RECEIVED
SEP 09 2015
SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In The Court Of Appeals

APPEAL FROM LEE COUNTY
Court of Common Pleas

Maité Murphy, Circuit Court Judge

Case No.: 2014-CP-31-0227

Laura Toney..... Respondent,

vs.

Lee County School District..... Appellant.

RECORD ON APPEAL
VOLUME II of III

Charles J. Boykin, SC Bar # 65149
Deidre D. Laws, SC Bar # 76986
#14225Boykin & Davis, LLC
P.O. Box 11844
Columbia, SC 29211
Telephone: (803) 254-0707
Facsimile: (803) 254-5609

Attorneys for Appellant
Lee County School District

W. Allen Nickles, III, SC Bar #4226
Susan M. Fittipaldi, SC Bar
Nickles Law Firm, LLC
1122 Lady Street, Suite 610
Columbia, South Carolina 29201
Telephone: (803) 779-8080
Facsimile: (803) 254-1816

Attorneys for Respondent
Laura Toney

THE STATE OF SOUTH CAROLINA
In The Court Of Appeals

APPEAL FROM LEE COUNTY
Court of Common Pleas

Maité Murphy, Circuit Court Judge

Case No.: 2014-CP-31-0227

Laura Toney..... Respondent,

vs.

Lee County School District..... Appellant.

RECORD ON APPEAL
VOLUME II of III

Charles J. Boykin, SC Bar # 65149
Deidre D. Laws, SC Bar # 76986
#14225Boykin & Davis, LLC
P.O. Box 11844
Columbia, SC 29211
Telephone: (803) 254-0707
Facsimile: (803) 254-5609

Attorneys for Appellant
Lee County School District

W. Allen Nickles, III, SC Bar #4226
Susan M. Fittipaldi, SC Bar
Nickles Law Firm, LLC
1122 Lady Street, Suite 610
Columbia, South Carolina 29201
Telephone: (803) 779-8080
Facsimile: (803) 254-1816

Attorneys for Respondent
Laura Toney

INDEX

ORDERS/DECISIONS

Board Decision 1

Circuit Court Order 11

Form 4 Order for Motion for Reconsideration 22

PLEADINGS

Toney's Petition for Reconsideration to the Board (w/attachments) 24

Toney's Notice of Appeal to the Circuit Court 29

Answer and Return to Notice of Appeal 45

Toney's Memorandum to Circuit Court (w/attachments) 48

District's Motion for Reconsideration 93

District's Memorandum in Opposition to Appeal 101

Toney's Response to Motion for Reconsideration 117

TRANSCRIPTS

Transcript of Dismissal Hearing 120

Pretrial Matters 126

Opening Statements 177

Testimony:

Victoria Stokes

Direct Examination by Fittipaldi 188

Bernard McDaniel

Direct Examination by Boykin 192

Cross-Examination by Nickles 197

Redirect Examination by Boykin 215

Ron Webb

Direct Examination by Boykin 219

Cross-Examination by Nickles 240
Redirect Examination by Boykin.....263

Laura Toney
Direct Examination by Boykin 268
Cross-Examination by Nickles 334
Redirect Examination by Boykin.....397
Recross-Examination by Nickles.....401

Dr. Wanda Andrews
Direct Examination by Boykin 403
Cross-Examination by Nickles 449

Motion to Dismiss 517

Anthony Blair
Direct Examination by Fittipaldi 555

Sheneaka Ratliff
Direct Examination by Fittipaldi 562
Cross-Examination by Boykin.....567
Redirect Examination by Fittipaldi.....569

Virginia Rogers
Direct Examination by Nickles.....569
Cross-Examination by Boykin.....572

Stacy Harrison
Direct Examination by Fittipaldi 573
Cross-Examination by Boykin.....578

V.E. Moorman
Direct Examination by Fittipaldi 579
Cross-Examination by Laws.....583

Linda Weaver
Direct Examination by Fittipaldi 584
Cross-Examination by Laws.....592
Redirect Examination by Fittipaldi.....593

Closing Arguments.....595

Transcript of Oral Argument before the Circuit Court.....636

Laura Toney Deposition 680

Nettie Vaughn Deposition Excerpts....864

Wanda Andrews Deposition Excerpts....879

Bernard McDaniel Deposition Excerpts....901

Ron Webb Deposition Excerpts....914

Tonya Addison Deposition Excerpts....943

Hope Stepheny Deposition Excerpts....983

Virginia Rogers Deposition....989

EXHIBITS

Board Hearing Exhibits....1001

Laura Toney Personnel File....1024

Laura Toney's Teaching Contracts (2005-2014)....1178

CERTIFICATE OF COUNSEL....1189

1 here today. Because I heard you say insubordination
2 about 15 times, and it's certainly not in the notice to
3 Ms. Toney.
4 A. Well, let's see. If you don't do what you're
5 asked to do, I think that's what you call it in general
6 terms. And I said to you that was a theme threaded
7 throughout her employment and time here in the district.
8 I have not changed my recommendation.
9 Q. Okay. Give me just a minute.
10 MR. NICKLES: Beg the board's indulgence.
11 Just a few minutes.
12 MS. MOSES: And while we're waiting, I'd just
13 like to remind everyone that we're down to our 15
14 minutes of this session for today.
15 BY MR. NICKLES:
16 Q. Dr. Andrews, did you at any time during the
17 2013/2014 --
18 MS. MOSES: (Indicating.)
19 MR. NICKLES: Are we still -- are we ready?
20 Oh. No. Mr. Drayton is not here, so we'll
21 wait. Thank you for bringing that to my attention.
22 Are we ready?
23 BY MR. NICKLES:
24 Q. Dr. Andrews, at any time during the 2013/2014
25 school year, did you place Ms. Toney on an improvement

1 plan?

2 A. As I stated, I think, previously, a lot of

3 her issues are not -- and when you think of an

4 improvement plan, it is for things like teaching. I

5 didn't observe her teaching. Tardiness, things that can

6 be improved. In my professional opinion, no one was

7 able to improve upon her doing what they asked her to

8 do.

9 Q. So is the answer to my question, during the

10 2013/2014 school year that you did not put Ms. Toney on

11 an improvement plan?

12 A. I did --

13 Q. Is that --

14 A. I did not. Conduct issues really don't

15 require that.

16 Q. And as you stated, during the 2013/2014

17 school year, you did not take it upon yourself to

18 observe or evaluate Ms. Toney's delivery of instruction

19 in the classroom; is that correct?

20 A. Sir, number one, the school had just begun

21 and there were so many other things, I had no reason to

22 go out there and look at her teaching at that time by --

23 Q. All right. So is the answer --

24 A. -- October.

25 Q. Is the answer --

1 A. By October.
2 Q. -- no, I did not observe --
3 A. I did not --
4 Q. -- evaluate her teaching?
5 A. -- observe her teaching.
6 Q. So would you expect, Dr. Andrews, that
7 Mr. Webb would have been in a better position to assess
8 Ms. Toney's contributions instructionally in his school
9 than you would have been?
10 A. We are focused on results. And the U.S.
11 history classes, the results from those classes are some
12 of the lowest test scores throughout the district --
13 Q. Is Ms. Toney the only --
14 A. -- which is the class that she teach --
15 Q. -- teacher?
16 A. But she's represented in the numbers, and we
17 have it just aggregated by teacher. Her scores are low.
18 They are not results.
19 Q. That's not a basis of your recommendation for
20 termination?
21 A. It is not. You entered -- you brought it up.
22 I didn't say teaching was.
23 Q. My question is: You did not place her on an
24 improvement plan. You could have done that, could you
25 not?

1 A. No, sir, not for what she did. I think that,
2 in my opinion, that was greater and more of a conduct
3 issue and something that could not be rectified through
4 an improvement plan, of which she had had one while she
5 was in this district, but it didn't help.
6 Q. Well, she completed the plan, correct?
7 A. She continued --
8 Q. I mean, you retro --
9 A. There continued to be write-ups by principals
10 that she worked for. It's threaded throughout her file.
11 Q. And you understand --
12 A. I reiterate that.
13 Q. You understand that it's your obligation to
14 produce evidence to support your testimony, correct?
15 A. Yes.
16 Q. Okay.
17 A. Uh-huh.
18 MR. NICKLES: Thank you.
19 Charles.
20 MS. MOSES: Mr. Boykin, I'd just like to
21 remind you we have about eight minutes left. So I'm not
22 sure if you want to begin your redirect and go ahead and
23 finish it today or pick up when we reconvene on next
24 Tuesday.
25 MR. BOYKIN: I have no further questions of

1 this witness. And I ask her to respond to any questions
2 the board might have.
3 MS. MOSES: Now, before you step down,
4 Dr. Andrews, the board does have two questions that we
5 would like to ask of you.
6 THE WITNESS: Okay.
7 MS. MOSES: And we've heard the topics
8 skirted around about this amended letter. So could you
9 please explain to us why the letter and reasons were
10 amended from October to December.
11 THE WITNESS: Okay. The reasons weren't
12 truly amended, but if we had gone forward with the
13 letter that I originally wrote, we would have had to
14 include this incident that we have not, at this time,
15 delved into, and that would have involved students. I
16 was not willing to ask any student to be a part of this.
17 I feel that that would -- would have been
18 unfair and unnecessary. And so the letter was amended
19 to exclude anything that would have required us to do
20 that. I -- as I stated to the attorney, I care very
21 deeply about my students, they come first, and I wasn't
22 willing to do that.
23 MS. MOSES: And one last question we have,
24 Dr. Andrews. We heard Mr. Nickles question you about
25 the improvement plan and why you didn't take that

1 course. But could you please explain to us what led you
2 to determine that the recommendation -- that
3 recommending termination was the best decision for this
4 situation.
5 THE WITNESS: Okay. As I spoke about her
6 personnel file, any person's personnel file is what you
7 go to. I -- I wasn't here for her tenure here. But
8 when I went to her file, there was evidence and the
9 themes that I said were threaded throughout, from the not
10 full disclosure and truthfulness with even applying to
11 the district, from what every principal said when a -- I
12 think it was Lenora Scott who said she was chronically
13 insubordinate. The problems that she had were threaded
14 throughout.
15 And that type of work history over time --
16 and then the same with Mr. Webb; he has to write her to
17 say come to the faculty meeting, when it's mandatory.
18 You should be -- she should really be there anyway.
19 These are things that you would deal with with -- that
20 you really don't have time to deal with if we are
21 planning to and going to work collaboratively and work with
22 our teachers and our principals and our students and
23 parents that have been an issue for her too.
24 And so I don't think that she fits into the
25 mission of this district. I don't think that she is

1 someone I would hire in any school district and
2 certainly not Lee County. I still stand behind my
3 recommendation.
4 MS. MOSES: Thank you, Dr. Andrews.
5 I would like to thank everyone for their
6 participation today, and the board would just like to
7 take this opportunity to clarify regarding a comment
8 that was made earlier today about our convenience
9 factor. This board has been ready and willing to host
10 this hearing since November, and I feel that we have
11 gone above and beyond to make that happen in a timely
12 fashion.
13 We do not take breaks or skip days to make it
14 convenient for anyone. Unfortunately, this is not our
15 full-time job. We do this because we care and this is
16 our civic service, and we take that very seriously. So
17 we just want to clarify that when we broke for today,
18 that was not for a matter of convenience. And we
19 apologize that it's been taking so long to schedule
20 these dates for hearings, but unfortunately some of us
21 on this board, we do have full-time jobs as well and
22 we've been doing our best to work around those
23 schedules.
24 So, again, we'd like to thank everyone for
25 their participation, and we will meet again next

1 Tuesday. I believe that date is July 8th, 2014, here
2 back at the district and at 1:00 p.m.
3 Without objection, this hearing will stand
4 adjourned.
5 MR. NICKLES: May I ask one question before
6 we adjourn?
7 Mr. Boykin, have you rested at this time?
8 MR. BOYKIN: Pardon?
9 MR. NICKLES: Are you resting at this point?
10 MR. BOYKIN: Well -- well, I don't have to.
11 We'll just wait until next week.
12 MR. NICKLES: All right.
13 MR. BOYKIN: Thank you.
14 (The hearing was adjourned at 4:57 p.m.)
15 - - -
16
17
18
19
20
21
22
23
24
25

1 CERTIFICATE OF REPORTER

2

I, Heather M. Curlin, Professional Court
3 Reporter and Notary Public for the State of South
Carolina at Large, do hereby certify:

4

That the foregoing deposition was taken
5 before me on the date and at the time and location
stated on page 1 of this transcript; that the deponent
6 was duly sworn to testify to the truth, the whole truth
and nothing but the truth; that the testimony of the
7 deponent and all objections made at the time of the
examination were recorded stenographically by me and
8 were thereafter transcribed; that the foregoing
deposition as typed is a true, accurate, and complete
9 record of the testimony of the deponent and of all
objections made at the time of the examination to the
10 best of my ability.

11 I further certify that I am neither related to
nor counsel for any party to the cause pending or
12 interested in the events thereof.

13 Witness my hand, I have hereunto affixed my
official seal this 6th day of July, 2014, at Charleston,
14 Charleston County, South Carolina.

15

16

Heather M. Curlin
17 Registered Professional Reporter
Notary Public
18 State of South Carolina at Large
My Commission Expires:
19 May 27, 2021

20

21

22

23

24

25

1 I N D E X

Page

2 WITNESS:

3 LAURA TONEY

4 Direct Examination (Cont'd) by Mr. Boykin 205
Cross-Examination by Mr. Nickles 214
5 Redirect Examination by Mr. Boykin 277
Recross-Examination by Mr. Nickles 281
6

7 DR. WANDA L. ANDREWS

8 Direct Examination by Mr. Boykin 283
Cross-Examination by Mr. Nickles 329
9

10 Certificate of Reporter 385
11

12 E X H I B I T S

13 Petitioner's: Marked

14 1. 01/25/06 Letter from Lenora Scott to Laura Toney 208
15

16 Respondent's:

17 1. Copy of Envelope 243

18

19

20

21

22

23

24

25

1 STATE OF SOUTH CAROLINA BEFORE THE BOARD OF TRUSTEES
OF THE LEE COUNTY SCHOOL
2 COUNTY OF LEE DISTRICT

3 Dr. Wanda Andrews,

4 Petitioner,

5 vs.

6 Laura Toney,

7 Respondent.

8

9 H E A R I N G

10 THE BOARD OF TRUSTEE OF THE LEE COUNTY SCHOOL DISTRICT

11

12 DATE: Tuesday, July 8, 2014

13 TIME: 1:00 p.m.

14 LOCATION: Lee County School District Office
310 Roland Street
15 Bishopville, South Carolina

16 REPORTED BY: LAURA CHAMBLEE
Registered Professional Reporter

17

18

19

20 -

21 COMPUSCRIPTS, INC.
A Full-Service Court Reporting Agency
22 Post Office Box 7172
Columbia, South Carolina 29202
23 803-988-0086
1-888-988-0086
24 www.compuscriptsinc.com

25

1 APPEARANCES:

2 ATTORNEYS FOR THE SCHOOL BOARD:

3 McNAIR LAW FIRM
BY: FRANCENIA B. HEIZER, ESQUIRE
4 1221 Main Street, Suite 1800
Columbia, South Carolina 29201
5 803.799.9800
fheizer@mcnair.net
6

7 ATTORNEYS FOR THE PETITIONER:

8 BOYKIN & DAVIS, LLC
BY: CHARLES J. BOYKIN, ESQUIRE
9 AND: DEIDRA D. LAWS, ESQUIRE
220 Stonebridge Drive, Suite 100
10 Columbia, South Carolina 29210
803.254.0707
11 cjboykin@boykinlawsc.com
dlaws@boykinlawsc.com
12

13 ATTORNEYS FOR THE RESPONDENT:

14 NICKLES LAW FIRM, LLC
BY: W. ALLEN NICKLES, III, ESQUIRE
15 AND: SUSAN M. FITTIPALDI, ESQUIRE
1122 Lady Street, Suite 610
16 Columbia, South Carolina 29201
803.779.8080
17 wanickles@nickleslaw.com
sfittipaldi@nickleslaw.com
18

19 ATTORNEYS FOR MICHAEL BALDWIN:

20 MOORE TAYLOR
BY: MARGARET "MEG" HAZEL, ESQUIRE
21 1700 Sunset Boulevard
West Columbia, South Carolina 29169
22 803.796.9160
meg@mttlaw.com
23

24 (INDEX AT REAR OF TRANSCRIPT)

25

1 PROCEEDINGS:

2 CHAIRPERSON MOSES: Good afternoon. Welcome
3 to the called meeting of the Lee County School
4 Board of Trustees where we're here to conclude with
5 our dismissal hearing. We have declared a quorum.
6 The media has been properly notified. And I see
7 that we have with us Ms. Gee Atkinson with the Lee
8 County Observer. I ask that you please join me in
9 a moment of silence.

10 (A moment of silence)

11 CHAIRPERSON MOSES: Thank you. Without
12 objection the agenda will stand as approved. And
13 we're now down to our employee hearing. And I
14 believe the last time we met we were with you,
15 Mr. Boykin.

16 MR. BOYKIN: Yes, Madam Chair. The final
17 thing from the petitioner's case we would move to
18 introduce the transcript of Ms. Toney's deposition
19 with the exception of background information,
20 certain questions and information regarding the
21 matter that the board has thus far seen to rule not
22 admissible. Other than that, we would rest our
23 case. I don't know if Mr. Nickles has any
24 objection.

25 MR. NICKLES: No objection.

1 CHAIRPERSON MOSES: All right. Mr. Nickles,
2 we'll now turn it over to you.
3 MR. NICKLES: I have a couple of housekeeping
4 matters for the board. I presented to the reporter
5 and to Mr. Boykin, if you recall, in the
6 cross-examination of Dr. Andrews there was
7 reference to portions of deposition of Mr. Webb.
8 I'm just providing that to you so that you'll have
9 that handy. And if you could folks could share.
10 Also, at this time you have before you
11 our Exhibit Number 1 from the first day of the
12 hearing that has various tabs associated with that
13 document. We would now move into evidence the
14 following tabs: Tab number 1, teaching contracts,
15 which have been identified and authenticated; tab
16 2, an e-mail that's been addressed in earlier
17 testimony; tab 3, a letter that has been addressed
18 in earlier testimony; tab 4, a grievance form with
19 attachments that's been addressed in earlier
20 testimony; tab 5 we will hold at this point; tab 6,
21 an e-mail that's been addressed in earlier
22 testimony; tab 8, notes from a meeting that have
23 been addressed in earlier testimony; tab 9, a
24 letter that's been addressed in earlier testimony;
25 tab 10, notes of a meeting that's been addressed in

1 earlier testimony; tab 11, a letter that's been
2 addressed in earlier testimony; and tab 12, a
3 letter that's been addressed in earlier testimony.
4 Mr. Boykin, any objections to those
5 items?
6 MR. BOYKIN: I'm going to -- I beg the board's
7 indulgence, I want to make sure.
8 MR. NICKLES: Five and 7 are the ones I did
9 not address at this point in time.
10 MR. BOYKIN: There would be no objections to
11 the ones that Mr. Nickles has already indicated.
12 MS. HAZEL: I would object to the introduction
13 of tab number 8. It does have some personal
14 information. If that could just be held in
15 abeyance until the board rules on that information.
16 MR. NICKLES: I would like the record to note
17 that the other party didn't object to the
18 introduction of that testimony, that evidence.
19 As to the two items that I did not
20 address, tab 5 are notes relating to a witness who
21 is yet to testify. I'm not presenting that at this
22 time. Tab 7, we would ask the board to consider
23 pages 1, 2, 3, 4, 8, and 9. Those have been the
24 subject of discussion during meetings, both on the
25 record and off relating to this particular witness.

1 And I just want to identify those pages as the
2 pages upon which we rely. And those were 1, 2 --
3 MS. HEIZER: That is tab --
4 MR. NICKLES: That's tab 7; 1, 2, 3, 4, 8 and
5 9. And I recognize that the board has decided at
6 least at this juncture to make no ruling on those.
7 I'm identifying those for the record as those items
8 within that tab upon which we rely. And do I
9 understand the board correctly that you wish to
10 hold in abeyance a ruling on those two?
11 MS. HEIZER: I think that's something the
12 board can decide now. The motion was made at the
13 outset to exclude information regarding
14 Mr. Baldwin's personal information. At that time
15 y'all decided to hold that ruling in abeyance until
16 the conclusion of the administration's case to see
17 if you thought that it was or was not relevant.
18 And the administration has now concluded
19 their case. So if y'all feel like you're prepared
20 to do so, you could make a ruling now. You could
21 go into executive session, have a discussion,
22 return, and make a ruling. That's an option. Just
23 make a ruling right now. Have somebody pass a
24 motion. That's a second option. And I guess the
25 third option would be to continue to hold the issue

1 in abeyance. So that's really up to you all.
2 I would say I think you've got
3 information now regarding the potential use of that
4 information by Ms. Toney in her case. You've heard
5 some of it in private, in camera. And so I don't
6 know that waiting is going to give you a whole lot
7 more insight into whether or not you think it's
8 relevant, but it's absolutely up to y'all.
9 CHAIRPERSON MOSES: Would you like to go into
10 a brief executive session to discuss what -- we
11 could have a quick review of what we heard last
12 week so we can make a decision now? If it pleases
13 the board, I do need a motion to enter into
14 executive session.
15 MR. BRUNSON: Madam Chair, I move we enter
16 into executive session to discuss the --
17 MR. BOYKIN: Madam Chair, what I object to --
18 At this juncture I would ask the board's
19 indulgence, in lieu of your motion, to allow the
20 attorneys to caucus for no more than maybe 30, 45
21 seconds to see if we can reach an agreement on
22 something.
23 CHAIRPERSON MOSES: Okay.
24 (The Attorneys left the room for a brief
25 discussion.)

1 MR. BOYKIN: Madam Chair, I apologize. It
2 looks like the board -- My apologies.
3 MR. NICKLES: Madam Chair, for purposes of
4 your deliberations we have presented excerpts of
5 the deposition and we have presented documents for
6 you to consider in support of our request that that
7 witness be examined. Thank you.
8 CHAIRPERSON MOSES: Board members, previously
9 we had a motion on the floor and we do need a
10 second for that motion.
11 MS. HEYWOOD: Second.
12 CHAIRPERSON MOSES: It has been moved by Mr.
13 Brunson and seconded by Ms. Heywood that we enter
14 into executive session to deliberate upon the
15 weight that we will give the material that we held
16 in abeyance until this time. Are we ready for
17 questions? All in favor of said motion please note
18 that by saying aye.
19 BOARD MEMBERS: Aye.
20 CHAIRPERSON MOSES: Any opposes? The ayes
21 have it. We will now enter into executive session.
22 There is no need for the audience to move. We will
23 move into another room.
24 (Thereupon, the board went into executive
25 session at 2:03 p.m, during which time

1 Respondent Exhibits 1 and 2 were marked for
2 identification. Also Respondent Exhibits 1 -
3 tabs 5, 7, and 8, previously marked on June 7,
4 2014, were marked again. Respondent Exhibit
5 Number 2 and Respondent Exhibit 1, tabs 5, 7,
6 and 8, were sealed under Baldwin proffer. Open
7 session reconvened at 2:23 p.m.)
8 CHAIRPERSON MOSES: Okay. Welcome back to
9 open session. The board members, while we were in
10 executive session, we discussed the information
11 that we've held in abeyance. What is the pleasure
12 of the board at this time?
13 MR. DRAYTON: Madam Chair, I make a motion to
14 grant the motion to exclude on behalf of
15 Mr. Baldwin.
16 MR. BRUNSON: Second.
17 CHAIRPERSON MOSES: It's been moved by
18 Mr. Drayton and seconded by Mr. Brunson that we
19 grant the motion to exclude on behalf of
20 Mr. Baldwin. Are we ready for questions? All in
21 favor of said motion please note that by stating
22 aye.
23 BOARD MEMBERS: Aye.
24 CHAIRPERSON MOSES: Any opposes? Ayes have
25 it. Motion is granted.

1 MR. NICKLES: Madam Chair, at this time what I
2 would like to do is make a formal proffer of the
3 three provisions in our Exhibit Number 1, tab 5, 7,
4 and 8. Also I'm going to present to you the
5 deposition of Michael Baldwin. I have spoken with
6 his attorney. These materials will be maintained
7 sealed for purposes of review on appeal if
8 necessary. So I would like the record to reflect
9 that I'm going to proffer that information.
10 And, Charles, if you don't mind we'll
11 pull the material from the exhibit book at some
12 appropriate time. Is that satisfactory?
13 MS. HAZEL: And I do have copies here of the
14 full deposition.
15 MR. NICKLES: Yes.
16 MS. HAZEL: So if the full deposition could
17 be --
18 MR. NICKLES: That would be fine. Does the
19 board understand the process that we're
20 undertaking?
21 MS. HEIZER: Let me just make clear. For
22 purposes of the record on appeal, the information
23 that Mr. Nickles just discussed would be the part
24 of the official record of the proceeding and
25 available to a court potentially to review.

1 However, based on the motion that y'all just
2 passed, this information would not be evidence,
3 would not be taken into account in y'all's decision
4 at this level -- at this stage of the hearing.
5 MS. HAZEL: Also ask that Mr. Baldwin be
6 allowed to enter into the room since he's not going
7 to be a witness.
8 MR. NICKLES: It's an open hearing.
9 MS. HEIZER: Yeah, we would have --
10 MR. NICKLES: Mark this as Baldwin deposition
11 submitted by way of proffer to be sealed. It will
12 be our hearing date today, Exhibit 2. And just so
13 that we're all clear, we'll further identify our
14 tabs.
15 I beg your indulgence. Madam Chair,
16 members of the board, at this point in time I would
17 like to make a motion to dismiss the charges
18 against Ms. Laura Toney. In the parlance of the
19 court this is called a directed verdict motion. As
20 you were told at the very beginning of this
21 process, the administration has the exclusive
22 burden of proof. That means that Ms. Toney is not
23 obligated to present any information to you if the
24 board (sic) hasn't proven their case. And we take
25 the position that the board (sic) has not met its

1 burden.

2 MR. BOYKIN: The district.

3 MR. NICKLES: The district, excuse me. And

4 please understand I don't mean to suggest that you

5 have made a decision at this time. Madam Chair,

6 members of the board, in a matter such as this

7 under the Teacher Employment and Dismissal Act, the

8 obligation is upon the administration to present

9 evidence, good and sufficient evidence, in support

10 of its recommendation of termination. I have a

11 copy of that act and some other legal documents

12 that I'm going to be referring to in my argument to

13 you on this motion. We'll present those at this

14 time.

15 (THEREUPON, Respondent Exhibit Number 3 was

16 marked for identification.)

17 MR. NICKLES: What I've provided to you is

18 Article 5 of Title 59 of South Carolina Code. And

19 that's the governing statute for teacher dismissal

20 proceedings. Now you will see that there are

21 circumstances identified in this that by statute

22 support the termination of a teacher. That is in

23 Title 59, Section 25.430. And it states, as you

24 can read there, and I won't read the entire section

25 to you, that a teacher may be dismissed at any time

1 who shall fail or be incompetent to give
2 instruction--that's teach--in accordance with the
3 direction of the superintendent who shall otherwise
4 manifest an evident unfitness to teach. However,
5 that notice and opportunity shall be afforded for a
6 hearing prior to any dismissal.
7 Notice and opportunity for a hearing,
8 we're going to talk a little bit about that.
9 Evident unfitness for teaching is
10 manifest by conduct such as--these are
11 illustrious--persistent neglect of duty, willful
12 violation of rules or regulations of the district,
13 drunkenness, conviction of violation of a law of
14 this state, gross immorality, dishonesty, illegal
15 use, sale, or possession of drugs or narcotics.
16 Now Mr. Boykin will tell you and he's
17 absolutely right that this is not and all-inclusive
18 list. This is illustrative of what must be shown
19 to the satisfaction of this board as a basis for
20 termination from employment. It's been conceded in
21 this case that instruction is not a basis. You've
22 heard the testimony of the superintendent who has
23 come before you under oath and said that's not the
24 basis. There has been no notice of deficiency in
25 instruction, opportunity to improve and so forth

1 and so on as required for termination or
2 non-renewal under that provision. So we may
3 proceed to why we are here. Why we are here. You
4 heard the testimony of the superintendent
5 repeatedly that insubordination was the basis,
6 failure to follow the directives of the principal
7 or superintendent. That's what the superintendent
8 told you as the grounds for her recommendation to
9 you. You'll recall, however, that the
10 superintendent conceded that her notice to
11 Ms. Toney does not identify insubordination at all.
12 It would have been very easy for the superintendent
13 to place Ms. Toney on notice that she was
14 recommending her to be discharged for
15 insubordination. She could have done that. She
16 had the opportunity to draft a letter. She did it
17 more than once. And she did not provide her notice
18 of that charge. So that charge is not available as
19 a basis for termination in this case.
20 One of the guiding principles in these
21 cases is the administration must follow the rules.
22 The rules are mandatory. That is Brown vs. James,
23 a case that I provided to you and with which I'm
24 sure that Ms. Heizer is familiar. It indicates in
25 this case that observance of the procedural

1 requirements, notice being one of those, of the
2 employment dismissal act is mandatory and not a
3 matter of discretion. It means you can't choose to
4 ignore it. You have to follow it. And that's at
5 page 611, the sixth page of that particular case,
6 in the right-hand column, the third paragraph.
7 The Court of Appeals further held in this
8 case that the purpose of the procedure prescribed
9 by the act of dismissal or dismissal of a teacher
10 is to prevent arbitrary action, to afford a fair
11 hearing to the teacher before any dismissal, and to
12 provide a full, impartial, unbiased consideration
13 by the board of the testimony produced.
14 Now why does Court of Appeals say by the
15 testimony produced? That's because you're confined
16 by the record in this case. You're confined by
17 what's presented by the administration. You can't
18 go out and consider anything else about this case
19 other than what has been presented on the record
20 here before you.
21 The Shell case, which is the second case
22 I provided to you, says expressly that. That's the
23 South Carolina Supreme Court case where the board
24 found that there was sufficient grounds to
25 terminate Mr. Shell because they thought he had

1 been associating with the criminal element in the
2 county. They didn't notify him of that. They
3 terminated him nevertheless and the Supreme Court
4 said you cannot do that. If it's not expressly in
5 the notice that you provide to the teacher, you
6 can't consider it at all. And they overruled that
7 board.
8 Now in this case think about what the
9 superintendent has offered to you in support of her
10 recommendation. She has said that Ms. Toney
11 created disruption in the district. That's what
12 she said. Now there's no evidence of that. You
13 have heard the testimony of Mr. Webb; you've heard
14 the testimony of Mr. McDaniel; and they didn't
15 observe any disruption whatsoever.
16 You also heard the superintendent say,
17 well, I was paraphrasing her, I was mad because it
18 was all over the community. Well, that is not a
19 ground to terminate a teacher. A teacher has a
20 right to defend herself. She has a right to talk
21 to her friends if she sees fit to. And her friends
22 have the right to support her if they see fit to.
23 That's not a legitimate basis and certainly not in
24 the statute anywhere.
25 And so we come down to the Hall case.

1 And it arose right down the street in Sumter. This
2 is a case from 1998. And what happened in that
3 case is the superintendent of that district, Sumter
4 District Number 2, recommended that a teacher be
5 terminated because she talked to folks while on
6 administrative leave. He told her not to do it,
7 and she did it, and she admitted that she did it.
8 And so the board said, that's enough for us.
9 Well, the Court of Appeals said wait a
10 minute. If you're accusing of somebody of
11 insubordination under this statute, you've got to
12 connect it to their teaching. And there was no
13 connection to teaching--does that strike a
14 chord--of the teacher's conduct and the
15 termination. There was no connection. Just as in
16 this case. There is no connection by admission.
17 By admission.
18 Now the other thing that's important
19 about this Hall case is it tells you what you have
20 to have in your possession in order to terminate a
21 teacher under this act. And you will see on the
22 third page of this particular case, page 407, that
23 the South Carolina Appellate Courts have upheld
24 immediate termination only where evidence of
25 unfitness to teach was undeniably and abundantly

1 present. Not just a little bit. Undeniably and
2 abundantly present.
3 You look at the next page and it
4 describes under insubordination what has to be
5 proven. And it says in this case relevant to us,
6 without deciding whether the superintendent's
7 instructions were reasonable or lawful, it is
8 undisputed that the teacher disobeyed these
9 instructions by discussing the situation with three
10 fellow teachers. We find, however, that the board
11 produced insufficient evidence to show the
12 teacher's alleged insubordination demonstrated
13 unfitness to teach.
14 And it describes what must be shown under
15 that statute. It says, nevertheless, the type of
16 conduct referred in this statute--persistent
17 neglect of duty, willful violation of rules and
18 regulating, drunkenness, conviction of a crime,
19 gross immorality, dishonesty, illegal use, sale or
20 possession of drugs--clearly exceed the teacher's
21 acknowledged failure to comply with a general
22 admonition, don't talk to people about this.
23 That's exactly what we have in this case. It fails
24 for the same reason that this evidence failed in
25 the Hall case.

1 Now, ladies and gentlemen, you've been
2 here and I appreciate your patience and your
3 attention. You've been here and heard everything I
4 heard. You heard the testimony. There's about 400
5 pages of record in this case before we convened
6 today. And what did we hear from Mr. McDaniel, the
7 very first witness that was brought in this case?
8 He says that he was present when Ms. Toney was
9 called in and informed that a grievance had been
10 filed against her. And you will recall what he
11 said. This is pages 58 and 72 of the record. You
12 will recall what he said. He says, someone has
13 misunderstood me, I apologize. I want to
14 apologize. He said that was her immediate
15 reaction.
16 Now you heard Ms. Toney described. You
17 heard her testimony. If Ms. Toney thought that she
18 needed to buck up on this, she would have bucked
19 up. Her immediate reaction was to the contrary.
20 Been misunderstood, I want to apologize. He said,
21 no, don't approach this other teacher, don't
22 approach the other teacher. And she didn't. And
23 they all admit that she did not. All admit that
24 she did not.
25 Now Mr. McDaniel says that Ms. Toney came

1 to him when Mr. Webb was out of town and he was
2 standing in his stead and said, look, I've got a
3 package of something that concerns me. And I know
4 I'm not supposed to talk about the content of it
5 but we know what we're talking about. I've got a
6 package of something that concerns me. He said,
7 leave it alone. And she did, until he came to
8 her--his testimony--and asked for it. And what did
9 she do? She gave it to him. She was subordinate.
10 She did what she was asked to do.
11 Now you heard the superintendent complain
12 that Ms. Toney also handed this package to her
13 through her office in a sealed envelope with
14 Ms. Toney's telephone number on it identifying a
15 particular page that she had a concern about. That
16 is the record. There's no dispute about that.
17 And you heard Ms. Toney say that
18 something in this document caused her to have
19 concern that there may be a child in danger but she
20 didn't have enough information to make a decision
21 on that. So what does she logically do? She turns
22 it over to the superintendent. Of course, we now
23 know that Mr. McDaniel had told her about it as
24 well, told the superintendent about it.
25 Now there were no other distribution of

1 that package by Ms. Toney. We have heard her say
2 that and nobody has been brought in by the
3 administration to dispute that. They have the
4 burden to prove it. If they thought she gave it to
5 somebody else, where are they? They don't exist.
6 So you have a teacher that gives a
7 document that's handed to her to the supervisor at
8 the school and the supervisor of the district.
9 Doesn't sound like somebody out there beating a
10 drum. She did an appropriate thing.
11 Now you heard -- They tried to make a big
12 fuss, oh, she should have reported to DSS; oh, she
13 should have gone to law enforcement. But did you
14 hear the testimony of the superintendent that said,
15 I saw the very same thing she pointed out to me and
16 I didn't feel it was necessary to go to DSS or to
17 law enforcement. I guarantee you, ladies and
18 gentlemen, if Ms. Toney had gone to DSS or law
19 enforcement that would have been another reason to
20 fire her. It's a made-up thing.
21 You heard the testimony of Mr. Webb. He
22 was the second witness being provided by the
23 administration, the principal who worked with
24 Ms. Toney at the high school, the person that the
25 superintendent concedes would have a better

1 opportunity to evaluate, assess her performance and
2 her interactions with the other staff at that
3 school. Not surprising; he's the administrator of
4 that school. What does he say? You remember
5 Mr. Boykin didn't like the answer but at page 87 of
6 the transcript he says he had a pretty good working
7 relationship with Ms. Toney. Pretty good were his
8 words.
9 At page 106 of the record Mr. Boykin
10 asked him another question. These are on direct.
11 This is not me asking him questions. This is
12 Mr. Boykin. He says that Ms. Toney receives
13 feedback easily. Remember Mr. Boykin's reaction,
14 oh, wait a minute now, I don't think you're
15 understanding what I want you to say. Mr. Webb
16 also conceded that he had no reason to terminate
17 Ms. Toney's employment based upon her past conduct,
18 her record, or anything that existed before
19 September 27 of this year. No reason whatever.
20 So what does the administration do?
21 Ignores all that and goes back and tries to dredge
22 up stuff, ancient history, in order to support a
23 current recommendation. Stuff that no former
24 principal, no former administrator, no former
25 superintendent thought rose to the level of taking

1 any action whatsoever.

2 You also heard the complaints about,

3 well, Ms. Toney doesn't get along, she doesn't

4 accept supervision, she doesn't cooperate. Let me

5 remind you about Mr. Webb's testimony. I asked him

6 about the ink cartridge. He said it was no big

7 deal at the time. Remember that e-mail. Didn't

8 send them to the personnel file or anything. How

9 about the flat tire? Oh, yeah, she told me about

10 that. No big deal at the time. How about handing

11 grades in late? Oh, that happens everywhere. Page

12 121 of the record he says, everywhere. At page 126

13 he says, Ms. Toney had good rapport with the

14 students in his school. He was never asked by the

15 superintendent to make any recommendation about

16 Ms. Toney's employment. Never asked.

17 Now let's contrast Mr. McDaniel who is at

18 the school, Mr. Webb who's at the school, and

19 Dr. Andrews who admitted she was not at the school

20 and she's brand new. You've been with her for a

21 year. This happened when she was brand spanking

22 new. Now don't you think that a superintendent who

23 was brand spanking new would consult with and seek

24 the advice of and the recommendation of the

25 principal who had worked with this teacher for

1 years? Wouldn't you think that would happen? It
2 didn't.
3 Instead, what Dr. Andrews says to you is,
4 trust me; I have looked at her personnel file; I'm
5 not producing it, not producing it. There's one
6 record of her personnel file from 2006. One that
7 she gave you for you to evaluate and says trust me.
8 Everything else in there is bad. Oh, it's
9 horrible. She can't get along with anybody. She
10 said not a single supervisor could she get along
11 with. Not a single one. Where are they? Where
12 are they? They're certainly not here. They
13 certainly weren't presented. And there are not
14 records presented to support that.
15 Now the superintendent also made
16 reference to something that was clearly
17 inadmissible, something from the ancient past,
18 something that's been known to this district since
19 1997 when Ms. Toney was first employed here. You
20 get -- On every new employee you get a criminal
21 record report, and it showed no criminal
22 convictions, none. Remember how the superintendent
23 tried to sneak in information about that. Tried to
24 get it in there. Even Mr. Boykin stood up and said
25 that's not fair, you can't do that. Think about

1 that.

2 History, a history. She used the word

3 history, 309 for the record, insubordination and

4 bullying. Well, you know, ladies and gentlemen,

5 you are the employers of everybody in this

6 district. It's your employee that we're talking

7 about here. And I'll tell you, although it is

8 highly unusual, highly unusual because I don't have

9 a single burden in this case, I'll tell you what

10 you can do if you want to. Go over to the human

11 resources office, look at Ms. Toney's file. It's

12 part of your record. Look at it. And you tell me

13 if it supports what this superintendent says.

14 Because it does not. It does not, ladies and

15 gentlemen.

16 There are entries in there from 2000, and

17 Ms. Toney testified to, where a principal forged

18 the name of an evaluator on an instrument. I don't

19 know if any of you were in your positions in 2000.

20 That principal was terminated that day. If you look

21 at that record you will see that the evaluation was

22 all competents issued by the board, directed by the

23 board. All competent. Ms. Toney stood up for

24 herself then. That's a complaint. Oh, she

25 shouldn't have done that back in 2000, shouldn't

1 have done that. Stood up for herself.
2 You look at the records. I invite you to
3 do that. You will see the gross exaggerations and
4 mischaracterizations of that record made by this
5 superintendent. Why? Because if you look at the
6 record here, back in October when she talked to
7 Ms. Toney and tried to get her to resign and she
8 wouldn't do it, what does the record say? She
9 says, it's written down by Ms. Vaughn who I think
10 is no longer with us, but she wrote it down and Dr.
11 Andrews admitted that was her taking notes. She
12 said, I'm done. I'm done. That was back in
13 October. I'm done. Didn't care what the record
14 actually says.
15 Didn't even talk to Mr. Webb about this
16 allegation back in 2012 that Ms. Toney had
17 supposedly threatened to hit a child. She says,
18 oh, it's in there. Well, sure. And you've got Mr.
19 Webb's testimony in front of you. Dr. Andrews
20 admitted that she was there that day, heard his
21 testimony. I guess it was inconvenient to remember
22 it. Had to be reminded of it by me. You remember
23 that? That Mr. Webb said there was nothing to it.
24 But still it's brought up here as a supporting
25 piece of evidence.

1 I will tell you, ladies and gentlemen,
2 the old phrase that a chain is only as strong as
3 its weakest link, think about how the evidence has
4 been presented to you in this proceeding. Think
5 about the statement that Dr. Andrews made under
6 oath first that she investigated and then she said,
7 well, I scanned the record. Didn't talk to any
8 former principals, can't even name them. You know
9 that Ms. Toney worked under numerous principals in
10 this district because unfortunately there's a high
11 turnover in this district, unfortunately.
12 Ms. Toney has been loyal to this district. She has
13 worked hard for this district. She wants to work
14 hard for this district.
15 I'm dumbfounded as to why we are here
16 when there's no evidence of any poor teaching, and
17 there's no indication of any disruption at the
18 school level. And she's not been accused in the
19 documents of insubordination. They say, oh well,
20 professionalism covers everything. And notice
21 means you tell them why you're doing it. It's easy
22 to do. But she -- the district administration
23 didn't do it.
24 Now at page 360 of the record
25 Dr. Andrews' testimony is -- She's responding to

1 me. You know, you didn't talk to these people, you
2 didn't talk to any witnesses. She says, and this
3 is important, she says the personnel file is enough
4 to terminate. What did she present to you from the
5 personnel file? Something from 2006. I've already
6 been through the personnel file. She says that's
7 enough to terminate.
8 The administration had plenty of
9 opportunity to put Ms. Toney on notice of why she
10 was being fired. She was put on administrative
11 leave in October, she got a notice of termination
12 at the end of October. She got another notice of
13 termination in December. Where is insubordination?
14 It's not there. It's not there.
15 Now, we have witnesses who are willing
16 and able--they have been here every day--and who
17 are able to talk to you. I suggest to you that
18 it's not necessary because the administration has
19 not met its burden. And this record, if it goes
20 up, is coming back down. I sincerely request that
21 you give thought to this motion to concluding this
22 proceeding, to holding the district to its burden
23 which it has clearly not met.
24 If there are no questions for me at this
25 time, I'm sure Mr. Boykin would like to respond.

1 MR. BOYKIN: I beg the board's indulgence,
2 Madam Chair, for just a moment. This is a motion
3 for a directed verdict that Mr. Nickles is bringing
4 forward and I'm opposing. I believe Ms. Heizer
5 will tell you that I just have to show that there's
6 enough evidence in the record that a reasonable
7 board or person could conclude that the grounds
8 offered by the superintendent would be enough to
9 terminate the employment relationship. So I will
10 try to be brief but I want to be thorough.
11 Mr. Nickles has done a fairly extensive job.
12 First, he talked about her being on
13 notice. It says that, my recommendation is based
14 on -- And I'm reading from the letter. My
15 recommendation is based on you engaging in behavior
16 and conduct which caused unnecessary disruption in
17 the work place as evidenced by your discussing a
18 faculty member's personal information with other
19 employees even after being directed by the
20 administrator to leave the matter alone.
21 That is what triggered, what brought
22 Ms. Toney onto the radar screen of the
23 superintendent.
24 Additionally, a review of your personnel
25 file reveals that you have been involved in other

1 incidents of unprofessional conduct.

2 That is very broad, unprofessional

3 conduct.

4 Now Mr. Nickles initially -- well, not

5 initially but somewhere during his presentation he

6 talked about the testimony of Bernard McDaniel.

7 And this is where there's the tension of the

8 intersection of Ms. Toney once she received the

9 information and brought forward the information to

10 Mr. McDaniel to continue, even after she had been

11 told by the principal, leave the matter alone.

12 Question: Okay. Well, did Ms. Toney

13 follow Mr. Webb's directive?

14 That's page 51 of the record from the

15 first day of the hearing. And this is Mr.

16 McDaniel's answer: The next day or the day after,

17 as I recall Ms. Toney came by my office and said, I

18 need to share something with you that a teacher is

19 putting stuff on Facebook and making comments that

20 are inappropriate.

21 Now Mr. McDaniel in his discussion: I

22 said, Ms. Toney, you remember we said just leave it

23 alone until Mr. Webb returns. Then later she

24 said -- then later, I went down to her room and was

25 going to tell her that if she had something in

1 writing to give it to me, put it in writing and I
2 will give it to Mr. Webb. And she presented me
3 with a packet.
4 Okay. That is the crispest testimony
5 that you have about Ms. Toney's conduct. You heard
6 a lot of stuff talking about, oh, a child was in
7 danger, oh, a child -- I thought a child -- This is
8 her language the day she made contact with Mr. Webb
9 when the information, according to her, had
10 initially surfaced. Nowhere in this does she
11 mention she did it because there was a child
12 involved. That called into question Ms. Toney's
13 credibility right then and right there.
14 Now Mr. Nickles would have you believe
15 that that conversation never took place. He stood
16 up here for more than 30 minutes and never once --
17 has he referred repeatedly to Mr. McDaniel's
18 testimony. What did he do? He glossed over this
19 part. No, he didn't. He just completely ignored
20 it. He didn't gloss -- he didn't even mention it.
21 But he wants to yell, and to the extent that he's
22 capable of yelling, he wants to say that Mr.
23 McDaniel was told a child was in danger. He was
24 never told that.
25 This notion of a child being in danger

1 that created the urgency for her to report this
2 came up sometime between her having been put on
3 administrative leave and this hearing. It began to
4 surface sometime later but it certainly was not a
5 part of the record contemporaneous with that.
6 That's one.
7 We turn to Mr. Nickles' exhibit. It
8 talks about the employee. All personnel are
9 responsible to their immediate supervisor. This is
10 not my exhibit; this is Mr. Nickles'. He put all
11 the contracts in. And all those contracts have
12 that language in it. They do. The supervisor,
13 according to Ms. Toney, said leave it alone. This
14 is not according to anyone else. This is according
15 to Ms. Toney. Leave it alone.
16 Now she would have you believe that
17 miraculously she goes into her classroom two days
18 after being told leave it alone and, oh, she finds
19 this information. But what does she say it is?
20 The teacher is putting stuff on Facebook and making
21 some comments that are inappropriate.
22 You would have to believe not only that
23 she's not a bully, not only that she's not
24 aggressive, but she's just down right lucky to be
25 able to turn and find something that helped with

1 this grievance fortuitously within two days while
2 the principal said leave it alone. Not to mention
3 as we talked with her about her work with the
4 district, Ms. Toney made it very clear if you say
5 something to me or if you write something about me
6 that -- she used the word incorrect, I submit to
7 you and you're the arbiter of this, was it
8 incorrect or is it simply that she just disagreed
9 with it.
10 Mr. Nickles did a good job talking about
11 manifest unfitness to teach and the word that --
12 let me take this next sentence. Additionally,
13 review of your personnel file revealed that you
14 have been involved in incidents of unprofessional
15 conduct -- of incidents of unprofessional conduct.
16 Let me see if there's any evidence in the
17 record of this. There's an e-mail that addressed
18 an observation of September 13, 2013, talked to
19 Ms. Toney about it, and that's when Ms. Fowler did
20 an observation and sent an e-mail that was fairly
21 straightforward to Ms. Toney. Ms. Toney wrote back
22 invariably. And I'm going to read it and I'll try
23 to read it without emphasis.
24 I would like to respond to your
25 observation analysis of my class. There were

1 several essential questions posted on the
2 whiteboard. They are as follows:
3 I asked Ms. Toney, I said, was it clear
4 enough on the whiteboard to be read. She said it
5 was clear. I said, so you're saying that
6 Ms. Fowler was being dishonest or is it that she
7 couldn't see. Her response to me was, it was
8 there, she had to see it. So you're suggesting
9 she's dishonest. This is a person that's coming in
10 to do observation. Let's move on.
11 I find it very difficult for you not to
12 see these six essential questions that were written
13 on the whiteboard.
14 Now, let's go back to what she puts on
15 the board. Keep in mind that Mr. Nickles talked
16 about the ancient observation that Ms. Toney
17 herself testified that because she was across the
18 building she didn't get a chance to write the
19 objectives of the lesson on the board beforehand.
20 So when the observer came in, he ignored that. I
21 asked Ms. Toney was it supposed to be on the board.
22 Yes, it was supposed to be on the board. Was it on
23 the board? He knew that I had something else to
24 do.
25 The observer gave her a pass that he

1 didn't have to give. Mr. Nickles, it's all
2 competent, but any time you have an observer
3 willing to ignore the standard, anybody can get
4 competent. I could.
5 MR. NICKLES: You talking to me?
6 MR. BOYKIN: Pardon me?
7 MR. NICKLES: Are you talking to me?
8 MR. BOYKIN: I'm talking to everybody in here,
9 okay, but if you want to answer you can. The point
10 I'm making is, here in Ms. Toney's case she admits
11 that. That is in the record. That is something
12 for you to make a decision about.
13 Now there was a mandatory meeting where
14 the special ed person was coming to explain special
15 ed regulations. We'll talk about it more.
16 Mandatory meeting. She didn't come. There's a
17 letter to that effect in the file. Mr. Webb
18 testified to that.
19 Now as Mr. Nickles went through the
20 evidence about how great -- well, he didn't say
21 great. He just said Ms. Toney's done everything
22 right. She just doesn't bother anybody. Mr.
23 Webb's testimony included the teacher, that should
24 be Ms. Toney, parent/teacher conference about a
25 student. A parent was talking about a student.

1 Ms. Toney became so irate Mr. Webb had to excuse
2 her from that conference. Come on, that's
3 unprofessional.
4 You get a chance to look at that to
5 determine whether the totality of these
6 circumstances would constitute evident unfitness to
7 teach. But in that letter it was really
8 interesting because not only did Ms. Toney become
9 irate, but the child, the student in this school
10 district, at the request of the parent and the
11 suggestion of the teacher, the child was removed.
12 This is a child that's in Ms. Toney's class. To me
13 that's unprofessional conduct. That's evident
14 unfitness to teach.
15 Now Mr. Nickles correctly said that there
16 are examples, illustrious examples only, not
17 limiting it to that point. But we have a
18 teacher -- All I have to do with this motion is to
19 say there's enough evidence to go forward to hear
20 what Ms. Toney through Mr. Nickles has to say.
21 We have just the observation, and let me
22 just read how Ms. Toney closed or began to close
23 her e-mail: Again, I feel that your interpretation
24 of my classroom was dishonest.
25 She's writing to someone who has the

1 authority by you to do an observation. She might
2 as well go ahead and say you're a liar.
3 And libelous. Since you have placed this
4 in writing, I will be addressing this further.
5 Ladies and gentlemen, this is just
6 September 2013 and this is the kind of pushback
7 that the superintendent recognizes that her staff
8 is getting at the building level. Now when
9 Ms. Toney testified she didn't say that if I
10 disagree with it. She said, if it's inaccurate.
11 But here she says, I feel--she didn't say there was
12 an inaccuracy in it--that your interpretation of my
13 classroom was dishonest.
14 She said you're a liar. Now we can
15 sugarcoat it. Did this touch on teaching? I think
16 so because this was an analysis of how Ms. Toney
17 was teaching.
18 Now everything that has come before you
19 has been a part of this hearing from day one.
20 There was some -- Let me clear this up too. Again,
21 Mr. Nickles, and he's a very good lawyer, in
22 characterizing Dr. Andrew's testimony said that
23 Dr. Andrews said, insubordination, insubordination.
24 She did. She said insubordination. She said
25 insubordination. She said it a lot of times. But

1 on direct I asked her, tell the board -- first, I
2 want to know unprofessional conduct -- You didn't
3 mention insubordination in the letter, did you?
4 She said, let's see. You said unprofessional
5 conduct. She said right. Tell the board what
6 constitutes unprofessional conduct.
7 So to suggest that Dr. Andrews took the
8 stand and only said insubordination is simply not
9 true. That's important because on page 96 in the
10 record she said, well, if you look here I didn't
11 use the term insubordination. It's written into
12 this reason. I state that she, after being
13 directed by the administrator to leave the matter
14 alone, she did not. That is insubordination,
15 although it's not labeled or spelled.
16 Let me ask this question: Is
17 insubordination unprofessional? Her response is,
18 it is.
19 When you look at the response, it did not
20 stop at insubordination. Her response went to the
21 letter because she said it is. When you look at
22 Ms. Toney's conduct with the parent, becoming so
23 irate that her principal had to ask her to leave;
24 when you look at Ms. Toney recommending that a
25 child be removed from her class because she didn't

1 want to deal with the parent of the child. You
2 know, my goodness, we've been trying for years to
3 have parents involved in their children's
4 education. And you get one who is concerned enough
5 to come out, what do we do, we take the child and
6 put the child out of the classroom? That's not
7 what we do.
8 The General Assembly in adopting
9 59.25.430 did not create an exhaustive list of the
10 conduct because they left that to your judgment,
11 your sound discretion in that case. That's what
12 they did. 59.25.440 says that if somebody is doing
13 something you think might be a ground for
14 termination, you, school, supervisor, should reduce
15 to writing and tell that person what it is, give
16 them an opportunity to improve themselves, help if
17 they need it, beforehand.
18 Now that letter from January 25, 2006, it
19 might be ancient but what it did was it called to
20 Ms. Toney's attention the need for her to be
21 professional in her dealings in the school
22 environment. What it did was it put her on notice
23 that she should be professional. That notice lasts
24 forever. It doesn't expire just because it's
25 Ms. Toney. Every year she comes she's required to

1 be professional. She's required to follow the
2 rules, she's required to do the things that she's
3 asked to do. And her contract said listen to her
4 supervisor.
5 The evidence is clear that Ms. Toney
6 simply didn't do that. So with all due respect to
7 Mr. Nickles and his motion, I do believe that the
8 notice says unprofessional conduct. I do believe
9 that the conduct that's been described thus far,
10 the transgressing conduct of Ms. Toney is
11 unprofessional. And I believe we have put enough
12 before this board to survive Mr. Nickles' motion.
13 And I would ask the board to deny his motion and
14 let's hear what he has to say on Ms. Toney's
15 behalf. I believe Mr. Nickles might have a
16 rebuttal.
17 MR. NICKLES: I have a very brief one.
18 MR. BOYKIN: Thank you.
19 MR. NICKLES: I know that Mr. Boykin didn't
20 intend to misspeak about Mr. Toney's conduct in
21 presenting this document to the superintendent when
22 he said, well, that's conveniently done after she
23 was put on administrative leave. You know because
24 the superintendent has admitted it. You know
25 because the document has been presented. You know

1 because Ms. Toney's testified that that was given
2 to the superintendent the same day that she
3 provided it to Mr. McDaniel and it illustrates her
4 frame of mind at that time. It's not concocted
5 after the event as Mr. Boykin would suggest. It
6 shows contemporaneously what was going on.
7 Now with regard to the emphasis by the
8 administration on the communication between
9 Ms. Toney and Ms. Fowler, you remember that's their
10 first exhibit back in I think it's the 17th of
11 September of 2013. The administration has the
12 burden of proof. Ms. Toney has testified without
13 contradiction that she met with Ms. Fowler after
14 this letter and they cleared the air.
15 Now if the board wanted to bring
16 Ms. Fowler in here to say oh, I was so offended;
17 oh, this really hurt my feelings; oh, this was
18 unprofessional, they could have done that. She's
19 available to them. She's an employee in this
20 district. But they chose not to do that and that
21 shows the paucity of that argument. It is a
22 convenient excuse for what they are now doing
23 because it didn't matter at the time. You heard
24 Mr. Webb's testimony: There wasn't any reason for
25 me to recommend her termination. This happened

1 before the event. It goes back to 2006.
2 The board was rightly concerned about
3 whether to even accept that document. But let me
4 suggest something to you. That document is not
5 from this board. That document is not from the
6 superintendent of the district. It's from a
7 principal. It is not notice under Teacher
8 Employment Dismissal Act that you have persistently
9 neglected your duties or you're somehow going to be
10 in danger of being terminated. And you've seen the
11 record that she's been routinely re-employed ever
12 since.
13 They're trying to make a dig deal out of
14 little deals. They're trying to construct a case
15 on things that didn't matter at the time and
16 suggest to you that they matter now. So I suggest
17 to you, ladies and gentlemen, there's on old saying
18 in the law: If you got the facts, come down on the
19 facts; if you got the law, come down on the law; if
20 you don't have the facts or the law, come down on
21 the table. That's what the administration has been
22 doing, they've been coming down hard on the table
23 because they don't have the facts and they don't
24 have the law.
25 You've heard enough. Ms. Toney has been

1 put through enough. Please take into account all
2 the evidence. There is not sufficient information
3 for you to support this recommendation and this
4 case should end now. Thank you.
5 MR. BOYKIN: Madam Chair, just to correct one
6 statement, a legal point that Mr. Nickles made. I
7 know he didn't mean this but I want to read from
8 the law so that you'll understand. When he went to
9 talk about the letter from January 25, 2006 saying
10 this letter was from not from the board -- not from
11 the superintendent, I would like to publish--The
12 law is for everybody to read--59.25.440 which I
13 made reference to in my comments, whenever a
14 superior, principal where applicable or supervisor
15 charged with supervision of a teacher, finds it
16 necessary to admonish the teacher for a reason that
17 he believes may lead to or be cited as a reason for
18 dismissal.
19 So it does not put the burden for writing
20 that letter on the board, nor does the statute put
21 the burden on the superintendent. It put the
22 burden on the person who signed that letter who was
23 Ms. Lenora Scott who was the principal. And the
24 word principal -- that position is specified in the
25 statute.

