

IN THE STATE OF SOUTH CAROLINA
COURT OF APPEALS

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SC Court of Appeals

FROM THE SOUTH CAROLINA ADMINISTRATIVE LAW COURT

John D. McLeod, Judge

Appellate Case No: 2014-002372
Civil Action No: 14-ALJ-30-1256-AP

Lake City College Preparatory Academy.....Appellant,

v.

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

RECORD ON APPEAL
VOLUME I

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South Carolina Public Charter School District

March 19, 2014

Board of Trustees

Don McLaurin,
Chairman

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Vice Chairman

Kathleen Bounds,
Secretary

Reese Boyd

Ronald Bpps

Superintendent
Wayne Brazell, Ph.D.

Queen Wallace
Board Chair

Lake City College Preparatory Academy
P.O. Box 730
Lake City, South Carolina 29560

Dear Ms. Wallace:

Please accept this correspondence as *Notice of Revocation* of the Charter of Lake City College Preparatory Academy (LCCPA). On Thursday, March 13, 2014, the South Carolina Public Charter School District Board of Trustees (SCPCSD Board), by a unanimous vote, approved a motion to revoke LCCPA's Charter. The SCPCSD Board based its decision on a review of information submitted by both LCCPA and the SCPCSD. That information includes, but is not limited to, the following:

- 1) Measures of Academic Progress (MAP) data for 2011-2012 and 2012-2013 submitted by LCCPA and analyzed by the SCPCSD;
- 2) A report on the information and documentation submitted by LCCPA in response to the *Notice of Default* issued by the SCPCSD on December 4, 2013;
- 3) An analysis of the information and documentation submitted by LCCPA in response to the *Notice of Default*;
- 4) A report on the current status of special education operations at the LCCPA and the most recent action plan submitted by the school to correct noncompliance in the area of special education; and
- 5) Presentation of LCCPA at the March 13, 2014, board meeting, including accompanying PowerPoint.

Based on the totality of information provided, the SCPCSD Board concluded that one or more grounds for revocation exist. Specifically, the SCPCSD Board concluded that LCCPA has failed to meet or make reasonable progress toward pupil achievement standards identified in the charter application; failed to meet generally accepted standards of fiscal management; committed material violations of the conditions, standards, or procedures provided for the charter application; and/or violated provisions of law from which the school was not specifically exempted. Information supporting this determination includes, but is not limited to:

3710 Landmark Drive, Ste 201
Columbia, SC 29204
Phone: 803-734-8322
Fax: 803-734-8325
www.scccharter.org

- one school
operating
should
mirror
PAS*
- LCCPA has received a total of eight notices of noncompliance since July 27, 2011. These notices were for failures to comply with the Charter, the Operating Agreement, and/or state and federal laws.
 - LCCPA's elementary grades earned an absolute rating of "Below Average" in 2013. All other absolute ratings for both elementary and middle grades in 2011, 2012, and 2013 have been "At-Risk".
 - Analysis of MAP data submitted by the School for 2011-2012 and 2012-2013 indicates that students at LCCPA are academically behind their peers nationwide. The analysis further indicates that after one or two years of enrollment at LCCPA, the majority of students have regressed academically.
 - LCCPA has violated federal and state laws concerning the identification and education of students with disabilities, and has failed to correct all findings of special education noncompliance within one year from the date of notification as required by federal regulations.
 - LCCPA failed to comply with the sanctions imposed by the SCPCSD on April 22, 2013, for its substantive and systemic noncompliance in the area of special education.
 - LCCPA has failed to provide 75% Highly Qualified teachers as required by state charter school law, and/or has systemically failed to meet its basic obligations to document the qualifications of professionals providing education services to LCCPA students.
 - LCCPA failed to submit financial records and other required documentation to the SCPCSD as required by state law and LCCPA's Operating Agreement with the SCPCSD.

In accordance with the South Charter Schools Act (S. C. Code Ann. § 59-40-110), LCCPA's governing body may request in writing a hearing before the SCPCSD Board prior to the SCPCSD Board taking final action. The hearing request must be received within fourteen days (14) of receipt of this notice. If the SCPCSD Board does not receive a written request for a hearing within fourteen days of receipt of this Notice of Revocation, the revocation decision shall become final. Should a timely written request for a hearing be received, the SCPCSD Board shall give reasonable notice to LCCPA's governing body of the hearing date. If a hearing is requested, the SCPCSD Board shall conduct a hearing before taking final action.

Sincerely,

Donald R. McLaurin

Donald L. McLaurin, Chairman
Board of Trustees
South Carolina Public Charter School District

cc: Deloris Brown, Principal, LCCPA
Mark W. Buyck, III, Attorney for LCCPA
→ Erik Norton, Attorney for the SCPCSD (New attorney)
Wayne Brazell, Ph.D., Superintendent, SCPCSD
Dana C. Reed, Director of Compliance, SCPCSD

STATE OF SOUTH CAROLINA
BEFORE THE BOARD OF TRUSTEES FOR THE
SOUTH CAROLINA PUBLIC CHARTER SCHOOL DISTRICT

IN RE: LAKE CITY COLLEGE
PREPATORY ACADEMY

FINAL DECISION

This matter is before Board of Trustees of the South Carolina Public Charter School District ("Board") upon request for a hearing by Lake City College Preparatory Academy ("School" or "LCCPA") pursuant to S.C. Code Ann. § 59-40-110(F). After considering the testimony, arguments of counsel, exhibits and all other materials and information submitted by the School and the staff of the South Carolina Public Charter School District ("District"), the Board hereby finally decides that the Charter of LCCPA is revoked pursuant to Section 59-40-110, for the reasons set forth below.

FINDINGS OF FACT

- A
1. LCCPA is located in Lake City, South Carolina and serves approximately 200 students in grades Kindergarten through Twelfth Grade.
 - A
 2. The School was granted a Charter by the Board and began operating in August 2009, pursuant to South Carolina Public Charter Schools Act of 1996, S.C. Code Ann. §§ 59-40-10 to -240 ("the Act").
 - A
 3. The mission of the School is "to create[] a high quality college preparatory instructional environment where a strong commitment to the creative arts is manifested which will lead to high levels of academic achievement."

4. The Charter identifies the following academic goals¹ for LCCPA students:

- 100% of LCCPA students will receive research-based, innovative, student-centered learning opportunities that will help them to meet and/or exceed South Carolina state standards.
- LCCPA will assist South Carolina in achieving academic excellence and promoting life-long learning, which will be revealed in the rating on the South Carolina Education Oversight Committee School Report Card.

5. Each of the above goals included measurable objectives.

6. LCCPA submitted, and the District reviewed, annual reports that provided data related to whether LCCPA was meeting the goals and objectives set forth in its Charter.

7. By letter dated July 27, 2011, the District informed LCCPA that it had been placed on probation based on poor academic performance on state standardized testing and concerns related to the School's finances, including lower than expected student enrollment and compliance with the United States Department of Agriculture's food and nutrition program for 2011-2012.²

8. As a result of being placed on probation, and pursuant to the District's *Procedures for Addressing Charter School Issues of Non-Compliance*, LCCPA was required to, and did, submit a Corrective Action Plan. As part of the Corrective Action Plan, LCCPA stated that it would provide data from an academic testing system known as Measures of

¹ LCCPA also included goals related to its arts program which are not at issue here.

² LCCPA did not dispute the academic results in this letter or the student enrollment issue, but disputed whether it was out of compliance with the USDA's food and nutrition program. Insufficient evidence was presented by either the School or District for the Board to determine whether LCCPA was in fact out of compliance with the USDA program. Therefore, this issue does not form a basis for the Board's Final Decision.

Academic Progress ("MAP"), which it also indicated would be used as a strategy to identify academic growth in its Charter, to show average individual student growth of at least three points in order to inform student instructional needs.

9. By letter dated October 8, 2012, the District informed LCCPA that it would remain on probation because it received an "F" under the Federal Accountability System and the South Carolina State Department of Education identified LCCPA as a "Priority School," one of the lowest performing Title I schools in the State.

10. The District conducted an on-site visit on November 9, 2012 in which it reviewed documents, visited classrooms and interviewed faculty and staff, among other activities.

11. By letter dated December 18, 2012, the District provided fourteen bullet points outlining areas of concern for the School, including continued poor academic performance, non-compliance with special education laws, problems with school record keeping, apparent lack of oversight by the LCCPA board, and continued concerns about the finances of the School based on only 40% of the School's budget being used for instruction and instructional budgets being cut in order to cover budget deficits created by administrative and facility overages.

12. District Special Education Coordinator Rebecca C. Davis testified that she inspected all thirty-eight special education files of LCCPA and, as of December 18, 2012, none of them were compliant. Examples of non-compliance cited by Mrs. Davis included, but are not limited to, failure to conduct required evaluations, failure to conduct required re-evaluations, failure to hold meetings as required, failure to include measurable goals and objectives, failure to provide proper documentation and failure to provide progress reports

documenting student progress towards special education goals and objectives.

13. In the December 18, 2012 letter, the District required LCCPA to submit a comprehensive remedial action plan.

14. By letter dated April 22, 2013, the District informed LCCPA that substantive and systemic issues of noncompliance with special education laws remained uncorrected. As a sanction short of revocation pursuant to S.C. Code Ann. § 59-40-55(A)(8), the District barred LCCPA from accepting new students until it corrected all issues of special education non-compliance and required LCCPA to hire a special education consultant to assist the School in correcting the issues of special education non-compliance. The consultant was required to send bi-weekly progress updates to the District.

15. Mrs. Davis, District Director of Special Education, testified that as of April 22, 2013, she had reviewed the special education files of all 43 special education students at LCCPA at the time, and none of the files complied with special education laws. Examples of non-compliance cited by Mrs. Davis included, but are not limited to, failure to conduct required evaluations, failure to conduct required re-evaluations, failure to hold meetings as required, failure to include measurable goals and objectives, failure to provide proper documentation and failure to provide progress reports documenting student progress towards special education goals and objectives.

16. By letter dated May 14, 2013, the District informed LCCPA that it could not fully evaluate LCCPA's required remedial action plan because of LCCPA's lack of cooperation in providing requested information.

17. On May 22, 2013, the District conducted an on-site visit in which it reviewed documents, visited classrooms and interviewed faculty and staff, among other activities.

18. By letter dated August 27, 2013, the District informed LCCPA that it remained out of compliance with its Charter, Contract, and/or federal and state laws and regulations in seven different areas involving academic performance, special education and other laws and regulations, school finance and school governance.

19. By letter dated September 27, 2013, the District informed LCCPA that it had failed to adhere to the sanctions issued by the District by letter dated April 22, 2013. Specifically, LCCPA continued enrolling students even though it had not corrected its systemic violations of special education law. Further, both Mrs. Davis and the school's special education consultant testified that no updates had ever been sent to the District as to the progress toward correction of the identified special education noncompliance.

20. Further, in the letter dated September 27, 2013, the District informed LCCPA of several concerns involving its teaching staff, including failure to comply with laws regarding the employment of "highly qualified" teachers, the lack of a curriculum or lesson plans by the special education teacher and other concerns about the quality of instruction observed by District staff.

21. Courtney Mills, the District's Director of Accountability, testified that she observed one teacher who had his math and computer science classes doing Soduku throughout the day without any connection to a lesson plan correlated to any state standard. Mrs. Mills further testified that she observed a sixth grade class being taught cursive writing, which is a third grade standard.

22. By letter dated December 4, 2013, the District informed LCCPA that it was in default of its Charter and its contract with the District and further outlined continued areas of non-compliance, including but not limited to poor academic performance, continued failure to

comply with special education laws, continued failure to utilize sound financial and governance practices, failure to comply with District sanctions and failure to provide information requested by the District.

23. Mrs. Davis, Special Education Coordinator, testified that all special education files except two remained out of compliance as of this date, and that many issues of noncompliance had remained uncorrected for over one year.

