

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

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SC Court of Appeals

APPEAL FROM KENNETH MAXWELL PACE, JR.
South Carolina Administrative Law Court

Crystal M. Rookard, Administrative Law Judge

Case No. 23-ALJ-30-0360-AP

Kenneth Maxwell Pace, Jr.,

Appellant,

v.

South Carolina Department of Education,

Respondent.

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STATEMENT OF ISSUES ON APPEAL

1. Did Richland School District 2/South Carolina Education Association/Hearing Officer/South Carolina State Board of Education err in discriminating against the appellant Kenneth Maxwell Pace, Jr. based on his color and race, thereby committing reverse discrimination against the appellant Kenneth Maxwell Pace, Jr.
2. Did Richland School District 2/South Carolina Education Association/Hearing Officer/South Carolina State Board of Education err in requesting and conducting an in depth, unbiased, and neutral investigation into both Kenneth M. Pace, Jr. and Richland School District 2?
3. Did Richland School District 2/South Carolina Education Association/Hearing Officer/South Carolina State Board of Education err in requesting any further pertinent information from Richland County Sheriff's Department, Lexington County Sheriff's Department, Lexington County EMS, Lexington County Hospital, Rebound Behavioral Health Hospital, Lexington County Mental Health, or the South Carolina Inspector General's office?
4. Did Richland School District 2/South Carolina Education Association/Hearing Officer/South Carolina State Board of Education err in issuing subpoenas of any other person or persons' that may have shed more in depth, unbiased, or neutral information pertinent to this case and the accusations made against Kenneth Maxwell Pace, Jr.?
5. Did the South Carolina State Board of Education err in granting Kenneth Maxwell Pace, Jr. sufficient opportunity (time, i.e. 3 minutes) to appeal his case and the accusations made against him during the appeal hearing held on August 7, 2023 before the South Carolina State Board of Education?
6. Did Richland School District 2/South Carolina Education Association/ Hearing Officer/South Carolina State Board of Education err in establishing and defining the true meaning of a threat as it pertains to both the case and accusations made against Kenneth Maxwell Pace, Jr.?
7. Did Richland School District 2/South Carolina Education Association/ Hearing Officer/South Carolina State Board of Education err in acknowledging Kenneth Maxwell Pace, Jr's Civil Rights and Human Rights?
8. Did Richland School District 2/South Carolina Education Association/ Hearing Officer/South Carolina State Board of Education err in acknowledging Kenneth Maxwell Pace, Jr's 1st Amendment Rights?
9. Did Richland School District 2/South Carolina Education Association/ Hearing Officer/South Carolina State Board of Education err in acknowledging Kenneth Maxwell Pace, Jr's Right to Due Process?
10. Did the South Carolina Education Association err in fulfilling and completing the legal representation of Kenneth Maxwell Pace, Jr. in the accusations brought before him by Richland School District 2/Hearing Officer/South Carolina State Board of Education?
11. Did Richland School District 2/South Carolina Education Association/ Hearing Officer/South Carolina State Board of Education err in committing Defamation of Character with these false accusations made against Kenneth Maxwell Pace, Jr.?

STATEMENT OF THE CASE

In the 2017-2018 school year, I was hired by Richland School District 2 as an Assistant Administrator at Ridge View High School. I immediately realized that in larger school districts, larger politics, cronyism, nepotism, and mere favoritism occurs more prevalently than in smaller school districts. Although at the end of my first year (2017-2018) I was given an above average year end evaluation, the evaluation was in actuality grossly inaccurate. It left off critical points that are vital to proving the dysfunction of this situation. I also noticed immediately several moral, as well as unethical practices both at the building and district levels of employment, up to and including Human Resources that were occurring. I made these concerns known to several colleagues, as well as district level administration. With little or no guidance, assistance, or personal satisfaction, I became very concerned that my opportunities for advancement within Richland School District 2 were nearly, if not completely out of my hands. Knowing and accepting this, I put my head down and gutted through the next five years. I attempted to prove myself, while also entertaining my options in other school districts by applying and interviewing elsewhere every chance I got.

Year after year, from 2017-2021, I received inaccurate, as well as unsatisfactory or poor evaluations from my supervisor and was put on a yearly improvement plan every year forward after the 2017-2018 school year. I questioned every one of my evaluations, while continuing to go up the proverbial "food chain" to the district office at the end of each year. I also continued to seek employment outside the district. At this time, I also began slowly collecting evidence of these unethical and immoral practices within Ridge View High School, as well as Richland School District 2. I continued to seek district level governance and guidance on each occasion while revealing my personal internal grievances and concerns. However simple "Band-Aids" were used and my concerns and employment welfare were continually ignored and swept under the proverbial "rug."