1 So whatever Mr. Nickles meant or whatever
2 he said, just my reading of the statute says it is
3 the principal or supervisor, the person in charge
4 with supervising instruction. I just want to make
5 the clear. And I appreciate the board's indulgence
6 on that legal point.
7 CHAIRPERSON MOSES: Mr. Nickles, how much time
8 do you think you would need if you were to move
9 forward with your case?
10 MR. NICKLES: I would hope that we could
11 finish our presentation, depending on
12 cross-examination, of course, by 5:00 p.m. But I
13 would ask that the board rule on my motion.
14 CHAIRPERSON MOSES: Board Members, you've
15 heard the motion that was made before you. Would
16 you like to go into executive session to discuss
17 the motion further? If so, we do need a motion to
18 enter into executive session.
19 MR. DRAYTON: I make a motion that we go into
20 executive session to discuss the proposal by
21 Mr. Nickles.
22 MR. BRUNSON: Second it.
23 CHAIRPERSON MOSES: It's been moved by Mr.
24 Drayton and seconded by Mr. Brunson that we enter
25 into executive session to discuss the motion to

1 dismiss. Are we ready for questions? All in favor
2 of said motion, please note that by saying aye.
3 BOARD MEMBERS: Aye.
4 CHAIRPERSON MOSES: Any opposes? Ayes have
5 it. We will now enter into executive session.
6 (The board entered into executive session at
7 3:22 p.m. Open session reconvened at 4:03
8 p.m.)
9 CHAIRPERSON MOSES: Welcome back to open
10 session. While we were in executive session we did
11 discuss the motion to dismiss. What is the
12 pleasure of the board at this time?
13 MS. HEYWOOD: Madam Chair, I move that we deny
14 the motion at this time and reserve the right to
15 address it again. We are inclined to review the
16 personnel record of Ms. Toney at the conclusion of
17 this hearing.
18 MS. BOYD: Second.
19 CHAIRPERSON MOSES: It has been moved by Ms.
20 Heywood and seconded by Ms. Boyd that we deny the
21 motion at this time but reserve the right to
22 address it again. And we are inclined to review
23 the personnel file of Ms. Toney at the conclusion
24 of this hearing. Are we ready for questions? All
25 in favor of said motion please note that by saying

1 aye.

2 BOARD MEMBERS:

3 CHAIRPERSON MOSES: Any opposes? Ayes have

4 it. Motion is granted.

5 MR. NICKLES: Motion is denied. Motion was

6 mine.

7 CHAIRPERSON MOSES: We are granting the denial

8 of the motion.

9 MR. NICKLES: You said to defer it --

10 CHAIRPERSON MOSES: What we're saying is we're

11 denying the motion at this time; however, we

12 reserve the right to readdress it again.

13 MR. NICKLES: All right. May I address the

14 board?

15 CHAIRPERSON MOSES: Certainly.

16 MR. NICKLES: Mr. Boykin and I have had some

17 discussions while you were in executive session and

18 there are some aspects of testimony that were taken

19 by way of deposition that refer to the witness that

20 the board have identified that you did not want to

21 entertain testimony about. Mr. Boykin has agreed

22 that we may submit that testimony as we did with

23 the witnesses itself for preservation on appeal

24 under seal. I'm going to tender that information

25 at this time.

1 Just for the record's sake, this will be
2 part of the proffer that was made with regard to
3 the witness and the documents that have been
4 excluded: Deposition excerpts of Dr. Netty Vaughn.
5 Mark that. Deposition excerpts of Dr. Wanda
6 Andrews, deposition excerpts of Bernard McDaniel,
7 Sr., and deposition excerpts of Ron Webb. And once
8 again, those should be placed with the proffer of
9 the other materials.
10 And, Mr. Boykin, thank you for your
11 consideration in that offer.
12 We also have another witness whose
13 deposition's testimony addresses that issue and
14 that is testimony of Ms. Tonya Addison that needs
15 to be placed in the same material. And finally,
16 ladies and gentlemen, we have a witness who has
17 been here on each of the other occasions under
18 subpoena but is not available to us. We previously
19 provided Mr. Boykin's firm a copy of excerpts from
20 her testimony. This is Hope Stephney. It does not
21 have any testimony regarding the content of any
22 exhibit that has been ruled inadmissible or any
23 testimony that's been ruled inadmissible. We would
24 like to offer this. This is in our case in chief.
25 And I may refer to that when I close.

1 (THEREUPON, Respondent Exhibit Numbers 4-10,
2 excluding Exhibit Number 7, were marked for
3 identification. Number 7 was inadvertently
4 omitted. Exhibits 4, 5, 6, 8, and 9 are
5 sealed under the Baldwin proffer.)
6 MR. DRAYTON: Who is that witness, Madam
7 Chair?
8 CHAIRPERSON MOSES: Hope Stephney.
9 MR. NICKLES: Hope Stephney. And I can
10 publish for the board the material here is Ms.
11 Stephney testified, page 4 of her deposition, that
12 she was at that time a secretary receptionist at
13 Lee County -- Lee Central High School. She had
14 held that position at the time for seven years,
15 that she knows Ms. Toney through work. To her
16 knowledge Ms. Toney never did anything to cause a
17 problem for her.
18 Was she present back in September when
19 the reports by Ms. Toney concerning certain actions
20 by another employee? She says that she was there
21 at the time when Ms. Toney left. She did not
22 receive any information from Ms. Toney about this
23 other employee. Ms. Toney never came to her to
24 share the information with her about another staff
25 member in September, did not show her any pictures

1 or anything of that nature, did not show her any
2 Facebook entries.
3 On page 7 it indicates that she was not
4 aware of any ruckus in the school or disruption of
5 operations in the high school caused by Ms. Toney.
6 And she reiterated that she never handed Ms. Toney
7 a packet of information to look through concerning
8 any staff member. She also makes a general comment
9 that she is a member of Facebook and when you post
10 something, you want people to see it. That's
11 Ms. Stephney's testimony. And the copy of her
12 deposition has been entered as an exhibit.
13 Our first witness will be Anthony Blair.
14 Can someone retrieve him for us.
15 Madam Chair, we're going to try to make
16 these relatively brief and to the point
17 understanding the time constraints and how long all
18 of us have been involved in this process.
19 CHAIRPERSON MOSES: Thank you, Mr. Nickles.
20 THEREUPON,
21 ANTHONY BLAIR,
22 being first duly sworn by the court reporter, as
23 hereinafter certified, testified as follows:
24 DIRECT EXAMINATION
25

1 BY MS. FITTIPALDI:

2 Q Mr. Blair, thank you so much for being here

3 this afternoon. And you're here on behalf of Ms. Toney,

4 you've been subpoenaed here to testify, correct?

5 A Yes.

6 Q And you've been here all the days the hearings

7 have been scheduled, yes?

8 A Yes.

9 Q Mr. Blair, where are you employed?

10 A I was formerly employed with Lee Central High

11 School. I have left the district now.

12 Q Okay. And what position did you hold?

13 A Social studies teacher.

14 Q How long were you a teacher there?

15 A Six years.

16 Q And for all those six years did you work with

17 Ms. Toney?

18 A Yes.

19 Q And how was she to work with?

20 A Very pleasant.

21 Q How long did you -- Did you say you served as

22 department chair?

23 A Just for one year.

24 Q Was that this past year?

25 A Yes.

1 Q And what are some of your duties as a
2 department chair?
3 A To hold department meetings, to do evaluations
4 as needed, other duties as assigned.
5 Q Did you ever have to provide Ms. Toney with
6 any sort of instruction or directives that she needed to
7 follow?
8 A Yes. I've been directed by the administration
9 from time to time.
10 Q All right. Did she follow those directives or
11 instructions?
12 A Yes.
13 Q Did you ever have the opportunity to observe
14 her teaching?
15 A Not formally.
16 Q Informal walk-through type --
17 A Yes, informal walk-through.
18 Q Could you please tell the board what you
19 observed?
20 A From the times I went to Ms. Toney's room,
21 students were on task, well-behaved.
22 Q Okay. Do you recall holding a departmental
23 meeting back in September of this year --
24 A Yes, I do.
25 Q Where Ms. Toney was present, correct?

1 A Correct.
2 Q Okay. And do you recall Ms. Toney making a
3 comment to a colleague conveying her condolences
4 essentially? Do you remember that?
5 A Yes, I do.
6 Q And what did you think, if anything, at the
7 time when she made that comment?
8 A I didn't think anything about it. I mean it
9 seemed like an appropriate thing to say because that
10 same month I had lost a family member, so I thought she
11 was just making a general statement and I thought
12 nothing about it.
13 Q Did it disrupt the meeting in any way?
14 A No, it didn't.
15 Q Did -- At some point after that meeting were
16 you asked to make a statement or anything about what
17 happened during that departmental meeting?
18 A Yes, I was.
19 Q Who asked you to provide a statement?
20 A Michael Baldwin.
21 Q Did he ask you why? I mean did you ask him
22 why?
23 A I don't recall the exact words that were used
24 but I said I would do what he asked. I said I would do
25 it. And I also informed Ms. Toney that I was making a

1 statement.

2 Q Did you do that?

3 A Yes, I did.

4 Q In what form?

5 A E-mail.

6 Q After you provided that statement and you told

7 Ms. Toney about it, did she discuss the situation with

8 you in any way?

9 A No.

10 Q Did Mr. Baldwin discuss it with you any

11 further?

12 A No.

13 Q Did anyone in the administration, either Mr.

14 Webb or Mr. McDaniel or the superintendent, did any of

15 the folks that supervise you ask you anything about what

16 happened during that meeting?

17 A No.

18 Q After that meeting did you notice any kind of

19 disruption either to the classroom environment or school

20 environment before Ms. Toney was placed on

21 administrative leave?

22 A No.

23 Q Have you ever missed a faculty meeting?

24 A I may have missed a couple.

25 Q Have you ever been late to school?

1 A On occasions, yes.
2 Q When did you first learn about Ms. Toney being
3 placed on administrative leave?
4 A Maybe a couple of weeks or a month after that.
5 Q After the departmental meeting or after she
6 was placed on leave?
7 A After she was placed on leave.
8 Q Okay. And do you know who came in to teach or
9 substitute in her class?
10 A It was a substitute, Ms. McDaniel.
11 Q And did Ms. McDaniel serve as a substitute for
12 the rest of the school year?
13 A Yes, she did.
14 Q And do you know if she's certified to teach
15 social studies?
16 A No, I do not.
17 Q You don't know if she is or you don't --
18 A I don't know if she's certified.
19 Q Did Ms. McDaniel ever attend any of those
20 departmental meetings that you would hold for social
21 studies?
22 A No, she didn't.
23 Q Did anyone else ever come in to assist in
24 teaching that class?
25 A Yes, Ms. Kara Fowler.

1 Q Do you know if she's certified to teach social
2 studies?
3 A Yes, she is certified.
4 Q How often did she come in and teach that
5 class?
6 A She would come in the entire day.
7 MR. BOYKIN: I'm going to object. To allow
8 that into -- I'm objecting to the relevance of
9 this. The grounds for Ms. Toney doesn't have to do
10 with who the substitute teacher was, so I'm not
11 sure what purpose it serves.
12 MS. FITTIPALDI: I'll ask another question.
13 MR. BOYKIN: That'll be fine.
14 MS. FITTIPALDI: I'll withdraw that question.
15 BY MS. FITTIPALDI:
16 Q Did you feel like there was any sort of
17 disruption at the work place?
18 A No.
19 MS. FITTIPALDI: Thank you, Mr. Blair. Those
20 are all the questions I have.
21 MR. BOYKIN: Beg the Court's indulgence. No
22 questions of this witness.
23 MR. NICKLES: Thank you. We would ask this
24 witness be excused.
25 CHAIRPERSON MOSES: Okay.

1 MR. NICKLES: Thank you. We appreciate it.
2 Next we're calling Ms. Ratliff.
3 THEREUPON,
4 SHENEAKA RATLIFF,
5 being first duly sworn by the court reporter, as
6 hereinafter certified, testified as follows:
7 DIRECT EXAMINATION
8 BY MS. FITTIPALDI:
9 Q Good afternoon, Ms. Ratliff. Could you please
10 tell the board where you're employed.
11 A Lee County School District, Lee Central High
12 School.
13 Q What position do you hold there?
14 A I'm a science teacher, biology teacher.
15 Q How long have you been teaching there?
16 A Approximately five years.
17 Q Have you received any recent accolades for
18 your teaching?
19 A Yes.
20 Q Could you tell the board what those are?
21 A I'm the outgoing district teacher of the year
22 and the high school teacher of the year.
23 Q Congratulations. So how long have you worked
24 with Ms. Toney?
25 A I think we started -- I'm not sure if she --

she might have been there when I started teaching there, I'm not exactly sure.

Q Approximately four years?

A Uh-huh.

Q Is that a yes?

A Yes.

Q Thank you. Could you describe your working relationship with Ms. Toney?

A It's been a very cordial one. I got along with her well. She got along with myself well. I don't recall any unfriendly interactions. She got along with the students. She had a decent rapport with the students. Like I say said, it was cordial.

Q Okay. In October of this year you're aware, of course, that Mr. Toney was placed on administrative leave, right?

A Uh-huh.

Q Prior to that time, shortly before that, did you notice any sort of disruption in the school because of the situation with Ms. Toney?

A Prior to?

Q Prior to her being placed on administrative leave.

A Not to my knowledge. Now if it was there, it was not for the faculty to have to deal with. I don't

1 have any recall of any conflict.

2 Q Okay. Are you on Facebook, Ms. Ratliff?

3 A I do have a Facebook, yes.

4 Q Earlier this school year did you see some

5 things that had been posted on Facebook about Ms. Toney?

6 A They were brought to my attention. A student

7 actually had the information and came into my room while

8 I was on a planning period.

9 MR. BOYKIN: I'm objecting to this. I believe

10 the board has ruled and I'm not sure where this is

11 going.

12 MS. FITTIPALDI: The reason why Ms. Ratliff is

13 testifying to this particular issue is because

14 Ms. Toney's credibility has been challenged on the

15 presentation of this information and it goes to

16 Ms. Toney's credibility on this issue.

17 MR. BOYKIN: You're calling the witness to

18 bolster the witness' credibility?

19 MS. FITTIPALDI: Not just on the issue of

20 credibility but on how this information came to

21 light. You have challenged her on that.

22 MR. BOYKIN: Well, if the question is -- It

23 was put in her door anonymously, is what she said.

24 That's what Ms. Toney has said. And that's what

25 we're challenging. If this teacher is the person

1 that put in there or knows something about it, then
2 let's get straight to that point. But to
3 tangentially do something that the board has said
4 that you couldn't do I think is totally
5 inappropriate.
6 MS. FITTIPALDI: One other thing I would like
7 to add, in the initial notice of termination she
8 was accused of involving a student in this
9 situation. And it goes to that point as well. And
10 that letter of termination is an exhibit and it's
11 part of the record.
12 MR. BOYKIN: With all due respect, she's
13 trying a case that's not been made. It was
14 amended. And Dr. Andrews from our part was
15 cross-examined on the December letter, that's the
16 amended letter. They want to go back. They
17 recognize that the grounds were amended so that
18 they wouldn't bring students into this. And now
19 we're getting ready to do the same thing. And
20 we're doing it by proxy. It's called
21 bootstrapping.
22 MR. NICKLES: With all due respect --
23 MR. BOYKIN: I think you should hear from the
24 lawyer who is presenting and the lawyer who is
25 defending. Our rules, one at a time.

1 MS. FITTIPALDI: It goes to the issue of
2 disruption of the school. Ms. Toney has been
3 accused of causing disruption in the school.
4 MR. BOYKIN: She can ask all the disruption
5 questions she would like. But here she's going to
6 Facebook posting and children. Totally
7 inappropriate. It's been ruled upon.
8 (A brief off-the-record conference was held
9 among attorneys for Respondent.)
10 CHAIRPERSON MOSES: You can continue to
11 question the witness about disruption. But the
12 Facebook and the child, the board has already
13 deemed that is not relevant information.
14 BY MS. FITTIPALDI:
15 Q Ms. Ratliff, you've already testified that
16 there was not a disruption caused at the school prior to
17 Ms. Toney being placed on administrative leave?
18 A Yes.
19 Q Was there any disruption at the school?
20 MR. BOYKIN: Asked and answered.
21 MS. FITTIPALDI: No, that is not the question
22 that was asked and answered.
23 BY MS. FITTIPALDI:
24 Q Was there a disruption at the school after
25 Ms. Toney was placed on administrative leave?

1 A I would just say having a teacher being gone
2 and a substitute and that type of interruption or
3 disruption. But as far as anything that was frequent to
4 us as a disruption that interrupted our day or our being
5 able to teach, no, not from my opinion.
6 (A brief off-the-record conference was held
7 among attorneys for Respondent.)
8 BY MS. FITTIPALDI:
9 Q Ms. Ratliff, in your experience did Ms. Toney
10 do anything to cause any sort of disruption at the
11 school?
12 A I was not a witness to anything, but events
13 were just being chattered about so it's kind of like
14 hearsay. But I can't prove or disprove any of what
15 might have been said to have occurred. But as far as,
16 like I said, disruption causing interference with
17 anything, I haven't seen any of that.
18 MS. FITTIPALDI: All right. Thank you,
19 Ms. Ratliff. I have no further questions.
20 CROSS-EXAMINATION
21 BY MR. BOYKIN:
22 Q Ms. Ratliff, just a few questions. How many
23 times have you had a parent/teacher conference with the
24 principal and became so irate the principal had to ask
25 you to leave?

1 A Me?
2 Q Yes.
3 A None.
4 Q How many times have you had a conflict with a
5 parent to the point where you went to the administration
6 to suggest that the child be removed from your class?
7 A None.
8 Q How many times have you written someone who
9 conducted an observation of you and told them you found
10 their interpretation to be dishonest?
11 A None.
12 Q How many times have you written someone who
13 conducted an observation of you and told them that you
14 found their interpretation to be libelous?
15 A None.
16 Q What time are you supposed to call the school
17 if you're going to be absent?
18 A About 6:00, 6:30.
19 Q Why is that necessary?
20 A That would allow a substitute to be called.
21 MR. BOYKIN: Beg the board's indulgence.
22 Nothing further of this witness at this time.
23 MS. FITTIPALDI: Redirect.
24 REDIRECT EXAMINATION
25

1 BY MS. FITTIPALDI:
2 Q Ms. Ratliff, have you ever had a flat tire?
3 A Yes.
4 Q Have you ever been late to work?
5 A Yes.
6 Q Okay. Have you ever missed a faculty meeting?
7 A With notification.
8 Q If someone said something about you that
9 wasn't true, would you challenge it?
10 A Yes.
11 Q Is that Ms. Toney's personality as well?
12 A Yes.
13 Q Is that known to you as her personality?
14 A Yes.
15 MS. FITTIPALDI: Thank you.
16 MR. NICKLES: We would ask this witness be
17 excused. We call Virginia Rogers.
18 THEREUPON,
19 VIRGINIA ROGERS,
20 being first duly sworn by the court reporter, as
21 hereinafter certified, testified as follows:
22 DIRECT EXAMINATION
23 BY MR. NICKLES:
24 Q Tell the board where you're currently
25 employed.

1 A At Lee Central High School as a
2 secretary/bookkeeper.
3 Q How long have you been there?
4 A This is my second year there.
5 Q And how long altogether with the Lee County
6 School District?
7 A Twenty-six years.
8 Q Tell me what your general duties are at Lee
9 Central High School.
10 A I'm a secretary/bookkeeper there.
11 Q So where do you sit?
12 A My office is in the back.
13 Q Do you occasionally come into contact with
14 teachers and students at the school?
15 A Uh-huh.
16 Q Is that a yes?
17 A Yes.
18 Q How many other secretaries or bookkeepers were
19 there at Lee Central High School back in September of
20 2013?
21 A I'm the only secretary there.
22 Q Okay. Did you work with Ms. Stephney?
23 A Yes, she's a receptionist.
24 Q Receptionist. And she works in the office
25 there as you, I guess, go into the administrative area?

1 A She's in the front.
2 Q Okay. Did Ms. Toney while she was working
3 with the district ever say or do anything that caused
4 you any concern?
5 A No.
6 Q Did she ever say or do anything that caused
7 you a problem at work?
8 A No.
9 Q Did she ever provide you any copies of
10 Facebook material from another employee?
11 A No.
12 Q Has she ever given you information about any
13 other staff member?
14 A No.
15 Q Did she ever show you any pictures from
16 Facebook?
17 A No.
18 Q Did she ever ask you to do anything looking
19 into another staff person's activities?
20 A No.
21 Q Have you ever told anyone that Ms. Toney
22 provided you a package of information including
23 Facebook?
24 A No.
25 Q Has anyone ever indicated to you that a staff

1 member posted negative things about Ms. Toney?
2 A No.
3 Q Now you were at the school back in September
4 and October of 2013, correct?
5 A Right.
6 Q Did you notice any disruption in the workplace
7 during that period of time?
8 A No, sir.
9 Q Were you able to do your business as usual?
10 A Yeah.
11 Q And did you observe others who appeared to be
12 doing business as usual?
13 A I stay in the back so I can't observe others,
14 what they're doing.
15 MR. NICKLES: Thank you. Answer any questions
16 that Mr. Boykin may have.
17 MR. BOYKIN: Thank you. Just a couple of
18 questions.
19 CROSS-EXAMINATION
20 BY MR. BOYKIN:
21 Q Do you have any responsibility for supervising
22 Ms. Toney or any other teacher at the school?
23 A No, I don't.
24 MR. BOYKIN: Thank you. No other questions.
25 MR. NICKLES: We would ask that Ms. Rogers be

1 excused, please. Thank you very much.
2 THE WITNESS: You're welcome.
3 MR. NICKLES: We ask that Ms. Harrison be
4 called.
5 THEREUPON,
6 STACY HARRISON
7 being first duly sworn by the court reporter, as
8 hereinafter certified, testified as follows:
9 DIRECT EXAMINATION
10 BY MS. FITTIPALDI:
11 Q Ms. Harrison, could you please tell the board
12 where you're employed?
13 A I'm looking for a job right now.
14 Q Where were you employed last year?
15 A Lee Central High School.
16 Q What position did you hold?
17 A Media specialist.
18 Q How long had you been in that position?
19 A Six years.
20 Q And can you tell the board a little bit about
21 that position, what your job responsibilities were?
22 A I did a number of things as far as typical
23 media specialty responsibilities as far as maintaining
24 the use in a collection, work with teachers,
25 collaborating with them, sharing resources, promote

1 reading, I did school website. I was one of the
2 technology wizards, did school messenger, and pretty
3 much anything else that the school needed me for.
4 Q Did your job require you to come into contact
5 with all the students in the school?
6 A Yes.
7 Q Do classes come to you on a regular basis?
8 How does that work?
9 A For the most part teachers sometimes will come
10 in maybe like twice a week -- not twice a week, every
11 two weeks or three weeks checking out books or that type
12 of thing, but otherwise it just depends on what type of
13 projects or assignments they were working on at the
14 time.
15 Q How long did you work with Ms. Toney at Lee
16 Central?
17 A Four or five years, something like that.
18 Q Could you please describe to the board your
19 working relationship with Ms. Toney?
20 A I've helped her with things she was doing,
21 classroom technologist like I did with everyone else,
22 found articles for her, that type of thing.
23 Q Did you ever have any experience with her
24 where you felt her to be unprofessional?
25 A No, because I didn't really work that closely

1 with her.

2 Q Did you ever observe her interacting with her

3 students?

4 A There may have been times when I had to go in

5 her classroom if she had a technology issue while the

6 students were there but -- or just like sometimes during

7 her planning period or lunchtime kids may have stopped

8 by or something like that while I was in there. And she

9 seemed to have a good relationship with them.

10 Q From time to time she would ask for your

11 assistance on a technology issue?

12 A Yes.

13 Q And that went okay every time?

14 A Pretty much. I mean as a technology wizard I

15 would troubleshoot. If it was something I couldn't

16 handle, then I would submit a work order and ask the

17 tech for the district to take a look at it.

18 Q Did you ever help her with any problems

19 entering grades?

20 A I don't remember right offhand.

21 Q Do you know if teachers ever have problems

22 entering grades into the computer system?

23 A Sometimes they may have but for the most part

24 I refer them to Ms. Gibbs because she would know more

25 about it than I did.

1 Q Is that the person you would go to?
2 A She's the other technology wizard and also
3 power school coach.
4 Q Earlier this school year did you ever get
5 approached by Ms. Toney with Ms. Toney trying to show
6 you something on Facebook or talk to you about any kind
7 of Facebook posts, anything like that?
8 A No.
9 Q Did you ever observe Ms. Toney discussing
10 another teacher's private or personal information with
11 any other staff at the school?
12 A No.
13 Q Did she ever do that with you?
14 A No.
15 Q Did you notice any sort of disruption caused
16 by Ms. Toney at the high school earlier this year before
17 she was placed on administrative leave?
18 A No.
19 Q Was there any sort of disruption at all at the
20 work place after she was placed on administrative leave?
21 A No.
22 Q Did you observe any problems either with the
23 teaching or with the students as a result of Ms. Toney
24 before she was placed on administrative leave this year?
25 A I don't think I actually saw her teach this

1 year so I can't really say.

2 Q But in your capacity as a media specialist did

3 you observe any students being disrupted because of

4 Ms. Toney or any distractions to the students because of

5 Ms. Toney or anything like that?

6 A No. Whenever I went in there she seemed to

7 have the classroom managed so I think not.

8 Q How about when they were in the library?

9 A She didn't really bring them in there much, so

10 no.

11 Q Okay. And you didn't observe students causing

12 a disruption or anything because of Ms. Toney?

13 A No.

14 MS. FITTIPALDI: I have no further questions.

15 Oh, actually I do have a couple more.

16 BY MS. FITTIPALDI:

17 Q Ms. Harrison, were you ever late to school

18 reporting for duty?

19 A Two or three -- It wasn't like a huge

20 difference. Actually in most cases I was out there when

21 other people weren't there. So I was pretty much there

22 every time.

23 Q Have you ever had a flat tire?

24 A No.

25 Q Have you ever missed a faculty meeting?

1 A I don't think so.
2 Q Have you ever challenged either an observation
3 or evaluation that you felt was either unfair or
4 inaccurate?
5 A Yes.
6 MS. FITTIPALDI: Thank you. Those are all the
7 questions I have.
8 CROSS-EXAMINATION
9 BY MR. BOYKIN:
10 Q You are with the media center, media
11 specialist?
12 A Yes.
13 Q How far were you from the social studies area?
14 A It wasn't that far. I mean she was kind of in
15 the middle of the hall.
16 Q Did you know everything that went on in the
17 social studies area?
18 A No.
19 Q So in reality if there was a disruption going
20 on in that area, you wouldn't even know it, isn't that
21 true?
22 A A lot of times when you're down the hall
23 because of the location of the classroom, you could --
24 if there was a disruption, I could hear it sometimes in
25 the media center.

1 Q If there was conflict between Ms. Toney and
2 another teacher, you're in a position to know that is
3 what you're telling me?
4 A I didn't know you meant --
5 Q I'm asking a question that you can answer. If
6 there's a conflict between Ms. Toney and another
7 teacher, in the media center were you in a position to
8 know that?
9 A No.
10 MR. BOYKIN: No further questions for this
11 witness.
12 MS. FITTIPALDI: I have no further questions.
13 This witness can be excused. Thank you.
14 MR. NICKLES: Thank you very much.
15 THEREUPON,
16 V. E. MOORMAN,
17 being first duly sworn by the court reporter, as
18 hereinafter certified, testified as follows:
19 DIRECT EXAMINATION
20 BY MS. FITTIPALDI:
21 Q Good afternoon, Ms. Moorman. Do you have a
22 grandchild who attends or attended Lee Central High?
23 A I do.
24 Q Can you tell me his name?
25 A His name is Reginald Leon Smith, III.

1 Q What grade is he in this year?
2 A He graduated 12th grade this year.
3 Q Did he ever have Ms. Toney as his teacher?
4 A Yes, he did.
5 Q Do you recall when that was?
6 A I think it was about two years ago.
7 Q Do you know what Ms. Toney taught him?
8 A She taught him history.
9 Q Did you ever have occasion to meet with
10 Ms. Toney to discuss Reginald's education?
11 A I did.
12 Q Could you tell board about that?
13 A I met with Ms. Toney during a parent/teacher
14 conference and we were discussing Reginald's grades and
15 what we could do to improve his grades.
16 Q Could you describe to the board her demeanor
17 during that conference?
18 A The demeanor of Ms. Toney is just awesome.
19 She was very welcoming. It was my first time meeting
20 with her. She discussed what she noticed about Reggie
21 and what he could do to improve the grades that he was
22 getting.
23 Q Was that the first time you met her?
24 A Yes.
25 Q Was that in the fall of that school year?

1 A I think it was.
2 Q Did you ever met with Ms. Toney again?
3 A Yes. After that occasionally I would have the
4 opportunity to stop by and check on Reginald's progress
5 and see if there was anything else that he needed to do
6 to stay on track.
7 Q What was Ms. Toney's reaction when you would
8 stop by and check in on Reginald?
9 A Always welcoming, always a huge beautiful
10 smile, always happy to see a concerned parent. I'm
11 actually his grandparent, but she was just happy to see
12 that there was a parent concerned enough to follow-up,
13 not just stop by the first time but follow-up.
14 Q How long would your meetings with Ms. Toney
15 usually last?
16 A The meetings would last I would say five to
17 ten minutes.
18 Q And did your grandson enjoy Ms. Toney's class?
19 A My grandson really enjoyed Ms. Toney's class.
20 She made the subject matter interesting and she worked
21 with him to the point where he was able to bring up his
22 grades.
23 Q Did you talk to Ms. Toney about that being an
24 issue? Was that a concern of yours, bringing up his
25 grades?

1 A Yes, it was. I spoke with her during our
2 meetings about what we could do to improve his grades.
3 Q And what suggestions did she offer?
4 A She offered special projects, extra projects
5 so that he could bring the grades up.
6 Q Did he have a successful year?
7 A Yes, he did.
8 Q Could you share with the board your opinion of
9 Ms. Toney as a teacher?
10 A I would have to say that Ms. Toney is just a
11 wonderful asset to the high school. She's very
12 welcoming. Even during my discussions with her,
13 students would stop by to say hello, to, you know, let
14 them know that they needed to speak with her. And she
15 would just let them know that she was with a parent at
16 that time but that they could come by later. She's a
17 wonderful, wonderful person.
18 Q Was that the only class that your grandson had
19 with Ms. Toney?
20 A Yes.
21 Q Did you have any contact with Ms. Toney
22 subsequent to your son leaving that class?
23 A Yes. Ms. Toney and I will talk from time to
24 time on the phone just about life and different issues.
25 Q Did she continue to have concern about Reggie

1 or did she ever ask about Reggie, how he was doing in
2 school?
3 A Yes, she did ask about Reggie regularly and
4 how he was doing.
5 MS. FITTIPALDI: Thank you so much, Ms.
6 Moorman. I appreciate you being here today.
7 Mr. Boykin may have some questions for you.
8 THE WITNESS: Okay, thank you.
9 CROSS-EXAMINATION
10 BY MS. LAWS:
11 Q In any of your meetings with Ms. Toney, was
12 the principal present?
13 A Oh, no, ma'am.
14 Q Were you ever in a meeting with Ms. Toney and
15 the principal when she got so angry that the principal
16 had to ask her to excuse herself?
17 A No, ma'am.
18 MS. LAWS: No further questions.
19 MS. FITTIPALDI: No further questions. Thank
20 you, Ms. Moorman. You're excused.
21 THE WITNESS: Thank you.
22 MR. NICKLES: We call Ms. Weaver.
23 THEREUPON,
24 LINDA WEAVER,
25 being first duly sworn by the court reporter, as

1 hereinafter certified, testified as follows:

2 DIRECT EXAMINATION

3 BY MS. FITTIPALDI:

4 Q Ms. Weaver, could you please tell the board

5 where you're employed.

6 A Currently I'm employed at Williamsburg County

7 schools, Kingstree High School.

8 Q What position do you hold there?

9 A I'm a teacher in the freshman academy.

10 Q How long have you been there?

11 A I was there last year and I'll be returning

12 this year.

13 Q And where did you work prior to the 2013/2014

14 school year?

15 A Lee County school, Lee Central High School.

16 Q How long were you with Lee Central High

17 School?

18 A Five years.

19 Q And what position did you hold at Lee Central?

20 A I was a teacher in the social studies

21 department, also served as Department Chair for three

22 years.

23 Q And what are some of your duties as the

24 departmental chair?

25 A Under Dr. Nelson, Dr. Nathaniel Nelson, I

1 served as part of his CLT, curriculum leadership team,
2 as department chair. We have monthly meetings, would
3 help monitor the teachers in the social studies
4 department, sometimes help them as far as if they had
5 any problems as far as lesson plans, anything like that.
6 Dr. Nelson would also have us go out and do observation.
7 We would have like a little list of teachers we would go
8 and do peer observations on. Sometimes I did that.
9 Q Was Ms. Toney one of the teachers that served
10 in your department while you were there?
11 A She was, uh-huh.
12 Q So how long did you all work together?
13 A I was there in Lee County five years and she
14 was there I think four years out of the five, uh-huh.
15 Q Could you please describe your working
16 relationship with Ms. Toney?
17 A We got along well because I started out in
18 freshman academy and she was down there. And at that
19 time I think she was teaching health and maybe high
20 school 101 but we had a good relationship.
21 Q Did you ever have occasion as department chair
22 to observe her teaching?
23 A I did and I would go in sometimes.
24 Q Could you tell the board what you observed?
25 A She would usually, because when we both taught

1 the same subject area matter, we would sometimes get
2 together and plan lessons together. And then I would go
3 in and maybe, you know, see what she was doing during --
4 if I had a different planning period, and I did, I would
5 go in and give her suggestions and talk to her sometimes
6 and just see what she was doing. But the students were
7 usually on task whenever I would go in there. And if we
8 talked about teaching something, then usually she was
9 pretty much where she was supposed to be.
10 Q You worked together to develop a curriculum?
11 A Well, yeah because not -- the year before I
12 left, both of us taught U.S. History. So we worked
13 together trying to plan.
14 Q Was she easy to work with?
15 A She was pretty easy to work with, yeah.
16 Q Did you ever have a difference of opinion?
17 A We did sometimes.
18 Q Was it resolved amicably?
19 A Yeah. I mean she's very opinionated sometimes
20 but if I believe something, I mean I believe it. But
21 most of the times we could work it out.
22 Q Did you ever observe Ms. Toney act in any way
23 that you would consider unprofessional?
24 A Not with me or any other staff member, no.
25 Q In any way at the school?

1 A No, not that I observed.
2 Q With a parent?
3 A Not that I observed.
4 Q With a teacher?
5 A Not that I observed.
6 Q With any students?
7 A Not that I observed.
8 Q In your capacity as the departmental chair
9 would you ever issue directives to the teachers in your
10 department?
11 A Well, if the principal told us something in
12 the leadership team meeting that we were supposed to
13 tell the teachers, then I would always go back and most
14 of the time I would send out an e-mail and let them know
15 what we discussed and tell them what they were supposed
16 to do. And then if they had any questions or concerns,
17 we would talk about it in the next meeting or either
18 they would e-mail me back. So sometimes I did have to
19 tell them. You know, he might tell us to let them know
20 that they need to be on duty in the morning, you know, a
21 certain time. You know, just remind them of things like
22 that.
23 Q Did Ms. Toney every refuse to follow a
24 directive you gave her?
25 A Not while I was department chair, no.

1 Q Did any other teachers ever refuse any
2 directives you gave?
3 A No, huh-uh.
4 Q You said you worked with Ms. Toney for about
5 four years; is that right?
6 A Uh-huh.
7 Q During that time did she ever raise with you
8 the issue of her husband and her mother passing?
9 A Yeah. Because in January 2010 I lost my
10 oldest son. He was shot and killed in an attempted
11 armed robbery, where somebody was attempting to rob him
12 and one of his friends and a half brother. So I lost my
13 son. And when I came back to work, I was out about two
14 weeks, and she was one of the people that always, you
15 know, would check on me and she would bring -- sometimes
16 we would bring scriptures and things and give them to
17 me. She would always check on me, see how I was doing.
18 And at first I didn't understand why because I
19 really didn't know her. And so I told my mother, I said
20 there's one teacher that checks on me a lot. She always
21 asks me how I'm doing, she's gives me scriptures and she
22 would bring books, different things to try to comfort
23 me. And then sometimes she would come in and we would
24 eat lunch together. And then later on, that's when I
25 found out that she had lost her mother and her husband

1 and her brother I think kind of close together. So I
2 guess that's why she has sympathy for me and she kind of
3 reached out to me.
4 Q I'm sorry. I know that's upsetting.
5 A That's okay.
6 Q In your experience in working with Ms. Toney,
7 did you ever have any problems with her?
8 A I didn't have any problems with her. I mean
9 she's opinionated. I mean really she is, but I've been
10 teaching for 28 years. And she's opinionated. I mean,
11 you know, we could have meetings and sometimes she
12 wouldn't agree with things. And if she didn't agree,
13 she would say she didn't agree. I mean that's just
14 sometimes in education that's different because I think
15 some teachers they pretty much just kind of go along
16 with things and they don't really have a whole lot to
17 say. But then she was one of these people. And if I
18 said, we're going to do it this or they said to do it
19 this way, she might say, well, I don't think that's the
20 way we ought to do it. But then at the same time if you
21 told her to do something, she could get it done. But
22 she did have an opinion. I mean she's kind of a
23 strong-willed person, but overall she's a good person
24 and she would get it done.
25 Q Were you ever made aware of Mr. Webb or any

1 previous principal that they had problems with
2 Ms. Toney?
3 A No. Mr. Webb and I would talk a lot but he
4 never said anything. When Dr. Nelson was there,
5 Dr. Nathaniel Nelson --
6 MR. BOYKIN: Object to this. Dr. Nelson is
7 not here. That's hearsay.
8 MS. FITTIPALDI: I asked a question.
9 CHAIRPERSON MOSES: Please continue.
10 BY MS. FITTIPALDI:
11 Q Ms. Weaver, is there anything else you would
12 like to share with the board about Ms. Toney?
13 A Like I say, during the years I was there and I
14 served as department chair for three years, she is
15 opinionated but she's a smart person and she
16 sometimes -- I don't know, you know, how it got to this
17 point but she's an opinionated person and she will tell
18 you what she thinks but she's very smart. And she
19 has -- she has always known what she was supposed to do
20 when I was involved in a situation. So that's all I can
21 pretty much say.
22 Q Just a couple of other questions. Were you
23 ever late to work when you worked at Lee Central High?
24 A I was driving 43 miles because I live in Lake
25 City in Florence County, right on the edge of

1 Williamsburg County really and I was late sometimes.
2 Q Would you get a little memo from Mr. Webb or
3 the other principal about not being late?
4 A No, but usually I would call and let them
5 know. If I was running late or if something happened
6 and I was running late, I would try to call the school
7 and let them know. At least let Ms. Addison or Mr. Webb
8 or somebody know that I was running a little bit late.
9 But I was late sometimes, but I don't remember getting
10 any letters or anything like that.
11 Q Did you ever miss any staff meetings at
12 school?
13 A I have missed a few.
14 Q Did you ever have a parent want to remove a
15 child from your class?
16 A Not in Lee County but I had it happen to me
17 before in my home school district because I'm from Lake
18 City, I'm Florence 3. I did have a situation where a
19 parent wanted to remove a child and it was because of
20 some family -- some problems between a family, my family
21 and another family.
22 MS. FITTIPALDI: Thank you so much. Please
23 answer any questions from Mr. Boykin.
24 THE WITNESS: Okay.
25 CROSS-EXAMINATION

1 BY MS. LAWS:
2 Q Would you consider Ms. Toney a friend?
3 A I do.
4 Q And were you employed with the district in
5 October 2013?
6 A I was employed -- No, I was already at
7 Williamsburg County.
8 Q Okay. So you would not have any firsthand
9 knowledge about her conduct or whether it caused a
10 disruption at school?
11 A No, ma'am. I was at Williamsburg County.
12 Q You were the prior department chair?
13 A Before Mr. Blair.
14 Q And when you observed Ms. Toney's teaching in
15 the past did you have occasion to reduce your
16 observations to writing?
17 A With the peer observations, what we would do a
18 lot of times we had a little check-off sheets. So we
19 would check and if we felt like there was something they
20 needed to work on, we would fill in something at the
21 bottom. But if it was something the principal thought
22 we needed to bring to his attention, then we would bring
23 it to his attention. But other than that, we would turn
24 them in -- He would let us know when to turn it in. It
25 was more of a check-off sheet.

1 Q Did you share that check-off sheet with
2 Ms. Toney or whatever teacher you were observing so they
3 would understand what --
4 A Yeah. If I observed a teacher and there was a
5 problem, I would.
6 Q So whenever you indicated that Ms. Toney is
7 very opinionated and she would speak in her hind, in
8 responding to any of your observations, any check-off
9 list that you had, had she ever considered your
10 observations to be libelous?
11 A She never challenged anything -- any of the
12 observations I did with her because, like I said, when I
13 went in to do observations, she was usually on task.
14 Q Has she ever called any of your observations
15 dishonest?
16 A No, she never did.
17 Q How often have you been in a parent/teacher
18 conference with the principal and you become so irate
19 that the principal had to request that you remove
20 yourself?
21 A I never had one like that.
22 MS. LAWS: No further questions.
23 REDIRECT EXAMINATION
24 BY MS. FITTIPALDI:
25 Q Just a couple of follow-ups. Did you ever --

1 when you conducted those peer observations of Ms. Toney
2 did you ever observe any problems that you thought
3 Ms. Toney needed some feedback on?
4 A Well, a couple of times I talked with her
5 about doing more cooperative learning type activities
6 because I'm a teacher, I'm big on cooperative learning.
7 I love to see the students work in groups and work in
8 pairs, and things like that. So I would just talk to
9 her about maybe doing more hands-on activity. At least
10 let the students work in groups more. She doesn't
11 really like group work but I always loved group work.
12 Q What was her reaction when you would tell her
13 to do something different?
14 A She would say I'm going to try it. And
15 sometimes she might say, well, if you have the materials
16 and things, you know, if you help me set the lesson up,
17 I'll try it.
18 Q She was open to instruction or criticism?
19 A Yeah, she would be open to it.
20 MS. FITTIPALDI: Thank you very much.
21 MR. NICKLES: We would ask that this witness
22 be excused. We have one witness who has been here
23 for every prior occasion. He had a conflict, let
24 me check and see if he came in late. If so, that
25 would be our final witness.

1 (Brief pause in proceedings.)
2 MR. NICKLES: We were told that Mr. Span could
3 not be here today. He was a parent who was
4 prepared to testify on behalf of Ms. Toney. So
5 with that, we rest. Would the board like to take a
6 break before closing statements or are there
7 questions from the board?
8 CHAIRPERSON MOSES: The board will continue.
9 We would ask both of you gentlemen to keep it as
10 brief as possible. We're not trying to take away
11 from your arguments but I think we heard a lot of
12 your defending arguments in the motion to dismiss.
13 So we would just ask you to be mindful of those
14 things and let's try not to be repetitive if
15 possible.
16 MR. BOYKIN: I will waive my opening and allow
17 Mr. Nickles to open and then I will close. That
18 should save us some time.
19 RESPONDENT'S CLOSING REMARKS
20 MR. NICKLES: In response to the request by
21 the board and I invite you to look at the original
22 personnel file but I'll provide you, Madam Chair, a
23 copy of what was represented to us to be the
24 personnel file when we requested it from counsel
25 for the administration.

1 Charles, that was -- to be fair to you,
2 that was provided to us before the December letter.
3 We placed the December letter in that material.
4 Ladies and gentlemen, it has been a long
5 process and we understand that it's not been
6 particularly a pleasant process for anyone. I do
7 want to ask you, however, to keep several items in
8 mind as you conduct your deliberation this evening
9 or at the time that you choose to conduct that
10 deliberation.
11 One of the things that I would like for
12 you to keep in mind is that the charge against
13 Ms. Toney as currently indicated in the
14 December 18, 2013 letter indicates that she
15 discussed a faculty member's personal information
16 with other employees.
17 There is absolutely no evidence presented
18 in support of that assertion. The only evidence
19 presented is a package was delivered to Mr.
20 McDaniel at his request and on the same day to the
21 superintendent in a sealed package.
22 The district called no other employees.
23 You'll notice that in contrast Ms. Toney did call
24 employees who specifically said, she didn't discuss
25 any of this information with us. We weren't

1 obligated to present those people but we presented
2 them to you in contrast to the case being provided
3 to you by the administration. They were here; they
4 were live; they testified.
5 We'll remind you that the district
6 superintendent in her testimony at her deposition
7 indicated that she believed that Ms. Toney shared
8 personal and private information with the secretary
9 of the high school. We provided you the testimony
10 of the bookkeeper/secretary and the receptionist by
11 way of publication, both of whom said it never
12 happened. Of course, the superintendent has
13 conceded in her testimony that she didn't speak
14 with either of those folks.
15 Now one of the things that I asked the
16 superintendent when I was questioning her before
17 you was: Is it important to be fair. Now the
18 answer to that question is obvious. Yes, it's
19 important to be fair. I ask you, does the
20 testimony presented by the administration in this
21 case rise to the level of fairness? And the answer
22 I think you'll have to reach is no.
23 I've invited you to look at Ms. Toney's
24 personnel file. You will see in that file that
25 apart from this 2006 document that she doesn't

1 recall there was controversy in 2000 involving an
2 evaluation. You will see in the record that there
3 is a bunch of correspondence there relating to
4 that, but the ultimate result was the issuance by
5 the board of a good evaluation.
6 Now the district has attempted to
7 characterize Ms. Toney as someone who just can't
8 get along with nobody. They called her chronically
9 insubordinate. I ask you to look at that file and
10 see if that's the case. The answer will be
11 obviously no. There has been a cherry-picking of A
12 record that goes back to 1997 and forward to 2013.
13 And by cherry-picking I mean go in and pick stuff
14 out to try to convince you that this reflects her
15 ordinary day-to-day activities.
16 Well, who testified in this case about
17 her ordinary day-to-day activities? Her colleagues
18 did. Ms. Weaver did. People who actually worked
19 with her did. And her ordinary day-to-day
20 activities were not disruptive.
21 You heard the testimony of Ms. Moorman
22 characterizing Ms. Toney as a feeling, sympathetic,
23 helpful teacher. One who shows interest in her
24 students. The type of teacher that every parent,
25 grandparent, guardian wants to have. The type that

1 cares and even follows up on their students after
2 they leave the classroom.
3 Now contrast that to the district's case.
4 Did they bring any parents to you? No. What they
5 did was they picked a document out where there was
6 a conflict reportedly between Ms. Toney and a
7 parent. How many years has Ms. Toney been teaching
8 in this school district? At least since 1998. How
9 many parents have been involved with Ms. Toney in
10 that period of time? How many students have been
11 involved with Ms. Toney in that period of time?
12 And they pick one incident that they want to tell
13 you is characteristic of Ms. Toney's relationship
14 with parents and students. We bring somebody live
15 in to say hogwash. That's not the case.
16 Believe me, if there were multiple
17 instances of Ms. Toney having students removed from
18 her classroom, having conflict with parents, you
19 would have heard about it. They turned over every
20 rock they could find.
21 Now let's talk about this 2006 document
22 that they're so proud of. They made it their
23 Exhibit Number 1. Ms. Toney has testified she
24 doesn't remember that. Of course, on the one hand
25 the district will say Ms. Toney won't listen to

1 anybody. She always strikes back. She always
2 objects. She always tries to pick out somebody to
3 pick on. Is there any response to that 2006
4 letter? No. You know why? Because she didn't get
5 it. They didn't give it to her.
6 How can that be notice? They didn't
7 bring a single person here before you to say, yeah,
8 I was there; I was at that meeting; I saw the
9 principal give it to her, yeah. Not a shred of
10 evidence to support that. And if you believe them,
11 if you believe them, the absence of response by
12 Ms. Toney is evidence enough that she didn't get
13 it.
14 Now, ladies and gentlemen, Ms. Toney as
15 of September 27, 2013, was a teacher in good
16 standing in this district. Look at the testimony
17 from the principal. He said I didn't have any
18 reason to recommend that she be terminated. All
19 this stuff they're bringing up from past years
20 didn't rise to the level of termination until it's
21 convenient to offer to you as an excuse or a
22 pretext for the recommendation.
23 I would hazard a guess that all of us in
24 our careers have had situations where there have
25 been conflict that doesn't characterize our

1 careers. One hundred eighty teaching days each
2 year from 1998 till 2013, students 20 plus per
3 class for each one of those days for each one of
4 those years. Most students have a guardian at
5 least one, maybe two if they're lucky like Ms.
6 Moorman's grandchild. And do they bring a single
7 one here to you? Did they bring a single one? No,
8 not a one.
9 What the administration would have you
10 believe is that Ms. Toney's employment with this
11 district is characterized by conflict,
12 insubordination, and poor performance. That's what
13 they would have you believe. But guess what, they
14 just can't prove it. They can't prove it. You
15 know why? It's not true. Hard to prove something
16 that ain't true.
17 In this particular case it reminds me of
18 the fellow who says cats can't swim. We've all
19 known those people. They just say cats can't swim.
20 And you throw a cat in the water and watch it swim
21 to shore and they say, I don't care, I know cats
22 can't swim. They didn't care about the facts.
23 They don't care about the records. They're going
24 to find something to justify a preordained
25 decision.

1 I mean let's look at what the
2 superintendent said back in October. October 22,
3 2013, page 7 of our tab number 10, she said, I am
4 done, I'm done. Her decision was made back then.
5 Didn't matter what the evidence was, didn't matter
6 what the record was, she was done.
7 And, ladies and gentlemen, everything
8 that's happened since that time has been to justify
9 that decision that was made without any meaningful
10 investigation, without talking to the principal
11 about whether she's good or bad with the students.
12 This is sad, ladies and gentlemen. This
13 is said. It's tragic. You have a veteran teacher
14 here who received information that she thought the
15 administration should know about. She goes to Mr.
16 McDaniel and she tells him about it. And he says
17 leave it alone but he comes back and says, well,
18 give it to me. She gives it to him. Later that
19 evening she provides it in a sealed envelope to the
20 superintendent of this district. And Mr. McDaniel
21 testified, you'll see the record, he already told
22 her about it. Already told the superintendent
23 about it.
24 Now contrast that with a person whose
25 name shall not be mentioned, okay, contrast that

1 with the individual who started all this, who took
2 it out of the school, who took it out of the
3 department, who took it to the administration.
4 Contrast that to what Ms. Toney did. And contrast
5 the action taken with regard to that individual to
6 the action taken with regard to Ms. Toney.
7 There was testimony, remember I asked the
8 superintendent why didn't you do something more in
9 that situation? Well, because that teacher had a
10 good record. Oh, did you look at the record?
11 Yeah. How long had that teacher been working here?
12 Oh, three or four years.
13 One year, two months. That's how careful
14 the superintendent was. If she confined her review
15 of the record that you'll see, the personnel file
16 that you'll see of Ms. Toney, to one year and two
17 months, we wouldn't be standing here. This is not
18 an evenhanded situation, ladies and gentlemen.
19 It was an occasion where this teacher who
20 was passionate about justice and passionate about
21 her students took two steps that she's being
22 crucified for. One, provided a document to Mr.
23 McDaniel and to the superintendent. One, spoke to
24 a board member when she was told that there wasn't
25 any teaching going on in her former classroom.

1 Now the question is -- I think the
2 question was, why didn't she just call the
3 superintendent? Well, last time she said anything
4 to the superintendent she got put on administrative
5 leave. She's been accused of insubordination. You
6 don't go tug the tiger's tail, ladies and
7 gentlemen. You don't do that. She took a
8 responsible act. She didn't do it as a teacher.
9 She did it as a citizen.
10 Now Ms. Toney has done nothing to deserve
11 the circumstances in which she finds herself. Is
12 she loved by everyone? We know that's not true.
13 Does she stand up for herself? Absolutely. But
14 this exhibit with Ms. Fowler --
15 By the way, did you hear Ms. Fowler
16 testify? Did you see Ms. Fowler take the stand? I
17 didn't. She's an employee of this district. They
18 have the burden of proof. If Ms. Fowler was so
19 offended by this, if she was so insulted by this,
20 if she hadn't had the meeting that Ms. Toney said
21 that they had and resolved the issue, don't you
22 think she would be here? Don't you think that
23 would be important?
24 Ladies and gentlemen, I've had the honor
25 and pleasure of representing teachers for many

1 years. The thing that's hardest in representing
2 teachers is trying to convey to you the solemn duty
3 to rule on the record alone and not on personal
4 relationships. I don't know who you like, who you
5 don't like. It ain't a popularity contest, ladies
6 and gentlemen. It ain't.
7 The burden is on the administration
8 throughout the process to provide evidence to you.
9 Not speculation, not hearsay, evidence that is
10 abundant, that shows that this very extreme
11 act--essentially capital punishment in the field of
12 education--is warranted.
13 I am hopeful and I have confidence that
14 you will act as you're sworn to based upon the
15 evidence alone and not based upon who you like and
16 who you don't like because that is not justice.
17 And that's the one thing that I believe everybody
18 in this room wants is justice. Not favorites, not
19 preferential treatment. Justice. Proof is not
20 there. You're obligated to act on the evidence.
21 We thank you very much for the attention
22 that you've given to us and for the courtesies that
23 you've extended to us. We do thank you for that.
24 And we look forward to your decision. Thank you.
25 PETITIONER'S CLOSING REMARKS

1 MR. BOYKIN: Madam Chair, board members,
2 Ms. Heizer. I join Mr. Nickles and Ms. Toney, Ms.
3 Fittipaldi, Dr. Andrews in thanking you for your
4 time and attention over the three some -- roughly
5 three days of this hearing which consumes some
6 thirty some-odd days.
7 Ms. Laws and I have had the opportunity
8 of representing Dr. Wanda Andrews in this
9 proceeding. We understand this proceeding is one
10 of the most difficult that you as school board
11 members have to undertake. In this proceeding
12 you're called upon to decide whether Ms. Laura
13 Toney, teacher, is fit to continue teaching
14 students in this district. It's a simple question
15 but it's an awesome question.
16 Now you're not being asked to determine
17 whether Ms. Toney is a bad person. That's not
18 before you. Instead you're being asked to
19 determine whether Ms. Toney's conduct as a teacher
20 in this school district was unprofessional to the
21 point where it justifies the termination of her
22 employment. To reach your decision you must
23 consider the laws of this state and the admissible
24 evidence from this hearing. Not only are you to
25 consider the laws of this state and the evidence

1 from this hearing, but you must decide whether
2 Dr. Andrews has offered evidence which justifies
3 the termination of Ms. Toney's employment.
4 Now as school board members you have
5 accepted a duty to hold in trust the educational
6 interest of the children in Lee County who choose
7 to attend public schools. The word trustee simply
8 means one who holds something in trust for the
9 benefit of another. You hold the educational
10 interest of the children in your hands. So you act
11 not for yourselves as board members but you act on
12 behalf of what is in the best interest of the
13 children. The students in this community may have
14 an opinion, but the law gives the voice to the
15 school board to make this decision.
16 As trustees, this is one of the most
17 unpleasant tasks that you're called upon to do, to
18 determine whether a teacher is fit to continue
19 practicing her profession in this school district.
20 Now it's not like graduation when you celebrate the
21 success of twelve years with students and their
22 parents. It's different from retirement time when
23 people have planned and reached that point where
24 they close this chapter to open another and they're
25 all looking forward to it.

1 Here you're called upon to determine
2 whether a teacher, Ms. Laura Toney, whether her
3 employment should end. While this task is
4 unpleasant, it is your duty to make that call.
5 Now let's look at the applicable law.
6 That is what you should consider to reach your
7 decision. Section 59.25.430 provides that a
8 teacher who manifests an evident unfitness to teach
9 may be dismissed at any time provided the teacher
10 is afforded notice and opportunity for a hearing.
11 The letter of December 18 tells Ms. Toney that
12 there is a recommendation for termination of her
13 employment and it notifies her because of
14 unprofessional conduct.
15 Now much has been said about this
16 mysterious packet of information and its origin.
17 And the origin is that it came from somewhere.
18 Maybe martians slipped it under the door. Somebody
19 from somewhere, that person we still don't know,
20 slipped it under the door. Now there had been a
21 grievance filed and that's in the record coming
22 from Mr. Nickles' -- excuse me -- Ms. Toney's
23 Exhibit 1. And the principal who was leaving said
24 leave it alone, I'll deal with it when I get back.
25 Now maybe if we want to speculate, which

1 I'm allowed to do in oral argument, maybe if
2 Ms. Toney had left it alone, we wouldn't be here.
3 Maybe all of the things that are being said if they
4 had allowed the principal to deal with the
5 grievance in due season, we wouldn't be here. But
6 see, we'll never know that because Ms. Toney got
7 involved in it or continued her involvement in it
8 even after having been told to stand down. So it's
9 clear from Mr. McDaniel's testimony that Ms. Toney
10 did not follow the directive that was given. It
11 was also clear from Mr. Webb's testimony that
12 Ms. Toney did not follow the directive that was
13 given.
14 Now continuing to pursue the matter is
15 what the problem was. Let's look at the setting
16 here. You had two teachers from the same
17 department where one had filed a grievance against
18 another following a departmental meeting. Now
19 witness after witness for Ms. Toney said, oh, I saw
20 no disruption, I saw no disruption. But the
21 reality of it is the principal to try to keep the
22 lid on said leave it alone.
23 When you -- If you're driving down the
24 road and there's a stop sign, you run the stop sign
25 and you don't get hit and there's no police officer

1 there, did you violate the law? Through no fault
2 of yours you didn't get hit. Through no fault of
3 yours you didn't get stopped. But if you ran the
4 stop sign, you didn't do what you were supposed to
5 have done.
6 So there was no people out rioting in the
7 streets. We concede that. But Ms. Toney gets no
8 credit for that because her conduct was in
9 violation of what she was told. Because Armageddon
10 didn't happen, she doesn't get the benefit from
11 that because she disobeyed her principal.
12 Somewhere between the time she spoke to
13 Mr. McDaniel and the time she dropped something off
14 to Dr. Andrews, a child might be in danger came up.
15 Must have been said. Dr. Andrews looked at it and
16 she didn't call the police. Why should Ms. Toney?
17 Because Ms. Toney was the one with the actionable
18 information who believed that a child was in
19 danger. I.
20 F it was enough to stir her to move to
21 Dr. Andrews because by her own admission she never
22 said that she mentioned anything about a child
23 being in danger to Mr. McDaniel. So it came up
24 somewhere after the initial report. To me it just
25 seems disingenuous.

1 Also we have to look at her employment
2 record with the district. We can try to downplay
3 her response to Ms. Fowler's observations, but
4 that's serious because it touches directly on
5 teaching. That is serious.
6 Much has been said about, oh, Ms. Fowler
7 is not here to testify; Ms. Fowler's not here; she
8 and Ms. Toney got that straight. Witness after
9 witness was subpoenaed. They don't carry a burden,
10 he's exactly right. But if the point was important
11 enough, if it was important enough to bring a
12 grandmother in here to talk about a child that
13 graduated two years ago, it seems to me it would
14 have been important enough to bring Ms. Fowler in
15 here to talk about this matter having been
16 resolved.
17 What we are left with is Ms. Toney's
18 word. Someone testified in her deposition that she
19 was saving her A answers for this hearing. I don't
20 know where Ms. Fowler was trained to do
21 observations but Ms. Toney attacked every point of
22 the observation. And when she finished attacking
23 the points--you can take a look at this
24 e-mail--when she finished attacking the points, she
25 then turned and attacked Ms. Fowler.