24. By letter dated January 16, 2014, counsel for LCCPA responded in part to the District's December 4, 2013 letter. The letter provides a contract for a tutoring company, Have Faith Services, LLC, which received in excess of \$80,000 for tutoring services in one year and shares a physical address with what appears to be a janitorial service. However, the letter from the School's counsel fails to provide requested information as to the qualifications for the tutors employed by Have Faith or evidence that the School performed required background checks on the tutors. The letter further fails to provide time sheets or other substantiation for payroll records reflecting that school administrators and other employees were paid exorbitant amounts for Saturday tutoring services. For example, LCCPA payroll records reflect that the school principal, Dr. Delores Brown, was paid \$195.00 an hour for Saturday tutoring services. Finally, the letter refuses to provide financial records requested by the District in light of the above and other transactions lacking sufficient documentation.

25. Dr. Brown, LCCPA's principal, testified that she could provide copies of the background checks and/or timesheets for Have Faith tutors, but did not submit them prior to or at the hearing despite knowing of this issue since at least the District's letter to the School dated August 27, 2014.

26. Dr. Brown, LCCPA's principal, further testified that her pay for Saturday

tutoring services was \$195.00 per day rather than per hour based on an eight hour day, but did not submit any time sheets or other substantiation establishing the time she worked for Saturday tutoring sessions either for herself or others.

27. For the regular meeting of the Board dated February 6, 2014, the agenda include an action item for LCCPA discussion and report listing both Dr. Brazell and Dr. Brown as participants. Upon request from LCCPA, this item was continued over until the March 13, 2014 meeting of the Board.

28. The March 13, 2014 Agenda also included this same action item, and Dr. Brown appeared before the board to participate in the discussion along with various members of District staff. Dr. Brown provided a PowerPoint presentation to share with the Board.

29. Upon proper motion at the March 13, 2014 meeting, the Board voted to revoke the Charter of LCCPA.

30. By letter dated March 19, 2014, the District provided Notice of Revocation to LCCPA.

31. By letter dated March 26, 2014, LCCPA requested a hearing pursuant to S.C. Code Ann. § 59-40-110(F).

32. A hearing was scheduled by mutual consent at 1:00 PM on May 8, 2014 and was noticed by letter of counsel for the District to counsel for LCCPA dated April 3, 2014.

33. By letter dated April 29, 2014, counsel for LCCPA requested that the hearing be rescheduled to permit the attendance of Dana Reed, Director of Compliance for the District. Counsel for the District responded by email dated April 30, 2014 opposing the request for continuance because (1) Mrs. Reed was not a necessary witness and (2) counsel for LCCPA had known since prior to the hearing being scheduled that Mrs. Reed would not be available on

May 8. Further, the District had offered to make Mrs. Reed available for a deposition *de benne esse* and the School had failed to make any effort to schedule the deposition. Based on the information provided, as well as the schedule of the Board, the request for rescheduling the hearing was denied by the Board.

34. At the hearing, counsel for LCCPA asked to continue the hearing because no quorum was present. However, a quorum was present because three of five current members of the Board were present. Therefore, the Motion was denied.

35. At the hearing, counsel for LCCPA moved to have the Record left open for the deposition of Mrs. Reed and Dr. Wayne Brazell, District Superintendent. The request for the deposition of Mrs. Reed was denied because LCCPA had the opportunity to depose her prior to May 8, but declined to do so. Further, Dr. Brazell was present until approximately 5:30 P.M. prior to having to leave to attend to other District business. Counsel for LCCPA was informed earlier in the day that they needed to call Dr. Brazell prior to 5:30 if they wished to question him, but they failed to do so despite having sufficient opportunity. Therefore, the Motion was denied.

36. At the May 8 hearing, the Board voted unanimously to affirm its prior decision to revoke the Charter of LCCPA.

CONCLUSIONS OF LAW

37. S.C. Code Ann. § 59-40-110(C) authorizes a sponsoring school district to revoke the charter of a school that (1) committed a material violation of the conditions, standards, or procedures provided for in the charter application; (2) failed to meet or make reasonable progress, as defined in the charter application, towards pupil achievement standards identified in the charter application; (3) failed to meet generally accepted standards of fiscal

management; or (4) violated any provision of law from which the charter school was not specifically exempted.

38. In this case, the evidence shows that, even though only one of the four criteria for revocation in Section 59-40-110 need be met in order for the Board to revoke a Charter, all four criteria are met in this case.

39. First, LCCPA committed multiple material violations of the conditions, standards, or procedures provided for in the charter application.

40. Several material violations involve special education students, which comprise approximately 25% of LCCPA's student population.

41. In the Statement of Assurances signed by LCCPA as part of its Charter Application, LCCPA agreed to comply with all special education laws. Further, LCCPA agreed to comply with the special education laws as part of its contract with the District that is required by the Act and LCCPA's own Articles of Incorporation. Further, Section 59-40-40 of the Act expressly states that all charter schools are subject to state and federal special education laws. S.C. Regs. 23-243 provides that all issues of non-compliance with special education laws must be corrected as soon as possible, but in no case later than one year after receiving notice of the issue of non-compliance.

42. Mrs. Davis, District Special Education Coordinator, testified that all of LCCPA's special education files remained out of compliance, the majority of which remained out of compliance for more than one year. In fact, even as of the date of the hearing, LCCPA had not corrected all issues of noncompliance and new issues of noncompliance continued to accrue as the School failed to hold annual meetings as required.

43. LCCPA presented its special education consultant to testify with regard to its

efforts to correct issues of non-compliance. Even though Dr. Brown testified that the School had corrected all areas of non-compliance, the consultant confirmed that all areas of special education compliance had not been corrected as of the date of the hearing. Further, despite Dr. Brown's testimony and arguments of counsel that the School had been providing required bi-weekly updates to the District, the Special Education consultant verified that she had never communicated with District staff outside of one in-person meeting that did not occur until March 2014.

44. The systematic and widespread failure of LCCPA to comply with special education law, and further failure to correct issues of noncompliance for more than one year after informed of these issues, is a material breach of the Charter, its contract with the District and the Act. This alone would merit revocation of the Charter.

45. Further, Section 59-40-45(8) of the Act requires the District to "take appropriate corrective actions or exercise sanctions short of revocation in response to apparent deficiencies in charter school performance or legal compliance. These sanctions may include requiring a school to develop and execute a corrective action plan within a specified time frame."

46. In this case, by letter dated December 18, 2012, the District required LCCPA to correct all areas of non-compliance by February 28, 2013. Upon review of LCCPA's special education files at that time, the District determined continuing substantive and systemic issues leaving virtually all of LCCPA's special education files out of compliance with federal and state law.

47. By letter dated April 22, 2013, the District informed LCCPA of its continued non-compliance with special education law, barred it from enrolling further students and required it to hire a special education consultant that would provide bi-weekly reports on

LCCPA's efforts to remedy all issues of special education non-compliance.

48. LCCPA brazenly disregarded these sanctions short of revocation, continuing to enroll students while remaining grossly out of compliance with special education laws, and further failed to have its consultant submit the required bi-weekly reports.

49. LCCPA provided expert testimony that the District should operate the School's special education department in lieu of revocation. However, the Board concludes that this would be contrary to the autonomy requested by the School and intended by the Act. Further, the Board concludes that the District could not logistically carry out such a function given funding limitations in the Act consistent with the autonomy offered to charter schools. Certainly, nothing in the Act requires the District to take such an extraordinary and logistically unfeasible step prior to revocation.

50. LCCPA remains out of compliance with special education laws and is continuing to add additional violations after more than a year of being on notice of these systemic violations. It has ignored and refused to comply with sanctions short of revocation issued by the District. Therefore, the Board is compelled to revoke LCCPA's Charter.

51. In addition, LCCPA has committed material violations related to other education laws, including federal laws requiring the use of highly qualified teachers.

52. LCCPA's Charter, its Contract, and the Act require LCCPA to employ at least 75% of its teachers that meet the definition of "highly qualified" under federal and state laws. In fact, LCCPA's Statement of Assurances in its Charter specifically provide that it will do so.

53. Dr. Brown testified that "100%" of the School's teachers meet the definition of highly qualified. However, according to the most recent data provided by the State Department of Education prior to August 27, 2013, only 57.47% of the School's teachers were

highly qualified. This situation has not been remedied, or at least sufficient documentation had not been provided to verify it had been remedied, by December 4, 2013. No further evidence was provided at the hearing. Therefore, failure by LCCPA to provide evidence of a sufficient number of highly qualified teachers is a material breach of the Charter, the Contract and the Act justifying revocation.

54. Similarly, LCCPA's Charter, its Contract and the Act require LCCPA to comply with teacher evaluation standards known as ADEPT. Dr. Brown maintains that LCCPA complied with these standards, but offered no evidence to refute the District's position that the "ET3 Report" utilized by the State Department of Education to verify compliance with ADEPT did not contain sufficient information to evidence compliance with ADEPT. Given Dr. Brown's prior inaccurate testimony with regard to special education and highly qualified teachers, the Board finds the information submitted by the District based on State Department of Education data to be convincing. Therefore, failure by LCCPA to provide evidence of a compliance with ADEPT is a material breach of the Charter, the Contract and the Act justifying revocation.

55. Finally, LCCPA breached its Charter, its Contract and the Act by refusing to provide evidence to substantiate financial expenditures. LCCPA's contract provides that it will permit inspection of the School's financial records. Moreover, the Act requires the District to provide oversight and monitoring of LCCPA's expenditures of public money. The District must have access to a School's financial records to fulfill this function.

56. In this case, the District identified multiple transactions without sufficient documentation, including but not limited to those involving the tutoring services the School claims were provided by Have Faith, LLC and payments for seemingly exorbitant hourly rates

for Saturday tutoring provided by salaried school employees. Moreover, in LCCPA's contract it signed with the District, LCCPA agrees that it will perform background checks of all subcontractors like Have Faith who will work with its students, consistent with state law. However, LCCPA has never provided evidence of these background checks even though Dr. Brown testified that she could produce them. Failure to provide background checks of people working with LCCPA students is in itself a ground for revocation.

57. Further, in the context of this Record, the District was well within its authority to ask for additional financial reporting from the School in an effort to verify the validity of the expenditures at issue and determine whether further issues of noncompliance with generally accepted fiscal management practices existed. The School refused to provide this information, which violates material conditions of its Charter, its Contract and the Act, thereby justifying revocation.

58. Second, LCCPA has failed to meet or make reasonable progress towards its academic goals and objectives, as defined in its Charter, which promised academic excellence.

59. LCCPA's Charter says it will receive an Improvement Rating of "Average or higher" in its first five years. However, after five years, LCCPA has scored average or better growth on state and federal accountability standards only one time. In 2013, LCCPA's elementary grades earned an "A" on the Federal Accountability System, based largely on growth, and an "Excellent" State Growth Rating.³ Its Elementary Absolute Rating, however, remained "Below Average" and its Middle School Absolute Rating remained "At-Risk" for the

³ The Board notes that the Excellent Growth Rating for LCCPA's elementary grades earned LCCPA the Palmetto Gold Award for this year. The Board further takes note of the press release from State Superintendent Dr. Mick Zais noting that 53% of South Carolina schools received these awards for one reason or another.

third consecutive year.⁴ Moreover, according to the testimony of Courtney Mills, the District's Director of Accountability, the evidence shows that the positive State Growth Rating for Elementary School in 2013 was most likely precipitated by a substantial decline for those grades in 2012.

60. LCCPA provided testimony, including expert testimony, and argument that the School's academic performance was not only good, but commendable, particularly in context of the traditionally underserved student population attending LCCPA over the last three years. However, Mrs. Mills testified that she compared LCCPA's accountability data with the state accountability data of schools LCCPA identified as its neighboring schools serving similar student populations. This data analysis showed that, for all grades and subject areas tested, LCCPA generally scored worse than all neighboring schools.

61. Further, LCCPA's Charter required it to use MAP data to measure individual student progress to inform instruction to its students. Mrs. Mills provided testimony and documentary evidence showing that (1) LCCPA was not administering the test as required by its Charter; (2) LCCPA did not seem to understand how to use the MAP system and data; and (3) based on the limited data provided by the School, the only reasonable conclusion is that LCCPA students were not progressing as expected while at LCCPA.

62. Based on the above, the Board concludes that LCCPA is not meeting or making reasonable progress towards the academic goals set forth in its Charter, thereby providing another independent ground for revocation of LCCPA's Charter.

