT DEST	
MED CTR	1447		
10-24	1511	EQ	

CATEGORY: 1 ☐ 2 ☐ 3 ☒ 4 ☐

TRANSPORT TO HOSPITAL: ① BA ② CG ③ GT ④ ANS ⑤ HA ⑥ HT ⑦ RO ⑧ SA ⑨ VA ⑩ EC ⑪ ☐ HOSP ⑫ ☐ OTHER

VALUABLES OR CLOTHES TO: ☐ PATIENT ☐ FAMILY ☐ FRIEND ☐ POLICE ☐ ER ☐ OTHER

I REQUEST THAT PAYMENT OF AUTHORIZED INSURANCE BENEFITS BE MADE TO THE CHARLESTON COUNTY EMERGENCY MEDICAL SERVICE FOR ANY SERVICE PROVIDED TO ME.

I AUTHORIZE RELEASE OF ANY MEDICAL INFORMATION NEEDED IN ORDER TO DETERMINE BENEFITS PAYABLE.

X SIGNATURE OF PATIENT OR LEGAL GUARDIAN

PATIENT SURVEY FINDINGS

CHIEF COMPLAINT: [illegible] 10/10/80 16

HISTORY OF PRESENT PROBLEM: [illegible]

ALLERGIES: NKDA

MEDICATIONS: None

PAST MEDICAL HISTORY:

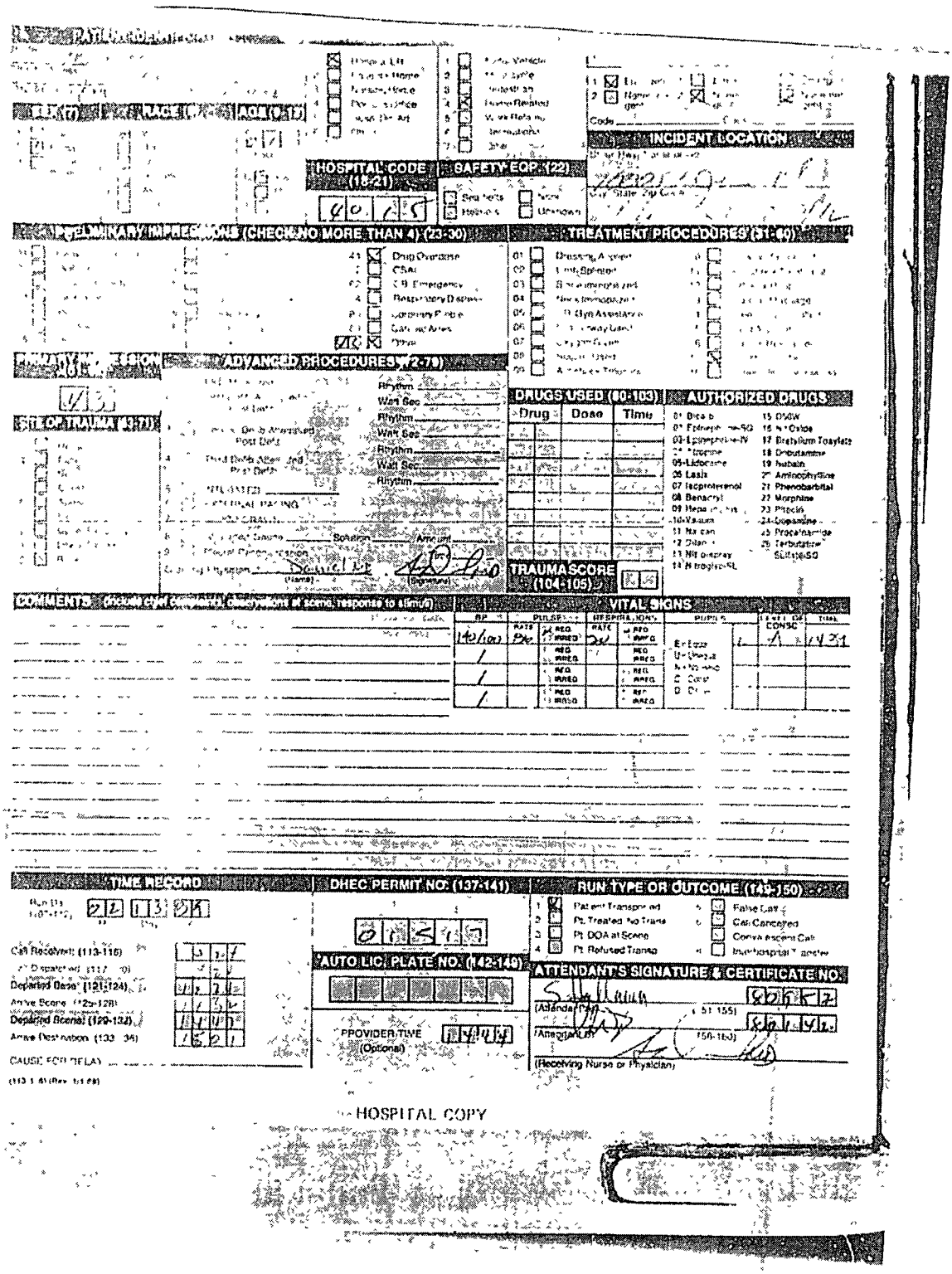
PHYSICAL ASSESSMENT: [illegible]

TREATMENT/RESPONSE: [illegible]

COMMENTS / REMARKS: [illegible]

CREW CHIEF | CREW DRIVER | CREW MEMBER | OTHER

HOSPITAL COPY



HOSPITAL COPY

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM CHARLESTON COUNTY
Court of Common Pleas

W. Jeffrey Young, Circuit Court Judge

Case No. 2010-CP-10-7699

Charles Smith, Charleston County School District and James Island High School — Respondents,

v.

Jane Doe, — Appellant.

CERTIFICATE OF COUNSEL

The undersigned hereby certifies that the Record on Appeal contains all material proposed to be included by any of the parties and not any other material.

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Attorneys for Appellant

July 8, 2013
Mt Pleasant, South Carolina

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v.

Jane Doe, — Appellant.

CERTIFICATE OF COMPLIANCE

The undersigned hereby certifies that the Record on Appeal complies with Supreme Court Order dated August 13, 2007 regarding personal identifiers and sensitive information.

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Jane Doe, — Appellant.

Proof of Service

I certify that I have served the Record on Appeal, Certificate of Counsel, Certificate of Compliance, and Proof of Service by depositing a copy of it in the United States Mail, postage prepaid, on July 8, 2013, addressed to the attorneys of record, Robin Jackson at Senn Legal LLC, P O Box 12279, Charleston, SC 29422 and Brian Quisenberry at Young Clement Rivers, LLP, 25 Calhoun Street, Suite 400, P O Box 993, Charleston, SC 29402

July 8, 2013

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