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SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM RICHLAND COUNTY
Court of Common Pleas
L. Casey Manning, Circuit Court Judge

Appellate Case No. 2019-001603
Case No. 2019-CP-40-01615

T.D., by and through his guardians, A.D. and J.D.,

Appellants,

v.

Richland County School District Two,

Respondent.

PETITION FOR REHEARING

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September 26, 2024

Columbia, South Carolina

PETITION FOR REHEARING

This matter was filed with the Court of Appeals on September 19, 2019. It was argued three years later before a panel of the Court on September 13, 2022. The Court issued an unpublished opinion almost two years after argument on September 11, 2024. Appellants file this Petition for Rehearing pursuant to Rules 221 and 240 SCACR, alleging the court has overlooked or misapprehended the following:

1. Incorporation. To the extent the Court overlooked or misapprehended[1] Appellants' statement of the issues, arguments, authorities, and record references in Appellants' Brief, Reply Brief, prior pleadings, and briefs in the record, the Appellants incorporate them herein by reference.

2. Significant Factual Omissions and Misapprehensions

The Court's Opinion misapprehends or omits the following facts in the record.

a. The Court suggests that the other screenshots attributed to T.D. were discussed during the evidentiary hearing on December 12, 218. T.D. Expressly inquired about screenshots, and the Hearing Officer responded that she only had one. [R. p. 247, line 25-p. 248, line 13]. No statement regarding a nine millimeter was ever discussed during the hearing nor does any reference to it appear in the Hearing Officer's summary of the evidence. [R. p. 31-32]. It was not until January, 2019, that the Appellants learned the Hearing Officer possessed multiple screenshots and dozens of additional law enforcement records not discussed during the hearing.

[1] During oral arguments, then Judge Hill instructed Appellants' counsel to assume the Court would not consider certain arguments related to McIntyre v. Sec. Comm'r of S.C., 425 S.C. 439, 443-444, 823 S.E.2d 193 (2022). The Court does not acknowledge those arguments in its opinion. Additionally, Judge Geathers suggested that counsel refrain from suggesting the Court's line of questioning was unrelated to the argument Appellants presented in their brief. Having been cautioned not to suggest the judges "missed the point," Appellants now--cautiously--proceed under the language set forth in Rule 221, SCACR.

b. The Court inaccurately suggests that the Hearing Officer read from "the incident report." The Administrator read from the incident report created by Josh Robinson on a S.C. Law Enforcement Division approved form in compliance with South Carolina's standards for Uniform Crime Reporting found at S.C. Regs. 73-30.[2] [R. pp. 231, 241; R. p. 256-257]. The Hearing Officer read from a completely different, anonymously authored "Investigative Follow-Up" document. [R. p. 254 -257]. The Court's opinion repeatedly suggests that these are the same document.[3] This is a critical distinction because school districts are entitled to receive incident reports pursuant to S.C. Code 63-19-2030(E), they are not entitled to receive any other law enforcement investigation records related to juveniles. It is also important because the conflation conceals that the Hearing Officer introduced her own evidence which was not part of the administration's evidence, and that she had access to information that was not put into the record by a party. The inescapable conclusion being that she possessed *ex parte* information. Appellant's Brief, p. 22-23.

c. The court notes the Hearing Office sent a letter notifying the parents of their right to retain counsel. The Opinion omits that the letter failed to include a summary of the evidence against the student, the right to request copies of witness statements, and the right to question all witnesses, as required by Board Policy JKE-R. Appellant's Brief, p. 18; [R. p. 157; R. p. 491]. Instead, the letter misinformed the family they only have the right "to question all persons presenting information." Id.

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[2] "Every law enforcement agency must send SLED a copy of each report made by an officer during the performance of his duties in responding to reported criminal violations within the jurisdiction of that agency. Reports must be sent to SLED regardless of the degree of seriousness of the reported criminal activity…The reports must be recorded on standard forms approved by SLED, commonly referred to as incident reports….Reports must include, to the maximum extent possible, details of all offenses investigated by officers, whether actual or unfounded, to include follow-up investigations . ..." S.C. Regs. 73-30.

