

THE STATE OF SOUTH CAROLINA

In the Court of Appeals

APPEAL FROM CHARLESTON COUNTY

Court of Common Pleas

Honorable Robert J. Bonds, Circuit Court Judge

Court of Appeals Case No. 2026-001286

Civil Action No. 2026-CP-10-01436

RECEIVED

Oct 26 2026

SC Court of Appeals

Dr. Brian McClure, Appellant,

v.

Charleston County School District, Charleston County School District Education Foundation,
Leah Whatley, Michelle Leber, Keith Grybowski, Carlotte Bailey, and Pamela Mckinney,
Respondents.

RECORD ON APPEAL

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**RECORD ON APPEAL
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FORM 4

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

JUDGMENT IN A CIVIL CASE

CASE NO. 2026CP1001436

Brian McClure
PLAINTIFF(S)

School District Charleston County et al
DEFENDANT(S)

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.
- ☐ **ACTION DISMISSED** (*CHECK REASON*): ☐ Rule 12(b), SCRCP; ☐ Rule 41(a), SCRCP (Vol. Nonsuit); ☐ Rule 43(k), SCRCP (Settled);
☐ Other
- ☐ **ACTION STRICKEN** (*CHECK REASON*): ☐ Rule 40(j), SCRCP; ☐ Bankruptcy;
☐ Binding arbitration, subject to right to restore to confirm, vacate or modify arbitration award;
☐ Other
- ☐ **STAYED DUE TO BANKRUPTCY**
- ☐ **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:

On April 1, 2026, Plaintiff's Motion for a Temporary Restraining Order and Preliminary Injunction filed March 19, 2026, was heard by this Court in Charleston County. This was the only motion before the Court. After carefully considering and evaluating the arguments presented by counsel, the several memoranda filed with the court, and the applicable law, the Court finds that Plaintiff has failed to meet its burden of demonstrating (1) that irreparable harm would occur without the injunction; (2) a likelihood of success on the merits of the underlying litigation; and (3) that no adequate remedy at law exists. Therefore, Plaintiff's motion is respectfully DENIED.

ORDER INFORMATION

This order ☐ ends ☒ does not end the case.

☐ See Page 2 for additional information.

For Clerk of Court Office Use Only

This judgment was electronically entered by the Clerk of Court as reflected on the Electronic Time Stamp, and a copy mailed first class to any party not proceeding in the Electronic Filing System on 04/06/2026 .

NAMES OF TRADITIONAL FILERS SERVED BY MAIL

Court Reporter:

E-Filing Note: The date of Entry of Judgment is the same date as reflected on the Electronic File Stamp and the clerk's entering of the date of judgment above is not required in those counties. The clerk will mail a copy of the judgment to parties who are not E-Filers or who are appearing pro se. See Rule 77(d), SCRCP.



Charleston Common Pleas

Case Caption: Brian McClure VS School District Charleston County , defendant, et al

Case Number: 2026CP1001436

Type: Order/Electronic Form 4

So Ordered

s/ Robert Bonds, 2770

Electronically signed on 2026-04-06 11:31:38 page 3 of 3

FORM 4

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

JUDGMENT IN A CIVIL CASE

CASE NO. 2026CP1001436

Brian McClure
PLAINTIFF(S)

School District Charleston County et al
DEFENDANT(S)

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- ☒ **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.
- ☐ **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
- ☐ **STAYED DUE TO BANKRUPTCY**
- ☐ **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:

This matter came before the Court by WebEx on April 30, 2026, upon Plaintiff's Motion to Reconsider, Alter, or Amend this Court's April 6, 2026, order, which respectfully denied Plaintiff's Motion for a Temporary Restraining Order and Preliminary Injunction. Plaintiff now asks the Court to reconsider its ruling.

Based upon a review of the memoranda filed by the parties and after hearing the arguments from counsel, the Court declines to reconsider its April 6, 2026 order. Therefore, Plaintiff's Motion to Reconsider, Alter, or Amend filed April 6, 2026, is respectfully DENIED.

ORDER INFORMATION

This order ☐ ends ☒ does not end the case.

☐ See Page 2 for additional information.

For Clerk of Court Office Use Only

This judgment was electronically entered by the Clerk of Court as reflected on the Electronic Time Stamp, and a copy mailed first class to any party not proceeding in the Electronic Filing System on 05/01/2026 .

NAMES OF TRADITIONAL FILERS SERVED BY MAIL

Court Reporter:

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Charleston Common Pleas

Case Caption: Brian McClure VS School District Charleston County , defendant, et al
Case Number: 2026CP1001436
Type: Order/Electronic Form 4

So Ordered

s/ Robert Bonds, 2770

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STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
COUNTY OF CHARLESTON	)	NINTH JUDICIAL CIRCUIT
	)	
DR. BRIAN MCCLURE	)	Case No.: _____
Plaintiff,	)	
v.	)	
	)	SUMMONS
CHARLESTON COUNTY SCHOOL DISTRICT,	)	
LEAH WHATLEY, MICHELLE LEBER,	)	
KEITH GRYBOWSKI, CARLOTTE BAILEY,	)	
PAMELA MCKINNEY; and	)	
CHARLESTON COUNTY SCHOOL DISTRICT	)	
EDUCATION FOUNDATION,	)	
Defendants.	)	
_____	)	

TO: DEFENDANTS ABOVE-NAMED:

YOU ARE HEREBY SUMMONED and required to answer the Amended Complaint in this action, a copy of which is herewith served upon you, and to serve a copy of your Answer to the Amended Complaint on the attorneys for Plaintiff at their office located at 171 Church Street, Suite 160, Charleston, South Carolina, 29401, within thirty days after the service hereof, exclusive of the day of such service, and if you fail to answer the Amended Complaint within the time aforesaid, judgment by default will be rendered against you for the relief demanded in the Amended Complaint.

RESPECTFULLY SUBMITTED,

FERGUSON LAW AND MEDIATION, LLC.

s/ Emmanuel J. Ferguson, Sr.
Emmanuel J. Ferguson, Sr.
SC Bar #81431
171 Church Street, Suite 160
Charleston, South Carolina 29401
Telephone (843) 491-4890
emmanuel@fergusonlaborlaw.com

March 18, 2026

Charleston, South Carolina

Attorney for Plaintiff

STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
COUNTY OF CHARLESTON	)	NINTH JUDICIAL CIRCUIT
	)	
DR. BRIAN MCCLURE	)	Case No.: _____
Plaintiff,	)	
v.	)	
	)	
CHARLESTON COUNTY SCHOOL DISTRICT,	)	COMPLAINT
LEAH WHATLEY, MICHELLE LEBER,	)	FOR DECLARATORY AND
KEITH GRYBOWSKI, CARLOTTE BAILEY,	)	INJUNCTIVE RELIEF
PAMELA MCKINNEY; and	)	
CHARLESTON COUNTY SCHOOL DISTRICT	)	
EDUCATION FOUNDATION,	)	
Defendants.	)	
_____	)	

Plaintiff, by and through undersigned counsel, alleges as follows:

NATURE OF THIS ACTION

1. This action seeks declaratory and injunctive relief under the South Carolina Freedom of Information Act ("FOIA"), S.C. Code Ann. § 30-4-10 et seq., arising from actions taken by the Charleston County School District Board of Trustees at its February 25, 2026, public meeting.

2. Plaintiff alleges that, after a publicly noticed vote on District 8 nominee Dr. Brian McClure failed, a different trustee, Ms. Leah Whatley, immediately nominated Michelle Faust for the same Foundation seat even though Ms. Faust's name had not been included on the posted meeting agenda, the public had not been given additional 24-hour notice, and the Board did not conduct the agenda-addition procedures required by FOIA and the Board's own policy.

3. Plaintiff further alleges that trustees acknowledged during the meeting that Ms. Faust's nomination was not properly noticed and that members of the Board's majority had discussed her candidacy before the public meeting, raising an additional FOIA concern that deliberations occurred outside a properly noticed meeting.

4. Plaintiff seeks an order declaring the February 25, 2026 vote unlawful, enjoining Defendants from treating that vote as valid, enjoining the Foundation from recognizing Michelle

Faust as a duly appointed voting director pending final resolution, preserving relevant records, and requiring any replacement vote to occur only after FOIA-compliant notice.

PARTIES

5. Plaintiff, Dr. Brian McClure, is a citizen and resident of Charleston County, South Carolina, and therefore has standing to seek declaratory and injunctive relief under S.C. Code Ann. § 30-4-100(A). Dr. McClure is a registered voter in the State of South Carolina, County of Charleston and, based on his residency, is a constituent of Charleston County School Board District 8.

6. Defendant Charleston County School District (“CCSD”) is a public school district and public body within the meaning of South Carolina law, with its principal offices in Charleston County, South Carolina.

7. Defendant Pamela McKinney is a member of the Charleston County School District Board of Trustees (the “Board”). The Board is the governing body of CCSD and a public body subject to FOIA. Ms. McKinney serves as the Chairwoman of the Board and knowing and willfully violated FOIA on February 25, 2026, as described below.

8. Defendant Carlotta Bailey is a member of the Board. Upon information and belief, Ms. Bailey served as the Chairperson of the Board during the January 26, 2026, Board meeting and knowing and willfully violated FOIA on February 25, 2026, as described below.

9. Defendant Leah Whatley is a member of the Board. Ms. Whatley knowing and willfully violated FOIA on February 25, 2026, as described below.

10. Defendant Keith Grybowski is a member of the Board. Mr. Grybowski knowing and willfully violated FOIA on February 25, 2026, as described below.

11. Defendant Michelee Leber is a member of the Board. Ms. Leber knowing and willfully violated FOIA on February 25, 2026, as described below.

12. Defendant Charleston County School District Education Foundation (“Foundation”) is the nonprofit entity whose Phase 1 voting members are appointed by majority vote of the Board of Trustees under the Foundation bylaws. The Foundation is named because Plaintiff seeks injunctive relief preventing the disputed appointment from being treated as valid while this action is pending.

JURISDICTION AND VENUE

13. This Court has subject-matter jurisdiction under S.C. Code Ann. §30-4-10, et seq., specifically § 30-4-100(A) and the Court’s general equitable jurisdiction because Plaintiff seeks declaratory and injunctive relief to enforce FOIA.

14. Venue is proper in Charleston County because the events at issue occurred in Charleston County, Plaintiff Resides in the County, Defendants reside or maintain offices there, and the requested relief concerns actions of a Charleston County public body.

15. This action is timely because it is brought within one year of the February 25, 2026 meeting and public vote challenged herein.

FACTUAL ALLEGATIONS

16. The Foundation bylaws provide that, during “Phase 1,” the initial voting members of the Foundation are appointed by majority vote of the Board of Trustees and must include a resident from each of the nine Charleston County election districts who is not an employee or member of the Board of Trustees.

17. 13. Before the February 25, 2026 meeting, CCSD established and communicated a nomination process under which each trustee would be asked to nominate one person to serve on the Foundation Board of Directors.

18. According to documents and statements already assembled by Plaintiff, Superintendent Anita Huggins sent an email on January 7, 2026 instructing that “each Trustee will be asked to make a nomination for one member” to serve on the Foundation Board of Directors.

19. Consistent with that written instruction, Trustee Darlene Dunmeyer-Roberson, as the Board member representing District 8, nominated Dr. Brian McClure for the District 8 seat during the January 26, 2026 Board meeting, and Dr. McClure's nomination was considered under the one-trustee, one-nominee process described by the District.

20. Notably, no other Trustee presented any other nominees for any District other than his/her own elected District. Further, not Trustee made more than one nomination.

21. During the January 26, 2026 Board meeting, the nomination of Dr. McClure was taken up for a vote. However, his nomination did not receive a majority of votes needed to accept his nomination.

22. On February 25, 2026, the Board published an agenda which included the nomination of Foundation Members to represent District 7, District 8, and District 9.

23. According to the February 25, 2026 agenda, the Foundation Nominee was Julie Armstrong, The District 8 nominee was Dr. McClure, and the District 9 nominee was Taryn Williams.

24. In addition to the names of the Foundation nominees for Districts 7,8,9, the agenda published resumes or biographical information for each nominee along with the agenda.

25. At the February 25, 2026 meeting, Dr. McClure's nomination again appeared for consideration and again failed on the same voting lines as at the January 26, 2026, meeting.

26. Immediately after that failed vote, Trustee Leah Whatley moved to nominate another person, Michelle Faust to serve as the District 8 nominee.

27. Ms. Faust's nomination and possible appointment were not listed on the publicly posted agenda for the February 25 meeting.

28. Upon information and belief, Ms. Faust's eligibility to serve on the Foundation was not reviewed in the same manner as the previous nominees.

29. Upon information and belief, no additional 24-hour public notice was posted in the same manner as the original agenda posting before the Board considered Ms. Faust's nomination.

30. After the meeting began, the Board did not first add Ms. Faust's nomination to the agenda by a two-thirds vote of the members present and voting.

31. The Board made no finding that an emergency or exigent circumstance existed requiring the item to be added and acted upon that night.

32. During the meeting, Trustee Carolina Jewett reportedly stated: "I raised concerns the nomination of Michelle Faust was never put on agenda."

33. Board Chair Pam McKinney reportedly responded: "It was passed out [a moment ago]. I apologize for the inconvenience to those on Zoom."

34. Trustee Jewett further reportedly stated that all board members had not even received a copy of Ms. Faust's résumé, and Chair McKinney reportedly responded: "Well, we didn't. Well. I can't address that."

35. Superintendent Huggins also reportedly stated during the meeting that, after the earlier vote, district officials sought legal advice and then provided trustees with emails containing a recommendation on how "the final three" should proceed.

36. Board Trustee Michelle Leber reportedly stated that she had spoken with "the majority of the people, well the five of us [on the Board]," regarding Ms. Faust's qualifications, after which Chair McKinney interjected: "If I may interrupt, we should not be talking."

37. These statements support a reasonable inference that the Board's majority had advance knowledge of, and may have discussed, Ms. Faust's candidacy before the public meeting.

38. After the new nomination was made, the Board approved Ms. Faust for the District 8 Foundation seat.

39. Unless enjoined, Defendants may continue to treat that appointment as valid and permit the Foundation to operate with Ms. Faust serving as a voting director, thereby compounding the consequences of the allegedly unlawful vote.

FIRST CAUSE OF ACTION

Violation of South Carolina FOIA — Agenda Notice and Unlawful Addition of Action Item

30. Plaintiff realleges the preceding paragraphs as if fully set forth herein.

31. FOIA requires that an agenda for regularly scheduled or special meetings be posted at least twenty-four hours before the meeting. Once posted, no items may be added to the agenda without an additional twenty-four hours' public notice given in the same manner as the original posting.

32. After a meeting begins, an item upon which action may be taken may be added to the agenda only by a two-thirds vote of the members present and voting. If the item is one upon which final action can be taken at the meeting, or one for which there has not been and will not be an opportunity for public comment with prior public notice, the item may be added only by a two-thirds vote plus a finding that an emergency or exigent circumstance exists.

33. The Board voted on Michelle Faust's nomination and appointment without the notice, vote, and findings required by FOIA.

34. Because Ms. Faust's nomination was a distinct action item on which the Board took final action, FOIA required the Board either to provide proper public notice in advance or, if the Board intended to add the item after the meeting began, to comply strictly with the statutory agenda-addition procedure.

35. The February 25, 2026 vote therefore violated S.C. Code Ann. § 30-4-80.

SECOND CAUSE OF ACTION

Violation of South Carolina FOIA — Deliberations Outside Properly Noticed Public Meeting

36. Plaintiff realleges the preceding paragraphs as if fully set forth herein.

37. FOIA protects the public from secret government activity and prohibits public bodies from using private discussions or communications to circumvent the Act's open-meetings requirements.

38. The reported statements that a majority of trustees had discussed Ms. Faust's qualifications before the meeting, combined with the reported acknowledgment that "we should not be talking," support a reasonable inference that deliberations regarding the appointment may have occurred outside a properly noticed public meeting.

39. Plaintiff is entitled to discovery and equitable relief sufficient to determine the extent of those discussions and to prevent the Board from benefitting from any unlawful pre-meeting deliberations.

THIRD CAUSE OF ACTION

Declaratory and Injunctive Relief

40. An actual and justiciable controversy exists regarding whether the February 25, 2026 vote was lawful and whether Defendants may continue to recognize Michelle Faust as a validly appointed Foundation voting director.

41. S.C. Code Ann. § 30-4-100 provides that a citizen may seek declaratory judgment, injunctive relief, or both; requires an initial hearing within ten days of service; and states that a FOIA violation must be considered an irreparable injury for which no adequate remedy at law exists.

42. Plaintiff lacks an adequate remedy at law because, absent injunctive relief, the Foundation may continue to act with a composition created by an allegedly unlawful vote, and records relevant to the violation may be lost, deleted, or altered.

43. Plaintiff is therefore entitled to temporary, preliminary, and permanent injunctive relief preserving the status quo pending final adjudication.

PRAYER FOR RELIEF

WHEREFORE, PLAINTIFF PRAYS THE COURT GRANT PLAINTIFF THE FOLLOWING RELIEF:

40. Issue a temporary restraining order and preliminary injunction prohibiting Defendants from treating the February 25, 2026 vote approving Michelle Faust as valid pending final resolution of this matter.

41. Find the nomination process used by the Board was improper and unenforceable.

42. Order the Board Chairperson to conduct a full nomination and voting process for each Foundation seat that aligns with proper procedure including, but not limited to, notice, nomination, opportunity to be heard, public deliberations, any other process or procedure required by law and established Board and Foundation bylaws.

43. Enjoin the Foundation from recognizing Michelle Faust as a duly appointed voting director and from relying on her vote for quorum, governance, or board action purposes while this action is pending.

44. Enjoin the Foundation from conducting any business until a properly noticed nomination and proper nomination procedures have been followed by the Board.

45. Alternatively, if the Court finds broader relief warranted, enjoin the Foundation from taking further action until the legality of the disputed appointment is resolved.

46. Declare that the February 25, 2026 action violated the South Carolina Freedom of Information Act.

47. Order Defendants to preserve and produce all relevant agendas, minutes, emails, text messages, call logs, draft materials, nomination materials, and other communications concerning the Foundation nomination process and the nomination for each and every Foundation nominee.

48. Require any future vote to fill the disputed Foundation seat to occur only after full FOIA-compliant notice and procedures.

49. Award Plaintiff reasonable attorney's fees and costs as permitted by S.C. Code Ann. § 30-4-100(B).

50. Grant such other and further relief as the Court deems just and proper.

RESPECTFULLY SUBMITTED,

s/Emmanuel J. Ferguson, Sr.

Emmanuel J. Ferguson, Sr.

South Carolina Bar #81431

FERGUSON LAW AND MEDIATION, LLC

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March 18, 2026

Charleston, South Carolina

STATE OF SOUTH CAROLINA	) IN THE COURT OF COMMON PLEAS	
COUNTY OF CHARLESTON	) NINTH JUDICIAL CIRCUIT	
	)	
DR. BRIAN MCCLURE	) Case No.: 2026CP1001436	
Plaintiff,	)	
v.	)	
	)	
CHARLESTON COUNTY SCHOOL DISTRICT,	)	PLAINTIFF'S MOTION FOR
LEAH WHATLEY, MICHELLE LEBER,	)	TEMPORARY RESTRAINING ORDER
KEITH GRYBOWSKI, CARLOTTE BAILEY,	)	AND PRELIMINARY INJUNCTION
PAMELA MCKINNEY; and	)	
CHARLESTON COUNTY SCHOOL DISTRICT	)	
EDUCATION FOUNDATION,	)	
	)	
Defendants.	)	
_____	)	

Plaintiff, above-named moves for a temporary restraining order and preliminary injunction pursuant to S.C. Code Ann. § 30-4-100, Rule 65, SCRCPP, and the Court's inherent equitable authority.

GROUNDS FOR RELIEF

1. The Freedom of Information act ("FOIA") requires public bodies to post agendas at least twenty-four hours before regular or special meetings, forbids adding items without an additional twenty-four hours' notice, and permits post-commencement addition of an action item only through a two-thirds vote. If final action may be taken, or if the public otherwise lacks a prior opportunity for comment with notice, the public body must also find that an emergency or exigent circumstance exists.
2. The Complaint filed in this case¹ alleges that, after the publicly noticed vote on Dr. Brian McClure failed on February 25, 2026, the Board immediately considered and approved Michelle Faust for the same Foundation seat even though her nomination was not on the posted agenda, there was no additional twenty-four-hour public notice, no two-thirds vote to add the item, and no emergency or exigent-circumstances finding.

¹ A copy of the Complaint that was filed is attached as "Exhibit 1."

3. The complaint further alleges that trustees acknowledged on the record that Ms. Faust's nomination had not been properly noticed and that members of the majority had discussed her candidacy before the meeting.
4. S.C. Code Ann. § 30-4-100 provides that a FOIA violation is to be considered irreparable injury for which no adequate remedy at law exists and requires an initial hearing within ten days of service.
5. Absent injunctive relief, Defendants will continue to recognize the disputed appointment as valid, and the Foundation may continue to act with a board composition produced by an allegedly unlawful vote.

REQUESTED TEMPORARY RELIEF

1. Issue a temporary restraining order and preliminary injunction prohibiting Defendants from treating the February 25, 2026 vote approving Michelle Faust as valid pending final resolution of this matter.
2. Issue a temporary restraining order enjoining the Foundation from recognizing Michelle Faust as a duly appointed voting director and from relying on her vote for quorum, governance, or board action purposes while this action is pending.
3. Order CCSD and the Board Chairperson to preserve and produce all relevant agendas, minutes, emails, text messages, call logs, draft materials, nomination materials, and other communications concerning the Foundation nomination process and the nomination for each and every Foundation nominee.
4. Enjoin the Charleston County School District Board Chair from calling for any future vote to fill any Foundation seat pending final resolution of this matter.

RESPECTFULLY SUBMITTED,

s/Emmanuel J. Ferguson, Sr.

Emmanuel J. Ferguson, Sr.
South Carolina Bar #81431

FERGUSON LAW AND MEDIATION, LLC
171 Church Street, Suite 160
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(843) 491-4890 telephone

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March 19, 2026
Charleston, South Carolina

STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
COUNTY OF CHARLESTON	)	NINTH JUDICIAL CIRCUIT
	)	
DR. BRIAN MCCLURE	)	Case No.: 2026-CP-10-01436
Plaintiff,	)	
v.	)	
	)	
CHARLESTON COUNTY SCHOOL DISTRICT,	)	
LEAH WHATLEY, MICHELLE LEBER,	)	
KEITH GRYBOWSKI, CARLOTTE BAILEY,	)	AMENDED SUMMONS
PAMELA MCKINNEY; and	)	
CHARLESTON COUNTY SCHOOL DISTRICT	)	
EDUCATION FOUNDATION,	)	
	)	
Defendants.	)	
_____	)	

TO: DEFENDANTS ABOVE-NAMED:

YOU ARE HEREBY SUMMONED and required to answer the Amended Complaint in this action, a copy of which is herewith served upon you, and to serve a copy of your Answer to the Amended Complaint on the attorneys for Plaintiff at their office located at 171 Church Street, Suite 160, Charleston, South Carolina, 29401, within thirty days after the service hereof, exclusive of the day of such service, and if you fail to answer the Amended Complaint within the time aforesaid, judgment by default will be rendered against you for the relief demanded in the Amended Complaint.

RESPECTFULLY SUBMITTED,

FERGUSON LAW AND MEDIATION, LLC.

s/ Emmanuel J. Ferguson, Sr.
 Emmanuel J. Ferguson, Sr.
 SC Bar #81431
 171 Church Street, Suite 160
 Charleston, South Carolina 29401
 Telephone (843) 491-4890
 emmanuel@fergusonlaborlaw.com

March 27, 2026

Charleston, South Carolina

Attorney for Plaintiff

STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
COUNTY OF CHARLESTON	)	NINTH JUDICIAL CIRCUIT
	)	
DR. BRIAN MCCLURE	)	Case No.: 2026-CP-10-01436
Plaintiff,	)	
v.	)	
	)	
CHARLESTON COUNTY SCHOOL DISTRICT,	)	
LEAH WHATLEY, MICHELLE LEBER,	)	
KEITH GRYBOWSKI, CARLOTTE BAILEY,	)	AMENDED COMPLAINT
PAMELA MCKINNEY; and	)	
CHARLESTON COUNTY SCHOOL DISTRICT	)	
EDUCATION FOUNDATION,	)	
	)	
Defendants.	)	
	)	

Plaintiff, by and through undersigned counsel, alleges as follows:

NATURE OF THIS ACTION

1. This action seeks declaratory and injunctive relief under the South Carolina Freedom of Information Act ("FOIA"), S.C. Code Ann. § 30-4-10 et seq., arising from actions taken by the Charleston County School District Board of Trustees at its February 25, 2026, public meeting.

2. This action also seeks damages for a civil conspiracy against the above-named defendants.

3. Plaintiff alleges that, after a publicly noticed vote on District 8 nominee Dr. Brian McClure failed, a different trustee, Ms. Leah Whatley, immediately nominated Michelle Faust for the same Foundation seat even though Ms. Faust's name had not been included on the posted meeting agenda, the public had not been given additional 24-hour notice, and the Board did not conduct the agenda-addition procedures required by FOIA and the Board's own policy.

4. Plaintiff further alleges that trustees acknowledged during the meeting that Ms. Faust's nomination was not properly noticed and that members of the Board's majority had discussed her candidacy before the public meeting, raising an additional FOIA concern that deliberations occurred outside a properly noticed meeting.

5. Plaintiff seeks an order declaring the February 25, 2026 vote unlawful, enjoining Defendants from treating that vote as valid, enjoining the Foundation from recognizing Michelle Faust as a duly appointed voting director pending final resolution, preserving relevant records, and requiring any replacement vote to occur only after FOIA-compliant notice.

PARTIES

6. Plaintiff, Dr. Brian McClure, is a citizen and resident of Charleston County, South Carolina, and therefore has standing to seek declaratory and injunctive relief under S.C. Code Ann. § 30-4-100(A). Dr. McClure is a registered voter in the State of South Carolina, County of Charleston and, based on his residency, is a constituent of Charleston County School Board District 8.

7. Defendant Charleston County School District (“CCSD”) is a public school district and public body within the meaning of South Carolina law, with its principal offices in Charleston County, South Carolina.

8. Defendant Pamela McKinney is a member of the Charleston County School District Board of Trustees (the “Board”). The Board is the governing body of CCSD and a public body subject to FOIA. Ms. McKinney serves as the Chairwoman of the Board and knowing and willfully violated FOIA on February 25, 2026, as described below.

9. Defendant Carlote Bailey is a member of the Board. Upon information and belief, Ms. Bailey served as the Chairperson of the Board during the January 26, 2026, Board meeting and knowing and willfully violated FOIA on February 25, 2026, as described below.

10. Defendant Leah Whatley is a member of the Board. Ms. Whatley knowing and willfully violated FOIA on February 25, 2026, as described below.

11. Defendant Keith Grybowski is a member of the Board. Mr. Grybowski knowing and willfully violated FOIA on February 25, 2026, as described below.

12. Defendant Michele Leber is a member of the Board. Ms. Leber knowing and willfully violated FOIA on February 25, 2026, as described below.

13. Defendant Charleston County School District Education Foundation (“Foundation”) is the nonprofit entity whose Phase 1 voting members are appointed by majority vote of the Board of Trustees under the Foundation bylaws. The Foundation is named because Plaintiff seeks injunctive relief preventing the disputed appointment from being treated as valid while this action is pending.

JURISDICTION AND VENUE

14. This Court has subject-matter jurisdiction under S.C. Code Ann. §30-4-10, et seq., specifically § 30-4-100(A) and the Court’s general equitable jurisdiction because Plaintiff seeks declaratory and injunctive relief to enforce FOIA.

15. This Court has subject-matter jurisdiction over Plaintiff’s civil conspiracy claim.

16. Venue is proper in Charleston County because the events at issue occurred in Charleston County, Plaintiff resides in the County, Defendants reside or maintain offices there, and the requested relief concerns actions of a Charleston County public body.

17. This action is timely because it is brought within one year of the February 25, 2026 meeting and public vote challenged herein.

FACTUAL ALLEGATIONS

18. The Foundation bylaws provide that, during “Phase 1,” the initial voting members of the Foundation are appointed by majority vote of the Board of Trustees and must include a resident from each of the nine Charleston County election districts who is not an employee or member of the Board of Trustees.

19. 13. Before the February 25, 2026 meeting, CCSD established and communicated a nomination process under which each trustee would be asked to nominate one person to serve on the Foundation Board of Directors.

20. According to documents and statements already assembled by Plaintiff, Superintendent Anita Huggins sent an email on January 7, 2026 instructing that “each Trustee will be asked to make a nomination for one member” to serve on the Foundation Board of Directors.

21. Consistent with that written instruction, Trustee Darlene Dunmeyer-Roberson, as the Board member representing District 8, nominated Dr. Brian McClure for the District 8 seat during the January 26, 2026 Board meeting, and Dr. McClure’s nomination was considered under the one-trustee, one-nominee process described by the District.

22. Notably, no other Trustee presented any other nominees for any District other than his/her own elected District. Further, not Trustee made more than one nomination.

23. During the January 26, 2026 Board meeting, the nomination of Dr. McClure was taken up for a vote. However, his nomination did not receive a majority of votes needed to accept his nomination.

24. On February 25, 2026, the Board published an agenda which included the nomination of Foundation Members to represent District 7, District 8, and District 9.

25. According to the February 25, 2026 agenda, the Foundation Nominee was Julie Armstrong, The District 8 nominee was Dr. McClure, and the District 9 nominee was Taryn Williams.

26. In addition to the names of the Foundation nominees for Districts 7,8,9, the agenda published resumes or biographical information for each nominee along with the agenda.

27. At the February 25, 2026 meeting, Dr. McClure’s nomination again appeared for consideration and again failed on the same voting lines as at the January 26, 2026, meeting.

28. Immediately after that failed vote, Trustee Leah Whatley moved to nominate another person, Michelle Faust to serve as the District 8 nominee.

29. Upon information and belief, Defendants Whatley, Leber, Grybowski, Bailey and Mckinney engaged in “one-on-one” telephone conversations with each other to discuss how they can avoid having Plaintiff serve on the foundation.

30. These “one-on-one” conversations were designed to harm Plaintiff’s standing and reputation and were used to poll members of the Board of Trustees before a vote on a Foundation nominee was taken. This was done in violation of S.C. Code, § 30-4-70 (b) which states, in part, “[t]he members of a public body may not commit the public body to a course of action by a polling of members in executive session.

31. These “one-on-one” conversations further violated FOIA. In particular, S.C. Code, § 30-4-70(c) which states, “No chance meeting, social meeting, or electronic communication may be used in circumvention of the spirit of requirements of this chapter to act upon a matter over which the public body has supervision, control, jurisdiction, or advisory power.”

32. Ms. Faust’s nomination and possible appointment were not listed on the publicly posted agenda for the February 25 meeting.

33. Upon information and belief, Ms. Faust’s eligibility to serve on the Foundation was not reviewed in the same manner as the previous nominees.

34. Upon information and belief, no additional 24-hour public notice was posted in the same manner as the original agenda posting before the Board considered Ms. Faust’s nomination.

35. After the meeting began, the Board did not first add Ms. Faust’s nomination to the agenda by a two-thirds vote of the members present and voting.

36. The Board made no finding that an emergency or exigent circumstance existed requiring the item to be added and acted upon that night.

37. During the meeting, Trustee Carolina Jewett reportedly stated: “I raised concerns the nomination of Michelle Faust was never put on agenda.”

38. Board Chair Pam McKinney reportedly responded: “It was passed out [a moment ago]. I apologize for the inconvenience to those on Zoom.”

39. Trustee Jewett further reportedly stated that all board members had not even received a copy of Ms. Faust's résumé, and Chair McKinney reportedly responded: "Well, we didn't. Well. I can't address that."

40. Superintendent Huggins also reportedly stated during the meeting that, after the earlier vote, district officials sought legal advice and then provided trustees with emails containing a recommendation on how "the final three" should proceed.

41. Board Trustee Michelle Leber reportedly stated that she had spoken with "the majority of the people, well the five of us [on the Board]," regarding Ms. Faust's qualifications, after which Chair McKinney interjected: "If I may interrupt, we should not be talking."

42. These statements support a reasonable inference that the Board's majority had advance knowledge of, and may have discussed, Ms. Faust's candidacy before the public meeting.

43. After the new nomination was made, the Board approved Ms. Faust for the District 8 Foundation seat.

44. Unless enjoined, Defendants may continue to treat that appointment as valid and permit the Foundation to operate with Ms. Faust serving as a voting director, thereby compounding the consequences of the allegedly unlawful vote.

FIRST CAUSE OF ACTION

Violation of South Carolina FOIA — Agenda Notice and Unlawful Addition of Action Item

45. Plaintiff realleges the preceding paragraphs as if fully set forth herein.

46. FOIA requires that an agenda for regularly scheduled or special meetings be posted at least twenty-four hours before the meeting. Once posted, no items may be added to the agenda without an additional twenty-four hours' public notice given in the same manner as the original posting.

47. After a meeting begins, an item upon which action may be taken may be added to the agenda only by a two-thirds vote of the members present and voting. If the item is one upon which

final action can be taken at the meeting, or one for which there has not been and will not be an opportunity for public comment with prior public notice, the item may be added only by a two-thirds vote plus a finding that an emergency or exigent circumstance exists.

48. The Board voted on Michelle Faust's nomination and appointment without the notice, vote, and findings required by FOIA.

49. Because Ms. Faust's nomination was a distinct action item on which the Board took final action, FOIA required the Board either to provide proper public notice in advance or, if the Board intended to add the item after the meeting began, to comply strictly with the statutory agenda-addition procedure.

50. The February 25, 2026 vote therefore violated S.C. Code Ann. § 30-4-80.

SECOND CAUSE OF ACTION

Violation of South Carolina FOIA — Deliberations Outside Properly Noticed Public Meeting

51. Plaintiff realleges the preceding paragraphs as if fully set forth herein.

52. FOIA protects the public from secret government activity and prohibits public bodies from using private discussions or communications to circumvent the Act's open-meetings requirements.

53. The reported statements that a majority of trustees had discussed Ms. Faust's qualifications before the meeting, combined with the reported acknowledgment that "we should not be talking," support a reasonable inference that deliberations regarding the appointment may have occurred outside a properly noticed public meeting.

54. Defendants' "one-on-one" statements further support a reasonable inference that Defendants violated S.C. Code Ann. § 30-4-70.

55. Plaintiff is entitled to discovery and equitable relief sufficient to determine the extent of those discussions and to prevent the Board from benefitting from any unlawful pre-meeting deliberations.

THIRD CAUSE OF ACTION Declaratory and Injunctive Relief

56. An actual and justiciable controversy exists regarding whether the February 25, 2026 vote was lawful and whether Defendants may continue to recognize Michelle Faust as a validly appointed Foundation voting director.

57. S.C. Code Ann. § 30-4-100 provides that a citizen may seek declaratory judgment, injunctive relief, or both; requires an initial hearing within ten days of service; and states that a FOIA violation must be considered an irreparable injury for which no adequate remedy at law exists.

58. Plaintiff lacks an adequate remedy at law because, absent injunctive relief, the Foundation may continue to act with a composition created by an allegedly unlawful vote, and records relevant to the violation may be lost, deleted, or altered.

59. Plaintiff is therefore entitled to temporary, preliminary, and permanent injunctive relief preserving the status quo pending final adjudication.

FOURTH CAUSE OF ACTION Civil Conspiracy

60. Plaintiffs hereby realleges each and every allegation contained in the Paragraphs above as fully as if set forth herein verbatim.

61. Whatley, Leber, Grybowski, Bailey, and McKinney, their individual capacities, and in combination with other persons or entities including, but not limited to, the Charleston County School District and the Charleston County School District Education Foundation, combined and conspired to injure the Plaintiff by way of the unlawful acts or lawful acts by unlawful means described in the Paragraphs above.

62. In furtherance of the conspiracy, the Defendants above-named and, upon information and belief, others entered into an agreement to violate FOIA by advancing the name of another candidate to serve on the Foundation for District 8 without informing all of the Board members that they planned to vote on the matter.

63. In furtherance of the conspiracy, the Defendants above-named planned to nominate a candidate to serve on the Foundation without placing that candidate's name on the agenda. Notably, the Defendants knew who was going to be nominated, but purposefully decided to omit that nominee's name and resume from the agenda. These defendants engaged in discussions and deliberations outside of an official meeting to plan to harm Plaintiff and others.

64. All other candidates that were to be voted on during the February 2026 meeting were specifically identified on the agenda and their resumes were attached.

65. Defendants, in their individual capacities, engaged in "one-on-one" telephone conversations with each other to discuss how to specifically ensure Plaintiff could not serve on the Foundation and how another candidate, Michelle Faust, could be nominated and voted on without Plaintiff or other Board members knowing about it.¹

66. As a direct and proximate result of the actions of Defendants, Plaintiffs sustained damages in the form of emotional distress, pain and suffering, inconvenience, mental anguish, loss of enjoyment of life, embarrassment, humiliation, loss to professional standing, character and reputation, and further seeks attorney's fees and costs and prejudgment interest.

PRAYER FOR RELIEF

¹ See Attachment A, Page 4, Paragraph 3. ("You further claim that FOIA was violated when board members discussed the proposed nomination of Ms. Faust. Those conversations occurred in one-on-one telephone conversations, which are not prohibited by FOIA. There were no meetings of a quorum of the Board at which Ms. Faust's nomination was discussed.").

WHEREFORE, PLAINTIFF PRAYS THE COURT GRANT PLAINTIFF THE FOLLOWING RELIEF:

67. Issue a temporary restraining order and preliminary injunction prohibiting Defendants from treating the February 25, 2026 vote approving Michelle Faust as valid pending final resolution of this matter.

68. Find the nomination process used by the Board was improper and unenforceable.

69. Order the Board Chairperson to conduct a full nomination and voting process for each Foundation seat that aligns with proper procedure including, but not limited to, notice, nomination, opportunity to be heard, public deliberations, any other process or procedure required by law and established Board and Foundation bylaws.

70. Enjoin the Foundation from recognizing Michelle Faust as a duly appointed voting director and from relying on her vote for quorum, governance, or board action purposes while this action is pending.

71. Enjoin the Foundation from conducting any business until a properly noticed nomination and proper nomination procedures have been followed by the Board.

72. Alternatively, if the Court finds broader relief warranted, enjoin the Foundation from taking further action until the legality of the disputed appointment is resolved.

73. Declare that the February 25, 2026 action violated the South Carolina Freedom of Information Act.

74. Order Defendants to preserve and produce all relevant agendas, minutes, emails, text messages, call logs, draft materials, nomination materials, and other communications concerning the Foundation nomination process and the nomination for each and every Foundation nominee.

75. Require any future vote to fill the disputed Foundation seat to occur only after full FOIA-compliant notice and procedures.

76. Award Plaintiff reasonable attorney's fees and costs as permitted by S.C. Code Ann. § 30-4-100(B).

77. Grant such other and further relief as the Court deems just and proper.

78. As to Plaintiff's claim for civil conspiracy, he request a jury trial for this cause of action and prays for the following relief against Defendants: for such amount of actual and special damages as the trier of fact may find, emotional distress, pain and suffering, inconvenience, mental anguish, loss of enjoyment of life, embarrassment, humiliation, loss to professional standing, character and reputation, the cost and disbursements of this action, including reasonable attorneys' fees, prejudgment interest and for such other and further relief as the court deems just and proper.

RESPECTFULLY SUBMITTED,

s/Emmanuel J. Ferguson, Sr.

Emmanuel J. Ferguson, Sr.

South Carolina Bar #81431

FERGUSON LAW AND MEDIATION, LLC

171 Church Street, Suite 160

Charleston, South Carolina 29401

(843) 491-4890 Telephone

emmanuel@fergusonlaborlaw.com

March 27, 2026

Charleston, South Carolina

ATTACHMENT "A"
TO AMENDED COMPLAINT
MARCH 25, 2026, LETTER

SAXTON & STUMP

LAWYERS AND CONSULTANTS

151 Meeting Street, Suite 400 • Charleston, SC 29401
P: (843) 414-5080 • F: (843) 580-8303

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Email: afp@saxtonstump.com

March 25, 2026

VIA EMAIL

Emmanuel J. Ferguson, Sr.
Ferguson Law and Mediation, LLC
171 Church Street, Suite 160
Charleston, SC 29401
emmanuel@fergusonlaborlaw.com

RE: McClure v. CCSD, et al.

Dear Emmanuel,

Please allow this letter to serve as a demand that your client dismiss, with prejudice, the above-referenced matter and as notice that Charleston County School District will pursue all available sanctions under Rule 11, SCRPC, and the Frivolous Proceedings Act should he fail to do so. As an initial matter, FOIA liability does not extend to individual members of a public body, such as the individual Trustees you've named as defendants in this lawsuit. See Sloan v. Friends of Hunley, Inc., 369 S.C. 20, 29, 630 S.E.2d 474, 479 (2006). The individuals named as defendants must be dismissed on that basis alone.

At its core, your client's grievance is essentially that the agenda did not give him notice that individuals, in addition to the three listed on the agenda, may be nominated at the Board meeting. However, FOIA does not require that an agenda be specifically detailed or that it be tailored to reach those specific individuals whose private interests are most likely to be affected by the actions of the public body. In fact, South Carolina's Freedom of Information Act states no requirements, and provides no guidance, as to the formation and contents of an agenda. However, it can fairly be inferred that an agenda must give the public notice that some action may be taken on a particular subject. See Brock v. Town of Mount Pleasant, 415 S.C. 625, 632, 785 S.E.2d 198, 202 (2016) (explaining that a public body may not know in advance what action it will take, but that it still must "give notice that some action may be taken").

It is patently disingenuous, and frivolous, to assert that the Board's agenda for its February 25, 2026, meeting, stating that the Board "shall nominate and approve the nine (9) initial Foundation board members", failed to give notice that the Board might make nominations at that

meeting. If it had said that the Board “shall vote on the previously nominated individuals listed below”, it might be a different story, but even that is a stretch. Your client’s position that all potential nominees were required to be listed on the agenda is not only unsupported by law but is also impractical. If your client had been selected by a majority vote, there would not have been another nomination. Nothing prevented any board member from nominating additional candidates for any of the open Foundation board positions.

Courts have routinely rejected challenges to an agenda’s specificity where, as here, the agenda gives the public notice of potential government action to be taken at a public meeting. In City of San Antonio v. Fourth Ct. of Appeals, 820 S.W.2d 762, 765 (Tex. 1991), city council posted an agenda listing: “An Ordinance determining the necessity for and authorizing the condemnation of certain property in County Blocks 4180, 4181, 4188, and 4297 in Southwest Bexar County for the construction of the Applewhite Water Supply Project.” A citizen whose property was condemned by the city’s passage of the ordinance at the council meeting complained that the agenda was insufficient to give her notice and that the agenda should have listed the specific properties sought to be condemned. The Supreme Court of Texas disagreed, finding “the City’s notice as to the subject matter of the ordinance was sufficient to ensure that a reader was given adequate notice of the proposed governmental action.” Noting that an agenda must enable public access to, and increase public knowledge of, government decision making, the Court clarified that it:

need not go further and inquire into whether a notice was tailored to reach those specific individuals whose private interests are most likely to be affected by the proposed government action, as [complainant] would have us do. The intended beneficiaries of [FOIA] are not individual citizens, such as the particular landowners affected by this condemnation, but members of the interested public. If a “reader” is given notice, the requirement of [FOIA] is satisfied and its purpose served.

Id. at 765.

In Banks v. Bd. of Education of Chase Cty, 202 Neb. 717, 277 N.W.2d 76 (1979), the plaintiff sought a declaration that a school board meeting which authorized the approval of a contract with Wilson & Company, who were architects, was void because of a violation of the public meetings laws with respect to the contents of the agenda. The court’s opinion recited that the agenda included notice of a “discussion” with John Smutz of Wilson & Company which “should result in determining whether we want this company or not.” Id. at 723, 277 N.W.2d at 80. Nebraska’s Supreme Court found that although the language was not “a model of clarity, [it] did inform the public that an agreement with the architect was to be discussed and possibly entered.” Id. The court rejected the contention that the notice on the agenda was inadequate.

In Town of Marble v. Darien, 181 P.3d 1148, 1149 (Colo. 2008), town council held a public meeting at which it voted to reject a proposal for erecting a permanent monument at Mill Site Park, a local park owned by the town. Proponents of the proposal brought suit, alleging that the agenda was deficient and violated Colorado's Open Meetings Law because it did not expressly state that the council would be taking formal action on the proposal. The Colorado Supreme Court held that the agenda was sufficient because an ordinary member of the community would understand that the agenda item listed on the notice - "Mill Site Committee Update" - would include consideration of, and possible formal action on, the Mill Site Park proposal.

The agenda for CCSD's Board of Trustees meeting on February 25, 2026, clearly and unequivocally stated that the Board "shall nominate and approve" Foundation board members. That is exactly what happened and FOIA's purpose of protecting the public from "secret government activity" was satisfied. See S.C. Atty Gen., Advisory Opinion re: Lynette B. Fryer, 2019 WL 5669045, *3 (S.C.A.G. Oct. 17, 2019) ("Thus, we presume courts would similarly find FOIA requires the Board to give notice that public comments will be taken at a public meeting, but would not require the Board to list with specificity the nature of those comments.") The fact that your client is disappointed that his nomination was rejected does not protect him from frivolous proceedings sanctions.

Moreover, at the very minimum, CCSD substantially complied with FOIA and the deficiencies in the agenda that your client has alleged, even if violative of FOIA (which is denied), had no prejudicial effect on your client. See Multimedia, Inc. v. Greenville Airport Comm'n, 287 S.C. 521, 525, 339 S.E.2d 884, 887 (Ct. App. 1986) ("[S]ubstantial compliance with the Act will satisfy its requirements where a technical violation has no demonstrated effect on a complaining party."). His nomination was rejected, a second time, prior to the nomination of Michelle Faust. I welcome you to explain what your client would have done differently had the agenda specifically listed Ms. Faust as a potential nominee or how the absence of Ms. Faust's name on the agenda affected your client, let alone the public's interests. Of course, it would have been impossible to list Ms. Faust as a nominee because she was not a "nominee" until she was actually nominated by Leah Whatley during the Board meeting in question.

You further claim that FOIA was violated when board members discussed the proposed nomination of Ms. Faust. Those conversations occurred in one-on-one telephone conversations, which are not prohibited by FOIA. There were no meetings of a quorum of the Board at which Ms. Faust's nomination was discussed.

Finally, it has come to my attention that you attended the CCSD Board meeting on March 23, 2026, and directly addressed the Board members, who you know are represented by counsel, concerning matters related to your client's lawsuit. To be clear, as the attorney representing the

defendants in your client's lawsuit, I do not consent to your communication with my clients and caution you to be mindful of your ethical obligations going forward. On that same line, you have no right to meet with members of the Board of Trustees, and I have no obligation to take your message to them. Should you make an offer of settlement, however, I will certainly convey that offer to my client

Sincerely,

Alice F. Paylor

STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
	)	FOR THE NINTH JUDICIAL CIRCUIT
COUNTY OF CHARLESTON	)	CASE NO: 2026-CP-10-01436
	)	
DR. BRIAN MCCLURE,	)	
	)	
Plaintiff,	)	DEFENDANT CHARLESTON COUNTY
	)	SCHOOL DISTRICT'S MOTION TO
v.	)	DISMISS
	)	
CHARLESTON COUNTY SCHOOL	)	
DISTRICT, LEAH WHATLEY,	)	
MICHELLE LIEBER, KEITH	)	
GRYBOWSKI, CARLOTTE BAILEY,	)	
PAMELA MCKINNEY, and	)	
CHARLESTON COUNTY SCHOOL	)	
DISTRICT FOUNDATION,	)	
	)	
Defendants.	)	
	)	

TO: PLAINTIFF ABOVE-NAMED AND HIS LEGAL COUNSEL:

PLEASE TAKE NOTICE that the undersigned attorneys for the Defendants will move before the Presiding Judge of the Ninth Judicial Circuit at the Charleston County Courthouse, 100 Broad Street, Charleston, South Carolina 29401, or at such other office as the Court may direct, after ten (10) days from the date of service hereof or at such time and place as the Court may direct, for an Order dismissing the Plaintiff's Amended Complaint pursuant to South Carolina Rule of Civil Procedure 12(b)(6) on the following grounds:

1. Plaintiff's Amended Complaint fails to state facts sufficient to constitute a cause of action for violation of the S.C. Freedom of Information Act, S.C. Code Ann. § 30-4-10, *et. seq.*, and therefore fails as a matter of law pursuant to Rule 12(b)(6) and should be dismissed in its entirety.

- a. The agenda Plaintiff alleges to be deficient clearly conveyed to the public the actions taken by the Charleston County School District Board of Trustees at its February 25, 2026, meeting, and therefore complied with S.C. Code Ann. § 30-4-80; and
- b. Plaintiff's own allegations establish that there was no "secret" meeting of a quorum of the Charleston County School District Board of Trustees, as required for a finding that Defendants violated the notice and open meeting requirements of FOIA.

2. Plaintiff's Amended Complaint fails to make any substantive allegations against Defendant Charleston County School District Foundation and therefore, pursuant to Rule 12(b)(6), this Defendant must be dismissed.

3. Plaintiff's Amended Complaint seeks to hold individual members of Charleston County School District's Board of Trustees liable for alleged FOIA violations. Because individual members of a public body cannot be held liable for FOIA violations, these allegations fail as a matter of law and, pursuant to Rule 12(b)(6), should be dismissed.

4. Plaintiff's Amended Complaint establishes that, at a minimum, Defendants Charleston County School District substantially complied with FOIA and that Plaintiff was not injured in any manner as a result of the actions alleged in the Amended Complaint or otherwise by any technical violation of FOIA (which is denied). See Herald Pub. Co. v. Barnwell, 291 S.C. 4, 12, 351 S.E.2d 878, 883 (Ct. App. 1986). Therefore, pursuant to Rule 12(b)(6), the Amended Complaint must be dismissed.

5. Plaintiff's cause of action for "civil conspiracy" fails as a matter of law pursuant to Rule 12(b)(6) because Plaintiff has failed to allege any legally cognizable damages proximately caused by the alleged conspiracy. Therefore, this cause of action must be dismissed.

WHEREFORE, Defendants respectfully move this Court for an Order dismissing Plaintiff's Amended Complaint, awarding Defendants attorneys' fees and costs pursuant to Rule 11(a), SCRPC, and awarding Defendants such other and further relief as this Court may deem just and proper.

By: /s/ Alice F. Paylor
Alice F. Paylor
Elizabeth J. Palmer
Saxton & Stump, LLC
151 Meeting Street, Suite 400
Charleston, SC 29401
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ATTORNEYS FOR DEFENDANTS

Charleston, SC
March 30, 2026

STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
	)	FOR THE NINTH JUDICIAL CIRCUIT
COUNTY OF CHARLESTON	)	CASE NO: 2026-CP-10-01436
	)	
DR. BRIAN MCCLURE,	)	
	)	
Plaintiff,	)	DEFENDANT CHARLESTON COUNTY
	)	SCHOOL DISTRICT’S MEMORANDUM OF
v.	)	LAW IN OPPOSITION TO MOTION FOR
	)	TEMPORARY RESTRAINING ORDER AND
CHARLESTON COUNTY SCHOOL	)	PRELIMINARY INJUNCTION
DISTRICT, LEAH WHATLEY,	)	
MICHELLE LIEBER, KEITH	)	
GRYBOWSKI, CARLOTTE BAILEY,	)	
PAMELA MCKINNEY, and	)	
CHARLESTON COUNTY SCHOOL	)	
DISTRICT FOUNDATION,	)	
	)	
Defendants.	)	
	)	

This matter is before the Court on Plaintiff’s Motion for Temporary Restraining Order and Preliminary Injunction. Because Plaintiff cannot show likelihood of success on the merits, irreparable injury, or the lack of an adequate legal remedy, his Motion must be denied.

FACTUAL BACKGROUND

In accordance with South Carolina Freedom of Information Act, S.C. Code Ann. § 30.4.10, et. seq. (“FOIA”), requirements, Defendant Charleston County School District (“CCSD”) posted the agenda for the February 25, 2026, meeting of its Board of Trustees (“Board” or “CCSD Board”). A copy of the agenda is attached as **Exhibit 1**. Item 12(B) of the agenda, titled “CCSD Education Foundation Board of Director[s] Appointments”, states:

In order to establish the CCSD Education Foundation, the Charleston County School District Board of Trustees shall nominate and approve the nine (9) initial Foundation board members representing each district. The appointments will be in compliance with the Foundation’s Board of Directors Job Description and Conflict of Interest Policy.

See Agenda, ¶ 12(B). Thereunder, two “First Time Nominees” for Districts 7 and 9 are listed as well as Plaintiff as a “Second Time Nominee” for District 8. Although it was anticipated that these three individuals would be nominated to serve on CCSD Foundation’s (“Foundation”) board, the actual nominations were made during the February 25, 2026, meeting in accordance with the posted agenda.

At the February 25, 2026, Board meeting, Trustee Leah Whatley nominated an individual for District 7, Trustee Carol Tempel nominated an individual for District 9, and Trustee Darlene Roberson nominated Plaintiff for the second time.¹ The Board voted to approve the two individuals who were nominated for Districts 7 and 9 but declined, for a second time, to approve by a majority vote the nomination of Plaintiff. Following the Board’s vote to deny the motion made to approve Plaintiff as the District 8 representative on the Foundation’s board, CCSD Board Member Leah Whatley made a motion to nominate Michelle Faust for District 8, which was seconded. A majority of the Board then voted to approve Mrs. Faust’s appointment to the Foundation board.

Plaintiff, clearly disgruntled by the Board’s refusal, on two occasions, to approve his nomination to the Foundation board, filed this lawsuit on March 18, 2026, naming as Defendants: CCSD; the five Trustees who voted in favor of Mrs. Faust’s appointment (Leah Whatley, Michelle Leber, Keith Grybowski, Carlote Bailey, and Pamela McKinney) (collectively, the “Board Trustees”); and the Foundation. Plaintiff alleges that the five individual Trustees discussed Mrs. Faust’s qualifications prior to the February 25, 2026, meeting and infers that “deliberations” occurred outside of a properly noticed public meeting in violation of FOIA. The Complaint alleges that the Board violated FOIA by: 1) failing to include Mrs. Faust’s name on the agenda; and 2)

¹ Plaintiff was first nominated by Mrs. Roberson at the January 26, 2026, Board meeting. However, the Board declined to approve his nomination at that meeting, as well. Compl., ¶ 21.

engaging in “deliberations” outside of a properly noticed public meeting. Plaintiff seeks injunctive relief against all Defendants. Notably, no allegations are made against the Foundation.

After February 25, 2026, the individual nominated for the District 7 seat withdrew her consent to serve and leaving one opening on the Foundation board. At a special called meeting of the CCSD Board to nominate an individual for this Foundation board seat, three (3) separate individuals were nominated, and the person receiving a majority of the votes became the board member for the District 7 seat.

LEGAL ARGUMENT

“The remedy of an injunction is a drastic one and ought to be applied with caution.” Forest Land Co. v. Black, 216 S.C. 255, 57 S.E.2d 420, 426 (1950); Lefurgy v. The Long Cove Owners Ass’n, Inc., 313 S.C. 555, 443 S.E.2d 577 (Ct. App. 1994). A preliminary injunction should issue only if necessary to preserve the status quo ante, and only upon a showing by the moving party that: (1) without such relief it will suffer irreparable harm; (2) that it has a likelihood of success on the merits; and (3) and that there is no adequate remedy at law. Poynter Invs., Inc. v. Century Builders of Piedmont, Inc., 387 S.C. 583, 586–87, 694 S.E.2d 15, 17 (2010). The party seeking an injunction has the burden of demonstrating facts and circumstances warranting an injunction. Strategic Res. Co. v. BCS Life Ins. Co., 367 S.C. 540, 544, 627 S.E.2d 687, 689 (2006).

I. Plaintiff cannot show likelihood of success on the merits of the Complaint’s causes of action.

A. Plaintiff has failed to allege any legally cognizable claims against the Defendant Trustees or the CCSD Education Foundation and therefore cannot establish any likelihood of success as against these Defendants.

Plaintiff’s Complaint, alleging that the CCSD Board violated FOIA, names five individual Board members and the CCSD Education Foundation as defendants. However, individual Board

members cannot be held liable for FOIA violations as they are not a “public body”². FOIA imposes obligations on public bodies thus, liability for violation of FOIA can only be asserted against public bodies. The purpose of FOIA is to protect the public by providing a mechanism for the disclosure of information by *public bodies*. Sloan v. Friends of Hunley, Inc., 369 S.C. 20, 26, 630 S.E.2d 474, 478 (2006) (emphasis added) (citing Bellamy v. Brown, 305 S.C. 291, 295, 408 S.E.2d 219, 221 (1991)). In Sloan, the plaintiff sued a public body and its chairman alleging that the public body violated FOIA by refusing to produce certain documents in response to a FOIA request. The S.C. Supreme Court held that the chairman was properly granted summary judgment because he was sued only in his capacity as the chairman of the public body. Sloan, 369 S.C. at 29, 630 S.E.2d at 479. That reasoning is equally applicable here and compels a finding that Plaintiff cannot succeed on the merits of his claims, if any, against the individual Board Trustees named in his Complaint.