63. Third, LCCPA failed to meet generally accepted standards of fiscal

⁴ High School ratings were not available because LCCPA is graduating its first class this year. Similarly, though LCCPA provided testimony that the expected graduation rate of the School was anticipated to be 100% and 100% of graduating students have been accepted to college, the School did not provide documentary evidence to support this testimony.

management. As noted above, the District came forward with at least three instances in which LCCPA failed to provide sufficient documentation to substantiate expenditures of public money. First, the District identified accounting records with no receipts in the memo column from January 2012 to April 2013. Second, LCCPA has never provided a list of instructors, time sheets, background checks or other evidence to verify the credentials of Have Faith, LLC instructors and that the services were performed as contracted for. Third, LCCPA has not provided evidence to clarify its payroll records reflecting exorbitant hourly rates to LCCPA administrators and teachers for Saturday School services.

64. When asked for additional information to clarify these matters and establish no further systemic financial management issues existed, LCCPA refused to provide it. LCCPA did note that it has provided annual audits, albeit with some minor deficiencies noted. Further, LCCPA provided testimony from its third-party accountant, but he offered no testimony to clarify the circumstances of the transactions at issue and acknowledged he could not verify the quality of a particular vendor or whether any particular service was provided.

65. Therefore, the Board finds that LCCPA has failed to use generally accepted fiscal management practices by failing to provide sufficient documentation to substantiate its transactions utilizing government funds. This provides another independent ground for revocation.

66. Fourth, LCCPA has violated state and federal laws and regulations, as set forth above. It has failed to comply with special education laws and requirements to employ highly qualified teachers. Moreover, LCCPA did not provide testimony or evidence to refute evidence that board meetings occurred in violation of the South Carolina Freedom of Information act, as set forth in the Notice of Default. LCCPA further did not provide evidence

or testimony to refute evidence provided that LCCPA's conflict policy permits board members to be hired by the School in violation of S.C. Code Ann. § 59-40-90, which prohibits such activities. LCCPA also permitted a board member to take a "leave of absence" so that the board member could be paid \$4,000 for providing printing supplies to the School, in violation of Section 59-40-90.

67. Each of the violations of state and federal laws and regulations listed above constitutes a separate and independent ground for revocation.

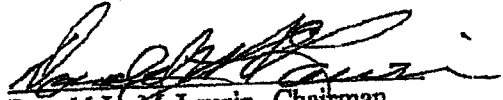
CONCLUSION

After careful consideration of the entire Record before it, the Board's final decision is that the Charter of LCCPA shall be revoked. The School may continue serving students only until the end of LCCPA's current academic year ending on May 30, 2014. The School must take reasonable steps to inform all current students and parents as well as potential enrollees of this Final Decision within ten (10) days of this Final Decision.

Pursuant to S.C. Code Ann. § 59-40-120, all assets of the School, other than assets obtained through restricted agreements with a donor through awards, grants, or gifts, become property of the sponsor upon dissolution of the School. Therefore, the School is required to cooperate with the District in performing the previously scheduled fixed asset inventory on June 9, 2014 to facilitate an orderly winding down of the School's operations.

The School may appeal this decision to the Administrative Law Court pursuant to S.C. Code Ann. § 59-40-110(H) and 59-40-90 within thirty (30) days of this Decision.

AND IT IS SO DECIDED.


Donald L. McLaurin, Chairman
South Carolina Public Charter
School District Board of Trustees

Charleston, South Carolina

May 23, 2014.

2014 MAY 23 PM 5:00

IN THE STATE OF SOUTH CAROLINA
In the Administrative Law Court

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5.19.14
ETN

FROM THE SOUTH CAROLINA PUBLIC CHARTER SCHOOL DISTRICT

Don McLaurin, Chairman

Case No.: Revocation Decision of May 8, 2014

Lake City College Preparatory Academy (LCCPA), ... APPELLANT

v.

South Carolina Public Charter School District (District)..... APPELLEE

NOTICE ON APPEAL

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FILED

MAY 15 2014

SC ADMIN. LAW COURT

ROA_0020

CONTESTED ISSUES

1. Whether the Charter of the Lake City College Preparatory Academy was lawfully revoked under section 59-40-110 of the South Carolina Charter School Act (South Carolina Code of Laws Annotated 1976);
2. Whether the South Carolina Charter Act is constitutional in its provision which allows a charter school sponsor be both the accuser and finder of fact in a charter revocation hearing under section 59-40-110 (C) of the South Carolina Charter School Act (South Carolina Code of Laws Annotated 1976);
3. Whether the revocation hearing by the District was held within the time limits imposed under the South Carolina Charter School Act (South Carolina Code of Laws Annotated 1976);
4. Was District's decision to revoke LCCPA's charter arbitrary and capricious, characterizes by abuse of discretion or a clearly unwarranted exercise of discretion;
5. Whether the decision to revoke by the LCCPA's charter by the SCPCSD's board was by a legally constituted board. (South Carolina Code of Laws Annotated 1976);
6. Whether the SCPCSD's board was legally constituted at the Revocation Hearing;
7. Whether the SCPCSD and its Board forced a board member to resign in an effort to ensure a specific voting outcome from thus, excluding the only member from the region in which the school is located from participating;

8. Whether the board chair/ hearing officer did not follow proper proceeding when instructing the attorney to ask questions that only require a "yes" or "no" answer, also instructing the witness to answer "yes" or "no".
9. Whether the resignation of the board member prior to the hearing was planned to minimize the number required for a quorum and create this charade and was this resignation legal and binding and accepted by the appointing agency;
10. Whether the court proceeding delay (1PM but didn't start until 2PM) cause the attorneys the inability to question key witness – Wayne Brazell;
11. Whether the revocation hearing was sham when the hearing officer refused to allow the attorney for LCCPA to completely examine witnesses and directed the attorney to put the proffered testimony in the record and when the revocation vote was taken immediately after the hearing with no review of the documents placed in the recorded;
12. Whether the South Carolina Charter School District violated other provisions of the South Carolina Charter School Act (South Carolina Code of Laws Annotated 1976) in its decision to revoke the charter of the Lake City College Preparatory Academy and
13. Whether the hearing officer provide LCCPA adequate time to present all of its evidence and witnesses.

Respectfully submitted,
BY: Johnny E. Watson
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Dated: May 14, 2014

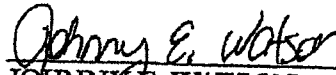
CERTIFICATE OF SERVICE

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

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DOCUMENT: REQUEST FOR CONTESTED HEARING


JOHNNY E. WATSON

Columbia, South Carolina
Date: May 14, 2014

FILED

MAY 15 2014

SC ADMIN. LAW COURT

1 STATE OF SOUTH CAROLINA
2 BEFORE THE BOARD OF DIRECTORS FOR THE
3 SOUTH CAROLINA PUBLIC CHARTER SCHOOL DISTRICT
4
5

6 IN RE: LAKE CITY COLLEGE PREPARATORY ACADEMY
7
8

 **ORIGINAL**

9
10 H E A R I N G
11
12

13 DATE: Thursday, May 8, 2014

14 TIME: 1:35 p.m.

15 LOCATION: South Carolina Public Charter
16 School District
17 3710 Landmark Drive, Suite 201
Columbia, South Carolina

18 REPORTED BY: SHERI L. BYERS
19 Registered Professional Reporter

20 COMPUSCRIPTS, INC.
21 A Full-Service Court Reporting Agency
22 Post Office Box 7172
23 Columbia, South Carolina 29202
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5/8/2014

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1 APPEARANCES:

2 BOARD MEMBERS:

3 DON MCLAURIN
4 LINZIE STALEY
5 BETTY BAGLEY

6 ATTORNEY FOR THE BOARD:

7 ERIK T. NORTON, ESQUIRE

8

9 ATTORNEYS FOR LAKE CITY COLLEGE PREPARATORY
10 ACADEMY

11

12 MARK W. BUYCK, III, ESQUIRE
13 JOHNNY WATSON, ESQUIRE

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21 (INDEX AT REAR OF TRANSCRIPT)

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1 MR. MCLAURIN: I'm going to call this to
2 order.

3 Okay. Now that everybody is in the room, I'm
4 going to recall us into order. Okay.

5 We are here for the revocation hearing for
6 Lake City Prep. I'm sorry we're a few minutes late
7 getting started, but the other hearing ran a little
8 late.

9 So I would like before the two of you all get
10 into your presentations just to go over a couple of
11 things procedurally.

12 I would ask that the presentations and as you
13 present witnesses and whatnot, that we want to get a
14 complete record and we want everybody to have their
15 say. But if you would, think about the time, also, and
16 not be repetitive. Anything that's already in the
17 record really doesn't need to be brought back out.

18 It's in the record and we've got it. And so if we
19 will -- each of you all will make your presentation,
20 call your -- if you want to -- Mr. Watson, you want to
21 make an opening statement, I assume?

22 MR. WATSON: Yes.

23 MR. MCLAURIN: Okay. Each of you make your
24 opening statement, then call your witnesses. And the
25 Board is going to refrain from asking any questions of

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1 anyone until both sides have completely made their
2 cases and then if there are any questions, we'll make
3 them at that time. So if anybody is going to be a
4 witness and is planning on being a witness and slipping
5 out, if possible, I would ask you not so we can ask
6 questions.

7

Okay. With that, Erik.

8

MR. NORTON: Thank you, Mr. McLaurin.

9

Just as a matter of a little bit of
10 housekeeping before we get started. Opposing counsel
11 has two volumes of exhibits we provided in advance to
12 them. By stipulation they will be part of the record
13 today. There's also a single piece of paper that
14 everybody should have. We had one duplicate copy, so a
15 piece of paper for the meeting minutes for March 13,
16 2014, will be substituted in as Exhibit 17. The agenda
17 was printed twice.

18

Beyond that, we're ready to go.

19

MR. MCLAURIN: I'm looking to see if I have
20 that. This was the meeting minutes?

21

MR. NORTON: This was the meeting minutes for
22 March 13, 2014.

23

MR. MCLAURIN: Okay. Good.

24

MR. NORTON: So with your permission, I'll
25 proceed.

1 MR. MCLAURIN: Please.

2 MR. NORTON: Thank you.

3 We're here again to deal with a motion that
4 the Board previously made to revoke and approved for
5 Lake City Preparatory Academy.

6 In this particular case, we're looking at all
7 four elements of the revocation statutes. As the Board
8 knows, the charter must be revoked if the school fails
9 to make academic progress, if it fails to show proper
10 governance regarding financial management, fails to --
11 violates the law in any way or violates its charter.

12 In this particular case, the school has done
13 all of the above, unfortunately. However, all you as a
14 Board needs to find is that any one of those things
15 occurred in order to vote -- to affirm the decision to
16 revoke.

17 In order to try to synthesize all of this, I
18 think it's easiest to look at it in a few buckets.
19 Essentially, there are four areas where Lake City has
20 committed acts that call for revocation in this case.

21 First, it's failed to make reasonable
22 progress towards its academic goals. In its charter,
23 Lake City says that it will meet or exceed
24 South Carolina State Standards. That's the first goal
25 of its charter. And then further says it's going to be

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1 revealed on the South Carolina State Report Card. The
2 overall academic record on the State Report Card is
3 poor.

4 And just as a way of shortcutting some of
5 this, if you look at Exhibit 23 in Volume 2, this is
6 all synthesized there. And what essentially it shows
7 is that you've got essentially one box out of six
8 passing over the last three years where the State --
9 where the school met its obligation. Otherwise, it's
10 at risk, below average, failing in every category.

11 You essentially have got your one area in
12 2013, that's going to be elementary grades only, where
13 it met what it said it would do in its charter with
14 regard to academic process.

15 Beyond that, Lake City, as part of its plan
16 or Remediation Corrective Action Plan, and as part of
17 its charter, said that it was going to look at MAP
18 data, M-A-P data, to benchmark individual student
19 progress. And when you both evaluate that data, what
20 it shows is that, number one, the school wasn't using
21 that data properly. That they were paying for the
22 license to test all the students, and it simply wasn't
23 testing all of its students. And beyond that, the
24 students they did test, it actually shows that they
25 were regressing. That they were actually not doing as

1 well as typical peers across the country while they
2 were at Lake City.