1 Let's go back to that stop sign, running
2 that stop sign. You can run that stop sign and get
3 away with it ten times. No police officer there
4 and no cars coming, you don't get T-boned. But we
5 all know how many times it takes for a police
6 officer to be there when you run a stop sign before
7 you get a ticket. And Lord knows we know how many
8 times you have to run and get T-boned in a car and
9 understand what happens. So the fact that you get
10 away with it, doesn't make it right. Getting away
11 with it simply doesn't make it right.
12 And writing someone who is trying to help
13 you improve so that students can learn: Again I
14 feel that your interpretation of my classroom was
15 dishonest and libelous. Since you have placed this
16 in writing, I will be addressing this further.
17 And all we have is Ms. Toney's assertion.
18 But this exchange was in e-nail. Respond in
19 e-mail. Work it out in e-mail. But this is
20 September 2013, first month of school.
21 September 16, observation done first month of
22 school. We're going to get this straight right
23 now.
24 New superintendent. It's a sign of a
25 very long year. So Dr. Andrews has to take a look

1 at what's going on here. Pulls the records from
2 the school. September 16, same day of the
3 observation I suppose, received this letter for not
4 being present at a meeting September 16. It's a
5 mandatory meeting. It's a meeting where you have
6 the special ed person there to explain how these
7 children are to be trained, how the children are to
8 be handled and dealt with. She didn't come. She
9 was in school that day, but she didn't report to
10 the meeting after school.
11 Now people say, well, oh, you missed a
12 faculty meeting before, you missed a -- yeah, but
13 this is a mandatory meeting. She was in school.
14 Any communications? September 4
15 Ms. Toney is going to the assistant principal for
16 ink cartridge. The assistant principal says to
17 her, Ms. Toney, go to your department head. But,
18 no, Ms. Toney wants to do what? She wants to do it
19 her way. She wants to have it her way.
20 You heard their witness, teacher of the
21 year, testify and there's a reason why you notify
22 the school 6:30, 6:35 that you're not going to be
23 there. So that you can get a substitute, have
24 somebody in that class ready for training, ready to
25 teach students. May 15, 2013 you're reminded

1 absences from school should be reported before
2 7:00 a.m. You need someone to follow the rules.
3 Now somebody says, oh, this is
4 nitpicking, this is nitpicking. That's okay. But
5 if it's your child who is depending on that
6 instruction in that classroom, it's not nitpicking.
7 If this is a child that you as school board members
8 whose education interest you hold in trust, you
9 don't get the luxury of saying nitpicking because
10 every child's education to you must be just as
11 valuable as every other child's.
12 Getting the grades in on time. That's
13 important. It allows parents to stay up with the
14 child's progress and to have meaningful
15 parent/teacher conferences. That's important. Oh,
16 but that's just nitpicking, that's just nitpicking.
17 No.
18 When you fail to follow the rules, there
19 are consequence. If the consequences are not
20 assigned to you for violating the rules, someone
21 else suffers the consequences.
22 And the continued sending children to the
23 office to get books or get stuff even after you've
24 been asked not to do that. She continued to do
25 that.

1 So from the standpoint of 59.25.430,
2 there's a pattern of Ms. Toney not following the
3 reasonable directives of her supervisors, not
4 behaving professionally, not notifying the school
5 when she's not going to be there and missing
6 mandatory meetings. There is evidence of that in
7 the record.
8 But 59.25.440 does require the person
9 responsible for supervising the instructional
10 process to reduce to writing concerns. This letter
11 of January 25, '06 does bring that to her
12 attention. The one sentence that I think is
13 significant: Your behavior and attitude in the
14 conference were argumentative, unprofessional and
15 unacceptable.
16 Now I recognize Mr. Nickles had an
17 objection. He then turned and said, put the whole
18 file in. I didn't object to that so I don't know
19 where this stands, but this is something that
20 Ms. Toney is charged with notice of because of
21 where it is now. And Mr. Nickles is right. This
22 is pretty devastating stuff here. You can read
23 that for yourself. But she's on notice of what is
24 expected of her. That is from Ms. Lenora Scott who
25 was a principal, under the statute the person

1 charged with the responsibility of reducing it to
2 writing.
3 Now Ms. Toney's testimony is not: No,
4 it's not there. It's: I have no recollection.
5 But she also testified as to recollection is that
6 sometimes you remember, sometimes you don't. That
7 was her testimony in her deposition. That goes to
8 her credibility. You get to make that
9 determination about whether or not Ms. Toney is a
10 credible person or not.
11 It's up to you as a board to determine
12 how many times you expect a principal to bring to a
13 teacher's attention that the teacher is crossing
14 the line. Now when you're talking about
15 performance as a teacher, that's when you do the
16 group planning, you work with and get those
17 techniques down, that's understandable. But when
18 you start talking about conduct, professional folk
19 know how to behave. So an approving plan is not
20 something that lends itself to conduct. You just
21 come to work on time, you call when you're not.
22 Interestingly, their own witness says you
23 ever miss a faculty meeting? Yeah, but not without
24 notice. Testimony came from their own witness.
25 They brought in their witness and they're exactly

1 right, they didn't have to bring in any.
2 No witness ever had to be asked to leave
3 a parent/teacher conference by the principal
4 because the teacher was so irate. We asked them,
5 they all said no. As a matter of fact, they were a
6 little taken aback that we would even ask such a
7 question. They didn't say one time. They all
8 said, that we asked, they all said no, never. You
9 ever wrote an observer and said they're dishonest?
10 No. Libelous? No.
11 Let me say this to you, folks. I'm an
12 advocate. I believe in standing up for yourself.
13 But you can stand up for yourself and not be rude.
14 You can stand up for yourself and not be
15 unprofessional. You can stand up for yourself and
16 be productive in that conversation. But to suggest
17 that you have to have the wild, wild west to stand
18 up for yourself suggests that you don't expect to
19 have order in your school.
20 I would submit that you want every child
21 to learn to stand up for themselves. But you don't
22 want any child in your school district standing up
23 by themselves -- for themselves to the point of
24 being rude to teachers or to other students.
25 You have every right to expect your

1 employees to be professional. You're organized;
2 you have one superintendent; in the school you have
3 one principal. And you expect people to work with
4 the superintendent, work with the principal.
5 You have a grievance policy and you have
6 systems in place if a person disagrees. They can
7 disagree without being disagreeable. But you have
8 to ask yourself whether or not Ms. Toney's attitude
9 as evidenced by Ms. Toney's conduct and behavior
10 towards the persons who supervised her whether or
11 not that was acceptable and whether or not that
12 lent itself to fitness to teach.
13 I will submit to you that in Ms. Toney's
14 case, Ms. Toney standing up for herself was over
15 the top. Ms. Toney standing up for herself was way
16 out of bounds. It did not lend itself to an
17 exchange where professionalism can develop and
18 where growth can occur. But instead it was push
19 back and I'm going to get you, I'm going to get you
20 out of my face.
21 And I will submit to you on that basis
22 the superintendent recognized that it was going to
23 be a long year with Ms. Toney. And with Ms. Toney
24 in that school was not going to lend itself to
25 teachers accepting constructive criticism and

1 observations from folks when we had Ms. Toney
2 sitting there wanting to do and demonstrate it her
3 way.
4 So I thank you for listening and I will
5 say to you, and I will join Mr. Nickles at this
6 point. You are constrained by the law. You are
7 constrained by the facts. And you are constrained
8 by your duty. It's not about friends. It's not
9 about enemies. It's about best interest of the
10 students. You hold that in trust. So when you go
11 in to deliberate and look at these documents, you
12 have to decide whether or not having Ms. Toney in
13 front of this classroom and interacting with
14 administrators and students and parents, whether or
15 not that is in the best interest of schools -- of
16 students in this district. I submit to you that it
17 is not and I submit that you are obligated to let
18 Ms. Toney find someplace else to work because her
19 time here is over. Thank you.
20 MS. HEIZER: For clarification, could I ask if
21 this copy of the personnel file is now in the
22 record? Doesn't it need to be marked as an
23 exhibit?
24 MR. NICKLES: Well, there are items in that
25 that are privileged. There's -- PBI is in there.

1 It would have to be redacted. So what we would --
2 what we have said to you and our offer was to you
3 as board members that you have the option to review
4 that in your capacity as board members. That was
5 not submitted as an exhibit in this case.
6 MS. HEIZER: Doesn't that create a potential
7 issue on appeal if the board is looking at
8 information that is not part of the record?
9 MR. BOYKIN: Actually I do -- I didn't object.
10 Unless I misunderstood Mr. Nickles he said, you
11 know, I want you to look at the record. And I
12 might have had a lapse but I thought he was the
13 person that handed it up. What we're saying is if
14 it's part of the record, you can look at it. If
15 it's not a part of the record, you can't. Maybe
16 you could just tell me -- Could we have a minute to
17 talk about it?
18 MR. NICKLES: Let me suggest this. We want
19 you to look at that document. We'll present it as
20 an exhibit. However, it is in response to the
21 testimony of the superintendent. Now we are not
22 vouchsafing for the veracity of the information in
23 there, just that that information exists in the
24 file. We are providing to you as notice of what is
25 in that file. We're not vouchsafing for the

1 veracity of the information in the document.
2 MR. BOYKIN: I'm not sure what that means.
3 Either he expects you to rely on it or not. So I
4 don't know what that means. All I know is he asked
5 that you have it. He gave it to you. And so
6 now -- I mean you're not saying about the veracity,
7 that seems to me like he gets to argue if it's
8 something that's harmful to his client, there's
9 something wrong with that; something that helps his
10 client, oh, that's okay. I'm not sure what that's
11 about.
12 MR. NICKLES: The reason the documents were
13 introduced is because there were representations by
14 the superintendent to you that she had examined the
15 personnel file and that there was a pattern of
16 every supervisor complaining about Ms. Toney. That
17 document demonstrates that is not the case. That's
18 the purpose of presenting that document to you.
19 MS. HEIZER: Just again for the record, as the
20 legal adviser to the board I have looked through
21 this file. None of the board members have seen
22 this. So at this point none of this information
23 has been available to the board. I'm a little bit
24 concerned about the board having access to this
25 file but only for the purpose of basically

1 impeaching the superintendent's testimony, whereas
2 there might be information in this file that the
3 board would gain knowledge of and choose to rely on
4 in making their decision.
5 MR. BOYKIN: My suggestion would be if
6 Mr. Nickles -- I mean he's opened the door. Let's
7 just go ahead and examine it. I don't want the
8 board to have to sit here any longer but --
9 MR. NICKLES: Here's what I mean. There are
10 social security numbers in here.
11 MS. HEIZER: Right.
12 MR. NICKLES: We wanted it to be fully
13 disclosed information. Some things have to be
14 redacted from this.
15 MR. BOYKIN: My point is going to be that we
16 go ahead and vet it and then submit it. We can't
17 do that right now. And then --
18 MR. NICKLES: I'm perfectly content to allow
19 the board to examine it in its entirety but to have
20 it redacted should appeal be necessary.
21 MR. BOYKIN: That's fine with me.
22 MS. HEIZER: Take personal --
23 MR. BOYKIN: I have no problem with that.
24 MS. HEIZER: Should this be marked as an
25 Exhibit?

1 MR. BOYKIN: Yes, it is part of the record
2 with the understanding that it will be appropriate
3 to redacted it if an appeal goes up.
4 CHAIRPERSON MOSES: We would like to thank
5 everyone for their participation in this hearing.
6 The board will now enter into executive session if
7 it pleases the board to begin the deliberation
8 process.
9 MS. BOYD: I move that we enter into executive
10 session.
11 MS. HEYWOOD: Seconded.
12 CHAIRPERSON MOSES: It has been moved by
13 Ms. Boyd and seconded by Ms. Heywood that we enter
14 into executive session to begin the deliberation
15 process and review of the personnel file. That is
16 the motion. Are we ready for questions? All in
17 favor of said motion, please note that by saying
18 aye.
19 BOARD MEMBERS: Aye.
20 CHAIRPERSON MOSES: Any opposes? Ayes have
21 it. We will now enter into executive session.
22 (Thereupon, the board entered into executive
23 session at 5:53 p.m. Open session reconvened
24 at 6:33 p.m.)
25 CHAIRPERSON MOSES: Welcome back to open

1 session. While we were in executive session we
2 discussed our deliberation process. We have lots
3 of information to review that will have cause us to
4 have another session to meet and review that
5 material. Board members, do we have a proposed
6 date for the next meeting?
7 MS. BOYD: Madam Chair, I propose the next
8 meeting at July 29 at 6:30 p.m. here at the
9 district complex.
10 MR. BRUNSON: Second.
11 CHAIRPERSON MOSES: It has been moved by Mrs.
12 Boyd and seconded by mr. Brunson that we meet on
13 July 29, 2014 here at the district complex at 6:30
14 p.m. Are we ready for questions? All in favor of
15 said motion, please note by saying aye.
16 BOARD MEMBERS: Ayes.
17 CHAIRPERSON MOSES: Any opposes? Ayes have
18 it. Motion is granted. Without objection, this
19 meeting will stand as adjourned.
20 MR. NICKLES: Madam Chair, Ms. Heizer,
21 question. We will have in advance of that a
22 complete transcript of the testimony. Is that
23 something that the board wishes to have in its
24 possession when it resumes deliberations?
25 MS. BOYD: Madam Chair, I will decline that

1 information.

2 MS. HEIZER: I think the board does not want

3 to have the verbatim transcript. Y'all can make a

4 motion to that effect.

5 MR. NICKLES: I was simply offering it to you.

6 CHAIRPERSON MOSES: Thank you.

7 MR. NICKLES: All right. Thank you.

8 (The hearing concluded at 6:34 p.m. The

9 personnel file of Laura Toney was marked as

10 Respondent's Exhibit 11 and retained by

11 counsel for Respondent.)

12

13

14

15

16

17

18

19

20

21

22

23

24

25

1 CERTIFICATE OF REPORTER

2 I, Laura Chamblee, Registered
Professional Reporter and Notary Public for the
3 State of South Carolina at Large, do hereby certify:

4 That the foregoing deposition was
taken before me on the date and at the time and
5 location stated on page 1 of this transcript; that
the witnesses were duly sworn to testify to the truth;
6 the whole truth and nothing but the truth; that
the testimony of the witnesses and all objections
7 made at the time of the examination were recorded
stenographically by me and were thereafter transcribed;
8 that the foregoing transcript as typed is a true,
accurate and complete record of the said proceedings at
9 the time of the proceedings to the best of my ability.

10 I further certify that I am neither
related to nor counsel for any party to the cause
11 pending or interested in the events thereof.

12 Witness my hand, I have hereunto
affixed my official seal this 14th day of July 2014, at
13 Hartsville, Darlington County, South Carolina.

14

15

16 _____

17 Laura Chamblee,
Registered Professional Reporter
18 Notary Public
State of South Carolina at Large
19 My Commission expires:
December 22, 2018

20

21

22

23

24

25

1 I N D E X

2 WITNESS:

3 ANTHONY BLAIR

4 Direct Examination By Ms. Fittipaldi 435

5 SHENEAKA RATLIFF

6 Direct Examination By Ms. Fittipaldi 442
Cross-Examination By Mr. Boykin 447
7 Redirect Examination By Ms. Fittipaldi 448

8 VIRGINIA ROGERS

9 Direct Examination By Mr. Nickles 449
Cross-Examination By Mr. Boykin 452
10

11 STACY HARRISON

12 Direct Examination By Ms. Fittipaldi 453
Cross-Examination By Mr. Boykin 458
13

14 V. E. MOORMAN

15 Direct Examination By Ms. Fittipaldi 459
Cross-Examination By Ms. Laws 463
16

17 LINDA WEAVER

18 Direct Examination By Ms. Fittipaldi 464
Cross-Examination By Ms. Laws 472
19 Redirect Examination By Ms. Fittipaldi 473

20 RESPONDENT'S CLOSING REMARKS 475

21 PETITIONER'S CLOSING REMARKS 485

22 CERTIFICATE OF REPORTER 506

23

24

25

1 EXHIBITS

2 RESPONDENT'S

3 1	Excerpts of Ron Webb's depo	395
4 2	Deposition of Michael Baldwin	395
5 1 - tab 5	Handwritten notes regarding 9/27/2013	395
6	incident	
7 1 - tab 7	Index of Baldwin's Facebook School	395
8	District friends	
9 1 - tab 8	Handwritten notes dated 10/3/2013	395
10 3	Documents supporting argument for	398
11	directed verdict	
12 4	Excerpts of Dr. Nettie L. Vaughn's depo	434
13 5	Excerpts of Dr. Wanda Andrews' depo	434
14 6	Excerpts of Bernard McDaniel, Sr.'s depo	434
15 8	Excerpts of Ron Webb's depo	434
16 9	Excerpts of Tonya Addison's depo	434
17 10	Excerpts of Hope Stephney's depo	434
18 11	Personnel file of Laura Toney	505

19

20

21

22

23

24

25

1 STATE OF SOUTH CAROLINA BEFORE THE BOARD OF TRUSTEES
OF THE LEE COUNTY SCHOOL
2 COUNTY OF LEE DISTRICT

3 Dr. Wanda Andrews,

4 Petitioner,

5 vs.

6 Laura Toney,

7 Respondent.

8

9 H E A R I N G

10 THE BOARD OF TRUSTEE OF THE LEE COUNTY SCHOOL DISTRICT

11

12 DATE: Tuesday, July 29, 2014

13 TIME: 3:30 p.m.

14 LOCATION: Lee County School District Office
310 Roland Street
15 Bishopville, South Carolina

16 REPORTED BY: LAURA CHAMBLEE
Registered Professional Reporter
17

18

19

20 -

21 COMPUSCRIPTS, INC.
A Full-Service Court Reporting Agency
22 Post Office Box 7172
Columbia, South Carolina 29202
23 803-988-0086
1-888-988-0086
24 www.compuscriptsinc.com

25

1 APPEARANCES:

2 ATTORNEYS FOR THE SCHOOL BOARD:

3 McNAIR LAW FIRM
BY: FRANCENIA B. HEIZER, ESQUIRE
4 1221 Main Street, Suite 1800
Columbia, South Carolina 29201
5 803.799.9800
fheizer@mcnair.net
6

7 ATTORNEYS FOR THE PETITIONER:

8 BOYKIN & DAVIS, LLC
BY: CHARLES J. BOYKIN, ESQUIRE
9 AND: DEIDRA D. LAWS, ESQUIRE
220 Stonebridge Drive, Suite 100
10 Columbia, South Carolina 29210
803.254.0707
11 cjboykin@boykinlawsc.com
dlaws@boykinlawsc.com
12

13 ATTORNEYS FOR THE RESPONDENT:

14 NICKLES LAW FIRM, LLC
BY: W. ALLEN NICKLES, III, ESQUIRE
15 1122 Lady Street, Suite 610
Columbia, South Carolina 29201
16 803.779.8080
wanickles@nickleslaw.com
17

18 ATTORNEYS FOR MICHAEL BALDWIN:

19 MOORE TAYLOR
BY: MARGARET "MEG" HAZEL, ESQUIRE
20 1700 Sunset Boulevard
West Columbia, South Carolina 29169
21 803.796.9160
meg@mttlaw.com
22

23 (INDEX AT REAR OF TRANSCRIPT)

24

25

1 3:48 P.M.

2 PROCEEDINGS:

3 CHAIRPERSON MOSES: Good afternoon. Welcome to
4 the called meeting of the Lee County School Board
5 of Trustees. We have declared a quorum. The media
6 has been properly notified, and I do see we have
7 Ms. Atkinson with the Lee County Observer with us
8 this afternoon. Without objection the agenda will
9 stand as approved. And I ask that you please join
10 me in a moment of silence.

11 Thank you. We are now down to our executive
12 session to discuss the Toney versus Andrews matter
13 and we do need a motion to enter into executive
14 session.

15 BOARD MEMBER BOYD: Madam chair, I move we go
16 into executive session to discuss the Toney versus
17 Andrews matter.

18 BOARD MEMBER BRUNSON: Second.

19 BOARD MEMBER BELVIN: Second.

20 CHAIRPERSON MOSES: It has been moved by Ms.
21 Boyd and seconded by Mr. Brunson and Ms. Belvin
22 that we enter into executive session to discuss the
23 Toney versus Andrews matter. Are we ready for
24 questions? All in favor of said motion, please
25 note that by saying aye.

1 BOARDMEMBERS: Aye.
2 CHAIRPERSON MOSES: Any opposes? Ayes have
3 it. We will now enter into executive session.
4 (The School Board members left the hearing
5 room at 3:50 p.m. for deliberation. They
6 returned at 5:33 p.m.)
7 DECISION OF THE BOARD
8 CHAIRPERSON MOSES: Welcome back to the open
9 session. While we were in executive session we
10 discussed and deliberated on the Laura Toney
11 hearing. What is the pleasure of the board at this
12 time?
13 MR. DRAYTON: Madam chair, I move to accept
14 the recommendation of termination of Mrs. Laura
15 Toney by the administration based on the evidence
16 presented to the board at the dismissal hearing and
17 applicable law and authorize the board chair and
18 board secretary in consultation with legal counsel
19 to prepare a written decision in this matter within
20 ten days.
21 MR. BRUNSON: Second.
22 CHAIRPERSON MOSES: It has been moved by
23 Mr. Drayton and seconded by Mr. Brunson that we
24 accept the recommendation of the termination of Ms.
25 Laura Toney by the administration. Are we ready

1 for questions? All in favor of said motion, please
2 note that by saying aye.
3 BOARDMEMBERS: Aye.
4 CHAIRPERSON MOSES: Any opposes? Ayes have
5 it. Motion is granted. Within ten days a written
6 decision of the board will be issued consistent
7 with the board's decision this evening based on the
8 evidence presented by the board at the hearing and
9 applicable law. The hearing is now concluded.
10 (The hearing concluded at 5:34 p.m.)
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

1 CERTIFICATE OF REPORTER

2 I, Laura Chamblee, Registered
Professional Reporter and Notary Public for the
3 State of South Carolina at Large, do hereby certify:

4 That the foregoing deposition was
taken before me on the date and at the time and
5 location stated on page 1 of this transcript; that
the witnesses were duly sworn to testify to the truth;
6 the whole truth and nothing but the truth; that
the testimony of the witnesses and all objections
7 made at the time of the examination were recorded
stenographically by me and were thereafter transcribed;
8 that the foregoing transcript as typed is a true,
accurate and complete record of the said proceedings at
9 the time of the proceedings to the best of my ability.

10 I further certify that I am neither
related to nor counsel for any party to the cause
11 pending or interested in the events thereof.

12 Witness my hand, I have hereunto
affixed my official seal this 31st day of July 2014, at
13 Hartsville, Darlington County, South Carolina.

14

15

16 _____

17 Laura Chamblee,
Registered Professional Reporter
18 Notary Public
State of South Carolina at Large
19 My Commission expires:
December 22, 2018

20

21

22

23

24

25

1 I N D E X

2

3 DECISION OF THE BOARD 512

4 CERTIFICATE OF REPORTER 514

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

State of South Carolina) In the Court of Common Pleas
) Third Judicial Circuit
County of Lee) 2014-CP-31-00227

Laura Toney,

Plaintiff,

Vs.

Lee County School District,

Defendant.

Transcript of Record

October 31, 2014
Bishopville, South Carolina

B e f o r e:

The Honorable Maite Murphy, Judge

A p p e a r a n c e s:

W. Allen Nickles, III, Esq.
Attorney for the Plaintiff

Charles J. Boykin, Esq.
Attorney for the Defendant

Bonnie H. Kelly, CVR
Circuit Court Reporter

I N D E X

WITNESS/DESCRIPTION	PAGE NO.
Case called/The Court	4
Motion/Mr. Nickles	4
Response/Mr. Boykin	22
Reply/Mr. Nickles	39
Decision by the Court	43
Certificate Page	44

E X H I B I T S

NO.	DESCRIPTION	I.D.	EV.

-- NO EXHIBITS ENTERED --

THE COURT: Madam Clerk, if you'd call our first case.

(The Clerk confers with the Court briefly.)

THE CLERK: *Laura Toney v. Lee County School District.*

THE COURT: Good morning, everyone. If you would please just identify yourselves for the record before we get started.

MR. NICKLES: Good morning, Your Honor. I'm Al Nickles. I have the privilege of representing Ms. Toney, who is the appellant in this case.

THE COURT: All right, sir.

MR. BOYKIN: Good morning, Your Honor. Charles Boykin, and I represent Lee County School District, who's represented at table by Dr. Wanda Andrews, Superintendent, in this matter.

THE COURT REPORTER: I'm sorry. Doctor ...?

MR. BOYKIN: Dr. Wanda Andrews.

THE COURT: All right. This is an appeal?

MR. NICKLES: It is an appeal, Your Honor.

THE COURT: All right, sir. I'll be happy to hear from you.

MR. NICKLES: Thank you, Your Honor. This is an appeal under the "Teacher Employment Dismissal Act," which is a collection of statutes, adopted by the General Assembly, back in the 1970s. These laws address the rights of continuing-contract teachers, mostly veteran teachers

such as Ms. Toney, when there are recommendations that they be discharged from employment.

Under our state's law, teachers such as Ms. Toney have a continuing right to employment, unless the District can show lawful reason for their discharge.

In this case, this is a termination case, which in the context of criminal actions, this is a capital punishment case. This is one where, according to the controlling law of this state, the District must show undeniable, abundant evidence to support its case.

Your Honor, in this instance, we have a very unusual set of circumstances. Both parties have presented briefs. We have extensive records, over 500 pages of record here. We also have materials that are under seal because we were denied the opportunity to call a witness and to present documents. And that's one of the central issues in this.

But to give you a context, Your Honor, Ms. Toney had been employed with the Lee County School District since 1999, and she had previous employment in the Sumter School District. She was employed continuously from 1999 until October of last year, when she was placed on an administrative leave.

Now, administrative leave is a ** It's when a teacher's given notice that there may be reasons for her discharge or disciplinary action, and the teacher is paid

while there is an investigation that goes on. That happened back in October. And you will see in our brief there was a notice given to Ms. Toney that she was accused of -- of making comments about the personal life of a colleague involving students, involving other faculty members in that.

Well, Ms. Toney, as the record will reflect, was at a faculty meeting in which one of her colleagues noticed that she was looking depressed and asked, "How are you?" And Ms. Toney says, "This is bad month for me. This is the month that my father and my husband -- my mother and my husband passed away." And she made a comment to the colleague that the colleague must know how I feel because he lost a spouse as well.

The record, uncontested record in this case, is that Ms. Toney had been told that by another colleague.

Well, unbeknownst to Ms. Toney, the person she made the comment to had been married, but to a person of the same gender. And he filed a grievance against Ms. Toney claiming that she had so-called outed him, that she had made a comment that was personally offensive to him. Ms. Toney got notice of this grievance brought to her attention by the principal.

She immediately expressed surprise -- and this was uncontested in the record, and offered to apologize to this

colleague. She was told not to do that. The principal was going away to a conference for a couple of days and said, "Let's address this when I get back." Ms. Toney was fine with that.

What happened next is why we're here. Ms. Toney goes to her classroom, and put beneath the door of her classroom is a packet of information. In that packet of information are Facebook postings by the individual who brought the grievance against her. And as we've said in our brief, there were some pretty vulgar things made in reference to Ms. Toney, calling her a F'ing bitch, among other choice words; indicating that she was going to be sued, things of that nature.

But that's not really what concerned Ms. Toney because among the postings in this particular package that she received was an exchange between this teacher and an individual identified as a student at SHS, Sumter High School. And in that exchange, there were some sarcastic interchanges; and the student says, you know, "I'm going to kill you," and then it's cut off. And then the student says, "I'm going to whip you today." And then the teacher says, "Sweet."

Now, this is all in a Facebook posting. And the -- the individual -- the teacher testified in deposition that he originally thought those Facebook postings were

restricted to his so-called friends. And of course, as you may know, Facebook friends -- they are the involuntary recipients of postings.

Well, in this case, among the friends were colleagues, an assistant principal of the school. And according to this individual, unbeknownst to him, his Facebook was not restricted to friends. It went out to the universe.

So when this comes to Ms. Toney's attention, she does the logical thing, she reports it to the building administrator, who's there in place of the principal. He initially said, "Let's leave this alone. I don't want to talk about it until the principle gets back," his testimony. Then he said, "I reconsidered. I went back and asked her for the material," and she gives it to him.

Nothing wrong with that. In fact, I think it could be argued that she had the obligation to report it to the administration when it comes to her at school, from an anonymous source. You know, is this intended just for my eyes or is this intended for the school? Logical to report it.

Based upon her observations, that exchange between the teacher and the person identified as a student, Ms. Toney also delivers the package, sealed, to the superintendent's office with a note that says, "Please look at this. A student or child may be in danger."

Now, this is where the case really takes a funny spin. The superintendent really does nothing about it except place Ms. Toney on administrative leave. There's never any report to Department of Social Services; there's never any investigation of it. It sort of languishes and becomes the indictment against Ms. Toney.

The suggestion is Ms. Toney somehow gave it to the superintendent for some illicit purpose. They said well, if she was genuinely concerned, she had an obligation to report it to the Department of Social Services.

But I think, Your Honor, your background, you're familiar that there's certain things that are preliminary to making a report to DSS. You have to have some reasonable basis to make that report. In this instance, what Ms. Toney had was a Facebook posting, a person identified as a student. She has no way of confirming whether that person is a student or not. She doesn't have access to Sumter School District records. She doesn't know the age. So she says "may be in danger" and gives it to the person who could make that inquiry, the superintendent.

And even under the District's own policies, she didn't personally observe anything. It was not reported directly to her. She's an innocent recipient of information that she passes along to an appropriate party. And somehow, somehow, Your Honor, that is now a basis for her discharge

from employment on the basis of alleged unprofessionalism, which is a smokescreen or a general term for "insubordination."

Your Honor, there's a reason - if you look at the decision in this case and you look -- the term "insubordination" is not used. There's a reason for that, and that's because it can't be proven. But if you look at the factual allegations, that's clearly what Ms. Toney is being charged with, that incident of turning in that document.

And a second incident: She's been placed on administrative leave. So she's out in the community, and she hears from a student that they're not learning anything in the classes that she's supposed to be teaching. They're not learning anything. She's informed that there's somebody in that classroom who is not certified to teach.

Now, she had been told, "Don't talk to any employees; don't come on district property, you know, don't do any of that." She doesn't. She talks to a board member, who she considers to be a friend, and says, "I want to report this to you." She doesn't go to the board member and say, "Hey, I've been improperly put on administrative leave. Hey, can you intervene on my behalf?" She doesn't do any of that. She reports this, and Your Honor, in our view, and I think the cases support us, she had a right, under the law, to

make that report.

In -- in a courthouse not too far from here, in Marion County, years ago, I was representing a teacher, Maggie Hall, who was discharged for making comments about the operations of the -- the District. And we were in a federal courthouse at that time because she had been fired by that board. And I believe it was Judge Traxler, who's on the bench at that time, said that's a violation of First Amendment, a violation of First Amendment. Went up to the Fourth Circuit, they agree, it's a violation of First Amendment.

They couldn't have told Ms. Toney don't talk about matters relating to education while you're on administration leave. They don't have that right. But yet they're using it as a basis for her discharge, alledging it to be insubordinate. Your Honor, the record doesn't support it, the law doesn't support it.

Now, one of the reasons that the District assiduously avoided using the term "insubordination" is that we have law directly on point that says they cannot discharge for that reason. And that is the *Hall v. Board of Trustees of Sumter School District #2 case*, a case that arose in this very circuit back in 1998. The Court of Appeals -- and it was then Judge Hearn, now Justice Hearn -- wrote the opinion in that case.

She found that Judge King, who was sitting, as you're sitting today, made the correct decision that a teacher who had been told not to speak to people while she was on leave, not to speak to people while a matter's being investigated, could not be discharged for disobeying that instruction.

And so how does that make sense? Because you know, she was told not to do something, she does it. How does it make sense that you can't fire somebody for that? And the reason, as Justice Hearn said very clearly in this *Hall* case - and I've provided a copy to you as well as your clerk -- it says you've got to connect it to their duties as a teacher, to their responsibilities to provide instruction to the students of that district.

In that case, as here, Your Honor, there is a not a shred of evidence that Ms. Toney is incapable of providing instruction to the students of this district. In fact, all the evidence is to the contrary. She worked from 1999 until she was taken out in October of last year on continuing contracts each year. Each year the superintendent and the principal had the opportunity and the obligation to give her notice if she was performing deficiently, and it's not there.

So the record's clear that this is a good teacher, that the charges are trumped up; and that when she tried to

defend herself by calling this individual who filed a grievance against her and made these very vulgar statements about her, who created a firestorm that resulted in her termination, when she tried to call him as a witness, the Board wouldn't hear him, quashed the subpoena issued to him, refused to accept the packet - the content of the packet of information that was delivered to Ms. Toney that resulted in her reporting it to the administration.

And oddly, Your Honor, despite refusing to allow us to call that witness, despite refusing to allow us to present the content of the package, if you look at the bases for her termination, it includes it. It says in -- in the decision, "We made the decision that Ms. Toney did not genuinely believe the child was in danger."

How could they possibly do that without considering the content of the package? How could they possibly do that without taking the opportunity to put that teacher on the witness stand, subject that teacher to cross-examination, find out who that student was? They can't. So they're making decisions based on evidence that they excluded. Your Honor, that just ain't kosher. You can't do that.

THE COURT: Mr. Nickles, how did they exclude his testimony? Was that teacher -- was that teacher represented by counsel, where he moved to -- to file a

motion to quash?

MR. NICKLES: Yeah, moved to quash.

THE COURT: And was there testimony regarding that? Was he invoking his Fifth Amendment rights?

MR. NICKLES: Excuse me? No, not Fifth Amendment, right, no. No. The -- I -- I've given you -- in the initial record, it's both the motion and our response.

THE COURT: Okay.

MR. NICKLES: And it's sealed, Your Honor. We can't talk about that particular individual by name.

But I'll tell you what the argument was. The argument was it was an invasion of his privacy, that he somehow had a right of privacy in these Facebook postings, which of course, is absurd. I mean, cases are manifold, and -- and in -- particularly in the criminal area where Facebook evidence is routinely introduced.

I mean, I use Facebook evidence in representing students in disciplinary actions in colleges. I mean, it -- nobody in their right mind believes that Facebook is private or privileged. But yet this board accepted that -- apparently accepted that argument because they didn't give a reason for excluding it. They just said it's excluded.

So Your Honor, I don't think there's any question that was error, that was reversible error. The law says -- I mean, specifically in this act, the law says that a teacher

has a right to cross-examine, and the teacher has a right to present any and all defenses. I mean, that's the language of the statute. So to deprive the teacher the opportunity to call this witness and to offer this evidence can result in nothing but reversal, Your Honor.

Now, in addition to the *Hall* case that tells us clearly that you have to have the nexus between the teacher's ability to instruct and the alleged insubordination, which is absent here -- I invite you to look through all 500 pages of the record. You will not find it.

In addition to that, what we have is an order that was issued by this board that is factually deficient. The findings of the board, as we outlined in our brief, the ones that are offered as justification for Ms. Toney's discharge, in fact, are not supported by the record.

You know, they -- they say well, you know, Ms. Toney is unprofessional because she didn't attend a mandatory faculty meeting and the principal sent her an e-mail about that.

Well, the principal testified in the hearing saying, "Oh, yeah. Ms. Toney did tell me she was ill and I had no problem with that." Okay.

They put something in there about Ms. Toney being late for school and the principal sent her a note about that.

Well, the testimony is that Ms. Toney had a flat tire. She explained it to the principal, and the principal said, "I have no problem with that."

In fact, the principal wasn't consulted at all in the decision to terminate. It came from one source, and one source only. That was the superintendent. The superintendent didn't go to the school.

You -- originally, the allegation was involving children, disrupting the educational environment. If you see -- and we outlined this in our brief, Your Honor -- there was a shifting of allegations against Ms. Toney. When they realized that the reasons she was put on administrative leave couldn't be proven, they changed. And then in October - on October 29th, they sent her this termination notice. They've changed from the notice of administrative leave.

And then after that, I take the superintendent's deposition and they realize they can't prove that case, so they change it again. You know, three strikes you're out, Your Honor, in anybody's ball game.

In this case, they were so determined to get Ms. Toney that they just changed things to suit what they hoped they could prove, and they even failed in that regard.

Now, Your Honor, one of the things that -- that has been argued is that Ms. Toney is rotten to the core. I

mean, she has been bad to the bone. She's never been any good. Everybody hates her. We just put up with her because we're scared of her. You know, her record is horrible.

Well, let me tell you about that. We presented the entire record. What they had to do was they had to go back and cherry pick 1999, 2006, things that she was criticized for, that she addressed in her testimony, that none of the people who were instrumental in making those allegations were called as witnesses. She addressed them all. The board didn't care, didn't care; and if you look at the order, you can see how deficient it is.

You know, I -- I -- I put them into two categories. There's the trivial, like the flat tire and being sick and -- and sending a student to the -- to get supplies. The trivial and the stale. And the stale goes, what, 1999 to 2013. You know, that's about 14 years old. Go back to 2006, that's another eight -- seven or eight years old.

And we have guidance that our Supreme Court has given in these types of situations. And that is the *Curtis Shell* case, which I provided to you, cited in our brief.

In that case, there was a teacher in Richland County who had been twice arrested for drug-related activity, separated by 12 years. Both of them -- both of those arrests were dismissed or *nolle prossed*, both of them.

Well, what the -- what the superintendent in that case did, said, "Well, I think we ought to just fire this guy because he's no good. This is a pattern. We're gonna get rid of him. This is unprofessional. Fire him."

Well, three years later, we're in front of the Supreme Court arguing this case. The Court of Appeals -- actually, Judge Manning had reversed, and said, you know, you can't do this. This is not a pattern. Twelve years separated, doesn't make sense.

The Court of Appeals went back and scoured the record, according to the Supreme Court, to try to find ways to discharge this teacher. And the Supreme Court said you cannot do that. You just can't do it. And Justice Pleicones said, you know, two incidents in 12 years is not a pattern.

Now, Your Honor, this case, the *Shell* case, tells us that you can't go back over a teacher's entire career and cherry pick things out of there, ignoring the fact that the teacher had been providing -- at least according to the record -- competent, satisfactory service and providing instruction of the teacher -- to the students of the district during that period of time. You can't do it. Nevertheless, that's what this board has done.

Now, Your Honor, the materials in our brief, I think we've tried to highlight through cites to the specific

pages of the record that refute the factual findings by this board. And we have brought to the Court's attention, you know, reluctantly, I might say, that there's another problem with this order. And it was prepared in violation of the Administrative Procedures Act. It's an ex-parte order. It is per se invalid.

Your Honor, I think that the order speaks for itself, the -- the unevenness of the order, the efficacy of the order. This is not a fair review and analysis of the record that was prepared in this case. Everything that could be construed against Ms. Toney was.

The evidentiary findings are not supported. The very person that they say is -- the principal, who they say had this unprofessional relationship with Ms. Toney, had nothing to do with her termination and said that he never recommended her discharge. It was only one person who never went into her classroom, the superintendent, who made this decision. And for whatever reason, the board's chose to support that.

But Your Honor, if you look at the record, if you look at the order, and you look at the manner in which the order was prepared, this is a case that cannot stand. This is a case that justice will not recognize. This case requires reversal. And under the law, it is the obligation of this Court, where there are errors of this nature, to reverse.

It's in Section 470. It says "reversal."

So Your Honor, we -- we come here looking for justice. Unfortunately, we haven't received it before today. We're asking this Court to fairly, impartially examine the merits of the arguments presented. And there is only one conclusion that can be reached and that conclusion is that this record does not support termination, that Ms. Toney is deserving of reinstatement.

And Your Honor, in -- in -- as a final argument, as another illustration of the unfairness of this proceeding, we made an objection to the introduction of a document, from 2006, that Ms. Toney did not recall ever receiving. Had some criticisms of her by a former principal, someone long gone, and she had been gone for a while. Didn't appear to testify. The district wanted to -- to offer this. We object, hearsay.

Now, under the Administrative Procedures Act, as you know, the rules of evidence apply, except in Workers Compensation proceedings, and our -- our courts have said the APA complies and the procedures are mandatory. And the law says you're entitled to cross-examination.

Well, the board initially said, "We will take this under advisement," and then they said, "We'll accept it. We're going to consider it." That happened on June the 7th, I believe. This hearing took a long time.

The superintendent then testifies and claims that she has read Ms. Toney's entire personnel file, and it is replete with evidence of wrong doing on her part, that every supervisor had problems with her. So we said, you're the board, look at the record. We provided it to them. It doesn't support the superintendent's testimony.

Is that anywhere in the order? No, it's not. It's completely ignored because her record doesn't support it, the sworn testimony by the superintendent that she reviewed it and every supervisor had problems with her. It's the big lie.

Now, when we presented that personnel file, this 2006 document was in it, and we reserved our objection to it on the hearsay basis. We're providing this with notice only. As you know, Your Honor, when providing a document for notice only, you're not vouchsafing the veracity of that document. They claim that we've waived our hearsay objection. It's not true. It's not the way the court system works. That is another aspect, element illustration of the unfairness of the proceeding below.

And Your Honor, we really appreciate the opportunity to appear before you here this morning. We ask that you take this case, examine our records -- references to the record, to the findings of the board. Look at the allegations about Ms. Toney and the controlling law; and I

think the only outcome in this case, the only fair outcome in this case, is to reverse this decision and to reinstate Ms. Toney as a teacher in the Lee County School District. Thank you, ma'am.

THE COURT: Thank you, Mr. Nickles. Counsel?

MR. BOYKIN: Your Honor, if it pleases the Court. I'm Charles Boykin. I listened carefully to Mr. Nickles and I'm going to try to fill in some gaps, starting with the law, if the Court will indulge me.

The "Teacher Employment Dismissal Act" actually provides two specific provisions for dismissing a teacher. One is 59-25-440, which requires notice of any deficiencies that a teacher -- that may be cited for dismissal, suggestions and opportunity for the teacher to improve. The other one is 59-25-430, which allows a teacher -- a school district to dismiss a teacher immediately under certain circumstances.

Now, Mr. Nickles talked about one part of it, so I'm going -- he challenges the due process piece. So I think it's appropriate to read the section that gave -- that put Ms. Toney on notice as to what the allegations were or as to what grounds were being relied upon so that she could -- would be able to prepare and defend herself.

This is the December 18, 2013 letter. Mr. Nickles correctly mentioned it's based on (as read): "You engaging

in behavior and conduct which caused unnecessary disruption in the workplace, as evidenced by your discussing the fact that it was personal information with other employees, even after being directed by the administrator to leave the matter alone. Additionally, a review of your personnel file revealed you had been involved in other incidents of unprofessional conduct."

And it goes on to say (as read): "Given the urgent need of the district to improve the academic performance of our students, there is simply no tolerance for persons who put their personal agenda above the need to work in a cooperative fashion with the administration for the good of all students. The adverse affect of your poor judgment and unacceptable behavior is exacerbated by your lack of candor during our investigation into your conduct."

And it says (as read): "Your judgment and behavior, in respect to this incident and generally towards the administration, are unacceptable and justify the immediate termination of your employment under ..." and it cites 59-25-440 and 59-25-430.

Now, the superintendent did do a review of the personnel file, and the superintendent did, as she testified on July 2nd, she -- 2014 -- she did talk to the principal about the relationship, and about Ms. Toney's willingness to cooperate and work within the -- the

confines of the district.

Now, Mr. Nickles spent a lot of time talking about the -- the incident where Ms. Toney got this material. Her testimony was it was in her office somewhere and that she -- it was in her classroom, came under the door. And even though she had been told to leave it alone, she went to the assistant principal, to -- to the person in charge, the principal was gone. Then she went to the superintendent's office.

Now, she claimed, before the board, which was her right to make that claim, that she thought her child's -- the child was in danger. The reality is she had been trained, and she also admitted that she knew that the reporting procedures required her to make a report directly to either DSS or to law enforcement.

The policy that Mr. Nickles relies upon, it -- the policy says "after," -- it is written in the past tense -- that after the report is submitted, then you may notify the district. And the reason for that is to prevent charges of obstruction of justice against the district if the principal is screening or the superintendent is screening what is in the report. The law favors the person who is closest to it making that report. Ms. Toney testified that she knew that.

So it -- the Board could have concluded, which --

that it was being advanced for a different purpose. Why? Because the material that Ms. Toney was circulating - well, I shouldn't say circulating. That she shared with the administration at the building level and at the superintendent's level, that material went straight to the employee who had filed a grievance against her just two days earlier.

And not only was this employee in the same school, but the record will show that Ms. Toney and this employee were in the same department. The comment that Mr. Nickles mentioned just a moment ago, that comment was made during a departmental meeting. The principal, for good reasons, said, "Leave it alone," so as, while he's away from this campus, the matter would not escalate. But Ms. Toney did not follow that reasonable directive.

Now, Mr. Nickles talks -- well, Your Honor, I'm sorry. I'm getting ahead of myself. Mr. Nickles said that to dismiss a teacher, the evidence must be -- there must be undeniable abundant evidence, and practicing 25 years, this is the first time I've heard that standard. The standard before the board is a preponderance of the evidence and here, the -- on an appellate level, it is substantial evidence. And that is for all the grounds that -- that the Court would seek to sustain on.

Now, when Dr. Andrews reviewed how the employee, Ms.

Toney, had performed and conducted herself in interacting with the administrators, there was some things that she learned. On February 11, 2013 -- and this is undenied and uncontroverted. Mr. Nickles didn't mention this part about unprofessional conduct.

Ms. Toney was involved in a parent/teacher conference, and she became so irate until the principal had to ask her to leave that conference. A part of this is the district feels and -- and it cited in this -- in the dismissal notice of December, that Ms. Toney has an issue accepting respect -- accepting correction or direction from anyone. And that goes contrary to the notice that Dr. Andrews gave her in December. We need people in this district who are willing to work with administrators so that we can improve in quality and instruction.

Quality and instruction goes to an e-mail, which they -- and the letter that I have referred the Court to is February 11, 2013, Your Honor. And there's an e-mail from a Ms. Fowler. Ms. Fowler wasn't called to testify because the substance of the e-mail was some important, but what was more important was Ms. Toney's conduct, her -- her response to the e-mail. This is not about the conduct of some other teacher. This is about Ms. Toney's conduct and how she relates to persons who are responsible for supervising her. That's what this is about.

Ms. Fowler wrote an observation, and among the observations, she -- she talked about having this question on the board. She talked about different things that Ms. Toney was supposed to have in her instruction as she taught her -- her class.

And one of the things that she said was (as read): "Please address these concerns, and let me know your method of assessing student comprehension of materials throughout the lesson and as they complete activities from that standpoint." That is from the September 17th -- well, Ms. Toney's response September 17, 2013.

Ms. -- to that point -- there are others that I ask I would ask the Court, as it reviews the record, to pay attention to -- but to that point, Ms. Toney responded to -- among other things (as read): "My method of assessing students are written in my lesson plan. As you know, you only stayed about 10 minutes."

So that's the kind of push back -- this is indicative of the kind of push back that Ms. Toney gives administrators who come in, trying to improve her instruction.

Now, Mr. Nickles may get up on rebut and say something about it, but his brief doesn't address it. Under the tuition rule, even if you find that all this stuff Mr. Nickles said is true, he has not refuted the fact that --

that she was unprofessional when she had to be asked by the principal to leave a parent/teacher conference. She was unprofessional in her response to this observation that was designed to improve her instruction. There's several items that are included there.

Let's talk a minute about the *Judy Hall* case. The superintendent in the *Judy Hall* case said to Ms. Hall, "Do not discuss this case with anyone." Dr. Andrews said to Ms. -- Ms. Toney, "Do not discuss this matter with anyone." Very similar.

Judy Hall, in Sumter, discussed her case with the other teachers. The Court found that that didn't deal with her instruction.

Now, it's not clear how it happened if you accept Ms. Toney's version. Students came up to her in the grocery store saying, "Oh, Ms. Toney, we're not learning," if you accept her version. She calls the board member and says, "You don't have a certified teacher in class," which we found wasn't -- simply wasn't true.

It's not clear what she said to the student, but she was clearly having discussions about the quality of instruction, and could it have underminded the district's ability to instruct students? We don't know. But the reason it becomes a question, Your Honor, is because she chose to engage in that type of discussion with students.

Now, Dr. Andrews, using prudence, decided after sending out the October notice which talked about students -- it -- Mr. Nickles wanted to -- to raise this issue and depose her -- that she would admend the notice so as not to bring students in. In this case, where she's talking to students, again, she's not going to bring students into a personnel matter.

We have two situations here: The parent/teacher conference where she became so upset; we have the situation where she responded to the observations.

Now, we have a third situation where she obey -- where she disobeyed the superintendent. Judy Hall had one. Right now, Ms. Toney has three. So that's -- so that's distinguishable on that.

Mr. Nickles said that he divides this into -- I believe he called it "trivial" and "the stale." He left out the compelling. The compelling, Your Honor, is when she's told, "Do not send students out of instructional time to pick things up from the office," and she repeats doing that. She's not cooperating.

They have a mandatory faculty meeting. Now, the mandatory faculty meeting is for a purpose. And the purpose -- and this particular purpose, Your Honor, the record will reflect, was to have the special education teachers talk to the regular education teachers - Ms. Toney

would be considered a regular education teacher who would have students, resourced or -- or come into her class -- to talk about how those students are being served. The special education students are those very vulnerable and you need to know what -- what has happened. You need to know how to work with those students.

She didn't come to that meeting. More importantly, she did not articulate a reason as to why or notify them beforehand so other arrangements could be made, you know, from that standpoint. It is professionalism that would say, "This is what happened. I won't be there, and this is why I won't be there."

Your Honor, the record I think is very clear, but let's go back to the 2006 letter. Mr. Nickles wants to put the personnel file in for notice. We offer the 2006 letter for notice because 59-25-440 says that the teacher should have notice. Ms. Toney denied seeing it. It was in her personnel file. It was up to the board to believe whether -- Ms. Toney's denial or whether -- whether she was, in fact, on notice as to what could cause her termination.

It was introduced through Ms. Toney. I cross-examined her, and I would say -- there was -- I asked her was she familiar with it, she says no. It was in your file, and -- and -- and we moved. Now, we moved, Your Honor, after Mr. Nickles had brought in a witness, from 1999, to testify as

to how Ms. Toney got along with the administrators. We figured if -- if he wants to bring someone from 1999, we ought to be able to bring a letter, for notice purposes, the fact that she understood that if you engage in unprofessional conduct, it could cost you your job.

We did not question her about anything that was alleged in the letter, any of the conduct that was alleged in the letter. What -- we offered it -- was notice -- that she was on notice that this district expected her to behave in a professional manner in her interactions with students and in her interactions with parents, interactions with administrators. She was on notice, Your Honor. That's what that -- that's what that served.

The grading thing repeats itself because at the end of the fourth quarter, the kids are to be scheduled and promoted to the next grade. Ms. Toney did not get her grades in on time. It -- it was then the principal's responsibility to write her, to tell her you've got to get your grades in.

Now, Ms. Toney may say, oh, this is trivial, this is trivial. They are trying to operate a school district. They want the height of professionalism. That judgment, Your Honor, belongs to the school board. It's -- the Court -- the Supreme Court has been very clear that this Court cannot substitute its judgment for that of the school

board.

The school board -- the standard of conduct that it expects its employees is a standard that is set by the school board. It has to be reasonable, but it's the standard.

They have a right to expect their grades to be turned in on time. They have a right to expect that teachers will cooperate with observations when observations are given, and teachers will not return sarcastic responses such as -- the --the title of the person conducting the observation was "administrative assistant." That's the title. This is a certified trained administrator who was, by training, to do observations. Her remark was, "Yes. I made a comment about an administrative assistant during the observation." Then she goes ahead and tries to explain it by saying, "But I was giving you a compliment for being in my class." At the next paragraph, she says, "You only stayed 10 minutes."

That poisons the relationship between the persons doing the observation and the teacher. That gives extreme push back. The district is trying to improve the quality of instruction from all teachers, and you have a teacher who is digging in her heels and who's giving this level of push back to the administration.

Let's -- Your Honor, Ms. Toney is making a significant deal out of the e-mail -- excuse me, the Facebook with the

teacher. The board initially held in abeyance the admission because we questioned the relevance of it. We were talking about Mr. -- excuse me, Ms. Toney's conduct with administrators. There was absolutely nothing in that Facebook post that would explain Ms. Toney's response to Ms. Fowler on this teacher observation. There was nothing in that post that would explain why Ms. Toney became so irrate in a parent/teacher conference that the principal had to ask her to move. There was nothing in this post, Your Honor, that would explain why Ms. Toney forgot to attend the mandatory teacher's meeting. They didn't address those issues at all.

If the Court would look at my cross-examination of Ms. Toney, I didn't ask her about the post. Now, Ms. Toney -- the record will reflect, Ms. Toney did ask for a public hearing. We recognize that -- we recognize that that's salacious -- we recognize looking at that "sweet," that's salacious, but it doesn't help the board to understand how Ms. Toney did her job. It does not help the board to understand whether Ms. Toney was cooperating with administrators. So it adds nothing to the case.

Margaret Hall, and -- and Mr. Nickles's correctly referred to her as "Maggie Hall," that's the -- the nickname she goes by -- participated in a campaign of newspaper articles and other public statements criticizing

the Mullins -- at that time Marion School District 2, the Mullins administration. But that's what she did. And ultimately, Mr. Nickles and those prevailed, to their credit.

We have no evidence in this record of Ms. Toney engaging in any personal -- any public conduct about the school district. What Ms. -- every kind -- everything that Ms. Toney did, from -- from our view, was to advance Ms. Toney's agenda. It -- if -- either that or she's the luckiest person in the world. Within 48 hours of -- of a teacher filing a grievance against Ms. Toney, miraculously, under her door, she gets Facebook postings that she's been complaining about. Within a few days of Ms. Toney being placed on administrative leave, the tee -- the students, she happened to see, run to her and say, "Oh, we're not learning anything."

It's always somebody coming to her and it's always something that -- that just happens. And the board has to decide whether they believe Ms. Toney and this is something that just happened, or whether Ms. Toney is continuing to insert herself into district affairs. That's -- that's what the board has to believe.

Beg the Court's indulgence, Your Honor.

(Brief pause.)

MR. BOYKIN: On the unprofessional conduct, Your

Honor, and the teacher's requirement to -- to cooperate, during her deposition, which is a part of the record I believe -- but I asked her during the hearing as well -- she makes certain statements as: She'd gotten the -- when I began asking her questions about how she performed her job and about certain things, she -- and I -- I -- it wasn't responsive to anything, but she let me know that she'd gotten an attorney disbarred; that she'd gotten Judge Seymour moved from the bench, put on senior status; and -- and other allegations that she made.

And I asked her whether she was threatening me, plain and simple, just asked her that; and reminded her of that in front of the board.

Also, during her deposition, she let me know that -- that -- I asked her questions, I said, "Ms. Toney, you -- you -- you can't remember this?" And she said, "Look, I'm not giving you my "A" answers today. I'm saving those for the hearing."

She was under oath, sworn to tell the truth, but told me that she was not giving me her "A" answers that day. And I brought that, in front of the board, during my cross-examination of her because I wanted the board to understand that that is who they were dealing with, someone who, under oath, had admitted that they were not being as candid as they could have been. She admitted that. So that's what

you're dealing with.

The board never -- did not have to find and the superintendent never had to state that Ms. Toney is "rotten to the core." What they have to do is to show that Ms. Toney, as an employee of the school district, did not follow the reasonable directives of her supervisor, and that when -- when efforts were made to try and correct Ms. Toney's performance, correct her behavior, correct her conduct, Ms. Toney gave push back, she was not accepting of that. And so the record is clear that that is what has happened.

The issue that Mr. -- Mr. Nickles mentioned about the Administrative Procedures Act, Your Honor - I'm sorry. I'm dry mouth here -- that goes to the order. That's not reversible. That's remanding an order we drafted. That doesn't change what the board has found.

The question is: Did the board give Ms. Toney a fair hearing. This hearing lasted -- it started in October -- the hearing didn't start, but discovery; and the hearing did not end until July.

The board was very patient. It worked with Ms. Toney. Ms. Toney said that she -- she couldn't come sometimes. The administration couldn't come sometimes, board members couldn't come. But they all worked and the board allowed her to go forward.

As far as bringing the teacher forward to testify, we ultimately object on the grounds of relevancy. We had put forward our case talking about Ms. Toney's failure to cooperate with reasonable directives, given her unprofessional conduct, that's what we talked about. We didn't talk about disturbances at school. You look at the record, we didn't even raise questions about that. But they still wanted to bring in these -- this salacious material that had nothing to do with how Ms. Toney had behaved, Your Honor.

And that's why we objected to it because it has to be relevant, and it has to be more likely than not to -- to prove a fact. What fact was it proving?

Ms. Toney had -- had demonstrated over the years, but -- but particularly narrow -- and -- and -- and I said "over the years." Let me just strike that.

We brought people into testify and documents that happened within the last couple of years. The only document that went outside of that was the one for notice, which was back in July -- back in January of 2006. After that, Your Honor, everything had happened.

So the substantial evidence on the record would show in October, when Ms. Toney was told to leave it alone, she didn't. That brought Ms. Toney to the radar screen of the superintendent.

And when the superintendent looked into it and began talking to the principal and looking at the documents, she saw that she had a teacher who was not cooperative. She saw that she had a teacher who had -- had -- just two weeks earlier, had given very serious push back to an observation that goes straight to her instruction. She saw that she had a teacher who, in a parent/teacher conference, had become so irrate until the principal had to ask her to leave.

THE COURT: Ms. Boykin, we're kind of treading the same ground over and over again. Can we just keep it to --

MR. BOYKIN: Thank you, Your Honor. I -- I was -- I was wrapping it up.

THE COURT: All right.

MR. BOYKIN: Okay. But this is the superintendent's recommendation that I'm going to, Your Honor, and this is what she saw when she talked to Mr. Webb, who was the principal.

The point that Mr. Nickles made, and I will take my seat following this point, was that the principal didn't recommend Ms. Toney's termination, and we acknowledge that. But the record will also reflect that that principal is not there for this current school year, that -- that he -- he was not going to be returning, which means that the superintendent is the person whose recommendation the

school district has a right to rely on, not the principal; because the superintendent knows what she expects of the schools.

And so on that basis, Your Honor, we believe that the -- the unprofessional conduct is well documented. Most of it is un -- had not been addressed by Mr. Nickles thus far and it would be interesting to see, you know, what is offered.

The -- the -- the witnesses that Ms. Toney brought in all admitted that they had never given back any kind of push back to an observation, and they never had to be asked to leave a parent/teacher conference.

THE COURT: Thank you.

MR. BOYKIN: So we believe that the Court should affirm the decision of the school board, Your Honor. Thank you.

THE COURT: Thank you, Mr. Boykin. Brief reply?

MR. NICKLES: Very brief, Your Honor. I'd just like to invite you and -- and Mr. Boykin, if he chooses to, to read the *Hall* decision as to the standard of review. It says as follows -- this is Page 499 S.E.2d, on page -

COURT REPORTER: I'm sorry. Say that number again?

MR. NICKLES: Excuse me?

COURT REPORTER: Read the number again.

MR. NICKLES: 499 S.E.2d 216, 219; 330 S.C. 402 407.

And this is what is says (as read): "Although the Teacher Employment and Dismissal Act contemplates 'evident unfitness for teaching' to encompass a broad -- broad variety of deficiencies, the Act was also intended to prevent the abuse of a school board's power of termination.

"Consistent with this requirement, South Carolina appellate courts have upheld immediate termination only where evidence of unfitness for teaching was undeniably and abundantly present."

This is not Al Nickles making up a standard of review. This is the South Carolina Supreme Court in *Kizer v. Dorchester* and South Carolina Court of Appeals in *Hall v. Sumter 2*.