Likewise, no substantive allegations – **at all** – are made against the CCSD Education Foundation. As such, Plaintiff cannot show that he is likely to succeed on the merits of any claim against this Defendant.

Injunctive relief must be denied and these Defendants, the Foundation and the five individual Trustees, should be dismissed.

² Pursuant to FOIA, “public body” is defined as “any department of the State, a majority of directors or their representatives of departments within the executive branch of state government as outlined in Section 1-30-10, any state board, commission, agency, and authority, any public or governmental body or political subdivision of the State, including counties, municipalities, townships, school districts, and special purpose districts, or any organization, corporation, or agency supported in whole or in part by public funds or expending public funds, including committees, subcommittees, advisory committees, and the like of any such body by whatever name known, and includes any quasi-governmental body of the State and its political subdivisions, including, without limitation, bodies such as the South Carolina Public Service Authority and the South Carolina State Ports Authority. Committees of health care facilities, which are subject to this chapter, for medical staff disciplinary proceedings, quality assurance, peer review, including the medical staff credentialing process, specific medical case review, and self-evaluation, are not public bodies for the purpose of this chapter. S.C. Code Ann. § 30-4-20(a).

B. Because the agenda for the February 25, 2026, meeting of the Charleston County School District's Board of Trustees was proper in all aspects, Plaintiff cannot show he is likely to succeed on the merits of his claim that Defendants violated FOIA.

FOIA requires public bodies to give written public notice of the date, time, and place of any meetings. S.C. Code Ann. § 30-4-80(A). Additionally, public bodies are required to post an agenda for meetings at least twenty-four hours prior to any meeting. Id. Although no guidance is given by FOIA as to the contents of an agenda, FOIA's ultimate purpose of protecting the public from secret government activity dictates that an agenda must give the public notice that some action may be taken on a particular subject. In Brock v. Town of Mount Pleasant, 415 S.C. 625, 632, 785 S.E.2d 198, 202 (2016), at issue was the sufficiency of an agenda. Relevant to the case at bar, our Supreme Court held that an agenda must "give notice that some action may be taken" but also acknowledged that a public body may not know in advance specifically what action it will take.

Here, the agenda in question gave the public notice that the Board would be nominating and voting on individuals to serve on the Foundation's Board. That is exactly what happened, satisfying the letter and the spirit of FOIA.

Plaintiff's contentions that the Board was required to amend the agenda, either 24 hours in advance of the meeting or with a 2/3 majority vote of the Board during the meeting, are without factual or legal merit. After all, what could be added? A definition of the term "nominate"? The public was already appraised by virtue of the agenda that the Board would be nominating individuals for service on the Foundation board and voting on those nominations. Amendment of the agenda was not required.

Plaintiff's disappointment stemming from his rejection by a majority of the Board does not translate into a FOIA violation. Plaintiff is not likely to succeed on the merits of his claims related to the sufficiency of the agenda, and injunctive relief must be denied.

C. Because Charleston County School District's Board of Trustees did not engage in unlawful pre-meeting deliberations, Plaintiff cannot show he is likely to succeed on the merits of his claim that Defendants violated FOIA.

With few exceptions not applicable here, all "meetings" of a "public body" are required to be open to the public. S.C. Code Ann. § 30-4-60. The term "meeting" is defined by FOIA as "the convening of a quorum of the constituent membership of a public body, whether corporal or by means of electronic equipment, to discuss or act upon a matter over which the public body has supervision, control, jurisdiction or advisory power." S.C. Code Ann. § 30-4-20(d). The term "quorum" is defined as "a simple majority of the constituent membership of a public body." S.C. Code Ann. § 30-4-20(e).

As such, were a majority of CCSD's Board to get together and discuss Board business, there would potentially be a violation of FOIA because such would constitute a "meeting" with a quorum of the Board present that was not properly noticed and not open to the public. That is not what happened here.

In Plaintiff's initial Complaint, he asserted that it was reasonable to make an "inference" that the five individually named Defendants engaged in deliberations violative of FOIA (Compl., ¶ 37). An "inference" is insufficient to establish likelihood of success on Plaintiff's claim that the Board Trustees violated FOIA. In fact, not only does Plaintiff fail to specifically allege that these Defendants got together as a group to engage in the alleged deliberations as a quorum, in his Amended Complaint, filed March 27, 2026, he acknowledges that the conversations between the various Defendant Trustees took place on a one-on-one basis. (Amend. Compl., ¶¶ 29-31).

Also in his Amended Complaint, Plaintiff further attempts to allege a FOIA violation on the part of the Defendant Trustees by claiming that these one-on-one conversations ran afoul of S.C. Code Ann. § 30-40-70(b). That section concerns the prohibition against the polling of members of a public body during *executive session* and is entirely irrelevant here.

Violations of FOIA occur when a “quorum” of a “public body” have discussed board business outside of a properly noticed meeting. FOIA does not prohibit two members of a 9-member board from discussing board business outside of a public meeting. Plaintiff has failed to sufficiently *allege* a FOIA violation, he certainly cannot show that he is likely to succeed on his claims that a violation has occurred. Plaintiff is not entitled to any relief.

D. Because Charleston County School District’s Board of Trustees, at a minimum, substantially complied with the requirements of FOIA, and because Plaintiff can show no prejudice from the actions he alleges were improper, Plaintiff cannot show he is likely to succeed on the merits of his claim that Defendants violated FOIA.

At the very minimum, CCSD substantially complied with FOIA and the deficiencies in the agenda that Plaintiff has alleged, even if violative of FOIA (which is adamantly denied), had no prejudicial effect on Plaintiff. See Multimedia, Inc. v. Greenville Airport Comm’n, 287 S.C. 521, 525, 339 S.E.2d 884, 887 (Ct. App. 1986) (“[S]ubstantial compliance with the Act will satisfy its requirements where a technical violation has no demonstrated effect on a complaining party.”). His nomination was rejected, a second time, prior to the nomination of Michelle Faust. Plaintiff has failed to explain what would have occurred differently had the agenda specifically listed Ms. Faust as a potential nominee or how the absence of Ms. Faust’s name on the agenda affected his, let alone the public’s, interests. Of course, it would have been impossible to list Ms. Faust as a nominee because she was not a “nominee” until she was actually nominated by Leah Whatley during the Board meeting in question. Plaintiff is not entitled to injunctive relief.

II. Plaintiff cannot show that he will be irreparably harmed in the absence of injunctive relief.

“An injunction is a drastic remedy issued by the court in its discretion to prevent irreparable harm suffered by the plaintiff.” Scratch Golf Co. v. Dunes W. Residential Golf Props., Inc., 361 S.C. 117, 121, 603 S.E.2d 905, 907 (2004). The United States Supreme Court has explained:

The key word in this consideration is irreparable. Mere injuries, however substantial, in terms of money, time and energy necessarily expended in the absence of a stay, are not enough. The possibility that adequate compensatory or other corrective relief will be available at a later date, in the ordinary course of litigation, weighs heavily against a claim of irreparable harm.

Sampson v. Murray, 415 U.S. 61, 90 (1974). A plaintiff must demonstrate more than the mere possibility of irreparable harm; the plaintiff must demonstrate that irreparable injury is likely in the absence of an injunction. Winter v. Natural Res. Def. Council, Inc., 555 U.S. 7 (2008).

Plaintiff cannot show any irreparable harm in the absence of an injunction. Defendants are aware that “a violation of [FOIA] must be considered to be an irreparable injury for which no adequate remedy at law exists.” S.C. Code Ann. § 30-4-100(A). However, Plaintiff finds no support in this provision of FOIA as, by its terms, it requires a violation of FOIA. Here, there has been no violation of FOIA and Plaintiff may not rely on the presumption of irreparable injury in the absence of injunctive relief.

Plaintiff’s nomination was rejected, for a second time, before another Board member nominated Mrs. Faust for the Foundation board. Plaintiff’s “candidacy” for a Foundation board seat had already been determined, and that rejection is the only “harm” that has befallen Plaintiff. An injunction is not going to change that, nor will it prevent any future irreparable harm from befalling Plaintiff (nor has Plaintiff identified any such anticipated harm). On a broader level, to the extent Plaintiff purports to bring this action to protect the public’s interest, the public will likewise sustain no irreparable harm because there has been no FOIA violation. From a public

policy standpoint, the issuance of an injunction would actually harm the public's interests. The Foundation was formed to "promote educational and charitable endeavors for i) the improvement and enrichment of the quality of public schools, excluding charter schools and public-private partnership schools in the District; and ii) the increase of community support for and involvement in the District." See Foundation Bylaws, § 3.02 (attached as **Exhibit 2**). These are laudable goals, benefiting the public at large. Stifling that work, especially where there has been no material violation of FOIA, would be inequitable and harmful to the public's interests.

III. Plaintiff cannot show the inadequacy of legal remedies.

An injunction is an equitable remedy; as such, it is available only where no remedy at law exists or where the legal remedy would fail to make the party whole. MailSource, LLC v. M.A. Bailey & Assocs., 356 S.C. 363, 369–70, 588 S.E.2d 635, 639 (Ct. App. 2003).

The general rule is that an injunction should be granted only where some irreparable injury is threatened for which there is no adequate remedy at law. Whether a wrong is irreparable in the sense that equity may intervene, and whether there is an adequate remedy at law for a wrong, are questions that are not decided by narrow and artificial rules.

Id. (quoting Cartee v. Lesley, 286 S.C. 249, 256, 333 S.E.2d 341, 345 (Ct. App. 1985) (citations omitted) (holding that a "complaint fails to state a cause of action for injunctive relief unless facts are alleged which show that the plaintiff has no adequate and complete remedy at law").

Plaintiff's Complaint, ¶ 42, alleges that "absent injunctive relief, the Foundation may continue to act with a composition created by an allegedly unlawful vote, and records relevant to the violation may be lost, deleted, or altered." This is pure speculation and does not establish the inadequacy of legal remedies. In fact, FOIA itself provides a remedy in the event a violation is established, and it is exactly what Plaintiff is now requesting. "Upon finding a violation of the Act, the trial court may order equitable relief as it considers appropriate, and a violation of the statute must be considered to be an irreparable injury for which no adequate remedy at law exists.

Piedmont Pub. Serv. Dist. v. Cowart, 319 S.C. 124, 130, 459 S.E.2d 876, 879 (Ct. App. 1995), aff'd, 324 S.C. 239, 478 S.E.2d 836 (1996) (citing S.C. Code Ann. § 30-4-100(a)). As such, Plaintiff can hardly claim that he has no adequate remedy for a FOIA violation when there was no FOIA violation.

CONCLUSION

The injunction sought by Plaintiff must be denied because Plaintiff cannot make the necessary showing to justify its issuance. Defendants respectfully request that Plaintiff's request for a temporary restraining order/preliminary injunction be denied and for such other relief as the Court deems appropriate including, but not limited to, attorney's fees and costs pursuant to Rule 11, SCRCP.

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ATTORNEYS FOR DEFENDANTS

Charleston, SC
March 30, 2026

EXHIBIT 2



Charleston County School District
Financial Services
 3999 Bridgeview Drive
 North Charleston, SC 29405
 (843) 937-6300

BYLAWS OF THE CHARLESTON COUNTY SCHOOL DISTRICT

EDUCATION FOUNDATION

ARTICLE I NAME AND OFFICES

Section 1.01. Corporate Name. The name of the Corporation shall be "Charleston County School District Education Foundation" (the "Corporation"). The principal office of the Corporation shall be at the location identified in the Corporation's Articles of Incorporation, as such Articles of Incorporation may be amended from time to time. The Corporation may have such other offices within the State of South Carolina (the "State"), as the Board of Directors may designate or as the business of the Corporation may require from time to time.

Section 1.02. Registered Office. The registered office of the Corporation required by Article 1, Chapter 31, Title 33 of the South Carolina Nonprofit Corporation Act of 1994, as amended (the "Act"), to be maintained in the State shall initially be at the location identified in the Corporation's Articles of Incorporation, and the address of the registered office may be changed from time to time by the Corporation.

ARTICLE II ORGANIZATION

The Corporation shall be a nonprofit organization (i) established and operated in accordance with the provisions of Section 501(c)(3) of the Internal Revenue Code of 1986, as amended (the "Internal Revenue Code"), and the regulations thereunder, and Sections 12-6-580 and 12-6-1120 of the Code of Laws of South Carolina 1976, as amended (the "South Carolina Code"); and (ii) incorporated under the Act. The Corporation shall be an independent and autonomous organization. Its period of duration shall be perpetual unless terminated in accordance with Article X, *infra*.

ARTICLE III PURPOSES AND POWERS

Section 3.01. Corporate Purposes. The Corporation is organized and shall be operated exclusively for charitable purposes within the meaning of Section 501(c)(3) of the Internal Revenue Code; provided, however, no part of the net earnings thereof shall inure to the benefit of any private shareholder or individual; provided further, no substantial part of the activities of the Corporation shall consist of carrying on propaganda, or otherwise attempting to influence legislation, except to the extent permitted by law; provided further, the Corporation shall not participate in or intervene in (including the publishing or distributing of statements) any political campaign on behalf of or in opposition to any candidate for public office. Notwithstanding any other provision of these Bylaws, the Corporation shall not carry on any activities not permitted to be carried on by (i) an organization described in Internal Revenue Code Section 501(c)(3) or (ii) an organization contribution to which are deductible under the Internal Revenue



Code Section 170(c)(2) or any other corresponding provision of any future United States law. Notwithstanding any other provisions of these Bylaws, the Corporation is organized and operated exclusively for charitable, educational or religious purposes within the meaning of Internal Revenue Code Section 501(c)(3). The Corporation is further authorized to undertake any and all lawful activities necessary or incident to purposes established in Article III of these Bylaws, except as limited in the Corporation's Articles of Incorporation.

The Corporation is organized and shall operate exclusively as a nonprofit corporation to assist and support the Charleston County School District, South Carolina (the "School District"), including, but not limited to its administration, staff, teachers and students, and undertake such other projects located in or for the benefit of the School District as may be permitted by applicable law (the "Purposes").

Section 3.02. Specific Purposes. The Corporation is to be formed for educational and charitable purposes within the meaning of IRC Section 501(c)(3) and in this connection, shall be operated:

- a. To promote educational and charitable endeavors for i) the improvement and enrichment of the quality of public schools, excluding charter schools and public-private partnership schools in the District; and ii) the increase of community support for and involvement in the District, through the solicitation of funds and partnerships, in accordance with the goals, strategies, and initiatives of the Superintendent and Board of Trustees;
- b. To take and hold by bequest, devise, gift, grant, and solicit funds, purchase, lease, or otherwise any property—real, personal, tangible, or intangible—or any undivided interest therein, without limitation as to amount or value; to sell, convey, or otherwise dispose of any such property and to invest, reinvest, or deal with the principal or the income thereof in such manner as in the judgment of the Directors will best promote the purposes of the Corporation without limitation except such limitations, if any, as may be contained in the instrument under which such property is received, the Corporation's Bylaws or any other laws applicable thereto.
- c. To do any other act or thing incidental to or connected with the foregoing purposes or in advancement thereof, but not for the pecuniary profit or financial gain of its Directors or officers except as permitted under the laws of South Carolina relating to non-profit corporations. In furtherance of its corporate purposes, the Corporation shall have all general powers enumerated in the Act or the corresponding provision of any subsequent law.

Section 3.03. Corporate Powers. The Corporation shall have all powers necessary to advance its Purposes to the extent permitted by applicable law.

Section 3.04. Execution of Corporate Powers. The Corporation is organized and shall operate exclusively for the aforesaid Purposes, and in connection therewith its scope of activities shall include accepting and distributing contributions or donations, and accepting, buying, selling, leasing, subleasing, owning, holding, operating, mortgaging, insuring, pledging, assigning, transferring or otherwise receiving or disposing of real and personal property; provided, however, that any activity authorized by this provision shall not be engaged in any manner which would jeopardize the federal income tax exemption of the Corporation under Section 501(c)(3) of the Internal Revenue Code.

Section 3.05. Discretionary Power of Board of Directors. The Board of Directors may authorize, amend or restate operating guidelines, plans, practices and/or procedures of the Corporation from time to time in order to effectively implement the purposes of the Corporation. The Board of Directors will notify in writing the Charleston County School District Board of Trustees (the "Board of Trustees") its purpose in amending or restating operating guidelines, plans, practices and/or procedures of the Corporation prior to doing so.

ARTICLE IV FINANCES

Section 4.01. Acceptance of Funds. The Corporation shall receive funds by collection and receipt of contributions.

Section 4.02. Uses of Funds. All funds collected and received by the Corporation, together with the income therefrom, shall be held, retained, managed and conserved in a capital fund or funds and administered, used and applied by the Corporation in the sole discretion of the Board of Directors in accordance with the purposes described in Article III of these Bylaws, the Corporation's Articles of Incorporation and as provided in Article IV of these Bylaws. No funds shall be used to provide a benefit to a particular individual, but this limitation shall not preclude the Corporation from using funds to benefit an identified group and the individuals within such group.

All funds of the Corporation not otherwise employed shall be deposited from time to time to the credit of the Corporation in such banks, trust companies or other depositories as approved by the Board of Directors.

Section 4.03. Investment of Funds. Funds received by the Corporation shall be held in an account or accounts in the name of the Corporation in such location(s) as may be designated by the Board of Directors. The Corporation shall hold, manage, invest and reinvest its funds in accordance with the investment policies of the Corporation and shall collect and receive the income therefrom. After deducting all necessary expenses to the operation and administration of the Corporation, such funds shall be utilized in accordance with the Purposes set forth in these Bylaws and the Corporation's Articles of Incorporation. The Board of Directors may establish a committee within itself for the purpose of supervising and managing investments. All such revenues received and held by the Corporation shall be distributed to such persons and in such amounts as the Board of Directors of the Corporation shall deem appropriate, in keeping with the Purposes of the Corporation.

Section 4.04. Financial Responsibility. The Corporation shall be the sole entity or person responsible for the application and use of its assets, including payment of its expenses in accordance with such operating guidelines as may be established by the Board of Directors; and it shall operate as an independent and autonomous entity for the purposes of meeting its financial obligations.

Section 4.05. Legal Restriction on Expenditure of Funds. Notwithstanding any other provision of these Bylaws, no expenditure shall be made in any manner or for any purpose whatsoever (i) which may jeopardize the status of the Corporation as an organization under

Section 501(c)(3) of the Internal Revenue Code and S.C. Code Ann. § 12-6-580 and the regulations thereunder or (ii) which may jeopardize the status of contributions or dues or payments by any person insofar as concerns deductions which are allowed under the provisions of Sections 170, 2055, 2106 and 2522 of the Internal Revenue Code and the regulations thereunder.

Should the Corporation be or become a Private Foundation under the provisions of Section 509 of the Internal Revenue Code, it shall distribute income for each taxable year at such time and in such manner as not to incur a tax on undistributed income imposed by Section 4942 and related sections of the Internal Revenue Code and the regulations thereunder.

Should the Corporation be or become a Private Foundation under the provisions of Section 509 of the Internal Revenue Code, it shall not (i) engage in any act of self-dealing as defined in Section 4941(d) of the Internal Revenue Code and the regulations thereunder; (ii) retain any excess business holdings as defined in Section 4943(c) of the Internal Revenue Code and the regulations thereunder; (iii) make any investments in such manner as to incur tax liability under Section 4944 of the Internal Revenue Code and the regulations thereunder; or (iv) make any taxable expenditures as defined in Section 4945(d) of the Internal Revenue Code and the regulations thereunder.

Section 4.06. Annual Audit. The Board of Directors shall select a certified public accountant to audit the Corporation's books and accounts and prepare a review of financial statements of the Corporation in conformity with generally accepted accounting principles. In a timely manner, the Corporation will provide the School District and public a copy of the annual audit and any reports it is required to submit to the Secretary of the State of South Carolina.

Section 4.07. Approval of Legal Documents. Unless otherwise authorized by the Board of Directors, all contracts, leases and agreements or other legal documents shall be approved by resolution or majority vote reflected in the minutes of the Board of Directors and executed and delivered by the President or the Vice President in the name and on behalf of the Corporation.

Section 4.08. Corporate Indebtedness. Except for loans that are incurred in the ordinary course of business, no loans shall be contracted on behalf of the Corporation and no evidences of indebtedness shall be issued in its name unless authorized by a resolution of the Board of Directors or majority vote reflected in the minutes of the meeting. Such authority may be general or confined to specific instances.

Section 4.09. Required Signatures. All checks, drafts or other orders for the payment of money, notes or other evidence of indebtedness issued in the name of the Corporation shall be signed by two officers or agents of the Corporation and in such manner as shall from time to time be determined by the Board of Directors.

ARTICLE V BOARD OF DIRECTORS

Section 5.01. General Powers. The business and affairs of the Corporation shall be managed under the direction of its Board of Directors, which is vested with the powers and authority to do and perform all

acts and functions not inconsistent with law, the Articles of Incorporation of the Corporation and these Bylaws.

Section 5.02. Number, Tenure and Qualifications. The Board of Directors shall consist of no less than fifteen (15) and no more than thirty-five (35) individuals. Within the limits above specified, the number of directors shall be determined by resolution of the Board of Directors. Initially the number of directors shall be fifteen (15). Certain members (as described below) will be “voting members,” and six (6) members (as described below) shall be “non-voting/ex officio members.” All voting members shall be required to sign a Conflict of Interest Affidavit annually and such affidavit is subject to staff review.

The initial voting members of the Directors of the Corporation shall be appointed by majority vote of the Board of Trustees of the District (“Phase 1.”) In Phase 1, the initial voting members of Directors of the Corporation, appointed by the Board of Trustees of the District, shall consist of a resident of each of the nine (9) election districts of Charleston County who is also not an employee or member of the Board of Trustees. Such member so appointed shall serve until the last day of his or her residency in the respective attendance area of the School District or until the date which is three (3) years after his or her appointment by the Board of Trustees, whichever first occurs, and until a successor is appointed. Those individuals shall serve three (3) years from the date of their appointments. Upon the conclusion of the initial terms of service of the Directors of the Corporation, or two years from the date of their appointments, whichever occurs sooner, the Directors of the Corporation shall appoint their successors (“Phase 2.”)

In Phase 2, the voting members of the Directors of the Corporation shall be appointed by the members of the Directors of the Corporation. The Board of Directors shall determine the number and qualifications of appointees, but nine of the members shall be residents of each of the nine (9) election districts of Charleston County who is also not an employee or member of the Board of Trustees.

In Phase 1 and Phase 2, the Board of Directors shall consist of the following six non-voting/ex officio members:

- Superintendent of the School District (unless compelling reasons justify an alternate appointment methodology.) Such appointed member shall serve for the duration of his or her respective term of incumbency as Superintendent of the School District and until a successor is appointed.
- Chief Financial Officer or a representative from the Finance Department of the School District (unless compelling reasons justify an alternate appointment methodology.) Such appointed member shall serve for the duration of his or her respective term of incumbency as Chief Financial Officer (or departmental representative) of the School District and until a successor is appointed.
- Two members of the Board of Trustees of the District (unless compelling reasons justify an alternate appointment methodology.) These members shall serve an initial term until the last day of his or her respective service as a member of the Board of Trustees or until the date which



is two (2) years after his or her appointment by the Board of Trustees, whichever first occurs, and until a successor is appointed.

- School principal of one of the schools of the School District (unless compelling reasons justify an alternate appointment methodology.) The member so appointed shall serve an initial term until the last day of his or her employment as a principal of one of the schools of the School District or until the date which is two (2) years after his or her appointment by the Board of Trustees, whichever first occurs, and until a successor is appointed.
- Teacher from one of the schools of the School District (unless compelling reasons justify an alternate appointment methodology.) The member so appointed shall serve an initial term until the last day of his or her employment as a teacher of one of the schools of the School District or until the date which is two (2) years after his or her appointment by the Board of Trustees, whichever first occurs, and until a successor is appointed.

The Superintendent of the School District, members of the Board of Trustees, and the Chief Financial Officer of the School District must be provided notice of all meetings in accordance with the provisions of Section 5.04 of these Bylaws and may attend all meetings of the Board of Directors in accordance with Section 5.03 of these Bylaws. Non-voting ex officio members will serve on the Board of Directors to provide insight and perspective so that the work of this Corporation is aligned with the Charleston County School District mission and vision as stated in the strategic plan.

Other than as specifically set forth herein, changes to the number or composition of the members of the Board of Directors shall require amendment of these Bylaws in accordance with the provisions of Section 8.01 of these Bylaws.

Section 5.03. Meetings. An annual meeting of the Board of Directors shall be held on a date to be determined by the Board of Directors on each calendar year for the purposes of: (a) electing officers; (b) appointing members of committees; (c) addressing legal issues; (d) receiving financial reports; and (e) addressing any other pertinent issues. The Board of Directors shall convene a minimum of four (4) meetings per year. Special meetings of the Board of Directors may be held at any time and place upon the call of the President of the Corporation or upon the written request of any three (3) Directors. For as long as the Corporation is deemed a public body, as defined by the South Carolina Freedom of Information Act codified as Title 30, Chapter 4 of the Code of Laws of South Carolina 1976, as amended (the "Freedom of Information Act."), it shall comply with all applicable provisions and requirements of the Freedom of Information Act. If at any time the Corporation is no longer a public body as defined by S.C. Code 30-4-20(a), the Board of Directors may provide, by resolution, notice of the time and place, either within or without the State of South Carolina, for the holding of regular and special meetings. Directors may be present and participate in meetings via teleconference, videoconference or other form of wire or wireless communication by which all persons participating in the meeting can hear each other at the same time, or via physical attendance.

Section 5.04. Notice. For as long as the Corporation is deemed a public body, as defined by the Freedom of Information Act, all meetings of the Board of Directors will be held in compliance with the South Carolina Freedom of Information Act ("FOIA.") Notice of any meeting, other than an emergency meeting,



will be provided and posted with at least 24-hours' notice. If at any time the Corporation is no longer a public body as defined by S.C. Code 30-4-20(a), regular meetings of the Board of Directors may be held without notice. Special meetings of the Board of Directors must be preceded by at least two days' notice to each director of the date, time and place, but not the purpose, of the meeting. Seven days' notice of a Board of Directors meeting shall be provided to each director if required under Section 33-31-822 of the Act. Notice may be communicated in person, by telephone, electronic mail, telegraph, teletype or other form of wire or wireless communication or by mail or private carrier or any other lawful means. A Director's attendance at or participation in a meeting waives any required notice of the meeting, unless the Director upon arriving at the meeting (or prior to the vote on a matter not properly noticed in conformity with the law or the Corporation's Articles of Incorporation or these Bylaws) objects to and does not thereafter vote for or assent to the objected to action. Notice of an adjourned meeting need not be given if the time and place are fixed at the meeting adjourning.

Section 5.05. Quorum. Attendance by a majority of the number of Directors in office immediately before a meeting begins shall constitute a quorum for the transaction of business at that meeting of the Board of Directors, but if less than such majority is present at a meeting, a majority of the Directors present may adjourn the meeting from time to time without further notice. Attendance via teleconference, videoconference or other form of wire or wireless communication by which all persons participating in the meeting can hear each other at the same time, or via physical attendance shall constitute "attendance" for purposes of determining whether a quorum is present. Ex-officio members are not included in the calculation of a quorum.

Section 5.06. Manner of Acting. Except as otherwise provided by law or in this Section, the affirmative vote of the majority of the Directors present at a meeting at which a quorum is present shall be the act of the Board of Directors. The Board of Directors shall act in accordance with the provisions of Section 33-31-831 of the Act in the event of a Director conflict of interest or potential conflict of interest.

Section 5.07. Vacancies. Except as otherwise required by law or by the Corporation's Articles of Incorporation or these Bylaws, in the event of a vacancy on the Board of Directors of the Corporation during Phase 1, the Board of Trustees shall appoint a member to the Board of Directors to fill such vacancy in the same manner as provided above in Section 5.02. In the event of a vacancy on the Board of Directors of the Corporation during Phase 2, the Board of Directors shall appoint a member to the Board of Directors to fill such vacancy in the same manner as provided above in Section 5.02.

Section 5.08. Removals and Resignations. During Phase 1, any Director may be removed at any time with or without cause by a majority vote of the Board of Trustees. During Phase 2, any Director may be removed at any time with or without cause by a majority vote of the Board of Directors. Removals shall be implemented in accordance with the provisions of Section 33-31-809 of the Act. A Director may resign; provided, however, such resignation shall be in accordance with the provisions of Section 33-31-807 of the Act.

Section 5.09. Informal Action by Directors. To the fullest extent permitted by the Act and the Freedom of Information Act, action required or permitted to be taken at a meeting of the Board of Directors may be taken without a meeting by written consent by all members of the Board of Directors.

Section 5.10. Committees. The Board of Directors then in office may create one or more committees of the Board of Directors, including an Executive Committee, and appoint members of the Board of Directors to serve on them. Each committee must have two or more members. All committee members shall serve at the pleasure of the Board of Directors. Committee appointments shall be for a one-year term. The Executive Committee shall consist of the officers of the Board of Directors and may include additional individuals as determined appropriate by the President of the Board of Directors. The sections of these Bylaws that govern meetings, action without meetings and notice and waiver of notice requirements of the Board of Directors apply to committees of the Board of Directors and their members as well. To the extent specified by the Board of Directors, between meetings of the Board of Directors and subject to such limitations as may be required by law, the Corporation's Articles of Incorporation or these Bylaws or imposed by resolution of the Board of Directors, such committees may exercise all of the authority of the Board of Directors in the management of the Corporation, except that a committee may not authorize distributions; approve or recommend to the Board of Directors dissolution, merger or the sale, pledge or transfer of all or substantially all of the Corporation's assets; elect, appoint or remove Directors or fill vacancies on the Board of Directors or on any of its committees; or adopt, amend or repeal the Articles of Incorporation or these Bylaws.

Meetings of the committees may be held at any time on call of the President or a majority of the members of the committee. A majority of the members shall constitute a quorum for all meetings. Committees shall keep minutes of their proceedings and submit them to the next succeeding meeting of the Board of Directors for approval.

Section 5.11. Compensation; Reimbursement. The Board of Directors shall receive no compensation for service on the Board of Directors; however, the Board of Directors may determine to allow the Directors to receive reimbursement for reasonable expenses incurred in performing duties or attending meetings required as a member of the Board of Directors of the Corporation.

Section 5.12. Term Limits. A Director shall serve a term of three (3) years. After serving two consecutive three (3) year terms, a Director shall be ineligible for a term of one (1) year, after which they may be eligible for reappointment.

ARTICLE VI OFFICERS

Section 6.01. General. The officers of the Corporation shall be vested with authority to administer and implement duties, responsibilities and directives in conformity with their respective offices in furtherance of the purposes set forth in the Bylaws and the Corporation's Articles of Incorporation.

Section 6.02. Number. The officers of the Corporation shall be a President, a Vice President, a Treasurer and a Secretary and such other officers and assistant officers as the Board of Directors shall deem necessary or desirable. A single individual may not serve as more than one officer of the Corporation.

Section 6.03. Appointment of Officers. The officers of the Corporation shall be appointed annually by the Board of Directors at the annual meeting of the Board of Directors or at such time or times as the Board of Directors shall determine, and each officer so appointed shall serve until his or her successor is appointed.

Section 6.04. Removal. Any officer or agent appointed by the Board of Directors may be removed by the Board of Directors, whenever in its judgment the best interests of the Corporation would be served thereby, but such removal shall be without prejudice to the contract rights, if any, of the person so removed.

Section 6.05. Vacancies. A vacancy in an office because of death, resignation, removal, disqualification or otherwise, may be filled for the unexpired portion of the term by a person designated by the Board of Directors.

Section 6.06. President. The President shall, when present, preside at all meetings of the Board of Directors. He/she may sign any deeds, mortgages, bonds, contracts or other instruments which the Board of Directors has authorized to be executed, except in cases where the signing and execution thereof shall be expressly delegated by the Board of Directors or by these Bylaws to some other officer or agent of the Corporation, or shall be required by law to be otherwise signed or executed; and in general shall perform all duties incident to the office of President and such other duties as may be prescribed by the Board of Directors from time to time.

Section 6.07. Vice President. The Vice President shall familiarize him/herself with the affairs of the Corporation, and shall have such powers and perform such duties as may be prescribed from time to time by the President or the Board of Directors. At the request of the President or, in the event of the absence or disability of the President, at the request of the Board of Directors, the Vice President may act temporarily in the place of the President and when so acting shall possess all the powers of and perform all the duties of that officer.

Section 6.08. Treasurer. The Treasurer shall select such bank(s) or other depository(ies) wherein shall be deposited and maintained all payments, contributions, donations and dues accepted by the Board of Directors. The Treasurer shall maintain (a) accurate and complete books and records of account; (b) custody and responsibility for the property and funds of the Corporation and (c) control over the Corporation's bank account(s).

Section 6.09. Secretary. The Secretary shall (a) keep the minutes of the meetings of the members and of the Board of Directors in one or more books provided for that purpose; (b) see that all notices are duly given in accordance with the provisions of these Bylaws or as required by law; (c) be custodian of the corporate records of the Corporation; (d) keep a register of the post office address of each Director which shall be furnished to the Secretary by such Director; (e) authenticate records of the Corporation



when such authentication is required; and (f) in general perform all duties incident to the office of the Secretary and such other duties as from time to time may be assigned to him by the President or the Board of Directors.

Section 6.10. Compensation. The officers of the Corporation shall receive no compensation for service as an officer; however, the Board of Directors of the Corporation may determine to allow the officers to receive reimbursement for reasonable expenses incurred in performing duties or attending meetings required as an officer of the Corporation.

Section 6.11. Bonds. Any or all officers and agents shall, respectively, if required by the Board of Directors, give bonds for the faithful discharge of their duties in such sums and with such sureties as the Board of Directors shall determine.

ARTICLE VII INDEMNIFICATION

Section 7.01. Authority. The Corporation shall to the fullest extent permitted by the Act indemnify all persons whom it may indemnify pursuant thereto so long as such persons have conducted themselves in good faith and reasonably believed their conduct not to be opposed to the Corporation's best interests.

Section 7.02. Insurance. The Corporation shall purchase and maintain insurance on behalf of any person who is or was a Director, officer, employee or agent of the Corporation, or who, while a Director, officer, employee or agent of the Corporation is or was serving at the request of the Corporation as a Director, officer, partner, trustee, employee or agent of another corporation, partnership, joint venture, trust, employee benefit plan or other enterprise against liability asserted against or incurred by him in that capacity or arising from his or her status as such, whether or not the Corporation would have the power to indemnify him against the same liability under S.C. Code Ann. § 33-31-851 and § 33-31-852, as amended.

ARTICLE VIII AMENDMENTS; SEVERABILITY; CONFLICTS

Section 8.01. Amendment of Articles of Incorporation; Amendment or Repeal of Bylaws. The Corporation's Articles of Incorporation and Sections 3.01, 3.02, 3.04, 5.02, 10.01, 10.02, and this Section 8.01 of these Bylaws may only be amended with the approval of the Board of Trustees of the School District and the approval of the Board of Directors. These Bylaws, other than the sections referenced in the preceding sentence, may be amended, repealed or replaced, only upon the approval of not less than two-thirds (2/3) of the members of the Board of Directors of the Corporation, in accordance with Sections 33-31-1001 through 33-31-1030 of the Act, as amended.

Any notice of meetings of the Board of Directors at which the Articles of Incorporation are to be amended, or these Bylaws are to be amended or repealed or new Bylaws adopted shall include notice of such proposed action and shall contain or be accompanied by a copy or summary of the proposed amendment.

Section 8.02. Severability. If any provision of these Bylaws or the application thereof to any person or circumstance shall be held invalid or unenforceable to any extent by a court of competent jurisdiction, such provision shall be complied with or enforced to the greatest extent permitted by law as determined by such court, and the remainder of these Bylaws and the application of such provision to other persons or circumstances to be affected thereby shall continue to be complied with and enforced to the greatest extent permitted by law.

Section 8.03. Articles of Incorporation. The Corporation's Articles of Incorporation and the Act (as either may be amended from time to time) are incorporated herein by reference. Any conflict between the terms of these Bylaws, the Corporation's Articles of Incorporation or the Act shall be resolved in the following order: (1) the Act; (2) the Corporation's Articles of Incorporation; and (3) these Bylaws.

ARTICLE IX REGULATION

The regulation of the business and conduct of the affairs of the Corporation shall conform to federal and state income tax laws and any other applicable federal and state law, and such regulation shall be determined by these Bylaws, as they may be amended from time to time. In the interpretation of these Bylaws, wherever reference is made to the Internal Revenue Code, the South Carolina Code or any other statute, or to any section thereof, such reference shall be construed to mean such code, statute or section thereof, and the regulations thereunder, as the case may be, as heretofore or hereafter amended or supplemented or as superseded by laws covering equivalent subject matter.

ARTICLE X DISSOLUTION

Section 10.01. Procedure for Dissolution. The Corporation may be dissolved and its business and affairs terminated upon approval by a vote of at least two-thirds of the Board of Trustees of the School District or a vote of at least two-thirds of the Directors in office at the time the dissolution is approved at a meeting of which written notice was mailed to the School District Board of Trustees and each Director at least ten days previously thereto. Such notice shall state the purpose of the proposed meeting. After dissolution is approved, Articles of Dissolution shall be filed with the Secretary of State.

Section 10.02. Distribution of Corporate Assets. Upon dissolution of the Corporation and after all its debts and expenses have been paid, all its assets which may be legally so distributed shall be distributed to the School District exclusively for public purposes as provided in the Corporation's Articles of Incorporation. Any such asset not so disposed of for any reason shall be turned over to one or more organizations which are governmental entities or exempt organizations described in Sections 501(c)(3) of the Internal Revenue Code or corresponding sections of any prior or future law.

ARTICLE XI MISCELLANEOUS

Section 11.01. Corporation's Fiscal Year. The fiscal year of the Corporation shall end on June 30 of each calendar year unless otherwise determined by the Board of Directors. Section 11.02. Notices. Except as otherwise provided by law, whenever any notice is required to be given to any Director of the Corporation under the provisions of the South Carolina Code, or under the provisions of the Articles of Incorporation or Bylaws of the Corporation, a waiver thereof in writing, signed by the person or persons entitled to such notice, whether before or after the time stated therein, and delivered to the Corporation for inclusion or filing with the minutes or corporate records, shall be equivalent to the giving of such notice.



STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
COUNTY OF CHARLESTON	)	NINTH JUDICIAL CIRCUIT
	)	
DR. BRIAN MCCLURE	)	Case No.: 2026-CP-10-01436
Plaintiff,	)	
v.	)	
	)	
CHARLESTON COUNTY SCHOOL DISTRICT,	)	
LEAH WHATLEY, MICHELLE LEBER,	)	
KEITH GRYBOWSKI, CARLOTTE BAILEY,	)	
PAMELA MCKINNEY; and	)	
CHARLESTON COUNTY SCHOOL DISTRICT	)	
EDUCATION FOUNDATION,	)	
	)	
Defendants.	)	
	)	

**PLAINTIFF’S MEMORANDUM IN SUPPORT OF MOTION FOR
TEMPORARY RESTRAINING ORDER AND PRELIMINARY
INJUNCTION**

FACTUAL BACKGROUND

The Charleston County School District Education Foundation (the “Foundation”) is a newly created nonprofit entity organized to support the Charleston County School District (“CCSD”). Under the Foundation’s bylaws, the creation of the Foundation is separated into “Phases.” During “Phase 1,” the Foundation’s initial voting directors are to be appointed by majority vote of the CCSD Board of Trustees (the “Board”), and those appointees must include one resident from each of Charleston County’s nine election districts who is not an employee of the District and not a member of the Board of Trustees.

Before the February 25, 2026, meeting at issue, CCSD had already established and communicated an initial nomination process for those Foundation seats. In or about January 2026 the CCSD Superintendent instructed the Board of Trustees that each Trustee will be asked to make a nomination for one member to serve on the Foundation Board of Directors. Consistent with those instructions, no other trustee presented nominees for a district other than his or her own, and no

trustee made more than one nomination. Notably, the January 26, 2026, agenda identified the names of each nominee and attached either a resume, biographical information, or both.¹ Board Trustee Darlene Dunmeyer-Roberson, the trustee representing District 8, nominated Plaintiff for the District 8 Foundation seat at the January 26, 2026, Board meeting.² Dunmeyer-Roberson's nomination was then put to a vote, but it did not receive a majority of the Board's votes. All the other nominees who were presented at the January 26, 2026, board meeting received a majority of the Board's votes.

Upon motion of Dunmeyer-Roberson, Plaintiff's name as a nominee returned to the Board at its February 25, 2026, meeting. Defendants' opposition memorandum states that CCSD posted an agenda for that meeting and that agenda item 12(B), titled "CCSD Education Foundation Board of Director[s] Appointments," provided that the Board "shall nominate and approve the nine (9) initial Foundation board members representing each district."³ Defendants further acknowledge that, under that agenda item, two "First Time Nominees" for Districts 7 and 9 were listed and Plaintiff was listed as the "Second Time Nominee" for District 8. Again, the publicly posted February 25, 2026, agenda specifically identified the nominees for Districts 7, 8, and 9 and nominee-specific resumes or biographical materials were published with the agenda.

During the February 25, 2026, Board meeting, the nominations proceeded in the manner anticipated by the agenda. Trustee Leah Whatley nominated the individual for District 7, Trustee Carol Tempel nominated the individual for District 9, and Trustee Roberson nominated Plaintiff for District 8 for a second time. Notably, each trustee only nominated individuals from their specific districts. The Board approved the District 7 and District 9 nominees, but Plaintiff again failed to receive a majority vote for the District 8 seat.

¹ Exhibit A – January 26, 2026, Board of Trustees Meeting Agenda.

² Exhibit B – Cover Letter and Resume of Plaintiff.

³ Exhibit C – February 25, 2026, Board of Trustees Meeting Agenda.

On March 4, 2026, the Board of Trustees held a “Special Called Board Meeting.”⁴ One of the agenda items of the March 4, 2026, special called meeting was to nominate and vote on the placement of an individual to serve on the Foundation for the recently vacated District 7 seat. For a third time, the agenda identified the nominee by name and included the nominee’s biographical information.

The events giving rise to this action occurred immediately after the February 25, 2026, failed vote. Both Plaintiff’s amended complaint and Defendants’ opposition memorandum agree that, after Trustee Dunmeyer-Roberson’s nomination of Plaintiff nomination failed, Trustee Leah Whatley moved to nominate Michelle Faust for the District 8 Foundation seat and that the Board then voted to approve Ms. Faust’s appointment.

Ms. Faust’s nomination and approval were not properly noticed to the public before the meeting and were not processed in accordance with FOIA or the Board’s own stated procedures.⁵ Ms. Faust’s name was not listed on the publicly posted February 25, 2026, agenda, no additional 24-hour notice was posted before the Board considered her nomination, the Board did not first add her nomination to the agenda by a two-thirds vote of the members present and voting, and the Board made no finding that an emergency or exigent circumstance required the item to be added and acted upon that night.⁶

⁴ Exhibit D - March 4, 2026, Special Called Board Meeting Agenda.

⁵ See Exhibit E - Board Policy BEDA/BEDB (“If requested by a committee or any four board members, an agenda item shall be placed on the agenda. The item must be identified and described on a board action item form, and the form must be turned in before the deadline for submission. Any such item must be accompanied by appropriate backup material.

⁶ See S.C. Code 30-4-80 (“...if the item is one upon which final action can be taken at the meeting or if the item is one in which there has not been and will not be an opportunity for public comment with prior public notice given in accordance with this section, it only may be added to the agenda by a two-thirds vote of the members present and voting and upon a finding by the body that an emergency or an exigent circumstance exists if the item is not added to the agenda.”).

Board trustees themselves raised concern during the February 25, 2026, meeting about the lack of notice. Trustee Carolina Jewett stated, “This resume [of Michelle Faust was never put on the agenda,” and Board Chair Pam McKinney responded, “It was passed out [a moment ago]. I understand it is an inconvenience for those zooming.” Trustee Jewett also stated not all board members had even received a copy of Ms. Faust’s résumé, to which Chair McKinney responded, “Well, we didn’t... Well. I can’t address that.”

Ms. Faust’s candidacy was not spontaneous, but instead had been discussed before the public meeting. Upon information and belief Defendants Whatley, Leber, Grybowski, Bailey, and McKinney, engaged in “one-on-one” telephone conversations concerning how to prevent Plaintiff from serving on the Foundation and how to advance a different candidate for the District 8 seat. Board Trustee Michelle Leber stated during the meeting that she had spoken with “the majority of the people, well the five of us” regarding Ms. Faust’s qualifications, after which Chair McKinney interjected, “If I may interrupt, we should not be talking...” This statement raises significant concern that deliberations regarding Ms. Faust’s nomination may have occurred before the public meeting.

Defendants do not dispute the key chronology. Their opposition memorandum confirms that Plaintiff was the publicly identified District 8 nominee on the February 25 agenda, that his nomination again failed to secure a majority vote, and that Trustee Whatley then nominated Michelle Faust for the same District 8 seat, after which a majority of the Board approved her appointment. Defendants instead contend that the agenda’s general statement that the Board would “nominate and approve” Foundation board members gave sufficient notice for that action and that any prior communications concerning Ms. Faust occurred through one-on-one conversations that do not constitute a formal meeting of a quorum.

This action challenges the legality of that February 25, 2026, vote and seeks to preserve the status quo pending final adjudication by preventing Defendants from treating Ms. Faust's appointment as valid while the Court determines whether the Board's actions complied with South Carolina FOIA and applicable Board procedures.

Plaintiff respectfully submits this memorandum in support of his motion for a preliminary injunction. Defendants' attempt to reduce this case to a disappointed nominee's reaction to an adverse vote is misleading. The issue is whether, after the publicly noticed District 8 nomination of Dr. Brian McClure failed, the Charleston County School District Board of Trustees could immediately pivot to a different nominee, Michelle Faust, whose candidacy was not publicly noticed on the posted agenda, and then take final action that same night without complying with the South Carolina Freedom of Information Act's agenda-addition requirements. Under the plain language of S.C. Code Ann. § 30-4-80, the answer is no.

LEGAL STANDARD

"To obtain an injunction, a party must demonstrate irreparable harm, a likelihood of success on the merits, and the absence of an adequate remedy at law." *Richland Cty. v. S.C. Dep't of Revenue*, 422 S.C. 292, 310, 811 S.E.2d 758, 767 (2018). "[I]n order to receive the aid of a Court of equity to enjoin a public corporation or department of government in the performance of actions or duties provided by statute, there must be allegations or showing that the public department or corporation has exercised its power in an arbitrary, oppressive or capricious manner." *Headdon v. State Highway Dep't*, 197 S.C. 118, 14 S.E.2d 586, 588 (1941).

"The purpose of a preliminary injunction is to preserve the status quo and prevent irreparable harm to the party requesting it." *Compton v. S.C. Dep't of Corr.*, 392 S.C. 361, 366, 709 S.E.2d 639, 642 (2011) (citing *Powell v. Immanuel Baptist Church*, 261 S.C. 219, 221, 199 S.E.2d 60, 61 (1973)). "An applicant for a preliminary injunction must allege sufficient facts

to state a cause of action for injunction and demonstrate that this relief is reasonably necessary to preserve the rights of the parties during the litigation.” *Id.* (citing *County of Richland v. Simpkins*, 348 S.C. 664, 669, 560 S.E.2d 902, 904 (Ct. App. 2002). “Accordingly, the applicant must establish three elements to receive this relief: (1) he will suffer immediate, irreparable harm without the injunction; (2) he has a likelihood of success on the merits; and (3) he has no adequate remedy at law.” *Id.* (citing *Scratch Golf Co. v. Dunes W. Residential Golf Props., Inc.*, 361 S.C. 117, 121, 603 S.E.2d 905, 908 (2004)).

ARGUMENT

The essential purpose of the South Carolina Freedom of Information Act [...], is to protect the public from secret government activity. *Brock v. Town of Mount Pleasant*, 415 S.C. 625, 629, 785 S.E.2d 198, 200 (2016). “Toward this end, FOIA’s provisions. must be construed so as to make it possible for citizens, or their representatives, to learn and report fully the activities of their public officials at a minimum cost or delay to the persons seeking access to public documents or meetings.”

South Carolina FOIA expressly provides that once an agenda is posted, “no items may be added to the agenda without an additional twenty-four hours notice to the public,” and after a meeting begins an item upon which action may be taken may be added only by a two-thirds vote of members present and voting. If final action is to be taken at that meeting without prior notice or opportunity for public comment, the public body must also make a finding of an emergency or exigent circumstance. S.C. Code Ann. § 30-4-80(A). None of those steps occurred here.

FOIA further provides that “a violation of this chapter must be considered to be an irreparable injury for which no adequate remedy at law exists.” S.C. Code Ann. § 30-4-100(A). Accordingly, where Plaintiff demonstrates a likelihood of success on his FOIA claim, the “irreparable-harm” and “no-adequate-remedy” requirements are satisfied by statute. At the

preliminary-injunction stage, Plaintiff need only demonstrate a sufficient likelihood of success on the FOIA claim to warrant preservation of the status quo pending adjudication.

I. PLAINTIFF CAN ESTABLISH A LIKELIHOOD OF SUCCESS ON THE MERITS.

"When a court is requested to issue a temporary injunction it may consider the merits of a case to the extent necessary to determine whether a temporary injunction is appropriate." *AJG Holdings, LLC v. Dunn*, 382 S.C. 43, 51, 674 S.E.2d 505, 509 (Ct. App. 2009) (citing *Helsel v. City of N. Myrtle Beach*, 307 S.C. 29, 32, 413 S.E.2d 824, 826 (1992)). "Once a prima facie showing has been made entitling the plaintiff to injunctive relief, a temporary injunction will be granted without regard to the ultimate termination of the case on the merits." *Id.*

Here there is a significant likelihood that Plaintiff's FOIA violation claim will be successful on the merits. There is evidence to show the February 25, 2026, nomination and vote for Michelle Faust to serve in District 8 was a violation of FOIA's notice requirements.

A. The February 25 vote on Michelle Faust was a new action item that required compliance with § 30-4-80's agenda-addition procedures and Board Policy BEDA/BEDB

Defendants' principal argument is that because the posted agenda stated the Board would "nominate and approve" Foundation board members, the Board could receive any new nomination during the meeting and immediately vote on it without further notice. That interpretation ignores the operative language of the statute and Board Policy BEDA/BEDB.

The publicly posted agenda on January 26, 2026, February 25, 2026, and March 4, 2026, did not merely identify the general topic of Foundation appointments. It identified specific nominees for specific districts, including Plaintiff as the District 8 nominee, and the published materials included nominee-specific biographical information. After Dr. McClure's nomination failed, the Board did not simply continue debate on the same candidacy or move to another candidate identified on the agenda. Trustee Whatley advanced a different person—Michelle

Faust—for the same District 8 seat, and the Board then took final action on Ms. Faust that same night.

That was a distinct item for purposes of § 30-4-80(A). The statute states, in part:

Once an agenda for a regular, called, special, or rescheduled meeting is posted pursuant to this subsection, **no items may be added to the agenda without an additional twenty-four hours notice to the public, which must be made in the same manner as the original posting.** After the meeting begins, an item upon which action can be taken only may be added to the agenda by a two-thirds vote of the members present and voting; however, if the item is one upon which final action can be taken at the meeting or if the item is one in which there has not been and will not be an opportunity for public comment with prior public notice given in accordance with this section, it only may be added to the agenda by a two-thirds vote of the members present and voting and upon a finding by the body that an emergency or an exigent circumstance exists if the item is not added to the agenda.

Once the Board moved from the publicly noticed District 8 nominee to a different candidate not included in the posted materials, FOIA required either: (1) additional twenty-four-hour public notice in the same manner as the original posting; or (2) if the Board intended to add the item after the meeting began, a two-thirds vote of the members present and voting, plus a finding of emergency or exigent circumstance before taking final action. Plaintiff alleges none of that occurred.

Defendants ask rhetorically, “what could be added?” The answer is straightforward: the item of considering and voting upon Michelle Faust for the District 8 Foundation seat and her resume/biographical information for the public to review. The Board was not voting again on Dr. McClure. It took final action on a different nominee whose candidacy had not been included on the agenda. Notably, CCSD Board Policy states, in part:

The superintendent shall distribute notice of each regular meeting of the board with the agenda and supporting materials to board members not later than the Wednesday before the subsequent Monday’s board meeting to allow for each board member to thoughtfully consider each item. **Agenda items for which supporting materials have not been received in a timely manner shall be deferred to the next regularly scheduled meeting.**

If Defendants' reading of the state and Board policy were accepted, any public body could post a broad agenda item such as "appointments," or "contracts" and then add entirely new candidates or matters for final action during the meeting without complying with the statute's add-on protections. That reading would nullify the General Assembly's command that, once an agenda is posted, "no items may be added" except through the statute's limited procedures. The Court should reject an interpretation that renders this language meaningless. See, *Inglis v. S.C. Republican Party & Drew McKissick*, 2019 S.C. C.P. LEXIS 10098, *10-11 (citing *Miller v. Doe*, 312 S.C. 444, 447, 441 S.E.2d 319, 321 (1994))("If a statute's language is plain and unambiguous and conveys a clear and definite meaning, there is no occasion for employing rules of statutory construction and the court has no right to look for or impose another meaning."). See also, *Hodges v. Rainey*, 341 S.C. 79, 85, 533 S.E.2d 578, 581 (2000) ("The cardinal rule of statutory construction is to ascertain and effectuate the intent of the [General Assembly]").

B. Plaintiff's allegations regarding pre-meeting discussions provide an additional basis for interim relief.

Plaintiff also alleges that members of the Board majority discussed Ms. Faust's candidacy before the public meeting. The Amended Complaint quotes a trustee as stating that she had spoken with "the majority of the people, well the five of us," regarding Ms. Faust's qualifications, followed by the Chair's interjection: "If I may interrupt, we should not be talking..."

Defendants respond that one-on-one calls can never violate FOIA because no single conversation included a quorum. That argument is an attempt to circumvent South Carolina's FOIA statute. FOIA prohibits the use of chance meetings, social meetings, or electronic communications "in circumvention of the spirit of requirements of this chapter." S.C. Code Ann. § 30-4-70(c). Here, Defendants boldly admit that five members had conversations about nominating Faust. At minimum, Plaintiff's allegations and the facts known to date support an injunction regarding the Faust nomination and vote.

Notably, Plaintiff need not fully prove his case and prevail on every FOIA theory at this stage. The agenda-addition claim alone establishes a substantial likelihood of success. The pre-meeting discussions are admitted by Defendants and independently reinforce the need for prompt equitable relief.

C. Defendants' reliance on *Brock v. Town of Mount Pleasant* does not defeat Plaintiff's claim.

Defendants rely heavily on *Brock v. Town of Mount Pleasant*, 415 S.C. 625, 785 S.E.2d 198 (2016), for the proposition that an agenda need only give notice that "some action may be taken." Plaintiff does not dispute that general proposition. But *Brock* does not authorize a public body to bypass the specific agenda-addition procedures that the General Assembly codified in § 30-4-80(A).

Here, even if the original agenda supplied general notice that nominations and appointments would be discussed, § 30-4-80(A) specifically governs what must happen when the body wishes to add a new item for action after the agenda has been posted or after the meeting has begun. That more specific statute controls this case.

The problem here is not merely that the agenda could have been drafted with greater precision. The problem is that the Board allegedly took final action on a nominee different than the one publicly identified for District 8 without following the statute's mandatory procedures or the Board's own policy. This error is further highlighted by the District adding the names and resumes/biographical information to all other nominees on three separate agendas.

II. THE DISTRICT HAS EXERCISED ITS POWER IN AN ARBITRARY, OPPRESSIVE, OR CAPRICIOUS MANNER.

Apart from the specific requirements of FOIA, injunctive relief is appropriate where a public body has exercised its authority in an arbitrary, oppressive, or capricious manner. South Carolina recognizes that "in order to receive the aid of a Court of equity to enjoin a public

corporation or department of government in the performance of actions or duties provided by statute, there must be allegations or showing that the public department or corporation has exercised its power in an arbitrary, oppressive or capricious manner.” *Headdon v. State Highway Dep’t*, 197 S.C. 118, 14 S.E.2d 586, 588 (1941).