[3] Notably, the Hearing Officer attributed the information from that document to Sgt. Stephany Boyd. [R. p. 31-32]. During oral arguments, Judge McDonald said she thought it came from Investigator Truluck. They both just guessed, because the document clearly has no identified author.

d. The Court omits that the Hearing Officer instructed Karis Mazyck to give the family the evidence in a prehearing conference, which Mazyck failed to do. Before the hearing, the J.D. stated he was not sure why the expulsion was going forward because there were no charges or proof. The Hearing Officer instructed the administrator to have a conference to disclose the information in the district's possession. [R. p. 194, Hearing Audio 2, 2:00-6:41; R. p. 214 line 1-p. 227 line 17]. The administrator did not provide them *any* of the documentary evidence. Instead, she told the family they would have to get records from the police, then misinformed them that she had no knowledge of pending criminal charges.

> **Mazyck:** At this point, all I can say is, that because of the alleged threat that was made against the students and against the school we did go ahead and make the recommendation for expulsion based off what was shared with us in the incident report that we received. Based on that it would be up to Ms. Chishom to make her determination. Everything else will be up to the police department at this time as far as the paperwork.
>
> **A.D.:** Did they send y'all a police report on that?
>
> **Mazyck:** I have an incident report, but they would have to be the ones to give you all any additional information.
>
> **A.D.:** What I'm saying is that they sent the school an incident report?
>
> **J.D.:** Did they press charges against him?
>
> **Mazyck:** No. Not to my knowledge.
>
> **A.D.:** That's what we're saying. We didn't even know.
>
> **J.D.:** That's what I said.
>
> **A.D.:** We don't even have the incident report. That's why I'm asking you. Because, I mean, I was like, shocked.

[R. p. 225, line 9- p. 226, line 24; Hearing Audio 2, 6:00-7:40]. She misrepresented that she had "knowledge" of criminal charges, even though she was in possession of charging documents, investigation reports, juvenile petitions, booking reports and other documents indicated that T.D. was charged [R. p. 355-406]. Karis Mazyck never discussed or referenced any sort of confession or admission to law enforcement at all during the conference. Finally, after a fifteen-minute

interrogation by the Hearing Officer, the Hearing Officer disclosed that Student was charged with a criminal offense. She refused to discuss the document with the family:

> **Chishom**: . . . So, therefore [T.D.] was charged with unlawful communication.
> **[Brother]:** I thought, I thought there was no charges.
> **Chishom**: Oh you talk to the cops on that. We don't . . . I'm just reading what I see here. But your parents . . . the parents can deal with that.
>
> [Hearing Audio 2; 39:00-41:42; R. p. 254, line 21 – p. 257, line 23].

e. The Court states "Grandparents did not have access to the incident report or other law enforcement records prior to the expulsion hearing." This inaccurately suggests the family had access to review the records *during* the hearing. That is not correct. The Grandparents did not have access to *any* of the evidence, including the student witnesses' school statements until well after the hearing on December 12, 2018. No records were provided to the Family until after they retained counsel in January 2019. Even then, the family did not receive the student witnesses' school statements until February 1, 2019. At the hearing on December 12, 2018, the family only got to hear the portions of the evidence the administrators elected to read to them, with alterations inserted by the administrators. This is discussed extensively in Appellant's Brief at pp. 17-19.

f. Although the Court and Respondent's counsel acknowledged during oral argument that no witnesses were identified in *any* of the documents read during the December 12, 2018 hearing (including adults and law enforcement witnesses), the Court declines to acknowledge that fact in its Opinion.

g. The court overlooks that the district withheld documents and information that contradicted information presented in the evidentiary hearing, as is detailed on page 5 or Appellant's Brief.

h. The Court overlooks that the Board and Circuit Court relied on misinformation from false, misleading, and incomplete transcripts, as described in Appellant's Brief at page 1, and throughout Appellants' Briefs. These transcripts misrepresented and omitted important facts from the transcripts submitted to the Board.

3. The Court errs in ruling that an offer to possibly cross-examine a witness about evidence excluded from consideration by the Board cures the due process violations of the Hearing Office and Board Hearing.

The linchpin of the Court's decision--and its basis for not discussing the arguments and the record references raised in Appellants' Brief--is that the Appellants "rejected" an offer for a new hearing submitted to the Appellants' counsel the day before the appeal hearing before the Board. [R. p. 58, R. p. 488]. The Court writes:

> "Rather than accept this offer of a new hearing with the opportunity to question the adult witnesses, Grandparents opted to decline the offer because the District would not accede to all of their demands, particularly their insistence upon cross-examining the student witnesses."