Now, Your Honor, I do find it interesting that the district says, "Well, we're going under 440 and 430, failure to remediate and unfitness." Because if you look at the notice provided to Ms. Toney, there is not a shred of notice there that she's received prior notice of alleged deficiencies. It's not there. It's not in the charge against her.

Instead what it says is (as read): "My recommendation is based on you engaging in behavior and conduct that caused unnecessary disruption in the workplace."

Your Honor, we questioned every employee that testified about whether there was disruption at Lee County

High School and they all said no, no. The principal, no. The building administrator, no. Fellow teacher, no. Secretaries, no. The superintendent never went over there, couldn't possibly know.

And it says (as read): "Evidenced by your discussing a faculty member's personal information with other employees -- other employees, after being directed by an administrator to leave the matter alone."

Your Honor, the only so-called discussion that Ms. Toney had with any employee after she was placed on administrative leave was when she was called in to speak to the superintendent. Not a single employee testified that Ms. Toney discussed anybody's personal information with them, and the employees are there of record. We asked them to come and share with the board: Was there any disruption? Did Ms. Toney discuss anything with you? No.

It's not the record, Your Honor. Easy to say, hard to prove. And the record is the proof, Your Honor.

And just briefly, to address a couple of the issues that Mr. Boykin raised, yes, there was one incident in 23 years where Ms. Toney and a parent got into a heated debate. That -- the testimony is -- the record is that parent threatened her and Ms. Toney responded. The principal was there. This happened in a preceding school year, not during the 2013/2014 school year when she was

fired, the preceding school year, under a different superintendent, but the same principal who said he had no reason to terminate her. He didn't recommend her termination in that school year. Why is it important now? Why is it important now? Because it's convenient.

Your Honor, the -- look at the principal's testimony. His name is "Mr. Webb." And of course, now they want to distance themselves from Mr. Webb, but at that time, he was the sitting principal. He'd been the principal the preceding year.

In December, when this letter was sent, he was the sitting principal. In October, when they put her on administrative leave, he was the sitting principal. She hasn't set foot in Lee County High School since October of 2013.

Your Honor, they say, oh, she was so mean to this administrative assistant. Well, if that was true, Your Honor, if that were an issue, would the principal have addressed it with her? Obviously. Did he? No. It's an excuse, not a reason, Your Honor.

And this record is replete with attempts by this administration to reach back into time, to make mountains out of molehills; to address things that were addressed, forgotten, forgiven, over, and done; and to say now they justify termination. Your Honor, it is pretext.

Your Honor, the record does not support termination. And Your Honor, the standard of review is as the Supreme Court and the Court of Appeals has stated. This record falls woefully short of meeting that standard. You put that together with the denial of the opportunity to defend herself by bringing that witness forward, by offering evidence of the reasons why she presented that package to the building administrator and the superintendent and nobody else. She's accused of -- of sharing with other employees after being told not to. Not a shred of evidence to support that. Conveniently kind of overlooked on appeal.

Your Honor, hold the District to what they accuse Ms. Toney of, hold them to what the record actually says, and reversal is required. That's all we'd ask. Thank you very much.

THE COURT: Thank you, gentlemen. Obviously, I'll need to review the record, along with memorandums that were submitted. So I will take this matter under advisement and notify you of an opinion. Thank you.

MR. NICKLES: Thank you, Your Honor.

MR. BOYKIN: Thank you, Your Honor.

-- END OF TRANSCRIPT RECORD --

CERTIFICATE

I, the undersigned Bonnie H. Kelly, Official Court Reporter for the Fifth Judicial Circuit of the State of South Carolina, do hereby certify that the foregoing is a true, accurate, and complete transcript of record of all the proceedings had and evidence introduced in the hearing of the captioned cause, relative to appeal, in the Third Circuit Court for Lee County, South Carolina, on the 31st day of October, 2014.

I do further certify that I am neither of kin, counsel, nor interest in any party hereto.

Bonnie H. Kelly

Bonnie H. Kelly, CVR
Official Court Reporter

Columbia, South Carolina
May 20, 2015

1 STATE OF SOUTH CAROLINA BEFORE THE BOARD OF TRUSTEES

2 COUNTY OF LEE OF LEE COUNTY SCHOOL DISTRICT

3

Dr. Wanda Andrews,
4 Petitioner,

5 vs.

6 Laura Toney,
Respondent.

7

8 CERTIFIED COPY

9

10 D E P O S I T I O N

11 WITNESS: Laura Toney

12 DATE: Wednesday, March 12, 2014

13 TIME: 10:15 a.m.

14 LOCATION: Lee County School District Office
310 Roland Street
15 Bishopville, South Carolina

16 TAKEN BY: Attorneys for Petitioner

17 REPORTED BY: LAURA CHAMBLEE
Registered Professional Reporter

18

19

20 -

21

22 COMPUSCRIPTS, INC.
A Full-Service Court Reporting Agency
23 Post Office Box 7172
Columbia, South Carolina 29202
24 803-988-0086
1-888-988-0086
25 www.compuscriptsinc.com

1 APPEARANCES:

2 ATTORNEYS FOR THE PETITIONER:

3 BOYKIN & DAVIS, LLC
BY: CHARLES BOYKIN, ESQUIRE
4 BY: DEIDRE LAWS, ESQUIRE
dlaws@boykinlawsc.com
5 220 Stoneridge Drive, Suite 100
Columbia, South Carolina 29210

6

7

8 ATTORNEYS FOR THE RESPONDENT:

9 NICKLES LAW FIRM, LLC
BY: SUSAN M. FITTIPALDI, ESQUIRE
10 sfittipaldi@nickleslaw.com
1122 Lady Street, Suite 610
11 Columbia, South Carolina 29201

12

13 ALSO PRESENT:

14 Dr. Wanda Andrews

15

16

17 (INDEX AT REAR OF TRANSCRIPT)

18

19

20

21

22

23

24

25

1 THEREUPON,

2 LAURA TONEY, being first duly sworn,

3 testified as follows:

4 EXAMINATION

5 BY MR. BOYKIN:

6 Q Ms. Toney, my name is Charles Boykin. I'm

7 with the firm of Boykin and Davis out of Columbia, South

8 Carolina. We represent the Lee County School District

9 in this matter. And by this matter we're talking about

10 Dr. Andrews' recommendation to the Board for the

11 immediate termination of your employment.

12 Our purpose here today is for me to ask some

13 questions of you so that I might get a better

14 understanding of your position on Dr. Andrews'

15 recommendation. It's not my intent to confuse you,

16 cajole you, or otherwise get you to say something that

17 you don't intend to say. It is my purpose to ask you

18 questions that are clear. If for any reason you do not

19 understand my question, if you let me know, I'll either

20 rephrase or restate it, whatever the case may be. Is

21 that fair?

22 A Yes, sir, it is.

23 Q I'll need you to answer orally such that she

24 can record your answer and know affirmatively what it

25 is.

1 A Okay.

2 Q Since your deposition has commenced, if you

3 have any questions at all, you should direct those

4 questions to me. Unfortunately, not your lawyer. It is

5 not my place nor my responsibility to give you legal

6 advice. Any questions arising in this proceeding should

7 be -- should flow from our discussion. And I'm the best

8 person -- I should be the best person able to clarify

9 that. So those questions are directed to me.

10 Unfortunately or fortunately--I'm not sure how you would

11 see it--you're not allowed to receive legal advice

12 during your deposition. Do you understand that?

13 A Yes.

14 Q Should we have a break, I will query you as we

15 reconvene each time as to whether you had such

16 discussions and if so, what those discussions were

17 about. Do you understand?

18 A Yes.

19 Q Okay. Now I have to ask this question of

20 you -- these questions of you because we ask them of all

21 deponents. Is there any reason why you cannot

22 truthfully and honestly respond to my questions today?

23 A No.

24 Q Have you had any medication which would alter

25 your ability to understand and to respond honestly and

1 truthfully to my questions today?

2 A No.

3 Q Would you please state your full name for the

4 record?

5 A Laura Ann Toney.

6 Q Is Toney your name by marriage or is Toney

7 your maiden name?

8 A By marriage.

9 Q Okay. And your maiden name is what?

10 A Thomas.

11 Q Thomas. I take since you said Laura Ann

12 Toney, you never use Thomas in any of your

13 communications; is that correct?

14 A I have. I have used Thomas, Laura Thomas

15 Toney, Laura Lewis Toney. I was married two times. And

16 my first husband's name was Lewis, last name was Lewis.

17 Q And your second husband's name was Toney.

18 What's his full name?

19 A Milton Albertus Toney.

20 Q Where do you currently reside?

21 A Bishopville.

22 Q And what's that address?

23 A You want my mailing address or my physical

24 address?

25 Q Your physical address to begin with, please.

6

A I have three homes in Lee County. One home is [redacted] and [redacted]. And those are the two that I live at from time to time.

Q Do you own these homes outright?

A I own [redacted] [redacted] is still in my brother's name but it was willed to me in his estate.

Q Okay. So where do you reside is my question?

A I stay in both homes from time to time. [redacted]

Q Do you claim a tax exemption such as the four percent that is allowable for place of residence?

A Yes.

Q Which place is that claimed?

A [redacted]

Q Thank you.

A You're welcome.

Q And you said there was a third.

A No, I don't have -- there's just two where I reside.

Q So you misspoke when you said that there were three?

A Well, the third one is still in litigation.

Q So tell me the particulars about that.

A Well, there was a foreclosure and I'm still

1 fighting the foreclosure.

2 Q Foreclosure is pending?

3 A Well, it's still in litigation.

4 Q How long have you lived at [redacted]?

5 A I was born and reared there.

6 Q Okay. So this is your what we would call home

7 place?

8 A Yes.

9 Q Do you have siblings?

10 A I have four living brothers. I had six, two

11 brothers died.

12 Q So you're the only girl?

13 A Only girl.

14 Q So you've lived at [redacted] all of your

15 life. You never lived any place else?

16 A Oh, my first husband was in the military so I

17 lived in Columbus, Georgia; I lived in Colorado Springs,

18 Colorado; I lived in North Carolina.

19 Q Have you lived in any of these places within

20 the last ten years?

21 A No.

22 Q [redacted]

23 A

24 Q

25 A

10

1 that correct?

2 A Yes.

3 Q Tell me the legal actions that you're

4 currently involved in other than this teacher dismissal.

5 A I'm in litigation with the USDA and my

6 brother's estate.

7 Q Is that the [redacted] property?

8 A Yes.

9 Q What is the nature of that litigation?

10 A Shortly after he died the USDA broke into his

11 house and changed the locks -- did not follow the

12 procedure as far as the foreclosure procedure and threw

13 out his personal items, changed the locks. And I'm

14 suing on that on his behalf.

15 Q And who is representing you on that?

16 A I'm representing myself.

17 Q What other litigation?

18 A I have litigation -- I have two cases pending

19 with the South Carolina Court of Appeals. The other

20 residence that I was telling you about, the house that I

21 own the half interest in --

22 Q And what's the address on that property?

23 A [redacted].

24 Q Okay. You were giving me the circumstances of

25 the litigation. Would you continue, please?

A Like I say, it's pending with the South Carolina Court of Appeals now.

Q And what is the issue before the Court?

A And I also have a case pending with the federal court.

Q [redacted] is pending before the Court of Appeals. My question of you is: What is the issue that is pending before the Court?

A Let me -- I'm kind of confused right now. The one that's pending with the South Carolina Court of Appeals is for a house in Orangeburg. That's Deutsche Bank. The one that's pending now with the house here in Bishopville is with the federal court.

Q What's the address of the Orangeburg property?

A [redacted] and [redacted].

Q [redacted], what is the issue that's before the Court?

A You know what, I'm trying to remember. Just so much going on. Let me see. [redacted] it was a mortgage, erroneous mortgage where they had two houses on one mortgage.

Q Who owned that property?

A My brother.

Q Is this brother living or dead?

A He's dead.

12

1 Q Okay. You said there was a fourth property
2 in -- the second one in Orangeburg but a fourth property
3 in our discussion. And what's the address of that
4 second property in Orangeburg?
5 A [redacted].
6 Q Okay. And that is before the Court of
7 Appeals; is that correct?
8 A Yes, it is.
9 Q And what is the issue with that property?
10 A The same thing. They had two houses on one
11 mortgage.
12 Q Okay.
13 A And plus the -- the attorney for that
14 particular property tried to charge me mortgage
15 interest. It's a lot of different causes of action. I
16 can't just sit here and tell you everything that's
17 involved.
18 Q Okay. If it's before Court of Appeals though,
19 it would be specific issues.
20 A Yes, yes.
21 Q And I'm asking you what those issues are. Who
22 is representing you with the [redacted] property
23 which I believe is in Bishopville; is that correct?
24 A Yes. I'm representing myself pro se. All of
25 my actions are pro se.

1 Q You mentioned in connection with the [redacted]
2 [redacted] and the [redacted] that there was an
3 attorney charging interest. And who would that be?
4 A The Korn Law Firm.
5 Q Spell that for me.
6 A K-O-R-N.
7 Q Okay. Is that all the property now?
8 A All the property?
9 Q That's in litigation.
10 A Yes. To the best of my knowledge, yes.
11 Q To the best of your knowledge?
12 A Yes, uh-huh.
13 Q Okay. So you're a pro se litigant in these --
14 A Pro se, I do my own legal work.
15 Q Okay. And you live in the [redacted]; that's where
16 the four percent is claimed; is that correct?
17 A Yes.
18 Q Okay. All right. Do you belong to any social
19 clubs, organizations?
20 A I'm -- social clubs, no.
21 Q Or other organizations?
22 A Professional club, the SCEA and Lee County
23 Education Association.
24 Q Any other organizations?
25 A No.

1 Q Are you currently married?
2 A No.
3 Q Do you have children?
4 A No.
5 Q Where did you finish high school?
6 A Bishopville High School.
7 Q Bishopville High School, okay. Are you
8 currently certified to teach in South Carolina?
9 A Yes.
10 Q In what areas?
11 A Psychology and social studies.
12 Q Other than this recommendation from
13 Dr. Toney -- from Dr. Andrews, excuse me, have you ever
14 been asked to resign or recommended for termination from
15 employment with a school district?
16 A I haven't been recommended but I did resign
17 from Sumter School District 2.
18 Q Have you ever been asked to resign?
19 A It was my decision to resign.
20 Q The question I'm asking you is: Have you ever
21 been asked to resign?
22 A I really can't remember. You're talking about
23 twenty something years ago, but I do remember resigning
24 from Sumter School District 2.
25 Q Were there any concerns about either your

1 conduct or your performance when you were at Sumter
2 School District 2?
3 A The main concern was my attendance, because
4 when I was in Sumter School District 2 is when my
5 husband got ill and I had to miss a lot of days because
6 of his illness. And being that I missed so many days,
7 there was an attendance problem that led into other
8 problems because I couldn't be in the classroom every
9 day.
10 Q What were the other problems that grew from
11 your attendance issues?
12 A Well, you know, having a substitute and the
13 kids not getting proper instruction through a substitute
14 teacher.
15 Q Was there ever a formal recommendation for the
16 termination of your employment?
17 A I don't think so. I don't remember. I don't
18 remember, but I don't think so. But I don't remember.
19 Q So as we sit here, you don't know whether you
20 were recommended for dismissal or not; is that correct?
21 A I don't remember. And that's the honest
22 truth. I don't remember. I remember resigning.
23 Q So it is fair to say as we sit here you don't
24 know whether you were recommended for termination or
25 not?

1 A I don't remember. I remember resigning.

2 Q Okay.

3 A Uh-huh.

4 Q Okay. Is it fair to say that if you were

5 recommended for termination, you would know it?

6 A I don't remember.

7 Q Well, how often have you been recommended for

8 termination, Ms. Toney?

9 A Well, I know I've been recommended here.

10 Q That's not my question.

11 A Other than this, I don't remember from Sumter

12 School District 2. I only worked Sumter School District

13 2 and here.

14 Q [redacted]

15 [redacted]?

16 A [redacted]

17 [redacted].

18 Q Was this about the same time that you were

19 having attendance issues at the school?

20 A Yes.

21 Q Was this about the same time that you

22 ultimately decided to resign?

23 A Yes. Are you defending [redacted] in this

24 case? That case is over with.

25 Q The way it's going to go is I'm going to ask

1 you questions and you're going to answer them.

2 A Okay.

3 Q So my question of you is: [redacted]

4 [redacted], was that during

5 the time that you were having attendance issues at

6 school and ultimately resigned?

7 A Yes.

8 Q Okay. Was there ever discussion about the

9 non-renewal of your employment with Sumter School

10 District 2?

11 A I don't remember.

12 Q So you're saying you have no recollection?

13 A I don't remember.

14 Q Did you have a lawyer?

15 A And to be -- I had a lawyer, I.S. Leevy

16 Johnson, and I had another lawyer, and I don't even

17 remember his name. You're talking over 20 something

18 years ago. I was thinking about that the other day. I

19 don't even remember his name. I don't even remember

20 where his office was.

21 Q Did you have a lawyer representing you when

22 you were with Sumter School District 2 regarding your

23 employment, Ms. Toney?

24 A Yes, I did.

25 Q And who was that lawyer?

18

1 A I.S. Leevy Johnson was one and then I got
2 another lawyer, and I don't remember his name. I don't
3 remember his name.
4 Q Would you object to our pulling the file from
5 Sumter 2 to determine exactly what the communication was
6 between you and them at that time?
7 A Yes, I would because no one object -- no one
8 got the personnel file from Dr. Baldwin or Mr. Baldwin.
9 Yes, I would object.
10 Q Well, we will subpoena the file.
11 A Okay.
12 Q And we understand it would be over your
13 objection. Okay?
14 A Okay.
15 Q Do you see this as a matter between you and
16 Dr. Baldwin?
17 A No, not --
18 Q Okay. Go ahead. You can explain.
19 A That's it. That's all I have to say, no.
20 Q Because I was wondering why you brought
21 Dr. Baldwin's name up about his personnel file. He is
22 not before the board in this proceeding. It is you.
23 A Uh-huh.
24 Q You understand that?
25 A Yes, sir.

1 Q Have you worked in any other school districts
2 other than Sumter School District 2 and the Lee County
3 School District?
4 A No. I did substitute work. I did substitute
5 work in Clarendon County.
6 Q And when did you do that?
7 A It was in the '80s. I don't remember the
8 years.
9 Q Was that before your work at Sumter 2 or after
10 your work at Sumter 2?
11 A I'm thinking it was before. I don't remember.
12 I really don't remember. You're talking about 30 years
13 ago. It was -- I don't remember. But I remember doing
14 substitute work in Clarendon County.
15 Q Do you know Bernard McDaniel?
16 A Yes.
17 Q Tell me how you came to know him.
18 A He was employed with the Lee County School
19 District.
20 Q When was this?
21 A This school year.
22 Q So that's the only way you know him?
23 A Uh-huh.
24 Q Have you ever called and spoken to anyone
25 about Mr. McDaniel?

20

1 A I don't remember, no.

2 Q Is it that you don't remember or is it that

3 you've never done it?

4 A Did I tell call anyone to -- I've never spoken

5 about him in a negative fashion. I might've --

6 Q My question, Ms. Toney, is: Did you ever call

7 someone on the phone and engage in a conversation about

8 Bernard McDaniel?

9 A No.

10 Q That's a yes or no question.

11 A No.

12 Q So you're saying that anyone who says that you

13 called and talked about Bernard McDaniel would not be

14 telling the truth; is that your testimony?

15 A Yes.

16 Q Do you know anything about Bernard McDaniel?

17 A He did a deposition here and I know some

18 things about him doing the deposition.

19 Q What did you learn about him during the

20 deposition that you did not know before the deposition?

21 A That he was accused of sexual harassment in a

22 school district. I don't remember what school district

23 he was referring to.

24 Q And it's your testimony that you had no

25 discussions with anyone about that before his

1 deposition?

2 A I don't remember. I don't recall. I really

3 don't. I didn't know anything about his sexual

4 harassment charges until the deposition.

5 Q Ms. Toney, you cannot have it both ways. My

6 question of you is: Did you make a call to somebody in

7 which you discussed Bernard McDaniel? That a yes or no.

8 A No, sir, I didn't.

9 Q Okay. Now I'm going to ask you: Did you know

10 anything about a sexual harassment charge before his

11 deposition?

12 A No.

13 Q Was there anything else that you might have

14 talked to somebody about regarding Bernard McDaniel?

15 A No.

16 Q So as you're under oath you're saying that

17 anyone who says that you called them and talked to them

18 about Bernard McDaniel would not be telling the truth;

19 is that your testimony?

20 A I don't recall. I don't recall ever talking

21 to anyone.

22 Q You don't have the prerogative of doing it

23 both ways.

24 A I don't recall.

25 Q So you're saying that it is possible that you

22

1 would have made that call?

2 A I don't recall ever doing that.

3 Q Okay. Because you don't recall doesn't say

4 you didn't do it; isn't that correct?

5 A Now --

6 Q Answer the question in the present.

7 A I never did --

8 Q Because you cannot recall, isn't it correct

9 that you don't know whether you did it or not?

10 A I --

11 Q Just answer that question.

12 A Are you going to let me answer?

13 MS. FITTIPALDI: I was going to say --

14 THE DEPONENT: Let me answer.

15 MS. FITTIPALDI: Excuse me. Ask your

16 question, pause for a moment and give her an

17 opportunity to respond. And I believe just for the

18 record that you've asked this question numerous

19 times and she's provided her answers.

20 MR. BOYKIN: In re anonymous, asked and

21 answered is not an appropriate interruption during

22 a deposition. I need this witness to be honest and

23 to answer the question and stick to the answer

24 because even though I've answered (sic) it two or

25 three times, she's changed her answers two or three

1 times.

2 THE DEPONENT: No. The answer is no.

3 BY MR. BOYKIN:

4 Q The question that you're answering no to is

5 that you're -- and you're saying under oath that you

6 never called anyone to discuss Bernard McDaniel?

7 A No.

8 Q So you're saying that you did, so the answer

9 to that question is you never did that?

10 A Not to my knowledge, no. Why would I discuss

11 him? Why would I discuss him?

12 Q Have you contacted any of the board members to

13 ask that they discuss this matter with you?

14 A Discuss what matter?

15 Q The matter of the recommendation of the

16 termination of your employment, Ms. Toney.

17 A I have -- no, I've never talked to a board

18 member about my case.

19 Q Okay. Did you contact any board member in an

20 attempt to ask them to discuss this matter with you?

21 A No. I have contacted a board member but not

22 to discuss my case.

23 Q So what board member did you contact?

24 A Queenie Boyd.

25 Q And what was the substance of that contact?

24

1 A I was concerned about my students. My
2 students did not have a certified teacher; they had a
3 substitute teacher, and I was concerned.
4 Q May I ask this question?
5 A Uh-huh.
6 Q How do you know that the teacher was not
7 certified?
8 A I see my students all the time.
9 Q How would your students know whether their
10 teacher is certified?
11 A The students know substitute teachers when
12 they come in.
13 Q That's not my question. How would you or your
14 students know whether the teacher is certified? That's
15 my question.
16 A I just wanted to make certain that a certified
17 teacher was there.
18 Q You said that they did not have a certified
19 teacher. That was a definitive declarative sentence.
20 My question of you is: How did you know that was the
21 case?
22 A A teacher's certification is public
23 information on the internet.
24 Q So did you -- so you're telling me that you
25 went on the internet to determine whether the teacher

1 was certified?

2 A No, I didn't but I'm letting you know it's

3 public information.

4 Q Okay. I'm asking you how did you know,

5 Ms. Toney. Why can't you answer that question? It's

6 simple.

7 A How did I know the teacher was not certified?

8 Q Correct.

9 A I just assumed that the teacher was not

10 certified.

11 Q So let me get this straight. You assumed that

12 the teacher wasn't certified. And based on that

13 assumption, you called a board member. So what did you

14 expect the board member to do?

15 A To make certain that a certified teacher was

16 there.

17 Q Is there a reason you didn't call Dr. Andrews?

18 A I was told not to contact anyone in the

19 district other than Dr. Andrews, and I didn't feel

20 comfortable in calling Dr. Andrews.

21 Q So was the board member in the district?

22 A Yes.

23 Q Did you contact the board member?

24 A The board member is not an employee of the

25 district. The board is an elected official.

26

1 Q So you're now saying that you could create an
2 exception if you chose to; is that correct?
3 A No, I'm just telling you the way it is. A
4 board member is an elected official. A board member is
5 not an employee of the school district.
6 Q So you were told not --
7 A Her directives were not to contact an employee
8 of the school district.
9 Q You were told not to contact an employee of
10 the district.
11 A Right.
12 Q So you felt like you could contact a board
13 member of the district?
14 A Yes.
15 Q And you were told you were supposed to contact
16 any Dr. Andrews if you had a question?
17 A I didn't -- no, the letter -- I don't remember
18 what the letter -- I don't have the letter in front of
19 me, but I didn't feel comfortable in calling Dr. Andrews
20 in this case.
21 Q But you felt comfortable calling someone who
22 Dr. Andrews reported to?
23 A I see board members all the time.
24 Q That's not my question. My question is you
25 felt comfortable calling someone who Dr. Andrews

1 reported to?

2 A Yes.

3 Q And what did you expect Ms. Boyd to do?

4 A To make certain that a certified employee was

5 there.

6 Q Was that in a duly called board meeting that

7 you called her?

8 A I have a freedom to talk to any board member

9 that I want to talk to as long as I'm not talking about

10 my case.

11 Q This doesn't question your freedom. What this

12 questions is the common sense of calling a board member

13 outside of a board meeting where the board member has no

14 authority. Clearly you have enough sense to understand

15 that, don't you?

16 MS. FITTIPALDI: Excuse me. Let me put my

17 objection on the record. Please, let's keep this

18 cordial. You know as well as I know that there

19 cordiality rules in depositions. We're just into

20 this. We've got a long way to go. Let's try to

21 keep it cordial. Okay? Thank you.

22 MR. BOYKIN: Thank you.

23 MS. FITTIPALDI: You want to read back the

24 question for the client.

25 (Thereupon, the question was read back to the

28

1 deponent.)

2 BY MR. BOYKIN:

3 Q The question was: What did you expect a board

4 member to do outside of a duly called meeting?

5 A To come and speak to the superintendent to

6 make sure a certified employee was in my classroom.

7 Q You do understand that that would have been

8 micromanagement and interference on the part of the

9 board member, don't you?

10 A Not really.

11 Q You don't? Not really you don't understand it

12 or you don't think it would have been, which is it?

13 A I don't think it would have been.

14 Q Okay. So how often have you contacted board

15 members to get them to talk to the superintendent about

16 issues for you?

17 A I don't recall.

18 Q It's not that you haven't done it. It's just

19 that you don't have any memory of doing it is what

20 you're telling me?

21 A Right.

22 Q That's your testimony?

23 A Uh-huh.

24 Q So to make sure we're recapping here, you knew

25 that a substitute teacher in your room was not

1 certified?

2 A I had a feeling the person was not certified.

3 Q And what was your feeling based on?

4 A Just my feeling. I just felt the person --

5 most substitute teachers are not certified teachers.

6 Q What was your feeling based on, is my question

7 of you.

8 A I knew the person that was in my classroom.

9 I've known the person for years.

10 Q And so you knew the person wasn't certified?

11 A I know the person was not certified through

12 conversations with this person.

13 Q Okay. So it took us ten minutes to get to the

14 fact that you knew the person. Why didn't you just

15 answer that when I asked you the first time, Ms. Toney?

16 A Maybe it's your demeanor.

17 Q The question -- Maybe it's my demeanor that

18 caused you to be less than honest in your first answer?

19 A I was not dishonest. I said I had a feeling

20 the person was not certified.

21 Q So this person told you that they weren't

22 certified?

23 A I don't remember.

24 Q How long had you known this person?

25 A For years.

1 Q For years. How many years?
2 A I don't remember how many years.
3 Q What's this person's name?
4 A McDaniel. I don't know -- Geneva McDaniel.
5 Q And where did you know this person from?
6 A I don't remember. She lives in the [redacted]
7 area. I've been knowing her for hers. She was in and
8 out of the classroom for years substitute teaching.
9 Q She told you she wasn't certified?
10 A I don't recall. I really don't. I really
11 don't recall.
12 Q So you have all of this information and you
13 don't remember how you got it?
14 A No, I sure don't.
15 Q And all of these things -- Let me ask you a
16 question. Do you remember an observation from the fall
17 of 2013 where someone observed your class and sent you
18 an e-mail? Do you have any recollection of that?
19 A Can you give me the person's name because I've
20 been observed by more than one person.
21 Q Do you -- So it's yes that you were observed;
22 is that correct? Is that the answer to the question?
23 A Yes, sir.
24 Q All right. Do you have any recollections
25 about any observations that you had during that period

1 of time?

2 A Yes.

3 Q Tell me the recollections that you have.

4 A Ms. Fowler, the administrative assistant, came

5 to my classroom. She observed my class. She sent an

6 e-mail stating that my standards and my essential

7 questions were not written on the board, and they were

8 because the first thing I do every morning when I enter

9 my classroom, I write my essential questions on a

10 whiteboard in red ink. There was no way she could not

11 have seen my essential questions and my standards.

12 Q How do you know there was no way she could not

13 have seen it?

14 A Because it's on a whiteboard, big whiteboard

15 in red rink.

16 Q Suppose it wasn't there?

17 A They were there.

18 Q That is your side of the story. My question

19 is: What else do you remember from Ms. Fowler's

20 observations?

21 A Ms. Fowler came in; she sent an e-mail; and I

22 responded to her e-mail. And I had a right to do that

23 because what she had written down in her evaluation was

24 not true.

25 Q What was not true?

1 A About my essential questions, about my
2 standards not being posted.
3 Q Have you -- Since you were working here in Lee
4 County, have you ever been counseled about your attitude
5 of conduct in the workplace?
6 A No.
7 Q Has anyone ever talked to you about
8 inappropriate conduct or about disrespectful behavior
9 towards administrators?
10 A She is not an administrator.
11 Q That's not my question.
12 A She's an assistant administrator.
13 Q Ms. Toney, that is not my question.
14 A Well, Mr. Boykin, I'm the type of person I try
15 to do my job and I try to do the right thing, but if
16 someone puts anything in writing that's not true, I
17 respond to it. I do have due process.
18 Q Okay.
19 A I don't sit by passively and let someone put
20 anything in writing or say anything about me that's not
21 true and not respond. If you call that --
22 Q Ms. Toney, I don't mind your lecture but I
23 wish it would follow an answer to my question.
24 A Don't point at me.
25 MR. BOYKIN: I've asked her a question; she

1 has yet to respond to the question.
2 THE DEPONENT: Don't point at me please, sir.
3 MS. FITTIPALDI: Let's review the rules of a
4 deposition. Mr. Boykin asks questions; you answer
5 the questions that are asked. Simple? Simple.
6 Okay. So what is the question that is pending?
7 I'm sorry.
8 MR. BOYKIN: The question that is pending was
9 whether or not any administrator has had occasion
10 to address her or counsel her on her workplace
11 behavior or demeanor. That was the question.
12 MS. FITTIPALDI: Okay. That's the question.
13 Please answer.
14 THE DEPONENT: No. The answer is no because
15 whenever someone writes something about me that's
16 not true, I put it in -- I respond to it. And I
17 have a right to. I write a rebuttal.
18 BY MR. BOYKIN:
19 Q So you're saying that you have never been --
20 you've never been counseled about your conduct in the
21 workplace and your treatment or response to
22 administrators? You've never been counseled --
23 A I have been -- I've had several interactions
24 with administrators. If you want me to talk about this,
25 I can do it from one administrator to the next. Ruth

1 Richardson from Fleming is one of them.

2 Q Okay. Tell me about --

3 A Let me tell you about Ruth Richardson.

4 Q Yes.

5 A It was a personality conflict I think. And

6 another thing I was staying out a lot because --

7 Q Tell me -- Excuse me for interrupting you. I

8 want you to tell me who Ruth Richardson was and your

9 relationship as an employee with her and then go ahead

10 and explain what was happening.

11 A Ruth Richardson was the principal of Fleming

12 Middle School. And during that time, husband had

13 [redacted].

14 Q Whose husband?

15 A My husband had [redacted], in and out of

16 the hospitals, was on life support. And I had to miss a

17 lot of days.

18 Q Which husband was this, the first one or the

19 second one?

20 A The second one. And whenever you have an

21 attendance problem, and I know it's not fair to the

22 students, but I was doing the best that I could, in and

23 out. I was placed under the ADEPT. And I recall

24 Ms.~Richardson -- And this has been so long ago, I want

25 to make certain that I say it because she's not here to

1 defend herself, but I recall her falsifying my ADEPT.
2 I recall during that time I had Sam McDonald,
3 he's a professor at South Carolina State University. He
4 was one of my evaluators. And I don't recall the other
5 lady's name. She was from Rock Hill. And whenever they
6 came in and out of my class -- Ruth Richardson was on
7 that panel too. It was three of them. But when these
8 other people would come in and out of my classroom, I
9 could look and see that they were pleased. I never did
10 see anything to make me feel that something was going on
11 in the classroom that was not right, even though they
12 never had a conversation with me because they couldn't
13 really talk about their evaluation until they met
14 together as a team.
15 Q Before you go further, it was the ADEPT
16 procedure that was being followed?
17 A Yes.
18 Q And the ADEPT procedure required the three
19 individuals to do observations; is that correct?
20 A Yes.
21 Q And that's called data collection?
22 A Yes.
23 Q And then no judgment can be made until they
24 meet, the three of them?
25 A Right.

1 Q And the judgment would be in consensus?
2 A Yes, correct.
3 Q So you would agree with me that any one view
4 would not with dispositive or determinative, that would
5 not be final until after the consensus?
6 A Right.
7 Q So any feeling you had would just be your own
8 feeling, would not be based on anything coming from
9 ADEPT; is that correct?
10 A Okay. Yes. Can I -- May I finish please?
11 Q You can finish but I want to make sure that
12 we're talking about the same process.
13 A Yes.
14 Q Okay. Have I accurately described the
15 process, Ms. Toney?
16 A Yes.
17 Q Okay. Please finish. You left off with you
18 had a feeling that the two external observers were
19 positive. That's where you left off, just in case. Go
20 ahead.
21 A Anyway, it was time for the final meeting and
22 she called me in. I said, where are the other two
23 evaluators? And she said, They won't be present; they
24 can't make it. I had gone through ADEPT before; and the
25 final meeting, all of the evaluators were there.

1 Q When you say the final meeting, this was in
2 the spring?
3 A I think it was in the spring. It was in the
4 spring, it was a final meeting.
5 Q Would you take me back to the fall?
6 A It was in the spring.
7 Q I want you to take me back to the fall. I
8 want to know how the fall meeting ended.
9 A I don't recall. I don't recall. I don't
10 recall, but I know the ending. The ending, I failed in
11 the end. In the fall I failed.
12 Q Okay. You just said the ending of the fall
13 you failed, but did you misspeak?
14 A Now the spring -- I don't remember the results
15 for the spring, I don't. But I remember the final
16 evaluation I failed. I failed about five components.
17 Q And I'm trying to get your testimony. I'm
18 trying to understand it. Did you fail in the fall or
19 did you fail in the spring?
20 A In the fall.
21 Q In the fall.
22 A In the final.
23 Q Okay.
24 MR. BOYKIN: Let's go off the record. Let's
25 talk.

1 (Whereupon, an off-the-record discussion took
2 place.)
3 BY MR. BOYKIN:
4 Q We're back on the record. You were telling
5 me, Ms. Toney, about your experience at Fleming; is that
6 correct?
7 A Yes.
8 Q And involvement with the ADEPT process; is
9 that correct?
10 A Yes.
11 Q And we had gotten to the point where you were
12 talking about the judgment that was reached in
13 consensus.
14 A Yes.
15 Q And the question that was pending was whether
16 this was the fall or whether this was the spring.
17 A It was the spring.
18 Q It was the spring. Okay. And the result was
19 you had failed five of the ten professional dimensions
20 by your testimony?
21 A I don't recall the exact number, so I hate to
22 say five, but I knew I failed enough of the dimensions
23 to not pass the ADEPT.
24 Q So what did you do after that?
25 A She gave me the copy where --

1 Q When you say she...
2 A Dr. Richardson -- not Doctor, I'm sorry.
3 Ms. Richardson gave me the copy of the ADEPT where the
4 other evaluators had signed off on. And I had to think.
5 I was in total shock. So Sam McDonald, he's a professor
6 at South Carolina State University. And he comes to Lee
7 County every weekend because he's a musician at
8 Unionville AME Church. So I decided to go to Unionville
9 AME Church. And I went up to him and I greeted him and
10 I said, I was disappointed about my ADEPT. He said,
11 well, why. I said, I failed but I guess I have to take
12 it over. He said, Ms. Toney, that was not the consensus
13 of the group. You passed. I said, no, sir, I didn't.
14 He said, yes, you did. I had a copy in my purse. He
15 said, No, this is not my signature.
16 And then I went to -- I wrote a letter to
17 Randy Burns--I forgot what his title was--that
18 following -- Monday of the following week. Mr. McDonald
19 called the other evaluator out of Rock Hill. They met
20 with Randy Burns, told Randy Burns that was not their
21 signatures; the consensus of the team was that Ms. Toney
22 passed.
23 Ms. Ruth Richardson was taken out of the
24 school the very next day. And I don't know what the
25 results was; she was not in Lee County anymore.

1 Q So what is consensus as you see?
2 A Two out of the three.
3 Q Two out of three is consensus?
4 A I would say.
5 Q That's what you would say?
6 A Yes.
7 Q Did you go through the ADEPT training?
8 A Yes.
9 Q And did they explain consensus to you?
10 A Yes.
11 Q And what explanation were you given in
12 training, Ms. Toney?
13 A Well, it's been so long ago. I'm thinking all
14 three have to agree.
15 Q Okay.
16 A So my concern was why was she -- She had to do
17 it over. She did it over, and when she did it over, I
18 passed. And I don't know the details because I don't
19 know what happened in the district office, but I
20 received another --
21 Q Who was superintendent during that time?
22 A Dr. Towns, Willie Towns, I believe. And I
23 received another form where I passed all of the PDs and
24 then --
25 Q What year was this?

1 A Mr. Boykin, I really don't -- Let me see. I
2 don't remember. It's in my file. I don't remember but
3 I received a new form where I passed all ten. And then
4 Ms. Richardson signed that one as well and then the
5 other two signed.
6 Q So is that the only problem you're saying you
7 had with Ms. Richardson?
8 A We've had little day-to-day, you know --
9 Q Such as?
10 A I don't remember, Mr. Boykin. It's all in my
11 record. She was -- On one occasion she knew I was going
12 to have an evaluation that day. My planning period was
13 first period. She told me she wanted me to go on the
14 other side of the school to hold a class first period,
15 knowing that I was going to have an evaluation that day.
16 Q You're saying that you were going to be
17 evaluated that day. Are you really saying that you were
18 going to be observed as a part of an evaluation? Which
19 is it?
20 A I really -- Mr. Boykin, you're talking about
21 twenty something years ago. And the point is,
22 Ms. Richardson forged names. She forged three names.
23 She wrote her name and she forged two signatures.
24 Q I understand that's what you're saying. The
25 testimony that you're giving me now is something to do

1 with -- I'm trying to determine was it an evaluation or
2 was it an observation that day?
3 A It was an evaluation.
4 Q So tell me the circumstances surrounding that
5 evaluation, please.
6 A She -- My first period, I had planning first
7 period. That's when I write everything on the board.
8 She came to me while I was writing on the board and she
9 said, I need for you to hold -- I forgot the teacher's
10 class, way on the other side. There were several
11 teachers that planning period right near that same
12 teacher, right next door.
13 Q In time was this before the ADEPT evaluation
14 that you described earlier --
15 A Yes.
16 Q -- or was this after?
17 A Before.
18 Q Okay.
19 A And I said, Ms. Richardson, may I please stay
20 in my classroom because I haven't written all my
21 standards and everything on the board. She said, I want
22 you to go to this person's class now. I followed her
23 directive; I went. So by the time I got back to my
24 room, Mr. McDonald was in my classroom sitting down;
25 nothing was written on the board. And I explained to

1 him what happened. I had to hold a class. He said,
2 Don't worry about it, Ms. Toney, just go ahead and do
3 what you have to do. But she knew he was coming.
4 Q The standard though required that material to
5 be on the board before the students arrived; is that
6 correct?
7 A Yes.
8 Q Was the material on the board before the
9 students arrived?
10 A No.
11 Q So Mr. McDonald didn't comply with the
12 regulations; isn't that correct?
13 A Well, I don't know.
14 Q He was there, the students were there, and the
15 board was empty according to your own testimony? Or did
16 I misunderstand something?
17 A The board was not empty. I was writing when
18 Ms. Richardson came into the classroom. I think the
19 only thing that was left was closure.
20 Q Your testimony was the board was blank just
21 now.
22 A I did not say the board was blank. I said I
23 was writing on the board when she came into my room.
24 Q What else was Ms. Richardson -- So you had an
25 issue with her because she sent you across the building;

1 is that correct?
2 A Yes.
3 Q You had an issue with that?
4 A We had other issues as well.
5 Q And what were the other issues?
6 A I don't recall all of them. They're in my
7 personnel file. I don't recall.
8 Q Okay. But sitting here today you would
9 acknowledge that it was within her prerogative to ask
10 you to cover a class if it was your planning period?
11 A Yes.
12 Q Okay. So what she did was not inappropriate?
13 A Conniving but not -- you know, when she knew
14 an evaluator was coming to evaluate me for ADEPT.
15 Q Did you know whether she had anyone else she
16 could send there?
17 A She had -- There were teachers right next
18 door, two teachers right next door to the class that I
19 was holding. They had planning period as well.
20 Q So it was conniving, okay. Any other issues
21 with any other employee, supervisor employee, in Lee
22 County School District?
23 A I've had other problems, you know. I've been
24 here for twenty something years. But just to sit here
25 and tell you detailed -- Ms. Richardson -- There was a

1 letter in my file from Ms. Scott. I don't recall ever
2 seeing that letter because there was no response to it.
3 And most times when someone writes a letter like that to
4 me, I always respond to it. I've had other issues.
5 I've had, like I say my main issue was attendance
6 problems because of the illness of my father -- not my
7 father but my husband. And my mother also took sick
8 around the same time. But I've had other issues with
9 administrators as well. There's always room for
10 improvement when you're in education.
11 Q Lenora Scott was your principal?
12 A Yes.
13 Q And she wrote you a letter that you say that
14 you -- you don't think that you ever saw; is that what
15 you're telling me?
16 A I don't recall ever seeing that letter.
17 Q You don't recall ever seeing it?
18 A Not until I got a copy of my personnel file.
19 Q Okay. The letter accuses you of refusing to
20 follow the policies of the board relevant to discipline
21 referrals?
22 A That's what the letter states, I believe.
23 Q But today you say you disagree with that?
24 A Like I say, I don't even recall that letter.
25 I saw that letter for the first time when my personnel

1 file was given to me.
2 Q Okay. I'm going to read portions of it since
3 you haven't seen it before. "Dear, Ms. Toney: Thank
4 you for meeting with me in my office on Tuesday,
5 January 17, 2006, along with Ms. Patricia Solomon,
6 Assistant Principal." Do you recall any such meeting?
7 A I sure don't.
8 Q Okay. Because you do not recall it, do you
9 deny that the meeting took place?
10 A I don't recall the meeting.
11 Q Okay. I understand you said you don't recall
12 it. I'm asking now, do you deny that the meeting took
13 place?
14 A I can't deny what I don't remember.
15 Q Okay. So as we sit here, it is possible that
16 the meeting could have taken place and you just don't
17 remember it?
18 A Yes, yes.
19 Q "The following concerns were addressed:
20 Refusal to follow the policies of the school relative to
21 discipline referrals." Do you recall that discussion?
22 A I don't recall the letter at all.
23 Q I understand. And I'm asking you specifics,
24 please, ma'am.
25 A No.

1 Q Because you don't recall it, it doesn't mean
2 you didn't have that discussion; is that correct?
3 A Yes.
4 Q "Disrespect toward the administrative staff
5 (Mrs. Solomon and I)." Do you recall that discussion?
6 A No.
7 Q But that doesn't say it didn't happen, it's
8 just that you don't remember it?
9 A Right.
10 Q "Leaving your class unattended during
11 instructional time." Any recollection of that
12 discussion?
13 A No, I don't recall.
14 Q Okay. During a conference on February 13 --
15 February -- excuse me-- on Friday, January 13, 2006, you
16 reported that Ms. Solomon would not handle discipline
17 referrals you submitted.
18 Do you ever recall making a complaint about
19 Ms. Solomon's handling of disciplinary referrals?
20 A I don't remember. I don't.
21 Q That doesn't mean that you wouldn't have; it
22 just means you can't remember that?
23 A I don't remember.
24 Q "I received a letter from you written to
25 Ms. Solomon regarding this matter. During this

1 conference you admitted that some of your referrals may
2 have been simple and could have been handled in the
3 classroom." Did you write Ms. Solomon a letter?
4 A I don't recall anything in that letter. I
5 really don't. What year was that?
6 Q 2006.
7 A I don't remember. I really don't. That was
8 almost ten years ago.
9 Q You don't deny receiving the letter?
10 A No, I don't deny it, but I don't remember it.
11 Q Okay. "To gather an understanding of your
12 concerns a second conference was held on Tuesday,
13 January 17, 2006, with Ms. Solomon. As a result, I
14 learned that Ms. Solomon followed the procedures of the
15 school and that she tried to explain this to you. I
16 also learned that you were not receptive of her
17 requests, became angry, and questioned her."
18 A Is that a question or a statement?
19 Q It is a question.
20 A What is the question?
21 Q Did that occur?
22 A I don't remember.
23 Q You don't remember doesn't mean it didn't
24 occur. It just means you don't remember?
25 A I don't remember.

1 Q Do you have problems with your memory?
2 A No, sir, not to my knowledge.
3 Q Not to your knowledge?
4 A No.
5 Q Not that you can remember? "Furthermore, you
6 addressed her a second time in the hallway and a third
7 time you left your classroom during instructional time
8 to come to her office to discuss the matter again. Your
9 behavior and attitude in the conference were
10 argumentative, unprofessional, and unacceptable." Do
11 you disagree with that?
12 A I don't remember the letter.
13 Q Do you disagree with that?
14 A I disagree with it because I don't remember
15 the letter.
16 Q What basis do you have to disagree with it?
17 A If you don't remember something -- How can I
18 agree with something I don't remember?
19 Q Do you disagree with it?
20 A I don't remember it. That's my answer.
21 Q My question is: Do you disagree with the fact
22 that you are accused of having been argumentative,
23 unprofessional, which was unacceptable?
24 A I don't remember.
25 Q So as you sit here today, if Ms. Scott came in

1 to testify at your hearing, she would not accurately
2 describe what happened that day?
3 A I don't know. I can't answer for her.
4 Q If Ms. Solomon came in and testified that this
5 letter was true and accurate and they did meet with you
6 and that's what happened, you would disagree with that,
7 wouldn't you?
8 A I don't know. I really don't know.
9 Q You don't know whether you would disagree? So
10 then it is possible that you were argumentative in that
11 meeting then?
12 A I don't remember.
13 Q Because you don't remember doesn't mean it
14 didn't happen; isn't that true?
15 A I'm not saying it didn't happen. I don't
16 remember.
17 Q But isn't it true that merely because you say
18 you don't remember doesn't mean that it did not happen?
19 A I don't remember.
20 Q Factually I'm asking you is that true?
21 A I don't remember.
22 Q I understand that was responsive to a question
23 that asked you. That's not what I'm asking you now.
24 MS. FITTIPALDI: Ask the question again.
25 BY MR. BOYKIN:

1 Q Isn't it true that if you don't remember, then
2 it could have happened?
3 A It could have.
4 Q Okay, that's all. "During the conference you
5 made a disturbing allegation against your co-worker."
6 You ever make allegations against your co-workers,
7 Ms. Toney?
8 A Do I ever make allegations? No, I don't
9 recall ever doing that. I don't recall the letter.
10 Q Do you ever make allegations against
11 co-workers? Is somebody always bothering you,
12 Ms. Toney?
13 A Someone is always bothering me? Like you been
14 knowing me all my life, huh?
15 Q No. I asked you --
16 A Somebody is always bothering me.
17 Q I asked you the question: Is someone always
18 bothering you, Ms. Toney?
19 A No.
20 Q "You stated, 'I wasn't going to say anything,
21 but'"--ooh, does that language sound familiar--"'blank
22 called a student a nigger.' You further stated a
23 student came to me in tears on Thursday, January 12,
24 2006, and shared this with you." Did you report that a
25 teacher called a student a racist term?

1 A I remember that, yes. I remember several
2 students came to me and told me that. I don't remember
3 the teacher's name, the teacher that was making racist
4 remarks in the classroom.
5 Q So who did you report that to and when?
6 A Mr. Boykin, I don't remember when. This was
7 in 2006. I recall telling Ms. Scott that she needs to
8 maybe keep an eye on that.
9 Q According to the letter, this was during the
10 conference when they were talking about your misconduct.
11 And you found somebody else to throw under the bus;
12 isn't that correct?
13 MS. FITTIPALDI: Object to the form. You can
14 answer the question.
15 THE DEPONENT: No, sir.
16 BY MR. BOYKIN:
17 Q So had you reported the racist comment before
18 that conference?
19 A I don't remember when it was reported but I
20 know I reported it to the principal.
21 Q During the conference you made a disturbing
22 allegation; that's what it said. Okay. "I asked you
23 why did you not report this earlier if the student was
24 distraught. Your response was, 'I told the student to
25 come tell you.'"

1 MS. FITTIPALDI: Is there a question?
2 BY MR. BOYKIN:
3 Q Did you say that?
4 A I don't remember that, no. I remember
5 reporting it but I don't remember the details.
6 Q "This concerns me since you were aware that I
7 was not at the school on Thursday. You called me at
8 home on the morning of Wednesday, January 20, to tell me
9 that you did not want to say anything about blank
10 calling the student a nigger because the student told
11 you that she had reported the matter to me already and
12 that I did not do anything." Is that what you told her?
13 A I don't remember.
14 Q "After the investigation of this matter I
15 found that your allegations were unsubstantiated. As
16 opposed to gathering information in support of your
17 allegations, I found evidence of possible poor classroom
18 management, inappropriate use of instructional time, and
19 inappropriate questioning/probing of students unrelated
20 to instruction. This includes your inquiry of students
21 regarding my investigation."
22 Did you inquire of the students into
23 Ms. Scott's investigation -- into your allegations of
24 inappropriate verbal abuse by a teacher?
25 A I don't remember. But I remember Ms. Scott

1 was not hired the next year. She lost her job. I
2 remember that.
3 Q Wonderful counterpunch. And you were hired
4 the next year, weren't you?
5 A Yes. I always got a no improvement plan, no
6 remediation plan, and continuing contracts.
7 Q Because you fight with both fists, don't you?
8 A If you come after me.
9 Q That's yes, if you come after you (sic) --
10 A And if I know I'm right.
11 Q You're going to come back right or wrong,
12 aren't you?
13 A If I know I'm right.
14 Q You're going to come out swinging, aren't you?
15 A If I know I'm right.
16 Q Because you've never done anything wrong, have
17 you?
18 A Oh, everyone has done wrong.
19 Q What have you done wrong?
20 A You want me to just sit here and tell you
21 everything that I feel like I've done wrong in my whole
22 50 something years of life?
23 Q Even if we have to go, let me hear it.
24 A And I need to go back, Mr. Boykin, to
25 something I forgot to say in a previous question that

1 you asked.

2 Q What question?

3 A About my lawsuits, because I want to make

4 certain that I put everything on record. I had an

5 insurance claim. I was a plaintiff in an insurance

6 claim with -- and I don't remember the insurance

7 company's name.

8 Q Who represented you?

9 A The Hyman Law Firm in Florence. It just came

10 to me during the break.

11 Q What was the subject matter?

12 A We had a fire and the insurance company was

13 procrastinating in paying the claim. So I had to get an

14 attorney, but it was settled out of court. We didn't

15 have to go to court.

16 Q Why didn't the insurance company want to pay

17 the claim?

18 A I don't remember the details of it. I really

19 don't. But insurance companies sometimes they

20 procrastinate in paying claims. I'm not the only person

21 they do this to. But they settled out of court.

22 And a couple of other things I need to put on

23 record. I filed a grievance. That's with the U.S.

24 Court of Appeals on Chief Justice Margaret Seymour. I

25 also filed a grievance with the U.S. Senate because she

1 failed to follow the federal rules of civil procedure.
2 She's now senior status and President Obama has
3 nominated someone to take her position in the federal
4 court.
5 Q Is it your testimony that you had Judge
6 Seymour removed from the active bench and put on senior
7 status?
8 A I'm not saying I had anything to do with it
9 but --
10 Q What is your purpose for saying that you filed
11 a grievance and she's now on senior status? What am I
12 supposed to get from that, Ms. Toney?
13 A Look, you said you wanted to know about
14 lawsuits, anything that I had filed in court in case
15 that might would've come up.
16 Q No, I didn't say anything you filed in court.
17 I asked you what lawsuits were you involved in. That's
18 what I asked you.
19 A Okay.
20 Q Now if you -- What else do you want to get out
21 about anybody else that you want to complain about?
22 A And also I filed a grievance on a lawyer for
23 conflict of interest. He was disbarred.
24 Q Okay. And who was the lawyer?
25 A Aladdin [redacted].

1 Q Okay.
2 A I filed a complaint on him with the Supreme
3 Court for conflict of interest.
4 Q He was disbarred based on your complaint?
5 A I wasn't the only plaintiff, I think he had
6 others, but I was one of them. He was disbarred for
7 conflict of interest.
8 Q Is that your threat against me?
9 A Should I be concerned about --
10 Q My question is: Is that your threat against
11 me?
12 A I'm not threatening.
13 Q That's my question of you.
14 A Are you participating in a conflict of
15 interest? Do you know anyone that could be in a
16 conflict of interest? Because that's a serious offense.
17 Q You just said, If you come after me, I'll come
18 after you. So I want to know, are you threatening me?
19 A I didn't say those words. I said, I will have
20 defend myself if I know I'm right. Don't change my
21 words around.
22 Q That's what I'm asking you. That's what I'm
23 asking you. Are you coming after me?
24 A I didn't say that. That's what you're saying.
25 Q "Your allegations against blank were

1 unprofessional, demeaning and hurtful, dangerously
2 threatens the effectiveness of your team and the
3 school's culture, unacceptable and will not be
4 tolerated." Do you recall receiving those words?
5 A No.
6 Q Do you recall hearing those words?
7 A (Deponent shakes head negatively.)
8 Q Because you have no recollection does not mean
9 that the words were not uttered; is that correct?
10 A Right.
11 Q "This is not the type of behavior that we want
12 to exhibit to our students and does not uphold our
13 mission of respect, responsibility, relationships. This
14 behavior cannot be tolerated and is in direct violation
15 of our district policy." Would you agree with that
16 statement?
17 A No.
18 Q You would not agree with that statement. Tell
19 me what in this statement you disagree with?
20 A I don't recall anything in the letter.
21 Q I'm not asking about your recollection. I'm
22 asking: Do you agree with the statement?
23 A No, I don't.
24 Q Tell me what in the statement you disagree
25 with.

1 A Everything in the letter because I don't
2 recall ever getting the letter.
3 Q I'm not asking you about what's in the letter.
4 I'm asking you about a statement.
5 A Would you please read the statement again
6 please, sir.
7 Q "This is not the type of behavior that we want
8 to exhibit to our students and does not uphold our
9 mission of respect, responsibility, relationships." Do
10 you agree that this sentence, when it talked about the
11 unprofessional behavior, that this sentence accurately
12 reflects that?
13 A I disagree because I did nothing for that
14 statement to be written.
15 Q Do you understand the statement?
16 A Yes.
17 Q Do you agree in the abstract that this
18 statement would apply to any teacher at any school?
19 A Of course.
20 Q So you would agree with the statement?
21 A Yes.
22 Q You just disagree that it applies to you; is
23 that fair?
24 A It doesn't apply to me.
25 Q "This behavior cannot be tolerated and is in

1 direct violation of our district policy." Do you agree
2 that the behavior described earlier would violate
3 district policy? That is a question.
4 A Repeat the question.
5 Q Do you agree that the behavior described
6 earlier -- and for your help I'm going to read it,
7 unprofessional, demeaning, hurtful, dangerously
8 threatens the effectiveness of your team and the
9 school's culture.
10 A If it's true, yes.
11 Q So you agree that that behavior violates
12 district policy? That doesn't say you did it, but it
13 says that you, sitting here, understand that such
14 behavior violates district policy?
15 A If it's true, but I don't recall this letter.
16 Q You're answering questions that are not asked.
17 A What's in that letter, if someone reports
18 information like that, I don't think it would violate
19 district policy. I'm a whistleblower and I've been
20 disciplined a lot because of my honesty and
21 straightforwardness.
22 Q When have you been disciplined because of your
23 honesty and--
24 A This is one example here. I don't remember
25 this letter because I told her about the teacher making

1 racist comments in the classroom.
2 Q According to this letter, this entire exchange
3 came about because you complained about the assistant
4 principal's handling of discipline. Do you have any
5 recollection of making complaints about against the
6 assistant principal's handling of discipline?
7 A I don't recall.
8 Q So your answer is you have no recollections of
9 having complained about the assistant principal's
10 handling of discipline?
11 A I don't recall.
12 Q And likewise --
13 A I don't see a --
14 Q If you would let me ask the question --
15 A I don't see --
16 Q If you would let me ask the question --
17 MS. FITTIPALDI: Okay, stop. This is for the
18 court reporter's benefit only.
19 MR. BOYKIN: No, I understand.
20 MS. FITTIPALDI: One person talks at a time.
21 I think she was still answering when you jumped in,
22 Charles, so --
23 MR. BOYKIN: Okay. I will hear what she says
24 but it's not responsive to any question that's
25 asked.

1 MS. FITTIPALDI: Let her finish her answer.
2 Do you want him to reask the question?
3 MR. BOYKIN: No, no, no, no. If she was
4 asking (sic) a question, I want her to answer it.
5 MS. FITTIPALDI: She was, but you interrupted
6 her.
7 MR. BOYKIN: She was not answering my
8 question. She was lecturing me on something.
9 THE DEPONENT: Can you repeat what I just
10 said?
11 MR. BOYKIN: No. If she was answering a
12 question, let her answer the question.
13 MS. FITTIPALDI: Charles, you interrupted her.
14 So she has lost her train of thought. You need to
15 reask a question.
16 MR. BOYKIN: The question I asked was answered
17 and she was going on to lecture me about something.
18 MS. FITTIPALDI: I think she was trying to
19 explain her answer.
20 MR. BOYKIN: I understand what you think.
21 MS. FITTIPALDI: Okay.
22 MR. BOYKIN: Okay.
23 BY MR. BOYKIN:
24 Q You mentioned that you were a whistleblower.
25 So you whistleblew, I suppose is the way you would say

1 it, on the inappropriate -- a racial comment; is that
2 correct?
3 A I would say yes.
4 Q What else did you blow the whistle on?
5 A Mr. Baldwin's Facebook.
6 Q You blew the whistle -- Tell me how you blew
7 the whistle on Mr. Baldwin's Facebook.
8 A I submitted -- well, let me go back because I
9 had time to think about the sequence of events with the
10 Facebook.
11 Q No, ma'am. No, ma'am. I want you to answer
12 the question that I asked you.
13 A Because I submitted it, I gave it --
14 MS. FITTIPALDI: Let him finish his question,
15 Ms. Toney, please. Okay.
16 BY MR. BOYKIN:
17 Q The question I asked you was to tell me how
18 you blew the whistle on Mr. Baldwin's Facebook. That's
19 the question.
20 A Are you finished? By giving the Facebook
21 information to Dr. Andrews and Mr. McDaniel.
22 Q What makes you a whistleblower with regard to
23 Mr. Baldwin's Facebook?
24 A Because it's inappropriate information.
25 Content of it is very inappropriate.