That standard is satisfied here. The record, at this stage, shows a process that changed midstream once Plaintiff failed to receive the necessary votes. CCSD had already communicated a nomination procedure under which each Trustee will be asked to make a nomination for one member to serve on the Foundation Board. Trustee Dunmeyer-Roberson, and other trustees, followed that process by nominating one, and only one individual, at the January 26, 2026, meeting. But once Dr. McClure failed to obtain a majority vote, the District abandoned the announced process and immediately permitted a different trustee, Leah Whatley, to nominate an entirely different person for the same District 8 seat. Ms. Faust’s name was not on the posted agenda, that no additional 24-hour notice was given, that no two-thirds vote was taken to add her nomination as an action item, and that no emergency or exigent-circumstances finding was made.

A. The Process to notice some Foundation Nominees and reject others was Arbitrary.

The District appears to have applied one set of rules to Plaintiff and another to Ms. Faust. The February 25, 2026, agenda specifically identified the nominees for Districts 7, 8, and 9, and Plaintiff alleges that nominee-specific resumes or biographical materials were published with the agenda for those listed candidates. Yet, Ms. Faust’s eligibility was not reviewed in the same manner as prior nominees and not all board members even received her resume before the vote. During the meeting itself, Trustee Jewett reportedly objected that Michelle Faust’s nomination “was never put on agenda,” while Chair McKinney reportedly admitted the materials had only just been “passed out” and apologized for the inconvenience to those attending by Zoom.

There is other evidence of arbitrary Board action. By way of example, during this process, and particularly at the February 25, 2026, meeting, the Board of Trustees was advised that the *only* aspect that made a nominee qualified to serve on the Foundation was that they reside in the District for the seat they were nominated. During the meeting, the Parliamentarian cited Section 5.2 of the Foundation bylaws and stated that was the only criteria. However, Trustee Leber stated that she considered the “ability to fundraise” as a qualification for Foundation nominees. Notably, some Foundation member do not have significant fundraising experience.⁷

Moreover, on February 25, 2026, Trustee Carlotta Bailey stated that she evaluates candidates by looking at their resume and asking, “Lord, is it a yes or no?” and waiting on the Holy Spirit to speak to her. Notably, at no time during the February 25, 2026, meeting did Trustee Bailey seem to do the same for the resume of Ms. Faust that was passed out to her.⁸

Therefore, there is evidence that the Board, in exercising its power to nominate and vote without providing information about Faust prior to the February 25, 2026, meeting, acted arbitrarily.

B. The process to nominate and vote on Faust was Oppressive.

The District’s conduct was oppressive because it deprived both Plaintiff and the public of the regularity and transparency the District itself had established. This case is not about whether Plaintiff had a right to appointment. He did not. But he did have the right, as did the public, to a fair and lawful process rather than one in which the publicly noticed nominee was rejected and then immediately replaced by a non-agenda candidate whose name and materials had not been

⁷ For example, Dr. Antoinette Biegaj, the nominee for District 3, who does not have experience in fundraising according to his resume. It simply lists “Fundraising & donor support” but offers no examples of such experience. (See, Exhibit F – Biegaj Resume).

⁸ The undersigned would like to make clear that this point is not made for the purposes of mocking or making light of Trustee Bailey’s religion, which appears to be the same as the undersigned. However, it must be noted that the practice outlined by Trustee Bailey, who self-identifies as an “intercessor and a prophet,” is arbitrary.

disclosed in advance. The actions of the District oppressed Plaintiff's right to notice and the opportunity to be heard on Michelle Faust's nomination and vote.

C. The process to reject Plaintiff and accept Foust was capricious.

The District's conduct was capricious because it lacked any neutral, discernible standard. Under the process communicated beforehand, each trustee would make a nomination for one member. consistent with that process, trustees nominated for their own districts and did not make multiple nominations. Yet when Plaintiff failed to secure enough votes, a different trustee was suddenly permitted to nominate a different person for the District 8 seat. If the District's actual position is that no settled process constrained nominations and any trustee could, at any time, nominate anyone for any open district seat, then the District's earlier communicated process was meaningless. If, on the other hand, the District had adopted a structured district-by-district nomination procedure, then the unexplained departure from that procedure in Plaintiff's case was capricious. Under either view, the District's conduct reflects arbitrary decision-making rather than reasoned governance.

III. PLAINTIFF HAS ESTABLISHED IRREPARABLE HARM AND THE ABSENCE OF AN ADEQUATE REMEDY AT LAW.

Defendants argue Plaintiff cannot show irreparable injury because his only "harm" is that he was not selected. That again misstates the claim. Plaintiff does not seek an injunction because he believes he was entitled to appointment. He seeks relief because the public body allegedly took final action in violation of FOIA's mandatory notice requirements.

South Carolina Code § 30-4-100(A) resolves this point expressly: where FOIA is violated, irreparable injury and the absence of an adequate legal remedy are established by statute. Absent relief, the Foundation may continue operating with a board composition created by a likely unlawful vote. The statutory harm is therefore not abstract; it is ongoing and practical.

IV. DEFENDANTS' ATTACK ON THE NAMED PARTIES DOES NOT DEFEAT INTERIM RELIEF.

A. The presence of CCSD as a public-body defendant is sufficient to support FOIA-based equitable relief.

The individual Trustees are the officials through whom Board action is implemented. Their presence does not create any prejudice at the preliminary-injunction stage where the principal focus is preserving the status quo and preventing further implementation of the disputed vote. Notably, Plaintiff's Amended Complaint alleges an additional cause of action for civil conspiracy that applies to the individual Board members. Thus, their presence in the suit is justified on that cause of action alone.

Further, Defendants argue that the individually named Trustees cannot be held liable under FOIA because FOIA duties run to the public body. Even assuming FOIA liability ultimately runs primarily against CCSD, that argument does not defeat interim relief. CCSD, the public body that took the challenged vote, is before the Court. That alone is sufficient to support injunctive and declaratory relief against the allegedly unlawful action. Notably, Defendants take the position that CCSD and the Board of Trustees are not separate entities. Assuming Defendants' position is accurate, the identification of CCSD includes the Board of Trustees.⁹

B. The Foundation is a proper subject of limited injunctive relief even if it did not itself commit the FOIA violation.

Defendants contend no substantive wrongdoing is alleged against the Charleston County School District Education Foundation. Plaintiff's theory, however, is not that the Foundation committed the FOIA violation. Rather, the Foundation is named because Plaintiff seeks limited injunctive relief preventing the disputed appointment from being treated as valid while this case is

⁹ See Exhibit G - March 26, 2026, Email from Counsel for the District.

pending. Accordingly, the Foundation is not fully formed, cannot conduct business, and should be enjoined from doing so.

That is a proper use of equitable relief. During Phase 1, the Foundation's voting members are appointed by majority vote of the Board of Trustees. If the appointing vote is likely unlawful, the Court may preserve the status quo by preventing the Foundation from recognizing Ms. Faust as a duly appointed voting director, and from moving beyond "Phase 1" of its formation until the legality of the February 25, 2026, vote is adjudicated.

V. DEFENDANTS' SUBSTANTIAL-COMPLIANCE AND NO-PREJUDICE ARGUMENTS FAIL.

Defendants invoke substantial compliance and argue any agenda defect was merely technical. It was not. Plaintiff alleges the Board took final action on a candidacy that was not included in the publicly posted agenda materials and did so without the notice, vote, and findings required by § 30-4-80(A). That is not a trivial imperfection in drafting; it goes to whether the public received notice of the action actually taken.

Defendants also argue Plaintiff cannot show prejudice because his own nomination had already failed before Ms. Faust was nominated. But the right protected by FOIA belongs to the public as well as to the litigant before the Court. Here, the public received candidate-specific notice for the listed nominees and did not receive comparable notice for Ms. Faust before final action was taken. It is further uncontested that some Board members did not receive Ms. Faust's resume and that other Trustees were caught unaware of her nomination or that Trustee Whatley could nominate for District 8. Those allegations underscore rather than negate prejudice.

Finally, Defendants say it would have been impossible to list Ms. Faust because she was not a nominee until she was nominated during the meeting. That contention proves Plaintiff's point. If the Board wished to retain flexibility to move to an entirely different District 8 nominee

and take final action that same night, it was obligated to comply with FOIA and Policy BEDA/BEDB once the meeting began. It did not do so.

VI. THE BALANCE OF EQUITIES FAVORS TARGETED INJUNCTIVE RELIEF.

South Carolina courts balance the benefit of an injunction to the plaintiff against the inconvenience and damage to the defendant. Here, the equities favor Plaintiff. Without relief, Defendants may continue implementing an allegedly unlawful vote and the Foundation may continue operating with a disputed voting seat.

By contrast, the burden of a narrowly tailored injunction is modest. The Foundation is a newly created entity and has only conducted one meeting. The operations of the School District will continue while the Foundation remains in “Phase 1” and the District 8 seat is unoccupied. The Court can enjoin the Foundation from operating until Plaintiff’s FOIA claim is resolved.

This approach preserves the last uncontested status quo, protects the public interest in open government, and minimizes collateral disruption.

CONCLUSION

For all of these reasons, Plaintiff has demonstrated a substantial likelihood of success on his claim that the Charleston County School District violated South Carolina FOIA by taking final action on Michelle Faust’s nomination without complying with the agenda-addition requirements of S.C. Code Ann. § 30-4-80(A) and Board Policy BEDA/BEDB. Plaintiff has also established irreparable harm and the absence of an adequate remedy at law under S.C. Code Ann. § 30-4-100(A).

Plaintiff therefore respectfully requests that the Court:

- a. Enjoin the Foundation from operating until Plaintiff’s FOIA claim is resolved;
- b. Enjoin the Foundation from recognizing Michelle Faust as a duly appointed voting director;

- c. Order the preservation of agendas, minutes, emails, text messages, call logs, nomination materials, and other communications concerning the Foundation nomination process and the Faust nomination;
- d. Award Plaintiff attorney's fees associated with bringing this Motion; and
- e. Grant such other and further relief as the Court deems just and proper.

RESPECTFULLY SUBMITTED,

FERGUSON LAW AND MEDIATION, LLC.

s/ Emmanuel J. Ferguson, Sr.

Emmanuel J. Ferguson, Sr.

SC Bar #81431

171 Church Street, Suite 160

Charleston, South Carolina 29401

Telephone (843) 491-4890

emmanuel@fergusonlaborlaw.com

April 1, 2026

Charleston, South Carolina

Attorney for Plaintiff

Exhibit A - Board of Trustees - Jan. 26 2026 - Agenda



Board of Trustees Meeting Agenda

January 26, 2026 at 4:15 PM

75 Calhoun Street - Board Room

In the event of inclement weather, the rescheduled date and time is Thursday, January 29, 2026 at 4:15 PM.

1. Opening Items - 4:15 p.m.

- A. Call to Order
- B. Invocation/Moment of Silence and Pledge of Allegiance to the Flag
- C. Adoption of Agenda and Consent Agenda Items
Motion to adopt the agenda and consent agenda items.
- D. Approval of the December 8, 2025 Committee of the Whole Meeting Minutes
[COW - Dec 08 2025 - Final Minutes.docx](#) 
Motion to approve the December 8, 2025 Committee of the Whole Meeting Minutes
- E. Approval of the December 8, 2025 Board Meeting Minutes
[Board of Trustees - Dec 08 2025 - Final Minutes.docx](#) 
Motion to approve the December 8, 2025 Board Meeting Minutes
- F. Approval of the January 12, 2026 Committee of the Whole Meeting Minutes
[Committee of the Whole - Jan 12 2026 - Final Minutes.docx](#) 
Motion to approve the January 12, 2026 Committee of the

Whole Meeting Minutes

2. Special Recognitions

- A. Special Recognitions
West Ashley CAS Robotics Team
- B. 212° : The Extra Degree Award

3. Public Comments

- A. Public Comments In Person according to Public Comment Policy
- B. Review of Online Public Comments Submitted

4. Convene Executive Session

- A. Convene in Executive Session to consider a Legal Briefing, Personnel Matter involving a Teacher Appeal, Contractual Matter involving the Meeting Street Schools MOU, and Legal Advice involving College of Charleston. Action may or may not be taken following Executive Session.
Motion to convene in Executive Session to consider a Legal Briefing, Personnel Matter involving a Teacher Appeal, Contractual Matter involving the Meeting Street Schools MOU, and Legal Advice involving College of Charleston. Action may or may not be taken following Executive Session.

5. Executive Session

- A. Legal Briefing
ORIGINATORS: Anita W. Huggins, Superintendent
Pamela McKinney, Board Chair
- B. Contractual Matter - Meeting Street Schools MOU
ORIGINATORS: Daniel Prentice, Chief Financial Officer
BACKGROUND:
General Counsel will discuss the matter with the Board in Executive Session
- C. Personnel Matter - Teacher Appeal

ORIGINATOR: Legal Services

The Board is asked to consider what action, if any, will be taken in response to the Superintendent's recommendation to dismiss a teacher.

D. Legal Advice - College of Charleston

ORIGINATORS: Anita Huggins, Superintendent of Schools

Daniel Prentice, Chief Financial Officer

BACKGROUND: General Counsel will discuss the matter with the Board in Executive Session.

6. Open Session Reconvened

A. Reconvene Open Session

Motion to reconvene open session

7. Possible Action of Executive Session Items

A. Contractual Matter - Meeting Street Schools MOU

ORIGINATOR: Daniel Prentice, Chief Financial Officer

BACKGROUND:

General Counsel will discuss the matter with the Board in Executive Session

B. Personnel Matter - Teacher Appeal

ORIGINATOR: Legal Services

The Board is asked to consider what action, if any, will be taken in response to the Superintendent's recommendation to dismiss a teacher.

C. Legal Advice - College of Charleston

ORIGINATORS: Anita Huggins, Superintendent of Schools

Daniel Prentice, Chief Financial Officer

BACKGROUND:

General Counsel will discuss the matter with the Board in Executive Session

8. Strategic Education

A. Board Monitoring Report: Kindergarten Readiness

Assessment (KRA)

ORIGINATORS: Superintendent Anita W. Huggins

Luke Clamp, Deputy Superintendent

Buffy Roberts, Associate Superintendent, Office of Accountability

BACKGROUND:

The January 26 Monitoring Report provides an overview of the Fall 2025 Kindergarten Readiness Assessment (KRA) results. At the district level, KRA helps explain how ready students are when they enter school, where gaps may exist, and how early childhood systems are functioning, providing a critical foundation for instructional planning and long-term improvement strategies.

[Kindergarten Readiness Assessment \(KRA\)](#)

9. Audit & Finance Committee**A. 2023-2028 Capital Program (Phase V) Sales Tax - Capital Maintenance Budget Reallocation**

ORIGINATOR: Steve Hamer, Associate of Facilities Management

BACKGROUND:

On November 3, 2020, Charleston County voters approved a referendum to extend the one-cent sales tax for a term of six years (January 1, 2023 to December 31, 2028) to finance education capital improvement projects, to include capital maintenance at school facilities in the District.

On December 13, 2021, the Charleston County School District Board of Trustees approved Item 10B, the Capital Maintenance Plan 2023-2028. On May 23, 2022, the Charleston County School District Board of Trustees approved Item 11B, the Revision of the Capital Maintenance Plan Policy. The Capital Maintenance Plan Policy, FBA, was issued May 2016.

Facilities Management, with input from CCSD staff, continues to reevaluate project priorities within the 2023-2028 Capital Program (Phase V) Sales tax. After analyzing the needs identified by school principals and other staff members, Facilities Management requests approval to add the following new tasks (schools) to the respective projects.

Project - Cabinetry:

Add new task at Sanders-Clyde Elementary School. Cabinetry needs at Sanders-Clyde ES were identified during a site visit, which revealed concerns in the front office area requiring immediate attention.

Project 6245 - Elevator:

Add new task at Charleston County School of the Arts. Elevator repairs at the School of the Arts were identified through an assessment conducted by CCSD Shops. The assessment determined this elevator to be the most urgent repair need in the district.

Project 6254 - Lighting:

Add new task at North Charleston High School. Lighting improvements at North Charleston High School were requested due to several dark corridors, presenting a safety concern that should be addressed as soon as possible.

Project 6260 - Stormwater:

Add new task at Charles Pinckney Elementary School. Stormwater issues at Charles Pinckney Elementary School have progressively worsened over time and require immediate action to prevent more extensive and costly remediation.

Facilities Management proposes adding these tasks by utilizing savings from completed work and reprioritizing these additions ahead of other tasks within the program.

[Att.2023-2028 Capital Program \(Phase V\) Sales Tax-Capital Maintenance Budget Reallocation](#) 

Motion to approve the reallocation of funds as shown on the attached Resolution.

B. Fixed Cost of Ownership (FCO) FY26 - Budget Reallocation

ORIGINATOR: Steve Hamer, Associate of Facilities

BACKGROUND:

On March 24, 2025 by Item 6D, the Board of Trustees approved the FY26 Fixed Cost of Ownership (FCO) program in the amount of \$70,910,626; and by Item 6F, the Board of Trustees approved the specific projects associated with that program.

We are using savings in the playgrounds to do the turf installation at Stono Park.

Due to construction duration and impact to school operations, we are rescheduling the A.C. Corcoran vestibule project to the summer so we can efficiently execute it while students and staff are not in the school. We are using those funds to execute it while students and staff are not in the school. We are using those funds to execute other projects in FY26 and will shift the A.C. Corcoran vestibule project to FY27. We are adding the Wando shade structure/canopy project since we are able to execute while school is in session.

St. John's CTE project will be done in two phases, and we have excess

funds since it was originally budgeted to be done in one phase. With the reallocation from CTE to FM we are able to execute multiple projects ahead of schedule in FY26. We are adding a new Vacuum Truck, Children Porta Potty, Negative Air Machines, Portable Dehumidifiers, and a Triple Wide Utility Building. These will help the FM department with more efficiently, and cost-effectively responding to school requests in the event something is down/not working. The Triple Wide building will allow FM to have more storage space to house the equipment.

The other projects we are executing are already on the FY26 list.

[Fixed Cost of Ownership \(FCO\) FY26-Budget Reallocation](#) 

Motion to approve the reallocation of funds as shown on the attached Resolution.

10. Policy

- A. Policy GBEBD - Acceptable Use of Technology; IJNDB - Technology Acceptable Use; IJKA - Technology Resource Selection and Adoption

ORIGINATORS: Legal Services

BACKGROUND:

Staff are recommending revision to existing policies: GBEBD – Acceptable Use of Technology, IJNDB – Technology Acceptable Use, and IJKA – Technology Resource Selection and Adoption to include generative Artificial Intelligence.

[GBEBD](#) 

[IJNDB 01.15.26.doc](#) 

[IJKA 01.15.26.DOC](#) 

(The policies passed first reading on December 8, 2025.)

Motion to approve GBEBD – Acceptable Use of Technology, IJNDB – Technology Acceptable Use, and IJKA – Technology Resource Selection and Adoption to include generative Artificial Intelligence for second reading.

- B. New Policy XXXX - AI Literacy and Acceptable Use of Generative Artificial Intelligence

ORIGINATOR: Legal Services

BACKGROUND:

Staff are recommending a new policy specific to generative Artificial

Intelligence.

[Staff Suggestions for New AI Policy 1.6.26.doc](#) 

(Policy passed first reading on December 8, 2025)

Motion to approve Policy XXXX - AI Literacy and Acceptable Use of Generative Artificial Intelligence for second reading.

11. Other Business

- A. CCSD Education Foundation Board of Director Appointments
 ORIGINATORS: Patrick Arnold, Executive Director, CCSD Education Foundation, Daniel Prentice, Chief Financial Officer
- BACKGROUND: In order to establish The CCSD Education Foundation, the Charleston County School District Board of Trustees shall nominate and approve the nine (9) initial Foundation board members representing each district. The appointments will be in compliance with the Foundation's Board of Directors Job Description and Conflict of Interest Policy.

District 1 Nominee -Catherine Templeton [CV CCSD 2026.pdf](#) 

District 2 Nominee - Jenni Strauss [JPS Resume 1. 21.26.pdf](#) 

District 3 Nominee - Roger Jones [THE FINAL VICTORY Roger Jones Bio.docx](#) 

District 4 Nominee - Fran Clasby [FXC Resume.docx](#) 

District 5 Nominee - Dr. Antoinette Biegaj [Antoinette Biegaj Resume.pdf](#) 

District 6 Nominee - Lee Runyon
[William Lee Runyon III Resume.docx.pdf](#) 

District 7 Nominee -

District 8 Nominee - Dr. Brian McClure [Brian McClure 2026 Resume.pdf](#)  [Brian McClure CCSD Education Foundation Cover Letter.pdf](#) 

District 9 Nominee -

[2025 CCSD Education Foundation Conflict of Interest Policy - Draft.pdf](#) 

[2025 CCSD Founding Trustee Job Description - Draft.pdf](#) 

[Bylaws.pdf](#) 

Motion to approve....

12. Consent Agenda Items

A. Continuous Improvement Plan

ORIGINATORS: Philip Keefer, Compliance Coordinator, Department of Federal Programs, Solange Brewer, Director of Federal Programs, Buffy A. Roberts, Associate Superintendent, Accountability Office, Dr. Lucas Clamp, Deputy Superintendent, Anita W. Huggins, Superintendent of Schools

BACKGROUND:

As required by S.C. Code Ann. §59-18-1625 (2002), the South Carolina Department of Education designates schools or districts as “underperforming.” Underperforming is defined in statute as a school receiving an overall school report card rating of Below Average or Unsatisfactory.

Designated schools are required to complete the following steps:

1. Notify students’ families of report card status and strategic actions for improvement
2. Involve stakeholders in development of school’s continuous improvement plan component
3. Unsatisfactory Rating only - Convene a public meeting to discuss school’s report card rating and strategic plan for improvement

Local school boards are required to review and approve these Continuous Improvement Plans (CIPs) prior to submission to the State Department of Education.

[List of Schools](#)

[FY26 CIP Plans](#)

[2025 Underperforming School Designations November 2025](#)

(Policy passed first reading on December 8, 2025. Policy with revisions passed on January 9, 2026 Committee of the Whole by unanimous decision.)

B. G Policies: GBD, GCB, GCK, GCNA, GCQA, GDJ

ORIGINATORS: Human Resources, Employee Relations, Legal Services

BACKGROUND:

G Policies:

GBK - Employee Grievances

GCB - Professional Staff Contracts and Compensation

GCNA - Supervision of Teachers

GCQA - Reduction in Force

GDJ - Classified Staff Assignments and Transfers

[G Policies for 10.13.25 COW \(2\).pdf](#) 

(The policies were on the October 27, 2025 Board meeting consent agenda for first reading.)

C. Policy GCLE: Unencumbered Time

ORIGINATORS: Legal Services

BACKGROUND:

Staff are recommending revision to Policy GCLE. State law now requires that nurses be added to the list of individuals entitled to 30 minutes of unencumbered time per day.

[GCLE.pdf](#) 

(Approved during the 12.8.2025 Board meeting for first reading.)

D. Naming of Facilities: Early College High School Conference Room Renaming

Originator: Vanessa Denney, Executive Associate of Strategy, Partnerships, and Planning

Background:

The Early College High School (ECHS) community would like to honor Wilmot J. Fraser, a dedicated African American educator and pillar of the Eastside community for whom the former elementary school on which the new ECHS building sits was named, by naming the new Early College High School conference room in his honor.

An official naming committee was convened and met on Monday, January 5, 2026. The name is being brought forth for approval by the CCSD Board of Trustees by a naming committee composed of the following ECHS stakeholders:

- Barrett Reese, Principal, Early College High
- Tarshea Samuel, Parent, Early College High
- Blondelle Gadsden, C.A. Brown Alumni
- Daniel McNamee, Teacher of the Year, Early College High
- Alyssa Hunter, Student, Early College High
- Sherry Eppelsheimer, Associate Superintendent of High Schools, CCSD
- Shanikqua Johnson Smith, CCSD Capital Programs

[Early College High School Conference Room Naming Committee Meeting Agenda and Notes.pdf](#) 

13. Closing Items

A. Upcoming Meetings

Audit & Finance - February 4, 2026

Committee of the Whole - February 9, 2026

Board of Trustees Meeting - February 23, 2026

- B. Adjournment of Meeting
 Motion to adjourn the meeting.

Exhibit B - Dr. Brian McClure 2026 Resume and Cover Letter

Brian McClure, PhD
3110 Hugh Bennett Drive
Johns Island, South Carolina, 29455
School District 8

Greetings,

Thank you for considering my potential nomination to serve as an inaugural Board Member for the Charleston County School District Education Foundation. As a School District 8 resident, I am honored by the opportunity to support a mission centered on strengthening public education, expanding opportunity, and building meaningful partnerships across our community.

I bring proven board experience and deep expertise in compliance, governance, and managing political giving. My career has included working at the intersection of governance, policy, and public service. During my time living in the District of Columbia, I served as liaison to the WMATA Board Chair and to a member of the DC Water Board of Directors (DC Water and Sewer Authority), where I supported board operations, compliance matters, and cross-agency coordination. I also have extensive legislative and regulatory experience—having drafted, evaluated, and negotiated major bills for the DC Council and providing legislative oversight of District of Columbia Public Schools and Public Charter Schools. In addition, I previously served as a Board Member for Lee Montessori Public Charter School, where I helped oversee governance and school performance.

At Lyft, I expanded this experience by managing the company's political operations, including federal, state, and local political giving, PAC governance, and compliance across multiple jurisdictions. I created Lyft's internal PAC Bylaws, established new governance systems, managed a multi-million-dollar political budget, and launched the company's first Federal PAC Charitable Match Program. These roles required strong judgment, attention to detail, and an ability to develop policies and systems that are transparent, accountable, and aligned with mission.

I am deeply committed to CCSD's goals of fueling innovation, expanding opportunity, and fostering strong community investment. I would be honored to bring my experience in governance, compliance, partnership development, and public-sector strategy to this new Foundation. I am also honored to ensure the students, educators, and families across School District 8 are represented and have a voice as we begin this innovative endeavor.

Thank you for your consideration. My resume is enclosed and I am happy to provide additional materials as needed.

Sincerely,

Brian McClure, PhD

BRIAN McCLURE, PhD

brianmcclure2@gmail.com • 301-980-2439 | LinkedIn: www.linkedin.com/in/brianmcclurephd

3110 Hugh Bennett Drive, Johns Island, South Carolina, 29455 (District 8)

EDUCATION

PhD, History, University of Memphis
MA, History, North Carolina Central University
BA, History (Honors), Hampton University

PROFESSIONAL EXPERIENCE

LYFT, INC. | Public Policy

Manager, Political Operations & Campaigns | 2023–2025

Lead the company's political operations and campaign strategy, owning PAC governance, political giving, coalition engagement, and multi-state campaigns in alignment with business and policy priorities.

- Built Lyft's political operations infrastructure. This included: PAC governance systems, cross-functional workflows, decision frameworks, compliance processes, and reporting tools—bringing the program into full federal and state compliance, improving operational performance, and enabling the successful management of a \$950K political budget.
- Designed and launched Lyft's Federal PAC Charitable Match Program, creating all operational and compliance systems to support philanthropic matching and increase employee engagement.
- Owned the short- and long-term political giving strategy—identifying high-impact policy opportunities, managing state and federal cycles, coordinating fundraising initiatives, and briefing Lyft executives.
- Lead cross-functional political campaigns across Policy, Communications, Legal, Marketing, Product, and Safety teams; serve as in-house strategist for messaging, coalition engagement, and campaign design.

- Represent Lyft on national and state policy coalitions; cultivate relationships with elected officials, industry partners, and third-party allies to advance corporate and policy goals.
- Manage high-priority activations including the 2024 Democratic National Convention presence and associated political engagement, partnerships, and metrics tracking.

Racial Equity Policy Manager, Social Impact | 2022–2023

Founded and led Lyft’s internal racial equity operating system and external racial justice partnerships.

- Designed and launched Project LEWIS, Lyft’s first cross-functional racial equity working group; created frameworks for integrating equity into product, policy, operations, and community engagement.
- Managed a \$350,000 budget for partnerships with NAACP, National Urban League, NAN, U.S. Black Chambers, United Justice Coalition, and local community organizations.
- Authored research and publications, including analyses featured in the State of Black America Report; served as spokesperson at Harvard Business School, NUL, NAN, and national conferences.
- Developed internal methodologies for evaluating the equity implications of Lyft programs and partnerships; supported teams in applying evidence-based frameworks to decision-making.

COUNCIL OF THE DISTRICT OF COLUMBIA

Founding Director, Council Office of Racial Equity (CORE) | 2020–2022

Appointed to architect and lead the District’s inaugural Office of Racial Equity—responsible for designing systems, policies, and organizational culture to advance racial equity across DC government.

- Designed, launched, and led CORE as a 0→1 government start-up, hiring staff, establishing governance processes, and embedding equity principles into daily operations and long-term strategy.
- Created DC’s Racial Equity Impact Assessment (REIA) methodology—including framework design, research protocols, community engagement, and interagency coordination.

- Institutionalized racial equity in DC policymaking—conducting 100+ REIAs that reshaped Council deliberations, influenced amendments to the Comprehensive Plan, informed advocacy coalitions, and elevated CORE as a national model through 50+ speaking engagements at universities and policy forums including Georgetown and Princeton.
- Built the CORE Training Institute, delivering racial equity training to Councilmembers, staff, and agencies; established open-data practices and toolkits used District-wide. Authored DC’s foundational report on the racial wealth gap, in partnership with MITRE, DC Policy Center, and academic experts.
- Developed a culture grounded in rest, repair, humility, amplification, intersectionality, and transparent communication—including systems for internal well-being, communication norms, and equitable workflows.

Committee Director & Legislative Director for Councilmember Kenyan R. McDuffie | 2018–2020

Senior strategist for legislative, economic development, and racial equity portfolios for a leading DC lawmaker.

- Principal architect of the Racial Equity Achieves Results Act, establishing the legal mandate for CORE and requiring equity metrics, training, and REIAs across District government.
 - Led policy development on reparations, guaranteed income (GBI), universal basic income (UBI), EITC expansion, small business development, affordable housing, and tax incentive reform.
 - Managed committee oversight of tax, revenue, economic development, and regulatory agencies, including OCFO, ORA, DISB, DSLBD, and Events DC.
 - Designed and executed large-scale community engagement—including the Race & Policy Symposium (400+ attendees).
 - Directed legislative strategy and negotiations on key bills affecting workforce mobility, commercial affordability, and economic inclusion.
-

DEPARTMENT OF SMALL & LOCAL BUSINESS DEVELOPMENT (DSLBD)

Senior Advisor & Director of Policy and Legislative Affairs | 2015–2018

- Oversaw a \$15M agency budget and built performance systems, SOPs, and policy frameworks used across DSLBD.
 - Led economic development legislation including the Made in DC Act, certification reforms, and commercial affordability programs.
 - Managed cross-agency partnerships, oversaw regulatory analysis, and supervised research contracts and data operations.
-

COUNCIL OF THE DISTRICT OF COLUMBIA | COMMITTEE ON FINANCE & REVENUE

Policy Analyst | 2014–2015

- Provided policy analysis on homelessness, poverty, economic mobility, and major sports and tax deals.
 - Drafted legislation, prepared testimony, and conducted fiscal and regulatory research for the Committee Chair.
-

EVANS FOR MAYOR CAMPAIGN | Director of Research & Policy | 2013–2014

- Led policy development, rapid response, media briefs, and research operations for a citywide campaign.
 - Supervised a team of fellows and coordinated communications across field, finance, and media teams.
-

UNIVERSITY OF MEMPHIS | Teaching Assistant, African American History | 2011–2012

- Taught coursework on the Black political experience and Atlantic intellectual history; managed 175 students.
 - Worked in Special Collections to help establish the Robert Church Digital Archive.
-

Exhibit C - Board of Trustees - Feb. 25 2026 - Agenda



Board of Trustees Meeting Agenda February 25, 2026, at 5:15 PM

(Rescheduled from February 23, 2026)

75 Calhoun Street - Board Room

1. Opening Items - 5:15 p.m.

- A. Call to Order
- B. Invocation/Moment of Silence and Pledge of Allegiance to the Flag
Springfield Elementary School Students
- C. Adoption of Agenda and Consent Agenda Items
- D. Approval of the January 26, 2026 Board Meeting Minutes
[Board of Trustees January 26, 2026 Minutes Final.pdf](#)
- E. Approval of the February 9, 2026 Special Called Board Meeting Minutes
[Board of Trustees - Special Called Board Meeting - Feb 09 2026 - Minutes - Final.cleaned.pdf](#)
- F. Approval of the February 9, 2026 Committee of the Whole Meeting Minutes
[Committee of the Whole - Feb 09 2026 - Minutes - F.cleaned \(1\).pdf](#)

2. Special Recognitions

- A. Special Recognitions
 - 1) Bryan Coleman - South Carolina Council for Exceptional**

Children Principal of the Year Award

Summary: Bryan Coleman, principal of Thomas C. Cario Middle School, has been selected as the recipient of the prestigious South Carolina Council for Exceptional Children Principal of the Year Award. The honor recognizes Coleman's outstanding contributions to advancing opportunities and outcomes for exceptional children and youth.

2) Chas Coker - SIPA Principal of the Year

Summary: Wando High School Principal Chas Coker has been named the 2026 Dr. Kay Phillips Administrator of the Year by the Southern Interscholastic Press Association (SIPA). This prestigious award recognizes his exceptional support for student media programs and for cultivating student journalists.

3) Military Magnet Robotics Team

Summary: Military Magnet Academy's FIRST Tech Challenge robotics team, TalonSkies will represent South Carolina at the United States Governors Cup. The national robotics showcase will take place at the historic DAR Constitution Hall in Washington, D.C., in late February 2026.

3. Public Comments

- A. Public Comments In Person according to Public Comment Policy
- B. Review of Online Public Comments Submitted

4. Superintendent's Report

- A. Superintendent's Report

[Updated Superintendent's Report BOT 02232026 \(1\).pdf](#) 

5. Strategic Education

- A. Monitoring Report: Interim Guardrail 2 Conditions and Competencies for Learning (SAM/TFI)
ORIGINATORS: Lisa Allison, Executive Director, Student Support Services
Buffy Roberts, Associate Superintendent, Office of Accountability
Michelle Simmons, Chief Academic Officer
Luke Clamp, Deputy Superintendent

Anita W. Huggins, Superintendent

BACKGROUND:

The monitoring report for the Strategic Education Committee will include a review of Interim Guardrail 2: Conditions and Competencies for Learning as measured by the Self-Assessment of Multi-Tiered System of Supports/Tiered Fidelity Inventory (SAM/TFI).

SAM/TFI

- The percentage of elementary schools achieving an average of 70% or higher on the SAM/TFI (operationalizing) will increase by 15% from the baseline of 89% in May 2023 to 95% in May 2027.
- The percentage of middle schools achieving an average of 70% or higher on the SAM/TFI (operationalizing) will increase by 15% from the baseline of 69% in May 2023 to 84% in May 2027.
- The percentage of high schools achieving an average of 70% or higher on the SAM/TFI will increase (operationalizing) by 15% from the baseline of 45% in May 2023 to 60% in May 2027.

[Strategic Education Report Monitoring Report Interim Guardrail 2 SAMTFI BOT 02232026.pdf](#) 

6. Audit & Finance Committee Review Information

A. Fixed Cost of Ownership (FCO) FY27 Project List

ORIGINATORS: Jeff Borowy, Chief Operations Officer

Daniel Prentice, Chief Financial Officer

Staff annually determines requirements for replacement, improvements, and construction across the county among all the District's schools and support facilities.

The Fixed Cost of Ownership (FCO) process is critical and important to our care of public assets and for providing quality educational experiences across the county and it has been supported by our Charleston County School District Board of Trustees for many years. Since FY18, the Board has recognized and supported the need to increase the FCO budget to begin correcting the deficiencies necessary to provide the desired level of quality and equity across the District, for everything from technology to facility conditions and furnishings and equipment.

As has been done per Board request and direction, each of the areas that fall within the FCO realm have developed condition assessments, program requirements, individual building requests, etc. and

prepared a prioritized list with estimated costs.

Please find attached to this document in the following order the list of these projects:

Chief Finance Officer Projects

1. Information Technology
2. Technology – Project Management and Support
3. Software

Chief Operating Officer Projects

1. Facilities Management and Playgrounds
2. Security & Emergency Management
3. Furniture, Fixtures & Equipment
4. Curricular/Extra-Curricular Support: Media Center, Fine Arts, Athletics and Career Technical Education (CTE)
5. Planning and Real Estate
6. Transportation
7. School Nutrition
8. Nursing Services

Note: There will also be an account set up for contingency utilization (to manage unforeseen, undeliverable needs), design and consulting. The amount of funds is significantly less than needed to complete projects to support the desired level of quality and equity across the District.

[Fixed Cost of Ownership Fiscal Year 2027 Consolidated 020426.pdf](#)



[FCO FY27 Slides 020226.cleaned \(1\).pdf](#)



Motion to approve the prioritized list of projects under the Fixed Cost of Ownership (FCO) FY27 Project List as submitted

B. Fixed Cost of Ownership (FCO) FY26 - Budget Reallocation

ORIGINATOR: Steve Hamer, Associate Facilities Management

On March 24, 2025, by Item 6D, the Board of Trustees approved the FY26 Fixed Cost of Ownership (FCO) program in the amount of \$ 70,910,626; and by Item 6F, the Board of Trustees approved the specific projects associated with that program.

Cost savings were realized during Phase I of the St. John's Culinary Arts CTE renovation. The savings were initially reallocated to support FM projects. Since the reallocations, needs have been identified within the CTE and Playgrounds projects, requiring funds to be reallocated to these projects to complete this work.

The CTE needs are: a greenhouse at CE Williams North to help launch a West Ashley Agriculture/Horticulture program; a Dust Collection

System at Cooper River CAS carpentry lab that will remove airborne dust; and, electrical service to an awning at St. John's for the firetruck training equipment.

The Playgrounds need is for a Sullivan's Island ES project to add a turf play area.

[Fixed Cost of Ownership \(FCO\) FY26 - Budget Reallocation..pdf](#) 

Motion to approve the Fixed Cost of Ownership (FCO) FY26 - Budget Reallocation as submitted.

7. Convene Executive Session

- A. Convene in Executive Session to consider an out of county transfer request.
Motion to convene in executive session to consider an out of county transfer request.

8. Executive Session

- A. Out of County Transfer Request - Lucy Beckham High School
ORIGINATOR: Legal Services

9. Open Session Reconvened

- A. Reconvene Open Session
Motion to reconvene open session

10. Possible Action of Executive Session Items

- A. Out of County Transfer Request - Lucy Beckham High School
ORIGINATOR: Legal Services

The Board is asked to consider the parent's request that the student be allowed to remain enrolled as out-of-county resident at Daniel Jenkins Academy, while remaining on the roster of Lucy Beckham High School, for the remainder of the 2025-2026 school year and that tuition be waived.

11. Policies

- A. Policy IKE - Promotion, Retention, and Acceleration of Students (Grades K- 8)

IKE - Promotion, Retention and Acceleration of Students (Grades K-8)

[IKE - Promotion, Retention and Acceleration of Students \(Grades K-8\) rev 01.2026.pdf](#) 

Motion to approve Policy IKE - Promotion, Retention, and Acceleration of Students (Grades K-8) for first reading.

- B. Policy IEA - Reduced Class Sizes in the Primary Grades
Staff is recommending the repeal of Policy IEA due to the general assembly removing increased funding for reduced class sizes in the primary grades. CCSD will retain its commitment to appropriate class sizes at all grades in compliance with state regulations.

[IEA for Repeal.pdf](#) 

The Board is being asked to consider the repeal of Policy IEA.

12. Other Business

- A. Peninsula Promise Project - Attendance Line Adjustments
ORIGINATORS: Anita W. Huggins, Superintendent, Jeff Borowy, Chief Operations Officer, Heather Studer, Director of Planning and Facility Use

BACKGROUND: After garnering input the community, families and educators across the Peninsula of Charleston, the District has developed the Peninsula Promise Project which will include: offering Universal Pre-K for 3- and 4- year olds; opening a Family Learning & Resource

Center; creating intentional middle-to-high pathways from Simmons-Pinckney MS to Burke HS to include a cultural arts collective; and expanded opportunities at Burke HS.

The project will include establishing Simmons-Pinckney MS on the Mitchell Campus; identifying an elementary school for students currently attending Mitchell ES; and making attendance line adjustments will be made for the Peninsula zoned elementary schools. The initial three options for attendance lines has been expanded to five options after receiving community input.

This brief is for information only. Attendance line adjustments will be brought back to Board of Trustees in the next meeting for approval.

[Peninsula Promise Project Presentation](#)

- B. CCSD Education Foundation Board of Director Appointments
ORIGINATORS: Patrick Arnold, Executive Director, CCSD Education Foundation, Daniel Prentice, Chief Financial Officer

BACKGROUND: In order to establish The CCSD Education Foundation, the Charleston County School District Board of Trustees shall nominate and approve the nine (9) initial Foundation board members representing each district. The appointments will be in compliance with the Foundation's Board of Directors Job Description and Conflict of Interest Policy.

First Time Nominees:

District 7 Nominee - Julie Armstrong [Julie Armstrong Bio.docx](#) 

District 9 Nominee - Ms. Taryn Williams [Taryn Williams Resume - CCSD Education Foundation.pdf](#) 

Second Time Nominee:

District 8 Nominee - Dr. Brian McClure [Brian McClure 2026 Resume.cleaned.pdf](#)  [Brian McClure CCSD Education Foundation Cover Letter.pdf](#) 

[2025 CCSD Education Foundation Conflict of Interest Policy - Draft.pdf](#) 

[2025 CCSD Founding Trustee Job Description - Draft.pdf](#) 
[Bylaws \(2\).pdf](#) 

Motion to approve...

13. Consent Agenda Items

- A. I Policies: IG - Curriculum Development, Adoption, and Review, IHAAA - Literacy Requirements and Intervention Policy, IKACA - Parent Conferences, and IKF - Graduation Requirements

ORIGINATORS: Legal Services

I Policies:

IG - Curriculum Development, Adoption, and Review

[IG - Curriculum Development, Adoption and Review.pdf](#) 

IHAAA - Literacy Requirements and Intervention Policy

[IHAAA Literacy Requirements and Intervention Policy.pdf](#) 

IKACA - Parent Conferences [IKACA - Parent Conferences.pdf](#) 

IKF - Graduation Requirements

[IKF - Graduation Requirements \(1\).pdf](#) 

BACKGROUND:

Revisions to the above listed I-Instruction policies are recommended by Learning Services, the Deputy Superintendent, Curriculum and Instruction, and Legal staff.

B. Naming of Facilities - JICHHS Library Renaming and Hallway Naming

ORIGINATOR: Vanessa Denney, Executive Associate of Strategy, Partnerships, and Planning

Background:

The James Island Charter High School (JICHHS) Leadership Team and Board of Directors would like rename the school's media center from the Dr. Nancy Gregory Media Center to the Melanie Crumpton Library in honor of Ms. Melanie Crumpton who dutifully served as JICHHS' media specialist up until her passing from cancer in May 2025. In accordance with Policy FF, Principal Thorn and Assistant Principal Holland have sought and received permission from Dr. Gregory and her family to transition her naming honor from the media center to the administrative and guidance hallway to be formally named the Dr. Nancy Gregory Hall.

The JICHHS Leadership Team approved this action during its September 9, 2025 meeting. The Board of Directors subsequently approved this action during their September 15, 2025 meeting. Formal minutes and rosters for both meetings are attached.

[JICHHS Library Renaming Letter 10242025.pdf](#) 

[LTM Minutes \(9.9.25\).cleaned.pdf](#) 

[2025-09-15-james-island-charter-high-school-governing-board-minutes.pdf](#) 

[JICHHS Library Renaming Permission Email.pdf](#) 

14. Closing Items

A. Upcoming Meetings

March 4, 2026 - Audit & Finance Committee Meeting

March 9, 2026 - Budget Workshop and Committee of the Whole

March 23, 2026 - Board Meeting

B. Adjournment of Meeting

Motion to adjourn the meeting

Exhibit D - Board of Trustees - Special Called Board Meeting
Mar 04 2026 - Agenda



Board of Trustees - Special Called Board Meeting
March 4, 2026 at 4:30 PM
75 Calhoun Street - Board Room

1. Opening Items

- A. Call to Order
- B. Adoption of Agenda

Motion to adopt the agenda

2. Other Business

- A. CCSD Board of Education Foundation Appointment
ORIGINATORS: Patrick Arnold, Executive Director, CCSD Education Foundation,
Daniel Prentice, Chief Financial Officer

BACKGROUND: In order to establish The CCSD Education Foundation, the Charleston County School District Board of Trustees shall nominate and approve the nine (9) initial Foundation board members representing each district. The appointments will be in compliance with the Foundation's Board of Directors Job Description and Conflict of Interest Policy.

District 7 Nominee: Joan Robinson-Berry

[Bio.pdf](#)

[2025 CCSD Education Foundation Conflict of Interest Policy - Draft.pdf](#)

[2025 CCSD Founding Trustee Job Description - Draft.pdf](#)

[Bylaws \(2\).pdf](#)

Motion to...

3. Convene Executive Session

- A. Convene in Executive Session

Motion to convene in Executive Session to consider a Student Placement Appeal and an Out of County Request to Remain.

4. Executive Session

- A. Student Placement Appeal
ORIGINATOR: Legal Services
- B. Out of County Transfer Request – Oakland Elementary School/Liberty Hall Academy
ORIGINATOR: Legal Services

5. Open Session Reconvened

- A. Reconvene Open Session

Motion to reconvene Open Session

6. Possible Action of Executive Session Items

- A. Student Placement Appeal
ORIGINATOR: Legal Services

The Board is being asked to consider the appeal and render a decision.

- B. Out of County Request to Remain – Oakland Elementary School/Liberty Hall Academy
ORIGINATOR: Legal Services

The Board is asked to consider the guardian's request that the student be allowed to remain enrolled as out-of-county resident at Oakland Elementary School/Liberty Hall Academy for the remainder of the 2025 – 2026 school year and that tuition be waived.

7. Closing Items

- A. Adjournment of Meeting

Motion to adjourn the meeting

Policy BEDA/BEDB Board Agenda and Notice

Issued 1/17

Purpose: To establish the basic structure for board preparation of and adherence to its meeting agenda and to establish a protocol for proper public notice of meetings.

Board Meeting Agendas

The superintendent shall prepare all agendas for board meetings. Items for the board meeting agenda will ordinarily come from the committee of the whole. The superintendent and board chairman shall confer about the agenda. The content and posting of the agenda and notification to the public shall comply with the South Carolina Freedom of Information Act.

The board will use a potential consent agenda to maximize the time for major issues of policy.

If requested by a committee or any four board members, an agenda item shall be placed on the agenda. The item must be identified and described on a board action item form, and the form must be turned in before the deadline for submission. Any such item must be accompanied by appropriate backup material.

Notification to Board Members

The superintendent shall distribute notice of each regular meeting of the board with the agenda and supporting materials to board members not later than the Wednesday before the subsequent Monday's board meeting to allow time for each board member to thoughtfully consider each item. Agenda items for which supporting materials have not been received in a timely manner shall be deferred to the next regularly scheduled meeting.

The superintendent shall give notice of all special meetings to the members of the board at least 24 hours prior to the time for the meeting. The notice shall indicate the purpose of the special meeting.

Notification to the Public

The superintendent shall see that written notice of regular board meetings is made public at the beginning of each fiscal year. The notice shall include the dates, times, and places of regular board meetings.

Except in the case of an emergency, the superintendent shall ensure that notice and the agenda of any board meeting are posted at the board meeting place and on the district's website no fewer than 24 hours in advance of such meeting. In addition the superintendent shall notify persons or organizations, local news media, or such other news media as may request notification, of the times, dates, places, and provide the agenda of all public meetings, regular, special, called, or rescheduled, at least 24 hours in advance of the convening time for the meeting. The secretary/clerk shall note the efforts to comply with this policy in the minutes of the meeting.

Once an agenda for a regular, called, special, or rescheduled meeting is posted, no items may be added to the agenda unless it is done at least 24 hours prior to the meeting and proper notice is given. At the point the meeting is called to order, an item may only be added to the agenda by a two-thirds vote and upon a finding by the body that an emergency will occur if the item is not added to the agenda.

Adopted 7/26/04; Revised 1/23/17

Legal references:

S.C. Code, 1976, as amended:

[Section 30-4-10](#), *et seq.* - South Carolina Freedom of Information Act.

[Section 59-19](#)-80 - Requirements as to purchases and teacher employment.

Charleston County School District

Exhibit F - Resume of District 3 Nominee
Antoinette Biegaj

Dr. Antoinette M. Biegaj, DC

Community Health Leader | Education Advocate | Strategic Advisor

Home: 7808 Open Ct., North Charleston, SC 29418 | 843-345-4307 | dynamikdc@gmail.com

Office: 217 Lucas Street, Suite D, Mount Pleasant, SC 29464 | 843-856-9466

BOARD CANDIDATE PROFILE

Mission-driven community leader committed to supporting student success, educator well-being, and community resilience across Charleston County. Brings a systems-based perspective to governance with experience in strategic planning, fiscal oversight, public education, and community engagement.

VALUE BROUGHT TO THE CCSD EDUCATION FOUNDATION

- Strategic & systems thinking
- Community engagement & advocacy
- Fiscal responsibility & stewardship
- Fundraising & donor support
- Program evaluation & outcomes awareness
- Ethical governance

PROFESSIONAL LEADERSHIP EXPERIENCE

Founder & Doctor of Chiropractic – Family Wellness Chiropractic

- Founded and leads a community-based healthcare practice serving Charleston County.
- Oversees budgeting, operations, strategic planning, and compliance.
- Educates families and community groups on stress regulation, focus, and resilience impacting learning environments.
- Builds trusted partnerships through integrity-driven leadership and clear communication.

COMMUNITY & EDUCATION-ALIGNED ENGAGEMENT

- Advocate for student readiness and supportive learning environments
- Experience translating complex concepts into accessible education
- Commitment to equity, access, and sustainable community initiatives

EDUCATION & CREDENTIALS

Doctor of Chiropractic (DC)

Licensed Chiropractor – South Carolina

STATEMENT OF SERVICE

Committed to strengthening educational outcomes by supporting the systems that surround students, educators, and families. Honored to contribute leadership and service in support of the Charleston County School District Education Foundation.

Exhibit G - March 26, 2026, Email From Counsel For the District

Re: McClure v. CCSD, et al.

From Alice F. Paylor <afp@saxtonstump.com>

Date Thu 3/26/2026 8:27 AM

To Emmanuel Ferguson <emmanuel@fergusonlaborlaw.com>

Cc Isabel Scott <iscott@saxtonstump.com>; Elizabeth J. Palmer <EP@saxtonstump.com>; LINDSAY THOMPSON <lindsay_thompson@charlestoncountyschools.gov>; Johnson, Wilbur <wjohnson@ycrlaw.com>

I am General counsel for the District. The board is not a separate entity.

Get [Outlook for iOS](#)

From: Emmanuel Ferguson <emmanuel@fergusonlaborlaw.com>

Sent: Thursday, March 26, 2026 8:25:08 AM

To: Alice F. Paylor <afp@saxtonstump.com>

Cc: Isabel Scott <iscott@saxtonstump.com>; Elizabeth J. Palmer <EP@saxtonstump.com>; LINDSAY THOMPSON <lindsay_thompson@charlestoncountyschools.gov>; Johnson, Wilbur <wjohnson@ycrlaw.com>

Subject: Re: McClure v. CCSD, et al.

Alice. Thank you for your email. Will you please let me know who serves as general counsel for the Board? If you won't tell me, please let me know who will.

Respectfully,
Emmanuel Ferguson

Sent via the Samsung Galaxy S24+, an AT&T 5G smartphone

Get [Outlook for Android](#)

From: Alice F. Paylor <afp@saxtonstump.com>

Sent: Thursday, March 26, 2026 8:17:59 AM

To: Emmanuel Ferguson <emmanuel@fergusonlaborlaw.com>

Cc: Isabel Scott <iscott@saxtonstump.com>; Elizabeth J. Palmer <EP@saxtonstump.com>; LINDSAY THOMPSON <lindsay_thompson@charlestoncountyschools.gov>; Johnson, Wilbur <wjohnson@ycrlaw.com>

Subject: Re: McClure v. CCSD, et al.

I represent all of the defendants in this matter. That's all you need to know. More questions? Go back to law school.

Get [Outlook for iOS](#)

From: Emmanuel Ferguson <emmanuel@fergusonlaborlaw.com>

Sent: Thursday, March 26, 2026 5:56:26 AM

To: Alice F. Paylor <afp@saxtonstump.com>

Cc: Isabel Scott <iscott@saxtonstump.com>; Elizabeth J. Palmer <EP@saxtonstump.com>; LINDSAY THOMPSON

<lindsay_thompson@charlestoncountyschools.gov>; Johnson, Wilbur <wjohnson@ycrlaw.com>

Subject: Re: McClure v. CCSD, et al.

Thank you. I have another question: CCSD and the Board are two separate entities. Who Represents the Board? Not just in this case, but overall?

Sent via the Samsung Galaxy S24+, an AT&T 5G smartphone

Get [Outlook for Android](#)

Exhibit H - S.C. Code 30-4-80

S.C. Code Ann. § 30-4-80

*** This document is current through 2026 Regular Session Act No. 95 and 96, pending final approval by the Legislative Council and not including changes and corrections made by the Code Commissioner. ***

South Carolina Code of Laws Annotated by LexisNexis® > Title 30. Public Records (Chs. 1 — 15) > Chapter 4. Freedom of Information Act (§§ 30-4-10 — 30-4-165)

§ 30-4-80. Notice of meetings of public bodies.

(A) All public bodies, except as provided in subsections (B) and (C) of this section, must give written public notice of their regular meetings at the beginning of each calendar year. The notice must include the dates, times, and places of such meetings. An agenda for regularly scheduled or special meetings must be posted on a bulletin board in a publicly accessible place at the office or meeting place of the public body and on a public website maintained by the body, if any, at least twenty-four hours prior to such meetings. All public bodies must post on such bulletin board or website, if any, public notice for any called, special, or rescheduled meetings. Such notice must include the agenda, date, time, and place of the meeting, and must be posted as early as is practicable but not later than twenty-four hours before the meeting. This requirement does not apply to emergency meetings of public bodies. Once an agenda for a regular, called, special, or rescheduled meeting is posted pursuant to this subsection, no items may be added to the agenda without an additional twenty-four hours notice to the public, which must be made in the same manner as the original posting. After the meeting begins, an item upon which action can be taken only may be added to the agenda by a two-thirds vote of the members present and voting; however, if the item is one upon which final action can be taken at the meeting or if the item is one in which there has not been and will not be an opportunity for public comment with prior public notice given in accordance with this section, it only may be added to the agenda by a two-thirds vote of the members present and voting and upon a finding by the body that an emergency or an exigent circumstance exists if the item is not added to the agenda. Nothing herein relieves a public body of any notice requirement with regard to any statutorily required public hearing.

(B) Legislative committees must post their meeting times during weeks of the regular session of the General Assembly and must comply with the provisions for notice of special meetings during those weeks when the General Assembly is not in session. Subcommittees of standing legislative committees must give notice during weeks of the legislative session only if it is practicable to do so.

(C) Subcommittees, other than legislative subcommittees, of committees required to give notice under subsection (A), must make reasonable and timely efforts to give notice of their meetings.

(D) Written public notice must include but need not be limited to posting a copy of the notice at the principal office of the public body holding the meeting or, if no such office exists, at the building in which the meeting is to be held.

(E) All public bodies shall notify persons or organizations, local news media, or such other news media as may request notification of the times, dates, places, and agenda of all public meetings, whether scheduled, rescheduled, or called, and the efforts made to comply with this requirement must be noted in the minutes of the meetings.

History

1978 Act No. 593, § 9; 1987 Act No. 118, § 7; [2015 Act No. 70](#) (S.11), § 1, eff June 8, 2015.

Annotations

Notes to Decisions

Administrative Law: Governmental Information: Freedom of Information

Administrative Law: Governmental Information: Freedom of Information: Disclosure Requirements: General Overview

Administrative Law: Governmental Information: Public Meetings

Administrative Law: Governmental Information: Public Meetings: General Overview

Exhibit I - S.C. Code 30-4-100

S.C. Code Ann. § 30-4-100

*** This document is current through 2026 Regular Session Act No. 95 and 96, pending final approval by the Legislative Council and not including changes and corrections made by the Code Commissioner. ***

South Carolina Code of Laws Annotated by LexisNexis® > Title 30. Public Records (Chs. 1 — 15) > Chapter 4. Freedom of Information Act (§§ 30-4-10 — 30-4-165)

§ 30-4-100. Injunctive relief; costs and attorney's fees.