Order p. 9. There is no citation to the record of where or when this "rejection" occurred. In fact, the court does not mention this "rejection" in its statement of the facts, though it is the single most important "fact" in the Court's Opinion. The Board's Decision letter says Respondent's "rejected" the offer by proceeding with the Appeal hearing before the Board, R. p. 27-28, but during oral argument it was suggested the "rejection" occurred during that hearing. However, the record of the Board Hearing clearly demonstrates that the issue of a remand was squarely left to the Board to decide. Respondent's counsel asked the Board to vote on a Remand and described the impasse between the parties. Respondents counsel asked them to vote on the reman and whether to make student witnesses available. Appellants counsel expressed that they would be amenable to a remand with the right to ask questions of all fact witnesses. R. pp. 267-268. The Board never voted on a remand of any type. In short, the "rejection" of a remand

never occurred, except the Board's rejection of the idea. If the Board felt a remand with law enforcement witnesses was appropriate or adequate it would have so ordered. It did not. It is merely a way of side-stepping discussion of egregious and unpleasant due process violations clearly documented in the record.

The Court errs in holding that requesting the right to ask questions of all witnesses in accordance with plain language of the statute, school district policy, and the State Supreme Court's precedent forfeits those rights and the right to review. Section 59-63-240 states, "At the hearing, the parents or legal guardian shall have the right to legal counsel and to all other regular legal rights including *the right to question all witness.*" District Policy JKE states: "At the hearing, the parent/guardian will have the right to legal counsel and all other legal rights, *including the right to question all witnesses*." (R.p. 489). The South Carolina Supreme Court has interpreted Section 59-63-240, afford "notice, the opportunity to be heard, the right to be represented by counsel, and the right to present evidence and question witnesses." Stinney v. Sumter School District 17, 391 S.C. 547, 707 S.E.2d 397 (2011). Moreover, the South Carolina Attorney General's office has interpreted the discipline statute to require confrontation in discipline cases. Letter to Mizell, November 5, 1974 ("I am of the opinion that such a right to confront witnesses exists only in hearings involving expulsion, as distinguished from suspensions.")

In Stinney, the Supreme Court held that a failure to assert your statutory rights would be deemed a waiver. Stinney, *supra*. The Court's ruling reverses the Supreme Court's decision in Stinney, by holding that asserting statutory rights, in the precise language of the statute and district policy, is a waiver of all rights. This court says that asking for your statutory rights results in a forfeiture of those rights and the right to appellate review of prior due process

violations. The Court cites no authority for the proposition that an offer of for a new hearing eliminates the necessity for curing due process violations and eliminates the right to full appellate review of a prior hearing.

Finally, the Court concluded that the district has no authority to compel any witnesses to attend any hearings, thereby making the suggested remand with law enforcement witnesses a completely speculative or illusory remedy. The Court would require Appellants to surrender their statutory and constitutional rights for the remote chance that law enforcement officers would voluntarily come to discuss confidential juvenile records in direct violation of S.C. Code Section 63-19-2030.[4] [5]

4. The Court overlooked Authorities that have Rejected School District's lack of subpoena power as an excuse for subverting due process.

Neither the Respondent nor the Court cites any authority for the proposition that a school district can disregard statutory due process requirements imposed by the General Assembly based on lack of subpoena power. Appellants brought the following cases to the Court's attention, each of which have rejected the "subpoena power" argument as an excuse for school districts refusing to produce witness. *See*, Appellants' Brief, pp. 36-39 and Supplemental citations, submitted June 15, 2023. Some of the authorities disregarded by the court include the following: Colquitt v. Rich. Tp. High School Dist. 599 N.E.2d 1109, 298 Ill. App.3d 856 (1998); JS, a minor by his parents, M.S. and D.S. v. Manheim Township School District, 231

[4] Notably, Appellants asked the district to request law enforcement's attendance the Board hearing a week in advance and received no response from the district on the issue until the day of the hearing. No effort was made to secure their attendance.

[5] Moreover, the Court ignores the Board's actual decision, which excluded law enforcement records from the Board's consideration. R. p. 27 ("…the Board found that there was sufficient and substantial evidence in the record to support the expulsion recommendation without considering the law enforcement records to which you objected."). Perversely, this Court rules that a proposed hearing without the student witnesses whose statements *were* considered by the Board, would cure the due process deficiencies because the Appellants would be able to question witnesses whose statements were *excluded* by the Board.

