

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

APPEAL OF RICHLAND SCHOOL DISTRICT TWO BOARD OF TRUSTEES  
APPEAL FROM RICHLAND COUNTY  
Court of Common Pleas

Alison Renee Lee, Circuit Court Judge

Case No. 2012-02436

Student #1 One John Doe, Redacted Name of Student, Redacted Name of Mother  
of Student #1 John Doe, Appellants,

v.

Board of Trustees, Richland School District Two, Richland School District Two  
Superintendent, Dr. Katie Brochu, In her official capacity as School  
Superintendent, Respondents.

RECORD ON APPEAL VOLUME II

Rhonda Meisner  
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Kathryn Mahoney, Esquire  
John Marshall Reagle, Esquire  
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**RECEIVED**

JUL 14 2014

**SC Court of Appeals**

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May 13, 2013

Ms. [REDACTED] *redacted*

[REDACTED]  
Blythewood, SC 29016

Dear [REDACTED]:

I am writing in response to your request that the District conduct a "Gifted and Talented placement review" regarding your son, [REDACTED]

Based on our review of [REDACTED] school records, he was identified and deemed eligible for the District's Gifted and Talented program based on his academic achievement and grade point average. Because [REDACTED] has already been identified as a "Gifted and Talented" student, and placed in Gifted and Talented program classes, a "Gifted and Talented placement review" would not be necessary or appropriate at this time for him.

However, because regulations require schools to support gifted and talented students based on criteria within four distinct areas, we are happy to review with you how the District meets the needs of gifted and talented students at all of its high schools. These areas include academic requirements, support services that facilitate student learning, socio-emotional needs, and opportunities for worldwide communication. In reviewing each of these areas within our high schools, they all meet the requirements of the State regulations. The information below provides details about how each of these areas is addressed in Richland Two.

Regulations for the gifted address both academic and socio-emotional components:

- I. The following "academic requirements" are all met by the provision of Advanced Placement ("AP") classes:
  - Curriculum, instruction and assessment that maximize the potential of the identified students
  - Program models that facilitate the delivery of curriculum and instruction
  - Content, process, and product standards that exceed the state adopted for all students
  - Goals and indicators that require students to demonstrate depth and complexity of knowledge and skills

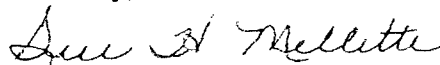
**Sue H. Mellette**

Chief Academic Officer  
smellett@richland2.org

- II. The requirements for "support services that facilitate student learning" are met in all our high schools by:
  - Technology
  - Guidance
  - Academic support
  - Staff development
- III. The "socio-emotional needs" component is addressed through the provisions of:
  - Guidance counselors
  - A teacher-pupil ratio that fosters positive results
- IV. "Opportunities for worldwide communication" are provided through exchange programs and various interactions with students and programs around the world

I would like to point out that teachers in the District who teach honors level and advanced placement classes are Gifted and Talented endorsed. This endorsement requires specific training with respect to the educational needs of gifted learners. I have also attached information regarding the honors and advanced placement course selections available at each of our high schools. As indicated above, we are confident that the District is able to meet the needs of our gifted and talented students at all of our high schools. For these reasons, we are confident that [REDACTED] residentially assigned school, Westwood High School, can meet his needs as a gifted student consistent with the SC State Department of Education's regulations. Additionally, should you choose to reenroll [REDACTED] in the District, we will make arrangements for the principal of Westwood High School to meet with you to review the course selections and other opportunities available for [REDACTED]. We very much look forward to the opportunity to serve [REDACTED] if you choose to reenroll him. Please contact me if you have any questions.

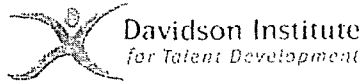
Sincerely,



Sue H. Mellette  
Chief Academic Officer  
Richland School District Two

Enclosure (high school course options)

cc: Dr. Maria Kratsios, Senior Research Associate



## Foundations for understanding the social-emotional needs of the highly gifted

Fiedler, E.  
 Highly Gifted Children  
 The Hollingworth Center  
 Vol. 12, No. 1, pp. 3-5  
 Spring 1998

This article by Ellen Fiedler presents the theoretical perspective for shedding light on psychosocial correlates of gifts based on Dabrowski. According to Dabrowski, the theory has two key facets: levels of emotional development and overexcitabilities or areas of intensity that individuals may possess. Each of these two facets are explained in the article. Also addressed in the article are theories (Manaster and Powell and Festinger) concerning social-emotional issues for gifted students which are different from the general population.