(A) A citizen of the State may apply to the circuit court for a declaratory judgment, injunctive relief, or both, to enforce the provisions of this chapter in appropriate cases if the application is made no later than one year after the date of the alleged violation or one year after a public vote in public session, whichever comes later. Upon the filing of the request for declaratory judgment or injunctive relief related to provisions of this chapter, the chief administrative judge of the circuit court must schedule an initial hearing within ten days of the service on all parties. If the hearing court is unable to make a final ruling at the initial hearing, the court shall establish a scheduling order to conclude actions brought pursuant to this chapter within six months of initial filing. The court may extend this time period upon a showing of good cause. The court may order equitable relief as it considers appropriate, and a violation of this chapter must be considered to be an irreparable injury for which no adequate remedy at law exists.

(B) If a person or entity seeking relief under this section prevails, he may be awarded reasonable attorney's fees and other costs of litigation specific to the request. If the person or entity prevails in part, the court may in its discretion award him reasonable attorney's fees or an appropriate portion of those attorney's fees.

History

1978 Act No. 593, § 11; 1987 Act No. 118, § 8; [2017 Act No. 67, § 4](#), effective May 19, 2017.

Annotations

Exhibit J - Charleston County School District
Education Foundation Board of Directors Nomination Process



Charleston County School District
Financial Services
 3999 Bridgeview Drive
 North Charleston, SC 29405
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Charleston County School District Education Foundation Board of Directors Nomination Process

Sections

Overview

CCSD Education Foundation Board of Directors Job Description

CCSD Education Foundation Conflict of Interest Policy Statement

CCSD Education Foundation Conflict of Interest Disclosure Form

Overview

On October 1st, 2025 the Board of Trustees approved the Charleston County School District Education Foundation's bylaws, which required trustees to nominate and approve by a majority vote the foundation's initial board. Each trustee will nominate a resident of their district as a voting member of the board. Additionally, trustees will nominate and approve (4) ex-officio members, consisting of two (2) trustees, one (1) teacher and (1) principal employed by the district. All members will serve a (3) year term. Potential nominees must be qualified in accordance with the Board of Director Job Description. They are required to complete a Board of Directors Inquiry Form, signed Conflict of Interest Statement, and Conflict of Interest Disclosure Form.

Nominations

All potential board of trustees must be qualified in accordance with Charleston County School District Education Foundation Founding Board of Directors Job Description, be free of conflicts-of-interest, or properly disclose them. For example, founding board members are expected to have experience in serving and providing oversight on a non-profit board. However well intentioned a potential board nominee may be, without relevant experience their service is not in the best interest of Phase 1 of the Foundation's creation. Nominees with known or perceived conflicts-of-interest must be fully transparent to insure the public's trust during formation and in perpetuity.

Nominee Review

To begin the review process, potential nominees for the board of directors will be shared with Foundation staff. Potential nominees will receive and sign the CCSD Education Foundation Founding Board of Directors Job Description. Next, nominees will receive and sign the CCSD Education Foundation Conflict-of-Interest policy statement to ensure full acknowledgment of the ideals and transparency requirements to serve the Foundation. Finally, nominees will receive and complete the CCSD Conflict-of-Interest Disclosure Form to ensure any conflicts known or perceived are proactively addressed.

Charleston County School District Education Foundation Board of Directors Job Description

Founding Board of Directors

CCSD Education Foundation is a new philanthropic initiative focused on strengthening public education through community partnerships and private support.

The Foundation groundwork for success will be established in two phases.

Phase 1: Foundational setup - trustees appointed by the CCSD Board of Trustees to establish governance, mission, and legal infrastructure.

Phase 2: Operational phase - the Foundation becomes self-perpetuating, governed by its own Board of Directors, focusing on long-term fundraising and programmatic impact.

Vision

For all Charleston County School District students, parents, teachers, and schools to succeed through the support of philanthropy, industry, and partnership.

Mission

The CCSD Education Foundation (CCSDEF) will serve as the center for innovation, investment, and collaboration, aligning community generosity with strategic district priorities. It will help drive progress across Charleston County's public schools by enhancing classroom instruction, recognizing outstanding educators, and supporting family engagement and student well-being

Purpose

Utilize their skills and connections to assist in establishing a 501C3 entity to support the Foundation.

Term & Commitment

Three-Years; Board meetings on the 1st Tuesday of every Month

Major Responsibilities (Phase 1):

1. Help establish the Foundation's vision, mission, legal entity, and strategic priorities.
2. Support the development of the Foundation's governing policies, including gift acceptance, investment, and conflict-of-interest policies.
3. Uphold fiduciary duties of care, loyalty, and obedience to the mission of the Foundation.
4. Maintain active engagement by attending meetings, serving on board-established committees, and participating in strategic planning.
5. Serve without compensation; reimbursement for pre-approved expenses may be available.
6. Ensure compliance with the South Carolina Nonprofit Corporation Act and IRS 501(c)(3) regulations.
7. Serve as the voice of the stakeholders you represent and as an ambassador in your network, developing connections and resources on behalf of the Foundation.
8. Sign and abide by the CCSD Education Foundation Conflict of Interest Policy.
9. Assist in identifying and recruiting new board members for Phase 2.

Charleston County School District Education Foundation Conflict of Interest Policy Statement

Purpose

The purpose of this Conflict-of-Interest Policy is to protect the integrity and best interests of the Charleston County School District Education Foundation ("the Foundation") when it is contemplating entering into a transaction or arrangement that might benefit the private interest of a Director, Officer, or Committee Member, or might result in an excess benefit transaction under Section 4958 of the Internal Revenue Code.

This policy is intended to supplement, but not replace, any applicable South Carolina and federal laws governing conflicts of interest applicable to nonprofit and charitable organizations.

Definitions

Interested Person: Any Director, principal Officer, or member of a committee with Board-delegated powers who has a direct or indirect financial interest, as defined below, is an interested person.

Financial Interest: A person has a financial interest if the person has, directly or indirectly, through business, investment, or family:

- An ownership or investment interest in any entity with which the Foundation has a transaction or arrangement;
- A compensation arrangement with the Foundation or with any entity or individual with which the Foundation has a transaction or arrangement; or
- A potential ownership or investment interest in, or compensation arrangement with, any entity or individual with which the Foundation is negotiating a transaction or arrangement.

Compensation includes direct and indirect remuneration as well as gifts or favors that are not insubstantial. A financial interest does not necessarily constitute a conflict of interest. The Board of Directors or committee shall determine whether a conflict exists.

Policy and Procedures

Duty to Disclose

Each Interested Person must disclose the existence of any actual or possible financial interest and disclose all material facts to the Board of Directors or appropriate committee considering the proposed transaction or arrangement.

Determining Whether a Conflict Exists

After disclosure of the financial interest and all material facts, and after any discussion with the Interested Person, the individual shall leave the meeting while the remaining members determine whether a conflict of interest exists. Only disinterested Directors shall vote on this determination.

Procedures for Addressing the Conflict of Interest

- An Interested Person may make a presentation at the Board or committee meeting but must leave the meeting during discussion and voting.
- The Chair may appoint a disinterested person or committee to investigate alternatives to the proposed transaction or arrangement.
- After exercising due diligence, the Board or committee shall determine whether the Foundation can obtain a more advantageous transaction or arrangement from a source that would not give rise to a conflict of interest.
- If a more advantageous alternative is not reasonably possible, the disinterested Directors shall determine by majority vote whether the transaction or arrangement is in the Foundation's best interest, for its own benefit, and is fair and reasonable.
- In conformity with this determination, the Board shall decide whether to enter into the transaction or arrangement.

When considering matters involving a conflict, only disinterested Directors shall be counted toward quorum and may vote.

Violations of the Policy

If the Board or committee has reasonable cause to believe a member has failed to disclose an actual or possible conflict of interest, it shall inform the member and provide an opportunity to explain. If, after investigation, the Board determines the member has failed to disclose, it shall take appropriate disciplinary and corrective action.

Records of Proceedings

The minutes of the Board and all committees shall contain:

- The names of persons who disclosed or were found to have a financial interest, the nature of the interest, actions taken to determine whether a conflict existed, and the decision.
- The names of those present for discussions and votes, the content of discussions (including alternatives considered), and a record of votes taken.

Compensation

- A voting Director who receives compensation, directly or indirectly, from the Foundation for services is precluded from voting on matters pertaining to that Director's compensation.
- No voting member of the Board or any committee whose jurisdiction includes compensation matters, and who receives compensation from the Foundation, is prohibited from providing factual information to the committee regarding compensation.

Annual Statements

Each Director, principal Officer, and committee member with Board-delegated powers shall annually sign a statement affirming that they:

1. Have received a copy of this Conflict-of-Interest Policy;
2. Have read and understand it;
3. Agree to comply with it; and
4. Understand that the Foundation is charitable and must engage primarily in activities that accomplish one or more of its tax-exempt purposes and avoid private inurement or excess benefit transactions as defined in IRC §4958.

Periodic Reviews

To ensure the Foundation operates in a manner consistent with its charitable purposes and maintains its 501(c)(3) tax-exempt status, periodic reviews shall be conducted, including:

- Whether compensation arrangements and benefits are reasonable, based on competent data, and the result of arm's-length bargaining; and
- Whether transactions, joint ventures, or arrangements conform to written policies, are properly recorded, reflect reasonable investments or payments, and do not result in private inurement or impermissible private benefit.

When conducting periodic reviews, the Foundation may, but need not, use outside experts. Use of outside experts shall not relieve the Board of its responsibility for ensuring such reviews are conducted.

Nominee Name: _____ Staff Reviewer: _____

Nominee Signature: _____ Staff Signature: _____

Date: _____ Date: _____

Charleston County School District Education Foundation Conflict of Interest Disclosure Form

This Form is part of, and must be reviewed and completed in conjunction with, the Charleston County School District Education Foundation (CCSDEF) Conflict of Interest Policy.

I, _____, am a

[print name]

[please check one]

_____ Director on the CCSDEF Board of Directors

_____ Member of a CCDEF committee or task force

_____ Staff Member of CCSDEF

_____ [other, describe] _____

I hereby acknowledge that I:

- (a) Have received a copy of the conflict-of-interest policy,
- (b) Have read and understand the conflict-of-interest policy,
- (c) Have agreed to comply with the conflict-of-interest policy, and
- (d) Understand that in order for CCSDEF to maintain its federal tax exemption as a charitable organization, it must engage primarily in activities that accomplish one or more of its tax-exempt purposes.

Please check one of the following boxes:

- ☐ I have no conflicts or potential conflicts to disclose.
- ☐ I have the following conflicts or potential conflicts to disclose (please describe any relevant organizational, professional or business affiliations as well as financial interests):

Dated: _____ Signature: _____

Print Name: _____



STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
	)	FOR THE NINTH JUDICIAL CIRCUIT
COUNTY OF CHARLESTON	)	CASE NO: 2026-CP-10-01436
	)	
DR. BRIAN MCCLURE,	)	
	)	
Plaintiff,	)	DEFENDANT CHARLESTON COUNTY
	)	SCHOOL DISTRICT'S REPLY TO
v.	)	PLAINTIFF'S MEMORANDUM OF LAW IN
	)	SUPPORT OF HIS MOTION FOR
CHARLESTON COUNTY SCHOOL	)	TEMPORARY RESTRAINING ORDER AND
DISTRICT, LEAH WHATLEY,	)	PRELIMINARY INJUNCTION
MICHELLE LIEBER, KEITH	)	
GRYBOWSKI, CARLOTTE BAILEY,	)	
PAMELA MCKINNEY, and	)	
CHARLESTON COUNTY SCHOOL	)	
DISTRICT FOUNDATION,	)	
	)	
Defendants.	)	
	)	

This matter came before the Court on April 1, 2026, on Plaintiff's Motion for Temporary Restraining Order and Preliminary Injunction. Defendants are submitting this Reply in response to Plaintiff's Memorandum of Law in Support of the Motion which was provided shortly before the hearing.

Plaintiff has alleged that Defendants violated FOIA. However, the majority of the arguments made by Plaintiff are irrelevant to the determination of whether Defendants violated FOIA. For example, Plaintiff argues that Defendants' alleged departures from their own policies and procedures (which Defendants deny) establish a violation of FOIA. This is incorrect. Plaintiff also argues that once Defendants included supplementary materials in the CCSD Board meeting agendas, such as the biographical information of individuals who CCSD Board members had, prior to the posting of the agenda, indicated they intended to nominate for a Foundation board seat, FOIA required that they continue to do so. This is also incorrect. There is no legal basis for the

claim that a public body's past practice of exceeding FOIA's disclosure requirements creates an ongoing duty to do so or that a departure from such voluntary practices constitutes a FOIA violation.

Plaintiff's Amended Complaint alleges two FOIA violations: 1) that the agenda was insufficient to give notice of the action taken at the February 25, 2026, CCSD Board meeting; and 2) that the individual CCSD Trustees named as Defendants violated FOIA by engaging in discussions in secret. Plaintiff failed to show likelihood of success on either of these claims and is not entitled to injunctive relief.

As to the agenda, the February 25, 2026, agenda item titled "CCSD Education Foundation Board of Director Appointments", provided notice to the public that the CCSD Board would be "nominat[ing] and approv[ing]" Foundation Board members at the meeting. See 2/25/26 Agenda, 12(B), attached as **Exhibit 1**. That is what happened. FOIA does not set specific requirements for an agenda, but as stated in Brock v. Town of Mount Pleasant, 415 S.C. 625, 632, 785 S.E.2d 198, 202 (2016), an agenda must "give notice that some action may be taken" on a specific matter.

Courts have routinely rejected challenges to an agenda's specificity where, as here, the agenda gives the public notice of potential government action to be taken at a public meeting. In City of San Antonio v. Fourth Ct. of Appeals, 820 S.W.2d 762, 765 (Tex. 1991), city council posted an agenda listing: "An Ordinance determining the necessity for and authorizing the condemnation of certain property in County Blocks 4180, 4181, 4188, and 4297 in Southwest Bexar County for the construction of the Applewhite Water Supply Project." A citizen whose property was condemned by the city's passage of the ordinance at the council meeting complained that the agenda was insufficient to give her notice and that the agenda should have listed the specific properties sought to be condemned. The Supreme Court of Texas disagreed, finding "the

City's notice as to the subject matter of the ordinance was sufficient to ensure that a reader was given adequate notice of the proposed governmental action." Noting that an agenda must enable public access to, and increase public knowledge of, government decision making, the Court clarified that it:

need not go further and inquire into whether a notice was tailored to reach those specific individuals whose private interests are most likely to be affected by the proposed government action, as [complainant] would have us do. The intended beneficiaries of [FOIA] are not individual citizens, such as the particular landowners affected by this condemnation, but members of the interested public. If a "reader" is given notice, the requirement of [FOIA] is satisfied and its purpose served.

Id. at 765.

In Banks v. Bd. of Education of Chase Cty, 202 Neb. 717, 277 N.W.2d 76 (1979), the plaintiff sought a declaration that a school board meeting which authorized the approval of a contract with Wilson & Company, who were architects, was void because of a violation of the public meetings laws with respect to the contents of the agenda. The court's opinion recited that the agenda included notice of a "discussion" with John Smutz of Wilson & Company which "should result in determining whether we want this company or not." Id. at 723, 277 N.W.2d at 80. Nebraska's Supreme Court found that although the language was not "a model of clarity, [it] did inform the public that an agreement with the architect was to be discussed and possibly entered." Id. The court rejected the contention that the notice on the agenda was inadequate.

In Town of Marble v. Darien, 181 P.3d 1148, 1149 (Colo. 2008), town council held a public meeting at which it voted to reject a proposal for erecting a permanent monument at Mill Site Park, a local park owned by the town. Proponents of the proposal brought suit, alleging that the agenda was deficient and violated Colorado's Open Meetings Law because it did not expressly state that the council would be taking formal action on the proposal. The Colorado Supreme Court held that

the agenda was sufficient because an ordinary member of the community would understand that the agenda item listed on the notice - “Mill Site Committee Update” - would include consideration of, and possible formal action on, the Mill Site Park proposal.

Here, the public citizens of Charleston County were notified that nominations for Foundation board seats and voting on those nominations was anticipated to take place at the February 25, 2026, CCSD Board meeting. FOIA was satisfied. The fact that certain CCSD Board members and Plaintiff were disappointed in the nomination and approval of someone else for the Foundation Board seat for District 8 is not relevant to the determination of whether the agenda sufficiently apprised the public that nominations and votes on those nominations were likely to occur at the meeting.¹

As to Plaintiff’s contention that FOIA was violated by discussions amongst certain CCSD Board members outside of a properly noticed public meeting, Plaintiff failed to produce any competent evidence that a quorum of the Board met and discussed or deliberated on matters over which the Board has jurisdiction. See S.C. Code Ann. § 30-4-20(d) (defining “meeting” as “the convening of a quorum of the constituent membership of a public body, whether corporal or by means of electronic equipment, to discuss or act upon a matter over which the public body has supervision, control, jurisdiction or advisory power.”); see also S.C. Code Ann. § 30-4-20(e) (defining “quorum” as “a simple majority of the constituent membership of a public body.”). In fact, Plaintiff’s Amended Complaint concedes that any such conversations were held on a one-on-one basis. (Amend. Compl., ¶¶ 29-31). Moreover, Plaintiff did not produce any evidence as to the

¹ Notably, two of the CCSD Trustees called by Plaintiff to testify at the April 1, 2026, hearing on Plaintiff’s Motion, Trustee Roberson and Trustee Tempel, made nominations “from the floor” during the following CCSD Board meeting. Compare 4/4/26 Agenda (listing Joan Robinson-Berry as a nominee), attached as **Exhibit 2** (see item 2(A)), with the 4/4/26 Minutes (indicating that both Roberson and Tempel made additional nominations during the meeting), attached as **Exhibit 3** (see item 2(A)).

substance of those communications despite alleging that they violated the nature and spirit of FOIA.

CONCLUSION

The injunction sought by Plaintiff must be denied because Plaintiff failed to establish that he is likely to succeed on the merits of his claims that Defendants violated FOIA. Therefore, Defendants respectfully request that his request for injunctive relief be denied.

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ATTORNEYS FOR DEFENDANTS

Charleston, SC
April 2, 2026

EXHIBIT 3



Board of Trustees - Special Called Board Meeting - Mar 04 2026 Minutes

Wednesday, March 4, 2026 at 4:30 PM

75 Calhoun Street – Board Room

Members Present: Carlotte Bailey (Zoom), Carol Tempel, Carolina Jewett, Darlene Roberson, Keith Grybowski (Zoom), Kevin Hollinshead, Leah Whatley, Michele Leber (Zoom) and Pamela McKinney

1. Opening Items

<https://www.youtube.com/watch?v=hPft7lc2nhw&t=18s>

A. Call to Order

The meeting was called to order at 4:32 p.m.

B. Adoption of Agenda

Motion to adopt the agenda

Moved by: Leah Whatley

Seconded by: Carolina Jewett

Yea Carlotte Bailey, Carol Tempel, Carolina Jewett, Darlene Roberson, Keith Grybowski, Kevin Hollinshead, Leah Whatley, Michele Leber, and Pamela McKinney

Motion Carried 9-0

2. Other Business

<https://www.youtube.com/watch?v=hPft7lc2nhw&t=153s>

A. CCSD Board of Education Foundation Appointment

ORIGINATORS: Patrick Arnold, Executive Director, CCSD Education Foundation, Daniel Prentice, Chief Financial Officer

BACKGROUND:

In order to establish The CCSD Education Foundation, the Charleston County School District Board of Trustees shall nominate and approve the nine (9) initial Foundation board members representing each district. The appointments will be in compliance with the Foundation's Board of Directors Job Description and Conflict of Interest Policy.

District 7 Nominee: Joan Robinson-Berry

[Bio.pdf](#) 

[2025 CCSD Education Foundation Conflict of Interest Policy - Draft.pdf](#) 

[2025 CCSD Founding Trustee Job Description - Draft.pdf](#) 

[Bylaws \(2\).pdf](#) 

Leah Whatley nominated Joan Robinson-Berry

Darlene Dunmeyer-Roberson nominated Patricia Bligen Jones

Dr. Carol Tempel nominated Dr. John Thomas III

Motion to close nominations.

Moved by: Leah Whatley

Seconded by: Pamela McKinney

Motion to approve Joan Robinson-Berry

The motion carried by majority

vote.

3. Convene Executive Session

<https://www.youtube.com/watch?v=hPft7lc2nhw&t=824s>

- A. Convene in Executive Session to consider items covered by attorney-client privilege
Motion to convene in Executive Session to consider a Student Placement Appeal and an Out of County Request to Remain.

The motion carried by majority vote.

4. Executive Session

- A. Student Placement Appeal
ORIGINATOR: Legal Services
- B. Out of County Transfer Request – Oakland Elementary School/Liberty Hall Academy
ORIGINATOR: Legal Services

5. Open Session Reconvened

<https://www.youtube.com/watch?v=hPfT7lc2nhw&t=1931s>

A. Reconvene Open Session

Motion to reconvene Open Session

Moved by: Darlene Roberson; seconded by: Carol Tempel

Yea Carlotta Bailey, Carol Tempel, Carolina Jewett, Darlene Roberson, Keith Grybowski, Kevin Hollinshead, Leah Whatley, Michele Leber, and Pamela McKinney

Motion Carried 9-0

6. Possible Action of Executive Session Items

A. Student Placement Appeal

ORIGINATOR: Legal Services

Motion to uphold the hearing panel's decision

Moved by: Pamela McKinney; seconded by: Leah Whatley

Yea Carlotta Bailey, Carol Tempel, Carolina Jewett, Darlene Roberson, Keith Grybowski, Kevin Hollinshead, Leah Whatley, Michele Leber, and Pamela McKinney

Motion Carried 9-0

B. Out of County Request to Remain – Oakland Elementary School/Liberty Hall Academy

ORIGINATOR: Legal Services

Motion to allow the student to remain in CCSD for the remainder of the school year with current transportation to continue and tuition to be waived.

Moved by: Pamela McKinney; seconded by: Darlene Roberson

Yea Carlotta Bailey, Carol Tempel, Carolina Jewett, Darlene Roberson, Keith Grybowski, Kevin Hollinshead, Leah Whatley, Michele Leber, and Pamela McKinney

Motion Carried 9-0

7. Closing Items

A. Adjournment of Meeting

The meeting was adjourned at 5:14 p.m.

Motion to adjourn the meeting

Moved by: Leah Whatley; seconded by: Pamela McKinney

The motion carried by majority vote.

Meeting minutes were approved during the March 23, 2026 Board meeting.

STATE OF SOUTH CAROLINA
COUNTY OF CHARLESTON

DR. BRIAN MCCLURE,

Plaintiff,

vs.

CHARLESTON COUNTY SCHOOL DISTRICT,
LEAH WHATLEY, MICHELLE LEBER,
KEITH GRYBOWSKI, CARLOTTE BAILEY,
PAMELA MCKINNEY; and
CHARLESTON COUNTY SCHOOL DISTRICT
EDUCATION FOUNDATION,

Defendants.

IN THE COURT OF COMMON PLEAS
NINTH JUDICIAL CIRCUIT

Case No.: **2026-CP-10-01436**

**PLAINTIFF'S MOTION TO
RECONSIDER, ALTER, OR AMEND**

Pursuant to Rules 52 and 59 of the South Carolina Rules of Civil Procedure, Plaintiff, Dr. Brian McClure, through his undersigned attorney, submits this Motion to Reconsider, Alter or Amend the Court's Order entered April 6, 2026 (the "Order").

This Motion is made for the limited purpose of requesting that the Court reconsider its ruling and, at a minimum, amend the Order to set forth the findings of fact and conclusions of law which constitute the grounds of its Order. Specifically, Plaintiff requests the Court address the statutory irreparable-harm provision contained in the South Carolina Freedom of Information Act at S.C. Code Ann. § 30-4-100(A) and the specific agenda-addition requirements set forth in S.C. Code Ann. § 30-4-80(A). In support, Plaintiff shows as follows:

1. The Court's Order states that Plaintiff failed to demonstrate irreparable harm and the absence of an adequate remedy at law. Plaintiff respectfully submits that, because the operative claim arises under the South Carolina Freedom of Information Act, at S.C. Code Ann. § 30-4-100(A), a violation of FOIA, "must be considered to be an irreparable injury for which no adequate remedy at law exists." Plaintiff therefore requests that the Court reconsider whether those two elements are satisfied by statute if Plaintiff established a likelihood of success on

the FOIA claim.

2. Plaintiff further requests that the Court reconsider whether the Board's vote on Michelle Faust was a new action item requiring compliance with S.C. Code Ann. § 30-4-80(A). The publicly posted agendas identified specific nominees by district, including Plaintiff as the District 8 nominee. On February 25, 2026, after Plaintiff's nomination failed, the Board then moved to a different nominee who was not identified on the agenda and whose materials were not publicly posted in advance. Plaintiff respectfully submits that this was not merely continued consideration of the same item, but the addition of a distinct nominee for final action without the notice, vote, and findings required by FOIA.
3. If the Court remains inclined to deny injunctive relief, Plaintiff alternatively requests that the Court amend its Order to set forth more specific findings or reasoning concerning (a) irreparable harm, (b) lack of an adequate remedy at law, and (c) the basis for concluding that Plaintiff has not established a likelihood of success on the merits.

WHEREFORE, Plaintiff respectfully requests that the Court alter or amend its April 6, 2026 Order, grant the requested injunctive relief, or, in the alternative, amend the Order to include additional findings and analysis sufficient to address the issues raised above.

CONCLUSION

For the foregoing reasons, and as further set forth during the April 1, 2026, hearing, Plaintiff respectfully requests this Court reconsider, alter, or amend the Order entered April 4, 2026, and grant Plaintiff's request for injunctive relief.

RESPECTFULLY SUBMITTED,

s/Emmanuel J. Ferguson, Sr.
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SC Bar No. 81431
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Attorney for Plaintiff

STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
	)	FOR THE NINTH JUDICIAL CIRCUIT
COUNTY OF CHARLESTON	)	CASE NO: 2026-CP-10-01436
	)	
DR. BRIAN MCCLURE,	)	
	)	
Plaintiff,	)	DEFENDANT CHARLESTON COUNTY
	)	SCHOOL DISTRICT’S MEMORANDUM OF
v.	)	LAW IN OPPOSITION TO PLAINTIFF’S
	)	MOTION FOR RECONSIDERATION
CHARLESTON COUNTY SCHOOL	)	
DISTRICT, LEAH WHATLEY,	)	
MICHELLE LIEBER, KEITH	)	
GRYBOWSKI, CARLOTTE BAILEY,	)	
PAMELA MCKINNEY, and	)	
CHARLESTON COUNTY SCHOOL	)	
DISTRICT FOUNDATION,	)	
	)	
Defendants.	)	
	)	

This matter is before the Court on Plaintiff’s Motion to Reconsider, Alter, or Amend. The Court’s April 6, 2026, Order denying injunctive relief is supported by the evidence presented and Plaintiff’s Motion raises no basis as to why it should be altered or amended. Plaintiff’s Motion should be denied.

First, S.C. Code Ann. § 30-4-100(A) does not require a finding of irreparable harm or inadequate remedy at law. It merely provides that where a *violation* of South Carolina’s Freedom of Information Act has been established, irreparable injury for which no adequate remedy at law is to be presumed. Plaintiff failed to establish a violation of FOIA, rendering the presumption stated in S.C. Code Ann. § 30-4-100(A) inapplicable. Plaintiff’s Motion asks the Court to reconsider whether this presumption would apply *if* he had established likelihood of success on the merits. This hypothetical question does not merit the Court’s reconsideration of its Order.

Second, Plaintiff again argues that the nomination of Michelle Faust was a separate “action” item, requiring that the agenda be amended. This argument has been raised and ruled upon, and Plaintiff’s Motion presents no basis on which this Court should revisit its denial of injunctive relief. The agenda for the February 25, 2026, Charleston County School District Board of Trustees meeting unequivocally put the public on notice that the Board would be taking up the issue of nominations to the Education Foundation’s Board. There was no violation of FOIA.

Finally, Plaintiff’s Motion asks the Court to set forth more specific findings concerning its holding that Plaintiff failed to establish his entitlement to injunctive relief. However, the Court’s April 6, 2026, Order addresses each of the three factors that must be established to award injunctive relief, finding that Plaintiff failed to establish any one of them. See Noisette v. Ismail, 304 S.C. 56, 58, 403 S.E.2d 122, 123–24 (1991) (where a trial court substantially complies with Rule 52(a) and adequately states the basis for the result it reaches, the appellate court should not vacate the trial court’s judgment for lack of an explicit or specific factual finding).

In conclusion, Plaintiff’s Motion fails to raise a basis on which this Court should reconsider, alter, or amend its April 6, 2026, Order denying injunctive relief. Therefore, Defendants respectfully request that his Motion to Reconsider, Alter, or Amend be denied.

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ATTORNEYS FOR DEFENDANTS

Charleston, SC
 April 8, 2026

STATE OF SOUTH CAROLINA

COUNTY OF CHARLESTON

Dr. Brian McClure,

Appellant,

vs.

Charleston County School District, Charleston
County School District Education Foundation,
Leah Whatley, Michelle Leber, Keith
Grybowski, Carlote Bailey, and Pamela
Mckinney,

Respondent.

IN THE COURT OF COMMON PLEAS

NINTH JUDICIAL CIRCUIT

Case No.: 2025-CP-10-01436

NOTICE OF APPEAL

TO: THE CLERK OF COURT FOR CHARLESTON COUNTY AND
COUNSEL FOR RESPONDENT:

PLEASE TAKE NOTICE that the Appellant, Dr. Brian McClure, by and through his undersigned counsel, hereby appeals to the South Carolina Court of Appeals from the Order entered in the above-captioned matter on April 6, 2026, affirming the termination decision of the Respondent, Charleston County School District. This appeal is taken pursuant to Rule 203(b)(1), South Carolina Appellate Court Rules, and includes all issues preserved in the Appellant's Motion to Reconsider filed April 6, 2026, and the underlying Order of May 1, 2026, which affirmed the Charleston County School District Board of Trustees' February 25, 2026 termination decision.

A copy of the April 6, 2026, Order affirming the termination decision of the Respondent is attached as Exhibit A.

A copy of the May 1, 2026, Order denying Appellant's Motion to Reconsider, Alter, or Amend is attached as Exhibit B.

Specifically, the Court's April 6, 2026, and May 1, 2026, Orders were in error for the

following, general reasons:

1. The Court's April 6, 2026, Order states that Appellant failed to demonstrate irreparable harm and the absence of an adequate remedy at law. Appellant established both of these elements factually during the hearing on his Motion. Further, Appellant respectfully submits that, because the operative claim arises under the South Carolina Freedom of Information Act, at S.C. Code Ann. § 30-4-100(A), a violation of FOIA, "must be considered to be an irreparable injury for which no adequate remedy at law exists."

2. The Court's Order failed to address whether the Board's vote on Michelle Faust was a new action item requiring compliance with S.C. Code Ann. § 30-4-80(A). The publicly posted agendas identified specific nominees by district, including Appellant as the District 8 nominee. On February 25, 2026, after Appellant's nomination failed, the Board then moved to a different nominee who was not identified on the agenda and whose materials were not publicly posted in advance. Appellant respectfully submits that this was not merely continued consideration of the same item, but the addition of a distinct nominee for final action without the notice, vote, and findings required by FOIA.

3. Appellant alternatively requested that the Court, Pursuant to Rule 52(a) of the South Carolina Rules of Civil Procedure, amend its Order to set forth more specific findings or reasoning concerning (a) irreparable harm, (b) lack of an adequate remedy at law, and (c) the basis for concluding that Appellant has not established a likelihood of success on the merits. The Court's May 1, 2026, Order failed to address Appellant's request.

Therefore, Appellant submits this Notice of Appeal and seeks reversal of the Circuit Court's April 6, 2026, Order denying Appellant's Motion for Injunctive Relief.

RESPECTFULLY SUBMITTED,

s/Emmanuel J. Ferguson, Sr.

Emmanuel J. Ferguson, Sr., SC Bar No.

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Charleston, South Carolina
May 22, 2026

STATE OF SOUTH CAROLINA
COUNTY OF CHARLESTON
IN THE COURT OF COMMON PLEAS
C.A. NO. 2026-CP-10-01436

DR. BRIAN MCCLURE

PLAINTIFF,

VS.

CHARLESTON COUNTY SCHOOL DISTRICT,
LEAH WHATLEY, MICHELE LEBER,
KEITH GRYBOWSKI, CARLOTTE BAILEY,
PAMELA MCKINNEY; and CHARLESTON
COUNTY SCHOOL DISTRICT EDUCATION
FOUNDATION,

DEFENDANTS.

MOTION HEARING
BEFORE THE HONORABLE ROBERT J. BONDS

DATE: APRIL 1, 2026
LOCATION: SOUTH CAROLINA CIRCUIT COURT 9
TRANSCRIBED BY: ALI BEATTY

APPEARANCES:

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1 THE COURT: All right my understanding is were here today
2 on McClure vs Charleston County School District and others
3 2026-CP-10-01436 for Plaintiff's motion for a temporary
4 restraining order and preliminary injunction. Is that correct
5 from Plaintiff counsel?

6 MR. FERGUSON: Yes your Honor. My names Emmanuel
7 Ferguson, representing the Plaintiff and that is correct.

8 THE COURT: All right. Defense is that correct?

9 MS. PAYLOR: Yes your Honor and I'm Alice Paylor along
10 with Beth Palmer and we're representing all the Defendants.

11 THE COURT: All right. All right thank you very much.
12 The -- first of all, when I walked in this morning, I received
13 a package of information, okay, from -- it looks -- looks like
14 from Plaintiff and so I -- I will just be honest, I -- some of
15 this I've already had but I haven't had a chance to review all
16 of it since it made my -- hit my desk this morning. But do
17 y'all have a copy of that?

18 MS. PAYLOR: Yes your Honor.

19 THE COURT: Okay and what I will say is if there's
20 anything in response to what's been included here and provided
21 to me this morning, that I would give you a brief opportunity
22 if not to reply today if you want something in writing you can
23 get that to me as it relates to any type of reply, I -- I would
24 allow that. I want to state that on the record, okay?

25 MS. PAYLOR: Thank you. We have not had a chance to

1 review it either. We got it thirty minutes ago.

2 THE COURT: So my next question is this, the clerk advised
3 me that there may be some live testimony presented today or
4 requested to be presented. Is that correct --

5 MR. FERGUSON: That's correct.

6 THE COURT: -- from the Plaintiff?

7 MR. FERGUSON: Yes sir.

8 THE COURT: Okay. So then my question is as it relates to
9 live testimony, is there any motions to sequester witnesses in
10 this case? I don't -- I mean I don't know that there's a need
11 for it, but I at least want to give y'all the opportunity to be
12 heard on that issue.

13 MS. PAYLOR: No your Honor. There's really no question --

14 THE COURT: Okay.

15 MS. PAYLOR: -- facts or --

16 THE COURT: Okay, all right.

17 MS. PAYLOR: -- standings done.

18 THE COURT: So we're -- all right.

19 MS. PAYLOR: We do have two witnesses.

20 THE COURT: All right, so that's fine. All right in that
21 case, anything else that we need to take up before I allow
22 Plaintiff's counsel to begin their argument from the Plaintiff?

23 MR. FERGUSON: No your Honor.

24 THE COURT: Defense.

25 MS. PAYLOR: No your Honor.

1 THE COURT: All right yes sir.

2 MR. FERGUSON: Thank you your Honor. Thank you for
3 scheduling this hearing with you busy schedule. Like I said,
4 my name's Emmanuel Ferguson and I represent Dr. Brian McClure
5 in this matter. We're here today really the only aspect --
6 court institute a -- an injunction preventing the Charleston
7 County School Board Foundation from operating based upon
8 Plaintiff's claim that there was a FOIA violation. I don't
9 want to have you sit through an entire board meeting or board
10 hearing, but I need to give you a little bit of background on
11 --

12 THE COURT: Hold on one second.

13 MR. FERGUSON: Sure.

14 THE COURT: Technological problems this morning. It's my
15 fault, okay. I didn't bring my computer, and I wasn't told to
16 bring my computer. My law clerk has the day off and so the
17 first thing they want is a password that I naturally don't have
18 so we're making do.

19 CLERK: I'm sorry. It's going to do that. I'm not sure
20 where the glitch is at but --

21 THE COURT: All right. We'll try to work through that.
22 Thank you --

23 CLERK: Yes sir.

24 THE COURT: -- madam clerk and I apologize again --

25 CLERK: No --

1 THE COURT: -- for my -- my technological difficulty --

2 CLERK: Nothing --

3 THE COURT: -- here today. All right. If -- let me ask
4 you, is it still recording?

5 CLERK: Yes sir.

6 THE COURT: Even though it's doing that?

7 CLERK: Let me -- Yes sir it's still recording.

8 THE COURT: All right, that's fine. And of course all of
9 this is amongst other things because of a shortage of court
10 reporters and that's why we don't have -- we've got a serious
11 shortage of court reporters and that's why so many matters are
12 being held with electronic recording as opposed to a court
13 reporter. Yes sir go ahead, Mr. Ferguson.

14 MR. FERGUSON: Thank you. Let me give you a little
15 background about what's going on here. Charleston County
16 School Board is an entity that wanted to institute a separate
17 entity called the Charleston County Board -- excuse me.
18 Charleston School District Education Foundation and this is a
19 newly created non-profit entity organized accordingly to
20 support the Charleston County School District and be a
21 community partner to help advance the -- the goal with regard
22 to education in Charleston County. The Foundation is created
23 in two phases. In phase one, the goals --

24 MS. PAYLOR: Your Honor -- I object to this
25 mischaracterization of a lot of things. I mean if he has a

1 witness or it's in his pleadings, that's what he's got to rely
2 on and I know -- I've seen that he wants to put up some shots
3 from a school board meeting. We object to that.

4 THE COURT: All right.

5 MS. PAYLOR: The facts are not at issue. We -- I mean the
6 only question is whether there's a FOIA violation. Thank you
7 your Honor.

8 THE COURT: Well hold -- hold -- hold on. Response to her
9 objection?

10 MR. FERGUSON: Well your Honor, it's my understanding that
11 in order to grant an -- an injunction, the court has to find a
12 likelihood of success on the merits. Now if opposing counsel
13 will concede that there's some likelihood that there's success
14 on the merits, then I'll move on and we can just end the
15 hearing really.

16 THE COURT: Well I find it very unlikely that she's going
17 to do that. What I'm going to say is this: as it relates to
18 your objection I think some of the information that he's
19 providing me sort of outlines what I might call some other res
20 gestae that's all swirling here and I think quite frankly it's
21 -- I -- I think that's appropriate matter for me to -- to know
22 about that may or may not be information that specifically is
23 going to cut to the decision for but I'm just going to -- I'm
24 going to allow it ma'am. I'm going to give -- and quite
25 frankly I'm going to give wide latitude today to both parties

1 as it relates to (indiscernible) so I'll note your objection.

2 MS. PAYLOR: Thank you.

3 THE COURT: But I'm going to overrule it, yes ma'am. Go
4 ahead sir.

5 MR. FERGUSON: Now to get the Foundation started, the
6 Board of Trustees has to nominate and select board members for
7 the foundation and the Board of Trustee, Plaintiff alleges and
8 what we can show, was given directive for each board member to
9 nominate one person from their district to serve on the Board
10 -- on the Foundation board. And what occurred is on January
11 26th of 2026, there was a board meeting where a list of
12 nominees were placed on the agenda. And all of those nominees
13 were voted on and approved but the one, my client Mr. McClure.
14 Subsequently, there was another board meeting on February 25th,
15 2026, where again --

16 THE COURT: Let me ask you one thing. So at the January
17 board meeting, there was basically were there listed nominee
18 just like in this case and it's a -- I guess district one,
19 district two because I noticed that in the February board
20 meeting -- the -- the agenda, it said basically there was like
21 district seven, district eight, district nine. So my question
22 is in the -- in the January agenda, was it outlined the same
23 way?

24 MR. FERGUSON: Yes your Honor and I've got it on the
25 screen up there, but it is Exhibit -- beg the courts

1 indulgence, Exhibit A of -- of my memo. That is the January
2 26th agenda. But you can see that each candidate for each
3 district was named by name and was given -- excuse me, and was
4 attached to the agenda was biographical or resume information
5 for the Board to consider. Now this information was conveyed
6 to the district trustees that they needed provide this
7 information in order to put it on the agenda.

8 So they had to provide it before the meeting to put on the
9 agenda to properly notice it to the public. Further, not only
10 the January 26th meeting, but the February and it's on the
11 screen now. The February 25th, 2026, meeting did the exact
12 same thing. It had the first time nominees, the district
13 number, the name of the person and some biographical
14 information that was attached to the agenda and properly
15 noticed for district seven and district nine, first time
16 nominees and also for Dr. McClure, Plaintiff, as a second time
17 nominee.

18 Now this information was again provided before the meeting
19 and for the public to -- to notice the public and allow them to
20 comment. But that's not all your Honor. Again, on March 4th,
21 2026, it was a special call meeting and that special call
22 meeting dealt with naming a Foundation member for district
23 seven and once again, that agenda listed a name of the
24 individual the Board was planned on nominating, and provided
25 that pertinent biographical information. The crux of what's

1 going on here is that on February the 25th, 2026, a board
2 member nominated another nominee who was not listed on the
3 agenda and was not properly noticed, and they voted on that
4 person. What's more is that there is evidence to show that at
5 least five, which is a quorum in this -- this number, at least
6 five board members spoke with each other and discussed
7 nominating this person, Michelle Faust, before the meeting
8 began. And with the courts indulgence --

9 THE COURT: What did you say the five members did what?

10 MR. FERGUSON: They -- they discussed with each other
11 nominating another candidate beforehand.

12 THE COURT: Okay.

13 MR. FERGUSON: And that your Honor shows one --

14 THE COURT: Counsel, I'm not taking all of this
15 necessarily as fact. This is his argument and what he's
16 admitting here. So I'll give you the opportunity to respond,
17 all right?

18 MR. FERGUSON: Excuse me your Honor.

19 THE COURT: That's all right. That's all right.

20 (Video plays.)

21 MR. FERGUSON: And to show this I have just a small clip
22 of -- it's only about a minute long.

23 (Video plays.)

24 MR. FERGUSON: This is from the February 25th, 2026, board
25 meeting where they're discussing the nomination process and the

1 fact that one of the candidates, Michelle Faust, her name was
2 not provided to the board members and was not placed on the
3 agenda. I want to play this your Honor to show one, there's a
4 likelihood of success on the merits regarding the FOIA
5 violation and to show that even the board members -- other
6 board members wanted and thought it was necessary for a resume
7 and a name to be presented before the meeting. It's only about
8 a minute long.

9 (Video plays.)

10 MR. FERGUSON: Here your Honor we can see two things.
11 One, the board members expected and were told that they need to
12 be provided resumes and names before the meeting so it can be
13 properly noticed and that was done on all the other candidates
14 but for the nominee for district eight. And then which would
15 be Michelle Faust. Secondly, your Honor it showed that Ms.
16 Leber and four other board members spoke with each other and
17 discussed nominating another candidate in place of the district
18 eight nominee before the meeting and outside of executive
19 session.

20 Now that's important because the Freedom of Information
21 Act clearly states that you cannot circumvent the process of
22 providing notice and discussing by chance meetings, social
23 meetings or electronic communications. Section 30-4-70(c)
24 specifically states that and here there's a likelihood of
25 success on the merits based on the evidence that we have today

1 that the board members circumvented the spirit of FOIA by
2 discussing adding or nominating Michelle Faust without noticing
3 her to the public. Even further, without even noticing her to
4 the rest of the Board. That in and of itself is a violation of
5 FOIA.

6 THE COURT: So what's the evidence -- what -- what
7 evidence do you have specifically right now that shows that
8 they met?

9 MR. FERGUSON: I have --

10 THE COURT: And how did they meet? That's what I --
11 because -- because are you saying that for instance two board
12 members, two county council people, two school board members
13 couldn't go to lunch and discuss something amongst themselves?

14 MR. FERGUSON: They can except they could try to
15 circumvent the spirit of FOIA by discussing it in one on one
16 meetings with the intention to make nominations outside of
17 where it needs to be discussed.

18 THE COURT: Okay. And so do you have any -- what's your
19 evidence of that? That that -- that that -- that that took
20 place?

21 MR. FERGUSON: I could play the video again but Michele
22 Leber, one of the board members says I spoke with, and I met
23 with five of the board members, five of the members. So she
24 said that in the video. I'm happy to play it again if you'd
25 like your Honor.

1 THE COURT: No, go ahead.

2 MR. FERGUSON: Moreover, Defendants concede that some of
3 the board members had these one on one meetings. In fact, in a
4 letter provided to me and attached to the amended complaint,
5 (indiscernible) are the -- the Board, the Defendants admit that
6 there were one on one meetings outside of executive sessions to
7 discuss the nomination of this other candidate. Now that
8 (indiscernible) doesn't have to believe (indiscernible) but
9 what it does have to admit, or it must acknowledge that that is
10 evidence that FOIA may have been violated. Because it so
11 happens that FOIA may have been violated is (indiscernible)
12 success on the merits. And that means that for board must
13 enjoin the Defendants from proceeding with the Board -- the
14 Foundation activities. There are three things that will allow
15 the Plaintiff to obtain an injunction: (indiscernible) success
16 on the merits, you've got -- hold on -- got the --
17 (indiscernible) the three --

18 THE COURT: That's all right. Take your time.

19 MR. FERGUSON: But likelihood of success on the merits, no
20 adequate remedy of law, and that you suffered irreparable harm.
21 Now with regard to irreparable harm and likelihood or excuse me
22 and no adequate remedy of the law, FOIA specifically states in
23 South Carolina code 30-4-100 that a violation of FOIA must be
24 considered an irreparable injury for which no adequate remedy
25 of law exists. Therefore that's not even in your purview now

1 judge because the statute requires you to go ahead and assume
2 those two things. So now the only thing (indiscernible) to say
3 is there a likelihood of (inaudible) in my memo and based on
4 the presentation here today, we can show that the February
5 25th, 2026, meeting was noticed with board members names and
6 resumes. The January 26th meeting was noticed with resumes and
7 so was the March 4th, 2026, meeting. All three of those
8 meetings noticed of the name and their resumes.

9 THE COURT: Let me ask you, the March -- the March meeting
10 -- special meeting. I mean they complied with FOIA there,
11 right?

12 MR. FERGUSON: They did comply with FOIA at the March 4th
13 meeting where they identified that --

14 THE COURT: The special meeting?

15 MR. FERGUSON: The special meeting.

16 THE COURT: They complied with FOIA then.

17 MR. FERGUSON: I assume they did.

18 THE COURT: Well I mean you don't have anything to the
19 contrary that would say that they elected or they appointed or
20 nominated and approved that person, and I'm sorry I don't know
21 who it was, on that day in March that would have been as far as
22 complying with FOIA, you don't have any evidence to say that
23 they (indiscernible) at that time?

24 MR. FERGUSON: To the extent of putting that meeting in a
25 vacuum, yes they did comply with (indiscernible) now they

1 didn't -- they didn't -- they should not have been able to
2 continue to vote on board members because they had already
3 illegally nominated and voted on Ms. Faust. Now Ms. Faust's
4 name was not in the March 4th. So January 26th was the
5 original meeting that was noticed and was properly noticed.

6 THE COURT: Right.

7 MR. FERGUSON: February 25th was another meeting that was
8 properly noticed except for the notice of Ms. Faust being added
9 as a candidate. The March meeting was also properly noticed
10 but it did not have Ms. Faust's -- was not one of the
11 candidates. But as you can see, each of these notices include
12 the name and the biographical information the candidate and --

13 THE COURT: Were they required --

14 MR. FERGUSON: Yes.

15 THE COURT: -- to put those names in?

16 MR. FERGUSON: Yes your Honor. And I'm glad you asked
17 that because I will point the court to two things. First South
18 Carolina code 30-4-100 which states in part -- excuse me.

19 THE COURT: No problem.

20 MR. FERGUSON: Excuse me, 30-4-80 which states in part,
21 the notice, the intended notice must include reasonable date,
22 time, places of such meetings. Nd agenda for regularly
23 scheduled or special meeting must be posted on a bulletin board
24 at a publicly acceptable place. Now no -- once an agenda for a
25 regularly called special or rescheduled meeting is posted

1 pursuant to FOIA, this is important, no items may be added to
2 this agenda without an additional 24 hours' notice to the
3 public, which must be made in the same manner as the original
4 post. The original posting, including same -- the -- the
5 original posting including names and the biographies of each
6 separate candidate.

7 Moreover, Charleston County School Board policy B-E -- B-
8 E-B-D-A and B-E-D-B say essentially the same thing. Let me
9 find that in my -- my exhibits. I had this all in a
10 (indiscernible). My technology like yours your Honor is not
11 cooperating with me.

12 Exhibit E of my memo is Charleston County School
13 District's board policy for having -- as (indiscernible)
14 Exhibit D. And it states -- I'm sorry it's Exhibit E, forgive
15 me. Exhibit E, it states that agenda items for which the
16 supporting materials have not been received in a timely manner
17 shall be deferred to the next regularly scheduled meeting.
18 Here, Ms. Jewett one of the board trustee members essentially
19 stated, it's in the record that she did not receive the -- the
20 materials in a timely manner. So they shouldn't have voted on
21 it according to the board's policy. They should have deferred
22 it to the next regularly scheduled meeting.

23 Moreover, (indiscernible) that item -- the agenda item
24 must be identified and described as one on the board action
25 item form. The form must be turned in before the deadline for

1 submission. Any such item must be accompanied by the
2 appropriate back up material. The appropriate back up material
3 is the name and the resume of the nominee. That is what
4 happened in three different meetings.

5 So the likelihood of success of the FOIA violation is
6 clear, but that's not even -- that -- it's just -- and -- a
7 showing that there's some likelihood of success from the FOIA
8 violation. Now I could go into the harm that would be carved
9 by allowing the Board Foundation to continue but it -- it's
10 statutorily implied. Beyond that your Honor, this is a public
11 issue. The Board Foundation is designed to be a partner with
12 the community and from my position I know my (indiscernible) is
13 that the reason that this district is nominating -- has a
14 nominee is to ensure the diversity of such a large district is
15 being fairly represented.

16 So allowing another board member to circumvent that
17 process and make a nomination and deny a -- an entire community
18 and (indiscernible) the Board is in itself a harm. Now
19 opposing counsel's going to argue and likely argue that there's
20 nothing in the bylaws that states that each board member has a
21 specific vote. Now that's disingenuous for two reasons. One
22 the parliamentarian on the February 25th or excuse me the
23 January 26th meeting told the board members that they get one
24 nominee gets the vote. If you don't believe me and my
25 technology would work, I can play you that video -- that audio

1 clip. Here it is.

2 (Video plays.)

3 MR. FERGUSON: So even at the hearing, the parliamentarian
4 instructed the Board that each -- each board member will get a
5 nomination. Now after that meeting, all of a sudden, no. Each
6 board member can nominate as many (inaudible) without any
7 notice. I think I'm -- I -- I've beat a dead horse here your
8 Honor as far as that. I do have witnesses. I've done --

9 THE COURT: Let me ask you something and I'm not saying
10 that but lets assume they violated their own policy, okay?
11 Certainly I -- sounds to me like you submit that to me? Is
12 that fair?

13 MR. FERGUSON: That is fair.

14 THE COURT: Just because they violate their own policy,
15 does that mean there's a violation of FOIA? In other words, it
16 seems to me that FOIA would set sort of a baseline and if they
17 go and have their own policy here after they violate their
18 policy, does that mean they violate FOIA? Now do you
19 understand --

20 MR. FERGUSON: I do. The thing is the Board's policy may
21 have additional protections that are beyond what FOIA requires
22 and they --

23 THE COURT: But they're not -- for the sake of argument
24 and I'm not saying that they are but for the sake of argument,
25 let's assume they didn't follow their own policy. They --

1 whatever, they didn't follow the guidelines. And again I'm not
2 saying they did or they didn't do that, but I don't -- I'm
3 having trouble understanding how that ends up being a violation
4 of FOIA. If FOIA only requires certain information okay and
5 they going to decide to put additional information in there but
6 then they screw it up for any number of reasons, does that
7 translate to a violation of FOIA?

8 MR. FERGUSON: It does because those were policies the
9 public relies on to ensure that FOIA is complied with meaning
10 the Board's saying hey we comply with FOIA whenever we do A, B,
11 and C, where we provide the names and we provide the
12 information before the Board. And that is illustrated because
13 they followed and put it in the agenda. Now FOIA picks up
14 where that ball drops off by saying you've got to notice in the
15 same manner as the previous notice. So what the Board is --
16 the Board's internal policies are saying is this is how we're
17 going to notice our meetings and if we don't have this kind of
18 notice then we're going to defer it to the next board meeting.

19 And then FOIA says if you make that election, if you do
20 that, then you need to notice it in the same manner as before
21 to ensure consistency with -- with the public. Otherwise the
22 -- the Board will arbitrarily -- arbitrarily say well we
23 provided notice there because we wrote agenda item, nominees.
24 That -- that's all we need. No, no, no, no. The board policy
25 says this is how we say -- this is how we take the position

1 that we approve and we are following form. But I -- I think
2 that's a great question and I think those two connected a
3 couple -- the pick up where each other leaves each other off.

4 So that is -- the -- so -- now with respect to the
5 witnesses I asked, there are three board members
6 (indiscernible) your Honor and I'm happy to proffer their
7 testimony. Their testimony is likely to be that they were not
8 given notice of the nomination of Michelle Faust, that they
9 were informed that each district nominee or board member
10 backing a district nominee who (indiscernible) and that the
11 criteria of that nominee was only that they were a resident of
12 that district and didn't have a conflict of interest. And both
13 -- both facts are important because they show that the Board's
14 decision to nominate Ms. Faust was arbitrary in (indiscernible)
15 which is another element that we have to allege and establish
16 in order to support a -- an injunction in this matter. Now if
17 the Board -- the court is (indiscernible) testimony, I'm happy
18 to call them for a brief time. But if not, I think --

19 THE COURT: Well I -- I would allow -- I've already said
20 at the outset I'm giving each side wide latitude (inaudible)
21 You put on, obviously she can object, have an ongoing
22 objection, whatever if she wants, but you want to call these
23 people, you call these people but (indiscernible) but I mean
24 I'm not going to -- you put your case on the way you want to
25 put your case on.

1 MR. FERGUSON: I'll call Ms. Jewett.

2 THE COURT: All right. Ma'am can you raise your right
3 hand?

4 (CAROLINA JEWETT, PLAINTIFF'S WITNESS, SWORN)

5 THE COURT: Do you swear to tell the truth, the whole
6 truth and nothing but the truth, so help you God? All right
7 thank you. State your name please. Sure, sure. Will you move
8 that podium counsel so -- whoa careful. He's going to make you
9 do a high jump when he comes back by there. Is that good? Can
10 you see?

11 CLERK: Yes that's fine.

12 THE COURT: All right and ma'am can you state your name
13 for me please?

14 THE WITNESS: Carolina Jewett.

15 THE COURT: All right thank you. Your witness.

16 MR. FERGUSON: Thank you.

17 DIRECT EXAMINATION

18 BY MR. FERGUSON:

19 Q. Ms. Jewett what is your position with regard to the
20 Charleston County School District?

21 A. (indiscernible).

22 Q. And as a member of the Board of Trustees with district two,
23 do you have any knowledge about the Board of Charleston County
24 School District Foundation?

25 A. Knowledge of the Foundation?

1 Q. Yes, you know what I'm talking about when I say the -- the
2 Charleston County School District Foundation?

3 A. I do.

4 Q. Okay. What is your understanding of -- of the purpose of
5 the Foundation?

6 A. It's a nonprofit group organization that was established in
7 order for CCSD as a whole with all the districts combined to be
8 able to fund extracurricular non -- nonprofit --

9 Q. And with regard to the Foundations board members, what was
10 your understanding of the nomination process to nominate
11 members to serve on the Foundation's board?

12 A. We were all (inaudible) for the nominees (indiscernible)
13 per district (indiscernible).

14 Q. What -- what was your understanding of how many nominations
15 each board member got?

16 A. One. One.

17 Q. And what was the understanding about whether a board member
18 could nominate a candidate for a different district that they
19 did not represent?

20 A. We were never told that.

21 Q. Can you help me understand that? What -- what do you mean
22 that you were never told that? What were you never told and --

23 A. We were never told that we could nominate a second
24 candidate for a different district until -- until it came up
25 and then suddenly one of the board members candidates had

1 (inaudible) and -- and now we were in (inaudible).

2 Q. Do you recall the February 25th, 2026, board meeting?

3 A. Which one was that one?

4 Q. That was one where I believe you were by zoom? Remember
5 that one?

6 A. It was the (inaudible) one?

7 Q. Yes. Is that a yes?

8 A. Yes.

9 Q. Okay. Were you aware that Michelle Faust's name was going
10 to -- identified as the nominee for district eight?

11 A. No.

12 Q. You ever see Ms. Faust's resume prior to the meeting?

13 A. (inaudible).

14 Q. And what was your understanding with regards to whether you
15 should have been given Ms. Faust's resume?

16 A. (inaudible).

17 Q. And you believe that the failure to provide Ms. Faust's
18 resume to you or identify her (indiscernible) on the agenda was
19 a violation of FOIA?

