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SC Court of Appeals

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

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APPEAL FROM FLORENCE COUNTY  
Court of Common Pleas  
Hon. Michael G. Nettles, 12<sup>th</sup> Circuit Court Judge

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Case No. 2021-CP-21-02121

(Appellate Case No. 2024-001454)

IN Re: Hannah J. Secka, individually and as parent and guardian for the  
minor, (M.Y.S.), .....Appellant,

v.

Florence County School District One *and* Florence County Sheriff’s Department  
.....Respondent.

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**Record on Appeal**

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*Hannah L. Secka* (Pro se litigant)

(Moudou-Yasen Nasir Secka) Age 21

(Pro se disabled litigant)

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**Plaintiff's Complaint** filed September 29, 2021

Florence County School District One and Florence County Sheriff's Department

**Defendant's (FSD1) Answer** filed December 3, 2021

Florence County School District One and Florence County Sheriff's Department

**Motion to Compel Discovery** filed December 13, 2021

**Alternative Dispute Resolution Rule to Show Cause** filed May 8, 2023

**Consent for [Proposed] Scheduling Order** filed May 18, 2023

Judge Michael G. Nettles

**[Proposed] Consent Scheduling Order** filed May 23, 2023

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**Respondents' Motion and Memorandum in Support of Summary Judgment** filed

October 23, 2023

**Mediation (ADR)** filed October 26, 2023

Sheriff Department severed lawsuit from School District and Settlement Agreement

**Proof of ADR** filed October 30, 2023

**Stipulation of Dismissal (Sheriff Department)** filed January 3, 2024

**Defendant (FCSD1) Memorandum in Support of its Motion for Summary Judgment filed**

February 12, 2024

**Plaintiffs Hannah Secka, individually and as parent of (MYS) Memorandum of Law in Opposition to (FCSD1) Motion for Summary Judgment filed**

February 20, 2024

**Hearing Transcript for Summary Judgment held on**

February 20, 2024

**Order of February 27, 2024**

Denying (FCSD1) Motion for Summary Judgment by Judge Michael G. Nettles

**Order “REVERSED” March 4, 2024**

Granting Summary Judgment to (FCSD1) by Judge Michael G. Nettles

**Plaintiff’s Motion for Reconsideration filed March 14, 2024**

**Hearing Transcript for Plaintiff’s Motion for Reconsideration held on**

August 21, 2024

**Proposed Order for Motion for Reconsideration Denied on September 4, 2024**

**Motion for Extension of Time to File Corrective Documents for Deficiencies in**

**Appellant’s Pro-se Notice of Intent to Appeal filed**

September 16, 2024

## Durable Power of Attorney

Hannah Secka Designated Agent for (MYNS) Claims and Litigation

### **EXHIBITS:**

A. 5/29/2018 Date Stamped Injury Image  
FCSO Incident Report# 2019-06-0227 Neglect & Abuse

B. 10/17/2018 Date Stamped Injury Image  
FCSO Incident Report# 2019-02-0194 Assault & Battery 3rd degree  
DJJ Charge Victim (MYNS) JID 465885 Assault & Battery 3<sup>rd</sup> degree 5/18/2021 @WFHS

C. **PowerPoint to State of South Carolina Board of Education** 6/11/2019 School Safety Act  
Disability-based Harassment, Intimidation, and Bullying (HIB)/Hazing/Assault& Battery 3rd

D. **Social Security Administration Office of Hearings**, Notice of Decision by, Judge Peter  
Jamison “*Fully Favorable Decision*” retro to (MYS) date of birth; ruled on 1/2/2019.

E. **Manifestation Determination Hearing** (MDR) 11/13/2019  
(MYNS) Behaviors are a manifestation of his disabilities and suspensions and/or punishment  
violate students’ civil rights. Expedited Due Process Hearing (Exclusionary Discipline (2019))

### **F. Psychological Trauma Evaluation**

- 1.(MYNS) 6/30/2021 (Dr. Leah Pritchard-Boones, Licensed Clinical Psychologist)
- 2.Hannah Secka (Dr. Alexis Sanders, Licensed Clinical Psychologist)

### **G. Expert Witness Affidavit:**

Dr. Larry L. Jackson, Retired (FSD1) Superintendent

### **H. OCR Case No. 11-22-1050 “Pending Investigation”**

Whether the District retaliated against you (Hannah Secka) due to your disability related advocacy by filing a lawsuit against you in November 2021 alleging that you file frivolous special education due process complaints, and asking for you to pay attorneys’ fees on a due process decision that you withdrew without prejudice in July 2021.