3 The second problem is that the violation of
4 federal and state regulations, specifically with regard
5 to special education. And these are egregious
6 violations. Violations that were noted and not
7 corrected for more than one year, which is a direct
8 violation of South Carolina Regulation 43-243 and
9 federal law.

10 And this is not a matter of, you know, not
11 checking a box. This is a matter of not doing the core
12 functions required by federal special education law
13 that the school is required to do and the District is
14 required to monitor.

15 It's probably worth noting that the
16 Administrative Law Court recently upheld a decision by
17 another district to revoke the charter base, at least
18 in part, on a failure to simply not provide progress
19 reports under special education laws. So this is not
20 certainly something without violation.

21 Beyond that, the school also failed to meet
22 its obligations with regard to having and/or
23 documenting highly qualified teachers in the
24 appropriate classrooms. And, again, this is an area
25 that has remained unremedied for a period of time.

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1 Third, this school, when confronted with the
2 problems in special education, was issued sanctions by
3 the District as is permitted under the Charter School
4 Act. And the school just simply refused to comply.
5 Specifically, the evidence shows that the District
6 issued the sanction of telling the school not to enroll
7 any further students until its special education issues
8 were rectified, and the school just did it anyway.
9 That simple. Which would be a violation of its
10 charter, its operating agreement, and the Charter
11 School Act, as well.

12 Fourth and finally, the school has refused to
13 give information needed to the confirm the validity of
14 financial expenditures and of academic data. The
15 academic data eventually has sort of trickled in. I'll
16 say that it's been sort of provided. But the financial
17 data just blatantly was refused.

18 The Board knows from its prior reporting and
19 other information already before the Board that there
20 were questions regarding financial expenditures of the
21 school. The most recent issues involving the company
22 called Have Faith, LLC, in which the school simply
23 failed to provide data -- or, excuse me, financial data
24 to support those expenditures, leaving us with only one
25 or two conclusions. Either they didn't document

1 properly the people providing the service such that we
2 don't have any background checks for those folks, we
3 have no idea who is at the school working with those
4 students because we don't have a record of the people
5 actually providing the service, or there's improper
6 financial expenditure there.

7 It appears that it's -- we don't know because
8 we just don't have the information despite a valid
9 request. The operating agreement with the school
10 plainly requires the school to provide that kind of
11 information to the District. It's also implied under
12 the Charter School Act that in its monitoring capacity,
13 the District can obtain that information. And it would
14 be subject to FOIA anyway. So there's really no basis
15 for the school to fail to give that information.

16 Given all of that, the history of the poor
17 academic performance, the failure to cooperate, the
18 failure to properly document, the failure to comply
19 with special education regulation and highly qualified
20 regulations, there's really no choice in this
21 particular instance but to revoke the school.
22 Especially because this school has failed to comply
23 with the sanctions short of revocation, leaving,
24 literally, no other option.

25 Thank you.

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1 MR. MCLAURIN: Mr. Watson.

2 MR. WATSON: Okay. May it please the Court.

3 First of all, I just want to thank you for
4 giving us an opportunity to appear today after having
5 issued your initial Letter of Revocation.

6 So the first question is, is this a
7 ratification process to validate your last -- your
8 decision already made, or are we here to truly look
9 into this? Is there a possibility of that decision not
10 being confirmed? So that's my first concern.

11 A major concern is the amount of time we have
12 here today. We're aware that we started late. This is
13 a major issue involving the lives of many students,
14 faculty, and a lot of serious allegations. So I can
15 imagine trying this case in a District Court in that
16 two or three hours that you're implying that we have
17 here to deal with this issue today, we need at least a
18 full day alone. So my first motion would be to
19 continue this hearing to allow adequate time for us to
20 address all the serious allegations that have been
21 made.

22 My second concern is whether there is a
23 proper quorum to continue today. Would you address
24 that for me now, if you may?

25 MR. MCLAURIN: Yeah, I'll be happy to. The

1 answer to the question is yes. Yesterday -- well, we
2 have one Board member who is having surgery today. 2 out
3 Another one who is stuck in Detroit.

4 But as of yesterday, former Board member
5 Reese Boyd, who has, the record will show, had a lot of
6 problems making Board meetings. He lives in Myrtle
7 Beach, he's got a law practice, and he has missed a
8 number of Board meetings. And he could not get to this
9 one. He and I had discussions about that and as we
10 have in the past going back as far as a year ago. And
11 so he decided that the honorable thing to do -- there's
12 a letter. I'll be glad for you to be provided a copy
13 of the letter. In fact, if we could get that and give
14 Mr. Watson a copy.

15 After working hard all day yesterday trying
16 to make arrangements to be able to be here, he just
17 decided he couldn't. And he didn't want all the hard
18 work that you and we and everybody else has done to
19 be -- to be postponed because of that and especially
20 since it was a chronic problem. So he resigned.

21 MR. WATSON: So the Board now consists of how
22 many members?

23 MR. MCLAURIN: Five. Five.

24 MR. WATSON: Of those members --

25 MR. MCLAURIN: Three are here.

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1 MR. WATSON: Three are here?

2 MR. MCLAURIN: Three of the five.

3 MR. WATSON: Three of the five.

4 So does that constitute a quorum to be able
5 to proceed?

6 MR. MCLAURIN: Yeah. The majority of the
7 Board is a quorum.

8 MR. WATSON: Was the resignation of the
9 individual you just mentioned designed specifically to
10 be able to create this quorum for today?

11 MR. MCLAURIN: No.

12 MR. WATSON: So we have six -- we had six
13 Board members and there are only five now?

14 MR. MCLAURIN: That's right.

15 MR. WATSON: Of the five, only three are here
16 to participate in a decision of this gravity?

17 MR. MCLAURIN: That's right. I might say,
18 that is not unprecedented at all. Last summer, even
19 though we had six or seven members at the time, we
20 operated under a resolution that we passed
21 understanding that we had a lot of hearings throughout
22 the summer, and it was a hard time to get people
23 together. So we operated -- we created a quorum for
24 those hearings of three, which was less than the
25 majority. The Board is free to determine what a quorum

1 is. And so there's more than one way to deal with
2 that, and we did last summer. So it's not unusual for
3 us to have hearings with three Board members.

4 MR. WATSON: Okay. So I want on record,
5 then, that we formally object as to not believing that
6 this Board constitutes a valid quorum.

7 MR. MCLAURIN: That's fine. That's duly
8 noted.

9 MR. WATSON: And the time concern, how much
10 time do we have to present today?

11 MR. MCLAURIN: We're trying to get this done
12 in three hours. If our discussions go beyond that,
13 they will. But I try to set guidelines and try to set
14 goals for what we're going to do here and so three
15 hours is what we're trying to get done.

16 MR. WATSON: Okay. We're going to have an
17 opening statement. Part of an opening is a video that
18 we would like to show in a minute after Mark has had a
19 chance to make some comments.

20 This will be our list of witnesses consist of
21 Dr. Brown -- the director of the school, Dr. Brown;
22 Bill Moser; Patricia Smith; Albertha Bannister; Marva
23 Cannon is going to submit an affidavit; and the Board
24 Chair, Queen Wallace.

25 That being said, I'll let Mr. Buyck go ahead

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1 and make his opening remarks -- make his opening
2 remarks.

3 MR. BUYCK: Thank you, John.

4 Members of the Board, I'm Mark Buyck, III. I
5 am from Florence County, and I have been very familiar
6 with this school. Our firm, Reynolds Williams and I,
7 in particular, have represented Lake City Collegiate
8 Preparatory Academy since its inception. We were
9 advising before they submitted their charter
10 application. So I am familiar with the school. I'm
11 familiar with the population that this school serves.

12 We're not talking about an affluent urban
13 school district, a lot of wealthy and middle class
14 families to appeal to. This is essentially a rural
15 area in a -- on the outskirts of the town of 6,000
16 people. And they draw from about a four-county area.
17 They draw from Williamsburg County, Clarendon County,
18 Georgetown County, and Florence County. We're talking
19 about the Corridor of Shame. We're talking about some
20 of the highest rates of unemployment in the state of
21 South Carolina.

22 This school was started during the boom
23 years. This school was started almost at the depths of
24 the last recession. Their the first year, they
25 received approximately \$2,000 per student to operate.

1 In their very first year. That was the challenges
2 facing this school and facing the operation.

3 This District didn't cut them a bit of slack.
4 They were put on probation after less than one year of
5 operation. They were placed on probation for not
6 meeting their academic performance. If you go back and
7 look at the charter, the schools that we're drawing
8 from were all at risk, and they failed to meet the
9 academic performance. And there were also cited for
10 failure to meet financial management standards.

11 And I communicated with Dr. Brazell shortly
12 after that because what we were cited for simply never
13 happened. They said we were cited for not being able
14 to participate in the lunch program. It never
15 happened. But it was never rectified. And from that
16 point forward, every letter that they got from this
17 School District cited them for poor financial
18 management and use that as the example. And it just
19 kept building from there.

20 We wrote -- when you could send the annual
21 report to the legislature, it was in there that this
22 school was on probation for financial mismanagement
23 when it didn't happen.

24 There was one other element in that initial
25 probation about financial mismanagement. It cited that

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1 there were former employees of the school, former
2 employees, disgruntled former employees who came to
3 this office and reported on some financial
4 mismanagement. It was never brought to the attention
5 of the school. Never brought to the attention of the
6 Board. Never brought to any -- no specific allegation
7 was ever made.

8 And when we inquired as to what was the
9 specific complaints that these former employees had, we
10 were told nothing. We were told that, "You've created
11 the perception of mismanagement and, therefore, the
12 perception itself is almost as bad as if it had ever
13 happened."

14 Well, that's not much of a standard that --
15 that's not a standard that anybody can overcome. The
16 perception that something wrong happened, therefore,
17 we're branded with financial mismanagement from the
18 git-go for two things that essentially never happened.

19 All right. So that's compounded over the
20 years.

21 Now, getting back to this -- the thing about
22 Have Faith and the District's request for information.
23 The District did not request information to Have Faith
24 specifically. We, when first presented with that, the
25 school responded, here's a contract, here's how much we

1 spent, here's what it was. Here are the services that
2 were provided.

3 And in response to that, we were asked to
4 provide a level of financial accounting that was
5 unprecedented. We were asked to provide copies of all

6 canceled checks. Not just the Have Faith canceled
7 checks, it was all the canceled checks. Wanted the
8 general ledger, wanted every piece of financial
9 information that was created at that school.

10 My response was, "We will be happy to give
11 you any specific information you request."

12 And if the District had said, "We would like
13 all the financial information on Have Faith, LLC," we
14 could have produced that.

15 But we said we're providing you what is
16 required under the law. We provided you the audits,
17 the clean audits. We've provided you the monthly
18 statements. We've provided you everything that you've
19 asked within reason. If there's something that you
20 want specific, let us know, and we'll let you have it.
21 That request was never made.

22 We weren't withholding any information. We
23 told them we would provide it.

24 Now, point two of Mr. Norton's presentation
25 where it says there was a violation of state and

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1 special ed rules, we have a witness, our consultant,
2 who will testify as to that, will present as to that.

3 And the school issued sanctions for which we
4 refused to comply. This was another issue. We don't
5 see this in the charter school law, where there is any
6 authority for this Board to instruct a school not to
7 accept students. As a matter of fact, I pointed out to
8 Ms. Reed that to the contrary, the law says that you
9 have to accept students. That you can't -- once

10 students apply, you have to accept them. And I
11 explained that to her. We also explained to her that
12 we had applications that were on the books before we
13 had ever got any notice from the District that we
14 were -- that we had to quit accepting students.

15 Now, we had been cited a year earlier on the
16 financial side after the first year of not having
17 enough students. But then a year later, they tell us
18 we can't have any more.

19 Now, what this school has been getting from
20 this District has been completely inconsistent. And if
21 you go back and you look at the letters, it looks like
22 from the get-go that the District office has been
23 setting the school up for failure. The very first
24 letter that they received after only one year of
25 operation would -- addresses almost these exact four

1 points. It was like Ms. Reed went through the statute
2 and said, "All right. Let's start checking the boxes."
3 And it's been that way since.