It was an interesting experiment. The professor was writing an article, so she gave her graduate assistant the assignment to identify underlying theories of giftedness. She was particularly interested in the social-emotional needs of the gifted, so that was the slant that she wanted him to take. Off he went to the university library, convinced that he would find widespread agreement in the literature about what giftedness is and what the psychosocial implications of it are. However, the more research he did, the more confused he became. A dense fog seemed to settle into his brain as he read about various conceptual points of view on giftedness. And then, when he tried to find answers relating to theoretical foundations for understanding psychosocial components of giftedness, he felt as if he'd been dropped into the middle of a deep, dark forest without a compass or even a trail of breadcrumbs to follow to find his way out. Eventually, he was back in his professor's office, trying to determine if this was a trick question - one that really had no answer at all.

Widespread confusion and disagreement over concepts of giftedness seem to exist. This may be due to factors implied by Sternberg and Davidson (1986) who said, "Giftedness is something that we invent, not something we discover. It is what one society or another wants it to be, and hence its conceptualization can change over time and place" (pp. 3-4).

The field of gifted education could benefit from more conceptual clarity. As Piirto (1994) observed, "The call for a comprehensive theory of giftedness - or talent - has continued" (p. 29). Members of the Conceptual Foundations Division of the National Association for Gifted Children, among others, continue to grapple with these issues. It seems as if the structure of gifted education has been erected without much thought to the foundations upon which it rests. Relatively recent efforts to address the theoretical and conceptual underpinnings of giftedness seem to be an attempt to see if the current structure can fit on top of various foundations, some of which have more obvious psychosocial implications than others.

A theoretical perspective that currently seems to offer great promise for shedding light on psychosocial correlates of giftedness is that based on Dabrowski's work (Dabrowski, 1964, Dabrowski, 1972; Dabrowski & Piechowski, 1977; Piechowski, 1979, Piechowski, 1991; Piechowski, 1997, Silverman, 1993, Silverman, 1994). Kazimierz Dabrowski was a Polish psychiatrist and psychologist who developed a theory of personality development, known as the Theory of Positive Disintegration. Many in the field of gifted education have found Dabrowski's theory to be particularly relevant for understanding giftedness (Fiedler, 1997).

Dabrowski's theory has two key facets: levels of emotional development and the overexcitabilities or areas of intensity that individuals may possess. The five levels of emotional development, which are shown in Figure 1, range from self-serving, egocentric self-interest through relativism and a focus on compliance with group values to a stage of dissatisfaction with discrepancies between one's actions and one's ideals leading to transformative growth, self-actualization, and at the highest level, attainment of the personality ideal.

### Levels of Emotional Development According to Dabrowski's Theory of Positive Disintegration

#### Level V: Secondary Integration.

The struggle for self-mastery has been won. Inner conflicts regarding the self have been resolved through actualization of the personality ideal. Disintegration has been transcended by the integration of one's values into one's living and being. The life is lived in service to humanity. It is lived according to the highest, most universal principles of loving-compassionate regard for the worth of every individual.  
 A magnetic field in the soul- Dag Hammarskjöld

#### Level IV: Organized Multilevel Disintegration.

Individuals are well on the road to self-actualization. They have found a way to reach their own ideals, and they are effective leaders in society. They show high levels of responsibility, authenticity, reflective judgment, empathy for others, autonomy of thought and action, self-awareness, and other attributes associated with self-actualization. Behind tranquility lies conquered unhappiness- Eleanor Roosevelt

#### Level III: Spontaneous Multilevel Disintegration.

Multilevelness arises. The person develops a hierarchical sense of values. Inner conflict is vertical, a struggle to bring up one's behavior to higher standards. There is a dissatisfaction with what one is, because of a competing sense of what one could and ought to be (personality ideal). This internal struggle between higher and lower can be accompanied by existential despair. Anxiety, depression, and feelings of dissatisfaction with the self (inferiority, disquietude, astonishment)  
 Video meliora proboque deteriora sequor a- Marcus Tullius Cicero

#### Level II: Unilevel Disintegration.

Individuals are influenced primarily by their social group and by mainstream values, or they are moral relativists for whom "anything goes," morally speaking. They often exhibit ambivalent feelings and indecisive flip-flop behavior because they have no clear-cut set of self-determined internal values. Inner conflicts are horizontal, a contest between equal, competing values  
 A reed shaken in the wind- Matthew, XI, 7

#### Level 1: Primary Integration.

Egocentrism prevails. A person at this level lacks the capacity for empathy and self-examination. When things go wrong, someone else is always to blame; self-responsibility is not encountered here. With nothing within to inhibit

**Permission Statement**

Permission to reprint has been given to The Davidson Institute For Talent Development by the author, Ellen D. Fiedler, Ph.D.

This article is provided as a service of the Davidson Institute for Talent Development, a 501(c)3 nonprofit dedicated to supporting profoundly gifted young people 18 and under. To learn more about the Davidson Institute's programs, please visit [www.DavidsonGifted.org](http://www.DavidsonGifted.org).

**Comments****Contributed by: Parent on 12/6/2007**

I believe that gifted adults often mass together in certain fields, such as high-profile programming and astrophysics.