### **I. OCR Case No. 11-21-1211 (Impeach Deposition Testimony of Richard O’Malley)**

Signed Resolution Agreement 12-1-2021

**J. OCR Case No. 11-21-1364 “Pending Investigation”**

1. Whether the District student a Free Appropriate Public Education (FAPE) by failing to implement the Student’s IEP during the fall of 2021.
2. Whether the District denied the Student a FAPE by removing services from the Student’s IEP without carefully considering and discussing available information with all relevant team members present at the September 29, 2021, IEP meeting; and
3. Whether the District retaliated against you (Hannah Secka) when the Superintendent (Richard O’Malley) sent you a letter accusing you of acting inappropriately towards the student’s teacher, after you sent an email to the teacher on September 29, 2021, asking for them to accommodate the student’s disability.

**K. Notice of Intent for Out-of-District Placement Letter 11/19/2018**

-November 26, 2018, emails (Impeach Deposition Testimony of Richard O’Malley)

-District Denied Parent Mediation in leu of Due Process Hearing as per SCDE 11/26/2018

-State Complaint against FSD1 11/26/2018

L. Invoice Payments from FCSD1 to Doug Dent, Esq. page 1-3 and Brian P. Murphy page 1-34

M. Individual Health Plan (IEP) and Behavior Intervention Plan (BIP) dated May 30, 2018 w/Progress Reports w/ Unsatisfactory, Report Failing Algebra and Resource (Special Education), and Roles and Responsibilities of Daisy Johnson, One-to-One Paraprofessional. The IEP is a legal contract protecting (MYS) under the Individuals w/ Disabilities Act IDEA Act (2004).

N. Parent email to Richard O’Malley for Drug Overdose of (MYNS) at WFHS June 5-12, 2019

Email Proof of Superintendent had 1<sup>st</sup> hand knowledge of evidence of bodily injuries

LabCorp Test Results

October 2, 2019, Drugs on WFHS Campus and

October 2, 2019, Ongoing Substance Abuse @WFHS

November 8, 2019 Harassment Charges against Brian Denny to Superintendent/BOT

Medical Homebound (DENIED) by District 12/9/2020 and 3/29/2021

O. Parent to Richard O’Malley for disability-based harassment and bullying June 20, 2019

P. Parent request for Executive Session w/ Board of Trustees July 2, 2019

Q. Letter to Molly Spearman FSD1 Violations of Safe School Policy 59-63-110-140 1/17/2019

Title II ADA/Section 504 Complaint against SCDE and FSD1 2/8/2019

Letter to Alan Wilson (WFHS Football Team Haze Autistic Player 4/5/2019

Football Participation Discrimination 8/12/2019 (Image of Sponge Cap)

WFHS HIPPA Violations to SCHSL (Commissioner Singleton) 8/14/2019

FERPA Complaint for Greg Johnson, WFHS Athletic Director 8/19/2019

Letter to Richard O’Malley of Harassment and Bystander Mental Harm 8/26/2019

SC High School League Commissioner Letter to WFHS Athletic Director 8/26/2019

WFHS “Willful/Deliberate” Staff Misconduct to BOT 2/11/2020

- R. Letter to BOT for Termination Discrimination and Retaliation of Brian Denny 9/29/2021
- S. Grievance Polic JII Discrimination Complaint against Richard O'Malley 8/14/2021  
Grievance to BOT for Brian Denny 10/14/2021
- T. Grievance against Brian Denny and Richard O'Malley to BOT 10/22/2021
- U. BOT Authorize Attorneys to File Frivolous Lawsuit Against Hannah Secka 11/11/2021
- V. Hannah Secka files Pro-se Counterclaim for Retaliation and Harassment  
(See Opinion of 4<sup>th</sup> Circuit Court Case No. 24-2005 decided 1/27/2025)
- W. Racial Justice Network, Civil Rights Organization "State of Emergency" 11/10/2023
- X. Letter to Racial Justice Network from Governor Henry McMaster 1/24/2024
- Y. Christopher Coleman, AP @ WFHS Assaults Hannah Secka in the face 3/6/2020  
Supporting Data: Adult Bully & Harassment against (MYS) 11/16/2019  
Parent Request for Resolution Session 11/20/2019  
Parent is afraid of Christopher Coleman and her (MYS) safety 11/20/2019  
Parent Request Discipline of Christopher Coleman 1/14/2020  
Administrative Bullying & Intimidation against (MYS) 2/11/2020  
Illegal Search of Private Property of (MYS) 3/3/2020  
Christopher Coleman Conduct of Harassment & Retaliation (MYS) 3/6/2020