At the end of the 2019-2020 school year I applied for a promotion, where my immediate supervisor was leaving, so naturally I was very excited to get the opportunity to move into his vacated position. I strongly felt I was the perfect replacement since our duties and responsibilities mirrored one another since my first day in the district. Instead of getting, what appeared in my eyes a well-deserved promotion, instead I was falsely accused of stealing questions, emails, and calendars by other colleagues, as well as my building supervisor. I again went to the district level, again including Human Resources to vent my concern and frustrations. I had virtual meetings with both the Assistant Superintendent of Richland School District 2, Keith Price, as well as the Senior Chief of Human Resources Officer, Shawn Williams. In both of these virtual meetings, my concerns and grievances were basically mishandled and ignored.

During the 2020-2021 school year, I decided to once again just do my best, I even reluctantly participated in the Ridge View Leadership Academy, even though I knew I was grossly over qualified to do so. I was promised that if successfully completing this academy, I would completely satisfy my improvement plan. However at the end of the 2020-2021 school year, I once again was given an unsatisfactory end of the year evaluation, even though I successfully completed the Ridge View Leadership Academy. In this evaluation, I was told that the upcoming 2021-2022 school year would be my last year on the improvement plan and that if I did not improve my performance, that it would be the end of my Education Administrative career with Richland School District 2.

Just a side note, the majority of the other completers of the Ridge View Leadership Academy moved onto promotions either within the district or in other outside districts, while I myself, once again received another poor evaluation. I had simply had enough of being told I was not good enough. So I decided to stand up for myself by relying on my Faith, my personal Truth, and my Spiritual Fortitude. I once more reached out to Human Resources and the newly appointed Executive Director of Secondary Schools, Dr. Sabrina Suber. I continued to be ignored for any discussions or meetings to once again voice my concerns. Ultimately I had a mental breakdown in the living room of my mother-in-laws house on Friday morning, July 23, 2021. The rest of this story is on the so called "public record."

FACTS

I, Kenneth Maxwell Pace, Jr. was discriminated against solely by the color of my skin. I was falsely accused of issuing threats to my fellow family members/coworkers of Richland School District 2. I was simply standing up for myself, while saying a prayer for us all. My Civil Rights and Human Rights have been violated. My 1st Amendment Rights have been violated. My 5th Amendment Rights of Due Process have been violated.

I was contacted and interviewed by the office of the South Carolina State Inspector General's office shortly after my forced resignation from Richland School District 2. I met with the South Carolina Inspector General's office for over an hour, where I spoke of my employment with Richland School District 2. Shortly thereafter an in depth investigation was conducted by the South Carolina Inspector General's office at the urging of South Carolina Governor Henry McMaster.

My lawyer at the time of my appeal hearing with the South Carolina State Board of Education, (SCEA appointed, William Tinkler) was only given three minutes to plead the case and accusations made against me. When he notified me of these three minutes of appeal, I chose not to attend this appeal hearing for that very reason. I told Tinkler, three minutes was not nearly enough time to plead my case. I was also working at the time as a permanent/full-time teacher in Lexington School District Two, the first day of the 2023-2024 school year. I believed my time and purpose was better served with the children at Pine Ridge Middle School on their first day. I in turn believe the South Carolina State Board of Education members felt disrespected by my failure to appear in person on my appeal and subsequently revoked both my teaching and administrative certificates, effectively immediately. All of this occurred even though my lawyer notified them that Lexington Two not only hired me, but Lexington Two also did this knowing that another district and the South Carolina State Board of Education may have lost faith and trust in me. However Lexington Two still believed in me. I have been working with them all along.

All entities have stated and accused me of being unfit to teach because of my mental breakdown, although for the last three years I have worked as a long term substitute teacher in both elementary and middle schools in the midlands.

The South Carolina Department of Education has long ignored the immoral and unethical practices of leadership and administration that go on in Richland 2, as well as other districts around the state of South Carolina. These immoral and unethical practices include favoritism, nepotism, cronyism, and just simple discrimination. The efforts of both Governor Henry McMaster and the South Carolina Inspector General's office have proved such.