**Contributed by: Other on 9/10/2007**

It would be interesting to see how the gifted manage as adults in the real world, where often hyper-intelligence and sensitivity are seen as a personality problem or even a threat. What are the coping mechanisms available for these children (or for adults who have not made the adjustment) and how do we teach them how to manage among the "normals"?

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personal ambition, individuals at Level I often attain power in society by ruthless means. Dog-eat-dog mentality "I regard the better but follow the worse." (Piechowski, 1997, p. 374)

Even at an early age, gifted youngsters seem marked by an intensity that sets them apart from others. The concept of intensity seems to be the best way to think about what is meant by the word overexcitabilities, as described by Dabrowski's Theory. As Silverman (1993) observed, overexcitabilities "represent expanded awareness and a heightened capacity to respond to stimuli of various types" (p. 13), and as Piechowski (1991) described, they can be conceived of as openings through which experiences and information can flow. For some individuals, such as those who are considered gifted, the channels are wide open; for others, the opening is narrow or barely present at all. As Piechowski indicated, "Overexcitabilities contribute to the individual's psychological development, and thus their strength can be taken as a measure of developmental potential." (p. 287) Figure 2 shows the five areas of intensity or overexcitability as described by Dabrowski's Theory.

#### DABROWSKI'S THEORY OF POSITIVE DISINTEGRATION Forms and Expressions of Psychic Overexcitability

##### PSYCHOMOTOR

Surplus of energy

Rapid speech, marked enthusiasm, fast games and sports, pressure for action, acting out

Psychomotor expression of emotional tension

Compulsive talking and chattering, impulsive actions, nervous habits (tics, nail biting), workaholism, acting out, compulsive organizing, competitiveness

##### SENSUAL

Sensory pleasure

Seeing, smelling, tasting, touching, hearing

Sensual expression of emotional tension

Overeating, sexual overindulgence, buying sprees, wanting to be in the limelight

Aesthetic pleasures

Appreciation of beautiful objects (gems, jewelry, etc.), writing styles, words

##### INTELLECTUAL

Probing questions; problem solving; learning

Curiosity, concentration, capacity of sustained intellectual effort, avid reading, detailed planning

Theoretical thinking

Thinking about thinking, analytical thinking, introspection, love of theory and analysis, moral thinking and development of a hierarchy of values, conceptual and intuitive integration

##### IMAGINATIONAL

Free play of the imagination

Frequent use of image and metaphor, facility for invention and fantasy, facility for detailed visualization, poetic

and dramatic perception, animistic and magical thinking

Spontaneous imagery as an expression of emotional tension

##### EMOTIONAL

Intensity of feeling

Positive feelings, negative feelings, extremes of emotion, complex emotions and feelings, identification with others

Feelings, laughing and crying together

Somatic expressions

Tense stomach, sinking heart, blushing, flushing

Inhibition (timidity, shyness)

Fears and anxieties, feelings of guilt

Concern with death, depressive and suicidal moods

Relationship feelings

Emotional ties and attachments, concern for others (empathy), sensitivity in relationships, attachment to animals,

difficulty adjusting to new environments, loneliness, conflicts with others over depth of relationship

Feelings toward self

Self-evaluation and self-judgment, feelings of inadequacy and inferiority

(Silverman, 1993, p. 14)

Much of the extensive literature surrounding social-emotional issues for gifted students reflects concern about conflicts resulting from their being different from the general population. Manaster and Powell (1983) considered psychological difficulties for gifted adolescents to be based on two theoretical assumptions: 1) that people want to belong, and 2) that people want to know where or how they fit. Their assumptions are, in part, based upon the work of Leon Festinger (1957) and his theory of cognitive dissonance. At the heart of dissonance theory is the idea that dissonance leads to pressure that results in action, either to reduce the dissonance or to avoid any increases in it.

Manaster and Powell (1983) connected this with specific conditions that place gifted adolescents particularly at risk, psychosocially. They defined gifted adolescents as being out of stage, out of phase, and/or out of sync (p. 71) in relationship to the dissonance that they experience. Gifted adolescents are described as being out of stage when they are not in tune with their immediate environment because their attention is focused on goals and concepts that are advanced well beyond those of the others around them. Those who are out of phase are very aware of being different from others, are detached from appropriate peer groups, and are often alienated. Gifted adolescents become out of sync within their environment when they see differences within themselves as the source of problems resulting from being out of stage and out of phase. Leroux (1988) commented on the intensity with which gifted adolescents interact with their environment and noted the impact of situational factors in school and socially which affect the students' levels of motivation and self-acceptance. She stated, "The behaviors of others are weighted against personal values in the mind of the gifted adolescent and dissonance may result in internal conflicts which can interfere with the adolescent's acquisition of identity" (p. 4).