Z. Article 1: When did this become rape? ~Richard O'Malley By WMBF News Staff  
*Published: Oct. 8, 2024 at 1:47 PM EDT*  
<https://www.wmbfnews.com/2024/10/08/when-did-this-become-rape-lawsuit-claims-fsd1-superintendent-didnt-take-alleged-sexual-assault-student-seriously/>

According to the lawsuit, the district "made no announcements to the student body, parents or the media concerning the sexual assault incidents that occurred on its premises," the lawsuit reads.

Nearly two weeks after the alleged incident, the victim's mother claims West Florence High School Principal Matthew Dowdell let her know that a reporter contacted him asking for a statement on the suspected rape.

The mother then claims Dowdell wanted her to ask the reporter not to run the story. Documents state she thought it was an odd request and did not contact the reporter, despite the story coming out on Nov. 20, 2023.

The victim's mother claims FSD1 did not attempt to notify anyone about the alleged incident until that news report came out. In addition, FSD1 is accused of failing to report the suspected sexual assault to the South Carolina Department of Education, and the district reported zero forced sex offenses for the 2023 school year.

The reporter also contacted O'Malley for a statement for the story.

Documents show O'Malley wrote in an internal email on Nov. 20, 2023, addressed to Dowdell and others: "When did this become rape? Is there new information?"

The lawsuit cites this email in its accusation that O'Malley "failed to take the allegations seriously" despite it happening 12 days prior and Stafford's arrest.

It also claims O'Malley at no point took time to speak with the victim's family.

In addition, Mary said it was the district's responsibility to keep her daughter safe, and the district failed. Specifically, FSD1 didn't properly investigate Stafford, who had just recently transferred to West Florence High School and had a "lengthy history of significant behavioral problems and diagnoses," according to the lawsuit.

In her filing, the victim's mother said the district was aware or should have known about this history.

"As a direct and proximate result of FSD1's failures, Jane Doe was sexually assaulted and raped, and her rights under IDEA, the Rehabilitation Act of 1973, the Americans with Disabilities Act of 1990, and Title IX were violated," the lawsuit reads.

FSD1 did open a formal Title IX investigation a month after the alleged incident, with the lawsuit noting "to date, after eight (8) months of investigating this incident, Plaintiff's Title IX complaint has not been concluded and Plaintiffs have not received any update on the investigation or requests for any additional information."

The victim's mother is asking for actual and punitive damage along with the costs of the action.

WMBF News has reached out to FSD1 and O'Malley for comment and has not heard back as of Tuesday afternoon.

Stay with WMBF News for updates.

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**Article 2: A mother claims her special education student was raped at Florence 1 school, lawsuit says.**

By G.E. Hinson and Abby Ann Ramsey [ghinson@postandcourier.com](mailto:ghinson@postandcourier.com)  
[aramsey@postandcourier.com](mailto:aramsey@postandcourier.com) Oct 8, 2024, Updated Oct 8, 2024

A parent is suing Florence 1 Schools and Superintendent Richard O'Malley.

[https://www.postandcourier.com/pee-dee/news/florence-one-schools-lawsuit-special-education-sexual-assault/article\\_fb0f3dca-859e-11ef-b595-c7ef89840b1d.html](https://www.postandcourier.com/pee-dee/news/florence-one-schools-lawsuit-special-education-sexual-assault/article_fb0f3dca-859e-11ef-b595-c7ef89840b1d.html)

### Article 3: **Florence school district tried to suppress sexual assault, federal lawsuit claims.**

by: [Adam Benson](#)

Posted: Oct 8, 2024 / 10:42 AM EDT Updated: Oct 8, 2024 / 12:18 PM EDT

<https://www.wbtw.com/news/pee-dee/florence/florence-school-district-tried-to-suppress-sexual-assault-federal-lawsuit-claims/>

FLORENCE, S.C. (WBTW) — The mother of a 16-year-old special needs student who was reportedly raped last November while moving between classes at West Florence High School is suing the school district and its superintendent, accusing each of breaching multiple state and federal violations.

The alleged incident happened on Nov. 8, 2023. News13 is not naming the alleged assailant because of his age and intellectual limitations. Court records show he posted a \$30,000 bond on a charge of first-degree criminal sexual conduct one day after the attack took place.

