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FILED CLERK OF COURT  
 GREENVILLE CO. S.C.  
 STATE OF SOUTH CAROLINA IN THE COURT OF COMMON PLEAS  
 COUNTY OF GREENVILLE - 7 D 4: 25 THIRTEENTH JUDICIAL CIRCUIT

Lee C. Palms and Nelle S. Palms, as  
 Guardians ad Litem for  
 [REDACTED], a minor  
**C.P.**  
 Plaintiffs,  
 vs.  
 The School District of Greenville  
 County,  
 Defendant.

CASE NO.: 2013-CP-23-03447

WRIT OF MANDAMUS AND ORDER

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SC COURT OF APPEALS

This action was brought on June 21, 2013 by the filing of a Summons and Complaint with the Court of Common Pleas in Greenville County. The Complaint seeks a Writ of Mandamus directing the Defendant, The School District of Greenville County, forthwith to restore the grades and rank of the minor Plaintiff, **C.P.** [REDACTED], to the levels first determined by his school, Southside High School, at the beginning of his junior year, before reduction by the Defendant. The Complaint also seeks an injunction prohibiting the alteration of his grades and rank in a manner inconsistent with the sought Writ of Mandamus. Southside High School is a high school in Greenville County under the direction and control of the Defendant School District.

The Defendant answered on August 6, 2013. On August 8, 2013 the Plaintiff moved for expedited trial in the Business Court on the ground that the Plaintiff is a rising senior and will be applying to college this fall. On September 9, 2013, the Honorable Jean H. Toal, Chief Justice of the South Carolina Supreme Court, declined to assign the case to the Business Court Pilot Program but did assign it to the Honorable Edward W. Miller, Circuit Judge. She further ordered that "Judge Miller shall have jurisdiction over this case regardless

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of where he may be assigned and he shall insure that this case is resolved in an expedited manner." The case was tried to the Court without a jury on October 4, 2013. The facts were virtually undisputed.

In brief, the Plaintiff, **C.P.** ~~Canon Pines Jr.~~ is a rising senior at Southside High School. He transferred there at the beginning of his junior year from Riverside Military Academy in the State of Georgia. At the time of his transfer, his grades from Riverside Military Academy were transferred to Southside High School. They were initially accepted by Southside High School in accordance with the law of the State of South Carolina, the South Carolina Uniform Grading Policy issued by the South Carolina Department of Education and the Defendant's own grading policy. On October 3, 2012, Southside High School issued the Plaintiff his grades and rank. The next day, the parent of another student in the junior class at Southside High School complained to the school about the Plaintiff's grades. The administration at Southside High School initially informed the parent that the Plaintiff's grades had been determined correctly. Approximately two months later, in late November 2012, the Defendant reduced the Plaintiff's grades and rank after determining that, in its judgment, Plaintiff had received 5 to 10 bonus points for each honors and Advanced Placement class at Riverside Military. According to the Defendant, this would have created a "double bump" on his Southside transcript when the grades were transferred.

The Defendant may have made this change in a well-intentioned effort at what it considered to be fairness and equality in interpreting the Plaintiff's transcript from Riverside Military Academy. I assign no blame to anyone for the change. Nevertheless, the change was in violation of state law, the grading policy of the South Carolina Department of Education, and the Defendant's own grading policy. SC Code Section 59-5-68 directs the

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South Carolina State Board of Education to adopt a uniform grading policy. It further directs the school districts of the state to use that policy. This policy is as follows:

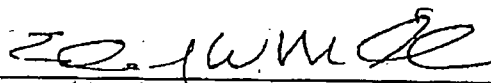
"When transcripts are received from accredited out-of-state schools (or in state from accredited sources other than the public schools) and numerical averages are provided, those averages *must* be used in transferring the grades to the student's record." [Emphasis added.]

That state policy is repeated verbatim in the Defendant's own grading policy, as required by SC Code Section 59-5-68.

Southside High School correctly followed policy when it initially determined the Plaintiff's grades and rank on October 3, 2012. The Defendant deviated from that policy when it did not accept the numerical averages provided on the official transcript by Riverside Military Academy and instead changed Plaintiff's grades and rank based on its interpretation of the grading policy and actions of Riverside Military Academy. The Court is further concerned this improper change was made without notice to the Plaintiff or an opportunity to be heard.