1 Q What is inappropriate?

2 A Mr. Boykin, [redacted]

3 [redacted]

4 [redacted]

5 [redacted]

6 [redacted]

7 [redacted]

8 [redacted]

9 And teachers have gotten terminated for very less than

10 that. A teacher got terminated because of having a

11 glass of wine on her Facebook. And every year we are

12 cautioned to be careful with Facebook. And it was

13 public; it was not private.

14 Q Well, if it was public, Ms. Toney, how did you

15 blow the whistle?

16 A By turning it in.

17 Q You made public that which was already public?

18 A Well, I turned it in and --

19 Q Help me to understand. How are you blowing

20 the whistle by making public that which is already

21 public?

22 A Well, that's my interpretation of it.

23 Q Okay, that's your interpretation. Okay. What

24 is a whistleblower?

25 A A whistleblower reports something that's

1 illegal or inappropriate.
2 Q It's something -- say that again. I'm sorry.
3 A Someone that reports something that's
4 inappropriate or illegal.
5 Q Even if it's public?
6 A I would say so. Sometimes it's public and
7 people still don't know about it.
8 Q Why was it necessary to report Mr. Baldwin's
9 Facebook page or whatever it's called?
10 A I have a lot I want to say on that topic and I
11 prefer to wait for the hearing to present that to the
12 board. I have a lot to say on that topic. A lot of
13 topics I have a lot to say. I'm not playing my A cards
14 today, Mr. Boykin.
15 Q So you're not going to testify truthfully and
16 honestly here today?
17 A What I'm saying is I'm answering your
18 questions, but there's a lot I need to say about that,
19 about the Facebook.
20 Q I'm going to ask your Counsel to explain to
21 you that you have an obligation to answer my questions
22 truthfully and honestly and completely here today. You
23 don't have the prerogative to hold information back.
24 And I'm going to ask your Counsel to on the record
25 instruct you as to your conduct in these depositions.

1 MS. FITTIPALDI: Ms. Toney, as we have
2 discussed your job here today is to listen
3 carefully to the questions that are posed, answer
4 the question that is asked, and not make any
5 assumptions about the question. Listen carefully
6 to Mr. Boykin's questions. The pending question is
7 why did you feel it was necessary to report his
8 Facebook material. Is that accurate? Answer that
9 question, please.
10 THE DEPONENT: Please don't interrupt me. I
11 went to Mr. McDaniel on that Wednesday. And I told
12 Mr. McDaniel that I have received some Facebook
13 information that --
14 BY MR. BOYKIN:
15 Q Where did you receive the Facebook information
16 from?
17 A It was given to me anonymously. I don't know
18 where it came from.
19 Q So what did you do upon receiving the
20 information and meeting with Mr. McDaniel?
21 A I read the Facebook information. And I didn't
22 take it to him. I went to him and I told him that there
23 was some inappropriate contents on Mr. Baldwin's
24 Facebook.
25 Q Let me ask a question. Did you receive this

1 anonymous information after Mr. Baldwin had filed a
2 grievance with you about a comment that you had made
3 following a meeting?
4 A Uh-huh. [redacted]
5 [redacted].
6 Q So prior to that you had no information about
7 that?
8 A No.
9 Q But it just so happened -- it just so happened
10 that after you and Mr. Baldwin had a disagreement on
11 your comment to him this anonymous information came to
12 you?
13 A A student came to me and told me that. A
14 student that was on Facebook with Mr. Baldwin told me
15 that he was making inappropriate statements.
16 Q My question of you is the timing. It didn't
17 come to your attention about Mr. Baldwin's Facebook page
18 until after he had filed a grievance against something
19 you had said about him following the meeting?
20 A Uh-huh.
21 Q So how many days after that happened, that
22 meeting, he filed a grievance that this information just
23 sort of came to you?
24 A He filed a grievance on that Monday, I
25 remember.

1 Q Okay.
2 A Because I was called in. And I didn't get to
3 finish what I had to say because you interrupted. You
4 interrupted me again. But he filed a grievance on that
5 Monday, and I was called in on that Monday with Mr.
6 McDaniel and Mr. Webb. And they informed me of the
7 complaint. And during that week, I think, Mr. Webb had
8 to go to a workshop and I was told to wait until Mr.
9 Webb gets back from the workshop and then we would meet
10 with Mr. Baldwin. I went to go to Mr. Baldwin and
11 apologized to him.
12 Q What were you apologizing to him for?
13 A Evidently I hurt his feelings. I offended him
14 when I conveyed my condolences to him. And anyway --
15 Q What condolences did you convey to Mr.
16 Baldwin?
17 A You keep interrupting you. You won't let me
18 finish.
19 MS. FITTIPALDI: Ms. Toney, there was a pause
20 in your testimony and he asked you another
21 question. If you feel like you need to --
22 THE DEPONENT: Let me finish my statement
23 before you interrupt.
24 BY MR. BOYKIN:
25 Q This is not where you give statements, Ms.

1 Toney. I am sorry, this is not the process. This is
2 where I ask questions and you answer questions. And,
3 yes, with all due respect when you start getting into a
4 statement that's not responsive to the question that's
5 before you, I will interject and ask a question. I'm
6 not going -- this is not where you stand up and make a
7 speech. I'm sorry, it doesn't happen that way.
8 A Okay.
9 Q My question of you is: What were you
10 apologizing or what did you want to apologize to
11 Dr. Baldwin for?
12 A Evidently I hurt his feelings when I conveyed
13 my condolences to him.
14 Q What condolences did you convey?
15 A I told him -- We were in a departmental
16 meeting and someone asked how are you doing or
17 something. And I said well, this is a sad time for me I
18 said because I lost my husband and my mother during this
19 time. And I said, Mr. Baldwin, I said, I know you can
20 relate to that because you've lost a spouse too. And he
21 shook his head in agreement. And I thought everything
22 was okay.
23 Q Why did you say that to him?
24 A It was just talk. That's what I would have
25 said probably to anyone that I knew had lost a spouse.

1 Q When did you know his loss occurred?
2 A It was in a conversation in a hallway I think
3 shortly after he got to Lee Central High School.
4 Q So your testimony is that you discussed that
5 with Dr. Baldwin?
6 A No, someone else. It was in a conversation
7 with another -- I think it was Ms. Addison because we
8 always would get together and go out on the weekends.
9 And I said -- It was like between classes. And I said
10 what are we doing this weekend. And I forgot what her
11 response was. I said, well, you need to invite the new
12 teachers and tell them to bring they wives, husbands,
13 and stuff, you know. And she said, well, Mr. Lee is not
14 married. She said Mr. Baldwin lost his spouse. And I
15 forgot who the other teacher was. I said well, okay.
16 And then a student came and couldn't get in a locker or
17 something. She had to go assist a student with a
18 locker. We didn't finish the conversation. That's when
19 I learned he had lost a spouse. That was shortly after
20 he got there.
21 Q So what did you learn?
22 A That he had lost a spouse.
23 Q So go ahead. Tell me what else happened.
24 A I made a statement in a departmental meeting
25 that I knew he can relate to me because he lost a spouse

1 as well. And he shook his head up and down in
2 agreement. I thought it was okay. And this is
3 something I would have done with anybody.
4 Q Had you ever spoken to him directly about
5 that?
6 A No, no.
7 Q Do you know when that loss was supposed to
8 have occurred?
9 A I found out when I got his Facebook page, but,
10 no, I didn't know.
11 Q During the time that you made the statement,
12 did you know when the loss had occurred?
13 A No. Wait. No, I didn't. I didn't know.
14 Q Now is this Dr. Baldwin the same Dr. Baldwin
15 who had opposed you for the presidency of the SCEA, the
16 Lee County Education Association, the year before?
17 A Yes. And I don't call him Dr. Baldwin because
18 I don't think he has a doctorate degree. I just call
19 him Mr. Baldwin.
20 Q Do you object to my calling him Dr. Baldwin?
21 A You can call him Dr. Baldwin.
22 Q Okay. And he opposed you in that election; is
23 that correct?
24 A Yes, he did. He even wrote letters to the
25 office in Columbia, the main office, Jackie Hicks.

1 Q What did he say in those letters?

2 A He said I was ruining the election. It was an

3 election committee. I had nothing to do with the

4 ballots, nothing to do with the votes.

5 Q But he attacked you? You saw that as --

6 A Yes, but, you know, I won, so I had no problem

7 with it. I won. He was the one that I think was upset

8 because he lost. He had just gotten to Lee County.

9 People didn't know him.

10 Q He didn't have a right to be president?

11 A He could have been. I wouldn't have been --

12 As a matter of fact, let me tell you this. Don't put

13 words in my mouth, Mr. Boykin. I recommended --

14 Q Let me go ahead and ask my question because

15 you've given me a statement --

16 MS. FITTIPALDI: Wait a second.

17 MR. BOYKIN: She said let me --

18 MS. FITTIPALDI: No, no, no. You absolutely

19 just interrupted while she was talking.

20 MR. BOYKIN: Yes, I did because she's giving

21 me a statement. It's not responsive to a question.

22 You're taking notes. What question is it

23 responsive to? All due respect, it's not

24 responsive to a question.

25 MS. FITTIPALDI: It was responsive. Your

1 question was, you didn't think he had a right to be
2 president. And she was saying, I didn't say that;
3 what I said was, and then you jumped in on her. So
4 let her answer your question. You said he didn't
5 have a right to be president, isn't that what you
6 thought. And she was answering.
7 MR. BOYKIN: And she said he a right. I would
8 have supported him. Then she -- We're not going to
9 argue that. We'll have time to argue that. Go
10 ahead.
11 THE DEPONENT: As a matter of fact, I
12 recommended him for president. I was the one that
13 put his name on the ballot, and someone else put my
14 name on the ballot. I went to Mr. Baldwin and
15 said, Mr. Baldwin, would you mind serving as
16 president of the Lee County Education, and I
17 supported him.
18 BY MR. BOYKIN:
19 Q Ms. Toney, can you see how disingenuous that
20 is, to claim -- to claim -- can you see it? I'm
21 explaining and you can answer.
22 A Uh-huh.
23 Q To claim you supported him, your name on the
24 ballot, his name on the ballot, you believing that he
25 just got here, he didn't know anybody, and then you're

1 going to go to him talking about, oh, I support you, and
2 you end up getting elected. Don't you see how weird
3 that looks, how peculiar that looks? Can't you see
4 that?
5 A Mr. Boykin, this was before my name was placed
6 on the ballot. My name was not even on the ballot.
7 Q Well, why would you allow your name to be
8 placed on the ballot if you were supporting Mr.
9 Baldwin -- Dr. Baldwin? Why?
10 A The president, Ms. Times, came to me. And she
11 said, Ms. Toney, would you mind? And I told her no.
12 And they talked me into it and --
13 Q Did you pick up -- Did you go to your friend,
14 Dr. Baldwin, and tell Dr. Baldwin, I know I put your
15 name up there, buddy, but I'm sorry I'm going to have to
16 take you on?
17 A No, I didn't.
18 Q So you just stayed on the ballot; he stayed on
19 the ballot. Who did you vote for? Did you vote him or
20 did you vote for yourself?
21 A I don't remember who I voted for.
22 Q Okay. So tell me what else about Dr. Baldwin
23 that you want to tell the board?
24 A I don't recall anything right now.
25 Q Ms. Toney, is there any other information

1 about your relationship and/or contact with Dr. Baldwin
2 or Mr. Baldwin that you want to share -- that you are
3 going to share with the board?
4 A I can't recall that now. Something might just
5 come up tomorrow. I don't know.
6 Q It's your testimony that you may have other
7 information that you want to share, but you just can't
8 remember it on the day of your deposition; is that
9 correct?
10 A Correct.
11 Q Okay. And you testified earlier that you were
12 going to save your information for the board hearing?
13 A This is a deposition. This is not a hearing.
14 Q Okay. Your testimony is this is a deposition,
15 this is not a hearing and, therefore, that justifies you
16 holding back and telling me during the hearing what you
17 want me to know but not during the deposition; is that
18 correct?
19 A No, that's not correct. I'm answering your
20 questions.
21 Q But you're saying that you can't remember
22 everything right now today; is that correct?
23 A Things come to me on a daily basis. I just
24 remembered this. The other day about Mr. McDaniel, I
25 didn't voluntarily turn the Facebook in. He came down

1 to my classroom and asked me for it. I didn't -- when I
2 went up and I spoke to him about the Facebook
3 information, he came down to my classroom 15 minutes
4 later and he said can I have it and I gave it to him.
5 And I brought a copy to Dr. Andrews as well. But just
6 to voluntarily, I didn't, he asked for it.
7 MR. BOYKIN: Let's take a lunch break. Let's
8 go for about 45 minutes. I understand, and we're
9 on the record, I understand that she has a mid-term
10 exam. We're going to decide whether we're going to
11 go forward or whether we're going to hold this open
12 because I'm going to have to decide. I'm not
13 closing her deposition with her testifying that she
14 is not going to tell me all. She's going to keep
15 her cards close to the chest would be her words.
16 I'm not going to waste the district's time and
17 money concluding the deposition and going into a
18 hearing and being surprised.
19 MS. FITTIPALDI: Well, and for the record I
20 will instruct the client to answer any questions
21 that are asked of her. She does not have a choice
22 about answering a question. So if you want to
23 continue down that line, I'm now instructing Ms.
24 Toney to answer your question about if she has any
25 other information that she would like to share or

1 that she plans on sharing with the board at her
2 board hearing that she needs to tell you now what
3 that information is. Okay.
4 BY MR. BOYKIN:
5 Q Ms. Toney, having heard your Counsel, are you
6 prepared to tell me anything else that you want to share
7 with the board regarding Mr. Baldwin/Dr. Baldwin today?
8 A I can't remember anything else.
9 MR. BOYKIN: We're going to take some lunch
10 and we'll come back in 45 minutes and then we'll
11 see how far we get and we'll leave it open. But
12 I'm going to press and I'm not going to be
13 frustrated with this type of attitude. And our
14 rules allow if something is not produced in
15 discovery, as you well know, there's a question
16 about its admissibility during the proceeding. And
17 I will invoke a motion in limine, we will let the
18 board rule on it. And I'm talking to you to let
19 you know what the procedures are.
20 MS. FITTIPALDI: I'm aware of the procedures.
21 I understand your position.
22 MR. BOYKIN: I want to put them on the record,
23 that's all.
24 MS. FITTIPALDI: All right. We'll reconvene
25 at 12:45?

1 MR. BOYKIN: That's fine.

2 (Whereupon, a lunch break was taken at 11:58

3 a.m. Proceedings resumed at 1:11 p.m.)

4 BY MR. BOYKIN:

5 Q Ms. Toney, we took a break. Did you discuss

6 your deposition with anyone?

7 A No.

8 Q Okay. Before the break we were talking about

9 Mr. Baldwin and you had told me about what you had

10 gotten from his Facebook. And it's my recollection that

11 your testimony was that it came to you anonymously. And

12 it came to you after you had made a comment about

13 Mr. Baldwin near the end of a departmental meeting; is

14 that correct?

15 A Yes.

16 Q And it was your impression that Mr. Baldwin

17 did not -- Dr. Baldwin had no problem with what you said

18 at the time?

19 A Right.

20 Q And then you happened -- Help me to understand

21 the sequence of events that caused you to learn about a

22 posting on his Facebook.

23 A Okay. May I? Okay. A student came to me and

24 said, Ms. Toney, Mr. Baldwin is cursing somebody out on

25 Facebook, some teacher out on Facebook, I think he said.

1 I said, oh, well, whatever. And the next morning -- or
2 the morning -- I can't remember, but I think it was the
3 next day or the day after that, he came and showed me a
4 screen shot.
5 Q He came? Who is he?
6 A Alonzo.
7 Q And who is he?
8 A Alonzo (last name deleted).
9 Q And who is he?
10 A He's a student.
11 Q Okay.
12 A He showed me a screen shot. And we were
13 standing in the atrium. I was talking to Ms. Harrison,
14 Ms. Davis, Ms. Jones, Ms. Ratliff. We were all there
15 congregating in the atrium just before first period. I
16 had not even gone to my classroom yet.
17 Q So let me get this straight. You were in the
18 atrium with other teachers?
19 A Yes.
20 Q And this student came up to you in the
21 presence of other teachers?
22 A He came down the hallway. And students were
23 not allowed to go down the hallway before first period.
24 They were supposed to have gone to the gym. When you
25 come through the cafeteria door, they're supposed to

1 exit out the next door and walk across to the gym. But
2 he got -- somehow he got down the hallway that morning
3 and he called me off. He said, Ms. Toney, come here.
4 And I went and he showed me like something on his phone.
5 Q We're going to get to that. He called you --
6 He was someplace where he was not supposed to be?
7 A Exactly.
8 Q And how did you handle that?
9 A I told him to go on to the gym. You're not
10 supposed -- how did you get down the hallway.
11 Q So you sent him to the gym?
12 A Yes.
13 Q So when did you see what was on his phone?
14 A I really didn't take the time to read it but I
15 saw maybe one or two -- and I told him I don't want to
16 see that. I said I don't want to see that.
17 Q When did that occur?
18 A It occurred after he told me the day before
19 that that Mr. Baldwin was [redacted]
20 [redacted]
21 Q So the day before, he told you that
22 Mr. Baldwin [redacted]?
23 A Uh-huh.
24 Q And then the next day you're in the atrium
25 with other teachers?

1 A Yes.
2 Q And then this student is someplace where he's
3 not supposed to be?
4 A (Deponent nods head affirmatively.)
5 Q Then tell me what happened there.
6 A He showed me what was on the -- on his phone.
7 And I'm going to say this, Alonzo is a student that he
8 doesn't have a lot of friends. So he hangs around a lot
9 of teachers like during his spare time, during lunchtime
10 and stuff. And I knew Alonzo did not have any service
11 on his phone because he's always telling me, My phone is
12 disconnected. So when I was accused of getting a
13 student to go on Facebook for me, Alonzo to go on
14 Facebook, I was surprised because I knew he had no
15 service. How he got --
16 Q My question of you is: If I understood your
17 testimony, you said that students were not supposed to
18 be where Alonzo was?
19 A Right.
20 Q Is that your testimony?
21 A Exactly.
22 Q And my question is, how did you handle that,
23 Ms. Toney?
24 A I told him -- Now there were other teachers
25 there other than me. And those teachers stand in the

1 atrium. They monitor that area all the time.

2 Q Let me make sure I'm understanding. If I

3 understood your testimony, you said that he called you

4 out. He motioned you to come out; is that correct?

5 A Okay. Now the atrium is in this area. He

6 passed the atrium and he said, Ms. Toney, come here.

7 And I said, Alonzo, how did you get down the hall. I

8 said you're supposed to go in the gym. He said let me

9 show you something. I walked over to him and he showed

10 me a screen shot of something. I said, I don't want to

11 see that, and I walked away. And I said, You go back --

12 go on to the gym now. That's where you're supposed to

13 be.

14 Q So the information that you testified that the

15 student showed you, the student really didn't show you?

16 A He showed me a screen shot of like that one

17 page.

18 Q Okay. And what did that say?

19 A [redacted]. I saw that. I saw that.

20 Q You saw that. Okay. And who did that -- Who

21 was that referring to?

22 A I guess it was referring to me after I saw the

23 rest of the Facebook because after reading -- Before

24 that, I knew it was referring to me because he made a

25 reference to the departmental meeting.

1 Q What did it say?

2 A [redacted]

3 [redacted] So I

4 just referenced that to be me.

5 Q Okay. Why would you think that would be you?

6 A Because, you know, he -- the way it was

7 written. The way it was written and then -- Let me

8 finish.

9 Q Please finish.

10 A And then I was called in knowing that he had

11 filed a complaint on me for that. I knew about the

12 complaint before that. So I just put one and one

13 together.

14 Q Okay.

15 A So he was referencing me that he had already

16 filed the complaint with the administration.

17 Q So you -- So what you have to believe that was

18 you is what?

19 A The complaint that he filed with the

20 administration about what happened during the

21 departmental meeting.

22 Q So the complaint that was filed with the

23 administration led you to conclude that the screen shot

24 that you saw on Alonzo's phone was in fact you?

25 A Yes.

Q Did you talk to --

A Now he told me before that [redacted]. He told me that the day before.

Q When you say he told you the day before --

A Alonzo (last name deleted).

Q Okay. Alonzo (last name deleted) told you that someone else was [redacted]?

A Yes.

Q And did you assume that that person was you when Alonzo (last name deleted) told you that?

A It came to my mind because I had already been informed by the administration that Mr. Baldwin had filed a complaint on me. You know, it crossed my mind but I didn't know for certain.

MR. BOYKIN: For the court reporter, we're using the student's full name but we will ask that you only use the name Alonzo. I'm not going to try to restrict her to saying that because I don't want her to be uncomfortable, but I would ask for reporting purposes we only use the student's first name. Any objection?

MS. FITTIPALDI: No objection.

BY MR. BOYKIN:

Q Let me make sure I'm understanding how you

1 concluded that that was you. You said that you have the
2 complaint with the administration filed by Dr. Baldwin;
3 is that correct?
4 A Yes.
5 Q And --
6 A I never did get a copy of the complaint. I
7 was called in and they told me about the complaint.
8 Q You knew of the complaint. Did you know what
9 was in the complaint?
10 A It referenced what happened in the
11 departmental meeting, what I said in the departmental
12 meeting.
13 Q So from the context of that and the context of
14 what was on Facebook, you concluded that you were the
15 person that was being described?
16 A Yes.
17 Q Did you talk to Dr. Baldwin about it?
18 A When Mr. McDaniel and Mr. Webb called me in,
19 immediately I wanted them to call him in so I could
20 apologize. I wanted to just end it because it was not
21 my intentions to hurt his feelings in any kind of way.
22 And Mr. McDaniel said, no, let it go. When Mr. Webb
23 comes back on Thursday we will address that. I said,
24 okay, but I wanted -- I wanted to go to him but I
25 didn't. I had no more conversations with him.

1 Q Did you let it go as Mr. McDaniel had asked
2 you?
3 A I went to Mr. McDaniel and I told him what was
4 on Facebook. And I said I'm very offended by that.
5 Fifteen minutes later he came down to my room. He said,
6 Well, can I have it? And I gave it to him. Now I did
7 not mean to defy a directive. Had he not come down to
8 my room and asked for it, maybe I would not have given
9 it to him.
10 Q Let me ask this question. You testified
11 earlier that the information came to you anonymously.
12 A Yes.
13 Q And you testified a little later that you saw
14 a screen shot from Alonzo.
15 A Yes.
16 Q Tell me about this anonymous presentation of
17 the information to you.
18 A You mean about how I got the information?
19 Q Yes, please.
20 A I came into my classroom. It was on the floor
21 in a brown envelope. So I just assumed that a staff
22 member. I don't know if it was a student. The students
23 they have access to Facebook. I have never had any kind
24 of interactions with Facebook. That was my first time
25 ever having to even talk about Facebook. I don't even

1 know how to go on Facebook. And when I opened it, I
2 read the contents of it. Because first period is my
3 planning period so I just sat there and I read and I was
4 in shock.
5 And that last page -- [redacted]
6 [redacted]
7 [redacted] -- [redacted]
8 [redacted] As a
9 teacher, I have been trained when I think a child's
10 safety is in jeopardy, you're don't hold that.
11 As a matter of fact, I was more concerned
12 about the safety of a child. I don't know whether --
13 because high school could be 14, 15, 16. The child was
14 from Sumter High School and he was joking about, you
15 know, [redacted] [redacted]
16 [redacted]
17 How could I have held on to that being that -- being a
18 teacher and being trained if you think a child's life --
19 if a child comes into my room with a mark or a scar, I
20 have to report that.
21 Q Who do you report that to?
22 A I went to Mr. McDaniel.
23 Q Okay. My question is the teacher's obligation
24 to report when a child is in danger, who is that report
25 to be made to, Ms. Toney?

1 A I gave it to the administration because they
2 told me to leave it alone.
3 Q My question is, when a teacher reasonably
4 believes that a child is in danger --
5 A I should have given it to the guidance
6 department maybe.
7 Q That's who you believe it should have gone to?
8 A Yes.
9 Q And you said you have been trained?
10 A Or maybe DSS.
11 Q That's who you think you should given it to?
12 A I should have.
13 Q And you say you've been trained?
14 A Well, not trained but I have been told that.
15 I've been in seminars, but I don't know whether the
16 child was of age. I didn't know. And I brought it
17 to --
18 Q But you felt when you looked at the material
19 that it was a reportable set of circumstances; is that
20 correct?
21 A I had some concerns about it that's when I
22 went and I spoke to Mr. McDaniel.
23 Q My question is when you saw it, based on your
24 earlier testimony here this afternoon, it was your
25 belief that the circumstances were reportable?

1 A I had concerns about it. I had some serious
2 concerns.
3 Q Unless I misunderstood your testimony just a
4 few minutes ago, you said as a teacher you have been
5 trained that when a child is in -- and I'm going to
6 insert this word -- jeopardy --
7 A Yes, yes, yes.
8 Q -- based on the context of what you were
9 saying that you are required to report it. Is that your
10 testimony?
11 A Yes.
12 Q My question is, given what you saw in the
13 brown envelope, where were you supposed to have reported
14 that based on your training?
15 A In the past, I reported it to the guidance
16 department and the guidance would call DSS. I have
17 reported a child once before but I went straight to the
18 guidance department. They called in DSS.
19 Q Did the thought occur to you to report this to
20 the guidance department?
21 A Not with this conflict going on with
22 Mr. Baldwin.
23 Q Do you have any idea whether other teachers
24 received the same information that you received?
25 A I don't know. But knowing Alonzo, maybe he

1 did share it with other teachers. I don't know. I
2 can't speak for him.
3 Q Maybe I didn't ask a good question. Let me
4 try it again. Do you have any idea whether other
5 teachers received the anonymous information that was in
6 the brown envelope as you had received it?
7 A I don't know. I really don't know.
8 Q Is there any -- do you have any reason to
9 believe that other teachers received that information?
10 A I don't know. I really don't know. I don't
11 have --
12 Q Please, listen to my question. Do you have
13 any reason to believe that other teachers received the
14 same information that you received anonymously? Do you
15 have any reason to believe that they received it?
16 A No.
17 Q So now you have the information, you've looked
18 at the information. And it is your testimony that you
19 took it to Mr. McDaniel because you were reporting that
20 a child was in harm's way?
21 A He came and asked for it. I didn't take it to
22 him.
23 Q How did he know to ask for it?
24 A I went and I told him I had some documents and
25 I had some concerns about it, Mr. Baldwin's Facebook.

1 And he first said, Well, Ms. Toney, I don't want to deal
2 with no Facebook. But fifteen minutes later he came
3 down to my room and he asked for it and I give it to
4 him.
5 Q Did you have any discussion with him about it?
6 A Not after he -- the next morning I think Dr.
7 Andrews came and placed me on administrative leave, but
8 I had no other conversations with him after I gave him
9 the Facebook information.
10 Q And as we sit here today it is your belief
11 that the [redacted] that was being discussed was you?
12 A Yes.
13 Q Okay. All right. Did you file a complaint
14 with anyone regarding that language?
15 A No. I'm on administrative leave, Mr. Boykin.
16 I'm not going to do anything to violate the directives
17 of my administrative leave.
18 Q And what were those directives?
19 A For me not to contact anyone, not to talk to
20 anyone about the case. I was also advised by my
21 attorneys not to talk to anyone about my case.
22 Q So when did you next -- excuse me. What
23 happened after you had been placed on administrative
24 leave?
25 A What happened next?

1 Q Yes.

2 A That's a broad question. I mean --

3 Q I'll narrow it down. Regarding your encounter

4 or transaction with Mr. Baldwin or Dr. Baldwin?

5 A Oh, I had no more contacts with him. Even

6 prior to administrative leave, after I met with Mr.

7 McDaniel and Mr. Webb and they told me not to say

8 anything because when they told me that I really wanted

9 to go straight down to his classroom and just say, I'm

10 sorry, but they said don't do it, don't do it because

11 these things can really escalate into something major.

12 So I went back to my classroom and I had no idea he felt

13 that way. The next morning --

14 Oh yeah, I brought a copy and I gave it to

15 Dr. Andrews as well, a copy of the Facebook information

16 the same day.

17 Q Where did you get the copy from?

18 A There were two copies in the envelope.

19 Q So you had two copies?

20 A I had two copies. I gave one copy to Mr.

21 McDaniel. I came home because I have a copy machine in

22 my home, and I made a copy, and I brought a copy to

23 Ms -- Dr. Andrews.

24 Q How many copies do you have?

25 A How many copies do I have now?

1 Q Yes.
2 A I really don't know.
3 Q But you've made copies. Have you given copies
4 to anyone else?
5 A My lawyers.
6 Q Anyone other than your lawyers?
7 A Oh, no.
8 Q Okay. Good. Did you file a complaint against
9 Dr. Baldwin?
10 A No, I did not.
11 Q Why not?
12 A I just wanted my lawyers to handle it. I had
13 lawyers. I had attorneys. And I felt if they felt it
14 was necessary for me to file a complaint, they would
15 have, you know --
16 Q I don't want to know what your lawyers advised
17 you. What I want to know is the -- when you received
18 the material and you said that it was -- a child was in
19 jeopardy--and I acknowledge jeopardy is my word--and you
20 were reporting, this was a person who had filed a
21 complaint against you, and my question is: Did you not
22 file a complaint against him?
23 A No. I was just going to wait until all this
24 is over and let my attorneys handle it.
25 Q Let me ask you this: Do you see anything

1 wrong with what you said to Mr. Baldwin/Dr. Baldwin,
2 whatever, during the departmental meeting?
3 A No, but if I could go back -- That's one thing
4 about life; you can't go back. But we always engage in
5 small talk before the meeting. He'll talk about he went
6 fishing, went shrimping. If I could go back, I would
7 have never ever said anything. But that's my nature.
8 I don't even know you, but if you had lost
9 your spouse, I would have conveyed my condolences to
10 you, not even knowing you no more than your name. I'm
11 sorry to hear about your wife, your spouse; I heard she
12 had passed. That's just me. I'm not saying it's right,
13 I'm not saying it's wrong. Some people welcome that,
14 some people don't.
15 But when I said it to him, he shook his head
16 in agreement. But I think something happened between
17 that Thursday and that Monday that motivated and
18 influenced him to file the complaint because he was on
19 the phone with Ms. Addison. He was on the phone with
20 other people. And I don't want to elaborate about this
21 but --
22 Q What do you mean by he was on the phone with
23 Ms. Addison?
24 A In his deposition he made reference to the
25 fact that he was at Starbucks and Mr. Lee and Ms. Dury

1 and Ms. Addison -- Ms. Addison called in and Ms. Addison
2 said some things to him that kind of encouraged him,
3 motivated him to file the complaint.
4 Let me say this, Mr. Boykin. In the beginning
5 of the school year Ms. Addison had all of her Facebook
6 friends with two planning periods. All of her friends
7 had this free time. I came to Dr. Andrews and I told
8 Dr. Andrews what was going on. And she had a block that
9 she called it homeroom. She grouped all of these kids,
10 thirty something kids in a few teachers' classes with
11 all of her Facebook friends. And all of her friends,
12 Tracie Dury and all of them, they had this free time.
13 And we were not given any instruction as to what to do
14 with these kids.
15 So I came to Dr. Andrews, I said, Dr. Andrews,
16 I don't think it's fair. I don't think it's fair for
17 all of her friends -- Every one in that Facebook page
18 had two planning periods along with a few other people.
19 Dr. Andrews immediately gave them the directive to
20 change it. To change it to academic something period.
21 And she made sure that academics were going on during
22 that timeframe as opposed to students just in a
23 classroom not doing anything.
24 And someone told someone at that school that
25 they saw me where I signed in at the book. I was the

1 one that gave this information to Dr. Andrews about the
2 homeroom. I was blackballed ever since because
3 Mr. Baldwin this summer helped Ms. Addison with this
4 scheduling. He was one of the teachers that enjoyed
5 these two big blocks of planning period. And I was --
6 Q Ms. Toney --
7 A I was blackballed.
8 Q Would you explain to me when you learned that
9 Ms. Addison had created this situation for her Facebook
10 friends?
11 A When I got the Facebook information and I
12 saw -- It was more than the people in the Facebook.
13 Other people that were not a part of the Facebook, they
14 were also given free time like Ms. Wilson. She's not a
15 friend in the Facebook. But when I got the Facebook and
16 I saw all the friends, I said, Whoa, I understand now.
17 Q Let me make sure I'm understanding. Is it
18 your testimony that you complained to Dr. Andrews after
19 you received the Facebook information?
20 A Oh, that was before.
21 Q So help me understand. How did you know it
22 was her Facebook friends before you saw the Facebook
23 page?
24 A Okay, okay. Let me answer.
25 Q Please.

1 A I did not know that these were her Facebook
2 friends because there were other people too like Ms.
3 Wilson is not in her Facebook. There were other
4 teachers like her -- a special friend of hers, Mr.
5 Wright, the ROTC guy, he had two planning periods -- he
6 had three planning periods. So he's not on the
7 Facebook.
8 Q So when you testified that she did this for
9 her Facebook friends, you weren't being exactly
10 thorough, were you?
11 A No, when I saw the Facebook page with her
12 friends and I knew -- and on top of that, these teachers
13 had like five and six students in each class. Ms. Dury
14 enjoyed -- I would walk past her class and she had only
15 five kids sitting in there.
16 Q Let me make sure I'm understanding. Is it
17 your testimony that Ms. Addison was favoring her
18 Facebook friends or is it your testimony she was
19 favoring certain teachers at the school?
20 A Certain teachers at the school. But when I
21 got the Facebook --
22 Q Wait, wait, wait. Let me ask a question. She
23 was favoring certain teachers at the school?
24 A Uh-huh.
25 Q Do you believe today that there was a direct

1 connection between Facebook friends and who was being
2 favored?
3 A There was a connection between her Facebook
4 friends, but the other friends on -- a lot of friends
5 that were not a part of her Facebook.
6 Q What is the connection between the Facebook
7 friends that separated her from all the rest of the
8 friends?
9 A I really don't know, but I know -- I know she
10 was not being --
11 Q Let me ask the question of you this way. What
12 is it that caused you to believe that there was a
13 special connection between -- that separated the
14 Facebook friends from the other friends, what is it that
15 caused you to believe that there was something that
16 separated the two?
17 A Mr. Baldwin (sic), I'm not saying it was --
18 Q Excuse me. Boykin.
19 A Mr. Boykin, sorry. I'm not saying that it was
20 all her Facebook friends because she had other teachers
21 as well.
22 Q I understand you aren't saying that. But I'm
23 trying to determine since Facebook is a part of what
24 we're talking about I suppose, I'm trying to determine
25 what distinguished the Facebook connection from

1 everybody else in your mind. What made you draw that
2 distinction?
3 A I guess when you're friends with someone on
4 Facebook -- I'm not familiar with Facebook. I would say
5 this is my buddy that I hang out with. This is my
6 friend.
7 Q That part I get. I understand.
8 A This is my friend.
9 Q But you made the statement that she had
10 created this special set of circumstances for her
11 Facebook friends. And what I'm trying to determine is:
12 What did you base that statement on? That's all I'm
13 asking you.
14 A After I saw the Facebook information, after I
15 saw the people that were a part of her Facebook, the
16 teachers --
17 Q But in reality -- In reality, based on your
18 testimony you had already made your complaint to
19 Dr. Andrews over a month before that; is that correct?
20 A Right, right. But there were other teachers
21 as well, Mr. Baldwin (sic), that were not a part of her
22 Facebook that had enjoyed this free time as well.
23 Q Uh-huh.
24 MR. BOYKIN: Ms. Toney wants to call me
25 Mr. Baldwin. My name is Boykin.

1 THE DEPONENT: I'm sorry.

2 MR. BOYKIN: So please understand that as she

3 does it so we won't to have correct her any more.

4 THE DEPONENT: I'm so sorry. It won't happen

5 again.

6 MR. BOYKIN: No, no, that's fine. No, no.

7 No. Help yourself.

8 BY MR. BOYKIN:

9 Q When did you learn -- When you first made your

10 complaint to Dr. Anderson -- Dr. Andrews, what was that

11 based on? Everybody is all confused now. What was that

12 based on?

13 A I was concerned about the child.

14 Q No, no, no, no.

15 A About the --

16 Q At the beginning of the year you complained to

17 Dr. Andrews, correct?

18 A Right.

19 Q And you complained about the planning periods

20 for some teachers?

21 A Uh-huh.

22 Q What caused you to make that complaint?

23 A I had EOC US History. I had large classes.

24 The US history teacher that they had last year -- we had

25 two US history teachers. Ms. Addison put him down in

1 ninth grade academy to make Mr. Baldwin's class smaller.
2 So I was stuck with all these kids, three classes. And
3 let me say this. I did complain about the size of my
4 class. I don't know what Dr. Andrews received from the
5 school but I had 29 to 31 students in that third period
6 class. I don't know what Ms. Addison sent to the
7 district office but up until like two weeks before I was
8 put on administrative leave, I had from 29 to 31
9 students in that classroom. Now what she did, she took
10 out three or four and she placed it in another
11 classroom.
12 But I'm looking at the standpoint I have EOC,
13 I have US history. US history is at the bottom. Why
14 would you pile all of these kids in these classes and
15 here Ms. Dury doesn't have EOC, got five or six kids.
16 Here is Ms. Fowler, certified in US history, she's not
17 teaching US history. Here's Mr. Peyton he's in the
18 ninth grade academy making Mr. Baldwin's class smaller.
19 And of course, I was complaining, I needed help.
20 And then on top of that, you're going to give
21 me an extra homeroom class. And these teachers that are
22 enjoying five to six students and getting two planning
23 periods, and they don't even have EOC. Yes, sir, I
24 complained about that because it was not fair to me and
25 it was not fair to the students.

1 Q Okay.
2 A She was more favoring the teachers instead of
3 the students, the concern of students.
4 Q So when you made your complaint, you felt she
5 was favoring certain teachers?
6 A She was.
7 Q Okay. That was your belief?
8 A Yes. And when you go in Mr. Lee's class, I
9 counted six kids. I said, What's going on. Ms. Dury,
10 five or six kids and then two planning periods.
11 Q So when you saw the Facebook information, you
12 saw there was -- you thought there was a connection but
13 in reality there was really no connection on Facebook,
14 was it?
15 A I took it as being a connection because they
16 were friends, and everybody on that Facebook had this
17 extra free time.
18 Q Was it limited to the people on Facebook?
19 A No. She had other people like Ms. Wilson.
20 Her special friend Mr. Wright, he had two planning
21 periods plus.
22 Q Who do you say special friend? Every time you
23 mention Mr. Wright, you say special friend. Why do you
24 say that?
25 A Because I think they good -- very good

1 friends. They know one another from a class or
2 something I heard.
3 Q Well, what made you believe that this
4 friendship is special?
5 A Well, he had two planning periods and then he
6 had a homeroom free. He had most of the day free.
7 Q And so you assume that if he had most of the
8 day free it was because he was a special friend of hers?
9 A Yes.
10 Q Okay. All right.
11 (THEREUPON, Exhibit Number 1 was marked for
12 identification.)
13 BY MR. BOYKIN:
14 Q I've handed you what's been identified as
15 Exhibit 1. Could you identify that for me, please?
16 A This is a visitation. Ms. Fowler came to my
17 room.
18 Q So the answer is, yes, you can identify it?
19 A Yes, sir. Yes, sir.
20 Q Now would you tell me what it is, please?
21 A She came by my room to -- because that third
22 period class, I used to always complain about that third
23 period class to her. I had from 29 to 31 students wall
24 to wall sitting at tables in a US history EOC class. I
25 was always complaining about, you know, can some of you

1 guys help me with this, knowing that Ms. Fowler was
2 certified in social studies.
3 Q What was Ms. Fowler's job title?
4 A Administrative assistant.
5 Q So she was --
6 A But all of our administrative assistants in
7 the past had classes.
8 Q Okay. Now I'm going to ask you a question.
9 Even though the title was administrative assistant, she
10 was certified?
11 A In social studies.
12 Q In social studies.
13 A Uh-huh.
14 Q Do you know whether she had any other
15 certifications?
16 A She said she was certified in administration
17 as well.
18 Q Do you know whether she had any other
19 training?
20 A She and Mr. Peyton went on a personal
21 development workshop this past summer for US history.
22 And that's another question I posed to Ms. Addison: Why
23 didn't I get an opportunity to go on this workshop when
24 you're giving me the US history classes? And Mr. Peyton
25 and Ms. Fowler, they go for a few days on this workshop

1 for US history and didn't even share the information
2 that they got. I have requested many times to go on a
3 professional development workshop and I was not granted
4 that opportunity to go, but Ms. Fowler went and
5 Mr. Peyton went.
6 Q And this is your response to an observation;
7 is that correct?
8 A Yes, it is.
9 Q Tell me what you are concerned about.
10 A Okay. I was concerned about the fact that she
11 came into my room. I have a whiteboard and I had my
12 standards and my essential questions written in red ink.
13 Not small letters. And unless she has some serious eye
14 problems or vision problems, it would have been
15 impossible for her not to have seen these essential
16 questions and my standards on the white board.
17 Q Let me ask the question again. Is it any way
18 possible that you had omitted those that day?
19 A No, never, never.
20 Q Okay. So would you tell me what was libelous
21 about her not mentioning that?
22 A Because she put it in writing that she did not
23 see them. She put it in writing that they were not
24 there and they were there. And my students would attest
25 to the fact because most of the times, a lot of times I

1 make them write it, the standard and essential
2 questions.
3 Q Let's look at your comment in number 2. Tell
4 me what you're concerned about there.
5 A The students working on standard two.
6 Standard two was written on the whiteboard. Also I had
7 the test and retest written on the whiteboard. You
8 should know as a teacher that sometimes you have to
9 monitor and adjust.
10 I had to go back and reteach a standard
11 because my students were doing so well; we had just
12 finished standard one. Standard two, some of them
13 didn't do as well. So I had to go back and reteach
14 standard two. But they eventually passed standard two.
15 And I don't know whether she was going by the pacing
16 guide or what, but --
17 There's just so much I want to say. I had to
18 go back and reteach standard two. I don't know whether
19 she had a pacing guide in front of her saying I was
20 supposed to be on standard 2.2 or 2.3. But I think I
21 was like one standard behind the pacing guide. And I
22 was just letting her know that I had to go back and
23 reteach the standard.
24 You have to monitor and adjust. And that was
25 the purpose of me maybe being one point behind, because

ROA_00783

1 all of my students had not passed the standard two test.
2 Q What was Ms. Fowler's obligation to you in
3 that observation, if any?
4 A What was her obligation?
5 Q To you, yes.
6 A She had an obligation to come in and be honest
7 and fair about what she saw.
8 Q Okay.
9 A She had an obligation to give me feedback. I
10 welcome feedback because, like I said, there's always
11 reason -- or room to grow. But at the same time I feel
12 that if you are evaluating a teacher and you have a
13 class, I should be able to go into your classroom and
14 look at your standards and your essential questions and
15 learn from it.
16 I mean how can you go around and evaluate me
17 when you got these kids -- she had one class, she packed
18 these students up in one little office with no
19 whiteboard, nothing posted. And I was just questioning
20 her, is it really mandatory because you don't even have
21 any standards written up in your -- you got -- most of
22 the time in her office they're cleaning off her desk and
23 stuff like that. She didn't really want to be -- we had
24 vacant classrooms in the building, but she would take
25 these kids and put them in her office. And I was just

1 wondering where do you post your standards.
2 Q Let me get this straight. In two you said,
3 the second sentence reads, "You should know as a teacher
4 that sometimes you have to monitor and adjust." That's
5 what you told her?
6 A Yes.
7 Q So you not only disagreed with what she had
8 written, but you wanted to explain what Ms. Fowler
9 wasn't doing or didn't know or should know; is that
10 correct?
11 A I have some concerns about that, yes. I had
12 some concerns.
13 Q And you shared those concerns in writing?
14 A Yes, yes.
15 Q Let's go to number three. Tell me about
16 number three.
17 A Only one student commented -- Oh, a student --
18 She must have had something in her observation where a
19 student said, oh, we've already done this before. And
20 students are supposed to say that. Students, sometimes
21 they don't like to repeat work. And sometimes they lie,
22 you know, saying, I've already done this. And I was
23 just bringing it her attention, sometimes students say
24 those -- Only one student commented, and that student
25 was a student who does not like to do work. And what

1 I --

2 Q Let me make sure I'm understanding. You heard

3 one student make the comment.

4 A Uh-huh.

5 Q How far were you from Ms. Fowler?

6 A I was standing in the front. She was sitting

7 in the back.

8 Q Okay.

9 A Uh-huh.

10 Q So is it possible Ms. Fowler could have heard

11 students say something that you didn't hear?

12 A It's possible.

13 Q It's possible.

14 A It's possible, yes.

15 Q Okay. All right. Let's go to the next one.

16 A Okay.

17 Q Tell me how your comment about administrative

18 assistant doing observation was a compliment.

19 A I'm trying to think. That day she was sitting

20 in the back and I was walking around the classroom. And

21 I went into the back where she was sitting. I said -- I

22 don't remember my words but I might have said, thank you

23 for coming by, because I wanted her to see the kids

24 misbehaving but the kids did not misbehave. The kids

25 were at their best behavior.

1 What child is going to misbehave with an
2 administrator sitting in the classroom knowing that that
3 administrator has the authority to write them up and
4 send them home. I said, well, thank you for coming. I
5 said, you might see an eyeful, or something to that
6 nature. But in a way I was glad for her to come in to
7 see. I thought maybe she would have seen the size of
8 the class. And being that her concern for the student
9 and her certification in social studies, she would have
10 looked at that class and said, Ms. Toney, you need some
11 help.
12 It's not what you say, it's what you do. And
13 being certified in social studies, and I wanted her to
14 see. She saw students sitting around the walls and
15 tables in EOC US history class.
16 Q "Yes, I made a comment about an administrator
17 assistant doing observation, but I was giving you a
18 compliment for being in my class. I have never been
19 observed by an administrative assistant and I thought
20 this was positive. I'm sorry you misinterpreted what I
21 said."
22 I don't see anything in this item that you
23 wrote in four as positive. Could you point out what is
24 a compliment here?
25 A What I said was positive?

1 Q Could you point out where the compliment is in
2 item four. Where is the compliment, Ms. Toney?
3 A I didn't write what I said. I'm telling you I
4 did not put in here what I said to her.
5 Q This is what you wrote to her. And I'm saying
6 where is the compliment?
7 A I did not write the compliment in this, but I
8 did tell, I said, Well, thank you for coming. I said,
9 You're going to see an eyeful here. I didn't write the
10 compliment in this response to her.
11 Q So you would acknowledge to me that there is
12 no compliment in item four?
13 A Yes. And let me say this. After this, I went
14 to Ms. Fowler and we sat down and we talked and we
15 resolved this.
16 Q What is your point in saying, "My methods of
17 assessing students are written in my lesson plan. As
18 you know, you only stayed about ten minutes." So what
19 point are you seeking to make with that?
20 A How can she say anything about closure when
21 she didn't stay for closure.
22 Q So this item, you're talking about closure?
23 A Yes.
24 Q But I don't see closure mentioned here. That
25 is the second part of something where you were

1 addressing lesson plans; is it not correct? I'm going
2 to read the sentence and ask the question of you again.
3 You've had a chance to look at it. "My methods of
4 assessing students are written in my lesson plans. As
5 you know, you only stayed about ten minutes."
6 You say that you were talking about closure.
7 And I'm looking here to see where is closure mentioned
8 in this particular --
9 A If you look on the second sheet, Mr. -- you'll
10 see where --
11 Q Ms. Toney, we will get to the second sheet.
12 A That's where she made the statement about
13 assessment.
14 Q Ms. Toney --
15 A Yes, sir.
16 Q I am dealing with what you wrote in the order
17 that you wrote it.
18 A Uh-huh.
19 Q And I'm asking you what does her being in the
20 class about ten minutes have to do with your response to
21 the assessing students. That's what I'm asking you.
22 A Because in order for her to see what type of
23 assessment I did that day, she had to stay until the end
24 because assessment is at the end of a lesson.
25 Q But you didn't say that here, did you?

1 A I said she only stayed for ten minutes. I
2 shouldn't have to tell her that. As an administrator
3 she should know that.
4 Q But you were saying -- You were telling her
5 what you wanted her to know?
6 A Exactly.
7 Q Okay. And what you wanted her to know was
8 that it was in your lesson plan?
9 A Uh-huh.
10 Q And you're saying she only stayed for ten
11 minutes?
12 A Yes.
13 Q That's what you wanted her to know?
14 A Yes.
15 Q Nothing more, nothing less?
16 A Uh-huh.
17 Q Okay. That's what you wrote. "Again, I would
18 like to know whether it is mandatory to write the
19 standards and essential questions each day on the
20 whiteboard since you teach in you"--but I think you
21 meant to write your --
22 A Your.
23 Q -- "office daily with no whiteboard. How do
24 you address these issues in your office?"
25 Was this an observation of Ms. Fowler or was

1 this an observation of Ms. Toney?
2 A It was an observation of Ms. Toney.
3 Q Okay. Tell me how it is constructive to seek
4 to challenge Ms. Fowler on what she was or was not doing
5 when she was observing and giving you have feedback on
6 what you should be doing?
7 A As I said, she should be a role model. I mean
8 how can you evaluate something that you're not doing in
9 your classroom.
10 Q Let me ask the question of you this way.
11 Assuming for the sake of discussion that Ms. Fowler was
12 doing it all wrong, is it your position that you are
13 free to do it all wrong until she gets it right?
14 A I didn't do it all wrong. My essential
15 questions and my standards are written on the
16 whiteboard.
17 Q Tell me which is it. You are defending what
18 you're doing within the context of saying what
19 Ms. Fowler is not doing. And I'm trying to figure out
20 when do you conform your behavior to what persons are
21 asking you to do?
22 A I made that comment and I don't regret making
23 it because she's supposed to be a role model. If she
24 has -- she doesn't have a whiteboard. She doesn't have
25 no standards, no essential questions written down in her

1 office where she packs those kids in. So she's coming
2 in my room, even though my standards and my essential
3 questions were written on the whiteboard in red ink, and
4 I wanted to know, I mean, if you're going to be a
5 leader, you be a positive leader. You be a role model.
6 You write your essential questions. I go in your room
7 and I learn from what you have written on your board.
8 Q So the observation standards then from where
9 you were sitting should have been the standards that Ms.
10 Fowler applied in her class and not the standards that
11 the observation required?
12 A She -- Everyone has different standards and
13 different essential questions. She didn't take a US
14 history class. She took I think she called her class
15 civics or something, and she brought those kids to her
16 office every day.
17 Q You did say civics like it was a pejorative.
18 Is there something wrong with civics?
19 A Civics or -- it was something that -- it had
20 to do with government. And she took those students to
21 her office every day. So, yes, I was concerned. If
22 you're going to go around and evaluate me, where are
23 your standards, where are your essential questions. Why
24 can't I come to your classroom because, you know, when I
25 go to a teacher's classroom, I look at their -- what

1 they have written and I learn from it.
2 Q Did you ask that in all of your writing, to
3 allow you to come to her class?
4 A Did I ask to go to her class in my writing?
5 Q Yes.
6 A No.
7 Q What is written here in your response, did you
8 ask her, did you say, can I come to your class and let
9 you model this for me? Did you ask that?
10 A That would have been a very good response.
11 Q But did you ask?
12 A No.
13 Q You didn't ask that.
14 A No, no.
15 Q Instead what you said was, "Again, I feel that
16 your interpretation of my classroom instruction was
17 dishonest and libelous since you have placed this in
18 writing. I will be addressing these issues further."
19 And what did you do further?
20 A I went and I talked to her. I went and we sat
21 down and we talked. I said, Ms. Fowler -- I've been
22 knowing Ms. Fowler for years. Her first year she was
23 really one of my best friends there before Ms. Addison
24 got there. Very good friend. She would come to my room
25 every day during her planning period and we would talk.

1 And I said, you know, Ms. Fowler, you know, you and I go
2 way back. I said, I was there at Lee Central High
3 School with you from the beginning. And I said, you
4 know, sometimes students won't say the right thing. I
5 told her, you know, students were talking about her
6 giving pedicures and manicures in her classroom during
7 instructional time and charging the students for them.
8 And I was there with her when the drug dogs -- when she
9 was busted for drugs and marijuana.
10 Q When who was busted for drugs and marijuana?
11 A Kara Fowler. Ms. Addison didn't tell that,
12 did she?
13 Q Okay. But you're telling it. Go ahead and
14 tell me anything else about Ms. Fowler you want to tell
15 me.
16 A Well, we had a drug bust a couple of years
17 ago. Drug dogs jumped all over her car. She was called
18 out, opened the car.
19 Q Let me ask you a question. She said, "You
20 remained behind your desk for the duration of the
21 observation except to make a comment to me about my
22 performance of the observation." Is that correct?
23 A I got up a couple of times and I went to the
24 back and I helped a child who was having a problem. But
25 I was sitting there when she came in. I'm not going to

1 get up and just put on an act because she came in, put
2 on a performance.
3 Q That's right. You taught your class where you
4 wanted to, didn't you?
5 A Most of the times I'm on my feet, but that day
6 they were doing independent work. And I was supposed to
7 get up and walk around and put on a performance because
8 she came in? No.
9 Q "Please address these concerns and let me know
10 your method of assessing student comprehension of
11 material throughout the lesson and as they complete
12 activities from that standpoint." Do you remember that?
13 Do you see that?
14 A Yes.
15 Q Now you responded to the e-mail, didn't you?
16 A Yes.
17 Q Could you tell me where you addressed your
18 method of assessing comprehension during the lesson?
19 A I can't show you. I don't have my lesson plan
20 book with me. She never did come back.
21 Q I didn't ask you to show me. I asked you to
22 tell me where you addressed it in your response.
23 A No, I did not.
24 Q You did not address that in your response?
25 A I went to her, we had a conference.

1 Q Okay?
2 A I went to her office and we sat down and
3 conferenced.
4 Q Okay. So in your response to her, your
5 written response, you're saying -- you're admitting that
6 you didn't address your method of assessing the
7 comprehension throughout the lesson, but you're
8 testifying now that what you did was you talked to her
9 about that later?
10 A Yeah, I went to her office and we sat down and
11 had a nice little conversation. We resolved that.
12 Q Okay. Now you testified earlier that you had
13 some issues with some administrators where they just
14 didn't interpret correctly what you were doing?
15 A Right.
16 Q Okay. And --
17 A And I've had some positive interactions with
18 administrators. I did not have problems with all of my
19 principals.
20 Q You had problems with Ruth Richardson?
21 A Oh, yes, she forged -- Yes, I did. And if I
22 could go back I would do the same thing again. That's
23 my livelihood, that's my certificate. I'm not going to
24 sit back and just let her lie and forge people's names
25 just because she has a problem with me. I don't have to

like you. I'm here to do a job.

Q What problem did she have with you?

A I don't know. You have to ask her that question. I was having some attendance problems; my husband was sick; I was out. Of course, I addressed that and I don't regret it. She forged names. She could have gone to jail if I had filed charges.

Q Why didn't you?

A I left it up to the district. The district made her go back and redo it. And I was fine with that.

Q Let me ask you this. Who else, what other administrators that you've worked with that either you had a problem with them or they had a problem with you?

A Deidre Johnson, the principal at Lee Central Middle School.

Q Okay.

A I had two schools that year. I had a half-day at Dennis Middle School across the street from us. And the other half I had to go down to Elliott. So every day that train would get me. That train on my way to Mt. Pleasant. And sometimes I was like one or two minutes late. She's standing in my door. There were days I didn't get lunch. I didn't have planning because when I left Bishopville Middle -- I mean Dennis Middle School, I went to Mt. Pleasant. And one thing just led

1 to another, you know. We know the story of Ms. Deidre
2 Johnson. I was not the only one having problems with
3 her. Several teachers resigned. And she was initially
4 fired, escorted out of the building.
5 Q You say she was initially fired. Tell me what
6 that means.
7 A Not initially. I used the wrong adjective.
8 She was fired last year before the end of the school
9 year.
10 Q You know that she was fired?
11 A Oh yeah, she was escorted -- yes. But I've
12 had positive -- I've had very, very good administrators
13 that would come and testify. But I'm the type of
14 person, if it's not right, I'm going to let you know.
15 I'm not going to sit back passively and let nobody,
16 nobody -- I worked hard for my certificate, for my
17 credentials. Don't mess with my credentials. If you
18 don't like me, that's your problem. I don't have to go
19 home with you; you don't have to come home with me; I'm
20 here to do a job. But when you start dealing with my
21 credentials and my livelihood, I do have a problem with
22 that. When you put something in writing about me that's
23 not true, I'm going to respond. I've always been that
24 way. Not only in my professional life but in my private
25 life. That's why I'm still fighting these lawsuits.

1 And I will fight it to the end because I'm not going to
2 stand by and let no one violate me.
3 (THEREUPON, Exhibit Number 2 was marked for
4 identification.)
5 BY MR. BOYKIN:
6 Q Okay. This is item two. Can you identify
7 this, please?
8 A Yes.
9 Q Would you say what that is?
10 A This is an e-mail to Ms. Addison asking for
11 some ink that was -- Didn't make sense. I was asking
12 for ink for my printer for days. Every school year that
13 I've been there we get our ink at the beginning of a
14 school year. She gave some teachers ink and she didn't
15 give some. And I was concerned about where's mine. I
16 need ink. You know, most times the copy machine was not
17 working and I had to use my printer to make copies. I
18 ran out of ink and she had a room full of it, but she
19 would not give me one. I asked repeatedly.
20 So when I ask two or three times and I don't
21 get a response, it's time for me to e-mail her because
22 sometimes she might not remember. So I e-mailed her. I
23 e-mailed her and told her I needed ink for my printer.
24 And I know this is very petty stuff. And when I'm
25 seeing next door, yeah, I got mine the first day; I got

1 mine the first day. You know, and the departmental
2 heads they got enough for everybody in the department.
3 And then when I asked a couple of social studies
4 teachers, I got mine. So, of course, I put it in
5 writing.
6 This was petty. This was a waste of my time.
7 This doesn't make sense for ink because that's the
8 purpose of it, for the teachers to use.
9 Q Did you send a student?
10 A Yes, I did.
11 Q Did you know that that was improper?
12 A No more improper than she coming to my
13 classroom to get students to deliver books to different
14 students. She's done that several times throughout the
15 school year, to get students to help her do things.
16 Q And who is this you're writing to?
17 A Ms. Addison.
18 Q And what is Ms. Addison's position?
19 A Assistant principal.
20 Q And what is yours?
21 A Teacher.
22 Q So the teacher has say over what the assistant
23 principal does?
24 A I don't have any say, but like I say, you
25 should be a role model. I mean instructional time is

1 instructional time. Why is it not instructional time
2 when she needs a student to do something but it's
3 instructional time when I need a student to do
4 something? Let's look at it.
5 Q So every teacher should be able to make their
6 own rules up?
7 A I'm not making my rules, but what I'm saying,
8 I needed the ink. My students were there. I needed it
9 to run off a test. I needed that ink right then. It
10 was almost like an emergency.
11 Q What I'm hearing you say is if she could get
12 students to take textbooks, you could send students for
13 ink. That's --
14 A Not only --
15 Q Excuse me. That is the way you answered the
16 question. Now if you want to modify your answer, that
17 is up to you, but that is how you answered the question,
18 Ms. Toney.
19 A No. What I'm saying, this is -- I'm not
20 saying this was the best -- Let me tell you, I'm not
21 perfect; you're not perfect; we all make mistakes. But
22 I got a student -- a classroom full of students there
23 waiting on a test. I don't have any ink. I say run
24 down to the office and please tell Ms. Addison to send
25 me some ink so I can run the test off. Only took about

1 two or three minutes.