4 Now, what has the school done in its four
5 years? Later this month, our first graduating class
6 will be graduating. Seniors. 100 percent graduation
7 rate. I believe each one of those children have been
8 accepted into college or either the military. For the
9 last school report card, even though the absolute
10 rating of the school was below average, the growth
11 rating was excellent. The overall grade was a B. It
12 wasn't a C, wasn't an F. It was a B. I don't believe
13 that there are a whole lot of other schools in this
14 district that received a letter grade as high as a B.

15 Just in the last month, the school has been
16 recognized as a recipient of the Palmetto Gold and
17 Silver Awards. The school has been a success. It
18 serves its population. It serves the community. It's
19 an important asset to Lake City, South Carolina. It is
20 an important asset to rural -- the rural Pee Dee area
21 of South Carolina.

22 And it's one that ought to be allowed to
23 function as a charter school is envisioned to function
24 with as little interference as possible as long as it
25 meets its goals, as long as it's not mismanaged, as

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1 long as it does what it needs to do.

2 I believe this school has accomplished what
3 it was set up to do, and it can accomplish a whole lot
4 more. It's doing a lot for these students and will
5 continue to as long as it's allowed to operate.

6 Thank you.

7 MR. MCLAURIN: Thank you.

8 MR. WATSON: One brief further point. I
9 forgot to ask about the quorum at the time the vote for
10 revocation was taken. Was there a proper quorum at
11 that time, in your opinion?

12 MR. MCLAURIN: In my opinion, there was a
13 quorum.

14 MR. WATSON: The vote for revocation?

15 MR. NORTON: Objection. I mean, the record
16 speaks for itself. You're not going to examine him
17 about this. That's entirely improper. The minutes
18 speak for themselves. If you want to raise that as
19 an -- if you want to raise that, state your objection
20 for the record and let's move on.

21 MR. WATSON: Again, we are here to discuss
22 and hopefully resolve. Not to attack. I'm changing my
23 posture totally from the last meeting because I thought
24 we were confrontational. I want to discuss these
25 issues, okay. So I want to know whether you feel that

1 there was a quorum at the time the vote was taken, who
2 was present, and whether you consider it --

3 MR. MCLAURIN: What I feel has nothing to do
4 with it. There either was or --

5 MR. WATSON: Well, just tell me whether or
6 not there was a quorum or not and --

7 MR. MCLAURIN: According to the minutes,
8 there was a quorum present. If you're asking me
9 exactly who made up that quorum, I would have to check
10 the minutes. I don't remember that. But it's in the
11 record, so you can just check it. Whatever the record
12 says is accurate.

13 MR. NORTON: Mr. Chair, it's the meeting
14 minutes for March 13, 2014.

15 MR. MCLAURIN: Okay. Yeah.

16 MR. NORTON: That information is in there.

17 MR. MCLAURIN: Do you have a copy?

18 MR. NORTON: They have a copy.

19 MR. MCLAURIN: Did Mr. Watson get a copy of
20 that?

21 MR. NORTON: They have a copy. It's on the
22 Web site, and we provided it in response to the FOIA
23 request as well.

24 MR. WATSON: I'm going to make the objection
25 that we don't feel a quorum was present at that meeting

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1 as well. Okay.

2

MR. BUYCK: I would like to make a further
3 objection with regards to the March meeting. The
4 agenda for the meeting had no reference on there to any
5 type of recommendation for revocation. It simply
6 referred to a discussion of Lake City Collegiate
7 Preparatory Academy. And the school is not on notice
8 that revocation was going to be discussed and was not
9 prepared to present any type of information in response
10 to the District compliance officer's presentation,
11 which was obviously geared toward a recommendation to
12 revoke the charge.

13

MR. NORTON: Just for the record, the item
14 was listed as Lake City College Preparatory Academy
15 Discussion and Report. It's listed as an action item
16 on the agenda. Proper was notice was provided for it.
17 In fact, if you will recall, that meeting was
18 rescheduled in part at the request of the school before
19 then.

20

MR. MCLAURIN: And just to clear the record,
21 now that I'm looking at the minutes, that was -- I
22 think it was because of the rescheduling of the meeting
23 that I was absent from because I had a prior commitment
24 and I had some surgery. And I think Linzie officiated
25 that meeting. But the reason I wasn't there was

1 because the meeting was changed.

2 MR. BUYCK: We appreciate the rescheduling of
3 the meeting that was scheduled for April, but my point
4 is not the fact that it was rescheduled. The point was
5 that there was -- it was not indicated in the agenda or
6 to the school or to me as the lawyer that the purpose
7 of that meeting would be to respond to a presentation
8 from the District staff to revoke the charter of the
9 school.

10 MR. NORTON: Is that a motion, or are you
11 just making an objection?

12 MR. BUYCK: Both.

13 MR. NORTON: If it's a motion, I request that
14 you deny it because there's no requirement in the
15 Charter School Act that notice be given before every
16 single action is specifically -- there's no requirement
17 to say, "Hey, we're going to consider a motion to
18 revoke," in the Charter School Act. And appropriate
19 notice was provided by putting the discussion item on
20 the action list for the agenda.

21 MR. MCLAURIN: Well, if it's a motion, I'm
22 not sure what you moved.

23 MR. BUYCK: I move that -- what I would move
24 for would be --

25 MR. MCLAURIN: You don't need to stand.

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1 MR. BUYCK: -- for this Board to reconsider
2 the action because I don't believe that the school had
3 proper notice that revocation was at issue at the March
4 meeting. And the school was not prepared to address
5 revocation. And it was -- even though it was on the
6 action list, I mean, it was -- you know, revocation
7 is -- that's about as serious an action as can be taken
8 by this Board. And we don't believe that we were given
9 proper notice that that was going to be a discussion.

10 MR. NORTON: What we're here to do today --

11 MR. BUYCK: I know that we're here to do it
12 today, but it's in response to evidence that was
13 presented at that meeting that was essentially
14 un rebutted because we were not prepared to address --

15 MR. NORTON: The statute provides a
16 mechanism.

17 MR. MCLAURIN: That was not a hearing. That
18 was just the Board doing its business.

19 MR. BUYCK: I understand.

20 MR. MCLAURIN: And you all knew that we were
21 meeting and knew we were discussing the school, so I
22 can't -- because it wasn't a hearing. There was no
23 mechanism -- there is no mechanism for a rebuttal.
24 It's just the Board doing its business. But this is
25 your opportunity to rebut and so that motion -- I

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1 assume that was a motion, right?

2 MR. BUYCK: Yes.

3 MR. MCLAURIN: I'll deny that.

4 MR. WATSON: I have one further thing really
5 directed to -- I know you're going -- who is going to
6 make the presentation for the State? Who are your
7 witnesses?

8 MR. NORTON: Ms. Mills and Ms. Davis.

9 MR. WATSON: Okay. This person, before we
10 get started, and I'll direct to Dr. Brazell, the detail
11 level of financial data that the school is being
12 charged with not providing, do you not recall
13 indicating in a court proceeding in Sumter that it was
14 an oversight of the district by not requiring putting
15 in the charter agreement that the school had to provide
16 that level of detail and that you all would correct
17 that in the future? Do you remember that?

18 MR. NORTON: Objection. This is out of
19 order.

20 MR. MCLAURIN: I'm not sure that we're here
21 for you all to question Dr. Brazell. If you've got a
22 legitimate complaint there, then that needs to be --
23 you can use that for an appeal for something.

24 MR. WATSON: Dr. Brazell is the head of the
25 charter school district, and I want to know what his

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1 ~~understanding of what's supposed to be the financial~~
2 ~~level of reporting because he admitted under oath that~~
3 all schools were not required to provide the
4 information that they're requested and that they would
5 modify that in the future.

6 ~~Now, was that in Lake City's contract to~~
7 provide that level of detail?

8 MR. NORTON: This is out of order, Mr. Chair.
9 And I would suggest we move ahead with the calling of
10 witnesses in the proper order.

11 MR. MCLAURIN: We've got a process and the
12 process is that the District will make its case, then
13 you all will make your case. And then the Board will
14 discuss and vote on that. But this is not a hearing in
15 which -- I mean, you have asked me questions. You've
16 asked Wayne questions. We aren't here -- we aren't on
17 trial here, and so we need to get moving with what
18 we're here to do.

19 MR. NORTON: Mr. McLaurin, I would note first
20 for the record that we've been going for 30 minutes
21 with repetitive, duplicative, and mostly improper
22 motions and questions. There's no reason we can't
23 finish this on time if we'll just proceed as we should.

24 MR. MCLAURIN: It will take forever if we
25 keep this up. And I think we need to do what we're

1 here to do.

2 MR. WATSON: I object to those comments

3 and --

4 MR. MCLAURIN: That's fine.

5 MR. WATSON: -- because all of this is
6 relevant. You're proposing to eliminate the school,
7 all of its faculty, and send the students God knows

8 where. And these preliminary matters are important.

9 They may seem unimportant to you, but we consider them
10 very important.

11 MR. NORTON: I request permission to call my
12 first witness.

13 MR. MCLAURIN: Yes. Let's move on.

14 MR. NORTON: I call Courtney Mills, please.

15 EXAMINATION

16 BY MR. NORTON:

17 Q. Ms. Mills, could you state your name for the
18 record.

19 A. Courtney Mills.

20 Q. Can could you spell that for the court
21 reporter, please.

22 A. C-o-u-r-t-n-e-y M-i-l-l-s.

23 Q. What is your title with the district?

24 A. I'm a director of accountability.

25 Q. And as the director of accountability, what

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1 do you do on a day-to-day basis?

2 A. I oversee management of the federal and state
3 accountability data for the schools.

4 Q. And you compile that data and analyzed it; is
5 that fair to say?

6 A. Yes, it is.

7 Q. Have you done that for Lake City?

8 A. Yes, I have.

9 Q. We've got some documents there in front of
10 you, and I'll ask if you will turn to Exhibit 23.

11 That's in Volume II.

12 Do you recognize these documents in Exhibit
13 23, Ms. Mills?

14 A. Yes, I do.

15 Q. Can you tell me what they are?

16 A. These are documents that I put together
17 regarding the academic performance of Lake City.

18 Q. Okay. And this was done when? When was
19 generally this information compiled?

20 A. Much of this information was compiled after
21 the Board's decision to revoke. Some of it was done in
22 preparation for -- in presentation at that last Board
23 meeting.

24 Q. And so if I look back at Exhibit 13, which is
25 the Notice of Default, this is -- those are the similar

1 charts in Exhibit 13 on page 2?

2 A. Yes, very similar.

3 Q. Okay. And this is -- this information, that's
4 here on page number 3, this is similar information to
5 what was presented to the Board previously?

6 A. That's correct.

7 MR. NORTON: Okay. I just want to kind of go
8 through here. There's already been some reference
9 made, and I'm going to take heed of Mr. McLaurin's
10 admonition not to repeat things that are already in the
11 record or have already been done.

12 So, you know, Mr. Chair, I would ask you if
13 we start going too fast or skip something that either
14 you or the Board wants us to slow down on, we're happy
15 to do it. But we're going to try to kind of get to the
16 punchline of this since most of this is already in the
17 record and been discussed.

18 MR. MCLAURIN: All right.

19 BY MR. NORTON:

20 Q. So, Ms. Mills, I think it's important that we
21 put some things into context. So there was some
22 reference earlier to federal ratings for the school for
23 this year. I think we referred to as a B school.

24 Can you explain based on table 1 how those
25 ratings are calculated and how that interacts with the

30

1 information on page 1.

2 A. Yes. Table 1 is a summary of all of the
3 federal and state accountability ratings that the
4 school has received since it opened. It's broken down
5 by elementary and middle when possible.

6 The B rating that was referred to was the
7 overall rating for the school in 2013 on the federal
8 rating system, which we commonly refer to as ESEA. The
9 Elementary Secondary Education Act.

10 You'll see on this table, we don't see the B
11 here, which is the overall rating. But you see,
12 instead, it broken down by the elementary grades, which
13 earned an A rating, and the middle school grades, which
14 earned a D rating. And then that gets combined and
15 weighted by number of students. So the overall rating
16 was a B.