What the Plaintiff seeks is that his grades and rank be restored as originally determined by Southside High School on October 3, 2012. I hereby grant his request and issue this Writ of Mandamus requiring the Defendant to do so immediately. Also, the Plaintiff has requested an injunction prohibiting the alteration of his grades and rank in a manner inconsistent with this Writ of Mandamus. I hereby grant that injunction.

AND IT IS SO ORDERED.

  
Honorable Edward W. Miller  
Circuit Judge  
Thirteenth Judicial Circuit

October 7, 2013

FORM 4

STATE OF SOUTH CAROLINA  
 COUNTY OF GREENVILLE  
 IN THE COURT OF COMMON PLEAS

FILED-CLERK OF COURT  
 GREENVILLE CO. S.C.  
 PAUL B. WICKENS, MER.

JUDGMENT IN A CIVIL CASE  
 CASE NUMBER 2013CP2303447

Lee C Palms

Nelle S Palms

School District Of  
 Greenville County

2013 OCT -7 P 4: 25

~~Case No. 2013-00000~~  
 C.P.

PLAINTIFF(S)

DEFENDANT(S)

Submitted by:

Attorney for:  Plaintiff  Defendant  
 Self-Represented Litigant

DISPOSITION TYPE (CHECK ONE)

- JURY VERDICT. This action came before the court for a trial by jury. The issues have been tried and a verdict rendered.
- DECISION BY THE COURT. This action came to trial or hearing before the court. The issues have been tried or heard and a decision rendered.  See Page 2 for additional information.
- ACTION DISMISSED (CHECK REASON):  Rule 12(b), SCRPC;  Rule 41(a), SCRPC (Vol. Nonsuit);  
 Rule 43(k), SCRPC (Settled);  Other: \_\_\_\_\_
- ACTION STRICKEN (CHECK REASON):  Rule 40(j) SCRPC;  Bankruptcy;  
 Binding arbitration, subject to right to restore to confirm, vacate or modify arbitration award;  Other: \_\_\_\_\_
- DISPOSITION OF APPEAL TO THE CIRCUIT COURT (CHECK APPLICABLE BOX):  
 Affirmed;  Reversed;  Remanded;  Other:

NOTE: ATTORNEYS ARE RESPONSIBLE FOR NOTIFYING LOWER COURT, TRIBUNAL, OR ADMINISTRATIVE AGENCY OF THE CIRCUIT COURT RULING IN THIS APPEAL.

IT IS ORDERED AND ADJUDGED:  See attached order; (formal order to follow)  Statement of Judgment by the Court:

ORDER INFORMATION

This order  ends  does not end the case.

Additional Information for the Clerk: \_\_\_\_\_

INFORMATION FOR THE JUDGMENT INDEX

Complete this section below when the judgment affects title to real or personal property or if any amount should be enrolled. If there is no judgment information, indicate "N/A" in one of the boxes below.

Judgment in Favor of (List name(s) below)	Judgment Against (List name(s) below)	Judgment Amount To be Enrolled (List amount(s) below)

If applicable, describe the property, including tax map information and address, referenced in the order:

The judgment information above has been provided by the submitting party. Disputes concerning the amounts contained in this form may be addressed by way of motion pursuant to the SC Rules of Civil Procedure. Amounts to be computed such as interest or additional taxable costs not available at the time the form and final order are submitted to the judge may be provided to the clerk. Note: Title abstractors and researchers should refer to the official court order for judgment details.

Circuit Court Judge

Judge Code

10/7/2013

Date

~~SECRET~~  
SECRET

**For Clerk of Court Office Use Only**

This judgment was entered on 7th day of October, 2013, and a copy mailed first class or placed in the appropriate attorney's box on 7th day of October, 2013, to attorneys of record or to parties (when appearing pro se) as follows:

Carl F. Muller 607 Pendleton St., Ste. 201 Greenville, SC  
29601

Thomas Kennedy Barlow Childs & Halligan, P.A. P.O. Box  
11367 Columbia, SC 29211  
Kimberly Kelley Blackburn Childs & Halligan, P.A. P.O.  
Box 11367 Columbia, SC 29211

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**ATTORNEY(S) FOR THE PLAINTIFF(S)**

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**ATTORNEY(S) FOR THE DEFENDANT(S)**

**Court Reporter**

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**Paul B. Wickensimer Greenville County Clerk Of  
Court - Clerk of Court**

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**ADDITIONAL INFORMATION REGARDING DECISION BY THE COURT AS REFERENCED ON PAGE 1.**

This action came to trial or hearing before the court. The issues have been tried or heard and a decision rendered.

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