Ever since this mischief began, all fingers have been pointed solely in my direction. While representing me, the South Carolina Education Association failed to properly represent me. All parties involved failed to take a deeper dive into this situation. No one has even considered looking at the origin and source of these accusations made against me. Richland School District 2, the South Carolina Education Association, and the South Carolina Department of Education have all failed to seek the "TRUTH" in this matter. I am not an attorney or lawyer. I have only faithfully attempted to defend and represent myself and now it rests in the hands of the South Carolina Court of Appeals.

ARGUMENTS

- I. Because Richland School District 2/South Carolina Education Association/South Carolina State Board of Education/South Carolina Administrative Law Court committed reverse discrimination against the appellant Kenneth Maxwell Pace, Jr. solely based on his color and race.
- II. Because Richland School District 2/South Carolina Education Association/South Carolina State Board of Education/South Carolina Administrative Law Court failed to conduct an in depth, unbiased, and neutral investigation between Kenneth Maxwell Pace, Jr. and Richland School District 2.
- III. Because Richland School District 2/South Carolina Education Association/South Carolina State Board of Education failed to request further pertinent information from the Richland County Sheriff's Department, Lexington County Sheriff's Department, Lexington County EMS, Lexington County Hospital, Rebound Behavioral Health Hospital, Lexington County Mental Health, or the South Carolina Inspector General's office.
- IV. Because Richland School District 2/South Carolina Education Association/South Carolina State Board of Education failed to recommend and issue subpoenas for persons' whom could have brought more insight to this case.
- V. Because the South Carolina State Department of Education failed to provide adequate and sufficient means or time for my appeal at the appeal hearing with the South Carolina State Department of Education on August 7, 2023.
- VI. Because Richland School District 2/South Carolina Education Association/South Carolina State Board of Education failed to establish and understand the true meaning of a threat.
- VII. Because Richland School District 2/South Carolina Education Association/South Carolina State Board of Education failed to acknowledge the Civil and Human Rights of Kenneth Maxwell Pace, Jr.
- VIII. Because Richland School District 2/South Carolina Education Association/South Carolina State Board of Education failed to acknowledge the 1st Amendment Rights of Kenneth Maxwell Pace, Jr.
- IX. Because Richland School District 2/South Carolina Education Association/South Carolina State Board of Education failed to acknowledge the 5th Amendment Right of Due Process for Kenneth Maxwell Pace, Jr.
- X. Because South Carolina Education Association failed to fulfill and complete the legal representation of Kenneth Maxwell Pace, Jr. in the accusations brought before him by Richland School District 2/Hearing Officer/South Carolina State Board of Education. The SCEA failed to represent the appellant Kenneth Maxwell Pace, Jr.
- XI. Because the Richland School District 2/South Carolina Education Association/ Hearing Officer/South Carolina State Board of Education committed Defamation of Character with these false accusations made against Kenneth Maxwell Pace, Jr.

CONCLUSION

From the beginning of this ordeal, no individual or group has even attempted to take a deeper dive into me. I told my representation multiple times that I have two degrees from religious institutions. Their response was essentially that does not make a difference. My representation through the SCEA primarily sought to base my actions on my physical health, mental health, and basically not taking my diabetic medicine. My SCEA legal representation literally said to me, “Do you who you are going up against?” This was in reference to Dr. Baron Davis, the then superintendent of Richland School District 2. I pleaded with my legal representation that I believed in him, to the extent of complimenting him on social media, referring to him in emails as my father, (father of our district), telling him I loved him, and believed in him like so many believed in Dr. Clementa Pinckney. When I said my prayer referring to Mother Emanuel Nine, it is at this point that the “true colors” of certain individuals started to be revealed. So I, Kenneth Maxwell Pace, Jr., a white man can not reference these nine beautiful angels and the sacrifice they gave for their FAITH? I had worked with this family (Richland 2) for over four years and yet they attempted to demonize me by insisting I was mental, as well as a white supremacist.

