

STATE OF SOUTH CAROLINA
COURT OF APPEALS

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SC Court of Appeals

APPEAL FROM SOUTH CAROLINA ADMINISTRATIVE LAW COURT

Honorable John D. McLeod, Administrative Law Judge

M4100

Case No. 14-ALJ-30-256-AP

Lake City College Preparatory Academy (LCCPA)Appellant,

V.

South Carolina Public Charter School District.....Respondent.

NOTICE OF MOTION AND MOTION TO EXPEDITE HEARING AND
TO REINSTATE FUNDS

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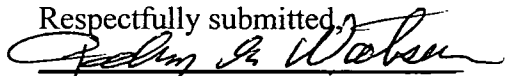
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Counsel for Appellant

STATEMENT OF MOTION

PLEASE TAKE NOTICE that the above-named Appellant, by and through its counsel, undersigned, will move before the Presiding Judge of the South Carolina Court of Appeals, State of South Carolina, immediately, or as soon as this matter may be heard, for an expediting the appeal in this matter and for an order reinstating the funds of the Appellant during the pendency of the appeal process based on the statutory and common laws of this state, the Rules of Court Procedure and the following facts:

- A. There is an appeal of the revocation of the charter of the Lake City College Preparatory Academy (LCCPA) by the South Carolina Public Charter School District (District) and the subsequent upholding of the Respondent's decision by the Administrative Law Court,
- B. The failure to reinstate the funds of the Appellant has resulted in irreparable harm to the Appellant school and will continue to result in irreparable harm to the Appellant and its students and render the appeal in this case moot. All actions against LCCPA by the District or its surrogates should therefore be stayed until the matter is resolved by the South Carolina Court of Appeals (see attached affidavit of Dr. Deloris Brown, the founder and Principal of the Appellant Charter School,
- C. LCCPA is presently midway through its fall semester and irreparable harm will be done to the students and the school unless this Court reinstates the school's funds pending resolution of its appeal, and
- D. The Respondent will not be harmed by staying the decision of this Court.

Respectfully submitted,
BY: 
Johnny E. Watson, Sr.
Attorney at Law, SCB# 5967
P. O. Box 2305 (29202)

STATE OF SOUTH CAROLINA)
)
COUNTY OF FLORENCE)

IN THE COURT OF APPEALS OF THE
STATE OF SOUTH CAROLINA

Lake City College preparatory Academy)
)
Appellant,)
v.)
)
South Carolina Public Charter School)
District,)
)
Respondent.)
_____)

**AFFIDAVIT OF DR. DELORIS
BROWN**

PERSONALLY appeared before me, Dr. Deloris Brown, who being first duly sworn, deposes and states that the following is based upon her own personal knowledge, except those matters stated upon information and belief, and as to those matters, she believes them to be true:

1. I am the executive director of Lake City College Preparatory Academy charter school (“LCCPA ”).

2. We currently have approximately two-hundred students enrolled at LCCPA.

3. Of those attending our school 97 % are eligible for title one funding and free and reduce lunch services.

4. About 25% of the students we serve are special education students.

5. The withholding of funds from the school is creating an extreme hardship and will force the school to close a section of the school (elementary, middle or high) and affect the students’ educational process and well as their psychological and emotional well being.

6. Employee healthcare for the school was recently terminated. The school's employees received a two weeks notice that their health insurance was terminated

causing some of the teachers and other support personnel to leave the school for the well being of their own families.

7. The closing of the school in the middle of the semester will leave the students in limbo since it will be difficult for over 200 students to transfer to the public schools during the middle of the semester.

8. The school has already acquired numerous bills to include electrical, water, contractual expenses, rental, insurance and numerous other day to day expenses that it is not able to pay without the release of the funds due the school prior to the cutoff of funds by the ALJ.

9. Neither me or the principal of the school are receiving any salary to keep the school afloat.

10. The decision to cut of the school's funds under the auspices of the new charter school act gave parents and staff only 10 days notice and has affected over 400 people in this rural community.

11. The district is still withholding previous reimbursement Title One and IDEA funding totaling over \$80,000 that was due pre-cutoff.

12. The school took out a loan to cover these reimbursements and we cannot make the payment.

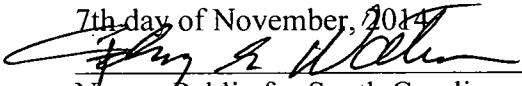
13. As a result of the lack of funding we will not be able to remain open without immediate relief.

FURTHER AFFIANT SAYETH NAUGHT.



DELORIS BROWN

SWORN TO BEFORE ME this
7th day of November, 2014



Notary Public for South Carolina
My commission expires: 1-23-2016

CERTIFICATE OF SERVICE

I, Johnny E. Watson, of 2715 Edgewood Avenue (29204), P. O. Box 2305, Columbia, South Carolina 29202, hereby certify that I have served the individual named below with a copy of the documents described herein by depositing the documents in the United States mail, postage prepaid (and via fax) and sent the same to them at the addresses listed herein below:

PERSON SERVED:

Honorable Alan Wilson
South Carolina Attorney General

1000 Assembly Street

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(803) 734-3970 Phone

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Scarborough, LLC
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Counsel for Respondent

DOCUMENT SERVED: NOTICE OF MOTION AND MOTION TO EXPEDITE
HEARING AND TO REINSTATE FUNDS

By: 
JOHNNY E. WATSON

Columbia, South Carolina
Date: November 7, 2014