2 Q Let me get one from you please so that we

3 don't get them -- Any other administrators you had

4 problems with or had problems with you?

5 A No, but I can give you a list of ones I had

6 very good relationships with.

7 Q So did you have any problems with Mr. Webb?

8 A Mr. Webb is a good person to work with, but I

9 think he was influenced by Ms. Addison to do some

10 things.

11 Q You think he was influenced by Ms. Addison?

12 A Oh, yes.

13 Q Tell me, influenced by Ms. Addison in what

14 way?

15 A One morning I called after 7:00. If you're

16 not going to be there, you're supposed to call before

17 7:00. And I always called Ms. Addison. She's my

18 contact person to call. And I called her like fifteen

19 minutes after 7:00. I didn't know I had a flat tire

20 until I went outside and saw I had a flat tire. So how

21 could I have called before 7:00 if I didn't know I had a

22 flat tire. And then after I got back, I got this thing

23 from Mr. Webb saying that I was late and I was supposed

24 to be calling before 7:00. And after I explained it to

25 him, he was okay with it. That's something Mr. Webb

1 would have never put in writing on his own. He doesn't
2 engage in petty stuff. That was petty, very petty. If
3 a teacher comes in late, you go and find out what the
4 problem is first before putting it in writing.
5 Q What is the rule, Ms. Toney?
6 A Well, how could I have known -- I didn't know
7 I had a flat tire. Do you know whether you have a flat
8 tire right now? No.
9 Q I ask the questions; you answer the questions.
10 What is the rule, Ms. Toney?
11 A You call before 7:00.
12 Q Did you call before 7:00?
13 A I didn't call. I was on my way to work. I
14 went outside to get in my car to go to work. I called
15 and told them I was going to be running late; I had a
16 flat tire. I had to get my neighbor to help me change
17 the tire.
18 Q We'll go ahead and take a look at this. So
19 the only problem that you had -- Mr. Webb had with you
20 was you had a flat tire and you were late, right?
21 A We've had other little -- I think it was a
22 time we had a faculty meeting and I got so dizzy. I
23 stood up from my desk, I got real dizzy, I sat down, and
24 I kind of like waited a few minutes and I got back up.
25 By the time I was on my way to the faculty meeting, it

1 was over. And then he sent that -- I'm quite sure
2 Ms. Addison is behind that as well because Mr. Webb is
3 the type of person he would have come down, Ms. Toney, I
4 missed you at the meeting, you know, what's going on.
5 And I would have been able to tell him, you know, I was
6 sick. I was in the building, but I've had these dizzy
7 spells. I have high blood pressure. And when I got
8 myself where I could stand up and walk, I started
9 walking towards the meeting, but it was over. The
10 meeting was over. And I talked to Mr. Webb about that.
11 He said okay, Ms. Toney, he said, no problem, no
12 problem. But I always go to my faculty meetings.
13 (THEREUPON, Exhibit Number 3 was marked for
14 identification.)
15 BY MR. BOYKIN:
16 Q Can you identify this document, Ms. Toney?
17 A Yes, I remember.
18 Q And you remember receiving this?
19 A Yes.
20 Q Do you remember that parent/teacher
21 conference?
22 A Yes.
23 Q And you see Mr. Webb's impression?
24 A Yes.
25 Q And how do you respond, if any, to Mr. Webb's

1 impression?

2 A What Mr. Webb didn't give you all was the

3 letter that I responded to this letter. I don't see

4 that in my personnel file. I went to Mr. Webb before

5 this parent came in. This was a very -- this parent,

6 when she comes in, she's very disrespectful; her

7 behavior is repulsive; she's very confrontational. I

8 went to Mr. Webb, I said, Mr. Webb, is there any way you

9 can handle this situation without me being in on the

10 conference? It's not as if he didn't know beforehand

11 about this parent. There's a letter that's not in my

12 file that I can provide you with that I responded to

13 this letter.

14 Q We can deal with your response, but your

15 principal is suggesting that you became irate in the

16 parent/teacher conference.

17 A The parent jumped -- almost jumped across the

18 table put her hand in my face --

19 Q If you will allow me to ask the question, then

20 you can respond.

21 A Okay.

22 Q Your principal is suggesting that you became

23 irate during the conference. How do you respond to

24 that?

25 A I really feel that it could have been handled

1 differently.

2 Q Handled differently by who?

3 A Please let me talk. Please, sir.

4 Q I just want you to be clear.

5 A It could have been handled differently by me.

6 Q Okay.

7 A But when someone gets up and they put their

8 hand in your face, and I said, wait a minute now, we're

9 not going -- don't put your hand in my face. I said,

10 because I don't have to take that off of you. I said,

11 you come in, you be professional, I'll be professional.

12 But I said, don't you ever -- I was a little bit -- I

13 got upset.

14 Q So what did you say?

15 A I said, don't put your hand in my face again.

16 And that's when Mr. Webb told me to just leave because

17 the parent was very, very confrontational. She got up,

18 put her hand in my face and told me what she was going

19 to do.

20 Q What did you tell her?

21 A I didn't threaten her. I told her don't put

22 your hand in my face. I said you talk to me like

23 somebody, I'll talk to you like somebody, but I don't

24 have to take that off of you.

25 Q What was the alternative?

1 A Mr. Webb excused me from the meeting. But
2 see, I told Mr. Webb beforehand about this parent
3 because this parent came down to my room, didn't go by
4 the office, this parent came by my room one day and was
5 very, very disrespectful to me in front of my students.
6 (THEREUPON, Exhibit Number 4 was marked for
7 identification.)
8 BY MR. BOYKIN:
9 Q Can you identify --
10 A Yes, sir.
11 Q -- Number 4?
12 A Yes, sir.
13 Q And what is this?
14 A I was placed on administrative leave last
15 year.
16 Q And why were you placed on administrative
17 leave?
18 A Believe it or not, I just simply rearranged my
19 class. And little Ms. Octavia didn't like where she was
20 sitting because she was not sitting beside her friends.
21 She told them that I threatened to take her outside and
22 beat her up in front of the whole class. Ms. Lesane
23 Howard comes down, You have to get your bag and leave
24 because a student says you threatened her. They did an
25 investigation. Not one child in that class, I had 26

1 students -- because I never did threaten her. I said,
2 You will sit there and that's your assigned seat as long
3 as you're in this class.
4 And Mr. Webb called me back -- I think I was
5 sent home that Thursday and I returned to work on that
6 Monday after they did the investigation and the students
7 said, Ms. Toney didn't say that; Ms. Toney didn't
8 threaten this child. I only told her she will sit
9 there. Only because I moved her in a seat she did not
10 want to sit in.
11 Q So all of the documents we've looked at so far
12 were things where people got it wrong?
13 A I'm not saying I was right in everything that
14 I've done. I told you when I sent the student to the
15 office for the ink, maybe I should not have done that
16 but I had tried everything else. I've called her, I've
17 spoken to her about the ink. That's only two or three
18 minutes right before class. And that's not -- That's
19 not something to be placed on administrative leave for
20 because I sent the child -- Children are always out of
21 class doing different things.
22 Q Were you put on administrative leave because
23 you --
24 A Not because of that.
25 Q Well, why were --

1 A But what I'm saying, it was placed in writing
2 by Ms. Addison. And Ms. Addison knows all the times
3 she's come to my room and asked me, You got five
4 students I can use for like 30 minutes; you got 10
5 students I can use for about 30 minutes. And I say,
6 Yes, go with Ms. Addison. And I simply sent this child
7 to the office one time two or three minutes just for
8 some ink so I can run a test off. But she took it as an
9 opportunity to put it in writing so something can go in
10 my file.
11 Q Was she responding to your e-mail?
12 A Yes.
13 Q Was your e-mail in writing?
14 A What I'm saying she did respond to it in the
15 e-mail, but it still was in writing about me sending the
16 child out of class.
17 Q But she was responding to -- The e-mail was
18 the subject of what you wrote, wasn't it?
19 A Exactly. But she made reference to me sending
20 the child out of class.
21 Q So it's your testimony that she should have
22 given you a pass?
23 A She should have been me a pass for what now?
24 Q And not mentioned that you sent this student
25 outside the class?

1 A No, she had every -- she had the authority to
2 do what she did. She had the authority to tell me about
3 not letting the student out of class. And that was a
4 bad decision on my part but I can't go back but I needed
5 the ink to run off a test. And it was a very
6 responsible student.
7 (THEREUPON, Exhibit Number 5 was marked for
8 identification.)
9 BY MR. BOYKIN:
10 Q Can you identify this, Ms. Toney?
11 A Yes. Boy, can I identify this one.
12 Q Okay.
13 A Boy, can I identify this one. This was in
14 March, believe me I hadn't gotten any books for this
15 class. First semester, no books. And this is March
16 when the school year is almost over. Yes, I put it in
17 writing.
18 Q Sure. Is this your first e-mail about it?
19 A I don't remember. I really don't remember,
20 but I was behind her for weeks and months. I need some
21 material for this class. Please give me some materials
22 for this class. This was March, the year is almost
23 over. And then after this e-mail, I received some
24 materials.
25 (THEREUPON, Exhibit Number 6 was marked for

1 identification.)
2 BY MR. BOYKIN:
3 Q Exhibit 6, can you identify that, Ms. Toney?
4 A This is the letter I don't remember ever
5 getting. But if I had gotten a letter like this, I
6 would have responded to it.
7 Q Let's look over the letter and see whether or
8 not you -- take a minute and look at it and see whether
9 or not there's anything on here that you recall
10 happening.
11 A The only thing I recall about this letter, I
12 remember this was in 2006. I remember students coming
13 to me telling me--I don't even remember the teacher's
14 name--that this teacher was making racist comments in
15 class, calling them the N word. And I went to Ms. Scott
16 and I told Ms. Scott about it; it might be something you
17 might need to observe. Didn't put it in writing, just
18 went to her.
19 And you know what, I've been gullible in a lot
20 of ways thinking I could do it that way. I didn't know
21 she was going to put this in a file. I could have put
22 it -- better yet, I could have gotten those students to
23 get their parents to come out. But what I did, I tried
24 to help the situation by going to Ms. Scott and letting
25 Ms. Scott know what's going on in the classroom.

1 Q It seems to me that you're only remembering
2 things that you were concerned about -- let me -- if you
3 will let me ask the question. And you're not
4 remembering the things that were brought to your
5 attention by the administration. That's the way it
6 appears to me.
7 A This was brought to my attention right in
8 front of the administrator. Sorry.
9 Q I want you to explain to me why is it that you
10 can only recall what you were concerned about but you
11 have no recollection of the three points that are the
12 subject of this memorandum or letter?
13 A I'm sorry, I just don't. I don't remember --
14 I don't remember any type of referrals to Ms. Solomon.
15 I don't remember that. But something of that nature,
16 someone calling you the N word, that stays in your mind.
17 Twenty years from now I'll remember that. Students
18 coming to me in tears telling me that the lady called
19 them the N word.
20 Q So you'll remember what someone else wasn't
21 doing, but you won't remember what Ms. Toney wasn't
22 doing?
23 A It's not --
24 MS. FITTIPALDI: Object to the form.
25 A -- what she wasn't doing, it's what she was

1 doing. She was calling these kids racist remarks. I
2 wasn't. She was doing it, not me.
3 Q But you won't remember -- Do you know for a
4 fact that she called students that?
5 A I don't know for a fact. That's why I went to
6 the administrator.
7 Q Did you ever hear her call students that?
8 A I didn't. I went to the administrator.
9 Q So as we sit here today, several years later,
10 you still don't know for a fact that this teacher ever
11 used that language with students?
12 A I was not there. I didn't hear it with my own
13 ears. I just based it on what the students told me.
14 Q So your dramatic saying that if someone called
15 calls you the N word, you'll remember that, did she
16 ever -- Did the teacher that you're talking about ever
17 call you the N word?
18 A Oh, no, sir.
19 Q Because you would have taken care of her,
20 wouldn't you?
21 A I would have dealt with it. Mr. Boykin, I
22 know how to deal with situations. I've dealt with a lot
23 of situations in my life.
24 Q But as we look at this in Exhibit 6, you're
25 saying you have no recollection about anything here

1 except what students told you that somebody else was
2 supposed to have said? Take a minute and take a look at
3 it.
4 A I've already read this. It's in my personnel
5 file, I've got a copy of it. And I looked back and I
6 really can't remember anything with Ms. Solomon about
7 referrals.
8 And let me tell you this, Mr. Boykin, I am an
9 adult and a professional. I have a right to speak out
10 on something that I disagree with. I'm not a child. I
11 don't have to agree with you on everything that you say.
12 I have a right to voice my opinion. I don't have to sit
13 by passively and not say anything, especially when I
14 know it's not right.
15 Q Tell me what deference, if any, a classroom
16 teacher should give to a building administrator.
17 A Well, I can give you a list of -- I don't want
18 to give you a number but I can give you a long list of
19 administrators that I've worked under that I never had
20 any problems with because they treated me with
21 professionalism and respect.
22 Q Okay. My question is: Tell me about the
23 deference that a classroom teacher should give to a
24 building administrator.
25 A You should give them respect. You should

1 respect their authority figure, but at the same time, I
2 have rights as well.
3 Q So in all we've talked about today, tell me
4 where your rights were violated, Ms. Toney.
5 A For one thing I never did get a copy of this
6 letter. I didn't know this letter was in my file until
7 I got a copy of my personnel file because I certainly
8 would have responded to that.
9 Q And what response would you have said?
10 A If I had remembered anything about
11 Ms. Solomon, I would have responded to it. I don't
12 remember about that. I can't say what I would have said
13 because I don't remember.
14 Q How do you know you would have had a response?
15 A If she had written this letter and had given
16 me a copy of this letter, I would have responded to it
17 in writing.
18 Q Could it have been, just could have, could it
19 have been that you actually engaged in the conduct that
20 they were talking about and so you just accepted it for
21 once in your life for crying out loud?
22 A No, no, no.
23 MR. BOYKIN: You object to form?
24 MS. FITTIPALDI: Yeah.
25 THE DEPONENT: I'm the type of person if it's

1 not right, I'm going to say it. Like last year,
2 the US history EOC, we got the wrong pacing guide;
3 we got the wrong set of standards. Students were
4 placed in my classroom second semester that were
5 not there first semester, which means that half of
6 the test, the EOC test, the kids did not even know.
7 Of course, I brought that to the attention of
8 the administration. Why would you place students
9 in US history second semester when you know it's a
10 year-long course. And then here's an EOC test.
11 And then when the scores come back lower, you're
12 pointing the finger at the teacher. And then
13 giving me the wrong pacing guide and the wrong set
14 of standards.
15 BY MR. BOYKIN:
16 Q Who gave you the wrong pacing guide?
17 A Who was the person over curriculum during that
18 time, Ms. Lesane Howard and Ms. -- Mark Davidson can
19 attest because he was our instructional coach. We
20 didn't get the right of standards until about February,
21 of US history. We didn't get the right pacing guide.
22 We were never allowed to go on personal development.
23 Ms. Addison took her friends on personal development
24 trips all the time. She would even take an English
25 teacher on a math personal development. I mean, and we

1 begged, let us go down to Clarendon County. I think
2 that's where Mr. McDaniel, he raised the test scores.
3 We begged to go, but never let us go. Never. Even the
4 professional development this summer I was not allowed
5 to go. Ms. Fowler went and she took Mr. Peyton with
6 her, but I got the US history class without the
7 materials, and they got a lot of materials in this
8 workshop. But still she comes in my classroom, she sees
9 31 kids wall-to-wall. Instead of coming in and
10 criticizing me, why not come in and say, Ms. Toney, I'm
11 going to take ten of these kids off your hands and I'm
12 going to teach them some US history because this is EOC
13 and the scores are real low. You know, that's caring
14 about the students.
15 (THEREUPON, Exhibit Number 7 was marked for
16 identification.)
17 BY MR. BOYKIN:
18 Q Ms. Toney, can you identify -- this is item 7
19 I believe.
20 A Yes.
21 Q Tell me what that is.
22 A This is an amendment to Dr. Andrews' decision
23 to recommend my termination.
24 Q What were the grounds that were cited?
25 A Unnecessary disruption in a workplace as

1 evidenced by discussing a faculty member's personal
2 information with other employees, which I never did. I
3 didn't cause no disruption. With all due respect, the
4 disruption was caused by Dr. Andrews. She came in.
5 That's where the disruption came from. Because nine
6 times out of ten I would have met with Mr. Webb and Mr.
7 McDaniel and we would have settled things. Well, she
8 came in; she put me on administrative leave. Teachers
9 started talking. Why is Ms. Toney home? Why was she
10 placed on administrative leave? Alonzo got the stuff --
11 Alonzo probably told some teachers. Some teachers
12 called me. I couldn't talk. That's where the
13 disruption came from. And as Ms. -- everyone that
14 testified, even Mr. Webb said there was no disruption in
15 that school. I caused no disruption.
16 Q "Additionally, a review of your personnel file
17 reveals that you have been involved in other incidents
18 of unprofessional conduct."
19 A Where is the improvement plan if it's that
20 bad, the remediation plan?
21 Q So it's your testimony that if you were being
22 unprofessional, you're entitled to some plan to have
23 you --
24 A I was not being -- When I voiced my opinion on
25 some --

Q Ms. Toney, would you be so kind -- I thought we had a good rhythm going here --

A We did.

Q You were listening.

A Yes.

Q I was asking questions.

A Doing good.

Q And we were doing well. But now you just want to talk over me.

A No, sir. No, sir. Let me back up. Back up.

Q Is it your testimony that you are entitled as a due process measure to an improvement plan to improve your conduct?

A Yes, sir. Tell me what I'm doing wrong. Let me tell you something, I welcome positive feedback. If I'm doing something I shouldn't be doing and it's going to jeopardize my position as a teacher, tell me. And I -- it's not what you do, it's how you do it. I have so much respect for Mr. Webb, even Mr. McDaniel, I was so happy when he came into our school because I knew now we had competent leadership. We had someone who is going to lead us and guide us and lead us straight to the top. I would have never done anything to defy any directive given to me by Mr. Webb or Mr. McDaniel. I went to him when I saw the Facebook. He came down to my

1 room; he asked for it.
2 Q Now you said Ms. Andrews caused the
3 disruption, right?
4 A I felt that she came in and it was a little
5 bit extreme what she did because Mr. Baldwin was the
6 same last year. He filed grievances on people. He
7 called the Sheriff's Department out to the school.
8 That's just his personality. He doesn't follow rules,
9 he doesn't follow regulations, but no one is saying
10 anything about that. I've known him to call the
11 Sheriff's Department without even going through the
12 office on a child in his classroom.
13 Q Did you testify earlier that you gave
14 Dr. Andrews a copy of the Facebook material the day
15 after you received it?
16 A The day of.
17 Q The day of.
18 A The day of. I brought it straight to her.
19 Q Maybe I misunderstood you because I thought
20 you said you had a copier at home and you went home and
21 made a copy and gave it to her the next day.
22 A I gave it to her the same day. When I got
23 here, Dr. Andrews was in a conference.
24 Q Well, why did you tell me you had a copier at
25 home and made copies for some reason? Why did you tell

1 me that?
2 A I did. I had two copies in the envelope. I
3 gave Mr. McDaniel one. I went home, made a copy, and
4 brought Dr. Andrews a copy.
5 Q And you did that the same day?
6 A The same day.
7 Q Okay.
8 A And I got here late because -- it was late
9 when I got here, it was around 6:00, and she was still
10 here but she was in a conference.
11 Q Well, what did you expect her to do with it?
12 A You know, I'll say this. When I first met
13 Dr. Andrews and my interactions with her, I think she
14 was one of the best things that ever happened to Lee
15 County. And I thought she was a straight shooter
16 because when I came to her about the homeroom
17 situation --
18 Q I'm going to let the record reflect that
19 you're pointing at me but that's acceptable. Go ahead.
20 A I'm sorry.
21 Q Go ahead.
22 MS. FITTIPALDI: Demonstrating a trajectory.
23 THE DEPONENT: When I went to her about the
24 homeroom situation, she dealt with it right on
25 point. Everybody got mad with me because they got

1 that period taken away from them. When I e-mailed
2 her about my homeroom size, she got right on it.
3 Even though what they sent her was not correct, I
4 still had 29 to 31 kids. And she said she doesn't
5 want no teacher to have no more than 25 students in
6 a class. Ms. Addison perhaps procrastinated. She
7 waited a long time before she downsized my class.
8 And what I don't understand, when you have two
9 certified social studies teacher there, Mr. Peyton
10 and Ms. Fowler, and I have this big US history EOC
11 class and they really care about the students, and
12 I asked for help several times. And going back to
13 this --
14 BY MR. BOYKIN:
15 Q When you say this, tell me what the this is.
16 A Dr. Andrews. I thought if I -- I didn't want
17 her to learn about this after the fact. I wanted her to
18 stay on top of things because, like I said, when I met
19 her, I was so impressed with her, so impressed. And I
20 felt comfortable. I could have sent that to her
21 anonymously, but I had that much faith in her that she
22 would have done the right thing.
23 Q Do you routinely send things to people
24 anonymously?
25 A No. But people told me, I had some friends

1 that say you were stupid. Say you were stupid; you
2 don't do things like that. I said, I thought she was --
3 Q Have you ever sent anything to someone
4 anonymously?
5 A No. I'm a straight-up person.
6 Q Then why would you have even thought about
7 sending it anonymously?
8 A Because that's what some friends told me.
9 They said, you don't do that, you could have sent that
10 anonymously.
11 Q You have friends who are not straight-up?
12 A We all have friends that are not straight-up.
13 Q We do?
14 A Yeah. I don't think nobody is 100 percent
15 straight-up but the Man upstairs.
16 Q Okay. I just want to understand you. So
17 you're telling me that you're satisfied with Dr. Andrews
18 handing of your initial complaints?
19 A Oh, yes. Oh, yes. She was right on point,
20 right on point.
21 Q Is she on point with your recommendation for
22 termination?
23 A I think she -- I think -- I think Dr. Andrews
24 just got here in this district and she should have given
25 herself more time to learn the people because I've been

1 knowing Ms. Addison all of her life. And I can tell you
2 all some things to make the hair stand up on the back of
3 your head. I've been knowing Ms. Fowler for years.
4 Q I don't have much on the back of my head but
5 tell me.
6 A I know these people. But when you come into a
7 new environment, you don't take what Susie says about
8 Mary Jane. You get to know Mary Jane for yourself.
9 Because I don't care who you are, there are going to be
10 people out there that don't like you. There are going
11 to people out there to go out of their way to make
12 things difficult for you.
13 Q Let me ask you this. I'm not asking you to
14 agree, but look in your personnel file, look at the
15 letter from Ms. Scott. You're Dr. Anderson (sic) and
16 you see this letter. That letter is pretty powerful,
17 isn't it?
18 A It is. And if I were in her position --
19 MS. FITTIPALDI: Let him finish his question.
20 THE DEPONENT: -- I would feel the same way.
21 BY MR. BOYKIN:
22 Q Let's look at some of the correspondence that
23 you've gotten from Mr. Webb.
24 A Yeah.
25 Q It suggests that you're not -- you can be a

1 handful, doesn't it?
2 A Mr. Webb is still good. He's a good person.
3 Mr. Webb I won't take -- I could work under him forever.
4 But Mr. Webb was motivated to put some of that stuff in
5 writing. That's out of his character. Mr. Webb will
6 come to me, Ms. Toney, why weren't you at the faculty
7 meeting today. I'll say, Mr. Webb, I was so dizzy.
8 Okay, you all right? You all right? You better go
9 home, get some rest. That's how Mr. Webb deals with his
10 employees.
11 Q And you look at what in my estimation is quite
12 disturbing, is the pushback that you gave Ms. Fowler on
13 the observation piece. Tell me why should your response
14 not be interpreted as your saying to Ms. Fowler, don't
15 come in my classroom? Tell me why it shouldn't be
16 interpreted as that?
17 A I welcome anyone into my classroom. I've had
18 district officials come in my room. But when you come
19 in my room, be fair. Let me tell you, I've had some bad
20 experiences in the past with evaluations. Ruth
21 Richardson forged my names and I know --
22 Q Just one second. What I want us to do is we
23 know of an evaluation and an observation are two
24 separate matters.
25 A But it can build up.

1 Q So that we can be together --
2 A Yes, sir.
3 Q -- observations are primarily brief
4 walk-throughs just to get feedback.
5 A Right.
6 Q It's not data collection for an evaluation.
7 A Right.
8 Q It is just to help the teacher get on and stay
9 on target; is that correct?
10 A Right, uh-huh, that's correct.
11 Q So what Ms. Fowler was doing was just giving
12 you coaching feedback. Would you concede that point?
13 A Yes, but still she -- don't say I don't
14 have -- That's a big thing--your standards, your
15 essential questions. No teacher shouldn't be in your
16 classroom -- You don't have your standards on the board,
17 that's a major infraction. Your essential questions,
18 that's the first thing a child should see when he or she
19 walks in the classroom, your standards, what you plan to
20 teach that day. And my students can attest to the fact
21 it was not one day that my standards were not on the
22 board and my essential questions. Don't come in my
23 classroom and write things that are not correct.
24 And as I say, Mr. Boykin, I went to Ms. Fowler
25 because me and Ms. Fowler go way back years. I know

1 Ms. Fowler a whole lot better than anybody in here knows
2 her.
3 Q I concede you know her better than I do.
4 A Oh, yeah.
5 Q I'll concede that.
6 A And I could tell you a lot more but I'm going
7 to keep it because it doesn't have anything to do with
8 the case.
9 Q But you're not going to bring it out at the
10 hearing, are you?
11 A No, sir, I'm not going to bring it out.
12 Q Good.
13 A But Ms. Fowler knows I know her. And I went
14 to her office and I said, what's up with this thing
15 you're sending me here. I said, are you going blind or
16 something. We laughed and talked about it. We laughed
17 and talked about it. I said, you must be blind, you
18 better go to the doctor and get some glasses because my
19 essential questions are up there, Ms. Fowler. I didn't
20 call her Ms. Fowler, I called her Kara. I said, why you
21 put this in writing on me. I said, you know. And she
22 said -- the kid about comments, I said, you know how
23 these kids lie when they don't want to do work. And we
24 just laughed and talked about it, but Ms. Fowler knows
25 that --

1 Q What you gave me just now was your side
2 conversation.
3 A Yes.
4 Q But what Dr. Andrews had to react to was the
5 exchange --
6 A It looks like a teacher that's defiant,
7 disrespe -- I would have thought the same way. Not
8 knowing me or not knowing a person, if I read that
9 letter that Ms. Scott has in my file, I would say, well,
10 this is a troublemaker here. But you got to understand,
11 there are two sides to every story. You don't judge a
12 person based on -- you get to know that person because
13 just because Mary doesn't get along with Jane doesn't
14 mean I can't get along with Jane.
15 Q But you do understand that the district is in
16 somewhat of a quandary now because the letter's in your
17 file and you have no recollection of how it got there?
18 A I do, Mr. Boykin. Only that letter, I told
19 you I don't remember that letter. Now let's be right
20 now. The only letter I say I don't remember is this
21 letter by Ms. Scott.
22 Q That's the one we're talking about. That's
23 the one I'm talking about.
24 A Mr. Boykin, I would have responded to this.
25 Now I remember the reporting about the N word, I

1 remember that. But I don't recall getting a letter like
2 this. You know, Mr. Boykin, you just met me. You know
3 I would have responded to this. Me, I would let this go
4 in my personnel file and not respond to it?
5 Q This is a different letter that you're talking
6 about.
7 A Okay. Well, you think I'm going to let that
8 go and not respond to it?
9 MR. BOYKIN: I have no doubt that you would
10 have and we're going to take a break.
11 THE DEPONENT: I probably would have filed a
12 grievance.
13 MS. FITTIPALDI: Just a five-minute break,
14 right, Charles?
15 MR. BOYKIN: Yes, yes.
16 (Whereupon, a brief break was taken.)
17 BY MR. BOYKIN:
18 Q We're back on the record. Ms. Toney, we took
19 a break. Did you discuss your deposition with anyone?
20 A No.
21 Q When you gave the materials from Dr. Baldwin's
22 Facebook to Dr. Andrews, what did you expect her to do?
23 A I left it up to her because I knew she would
24 do the right thing. I had so much faith in her. I
25 didn't even try to do anything with it, you know. I

1 said Dr. Andrews will handle this. I said she'll get
2 her.
3 Q She'll get her?
4 A I don't mean it in that way. I mean she will
5 handle it because every time I present something to her,
6 she was right on target. And I don't come with petty
7 stuff. I don't. But when I see something that's not
8 right, and that's -- You know what they call me at the
9 high school? The house rocker.
10 Q You rock the house?
11 A They got me out too.
12 Q Tell me what house rocker means.
13 A If something is not right, I'm going to tell
14 it.
15 Q You actually though, Ms. Toney, have a history
16 of --
17 A Twenty-six years though, Mr. Boykin. That's
18 not bad for twenty-six years.
19 Q Ms. Toney, you're going to have to let me ask
20 a question.
21 A Yes, sir.
22 Q Okay. You have a history of coming after
23 people?
24 A Okay, I do.
25 Q Do you not?

1 A Can I go back? Ruth Richardson forged those
2 names. I couldn't sit on that. She was taken out of
3 the building the next day. She lost her job. You can't
4 sit back and let someone -- after I went to Unionville
5 AME Church and I spoke to Mr. McDonald one-on-one and I
6 showed him, he said, no, that's not what we agreed on.
7 He said, that's not my signature. Of course, I'm going
8 to take -- I brought it to the district office. I
9 didn't go to the police, Sheriff's Department. I came
10 to the district, and the district handled it for me.
11 Ms. Scott she was terminated. Every principal
12 I had problems with, they were terminated. Ms. Johnson
13 was terminated.
14 Q Now what problem did you have with Ms. Scott?
15 A I didn't have -- I think Ms. Scott --
16 Sometimes, I'm going to tell you, Mr. Boykin, people
17 don't want to face things. When I went to her with the
18 N word, it's better to just sweep it under the rug or
19 not deal with it. Some things people just don't want to
20 deal with.
21 Q But you didn't know for a fact that had
22 happened though?
23 A I still had to let her know what the students
24 were telling me, you know. I could have ignored it, but
25 I didn't.

1 Q Did the students tell anyone other than you?
2 A I guess they were telling other teachers as
3 well. But I'm not the type of person to throw a rock
4 and hide my hand.
5 Q This should be rather quick.
6 (THEREUPON, Exhibit Number 8 was marked for
7 identification.)
8 BY MR. BOYKIN:
9 Q Do you recall receiving this, Ms. --
10 A Yes, sir, I do.
11 Q And I believe you briefly addressed it; have
12 you not?
13 A Yes, I have. And I also explained it to Mr.
14 Webb. And this is, I might say, is very out of
15 character for him because he knows I don't -- I show up
16 to all of my faculty meetings. And if I'm not there,
17 Mr. Webb would have just come to me. Ms. Addison did
18 this, got him to. I can't say it for real, but Mr. Webb
19 is the type of person that would have come to me instead
20 of putting this in writing. But after we talked he
21 said, well, Ms. Toney, I understand. You know, take it
22 easy now, he said. But he saw me -- I didn't leave the
23 building. I was in the building but I was dizzy.
24 (THEREUPON, Plaintiff Exhibit Number 9 was
25 marked for identification.)

BY MR. BOYKIN:

Q And can you tell me about this?

A With this, and I know you can say -- I know what you're going to say, but I'm saying it anyway, the guidance department is some of the best people you ever want to work with. And I know they reported it. They had a right to report this, but I was having problems with my computer. And these were interims. These weren't like the end of the nine-week grades. I think these were the interims that I was late putting in because I was having problems with my password and getting into the computer. And Ms. Gaddy would always have to -- and you can confirm this with her. She would always have to put in certain things for me because I had problems with my password. But these were just for interims. I'm always on time with my nine-week grades.

And this is another thing Mr. Webb would have just maybe talked to me about because he knows I've never had any problems as far as putting my grades in. My grades were always in on time with this exception.

(THEREUPON, Exhibit Number 10 was marked for identification.)

BY MR. BOYKIN:

Q Can you identify this?

A That was the morning I had -- I wasn't absent

1 that day. I came in late because of the flat tire. And
2 I called after 7:00 because I usually leave home around
3 7:15. And when I went out and I saw I had a flat tire,
4 I called Ms. Addison. And I got to work I think about
5 9:00 o'clock that morning but I did come. I wasn't
6 absent that day. And after I told Mr. Webb, he said,
7 okay, Ms. Toney, that's understandable. But when I
8 called Ms. Addison after 7:00, I guess she took it upon
9 herself to say I was reporting -- I was not reporting to
10 her on time. But that was one day I was at work, flat
11 tire. And after explaining it to Mr. Webb, he was okay
12 with it.
13 (THEREUPON, Exhibit Number 11 was marked for
14 identification.)
15 THE DEPONENT: And this is another biggie
16 where I got in trouble.
17 BY MR. BOYKIN:
18 Q You want to tell me -- What's the number on
19 that?
20 A Eleven.
21 Q And what's this about?
22 A I taught sex ed, comprehensive health. And
23 looking out for Mr. Webb, I told him, I said, Mr. Webb,
24 you can't teach these children sex without parental
25 consent. And, you know, he ignored me. He ignored me.

1 Really he was supposed to have gotten consent from the
2 parents before he even enrolled these kids in
3 comprehensive health because it talks about everything.
4 I'm talking about the sexual act, the reproductive
5 system. I mean it's very detailed. And according to
6 the law, I told him, I said, you're setting yourself up
7 for parents to file lawsuits, I said, because you're
8 not -- and I put it in writing and gave it to him. I
9 didn't report it to the district office. I gave it to
10 him hoping that he would, you know, follow procedures.
11 And I gave it to Ms. Howard because it was more
12 Ms. Howard's position to make certain that the parents
13 were notified and given the opportunity to decide
14 whether or not they wanted their children to be --
15 because I said because I'm not going to be held
16 responsible for this. And I did that to clear myself,
17 you know, because the parents were not notified. I'm
18 here talking about the penis, the vagina, pictures,
19 everything. And I have a child in there that was very
20 religious. And her mother said she didn't know I was
21 showing all that. So I said, I better cover myself
22 because I had already spoken to Mr. Webb about that.
23 Q Could you point me in this -- You wrote this;
24 is that correct?
25 A Right.

1 Q And you wrote this because of your concerns.
2 Could you tell me where those concerns that you just
3 described are addressed in this letter?
4 A About what I was teaching?
5 Q About the parental concerns that you said that
6 you had received.
7 A I didn't tell him that.
8 Q Okay. I want you to explain to me this letter
9 and what you were trying to accomplish in writing this
10 letter.
11 A I wanted him to be aware that they're not
12 following the law when it comes to comprehensive health.
13 I was a teacher of comprehensive health and I was
14 supposed to have been given --
15 Now when Ms. Pearson was there, she made
16 certain -- I taught comprehensive health for a number of
17 years. But every year Ms. Pearson would come to me with
18 these forms for me to give to the students for them to
19 go home for their parents to sign. See, I was basing it
20 on previous experience. This year when Ms. Lesane
21 Howard became assistant principal and Mr. Webb came in,
22 there were no more forms. And parents had to consent to
23 this. And Ms. Pearson would always make certain that
24 those parents signed giving me consent to teach US --
25 not US history but comprehensive health.

Q When did this course commence?
A I started teaching comprehensive health back in two thousand -- I can't remember. Years before this.
Q The course that you're writing about is on March 28, 2012; is that correct?
A Right.
Q When did that course begin?
A I was given the comprehensive health class, I think, in January.
Q In January?
A Uh-huh. And I kept asking for the forms. I kept asking for the parental forms to send home to the parents.
Q I will call your attention to the fourth paragraph on that first page.
A On the first page?
Q Yes. Would you just read the first sentence in that paragraph?
A "A public school principal upon receipt of a statement signed by a student's parent or legal guardian stating that participation by the student in the health education program conflicts with the family's belief shall exempt the student from any portion or all of the units on reproductive health, family life, pregnancy prevention where any conflicts occur."

1 Q Okay. So it is your understanding that the
2 parents had to opt in to the health --
3 A They were supposed to have signed a consent
4 form for me to teach that.
5 Q But what is in your letter gives the parents
6 the prerogative of opting out, doesn't it?
7 A Right, right, right.
8 Q But there is nothing that said the parent had
9 to opt in, is there?
10 A Now if you read the third paragraph, I think
11 it says, This statute states, Pursuant to policies and
12 guidelines adopted by the local school, public school
13 principals shall develop a method of notifying parents
14 of students in the relevant grades of instructional
15 material concerning reproductive systems, family life,
16 pregnancy and child -- and of their option to exempt
17 their children -- their child from the instruction, and
18 sexually transmitted diseases if instruction in the
19 diseases is presented as a separate component.
20 Now see, that's the part that they had -- the
21 parents had to right to pull the child out.
22 Q So you're saying that the district was not
23 giving the parents their prerogative to opt out; is that
24 what you're saying?
25 A Not the -- It was the school. I guess it

1 could be district-wide because Mr. Mark Davidson came by
2 my room one day and he asked for the forms. I told him
3 I didn't have any. He was instructional coach. Not
4 this year but this past school term. But the child's
5 parents had to authorize me teaching that course. And
6 this is just the way so it won't fall on me because I
7 was still teaching. I was doing this, but when it got
8 to certain things I was a little bit hesitant.
9 Q So tell me how would it fall on you?
10 A You never know. Sometimes you think one way
11 and it happens totally different. Look where I am
12 today. Look where I am. All because, you know, because
13 you never know how things might turn out.
14 Q So you're here today because you were doing
15 something that you were required to do?
16 A Well, I thought I was doing the right thing.
17 Q And what was the right thing?
18 A Turning it in, the Facebook. If I had not
19 turned that Facebook in, I wouldn't be sitting here
20 today.
21 Q Ms. Toney, do you find it odd that persons who
22 you tend to have a conflict with, information about that
23 person tends to just sort of come to you?
24 A What do you mean information about that
25 person?

1 Q Like in this case it was Mr. Baldwin that came
2 to you?
3 A Mr. Baldwin?
4 Q The information about Dr. Baldwin came to you?
5 A I don't know. Mr. Boykin, you might be
6 surprised who has that Facebook. I'm the only one that
7 came out with it. You might be surprised that if
8 everyone were to tell the truth who has a copy of that
9 Facebook information in that building.
10 Q It just seems like a pattern and maybe it's
11 just because I'm talking to you --
12 A But because he had already filed a complaint
13 on me, I wanted to make certain that they knew about
14 this. I understand that's his but certain things you
15 just don't put on Facebook unless you have it private.
16 Q The pattern though that's coming up to my mind
17 is that if somebody happens that you disagree with, the
18 person that you're disagreeing with, you're going to
19 have some kind of pushback at that person.
20 A Mr. Boykin, look at all the letters
21 Mr. Baldwin wrote behind my back to Mr. Webb that I was
22 unaware of. I didn't even know he was doing that. And
23 this was before the meeting in the departmental meeting.
24 And how would he know I was coming in late when he's all
25 the way -- I would see Mr. Baldwin maybe once a month.

1 How he knew I was coming in late? That was not his
2 position. He was -- I mean he was doing this behind my
3 back and Mr. Webb never did say anything to me about it.
4 Q Did Mr. Webb punish you because of
5 something --
6 A No, Mr. Webb didn't. Mr. Webb figured, you
7 know, there was no merit to it. But I still would have
8 liked to know he was giving these letters to Mr. Webb.
9 Q What difference would it have made?
10 A It wouldn't have made -- it would have let me
11 know to be on guard because I feel that -- I'm
12 speculating. Tracie Dury is right across from me. He
13 was getting information from Tracie. I'm going to tell
14 you, Mr. Boykin, ever since -- and you all might not
15 believe me, but ever since Dr. Andrews gave a directive
16 for every teacher to have academic -- the academic
17 period, I got blackballed.
18 Ms. Dury didn't have homeroom. She had five
19 or six students in her class, small classes. But ever
20 since the homeroom situation, they got angry with me.
21 Even Mr. Baldwin had that time free. And they say I was
22 the one responsible for it, everyone getting home
23 roomed, which was fair.
24 (THEREUPON, Exhibit Number 12 was marked for
25 identification.)

1 BY MR. BOYKIN:

2 Q Can you identify that?

3 A Yes, sir.

4 Q What is this?

5 A This is when we were having an enrichment

6 period this year and they teamed me with

7 what's-his-name, he's in here somewhere, I forgot his

8 name. So you think I'm just pretending. I can't

9 remember and this was last year. Mr. Palmer. That was

10 his name, Mr. Palmer. And he was paired with me for

11 academic enrichment. He would teach math one day and I

12 would teach English.

13 And one day he came in -- It was his time to

14 teach. And he just came in and sat down. I said, You

15 don't have anything for the students? He said no. He

16 said -- And let me read this, and I reported that I

17 would let Ms. Lesane Howard know that the students were

18 in class with nothing to do because Mr. Palmer refused

19 to do anything.

20 It was his time to teach math, algebra. He

21 was doing one or the other. He sat down and began to

22 grade papers. After several minutes waiting for him to

23 begin instruction, I asked him whether or not he was

24 going to do math instruction. And he said he did not

25 bring any work with him for the students because of the

1 four-day week. We had a four-day week.
2 And the kids were just -- I didn't have
3 anything for the students to do. So if someone had come
4 around and saw the kids sitting there with nothing to
5 do, I just simply -- because I didn't want him to do
6 this repeatedly, you know. It was his time to teach
7 math and he came in with nothing --
8 Q So you just wanted to make people aware; is
9 that what you're telling me?
10 A Yeah. I didn't want him to come in thinking
11 that he could just come in and sit down and I'm going to
12 be doing his work. I'm supposed to be prepared to work
13 every day? Because one day I do English, one day he
14 does the math. And, Mr. Boykin, you know this is petty
15 stuff. They are very petty.
16 (THEREUPON, Exhibit Number 13 was marked for
17 identification.)
18 BY MR. BOYKIN:
19 Q Can you identify this, please?
20 A Yes, sir.
21 Q Okay. What is this?
22 A It was a discrepancy between the way the
23 females were being punished for violation of the dress
24 code and the males, you know. And I brought that to
25 their attention because I would have females come in

1 with everything showing, you know. I would send them to
2 the office and they would send them right back home -- I
3 mean send them back to the classroom. And I wanted to
4 know -- you write-up a male for sagging, they get
5 suspended. I said, What about females coming in with
6 everything hanging out? And you write them up and they
7 send them back. I'm not going to say what I started to
8 say, but what's up with the females being able to dress
9 the way they want to dress and nothing is happening but
10 the males get suspended? And I addressed that to
11 Mr. Turner.
12 Q Okay.
13 MR. BOYKIN: This should be very brief but
14 we'll take a break. This might be winding down.
15 (Whereupon, a brief break was taken.)
16 MR. BOYKIN: Ms. Toney, thank you so much.
17 THE DEPONENT: Is it over?
18 MR. BOYKIN: I'm going to finish my part. It
19 all depends on what Ms. Fittipaldi wants to do now.
20 MS. FITTIPALDI: I only have about an hour.
21 I'm kidding. We're finished.
22 (The deposition concluded at 3:23 p.m. The
23 deponent waived signing her deposition.)
24
25

1 CERTIFICATE OF REPORTER

2 I, Laura Chamblee, Registered Professional Reporter and Notary Public for the
3 State of South Carolina at Large, do hereby certify:

4 That the foregoing deposition was taken before me on the date and at the time and
5 location stated on page 1 of this transcript; that the deponent was duly sworn to testify to the truth;
6 the whole truth and nothing but the truth; that the testimony of the deponent and all objections
7 made at the time of the examination were recorded stenographically by me and were thereafter transcribed;
8 that the foregoing deposition as typed is a true, accurate and complete record of the said deposition at
9 the time of the deposition to the best of my ability.

10 I further certify that I am neither related to nor counsel for any party to the cause
11 pending or interested in the events thereof.

12 Witness my hand, I have hereunto affixed my official seal this 18th day of March 2014,
13 at Hartsville, Darlington County, South Carolina.

14

15

16 Laura Chamblee

17 Laura Chamblee,
Registered Professional Reporter
18 Notary Public
State of South Carolina at Large
19 My Commission expires:
December 22, 2018

20

21

22

23

24

25

1 I N D E X

2 PAGE

3 EXAMINATION:

4 BY MR. BOYKIN 3

5 Certificate of Reporter 168

6

7

8

9 E X H I B I T S

10 EXH. DESCRIPTION PAGE

11

12 1 9/17/13 correspondence regarding observation by Ms. Fowler 103

13

14 2 9/4/13 correspondence regarding ink cartridge 122

15

16 3 2/11/13 correspondence regarding parent/teacher conference 127

17

18 4 8/29/12 correspondence regarding placement on administrative leave 130

19

20 5 3/30/12 correspondence regarding textbooks 133

21

22 6 1/25/06 correspondence regarding meeting of 1/17/06 133

23

24 7 12/18/13 correspondence regarding amendment of grounds for termination 140

25

1 E X H I B I T S

EXH.	DESCRIPTION	PAGE
8	9/16/13 correspondence regarding faculty meeting absence	155
9	5/7/13 correspondence regarding grades not entered	155
10	5/15/13 correspondence regarding absence from school	156
11	3/28/02 correspondence regarding comprehensive health	157
12	2/15/12 correspondence regarding enrichment period	164
13	2/2/12 correspondence regarding dress code violation	166

From: Laura Toney
To: Fowler, Kara
CC: Addison, Tonya
Date: 9/17/2013 9:00 AM
Subject: Re: Observation-9/13/13

Good Morning,
I would like to respond to your observation analysis of my class.
1. There were several essential questions posted on the white board. They were are follows:
1.What were the major land acquisitions?
2. How did Western expansion caused conflict between North and South?
3. Who were the "big three" congressmen of nationalism?
4.What sectional conflicts occurred under President Jackson?
5.How many slave compromises came with expansion?
6.How were Native Americans affected?

I find it very difficult for you not to see these (6) essential questions that were written on the white board. My students will verify the fact that every day there are Essential Questions written on the white board. For you to include this in your report is erroneous and dishonest not to mention libelous.

2. The students were working on Standard 2. Standard 2 was written on the white board.I also had Test and Retest written on the white board. You should know as a teacher that sometimes you have to monitor and adjust. I was giving students this work to help supplement their Test grades.

3. Only (1) student commented that we had gone over this before in order to exempt work. As a classroom teacher, you should know that students will say things that are not correct.

4. You mention comment about an administrative assistant doing observation, but I was giving you a compliment for being in my class. I have never been observed by an administrative assistant, and I thought this was positive. I'm sorry you misinterpreted what I said.

My methods of assessing students are written in my lesson plans. As you know, you only stayed about (10) minutes.

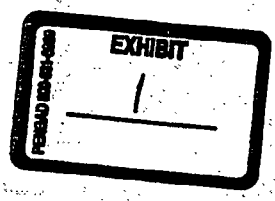
Again, I would like to know whether it is mandatory to write the Standards and Essential questions each day on the white board since you teach in you office daily with no white board. How do you address these issues in your office?
Again, I feel that your interpretation of my classroom instruction was dishonest and libelous since you have place this in writing. I will be addressing these issues further.

Thank you for your visit to my classroom and lets all work together for the betterment of the students.

>>> Kara Fowler 9/16/2013 4:53 PM >>>
Ms. Toneys

I observed your class on 9/13/13 during 3rd block. I noticed the students were well-behaved and on task, however I have several question about the lesson for that day. I observed several things that I would like you to clarify:

*the essential question was not posted
*students were working on a different standard than the standard posted on the board
*several students commented that this was work that they already completed
*you remained behind you desk for the duration of the observation, except to make a comment to me



about my performance of the observation

Please address these concerns and let me know your method of assessing student comprehension of material throughout the lesson and as they complete activities from that stand point.

Thanks for all that you do and your support of our students, lets work together to make sure their needs are met. I may have some additional resources other than the power points, lesson plans and primary documents I gave you in the beginning of the year.

From: Tonya Addison
To: Toney, Laura
CC: Ron Webb
Date: 9/4/2013 11:17 AM
Subject: Re: Ink Cartridges

Your ink cartridge has been delivered. However, for future reference please check with your department chair first or see me during your planning. Please do not send students to the office during class time to request supplies. Thank you for all that you do.

Tonya Addison
Administrative Assistant
Lee Central High School
1800 Wilmington Highway
Bishopville, SC 29010
Phone: (803) [illegible]
Fax: (803) [illegible]

>>> Laura Toney 9/4/2013 9:17 AM >>>
Good Morning,

I requested an Ink Cartridge on yesterday. Please let me get one as soon as possible. I don't have any ink.

Thanks

EXHIBIT
2

LEE CENTRAL HIGH SCHOOL

1800 Wisacky Highway
Bishopville, South Carolina 29010
Telephone 803-428-4319 Fax 803-428-4857
Mr. Ron Webb, Principal

The mission of Lee Central High School is to provide students essential learning strategies and skills that will enable them to function as members of a responsible and diverse society through a challenging curriculum that emphasizes personal fundamentals, academic guidance, extracurricular leadership, student achievement, and exceptional community involvement.

"THE PURSUIT TO ACADEMIC EXCELLENCE HAS NO END – WE'RE DESTINED FOR SUCCESS"

Date: February 11, 2013

Dear Mrs. Laura Toney,

I hope all is well. You are receiving this letter as a reminder to make sure you always conduct yourself in a professional manner. During the parent conference on February 11, 2013 at around 10:40 in the conference room, you allowed yourself to become irate with the parent. I do understand at times certain situations can cause tempers to flare but always remember to conduct your self as professional educator. The student has been transferred out of your class as well per parent request and a suggestion by you.

Respectfully,

Ron Webb
Principal of LCHS

Lee County School District does not discriminate on the basis of race, gender, disability, age, religion, immigrant status, or national origin in its educational programs and employment practices. Questions pertaining to Section 504 Inquiries, may be directed to the Section 504 Coordinator, Austin Brown, Director of Special Programs. Questions pertaining to Title IX may be directed to the Title IX Coordinator, Dr. Jeffrey Long, Director of Human Resources & Communications at P.O. Box 507, Bishopville, SC 29010, (803) 484-5272.

HIGH SCHOOLS THAT WORK SITE

TITLE I SITE

ACCREDITED BY THE SOUTHERN ASSOCIATION OF COLLEGES AND SCHOOLS

EXHIBIT
3

LEE CENTRAL HIGH SCHOOL

1800 Wisacky Highway
Bishopville, South Carolina 29010

Telephone: 803-428-4010 Fax: 803-428-4057

Mr. Ron Webb, Principal

The mission of Lee Central High School is to provide student centered learning strategies and skills that will enable them to function as members of a competitive and diverse society through a challenging curriculum in an environment that requires personal involvement, teachers' guidance, administrative leadership, student achievement, and individuals' commitment.

"THE PURSUIT TO ACADEMIC EXCELLENCE HAS NO END – WE'RE DESTINED FOR SUCCESS!"

August 29, 2012

Dear Mrs. Toney,

You are being placed on administrative leave beginning August 29, 2012. It was reported to me by the Assistant Principal there was a major disruption in your class that happen because you told a female student you wanted to hit her. You will be on administrative leave until further notice, while the investigation is taken place. You will be notified by the Principal or Human Resource Director when to return to school.

Respectfully,

Ron Webb
Principal of LCHS

Lee County School District does not discriminate on the basis of race, gender, disability, age, religion, immigrant status, or national origin in its educational programs and employment practices. Questions pertaining to Section 504 inquiries, may be directed to the Section 504 Coordinator, E. Leilani Stringer, Director of Special Programs. Questions pertaining to Title IX may be directed to the Title IX Coordinator, Dr. Jeffrey Long, Director of Human Resources & Communications at P.O. Box 507, Bishopville, SC 29010. (803) 484-5327.

HIGH SCHOOLS THAT WORK SITE

TITLE I SITE

ACCREDITED BY THE SOUTHERN ASSOCIATION OF COLLEGES AND SCHOOLS

EXHIBIT 4

From: Lofficio Lesane
To: Toney, Laura
CC: Webb, Ron
Date: 3/30/2012 8:45 AM
Subject: Re: Textbooks

Per the previous email, Please pick them up during your planning period. Please do not send students to pick up your materials.

Thanks,

Howard

>>> Laura Toney 3/30/2012 8:29 AM >>>
Good Morning;

I am still waiting for the textbooks for High School 101. Please let me know when I can pick them up.

THANKS!!

EXHIBIT
5

..IOUNT PLEASANT MIDDLE SCHOC.
Post Office Box 177
Elliott, South Carolina 29046

Lenora Scott, Principal
Patricia Solomon, Assistant Principal

Telephone: (803) 428-3610
Fax: (803) 428-3656

The mission of Mount Pleasant Middle School is to prepare all students to succeed as life-long learners in an ever-changing society by participating in a challenging and relevant curriculum that is complex and motivating.

"Whatever It Takes: A Year of High Expectations"
VISION: Using Challenging and Relevant Curriculums to Produce High Achieving Students

January 25, 2006

Mrs. Laura Toney
Post Office 722
Bishopville, South Carolina 29010

EXHIBIT
6

Dear Mrs. Toney:

Thank you for meeting with me in my office on Tuesday, January 17, 2006 along with Ms. Patricia Solomon, Assistant Principal. The following concerns were addressed:

- Refusal to follow the policies of the school relative to discipline referrals
- Disrespect toward the administrative staff (Ms. Solomon and I)
- Leaving your class unattended during instructional time

During a conference on Friday, January 13, 2006 you reported that Ms. Solomon would not handle discipline referrals you submitted. I received a letter from you, written to Ms. Solomon, regarding this matter. During this conference you admitted that some of your referrals may have been simple and could have been handled in the classroom. To gather an understanding of your concerns, a second conference was held on Tuesday, January 17, 2006 with Ms. Solomon. As a result, I learned that Ms. Solomon followed the procedures of the school and that she tried to explain this to you. I also learned that you were not receptive of her request, became angry, and questioned her. Furthermore, you addressed her a second time on the hallway and a third time you left your class during instructional time to come to her office to discuss the matter again. Your behavior and attitude in the conference were argumentative, unprofessional and unacceptable.

During the conference you made a disturbing allegation against your co-worker, [redacted]. You stated, "I wasn't going to say anything, but [redacted] called a student a nigger." You further stated a student, [redacted] "came to me in tears" on Thursday, January 12, 2006, and share this with you. I asked why you did not report this earlier if the student was distraught. Your response was, "I told the student to come tell you". This concerns me since you were aware that I was not at the school on Thursday. You called me at home on the morning of Wednesday, January 20, 2006 to tell me that you did not want to say anything about [redacted] calling the student a nigger because the student told you that she had reported the matter to me already and that I did not do anything.

After an investigation of this matter, I found that your allegations were unsubstantiated. As opposed to gathering information in support of your allegations, I found evidence of possible poor classroom management, inappropriate use of instructional time and inappropriate questioning/probing of students unrelated to instruction – this includes your inquiry of students regarding my investigation. Your allegation against [redacted] was unprofessional, demeaning and hurtful, dangerously threatens the effectiveness your team and the schools culture, unacceptable and will not be tolerated.

The Lee County School District offers equal opportunity in providing educational and employment opportunities without regard to race, religion, color disability, sex, age, national origin, immigrant status or English-speaking status, or marital status.

"Together We Make Our School Special"

This is not the type of behavior that we want to exhibit to our students and does not uphold our mission of *Respect, Responsibility, Relationships*. This behavior cannot be tolerated and is in direct violation of our district policy. It is important that we comply with the ***Lee County School District Board Policy GBEB*** as it states: *"The board reaffirms one of the oldest beliefs in education: One of the best methods of instruction is that of setting a good example."* and *"The board expects the staff of the district to strive to set the kind of example for students that will serve them well in their own conduct and behavior and subsequently contribute to an appropriate school atmosphere."* (See attachment).

It is imperative that we work together and follow the policies of the school, the district, and the state. Sarcasms and demeaning statements towards/about students made in general in the classroom will not be tolerated. In compliance ***the Lee County School District Board Policy GBEB***, I will recommend to the district that you be suspended with possible termination if violations of this policy continue.

Please feel free to contact me should you have any questions and/or concerns regarding this matter.

Sincerely,

Lenora Scott

Lenora Scott, Principal

cc: Dr. Lloyd Hunter, Superintendent
Mrs. Melissa Gary, Director of Human Resources
Personnel File

LEE COUNTY SCHOOL DISTRICT

POST OFFICE BOX 507
BISHOPVILLE, SOUTH CAROLINA 29010

Wanda L. Andrews, Ed.D.
Superintendent

803-484-5327
FAX 803-484-9107

December 18, 2013

CERTIFIED MAIL, RETURN RECEIPT REQUESTED

Ms. Laura Toney
P.O. Box 722
Bishopville, South Carolina 29010

Dear Ms. Toney:

This letter is to follow-up on my letter to you, dated October, 29, 2013, in which I advised you of my decision to recommend the immediate termination of your employment with the Lee County School District. By this letter, I am hereby amending the grounds for my recommendation.

My recommendation is based on you engaging in behavior and conduct which caused unnecessary disruption in the workplace, as evidenced by your discussing a faculty member's personal information with other employees, even after being directed by an administrator to leave the matter alone. Additionally, a review of your personnel file reveals that, you have been involved in other incidents of unprofessional conduct. Given the urgent need of the District to improve the academic performance of our students, there is simply no tolerance for persons who put their personal agenda above the need to work in a cooperative fashion with the administration for the good of all students. The adverse effect of your poor judgment and unacceptable behavior is exacerbated by your lack of candor during our investigation into your conduct. Your judgment and behavior with respect to this incident and generally towards the administration are unacceptable and justify the immediate termination of your employment under S.C. Code Ann. §§ 59-25-430 and 59-25-440.

As provided by S.C. Code Ann. § 59-25-470, you have a right to a hearing on this matter before the Board, provided your request is made in writing and received within fifteen (15) days of your receipt of this notice. You may serve upon the Board Chair or me, a written request for a hearing before the Board on the merits of this matter. If a request for a hearing is not received within fifteen (15) days of your receipt of this notice, I will ask the Board to enter an order terminating your employment.

Should you have any questions, please feel free to contact me directly.