17 Q. So that when we talk about the General
18 Performance Awards and Closing the Achievement Gap
19 Awards, those last two columns over there, those are
20 really just a follow on to the ratings given in the
21 state growth, an absolute --

22 A. That's based on the state ratings, correct.

23 Q. Okay.

24 A. Yes.

25 Q. So if you -- you know, if you get an

1 excellent here, you get a particular award; is that
2 right?

3 A. The General Performance Award, which the
4 school received a goal, is based on a simple table,
5 which I believe is one of the other exhibits. You
6 know, if you get a below average absolute rating and an
7 excellent growth rating, that correlates to a Gold
8 Award. A simple chart.

9 Q. And what do the charts -- I notice that you
10 have some charts beneath there. What do those charts
11 show? Are they related to table 1 in any way?

12 A. They are related. This is the baseline data
13 that goes into those ratings. These are the past
14 scores for Lake City. It's broken down, the top two
15 charts are the elementary grades. And the bottom two
16 charts are the middle school grades. And then on the
17 left you see English/language arts and on the right you
18 see math.

19 This is a comparison of Lake City's past
20 scores with two other groups. One being the statewide.
21 So what percentage of students passed those exams
22 statewide compared to Lake City, and then also a
23 comparison to other schools with similar students. And
24 the definition that the State uses for that is plus or
25 minus I believe it's 5 percent poverty rate.

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1 Q. And so when I look back at these scores from
2 2011 to 2013 and I look at the lines for Lake City,
3 what conclusions can you draw based on their scores
4 from that -- during that time period?

5 A. When you look at the elementary charts, the
6 top two in particular, you see that Lake City, which is
7 shown in the blue, is basically a V shape. The
8 school's passing rates dropped incredibly low in 2012,
9 and they went back up to just slightly above where they
10 were in 2011. And it's that improvement from 2012 to
11 2013 which earned that excellent rating for the
12 elementary grades and that overall A for the elementary
13 grades.

14 Q. And is the same largely true for middle
15 school? I see there's a little difference there.

16 A. The middle school looks a little bit
17 different. It has -- particularly in the area of math,
18 there was a slight improvement in each of the two
19 years. Which you'll find that the school in all three years

20 is significantly below both the statewide average and
21 when compared to other schools with similar poverty
22 rates.

23 Q. So when we look at this over a two-year
24 period, is the net effect no gain basically?

25 A. No gain or very minimal gain.

1 Q. No gain or very minimal gain over a two-year
2 period. And so when we go back up and look at table 1
3 and we look at the complete context of these scores, is
4 it fair to say that the growth ratings are what they
5 are for elementary in 2013 largely because the school
6 is coming from such poor performance in the prior
7 years?

8 A. Correct.

9 Q. And can you look for me on the next page,
10 page 2, there are -- there's a table there for ELA
11 growth for elementary, table 4 -- table 3 is math
12 growth. Table 4 does the same thing for the middle
13 schools. Can you walk us through those charts, please,
14 and just tell us what they show.

15 A. Sure. In comparison to the previous charts,
16 which were comparing cohorts of students. So everybody
17 who took the exam each year. These charts on this page
18 are comparing an individual student from the prior year
19 to the current year.

20 What you see in the yellow are students who
21 basically scored the same thing in 2013 that they did
22 in 2012. So, for example, under elementary, 2012 you
23 had seven students who scored "not met," who also
24 scored "not met" the following year. So if you look
25 along the diagonal, the yellow are the students who

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1 basically stayed wherever they were the year before.

2

The students in green are the ones who showed
3 an improvement in -- you know, had gone from "not met"
4 to "met" or from "met" to "exemplary."

5

And the ones in red are ones who dropped
6 their scores from say "met" down to "not met."

7

Q. So, again, the net effect is essentially no
8 change or slight improvement?

9

A. Yes, I would say so.

10

Q. On each one.

11

And is there some reason we don't have high
12 school data for this school?

13

A. I believe it was mentioned they'd have their
14 first graduating class this year. The school started
15 with K through 9 and are adding a grade every year. So
16 this is the first year they would have a graduating
17 class who has no graduation rate data that's been
18 reported yet.

19

And we do have some high school data down at
20 the very bottom, HSAP. We can't do a year-to-year
21 comparison with HSAP the way we do with elementary and
22 middle because students typically only take it once,
23 ideally.

24

Q. And what does the HSAP data in table 6 reveal
25 about the school's performance?

1 A. The high school population at the school is
2 very small so the numbers are rather small. In 2012
3 was the first time they administered HSAP. And you can
4 see 8 out of 12 passed the ELA portion. 4 out of 11
5 ~~passed the math portion.~~ The following year, you had 8
6 ~~out of 10 passed the ELA, and 7 out of 10 passed the~~
7 math.

8 Q. How do those numbers generally compare versus
9 the state passage rate?

10 A. All of those numbers are lower than the
11 state's passing rate.

12 Q. Can you turn to page 3 for me, please.

13 A. Sure.

14 Q. Can you tell us what this -- the chart on
15 this page shows.

16 A. This is comparing the performance of students
17 at Lake City with schools that Lake City has identified
18 as their neighboring schools in the community that were
19 referenced in their Remedial Action Plan. So they've
20 been compared to neighboring schools in Florence County
21 and two schools that Lake City identified in I believe
22 Williamsburg County, I think.

23 And what you see in -- Lake City scores are
24 along the top. What you see in red is where Lake
25 City's performance is the worst in comparison to all of

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1 those other local schools. Green is where Lake City's
2 performance is better than the other schools that these
3 students might otherwise attend. And yellow means they
4 were somewhere in the middle.

5 Q. Okay. So essentially as to virtually -- as
6 to all but three of the categories measured, they're
7 the lowest performing of any of this similarly situated
8 schools in the area?

9 A. The neighboring schools, that's correct.

10 Q. In the course of your job duties, did you
11 have occasion to compare Lake City's academic
12 performance data to the goals in its charter?

13 A. Yes, I did.

14 Q. Is that summarized on page 4?

15 A. Yes, it is.

16 Q. You know, the Board obviously can read that
17 so I won't take the time necessarily to go through each
18 of those. I do note, though, that we've only got goal
19 one and goal four here. Why didn't you address goals 2
20 and 3?

21 A. Goals 2 and 3 had to do with artistic
22 opportunities. They weren't directly related to
23 academic performance. And in the annual report that
24 the school submitted for this most recent year, these
25 were the two goals that they addressed. These are the

1 two more academically focused goals so that's why those
2 were the two that I addressed here.

3 Q. And with regard to goal one, just so we can
4 get sort of to the punch line on this, it says that a
5 hundred percent of LCCPA students will receive
6 particularized instruction that will help them meet or
7 exceed South Carolina State Standards.

8 Does the academic -- it does show that LCCPA
9 students are meeting or exceeding the South Carolina
10 State Standards?

11 A. No. Overwhelmingly, it does not.

12 Q. Okay. Can you flip to page 5 for me, please.

13 A. Sure.

14 Q. This is titled Analysis of MAP Data. Based
15 on your review of the charter, does Lake City use MAP
16 data to measure individual student progress?

17 A. Yes. They make multiple references to MAP in
18 their charter, in their Remedial Action Plan. It's
19 referenced many times by the school.

20 Q. Can you take just a second and explain to the
21 Board sort of what MAP is, what it generally has to do.
22 You don't have to give a tutorial or lecture here, but
23 just sort give them the baseline of what we're looking
24 at here.

25 A. Sure. Unlike state assessments, which are

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1 generally given one time at the end of the year, MAP
2 data is more of an interim assessment that you take
3 multiple times throughout the year. Some schools do
4 twice a year, some do three times. But it gives you
5 typically a benchmark in the fall of where the student
6 is, and then you measure again using the same
7 assessment in the spring so you can determine for an
8 individual student how much they have grown throughout
9 the course of the year.

10 Q. Can you walk us through your analysis of the
11 growth scores?

12 A. Yes. The first two charts that you see are
13 for 2011-2012. On the left is math and on the right is
14 reading. And what I've done is taken the data that the
15 school provided and looked at each individual student
16 in comparison to their projected growth. What MAP
17 does, MAP is a nationwide assessment. And for every
18 student, when they take the test in the fall, it will
19 set what's typical growth for a student. So if you
20 scored -- I'll just throw out round numbers. If you
21 score a 200, typically students who start out at a 200
22 should get to 212 by the end of the year. These are
23 just out of the top of my head.

24 And so what I did was I looked at all of
25 these students, what was projected for them for a year

1 and determined how many students met that projection
2 versus how many did not.

3 And what you can see is that for 2011 and '12
4 math, 60 percent of the students did not meet those
5 projections. And for reading 63 percent did not. And
6 then the following year, 2012-2013, it's half for both
7 subjects. Half of the students didn't meet what their
8 projections were.

9 Q. So they didn't grow as expected?

10 A. Correct.

11 Q. And then that's the growth scores. Then
12 there's another section that's talking about
13 percentiles. Can you walk us through the analysis
14 there?

15 A. Sure. The growth scores that I mentioned, in
16 order for a student to get those they have to be tested
17 both fall and spring. Very few, very small numbers of
18 ~~the students,~~ based on the data that was given to me,
19 actually had those growth scores. Which are the ideal
20 comparison.

21 So in order to get a little bit more data, I
22 also looked at percentiles for the students. And a
23 typical student nationwide would be at 50 percentile.
24 That means half the students do better, half the
25 students do worse. At -- I compared the students who

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1 had been at Lake City for two full years. In the fall
2 of 2011, the average percentile for that group of
3 students was 27.4 in math and 34.6 in reading. Well
4 below 50. So that means these students came to the
5 school well below national average.

6 Two years later, those same students who had
7 been at the school for two years, the average
8 percentile had actually dropped down to 22.2 in math
9 and 33.5 in reading. So two years later those
10 students, their average performance, they're now
11 performing even worse than average.

12 Q. Okay. Then at the bottom of page 6, there's
13 a section called Use of MAP Data. Can you just kind of
14 walk us through what this sort of notation is about.

15 A. Sure. The table that you see refers to the
16 number of licenses that were purchased and the payments
17 that were made. The number of reports that were
18 submitted. And as I just mentioned, the very small
19 number of reports that actually had growth scores. So
20 I'm very concerned, considering the charter, the
21 Remedial Action Plan, all refer to the use of this
22 data, how few number of students at the school actually
23 having usable scores.

24 Q. Just to make it clear, unlike, say, state
25 accountability data that the District would have access

1 to, you have access to the direct data from the State
2 Department. Do you have access to the MAP data?

3 A. I do not. All I have is what they give to
4 me.

5 Q. So we've really got two data points here.
6 We've got not meeting the state expectations on the
7 school report card, and we've got data from individual
8 benchmark testing, known as MAP, that shows the
9 students are not progressing as expected and, in fact,
10 may be decreasing; is that fair?

11 A. That's correct.

12 Q. Okay. And maybe to add a little bit more --
13 stay away from the hard numbers a little bit, did you
14 ever have an opportunity to watch any instruction occur
15 at Lake City?

16 A. I did.

17 Q. Can you tell us about that instructional
18 visit that you had.

19 A. I can. On two separate occasions I had an
20 opportunity to visit classrooms. The first visit was
21 in May of 2013. I visited a sixth-grade classroom and
22 was very concerned that the instruction that was going
23 on was regarding cursive writing. In a sixth-grade
24 classroom, cursive writing is certainly not a standard
25 in sixth grade. It's taught generally at second or

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1 third grade. So that was concerning.

2 Then in September we went back for another

3 visit. I visited another classroom. I asked to visit

4 a high school math course, was directed towards a

5 teacher's classroom that had six seniors in it. And

6 the students were learning how to do Sodoku in the

7 class. It was the lesson that was being taught. The

8 teacher told the class that he was doing that same

9 lesson in all of his classes that day, all of his math

10 classes. And from the erasures on the board, it was

11 pretty obvious that he had already done the lesson once

12 before. So I believe that was probably true.