20 MS. PAYLOR: (inaudible).

21 THE COURT: I'm -- I'm going to sustain that.

22 BY MR. FERGUSON:

23 Q. Do you believe there was a problem -- a procedural problem
24 with nominating Ms. Faust without any notice?

25 A. Well I did because we can't vote (indiscernible) on

1 (inaudible) as of (inaudible) the hearings that we
2 (indiscernible) and now even voted the next day. I say we've
3 got to (indiscernible) So if they only put the (indiscernible).

4 MR. FERGUSON: Thank you Ms. Jewett. Please answer any
5 questions opposing counsel may have.

6 THE COURT: Your witness.

7 MS. PAYLOR: Thank you your Honor. Good Morning Ms.
8 Jewett. How are you doing?

9 THE WITNESS: Good.

10 CROSS EXAMINATION

11 BY MS. PAYLOR:

12 Q. The Board approved the bylaws for the Foundation, right?

13 A. Yep.

14 Q. And you reviewed those before you approved them. Is that
15 correct?

16 A. I did and I did not.

17 Q. You didn't what?

18 A. (inaudible).

19 Q. So the bylaws provided in section 5.02 the initial voting
20 members, the directors of the corporation, shall be appointed
21 by majority vote of the Board of Trustees of the district. Did
22 you understand that the person nominated would have to be
23 appointed by a majority of the Board?

24 A. Yes that's the second part of that section.

25 Q. It's the part talking about shall be appointed by majority

1 vote. Then it says in phase one, the initial voting members,
2 directors of the corporation, appointed by the Board of
3 Trustees shall consist of a (inaudible)?

4 THE COURT: Yes? Is that a yes?

5 BY MS. PAYLOR:

6 Q. So you always knew how many (inaudible) were on the Board?
7 Unless (indiscernible) correct?

8 A. Yes we were all told (inaudible), multiple times
9 (indiscernible).

10 Q. One of the (indiscernible) Exhibit 1 your Honor?

11 (Defendant's Exhibit 1 introduced.)

12 THE COURT: Yes ma'am. Have you seen it? Does he know
13 what it is? I'm assuming --

14 BY MS. PAYLOR:

15 Q. Ms. Jewett (inaudible) and she is -- one moment.

16 THE COURT: Yes ma'am.

17 BY MS. PAYLOR:

18 Q. (indiscernible) but this happened after (indiscernible).
19 Did you get an email before (inaudible)?

20 A. (inaudible).

21 Q. Did you get an email (inaudible).

22 A. I did get an email requesting the (indiscernible) having
23 the (indiscernible) everybody was putting their votes
24 (indiscernible).

25 Q. So they could be nominated?

1 A. So that they could be nominated.

2 Q. So then everybody could see and --

3 A. (indiscernible).

4 Q. Did all the members know the nominees?

5 A. No.

6 Q. So there were going to have to be nominees? And all the
7 nominees were appointed by majority vote except
8 (indiscernible).

9 A. The nominees were (indiscernible)

10 Q. That were up?

11 A. That were up

12 Q. Okay. Did anyone make another nomination?

13 A. No.

14 Q. And you spoke to (indiscernible) email dated January 29th
15 --

16 A. (inaudible).

17 Q. It says in here and they follow up (indiscernible) bylaws
18 (indiscernible) regarding the nomination (indiscernible).

19 MR. FERGUSON: Your Honor I'm going to have to object to
20 what --

21 MS. PAYLOR: Well --

22 MR. FERGUSON: (indiscernible) people outside the scope of
23 whether no agenda was set forth (indiscernible) but --

24 THE COURT: Well I -- I think it perhaps has everything to
25 do with it because you were saying about policy and not

1 following the policy and that being an issue as it relates to
2 FOIA and that's up to your putting the public on notice. And I
3 think she's addressing -- I -- I am -- I think what she's doing
4 is addressing that. So I note your objection and I also say I
5 gave you wide, a pretty wide birth. You certainly feel free to
6 object set these records but at the same time I think
7 turnabout's there and I will give her a little of a wide birth
8 as to what (inaudible).

9 MR. FERGUSON: Thank you your Honor.

10 THE COURT: Yes sir.

11 BY MS. PAYLOR:

12 Q. So during phase one, the initial voting members of the
13 Board are appointed by majority vote of the Board of Trustees,
14 and you agree that's what the bylaws say, correct?

15 THE COURT: Yes?

16 THE WITNESS: Yes.

17 THE COURT: You have -- you have to yes, no or however
18 you want to answer. Not mhm.

19 THE WITNESS: Sorry.

20 THE COURT: No problem.

21 BY MS. PAYLOR:

22 Q. It then goes in our next paragraph, accordingly if a
23 majority of the Board does not support a trustee's nomination,
24 (inaudible) such circumstances (indiscernible) not
25 (indiscernible) never qualified (indiscernible) consideration

1 (inaudible). So you were informed (indiscernible)?

2 A. (indiscernible) I don't know that I -- I would have made a
3 nomination because I didn't think that it was appropriate that
4 we get an email after we nominated people to then find out that
5 we are -- I would have voted maybe potentially differently when
6 I was sitting on the podium voting for certain candidates for
7 other peoples nominations. So while I did get notice, I don't
8 think that this is (inaudible) because the process isn't
9 proper.

10 Q. Okay. In your opinion, the process (inaudible). So --

11 A. Well there wasn't a process laid out. There wasn't a
12 process laid out for what happens if a board member doesn't get
13 -- get their nominee (inaudible).

14 Q. The bylaws don't even require the board members (inaudible)
15 correct? Correct? It doesn't tell you (indiscernible).

16 A. Board members will not (inaudible).

17 Q. (inaudible).

18 A. It doesn't state (indiscernible) it just says board members
19 will nominate (indiscernible).

20 Q. So the superintendent shall (indiscernible) an opportunity
21 to nominate someone from the district, correct?

22 A. Not to my (indiscernible).

23 Q. (indiscernible) an opportunity to nominate someone
24 (indiscernible) Didn't you nominate someone?

25 A. I did. Prior to the --

1 Q. Okay and your person got appointed, correct?

2 A. I would have voted differently during that meeting had I
3 known (inaudible).

4 Q. You wouldn't have appointed your nominee?

5 A. I would not have supported nominees for district
6 (inaudible).

7 Q. Did you put forth a nominee (inaudible)?

8 A. (inaudible)

9 Q. All right. So you got sent that on January 29th. Another
10 board meeting (inaudible) other (inaudible) that you haven't
11 previously made?

12 A. (inaudible)

13 Q. And all the (indiscernible) made the same nominee
14 (indiscernible) had they not been approved, correct?

15 A. (inaudible)

16 Q. And at the meeting were the two nominations of the trustees
17 other than Ms. Roberson had been approved?

18 A. They were.

19 Q. And was Mrs. Roberson same nomination that had previously
20 not been approved, it was not approved, correct?

21 A. Correct.

22 Q. And at that meeting, not only you were physically present,
23 were you at that meeting?

24 A. No it was the last minute special call meeting, changed
25 date.

1 Q. That was the one where it was storm coming on Monday and
2 you couldn't --

3 A. No I think there's no water at the building and so --

4 Q. No water at the building --

5 A. But --

6 Q. (inaudible) meeting (inaudible) Monday (inaudible) in that
7 same (indiscernible)?

8 A. I think it was still just -- (indiscernible) I don't know
9 at this point (indiscernible)

10 Q. (indiscernible) thought about -- it was going to be on
11 February 23rd (inaudible) correct? Okay and on February 14th,
12 Ms. Huggins resent her email, do you see it? (indiscernible)
13 This is our Exhibit 2 your Honor.

14 (Plaintiff's Exhibit 2 introduced.)

15 THE COURT: All right.

16 MS. PAYON: (indiscernible)

17 BY MS. PAYON:

18 Q. At the February meeting, after Ms. Roberson nominated
19 (indiscernible) Ms. Whatley another trustee, made a motion on
20 Michelle Faust?

21 A. Correct.

22 Q. And did hand out some new resumes to people who were
23 present. You were not present (inaudible)?

24 A. Neither did anybody else that wasn't there, but I don't --
25 I don't know I --

1 Q. Who else wasn't there?

2 A. I don't know. I don't know if (indiscernible) was there.
3 I don't know.

4 Q. So she may have -- and this person lives in district eight,
5 correct?

6 A. I don't know. I don't know Michelle Faust. I don't know
7 where she lives.

8 Q. Right, she -- if she lived in district eight and she signed
9 the conflict of interest, she was eligible to be appointed to
10 the Board Foundation, right?

11 A. Yes but if she wasn't brought to us until that meeting at
12 that time with the resume and within the meeting, how did she
13 get the conflict of interest already?

14 Q. I (indiscernible) I shouldn't have brought the conflict of
15 interest -- (indiscernible) played a role in it but she would
16 have to sign it in order to become a member --

17 A. Right but wouldn't --

18 Q. To qualify?

19 A. Wouldn't the district probably need to see that ahead of
20 time?

21 Q. I doubt it. That's something you can always get signed.
22 But anyway it was -- and how many people vote?

23 A. Five --

24 Q. To gain a majority of the votes, correct?

25 A. Five people voted. The rest of us never had a chance to

1 vote.

2 Q. And tell us why you didn't -- never had a chance to vote?

3 A. They stopped meeting. They finished -- they said that they
4 had nominated her and that -- I mean I think that you can
5 (inaudible).

6 Q. Okay.

7 A. And --

8 Q. Were you present that night? Was there a commotion that
9 went on?

10 A. Was I --

11 Q. At the meeting?

12 A. No. We all know that I was zooming in.

13 Q. Okay. And they had to reach -- adjourn the meeting to
14 another room, correct?

15 A. Yes I believe Carlotte Bailey started fighting with another
16 member in the audience.

17 Q. So the bylaws specifically were followed? They were --

18 A. So the bylaws --

19 Q. Did --

20 A. The bylaws say that we -- if somebody doesn't get nominated
21 then we're at the then we're (indiscernible) what happens if
22 (indiscernible) nominated in phase one, it does talk about what
23 happens (inaudible) going back to phase one but it doesn't ever
24 specify if a nominee is not voted in what then happens? How
25 does the process work? And I get that the process is then

1 consulting -- it really bothers me that that gets left out
2 because using loopholes is not a good idea. It's not a good
3 way to follow law.

4 The law should state or the -- the process should be that
5 in fact somebody doesn't get voted in, this is what it will be
6 done then. It doesn't state that in our bylaws and that --
7 that's on us. We need to go back and rewrite the bylaws. We
8 need to fix the -- that problem because it wasn't clear. But
9 --

10 Q. And this nomination is just a nomination? That person had
11 no right to believe they were going to get appointed until --

12 A. No.

13 Q. -- majority vote? Thank you.

14 THE COURT: Redirect?

15 MR. FERGUSON: Just briefly your Honor.

16 THE COURT: Okay.

17 REDIRECT EXAMINATION

18 BY MR. FERGUSON:

19 Q. Ms. Jewett you were shown some emails from February 26th
20 and from I believe it was January 29th just a moment ago.
21 Those came from Anita Huggins, is that right?

22 A. Yes.

23 Q. When the Board of Trustees requests a point of order or
24 clarification, to whom do they ask to get clarification?

25 A. The parliamentarian usually.

1 Q. Is it fair to say that the parliamentarian is the one who
2 directs the Board about what the bylaws say and how the bylaws
3 are interpreted?

4 MS. PAYLOR: Object to the form. Parliamentarian is there
5 for Roberts Rules of Order.

6 THE COURT: I -- I'm sorry?

7 MS. PAYLOR: The parliamentarian is there for Robert's
8 Rules of Order.

9 THE COURT: I -- I note your objection. I'm going to
10 overrule it. Go ahead.

11 BY MR. FERGUSON:

12 Q. Has the Board of Trustees ever asked the parliamentarian
13 for clarification on the bylaws?

14 A. Yes.

15 Q. And as the -- do you recall the parliamentarian ever
16 telling the Board that one that the district Board of Trustees
17 now made up in their own individual district?

18 A. Really --

19 Q. I know I'm asking a question that's obvious, but I have to
20 get it on the record. Do you -- do you recall that the
21 parliamentarian instructed the --

22 A. Yeah.

23 Q. -- Board of Trustees --

24 A. Yeah.

25 Q. Let me actually finish the question. Do you recall that

1 the parliamentarian instructed the Board of Trustees that each
2 Board of Trustee got one nomination for their individual
3 district?

4 A. I mean that each -- each trustee gets a -- a nominee.

5 Q. Okay. And did you rely on that interpretation? And in the
6 email that you were presented, does it say in there that each
7 -- doesn't -- doesn't Ms. Huggins request that if you're going
8 to make a nominee -- a nomination that you bring the resume or
9 CV to that person in advance?

10 A. I have not read through the email again. We were told to
11 bring the resumes in prior emails though.

12 MR. FERGUSON: Okay. I don't have any further questions.
13 Thank you.

14 THE COURT: Anything else? Limited to redirect.

15 MS. PAYOR: One follow up. This is redirect? I'm on --

16 THE COURT: All right.

17 RECROSS EXAMINATION

18 BY MS. PAYLOR:

19 Q. All right we have read the bylaws. You agree with me that
20 (inaudible) did not quote from the bylaws?

21 A. The parliamentarian did not tell --

22 Q. He did not quote from the bylaws?

23 A. He did not quote from the bylaws.

24 MS. PAYLOR: (indiscernible)

25 THE COURT: All right. Stand down? Thank you so much

1 ma'am.

2 MR. FERGUSON: We call Darlene Roberson.

3 CLERK: Please place your left hand (indiscernible).

4 (DARLENE DUNMEYER-ROBERSON, PLAINTIFF'S WITNESS, SWORN)

5 CLERK: Do you swear of affirm that the testimony you will
6 give before this court will be the truth, the whole truth and
7 nothing but the truth so help you God?

8 THE WITNESS: (inaudible).

9 CLERK: Please state your full name for the record.

10 THE WITNESS: (inaudible).

11 THE COURT: Your witness (indiscernible)

12 DIRECT EXAMINATION

13 BY MR. FERGUSON:

14 Q. (indiscernible) with respect to your relationship with
15 Charleston County School District Board of Trustees?

16 A. I'm (indiscernible).

17 Q. And in your capacity as a Board of Trustees member, are you
18 familiar with Charleston County School District Education
19 Foundation?

20 A. (inaudible)

21 Q. And what is your understanding of the purpose of the
22 Foundation?

23 A. (inaudible) nonprofit (indiscernible) for (inaudible).

24 Q. And are you familiar with phase one of -- creation of the
25 Board Foundation? With respect to the nomination process, what

1 was your understanding of how the Board -- the Foundation Board
2 members (inaudible) appointed to the Foundation?

3 A. (inaudible) to prevent nominate a member from their
4 respective district.

5 Q. Okay. And what did you base that understanding on? Where
6 did you get that understanding from?

7 A. From the bylaws.

8 Q. Okay. Anywhere else?

9 A. (indiscernible) the bylaws.

10 Q. Were you ever informed by anyone that each member should
11 appoint one nominee for their own district?

12 A. A reminder came up from the superintendent who serves as
13 the board secretary during out board meetings to us on January
14 7th, reminding us of the process and making sure that we met
15 our nominee.

16 Q. January 7th, that was before the -- how do know it was
17 January 7th?

18 A. I have an email.

19 Q. Do you have that email with you? Did you bring this with
20 you? Okay.

21 A. (inaudible)

22 Q. Okay.

23 A. (inaudible)

24 Q. Okay. With respect to this email -- I'll give it back to
25 you. Tell me again what date it was sent to you?

1 A. Wednesday, January 7th, 2026, at 6:34 a.m.

2 Q. And who sent it to you?

3 A. Anita Huggins.

4 Q. And with respect to nominating Foundation members, what --
5 what were you told?

6 A. One, your nominee (indiscernible) to allow (indiscernible)
7 merits of nominees (indiscernible).

8 Q. On Thursday that you were instructed by the superintendent,
9 actually that all the board members were instructed by the
10 superintendent to provide the name of a nominee and materials
11 about that nominee before the board meeting?

12 A. Yes.

13 Q. And was that done with respect to Michelle Faust's
14 nomination?

15 A. No.

16 Q. So Michelle Faust's nomination was made on February 25th,
17 2026. When did you become aware that Ms. Faust was going to be
18 nominated to serve in district eight?

19 A. (indiscernible).

20 Q. Did you have Ms. Faust's resume or name before that
21 meeting?

22 A. (inaudible).

23 Q. Do you believe there's a procedural problem with that what
24 --

25 A. We were told that we should submit all of our information

1 prior to the board meeting. The names as well as their
2 professional bios or resumes.

3 Q. Why would that be important?

4 A. It's a distinctive process (inaudible).

5 Q. So is it your testimony today that the standard process for
6 providing notice regarding nominations of individuals is to put
7 them on the agenda with their name and their biography?

8 A. (inaudible).

9 Q. Was that process follow the respect to Ms. Whatley's --
10 excuse me, Ms. Faust's nomination?

11 A. (inaudible).

12 Q. What do you recall being the criteria for a nominee to
13 serve on the Board (inaudible).

14 A. (indiscernible).

15 Q. Was the Board told to take any other matter into
16 consideration with respect to identifying a nominee?

17 A. (inaudible).

18 Q. I want to play for you a portion of the February 25th,
19 2026, board meeting (indiscernible)

20 (Video plays.)

21 MS. PAYLOR: Your Honor I object.

22 THE COURT: Hold -- hold on. You object to -- hold on.
23 Can you stop the video? Your objection ma'am?

24 MS. PAYLOR: It has nothing to do with FOIA or anything
25 else if this one woman's beliefs (inaudible).

1 THE COURT: What about that? I mean I don't see where
2 this has anything to do with -- with personal statements.

3 MR. FERGUSON: Right. And it's coming your Honor. The --
4 this -- what I'm trying to show is that the board members let
5 the process (indiscernible) arbitrary (indiscernible). Now
6 you're right. This has more to do with the arbitrary
7 (indiscernible) than a FOIA request. I made that same
8 objection earlier and opposing counsel was allowed to continue
9 with -- but here it's being presented so that criteria for
10 selecting a board member was that they don't reside in the
11 district and no conflict of interest.

12 THE COURT: Well I understand. The quoting of the bible
13 verse and the pledge that she made to (indiscernible) I don't
14 -- I don't see where that has anything to do with it.

15 MR. FERGUSON: Because the objection (indiscernible).

16 THE COURT: What I -- what I'm telling you is get to your
17 point.

18 MR. FERGUSON: Getting to the point.

19 THE COURT: I'm going to sustain that objection and I'm
20 ready to move on.

21 MR. FERGUSON: Getting to the point. I'll get through the
22 nominations (indiscernible) it's right here. That's it, okay?

23 THE COURT: All right.

24 BY MR. FERGUSON:

25 Q. Now Ms. Roberson, with respect to the nomination criteria,

1 all right, were you aware of Ms. Bailey's method of choosing a
2 nominee to -- for voting on a nominee?

3 MS. PAYLOR: (inaudible)

4 THE COURT: Same grounds?

5 MS. PAYLOR: (inaudible)

6 MR. FERGUSON: My next question is --

7 THE COURT: Hold on, don't -- I'm going to overrule but
8 sir you've got to move on with this, okay? The stuff, the same
9 things again and again, all right?

10 MR. FERGUSON: You got it.

11 BY MR. FERGUSON:

12 Q. With respect to the voting process, what -- is it your
13 position that Ms. Bailey's nomination process was arbitrary?

14 A. (inaudible).

15 Q. The decision making was arbitrary?

16 A. (inaudible).

17 MR. FERGUSON: (inaudible)

18 THE COURT: Cross examination.

19 MS. PAYLOR: (indiscernible)

20 THE COURT: Yes ma'am.

21 MS. PAYLOR: (indiscernible) It's a (indiscernible) thank
22 you your Honor.

23 THE COURT: All right but this is going to be Exhibit 3?

24 MS. PAYLOR: Yes sir.

25 THE COURT: All right. That's the email January 7th.

1 (Defendant Exhibit 3 introduced.)

2 CROSS EXAMINATION

3 BY MS. PAYLOR:

4 Q. (indiscernible) opportunity to present a nominee, correct?

5 A. (inaudible)

6 Q. And your nominee (inaudible)

7 A. (inaudible)

8 MS. PAYLOR: Thank you.

9 THE COURT: Anything else? All right let's take ten
10 minutes. Let's make sure the clerk gets these Exhibits marked
11 in the appropriate order and we've been going an hour and
12 fifteen minutes, so we'll take about ten minute, fifteen minute
13 break, okay? Thanks.

14 (Court in recess. Court resumed. Plaintiff present.)

15 THE COURT: All right. You can be seated. Thank you.
16 All right and Mr. Ferguson will you call your next witness sir.

17 MR. FERGUSON: Thank you your Honor. Call Carol Temple.
18 Dr. Carol Temple.

19 CLERK: Please place your left hand on the bible and raise
20 your right.

21 (DR. CAROL TEMPLE, PLAINTIFF'S WITNESS, SWORN)

22 CLERK: Do you swear or affirm that the testimony you
23 shall give before this court shall be the truth, the whole
24 truth and nothing but the truth so help you God?

25 THE WITNESS: I do.

1 CLERK: You may be seated. And please for the record,
2 state your full name.

3 THE WITNESS: My name is Dr. Carol Temple.

4 DIRECT EXAMINATION

5 BY MR. FERGUSON:

6 Q. Hello Dr. Temple. What is your position with the Charleston
7 County Board of Trustees?

8 A. I am a trustee for district nine.

9 Q. And in your capacity as a trustee for district nine, are
10 you familiar with the Charleston County School Board Education
11 Foundation?

12 A. Yes sir.

13 Q. And what is your understanding of what the purpose of the
14 Foundation is?

15 A. The purpose of the Foundation is to afford the district's
16 strategic plan with funds that are can come into the nonprofit
17 organization.

18 Q. And that's a new entity right? That's -- that -- that was
19 -- it's still in its infancy. Is that right?

20 A. Yes.

21 Q. Okay. What is your understanding what -- how board or
22 Foundation board members were to be nominated and voted on to
23 serve on the Board?

24 A. My understanding was that each of us would be able to
25 nominate someone from our district who met the criteria for the

1 Foundation board.

2 Q. And what did you base that -- that belief on?

3 A. Based it on the fact that we had the bylaws and that
4 repeated communication about how we were supposed to nominate
5 someone is how I understood it.

6 Q. Is it fair to say that based on your communications and
7 information that you received that it was your understanding
8 that each Board of Trustee member was to nominate one person
9 for their own district?

10 A. Yes.

11 Q. Thank you. And was it also your understanding that each
12 trustee was not able to nominate someone for somebody else's
13 district?

14 A. Yes.

15 Q. Thank you. With respect to nominating Foundation members,
16 what materials, if any, did you believe needed to be provided
17 to the Board of Trustees as a whole?

18 A. We had the bylaws but then when we got involved with this
19 whole process of nominating someone and we got to the February
20 25th meeting, it became obvious to me that the process was very
21 inconsistent and I have to say, I've tried to get the motion in
22 place to stop the process so we could come to agreement with my
23 fellow board members as to what process we were following.

24 Q. And with regard an inconsistent process, what do you mean
25 by that?

1 A. Well by inconsistent process we were with our understanding
2 that we should provide a resume for our candidate that we
3 should, I felt that we needed to know the candidates so I
4 personally interviewed people for my seat and that when we
5 submitted the resume, the district would ensure that there was
6 no conflict of interest.

7 Q. Do you recall being instructed to submit names and resumes
8 before board meetings?

9 A. Yes.

10 Q. Okay. And do you know who Trudie Bowles is?

11 A. No.

12 Q. No? Okay.

13 A. Trudie Bowles? Yes she is the board secretary.

14 Q. Okay. And were you instructed to provide names and resumes
15 to Trudy Bowles before the -- before the board hearings or
16 meetings, excuse me.

17 A. Yes it was standard practice for I mean what we saw in
18 appointments to other committees a bio was always submitted
19 prior to the appointment ever being considered on the agenda.

20 Q. So is --is it fair to say that the bios and the names were
21 going to be submitted for the purpose of putting it on the
22 agenda?

23 A. Yes.

24 Q. Okay. And why is that important to put the names and the
25 resumes or bios on the agenda?

1 A. Well first of all, it notifies the public that something is
2 on the agenda that we need to consider. It's important for --
3 for us as a trustee to know the people who are being considered
4 and -- and then it's also appropriate just for good practice in
5 conducting the meeting.

6 Q. With respect to the nomination of Michelle Faust, when did
7 you learn that she was going to be nominated to serve as -- on
8 the Foundation for the district eight seat?

9 A. I was on the dais and then all of a sudden Trustee Whatley
10 nominated someone and then started passing out a resume. So we
11 just got the resume there. It's hardly a moment to really
12 consider it.

13 Q. Okay. Is that unusual?

14 A. Yes.

15 Q. Do you believe that there was a procedural problem with
16 that practice?

17 A. Yes.

18 Q. And do you believe that that practice with regard to Ms.
19 Faust's nomination was a disservice to the public?

20 MS. PAYLOR: Object to the form. Object to --

21 THE COURT: I'm going to -- I'm sorry.

22 MS. PAYLOR: I object.

23 THE COURT: Your objection is?

24 MS. PAYLOR: He's asking her if something was a disservice
25 to the public.

1 THE COURT: I -- I'm going to -- I'm going to sustain that
2 objection. Go ahead.

3 MR. FERGUSON: Okay. I'll move on.

4 THE COURT: Yes sir.

5 BY MR. FERGUSON:

6 Q. From your knowledge, was the public notified that Ms.
7 Whatley was going to nominate Michelle Faust?

8 A. No.

9 Q. Okay. Do you believe that the public had a right to know
10 that Michelle Faust was going to be nominated before she was
11 actually nominated?

12 A. Yes I believe in transparency for actions we are going to
13 take at our board meetings and that things should be posted on
14 the agenda.

15 MR. FERGUSON: No further questions. Thank you for your
16 time Dr. Temple.

17 THE COURT: Any redirect? Or any cross? Excuse me.

18 MS. PAYLOR: Very quick your Honor.

19 THE COURT: Yes ma'am.

20 CROSS EXAMINATION

21 BY MS. PAYLOR:

22 Q. You read the bylaws, correct?

23 A. Yes.

24 Q. And you saw that there was no provision about the nominee
25 -- if a trustee nominated a proposed member, that was not an

1 appointment? They had to be elected by a majority of the
2 Board. Is that correct?

3 A. Yes.

4 Q. And you understand when you serve on a Board that majority
5 rules? You understand that?

6 A. Yes.

7 Q. And you actually at the March meeting, you nominated
8 someone who was not on the agenda to be a member of the
9 Foundation?

10 A. And I regret that.

11 Q. But you did it?

12 A. It should have been --

13 THE COURT: Hold on. Hold on. Allow her to finish --

14 THE WITNESS: It was inappropriate.

15 MS. PAYLOR: That wasn't --

16 THE COURT: Go -- go ahead ma'am. You can answer your
17 question and then let her finish. I want a clean record. Go
18 ahead ma'am.

19 THE WITNESS: Yes I did nominate someone, and we should
20 have been called out that it was inappropriate.

21 BY MS. PAYLOR:

22 Q. Have you ever been on any other Board where you nominate
23 people and various people nominate different people?

24 A. Like from the floor? In an organization? Yes. But
25 usually those processes are indicated in the organizations

1 bylaws. And that process was not indicated in the bylaws for
2 the Foundation.

3 Q. You actually sent an email to Ms. Huggins after you --
4 after Ms. Robeson's appointee was Matt Young, correct? Do you
5 remember that?

6 A. Let me see what it is.

7 MS. PAYLOR: This will be Exhibit 4 your Honor.

8 (Defendant's Exhibit 4 introduced.)

9 THE COURT: All right.

10 MS. PAYLOR: Thank you.

11 BY MS. PAYLOR:

12 Q. You want to read what you said in your email at the top of
13 page 2?

14 A. Yes. I said, "Please identify in the CFD Education
15 Foundation Bylaws the exact article and section which covers
16 disappointment process."

17 Q. Would you look on page two at the top that started your
18 first email. Saturday February 14th. The top here. You were
19 replying to an email that she had sent to you. You see where
20 I'm pointing you. You say, "All what should have been a joyful
21 celebratory (indiscernible), now a nightmare." Do you remember
22 writing that?

23 A. Yes.

24 Q. We are turning the Foundation into a political game and
25 it's not very rewarding. Personally I thought each of us as

1 trustees would nominate someone we interviewed and respected.
2 In turn, it's colleague on the Board. Our decision would be
3 respected. All right. Did I read that correct?

4 A. Yes.

5 Q. And you -- and you sent that, correct?

6 THE COURT: Yes?

7 THE WITNESS: Yes. It was obvious the process was
8 becoming very inconsistent.

9 BY MS. PAYLOR:

10 Q. And then she told you what the process was by quoting from
11 the section 5.02 of the bylaws, correct?

12 A. Yes. The superintendent did. However, I think that we as
13 a Board should have discussed what the process should be.

14 Q. Well the process during phase one, voting members are
15 appointed by majority vote the Board of Trustee. That's what
16 it says correct? The bylaws? You understand majority?

17 A. Yes I understand.

18 Q. No individual trustee has unilateral appointment of
19 thought. Did you understand that?

20 A. Yes.

21 Q. And that's what happened here, correct?

22 A. Well --

23 Q. Ms. Roberson --

24 THE COURT: Hold on let her -- let her answer the
25 question.

1 THE WITNESS: What happened here was that another trustee
2 brought up a nomination for a district that as outside of their
3 district and that had not been the practice.

4 BY MS. PAYLOR:

5 Q. Well let me ask you this question. If Mrs. Roberson was
6 only going to nominate Mr. McClure and the Board wasn't going
7 to appoint him, she would never have a representative on the
8 Foundation in her area?

9 A. That's not true. That's not true. She could have had an
10 opportunity at another time to present somebody.

11 Q. She had that opportunity and she did not, did she?
12 Presented the same person, correct?

13 A. We had situations where others presented different
14 (inaudible).

15 MS. PAYLOR: Thank you.

16 THE COURT: All right any --

17 MS. PAYLOR: That's all --

18 THE COURT: Yes ma'am. Any redirect?

19 MR. FERGUSON: Just briefly your Honor.

20 THE COURT: Sure.

21 MR. FERGUSON: The courts indulgence.

22 THE COURT: Yes sir.

23 REDIRECT EXAMINATION

24 BY MR. FERGUSON:

25 Q. It's not against the bylaws to resubmit the same nominee

1 twice?

2 A. No. That was not stated in the bylaws

3 Q. Ms. Paylor read an email you send Ms. Huggins with respect
4 to the bylaws, with respect to this process. Do you still
5 believe that the district was turning the Foundation into a
6 political game and it's not very rewarding?

7 MS. PAYLOR: Object to the form. That is non
8 (indiscernible)

9 THE COURT: Rephrase the question and I -- I'll sustain
10 the objection, but I'll let him rephrase that.

11 BY MR. FERGUSON:

12 Q. Do you still believe that the Board is turning the
13 Foundation into a political game and it's not very rewarding?

14 A. I agree that we are turning the Foundation into something
15 that is not very rewarding.

16 Q. And do you still believe that -- do you still think or
17 excuse me. Your statement personally I thought each of us as
18 trustees would nominate someone we interviewed and respected.
19 Do you still believe that was -- is true?

20 A. Yes.

21 Q. Okay. Now with respect to notice, do you believe that
22 there was a failure on the Board's part with respect to
23 nominating Ms. Faust without providing notice?

24 A. Yes.

25 MR. FERGUSON: No further questions. Thank you.

1 THE COURT: Anything else?

2 MS. PAYLOR: No your Honor.

3 THE COURT: Okay. You sure?

4 MS. PAYLOR: I promise.

5 THE COURT: All right no problem. Thank you ma'am. Step
6 down. Mr. Ferguson?

7 MR. FERGUSON: That's -- your Honor that's all the
8 testimony I plan to illicit.

9 THE COURT: Anything else that you're wanting to present
10 to me before I would turn it over to defense?

11 MR. FERGUSON: Yes. So Ms. Dunmeyer-Roberson testified
12 about a January 7th, 2026, email that I did not have. I'd like
13 to make that an exhibit as well.

14 (Plaintiff's Exhibit 5 introduced.)

15 MS. PAYLOR: I already made that an exhibit.

16 THE COURT: Okay. So did you grab these that were up here?

17 CLERK: Yes.

18 THE COURT: And use that as exhibits?

19 CLERK: Yes.

20 THE COURT: All right well that's perfect because I want
21 to make sure I didn't walk off with them. So this is going to
22 be number I -- I think --

23 CLERK: Four.

24 THE COURT: Defense four? Counsel do you want to see if
25 this is in fact what you're referring to?

1 MS. PAYLOR: No (indiscernible) number three?

2 THE COURT: Number three? Okay if you could hand that to
3 clerk let her mark that four and then she thinks that number
4 three is what you're referring to and let's check and make sure
5 that's the case. So that's four. And then what's been marked
6 number three is that what you're referring to sir?

7 MR. FERGUSON: No your Honor.

8 THE COURT: No?

9 MR. FERGUSON: I have it here in my hand January 7th,
10 2026, email.

11 MS. PAYLOR: This one right here? Yes.

12 MR. FERGUSON: Yes but I want the entire thing -- the
13 entire conversation. It's my first time seeing it.

14 MS. PAYLOR: (indiscernible) for you to give me a copy.

15 MR. FERGUSON: Here you go.

16 THE COURT: You want to take a look at that or --

17 MS. PAYLOR: (indiscernible)

18 THE COURT: I'd be inclined to let it in as a rule to
19 (indiscernible).

20 MR. FERGUSON: I haven't seen the entire email.

21 MS. PAYLOR: I don't think -- It doesn't have anything to
22 do with what's before the court.

23 THE COURT: Well I should --

24 MR. FERGUSON: Well and your Honor (indiscernible) I just
25 want to you know make sure that Plaintiff's memorandum in

1 support and the attached exhibits which you had and I have
2 another copy if you'd like are added as -- as exhibits as well.

3 (Plaintiff's Exhibits A through I introduced.)

4 THE COURT: Okay.

5 MR. FERGUSON: (indiscernible) the two records.

6 THE COURT: All right well you're going to need to get
7 that because I've marked on mine and so I can't -- I'm not
8 going to let secret sauce recipe out, okay? So --

9 MR. FERGUSON: I've got exhibits A through I.

10 CLERK: (indiscernible)

11 THE COURT: No I think -- I think A through I -- that's
12 what you provided me in -- in the memorandum and --

13 MR. FERGUSON: Yes your Honor. And also for both counsel.

14 THE COURT: Okay. So you can go ahead and make those, and
15 I think I've already got all that information once that I've
16 made some notations on.

17 MR. FERGUSON: All right so in summary your Honor we're
18 asking for the court to grant an injunction to prevent the
19 Board from operating until this matter has been resolved. We
20 have met the standard and requirements to show that Plaintiff
21 is entitled to an injunction. The statutory -- the statute
22 applies harm and the statute applies that there's no adequate
23 remedy of law and as presented here through testimony and
24 exhibits, there is a likelihood on success of the merits that
25 the Defendants violated -- excuse me that the school district

1 violated FOIA regarding the notice (inaudible) grant the
2 injunction.

3 THE COURT: All right thank you Mr. Ferguson. Defendant
4 yes ma'am I'm happy to hear from you.

5 MS. PAYLOR: Thank you. I guess I'll go ahead and call
6 witnesses your Honor.

7 THE COURT: Sure.

8 MS. PAYLOR: Legal argument later on.

9 THE COURT: Yes ma'am. That's fine.

10 MS. PAYLOR: Daniel Prentice.

11 THE COURT: All right.

12 CLERK: Please place your left hand on the bible and raise
13 your right.

14 (DANIEL PRENTICE, DEFENDANT'S WITNESS, SWORN)

15 CLERK: Do you swear or affirm that the testimony you
16 shall give before this court will be the truth, the whole truth
17 and nothing but the truth so help you God?

18 THE WITNESS: I do.

19 CLERK: Please be seated. And for the record please state
20 your full name.

21 THE WITNESS: Daniel Prentice.

22 DIRECT EXAMINATION

23 BY MS. PAYLOR:

24 Q. Mr. Prentice what's -- what is your position with
25 Charleston County Schools?

1 A. I'm the chief financial officer for the (indiscernible)

2 Q. How long have you been (inaudible)?

3 A. Just over two years.

4 Q. And in that position, did you have an opportunity to
5 discuss with the superintendent creating an education
6 Foundation?

7 A. Yes ma'am I did.

8 Q. And so tell me a little bit about how it came up, what the
9 purpose was and why the district determined that it would
10 create the Foundation?

11 A. So we've studied models nationally and felt that Charleston
12 could benefit from the establishment of a nonprofit to
13 (indiscernible) the philanthropies for the district's mission
14 and the further (indiscernible) would be with public
15 (indiscernible).

16 Q. Was this considered to be some kind of a political thing
17 that you did?

18 A. No ma'am.

19 Q. And who created the bylaws?

20 A. So the bylaws were written by staff at the advice of
21 counsel and submitted to the Board of Trustees for approval in
22 attempt to ensure the Board of Trustees would align with the
23 process for establishing the organization. Our understanding
24 was that it was not necessarily required for the Board to
25 create the organization or to be involved in the appointment of

1 members, but we did so to ensure you know, the sustainability
2 of the organization.

3 Q. Okay and as -- as it came up, how was it determined that
4 the nomination process was going to let each trustee make their
5 own or put a nominee out there?

6 A. So as the bylaws were --

7 MR. FERGUSON: Object to form. (indiscernible)
8 Foundation. He's a CFO and I don't know if he's got the
9 (indiscernible) knowledge. She can set more foundation about
10 how he gets that knowledge, I'd appreciate it.

11 MS. PAYLOR: I was trying to move things along.

12 THE COURT: I'll sustain the objection.

13 MS. PAYLOR: Okay.

14 THE COURT: Lay a little bit more foundation, okay?

15 MS. PAYLOR: I'll be happy to.

16 THE COURT: Yes ma'am.

17 BY MS. PAYLOR:

18 Q. Were you involved in the process of creating the
19 Foundation, having the bylaws drawn and submitted to the Board
20 for approval?

21 A. I was and the executive director of the education
22 Foundation is my direct report.

23 Q. So you supervised -- the only -- the school district
24 employees is the one -- in the hands on position with the --

25 A. Yes ma'am.

1 Q. Okay. So tell me how was it determined that each trustee
2 would have a nominee?

3 A. So in drafting the bylaws and ultimately getting them
4 approved the language in section 5.02 states that each district
5 is to be represented by a member that lives within that
6 election area which aligns with Charleston County Council
7 districts and that nominees were made and approved by a
8 majority of the Board of Trustees. And that was ultimately
9 approved by the Board of Trustees when those bylaws were
10 presented to the.

11 Q. No one made -- took any issue with that, right? Any member
12 of the Board?

13 A. There were a number of amendments that were presented
14 through the approval process by the Board by various members.
15 And to my knowledge, a majority of those amendments were
16 approved. So the Board did have an opportunity to provide
17 input, and a number of their suggestions were incorporated into
18 the final approved bylaws. I don't remember the
19 (indiscernible) term but they were taken section by section.
20 So each section was announced and the members were given an
21 opportunity to provide amendments that they may suggest. They
22 were debated and then approved so that the bylaws were approved
23 (indiscernible).

24 Q. So when did you determine it was time to actually go
25 forward with the Foundation and create the Board of Directors?

1 A. So after the -- the bylaws were approved by the Board of
2 Trustees, we put together a memo as well as conflict of
3 interest document that was ultimately presented to the Board
4 after they were appointed and confirmed by the Board of
5 Trustees and some documents to constitute the articles of
6 incorporation and then the January 7th email that was
7 referenced previously was sent to the Board of Trustees to
8 advise them of the nomination process would be on the January
9 agenda.

10 Q. Okay. And then -- and how did you decide or how did the
11 district decide that they were going to let each trustee
12 present a nominee?

13 A. So basically the bylaws say what they bylaws say and my
14 experience serving in executive capacities in local government
15 over the last ten plus years it's always been you know kind of
16 the initial opportunity for each member to put somebody forward
17 and to give the majority of the Board of council an opportunity
18 to approve or deny but it is not a requirement explicitly that
19 you know that approval or denial happen. So the staff would
20 endeavor to do as much due diligence as possible to get
21 information before the Board could then go to consideration for
22 approval or denial, but you know we can't predict the outcome
23 of an individual nomination and -- and other things that are --
24 that are (indiscernible).

25 Q. And who exactly puts the agenda together for the different

1 board meetings?

2 A. So items are put together by staff through the
3 superintendents office and then reviewed with board officers
4 for the board meeting and then the agenda's published prior to
5 the board meeting pursuant to FOIA.

6 Q. So did you review the agenda that was (indiscernible) in
7 January that was -- that had allowed each -- each trustee to --
8 to make a nomination?

9 A. I did. The section specifically was just appointments to
10 the education Foundation. The item specifically was
11 appointments to the education Foundation, and we included any
12 information that we had as attachments to the item
13 (indiscernible).

14 Q. And is that the custom of the district to include
15 supplementary information when it has that?

16 A. It is and of course our goal is to ensure that we provide
17 information to our elected body to give them information to --
18 to give consideration to an item whether that be administrative
19 action regarding budget or a nomination to a Board of
20 (indiscernible) vacancy.

21 Q. And was the district looking for best practices when they
22 asked for the supplementary information about the nominees?

23 A. Yes. I mean our -- our goal was to do as much due
24 diligence as we possibly could by way of getting background
25 information, verifying addresses to ensure the person lived in

1 the district, you know, and the conflict of interest waiver to
2 be provided, the contact information we gained but you know
3 (indiscernible) just a due diligence effort by the staff.

4 Q. Okay so the agenda was created. It was posted. The
5 district complied with FOIA correct?

6 MR. FERGUSON: Object to the form. Objection.

7 THE COURT: I'm going to sustain that objection to
8 complying with FOIA. That -- I think you asked me -- a
9 question was asked where there witnesses was going to give the
10 ultimate determination that they conjet with FIOA. You --

11 MS. PAYLOR: That's fine.

12 THE COURT: -- objected and I sustained that objection so
13 same grounds.

14 MS. PAYLOR: No problem your Honor.

15 BY MS. PAYLOR:

16 Q. So have you read FOIA? Are you familiar with (inaudible)?

17 A. I'm familiar with FOIA, yes ma'am.

18 Q. Okay. It was properly -- the agenda that you had was
19 properly posted and notified and done to your knowledge,
20 correct?

21 MR. FERGUSON: Same objection.

22 THE COURT: I'll allow that. Go ahead.

23 THE WITNESS: As staff it's our duty to ensure that we
24 include our attorneys, parliamentarian, etcetera in the agenda
25 review process and part of that process is to ensure that the

1 subject matter experts, particularly the attorneys and the
2 parliamentarian advise us on the compliance of the agenda
3 that's being established (inaudible). So my -- my
4 understanding of that compliance comes through a process that's
5 established through (indiscernible).

6 Q. So to your knowledge, did any district staff have anything
7 to do with who was nominated?

8 A. No ma'am.

9 Q. And that was all done by the (indiscernible). Is that
10 correct?

11 A. Any information that we received we put on the agenda.

12 Q. And at the January board meeting all of the nominees were
13 approved except for the nominee of Mrs. Roberson. Is that
14 correct?

15 A. There were a few that were not provided. I don't recall
16 the exact districts but yes ma'am. Everything that was
17 provided was approved except for district eight.

18 Q. And no one got additional nominations were made as
19 (indiscernible)?

20 A. No ma'am, not at the January meeting.

21 Q. So on the -- for the February 25, '26 Board of Trustee,
22 that was the meeting I believe that was moved from Monday to
23 Wednesday. Do you recall that?

24 A. Yes ma'am.

25 Q. So was there an agenda created for that one?

1 A. There was an agenda.

2 Q. Was that a regular meeting?

3 A. It was. It was just moved due to the -- the water outage
4 in the building but it was the February regular call for the
5 trustees meeting.

6 Q. And were you aware that notice had been provided to the
7 trustees that additional nominations could be made at the
8 meeting?

9 A. Yes ma'am. Based on the outcome of the January meeting, we
10 sought council from three different attorneys that represent
11 the district to make sure that we were aligned in our
12 understanding of the bylaws and providing information to the
13 trustees via email that your nominee should be considered,
14 additional nominees should be provided given the disapproval of
15 the district eight nominee and we put that item back on the
16 agenda for nominees for the remaining vacancies (indiscernible)
17 education Foundation board at that point.

18 Q. And so at that -- at that meeting, the agenda stated CCSD
19 education Foundation Board of director appointments. Is that
20 what you recall?

21 A. (indiscernible).

22 Q. I don't.

23 A. To verify?

24 Q. I'm going to read what the agenda had said at the top
25 (indiscernible).

1 A. (indiscernible) page item B under other business is CCSD
2 Education Foundation Board of Director appointments.

3 THE COURT: Slow -- slow down for me. Okay. Well --

4 THE WITNESS: 12B --

5 THE COURT: There you go.

6 THE WITNESS: -- as in bravo, and the CCSD Education
7 Foundation Board of Director appointments. And it says in the
8 background in order to establish the CCSD Education Foundation
9 the Charleston County School District Board of Trustees shall
10 nominate and approve the nine initial Foundation board members
11 representing each district. Would you like me to continue
12 (indiscernible)?

13 MS. PAYLOR: Just -- well there's one more sentence I
14 believe in that --

15 THE WITNESS: It says the appointments will be compliance
16 with the Foundation's Board of Directors Job Description and
17 Conflict of Interest Policy.

18 BY MS. PAYLOR:

19 Q. Okay and then it has first time nominees. Is that correct?

20 A. Yes ma'am. There were two first time nominees. One for
21 district seven, Ms. Julie Armstrong and one for district nine,
22 Ms. Taryn Williams. And there was second time nominee for
23 district eight of Dr. Brian McClure.

24 Q. Okay and were Ms. Armstrong and Ms. Williams approved of?

25 A. Yes ma'am, they were.

1 Q. Okay and was Dr. McClure approved of?

2 A. No ma'am.

3 Q. He was the same person he had nominated at the prior
4 meeting. Is that correct?

5 A. Yes ma'am, it was the same information from the prior
6 meeting.

7 Q. And are you aware that Ms. Armstrong declined to serve?

8 A. I am. I reached out to her after the appointment was
9 approved by the Board of Trustees to set up an initial
10 conversation and get the information we needed for onboarding,
11 and she indicated that she was declining the appointment.

12 Q. She tell you why?

13 A. I don't remember specifically in that message if she
14 indicated why. My understanding was that there had been an
15 outreach from the community to dissuade her from participating
16 on the Board.

17 Q. So after Mr. McClure's nomination failed, and Ms. Whatley
18 made an alternative motion?

19 A. There was an alternative motion that was made for Michelle
20 Faust for district eight and that was approved by a majority of
21 the Board.

22 Q. Okay and her name was not on the agenda, correct?

23 A. No.

24 Q. And then there were subsequent board meetings when nominees
25 were considered. Is that correct? Like the one for district

1 seven when Ms. Armstrong said she would not serve?

2 A. There was a subsequent board meeting for Ms. Joan
3 Robinson-Berry, I believe, was the next nominee. I believe
4 that meeting was held in person. I don't remember the specific
5 date of that meeting and my recollection from being present in
6 the meeting was that members of the community who were present
7 after she was approved as the nominee called her via phone and
8 dissuaded her from participating on the Board as well. And so
9 we ended up having to go back on a third time.

10 Q. So at the third time, did you list any nominees on the
11 agenda?

12 A. We did not. We just listed the item specifically as
13 appointment nominees for the CCSB Education Foundation.

14 Q. So there were -- were there a number of nominees who were
15 placed in nomination?

16 A. I believe that there were. I don't remember the specific
17 name but ultimately I think who was approved was Garry Lesesne.
18 I think Ms. Roberson and Dr. Temple made additional nominations
19 as well from the floor.

20 Q. So that one was fine -- that seat was filled after the
21 third one, correct?

22 A. Yes ma'am so after that final meeting, all nine seats were
23 filled, and we'd already received the approval of the Board
24 previously of the ex-officio members that were established in
25 the bylaws. Now that includes the superintendent, myself as

1 the chief financial officer, a few members of the Board of
2 Trustees were ex-officio, a future principal so we were able to
3 move forward with scheduling our first board meeting and
4 conducting business of the Education Foundation.

5 Q. Okay and what happened at the --

6 A. At the Education Foundation board meetings? So we had all
7 of our introductory materials and all the staff prepared for
8 the -- the Foundation Board. Had a very productive meeting.
9 We were advised by counsel of a process for filing some
10 remaining documents in compliance with the IRS. We discussed
11 the appointment of members to committees for the -- the
12 Foundation Board of Directors which includes strategic
13 planning, development and budget finance.

14 All of those recommendations were made with the unanimous
15 approval of the board members. We also discussed the approval
16 of a micro grant program, provide \$25,000 in microgrants
17 between 500 and \$1,000 each to CCSD teachers and classrooms
18 before the conclusion of the year and so the approval was
19 provided to move forward with that program. And when we
20 scheduled our follow up business, including strategic planning
21 committee meetings to adopt a strategic plan. And staff
22 present the needs assessment and resource inventory which was
23 conducted through working under surveyed responses where
24 members of the community, teachers, students, etcetera provided
25 information to help us determine fillers of support that the

1 Foundation would provide to the community.

2 Q. Did the district suffer harm at the Foundation or enjoined
3 carrying on it's business as requested by Mr. Ferguson?

4 A. Yes ma'am.

5 Q. And why is that?

6 A. So the district is no longer -- excuse me. The Foundation
7 is not able to operate for any period of time and all the work
8 of the Foundation is already underway of course to be injured
9 and so we'd have to pause the microgrant program for that
10 evaluation to be made and affording grants to teachers and it
11 would prevent us from moving forward with strategic planning
12 work, any establishing of our annual fundraising campaign
13 goals, and of course our goal now in our chart is to fundraise
14 to provide (indiscernible) the district over the course of the
15 next twelve months. So once we have fundraising goals in
16 place, then the Board will establish its annual budget and
17 being it's work to -- to raise money.

18 MS. PAYLOR: Okay. Just one minute. Thank you Mr.
19 Prentice. Please answer any questions that Mr. Ferguson may
20 have.

21 THE COURT: Mr. Ferguson? Yes sir.

22 MR. FERGUSON: Thank you your Honor.

23 CROSS EXAMINATION

24 BY MR. FERGUSON:

25 Q. Mr. Prentice earlier you discussed engaging in due

1 diligence with respect to the agenda. Do you remember that?

2 A. Yes sir.

3 Q. All right. Tell me -- tell me what you mean by due
4 diligence with respect to the agenda?

5 A. So as staff we endeavor to provide information on items
6 that's on the agenda to trustees. So whether that fact of
7 information by way of attachments to describe a report that's
8 being provided or just background facts, in drafting the
9 agenda, we provide as much information as we can to ensure that
10 they have any information needed to consider business support.

11 Q. And is it correct that any information that you receive you
12 put on the agenda?

13 A. Yes sir.

14 Q. All right. When did you receive Ms. Whatley's -- excuse
15 me, Ms. Faust's resume?

16 A. It was handed out during the board meeting.

17 Q. Okay. Did you ever put that on the agenda?

18 A. No sir.

19 Q. And as we sit here today, is it on the agenda?

20 A. The meeting's already adjourned.

21 Q. Was the agenda supplemented or the minutes supplemented to
22 include her resume?

23 A. It would be in the record.

24 Q. Is it or is it not?

25 A. It would be in the record.

1 THE COURT: Hold on. Let -- let him answer. Let him
2 answer.

3 THE WITNESS: It would be in the record of the minutes
4 that she was nominated but the actual attachment to my
5 knowledge would not be included as part of the minutes
6 necessarily.

7 BY MR. FERGUSON:

8 Q. So when you say any information that is provided will be
9 put on the agenda and you received Ms. Faust's resume the day
10 of the meeting, is that right?

11 A. We -- it was introduced during the meeting by Trustee
12 Whatley.

13 Q. So it wasn't on the agenda, and it was never put on the
14 agenda?

15 A. No sir.

16 Q. So when you say any information that you receive, you put
17 on the agenda, you -- you failed in that, didn't you?

18 A. We didn't receive it because it was introduced during the
19 meeting.

20 Q. You didn't receive it at all? Okay. Is there -- tell me
21 about the conflict of interest policy with respect to
22 nominations for the Foundation.

23 A. So that was provided with background information so that
24 people that were appointed to the Foundation were aware what
25 would be expected and ultimately it was presented to the

1 approved board members at the first Foundation meeting for them
2 to sign and attest to. But that essentially ensures that they
3 don't have a conflict of interest in terms of any business or
4 personal relationships with the business of the Foundation,
5 particularly as it results -- relates to fundraising you know
6 and business relationships with the district.

7 Q. Was any conflict of interest run before nominees were voted
8 on?

9 A. We didn't run any conflict of interest checks on anyone.
10 We just provided them the information to ensure that they were
11 aware the conflict of interest requirement that would be
12 adopted by the Foundation Board as proposed by staff.

13 Q. What about residency checks? Was that done for any members
14 or nominees before they were voted on?

15 A. If we had the information, we ran the information through
16 tax records and you know, try to make sure the information was
17 provided, ensured that they lived in the district that they
18 were being nominated for.

19 Q. Whose we? When you say we ran the tax records on
20 (indiscernible)?

21 A. Myself or staff from the Foundation.

22 Q. Okay. Did you run the residency check for Ms. Faust?

23 A. For the fact that verified that she is a resident of
24 district eight.

25 Q. So after she was already voted on, that's when you ran the

1 residency check? Is that right?

2 A. I'm trying to understand what you're getting at here. We
3 didn't have the information in advance.

4 Q. Well your going to get that. You ran the conflict or the
5 residency check for every other nominee before they were voted
6 on, right?

7 A. No sir. No sir not the other nominees that were
8 (inaudible) by Trustees Roberson and Temple.

9 Q. All right with respect to the January 2026 agenda, did you
10 run a residency check on Catherine Templeton?

11 A. I don't remember which ones I ran, and which ones members
12 of staff ran. We'd have to go back --

13 Q. Did you or members of staff run a conflict check on
14 Catherine Templeton?

15 A. To my knowledge, anyone that was provided to us a check was
16 run.

17 Q. Everyone who was provided a check was run?

18 A. Yes sir.

19 Q. Okay. Is one of the purposes of putting the resumes and
20 the name so the agenda to provide notice to the public that
21 action's going to be taken?

22 A. No sir.

23 Q. Well what's the purpose of adding a name and a -- and a
24 biography -- biographical information on the agenda of a
25 nominee?

1 A. Efforts to provide as much background information as we
2 can. But the item specifically was the appointment of nominees
3 to the Education Foundation Board of Directors. Everything
4 that came thereunder was information provided as background to
5 that agenda.

6 Q. So you know your under oath right? It is your testimony as
7 CFO of the Charleston County School District that one of the
8 reasons that names and biographical information are put on the
9 agenda is not to inform the public?

10 A. Well I mean the public's informed by anything on the
11 agenda. But in terms of you know understanding of the
12 requirements of FOIA, it is the item itself is the item that is
13 placed on the agenda and as is customary in other circumstances
14 nominations are made from the floor including for the officers
15 for the Board of Trustees without any specific listing of the
16 names of those that might be nominated.

17 Q. Well isn't it -- wasn't it customary with respect to
18 identifying and nominating Foundation members to provide their
19 name and biographical information?

20 A. Yeah we did that due diligence to try to ensure the process
21 was as smooth as possible.

22 Q. Yes or no? Wasn't it customary for board members who
23 nominated people to have that nominees name and biographical
24 information on the agenda?

25 A. We requested it. I'm referencing the emails that were

1 sent.

2 Q. Yeah.

3 A. It was requested by staff on multiple occasions to have as
4 much information as possible ahead of the meeting.

5 Q. So is it customary --

6 THE COURT: Well hang on. Don't cut him off.

7 MR. FERGUSON: I'm sorry.

8 THE WITNESS: To -- just to ensure that the process was
9 smooth. I -- I'm not understanding the intent behind your
10 requiring a yes or no answer and the definition of customary.
11 I'm telling you the process that we (indiscernible).

12 MR. FERGUSON: Right. But --

13 THE WITNESS: I've seen it done in multiple fashions. You
14 know and again, we were trying to do as much due diligence as
15 we could to provide information to trustees on who those who
16 they nominate.

17 BY MR. FERGUSON:

18 Q. All right. Earlier you testified that it was customary
19 right for nominees to be put on the floor. Is that right?