Sincerely,

Dr. Wanda Andrews
Superintendent

EXHIBIT 7

Lee County School District does not discriminate on the basis of race, gender, disability, age, religion, or national origin in its educational programs and employment practice and provides equal access to the Boy Scouts and other designated youth groups. Questions pertaining to Section 504 inquiries, may be directed to the Section 504 Coordinator, Anita Brown, Director of Special Programs. Questions pertaining to Title IX may be directed to the Title IX Coordinator, Dr. Nettie Vaughn, Director of Personnel and Student Services P.O. Box 507, Bishopville, South Carolina 29010. (803) 484-5327.

cc: Ms. Sanya Moses, Board Chair
Dr. Nettie Vaughn, Director of Human Resources & Communications

Personnel File

Lee County School District does not discriminate on the basis of race, gender, disability, age, religion, or national origin in its educational programs and employment practice and provides equal access to the Boy Scouts and other designated youth groups. Questions pertaining to Section 504 inquiries, may be directed to the Section 504 Coordinator, Anita Brown, Director of Special Programs. Questions pertaining to Title IX may be directed to the Title IX Coordinator, Dr. Nettie Vaughn, Director of Personnel and Student Services P.O. Box 507, Bishopville, South Carolina 29010. (803) 484-5327.

LEE CENTRAL HIGH SCHOOL

1800 Wheeler Highway
Bishopville, South Carolina 29010
Telephone: 803-428-4870 Fax: 803-428-4857
Mr. Ron Webb, Principal

The mission of Lee Central High School is to provide students learning experiences and skills that will enable them to function as members of a responsible and diverse society through a challenging curriculum that includes the highest personal behaviors, moral values, ethical standards, higher achievement, and scholarship opportunities.

"THE PURSUIT TO ACADEMIC EXCELLENCE HAS NO END – WE'RE DESTINED FOR SUCCESS"

Date September 16, 2013

Dear Mrs. Laura Tuney,

I hope all is well. You are receiving this letter as notification for not being present at the faculty meeting on September 16, 2013. The meeting was in regards to Mrs. Anita Brown special services presentation in which the law and annual special education updates was reviewed. This was a mandatory meeting; you were present at school; however, you didn't report to the meeting.

Respectfully,

Ron Webb
Principal of LCHS

EXHIBIT
8

Lee County School District does not discriminate on the basis of race, gender, disability, age, religion, immigrant status, or national origin in its educational programs and employment practices. Questions pertaining to Section 504 inquiries, may be directed to the Section 504 Coordinator, Anita Brown, Director of Special Programs. Questions pertaining to Title IX may be directed to the Title IX Coordinator, Dr. Jeffery Lang, Director of Human Resources & Communications at P.O. Box 507, Bishopville, SC 29010. (803) 484-5327.

HIGH SCHOOLS THAT WORK SITE

TITLE I SITE
ACCREDITED BY THE SOUTHERN ASSOCIATION OF COLLEGES AND SCHOOLS

LEE CENTRAL HIGH SCHOOL

1800 Wisacky Highway
Bishopville, South Carolina 29010

Telephone [illegible] Fax [illegible]

Mr. Ron Webb, Principal

[illegible]

"THE PURSUIT TO ACADEMIC EXCELLENCE HAS NO END – WE'RE DESTINED FOR SUCCESS"

Date: May 7, 2013, 2013

Dear Mrs. Laura Toney,

I hope all is well. You are receiving this letter as notification for not entering your fourth quarter grades as reported by the Data Base Specialist on May 6, 2013. Please make sure you do this as soon as possible. If you have any questions please feel free to contact me at 803-428-4010.

Respectfully,

Ron Webb
Principal of LCHS

EXHIBIT
9

Lee County School District does not discriminate on the basis of race, gender, disability, age, religion, immigrant status, or national origin in its educational programs and employment practices. Questions pertaining to Section 504 inquiries, may be directed to the Section 504 Coordinator, Anita Bacon, Director of Special Programs. Questions pertaining to Title IX may be directed to the Title IX Coordinator, Dr. Jeffery Long, Director of Human Resources & Communications at P.O. Box 507, Bishopville, SC 29010. (803) 428-5222.

HIGH SCHOOLS THAT WORK SITE

TITLE I SITE
ACCREDITED BY THE SOUTHERN ASSOCIATION OF COLLEGES AND SCHOOLS

LEE CENTRAL HIGH SCHOOL

1800 Wheeler Highway
Bishopville, South Carolina 29010

Telephone: 803-428-4819 Fax: 803-428-4817

Mr. Ron Webb, Principal

The mission of Lee Central High School is to provide students essential learning strategies and skills for self-sufficiency in families as members of a responsible and diverse society through a challenging student driven curriculum that requires parental involvement, teachers' guidance, administrative leadership, student achievement, and individuals' accountability.

"THE PURSUIT TO ACADEMIC EXCELLENCE HAS NO END – WE'RE DESTINED FOR SUCCESS"

Date: May 15, 2013

Dear Laura Tonge,

I hope all is well. You are receiving this letter as notification for not informing administration of your absence from school in a timely manner. You are reminded absence from school should be reported before 7 a.m.

Respectfully,

Ron Webb
Principal of LCHS

EXHIBIT
10

Lee County School District does not discriminate on the basis of race, gender, disability, age, religion, immigrant status, or national origin in its educational programs and employment practices. Questions pertaining to Section 504 inquiries, may be directed to the Section 504 Coordinator, Anita Brown, Director of Special Programs. Questions pertaining to Title IX may be directed to the Title IX Coordinator, Dr. Jeffery Long, Director of Human Resources & Communications at P.O. Box 507, Bishopville, SC 29010. (803) 484-5327.

HIGH SCHOOLS THAT WORK SITE

TITLE I SCH

ACCREDITED BY THE SOUTHERN ASSOCIATION OF COLLEGES AND SCHOOLS

March 28, 2012

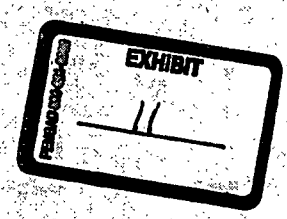
TO: Mr. Webb, Principal

Mrs. Howard, Assistant Principal

Mrs. Addison, Administrative Assistant

Mr. Turner, Administrative Assistant

FROM: Laura Toney, M.Ed.



RE: Comprehensive Health

I am writing this letter in reference to Comprehensive Health that I was instructed to teach here at Lee Central High School.

I have researched the South Carolina Code of Laws concerning the implementation of this course in the classroom. I just wanted to make certain that we are adhering to the regulations regarding this course to avoid any legal consequences.

Section 59-32-30. NOTICE TO PARENTS; RIGHT TO HAVE CHILD EXEMPTED FROM COMPREHENSIVE HEALTH EDUCATION PROGRAM CLASSES. This statute states, "Pursuant to policies and guidelines adopted by the local school board, public school principals shall develop a method of notifying parents of students in the relevant grades of the instructional material concerning reproductive health, family life, pregnancy prevention, and of their child concerning reproductive health, family life, pregnancy prevention, and of their option to exempt their child from this instruction, and sexually transmitted diseases if instruction in the diseases is presented as a separate component. Notice must be provided sufficiently in advance of a student's enrollment in courses using these instructional materials to allow parents and legal guardians the opportunity to preview the materials and exempt their children."

"A public school principal, upon receipt of a statement signed by a student's parent or legal guardian stating that participation by the student in the health education program conflicts with the family's beliefs, shall exempt that student from any portion or all of the units on reproductive health, family life, and pregnancy prevention where any conflicts occur. No students must be penalized as a result of an exemption. School districts shall use procedures to ensure that students exempted from the program by their parents or guardians are not embarrassed by the exemption."

From:	Laura Toney
To:	Lesane, LaKesia
CC:	Webb, Ron
Date:	2/15/2012 9:02 AM
Subject:	Enrichment Period on Wednesday

Good Morning Mrs. Howard,

This morning during enrichment, my students were not provided any math instruction. We received a directive from administration that Monday-Wednesday is Math Enrichment. When Mr. Palmer entered the classroom, he sat down and began to grade papers. After several minutes of waiting for him to begin instruction, I asked him whether or not he was going to do Math Instruction. He said that he did not bring any work with him for the students because of the 4 day week.

If any modifications to the enrichment schedule is to take place, I feel that it should be an administrative call, not Mr. Palmer's. I am sorry that my students were not provided with instruction this morning because I thought that every Wednesday is for Math.

As aforementioned, I feel that Mr. Palmer should have consulted with administration before making the decision not to teach Math. If he had informed me at the beginning of the period, I would have prepared for the students and provided instruction to them, but he said nothing to me. He just came in a sat down.

I am sorry for the misunderstanding. The Administration has provided us with EXCELLENT instruction and materials for enrichment and there are no excuses for the students not to be provided with instruction every morning.

EXHIBIT
12

From: Laura Toney
To: Turner, Simon
CC: Webb, Ron
Date: 2/2/2012 10:37 AM
Subject: Revised Dress Code Violation

Please accept this revised e-mail. You don't have to respond. There was an error on the first e-mail.

I am communicating this correspondence about the Dress Code Violation Procedures. I wrote up (2) male students who violated the dress code and they were suspended. I also wrote up (1) female who violated the dress code and she was only verbally reprimanded.

As I communicated to you on yesterday, Jannelle Williams has violated the dress code on several occasions. I have sent her to Dr. Wilson because I refused to allow her to sit in my classroom dressed inappropriately.

I need clarification on how to handle females who violate the dress code. I feel that they should be administered the same discipline as the males who violate the dress code and not allowed to miss an entire period of class instruction to be sent to correct the situation. I am also concerned about the fairness and the legality of administering different consequences for violation of the dress code for males and females.

Please inform me as to how to handle future females who violate the dress code.

EXHIBIT
13

BEFORE THE LEE COUNTY BOARD DISTRICT
BOARD OF COMMISSIONERS

In the matter of:)
)
Laura Toney)
)
_____)

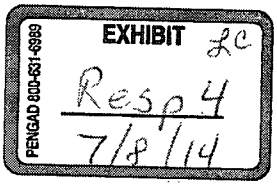
DEPOSITION OF

DR. NETTIE L. VAUGHN

****

Wednesday, December 18, 2013
2:43 p.m. - 3:25 p.m.

The deposition of DR. NETTIE L. VAUGHN, taken on behalf of the Plaintiff at the LEE COUNTY SCHOOL DISTRICT OFFICE, 521 Park Street, Bishopville, South Carolina, on the 18th day of December, 2013 before Carla S. Dominick, Court Reporter and Notary Public in and for the State of South Carolina, pursuant to Notice of Deposition and/or agreement of counsel.



A: I would agree.
Q: And Dr. Vaughn, are you aware of any condition or circumstance this afternoon that would impair your ability to hear, understand or respond to my questions?
A: Not at all.
Q: Tell me your position of employment.
A: I'm the assistant superintendent for personnel and student services for the Lee County schools.
Q: How long have you been in that position?
A: About two months.
Q: So, when was the first date of your employment?
A: September 30, 2013.
Q: Okay. Where were you before being employed here?
A: Spartanburg 7 School District.
Q: In what capacity?
A: Special Education Director.
Q: How long did you hold that position?
A: About four and a half years.
Q: Prior to that, what was your position of employment?
A: Special Education Consultant.
Q: Where was that?

1 A: Nashville, Tennessee.
2 Q: How long were you in that position?
3 A: Probably about 15 years.
4 Q: And prior to that?
5 A: I was a resource teacher, and a sub-contained
6 classroom teacher, with Metro Schools --
7 Nashville Schools.
8 Q: How long were you in that ---
9 A: Two and a half years.
10 Q: --- Position? Any other employment in public
11 school systems?
12 A: No.
13 Q: Okay. So, would it be fair to say that before
14 September 30 of this year, you had not served
15 as a human resource director for any public
16 school?
17 A: Yes.
18 Q: Do you have any training as a human resource
19 director?
20 A: Not -- not prior to coming here.
21 Q: Okay. Do you hold any certificates in human
22 resources?
23 A: No.
24 Q: I take it that you knew Dr. Wanda Andrews
25 before she became the superintendent of Lee

1 County?
2 A: Yes.
3 Q: Did you know her in Spartanburg School District
4 7?
5 A: Yes.
6 Q: And she was the Human Resources Director,
7 there?
8 A: Yes.
9 Q: Did you work with her on a daily basis?
10 A: No.
11 Q: How long have you know Dr. Andrews?
12 A: About four and a half years.
13 Q: Have you been social friends of hers outside of
14 your professional relationship?
15 A: Yes.
16 Q: Okay. Did she encourage you to come to Lee
17 County to serve in your current capacity?
18 A: Yes.
19 Q: And she was responsible for your hire, correct?
20 A: Yes.
21 Q: How does your level of compensation in your
22 current capacity compare to your former
23 position?
24 A: I took a significant pay cut to come here.
25 Q: Okay. And why did you do that?

1 okay?
2 A: All right.
3 Q: All right. Were you involved in any way in the
4 investigation of Ms. Toney's alleged
5 misconduct?
6 A: No.
7 Q: Did you participate in the decision to
8 recommend her termination?
9 A: Yes.
10 Q: In what capacity?
11 A: I conferred with the superintendent.
12 Q: Okay. Did you confer with anyone other than
13 the superintendent?
14 A: Just the person involved in the -- persons
15 involved in the meeting.
16 Q: Who would that have been?
17 A: Mr. McDaniel.
18 Q: Okay. And Mr. McDaniel indicated that he was
19 not asked for an opinion and didn't offer one,
20 would you disagree with that?
21 A: I would say I can't remember.
22 Q: Mr. Webb didn't participate in that meeting,
23 did he?
24 A: No he did not.
25 Q: Did you consult with Mr. Webb concerning his

1 A: He's classified.
2 Q: Which means he's at will?
3 A: Right.
4 Q: So he didn't have the right to a hearing, like
5 Ms. Toney, correct?
6 A: Correct.
7 Q: Okay. All right. So in your entire career as
8 an H.R. Director, you've been involved in two
9 termination actions, Ms. Toney and Mr. Vierra,
10 correct?
11 A: Correct.
12 Q: Did you have any conversations with Michael
13 Baldwin about the allegations against Ms.
14 Toney?
15 A: No.
16 Q: You have any discussions with a student by the
17 name of Alonzo concerning his alleged
18 communications with Ms. Toney?
19 A: No.
20 Q: Did you have any discussions with Ms. Addison
21 about Ms. Toney's alleged conduct?
22 A: No.
23 Q: Okay. Apart from the meeting that you
24 participated in, in October, did you have any
25 involvement with the circumstances preceding

1 Q: Or with Mr. Peyton?
2 A: Correct.
3 Q: Okay. Now, there are some other materials
4 included in this exhibit. Among those are some
5 memoranda to Ms. Toney of various dates, going
6 back to the 2012, 2013 school year, do you see
7 those?
8 A: Uh-huh (affirmative response).
9 Q: Yes?
10 A: Yes.
11 Q: Did any of those materials play a role in the
12 recommendation to terminate?
13 A: Ms. Toney's recommendation for -- for
14 termination was based on the fact that she
15 would not comply with directives from the
16 school administration.
17 Q: What directives were those?
18 A: She was told not to continue addressing or
19 dealing with the situation regarding Mr.
20 Baldwin, and she defied the directive and
21 continued to pursue the situation.
22 Q: In what way?
23 A: My understanding is that she went on Facebook
24 and got some information and distributed that
25 information --

1 Q: Let me stop you there. Who told you that she
2 personally went on Facebook?
3 A: Well, I can't say that she went on Facebook.
4 Q: Okay. So that wouldn't have been an act of
5 defiance if she didn't go on Facebook, correct?
6 A: The ---
7 Q: Just answer my fair question, please, and you
8 can explain. But if she didn't go on Facebook
9 that would not have been an act of defiance,
10 would it?
11 A: An act of defiance was that she would not --
12 not let -- leave the situation alone until the
13 principal was able to deal with it.
14 Q: Okay. Now tell me what she personally did
15 while the principal was out of town that was an
16 act of defiance.
17 A: She continued to talk about the situation.
18 Q: Who'd she talk to about it while the principal
19 was out of town?
20 A: My understanding is staff.
21 Q: Who among the staff?
22 A: I'm not -- I wasn't involved.
23 Q: So the answer is you don't know?
24 A: The answer is I don't know.
25 Q: Okay. That's a fair answer. Okay. All right,

1 what else did she do as an act of defiance
2 while the principal was out of town?
3 A: The second act of defiance was not while the
4 principal was out of town. The -- the act of
5 defiance that -- that I'm speaking of, is that
6 once she was placed on administrative leave,
7 she was told not to discuss the situation with
8 anyone, and she approached a board member to
9 discuss it.
10 Q: Well, that's not exactly what she was told, is
11 it? Did you read the letter placing her on
12 administrative leave?
13 A: Yes.
14 Q: Let's look at the letter placing her on
15 administrative leave. Exhibit Number Eight.
16 A: "Nor to contact fellow employees of the Lee
17 County School District."
18 Q: Okay. What fellow employees of the Lee County
19 School District did she contact?
20 A: The school board member.
21 Q: Now, that's not an employee of the school
22 district, tell me, what fellow employees of the
23 school district did she contact?
24 A: Other than the school board member, I have no
25 knowledge.

Q: Was it in an envelope?
A: I don't know.
Q: Who handed it to you?
A: Dr. Andrews.
Q: Okay. And what did Dr. Andrews say if anything when she handed this document to you?
A: Just that it had been delivered by Ms. Toney.
Q: Okay. Did Dr. Andrews reveal to you that the document had been provided to Mr. McDaniel in the absence of Mr. Webb?
A: I don't remember.
Q: Okay. Did Dr. Andrews indicate to you that she had read this material?
A: Yes.
Q: Did she have any comment regarding the content of the material?
A: I don't remember.
Q: Okay. Did you personally review the material yourself?
A: Yes.
Q: Okay. And that revealed to you that on September 27, Mr. Baldwin had, in fact, discussed this matter on his Facebook page, correct?
A: Correct.

Q: Okay. And that he had shared it with individuals who were his friends on Facebook, correct?
A: Correct.
Q: Do you know whether his Facebook account on September 27 was limited to friends only?
A: I don't know.
Q: Do you have a Facebook account?
A: I do.
Q: Is yours limited to friends only?
A: No.
Q: Okay. So that means that if you post something, anyone who also has a Facebook account can access it, correct?
A: I guess.
Q: Okay. Well certainly, if you have something that you want to maintain as private, you wouldn't put it on Facebook, would you?
A: One would think.
Q: All right. I mean, it wouldn't be a very efficient way of maintaining privacy to post it on Facebook, would it?
A: I can only speak for myself.
Q: Well, that's what I'm asking you.
A: I would not post ...

1 Q: I mean, you are a professional educator, and
2 have been for many years, correct?
3 A: Correct.
4 Q: Is it professional to refer to a fellow
5 employee as a "fucking bitch?"
6 A: No, it's not professional.
7 Q: Okay. Is it professional to post and share a
8 photograph of something called a "give-a-fuck-
9 o-meter?"
10 A: No, I would say not.
11 Q: Okay. Is it professional to mock education by
12 saying to a student the only reason he got a
13 good citizenship award was because he was the
14 only one in the school who was not arrested?
15 A: It's not professional.
16 Q: Okay. Is it professional to respond to a
17 student's post "I'll lick you to death," by
18 saying "Sweet?"
19 A: No.
20 Q: If you'll look at the last page of Exhibit
21 Number Two, you'll see a posting that has to do
22 with a marriage between Mr. Baldwin and another
23 person, do you see that?
24 A: Yes.
25 Q: And he identifies that person by name, and

A: I don't know.
Q: Okay. So it's an assumption that you made, that it was private, is that fair to say?
A: That's fair.
Q: Okay. And what information did she share with students, that's plural, students at Lee County High School? Name the students that she shared personal information with.
A: I don't know.
Q: Okay. All right. Let's look at Exhibit Number Seven. Were you present for that meeting?
A: Yes.
Q: Is that your handwriting?
A: Yes.
Q: It indicates that the persons present were Ms. Toney, Dr. Andrews, Mr. McDaniel and yourself, correct?
A: Correct.
Q: This question "Re: contacting board member, violation of procedure." Okay. What did Ms. Toney say to the board member?
A: I don't know.
Q: You don't know. Okay. It says "Investigation, teacher didn't friend her on Facebook." Well, do you know how Ms. Toney obtained the

1 information, Exhibit Number Two?
2 A: I don't know.
3 Q: Okay. "New students talking to teachers about
4 Facebook situations," what does that mean?
5 A: This is scripted from what was said at the
6 meeting ---
7 Q: All right.
8 A: --- so I just scripted what was said.
9 Q: All right. You weren't asking the questions,
10 you were ---
11 A: No.
12 Q: --- scripting out what you heard as best you
13 could, correct?
14 A: Right.
15 Q: All right. "Invaded teachers' privacy, created
16 a hostile environment," this is somebody saying
17 this to Ms. Toney. Has it been Dr. Andrews
18 communicating this to Ms. Toney?
19 A: Yes.
20 Q: All right. Now, wouldn't you expect that had
21 Mr. Webb received the Facebook information,
22 Exhibit Number Two, that he would have shared
23 that with the superintendent, you would hope
24 so, wouldn't you?
25 A: Yes.

1 Q: All right. Well, if I'm not making that up,
2 that's pretty troubling, isn't it?
3 A: If you're not making up what?
4 Q: That Ms. Addison was a friend of his on
5 Facebook. It's pretty troubling, he's saying
6 this to her, and she knows he's saying to her,
7 and many others. It's troubling, isn't it?
8 A: Is it troubling to me?
9 Q: Yes, ma'am.
10 A: Concerned.
11 Q: All right. You weren't in the previous meeting
12 with Ms. Toney, so you don't know -- do you
13 know what Dr. Andrews is referring to on page
14 three about "responses have changed?"
15 A: I wouldn't have that information.
16 Q: Okay. You, as an educational professional,
17 wouldn't discourage someone from exercising
18 their rights to associate with the SCEA, would
19 you?
20 A: No.
21 Q: Okay. And it would be inappropriate to tell
22 someone not to exercise their rights to appeal
23 a decision as provided by law, would you agree?
24 A: Yes.
25 Q: Have you had any discussions with any board

BEFORE THE LEE COUNTY BOARD DISTRICT
BOARD OF COMMISSIONERS

In the matter of:)
)
Laura Toney)
)
_____)

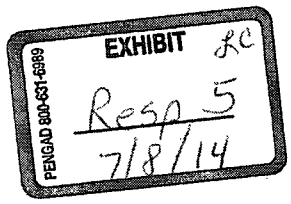
DEPOSITION OF

DR. WANDA L. ANDREWS

****

Wednesday, December 18, 2013
3:30 p.m. - 4:58 p.m.

The deposition of DR. WANDA L. ANDREWS, taken on behalf of the Plaintiff at the LEE COUNTY SCHOOL DISTRICT OFFICE, 521 Park Street, Bishopville, South Carolina, on the 18th day of December, 2013 before Carla S. Dominick, Court Reporter and Notary Public in and for the State of South Carolina, pursuant to Notice of Deposition and/or agreement of counsel.



1 Q: Okay. Apart from Mr. Boykin, or anyone in his
2 firm, have you had discussions with anyone
3 relating to Ms. Toney's termination from
4 employment?
5 A: No, I can't recall.
6 Q: Okay. Have you had any discussions with any
7 board member concerning your recommendation to
8 terminate Ms. Toney's employment?
9 A: No discussion.
10 Q: Okay. How long have you been superintendent of
11 the Lee County School District?
12 A: Since July 9th, of this year.
13 Q: And prior to becoming superintendent here, what
14 positions, if any, have you held in public
15 education?
16 A: You want them all?
17 Q: Yes, starting with the most recent and going to
18 earliest, please.
19 A: Most recently was Assistant Superintendent for
20 Personnel and Student Services.
21 Q: And where was that?
22 A: Spartanburg School District 7.
23 Q: And how long were you in that position?
24 A: Five years.
25 Q: Prior to that?

1 A: Well, when I say "dictate," they don't have a
2 right to do that.
3 Q: Okay. Well, if you didn't review his
4 grievance, then that couldn't have been the
5 basis for your recommendation to terminate, can
6 we agree with that?
7 A: The grievance is not the basis for my
8 recommendation for termination.
9 Q: Okay. What is?
10 A: I am recommending -- or recommended the
11 termination of Ms. Toney based on her failure
12 to follow the directives of her supervisors.
13 Q: Okay. And who are those people?
14 A: That would be me, that would be Mr. McDaniel,
15 that would be the principal, Mr. Webb.
16 Q: Let's break it down, what did she do that Mr.
17 Webb told her not to do?
18 A: She was asked -- apparently, uh, Mr. Baldwin
19 had talked with the principal. She was asked
20 to be quiet, and to leave all of that alone,
21 and to not say anything, and then, I believe it
22 was the next day or Mr. McDaniel also talked
23 with her, and asked her not to say anything
24 more, and I was involved because Ms. Toney
25 brought the packet to my office, that had Mr.

1 Baldwin's information, there.
2 Q: You're talking about the information in Exhibit
3 Number Two?
4 A: Some of this packet, I recognize as some
5 papers, I don't ...
6 Q: Well, Dr. Andrews, let us assume, for the
7 purposes of our discussion, that all the
8 information in Exhibit Number Two was readily
9 available to anyone who had a Facebook account.
10 How would providing that information to you be
11 a violation of anyone's privacy?
12 A: Did I say it was a violation of privacy? I
13 don't think -- I don't recall saying that to
14 you.
15 Q: So that's off the table, that's not a reason
16 for her discharge?
17 A: I stated that the reasons are an established
18 pattern of failure to follow the directives.
19 Q: What pattern is that?
20 A: The pattern that is throughout her personnel
21 file. The pattern --
22 Q: Well, let's -- let's stop...
23 A: Uh-huh (affirmative response).
24 Q: You told me that providing this information was
25 a violation, is that correct?

1 A: That's not what I told you.
2 Q: Well, then tell me, because you said that she
3 violated this request to be quiet.
4 A: She -- that's -- she violated the directive
5 that was given to her by her principal and the
6 secondary education director ---
7 Q: But what ---
8 A: --- she violated that. She didn't do as she
9 was told.
10 Q: What did she do that she was told not to do?
11 A: She continued to -- she gave this information
12 to them.
13 Q: Okay, so is that a violation?
14 A: It -- it is a violation, because it continued
15 -- she did something more with this situation
16 that they asked her not to do.
17 Q: So, information comes to her that on September,
18 the 27th, Mr. Baldwin referred to her as a
19 "fucking bitch," it comes to her and she
20 provides that to Mr. McDaniel, and to you, and
21 you say that's something she can be terminated
22 for?
23 A: That's not what I said, and ---
24 Q: Then tell me.
25 A: --- I don't see her name in there, so I'm not

1 it's not written there, her name is not in
2 there.
3 Q: Okay. So he would've had to say Ms. Toney is
4 a fucking bitch, as opposed to describing the
5 situation, and calling that person that name,
6 is that what you're telling me?
7 A: I'm saying to you ---
8 Q: I'm asking ---
9 A: --- you asked ---
10 Q: --- answer my question.
11 A: --- if I knew, and I said I don't know.
12 Q: Okay. You still don't know?
13 A: I don't know.
14 Q: Okay. Have you asked Mr. Baldwin who he was
15 referring to, there?
16 A: I did not ask him that question.
17 Q: Okay. Doesn't interest you? He's an employee
18 of yours saying to the public at large, that
19 this person is this name, and it doesn't
20 concern you?
21 A: The language and the Facebook concern me, and
22 I handled that with Mr. Baldwin.
23 Q: All right. What did you do?
24 A: I talked with him about the content of that
25 packet in social media, and what the district's

1 position would be and ---
2 Q: And if he did it again?
3 A: No, I didn't say if he did -- if he -- what the
4 position of the district would be.
5 Q: Okay.
6 A: And the -- that this Facebook page is very
7 public, as is everything else, and it's
8 inappropriate for a teacher to use that kind of
9 language, and that he's always a teacher --
10 Q: Provide anything in writing?
11 A: --- all the time. Pardon?
12 Q: Did you provide him anything in writing?
13 A: I did not.
14 Q: Okay. Do you know who Mark Griggs is?
15 A: I do not.
16 Q: You know who Tonya Addison is?
17 A: Yes, I do.
18 Q: You know who Magna Fowler is?
19 A: Say the first name, again?
20 Q: Magna Fowler.
21 A: I'm not sure who that is.
22 Q: You know who Rusty Lee, is?
23 A: Not sure.
24 Q: You know who Tracie Dury is?
25 A: Yes.

1 posted by Mr. Baldwin. At least one of those
2 people is a supervisor of his, Ms. Addison,
3 correct?
4 A: I don't know that Ms. Addison received that.
5 Q: I didn't ask you that question. I said if we
6 believe this entry to be correct, and Ms.
7 Addison received this posting, she had an
8 obligation to communicate that to her
9 supervisor, did she not? Because certainly,
10 that would violate district's policy on
11 collegiality and treating people with respect,
12 would it not?
13 A: In Ms. Addison's capacity, she could have taken
14 the initiative to handle that.
15 Q: Did you counsel with Ms. Addison about that?
16 A: I did not assume that Ms. Addison had the
17 information.
18 Q: Have you asked her?
19 A: I know she had it at the time when -- when
20 everybody got it. But I wasn't sure.
21 Q: What do you mean everybody got it?
22 A: The packets were distributed by Ms. Toney.
23 Q: To Ms. Addison?
24 A: Well, Ms. Addison was part of the
25 administrative team, so at the point that this

1 was given to me and given to the team there, I
2 made the assumption, I could have made it
3 incorrectly, that Ms. Addison had it.
4 Q: Okay. So, to be correct about this, you
5 received this package of information, or
6 something resembling it from Ms. Toney. She
7 also provided it to Mr. McDaniel at the school,
8 correct?
9 A: If I recall correctly, I know the school
10 administrators had the packet.
11 Q: Okay. Well, Mr. McDaniel testified that he
12 called you to let you know he had the package.
13 A: Okay.
14 Q: So, would you agree that ---
15 A: If he said ---
16 Q: --- he had that?
17 A: --- that he called to make me known, then yes.
18 Q: Okay. Well, if you have a principal, whether
19 it's at the high school or elsewhere, who
20 received the type of information in Exhibit
21 Number Two, it would have been negligent, on
22 their part, not to provide it to you, would it
23 not?
24 A: Yes, it would've been ---
25 Q: Okay. Because you don't want principals hiding

1 onset, we were looking at multiple folks being
2 involved with this, and it disrupting the
3 culture and climate of the school, that we are
4 focused on improving achievement. And it
5 cannot be done when there are distractions,
6 such as colleagues who are not working
7 together, it is all about school business, and
8 this is a huge distraction. So, at the onset
9 of what we were looking into, there was a
10 problem, and it was created ---
11 Q: A problem ---
12 A: --- by Ms. Toney.
13 Q: --- a problem for who?
14 A: A problem for our school district, and ---
15 Q: Well, it certainly didn't go ---
16 A: --- and -- in Lee Central High.
17 Q: --- okay. At the high school ---
18 A: Uh-huh (affirmative response).
19 Q: --- okay. Not across the entire district?
20 A: Well, when I say school district, I am
21 referring to -- the schools are located in the
22 district, so if there is a problem at a school,
23 it is a problem at, you know, our district.
24 Q: Did you ask Mr. Webb whether this had caused a
25 disruption in his school?

1 A: By the number of people who were involved, I
2 knew it had.
3 Q: Did you ask Mr. Webb whether it had caused a
4 disruption in his school?
5 A: I believe we discussed that, but I'm not sure
6 I asked that question, but we discussed the
7 number of people, and who was involved, and who
8 was talking, and the -- just the disruption of
9 the school.
10 Q: Let's -- let's look again, if we could, at
11 Exhibit Number One, that's the grievance,
12 correct? And that's dated September 30, 2013.
13 Now, we know, from Exhibit Number Two, that Mr.
14 Baldwin had already involved many, many people
15 in this incident, because he posted it on his
16 Facebook account. So that happened earlier, on
17 September, the 30th, he filed this document,
18 and let's look behind this document and see who
19 was involving whom. You've got from Tonya
20 Addison to Michael Baldwin, carbon copy --
21 sorry, courtesy copy Ron Webb. Do you see Ms.
22 Toney on this distribution list?
23 A: (No response.)
24 Q: No, correct? This is Mr. Baldwin initiating
25 this, obviously, because these all -- look at

1 office and left it for me.
2 Q: Okay.
3 A: So, that's disseminating.
4 Q: She didn't distribute it to anyone, other than
5 people in her chain of command.
6 A: I have no knowledge of who she distributed it
7 to, I can't say directly to you, I know it was
8 out there ---
9 Q: What do you mean out there?
10 A: --- I know it was shared. It was shared.
11 Q: With who? With who?
12 A: Well, you're asking what I know for sure. I
13 know she disseminated this information to my
14 office and to her -- to the office -- the
15 administrators, there.
16 Q: All right. And, you saw your directive to her
17 in Exhibit Number Eight. Do you have any
18 information that she contacted any fellow
19 employees of the Lee County School District
20 concerning her administrative leave?
21 A: I'm not certain.
22 Q: Okay. What personal information did she
23 allegedly share with other staff members and
24 students?
25 A: That's a very broad question, so I don't really

1 know what you're asking.
2 Q: Well, I'm reading your letter, and asking you
3 what you mean by it. That's all I'm doing. It
4 says "sharing personal information on another
5 staff member to other staff and students,"
6 plural, "at Lee County High School." What does
7 that mean? What are you referring to, there?
8 A: I was referring to her disseminating the
9 information about that teacher's Facebook page
10 to others.
11 Q: Who?
12 A: To -- to the administrators there at the
13 school.
14 Q: All right. And? Who else?
15 A: That was enough.
16 Q: Okay. It's enough, that she gave public
17 information to two administrators, to fire her.
18 A: That's not why she's being terminated. I've
19 stated that repeatedly, she's being terminated
20 at the point where Ms. Toney contacted the
21 board member to discuss this case, she called,
22 she told the board member she had an attorney.
23 That was a directive I had asked her not to do
24 that, as superintendent.
25 Q: You asked her not to contact board members?

1 Q: And, did she successfully complete it?
2 A: She fought hard, and so I didn't see everything
3 -- she fought so hard against being evaluated,
4 she included the state department of education.
5 That speaks clearly that, you know, if you're
6 doing your job, there is no problem with a
7 teacher being evaluated.
8 Q: So, you -- you object to her asserting her
9 rights under the law.
10 A: No, I -- I'm saying that I see -- reading,
11 there was always issues and problems with every
12 administration that she's worked under.
13 Q: Okay. And that's why you tried to force her to
14 resign?
15 A: That is not -- I didn't try to force her to
16 resign, that is not true.
17 Q: Well, you told her that the SCEA couldn't help
18 her, didn't you?
19 A: I didn't say the SCEA couldn't help her.
20 Q: Have you read the records of the meetings you
21 had with her?
22 A: I don't recall saying that.
23 Q: Okay. Any other reasons you recommended Ms.
24 Toney's termination from employment, apart from
25 those that you've given to me today?

1 Q: Problems that you had with her?
2 A: Not me, directly, no.
3 Q: Okay. Well, how long ago did you work in
4 Sumter Two?
5 A: I left -- I worked in Sumter Two from, I think,
6 1990 through to -- I don't recall the exact
7 year, but I worked there for a very long time.
8 Q: Well, I mean, you were last there over seven
9 years ago, isn't that correct?
10 A: Approximately, yes.
11 Q: So any personal information you have had about
12 Ms. Toney would be rather dated, wouldn't it?
13 A: I'm not sure what you mean by dated
14 information.
15 Q: Well, seven years old, at least?
16 A: What I'm saying to you is the pattern is still
17 established, and it dates back -- it surpasses
18 not only this district, but a previous
19 employment.
20 Q: What records have you reviewed from Sumter
21 School District Two to support your
22 recommendation of termination?
23 A: I didn't review the records in Sumter Two, but
24 I was aware there were issues.
25 Q: All right. What issues?

1 -
2 A: I didn't say that to you. I said that it
3 surpasses ---
4 **MR. BOYKIN:** Let him finish ---
5 A: Okay.
6 **MR. BOYKIN:** --- all his questions.
7 Q: I would like the same courtesy that I'm
8 extending to you.
9 A: It is very difficult when you are putting words
10 into my mouth, and twisting what I'm saying,
11 I'm sorry.
12 Q: Well, ma'am, I'm just trying to find out why
13 you recommended that this 26 year employee of
14 this district is being fired, and ---
15 A: She is an underperformer ---
16 Q: --- you're telling me ---
17 A: --- and she doesn't follow rules.
18 Q: Underperformer?
19 A: The test ---
20 Q: What does that mean?
21 A: What --- what --- what I'm saying is this, the
22 test scores speak for themselves, that speaks
23 to teaching, but the real issue here is that
24 she fails to follow what she's asked to do.
25 More recently in her record is where an

1 administrative assistant at the high school
2 visited her classroom, where she sat, and when
3 the administrative assistant is giving her
4 feedback and trying to help her improve in that
5 classroom, she is smart-alecking with her, and
6 doesn't like it, and here's questions, and --
7 and just is very uncooperative. That's in
8 print.
9 Q: Who was the administrative assistant?
10 A: It was -- I've forgotten her name, it doesn't
11 -- but she is at the high school, and she was
12 visiting the classroom for the purpose of
13 helping her to do better.
14 Q: Was that this year?
15 A: That was this -- it was in 2013.
16 Q: That's -- that's Mr. Baldwin's friend. Let's
17 see. That's Ms. Fowler, right?
18 A: That would be Ms. Fowler.
19 Q: That's Mr. Baldwin's friend. Okay.
20 A: I wouldn't -- I don't know that that's her
21 friend, or her capacity.
22 Q: Okay.
23 A: Her capacity is administrative assistant, and
24 she is authorized to visit classrooms and to
25 provide feedback, and to help our teachers to

1 that correct?
2 A: What I'm saying is that she's not always
3 truthful, and that is a problem within itself.
4 Q: What did she do to cause a student to use a
5 cell phone to access a social media account, if
6 you know? It's one of the allegations, I'm
7 asking if you know anything about that.
8 **MR. BOYKIN:** She can answer the question, but the
9 grounds will be amended, because, as we talked
10 about, with regard to the student, the district
11 will not rely on anything from the student.
12 **MR. NICKLES:** So you're not going to ...
13 Q: Well you said in your notice of termination
14 that she involved students, by using a
15 student's cellular phone to access another
16 employee's social media account, and instructed
17 a student to refuse to cooperate with the
18 administration's investigation. Are you no
19 longer relying upon that as a ground for
20 termination?
21 A: I am not relying on that as grounds for
22 termination.
23 Q: That's certainly one of the things you featured
24 in your notice to her, correct? You no longer
25 think that's a credible ground?

1 question.
2 A: What was the question?
3 Q: Who, apart from yourself, and Mr. McDaniel, did
4 Ms. Toney provide the information contained in
5 Exhibit Number Two?
6 A: The secretary was given this information.
7 Q: Secretary of who?
8 A: In the office, one of the secretaries.
9 Q: But, the name is what, ma'am?
10 A: I'm sorry, I don't have the name.
11 Q: In your office?
12 A: No, no, in the school office.
13 Q: In the school office?
14 A: Uh-huh (affirmative response).
15 Q: Okay. She was provided a copy of the same
16 package?
17 A: She was made aware of it, yes.
18 Q: In what way?
19 A: She reported it to the principal.
20 Q: In what way was she made aware of it?
21 A: I would have to review my notes.
22 Q: Do you have notes? You're supposed to produce
23 those to me.
24 A: I'm saying, the notes that I do have. When I
25 say my notes, the notes that you have -- I have

1 Q: I didn't ask that.
2 A: It is -- let me explain to you. Homeroom for
3 the high school is an academic period.
4 Q: Okay. In what respect?
5 A: That is where the students are tutored, that is
6 where they get additional help with their work,
7 and so it is an academic period.
8 Q: Isn't it ---
9 A: I don't even believe they're calling it
10 homeroom, anymore.
11 Q: Okay. Isn't it true the students are, from
12 time to time, called from homeroom to run
13 errands for teachers?
14 A: I don't know.
15 Q: Okay.
16 A: I'm not at the building level.
17 Q: All right.
18 A: But -- but, if you have a room full of
19 students, why would you call another one out of
20 another room to run an errand for you?
21 Q: Okay. Anybody else you claim that Ms. Toney
22 provided the information in Exhibit Number Two
23 for review apart from this school secretary,
24 whose name you can't recall?
25 A: Based on the information I have, she provided

A: I'm not sure, because I don't have a Facebook page, and don't use it, and so, I can't answer that I do know that it's public, I do know that even though some folks think it's private, it's really not.

Q: All right.

A: But, as to -- for me accessing it, I don't have a Facebook.

Q: Okay. But, I think you are aware that high school students do have occasioned to access Facebook. That's the society we live in, is it not?

A: I would say that high school students have Facebook, lots of them do have Facebook pages.

Q: Okay.

A: And lots of adults have them, as well.

Q: And that's why, for a professional, it is particularly important to be careful what you place in your Facebook account, would you agree?

A: I would say that, for anybody, they should be careful of what's in a Facebook account.

Q: I mean, you cautioned Mr. Baldwin about what he should put in his Facebook account, did you not?

1 A: I said to Mr. Baldwin that what was on his
2 Facebook page was unacceptable for a teacher,
3 and I still stand behind that, and explained to
4 him that that in itself could create a lot of
5 problems for ---
6 Q: Could be grounds for termination.
7 A: Could -- yes, a Facebook page can be grounds
8 for termination.
9 Q: Okay. But in this case, no action was taken
10 against Mr. Baldwin?
11 A: The verbal -- verbal reprimand ---
12 Q: Okay.
13 A: That's what we did.
14 Q: Verbal reprimands don't show up in personnel
15 files, do they?
16 A: They do not.
17 Q: Give me just a couple of minutes, if you don't
18 mind.
19 **(Off the Record)**
20 Q: Dr. Andrews, you indicated that you reviewed
21 Ms. Toney's personnel file, and one of the
22 things that you mentioned was a concern she
23 expressed about the number of students in her
24 class. Remember that testimony?
25 A: You are putting two things together. I have an

BEFORE THE LEE COUNTY BOARD DISTRICT
BOARD OF COMMISSIONERS

In the matter of:)
Laura Toney)
)
)
)

DEPOSITION OF

BERNARD MCDANIEL, SR.

****

Wednesday, December 18, 2013
1:21 p.m. - 2:35 p.m.

The deposition of BERNARD MCDANIEL, SR., taken on behalf of the Plaintiff at the LEE COUNTY SCHOOL DISTRICT OFFICE, 521 Park Street, Bishopville, South Carolina, on the 18th day of December, 2013 before Carla S. Dominick, Court Reporter and Notary Public in and for the State of South Carolina, pursuant to Notice of Deposition and/or agreement of counsel.

PENGAD 800-631-6989
EXHIBIT SC
Resp 6
7/8/14

1 Carolina, I was seeking employment.
2 Q: When did you come to the Lee County School
3 District?
4 A: I believe it was September 15, of this year.
5 Q: So, that would have been about two weeks before
6 Ms. Toney was put on administrative leave?
7 A: I don't know the exact date that she was placed
8 -- I don't recall that date, but I do know that
9 I started September 15th.
10 Q: Okay. And what position have you held since
11 that date?
12 A: The Coordinator of Secondary Education.
13 Q: And where is your office located?
14 A: It's at the high school.
15 Q: Okay. Have you ever been a plaintiff or a
16 defendant in a lawsuit?
17 A: A plaintiff.
18 Q: Okay. And what was the nature of that lawsuit?
19 A: That goes back to the 2007 situation that
20 occurred in Florence Two.
21 Q: Okay. Did you sue the school district?
22 A: I did.
23 Q: What did you accuse the school district of in
24 that lawsuit?
25 A: Violating my rights.

1 A: There was an opening, I applied for an opening
2 that occurred, submitted the necessary
3 paperwork, and was contacted by the
4 superintendent to discuss the vacancy.
5 Q: Okay. Did you know Dr. Andrews or Dr. Vaughn
6 before you applied for the current position?
7 A: No, I did not.
8 Q: What are your duties in your current position?
9 A: My duties is to provide oversight for the
10 transformation of the high school, that is to
11 change the culture of the high school, to
12 provide the best practices to improve
13 instruction, and hopefully improve student
14 achievement.
15 Q: So, transform it from what? What was the
16 condition of the high school when you arrived?
17 A: The condition of the high school, as the state
18 report card will bear out and ESA, as of
19 lately, has an F, and our students are
20 currently performing at very, very low rates,
21 and so, with that said, we're trying to put in
22 some practice that our students will have an
23 opportunity to be successful.
24 Q: Now, do you have any involvement with the state
25 department of education, in terms of making

1 observing her teaching?
2 A: No.
3 Q: Okay. Have you ever observed Ms. Toney's
4 teaching at the high school, here in Lee
5 County?
6 A: No.
7 Q: Did you have any knowledge of Ms. Toney before
8 your appointment to your current position?
9 A: No.
10 Q: When you arrived at your current position, did
11 anybody give you any information about Ms.
12 Toney? Whether she was a good, bad or
13 indifferent employee?
14 A: No.
15 Q: What was your first occasion to be involved
16 with Ms. Toney, in reference to her employment
17 with the district?
18 A: I think I met everyone at a general meeting,
19 and possibly chit chatted after that, I don't
20 recall anything special.
21 Q: Were you involved in any manner in the
22 investigation of alleged misconduct by Ms.
23 Toney?
24 A: Yes.
25 Q: What was your role in that particular matter?

1 A: I sat in, in a meeting with the principal, Mr.
2 Ron Webb, and Ms. Toney, when he shared with
3 her a complaint.
4 Q: All right. Did you have a role other than
5 being present at that meeting?
6 A: With regards to? That's not clear.
7 Q: That particular matter; you said that you sat
8 in a meeting.
9 A: Yes.
10 Q: Did you take notes?
11 A: No.
12 Q: Did anyone take notes, that you observed?
13 A: No.
14 Q: Was the meeting recorded?
15 A: No.
16 Q: What do you recall about that meeting?
17 A: What I recall is Mr. Webb calling Ms. Toney in,
18 the three of us were in the conference room, he
19 shared with her that he had a complaint about
20 a staff member, shared with her the essence of
21 the complaint, and Ms. Toney stated that she
22 didn't intend for it to hurt anybody, or
23 whatever, related to the comment, apologized,
24 and wanted to approach the staff member to
25 apologize. Mr. Webb was going to be leaving

1 for a professional development activity in
2 Greensboro, and it was our recommendation that
3 we let the matter lie until he returned, he was
4 going to be back in two days.
5 Q: Were you present during any discussions with
6 the person filing the complaint?
7 A: Yes.
8 Q: Tell me about that?
9 A: The person -- I was in that meeting, when the
10 person shared what actually happened.
11 Q: Well, what he contended happened.
12 A: That they were in a departmental meeting, a
13 history departmental meeting, and Ms. Toney
14 made a statement, if I recall correctly,
15 something to the effect that I'm having a bad
16 day, or bad time, because this is a period of
17 time that I lost my mother and husband, and
18 that I'm sure Mr. Baldwin can relate, because
19 he lost his spouse, also. Something to that
20 effect.
21 Q: Is there anything in your mind that's
22 particularly offensive about that comment?
23 A: That's a judgement, I'm not here to make the
24 judgement on that.
25 Q: Well, if someone presents condolences to

1 recollection is he says I don't think so?
2 A: Uh-huh (affirmative response).
3 Q: Is that correct?
4 A: As I recall, I think that's what he said.
5 Q: Well, were you later provided information that
6 was obtained from his Facebook postings?
7 A: I was provided a packet of information. I don't
8 know where it came from.
9 Q: Did you ask?
10 A: I was told where it came from, but you're
11 asking me to substantiate ---
12 Q: What were you told?
13 A: --- I can't substantiate that.
14 Q: What were you told?
15 A: I was told by Ms. Toney that she got this from
16 the teacher's Facebook page.
17 Q: Okay. Did she tell you how it came into her
18 possession?
19 A: No. I don't think so.
20 Q: Okay. Did you ask her?
21 A: This -- the way I got that information was --
22 when Mr. Webb was leaving, I instructed Ms.
23 Toney, as did Mr. Webb, to let the situation
24 rest until he returned. Ms. Toney came by my
25 office and said I need to share something with

1 you, that Mr. Baldwin is saying about me on
2 Facebook, and I said Ms. Toney, we don't need
3 to discuss it, remember we were supposed to let
4 it sit. I then later went to her classroom and
5 said, you know, if you have anything you need
6 to say, you need to put it in writing. She then
7 presented me the packet.
8 Q: Okay. What did you do when she gave you the
9 packet?
10 A: I took it back to my office, and then I called
11 the superintendent.
12 Q: Okay. What did you tell the superintendent?
13 A: That I was presented this packet of information
14 from Ms. Toney.
15 Q: And what did the superintendent say to you?
16 A: That she had received a packet, as well.
17 Q: So, when you called the superintendent, after
18 receiving this, you were not aware that she
19 already had the packet?
20 A: No. Not prior to that.
21 Q: Okay. But, you felt it was your responsibility
22 to inform her that you had received this
23 information, correct?
24 A: Yes, yes.
25 Q: And had she requested it, you would have

1 provided it to her, correct?
2 A: That is correct.
3 Q: Okay. Did you review the packet yourself?
4 A: No.
5 Q: Have you, since that time, reviewed the packet?
6 A: No.
7 Q: Okay. Were you consulted by the
8 superintendent in terms of whether or not any
9 action should be taken, with regard to Ms.
10 Toney's employment with the district?
11 A: No.
12 Q: So, the superintendent did not ask you do you
13 think we ought to let Ms. Toney go?
14 A: No.
15 Q: And you did not volunteer ---
16 A: No.
17 Q: --- anything? Okay. Sitting here today, do
18 you think you have sufficient information to
19 make a judgement, as to whether or not Ms.
20 Toney should be terminated from employment?
21 A: Sitting here today, I don't think it's my
22 decision to make that call.
23 Q: I didn't ask that question.
24 A: Because, what is your ---
25 Q: I said here today, do you think you have

1 homosexuals, do you?
2 A: I do not.
3 Q: Okay. And it doesn't bother you if someone has
4 a male or a female same sex or opposite sex
5 partner, does it?
6 A: I do not.
7 Q: Okay. And who came to you and said that this
8 is disrupting my ability to do my job? Anybody
9 come to you and say that?
10 A: The teacher did.
11 Q: You mean Mr. Baldwin, right?
12 A: Right.
13 Q: Anybody other than him?
14 A: No.
15 Q: Okay. So, if Mr. Baldwin made this information
16 public, and if another individual comments on
17 information he made public, then that's grounds
18 to fire that individual, is that what you're
19 telling me?
20 A: I'm telling you, that's not my decision to
21 make.
22 Q: Okay. All right. But, no other teacher came
23 to you and said gee whiz, my job is being made
24 more difficult by this situation?
25 A: No.

1 Q: Nobody's shared that information?
2 A: No. Huh-uh (negative response).
3 Q: Is it appropriate for a teacher, whether on
4 duty or off, to say in the presence of a
5 student, that another teacher is a fucking
6 bitch? Would that be an appropriate comment to
7 make in the presence of a student?
8 A: I would think not.
9 Q: Would it be appropriate to communicate to
10 students that -- that their levels of attention
11 should be measured by a fuck-o-meter?
12 A: Say that again?
13 Q: That the levels of their attention should be
14 measured by a give-a-fuck-o-meter? Would that
15 be an appropriate thing to communicate?
16 A: No.
17 Q: Would you find it personally insulting if
18 somebody referred to you as a fucking bastard?
19 A: Yes.
20 Q: If received information that a teacher was
21 participating in that type of conduct, in a way
22 that was accessible to students, would you find
23 that disturbing?
24 A: I would find it -- those comments?
25 Q: Yes, sir.

1 continued when the principal returned.
2 Q: Okay. What did it harm, in her giving it to
3 you, as opposed to waiting two days to give it
4 to the principal?
5 A: I don't know.
6 Q: I mean, you've told me that when you got it,
7 you immediately informed the superintendent.
8 A: Exactly.
9 Q: There's a reference to a call to a board
10 member. What were you told went on in that
11 telephone call? Did the board member ever talk
12 to you?
13 A: No. Absolutely not. As I said previously, I
14 was not privy to that conversation. I did not
15 speak to the board member.
16 Q: It says on page five, "Dr. Andrews, you are
17 going down a path that will lead to no good
18 end. SCEA won't save you. This is bigger than
19 that." What does that -- what are you writing
20 there?
21 A: I didn't write this.
22 Q: You didn't write that part?
23 A: Again, you asked the question earlier ---
24 Q: I'm sorry, you were present though?
25 A: Yes.

1 Q: You heard Dr. Andrews say that the SCEA
2 wouldn't save her?
3 A: Something to that effect.
4 Q: Okay. You know from your past experience that
5 superintendents don't have the power to fire
6 people, isn't that correct?
7 A: There's a process that relates to classified
8 and professional ---
9 Q: It would be inappropriate to discourage someone
10 from utilizing a lawful process, would it not?
11 A: That's not for me to decide.
12 Q: Okay. Did you receive a copy of the notice of
13 administrative leave?
14 A: No.
15 Q: Do you know if the district policy is being
16 referred to in this Exhibit Number Eight, that
17 Ms. Toney allegedly violated?
18 A: The policy's not referenced there.
19 Q: Okay. It says that she is directed not to
20 contact fellow employees of the district. Do
21 you have any information that she did contact
22 fellow employees of the district after October
23 4, 2013?
24 A: So I personally?
25 Q: Yes, sir.

BEFORE THE LEE COUNTY BOARD DISTRICT
BOARD OF COMMISSIONERS

In the matter of:)
)
Laura Toney)
)
_____)

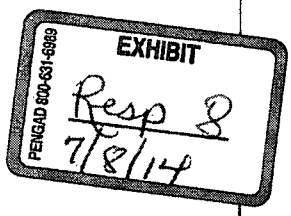
DEPOSITION OF

RON WEBB

****

Wednesday, December 18, 2013
10:24 a.m. - 1:14 p.m.

The deposition of RON WEBB, taken on behalf of the Plaintiff at the LEE COUNTY SCHOOL DISTRICT OFFICE, 521 Park Street, Bishopville, South Carolina, on the 18th day of December, 2013 before Carla S. Dominick, Court Reporter and Notary Public in and for the State of South Carolina, pursuant to Notice of Deposition and/or agreement of counsel.



1 do that for me?
2 A: Yes, if you have them.
3 Q: All right, sir. I understand that you are the
4 principal of Lee Central High School, is that
5 correct?
6 A: Yes.
7 Q: How long have you held that position?
8 A: It's going on my third year.
9 Q: Have you been employed as a principal in any
10 other public schools in South Carolina?
11 A: No.
12 Q: What other positions have you held before
13 becoming principal at Lee Central High School?
14 A: Biology teacher at Scott's Branch Middle High
15 School; Therapeutic Assistant at A.C. Flora
16 High School; Special Ed. Administrator;
17 Assistant Principal in Richland School District
18 One, in Columbia, South Carolina.
19 Q: Okay. Where were you an assistant principal in
20 Richland One?
21 A: Oh, for the middle school.
22 Q: Okay. Have you ever been placed on
23 administrative leave during the course of your
24 career?
25 A: No.

1 staff?
2 A: Just getting in classes.
3 Q: Okay. Did you during the course of your
4 employment with Lee Central High School ever
5 observe Ms. Laura Toney teaching in the school?
6 A: Yes.
7 Q: And on what occasions did you observe her, if
8 you recall?
9 A: Classroom walkthroughs.
10 Q: Okay. Did you make a written record of any of
11 those classroom walkthroughs?
12 A: Those are documentations that -- or, I don't
13 have on me, right now.
14 Q: Okay. If they existed, where would they be
15 located?
16 A: School files.
17 Q: Okay. Do you maintain a school file on each of
18 your staff members?
19 A: Yes.
20 Q: And do you have a school file on Ms. Toney?
21 A: There's a school file on all employees, if they
22 have anything in it.
23 Q: Okay. All right. Do you know whether there's
24 anything in the school file in reference to Ms.
25 Toney's classroom performance as a teacher?

1 A: There should be, yes.
2 Q: Okay. Prior to September 27, of this year,
3 was Ms. Toney on a continuing contract of
4 employment, to the best of your knowledge?
5 A: Yes.
6 Q: Okay. And you had been her supervisor for two
7 years before this year, is that correct?
8 A: Yes.
9 Q: Okay. And you had no reason to recommend the
10 termination or non-renewal of her employment
11 during that period of time, did you?
12 A: Well, the superintendent actually recommends.
13 Q: Okay. Did you make any recommendation prior to
14 September 27, of this year that Ms. Toney be
15 non-renewed or terminated from employment?
16 A: No.
17 Q: Did you have an opinion of Ms. Toney's
18 abilities as a classroom teacher, as her
19 supervisor?
20 A: Well, I mean, I observe all my teachers.
21 Q: Okay. And was Ms. Toney doing an adequate,
22 satisfactory job in her classroom performance?
23 A: At the time of my observations.
24 Q: Did anybody come to you before September 27, of
25 this year and suggest to you that Ms. Toney was

1 doing less than a satisfactory job in
2 delivering instruction to her teen -- to her
3 students?
4 A: Did anyone come to me?
5 Q: Yes, sir.
6 A: No.
7 Q: Okay. And before September 27, of this year,
8 did you personally have any reason to believe
9 that Ms. Toney was doing a less than
10 satisfactory job in delivering instruction to
11 her students?
12 A: We've had brief conversations, but not -- not
13 a whole lot.
14 Q: Okay. Well, tell me about those brief
15 conversations to the extent that you recall.
16 A: Just making sure that students are all on task,
17 that's in class, that's all.
18 Q: Have you had those conversations with other
19 employees than Ms. Toney?
20 A: As always, as principal.
21 Q: Okay. But prior to September 27, you had no
22 reason to recommend that she be terminated from
23 employment, did you?
24 A: No, I don't recommend.
25 Q: Okay. So, if you have a teacher in your school

1 who you believe is providing inadequate
2 instruction, you make no recommendations?
3 A: I have conversations with the superintendent,
4 and the superintendent goes from there.
5 Q: Okay. Did you have any conversation before
6 September 27, of this year with the
7 superintendent in reference to Ms. Toney?
8 A: Well, a complaint was filed from another
9 teacher.
10 Q: Okay, when was that?
11 A: Around that time before September 27 -- I can't
12 remember the specific date, but a complaint was
13 filed against her.
14 Q: By whom?
15 A: Mr. Baldwin.
16 Q: Mr. Baldwin?
17 A: Correct.
18 Q: And what was the nature of his complaint?
19 A: Harassment.
20 Q: In what respect?
21 A: Information that was given without his consent.
22 Q: Okay, and that was before September 27, of
23 2013?
24 A: Well, I mean, this situation happened -- I'm
25 trying to remember the specific date that ---

1 Q: Let's assume, for our discussion purposes, that
2 the social studies departmental meeting that
3 prompted Ms. Toney's administrative leave
4 occurred on September 27, 2013.
5 A: Okay.
6 Q: I'm talking about before that date.
7 A: Uh-huh (affirmative response).
8 Q: Had any teacher brought any complaint to you
9 about Ms. Baldwin -- about Ms. Toney?
10 A: About Ms. Toney, no.
11 Q: All right. And you said at some point in time,
12 and let's say it's around September 27, 2013,
13 Mr. Baldwin came to you with a complaint, is
14 that correct?
15 A: Correct.
16 Q: Did he provide you anything in writing?
17 A: Yes.
18 Q: What did he provide in writing to you?
19 A: Complaint.
20 Q: And was it on some type of complaint form, or
21 was it an e-mail, or was it a hand-written
22 note, or what?
23 A: A form.
24 Q: A form. Where is that form located?
25 A: The superintendent should have it.