13 And as the students were leaving, I had just

14 a quick moment to talk to the teacher and I asked what

15 textbook he was using for the class and he showed me a

16 computer textbook. So I managed to find out that this

17 wasn't even a math class at all. It was supposed to be

18 a computer science class. So I'm not sure why they

19 were doing the same lesson that all of the other math

20 classes were doing that day. There was also not a

21 single computer in the classroom. So I was very

22 concerned with the level of instruction.

23 So honestly, the MAP scores and the federal

24 accountability data don't surprise me based on that

25 level of instruction that I witnessed.

1 Q. And those visits to the classroom, were those
2 announced visits?

3 A. Yes, they were.

4 Q. So the teachers knew you were coming?

5 A. They knew we were coming.

6 MR. NORTON: If you will, answer any
7 questions that counsel may have.

8 EXAMINATION

9 BY MR. BUYCK:

10 Q. Ms. Mills, you talked about a very small
11 number of responses you got from the MAP and put
12 together your chart on page 6. Did you get a
13 statistically significant number of samples?

14 A. I did not do that sort of analysis. All I
15 did was analyze what data the school provided me.

16 Q. You don't have a background in statistics?

17 A. I do not.

18 Q. So you don't know what you found on this page
19 is even significant, do you?

20 A. I can't state that it's statistically
21 significant.

22 Q. And if it's not statistically significant,
23 then it must be insignificant?

24 A. I would not argue that, no.

25 Q. Okay. With the MAP scores, did you inquire

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1 of the administration of the school why there were so
2 few MAP scores reported in the last school year?

3 A. Absolutely. In fact, at the bottom of page 6
4 you can see the timeline of requests. When I initially
5 requested MAP data, I was given data for only 18
6 students. Obviously, knew that that number was
7 insufficient. Went back to the school, was later
8 provided with a report for 93 students. Went back to
9 the school. So repeatedly, yes, I addressed the school
10 leadership, why was I getting such few reports?

11 Q. And what was their response to you about why
12 you were given so few reports?

13 A. They regularly blamed technology difficulties
14 at the school.

15 Q. All right. And do you have any reason to
16 suspect that there were -- that that was not an
17 accurate assessment?

18 A. I do in the fact that that was the original
19 excuse given to me yet after repeated reports, I kept
20 getting more and more reports. Which leads me to
21 believe the data was there, it was just very slow to be
22 provided to me.

23 Q. Did you in preparing -- let me ask you this,
24 who instructed you to prepare exhibit -- your
25 contribution to Exhibit 13?

1 A. This work was done in conjunction with the
2 entire staff. There were different -- different
3 members of the staff that went together to compile this
4 report.

5 Q. All right. I thought your testimony earlier
6 was that you prepared Exhibit 13 and Exhibit 23?

7 A. Not in its entirety to Exhibit 13, no.
8 Portions of it.

9 Q. All right. The portion -- my question to you
10 is, who instructed you to prepare your portion of
11 Exhibit 13? Which I assume to be the charts and the
12 examination of the MAP scores.

13 A. I don't know that I can say any one person
14 instructed me to do it. We worked collaboratively as a
15 staff.

16 Q. Who were you collaborating with in the staff?

17 A. The other members of the staff.

18 Q. Who? Who is your superior in this office?

19 A. My superior is Dr. Brazell.

20 Q. Do you report to Ms. Reed?

21 A. I do not.

22 Q. Who instructed you to prepare this particular
23 chart?

24 A. I would say Dr. Brazell is my superior if I
25 had to name an individual.

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1 Q. All right. Did you prepare this chart for
2 ~~all of the schools in the district?~~

3 A. This particular type chart, no. I do
4 different analysis. Every school has different goals,
5 different -- we examine each school individually.

6 Q. And you -- it's your testimony that a good
7 bit of what you prepared in Exhibit 23 was done
8 subsequent to the revocation vote in March?

9 A. A good bit of it, yes.

10 Q. How many schools in the district received a
11 Gold Award in 2013?

12 A. I don't know that number off the top of my
13 head.

14 Q. Is it more than half?

15 A. I don't know the number off the top of my
16 head. I honestly don't.

17 Q. Do you know how many schools there are in the
18 district?

19 A. There are 24.

20 Q. When you were preparing your analysis, did
21 you -- 2011 was the first year of operation of the
22 school, correct?

23 A. 2010-'11, yes.

24 Q. '10-'11. So you've only examined,
25 essentially, three years of data, correct?

1 A. That's correct.

2 Q. And 2011 was the first year of operation?

3 A. 2010-'11, yes.

4 Q. Did you go back to 2010 on any of these
5 individual students to see if they progressed from 2010
6 to 2011?

7 A. Are you referring to the MAP data?

8 Q. MAP data, PASS, whatever. I mean, did you --
9 were you able to go back beyond the information that
10 was provided by the school?

11 A. No. I do not have access to any data. I
12 don't have access to any MAP data that the school
13 doesn't directly give me.

14 Q. So if these particular students were at the
15 10th percentile when they came to Lake City and they
16 ended up at the 30th percentile, they've improved,
17 correct?

18 A. If a student did that, that would be
19 improvement, yes.

20 Q. So you have no idea that in your 2011 data as
21 the baseline, you have no idea whether that's an
22 improvement from the year before?

23 A. That's correct. The school hasn't provided
24 me any data from that year.

25 Q. All right. Well, if you don't have access to

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1 it, how would the school have access to it?

2 A. The school has -- MAP is not a state
3 assessment. That's something that the school purchases
4 directly from the contractors. The State has the first
5 level of access to the data.

6 Q. I'm not referring to the data that the school
7 established. I'm talking about the data that was
8 done -- that was created before these students got to
9 Lake City Collegiate Prep.

10 A. So neither the school nor I would have access
11 to that data unless they requested it from each child's
12 individual school and were given it from the prior
13 school.

14 Q. All right. And you have been poo-pooing this
15 data and the progress made, but I look at page 1 of
16 Exhibit 23, every one of those blue marks in 2013 is
17 higher than it was in 2011, correct?

18 A. Correct.

19 Q. And on page 2, look at table 2, the ELA
20 growth, you got eight improved, eight declined?

21 A. Correct.

22 Q. So I guess you would say that there really
23 wasn't any improvement there, and that's in table 2.
24 Table 3, math growth, eight improved and only two
25 declined.

- 1 A. Correct.
- 2 Q. That looks like there's improvement there.
- 3 A. Yes.
- 4 Q. And the same with Table 4, 14 improved, 4
5 declined. That seems to be fairly significant
6 improvement to me.
- 7 A. Yes.
- 8 Q. And then Table 5, we acknowledge in the
9 middle grades there was a decline there. But there's
10 improvement in some of these scores. I mean, you can't
11 just look at all of these numbers and say there's been
12 no improvement at the school.
- 13 A. I didn't say that.
- 14 Q. Now, table 6, are you aware that this year's
15 is the first graduating class from the school?
- 16 A. Yes.
- 17 Q. All right. So the 2012 data that's
18 referenced there, that would be the passing rate for
19 then tenth grade, correct?
- 20 A. That's correct.
- 21 Q. All right. And then the 2013 would be for
22 the eleventh graders, correct?
- 23 A. The students who are -- I'm sorry, no.
24 That's also tenth graders.
- 25 Q. All right. Do you know what the HSAP passing

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1 rate is for this group that's graduating this month?

2 A. I do not.

3 Q. Do you think that that would be important for
4 the Board to know?

5 A. That is something that all of our schools are
6 required to report to the District. Forty-eight hours
7 prior to graduation, they have to submit proof of
8 passing scores. Not necessarily a rate of passing
9 scores but for every graduate. So, yes, that is
10 something that the District will collect.

11 Q. You reference the school's charter, and it
12 says -- the charter says that the school will meet or
13 exceed State standards. What exactly are the State
14 standards and where would one go to see what the State
15 standards are?

16 A. The State standards are all published on the
17 State's Web site.

18 Q. As what? Where would that -- what are they?
19 How would I see them? What are they called?

20 A. They're called The Standards.

21 Q. The Standards?

22 A. Uh-huh. South Carolina State Standards.

23 Q. And whose Web site would those be on?

24 A. South Carolina Department of Education. It's
25 ed.sc.gov.

1 Q. Is that the same organization that gives the
2 Gold and Silver Awards?

3 A. Those are a designation by the Education
4 Oversight Committee, which is not the same entity.

5 Q. Okay. Did you think to check with the
6 school's technology vender to see if there was problems
7 with the -- with the MAP testing?

8 A. Really not within the scope of my job to deal
9 with technology, no.

10 Q. All right. Were you provided any of the
11 e-mails from Dr. Brown where she tried to explain to
12 the District that there was a problem with the Internet
13 service provider, there was problems with the test
14 taking?

15 A. I was aware there were problems, yes.

16 Q. All right. Is there any reference to any of
17 that in your data?

18 A. Reference to the problems?

19 Q. Yeah.

20 A. I don't believe so.

21 Q. So it was not your problem, it's the school's
22 problem?

23 A. You hate to sound callus, but yes.

24 Q. Okay. All right. And the students who take
25 the test, to prepare for the test, and then don't get a

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1 valid score because the Internet service provider in
2 rural Florence, South Carolina, is on the blink that
3 day, is there a problem?

4 A. Absolutely there's a problem, and I would
5 question why the school didn't correct that or test the
6 student the following day or get it resolved. That is
7 a concern, why the school didn't resolve that.

8 MR. BUYCK: Okay.

9 MR. WATSON: I have a few questions.

10 BY MR. WATSON:

11 Q. I have a few questions. Let's go to the
12 March 19, 2014, letter of -- where the Board Chair
13 was -- on the March 13th board --

14 MR. MCLAURIN: Is that an exhibit? We don't
15 have that.

16 MR. WATSON: This is the Letter of
17 Revocation.

18 MR. MCLAURIN: Okay.

19 MR. BUYCK: Exhibit 20.

20 MR. MCCOOK: Exhibit 20. Okay. Thank you.

21 BY MR. WATSON:

22 Q. Now, that letter told the school that it was
23 being considered -- actually, that the Board had voted
24 for the revocation. You remember that? Have you seen
25 the exhibit?

1 A. I have seen this, yes.

2 Q. Okay. Now, it's the Board's determination
3 that the school should be revoked. On the first page
4 of that letter they list five categories of data that
5 was considered; is that correct?

6 A. I see that, yes.

7 Q. Okay. And on the next page they list a
8 number of bullets, which, I guess, tend to zero in to
9 support those revocation bullets; is that correct?

10 A. I believe so.

11 Q. Now, as I look at the individual letters that
12 were referred to, since this bullet number one said,
13 "LCCPA has received a total of eight notices of
14 noncompliance since 2011."

15 And then I look at the letters and stuff that
16 the Board -- that the school received starting with the
17 letter of July 27, 2011, which all of these are already
18 exhibits.

19 On June 27, 2011, was the first letter that
20 was indicated in that first bullet. And it goes on to
21 list a number of letters that were -- a number of
22 bullets that indicated letters for the school was
23 warned or counseled about possible revocation; is that
24 correct?

25 A. Yes.

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1 Q. Okay. Now, I don't see your name on any of
2 those letters. I see a Dana Reed's name on some of
3 those letters, and I see Wayne Brazell, Superintendent.
4 And all of those letters which created the basis, your
5 name is not on any of them. Why is that?

6 MR. NORTON: Objection. I mean, show her the
7 letters.

8 MR. WATSON: I'm asking --

9 MR. NORTON: Objection. You're misstating
10 the record.

11 MR. WATSON: You have the exhibits, don't
12 you?

13 MR. NORTON: Yeah, I'm looking at the letters
14 you're talking about. And she's cc'd on most of them,
15 if not all of them.