No individual or group researched my entire digital footprint on social media from day one. As mentioned, before I complimented Dr. Baron Davis and his beliefs and purpose, even using religious imagery such as the “planting of seeds.” A quick research of my social media history would have shown how I felt about the Mother Emanuel Nine. Simply one year earlier, I had prayed and remembered them on the anniversary of their sacrifice of FAITH in the battle of good vs. evil. When you take the time to look at my entire digital footprint on “Twitter”, you will see what kind of man I am as well as my heart. My apology letter to Richland School District 2 and Sheriff Leon Lott showed my remorse for the confusion. I apologized for how certain persons took this wrongly, however I did not and will not apologize for my FAITH. Persons within the district took down both my posts. My first post said, “The time is now, Black + White = Grey, and Black + White = God’s Chosen People.” My second post just seconds later said, “The Mother Emanuel Nine + Richland 2 = God’s Chosen People.” 1st Corinthians 13:13 – “ So now these three remain, FAITH, HOPE, and LOVE. Of these the greatest is LOVE.” FAITH + HOPE = LOVE. It is simple math. I guess certain individuals believe only black individuals can think like this and certainly not Kenneth Maxwell Pace, Jr.

Ever since the morning of Friday July 23rd, 2021, I have reflected and done some serious soul searching of myself. For over two years I have thought to myself, while also confiding in both my immediate family and those closest to me on what should be the next chapter in my life. Ever since these false accusations have been made against me by Richland School District 2, I stared long at myself in my soul’s mirror. The majority of these two years I had the fortune of working for ESS (The Education Management and Staffing Solution) team as a long term substitute teacher, mostly for the Lexington County School District Two Family. This was a logical and fortunate transition for me since I worked for Lexington Two prior to these accusations, from 2010-2017. I’ve worked at Springdale Elementary, Congaree Elementary, Wood Elementary, Busbee Creative Arts Academy, and both Northside Middle and Pine Ridge Middle Schools respectively. I was extremely fortunate this school year to return to Pine Ridge Middle School where I worked for seven years before going to Richland 2. In actuality I was able to obtain a permanent teaching position in Computer Applications at PRMS in August of this year until my certificates and licenses were revoked by the South Carolina State Board of Education. Both the district administration of Lexington 2 and the administration of PRMS were well aware of my situation prior to the revoking of my licenses. I shared and told them everything facing me at the time of my interviewing and hiring, in preparation of what was inevitably going to transpire a week after my hiring with the revoking of my licenses. I could see the writing on the wall. Again, fortunately for me, once Family, Always Family with Lexington Two. They knew my heart, passion, and purpose. Needless to say, they both believed and trusted in me. Even after the revoking of my licenses, Lexington Two kept me as a long term substitute with ESS, once again. Spending time with these elementary and middle school students these last couple of years, once again stirred the fires of the passion and purpose in my heart concerning Education in the beautiful state of South Carolina.

I was born and raised in beautiful Charleston, SC, so I learned at a young age of the “good old boy” way of the world. Even though some of the “good old boys” might still be around, there are now other networks about that tend to bend the rules and continue the practice of “It’s not what you know, but who you know.” Knowing that this goes on in our world still is one thing, accepting it is another. I will never accept it. In all my life, I never accepted “judging a book by its cover” either. For example, a lesson I have taken from the Mother Emanuel Nine. Some in the world continue to look at just the cover of this so called tragedy. Yes a white man killed nine black men and women. I choose to see an evil man killed nine beautiful, faithful men and women. These nine men and women welcomed this man into their house of worship and still did not judge him by his cover. They knew the world created the hate in this man’s heart. Even the family members of the Mother Emanuel Nine forgave him, because they knew this was not a tragedy, but a triumph of good over evil, light over darkness. Some people in this world say I have to be black, to appreciate that this was a triumph over evil. I choose to believe these humans stood up to a lost human. All my life I have been color blind. I do not see black or white, yellow or brown, Baptist or Catholic. I see red. We all bleed red because we are one race, the Human Race. When I was in administration before Education, I learned that there are different philosophies in leadership.

This entire situation can be summed up into one sentence. My building supervisor simply wanted me to lead and administer like her and I simply refused. After four years she got tired of me going over her head and complaining. She waited for the first opportunity she got to simply get rid of me. Unfortunately, I did nothing wrong. She used every resource in her possession to defame my character, including immoral and unethical practices while using her “connections” within Richland 2.

Education has taught me that what works for one teacher in their classroom, does not necessarily work for another teacher in their classroom. This rings true with leadership styles. Why does one leader have to completely conform to another leaders’ leadership style? The answer to that question is, they don’t, and it is called Evolution. In closing. I continue to hope and pray that someone will take a step back and simply seek the Truth. GOD made us all different and unique to teach one another acceptance. God put our heart’s inside of our body with the sole purpose of teaching patience, so that we will not “judge a book by it’s cover”, instead take time to get to know one another, trust one another, and to not judge one another, at least not until you look at them as a whole.