1 performance, in any way?
2 A: No, sir.
3 Q: Does it affect his value as a member of your
4 faculty in any way?
5 A: No, sir.
6 Q: Okay. Mr. Baldwin indicates that he had never
7 shared this information with Ms. Toney or with
8 any others at LCHS, do you know whether or not
9 that's a true statement?
10 A: To my knowledge this information wasn't shared
11 -- I mean, I can't speak for Mr. Baldwin, I
12 mean, I'm just going by the information that I
13 have from him.
14 Q: Do you know whether or not current and former
15 faculty members at LCHS have been friends of
16 Mr. Baldwin on his Facebook?
17 A: Not to my knowledge, I mean except for this
18 information, right here.
19 Q: If they were in fact friends, and if that
20 information was on his Facebook account, then
21 they would have had access to the information,
22 correct?
23 A: If they were friends, I suppose.
24 Q: All right, sir. If someone says something
25 that's true about you, do you consider that to

1 be defamatory?
2 A: Me personally?
3 Q: Yes.
4 A: No, I don't care.
5 Q: Okay. And certainly, Ms. Toney revealing
6 information, even if it was unintentional,
7 about Mr. Baldwin's sexual orientation, didn't
8 cause you to threaten him to lose his job, did
9 it?
10 A: No, sir.
11 Q: Okay. Has anyone come to you since this
12 occasion and said to you I no longer want to be
13 affiliated with Mr. Baldwin?
14 A: No, sir.
15 Q: Is he currently a member of your faculty?
16 A: Yes, sir.
17 Q: Is he a faculty member in good standing?
18 A: In my book, yes, sir.
19 Q: Okay. Has any disciplinary action been taken,
20 with regard to Mr. Baldwin following September
21 27, 2013?
22 A: Against him, or ...
23 Q: Yes, sir.
24 A: Disciplinary actions?
25 Q: Yes, sir.

1 Q: Okay. So as far as you know, the only person
2 that used the word "husband" would have been
3 Ms. Addison, according to the records we have
4 here, correct?
5 A: Yes, this is month that I lost my husband and
6 mother, as stated, well, Ms. Toney, said at the
7 time.
8 Q: Okay. All right. Now, you said that once you
9 received this grievance ---
10 A: Yes, sir.
11 Q: --- you then spoke with Ms. Toney, correct?
12 A: Yes, sir. Protocol -- not let any teacher --
13 if something is filed, I have to let them know
14 what's going on.
15 Q: And what did you share with Ms. Toney, did you
16 provide her a copy of the grievance?
17 A: I did not provide her a copy but I told her
18 that a complaint was filed against her.
19 Q: Okay.
20 A: By a teacher.
21 Q: Did you provide her a copy of the e-mails?
22 A: No, sir.
23 Q: Okay. What, to the best of your recollection,
24 did you share with Ms. Toney about the
25 complaint that had been filed?

1 A: I did mention some of the things that -- that
2 were said in the complaint, and ---
3 Q: Give me examples to the best of your
4 recollection.
5 A: The best of my recollection, I told Ms. Toney
6 there's a concern -- Mr. Baldwin has brought a
7 complaint to me, um, in reference, um, to some
8 information that was allegedly shared and we
9 had some dialogue, and of course, Ms. Toney
10 said she wasn't, you know, aware of what he was
11 talking about, so I said but I want you to know
12 that a complaint has been filed against you,
13 and I have to investigate farther. And then,
14 at one point after the conversation, myself and
15 Mr. McDaniel had a conversation with her also,
16 I was going out of town to Greensboro for two
17 days, for training, and I was like Ms. Toney,
18 I met with Mr. Baldwin, you know, please leave
19 it alone, let it die down so we can try to
20 handle this at the building level. And Mr.
21 McDaniel shared the same concern with the --
22 you know, I'm -- I'm investigating, I'm
23 working, I'll be back in two days, please do
24 not, you know, say anything to Mr. Baldwin, you
25 know, let us take care of this at the building

1 level, you know, and that information was
2 shared with Ms. Toney, in reference to the
3 complaint, that they keep it at building level.
4 Q: When was that, if you remember?
5 A: This was -- well, the day after I got the
6 complaint, then this was on the -- it was the
7 day -- the day of -- what's this -- the 29th.
8 I'm sorry, it's been ten weeks ago ---
9 Q: The 29th would've been Sunday, the 30th
10 would've been a Monday.
11 A: Well, the day I received this complaint, I
12 shared with Ms. Toney.
13 Q: Okay. Did you make any written record of that
14 meeting?
15 A: No, sir.
16 Q: Okay. Did Ms. Toney, to the best of your
17 knowledge, ever talk to Mr. Baldwin about the
18 complaint?
19 A: I was out of the building for two days, I'm not
20 -- not to my -- no, no, not to my knowledge.
21 Q: Has anybody indicated to you that Ms. Toney
22 ever approached Mr. Baldwin about his
23 complaint?
24 A: No, sir.
25 Q: Okay. So, you left for your trip to Greensboro

1 Q: Okay. Wouldn't it be Ms. Addison's
2 responsibility to report that type of
3 inappropriate comment to you? Wouldn't it be
4 her responsibility to tell you that this is
5 going on?
6 A: Well, I mean, yes, if it was in the building,
7 I don't get into the personal lives of people.
8 Q: All right, sir. Now, let's look at further
9 back in this package, there's a page that has
10 a meter on it. And this says September 22,
11 Michael Baldwin shared a photo from someone
12 else. You see what that is supposedly
13 measuring?
14 A: Yes, sir.
15 Q: It says it's a "give-a-fuck-o-meter." You see
16 that?
17 A: Yes, sir.
18 Q: Now, if this information Mr. Baldwin is sharing
19 from his friend is being made available, not
20 only to other members of your faculty, but to
21 students at your school, that would be
22 troubling, would it not?
23 A: Yes, sir.
24 Q: Looking at the next page, we have a series of
25 exchanges on September 24, between Michael

1 before September 27, 2013, whether or not Mr.
2 Baldwin had married a male? Did you ever have
3 that ---
4 A: I did not.
5 Q: --- conversation?
6 A: No, sir.
7 Q: Okay. And as you've indicated, I think,
8 candidly, from your point of view, it's sort of
9 a "so what," isn't it?
10 A: As far as personal preference I ---
11 Q: It certainly doesn't affect Mr. Baldwin's
12 standing in the school, does it?
13 A: Not with me, no, sir.
14 Q: Okay. Well, when the information in Exhibit
15 Number Two was shared with you, what concern or
16 objection did you have to that information
17 being provided to Mr. McDaniel, or to the
18 superintendent?
19 A: The concern was when I left, I spoke with Ms.
20 Toney and -- and well, and this, Mr. McDaniel,
21 you know, not to pursue anything, because I
22 didn't want anything to escalate.
23 Q: Okay. Well, did you know at the time that you
24 were making that suggestion to Ms. Toney, that
25 Mr. Baldwin was telling the world that she was

1 a fucking bitch?
2 A: No sir.
3 Q: Okay. Did you know when you made that
4 direction to or suggestion to Ms. Toney, that
5 Mr. Baldwin had already told the world that he
6 had been married and that his spouse had passed
7 away?
8 A: No, sir.
9 Q: Did you have any conversations with a student
10 by the name of Alonzo concerning anything
11 relating to Ms. Toney?
12 A: Alonzo was brought up. He stated that Ms. Toney
13 asked him not to share the information, or
14 something to that nature.
15 Q: Share what information, Mr. Webb?
16 A: About Mr. Baldwin.
17 Q: Okay. She asked Alonzo not to share any
18 information he may know about Mr. Baldwin?
19 A: Yes, sir.
20 Q: Nothing inappropriate in that, is there? I
21 mean, that's the same direction you gave to
22 her, isn't it?
23 A: Yes, I mean ...
24 Q: Okay. So if you're telling her not to share
25 information, it certainly wouldn't be wrong for

1 that Dr. Baldwin lost a husband. That's the
2 only person, according to this record, that she
3 made that statement to, correct?
4 A: From the information shared.
5 Q: Okay. And if we are to believe the Facebook
6 records, that Ms. Addison was already a
7 Facebook friend of Mr. Baldwin, then that
8 information was already available to her,
9 wasn't it?
10 A: Well, I don't know, because I don't do Facebook
11 ---
12 Q: Okay.
13 A: --- like that, so I guess with them.
14 Q: Who were the students that, at Lee County High
15 School, that Ms. Toney allegedly shared
16 personal information with?
17 A: The only student I'm aware of is the one I
18 mentioned earlier, Alonzo.
19 Q: Alonzo?
20 A: That's from my point.
21 Q: Don't know of any others?
22 A: No, sir, not me, personally.
23 Q: And without talking to Alonzo, we don't know
24 specifically what Ms. Toney shared with him, do
25 we?

1 Q: I'll ask if you're generally familiar with this
2 document? It seems that you were copied, on
3 it.
4 A: Yes.
5 Q: Now, before this document was sent out on
6 October 29, 2013, did you have any discussions
7 with Wanda L. Andrews, the district
8 superintendent, about whether or not Ms. Toney
9 should be terminated from employment?
10 A: No, sir, that's -- that's H.R. Once it was --
11 everything was sent over, I don't get involved.
12 Q: Just so that I'm clear, did Dr. Andrews or Dr.
13 Vaughn come to you and ask you whether you
14 recommended Ms. Toney's termination from
15 employment? Did either of them ask you whether
16 you agreed that she should be terminated?
17 A: Agreed? Not personally.
18 Q: Okay. They didn't consult with you about their
19 decision to terminate her, is that correct?
20 A: Once the information, like I said earlier, has
21 been shared with the superintendent or H.R.
22 director, then it goes from their office ---
23 Q: Okay. Well ---
24 A: --- about the situation.
25 Q: --- you are the principal of the high school,

1 A: I mean, I can't speak for Ms. -- Ms. Toney.
2 Q: Okay. And it says discussing a faculty
3 member's personal information. Once again,
4 it's not personal if you let it be known to
5 others, is it?
6 A: Well if it's shared, no, it's ---
7 Q: Okay.
8 A: --- then it's not personal.
9 Q: All right. And even being directed by an
10 administrator to leave the matter alone, is
11 that you?
12 A: That's me. That's myself and Mr. McDaniel at
13 the time.
14 Q: Okay.
15 A: Yes, sir.
16 Q: You further involved students by using the
17 student's cellular phone to access another
18 employee's social media account. Did you
19 observe that?
20 A: No, I didn't observe that.
21 Q: You're relying on what Alonzo said for that
22 allegation?
23 A: That's the information that Alonzo shared.
24 Q: Instructed a student to refuse to cooperate
25 with the administration investigation, you

1 didn't hear anybody tell a student to do that,
2 did you?
3 A: I didn't, no, sir.
4 Q: Okay. It says "you've been involved in other
5 incidents of unprofessional conduct." What
6 other incidents of unprofessional conduct has
7 Ms. Toney been involved in, to your
8 recollection?
9 A: Maybe it was some of the letters that we talked
10 about in my files, like grading, and not
11 showing up for a faculty meeting, and there was
12 a situation with a parent that was in -- in the
13 file.
14 Q: Things that happened in past school years?
15 A: This year and last year. Her file, you know, we
16 keep -- we just keep the file.
17 Q: Okay.
18 A: Yes, sir.
19 Q: But you've told me that before September 27,
20 2013, you had no reason to go to the
21 administration, recommending that she be
22 terminated, correct?
23 A: Not really, except for this situation, like I
24 said, all this blew up, I had to take it to the
25 superintendent, as -- as principal.

1 Q: But for this incident, Ms. Toney would still be
2 at your school teaching social studies, right?
3 A: Well, no -- I -- yes, sir.
4 Q: All right. I mean, Ms. Toney had good rapport
5 with students, didn't she?
6 A: From the students I observed with her, yes,
7 sir.
8 Q: All right. What do you believe, if anything,
9 Ms. Toney said to you that was untrue, about
10 this situation? Did she say anything to you
11 that you felt was untrue?
12 A: Untrue?
13 Q: Yes, sir.
14 A: Trying to -- I'm trying to ---
15 Q: I'm not ---
16 A: --- repeat this, repeat it.
17 Q: --- I'm asking you, it says -- it says that
18 "one of the reasons that you're being fired is
19 lack of candor during the investigation." Did
20 she ever misrepresent anything, to your
21 knowledge, to you?
22 A: Again, the rest of this, a lot of it's H.R. and
23 the superintendent ---
24 Q: Was Ms. Toney ---
25 A: --- as well.

1 Q: --- ever disrespectful to you?
2 A: No.
3 Q: Okay. And you were the person who was her
4 immediate supervisor, worked most closely with
5 her as a supervisor, correct.
6 A: As the building level principal, yes, sir.
7 Q: Okay. I mean, most of your teachers don't have
8 routine interactions with the director of human
9 resources, or the superintendent, do they?
10 A: No, sir, normally it's the building level
11 principal, then it can go from there.
12 Q: If a board were to determine that Ms. Toney
13 should be returned to your school, could you
14 work with her?
15 A: I think, as principal, I'm able to work with
16 anyone.
17 Q: Okay. So in this instance, if the board, in
18 it's wisdom, decided to return Ms. Toney, you
19 would be able to work with her, carry out your
20 mission as principal of the school, is that
21 correct?
22 A: Well, as principal, you have to -- you have to
23 be an octopus, you have to be able to adjust to
24 any type of situation.
25 Q: You've told me that you weren't consulted about

1 instruct, do you have any reason to believe
2 that she cannot provide instruction to students
3 on a satisfactory level?
4 A: I mean, everyone is capable, you know, of -- of
5 -- all my teachers have capabilities.
6 Q: Okay.
7 A: But again, the reason it went from one extreme
8 to the next with the situation with Mr. Baldwin
9 for not following directives.
10 Q: Had nothing to do with her classroom
11 instruction, though, did it?
12 A: No, sir, it was the incident took place.
13 Q: And she was an employee of good standing on
14 September 27, 2013, correct.
15 A: Except for a few letters that -- I mean,
16 everyone...
17 Q: But, you did not have, in your mind, this is an
18 employee that I need to recommend for
19 termination. That was not even in your mind,
20 was it?
21 A: No, sir, not that.
22 Q: Okay. Give me just a couple of minutes, if you
23 don't mind, and then we'll resume.
24 **(Off the Record)**
25 Q: I just have a few questions for you. If you

1 A: Sir, I said, it's been a while.
2 Q: Okay. And do you know whether or not the
3 grades were actually entered on that same day?
4 A: Yeah, my database specialist, she has records
5 ---
6 Q: Okay.
7 A: --- and it flags it, if it's not in there.
8 Q: So, you just don't recall currently, whether
9 you got that information from Ms. Toney, if she
10 was having a computer problem, but the grades
11 were entered, you just don't have a current
12 recollection of that, is that fair?
13 A: No, sir, my database specialist ---
14 Q: All right.
15 A: --- informed me.
16 Q: There's also one on -- on May the 15th, and
17 that has to do with a tardiness, do you see
18 that, not calling in on time?
19 A: Correct.
20 Q: Okay. Now, do you recall Ms. Toney informing
21 you that she had a flat tire that day, and that
22 she didn't know it was flat until after seven
23 a.m.?
24 A: On that particular one, the letter was already,
25 you know, submitted.

1 Q: Already done. But you do recall she had a flat
2 tire?
3 A: I remember that one, that's right.
4 Q: Those things happen sometimes, don't they?
5 A: It's life.
6 Q: Okay. That's life. There's not a pattern of
7 tardiness in these documents, is there?
8 A: No.
9 Q: All right. And there is a --- one dated
10 September 16th, of this year, I believe?
11 A: Correct.
12 Q: And that's not being present at a faculty
13 meeting?
14 A: Correct.
15 Q: Ms. Toney informed you that she fell ill that
16 day?
17 A: That was after the letter was given to her.
18 Q: Okay.
19 A: Yes, sir.
20 Q: I mean, do you think she was lying to you about
21 feeling bad?
22 A: I mean, I can't determine her personal
23 feelings, but, I mean, when I didn't see her,
24 you know ---
25 Q: Right.

1 A: I did the letter, and then I saw her coming up
2 the hallway afterwards.
3 Q: Right. Did she tell you she'd been ---
4 A: She said she ---
5 Q: --- sick?
6 A: --- wasn't feeling well
7 Q: All right. Okay. And just for the record,
8 those are all of the memoranda that are
9 contained Exhibit Number One, correct?
10 A: Yes, sir.
11 Q: There are other walkthrough evaluations that
12 you did from time to time, correct?
13 A: Myself and other administrators, we have -- we
14 have to do a certain amount of observations per
15 team.
16 Q: And those observations more or less show that
17 some things were being done, some things were
18 not observed, some comments and some
19 suggestions, correct?
20 A: Correct.
21 Q: She was never placed on an improvement plan,
22 though, was she?
23 A: No.
24 Q: Never given any notice of any deficiencies that
25 might lead to non renewal, correct?

1 A: No, not from me.
2 Q: All right. And you are the instructional
3 leader of the school, correct?
4 A: Yes, sir.
5 Q: If there were instructional deficiencies, they
6 could have lead to her non renewal, you
7 understand your responsibility to give her
8 written notice and the opportunity to address
9 those, correct?
10 A: Of course.
11 Q: So, whatever those documents say, it didn't
12 rise to the level of being concerned for non
13 renewal, would that be fair to say?
14 A: Fair, we try to help correct it, if we can, at
15 the building level.
16 Q: All right, sir. Now, you indicated that you
17 gave Ms. Toney advice not to talk about this
18 thing, not to take it outside the school,
19 correct?
20 A: Yes, sir, I told her to leave it alone ---
21 Q: Did you ---
22 A: --- wait until I get back.
23 Q: --- give Dr. Baldwin the same instruction?
24 A: When I met with him, I mean but when he gave me
25 the complaint, because we try to -- if we can

1 rephrase that, because I was -- that was
2 confusing. Do you understand, Mr. Webb, that
3 in using Facebook, if it is not set to friends
4 only, anyone can examine anything in that
5 Facebook account, is that your understanding?
6 A: I'm -- I'm not a Facebook person, but that's my
7 -- I assume ---
8 Q: That's your general ---
9 A: --- yeah, yes, sir.
10 Q: --- understanding? Okay. So, if Mr. Baldwin
11 is being cautioned on October the 3rd, 2013, to
12 set his to friends only, it would lead us to
13 believe that it was not set to friends only,
14 prior to that, wouldn't it?
15 A: I assume, yes, sir.
16 Q: Okay. And if it was not set to friends only
17 prior to that, it's an invitation to the world
18 to look what is in a Facebook account, isn't
19 it?
20 A: I -- yes, sir.
21 Q: Okay. All right. Mr. Webb, do you remember
22 back in August, of 2012, would have been the
23 very first of the 2012-2013 school year, that
24 Ms. Toney was placed on administrative leave
25 for a very short period of time, based on an

PENGAD 800-631-6989
EXHIBIT JC
Resp 1
7/8/14

1 allegation that she told a female student that
2 she wanted to hit her?
3 A: Yes, sir.
4 Q: It was found that there was no support for that
5 allegation, wasn't it?
6 A: That's right.
7 Q: And she was brought back to school?
8 A: Correct.
9 Q: Right.
10 A: Yes, sir.
11 Q: So, sometimes you find out that what people
12 tell you just ain't true, isn't that right?
13 A: It happens, from time to time.
14 Q: Okay. Those are all the questions I have at
15 this time.
16 **MR. BOYKIN:** I have none.
17 **(There being no further questions, the deposition**
18 **concluded at 1:14 p.m.)**
19
20
21
22
23
24
25

CERTIFICATE

This is to certify that the deposition of **RON WEBB** consisting of seventy-nine (79) pages, is a true and correct transcript of the testimony given by said deponent after being duly sworn; said deposition was reported by the method of Stenomask with Backup.

I further certify that I am neither employed by nor related to any of the parties in this matter or their counsel; nor do I have any interest, financial or otherwise, in the outcome of same.

IN WITNESS WHEREOF I have hereunto set my hand and seal on January 7, 2014.

Carla S. Dominick
Court Reporter

Notary Public for South Carolina
My Commission Expires: 3/13/2022

BEFORE THE LEE COUNTY BOARD DISTRICT
BOARD OF COMMISSIONERS

In the matter of:)
)
Laura Toney)
)
_____)

COPY

DEPOSITION OF

TONYA W. ADDISON

****

Tuesday, February 18, 2014
10:01 a.m. - 10:44 a.m.

The deposition of TONYA W. ADDISON, taken on behalf of the Plaintiff at the LEE COUNTY SCHOOL DISTRICT OFFICE, 521 Park Street, Bishopville, South Carolina, on the 18th day of February, 2014 before Carla S. Dominick, Court Reporter and Notary Public in and for the State of South Carolina, pursuant to Notice of Deposition and/or agreement of counsel.

EXHIBIT
PENGAD 800-631-6989
Resp 9
7/8/14

APPEARANCES

W. Allen Nickles, III, Esquire
Susan M. Fittipaldi, Esquire
NICKLES LAW FIRM, L.L.C.
1122 Lady Street, Suite 610
Columbia, South Carolina 29201
Attorney for The Plaintiff

Deidre D. Laws, Esquire
Charles J. Boykin, Esquire
BOYKIN AND DAVIS, LLC
220 Stoneridge Drive, Suite 100
Columbia, South Carolina 29210
Attorney for Lee County School District

ALSO PRESENT:
Laura Toney, Plaintiff
Dr. Wanda Andrews, Superintendent of Lee County Schools

INDEX

MS. ADDISON: **PAGE:**
MR. NICKLES . . . . EXAMINATION 4
Signature Sheet 40
Certificate 41

EXHIBITS

Exhibit Number One 20
(Series of documents:
*Grievance Form by Michael Baldwin; dtd 9/30/13
*Email to Michael Baldwin from Tonya Addison, CC: Ron Webb; dtd 9/29/13 @ 9:53 p.m.; Sub: 9/27/13

*Email to Michael Baldwin; from Kara Fowler; dtd 9/29/13 @ 4:16 p.m.

*Email to Michael Baldwin; from Anthony Blair; CC: Ron Webb & Tonya Addison; dtd 9/29/13 @ 9:00p.m.; RE: Statement from Blair

*Statement from Darryl Peyton; dtd 9/28/13)

STIPULATIONS

It is stipulated by between counsel and the witness that the reading and signing of the following deposition be, and the same are, hereby not waived. Signature sheet is attached at page 40.

1 **TONYA W. ADDISON,** having been duly sworn, deposes
2 and testifies as follows:
3 **MS. ADDISON - EXAMINATION BY MR. NICKLES:**
4 Q: Ms. Addison, my name is Al Nickles. I'm here
5 this morning representing Ms. Laura Toney in a
6 matter pending before the Lee County Board of
7 Education. I've asked you to be here this
8 morning to answer questions by way of
9 deposition. Have you had your deposition taken
10 on any other occasions?
11 A: No.
12 Q: Well, a deposition is a question and answer
13 process. During this deposition I will be
14 asking question and you hopefully will be
15 providing answers to me. It's my job to ask
16 those questions clearly. If I ask a question
17 and you don't understand the question, tell me.
18 Will you do that?
19 A: Okay.
20 Q: You have to answer my questions verbally loud
21 enough to be picked up by the microphones and
22 heard by the court reporter so that we can have
23 an accurate record of our conversation. Will
24 you answer me verbally, please?
25 A: Yes.

1 Q: Are you aware of any condition or circumstance
2 this morning that would interfere with your
3 ability to hear, understand or respond to my
4 questions?
5 A: No.
6 Q: Have you done anything to prepare for the
7 deposition that we're about to participate in?
8 A: No.
9 Q: Okay. Have you reviewed any documents before
10 today relating to Ms. Toney or the
11 recommendation that she be terminated?
12 A: No.
13 Q: Have you had any discussions with any of your
14 supervisors about your deposition this morning?
15 A: No.
16 Q: Have you had any discussions with any of your
17 supervisors about Ms. Toney's employment status
18 or the reasons why she is not working at the
19 high school?
20 A: Have I had conversations?
21 Q: Yes.
22 A: Yes.
23 Q: Tell me about those.
24 A: I don't recall the exact contents of them.
25 Q: I don't care. Tell me what you remember.

1 A: I just remember that she -- we needed to get a
2 sub because she would be on administrative
3 leave.
4 Q: Okay. Were you given a reason why she was on
5 administrative leave?
6 A: No.
7 Q: And did you participate in obtaining a
8 substitute for her class?
9 A: Our secretary just -- our secretary got the
10 substitute.
11 Q: The secretary got the sub. Who is the
12 substitute now teaching the class that was
13 formerly under Ms. Toney?
14 A: It varies. It's not one substitute.
15 Q: Okay. Well, how often does it vary?
16 A: It depends on the availability of the sub.
17 Q: Okay. So would it be on a day to day basis?
18 A: Uh-huh (affirmative response.)
19 Q: Is that yes?
20 A: Yes.
21 Q: So there's not one person who's in there every
22 day teaching the course work that Ms. Toney
23 formerly taught. Is that accurate?
24 A: They do have assistance from a teacher.
25 Formerly it was our administrative assistant,

1 Ms. Fowler. She's certified in U.S. History.
2 So the sub may vary, but there is a consistent
3 person in the class with the students.
4 Q: So Ms. Fowler is in the classroom every day all
5 day when instruction is being provided in the
6 class that was formerly taught by Ms. Toney?
7 A: Uh-huh (affirmative response.) She was first
8 semester. Second semester Mr. Peyton is.
9 Q: What happened to their former duties now that
10 they're teaching full-time in Ms. Toney's
11 former classroom?
12 A: Ms. Fowler was an administrator. The other
13 administrator is myself, Mr. Webb and Coach
14 Turner. We just assumed those duties until --
15 while she was doing Social Studies, U.S.
16 History.
17 Q: Is Mr. Peyton certified in Social Studies?
18 A: He is.
19 Q: And does he do the lesson plans and do the
20 teaching in that classroom?
21 A: Ms. Fowler does the lesson plans, but he
22 assists with teaching.
23 Q: Who does he assist?
24 A: He assists Ms. Fowler with teacher.
25 Q: Assist who?

1 A: Ms. Fowler.
2 Q: Okay. So is there no longer a substitute in
3 that classroom?
4 A: Yes. A substitute is in there.
5 Q: What does the substitute do?
6 A: If our administrator, Ms. Fowler, has to step
7 out, or if Mr. Peyton was not in there, then
8 there's a sub in there just to carry on the
9 activity that the student is working on.
10 Q: Okay. Have you done any evaluation of the
11 instructions going on in those classes formerly
12 assigned to Ms. Toney?
13 A: A formal evaluation? I've done a walkthrough.
14 Q: Okay. And did you make a written record of
15 that walkthrough?
16 A: I did not.
17 Q: Okay. Are you aware of anyone else supervising
18 the instruction in the classroom that's
19 formerly -- class that's formerly instructed by
20 Ms. Toney?
21 A: Well, all administrators have access to
22 supervise.
23 Q: Do you know whether there's been any formal
24 evaluation of the instruction being provided in
25 Ms. Toney's former classes?

A: I do not.
Q: What is your current position with the Lee County School District?
A: Assistant principal.
Q: At what school?
A: Lee Central High School.
Q: How long have you held that position?
A: This is my first year.
Q: What did you formerly do?
A: I was the administrative assistant.
Q: What does that mean?
A: I was in administrator part-time and I basically dealt with student services, and I also taught Algebra One.
Q: Okay. How long were you administrative assistant?
A: Two years.
Q: Was that at the high school?
A: Yes, sir.
Q: Have you taught any other classes in Lee County?
A: Yes. I -- yes.
Q: What is it you taught?
A: I taught math at the middle school, as well as at the alternative school.

1 Q: Okay. What areas are you certified in?
2 A: Secondary math.
3 Q: Any others?
4 A: No. Administration.
5 Q: When did you get your administration
6 certificate?
7 A: Nova Southeastern University.
8 Q: When?
9 A: Oh, when? 2010 or 2011. I'm not sure.
10 Q: Describe your duties currently as assistant
11 principal.
12 A: Currently my main role is the curriculum
13 instruction. I oversee testing, I monitor
14 lesson plans and I monitor the instruction in
15 the classroom. I'm mainly a resource for
16 teachers as it relates to instruction.
17 Q: Have you ever had the occasion to evaluate Ms.
18 Toney's delivery of instruction in the high
19 school?
20 A: Yes.
21 Q: When did you do that?
22 A: I don't recall.
23 Q: Did you do any written record of your
24 observation of her?
25 A: I don't recall.

1 Q: If you did a written evaluation would it be
2 located in some particular place in the school
3 or in the district office?
4 A: It -- it wouldn't.
5 Q: Would it be -- do you maintain copies of any
6 written evaluations that you perform?
7 A: Yes. From the current year, but not the
8 previous.
9 Q: Okay. Did you observe or evaluate Ms. Toney
10 during the 2013-2014 school year?
11 A: Not formally. A walkthrough.
12 Q: Did you make a record of that?
13 A: I don't recall.
14 Q: Did you have any discussion with Ms. Toney
15 about your observations?
16 A: As I recall, once I did the walkthrough I may
17 have sent her an email based on my
18 observations.
19 Q: Do you have any current recollections of what
20 your observations were on that day?
21 A: I don't recall.
22 Q: So if I ask you whether you remember her
23 performance to be good, bad or indifferent your
24 testimony is you don't currently remember?
25 A: Yes. I don't recall.

1 Q: Did you make any report to anyone other than
2 Ms. Toney about what you observed in her
3 classroom this year?
4 A: No, I didn't.
5 Q: How about on any prior occasion, did you make
6 any report to anyone about anything you have
7 observed in Ms. Toney's classroom?
8 A: I don't recall.
9 Q: Do you know Michael Baldwin?
10 A: Yes, I do.
11 Q: How long have you known him?
12 A: I believe he started working at the high school
13 last year.
14 Q: That wasn't my question. How long have you
15 known him?
16 A: Since last year. Since he started working at
17 the high school.
18 Q: Okay. Did you have any role in his coming to
19 the high school?
20 A: No.
21 Q: Have you ever been in his company outside of
22 the district's grounds?
23 A: No.
24 Q: Never been to the Starbucks with him?
25 A: No.

1 Q: Never seen him socially anywhere?
2 A: No.
3 Q: Ever have any telephone conversations with him?
4 A: School related.
5 Q: Only school related?
6 A: Uh-huh (affirmative response.)
7 Q: Ever visit his Facebook page?
8 A: I have access to it.
9 Q: Well, you're a friend of his on Facebook,
10 correct?
11 A: Yes.
12 Q: Okay. How long have you been a friend of his
13 on Facebook?
14 A: I don't recall. It's been since his -- since
15 he came to Lee Central, but I don't recall.
16 Q: When did he start working at Lee Central?
17 A: I believe last year.
18 Q: Well, were you invited to be a friend?
19 A: Yes.
20 Q: And you accepted?
21 A: Yes.
22 Q: Why were you invited to be a friend?
23 A: I can't say. I don't know.
24 Q: Did you ever exchange communications with him
25 over Facebook?

1 A: No.
2 Q: Have you ever visited his Facebook page?
3 A: I have access to it.
4 Q: That's not my question, ma'am. Have you ever
5 visited his Facebook page?
6 A: I have access to it.
7 Q: Please answer my question. Did you ever visit
8 his Facebook page?
9 A: I have access to it means it automatically
10 shows up in my timeline, but do I directly ---
11 Q: Did you ever look at it?
12 A: Yes, I have.
13 Q: That's easy.
14 A: Okay.
15 Q: You have looked at it?
16 A: Yes.
17 Q: Okay. Did you look at it before September the
18 27th of this year?
19 A: Yes.
20 Q: Okay. Did you know Mr. Baldwin was gay?
21 A: He never told me that.
22 Q: Did you know Mr. Baldwin was gay?
23 A: Not definitely. He never told me that.
24 Q: Listen to my questions.
25 A: Uh-huh (affirmative response).

1 Q: You said you had access to his Facebook.
2 A: Uh-huh (affirmative response.)
3 Q: You said you looked at his Facebook page. Did
4 you know Mr. Baldwin was gay?
5 A: No, I didn't.
6 Q: So you choose not to look at those entries on
7 his Facebook page that related to his sexual
8 preferences?
9 A: I didn't make assumptions. He never told me
10 that.
11 Q: Okay. Well, you didn't have to assume when he
12 says on his Facebook page that he's gay. Do
13 you accept that as true?
14 A: I don't recall those -- that posting.
15 Q: Didn't you tell Ms. Toney that Mr. Baldwin has
16 lost his spouse?
17 A: No, I didn't.
18 Q: You never told her that?
19 A: No.
20 Q: Did you know that he lost a spouse?
21 A: After it was stated in a departmental meeting.
22 Q: Okay. Not before that departmental meeting?
23 A: No.
24 Q: Did it make any difference to you whether or
25 not Mr. Baldwin is gay?

1 A: No.
2 Q: Did Mr. Baldwin ever hold him out -- himself
3 out to be anything other than gay in his
4 dealings with you?
5 **MS. LAWS:** Object as to form.
6 Q: Did he ever pretend to have a wife or anything
7 like that?
8 A: We never discuss our personal lives.
9 Q: You've never discussed his personal life?
10 A: Huh-uh (negative response.)
11 Q: Is that no?
12 A: No.
13 Q: You have a Facebook account, do you not?
14 A: Yes.
15 Q: And is your Facebook account restricted?
16 A: The posts are not.
17 Q: So anybody who is a member of Facebook can see
18 your postings, correct?
19 A: Yes.
20 Q: And you knew that, right?
21 A: Yes.
22 Q: It's in the instructions for Facebook as to how
23 you can restrict access to your account,
24 correct?
25 A: Yes.

1 Q: Okay. When you became a friend of Mr. Baldwin,
2 I mean, his postings would pop up, would they
3 not?
4 A: Yes.
5 Q: And it's one of these things where his friends
6 kind of become your friends, don't they?
7 A: No.
8 Q: Didn't you see postings from other people that
9 came up on his account?
10 A: Not if theirs are restricted. So, no.
11 Q: So did you ever see any postings on his account
12 that related to his sexual preference?
13 A: Not that I recall.
14 Q: Do you have a Twitter account?
15 A: No.
16 Q: You know what Twitter is?
17 A: Yes.
18 Q: What is it?
19 A: It's another form of social media.
20 Q: And once again, you can make that somewhat
21 restricted or unrestricted, can you not?
22 A: I'm not sure.
23 Q: Have you ever seen Mr. Baldwin's Twitter
24 account?
25 A: No, I have not.

1 Q: You're not one of his followers?
2 A: I don't have an account.
3 Q: Okay. Tell me what you remember about the
4 departmental meeting on September, I believe it
5 was, 27 of 2013.
6 A: As I recall, I was giving a presentation on
7 creating assessments on USA Test Prep. At the
8 end of the meeting Ms. Toney made a statement
9 that September was a hard month for her because
10 she lost her mother and her spouse. As I
11 recall, she made reference to Mr. Baldwin also
12 losing his spouse. At that time the meeting
13 was over, so I left.
14 Q: Ms. Toney did not say at the meeting that Mr.
15 Baldwin's spouse was male, female, animal or
16 vegetable, did she?
17 A: Not in the classroom.
18 Q: Well, what did she say later about that that
19 you personally heard?
20 A: In the hallway she asked me if I knew that Mr.
21 Baldwin had lost a spouse and I stated -- I
22 said no, and she said, yes, he lost a spouse.
23 A husband.
24 Q: Was anybody else there when she said that?
25 A: It was in the hallway. There were other

1 individuals in the hallway.
2 Q: Did you discuss that comment with anyone else?
3 A: My principal.
4 Q: Mr. Webb?
5 A: Yes.
6 Q: And what did you say to Mr. Webb?
7 A: I told him the comments that were made. I told
8 him that the statement was made about him
9 losing a spouse more than once and I wasn't
10 sure of the intentions or where it was going
11 from there.
12 Q: Did you ever ask Ms. Toney what her intentions
13 were?
14 A: I did not.
15 Q: When did you talk to Mr. Webb?
16 A: I don't recall.
17 Q: Was it the same day?
18 A: I don't recall.
19 Q: Was it before or after Mr. Baldwin asked you
20 for a statement?
21 A: I don't really remember.
22 Q: Well, he called you and asked you to provide a
23 statement, didn't he?
24 A: I know he asked me, but I'm not sure how that
25 conversation came.

1 Q: You don't remember now?
2 A: I don't recall.
3 Q: You don't recall whether he approached you at
4 school or called you on the telephone or sent
5 you an email? You can look at me while we're
6 talking.
7 A: I'm looking. I'm trying to think. But I
8 really -- I don't recall exactly.
9 Q: But you did provide an email to him, didn't
10 you?
11 A: Yes. I provided a statement.
12 Q: Okay. And not only to him but to Mr. Webb?
13 A: I submitted the statement to Mr. Baldwin.
14 Q: Didn't you copy Mr. Webb?
15 A: I don't recall.
16 Q: On this occasion I can help you.
17 A: Okay.
18 **MR. NICKLES:** One.
19 **(Exhibit Number One was marked for identification**
20 **purposes.)**
21 Q: I'm handing you a series of documents marked
22 Exhibit Number One. First, Ms. Addison, have
23 you ever seen the first page of this document?
24 A: No, I have not.
25 Q: Were you ever informed that Mr. Baldwin had

1 filed a grievance?
2 A: Yes, I was.
3 Q: Third page in looks to be an email dated
4 Sunday, September 29, 2013, 9:53 p.m.
5 A: Uh-huh (affirmative response.)
6 Q: Is that correct?
7 A: Yes.
8 Q: And you recognize who this is from?
9 A: Yes.
10 Q: You recognize who it's to?
11 A: Uh-huh (affirmative response.)
12 Q: Somebody else is copied on it, isn't there?
13 A: Yes.
14 Q: And who is that?
15 A: Mr. Webb. Ron Webb.
16 Q: So you did send a copy of your statement to Mr.
17 Webb, correct?
18 A: Yes.
19 Q: And this was done on your school email; is that
20 correct?
21 A: Yes.
22 Q: It says that, "Ms. Toney made the following
23 statement, I'm just trying to get through
24 September. This is the month I lost my husband
25 and my mother. It's hard for Mr. Baldwin, too,

1 because he lost his partner." You put that in
2 quotes, correct?
3 A: Yeah.
4 Q: Now, your testimony to me earlier was that she
5 said he lost his spouse.
6 A: Uh-huh (affirmative response.)
7 Q: Now, which is it?
8 A: My testimony earlier also stated that as I
9 recall. This statement was written -- it was
10 typed when the incident happened.
11 Q: Does it surprise you that nobody else used the
12 word partner but you? You're the only one that
13 remembers that word?
14 **MS. LAWS:** Object as to form.
15 Q: Does that surprise you?
16 A: I don't know.
17 Q: And you used a different word just a few
18 minutes ago, correct?
19 A: I did.
20 Q: Okay. She made reference to losing his partner
21 twice. You said earlier she mentioned spouse
22 more than once, correct?
23 A: She made the statement, yes.
24 Q: Okay. And then it says, "You didn't now that
25 Mr. Baldwin lost his spouse."

1 A: Uh-huh (affirmative response.)
2 Q: That's the thing that you wrote in quotes that
3 Ms. Toney said to you. You said, no, how would
4 I know. Well, I mean, you had access to his
5 Facebook account, didn't you?
6 A: I did have access.
7 Q: Okay. That's one way you could have known,
8 correct?
9 A: Uh-huh (affirmative response.)
10 Q: Yes?
11 A: Yes.
12 Q: Okay. But then she said he lost his spouse, a
13 husband.
14 A: Uh-huh (affirmative response.)
15 Q: And you said that was in the hallway and there
16 were other people around.
17 A: Yes.
18 Q: Does it surprise you that nobody else heard
19 that?
20 **MS. LAWS:** Object to the form.
21 Q: Does it surprise you that nobody else heard
22 that?
23 A: It surprises me.
24 Q: Okay. Now, were you aware of any conflict
25 between Ms. Toney and Mr. Baldwin that preceded

1 this departmental meeting on September 27th?
2 A: Yes.
3 Q: And what was that?
4 A: I'm not really sure what it was in reference
5 to, but I had a conversation with Ms. Toney in
6 the summer and she made reference to a
7 situation between her and Mr. Baldwin, but I
8 don't recall exactly what it was.
9 Q: Didn't Mr. Baldwin accuse Ms. Toney of
10 dishonesty in an election process for the South
11 Carolina Education Association?
12 A: Not to me.
13 Q: Weren't you aware that he had made those
14 accusations about Ms. Toney?
15 A: No, I'm not.
16 Q: Are you aware that he had challenged an
17 election that he had -- he and Ms. Toney had
18 run for the same office and he had challenged
19 her as being unethical in her conduct?
20 A: No.
21 Q: You weren't aware of that?
22 A: I'm not -- I wasn't aware of it.
23 Q: Okay. Did Mr. Baldwin ever made any comments
24 to you about Ms. Toney?
25 A: I don't recall.

1 Q: What does that mean?
2 A: I don't recall.
3 Q: You don't recall -- I mean, you know that Ms.
4 Toney has been recommended to be fired,
5 correct?
6 A: I know she's on administrative leave.
7 Q: You didn't know they recommended to fire her?
8 You're telling me that under oath?
9 A: I know she was on administrative leave, but the
10 contents of what happened I don't know.
11 Q: Well, you know it has to do in part about your
12 report to Mr. Webb, don't you? Don't you?
13 A: I'm not sure exactly why she's on
14 administrative leave.
15 Q: Mr. Webb never told you why Ms. Toney was not
16 at school?
17 A: He never discussed her case with me.
18 Q: I didn't ask that.
19 A: He never told you why Ms. Toney was not at
20 school?
21 A: No.
22 Q: He's your boss?
23 A: Uh-huh (affirmative response.)
24 Q: Correct?
25 A: Yes.

1 Q: And he's asked you to provide substitutes for
2 Ms. Toney's class?
3 A: Uh-huh (affirmative response.)
4 Q: Correct?
5 A: Correct.
6 Q: And you never even said, well, why in the world
7 is she not here?
8 A: I did ask.
9 Q: And what did he say?
10 A: It's a personnel matter.
11 Q: Okay. And that's all he said?
12 A: Yes.
13 Q: And that's all anybody else has said?
14 A: I didn't ask.
15 Q: I didn't ask you if you asked anybody else.
16 Did you hear from anybody else why Ms. Toney is
17 not at school?
18 A: No. I don't recall.
19 Q: Okay. So it's not a big topic of conversation
20 at the school?
21 A: No, it's not.
22 Q: And nobody has approached you and asked you if
23 you know why Ms. Toney is not there?
24 A: No.
25 Q: Do you know a student named Alonzo?

1 A: Yes.
2 Q: What can you tell me about him? What's your
3 relationship with him like?
4 A: I'm his administrator.
5 Q: Okay. Have you had personnel dealings with
6 him?
7 A: Describe personal.
8 Q: Has he ever come to you as an administrator and
9 said, Ms. Addison, I want to tell you
10 something?
11 A: No.
12 Q: Has he ever said anything to you about Ms.
13 Toney?
14 A: No.
15 Q: Has he ever said anything to you about Mr.
16 Baldwin?
17 A: No.
18 Q: Has he ever said anything to you about seeing
19 something on Mr. Baldwin's Facebook page?
20 A: No.
21 Q: Has any student ever said anything to you about
22 seeing something on Mr. Baldwin's Facebook
23 page?
24 A: No.
25 Q: Has any other faculty member ever said anything

1 to you about seeing something on Mr. Baldwin's
2 Facebook page?
3 A: No.
4 Q: So the best -- at least from your perspective
5 there's not a whole lot of turmoil on the high
6 school about this issue between Mr. Baldwin and
7 Ms. Toney? Would that be fair?
8 A: Not that I recall.
9 Q: Not -- well, I mean, you're the assistant
10 principal, right?
11 A: Yes.
12 Q: I mean, you hope that you have your hand on the
13 pulse of the school and that you're aware if
14 there would be a big brouhaha about something?
15 A: I would be aware. But your definition of
16 turmoil or a big brouhaha I'm not understanding
17 that to say yes.
18 Q: Okay. Well then, if you don't understand my
19 question, as I told you earlier, you have to
20 tell me.
21 A: Okay.
22 Q: So let me try to rephrase that.
23 A: Okay.
24 Q: Have you noticed any disruption in the
25 educational process at Lee High School

1 surrounding any conflict between Mr. Baldwin
2 and Ms. Toney?
3 A: What would you call a disruption?
4 Q: Interruption of educational services?
5 A: No.
6 Q: Well, it certainly has been because you've got
7 these substitutes in her classroom, right?
8 Isn't that an interruption?
9 **MS. LAW:** Object to the form.
10 A: A certified person is still in the class.
11 Q: Has not always been in the classroom, correct?
12 A: Well, not always.
13 Q: Not for a while.
14 A: I don't recall how long a certified person was
15 there.
16 Q: Wasn't it until after Ms. Toney complained?
17 A: I'm not sure -- aware of her complaints.
18 Q: Okay. Did you participate in the grievance
19 process initiated by Mr. Baldwin?
20 A: I submitted a statement.
21 Q: Did you do anything beyond that?
22 A: No.
23 Q: Did anybody talk to you about your statement?
24 A: I don't recall.
25 Q: You can't remember whether anybody talked to

1 you about your statement? It was only back in
2 September.
3 A: I don't recall. I submitted it, but I don't
4 recall.
5 Q: Did you ever talk to the superintendent about
6 your statement?
7 A: No.
8 Q: Ever talk to the superintendent about Ms.
9 Toney's comments to you?
10 A: No.
11 Q: Did you ever talk to the human resources
12 director about your statement?
13 A: No.
14 Q: Ever talk to Mr. Webb about your statement?
15 A: I don't recall.
16 Q: Did you ever talk to Mr. McDaniel about your
17 statement?
18 A: I don't recall.
19 Q: Ever talk to Mr. Baldwin about your statement?
20 A: I sent it to him, but we didn't discuss it.
21 Q: So once you sent this to him at 9:53 p.m. on
22 Sunday September 29, 2013 you've had no
23 conversation with Mr. Baldwin about this
24 statement. Is that your testimony?
25 A: Yes.

1 Q: Have you had any conversation with Mr. Baldwin
2 about Ms. Toney after 9:53 p.m. on September
3 29, 2013?
4 A: No.
5 Q: Has he had any conversation with you about Ms.
6 Toney since 9:53 p.m. on September 29, 2013?
7 A: I don't recall.
8 Q: You don't recall. Who is Anthony Blair?
9 A: He's a Social Studies teacher.
10 Q: Did you ever read a email sent by Mr. Blair to
11 Mr. Baldwin?
12 A: I don't recall.
13 Q: Well, look at the document in front of you.
14 A: Okay.
15 Q: And look at the next to the last page. This
16 says it's from Anthony Blair to Michael
17 Baldwin, copy to Ron Webb and Tonya Addison.
18 Is Tonya Addison your name?
19 A: It is.
20 Q: And this happened at 9:00 p.m. on September 29,
21 2013. Do you see that?
22 A: Uh-huh (affirmative response.)
23 Q: Is that yes?
24 A: Yes.
25 Q: And this was 53 minutes before you sent your

1 email to Mr. Webb or Mr. Baldwin, correct?
2 A: Yes.
3 Q: Okay. Does this refresh your recollection?
4 A: It does.
5 Q: Okay. Who is Darryl Peyton?
6 A: He's a Social Studies teacher.
7 Q: Who is Kara Fowler?
8 A: Administrative assistant.
9 Q: Is that the job you used to have?
10 A: Yes.
11 Q: Okay. None of these statements here say
12 anything about Ms. Toney using the word
13 partner, do they? You're the only one that
14 does that.
15 Q: It appears that way.
16 A: And none of these other folks have anything
17 that says that they heard Ms. Toney say the
18 word husband. They don't say that in their
19 statements, do they?
20 A: It appears that way.
21 Q: Okay. And these are the other people that were
22 in that meeting?
23 A: They were in the room.
24 Q: And they would have been the people who were
25 exiting the room at the time that the meeting

1 broke up?
2 A: I don't recall who was in the hall, but there
3 were other people in the hall.
4 Q: Now, when you post things on your Facebook
5 page, Ms. Addison, you know that they are
6 available for others to see, correct?
7 A: Certain posts, yes.
8 Q: Okay. And if you're posts are not restricted
9 they're available for anyone who has a Facebook
10 account to see, correct?
11 A: No.
12 Q: Why is that?
13 A: I believe it's only for your friends, but I'm
14 not certain.
15 Q: Okay. You don't know that to be true? Have
16 you ever gone to the Facebook page of someone
17 who had not invited you to be a friend?
18 A: Yes.
19 Q: And did you see things that were posted there?
20 A: Yes.
21 Q: So you want to reconsider your testimony, that
22 if you post something on an unrestricted
23 Facebook account it can be seen by folks who
24 are not friends, because you've done it,
25 correct?

1 A: Oh, yes.
2 Q: And you know that?
3 A: Uh-huh (affirmative response.)
4 Q: I mean, one of the purposes of having a
5 Facebook account is to communicate with others,
6 is it not?
7 A: Yes.
8 Q: Were you aware that for years before September
9 27, 2013 Mr. Baldwin had openly discussed his
10 sexual orientation on his Facebook page?
11 A: When you say -- repeat the question.
12 Q: Were you aware that for years preceding
13 September 27, 2013 Mr. Baldwin had openly
14 addressed his sexual orientation on his
15 Facebook page?
16 A: When you say was I aware, you mean prior to the
17 meeting?
18 Q: Yes.
19 A: No.
20 Q: Are you now aware of that?
21 A: I am.
22 Q: So you now know that he did not keep that
23 information private, don't you?
24 A: Yes.
25 Q: And when he represents in his grievance that he

1 kept the information private, that's not
2 accurate, is it?
3 **MS. LAWS:** Object to the form.
4 A: I'm not sure.
5 Q: If he claimed that Ms. Toney was making
6 information public that he had maintained as
7 private that would not have been accurate,
8 would it?
9 **MS. LAWS:** Object as to form.
10 A: I'm not sure.
11 Q: Okay. You now know that he had multiple
12 postings relating to his sexual orientation
13 that preceded September 27, 2013. You know
14 that now, correct?
15 A: Yes.
16 Q: Okay. So if he made a representation on
17 September 30, 2013 that he had maintained that
18 information as private that would not have been
19 true, would it?
20 **MS. LAWS:** Object as to form.
21 Q: You can answer the question. You don't have to
22 look at anybody. You can answer the question.
23 A: It would depend on the restriction that he had
24 on the status.
25 Q: And, in fact, he had no restriction before

1 September 30, 2013. Isn't that true?
2 A: I am not aware.
3 **MR. NICKLES:** Okay. Give me just a few minutes.
4 **(Off the Record)**
5 Q: Ms. Addison, is it true that you called Mr.
6 Baldwin to inform him about Ms. Toney's alleged
7 statement to you in the hallway on September
8 27? You called Mr. Baldwin and told him about
9 that, didn't you?
10 A: I don't recall.
11 Q: So if he made a statement to the administration
12 that Ms. Addison called him -- called you --
13 him while he was at Starbucks and that's when
14 he learned that Ms. Toney continued to talk
15 about the incident to you, that would be
16 untrue?
17 **MS. LAWS:** Object to the form.
18 A: I don't recall.
19 Q: Well, I thought you said you've never called
20 him. Wasn't that your earlier testimony?
21 A: I don't recall.
22 Q: Okay. You had his telephone number?
23 A: Yes.
24 Q: Okay. So let me get this straight. You're
25 saying that Ms. Toney said something to you in

1 the hallway ---
2 A: Uh-huh (affirmative response.)
3 Q: You have to let me finish. You're saying that
4 Ms. Toney said something to you in the hallway
5 on September 27th that upset you?
6 A: That upset me?
7 Q: Did it upset you?
8 A: (Shakes head negatively.)
9 Q: Then why did you report it to Mr. Webb?
10 A: It didn't upset me but that was a concern, or
11 a possible concern.
12 Q: Why would it be a concern of yours?
13 A: Because the statement was made twice and I was
14 not sure of the intentions.
15 Q: And you didn't ask Ms. Toney what her intention
16 was?
17 A: I didn't.
18 Q: Did you ask Mr. Webb what Ms. Toney's intention
19 was?
20 A: I didn't.
21 Q: How would you find out Ms. Toney's intention by
22 telling Mr. Webb?
23 A: I was not seeking the answer to that. I was
24 just reporting it.
25 Q: Just reporting it?

A: Yes.
Q: Did Mr. Webb ask you to contact Mr. Baldwin and tell him about it?
A: Not that I recall.
Q: So you did that on your own?
A: I don't recall calling. I know we spoke but I don't recall how ---
Q: You now recall speaking with Mr. Baldwin?
A: I said that earlier, but I said I don't remember how the conversation came about.
Q: Was it on the same day?
A: I don't recall.
Q: According to what Mr. Baldwin reported to the school, he says that you called him up and said that Ms. Toney said to you in the hallway you didn't realize that Mr. Baldwin lost his spouse. You don't remember saying that to Mr. Baldwin?
A: I don't recall.
Q: Okay. Of course, Mr. Baldwin didn't use the word partner like you did and like nobody else did, and you now don't know whether that word was used. Is that fair to say? Or do you stand by your email?
A: I don't recall.

1 Q: You don't recall?
2 A: Uh-huh (affirmative response.)
3 Q: Okay. How old are you, Ms. Addison?
4 A: I'm 31.
5 Q: Have you had memory problems all your life?
6 A: No.
7 **MR. NICKLES:** Thank you. I don't have any other
8 questions.
9 **(Off the Record)**
10 Q: Do you remember calling Tracie Dury about this
11 incident with Ms. Toney?
12 A: I don't recall.
13 Q: So that could or could not have happened just
14 like most of the rest of the stuff we've talked
15 about this morning?
16 **MS. LAWS:** Object as to form.
17 A: I don't recall.
18 **MR. NICKLES:** Those are all the questions I have.
19 Thank you.
20 **MS. LAWS:** No questions.
21 **(There being no further questions, the deposition**
22 **concluded at 10:44 a.m.)**
23
24
25

SIGNATURE

I have read the foregoing deposition and confirm that it is a true and accurate transcript of my testimony. Any errors I may have noticed have been listed below and returned to the court reporter for checking against the tapes.

_____
TONYA W. ADDISON

Date: _____

Page	Line	Correction	Reason for Change

Re: In the matter of: Laura Toney

cd

BEFORE THE LEE COUNTY BOARD DISTRICT
BOARD OF COMMISSIONERS

In the matter of:)
)
Laura Toney)
)
_____)

DEPOSITION OF

HOPE STEPHNEY

****

Tuesday, February 18, 2014
10:49 a.m. - 10:57 a.m.

The deposition of HOPE STEPHNEY, taken on behalf of the Plaintiff at the LEE COUNTY SCHOOL DISTRICT OFFICE, 521 Park Street, Bishopville, South Carolina, on the 18th day of February, 2014 before Carla S. Dominick, Court Reporter and Notary Public in and for the State of South Carolina, pursuant to Notice of Deposition and/or agreement of counsel.

PENGAD 800-631-6989
EXHIBIT LC
Resp 10
7/8/14

CREEL COURT REPORTING, INC.
1230 Richland Street / Columbia, SC 29201
(803) 252-3445 / (800) 822-0896

of a yes or a no, if you would state that, yes or no. And if I ask you a question that you feel that needs to be explained in any way, I'll certainly give you that courtesy. Is that fair?

A: Sure, yes.

Q: Okay. Have you had your deposition taken on any occasions before today?

A: A long time ago with a car accident.

Q: Okay. Were you an injured person in that case?

A: Yes.

Q: Okay. Now, in this particular matter you're not a party, so you haven't had any long involvement in this. I will ask you, have you done anything to prepare for coming and speaking with me this morning?

A: No.

Q: Okay. Has anybody told you the reasons they suspect that I want to talk to you this morning?

A: I was just told I had a deposition.

Q: Okay. Tell me what your current position of employment is?

A: I'm working out at Lee Central High.

Q: In what capacity?

A: With the receptionist at Lee Central High.
Q: How long have you been in that position?
A: Going to my seventh year now.
Q: Now do you know Ms. Toney?
A: Yes.
Q: How did you come to know her?
A: Working at the school.
Q: Okay. Has Ms. Toney ever done anything to cause any problems for you?
A: Not that I recall. Not with me.
Q: Now, were you aware back in September of any reports by Ms. Toney concerning the actions of another employee of the high school?
A: I'm trying to remember. Maybe later after the fact, yeah.
Q: What do you mean by that?
A: After she left, because she wasn't ---
Q: What happened after she left?
A: She wasn't there and I was just curious to know what happened.
Q: What did you find out?
A: Just something between her and another staff.
Q: Who was that staff member? Did you find out?
A: I think it was Mr. Baldwin.
Q: Okay. What did you hear about the conflict

1 between Ms. Toney and Mr. Baldwin?
2 A: They told me that they couldn't tell me
3 anything. That it was an administrative
4 problem.
5 Q: Who were the people telling you this?
6 A: At the time I think it was -- I think it was --
7 oh, goodness. It was a while ago. I think it
8 was Ms. -- I don't know whether it was Ms.
9 Rogers or -- I'm not even sure. I can't
10 remember.
11 Q: Now, did Ms. Toney ever come to you and share
12 with you any information about another staff
13 member --
14 A: No, sir.
15 Q: --- back in September?
16 A: No, sir.
17 Q: Did she ever show you any pictures or anything
18 like that?
19 A: No, sir.
20 Q: Show you any Facebook information? Anything
21 like that?
22 A: No, sir.
23 Q: Okay. Do you know a student named Alonzo?
24 A: Yes.
25 Q: Had he ever come to you about any information

about a staff member or shown you any pictures from a Facebook or anything like that?

A: No, sir.

Q: Okay. Did Ms. Baldwin ever come to you -- excuse me. Ms. Toney ever come to you with any comments about a Mr. Baldwin?

A: No, sir.

Q: Do you know who Mr. Baldwin is?

A: Yes.

Q: Is he another teacher at the school?

A: Yes.

Q: Did anybody else ever say anything to you about Mr. Baldwin or any conflict between Mr. Baldwin and Ms. Toney?

A: No.

Q: Were you aware of any actions by Ms. Toney to cause a ruckus in the school or disrupt the operations of the high school?

A: No, sir.

Q: And just to be clear, Ms. Toney never handed you any packet of information for you to look through concerning any other staff member? Is that true?

A: No, sir.

Q: Okay. That is true, correct?

1 A: Yes, that's right.
2 MR. NICKLES: Give me just a minute, if you don't
3 mind.
4 (Off the Record)
5 Q: Just a couple of questions. Are you a member
6 of Facebook?
7 A: Yes.
8 Q: Do you put any restrictions on who can see the
9 postings on your Facebook page?
10 A: I don't think so. I know it can be done. I
11 don't think so. I'm not sure.
12 Q: Okay. When you post something on Facebook do
13 you assume that anybody who's interested could
14 take a look at it?
15 A: I think so, yes.
16 Q: Okay. So if you wanted to maintain something
17 as personal and private you wouldn't put it on
18 your Facebook page ---
19 A: No.
20 Q: --- would you?
21 A: No, sir.
22 Q: Is that just commonsense?
23 A: Yes.
24 Q: You think anybody who uses Facebook should know
25 that?