A.3d 1044, 1044-1065 (Pa. Commw. Ct. 2020), affirmed by J.S. v. Manheim Twp. Sch. Dist., 263 A.3d 295 (Pa. 2021). The Court does not address these authorities and makes no effort to support its rationale.

The obvious effect of its ruling is to nullify the General Assembly's insistence that students have the right to ask questions of all witnesses. It is important for the Court to know that General Assembly retained the right to ask questions of *all* witnesses in the revised version of Section 59-63-240. During hearings before both the Senate and House subcommittees, the South Carolina Association of School Administrators pressed the legislators to qualify the language to exempt students from testifying. They proposed an amendment that would only allow questioning of witnesses "who appear at the Hearing." The lobbyist explained that schools wanted to use student statements without presenting student witnesses at hearings. Their amendment and rationale were rejected in both houses.[6]

The decision also ignores the basic reality that school district's exert tremendous coercive control over students eight hours a day for 180 days a year and can use their authority to make students available for hearings. This is precisely how they make them into witnesses in the first place:

> "Teachers and administrators may question students about any matter pertaining to the operation of the school and/ or enforcement of its rules. The staff member will conduct the questioning discreetly and under circumstances, which will avoid unnecessary embarrassment to the student being questioned. **Any student who answers falsely or evasively or refuses to answer an appropriate question may be disciplined**."

[6] *See*, e.g., S.C. Legislature Video Archive, House Education Committee, K-12 Subcommittee Meeting, April 16, 2024, at 30:00-34:00, https://www.scstatehouse.gov/video/archives.php.

Richland County Student Handbook 2018-2019, p. 26. This provision remains in effect in the district's current Student Handbook.[7] The district compels students to be witnesses, then pretends to have no authority to get them to be witnesses.

5. The Court overlooks the issue squarely presented, namely, what is required by the plain language of S.C. Code 59-63-240, and invents a new standard of review for school expulsion cases.

The Court overlooks the Appellant's statutory interpretation argument under a *de novo* standard of review, which the Appellants hereby reasserts and incorporates by reference. Appellants' Brief, pp. 34-36. While facially claiming to engage in substantial evidence review, the Court writes that it "must consider the authorities applicable to Appellants' constitutional challenge while also recognizing the flexibility school officials must be afforded in balancing the constitutional interests of an individual student against legitimate school safety concerns." Order p. 6. The subsequent argument concludes that the General Assembly's statutes and Article I, Section 22 of the South Carolina Constitution do not apply to School Boards.

The court overlooks the issue presented, which is that the plain language of the Section 59-63-240 gives parents the right to ask questions of "all witnesses." This statute is made mandatory by the operation of Article 1, Section 22 of the South Carolina Constitution which requires agencies to follow modes of procedure prescribed by the General Assembly. Instead of looking to the plain language, the Court relies on two irrelevant Fourth Circuit tort cases that have nothing to do with the statutory right to cross-examine witnesses in expulsion hearings[8] and

[7] Richland County School District Two Student Handbook 2024-2025, pp. 25. Available online at https://www.richland2.org/departments/communications-and-strategic-partnerships/student-handbook

[8] The Court relies on Kowalski v. Berkeley County Schools, 652 F.3d 565, 575 (4th Cir. 2011) a case out of West Virginia, based on a First Amendment and Due Process challenge to a student's five-day suspension from school. It also cites, Wofford v. Evans, 390 F.3d 318, 323 (4th Cir. 2004), in which a Virginia parent claimed Fourteenth Amendment violations based on the interrogation of her child in her absence.

a property zoning case[9] to suggest School District's do not have to follow the law or afford students their statutory due process rights. Order p. 8.

The Court overlooks that Appellants have not made a claim under the Fourteenth Amendment to the United States Constitution but have brought a state claim entirely based on state law. A Federal Court decision from the Sixth Circuit in the 1998, has nothing to do with the intent of the General Assembly in 1973 when it passed the expulsion statute. As Appellants counsel noted during oral argument, the General Assembly was aware of the state of the law, including which rights were protected and not protected in federal courts, when they elected to include the right to counsel and the right to question all witnesses in our expulsion statute.

The court also avoids discussing the entire body of South Carolina administrative law guaranteeing the right to confront the important witnesses on significant issues of fact where credibility is at issue. In administrative proceedings, fundamental fairness mandates that the accused have the opportunity to confront the principal witnesses against him, even without a statutory provision requiring it. City of Spartanburg v. Parris, 251 S.C. 187, ___, 161 S.E.2d 228, 229 (1968). As the Supreme Court noted in Parris, if the state does not want to bring the witness or compel the witness to testify, it is free not to use the evidence.

