

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

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SC Court of Appeals

Appeal From Cherokee County
Court of Common Pleas

Perry Gravely, Circuit Court Judge
R. Keith Kelly, Circuit Court Judge

Docket Case No.: 2017-CP- 11-00735

Appellate Case No. 2022-001582

Sharon Brown, Appellant,

vs.

Cherokee County School District One, Respondent.

APPELLANT'S INITIAL REPLY BRIEF

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ATTORNEYS FOR RESPONDENT

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INTRODUCTION

Black Educators continue to have to file lawsuits against Cherokee County School District One. Throughout Appellant's history with Cherokee County School One, African American educators have repeatedly told Brown about the racism that they have experienced with Cherokee County School District. In Brown's years of complaining to the Equal Employment Opportunity Commission, she was once told that this district gets more complaints concerning racism than any other school district in South Carolina. If a documentary of Cherokee County School District One is performed with African American Educators in this District, it would probably shock the State of South Carolina of what African American educators experience with this school district.

Carlotta Redish, Tanya Roberts, and the Appellant were brave enough to file complaints and lawsuits against this school district for acts of racism. It is the Appellant's hope that other future black students will be able to teach or work in the schools of Cherokee County School District One without going through what the Appellant and many other blacks have gone through.

Appellant knows Tanya Roberts personally. She too was declared essentially incompetent. Never mind the fact that she too graduated from Winthrop University with a Masters Degree in Reading. This school district will drag a good educator's name through the mud at the expense of tax payers' dollars. All the while, knowing that this district has serious performance issues unrelated to these highly educated blacks from highly regarded teaching programs (Converse College and Winthrop University).

Predominantly white teachers make up this district and there are only a few black educators who work for this district. These handful of black educators are not responsible for the large number of unsatisfactory/underperforming schools in this District. Other surrounding schools (similar poverty levels) are not having serious issues competing with surrounding districts.

Appellant, did her job well. Despite, being accused of unsatisfactory performance. Appellant has the right to be free of official stigmatization and such stigmatization in and of itself requires due process.

In is to be noted that in Appellant's brief, the Appellant contends that she was made aware of an additional charge/accusation during the trial before Judge Gravely. The charge/accusation was unsatisfactory performance. Making a statement/accusation to the jury that Brown's performance as a teacher was unsatisfactory was prejudicial and stigmatizing to Brown, thus violating her due process rights.

Additionally, Brown contends that her gross negligence claim was dismissed in a summarily fashion without regard for the previous Judge's ruling denying Summary Judgment on this claim.

ARGUMENT

- I. **The Respondent's allegation that Appellant abandoned all issues on appeal because her arguments are conclusionary statements made without authority should be disregarded.**

Brown's contends that her arguments and statements are made with authority. Further, courts generally hold that complaints filed by pro se litigants should be construed liberally on appeal, meaning, they are interpreted with a less stringent standard than those drafted by attorneys.

- II. **The Respondent's response for its failure to notify appellant of an additional charge/accusation is that Brown did not preserve this issue for appeal should be disregarded.**

A due process violation occurred when Cherokee County School District violated SC Teacher Employment and Dismissal Act by failing to notify Ms. Brown of the additional charge/accusation of unsatisfactory performance. *See S.C. Code Ann 59-25-410 et. seq; See S.C. Code Ann 59-25-460; See Brown v. James (2010), S.C. Ct. of Appeals, Case No. 4074.*

Further, a due process violation occurs when a School District discusses matters unrelated to the specific charges brought against a teacher before a fact finder. Essentially, bringing up irrelevant information that prejudices the teacher's case and denies the teacher a fair opportunity to defend self against the stated accusations. This violates the teacher's right to notice and a fair hearing/trial. Brown was denied the opportunity for discovery on the charge/accusation at the administrative level as well as the court level.