This is consistent with Festinger's contention that a major source of cognitive dissonance for individuals lies within the social domain. Among the alternatives described for reducing or eliminating dissonance, Festinger included the concept of controlling environmental elements. Since the social environment of schools can be a primary source of dissonance for gifted students (Cross, Coleman, and Stewart, 1993; Harvey and Seeley, 1984; Johnston, 1988; McDowell, 1984; and Roedell, 1984), attention needs to be directed toward uncovering dissonance within the educational environment. However, as Ziv (1977) noted, "in general, the school pays little attention to the child who is out of tune with its usual expectations. The philosophy, objectives, and methodology of the school explicitly state that the orientation and focus are on the 'average' child. The gifted child has two choices: he can revolt or he can hide his giftedness." (p. 50).

Given the degree to which highly gifted students differ, not only from the general population but even from the majority of the gifted population, these theoretical and conceptual issues have major implications for them. Advocacy efforts for those who are highly gifted need to be built on as solid a foundation of theory as can be found.

IN THE COURT OF COMMON PLEAS  
FOR THE FIFTH JUDICIAL CIRCUIT

Student #1 John Doe, Plaintiff;  
REDACTED NAME OF STUDENT;  
REDACTED NAME OF MOTHER OF  
STUDENT #1 John Doe, Plaintiff

Civil Action No. 2012-CP-40-07122

v.

Board of Trustees, Richland School District  
Two; Richland School District Two  
Superintendent, Dr. Katie Brochu, in her  
official capacity as School Superintendant

Defendants

AFFIDAVIT OF RHONDA MEISNER

JEANE E. M. McBRIDE  
C.C.P. & G.S.

2012 NOV 26 PM 4:52

RICHMOND COUNTY  
FILED

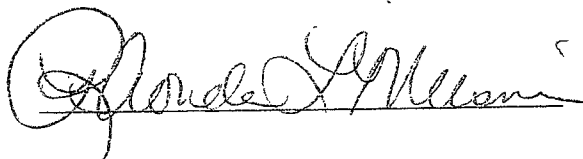
Rhonda Meisner , PERSONALLY APPEARED BEFORE ME

Who after being sworn deposes and says:

1. My name is Rhonda Lewis Meisner
2. I am the mother of \_\_\_\_\_ a Gifted and Talented Student as identified under the state standards for Gifted Education.
3. I applied for transfer of \_\_\_\_\_ from Westwood to Blythewood based on his status as a Gifted and Talented Student that had lost his support network of classmates with the "re-districting" of high school attendance lines.
4. Our family suffered a tragedy in that on January 20, 2012 our Nanny was killed while taking the children to school and \_\_\_\_\_ continues to suffer from this event. He has been further traumatized by his separation from his school support systems eg; his colleagues that were in place last year .

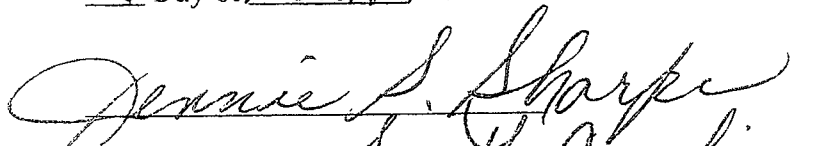
5. I have inquired about transferring to a private school which is unavailable mid- year due to "block scheduling" at Westwood High School and Blythewood High School.
6. I am personally concerned about \_\_\_\_\_ well being and his "acceleration" at Westwood and think he needs to be immediately transferred from Westwood to Blythewood in his best interest.
7. The motion roster is several weeks out which would not afford the opportunity to be heard absent this intervention by the court and \_\_\_\_\_ would lose the opportunity to transfer at all.
8. The "Gifted and Talented" legislation currently in place requires that each individual child in the "Gifted and Talented" class of students has a "student Study" performed to review the placement of the child SC Code Ann Regs 43-220<sup>2</sup>(B) (8)(c) this was not done for \_\_\_\_\_ and has violated his rights under the Equal Protection Clause of the 14<sup>th</sup> Amendment to the Constitution.

FURTHER AFFIANT SAYETH NOT.

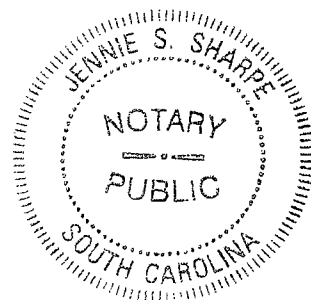


Sworn to before me this

26 Day of November 2012.

  
Notary Public for South Carolina

My Commission Expires 7-23-2017



STATE OF SOUTH CAROLINA )  
 )  
COUNTY OF RICHLAND )

IN THE COURT OF COMMON PLEAS

Student Number One John Doe, )  
 )  
Plaintiff, )

C.A. No. 2012-CP-40-07122

**AFFIDAVIT OF RALPH SCHMIDT**

vs. )  
 )

Richland School District Two Board of )  
Trustees; Richland School District Two )  
Superintendent, in her official capacity, )  
Katie Brochu, PhD, )

Defendant. )  
\_\_\_\_\_ )

Personally appeared before me Ralph Schmidt, who being first duly sworn, deposes and states as follows:

1. I have been employed with Richland School District Two ("District") for 33 years. I have been a principal in the District for 14 years, including 2 years at Dent Middle School, and 11 years at Richland Northeast High School. I was assigned as the principal to open Westwood High School in July 2011, and Westwood High School opened in August 2012. I have personal knowledge of the facts and circumstances contained in this Affidavit.