20 A. To be made from the floor.

21 Q. To be made from the floor. It's customary that sometimes
22 nominees can be made from the floor. You said that sometimes
23 that customary. You said that, right?

24 A. I don't recall if I said that.

25 Q. What did you say was customary?

1 A. I said that it -- it is procedure -- I don't remember
2 exactly the words that I said because I'm talking to you here
3 in this moment. But I will say that it is a process that I
4 have observed in my professional career where nominations are
5 made from the floor when an item is a notice properly that a
6 nominations for vacant board or committee seats are to be made.

7 Q. Didn't you just say that that was a customary practice?

8 A. I don't remember if I used the word customary.

9 Q. All right is it a customary practice?

10 A. That they're made from the floor?

11 Q. Yeah.

12 A. Absolutely.

13 Q. Okay. Now that we've established we understand what
14 customary means, I want to know if it is customary, if it was
15 customary for the agenda to include the names and biographical
16 information of the nominees for the Foundation?

17 A. (indiscernible) for it to be customary if this is the first
18 time that the -- the Foundation's been established, it would
19 never have Foundation appointments on the Board's agenda.

20 Q. You're right.

21 A. So I'm speaking from, you know, past process for
22 appointments to other vacancies whether they be board officers
23 or committees that are approved by the Board or my prior
24 experience in local government.

25 Q. Well this is the first time that the Foundation's been

1 formed so you're not sure if that's customary. Is that right?

2 A. Correct. I (indiscernible)

3 Q. So the Foundation's still in it's infancy?

4 A. Correct.

5 Q. All right so it hasn't done any major business. Is that
6 right?

7 A. It has now.

8 Q. Does it have a budget?

9 A. (inaudible) sir.

10 Q. Okay. How many meetings has it had?

11 A. What?

12 Q. Meetings have -- has the Foundation had?

13 A. Meetings? One meeting.

14 Q. One meeting. And what major business was conducted during
15 that one meeting?

16 A. We did everything that I said to Ms. Paylor during her
17 question.

18 THE COURT: Hold on sir. No sir. You answer the question
19 if you understand the question. He just -- ask a question.
20 You understand the question sir then you answer the question,
21 okay?

22 THE WITNESS: Okay. So the major business that was
23 undertaken?

24 MR. FERGUSON: Yeah.

25 THE WITNESS: So the -- as I stated previously the

1 committee approved or the Board approved committees. And so
2 there were members appointed to development, strategic
3 planning, and budget and finance committee. We reviewed the
4 resource assessment -- resource inventory and needs assessment
5 document based on a survey that was conducted. They also
6 approved the microgrant program that would provide funding to
7 teachers throughout the district and advanced work to ensure
8 that we can move forward with strategic planning and the
9 adoption of the campaigns and everything that are forth coming
10 for fundraising efforts.

11 BY MR. FERGUSON:

12 Q. All right. So did the committees that were selected have
13 any meetings yet?

14 A. No sir. Not to my knowledge.

15 Q. Okay.

16 A. I don't believe they have.

17 Q. So no committee meetings, all right. The document -- so
18 and then you all reviewed a document you said?

19 A. Yes sir.

20 Q. Okay and you approved a grant for the micro -- you approved
21 the microgrant program?

22 A. Yes sir.

23 Q. And you did that without a budget?

24 A. It was in partnership with the school district. So the
25 school district has --

1 Q. Okay.

2 A. -- an existing fund with the (indiscernible) community
3 (indiscernible) for (indiscernible) that's been conducted in
4 the past. And part of the effort in establishing the
5 Foundation was to provide a more structured deeds for
6 philanthropic engagement as a direct entity of the district
7 versus partnering with a third party.

8 Q. So the Foundation hasn't engaged in any -- hasn't signed
9 any contracts or committed itself to anything else right?

10 A. I believe there is a few things that they -- that they
11 committed themselves to for -- for marketing services, for the
12 website and things like that as well as our donation platform.
13 You know, there -- there's somethings that we structural
14 frameworks that have been created for the organization as it's
15 been established.

16 Q. And because you didn't mention those when I asked for major
17 --

18 A. That wasn't business of the Board.

19 Q. It wasn't business of the Board?

20 A. Correct.

21 Q. So -- so the Foundation didn't conduct any of that
22 business?

23 A. The Foundation Board did not conduct (inaudible) it wasn't
24 anything (inaudible).

25 Q. Got you. Okay. So back to this customary thing because

1 I'm not going let you go without talking about that. With
2 respect to January 26th agenda, were the nominees for the
3 Foundation listed by name?

4 A. They were.

5 Q. Were there bios or resumes listed and provided included in
6 the agenda?

7 A. Yes sir.

8 Q. Yeah. With respect to the February 25th, 2026, agenda,
9 were the nominees identified by name for the Board Foundation?

10 A. Yes sir.

11 Q. Were there -- was there biographical information listed on
12 there as well?

13 A. Yes sir.

14 Q. Thank you. With respect to the March 4th, 2026, special
15 call meeting, was the Foundation nominees name placed on that
16 agenda?

17 A. No sir.

18 Q. Thank you.

19 A. I believe that's the one where Mr. Lesesne was appointed.
20 I was not present at the March 4th meeting.

21 Q. I'll show you -- excuse me, what we've marked as Exhibit D.
22 Go ahead take a look at that agenda. Let me know when I can
23 ask you some questions about it.

24 A. I'm sorry March 4th is Joan Robinson-Berry. I thought it
25 was --

1 Q. Okay.

2 A. So I was thinking that was Garry Lesesne.

3 Q. So we've got three agenda documents here where each of the
4 three identifies board nominee by name and a resume or
5 biographical information?

6 A. Yes.

7 Q. My question to you is does that appear to be creating some
8 kind of custom that that information is placed on the agenda
9 with respect to these board members?

10 A. It's our procedure.

11 Q. It's your procedure?

12 A. That was our procedure was to put anything that we had as I
13 described previously on the agenda.

14 Q. So with respect to Ms. Faust, procedure wasn't followed?

15 A. With respect to the appointments of Ms. Faust and the
16 nominations that were made for Garry Lesesne and to address
17 these, Whatley -- excuse me. Temple and Roberson that made
18 nominations from the floor. There were a total of four
19 nominations made from the floor that were not included in the
20 agenda. Two were approved and two were not.

21 Q. That wasn't my question.

22 A. Well you just asked -- you asked --

23 THE COURT: Hold on. Hold -- hold on. No sir. We don't
24 go -- you don't -- that wasn't your question and rephrase the
25 question. He -- he -- he's in the question answer business

1 today. You're -- or he's in the question asking business.
2 You're in the question answering business. If you -- you don't
3 ask him questions. Rephrase your question and if you
4 understand that question sir then you can answer it, okay?

5 BY MR. FERGUSON:

6 Q. Based on what you just testified to, was the process with
7 respect to Ms. Faust nomination not followed?

8 A. We put everything that we had on the agenda. We -- we
9 didn't have that information.

10 Q. And because you didn't have that information is it fair to
11 say that the process that you usually use was not followed?

12 MS. PAYLOR: Object to this line of questioning.

13 THE COURT: I -- I'm going to --

14 MS. PAYLOR: (indiscernible)

15 THE COURT: No, no. I'm going to sustain that objection.

16 I -- I mean I'm the -- it's quite obvious what you're trying to
17 get at and what his answering is, but I mean I think that's on
18 the record abundantly counsel.

19 MR. FERGUSON: I understand your Honor. I'll continue on.
20 I -- I -- with the courts indulgence, he is sworn to tell the
21 truth, the whole truth and nothing but the truth.

22 THE COURT: Yes.

23 MR. FERGUSON: I asked him a yes or no question and he's
24 skirting around it.

25 THE COURT: Well the problem is I don't know that it -- I

1 disagree with the yes and no question. I don't think this -- I
2 -- I don't think that the question that you're asking him --
3 I'm not going to -- I'm not going to compel him at this point
4 based on that question to respond to a yes or a no.

5 MR. FERGUSON: All right. I understand. Thank you your
6 Honor.

7 THE COURT: Yes sir.

8 MR. FERGUSON: And I apologize for --

9 THE COURT: No, no, no. There's no apology necessary at
10 all sir.

11 BY MR. FERGUSON:

12 Q. All right have you ever had a conversation with Dr.
13 McClure?

14 A. Not to my recollection, no sir.

15 Q. Have you ever call him on the phone?

16 A. No sir.

17 Q. You ever leave him a voicemail?

18 A. No sir.

19 Q. Is that true?

20 MS. PAYLOR: (indiscernible)

21 MR. FERGUSON: I'm (indiscernible)

22 BY MR. FERGUSON:

23 Q. Do you know who Patrick Arnold is?

24 A. Yes sir. He's the executive director of the Foundation.

25 Q. Do you know if Patrick Arnold ever reached out to Dr.

1 McClure?

2 A. Based on the fact that everyone whose information was
3 provided to us was reached out to, I would agree or believe
4 that he was probably reached out to by Mr. Arnold. If it
5 wasn't by me and I don't believe that I reached out to Dr.
6 McClure.

7 Q. All right. Do you recall whether Mr. Arnold indicated that
8 Dr. McClure would be a good fit for the Foundation?

9 A. I don't recall any conversation about such sir.

10 MR. FERGUSON: All right. That's all I have. I
11 appreciate your time.

12 THE COURT: All right any -- any redirect?

13 MS. PAYLOR: No your Honor.

14 THE COURT: All right thank you sir. You can step down.

15 MS. PAYLOR: Your Honor we call Anita Huggins.

16 THE COURT: All right.

17 CLERK: Please place your left hand on the bible and raise
18 your right.

19 (ANITA HUGGINS, DEFENDANT'S WITNESS, SWORN)

20 CLERK: Do you swear or affirm that the testimony you
21 shall give before this court shall be the truth, the whole
22 truth, and nothing but the truth so help you God?

23 THE WITNESS: Yes ma'am.

24 CLERK: Please be seated. And for the record, please
25 state your full name.

1 THE WITNESS: Anita Huggins.

2 DIRECT EXAMINATION

3 BY MS. PAYLOR:

4 Q. Ms. Huggins, what is your position?

5 A. I currently serve -- I'm blessed to serve as superintendent
6 of the great Charleston County School District.

7 Q. How many students attend Charleston county schools?

8 A. About 51,000 Ms. Paylor.

9 Q. And how many schools do you (inaudible)?

10 A. 90 schools or programs. Second largest in the state.

11 Q. You have a lot of diversity among the students?

12 A. We do. The Charleston County School District is one of the
13 most -- probably the most diverse district in South Carolina,
14 yes ma'am. About 50 percent of the students are white, 30
15 percent of the students are African American and 18 or so
16 percent of the -- the students are Hispanic.

17 Q. And is it your job to provide an education to all the
18 students?

19 A. My job is to put the interest of students first, yes ma'am.

20 Q. And how do you do that?

21 A. I attempt through leadership to focus on kids, to make
22 decisions that are grounded in what's best for children and to
23 support the teachers and the principals across this great
24 district in doing just that. Optimizing the strategies that
25 elevate the achievement of all children, and I try with the

1 Board of Trustees to appropriately allocate resources that will
2 serve all children regardless of their zip code. And that was
3 one reason that we as a system decided to come to the Board and
4 create a Foundation.

5 Q. So what -- what was your purpose in wanting to create this
6 Foundation?

7 A. So the desire of this district is really to think outside
8 the box Ms. Paylor about how we serve children. If the ways
9 that we've always served children were going to work, all
10 children would be reading on grade level, all children would
11 leave our system college and career ready and quite frankly
12 what the data tells us is that while the children in this
13 district right now are achieving at rates higher than they ever
14 have before, we still have a lot of work to do. So my job is
15 to think about and allocate resources that consider outside of
16 the box ways to serve children. And sometimes the general
17 operating find will serve those means and those measures but
18 other times it won't.

19 And so we came together as a senior team and talked about
20 -- Mr. Prentice is a member of that senior team as CFO, ways
21 that we could work with partners outside of the district
22 philanthropically to support the things that we might not
23 otherwise be able to fund. And a Foundation was one of way
24 that we believed that folks that wanted to come and serve the
25 district could do so in a way that was tax deductible. And so

1 we -- we went about doing that Ms. Paylor.

2 Q. Do you have any political agenda with regard to that?

3 A. So Ms. Paylor, student outcomes don't change until adult
4 behaviors do. The job of the district is nonpartisan. And so
5 neither I have an agenda nor does any member of my staff to my
6 knowledge that I can speak to. I had no political agenda.

7 The agenda was to create a structure whereby we could
8 serve kids in a ways that we might not normally be able to do
9 so. Let me give you an example and then I promise I'll stop
10 talking because this is about lunch time judge. So last year
11 we funded a pilot of program to incentive children's families
12 who are chronically absent to come to school. It was quite
13 controversial.

14 Some of my friends from the news who are here today
15 covered that, and they asked me why we did that. Why do we
16 feel the need to pay people to come to school. Quite frankly
17 Mrs. Paylor we shouldn't have to do that, but we believed we
18 needed to do whatever it took to get kids in school. If the
19 return on investment with that initiative suggested that that
20 was a highly effective way of getting kids in school,
21 particularly kids who live in poverty ma'am.

22 The Foundation would serve as a way we might fund that
23 outside of the general operating fund. Because tax payers felt
24 some kind of way about that. I'll tell you because most days I
25 offend 49 percent of the population. And so the -- the purpose

1 of the Foundation was to establish ways that we could think
2 outside of the box but very data drivenly [sic] about the work
3 we do with kids.

4 Q. Did you have -- did you have a list of people who you
5 wanted to be on the Board of Directors?

6 A. No ma'am. That's not my -- that's not my business. Who
7 the Board elects, who is chairman, who appoints the health
8 advisory committee, to appoints to the auto finance committee,
9 none of that's my business. I just want people to serve along
10 side me who want to do what's best for kids.

11 Q. Are you excited to get the Foundation going and (inaudible)

12 A. Quite frankly I was delighted that we were able to do
13 something different for the first time in Charleston County.
14 That we believe it would serve kids and serve kids well.
15 Regrettably it's devolved into a conflict among adults which is
16 what I try to avoid all day, every day.

17 Q. So have you had to -- has the Board had to adjourn meetings
18 where the selection of directors has been discussed?

19 A. Regrettably the Board has had to recess because of --
20 because -- because of the outbursts from adults related to
21 board business, specifically the Foundation, yes.

22 Q. Has that created a lot of division among the Board?

23 A. It's significant to say that when adults can't align, in
24 the belief for children it detracts from the mission of the
25 district, yes ma'am. And in the words of principal who are

1 here to testify so I won't speak on their behalf, but what's
2 been reported to me by principals in their last -- in my -- by
3 my principals cabinet just three short weeks ago --

4 MR. FERGUSON: Object to form. Objection your Honor, it's
5 going to hearsay.

6 THE COURT: Well I'm going to allow that but gosh there's
7 been hearsay upon hearsay today. And so I -- I'm going to
8 allow her to -- to testify as to what employees have reported
9 --

10 THE WITNESS: Thank you your Honor.

11 THE COURT: -- to her. Go ahead.

12 THE WITNESS: Well it was reported to me by principals
13 cabinet members last week is that this matter had become
14 incredibly disruptive and at which point they asked me if they
15 needed to come and speak to the Board itself about board
16 behavior, but I don't lead that way. I told them to focus on
17 the work in schools, doing work for kids. And so here we are
18 today.

19 BY MS. PAYLOR:

20 Q. You want the Foundation to be enjoined from doing any
21 business?

22 A. I'd do not, no ma'am.

23 Q. Why is that?

24 A. Because the mission of the Foundation is to serve kids and
25 what was incredibly encouraging to me is that Board's first

1 action outside of approval of it's committees and approval of
2 the bylaws and approval of all the things that the IRS
3 requires. Poor Mr. Prentice knows a lot more than I do I'll
4 establish for the record, but was to establish a microgift
5 program that has already received tremendous response from
6 teachers. Over a hundred applicants where they're seeking
7 grants to do creative and innovating things in their classrooms
8 for the remainder of this year or into next year. And there is
9 -- I met with the representatives from the Foundation
10 yesterday, Patrick Arnold and Devon Wade who are employees to
11 talk about yet another initiative, excuse me, that the
12 Foundation may embark upon to kick off the new year in
13 celebration of the work of the Charleston County School
14 District because the data suggests that kids are growing more
15 than they ever have before. And so sensation of that work
16 would prevent teachers and resources, teachers from getting
17 resources that they've applied for, the application of which
18 closes on Friday.

19 Q. Do you -- do you work on setting agendas?

20 A. I do. I -- regrettably. Yes ma'am. I work on board
21 agendas. I'd much prefer being in schools but I -- I do
22 because that's one of the superintendent's roles is to ensure
23 that the Board follows it's policy. Sometimes some board
24 members don't like that that's the superintendent's role but
25 that's part of my role. And part of my role is to be the board

1 officers, specifically the board chair, develop the board
2 agenda. And I take that seriously.

3 Q. And when you get a directive from the Board, is it the
4 majority rule?

5 A. Policy is clear that majority rules and that while
6 individual trustees may disagree, that once those decisions are
7 made by majority of the Board as a body, the Board moves
8 forward, not necessarily in agreement with the decision but
9 what we also try to teach out children, is that while you might
10 not agree, you move forward because majority has spoken. And
11 we take out directives at a majority of the Board as long as we
12 believe they -- or we take our directives at -- at -- at a
13 majority of the Board.

14 Q. When you create your agendas, I know they've been shown,
15 but you normally have like a notice of what the, either the
16 action or what the presentation's going to be or something like
17 that. Is that correct?

18 A. So our board agendas, yes ma'am, note the item whether the
19 item is the information or action and then we attempt to attach
20 as much supplementary information to the board agenda and --
21 and -- in as a transparent way we can to support the item. But
22 the item's always listed. And -- but the supplementary items
23 are not always posted at the same time the agenda is posted.

24 Q. And can you post supplementary information that you do not
25 have?

1 A. I -- we cannot, no ma'am.

2 Q. And in this case, did you anticipate that the -- the nine
3 initial nominees would be approved?

4 A. I anticipated, yes ma'am, that the appointees would be
5 approved but again, whether they were was not my -- a decision
6 for -- for me to make. I didn't spend a lot of time
7 considering that or that this would have devolved into -- to
8 what it has.

9 Q. But once that didn't happen, did you take steps to inform
10 the Board of what there next steps should be and what the
11 bylaws said?

12 A. I appreciate that Ms. Paylor. I did. I did. We've seen
13 some video here today. When a majority of the Board not
14 approve one of the candidates for district eight, Dr. McClure,
15 it was made clear by the trustee that nominated that appointee
16 on the dais, and I think we've witnessed that in the video
17 today (indiscernible) that she intended to bring that appointee
18 as she referred to him back to the Board for consideration.
19 And so my job as superintendent is to seek counsel, the
20 parliamentarian on how -- how to address that, how to
21 anticipate challenges. That's what we do as educators.

22 We anticipate challenges that we're going to face and we
23 try to -- to head them off. Now with this Board Ms. Paylor I
24 try to do that every opportunity I get. And so we did seek
25 counsel on how to advise the Board and what to do next because

1 my job is to make sure that the public has trust in the
2 institution to the (indiscernible) and that I have that ability
3 to do so. And so I did seek counsel and as it's been, pardon
4 me for being brutally honest, as it has been some members of
5 this Board's tendency to question the advice of legal counsel,
6 I sought counsel from not one attorney, not two but also the
7 parliamentarian who serves currently as the county attorney for
8 Dorchester. So I talked -- I sought counsel to make sure there
9 was no interpretation that was different. And I sought
10 interpretation from not all three together ma'am, but each one
11 individually.

12 Q. Were you ever trying to get around the requirements of
13 FOIA?

14 A. No ma'am. I'm sorry.

15 Q. No that's all right. (indiscernible)

16 A. No ma'am. In fact one of my jobs is to make sure that we
17 do comply with FOIA. I'm no FOIA expert. I'm not going to
18 pretend to be one. I'm not an expert on a whole lot but I do
19 think after nearly thirty years in education, I know a little
20 bit about educating kids. And so when I knew FOIA wasn't my
21 strength I studied up on it and I made it my practice to before
22 any agenda posted, to ensure that the agenda was reviewed by
23 not only (indiscernible) but also the parliamentarian who I do
24 consider an expert in FOIA. And I considered that for I ask
25 him to be the parliamentarian and entered into a contract for

1 him to be the parliamentarian. In fact I think John Frampton
2 the prior parliamentarian has more knowledge of FOIA than
3 should be allowed but nonetheless both Mr. Frampton and
4 intermural counsel Wilbur Johnson reviewed all agendas before
5 they post.

6 MS. PAYLOR: Thank you. Those are all the questions
7 (inaudible).

8 THE COURT: All right. Cross examination?

9 MR. FERGUSON: I think just briefly your Honor.

10 THE COURT: Yes sir.

11 CROSS EXAMINATION

12 BY MR. FERGUSON:

13 Q. (indiscernible) you knew Ms. Faust's nomination was going
14 to occur before it actually did, didn't you?

15 A. I didn't have knowledge that her nomination would occur
16 before it did from a trustee. Had I heard rumors that it
17 could? Yes sir.

18 Q. So not even you, the superintendent of Charleston County
19 School District, the second largest or the largest?

20 A. The second largest --

21 Q. The second largest district in the -- in the -- in the
22 state, even you did not know that Ms. Faust's nomination was
23 going to occur on February 25th, 2026. Is that right?

24 A. That's correct.

25 Q. Okay.

1 A. But Mr. Ferguson?

2 Q. Yes?

3 A. I'd like to state for the record that the advisement was
4 given to the Board that I provided an email that may have been
5 entered into evidence, in anticipation that as a trustee had
6 stated on the dais, she intended to bring the same nominee
7 forward. And in anticipation of that, we sought counsel and I
8 provided notice, as I stated in -- during the board meeting,
9 that I encourage the last three nominees -- excuse me the
10 trustees, Mrs. Whatley, Trustee Temple and Mrs. Roberson to
11 bring with them to the board meeting, I encouraged them to
12 bring multiple candidates for consideration in the event their
13 initial appointee was not approved by the board majority. So
14 whereas I didn't know that Mrs. Faust would be appointed, I
15 assumed that other names might come forward because I had asked
16 the Board to do that.

17 Q. Did you have --

18 A. In our written correspondence.

19 Q. Did you pass -- I'm sorry. Did you ask the Board to
20 provide names and biographical information to put on the
21 agenda?

22 A. The original request that went out from me was for the
23 Board to send to us names and resumes so that we could do our
24 due diligence, as Mr. Prentice testified, in vetting those to
25 the extent that we could in advance. Specifically in regards

1 to their residence in a district. And I -- if I might sir,
2 give an example of that. We had one trustee who brought
3 forward the name of a -- of -- of -- of a pastor she wanted
4 which to serve, and he happened to live on the two streets
5 within her district that were in another district.

6 And so we let that trustee know, Trustee Whatley that
7 candidate that you've sent to us for consideration does not
8 live in your district. If you thought that and he thought that
9 y'all were both wrong so go back and find another candidate.
10 And that was the purpose of getting that information in advance
11 Mr. Ferguson is so that could do that, and so that we could, if
12 it could be clear, provide as much information to all the
13 trustees in advance as possible.

14 Q. Great. So you will agree with me that you wanted the
15 Board's names, the Board nominees names and resumes in order to
16 do your due diligence?

17 A. I would agree that we wanted their names in advance to make
18 sure, as Mr. Prentice testified, that they lived in the
19 district and that we had as much information to provide as we
20 could the other trustees in consideration of their vote.

21 Q. You consider doing that doing your due diligence?

22 A. I consider doing that in advance our due diligence, yes.

23 Q. Very good.

24 A. But I acknowledge that the email that I sent asked trustees
25 to come prepared with more than one nominee. And several

1 trustees did that. Trustee Roberson, Trustee Temple, Trustee
2 Whatley and Trustee Whatley.

3 Q. Okay. So with respect -- with respect to identifying
4 nominees from the floor so to speak, on the day of the meeting,
5 isn't it fair to say that due diligence couldn't have been
6 done?

7 A. That's not necessarily fair to say.

8 Q. Well because they -- you requested them bring the names and
9 the resumes to the meeting, without posting them on the agenda,
10 it's fair to say you couldn't have checked their residency,
11 right?

12 A. We couldn't have.

13 Q. And you couldn't have, you know, done any search of whether
14 there would have been a conflict of interest, right?

15 A. We couldn't have but --

16 Q. Right.

17 A. -- those things wouldn't -- weren't required to do in
18 advance.

19 Q. Right.

20 A. But we wanted to do them in advance to prevent the
21 situation that I just referenced to the extent that we could.
22 Acknowledging that, as happened here, if after the fact a
23 trustee did not reside in the district or did have a conflict
24 of interest, we could do exactly what we had to do after
25 members of the public called the clerk of court and several

1 others to ask that they not accept the position.

2 Q. So in your work around to the inability for the Board to
3 agree on the district eight nominee, it's fair to say that you
4 informed the Board to bring nominees to the floor without
5 having it posted to the agenda?

6 A. So in anticipation of what we experienced at the first
7 meeting where five trustees brought forward their nominees and
8 one was not approved, we sought counsel and provided
9 information to the Board in advance to bring more than one
10 nominee in the event that their first nominee that was posted
11 on the agenda was not approved.

12 Q. Were you ever concerned that taking that process would
13 limit your ability to do your due diligence with respect to
14 vetting these candidates?

15 A. Not concerned per say sir, no.

16 Q. Even though you knew you couldn't check their residency?

17 A. Although we knew we couldn't check their residency.

18 Q. Not for a second?

19 A. Not for a second.

20 Q. Did you -- did you even question it?

21 A. Did you seek any advice from anybody about whether due
22 diligence would be done if more nominations were made?

23 A. I did not. I did not because the bylaws were really clear
24 that a majority of the Board affirms the appointment to -- to
25 the Foundation Board and if -- if we knew that if the -- the

1 members did appropriately meet the criteria that we'd put the
2 item back on the agenda and the advice that we received from
3 counsel suggested that we advise the Board appropriately to
4 prevent (inaudible).

5 Q. Did you ever believe that the nomination process was each
6 nominee would nominate -- or each Board of Trustee member would
7 nominate one nominee in their own district?

8 A. So we thought -- we believed that for ease of the process
9 and as Mr. -- Mr. Prentice suggested in watching county council
10 and other folks do business of this nature that -- that one
11 nominee was to come forward from each trustee. But we never
12 suggested, in fact I corrected via email on one trustee who
13 said here's my appointee. I wrote back to the whole Board.
14 This is not your appointee. This is your nominee to the
15 Foundation Board which has to be approved by a majority of the
16 Board. So the process was that each trustee could bring
17 forward but that it did not prohibit other trustees from making
18 nominations. And again, that was expressly communicated to the
19 Board in multiple communications from me.

20 Q. Isn't it true that the nominee review process says that to
21 being the review process potential nominees for the Board of
22 Directors will be shared with Foundation staff?

23 A. I'm not familiar with that. If -- if -- if you have that
24 in writing there, if I can see it, I'll take a look at it.

25 Q. So you're not familiar with that?

1 A. Well I'm not looking at it. I can't -- I don't -- but
2 again, it doesn't say that -- if you'll read it again or let me
3 read --

4 THE COURT: Do you have a copy of it?

5 MR. FERGUSON: I don't have a hard copy of the Foundation
6 review process.

7 THE WITNESS: If you'd like to read it again, I trust you
8 Mr. Ferguson. I've known you for a bit. If you want to read
9 that again, I'm happy to --

10 MR. FERGUSON: It's nominee review. TO begin the review
11 process, potential nominees --

12 THE COURT: You've got -- got -- got -- please go slower.

13 MR. FERGUSON: I'm sorry. To review -- nominee review.
14 To begin the review process, potential nominees for the Board
15 of Directors will be shared with Foundation staff.

16 THE COURT: Are you reading from the bylaws?

17 MR. FERGUSON: I'm reading from the nominee review
18 process. (indiscernible) I'll find it.

19 THE COURT: Well I'm -- I'm just -- I'm just asking
20 because I'm trying to --

21 MR. FERGUSON: I got it. Well I'm at a bit of a
22 technological disadvantage here. So let me ask this question.
23 I hate to do this. Can I show her my phone?

24 MS. PAYLOR: I don't know what he's talking about?

25 THE COURT: Yeah what --

1 MS. PAYLOR: She doesn't know what he's talking about. If
2 she's never seen it before, you can --

3 THE COURT: Well hold -- hold on. You got water ma'am?

4 THE WITNESS: Yes sir. Thank you so much.

5 THE COURT: Okay.

6 MR. FERGUSON: If I may approach?

7 THE COURT: Sure.

8 MR. FERGUSON: (indiscernible)

9 THE WITNESS: It's not going to be the first one I've ever
10 taken Mr. Ferguson.

11 BY MR. FERGUSON:

12 Q. I'm going to hand you a document that is titled Charleston
13 County Education Foundation Board of Directors nomination
14 process.

15 A. Okay.

16 Q. Take a look at it.

17 A. Gosh Mr. Ferguson your eyes are like (indiscernible).

18 Q. My first question to you --

19 THE COURT: Hold on -- hold on -- give her -- ger her an
20 opportunity to -- to look at it for a second.

21 THE WITNESS: Mr. Ferguson, (indiscernible) so I can make
22 it bigger? Can you do that?

23 MR. FERGUSON: (indiscernible).

24 THE WITNESS: Thank you. Sorry for the delay.

25 MR. FERGUSON: Gives me time to think of more questions.

1 THE WITNESS: Okay Mr. Ferguson I seen it now. Thank you
2 sir.

3 BY MR. FERGUSON:

4 Q. All right. Have you ever seen that document before?

5 A. I have, yes sir.

6 Q. What is it?

7 A. It's hard to (indiscernible) your phone though
8 (indiscernible).

9 Q. I'm going to put it on my computer so you can get a larger
10 --

11 A. That'd be even better, thank you.

12 Q. What is that document? What is it?

13 A. Well if you give it to me --

14 Q. Do I have to give it back to you?

15 A. -- see it yes sir.

16 Q. All right hold on.

17 A. Thank you sir.

18 Q. Show it on that screen.

19 A. The phone had me worried.

20 Q. Feel free to scroll on down.

21 A. So this is the Education Foundation Board of Directors
22 nomination process.

23 Q. Now with regard to the section at the bottom of the first
24 page where it says nominee review --

25 A. Yes sir.

1 Q. -- is it true that it says that to begin the review process
2 potential nominees for the Board of Directors will be shared
3 with Foundation staff?

4 A. That's what it says, yes sir.

5 Q. Okay. So how can nominations from the floor without notice
6 to the public or anyone be shared with Foundation staff?

7 A. It's a great question Mr. -- Mr. Ferguson, I -- I am
8 (indiscernible) teacher so recognize that I've read all of that
9 again, nowhere in that paragraph does it note at what point the
10 Board action takes place. In fact, the Board action is the
11 first item. That talks about in the overview that a trustee
12 will nominate a resident and so the nominee review can occur
13 before or after but again, in consideration of the -- of the
14 district trying to circumvent problems with residency and
15 information in advance, we ask for the information in advance
16 to try and prevent challenges associated like we find ourselves
17 here faced with today. Had for example, Reverend Dr. Marion
18 Platt being nominated by Leah Whatley, we would have had to go
19 back, it could have been embarrassing to Mrs. Whatley,
20 embarrassing to Reverend Dr. Platt and say we made a mistake.
21 So we attempted to do our due diligence but no where in that
22 says these things happen first and then the Board action takes
23 place.

24 Q. Could you please read me the first sentence under nominee
25 review?

1 A. To being the review process, potential nominees for the
2 Board of Directors will be shared with Foundation staff.

3 Q. Okay so and I'm not trying to be dismissive here but to
4 being the process for potential nominees, that -- that name
5 needs to be shared with Foundation staff, right?

6 A. It -- it -- it could be but again, this isn't the bylaws
7 Mr. -- Mr. Ferguson. This -- these are processes and
8 procedures here but not, again, not -- not the bylaws.

9 Q. So was this document provided to the Board of Trustees to
10 rely on?

11 A. I'm going to be honest with you sir, I can't answer that
12 question. I don't know.

13 Q. Was it provided to you?

14 A. I've seen that document, but I don't know at which point.
15 That's probably a better question for the CFO. I don't mean to
16 tell you how to do your job, but he and the Foundation staff
17 manage more of this process with -- with the Foundation than I
18 do. I can't -- I can't confirm whether that was provided to
19 the Board.

20 Q. But nonetheless, I take your point.

21 A. Well thank you sir.

22 Q. To begin the review process, potential nominees for the
23 Board will be shared with the Foundation staff. It's fair to
24 say that after Ms. Faust was nominated and voted on and
25 approved, she was no longer a potential nominee. Is that

1 right?

2 A. That's correct.

3 Q. Okay.

4 A. That also doesn't have the word, you know, is required to
5 be or anything in that nature in it but you know, once she was
6 appointed, she was no longer a -- a nominee but again, her
7 information had to be vetted by staff, at the point that she
8 was nominated. And so, again, isn't -- it is not necessarily
9 FOIA related because the item for action was noticed on -- on
10 the agenda. And board members were asked to come prepared with
11 multiple nominees in the event their initial nominee was not
12 approved. Now I realize that some trustees did not agree with
13 that but that they were advised appropriately is -- is the
14 written record.

15 Q. So it's your testimony that what I will mark and provide as
16 Plaintiff's Exhibit J at the appropriate time, this Charleston
17 County School District Education Foundation Board of Directors
18 nomination process document has no bearing on how the
19 Foundation should operate?

20 A. Say that one more time please sir. I'm sorry.

21 Q. Is it fair to say that your testimony is that this document
22 that I provided to you has no bearing on how the Foundation
23 should operate?

24 A. That's -- that's fair I assume Mr. -- Mr. Ferguson. I'm
25 not --

1 Q. Okay.

2 A. I'm sorry. May be a bit confused.

3 Q. Earlier you testified that it's your job to make sure
4 polices are followed. Is that right?

5 A. Board policy, yeah it is. Yes sir.

6 Q. Okay.

7 A. It's a part of my job but not everybody likes it.

8 Q. Are you familiar with board policy BEDA/BEDB?

9 A. I -- I recognize the letters, yes sir. But you'll have to
10 show me the policy. There are a lot of policies sir.

11 Q. Show you what's been marked --

12 A. Okay.

13 Q. -- Exhibit E. Take a look at it.

14 (Plaintiff's Exhibit J introduced.)

15 A. Yes I'm -- I'm sorry if you're waiting on me. This is -- I
16 am familiar with this policy. BEDA/BEDB, yes sir.

17 Q. Okay. Doesn't this policy require that agenda items must
18 be identified and described in the board action item form and
19 the form must be turned in before the deadline and any such
20 item must be accompanied by appropriate back up materials.

21 A. Is that what that says? Yes sir.

22 Q. Okay. And it's fair to say that is a board policy that
23 must be followed?

24 A. Yes. Yes sir. It is a policy. It needs to be followed.

25 Q. And it's your job to make sure the Board follows that

1 policy? Is that right?

2 A. It is, yes sir.

3 Q. So was the Board not following the policy when Ms. Faust's
4 information, her biographical information or resume were not
5 provided to them or --

6 A. So --

7 Q. -- included in the agenda?

8 A. So I think -- yes the Board was following it's policy.
9 There was -- the Board was following it's policy. I thought we
10 were talking about FOIA but in regards to the Board's policy,
11 the item -- the items posted on the agenda were described
12 appropriately for action, nominee and action.

13 Q. And it's fair to say that in -- you don't decide that in
14 the January 2026 meeting that all the Foundation nominee names
15 and biographical information were included in the agenda. Is
16 that right?

17 A. In the first meeting, the -- the names for five out of the
18 trustees that came forward on time were posted. I do not think
19 that Trustee Hollinshead's item was posted until the day of
20 because we didn't get the CV or resume or paragraph. Not
21 everyone did exactly as we asked so some we got bios but that's
22 -- we posted what we had. We posted what we were in receipt
23 of.

24 Q. All right. And do you agree -- would you agree with me
25 that the purpose of posting that is to let the public know

1 whose being nominated and their -- give them some information
2 about their background?

3 A. No sir. I -- I -- we posted the item for action that day
4 with supplementary materials that we received. The -- the
5 decision that was before the Board was about a Foundation
6 member from each of the districts, so the public didn't
7 necessarily weigh in on that. The vote belonged to the trustee
8 from each district, if that makes sense.

9 Q. Well can't the public weigh in on whether they support that
10 particular nominee for the -- for the Foundation?

11 A. They can sign up to speak at public comments but that
12 didn't occur Mr. Ferguson, at the time, until now, regrettably.

13 Q. Regrettably the public came to speak?

14 A. No regrettably this process has created something it was
15 never intended to bring which is confusion. It takes away from
16 the work with kids, and it takes away from the kids who need my
17 attention. From those -- right now I should be in a school,
18 sir.

19 Q. Okay. Do you believe you contributed that -- to that
20 confusion?

21 A. Not at all sir.

22 Q. Okay. Did you ever -- well -- weren't you confused that --
23 that you also believed that one trustee could nominate one
24 foundation member?

25 A. I was never confused by that sir. I read the bylaws.

1 Q. Okay.

2 A. And I advised the Board after I sought counsel. Not one
3 but two but three. It cost the tax payers quite a bit of money
4 in fact for me to get that counsel.

5 Q. Maybe you need new counsel? Now before --

6 A. Actually Mr. Ferguson --

7 THE COURT: Hold -- hold -- hold on, hold on. He's -- he
8 had to ask -- ask your question sir.

9 THE WITNESS: Thank you.

10 BY MR. FERGUSON:

11 Q. The Board's January 2026 agenda items and the Board's
12 February 2026 agenda items and the Board's March 2026 agenda
13 items, with respect to the nominees for the Foundation, include
14 the names and the bios. Is that right?

15 A. No it's not. Both Trustee Roberson and Trustee Tempel made
16 nominations from the floor that were not included on the notice
17 board agenda.

18 Q. Which board agenda?

19 A. I don't remember the date sir.

20 Q. Okay so was it the January 26 --

21 A. I don't --

22 Q. -- agenda?

23 A. I feel like Mr. Ferguson, I'm sorry but if you can -- are
24 these the agenda's up here? Let me take a look at them please
25 sir, if you don't mind. Mr. Ferguson do you happen to have it

1 -- the one that your asking about?

2 Q. Sure.

3 A. Please sir, other than --

4 Q. So --

5 A. I think I've just got January. Is that right? No, no, no.
6 I've got February. How about the next one?

7 Q. And that's March 6th, 2026.

8 A. Do you have that -- this one? So the attended date is
9 January the 26th included the names or -- or -- included the
10 names, yes, of the one, two, three, four, five, six, seven.
11 Seven of the nine trustees brought forward names that
12 (indiscernible) included their names and resumes. Yes sir. In
13 the supplementary material section.

14 Q. All right so with respect -- go --

15 THE COURT: Hold on.

16 THE WITNESS: But then --

17 THE COURT: No hold on ma'am. With respect to that one,
18 ask the question.

19 BY MR. FERGUSON:

20 Q. With respect to February -- sorry, January 2026 agenda, was
21 the purpose of including the names and the biographical
22 information in any way related to letting the public know who
23 was going to be voted on?

24 MS. PAYLOR: Asked and answered.

25 MR. FERGUSON: Just yes or no.

1 THE COURT: Over -- I'm going to overrule that. Ask your
2 question again. Let her answer.

3 BY MR. FERGUSON:

4 Q. With respect to the January 26th, 2026, agenda, was the
5 placement of the names and biographical information of the
6 Foundation Board candidates in any way purpose was any way to
7 inform the public of what was going to be voted on?

8 A. The information was included there supplementally materials
9 for the Board. The item was properly noticed that there were
10 appointments to come to the floor to establish the Foundation.
11 Appointments again, for the Foundation.

12 Q. So I'm asking a specific question. And I'm not -- I'm
13 asking the names and the resumes. Did that inclusion of that
14 in the agenda have anything to do with informing the public
15 about who was going to be voted on?

16 A. No. We provide the information for the trustees. The
17 supplementary material that did not have to be noticed Mr.
18 Ferguson.

19 Q. All right so your testimony today is that it had nothing to
20 do with putting the public on notice?

21 A. No.

22 Q. And is that your same testimony for the February 26 --
23 25th, 2026 meeting?

24 A. February 25th, let me take a look. That -- that would be
25 -- that -- that would be the same testimony -- same testimony

1 there, yes sir.

2 Q. And I just want to make it clear it's your position that
3 the reason that that name and -- and resume was put on the
4 agenda had nothing to do with informing the public about who
5 was going to be voted on. Is that correct?

6 A. (indiscernible) the supplementary information which we
7 posted that would inform the public but so that the trustees
8 had that information to review. But on the February 26th
9 meeting, or February 25th meeting that was the first meeting
10 where another nominee came forward for district eight because
11 Mrs. Roberson presented the same nominee that she brought forth
12 the first time that was not approved. And it was not approved
13 the second time.

14 Q. That wasn't the question. My question --

15 A. And then -- and then -- on the third --

16 Q. -- was was -- my question was does the inclusion of those
17 -- the name and the resume have anything to do with putting the
18 public on notice that those individuals were going to be voted
19 on?

20 A. And I've answered no.

21 THE COURT: What is your answer. Yes or no?

22 THE WITNESS: No.

23 THE COURT: I thought so. All right.

24 MR. FERGUSON: And --

25 THE WITNESS: Thank you your Honor.

1 BY MR. FERGUSON:

2 Q. And with respect to the March 6th, 2026, agenda item --

3 A. I'd like to see that agenda please, sir.

4 Q. (indiscernible) Is it not up there?

5 A. Not at -- not at -- that -- the March 6th, your

6 (indiscernible) about March 6th, that was the agenda I believe

7 on which Trustee Whatley, Joan Robinson-Berry who was appointed

8 by a majority of the Board was noticed and members of the

9 public called her from the floor of the Board room from -- at

10 which time she withdrew her willingness to participate but

11 there were also two other nominees from Dr. Temple and Mrs.

12 Roberson that were not publicly noticed. As a result, on the

13 next special called agenda, because of the confusion created,

14 no names, at the advice of counsel, were provided on the in the

15 supplementary material to notice any -- anything further

16 because of the significant amount of confusion that came to be

17 created by this whole process.

18 Q. All right. And I -- I know -- I know I'm -- I'll get done

19 -- stick with me but I just need to get it on the record. Did

20 the inclusion of that persons name and biographical information

21 on the March 6th, 2026, agenda have anything to do with

22 informing the -- giving the public notice that that item was

23 going to be voted on? That person was going to be voted on?

24 A. No the item to notice for the public was the nominee -- the

25 appointment of the education Foundation members.

1 Q. And you did seek counsel from the parliamentarian. Is that
2 right?

3 A. I sought counsel from districts general counsel.

4 Q. And --

5 A. I sought --

6 THE COURT: Let her finish.

7 THE WITNESS: I sought -- I sought information regarding
8 Roberts Rules of Order -- Robert's Rules of Order from the
9 parliamentarian who I consider to be an expert.

10 BY MR. FERGUSON:

11 Q. And it's fair to say that the parliamentarian also stated
12 during board meetings that he thought the bylaws that if one
13 vote per trustee for their own district? Is that right?

14 A. I don't know Mr. Ferguson. Like I suggested earlier, in
15 consideration of how the processes typically take place with
16 governing bodies, out of respect for the trustees.

17 Q. Just to refresh your recollection.

18 (Video plays.)

19 BY MR. FERGUSON:

20 Q. So he said each trustee only can nominate --

21 A. He said I believe. He didn't state that as fact and that's
22 a conversation for me as superintendent to have with Mr.
23 Franklin. But he never said that was fact.

24 MR. FERGUSON: Okay. All right. No further questions.
25 Thank you.

1 THE WITNESS: Thank you Mr. Ferguson. Thank you your
2 Honor.

3 THE COURT: Any redirect?

4 MS. PAYLOR: No your Honor. Thank you.

5 THE COURT: All right thank you ma'am. You may step down.

6 THE WITNESS: Thank you sir.

7 THE COURT: All right you got any other witnesses?

8 MS. PAYLOR: No sir.

9 THE COURT: Okay. Let me tell you. I would have broke
10 for lunch earlier. I didn't know this was going to keep going
11 because it's 1:30 now. You want to break for lunch? Or you
12 want to go ahead and present me with whatever information or
13 argument you have. He certainly has had that opportunity. You
14 want to present me with that?

15 MS. PAYLOR: It's very short.

16 THE COURT: All right. Go ahead ma'am. Well I'm not --
17 you can take all the time you want, all right.

18 MS. PAYLOR: I don't need a whole lot.

19 THE COURT: I'm here for the day.

20 MS. PAYLOR: Thank you your Honor. You've been very
21 considerate of -- of all of us and we appreciate that. He's
22 seeking here a temporary restraining order and preliminary
23 injunction to last for the pendency of the litigation. As we
24 know, litigation may last years, sometimes, decades. FOIA --
25 in reference to FOIA as set forth in the code of laws, is that

1 business be performed in an open and public manner so that
2 citizens shall be advised of the performance of public
3 officials and the decisions that are reached in public activity
4 and in the formulation of public policy. That's the purpose.

5 What we've got here your Honor is agendas being created
6 with an agenda item. The hope that no further nominees would
7 be needed. That did not occur. And then the desire to fill
8 the nine Board of directors, even though there were people who
9 were trying to force very good candidates to withdraw which
10 they did and keep the business from going forward. The only
11 harm that's been (indiscernible) is against the district
12 because it too so long to seat nine trustees.

13 They could have seated them all in one or two meetings,
14 which is what they had hoped. He is actually seeking to
15 suspend the business of this charitable organization. That
16 just can't be right. The Foundation itself, as a business, is
17 not violated. And he says that in his -- in his memo.

18 Things that he said are a violation the fact that Ms.
19 Leber may have had some telephone conversations and
20 (indiscernible) conversations with another member of the Board.
21 That does not violate FOIA your Honor. They weren't taking
22 action. They were discussing the possibility of who they might
23 -- somebody might nominate. That does not violate
24 -- that doesn't violate FOIA.

25 In fact, FOIA defines a meeting. The meeting that is

1 prohibited (indiscernible) being conducted outside of the
2 (indiscernible). And meeting means the convening of a four
3 constituent membership of a public body whether formal or
4 (indiscernible) electronic equipment to discuss or act upon a
5 matter over which the public body has supervision, control,
6 jurisdiction or advisory power. So when it said meetings in
7 the back talking about both are prohibited, it was a meeting of
8 a quorum your Honor. The case law is -- is clear on that
9 (indiscernible).

10 So that isn't showing the likelihood of success of the
11 merits. The -- the other -- the agenda item I was shocked.
12 There really isn't much case law in South Carolina on what goes
13 into an agenda. I think that's because there isn't much that
14 necessarily has to go into it. What has to go in is notice to
15 the public, the time, the place to and what the items are that
16 are going to be discussed. That was all typical on all of
17 these agendas.

18 The superintendent puts on the agenda because these are
19 the -- the people who are going to look at the agenda are the
20 Board of Trustees. There are special things they can click on
21 to get additional information because if you look at the
22 supplementary for example the minutes from an earlier meeting
23 that are going to be approved at that meeting are put there.
24 That's for the trustees to review them and see if they want to
25 make any changes to them. That's what supplemental information

1 is for.

2 In this case, initially, yeah they thought they were --
3 each person would make a nomination and then -- then that
4 nominee would be approved but that didn't happen. Had to go
5 back to the drawing board and look at the bylaws to explain
6 that that's not in the bylaws. They were just doing that as an
7 accommodation to the individual trustees. They did it three or
8 four times, telling them what -- what was going to happen.
9 There's no way they could put a nominee on the agenda if they
10 didn't know that (inaudible) and all of them did it. Two
11 witnesses today, they -- they nominated people who were not on
12 the agenda.

13 Your Honor this is -- I mean it's such a simple case
14 that's going to be such a grave process coming up with this
15 Foundation at the -- helping kids. And now it's gotten
16 embroiled into this lack of transparency, whatever they want to
17 call it. FOIA is there for a reason. They complied with FOIA.
18 They complied with FOIA at four different meetings to try to
19 finally get a full (indiscernible) members of the Board of
20 Directors.

21 Your Honor I don't -- there's just no evidence to show a
22 FOIA violation and to put forth the drastic remedy, which all
23 of our case law says, the remedy injunction is a drastic one
24 and ought to be applied with caution. Preliminary injunctions
25 should issue only if necessary to preserve the status quo and

1 (inaudible). Status quo (indiscernible) at this hearing your
2 Honor, we have Foundation that's already in business and doing
3 work. And they're seeking to stop it. There's no irreparable
4 harm that anybody can claim in this case.

5 The fact that they say, you know, a violation of FOIA
6 amounts to a irreparable (inaudible), well what they're doing
7 here is they're hurting the school district. They're hurting
8 the children who are there. Public interest should weigh in in
9 those circumstances and this request for an injunction, I don't
10 know what he thinks he's going to get and again, what is the
11 remedy of (indiscernible)? There isn't one.

12 They've already got their Foundation set so when Ms.
13 Roberson brings his name back one more time and he gets turned
14 down and somebody puts a name on the agenda? Your Honor this
15 is an exercise in (indiscernible) that get's Mr. McClure
16 nowhere. It gets the school district nowhere. And I would ask
17 that you deny it and issue your order stating that. Thank you.

18 THE COURT: All right thank you. Counsel you presented
19 your argument quite frankly for the most part at the beginning.
20 You're the moving party. You want to talk to me again I
21 assume.

22 MR. FERGUSON: Of course I do.

23 THE COURT: Then in that case, can you do it in five
24 minutes sir?

25 MR. FERGUSON: I think so your Honor.

1 THE COURT: Okay because if you can I'll probably stand
2 you down, right?

3 MR. FERGUSON: You just -- you just let me know when I
4 need to sit down.

5 THE COURT: It doesn't work that way.

6 MR. FERGUSON: But really I think it will be probably very
7 brief.

8 THE COURT: All right.

9 MR. FERGUSON: Your Honor Mr. McClure is entitled to seek
10 an injunction and has proved as established the elements he
11 needs, all right? He will suffer immediate irreparable harm,
12 there's a likelihood of success on the merits and there's no
13 adequate remedy at law. I don't think there's a dispute that
14 the statute that FOIA 30-4-100 clearly states court may order
15 equitable relief as appropriate and a violation of this chapter
16 must be considered to be irreparable injury for no adequate
17 remedy at law exists. There have been tons of evidence to show
18 that there is a likelihood of success on the merits of the
19 claim and Ms. Faust's nomination was not properly noticed under
20 FOIA.

21 South Carolina 30-4-100 or excuse me 30-4-80 says that
22 once an agenda for a regularly called special or rescheduled
23 meeting is posted, no items may be added to the agenda without
24 24 hours' notice to the public which must be made in the same
25 manner as the original proceeding. You heard even heard the

1 defense witnesses testify that they usually provide --that's
2 there process to provide as much information as they can on
3 these agendas. You know we disagree you know about whether
4 that process is customary or not, but I think the evidence at
5 least shows the process is customary which would establish at
6 least some likelihood of success on the merits. We've met
7 those three elements your Honor.

8 With regard to harm, harm is implied. And there's no harm
9 to the district. There've been -- the Foundation is brand new
10 as the CFO testified. There has been one meeting as the CFO
11 testified and what they did at that meeting was not -- they
12 haven't even gotten a budget together. They reviewed a
13 document. They approved a grant and -- or a plan to -- a grant
14 program excuse me and they established committees and those
15 committees haven't even met once.

16 So preserving the status quo will not be a harm to the
17 district. Opposing counsel in -- in discussing where we are of
18 this case and that nothing will come from it, that's patently
19 untrue. That is the purpose of FOIA to ensure that the public
20 has the right notice to make their voice heard on manners so
21 important as to children. The lack of notice about the
22 district eight nominee prejudiced not only my client but
23 prejudiced the entire community.

24 You've got entire district who came to meetings to voice
25 their support for -- for a nominee and that was stripped away

1 from them when the district decided it won't go our way. We
2 need to find a way to work around it. And their way to work
3 around it was to throw due diligence to the side and throw FOIA
4 to the side and just say hey we're going to make nominations
5 from the floor. We're not even going to vet them. We're not
6 going to check their residency. We're not even going to notice
7 the public, give them an opportunity to be heard.

8 That is what FOIA does. It gives people the opportunity
9 to be heard and that is being taken away because the district
10 and the superintendent went -- have (indiscernible) said when
11 adults behaviors don't change. These student outcomes aren't
12 going to change until the adult behavior does. And that adult
13 behavior is following FOIA and getting the adults the ability
14 to have their voice heard.

15 There is a good point to be made here. What can the
16 district do to make this right? Well they can preserve the
17 status quo and when Ms. Paylor said going back to the drawing
18 board, she referenced going back to the drawing board when
19 there was no district eight nominee. That's exactly what we're
20 asking for. Preserve the status quo and order an injunction
21 that the district eight nominee cannot be seated until they go
22 through the proper FOIA process.

23 Even more so, the first session nominees were -- did not
24 go through the same process as the other nominees and if you
25 want to go back to the drawing board, we'd have to go all of

1 the -- the Foundation members back with the same process. What
2 I'm trying to say here is there are ways not to delay this and
3 the district knows it. All it has to do is properly notice,
4 put it on the agenda, take public comment, and vote. That's
5 it. They don't want to do that. So we're asking the court to
6 enjoin them and stop them from conducting the business until
7 the community has had proper notice of it's candidates -- of
8 the candidates. That's --

9 THE COURT: Well they had proper notice of your candidate
10 right, obviously.

11 MR. FERGUSON: Yes, yes.

12 THE COURT: So you're saying proper notice to whoever the
13 other candidate is?

14 MR. FERGUSON: Right and -- and if -- if they don't want
15 to post the -- the -- the names of candidates, they need to
16 make that known. They didn't make that known at all. They
17 didn't say in the first meetings, the January and the February
18 and even the March meeting, they put the names and the bios in
19 there. That led the public to believe that here's how we're
20 going to know who our -- who the nominees are and if I have a
21 problem, I need to go. If I don't, I don't need to go to the
22 meeting.

23 But if the districts going to take the position that we
24 don't have to post these, they should have done that to begin
25 with. And two, they should have -- they either need to say

1 there going to be candidates that aren't going to be on this
2 agenda. They don't do any of that. I think my five minutes is
3 up so I appreciate your time your Honor and I would ask that
4 the court do what it's required to based on the statue since
5 Mr. McClure -- Dr. McClure, excuse me, has met the elements
6 that require an injunction. And enjoin the -- the district
7 from conducting -- enjoin the Foundation from conducting
8 business.

9 THE COURT: All right. What brings me here today is a
10 form 4 order that reads pending before the court is the motion
11 for a temporary -- temporary restraining order. The request
12 for a temporary restraining order and hearing as to a temporary
13 injunction if necessary is hereby assigned to me and thereafter
14 this motion shall be returned to the general docket. That is
15 what Judge Van Slambrook has said and what he has ordered.

16 What I will say is that I think that as far as a temporary
17 restraining order, we've had a full hearing today on this
18 matter where everybody's had an opportunity to call witnesses.
19 I think that the decision is going to be whether there's some
20 type of injunctive -- I don't think -- when I look at temporary
21 restraining orders I think about 10 days and things of that
22 nature. I don't think that's necessary at this point given the
23 amount of information I think everybody's had notice about
24 today. And so what I'll be doing is making a decision
25 concerning the injunctive relief. I think that's what is

1 appropriate for me to now consider after having heard all this.

2 Number two: I will probably have a decision made by the
3 end of the week. Number three: I may or may not have someone
4 prepare a proposed order probably once I've made my decision I
5 may have somebody prepare a proposed order. What I want to
6 make clear right now that as far as I'm concerned in any order
7 whether I prepare it or whether one of my counsels prepare it,
8 any findings and conclusions that I make are solely for the
9 purpose of this hearing and this injunction. I'm not making
10 any findings that would be binding on this matter as it moves
11 forward.

12 I know there may be other motions that are heard, things
13 of this nature and I don't know. Apparently that's going back
14 to someone else depending on what my -- where we go, this case
15 is moving forward independent of today. But I want to make
16 clear that I'm not making any findings that are going to be
17 binding other than this issue. Counsel you follow me on that?

18 MR. FERGUSON: Yes.

19 THE COURT: Sometimes people get -- people get excited
20 about that, and they try to say so no. I don't want to -- to
21 see that. So I'll be in touch. I thank y'all very much and
22 both of the lawyers certainly were very prepared and very
23 professional and zealous of the representation (indiscernible).
24 Thank you very much.

25 MS. PAYLOR: Would you like if we submit a proposed order

1 to you?

2 THE COURT: No ma'am. Let me just go ahead and make a --
3 make a decision, okay?

4 MS. PAYLOR: Thank you.

5 THE COURT: And to my -- to my lawyers, let's make sure
6 that everything that was supposed to get marked gets marked,
7 okay? I want y'all to spend a minute because I got -- I got --
8 we had -- we had a change midscreen here with the my clerks.
9 So y'all please make sure that gets done, okay?