Further, during the discovery period (prior to trial), the Defendant District never informed Brown of the fact that she was fired for unsatisfactory performance. Additionally, Brown contends that the district made an accusation to the jury that Brown was an unsatisfactory teacher. (See Trial Transcript, p. 200 Carl Carpenter Cross; See Trial Transcript pp. 203 - 205 Carl Carpenter Redirect)

In *Wisconsin v. Constantineau*, 400 U.S. 433(1971), the Court invalidated a statutory scheme in which persons could be labeled "excessive drinkers," without any opportunity for a hearing and rebuttal, and could then be barred from places where alcohol was served. The Court noted that the government action impugned the individual's reputation, honor, and integrity.

Brown's reputation, honor, and integrity was damaged and continues to be damaged by Cherokee County School District Officials and their Attorneys with this accusation of unsatisfactory performance.

Further, in *Wisconsin v. Constantineau*, 400 U.S. 433(1971), the notion of "liberty" includes the right to be free of official stigmatization. Brown was statutory entitled to due process before she was stigmatized as an unsatisfactory teacher. See *S.C. Ann* 59-25-460.

It is to be noted that one of the primary objectives of discovery is to ensure that lawsuits are decided by what the facts reveal, not by what facts are concealed. *See In Re Anonymous Member of South Carolina Bar*, 346 S.C. 177, 193, 552 S.E. 2d 10, 18 (2011); *See Crump v. Bd. of Education*, 326 N.C. 603.

Lastly, it is to be noted that NFL coaches are often replaced when the team keeps losing. Not the case with this School District in regard to the academic performance of the district. The predominantly white individuals running the district remain in power.

This district used Brown as a scapegoat for the unsatisfactory/below performance of Cherokee County Schools. When in fact Brown outperformed her white counterparts on her grade level. Moreover, Brown's white counterparts (on her grade level) did not have to endure the harassment, racism, and bigotry that she endured from this District.

Appellant attended two predominantly white colleges/universities. Appellant had never experienced racism in an institution until she stepped foot in the Cherokee County School District One. African America Educators have just as much right to work in this public school systems as Caucasian Educators.

III. The Respondent fails to acknowledge that Judge Gravely refused to address Appellant's Gross Negligence Claim. Thereby dismissing Appellant's Gross Negligence Charge in a Summarily Fashion.

Judge Gravely specifically states the following concerning Appellant's gross negligence claim, "Well, I'm not even addressing the gross negligence. I'm saying even to get to the gross negligence you have to be one of those -- you have to be a student, patient, prisoner,

inmate, or client of a government entity, and that's accepting responsibility and duties exercising gross negligent manner." See Trial Transcript, pg. 226, lines 10-15.

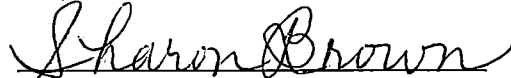
As one can see, Judge Gravely handled the dismissal of the gross negligent charge as if it was a summary judgment motion before him. Judge Gravely is basically ruling that there is no genuine issue of fact to decide.

Conclusion

For the foregoing reasons and for the reasons set forth in the Appellant's Initial Brief, the Appellant respectfully requests that this Court reverse the decisions of the lower court and reinstate the Appellant to her teaching position with back pay, lost employment benefits, contributions to the South Carolina Retirement System, Attorney Fees, Cost of this Action, and Such other relief as the Court may deem just and proper.

Additionally, a new trial should be mandated for Appellant's gross negligence cause of action against Cherokee County School District One.

Respectfully Submitted,



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APPELLANT

February 21, 2025

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CERTIFICATE OF SERVICE

I, Sharon Brown, hereby certify that I have this 21st day of February served a copy of the herein below listed document to the address listed below by depositing a copy of same in the United States Postal System, postage prepaid, and mailing same to:

PLEADING(S): Appellant's Initial Reply Brief

PARTY SERVED:

Ms. Andrea E. White, Esq.
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Re: Sharon A. Brown, Appellant vs. Cherokee County School District One, Respondent.
Docket No. 2017- CP-11-00735
Appellate Case No: 2022-001582

February 21, 2025

Dear Clerk of Court,

Enclosed you will find 1(one) copy of Appellant's Initial Reply Brief and a Certificate of Service.

Please feel free to contact me if you have any questions.

Sincerely,




Sharon Brown, Appellant

Enclosure(s)

Cc:
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