2. Westwood High School is a new high school in the District that opened in August 2012. We currently have approximately 1,200 students in attendance at the school in grades 9 through 12. Westwood High School offers career cluster offerings, as well as course offerings, completely comparable the courses offered at all the other high schools in the District. (See Attachment One.)

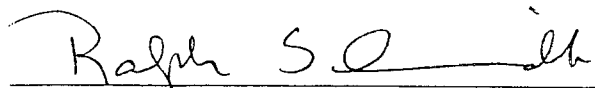
3. Student Number One, John Doe, has attended Westwood High School since the school opened in August 2012. He has not had any discipline referrals since he has been in attendance at Westwood High School and he has not had any recorded absences. His grades during the first nine weeks of his attendance at Westwood High School are consistent with the

grades on his transcript for the courses that he brought forward to high school from middle school. (See Attachment Two.)

4. I am aware that the student's mother talked with Dr. Cheryl Jenkins Guy, assistant principal at Westwood High School, on November 19 about some concerns with her son's grade in his Algebra II Honors class. I understand that the Algebra II teacher arranged for the student to come in for a tutoring session the following morning, but the student did not do so. I further understand that the student did not apply for the SOAR (Scholars of Academic Rigor) Academy - a program for Honors level students at Westwood High School - although he met the qualifications for the Academy and was encouraged to apply.

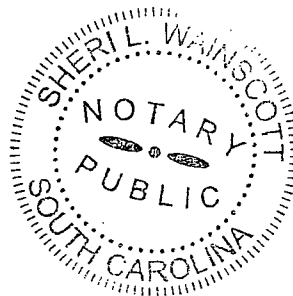
5. Additionally, I have not received or been made aware of any request from the student's mother that we provide her son with any assistance or counseling for any issues he was experiencing as a result of his attendance at Westwood High School. To my knowledge, no other administrator at the school has received such a request either. In the alternative, the student's mother told Dr. Guy that she did not want school officials talking with her son about any issues.

FURTHER AFFIANT SAYETH NAUGHT.

  
\_\_\_\_\_  
Ralph Schmidt

SWORN TO BEFORE ME THIS 27  
DAY OF NOVember, 2012

Sheri L. Wainscott  
NOTARY PUBLIC FOR SOUTH CAROLINA  
My Commission Expires: 1-26-2022



IN THE RICHLAND COUNTY COURT OF COMMON PLEAS  
COLUMBIA, SOUTH CAROLINA

STUDENT #1 JOHN DOE, NAME  
REDACTED, plaintiff; STUDENT #1 JOHN  
DOE'S PARENT, NAME REDACTED,  
plaintiff

Plaintiff,

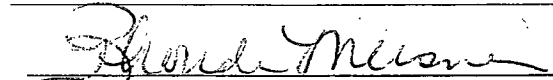
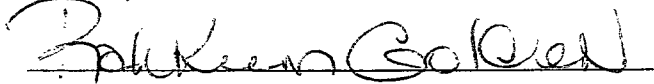
v.

RICHLAND SCHOOL DISTRICT TWO  
BOARD OF TRUSTEES, CALVIN JACKSON  
CHAIR; DR. KATIE BROCHU,  
SUPERINTENDANT IN HER OFFICIAL  
CAPACITY AS SUPERINTENDANT

Defendants

Civil Action No. 2012-CP-40-07122

AFFIDAVIT

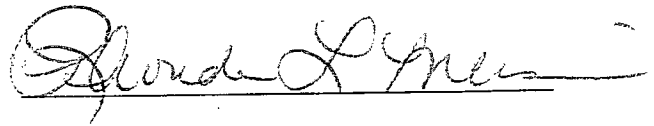
PERSONALLY APPEARED BEFORE ME

Who after being sworn deposes and says:

1. My name is Rhonda Meisner, I am the legal guardian, advocate and parent of Student #1 John Doe, A Highly Gifted Student attending school in Richland School District Two.
2. I was present and representing the interests of my son and myself in a Temporary Restraining order hearing on November 28, 2012 in front of the Honorable James Barber.
3. During the hearing, and while under oath, Roger Wiley, the district registrar testified that he did know about the statutes and regulations concerning Gifted and Talented Students in South Carolina specifically §59-29-170 and Regulation R43-220.
4. While under oath, Roger Wiley also testified that he was not aware of the SC Best Practices Manual for Gifted Education and the reference to the manual in R43-220.