The boy admitted to the crime after being read his Miranda rights, according to an arrest warrant obtained by News13.

According to the lawsuit, because of the severity of the girl's condition, her individual education plan allows her to leave class 10 minutes early to avoid crowded halls.

The 28-page lawsuit filed Sept. 26 in U.S. District Court in Florence accuses officials on 12 grounds including violations of Title IX, the Federal Rehabilitation Act and the Americans with Disabilities Act.

A Florence 1 Schools spokesperson couldn't immediately be reached for comment. The district is on fall break this week, but officials have told News13 in the past that they don't discuss pending litigation.

On Nov. 21, 2023, Superintendent Richard O'Malley, released the following statement about the alleged incident:

“District Administration, School Officials, and Law Enforcement are actively investigating a report involving two exceptional education students at West Florence High School. We cannot discuss or release details regarding student disciplinary matters,” he said at the time. The phrase “exceptional education students” refers to students with disabilities.

According to the incident report, the investigation began after school officials reported to a school resource officer that “we might have had a rape occur.”

An assistant principal said a student came to her “trembling” and said someone had raped her in a school restroom, the report said. Authorities then began reviewing security footage and were able to identify the suspect pulling the girl into the restroom.

During an interview with investigators in the school principal’s office, the report said the boy admitted to touching the girl, pulling down her clothing and sexually assaulting her.

Attorney Robert Stucks, who co-filed the lawsuit, [spoke with News13](#) last year.

“We are not here to, by no means, to smear the Florence School District 1 or the Florence County Sheriff’s Office,” he said. “But the fact of the matter is this is a situation that has to be addressed. We are of the opinion that certainly the students, the parents, and the community have a right to know.”

#### NEW DETAILS REVEALED

The lawsuit accuses Florence 1 Schools and administrators of trying to suppress news of the attack to the community and failing to inform the state Department of Education as required by law.

It states that the victim was left in need of counseling, therapy and continued medical treatment. She also contracted gonorrhea, according to the lawsuit.

Attorneys for the victim also allege that district officials tried to conceal the incident, not making any announcements to students, parents or the media concerning the sexual assault incidents that occurred on its premises.

The lawsuit also alleges that West Florence High School Principal Matthew Dowdell contacted the victim’s mother two weeks after the alleged assault and asked her to request that a local media outlet refrain from reporting on the incident.

O’Malley emailed administrators and Dowdell on Nov. 20, asking, ‘when did this become rape,’ and asking about any new details. A copy of his email is included in the suit.

Attorneys also accuse the district of failing to accurately report the incident to the state Department of Education, claiming zero forced sex offenses for the 2023 school year.

“Plaintiffs are informed and believe this is a part of a larger systemic problem in that FSD1 continuously fails to report violent incidents at its schools, including sexual assaults, to prevent schools within FSD1 from having negative safety statistics and negative media attention,” attorneys wrote in the lawsuit.

The Florence branch of the NAACP [issued a statement](#) 12 days after the incident echoing concerns laid out in the Sept. 26 complaint.

“This is yet another example of Florence One Schools leadership withholding information that all concerned citizens have a right to know in a timely fashion. The safety and well-being of our

students is second only to the fair and appropriate education they each deserve,” the organization said.

**TESTIMONY:**

**Deposition of Hannah Secka 11/16/2022**

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**Deposition of (M.Y.N.S.) 11/16/2022**

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**Deposition of Daisy Johnson, (MYNS One-to-One Para) 10/17/2023**

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**Deposition of Richard O’Malley, FCSD1 Superintendent 9/6/2023**

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**Deposition of Dr. Sterling Harris (Expert), Retired Assistant Superintendent 12/12/2023**

Page 1-89

Testimony of Due Process Hearings April 10-11, 2019 (Doug Dent Esq. LHO)

Hannah Secka.....

Daisy Johnson.....

James Williams, Advocate

Testimony of Due Process Hearings October 22-23,2020 (Brian P. Murphy, Esq. LHO)

Alexis Pipikins Sr. (Expert).....

Brian Denny.....

James Williams, Advocate.....

**Review Limited to Record on Appeal**

*Pursuant to Rule 210(h)*, except as provided by Rule 212 and Rule 208(b)(1)(C) and (2), the appellate court will not consider any fact which does not appear in the Record on Appeal.

**Certificate of Appellant**

The undersigned Appellant (Hannah L. Secka) hereby certifies that the Record on Appeal contains all material proposed to be included by any of the parties and not any other material.

**RECEIVED**  
**Dec 01 2025**  
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