6. Because the Court's decision regarding the "rejected" remand was erroneous and unsupported by the evidence, the Court should reconsider the relevant due process arguments it declines to address in its opinion.

Because the Court's decision regarding the "rejected" remand was erroneous, the court should address Appellant's due process claims in full. The Appellants reassert them, including all supporting case law and factual allegations. Brief of Appellants, pp. 13-33.

[9] Kurschner v. City of Camden Plan. Comm'n, 376 S.C. 165, 171-172, 656 S.E.2d 346, 350 (2008), involved a zoning board hearing regarding a subdivision, where there was no statutory right to confront or cross-examine witnesses.

The Court overlooks the specific factual allegations regarding the Hearing Officer's bias, including without limitation, her receipt and use of *ex parte* information, her reliance on information from prior hearings, overt statements regarding T.D.'s character, and the preparation of a false transcript. While Appellants appreciate that the Court listened to the audio files, that is not the extent of the issue presented.

7. The Court overlooks the Appellants argument regarding the appropriate standard of review of an administrative decision when the court is asked to consider if a decision is in violation of the law or based upon unlawful procedure.

The Court "overlooked or misapprehended" Appellants' arguments regarding the standard of review. Appellants relied on Young v. Charleston County School District Two, 393 S.C. 303, 725 S.E.2d 107 (2012), for the proposition that decisions of school boards are subject to review pursuant to the Administrative Procedures Act (APA), S.C. Code Ann. § 1-23-380. Brief of Appellants, p. 11. The Court does not address Appellants' argument or mention why it departs from the Supreme Court's decision in Young. Of course, the Young court ruled that a Board violated a teacher's due process rights by reviewing an incomplete hearing record, which is exactly on point with the incomplete and inaccurate transcripts created in this case.[10]

The court mischaracterizes Appellant's argument as stating that substantial evidence review doesn't apply to "constitutional issues." The Court mischaracterizes its decision in Doe v. Richland County School District Two, 382 S.C. 656, 659, 677 S.E.2d 610, 611 (Ct. App. 2006) in stating the Doe Court applied a substantial evidence of review in expulsion cases, including those addressing questions of constitutional due process. That is not in the Doe opinion, which did not address the School District's argument that it provided due process even

[10] The Court also overlooks and ignores the Appellants' arguments relating to the prejudice of the Board considering incomplete and falsified transcripts which were relied upon by the Board and the Circuit Court.

though it did not allow the student or family to view video evidence.[11] Additionally, Doe adopted its substantial evidence standard from Laws v. Richland County School Dist. 1, 270 S.C. 492, 495, 243 S.E.2d 192, 193 (1978), a dated Teacher Employment and Dismissal Act case, which in turn borrowed the standard from a Texas Tax Court. Since 1978, the South Carolina Supreme Court has clarified that decisions of school boards are subject to review pursuant to the Administrative Procedures Act, *See e.g.,* Young*, supra*.[12]

The Court overlooks or misapprehends Appellants' argument that deferential review of the Board and Circuit Court decisions is inadequate and inappropriate when structural defects in the proceedings prohibited Appellant's a fair opportunity to make an adequate record during the only evidentiary hearing. Appellant's argument was based on McIntyre v. Sec. Comm'r of South Carolina, 425 S.C. 439, 823 S.E.2d 193, cert denied June 28, 2019. Appellant's Brief, pp. 11-12, [R. pp. 72-73]. The Court does not acknowledge the argument was made or specify why it refuses to consider it. The facts or record references upon which Appellants make this argument, which are described in Appellants' Brief at pages 3-4, pages 16-33.

The inadequacy of reviewing a record under a deferential standard is highlighted by the Courts' reliance on statements made by T.D. during the December 12, 2018 hearing, in which he could not see the evidence, did not have the identities of the witnesses, and while the district was actively concealing relevant information. The Court twice cites T.D. guessing that somebody accessed his account. The court does not acknowledging that the alleged victim, C.G., told Law Enforcement that the message *did not come from T.D.'s regular account*, but from "a new Snap"

[11] Obviously, if the Court of Appeals had addressed the district's failure to provide the evidence, citations to that part of Doe would absolutely be included in Appellants' Brief.