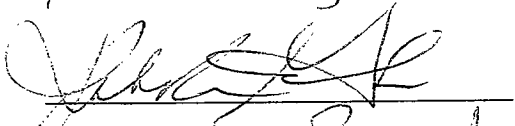
5. While under oath, Roger Wiley said he **never considered** the Gifted and Talented Status of Student #1, John Doe in denying the transfer request prior to sending his recommendation to the next level of approval , Fred McDaniel, PhD.
6. While under oath, Fred McDaniel said he was **unaware** of § 59-29-170 or R43-220 or the SC Gifted and Talented Best Practices Manual and that **he never considered** the Gifted and Talented Status of Student #1 John Doe in denying the transfer request.
7. While under oath, Fred McDaniel said he recommended denying the transfer to the board without evaluating Student #1, John Does Gifted Status.

FURTHER AFFIANT SAYETH NOT.



Sworn to before me this

18 day of January, 2013.



Notary Public for Richland County, South Carolina

My Commission Expires 7-12-2020

IN THE RICHLAND COUNTY COURT OF COMMON PLEAS  
COLUMBIA, SOUTH CAROLINA

STUDENT #1 JOHN DOE, NAME  
REDACTED, plaintiff; STUDENT #1 JOHN  
DOE'S PARENT, NAME REDACTED,  
plaintiff

Plaintiff,

v.

RICHLAND SCHOOL DISTRICT TWO  
BOARD OF TRUSTEES, CALVIN JACKSON  
CHAIR; DR. KATIE BROCHU,  
SUPERINTENDANT IN HER OFFICIAL  
CAPACITY AS SUPERINTENDANT

Defendants

Civil Action No. 2012-CP-40-07122

AFFIDAVIT

JEANETTE W. PROSSER  
C.C.P. & C.S.  
S

2013 MAR 15 PM 4:20

FILED

\_\_\_\_ Rhonda L. Meisner \_\_\_\_ PERSONALLY APPEARED BEFORE ME

*Jennie Sharpe*

Who after being sworn deposes and says:

1. My name is Rhonda Meisner, I am the legal guardian, advocate and parent of Student #1 John Doe, A Highly Gifted Student attending school at Ben Lippen.
2. I was present and representing the interests of my son and the interests of myself in a Temporary Restraining order hearing on November 28, 2012 in front of the Honorable James Barber.
3. I received written notice of the Filed Order by the Honorable James R. Barber III resulting from the hearing held on November 26, 2012 on January 10<sup>th</sup> or 11<sup>th</sup>, 2013.
4. The attorney retained to represent my son Student #1 John Doe did not maintain a mailbox at the Clerk of Courts office.

5. The Motion to Alter and Amend the Order regarding the Denial of Temporary Injunctive relief was filed by me on behalf of my son and me.
6. Under the rules of Civil Procedure for filing Motion 59-e forms, I certify that I filed the form within receipt of 10 days notice of the written order.

FURTHER AFFIANT SAYETH NOT.

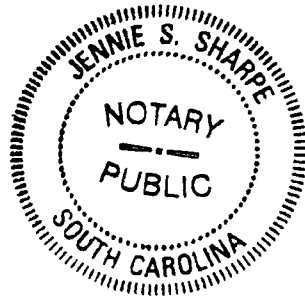
*[Handwritten Signature]*

Sworn to before me this

15 day of March, 2013.

*Jennie S. Sharpe*  
Notary Public for *South Carolina*

My Commission Expires *7-23-2017*



STATE OF SOUTH CAROLINA )  
 )  
COUNTY OF RICHLAND )  
 )  
Student #1 John Doe, Plaintiff; )  
REDACTED NAME OF STUDENT; )  
REDACTED NAME OF MOTHER )  
OF )  
STUDENT #1 JOHN DOE, Plaintiff )

IN THE COURT OF COMMON PLEAS  
FIFTH JUDICIAL CIRCUIT

DOCKET NO: 2012-CP-40-07122

AFFIDAVIT OF  
GLENN BOWENS, ESQ.