10 MR. FERGUSON: Absolutely.

11 THE COURT: All right. Thank you.

12 MS. PAYLOR: Thank you your Honor.

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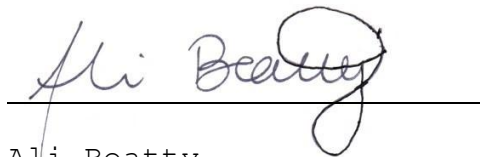
25

CERTIFICATE OF TRANSCRIBER

I, Ali Beatty, a certified transcriber, do hereby certify that the foregoing is a true, accurate and complete Transcript of Record of the proceedings had and evidence introduced in the trial of the captioned case, relative to appeal, in the Circuit Court of Charleston County, South Carolina, on the 1st day of April 2026.

I do further certify that I am neither of kin, counsel, nor interest to any party hereto.

June 5, 2026

A handwritten signature in blue ink that reads "Ali Beatty". The signature is written over a horizontal line.

Ali Beatty

Transcriber



Darlene Roberson <darlene_roberson@charleston.k12.sc.us>

Critically Important/Action Required: Education Foundation Board of Directors - Trustee Nominations

15 messages

'ANITA HUGGINS' via BoT <BoT@charleston.k12.sc.us>

Wed, Jan 7, 2026 at 6:34 AM

Reply-To: anita_huggins@charlestoncountyschools.gov

To: BoT <bot@charleston.k12.sc.us>

Cc: KYLA BRANTLEY <kyla_brantley@charleston.k12.sc.us>, "Johnson, Wilbur" <wjohanson@yclaw.com>, Lindsay Thompson <lindsay_thompson@charleston.k12.sc.us>, JOHN Frampton <john_frampton.c@charleston.k12.sc.us>, Daniel Prentice <daniel_prentice@charleston.k12.sc.us>, PATRICK ARNOLD <patrick_arnold@charlestoncountyschools.gov>, DEVON WADE <devon_wade@charleston.k12.sc.us>, JEFFREY BOROWY <jeffrey_borowy@charleston.k12.sc.us>, Michelle Mills <michelle_mills@charleston.k12.sc.us>

Trustees,

I hope you are well.

At the January 22, 2026, Board of Trustees meeting, each Trustee will be asked to make a nomination for one member to serve on the Board of Directors of the Charleston County School District Education Foundation.

In accordance with the Foundation's bylaws, the initial (Phase 1) Board of Directors is composed of individuals appointed by the Board of Trustees, including **one resident from each of the nine Board of Trustees' election districts.**

Nominees must 1) reside within the Trustee's district; 2) may not be a CCSD employee or a member of the Board of Trustees; and 3) must otherwise meet the qualifications outlined in Section 5.02 of the Foundation's bylaws. All voting members are also required to complete and sign an annual *Conflict of Interest* affidavit.

To allow staff adequate time to conduct conflict-of-interest review and verify that nominees meet the required qualifications, **Trustees should submit their nominations no later than Monday, January 19, 2026**, the Monday prior to the January 26 Board of Trustees meeting.

Additional information regarding the expectations and responsibilities of Foundation Board members is outlined in the attached Founding Trustee Job Description, including fiduciary duties, time commitment, and service expectations during the Foundation's initial phase.

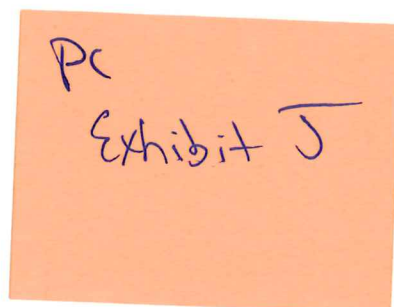
Please submit the name and relevant background information for your nominee to Trudie Bowles and me who will disseminate the information and update the agenda item for posting by Wednesday, January 21. Staff will follow up if any additional information is needed as part of the vetting process.

Please be advised that Chair McKinney will call for each Trustee's nomination by district number, in order to keep the process orderly.

Thank you for your continued leadership and support as we establish the CCSD Education Foundation.

If you have questions, please send them to my attention.

Anita

3 attachments **Bylaws.pdf**
292K **2025 CCSD Founding Trustee Job Description - Draft.pdf**
882K **2025 CCSD Education Foundation Conflict of Interest Policy - Draft.pdf**
885K

Carol Tempel <carol_tempel@charleston.k12.sc.us>

Wed, Jan 7, 2026 at 1:28 PM

To: anita_huggins@charlestoncountyschools.gov

Cc: BoT <bot@charleston.k12.sc.us>, KYLA BRANTLEY <kyla_brantley@charleston.k12.sc.us>, "Johnson, Wilbur" <wjohnson@ycrlaw.com>, Lindsay Thompson <lindsay_thompson@charleston.k12.sc.us>, JOHN Frampton <john_frampton.c@charleston.k12.sc.us>, Daniel Prentice <daniel_prentice@charleston.k12.sc.us>, PATRICK ARNOLD <patrick_arnold@charlestoncountyschools.gov>, DEVON WADE <devon_wade@charleston.k12.sc.us>, JEFFREY BOROWY <jeffrey_borowy@charleston.k12.sc.us>, Michelle Mills <michelle_mills@charleston.k12.sc.us>

I need more time. This is too short a timeline.

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Carol Tempel <carol_tempel@charleston.k12.sc.us>

Wed, Jan 7, 2026 at 1:34 PM

To: anita_huggins@charlestoncountyschools.gov

Cc: BoT <bot@charleston.k12.sc.us>, KYLA BRANTLEY <kyla_brantley@charleston.k12.sc.us>, "Johnson, Wilbur" <wjohnson@ycrlaw.com>, Lindsay Thompson <lindsay_thompson@charleston.k12.sc.us>, JOHN Frampton <john_frampton.c@charleston.k12.sc.us>, Daniel Prentice <daniel_prentice@charleston.k12.sc.us>, PATRICK ARNOLD <patrick_arnold@charlestoncountyschools.gov>, DEVON WADE <devon_wade@charleston.k12.sc.us>, JEFFREY BOROWY <jeffrey_borowy@charleston.k12.sc.us>, Michelle Mills <michelle_mills@charleston.k12.sc.us>

Anita,

Also, I along with Ms. Jewett, sent feedback on the articles of incorporation. We haven't received follow up information on that item..

regards,

Carol

[Quoted text hidden]

Darlene Roberson <darlene_roberson@charleston.k12.sc.us>

Thu, Jan 8, 2026 at 3:03 AM

To: roberson757@gmail.com

Darlene Dunmeyer-Roberson, M.Ed

Board of Trustees, District 8

Charleston County School District

75 Calhoun Street

Charleston, SC 29401

Board phone: (843) 997-8390

email: darlene_roberson@charleston.k12.sc.us

www.ccsdschools.com

twitter.com/ccsdconnects

facebook.com/ccsdconnects

Students are the Heart of Our Work

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3 attachments

 **Bylaws.pdf**
292K

 **2025 CCSD Founding Trustee Job Description - Draft.pdf**
882K

 **2025 CCSD Education Foundation Conflict of Interest Policy - Draft.pdf**
885K

'ANITA HUGGINS' via BoT <BoT@charleston.k12.sc.us>

Thu, Jan 8, 2026 at 5:23 PM

Reply-To: anita_huggins@charlestoncountyschools.gov

To: Carol Tempel <carol_tempel@charleston.k12.sc.us>

Cc: BoT <bot@charleston.k12.sc.us>, KYLA BRANTLEY <kyla_brantley@charleston.k12.sc.us>, "Johnson, Wilbur" <wjohnson@ycrlaw.com>, Lindsay Thompson <lindsay_thompson@charleston.k12.sc.us>, JOHN Frampton <john_frampton.c@charleston.k12.sc.us>, Daniel Prentice <daniel_prentice@charleston.k12.sc.us>, PATRICK ARNOLD

<patrick_arnold@charlestoncountyschools.gov>, DEVON WADE <devon_wade@charleston.k12.sc.us>, JEFFREY BOROWY <jeffrey_borowy@charleston.k12.sc.us>, Michelle Mills <michelle_mills@charleston.k12.sc.us>

Dr. Tempel,

Thank you for the feedback you and Ms. Jewett provided on the articles of incorporation December 14. During that week, a large majority of our team was still in schools with students and staff as the semester ended and as teachers and leaders extended to us invitations to celebrate the holidays with school families. I then asked staff to take the holiday break off to be with their families, so we did not resume work on this item again until we returned. Since then, we have worked through the recommended revisions and have also needed input from external legal counsel to ensure the document's accuracy and compliance before circulating an updated version.

While we are still in the final stages of incorporating counsel's guidance, I am sharing the revised articles in their current iteration attached here. Please let me know if you have questions; we appreciate your support as we finalize this appropriately.

Anita

[Quoted text hidden]



Attachment to AOI Revised 1.8.26 (1).docx

29K

'ANITA HUGGINS' via BoT <BoT@charleston.k12.sc.us>

Thu, Jan 8, 2026 at 6:10 PM

Reply-To: anita_huggins@charlestoncountyschools.gov

To: Carol Tempel <carol_tempel@charleston.k12.sc.us>

Cc: BoT <bot@charleston.k12.sc.us>, KYLA BRANTLEY <kyla_brantley@charleston.k12.sc.us>, "Johnson, Wilbur" <wjohnson@yclaw.com>, Lindsay Thompson <lindsay_thompson@charleston.k12.sc.us>, JOHN Frampton <john_frampton.c@charleston.k12.sc.us>, Daniel Prentice <daniel_prentice@charleston.k12.sc.us>, PATRICK ARNOLD <patrick_arnold@charlestoncountyschools.gov>, DEVON WADE <devon_wade@charleston.k12.sc.us>, JEFFREY BOROWY <jeffrey_borowy@charleston.k12.sc.us>, Michelle Mills <michelle_mills@charleston.k12.sc.us>

Hi, Dr. Tempel,

Thanks for your email; I hope you are enjoying your vacation. I'm jealous!

I understand not feeling prepared while you are out. At the same time, we do need nominations from a quorum of the Board in order to establish the Foundation Board and move the work forward. The January timeline is tied to the January 22 Board of Trustees meeting and the administrative steps that must occur in advance (qualification verification and conflict-of-interest review).

If you are not able to submit your nominee by Monday, January 19, we can place this item back on the Board agenda in February for the purpose of your colleagues' consideration of your nomination.

If it would be helpful, I'm happy to provide additional support while you are out, whether that's clarifying the eligibility requirements and/or answering any questions that would help you make a recommendation.

I appreciate you! Anita

[Quoted text hidden]

michele_leber@charleston.k12.sc.us <michele_leber@charleston.k12.sc.us>

Tue, Jan 13, 2026 at 12:39 PM

To: anita_huggins@charlestoncountyschools.gov, Carol Tempel <carol_tempel@charleston.k12.sc.us>

Cc: BoT <bot@charleston.k12.sc.us>, KYLA BRANTLEY <kyla_brantley@charleston.k12.sc.us>, "Johnson, Wilbur" <wjohnson@yclaw.com>, Lindsay Thompson <lindsay_thompson@charleston.k12.sc.us>, JOHN Frampton <john_frampton.c@charleston.k12.sc.us>, Daniel Prentice <daniel_prentice@charleston.k12.sc.us>, PATRICK ARNOLD <patrick_arnold@charlestoncountyschools.gov>, DEVON WADE <devon_wade@charleston.k12.sc.us>, JEFFREY BOROWY <jeffrey_borowy@charleston.k12.sc.us>, Michelle Mills <michelle_mills@charleston.k12.sc.us>

Good Afternoon,

Do you have the time requirements proposed for this position? And can you share all the relevant information in one email to provide interested constituents. I am getting quite a few interested. This is exciting!

[Quoted text hidden]

'ANITA HUGGINS' via BoT <BoT@charleston.k12.sc.us>

Tue, Jan 13, 2026 at 2:56 PM

Reply-To: anita_huggins@charlestoncountyschools.gov

To: michele_leber@charleston.k12.sc.us

Cc: Carol Tempel <carol_tempel@charleston.k12.sc.us>, BoT <bot@charleston.k12.sc.us>, KYLA BRANTLEY <kyla_brantley@charleston.k12.sc.us>, "Johnson, Wilbur" <wjohnson@ycrlaw.com>, Lindsay Thompson <lindsay_thompson@charleston.k12.sc.us>, JOHN Frampton <john_frampton.c@charleston.k12.sc.us>, Daniel Prentice <daniel_prentice@charleston.k12.sc.us>, PATRICK ARNOLD <patrick_arnold@charlestoncountyschools.gov>, DEVON WADE <devon_wade@charleston.k12.sc.us>, JEFFREY BOROWY <jeffrey_borowy@charleston.k12.sc.us>, Michelle Mills <michelle_mills@charleston.k12.sc.us>

Mr. Prentice,

Can you support Ms. Leber's request? Anita

[Quoted text hidden]

Carol Tempel <carol_tempel@charleston.k12.sc.us>

Wed, Jan 14, 2026 at 3:19 AM

To: daniel_prentice@charlestoncountyschools.gov

Cc: anita_huggins@charlestoncountyschools.gov, michele_leber@charleston.k12.sc.us, BoT <bot@charleston.k12.sc.us>, KYLA BRANTLEY <kyla_brantley@charleston.k12.sc.us>, "Johnson, Wilbur" <wjohnson@ycrlaw.com>, Lindsay Thompson <lindsay_thompson@charleston.k12.sc.us>, JOHN Frampton <john_frampton.c@charleston.k12.sc.us>, PATRICK ARNOLD <patrick_arnold@charlestoncountyschools.gov>, DEVON WADE <devon_wade@charleston.k12.sc.us>, JEFFREY BOROWY <jeffrey_borowy@charleston.k12.sc.us>, Michelle Mills <michelle_mills@charleston.k12.sc.us>

4 times a year for 3 years???

On Wed, Jan 14, 2026 at 2:58 AM DANIEL PRENTICE <daniel_prentice@charlestoncountyschools.gov> wrote:

Good evening,

Attached is the information you would likely wish to reference when talking to prospective nominees. My understanding is that this board will meet at least every other month initially, but no less than the four times per year prescribed in the bylaws. Additionally, there will be various events where members can engage in Foundation activities along with advocating for the organization and assisting with fundraising.

Hope this is helpful, but let me know if you have any other questions.

Best regards,

Daniel

[Quoted text hidden]

--



DANIEL PRENTICE

CHIEF FINANCIAL OFFICER

Charleston County School District

(843) 566-8198 | ccsdschools.com

'ANITA HUGGINS' via BoT <BoT@charleston.k12.sc.us>

Wed, Jan 14, 2026 at 4:18 PM

Reply-To: anita_huggins@charlestoncountyschools.gov

To: Carol Tempel <carol_tempel@charleston.k12.sc.us>

Cc: daniel_prentice@charlestoncountyschools.gov, michele_leber@charleston.k12.sc.us, BoT <bot@charleston.k12.sc.us>, KYLA BRANTLEY <kyla_brantley@charleston.k12.sc.us>, "Johnson, Wilbur" <wjohnson@ycrlaw.com>, Lindsay Thompson <lindsay_thompson@charleston.k12.sc.us>, JOHN Frampton <john_frampton.c@charleston.k12.sc.us>, PATRICK ARNOLD <patrick_arnold@charlestoncountyschools.gov>, DEVON WADE <devon_wade@charleston.k12.sc.us>, JEFFREY BOROWY <jeffrey_borowy@charleston.k12.sc.us>, Michelle Mills <michelle_mills@charleston.k12.sc.us>

Dr. Tempel,

This is the minimum meeting requirement in the bylaws. Hope this helps! Anita

[Quoted text hidden]

Carolina JEWETT <carolina_jewett@charleston.k12.sc.us>

Fri, Jan 16, 2026 at 3:17 PM

To: Carol Tempel <carol_tempel@charleston.k12.sc.us>

Cc: daniel_prentice@charlestoncountyschools.gov, anita_huggins@charlestoncountyschools.gov, michele_leber@charleston.k12.sc.us, BoT <bot@charleston.k12.sc.us>, KYLA BRANTLEY <kyla_brantley@charleston.k12.sc.us>, "Johnson, Wilbur" <wjohnson@ycrlaw.com>, Lindsay Thompson <lindsay_thompson@charleston.k12.sc.us>, JOHN Frampton <john_frampton.c@charleston.k12.sc.us>, PATRICK ARNOLD <patrick_arnold@charlestoncountyschools.gov>, DEVON WADE <devon_wade@charleston.k12.sc.us>, Jeffrey Borowy <jeffrey_borowy@charleston.k12.sc.us>, Michelle Mills <michelle_mills@charleston.k12.sc.us>

I can't seem to find this attachment was it only sent to Carol? I think we all need this information for the candidates.

[Quoted text hidden]

'ANITA HUGGINS' via BoT <BoT@charleston.k12.sc.us>

Fri, Jan 16, 2026 at 3:37 PM

Reply-To: anita_huggins@charlestoncountyschools.gov

To: BoT <bot@charleston.k12.sc.us>, KYLA BRANTLEY <kyla_brantley@charleston.k12.sc.us>

----- Forwarded message -----

From: **DANIEL PRENTICE** <daniel_prentice@charlestoncountyschools.gov>

Date: Tue, Jan 13, 2026 at 9:58 PM

Subject: Re: Critically Important/Action Required: Education Foundation Board of Directors - Trustee Nominations

To: <anita_huggins@charlestoncountyschools.gov>

Cc: <michele_leber@charleston.k12.sc.us>, Carol Tempel <carol_tempel@charleston.k12.sc.us>, BoT <bot@charleston.k12.sc.us>, KYLA BRANTLEY <kyla_brantley@charleston.k12.sc.us>, Johnson, Wilbur <wjohnson@ycrlaw.com>, Lindsay Thompson <lindsay_thompson@charleston.k12.sc.us>, JOHN Frampton <john_frampton.c@charleston.k12.sc.us>, PATRICK ARNOLD <patrick_arnold@charlestoncountyschools.gov>, DEVON WADE <devon_wade@charleston.k12.sc.us>, JEFFREY BOROWY <jeffrey_borowy@charleston.k12.sc.us>, Michelle Mills <michelle_mills@charleston.k12.sc.us>

Good evening,

Attached is the information you would likely wish to reference when talking to prospective nominees. My understanding is that this board will meet at least every other month initially, but no less than the four times per year prescribed in the bylaws. Additionally, there will be various events where members can engage in Foundation activities along with advocating for the organization and assisting with fundraising.

Hope this is helpful, but let me know if you have any other questions.

Best regards,

Daniel

On Tue, Jan 13, 2026 at 2:57 PM ANITA HUGGINS <anita_huggins@charlestoncountyschools.gov> wrote:

[Quoted text hidden]

--



DANIEL PRENTICE

CHIEF FINANCIAL OFFICER

Charleston County School District

(843) 566-8198 | ccsdschools.com

3 attachments

 **2025 CCSD Education Foundation Conflict of Interest Policy - Draft.pdf**
885K

 **Bylaws.pdf**
292K

 **2025 CCSD Founding Trustee Job Description - Draft.pdf**
882K

michele_leber@charleston.k12.sc.us <michele_leber@charleston.k12.sc.us>

Fri, Jan 16, 2026 at 4:07 PM

To: patrick_arnold@charlestoncountyschools.gov, Carolina JEWETT <carolina_jewett@charleston.k12.sc.us>
Cc: Carol Tempel <carol_tempel@charleston.k12.sc.us>, daniel_prentice@charlestoncountyschools.gov, anita_huggins@charlestoncountyschools.gov, BoT <bot@charleston.k12.sc.us>, KYLA BRANTLEY <kyla_brantley@charleston.k12.sc.us>, "Johnson, Wilbur" <wjohnson@ycrlaw.com>, Lindsay Thompson <lindsay_thompson@charleston.k12.sc.us>, JOHN Frampton <john_frampton.c@charleston.k12.sc.us>, DEVON WADE <devon_wade@charleston.k12.sc.us>, Jeffrey Borowy <jeffrey_borowy@charleston.k12.sc.us>, Michelle Mills <michelle_mills@charleston.k12.sc.us>

FYI - Lee Runyon has agreed to accept my appointment to the Educational Foundation.

From: PATRICK ARNOLD <patrick_arnold@charlestoncountyschools.gov>

Sent: Friday, January 16, 2026 3:50 PM

To: Carolina JEWETT <carolina_jewett@charleston.k12.sc.us>

Cc: Carol Tempel <carol_tempel@charleston.k12.sc.us>; daniel_prentice@charlestoncountyschools.gov; anita_huggins@charlestoncountyschools.gov; michele_leber@charleston.k12.sc.us; BoT <bot@charleston.k12.sc.us>; KYLA BRANTLEY <kyla_brantley@charleston.k12.sc.us>; Johnson, Wilbur <wjohnson@ycrlaw.com>; Lindsay Thompson <lindsay_thompson@charleston.k12.sc.us>; JOHN Frampton <john_frampton.c@charleston.k12.sc.us>; DEVON WADE <devon_wade@charleston.k12.sc.us>; Jeffrey Borowy <jeffrey_borowy@charleston.k12.sc.us>; Michelle Mills <michelle_mills@charleston.k12.sc.us>
Subject: Re: Critically Important/Action Required: Education Foundation Board of Directors - Trustee Nominations

Here's another copy in case your attachment didn't get through. Please let me know if you have any questions or concerns.

[Quoted text hidden]

'ANITA HUGGINS' via BoT <BoT@charleston.k12.sc.us>

Sun, Jan 18, 2026 at 4:16 PM

Reply-To: anita_huggins@charlestoncountyschools.gov

To: michele_leber@charleston.k12.sc.us

Cc: patrick_arnold@charlestoncountyschools.gov, Carolina JEWETT <carolina_jewett@charleston.k12.sc.us>, Carol Tempel <carol_tempel@charleston.k12.sc.us>, daniel_prentice@charlestoncountyschools.gov, BoT <bot@charleston.k12.sc.us>, KYLA BRANTLEY <kyla_brantley@charleston.k12.sc.us>, "Johnson, Wilbur" <wjohnson@ycrlaw.com>, Lindsay Thompson <lindsay_thompson@charleston.k12.sc.us>, JOHN Frampton <john_frampton.c@charleston.k12.sc.us>, DEVON WADE <devon_wade@charleston.k12.sc.us>, Jeffrey Borowy <jeffrey_borowy@charleston.k12.sc.us>, Michelle Mills <michelle_mills@charleston.k12.sc.us>, "CANTRELL, TRUDIE" <trudie_bowles@charleston.k12.sc.us>

Thank you, Ms. Leber. Could you ask Mr. Runyon to please forward an updated copy of his CV to your attention or mine/Trudie? Anita

[Quoted text hidden]

Darlene Roberson <darlene_roberson@charleston.k12.sc.us>

Wed, Feb 25, 2026 at 11:13 PM

To: roberson757@gmail.com

Darlene Dunmeyer-Roberson, M.Ed
Board of Trustees, District 8
Charleston County School District
75 Calhoun Street
Charleston, SC 29401
Board phone: (843) 997-8390
email: darlene_roberston@charleston.k12.sc.us
www.ccsdschools.com
twitter.com/ccsdconnects
facebook.com/ccsdconnects
Students are the Heart of Our Work

----- Forwarded message -----

From: **'ANITA HUGGINS' via BoT** <BoT@charleston.k12.sc.us>

[Quoted text hidden]

[Quoted text hidden]

3 attachments



Bylaws.pdf

292K



2025 CCSD Founding Trustee Job Description - Draft.pdf

882K



2025 CCSD Education Foundation Conflict of Interest Policy - Draft.pdf

885K

Df #1

----- Forwarded message -----

From: ANITA HUGGINS <anita_huggins@charlestoncountyschools.gov>

Date: Thursday, January 29, 2026

Subject: Att Client Privilege: Appointment to the Education Foundation

To: BoT <bot@charleston.k12.sc.us>

Cc: "Johnson, Wilbur" <wjohnson@ycrlaw.com>, JOHN Frampton

<john_frampton.c@charleston.k12.sc.us>, Lindsay Thompson

<lindsay_thompson@charleston.k12.sc.us>, KYLA BRANTLEY

<kyla_brantley@charleston.k12.sc.us>, Michelle Mills

<michelle_mills@charleston.k12.sc.us>, Daniel Prentice

<daniel_prentice@charleston.k12.sc.us>, PATRICK ARNOLD

<patrick_arnold@charlestoncountyschools.gov>, DEVON WADE

<devon_wade@charleston.k12.sc.us>, "Alice F. Paylor" <afp@saxtonstump.com>

The following is Attorney Client Privileged Communication

Dear Members of the Board of Trustees,

As a follow-up to the discussion at the conclusion of Monday's Board of Trustees meeting, and pursuant to a subsequent review of the Foundation by-laws with legal counsel, I would like to provide clarification regarding the nomination and approval

process for trustee appointments to the Charleston County School District Education Foundation Board of Directors.

During Phase 1, the initial voting members of the Foundation Board are appointed by majority vote of the Board of Trustees, as provided in Section 5.02 of the by-laws. Consistent with Section 5.06, action of the Board requires the affirmative vote of a majority of trustees present at a meeting at which a quorum is established.

Accordingly, if a majority of the Board **does not** support a trustee's nomination for a particular district, the nomination is not approved. In such circumstances, the by-laws do not preclude further nominations. **Any trustee** may subsequently nominate another qualified individual **who resides in the applicable attendance area** for consideration and approval by the Board.

To support an efficient and productive appointment process, we encourage the three remaining trustees who do not yet have an appointee approved to bring the Curriculum Vitae of more than one candidate to the upcoming meeting or to provide those materials to Trudie in advance. In addition, if a nomination brought forward by the trustee representing one of the three remaining districts is not approved by a majority of the Board, any other trustee who wishes to make a nomination for that district is encouraged to be prepared to present the CV of a qualified candidate for the Board's consideration.

Finally, for clarity, the Foundation by-laws set forth a specific process for amendment. Pursuant to Section 8.01, the by-laws may be amended, repealed, or replaced only upon the approval of not less than two-thirds of the members of the Foundation Board of Directors in accordance with the South Carolina Nonprofit Corporation Act. Accordingly, the Board of Trustees does not independently amend the Foundation by-laws.

Thank you for your commitment to ensuring the Foundation Board is constituted in compliance with its governing documents.

Anita

--



Alice F. Paylor

From: ANITA HUGGINS <anita_huggins@charlestoncountyschools.gov>
Sent: Thursday, February 26, 2026 7:47 AM
To: Alice F. Paylor; Daniel Prentice
Subject: Fwd: Reminder-Att Client Privilege: Appointment to the Education Foundation

----- Forwarded message -----

From: **ANITA HUGGINS** <anita_huggins@charlestoncountyschools.gov>
Date: Saturday, February 14, 2026
Subject: Reminder-Att Client Privilege: Appointment to the Education Foundation
To: BoT <bot@charleston.k12.sc.us>
Cc: "Johnson, Wilbur" <wjohnson@ycrlaw.com>, Lindsay Thompson <lindsay_thompson@charleston.k12.sc.us>, JOHN Frampton <john_frampton.c@charleston.k12.sc.us>, "Alice F. Paylor" <afp@saxtonstump.com>, Daniel Prentice <daniel_prentice@charleston.k12.sc.us>

Attorney/Client Privileged Communication

Trustees,

The following is a reminder as you prepare for the final three Foundation appointments on Monday, February 23.

Anita

----- Forwarded message -----

From: **ANITA HUGGINS** <anita_huggins@charlestoncountyschools.gov>
Date: Thu, Jan 29, 2026 at 7:26 AM
Subject: Att Client Privilege: Appointment to the Education Foundation
To: BoT <bot@charleston.k12.sc.us>

The following is Attorney Client Privileged Communication

Dear Members of the Board of Trustees,

As a follow-up to the discussion at the conclusion of Monday's Board of Trustees meeting, and pursuant to a subsequent review of the Foundation by-laws with legal counsel, I would like to provide clarification regarding the nomination and approval process for trustee appointments to the Charleston County School District Education Foundation Board of Directors.

During Phase 1, the initial voting members of the Foundation Board are appointed Board of Trustees, as provided in Section 5.02 of the by-laws. Consistent with Section 5.02, the Board requires the affirmative vote of a majority of trustees present at a meeting and

Df # 2

established.

Accordingly, if a majority of the Board **does not** support a trustee's nomination for a particular district, the nomination is not approved. In such circumstances, the by-laws do not preclude further nominations. **Any trustee** may subsequently nominate another qualified individual **who resides in the applicable attendance area** for consideration and approval by the Board.

To support an efficient and productive appointment process, we encourage the three remaining trustees who do not yet have an appointee approved to bring the Curriculum Vitae of more than one candidate to the upcoming meeting or to provide those materials to Trudie in advance. In addition, if a nomination brought forward by the trustee representing one of the three remaining districts is not approved by a majority of the Board, any other trustee who wishes to make a nomination for that district is encouraged to be prepared to present the CV of a qualified candidate for the Board's consideration.

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Thank you for your commitment to ensuring the Foundation Board is constituted in compliance with its governing documents.

Anita

--



ANITA W. HUGGINS

SUPERINTENDENT OF SCHOOLS

Charleston County School District

(843) 937-6571 | ccsdschools.com

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ANITA W. HUGGINS

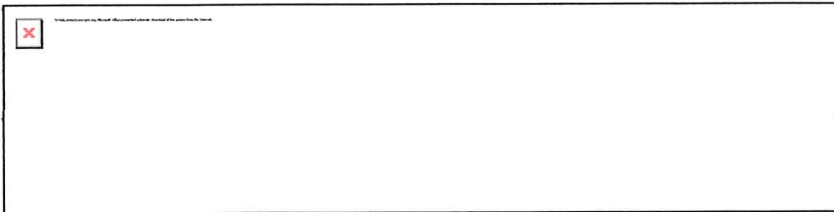
SUPERINTENDENT OF SCHOOLS

Charleston County School District

(843) 937-6571 | ccsdschools.com

Alice F. Paylor

From: DANIEL PRENTICE <daniel_prentice@charlestoncountyschools.gov>
Sent: Thursday, February 26, 2026 8:45 AM
To: Alice F. Paylor; ANITA HUGGINS
Subject: Fwd: Critically Important/Action Required: Education Foundation Board of Directors - Trustee Nominations
Attachments: Bylaws.pdf; 2025 CCSD Founding Trustee Job Description - Draft.pdf; 2025 CCSD Education Foundation Conflict of Interest Policy - Draft.pdf



----- Forwarded message -----

From: **ANITA HUGGINS** <anita_huggins@charlestoncountyschools.gov>
Date: Wed, Jan 7, 2026 at 6:35 AM
Subject: Critically Important/Action Required: Education Foundation Board of Directors - Trustee Nominations
To: BoT <bot@charleston.k12.sc.us>
CC: KYLA BRANTLEY <kyla_brantley@charleston.k12.sc.us>, Johnson, Wilbur <wjohnson@ycrlaw.com>, Lindsay Thompson <lindsay_thompson@charleston.k12.sc.us>, JOHN Frampton <john_frampton.c@charleston.k12.sc.us>, Daniel Prentice <daniel_prentice@charleston.k12.sc.us>, PATRICK ARNOLD <patrick_arnold@charlestoncountyschools.gov>, DEVON WADE <devon_wade@charleston.k12.sc.us>, JEFFREY BOROWY <jeffrey_borowy@charleston.k12.sc.us>, Michelle Mills <michelle_mills@charleston.k12.sc.us>

Trustees,

I hope you are well.

At the January 22, 2026, Board of Trustees meeting, each Trustee will be asked to make a nomination for one member to serve on the Board of Directors of the Charleston County School District Education Foundation.

In accordance with the Foundation's bylaws, the initial (Phase 1) Board of Directors is composed of individuals appointed by the Board of Trustees, including **one resident from each of the nine Board of Trustees' election districts.**

Df
#3

Nominees must 1) reside within the Trustee's district; 2) may not be a CCSD employee or a member of the Board of Trustees; and 3) must otherwise meet the qualifications outlined in Section 5.02 of the Foundation's bylaws. All voting members are also required to complete and sign an annual *Conflict of Interest* affidavit.

To allow staff adequate time to conduct conflict-of-interest review and verify that nominees meet the required qualifications, **Trustees should submit their nominations no later than Monday, January 19, 2026**, the Monday prior to the January 26 Board of Trustees meeting.

Additional information regarding the expectations and responsibilities of Foundation Board members is outlined in the attached Founding Trustee Job Description, including fiduciary duties, time commitment, and service expectations during the Foundation's initial phase.

Please submit the name and relevant background information for your nominee to Trudie Bowles and me who will disseminate the information and update the agenda item for posting by Wednesday, January 21. Staff will follow up if any additional information is needed as part of the vetting process.

Please be advised that Chair McKinney will call for each Trustee's nomination by district number, in order to keep the process orderly.

Thank you for your continued leadership and support as we establish the CCSD Education Foundation.

If you have questions, please send them to my attention.

Anita

From: ANITA HUGGINS <anita_huggins@charlestoncountyschools.gov>
Sent: Sunday, February 15, 2026 4:46 PM
To: Carol Tempel <carol_tempel@charleston.k12.sc.us>
Cc: BoT <bot@charleston.k12.sc.us>; Johnson, Wilbur <wjohnson@ycrlaw.com>; Lindsay Thompson <lindsay_thompson@charleston.k12.sc.us>; JOHN Frampton <john_frampton.c@charleston.k12.sc.us>; Alice F. Paylor <afp@saxtonstump.com>; Daniel Prentice <daniel_prentice@charleston.k12.sc.us>
Subject: Re: Reminder-Att Client Privilege: Appointment to the Education Foundation

The appointment process is expressly covered in Article V, Section 5.02, with related vacancy procedures in Article V, Section 5.07 of the Bylaws.

Anita

On Sun, Feb 15, 2026 at 3:35 PM Carol Tempel <carol_tempel@charleston.k12.sc.us> wrote:

Anita, et. al.

Please identify in the CCSD Education Foundation bylaws the exact Article and Section which covers this appointment process.

Thank you. Carol

On Sun, Feb 15, 2026 at 7:37 AM ANITA HUGGINS <anita_huggins@charlestoncountyschools.gov> wrote:

Carol,

Thanks for your email. The Foundation appointment process is clearly established in the bylaws and has already been communicated to the Board.

During Phase One, voting members are appointed by majority vote of the Board of Trustees. No individual trustee has unilateral appointment authority; appointments require majority support. The bylaws do not provide for automatic approval of a nominee. If a nominee does not receive majority support, the nomination is not approved and additional nominations may be brought forward.

As I shared with Mr. Cibelli in other communique copied to the board, trustees are independently elected and exercise their own judgment. Neither I, the "district," nor the foundation has authority over trustee votes.

Anita

Df #4

On Sat, Feb 14, 2026 at 3:20 PM Carol Tempel <carol_tempel@charleston.k12.sc.us> wrote:

All, What should have been a joyful, celebratory practice is now a nightmare. We are turning the foundation into a political game and it's not very rewarding. Personally, I thought each of us as trustees would nominate someone we interviewed and respected; in turn as colleagues on the board our decision would be respected.

Believe me, people are watching and are becoming skeptical about the integrity and political nature of the education foundation.

How will the district and foundation help the public understand the process?

Carol Tempel
Trustee #9

On Sat, Feb 14, 2026 at 11:03 AM 'ANITA HUGGINS' via BoT <BoT@charleston.k12.sc.us> wrote:

Attorney/Client Privileged Communication

Trustees,

The following is a reminder as you prepare for the final three Foundation appointments on Monday, February 23.

Anita

----- Forwarded message -----

From: **ANITA HUGGINS** <anita_huggins@charlestoncountyschools.gov>

Date: Thu, Jan 29, 2026 at 7:26 AM

Subject: Att Client Privilege: Appointment to the Education Foundation

To: BoT <bot@charleston.k12.sc.us>

The following is Attorney Client Privileged Communication

Dear Members of the Board of Trustees,

As a follow-up to the discussion at the conclusion of Monday's Board of Trustees meeting, and pursuant to a subsequent review of the Foundation by-laws with legal counsel, I would like to provide clarification regarding the nomination and approval process for trustee appointments to the Charleston County School District Education Foundation Board of Directors.

During Phase 1, the initial voting members of the Foundation Board are appointed by majority vote of the Board of Trustees, as provided in Section 5.02 of the by-laws. Consistent with Section 5.06, action of the Board requires the affirmative vote of a majority of trustees present at a meeting at which a quorum is established.

Accordingly, if a majority of the Board **does not** support a trustee's nomination for a particular district, the nomination is not approved. In such circumstances, the by-laws do not preclude further nominations. **Any trustee** may subsequently nominate another qualified individual **who resides in**

STATE OF SOUTH CAROLINA
COUNTY OF CHARLESTON
IN THE COURT OF COMMON PLEAS
C.A. NO. 2026-CP-10-01436

BRIAN MCCLURE

PLAINTIFF,

VS.

CHARLESTON COUNTY SCHOOL DISTRICT,
LEAH WHATLEY, MICHELE LEBER,
KEITH GRYBOWSKI, CARLOTTE BAILEY,
PAMELA MCKINNEY; and CHARLESTON
COUNTY SCHOOL DISTRICT EDUCATION
FOUNDATION,

DEFENDANTS.

MOTION HEARING
BEFORE THE HONORABLE ROBERT J. BONDS

DATE: APRIL 30, 2026
LOCATION: SOUTH CAROLINA CIRCUIT COURT 9
TRANSCRIBED BY: ALI BEATTY

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APPEARANCES:

EMMANUEL JOSEPH FERGUSON, SR., ESQUIRE
FERGUSON LAW AND MEDIATION, LLC
171 CHURCH STREET, SUITE 160
CHARLESTON, SC 29491

ATTORNEY FOR THE PLAINTIFF,

ALICE F. PAYLOR, ESQUIRE
SAXTON AND STUMP, LLC
151 MEETING STREET, SUITE 400
CHARLESTON, SC 29401

ATTRONEY FOR THE DEFENDANTS.

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INDEX

Proceedings

4

Certificate of Transcriber

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EXAMINATIONS

(NONE)

EXHIBITS

(NONE)

1 THE COURT: All right is your -- is -- is -- is your Mr.
2 -- Dr. McClure going to be joining us?

3 MR. FERGUSON: He is here your Honor. And I -- I see his
4 screen here. I told him that he's not to say anything, so I've
5 got him on mute and silent there if that's okay.

6 THE COURT: Okay, all right. Well yeah that's fine. I
7 just wanted to make sure because I mean he obviously has got a
8 vested interest in this matter and I want to make sure that he
9 was going to be here, and he can see because he's not anywhere
10 on my stuff, but I can't see him, but he can see and hear
11 everything he needs to hear?

12 MR. FERGUSON: He can your Honor.

13 THE COURT: Perfect. Perfect. All right so first of all,
14 let me say, I apologize that it took me a while to respond. I
15 think this went to Judge Van Slambrook for some reason and sat
16 there for a few days before it actually made it to me. And
17 because I try not to have things sitting around and so I just
18 found out about it. But were here on 2026-CP-10-01436 and
19 that's Dr. Brian McClure vs Charleston County School District,
20 Leah Whatley, Michele Leber, Keith Grybowski, Carlotte Bailey,
21 Pamela Mckinney; and Charleston County School District
22 Education Foundation, Defendants. And I think Mr. Ferguson,
23 this is your motion to reconsider, alter or amend. Sir I'm
24 happy to hear from you.

25 MR. FERGUSON: Thank you your Honor. And I practiced my

1 argument so I can promise you that it's only going to last ten
2 minutes at most. And I --

3 THE COURT: Well what do you got going on? You must have
4 something more important you're dealing with then if it's just
5 ten minutes. Come on.

6 MR. FERGUSON: Absolutely not. Every client that's
7 sitting beside me is my most important client, but I have a --

8 THE COURT: I don't -- I didn't -- I -- I was just
9 teasing. I didn't mean -- I didn't mean that Dr. McClure
10 wasn't an extremely important client. But go right ahead.
11 Take your time. The last hearing lasted many hours, and I have
12 nothing but time to give to y'all so you go right ahead. Yes
13 sir.

14 MR. FERGUSON: Well thank you your Honor. So I've created
15 a little power point presentation to make sure I stay on track
16 and stay focused here because the point of this hearing is not
17 to relitigate and rehash the entire hearing that we had on
18 April 1st. It's really just to ask the court to reconsider,
19 alter or amend it's -- it's ruling. Now there will be a couple
20 of factual arguments that -- that I have to raise again but I
21 have -- I in no way intend to -- to rehash absolutely
22 everything. So you know this little PowerPoint here will make
23 sure that I -- I stay on -- on track. So --

24 THE COURT: Yes sir.

25 MR. FERGUSON: -- your Honor as a quick reminder, we're

1 here to ask the court to reconsider it's ruling where it denied
2 injunctive relief. And -- and as a reminder, an applicant that
3 -- that seeks injunctive relief has to show three things. You
4 know that he's got to suffer immediate irreparable harm without
5 the injunction, that he's got a likelihood of success on the
6 merits and that he has no adequate remedy of the law. And you
7 can see there *Compton vs South Carolina Department of*
8 *Corrections* establishes those three elements.

9 Plaintiff takes the position that -- that those three
10 elements have been established and that he is entitled to
11 injunctive relief in this matter. The -- the -- the issue here
12 with regard to those three elements is first whether South
13 Carolina code 30-4-100 applies. And that code is the FOIA
14 statute which says that a violation of this chapter, the FOIA
15 statute, must be considered an irreparable injury for which no
16 adequate remedy at law exists. Based on that, it's Plaintiff's
17 position your Honor that elements one and three are statutorily
18 met. Because we -- Plaintiff brings a lawsuit under a FOIA
19 violation and according to the statute, the no adequate remedy
20 at law and the suffer -- the -- the -- the injury -- the
21 immediate irreparable harm has been suffered by statute.

22 So the real question before the court was whether there
23 was a likelihood of success on the merits and Plaintiff takes
24 the position and argues that that likelihood has been met
25 during the April 1st hearing. Just as a quick overview,

1 Plaintiff alleges in his lawsuit a violation of South Carolina
2 code 30-4-80 which is part of the FOIA statute which
3 specifically says that no item may be added to an agenda
4 without an additional 24 hours' notice to the public and it
5 must be made in the same manner as the original posting.
6 Plaintiff alleges here that the addition of another candidate,
7 Michelle Faust as a -- to be considered as a member of the
8 South Carolina or the Charleston County School District
9 Education Foundation, it was not added to an agenda within 24
10 hours' notice to the public and it was not posted in the same
11 manner as the original posting which would be a violation of
12 the statute. And during the hearing your Honor we presented
13 the January 2026 agenda where the nominees were identified by
14 name and by biographical information and that was provided to
15 the board and to the public prior to the meeting and placed on
16 the agenda.

17 And the same thing happened again on February 26 -- 20 --
18 25th, 2026 where candidates were placed on the agenda by name
19 and by biography -- biographical information before the agenda
20 was -- or while -- so the agenda could be posted, and the
21 public could have notice of it as well as the board members.
22 From that same date, February 25th, 2026, that is when Michelle
23 Faust was nominated by a board member for the first time and
24 her resume was passed out only to those board members who were
25 physically present on the date of this particular board

1 meeting. Now I will note that your Honor can see right under
2 that red line on the left side of the presentation, this
3 meeting on February 25th was rescheduled from a regularly
4 scheduled meeting that was supposed to be on February 23rd,
5 2026, and that kind of explains why some of the board members
6 were not present in person.

7 THE COURT: Right.

8 MR. FERGUSON: But nonetheless, again, even on March 4th,
9 2026, the foundation member who was a nominee was identified by
10 name and her biographical information was placed on the agenda
11 as in its regular course of notice that was -- that was done by
12 the Charleston County School District. During the hearing,
13 three board members testified that that it was how it was
14 always done. That was how they did it and that they had no
15 idea that Ms. Faust was going to be nominated or considered on
16 that -- at that board meeting. I have a 30 second clip to
17 remind the court of a little bit of that information and here
18 it is.

19 (No Resume of Faust Video clip plays.)

20 MR. FERGUSON: And I think the -- the chairs statement "I
21 can't address that" is extremely telling because it shows your
22 Honor that the introduction as Ms. Faust as a nominee without
23 being put on the agenda and not -- without giving her name,
24 without having her biographical information shows that they
25 didn't comply with the 24 hour notice and it wasn't notified in

1 the same manner as the previous postings. Now the Form 4 order
2 the court issued, it held that Plaintiff failed to meet it's
3 burden with regard -- with respect to all three elements. And
4 the court -- or I'm sorry, the Plaintiff takes the position and
5 makes the ask of the court to reconsider that ruling and issue
6 the -- an injunction because Plaintiff has in fact demonstrated
7 each of those three elements. However, if the court is not
8 inclined to reconsider and change it's ruling to grant the
9 injunction, which by the way was an injunction to prohibit
10 Michelle Faust from filling the seat of district seven and for
11 the board from operating not the Charleston County School Board
12 but the Charleston County Education Foundation Board from
13 operating until this matter has been resolved. If the court is
14 not inclined to grant that injunction, we would ask the court
15 to amend it's ruling to give the specific factual and legal
16 conclusions for which element Plaintiff has failed to
17 demonstrate. And I would point the court to Rule 52 of the
18 South Carolina Rules of Civil Procedure which state, you know,
19 it's on the screen and underlined.

20 THE COURT: Yes sir.

21 MR. FERGUSON: In granting or refusing the interlocutory
22 injunctions, the court shall similarly set forth the findings
23 and fact and conclusions of law which constitute the grounds of
24 it's action. And your Honor we make that request and I'm
25 trying to figure out the best way to say this without --

1 without even having any semblance of -- of -- of disrespect for
2 the court. We -- we say this because we essentially just want
3 to streamline any appeal that needs to be filed. If the court
4 takes the position that the statute 30-4-100 doesn't apply and
5 there's no statutory designation of irreparable injury and no
6 adequate remedy of law exists, if the court takes the position
7 that statute just doesn't apply here, we'd like to challenge
8 that position.

9 If on the other hand the court takes the position that
10 Plaintiff has not established that there's an -- a likelihood
11 of success on the merits, we want to challenge that position.
12 So we're essentially just asking that -- that we have the
13 ability understand where the failure was in the presentation of
14 the elements and the proof thereof so it can be streamlined and
15 -- and specifically identified later down the road. So with
16 that said your Honor I think -- I think I'm under nine minutes
17 as promised and I would just ask the court to either reconsider
18 it's -- it's ruling and grant the injunction or amend its
19 ruling and set forth the specific findings of fact and
20 conclusions of law in compliance with Rule 52. Thank you your
21 Honor.

22 THE COURT: Mr. -- Mr. Ferguson? I would like you to go
23 back and you had a -- in your -- you had a -- a screen that
24 showed the three requirements and you had a check and a check
25 -- there was a green check. I want you to go back to the slide

1 before that one. All right what -- all right. So tell me
2 about -- tell me about this again. I want to make sure I --
3 all right. Let's see.

4 MR. FERGUSON: So --

5 THE COURT: If -- if the court -- go ahead.

6 MR. FERGUSON: This is -- like I said it's statute South
7 Carolina code 30-4-100 which is the inside the FOIA statute
8 which says you know, a violation of this chapter must be
9 considered to be an irreparable injury for which no adequate
10 remedy at law exists. So we've taken --

11 THE COURT: So I've got to -- so you're -- you're asking
12 me to decide if a violation of the FOIA has occurred?

13 MR. FERGUSON: No your Honor.

14 THE COURT: I mean is that what you're asking me? See
15 because that's what I'm trying -- that's what I'm trying to
16 understand because the -- the court may order equitable relief
17 it deems appropriate and a violation of this chapter must --
18 must be considered to be an irreparable injury for which no
19 adequate remedy at law exists, right?

20 MR. FERGUSON: That's correct.

21 THE COURT: So for me to give you those automatic checks,
22 kind of for lack of better words, you know, you kind of -- you
23 kind of check the one and three. You know what I'm saying?
24 Because of this, doesn't that mean that I have to give you
25 those two checks, doesn't that mean that I have -- I have to go

1 and consider there was a violation -- don't -- don't I have to
2 conclude that there was a violation or what if I think maybe,
3 maybe there's a violation, but the scale is even? You know
4 what I mean?

5 MR. FERGUSON: Yes your Honor. And --

6 THE COURT: So does that -- see that -- that's -- that's
7 what I'm having trouble with getting you there.

8 MR. FERGUSON: That's a great question your Honor.

9 THE COURT: Amongst other -- amongst other things.

10 MR. FERGUSON: All right and the answer to your question
11 is absolutely not. If the court was required to find there was
12 a violation of the chapter in order to issue an injunction,
13 then there'd be no need for a trial, right? The court would
14 have already said hey there's a violation. I'm going to issue
15 you an award.

16 THE COURT: Okay.

17 MR. FERGUSON: That's not the case here.

18 THE COURT: Okay.

19 MR. FERGUSON: So --

20 THE COURT: So what do I have to do? I have to decide
21 that it's -- it's likely?

22 MR. FERGUSON: Exactly your Honor. Not like -- not even
23 likely. The court just needs to find that there is enough of a
24 likelihood of success on the merits to take the issue forward.

25 THE COURT: All right.

1 MR. FERGUSON: So the court looks at --

2 THE COURT: All right so what about -- hold on one second
3 because this gets into some of your other argument from the
4 last time and I want to ask. So what is a likelihood of
5 success on the merits? Did you provide me with some definition
6 or was there some special -- I -- I can't remember. It's been
7 29 days but see that -- that -- that also is what I'm
8 struggling with in as I look at the injunctive side and what
9 you are telling me, I'm having -- you know, to me, likelihood
10 of success on the merits sir means that there's a pretty darn
11 good likelihood you're going to win this case.

12 MR. FERGUSON: That's not -- that's not the --

13 THE COURT: And -- and so that's the -- well then educate
14 me on that.

15 MR. FERGUSON: Well that's not the standard your Honor. A
16 likelihood of success --

17 THE COURT: Okay.

18 MR. FERGUSON: -- I would argue is a motion to -- take to
19 the same standard as a motion to dismiss. And even -- which is
20 a -- which is a low standard. And even if the standard is one
21 of a summary judgement standard where there needs to be some
22 material issue --

23 THE COURT: Material issue.

24 MR. FERGUSON: Where there needs to be some material
25 issue, we've presented that Judge. We presented the court with

1 two instances, well actually three. Three instances where the
2 motives and -- the standard was to identify by name and
3 biographical information each candidate. And we've also
4 presented three board members who testified that that is the
5 process, and they testified that they have concerns about how
6 the process was handled procedurally.

7 That is more than enough for both either the motion to
8 dismiss standard and the summary judgement standard. The
9 court, you don't have all the information. You can't sit in
10 judgement about whether there is or is not a violation. It's
11 just whether there's enough here in front of the court to say
12 yeah there's a real question here about whether there's a
13 violation of FOIA and there is a likelihood of success.

14 It doesn't mean the court has to agree or disagree with
15 whether the case is going to be successful but is there enough
16 -- enough for future consideration and your Honor the -- what
17 else could be presented that there's some likelihood of success
18 here? We've got three board members. We've got three
19 different agendas that all show that these individuals are
20 supposed to be identified by name and by biographical
21 information and according to the statute your Honor, it says --
22 excuse me let me go here. It says in the statute that no items
23 may be added to the agenda without an additional 24 hours'
24 notice to the public, which must be made in the same manner.
25 It's uncontested --

1 THE COURT: All right.

2 MR. FERGUSON: -- that Michelle Faust name was not placed
3 on the agenda within 24 hours --

4 THE COURT: Yeah.

5 MR. FERGUSON: -- and it wasn't made in the same manner as
6 the original posting. That --

7 THE COURT: But she didn't even -- but as it relates to --
8 because don't you want to shut down this Educational Foundation
9 or whatever -- what is it?

10 MR. FERGUSON: Right.

11 THE COURT: The Educational Foundation reminds me of North
12 -- I went to North -- that's what Rams is behind me with the
13 blue horns. They used to call their thing the Educational
14 Foundation. I don't know what it's called now. They don't
15 call it that anymore but that was there fundraiser like IT pay
16 or whatever Gamecock club. They called it Educational
17 Foundation, but my point is so but you want to shut the --
18 because Faust basically, didn't she like not accept it or -- or
19 somebody not accepted something right? And then they went and
20 I think followed FOIA using air quotes there and then a new
21 person came onto the board, but you want to -- but all of this
22 is also leading to your wanting me to shut down the Educational
23 Foundation from there --

24 MR. FERGUSON: No.

25 THE COURT: -- activities?

1 MR. FERGUSON: No.

2 THE COURT: I thought you did want me to enjoin them from
3 doing anything right now?

4 MR. FERGUSON: I do your Honor. Now I need to be clear on
5 something. The Education Foundation is brand new. As -- as
6 Mr. Previs [sic] I believe is his name, testified for the
7 district, they had one meeting and have done nothing other than
8 --

9 THE COURT: Yeah.

10 MR. FERGUSON: -- vote a couple of times on the things
11 that haven't even come to fruition yet. So there is no -- no
12 -- no harm there Judge. And also --

13 THE COURT: Well hold on now. Hold on now. But in theory
14 that Educational Foundation like many educational foundations,
15 they're out scratching for money right now. Why -- why -- why
16 is it important that they be stopped?

17 MR. FERGUSON: This is an excellent question Judge and I'm
18 glad you asked it. Because the Foundation, like the one in --
19 in your office with the -- with the -- up there, is designed to
20 help the entire educational community. Here there is an entire
21 community that has been left out because that board member was
22 not allowed to submit her nominee. Now that's outside of the
23 realm of the court but what happens here is if you allow this
24 -- this foundation to continue, there is a strong chance that a
25 vast number of constituents will be ignored and not have the

1 ability to participate in a government entity where they have
2 the right to be informed of it's actions.

3 This is dangerous your Honor. What -- what is happening
4 is an erosion of the public trust and -- and the dissemination
5 of information to the public. That should be what is alarming
6 here. We -- you know, it sounds bad to shut down a foundation,
7 but this foundation has not been running for two months and --

8 THE COURT: I'm with you. I'm with you.

9 MR. FERGUSON: -- it is lacking the representation and the
10 -- the -- the -- the support of a entire district. That is why
11 we need a temporary injunction now before it goes too far down
12 the road. As your Honor --

13 THE COURT: But haven't they -- but have -- well let me
14 just ask you one thing. But haven't they basically now said
15 that it doesn't matter as to the district. It was implied but
16 wasn't infer -- it wasn't written in stone and now they've got
17 a legitimate person in that seat now?

18 MR. FERGUSON: I didn't hear you.

19 THE COURT: Right? Sure. And -- and I -- I want to say
20 that I recognize -- I don't even have to hear from the other
21 side as it relates to that and I'm going to get to them in just
22 a minute but it -- it's -- there's -- there -- there's some
23 issues concerning the -- the Foundation. I know there was some
24 testimony about the Foundation had already done somethings.
25 They were going to do some grant -- blah, blah.

1 I mean I'm not making light of it, but I know that that's
2 -- that's a contested issue. But still I'm with you it's a new
3 -- so I'm just trying to understand one other thing. I'm sorry
4 for dragging this out but I just want to -- I want to make sure
5 I'm making what I think is the right decision. But they've
6 already gone and have done and filled that position now and
7 what I think is -- I mean there -- there's nothing -- they
8 hadn't done anything wrong in filling the position now.

9 MR. FERGUSON: No they have. What -- what -- they filled
10 the position by --

11 THE COURT: Right.

12 MR. FERGUSON: -- voting in Ms. Faust without any notice.

13 THE COURT: But then they -- but then she didn't take the
14 job, and they posted notice and they hired a new -- they
15 appointed a new person, right?

16 MR. FERGUSON: No your Honor. No your Honor.

17 THE COURT: No?

18 MR. FERGUSON: That was -- that -- Ms. Faust still sits on
19 the board and --

20 THE COURT: I thought --

21 MR. FERGUSON: Ms. Faust still sits on the board for
22 District seven.

23 THE COURT: I must be thinking about the wrong person.

24 MR. FERGUSON: There was another board member who decided
25 from a -- there was another board member in a different

1 district seat who decided to withdraw her candidacy. That was
2 -- I believe it was Julie Armstrong. And then another board
3 member --

4 THE COURT: Yeah, yeah, yeah. Julie Armstrong. Okay.

5 MR. FERGUSON: And -- and your Honor that's a good point
6 because when Ms. Armstrong removed her name on March -- in
7 March of 2026, they noticed it properly. They put Ms. -- they
8 put the new candidates name and the new candidates biographical
9 information on the agenda which -- which shows that there's --
10 there's a problem here. I'm -- I'm -- I'm struggling to try to
11 get my -- my screen to show you this -- that point exactly.
12 And with the courts indulgence, I don't know why my teams
13 screen is so tiny, but I would love to show the court this
14 because that further illustrates the point here. Geeze, give
15 me one second.