[12] Moreover, the APA's contested case provisions wouldn't have applied to Laws, since it was pending on or before June 13, 1977. *See,* S.C. Code § 1-23-390. This is consistent with provisions of the APA which now require that any statutory scheme for contested cases must meet the standards of the APA, and if such a scheme lacks a particular provision (such as a scope of review), the APA provision applies.

created of Friday, November 30, 2018. R. p. 435 Obviously, if T.D. were aware of a second account, he would not be guessing that his account was hacked. This is just one example.

8. The Court overlooks that the requirements of S.C. Code Section 63-19-2020 and 2030 are mandatory and limit access to incident reports to school personnel.[13]

The Appellants incorporate their arguments in the Brief from pages 39-43 of their brief. It is undisputable that the provisions mandated by S.C. Code Section 63-19-2020 and 2030 are mandatory by the plain language of the statute. It is equally indisputable that they are not in the district's policy. R. 506-511. The court overlooks that the provisions of the law are mandatory, but instead suggests general references to state law and FERPA[14] cure that failure. Respondents and the Court fail to identify any state law or provisions of FERPA that contain similar access and use limitations to S.C. Code Section 63-19-2020 or 2030.

Additionally, S.C. Code Section 63-19-2030 clearly distinguishes between school districts and schools. Section 63-19-2030(E), also places specific access and use limitations on these records, limiting access to these records to *the school level*. Those access and use limitations that which should appear in district policies "limit access to child's school disciplinary file to ***school personnel***." Additionally, "[T]his access must only occur when

.[13] A picture of the username for this "alternative" T.D. account ("t*****d***8") appears on a screenshot in the law enforcement records. R. p. 454.[13] The Court's Opinion also misapprehends the notice governed by S.C. Code Section 63-19-810(C). That statute only relates to the generic notice sent to schools whenever a student is taken into custody by law enforcement. The notice in this case was sent to the district on January 8, 2019. R. p. 441. That notice, which contains no specific facts and only lists the charges, is governed by S.C. Code § 63-19-810(C), as noted on the document itself. The Court errs in suggesting Section § 63-19-810(C) authorizes the district to use illegally disclosed investigation files, juvenile petitions, unrelated incident reports, booking reports, and other illegally disclosed documents "for monitoring and supervisory purposes."

[14] The Family Education Rights and Privacy Act allows disclosure of personally identifiable information in student records without parental consent to other district officials, other schools, private companies serving school official function, State Educational Agencies, organizations conducting studies, accrediting organizations, parents of other students involved in an incident, and others whose access would be completely foreclosed by Section 63-19-2030(E). *See*, 34 C.F.R. 99.31; Letter to Wachter, U.S. Department of Education Office of Management, December 7, 2017, (Noting that FERPA authorizes and requires disclosure of personally identifiable information of other students in education records that identify two or more students, where redaction would destroy the meaning of the education record.)

necessary and appropriate to meet and adequately address the educational needs of the child." S.C. Code § 63-19-2030(E). Clearly, Karis Mazyck did not limit access to school personnel, but sent the records to district officials who play no part in meeting or addressing the educational needs of the child. Lacking a clear policy on the matter, Karis Mazyck got her legal advice from a police officer. Order, p. 3. This is the danger of not having a policy. Additionally, the Court "fails to see" how (1) misrepresented to the Family that T.D. was not charged with a criminal offense, while encouraging him to give a recorded statement, was not a misuse of confidential juvenile information. The Court also "fails to see" how the *ex parte* transmission of dozens of confidential records,[15] to a district Hearing Officer is not misuse of confidential information. The court acknowledged this was problematic during oral arguments, but the Opinion makes no mention of it in its opinion. As Appellants' have argued, this is the precise danger contemplated by the confidentiality provisions of the Juvenile Justice Code.

Respectfully Submitted,

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September 21, 2024

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[15] This included historical incorrigibility incident reports, incident reports related to uncharged conduct, reports that contained information about T.D.'s parents.

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PROOF OF SERVICE

I certify that I have served the Petition for Rehearing on September 26, 2024, by emailing a copy of same to its attorneys of record, Jasmine R. Drain and Vernie L. Williams, of Halligan, Mahoney & Williams, to their addresses listed in the Attorney Information System, in accordance with the Order of the Supreme Court dated March 20, 2020, and revised May 29, 2020, addressed as follows:

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