V. )  
 )  
Board of Trustees, )  
Richland School District Two )  
Superintendent, Dr. Katie Brochuchu )  
In her official capacity as School )  
Superintendent, Defendant )

2013 MAR 15 PM 4:20  
FILED  
CLERK OF COURT  
C.C.P. & G.S.

**PERSONALLY APPEARED BEFORE ME**, Glenn Bowens, Esq., who after being sworn  
deposes and says:

1. My name is Glenn Bowens. I am an attorney with the law firm of Bowens Law Firm, PC. I was retained to represent STUDENT # 1 JOHN DOE during a motion for a temporary restraining order. My involvement in this matter was limited solely to the hearing on the motion for a temporary restraining order. The motion for the temporary restraining order was denied.
2. STUDENT # 1 JOHN DOE's mother filed a motion to alter or amend the order denying the temporary restraining order under her own name. I did not file the motion to alter or amend.
3. It is my understanding that an issue has arisen over the timeliness of the filing of the motion to alter or amend.
4. I have been told that the order denying the temporary restraining order was placed in my mailbox in the Richland County Clerk's Office on December 28, 2012. It is my


understanding that the placement of the order denying the motion for a temporary restraining order started the ten (10) day clock for filing a motion to alter or amend. The motion to alter or amend was filed on January 18, 2013, which was more than ten (10) days from December 28, 2012.

5. I do not currently maintain, nor have I ever in the past maintained, a mailbox in the Richland County Clerk of Court's office. My old firm maintained a mailbox in the Register of Deeds Office ("ROD"); however, the order denying the temporary restraining order was not placed in my old firm's ROD mailbox. I am informed by the Richland County Clerk of Court's Office that Court of Common Pleas documents would not have been placed in an ROD mailbox.

Further Affiant Sayeth Naught

  
\_\_\_\_\_  
Glenn Bowens

Sworn and subscribed to before me this  
15<sup>th</sup> Day of March 2013

  
\_\_\_\_\_  
Notary Public  
My Commission Expires October 19, 2015

IN THE STATE OF SOUTH CAROLINA

In the Court of Appeals

APPEAL FROM RICHLAND SCHOOL DISTRICT TWO BOARD OF TRUSTEES  
Circuit Court Decision

Judge James R. Barber III, Circuit Court Judge Presidency

Appellate Case Number 2013-000532

RECEIVED  
MAY 1 2 2013  
SC COURT OF APPEALS

Student #1 John Doe, Plaintiff;  
Redacted name of Student  
Redacted name of Mother of  
Student #1 John Doe, Plaintiff ..... Appellants,

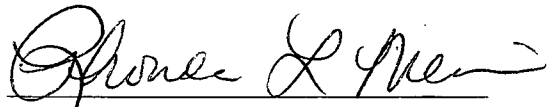
v.

Board of Trustees, Richland School District Two;  
Richland School District Two, Superintendent  
Dr. Katie Brochu, in her official capacity as School  
Superintendent..... Respondents.

**AFFIDAVIT FROM MOTHER OF STUDENT #1**

Mother respectfully submits this affidavit in support of the Motion for Continued Representation pursuant to Rule 264(a), SCACR.

Respectfully submitted,  
**Rhonda L. Meisner, Appellant**

By:   
Rhonda Meisner  
P.O. Box 689  
Blythewood, South Carolina 29016  
Phone: (803) 960-3696  
No Fax available

IN THE SOUTH CAROLINA COURT OF  
APPEALS

Student #1 John Doe, Plaintiff;  
Redacted name of student;  
Redacted name of Mother of Student #1 John  
Doe, Plaintiff

Appeal No. 2013-000532

v.

AFFIDAVIT OF MOTHER

Board of Trustees, Richland School District  
Two; Richland School District Two  
Superintendent, Dr. Katie Brochu, in her  
official capacity as School Superintendant

Defendants

PERSONALLY APPEARED BEFORE ME

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Who after being sworn deposes and says:

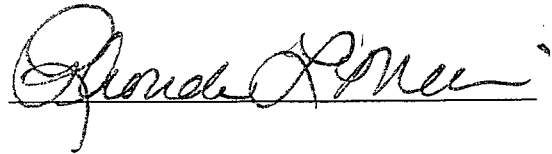
1. I am the Mother of the Student #1 in this case and also an Appellant under S.C. Code Ann. §59-19-560 (1962).
2. I am the mother of Student #1 John Doe, a Gifted and Talented Student as identified under the South Carolina state standards for "Gifted Education" and "Highly Gifted" according to the Duke University Talent Identification Program (TIP).
3. I represented my interests and the interests of my son (Student #1) when I applied for transfer of Student #1 from Westwood High School to Blythewood High School based on his status as a Gifted and Talented Student who had lost his support network of classmates with the "re-districting" of high school attendance lines.
4. I represented my interests and the interests of my son (Student #1) when I appealed the decision of the School District denying the transfer of Student #1 to the Richland School

District Two Board who also denied the transfer. Additionally I represented my interests and the interests of my son (Student #1) to the Richland School District Two Board of Trustees pursuant to S.C. Code Ann. § 59-19-540(1962)