16 THE COURT: No take your time.

17 MR. FERGUSON: Why is this small? I don't understand
18 this. I am sharing my screen, that's why it's small. Okay.
19 So --

20 THE COURT: Yeah I can see what you got up here right now.
21 No items -- you got that in red at least.

22 MR. FERGUSON: Yeah so this is what happened. January
23 26th, the first meeting where they did nominations and as you
24 can see they had names and resumes.

25 THE COURT: Right.

1 MR. FERGUSON: February 25th, they also did nominations.
2 They have names and resumes. Same day, February 25th, Ms.
3 Faust, on this date, Ms. Faust was nominated and voted on
4 without being placed on the agenda. The other nominee for
5 District seven, Julie Armstrong, withdrew her -- her name as a
6 nominee and then in March, as you can see up here, in March of
7 2026, the next month, Ms. -- a new candidate took over the
8 district seven nominee and notably --

9 THE COURT: Okay.

10 MR. FERGUSON: -- that name and bio was placed on the
11 agenda. The problem here is that District eight's nominee Ms.
12 Faust, the new nominee, Ms. Faust was not placed on any agenda
13 and no biographical notice -- name -- or information or name
14 was placed on any agenda. On February 25th, her name was just
15 thrown out there without the public's notice or other board
16 member's notice and without her resume being able to be
17 reviewed. That is why --

18 THE COURT: All right.

19 MR. FERGUSON: That is why we alleged a FOIA violation
20 because no notice for Ms. Faust was given even afterword for
21 Ms. -- Ms. Armstrong's new or recently vacated seat, they still
22 complied with FOIA and put in the name and the biographical
23 information. So here, it only enhances the likelihood of
24 success on the merits because we can show that before and after
25 Ms. Faust's nomination, they complied with FOIA by putting the

1 name and biographical information on the agenda in the same
2 manner as previous agendas with the 24 hour notice. That is
3 absolutely lacking here with Ms. Faust.

4 THE COURT: All right. All right Mr. Ferguson thank you
5 very much. Thank you so much for answering my questions, sir,
6 and obviously being very prepared. I appreciate that. Counsel
7 I'm happy to hear from you. Yes ma'am.

8 MS. PAYLOR: Thank you your Honor. The one thing that Mr.
9 Ferguson fails to point out is that an injunction is an
10 extraordinary remedy. It can only be issued if all three of
11 these elements substantial likelihood of success on the merits.
12 That doesn't mean that he has a zero -- one percent chance and
13 you have to let him go.

14 This is not like a motion to dismiss. It's not weighing
15 the facts and your Honor found that he did not establish that.
16 Now he talks about the FOIA section and -- and your Honor was
17 completely one hundred percent correct. FOIA provides that if
18 a Plaintiff proves a violation of FOIA he does not have to
19 prove irreparable injury or inadequate remedy at law, but he
20 does have to prove a violation of FOIA.

21 You found that he had failed to do that or that he had
22 failed to establish a substantial likelihood of a FOIA
23 violation. This -- this thing that specific names had to be
24 put up, and he's correct. This is the first time that they had
25 ever done something like this, so the superintendent testified

1 that she was trying to make it easy. She thought that the
2 trustees would submit names of people that the majority,
3 everybody would fall in behind because this is not a political
4 foundation.

5 So unfortunately, everybody who was nominated was selected
6 and appointed by the board. It had to be a majority vote,
7 except for Dr. McClure. The trustee who nominated him
8 nominated him and she did not get a majority vote from the
9 board. So rather than come back with another candidate, the
10 superintended told everyone that they should bring a candidate
11 in case somebody did not get a majority vote.

12 So at the next meeting, the trustee again nominates Mr.
13 McClure, who she knows has already been rejected and he got
14 rejected again. At that time Ms. -- one of the other trustees
15 had -- had been out and found a good nominee and she submitted
16 her name and nomination and talked about her at the meeting and
17 a majority of the board elected her. You don't have to have
18 names. You wouldn't even know that you needed somebody until
19 you get to the board meeting and somebody's not voted on and
20 these same people who testified under oath, the three trustees,
21 two of them testified that yes.

22 They also submitted alternative names once it got shot
23 down. So this is something that kind of has gotten made up as
24 we go along. But FOIA, we cited cases in our initial memo
25 about what needs to be on an agenda. Agenda just provides

1 notice of the general action that's going to be taken.

2 It doesn't require specificity. The notice clearly said
3 that this action was to elect or appoint members to the board
4 of Education Foundation in accordance with the bylaws of that
5 board. And the board's bylaws required that nominees could
6 only be elected if they got a majority vote from the board of
7 trustees. And that happened for everyone except for Dr.
8 McClure.

9 So there's just not -- there's not even a -- there's not a
10 likelihood that he's going to prevail on the merits your Honor
11 and he's asking for as his relief that he's going to shut down
12 a business basically because whatever he says, they are doing
13 business. They're moving forward, they're raising money. They
14 are -- they have already awarded grants. They have people
15 working on grant applications already for money to go into the
16 classrooms and help students.

17 Not just some of the students, all of the students and
18 what he's -- what he's asking you to do is to keep this
19 opportunity from the children because this one trustee didn't
20 nominate someone who could get a majority vote from the board.
21 And she knew it and had another chance to do it and simply
22 refused. It's very political. I can tell you that and that's
23 where this should be and that's not where my superintendent is.

24 She is -- all she wants is what's best for the children
25 and that's why she brought this to the board to do this.

1 Unfortunately, it of course blew up and turned into a dispute.
2 What we'd -- what we -- we're asking your Honor is that you
3 deny the motion to reconsider. He has made no new arguments
4 except the one that he doesn't have to prove a substantial
5 likelihood of the merits.

6 I -- I don't think that he's proved it in any way, shape
7 or form. The case law is clear on what needs to be in an -- in
8 an agenda and it's notice. And notice was in every agenda of
9 this item, the same notice. They just happen to submit
10 information about persons who were nominated in advance.

11 But there was no -- nothing said they couldn't be
12 nominated from the floor. Your Honor there's been no violation
13 of FOIA. There's no irreparable injury and no inadequate
14 remedy of law because of that. We would ask you to uphold your
15 original ruling and deny his motion to reconsider. Thank you
16 your Honor.

17 THE COURT: All right. Okay, Mr. Ferguson do you have
18 anything in reply sir? Anything else you want to tell me or
19 put on the record?

20 MR. FERGUSON: Very, very briefly. Very, very briefly
21 your Honor.

22 THE COURT: Yeah sure. Sure.

23 MR. FERGUSON: Ms. Paylor's incorrect when she states that
24 it needs to be a substantial likelihood. No case says that
25 there's a substantial likelihood of success on the merits. It

1 only says likelihood of success on the merits. Nothing
2 substantial.

3 But even in -- in that we have shown a substantial
4 likelihood of success on the merits. I -- I will not -- note
5 that Ms. Paylor did state that the superintendent herself
6 testified that this was the first time this was ever done in
7 this manner and that she wanted to quote, unquote "make it
8 easy" which clearly shows that the procedural protections of
9 FOIA were violated and again, proving a violation is not
10 necessary. Otherwise there'd be no need for a trial moving
11 forward. We don't have to prove a violation. That's putting
12 the cart --

13 THE COURT: Right.

14 MR. FERGUSON: -- before the horse. And finally your
15 Honor my last point, with regard to any concern the court has
16 about stopping the operation of the Foundation, the Foundation
17 is not even approved by the IRS yet. So there is no danger to
18 it being paused for a limited time in order to make sure that
19 all of the children and all of the parents have a say here.
20 Your Honor if you've ever been to a school board meeting, they
21 are long. They are boring and they take up a lot of time and
22 to have parents who are vested to sit through these meetings
23 because they want the best for their district speaks volumes
24 about why this is important.

25 These are not Rabel rousers. These are not political

1 people. These are community members who want to make sure
2 their voice is heard and they come to school board meetings to
3 make sure of that. They need to have a voice your Honor and
4 we're just asking that the court allow them to have that. So
5 that's all. Thank you.

6 THE COURT: All right. Listen, thank y'all very much and
7 I'll have -- I'll have a decision before close of business --
8 is tomorrow -- is -- tomorrow's Friday? I'll have -- I'll have
9 a decision by close of business tomorrow and -- and will let
10 you know, okay?

11 MR. FERGUSON: All right. Thank you your Honor.

12 MS. PAYLOR: Thank you your Honor.

13 THE COURT: Thank y'all very much. Bye bye.

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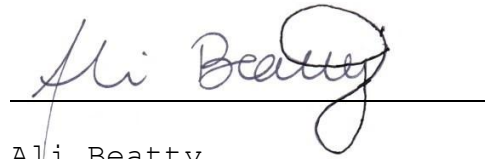
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CERTIFICATE OF TRANSCRIBER

I, Ali Beatty, a certified transcriber, do hereby certify that the foregoing is a true, accurate and complete Transcript of Record of the proceedings had and evidence introduced in the trial of the captioned case, relative to appeal, in the Circuit Court of Charleston County, South Carolina, on the 30th day of April 2026.

I do further certify that I am neither of kin, counsel, nor interest to any party hereto.

July 6, 2026

A handwritten signature in blue ink that reads "Ali Beatty". The signature is written over a horizontal line.

Ali Beatty

Transcriber

PARTIAL TRANSCRIPTION OF THE
JANUARY 26, 2026, MEETING
OF THE CHARLESTON COUNTY SCHOOL BOARD

* * * * *

Transcribed by
Andrea R. Taylor
Cola City Reporting

* * * * *

1/26/2026

CHARLESTON SCHOOL BOARD

1 VICE CHAIR: Okay. On to Item 11A, the CCSD
2 Education Foundation Board of Director
3 appointments. Mr. Frampton, do I go ahead
4 and just call?

5 MR. FRAMPTON: Yes, ma'am. I would call each board
6 member by the district they represent and ask
7 for their nominee. It would not require a
8 second.

9 VICE CHAIR: Okay. Thank you. Okay. District 1
10 nominee, Mr. Grybowski?

11 MR. GRYBOWSKI: Catherine Templeton.

12 VICE CHAIR: Okay.

13 MR. FRAMPTON: Then go ahead and vote on that
14 nominee.

15 VICE CHAIR: Okay. We're going to do a voice -- a
16 voice vote?

17 MR. GRYBOWSKI: I think you needed to record these.

18 VICE CHAIR: Are you gonna --

19 MR. GRYBOWSKI: I would recommend that you record
20 these.

21 VICE CHAIR: Okay. So how are we going to --

22 MS. HUGGINS: So if you want to do a voice vote, Ms.
23 Kyla can record them.

24 MALE: We'll do a roll call.

25 MS. HUGGINS: We'll just do a roll call, Mrs.

1/26/2026

CHARLESTON SCHOOL BOARD

1 Bailey.

2 VICE CHAIR: Okay.

3 MS. HUGGINS: Ms. Kyla, will you record them and
4 help Trudy? Thank you.

5 VICE CHAIR: Okay. All in favor of this nominee,
6 say aye.

7 (Ayes were heard)

8 VICE CHAIR: Any opposed? Okay. That nominee
9 passes. District 2, your nominee, Ms.
10 Jewett?

11 MS. JEWETT: Jenny Strauss.

12 VICE CHAIR: Okay. Voice vote. All in favor?

13 (Ayes were heard)

14 VICE CHAIR: Any opposed?

15 MR. GRYBOWSKI: Nay.

16 VICE CHAIR: That nominee -- that nominee passes.

17 Okay. District 3 nominee, Mr. Hollinshead?

18 MS. MCKINNEY: That's myself.

19 VICE CHAIR: Oh, that's you. I'm sorry.

20 MS. MCKINNEY: That's all right. It's all good, Ms.

21 Bailey. Ms. McKinney District 3 nominee,

22 Roger Jones.

23 VICE CHAIR: Voice vote.

24 (Ayes were heard)

25 VICE CHAIR: Any opposed?

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1 MS. JEWETT: Aye.
2 VICE CHAIR: Okay. No opposition.
3 MS. JEWETT: I did.
4 FEMALE: You said aye.
5 MS. JEWETT: Oh, sorry.
6 VICE CHAIR: You said aye. One nay. That nominee
7 passes. District 4 nominee.
8 MR. HOLLINSHEAD: I nominate Fran Kolaski.
9 VICE CHAIR: Okay. Voice vote.
10 (Ayes were heard)
11 VICE CHAIR: Any opposed?
12 MR. GRYBOWSKI: Nay.
13 FEMALE: Nay.
14 VICE CHAIR: That's two nays. Nominee passes. My
15 District 5 nominee is Dr. Antoinette Biegaj.
16 Voice vote. Any for?
17 (Ayes were heard)
18 VICE CHAIR: Any opposed?
19 MR. GRYBOWSKI: Nay.
20 VICE CHAIR: One nay. This nominee passes.
21 District 6 nominee.
22 MS. LEBER: My nominee is Lee Runyon.
23 VICE CHAIR: Voice vote. All for, say aye.
24 (Ayes were heard)
25 VICE CHAIR: Any opposed?

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1 MR. GRYBOWSKI: Nay.
2 FEMALE: Nay.
3 VICE CHAIR: Two. Two opposed. This nominee
4 passes. We don't have a District 7 nominee
5 yet. District 8 nominee.
6 MS. ROBERSON: I nominate Dr. Brian McClure.
7 VICE CHAIR: All for, say aye.
8 (Ayes were heard)
9 VICE CHAIR: Any opposed?
10 MR. GRYBOWSKI: Nay.
11 MS. LEBER: Nay.
12 MS. WHATLEY: Nay.
13 MALE: You need a roll call.
14 VICE CHAIR: Okay. If you said nay, raise your
15 hand. If you said nay, raise your hand so
16 she can get --
17 MR. HOLLINSHEAD: Who's the nominee?
18 VICE CHAIR: Brian McClure.
19 MS. WHATLEY: This is why you need to stop trying to
20 talk to me.
21 VICE CHAIR: Did you get it? This is all the nays?
22 UNKNOWN: Four to five.
23 VICE CHAIR: Ms. McKinney, what was your vote?
24 MS. MCKINNEY: Nay.
25 VICE CHAIR: So -- okay. So this nominee doesn't

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1 pass. And we do not have a District 9
2 nominee at this time. Okay. How many -- how
3 many nominees did we have pass?

4 MS. JEWETT: I think everybody's but Ms. Roberson's.

5 VICE CHAIR: Six nominees have been passed. And the
6 ones that haven't been nominated yet will be
7 in the February -- February board meeting.
8 Okay.

9 MS. ROBERSON: Excuse me. This is really weird. I
10 get an appointment. And so you all voted
11 down my appointment.

12 FEMALE: I don't even know why we're voting on them
13 except that I guess it's the bylaws, right?

14 MS. ROBERSON: So I am not going to go and find
15 another appointment. I get an appointment,
16 according to the bylaws. You don't supersede
17 the bylaws. I get an appointment. I will
18 bring this appointment back again.

19 VICE CHAIR: Okay. Mr. Frampton, is that okay that
20 she does that?

21 MS. ROBERSON: I get an appointment.

22 MR. FRAMPTON: She can certainly bring the nominee
23 back. I believe the bylaws say that each
24 trustee will make a nomination to be approved
25 by the board, I believe is what the bylaws

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1 say.

2 VICE CHAIR: Okay.

3 MR. FRAMPTON: Otherwise there would not be any
4 reason for voting.

5 VICE CHAIR: Any other questions or concerns?

6 MR. HOLLINSHEAD: I just wonder why would you vote
7 nay --

8 MS. ROBERSON: To somebody's appointment.

9 MR. HOLLINSHEAD: -- to somebody you don't even know.
10 Just like we just had discussion about Fran
11 Kolaski, which you'll find out who he is real
12 soon. He knows who voted against him. But
13 the thing about it is is that --

14 MS. WHATLEY: But --

15 MR. HOLLINSHEAD: Wait, wait a minute.

16 MS. WHATLEY: Go ahead. Go ahead.

17 MR. HOLLINSHEAD: I've got the floor.

18 MS. WHATLEY: I just going to comment back to you.

19 MR. HOLLINSHEAD: But you leave it to that trustee
20 to bring somebody forward in good faith to be
21 brought before the board, and then you
22 scrutinize that. That is ridiculous. But
23 remember that y'all are running again and
24 y'all going to catch hell when you hear that
25 stuff come up in your district. That's all I

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1 got to tell you.

2 MS. WHATLEY: Well, nobody contacted at least me. I
3 can only speak for me. Nobody's contacted me
4 about any of these people. I don't know Mr.
5 Kolaski.

6 VICE CHAIR: Well, can I just say that --

7 MS. WHATLEY: You can't be mad at me he didn't reach
8 out to me and ask for my support.

9 VICE CHAIR: Can I just say that all of the nominees
10 are -- their resumes were submitted for
11 everybody's review, and it is that board
12 trustee's purview to vote however they
13 choose. Because that's in the bylaws. Okay?

14 MS. JEWETT: On a nonpartisan board, correct.
15 Nonpartisan.

16 MR. HOLLINSHEAD: I bet you one thing, you won't
17 hear nothing come out Pam McKinney's because
18 she know who he is. Thank you.

19 VICE CHAIR: Well, thank you for your comments.
20 Anybody else? Ms. Whatley, do you have
21 anything?

22 MS. WHATLEY: I just -- you know, I'm sorry that I
23 -- I don't -- I don't like being put in a
24 position to vote against somebody's
25 appointment. And I think that maybe we can

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1 look at the bylaws and if we get an
2 appointment, then we should be able to just
3 appoint them.

4 MS. ROBERSON: Well, you're saying that, but you
5 voted yes for some appointments --

6 MS. WHATLEY: I did.

7 MS. ROBERSON: -- and you voted no. So what you're
8 saying is hypocritical --

9 MS. WHATLEY: No, it's not. Move on --

10 MS. ROBERSON: -- because I'm going to bring the same
11 name again --

12 MS. WHATLEY: Here we go again.

13 MS. ROBERSON: -- because I get an appointment. And
14 exactly. So you know what you're doingv so
15 don't try to, you know, fix it now. You know
16 what you're doing.

17 MS. WHATLEY: I'm not trying to fix anything.

18 MS. ROBERSON: You are trying to fix it.

19 MS. WHATLEY: No, you cut me off.

20 MS. ROBERSON: I'm going to bring the same name
21 again --

22 MS. WHATLEY: And I'll vote no again.

23 MS. ROBERSON: -- and let -- that's fine, Leah.

24 VICE CHAIR: Thank you, ma'am.

25 MS. ROBERSON: That's fine.

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1 VICE CHAIR: We don't have to argue. That's in your
2 purview to --

3 MS. ROBERSON: No, no --

4 VICE CHAIR: -- bring your nominee back again.

5 MS. ROBERSON: I get an appointment. And my
6 district will be represented on this
7 educational foundation.

8 VICE CHAIR: Yes, ma'am. Thank you.

9 MS. ROBERSON: So that's just -- so you all need to
10 figure it out because my district will be
11 represented.

12 VICE CHAIR: Thank you, ma'am. Ms. Jewett?

13 MS. JEWETT: Can we get the parliamentarian to give
14 us information as to what exactly the bylaws
15 say?

16 MR. FRAMPTON: I do not have a copy of the bylaws in
17 front of me.

18 FEMALE: I can give you a copy.

19 MR. FRAMPTON: If you do have them, that would be
20 great, be happy to.

21 MR. HOLLINSHEAD: There's the initial appointment,
22 but it has to be approved by majority of the
23 board members.

24 MR. FRAMPTON: That's what I thought it said.

25 That's why -- that's why voting was taking

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1 place.

2 DR. TEMPEL: While we're on the topic of the
3 foundation --

4 MS. MCKINNEY: Excuse me, Ms. Bailey.

5 MR. FRAMPTON: Point of order. This isn't on the
6 agenda.

7 MS. MCKINNEY: Madam Chair?

8 VICE CHAIR: Yes, ma'am.

9 MS. MCKINNEY: We have covered the agenda item. I
10 move for adjournment.

11 MR. FRAMPTON: Correct.

12 VICE CHAIR: Okay. One moment. Mr. Frampton is
13 about to speak. He's looking over the
14 bylaws, and I want to give him an opportunity
15 to be heard and then we'll -- we'll adjourn
16 because all of the consent items have been
17 approved, correct?

18 MS. MCKINNEY: Yes, ma'am.

19 MR. HOLLINSHEAD: -- vote against --

20 MR. FRAMPTON: The bylaws require that the member's
21 --

22 VICE CHAIR: Mr. Frampton is speaking. Yeah, we
23 can't hear him.

24 MR. FRAMPTON: -- member's appointed by majority vote
25 of the trustees.

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1 MS. ROBERSON: Yeah. So maybe we need to --

2 MR. FRAMPTON: But that's why -- that's why the vote
3 was taken.

4 MS. JEWETT: And that's why I made the point that
5 maybe we need to change the bylaws.

6 MS. ROBERSON: Yeah, maybe we need to change the
7 bylaws.

8 VICE CHAIR: Okay. Well, we'll discuss that at
9 another time. Motion to close -- well, wait
10 a minute. Upcoming meetings, audit and
11 finance, February 4th, 2026. Committee of
12 the whole, February 9th, 2026. Board of
13 trustees meeting, February 23rd, 2026. Do I
14 have a motion to adjourn the meeting?

15 FEMALE: So moved.

16 VICE CHAIR: So moved.

17 MS. MCKINNEY: So moved.

18 FEMALE: Seconded. Third.

19 VICE CHAIR: All right.

20 (End of requested transcription)

21

22

23

24

25

PARTIAL TRANSCRIPTION OF THE
FEBRUARY 25, 2026, MEETING
OF THE CHARLESTON COUNTY SCHOOL BOARD

* * * * *

Transcribed by
Andrea R. Taylor
Cola City Reporting

* * * * *

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1 THE CHAIR: All right. Then we will move on to
2 the next item in other business, 12B. Is
3 there a nominee for District 7?

4 MS. WHATLEY: Madam chair, yes, ma'am, I -- are we
5 calling our nominees by name?

6 THE CHAIR: I think we did last time. Ms.
7 Huggins? Mr. Frampton will answer you.

8 MS. WHATLEY: Oh.

9 MR. FRAMPTON: The last time you elected a
10 trustee.

11 THE CHAIR: Right?

12 MS. WHATLEY: We did call them by name?

13 MR. FRAMPTON: Yes, ma'am.

14 THE CHAIR: Yes, ma'am.

15 MS. WHATLEY: Okay. My nominee for District 7
16 changed fairly rapidly, but as it stands
17 right now, I have the great honor and
18 privilege to nominate Ms. Julie Armstrong,
19 our current clerk of court, for District 7.

20 THE CHAIR: Nominees do not need a second.

21 MR. FRAMPTON: They do require a second.

22 THE CHAIR: Oh, nominees do?

23 MR. FRAMPTON: No debate but there is a second.

24 THE CHAIR: We didn't -- we didn't do that last
25 time. Or no? Okay. We did not.

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1 MR. FRAMPTON: If there is a nominated committee,
2 the committee's nomination does not require
3 a second, but nominations require a second.

4 FEMALE: I second.

5 MR. FRAMPTON: Oh, sorry.

6 THE CHAIR: I second. He said it requires a
7 second but --

8 MR. FRAMPTON: A committee making a nomination
9 does not require a second because it's a
10 committee action. However, an individual
11 nomination would require a second.

12 THE CHAIR: So I second your nominee. And what we
13 will ask is for hand votes and for this
14 nominee. The nominee --

15 MS. JEWETT: Did we receive this nominee's resume?

16 THE CHAIR: Yes. It's in the board packet.

17 MS. JEWETT: Okay.

18 THE CHAIR: Mr. Grybowski, if you didn't hear us,
19 Ms. Whatley nominated for District 7 Julie
20 Armstrong, and I made the second.

21 MR. GRYBOWSKI: I vote yea.

22 THE CHAIR: Okay.

23 MS. ROBERSON: We call for questions?

24 THE CHAIR: We'll do a hand so that we have a --

25 MS. JEWETT: I don't know how to do a hand.

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1 MS. ROBERSON: When do we ask questions?

2 MS. JEWETT: Nay.

3 MS. LEBER: I'm a yes.

4 THE CHAIR: There's a second but not discussion.

5 All right. So, and Ms. Jewett, you said

6 yea? Or and I'm sorry --

7 MS. JEWETT: I am a nay. No.

8 THE CHAIR: No for Ms. Jewett. Mr. Hollinshead,

9 are you no? I'm sorry. What is your vote?

10 I'm sorry. I'm sorry what is your -- and

11 Ms. Jewett?

12 MS. JEWETT: Nay.

13 THE CHAIR: Ms. Jewett said nay. Ms. Leber?

14 MS. LEBER: Yea.

15 THE CHAIR: Okay. So yea and one nay. And for

16 the minutes, Ms. Jewett -- all right. Is

17 there --

18 MS. ROBERSON: Madam Chair?

19 THE CHAIR: Yes?

20 MS. ROBERSON: When can I ask a general question

21 about this process?

22 THE CHAIR: Well, I guess now would be

23 appropriate.

24 MS. ROBERSON: Thank you. Who verifies the

25 addresses that these nominees live in the

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1 constituent districts? Because on this and
2 others, there's not addresses.

3 MR. PRENTICE: So we verified them through the
4 foundation team and checked tax records.

5 MS. ROBERSON: Okay. Thank you.

6 THE CHAIR: Is there a District 9 nominee?

7 DR. TEMPEL: Yes, ma'am. I am nominating Taryn
8 Williams. You all have her resume, and she
9 is currently president of the James Island
10 Elementary School PTA.

11 THE CHAIR: Is there a second?

12 MS. ROBERSON: Second.

13 THE CHAIR: Second from Ms. Roberson. All those
14 in favor, please raise your hand or -- so
15 that vote was unanimous. Is there a nominee
16 for District 8?

17 MS. ROBERSON: Yes, I nominate Dr. Brian McClure.

18 MR. HOLLINSHEAD: Second.

19 THE CHAIR: Thank you. Ms. Roberson nominates.
20 Mr. Hollinshead, second. All those in
21 favor, please raise your hand.

22 (Hands raised)

23 THE CHAIR: And Ms. Leber, how are you voting?

24 MS. LEBER: Nay on this.

25 THE CHAIR: And the nominee does not pass.

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1 MS. WHATLEY: Madam Chairman, I'd like to nominate
2 for District 8.

3 MS. ROBERSON: Madam Chairman?

4 THE CHAIR: Wait a minute, I'm sorry, Ms. Whatley
5 has the -- been recognized.

6 MS. WHATLEY: I would like to nominate Michelle
7 Faust for District 8. And I have her resume
8 here.

9 UNKNOWN AUDIENCE: You can't do that. You can't
10 do that.

11 MS. ROBERSON: Madam Chairman?

12 UNKNOWN AUDIENCE: Why would you do that?

13 THE CHAIR: Excuse me, Ms. Roberson has been asked
14 to be recognized.

15 MS. ROBERSON: Thank you, ma'am.

16 THE CHAIR: Yes, ma'am.

17 MS. ROBERSON: I know that it's been brought to --
18 sent out that this is according to the
19 bylaws, and this is not according to the
20 bylaws. So I ask that you all read the
21 bylaws. Section 502 clearly states that the
22 trustee for the district gets to nominate
23 their person.

24 MR. HOLLINSHEAD: And we have representatives that
25 represent us in District 8. And that's

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1 Darlene Dunmeyer, and we will only accept
2 her nominee.

3 THE CHAIR: Out of order, Ms. Roberson is
4 speaking.

5 MS. ROBERSON: Thank you. Thank you. I have made
6 my nomination twice. Now, someone said that
7 you go on to Section 507. Section 507 in
8 the bylaws talks about vacancy. There's not
9 a vacancy. I have made my nomination. And
10 so you cannot manufacture a vacancy by
11 voting no. That's not what the purpose of
12 this Section 507 was for. The vacancy is if
13 someone is in a position and they vacate the
14 position. I am trying to nominate someone
15 for my position. I believe that your
16 interpretation is incorrect. And even if
17 you try to use Section 507, please
18 understand that Section 507 says that we
19 will refer back to the process used in
20 Section 502. And we will follow that same
21 order. And unless Ms. Paylor, you're
22 shaking your head no, if you're giving the
23 advice.
24 Okay. Because it says we go back to Section
25 502 and we use the same order. And the same

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1 order is for the trustee from the district
2 to make the recommendation. Nowhere in
3 these bylaws does it clearly state that
4 anyone on this dais can make a
5 recommendation for that trustee. And if
6 that's the case, then I'm going to recommend
7 someone for your districts.

8 DR. TEMPEL: Right.

9 MS. ROBERSON: You don't get to pick my person.

10 You have misread --

11 THE CHAIR: Mr. Frampton --

12 MS. ROBERSON: You have misread the bylaws. You
13 have misread the bylaws. The bylaw says it
14 goes back to Section 502.

15 THE CHAIR: Excuse me, but --

16 FEMALE: (Indiscernible)

17 DR. TEMPEL: (Indiscernible) -- what she did to
18 mine.

19 THE CHAIR: Excuse me. Excuse me. The trustees
20 need to be able to hear each other so we can
21 come to a decision.

22 UNKNOWN AUDIENCE: Never seen before. Your
23 daddy's burning up in hell knowing what
24 you're doing --

25 THE CHAIR: Excuse me, may we cut the mic, please,

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1 right now.

2 MR. GRYBOWSKI: I'd like to make a motion to
3 adjourn and amend -- or post thing. What is
4 it?

5 THE CHAIR: Cut the mic, please, so that the
6 trustees can hear each other and conduct the
7 business. We will recess until the chair
8 reconvene.

9 UNKNOWN AUDIENCE: (Indiscernible)

10 MR. GRYBOWSKI: I would make a motion to --

11 UNKNOWN AUDIENCE: This board is dysfunctional.
12 This board is is a riot.

13 THE CHAIR: Before we recess, Ms. Bailey has been
14 asked to be recognized. Ms. Bailey?

15 UNKNOWN AUDIENCE: (Indiscernible.)

16 THE CHAIR: Excuse me.

17 MS. BAILEY: You know what? This whole time that
18 I have been sitting here, I have been so
19 respectful and honoring of you. So I ask
20 that you be honorable and respectful to me
21 because I have sat here and listened and
22 listened and listened.

23 UNKNOWN AUDIENCE: (Indiscernible shouting
24 ongoing.)

25 MS. BAILEY: Well, anyhow, only thing I'm going to

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1 say to you, the Bible says love one another.
2 And if you're a representation of Jesus
3 Christ, then you need to go pray and seek
4 his face all over again. Now, only thing I
5 can tell you is I would like to speak and
6 I'm not going to speak over you.

7 UNKNOWN AUDIENCE: (Indiscernible shouting
8 ongoing.)

9 MS. BAILEY: Now, you will repent because the word
10 of God says, touch not mine anointed and do
11 my prophet no harm. So when you speak
12 against me, you speak against the heart of
13 God. So please be quiet because your heart
14 is far from him. Your heart is far from him
15 and what your actions and your deeds now
16 speak that is hard from him. Now, I would
17 like to speak.

18 UNKNOWN AUDIENCE: (Indiscernible shouting
19 ongoing.)

20 MS. BAILEY: Now, I would like to speak. I would
21 like to speak. Lord, I pray for y'all. Oh,
22 Jesus, I pray for you. In the name of
23 Jesus, I pray for you.

24 UNKNOWN AUDIENCE: (Indiscernible.)

25 (Recess)

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1 THE CHAIR: We are reconvening in the
2 superintendent's conference room for
3 security reasons. In attendance are
4 Trustees Bailey, Grybowski, Whatley,
5 McKinney, and by Zoom, Ms. Jewett and Ms.
6 Leber. Ms. Roberson, Dr. Tempel, and Mr.
7 Hollinshead have chosen not to attend. We
8 will resume the business of the board, and I
9 will ask for a second to Ms. Whatley's
10 motion.

11 MR. GRYBOWSKI: But on a point of order before we
12 get to the motion, just so we're clear. Ms.
13 Tempel and Ms. Roberson were advised that
14 we're meeting in here?

15 THE CHAIR: Who advised them?

16 MS. PAYLOR: Well, I advised Ms. Tempel and Mr.
17 Hollinshead. Mrs. Roberson was not out
18 there, so she must be outside of the room.

19 MR. GRYBOWSKI: But you did --

20 MS. PAYLOR: Oh, I advised both of them and they
21 said --

22 MR. GRYBOWSKI: That we were meeting specifically
23 here?

24 MS. PAYLOR: Yes.

25 MR. GRYBOWSKI: Thank you. Just for

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1 clarification.

2 MS. JEWETT: So you did confirm that they were not
3 just -- that we were gonna continue the
4 meeting?

5 MS. PAYLOR: I did. I told them we were gonna
6 continue the meeting back here and they
7 should come. And they both said they were
8 not going to come. They were gonna stay out
9 there.

10 THE CHAIR: All right. Is there a second to Ms.
11 Whatley's motion?

12 MS. BAILEY: Second.

13 THE CHAIR: Second by Ms. Bailey. Before there is
14 a vote, I'm going to ask our parliamentarian
15 for clarification on the motion and the
16 bylaws.

17 MR. FRAMPTON: Not sure there's any clarification
18 that really needs to be given. Section 5.02
19 of the Foundation bylaws provides for the
20 mechanism by which the phase one directors
21 of the Foundation are to be appointed.
22 Bylaws only requirement is that each of the
23 nine election districts of the Board of
24 Trustees be represented and that the
25 appointee be a resident of that election

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1 district. It does not give any exclusive
2 right to any trustee of the school board to
3 either make a nomination or to make an
4 appointment. It merely provides that each
5 of the nine must be residents of their
6 election district, and that the Board of
7 Trustees by majority vote elects the
8 Foundation directors.

9 MS. JEWETT: But I thought the initial -- the
10 initial appointment was per, was each board
11 member would appoint or nominate a
12 candidate.

13 MR. FRAMPTON: That's not what the bylaws provide.

14
15 THE CHAIR: And to note for the record, Dr. Tempel
16 and Mr. Hollinshead are now in attendance.

17 FEMALE: And Ms. Roberson.

18 THE CHAIR: And Ms. Roberson.

19 MS. JEWETT: Can we -- can we --

20 MR. FRAMPTON: Although it's not unusual and
21 certainly it happens in lots of public
22 bodies when an appointee to a body, a
23 committee or a board or a commission is a
24 resident of an election district, whether it
25 be a county council district, it's not

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1 unusual that the trustee or the county
2 council member would make a nomination for
3 their, I don't want to call it their seat.
4 It's not really their seat. It's the Board
5 of Trustees seat. But if that person is a
6 resident, it's certainly not unusual that
7 the county council member who represents
8 that district from which that resident would
9 come would make the nomination. There's
10 nothing unusual about that. It happens very
11 commonly in the public bodies that I've
12 represented. However, there is no exclusive
13 right given to the trustee of that election
14 district to make the nomination or the
15 appointment. It's not contained in the
16 bylaws. It doesn't say that. It merely
17 says that each of the nine members must be a
18 resident of the election district, of an
19 election district, and that they're
20 appointed by majority vote.

21 MS. JEWETT: Were the bylaws changed since we
22 approved them? And because --

23 MR. FRAMPTON: I've asked for the most recent copy
24 this evening, and it says the same thing as
25 what I've had read over the last week.

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1 MS. JEWETT: Okay. I'd like the one that we voted
2 on.

3 DR. TEMPEL: I've got it. I think the issue here
4 is that we're following a -- we're doing a
5 process that's not within the bylaws. We're
6 extending it. And I think by practice, how
7 we went through this process, that we should
8 be ethical and fair with what we're doing.
9 I mean, we're just -- the bylaws, obviously,
10 you know, you can interpret the bylaws to
11 not say something specific, but if you look
12 at the process that we've been following, we
13 should go through that same process. And
14 it's not a vacancy.

15 THE CHAIR: No. No, it's not a vacancy. So that,
16 I think that --

17 DR. TEMPEL: Well, each trustee has had the
18 privilege of making a nomination for their
19 district, and we should follow that, in my
20 opinion. I'm not an attorney, but I -- but
21 I operate with integrity and with fairness,
22 and we are not being fair.

23 THE CHAIR: I will now call for the vote.

24 MS. ROBERSON: What are we voting on?

25 THE CHAIR: The motion that started in before we

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1 recessed is the motion that Ms. Whatley
2 made. Would you like to repeat it?

3 MS. ROBERSON: Okay. Well, I'm sorry. I'm sorry.
4 So we missed something that Mr. Frampton,
5 obviously, was explaining, because I still
6 stand that now we are interpreting the
7 bylaws. So did you say something that we
8 need to be -- that we need to be updated?

9 MR. FRAMPTON: I'll say the exact same thing that
10 I -- I think everybody was here when I said
11 it.

12 MS. ROBERSON: No.

13 MR. FRAMPTON: I could be mistaken. If I am, I
14 apologize. Section 5.2 of the bylaws of the
15 Foundation merely requires that the initial
16 phase of directors be non-members, that each
17 of those non-members must come from each of
18 the election districts for the trustees.
19 They must be a resident of that election
20 district. That's all it says about their
21 qualification. And then the section further
22 goes on to say that those non-members shall
23 be elected by majority vote of the trustees.
24 That section does not give an exclusive
25 right to any trustee to either appoint or to

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1 nominate. There's nothing in there that
2 says that.

3 MS. JEWETT: Why were we all --

4 THE CHAIR: Wait a minute. One at a time.

5 MS. ROBERSON: Okay. So then, if what you're
6 saying is true, why did we follow this
7 process where everyone was nominating?

8 MR. FRAMPTON: Because it's not unusual for a --

9 MS. ROBERSON: No, but can't --

10 MR. FRAMPTON: -- public body to make --

11 MS. ROBERSON: But, Mr. Frampton.

12 MR. FRAMPTON: -- allow the trustee that represents
13 that district --

14 MS. ROBERSON: Mr. Frampton.

15 MR. FRAMPTON: -- to make the nomination.

16 MS. ROBERSON: Mr. Frampton, we were following a
17 process. We're not talking about what's not
18 unusual right now. We are talking about a
19 process that we were -- that we established
20 and that everyone followed. And now, in the
21 middle of the -- you want to change to use
22 the word, is not unusual.

23 MR. FRAMPTON: I'm not changing anything. I was
24 asked for my opinion, for the
25 interpretation, and that's what I'm giving.

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1 MS. ROBERSON: You're the one that's now saying
2 it's not unusual. So, if that was the case,
3 we should have been saying that at the
4 beginning, that it's not unusual. So that
5 way, it would have given me the opportunity
6 to nominate somebody from District 5.

7 MS. JEWETT: Exactly, I would have -- I would have
8 nominated someone for a district that I knew
9 somebody in that I think would have been a
10 really good member for that. But we were
11 told that each -- each board member was to
12 have a nomination within their district.
13 That's what we were told. It's in an email.
14 It's within every conversation. It's every
15 single dialogue has been that. If that were
16 the case, I had nominations that I would
17 have put up for other districts.

18 FEMALE: Me too.

19 MS. HUGGINS: So, Mrs. Jewett, respectfully, that
20 is what you all were told by Mr. Prentice
21 and the foundation staff. But we've been
22 telling you all now for two or three weeks
23 that all of you, that the three of you, with
24 the last -- given what happened at the last
25 meeting, with all due respect, I've told you

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1 multiple times or suggested to you under
2 attorney-client privilege that the advice
3 that Mr. Frampton, Mr. Johnson, and Ms.
4 Paylor have all weighed in and given and
5 suggested that each of you bring backup
6 names and supporting documents.

7 MS. JEWETT: But we didn't get --

8 MS. ROBERSON: Okay. But I think, Ms. Huggins,
9 what we were saying --

10 MS. JEWETT: -- that information until after
11 nominees were given and --

12 MS. HUGGINS: No, ma'am.

13 MS. JEWETT: -- after we had voted.

14 FEMALE: It was in an email.

15 MS. HUGGINS: No, ma'am.

16 MS. ROBERSON: No, no, but you're correct. And
17 Ms. Huggins, that goes right back to what
18 I'm saying. We thought we were told one
19 process, and now in the middle of the
20 process, it changes.

21 DR. TEMPEL: Right.

22 MS. ROBERSON: So saying exactly what we just
23 said.

24 DR. TEMPEL: Ms. Whatley did not have Michelle
25 Faust's resume on the list that we could

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1 look at it. We just get it now. But that's
2 not the process.

3 MS. ROBERSON: It's not the process. It is just
4 not the process. We were given a clear
5 process and we followed it. And then when
6 something didn't go the way that some folks
7 wanted it, the process changed and we were
8 told, now you get to bring additional names.
9 But that's changing the original process.

10 MS. HUGGINS: Mr. Prentice, do you want to weigh
11 in?

12 MR. PRENTICE: As Mr. Frampton indicated, while
13 it's customary, it's not required to the
14 bylaws. That's the --

15 MS. ROBERSON: Well, you didn't tell us that at
16 the beginning. If that was the case, you
17 should have said at the beginning, it is not
18 customary for us to do this, but this is how
19 we're going to do it, or we are going to do
20 it in the non-customary way. You guys
21 cannot change that. This is a flawed
22 process.

23 MR. PRENTICE: So again --

24 MS. JEWETT: So when we were told to bring our
25 nomination, our nomination --

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1 THE CHAIR: Can we let Mr. Prentice address this
2 and then, Ms. Jewett, I'll come back to you.

3 MR. PRENTICE: Respectfully, if anyone had
4 attempted to make a nomination for another
5 member seat at any point in the process, I
6 believe that the advice that would have been
7 provided would have been consistent. If
8 that --

9 MS. ROBERSON: If that was given as an original
10 option, that was not told to us. If we were
11 told to make a nomination for our own
12 district, if we were told that we can make a
13 nomination for someone else's district, then
14 we would have done that. I'm sorry, we are
15 -- I'm an educated person. I understood
16 exactly what the process was, what was told
17 to us, and that's what I follow. You all
18 don't get to now change the rules. You're
19 making these things -- it's flawed.

20 THE CHAIR: Ms. Paylor?

21 MS. ROBERSON: And this doesn't look good to the
22 public.

23 MS. PAYLOR: Mrs. Roberson, when a nomination is
24 made and seconded, there's a vote. And they
25 all passed --

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1 MS. ROBERSON: Ms. Paylor, I know that.

2 THE CHAIR: Please let her finish, Ms. Roberson,
3 because we all might learn something.

4 MS. PAYLOR: You were all passed except for yours.
5 So it came back two weeks later and you
6 didn't put up a different person.

7 MS. ROBERSON: Correct, because there was no
8 reason. Because I have the right, according
9 to Robert's Rules, to now ask, what is the
10 criteria and the standards for making a
11 nomination? What was given to us? Bring
12 one person from your district. That was the
13 only standard and criteria that was given.
14 And so they voted my person down with no
15 explanation. Robert Rules say that I can
16 ask for a standard and a criteria. What is
17 the standard and the criteria that we are
18 using to select these members? So we cannot
19 change it in the middle. What is the
20 standard and the criteria, Madam Chair?
21 What are we using to select these people?

22 THE CHAIR: I would refer to Mr. Arnold or Mr.
23 Prentice.

24 DR. TEMPEL: Mr. Arnold is not and Mr. Prentice
25 are not attorneys.

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1 MS. ROBERSON: What is the standard?

2 THE CHAIR: Okay. Well, I'm not one either.

3 MS. ROBERSON: What is the standard? The standard
4 said they must be from the respective
5 district. That was all that was given to
6 us.

7 DR. TEMPEL: No ?? and no conflict of interest.

8 MS. ROBERSON: And no conflict of interest. And
9 now board members are voting down someone
10 that meets the qualification.

11 MS. JEWETT: And at the beginning of this entire
12 process, we were told --

13 DR. TEMPEL: They have to be appointed by --

14 MS. JEWETT: -- we were told -- wait, I started
15 first.

16 THE CHAIR: Excuse me, you have to be recognized.
17 Michele Leber --

18 MS. JEWETT: No one else has been --

19 THE CHAIR: Ms. Jewett, go ahead.

20 MS. JEWETT: At the beginning of this whole
21 process, we were actually told that this was
22 an appointee, not a nomination.

23 THE CHAIR: No.

24 MS. JEWETT: Yes, we were. Yes, we were. Let's
25 go back to -- let's go back and review our

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1 meetings.

2 THE CHAIR: Go right ahead. Ms. Leber?

3 MS. JEWETT: I will.

4 THE CHAIR: You're on mute. Ms. Leber, we can't
5 hear you.

6 MALE: You need to unmute your -- it looks like
7 your telephone is on as well. I think you
8 need to unmute your telephone line.

9 MS. LEBER: Am I unmuted? Hello?

10 MALE: You are.

11 THE CHAIR: Yes, ma'am.

12 MS. LEBER: Oh, okay, fantastic. I think -- I
13 think we all need to go back to the goal of
14 this educational foundation. And if I, and
15 Mr. Grybrowski fully provides me with some
16 clarity that this intended to be a
17 fundraising organization with the people
18 with the prowess to do fundraising, and to
19 also be able to vote on some of the -- how
20 the money was spent. Now, I, as a trustee,
21 in retrospect, I welcome anybody that has a
22 better Rolodex about my district, or anybody
23 that is significantly more in my district
24 that I didn't meet, I don't know
25 specifically. And I think, you know -- you

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1 know, and all due respect to Ms. Roberson,
2 is that I'm very knowledgeable about people
3 within her district. Maybe not as much as
4 she is, but definitely a diverse set of
5 people. And there are -- but you guys don't
6 like Lee Runyon, come up with a better
7 solution. I mean, please, this is -- this
8 is not about us. It's about the children.
9 And it's about fundraising and make the best
10 decisions in education. And so when I look
11 at, my apologies, Mrs. Roberson, is that I
12 don't see that person as being in that
13 category. I honestly -- I'm just going to
14 stop right there.

15 THE CHAIR: I will call for the vote now. The
16 motion --

17 MS. ROBERSON: Ms. McKinney, I'm sorry. This is
18 -- this is not correct. The bylaws does
19 not state what you're doing. You cannot do
20 that. You can -- you are misinterpreting
21 the bylaws.

22 THE CHAIR: I'm not -- I'm not. The lawyer did.

23 MS. ROBERSON: And whoever's giving you the
24 advice, it's --

25 THE CHAIR: I'm not the lawyer.

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1 MS. ROBERSON: -- this is incorrect. So what
2 lawyer is telling you that the bylaw says
3 that another trustee can nominate someone?
4 What lawyer is telling you that?

5 MS. PAYLOR: I am, Ms. Paylor.

6 MS. ROBERSON: And where do you see that?

7 MS. PAYLOR: It's in there.

8 MS. ROBERSON: It's not in there.

9 MS. PAYLOR: It doesn't say who makes the
10 nomination.

11 MS. ROBERSON: And then, Alice, so if that's the
12 that's the case, we have to start the whole
13 process over. You cannot do that just for
14 my district. You have to start the whole
15 process over.

16 MS. HUGGINS: So Ms. Paylor, Mr. Johnson, and Mr.
17 Frampton all advised on this after two weeks
18 ago when the vote --

19 MS. ROBERSON: Then the process needs to start
20 over, Ms. Huggins.

21 MS. HUGGINS: -- with them.

22 MS. ROBERSON: The process needs to start over.

23 MS. HUGGINS: When the vote, when the way the vote
24 went, we sought advice and provided to
25 trustees via several emails, recommendations

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1 on how the final three of you should handle
2 coming here.

3 MS. ROBERSON: So that's -- but that's
4 discrimination. The final three? What
5 about the rest of them? The rest of them
6 cannot do the same thing that you're telling
7 us that we have to do.

8 MS. HUGGINS: Again, Ms. Roberson, in the event
9 that their -- that their recommendation is
10 not approved --

11 MS. ROBERSON: But what about theirs. We were not
12 --

13 MS. HUGGINS: Ms. Roberson.

14 MS. ROBERSON: -- following the same rules.

15 THE CHAIR: I had a second

16 MS. ROBERSON: No, no, no. No, no, no. You had
17 it.

18 I had a list.

19 MS. ROBERSON: You didn't have that. You may have
20 had it originally, but that was not what we
21 were told originally. That was not. You
22 cannot come in and now they're not following
23 the same three, the same rules that you are
24 now giving us. This is a flawed process.
25 And this foundation is not going to -- this

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1 is not right. And you all should not want
2 to run a foundation under these conditions.

3 MS. BAILEY: You had the nominee up, the same
4 nominee up two times and it failed.

5 MS. ROBERSON: Because that's --

6 MS. BAILEY: So why are we revisiting this? It
7 failed. It failed. If it was one of us, it
8 would have been failed, we would have gone
9 about our business. Why do you continue to
10 fight for somebody and it failed two times?

11 MS. ROBERSON: Tell me when you want me to answer
12 you. Tell me when you want me to answer
13 you. Are you just watching?

14 THE CHAIR: All those in favor of Ms. Whatley's
15 motion for Michelle Faust to run --

16 MS. ROBERSON: I don't think you all want to do
17 this.

18 THE CHAIR: -- for District 8 --

19 MS. ROBERSON: This is not a good thing.

20 THE CHAIR: -- on the Education Foundation, please
21 raise your hand.

22 MS. JEWETT: You can't -- you can't change -- you
23 can't change it -- you can't change it after
24 we've -- you're changing it after we
25 nominate.

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1 THE CHAIR: And the motion passes. We are now
2 going to give Ms. Bailey --

3 MS. JEWETT: You guys --

4 THE CHAIR: -- a moment to make her --

5 MS. JEWETT: -- I hope you see how wrong this is.

6 THE CHAIR: -- statement which she started in
7 public but was interrupted.

8 MS. JEWETT: Politics, politics, politics.

9 THE CHAIR: Mrs. Bailey?

10 MS. JEWETT: It's all about politics.

11 THE CHAIR: Ms. Bailey has the floor, Ms. Whatley.

12 MS. BAILEY: One thing I want to say through all
13 of this since we want to quote scriptures
14 and defame people. I am not a racist
15 person. I am an intercessor and a prophet.
16 When the Lord speaks to me, I hear him
17 clearly. And the whole time we've been in
18 this place with all this disruption,
19 especially in the boardroom, the Lord keeps
20 saying, love one another. Okay? If you say
21 you're a follower of Jesus Christ, then
22 you're supposed to love people. I don't
23 have any animosity, bitterness, hatred, or
24 anything towards anybody on this board.
25 Matter of fact, I pray for all of us

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1 consistently, Ms. Roberson included. I
2 don't feel any kind of way about her. So
3 anybody saying I have anything against her
4 or anybody else on this board is a liar and
5 the truth is not in them. And Proverbs 3
6 verse 5 through 6, it says, trust in the
7 Lord with all thine heart and lean not into
8 thine own understanding. In all your ways
9 acknowledge him and he will direct your
10 path. And that's what I promised my
11 constituents in District 5, that any and
12 everything that comes before me, I will put
13 before the Lord in prayer. So I took this
14 man, I didn't know if he was black, white,
15 purple, green or yellow. Okay? I read his
16 resume and I said, Lord, is it a yes or it's
17 a no? And Holy Spirit said, no. Okay? So
18 it's better for me to listen to the voice of
19 God or listen to the voice of man. I'm not
20 going to hell for nobody. I'm listening to
21 the voice of God. Now, when I say many are
22 called, but the chosen are few, I've been
23 chosen for such a time as this. The Lord
24 chose me to sit on here. And for anybody
25 else that got something to say about this is

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1 an election year, the Lord puts people in
2 places. He puts them in this place. And if
3 he put me here, he said to fight for these
4 children and their families like I fight for
5 mine. And all six of them, of my children
6 have graduated high school, gone on to
7 college or know a trade and are well off
8 right about now. And I am sick and tired of
9 people trying to make this a race thing.
10 Nobody cares what color you are, as long as
11 you can do the job. God doesn't call always
12 the qualified. He qualifies those he calls.
13 And I'm just sick and tired of people saying
14 that they follow Jesus Christ and they're
15 Christian, but his heart is far from them.
16 And what was displayed in this boardroom
17 today, these people are not followers of
18 Jesus Christ because Jesus loved everybody
19 and he didn't act like that.

20 MS. ROBERSON: Madam Chair?

21 MS. JEWETT: Okay. That's --

22 MS. BAILEY: So all I have to say is --

23 MS. JEWETT: That's enough.

24 MS. BAILEY: -- I have sat, I have been quiet. I
25 have listened because a fool speaks out of

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1 turn and does not listen and have
2 discernment. And I am by far not a fool,
3 okay? But I will not allow anybody to come
4 and tell me that I'm racist and our
5 ancestors are rolling over in their grave.
6 They're rolling over in their grave from
7 that display that was in this boardroom
8 today because they lost their lives. They
9 fought for better --

10 MS. JEWETT: Ms. Bailey?

11 MS. BAILEY: -- for our people. Now, all I have to
12 say is y'all need to get it together.

13 MS. JEWETT: Ms. Bailey?

14 MS. BAILEY: Y'all need to get it together every
15 last one of you --

16 MS. JEWETT: What did God tell you is wrong with
17 this candidate?

18 MS. BAILEY: -- to do what is right before these
19 families, before these children, because
20 when we stand before God, he's gonna either
21 say, well done, my good and faithful servant
22 --

23 MS. WHATLEY: Yep.

24 MS. BAILEY: -- or depart from me, you workers of
25 iniquity for I know you not.

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1 MS. WHATLEY: Yep.

2 MS. BAILEY: And now you wanna quote scriptures,
3 you go look that up.

4 MS. WHATLEY: Yep.

5 MS. BAILEY: You go fast and pray.

6 MS. JEWETT: Okay. This is --

7 MS. BAILEY: And speak his face, but if you don't,
8 I have a moral responsibility to my
9 constituents because I told them I would
10 fast, I would pray, I would seek God's face
11 on these issues and I would fight for their
12 children like I would fight for mine. Now
13 I'm gonna be quiet, but don't think that my
14 quietness and my meekness and my humbleness
15 is a sign of weakness, by far not. And I
16 thank you, Chair, for your time.

17 MS. ROBERSON: Madam Chair, I respectfully request
18 the same time that Ms. Bailey had.

19 THE CHAIR: Go ahead. It's 9:04. You've got till
20 9:06.

21 MS. ROBERSON: I would like to put on the record
22 that I am adamantly against what happened
23 tonight and that Ms. Paylor provided
24 incorrect legal advice. Thank you.

25 THE CHAIR: Noted. Item, agenda Item 14 --

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1 MS. JEWETT: I would like -- I would like to say
2 something.

3 THE CHAIR: Yes, ma'am.

4 MS. JEWETT: This person that was just nominated,
5 this resume was never put on the agenda. I
6 did not --

7 THE CHAIR: It was passed out.

8 MS. JEWETT: I'm sorry.

9 THE CHAIR: And I understand that that is an
10 inconvenience for those Zooming, but you
11 voted no, so.

12 MS. JEWETT: An inconvenience? We were all
13 supposed to be provided the resumes of these
14 candidates prior to these meetings, not at
15 the meeting.

16 THE CHAIR: Well, we didn't -- well, I can't
17 address that. Ms. Leber?

18 MS. LEBER: I do wanna -- I wanna address -- I
19 wanna address that. I think -- because I
20 was the one who brought Michelle Faust up
21 and Michelle Faust had accepted. I think
22 when I talked to the majority of the people
23 -- well, the five total of us -- about
24 Michelle Faust's experience, it rose as
25 cream of the crop. I mean, she has been a

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1 faithful, true, dedicated servant to CCSD --

2 MS. JEWETT: But this isn't the --

3 MS. LEBER: -- especially in Darlene's district.

4 THE CHAIR: If I may interrupt, we should not be
5 talking. If you have a statement to make,
6 like Ms. Bailey or Ms. Roberson, that's
7 fine, but we cannot revisit.

8 MR. PRENTICE: It's a point of order. It's not a
9 --

10 MS. JEWETT: This is not a -- this is not a point
11 of order.

12 MR. PRENTICE: It's a point of order.

13 THE CHAIR: Right.

14 MS. JEWETT: This is not -- this is not the way
15 the process should have worked. This is not
16 -- what has happened tonight is not okay.
17 And Ms. Bailey, I would really like for you
18 to tell me what God told you is wrong with
19 this candidate that was brought to us by our
20 --

21 MS. BAILEY: Well, first of all, what is wrong
22 here is you should have been here.

23 THE CHAIR: Excuse me.

24 MS. BAILEY: You should have been here.

25 THE CHAIR: We're not going there.

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1 MS. JEWETT: I've been on it. I'm sorry, I'm

2 sorry, the board meeting got --

3 THE CHAIR: Is there a motion to adjourn?

4 MS. JEWETT: -- changed into a night that I can't

5 be here because I have kids. My kids are

6 young.

7 (Simultaneous speakers)

8 THE CHAIR: -- say aye.

9 (Ayes were heard)

10 MS. JEWETT: I'm so frustrated. And it's not

11 about Michelle. It's not about -- it's

12 about the process.

13 (End of requested transcription)

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