5. I represented my interests and the interests of my son (Student #1) when I requested a TRO hearing to move Student #1 from Westwood to the school appropriate for his individual gifts and needs under the Gifted and Talented Statute S. C. Code Ann. §59-29-170, 2 S.C.Reg 43-220 (2011) and the SC Best practices for Gifted Education, 2006. For purposes of the TRO the hearing only, I hired attorney Glenn Bowens to represent Student #1 and to ask questions of me under oath regarding Student #1's academic placement, status and emotional condition. Mr. Bowens has never submitted a brief or argument in this case outside of the TRO hearing. He did submit an affidavit regarding the Rule 59-e, SCRCPP, Motion to reconsider, this Motion was also filed by me, the Mother. During the TRO hearing, the district registrar Roger Wiley testified under oath that he never considered Student #1's status in the Gifted and Talented program when he denied the transfer. Fred McDaniel, PhD also testified he did not consider Student #1's Gifted Status prior to denying the transfer and submitting the denial to the Board.
6. The School District filed a motion to dismiss the Appeal prior to the TRO hearing which I responded to via memorandum on behalf of myself and my son. After notifying the Honorable Judge Alison Lee that a Rule 59e, SCRCPP Motion to Alter and Amend was pending regarding the ruling from the TRO hearing; I, the Mother Appellant in this case, represented both my interests and my Son's (Student #1) interests in Circuit Court before the Honorable Alison Lee in response to the District's Motion to dismiss the Appeal.

7. When the denial of the Motion to Alter and Amend was received, the order indicated the Rule 59-e SCRCPC was not timely filed. Mother Appellant filed a motion pursuant to Rule 60, SCRCPC Relief from Judgment to ensure that both Student #1 and Mother retained their rights to appeal. In the Rule 60, SCRCPC motion hearing, Mother Appellant represented both Mother's interests and Son's (Student #1) interests in Circuit Court before the Honorable Robert E Hood.
8. This appeal is interlocutory in nature in that the main appeal has not yet been heard and the TRO hearing was not a merits hearing; however, the written order bifurcates the rights of Mother from Student #1 which directly affects two substantial rights which were raised to the Court in Pleadings, Memorandum and Argument and which if answered in the negative would affect the ability of the appeal to proceed per the written order. Mother was present at the TRO hearing when the Honorable Judge James Barber ruled that the TRO hearing was not a "Merits" hearing.
9. The "Mother" hired an attorney, Glenn Bowens to represent Student #1 only to assist in the appeal during the TRO hearing since a major portion of the testimony and evidence would necessarily involve "Mother" giving her testimony under oath.

FURTHER AFFIANT SAYETH NOT.

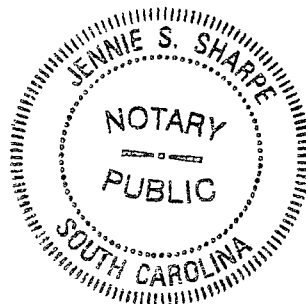


Sworn to before me this

13 Day of May, 2013.

Jennie S. Sharpe  
Notary Public for South Carolina

My Commission Expires 7-23-2017



Certificate of Appellant

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The undersigned hereby certifies that the Record on Appeal contains all material proposed to be included by any of the parties. Appellant inadvertently designated a reply to Second Amended Complaint to be included in the record which was never submitted by Respondants, so this designation was eliminated.



Rhonda L. Meisner, Appellant  
Post Office Box 689  
Blythewood, South Carolina 29016  
(803) 960-3696  
Appellant  
pegasus@nuvox.net  
pegasus333@icloud.com

**RECEIVED**

JUL 14 2014

**SC Court of Appeals**

**PROOF OF SERVICE RECORD ON APPEAL**

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

APPEAL FROM RICHLAND COUNTY  
Court of Common Pleas

Alison Renee Lee, Circuit Court Judge Presiding Judge

Appellate Case No. 2013-2436

Student #1 John Doe,  
REDACTED NAME OF  
STUDENT; Mother of  
Student #1 John Doe,  
REDACTED NAME OF  
MOTHER

Appellants,

v.

Board of Trustees, Richland  
School District Two;  
Superintendant of School  
District Two, Dr. Katie  
Brochu, in her official  
capacity

Respondents.

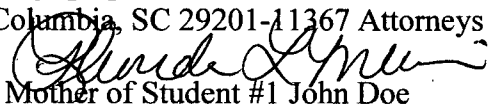
**RECEIVED**

JUL 14 2014

**SC Court of Appeals**

**PROOF OF SERVICE**

I certify that I have served a copy of RECORD ON APPEAL of matter in the above appeal and served a copy on the Court of Appeals via hand delivery and on Tyler Ryan Turner, Kathryn Long Mahoney and John Marshall Reagle of the Law firm Childs and Halligan, PA by depositing a copy of it in the United States Mail, postage prepaid, on JULY 14, 2014, addressed to Childs and Halligan, PA Post Office Box 11367 Columbia, SC 29201-11367 Attorneys for the Respondents.

  
Mother of Student #1 John Doe  
Post Office Box 689  
Blythewood, South Carolina 29016  
(803) 960-3696 pegasus333@icloud.com  
Appellant and Mother of Appellant