16 MR. WATSON: There's a letter of July 27,
17 2011, is one of the exhibits that you referred to.

18 MR. MCLAURIN: Is there an exhibit number
19 that we're looking at?

20 MR. NORTON: That's Exhibit 5.

21 MR. WATSON: Exhibit 5?

22 MR. BUYCK: Exhibit 4 actually.

23 MR. NORTON: You're right.

24 MR. MCLAURIN: 4.

25 MR. WATSON: Then there's a letter to

1 Dr. Brown on November 25th, 2011. That was one is
2 written by Dr. Brazell.

3 MR. NORTON: I don't -- November what date?

4 MR. WATSON: November 25th, 2011. In turn
5 regarding characterization of probation status.

6 MR. NORTON: I don't think that's -- I don't
7 have a letter dated November.

8 MR. WATSON: November 25, 2011.

9 MR. NORTON: I don't have that letter in
10 here.

11 MR. WATSON: Take a look at that and see.

12 MR. NORTON: I'm not questioning the letter,
13 I'm just telling you it's not in the exhibits. And
14 you're going to have to show it to her because she
15 doesn't have it.

16 MR. BUYCK: Let's put it in.

17 MR. NORTON: If you want to save some time, I
18 mean, I'll stipulate they're not on the letters in 2011
19 because she didn't start until the middle of 2011. If

20 you'll just concede that in the letter starting October
21 8th, 2012, that are listed in here, she's cc'd on them.
22 They speak for themselves. There's no reason to go
23 through all of these letters.

24 MR. WATSON: We're here trying to influence
25 the Board, we need to speak to the Board.

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1 MR. NORTON: I'm telling you, I'll shortcut
2 it. I will stipulate to it. I will stipulate she's
3 not on the 2011 letters, and she is on the 2012
4 letters.

5 MR. WATSON: Okay. Fine. But I have
6 questions about these letters, and I would like to
7 proceed.

8 MR. NORTON: Okay.

9 BY MR. WATSON:

10 Q. Okay. Now, again, that first bullet
11 indicated that there has been a total of eight notices,
12 and I'm attempting to look at those eight notices that
13 were sent. First one I see being the July 27, 2011,
14 letter signed by Dr. Brazell. The second one being the
15 November 25th, 2000 (sic), letter signed by Dr.
16 Brazell.

17 You have that one?

18 A. I do now.

19 Q. Let me just get all the dates first.

20 The next one being the March 21st, 2000
21 (sic), letter signed by Dana Reed, compliance
22 specialist. The next one being June 5, 2012, signed by
23 Dana Reed.

24 The next one being December 18th, 2012,
25 signed by Dana Reed. The next one being February 27,

1 2013, signed by Dana Reed. The next one being April
2 22, 2013, signed by Dr. Brazell. And the next one
3 being May 14, 2013, signed by Dana Reed. May 16th,
4 2013, signed by Dana Reed. August 27th, 2013, signed
5 by Dana Reed. September 27th -- and that's the one
6 that you were considering that has all of the default
7 information.

8 So are you familiar with all of these letters
9 that have been going back and forth to the school?

10 A. The majority of these, yes.

11 MR. NORTON: And I'll just state for the
12 record, all of these aren't in the exhibit list that I
13 provided.

14 MR. WATSON: I would like to move all of
15 these into the record.

16 MR. NORTON: That's fine. I have no
17 objection to that.

18 MR. MCLAURIN: No problem.

19 BY MR. WATSON:

20 Q. All right. The first bullet item purports
21 then to indicate that the school has received a total
22 of eight noncompliance letters. Those are the letters.
23 And at the appropriate time, I'll have Dr. Reed --
24 excuse me, Dr. Brown address the allegations in those
25 letters.

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1 But you were not involved -- I guess you were
2 not on the Board then during the writing of any of
3 those letters?

4 A. I didn't actually write the letters, no, but
5 I did provide information for many of them if they
6 related to my area.

7 Q. Okay. You didn't write the letters, but --
8 okay. This March 19, 2014, being the letter indicating
9 that there will be a revocation. And then all these
10 bullet points, then, and this documents the reasons why
11 the school is being recommended for revocation; is that
12 correct?

13 A. I see that, yes.

14 Q. Now, the very first letter, the June 27th,
15 2011, letter, indicates essentially that the school was
16 failing to meet academic standards and showed financial
17 mismanagement. And it appears, then, the reason that
18 they're saying that the school received -- was being
19 financially mismanaged is that the -- it all centered
20 around the enrollment numbers. Is that correct?

21 A. Finance is not my area, so I couldn't speak
22 to that.

23 MR. WATSON: Is there anyone here to address
24 that finance issue?

25 MR. MCLAURIN: Who would address that?

1 MR. NORTON: There's no need to.

2 MR. WATSON: There's a need to because we
3 want to address it.

4 MR. NORTON: Well, you can address it with
5 your witnesses.

6 MR. WATSON: Okay. That's fine.

7 Okay. Now, the two things that the schools
8 are being cautioned on in that letter are the PASS
9 scores and the low enrollment. Now, if low enrollment
10 is considered a financial mismanagement, is there
11 anyone here to speak to that?

12 MR. NORTON: Are you asking me?

13 MR. WATSON: Yes.

14 MR. NORTON: No.

15 MR. WATSON: Anyone for the District --

16 MR. NORTON: We're not going to put anything
17 in our case --

18 MR. WATSON: You're accusing the school of
19 being financially mismanaged because of low enrollment,
20 and there's nobody here to address that?

21 MR. NORTON: No. What we said was -- and
22 Mr. Buyck hit it in his opening. What we said is that
23 financial information wasn't provided. It's beyond
24 dispute. There's no reason to have a witness to say
25 what is not being disputed.

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1 MR. WATSON: Again, this letter says that the
2 reason the school is financially mismanaging was
3 because the enrollment didn't come up to what the
4 school projected.

5 MR. NORTON: Which document are you looking
6 at?

7 MR. WATSON: I'm looking at the letter --

8 MR. NORTON: This is 2013.

9 MR. WATSON: Yes, but all of this is part --

10 MR. NORTON: That is not in the Notice of
11 Revocation. This is irrelevant, and I move to ask --

12 MR. WATSON: I beg to differ right here by
13 date.

14 MR. NORTON: Okay. It's fine. It's saying
15 since July 27, 2011. It simply sets a time frame.

16 MR. WATSON: It says that the school has
17 received a total of eight letters of noncompliance
18 since this date, and that was the starting date. So
19 this letter is very relevant.

20 MR. NORTON: I'm not saying that. What I'm
21 saying is that bullet point simply points out that
22 there's a history of noncompliance by the school.

23 MR. WATSON: And I'm attempting to examine
24 that.

25 MR. NORTON: And that's fine. If you would

1 like to examine her about that, that's fine. But she's
2 already told you she doesn't know about financial
3 issues.

4 MR. WATSON: Let me ask her the questions.

5 MR. NORTON: You asked and answered.

6 MR. WATSON: Okay. Then I will proceed. Let
7 me continue to conduct my --

8 MR. NORTON: I will. Just ask relevant
9 questions, please.

10 BY MR. WATSON:

11 Q. Okay. So you're not in a position -- so as
12 far as you're concerned, you have no qualification to
13 address that issue?

14 A. Anything regarding finance, no.

15 Q. Okay. So Dana Reed is going to be here to
16 testify about this?

17 Dr. Brazell, are you going to testify about
18 this?

19 MR. NORTON: Objection. Direct the questions
20 to the witness. Please instruct Mr. Watson to move on.

21 MR. MCLAURIN: Mr. Watson, right now you're
22 examining the District's witness.

23 MR. WATSON: Correct.

24 MR. MCLAURIN: And he's going to present all
25 his witnesses and then if you want to call some

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1 witnesses about this, but the District has chosen not
2 to put on a witness about this at least up until now.

3 I don't know who's coming later. But this isn't the
4 time for you to tell the District who their witnesses
5 ought to be.

6 MR. WATSON: I'm not telling the District who
7 the witnesses, I'm asking this witness --

8 MR. MCLAURIN: And she answered. And then
9 you asked, "Is anybody going to testify about that?" I
10 think.

11 MR. WATSON: Maybe this witness knows that,
12 so I'm free to ask that question.

13 MR. MCLAURIN: But you did and she answered.

14 MR. WATSON: Okay. Then let me move on.

15 MR. MCLAURIN: I'm trying to get you to move
16 on.

17 MR. WATSON: You kept interrupting.

18 MR. MCLAURIN: No, I didn't. Just keep
19 going. Let's just keep moving.

20 BY MR. WATSON:

21 Q. Now, so you're not familiar and cannot
22 address any questions about this July 27th letter and
23 the low enrollment because you are not a financial
24 person, is your testimony?

25 A. That's correct.

1 Q. So are you prepared to address any of these
2 letters -- since you were not the author of any of
3 these letters, are you prepared to address the contents
4 of any of these letters?

5 A. If it addresses the academic data, I can
6 address it.

7 Q. The school was told as a sanction not to
8 enroll students. There were sanctions to not enroll
9 additional students yet we see from that July 27th
10 letter, that low enrollment is the so-called financial
11 mismanagement. You're not prepared to address anything
12 about whether or not that was a legitimate order to --
13 for the school not to enroll students?

14 MR. NORTON: Objection, asked and answered.
15 I would ask that you sustain the objection and instruct
16 Mr. Watson to ask questions about the accountability
17 data, which this witness has indicated she's here to
18 do.

19 MR. MCLAURIN: That's right. That's
20 sustained. She's already stated unless it's about
21 academic data, she just can't answer the question.

22 MR. WATSON: I'll address all these later
23 with our witnesses since you don't have any witness to
24 address what you claim are the bases for revocation.

25 BY MR. WATSON:

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1 Q. I will ask you this, are you familiar with
2 the goals and objectives in the Lake City Charter
3 Agreement?

4 A. Yes, I am.

5 MR. WATSON: Okay. Now, the charter
6 agreement is in the record; is that correct?

7 MR. NORTON: Yes.

8 BY MR. WATSON:

9 Q. And I refer you to the goals and objectives
10 section of the charter.

11 MR. MCLAURIN: What --

12 MR. WATSON: Page 24 of the agreement.

13 MR. MCLAURIN: What exhibit number is that,
14 Erik?

15 MR. NORTON: Exhibit 1.

16 MR. WATSON: Is everybody on task? Everybody
17 found the exhibit?

18 MS. BAGLEY: Yes.

19 BY MR. WATSON:

20 Q. "Goal one, 100 percent of LCCPA students will
21 receive research-based innovative student-centered
22 learning opportunities that will help them meet or
23 exceed state standards."

24 It says a hundred percent of the students
25 will receive such instruction.

1 Are you in a position to verify whether or
2 not that goal has been achieved?

3 A. That goal as it is stated. Whether they have
4 received that instruction or not, I cannot address
5 that, no.

6 Q. Okay. What about -- so you cannot address
7 any of the subjects of that goal?

8 A. The second half of that goal refers to
9 students then meeting or exceeding the South Carolina
10 State Standards, and I believe the State accountability
11 data fully states that the students are not meeting or
12 exceeding state standards.

13 Q. That's not what the goal says. The goal
14 says, "The students will receive research-based
15 innovative student-centered learning opportunities that
16 will help them meet," okay. Does it refer to any
17 specific time when they're going to have to come up to
18 these standards?

19 A. I'm sorry, repeat that question.

20 Q. Does this goal refer to any specific time
21 frame except to say they will receive instruction to
22 ultimately help them meet their goal? Do you see
23 anything in that goal that says any date, times, or
24 anything?

25 A. No. I don't see anything regarding a date or

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1 a time.

2 Q. And you already indicated that you don't know
3 whether or not they're receiving that instruction, so
4 you don't know whether that goal is being met or not?

5 A. I think when you take it piece by piece, I
6 think you're breaking up the intent of the goal. The
7 intent of the goal is that they will receive this
8 instruction that will then help them to meet or exceed
9 the State standards. And my opinion is that ultimately
10 the students are not meeting or exceeding State
11 standards.

12 Q. And I'm not asking you whether they have met
13 them. I'm not asking you if they are receiving the
14 instruction as the goal indicated they will. The goal
15 never said that they will all meet the standards. The
16 goal said that they will receive instruction directed
17 toward meeting those goals.

18 MR. NORTON: Objection, asked and answered.
19 I would ask you to sustain the objection. She's
20 already answered this two different ways and two
21 different times.

22 MR. MCLAURIN: Let her answer it this time,
23 and then we'll move on.

24 THE WITNESS: Could you repeat the question.

25 BY MR. WATSON:

1 Q. Again, are the students receiving
2 instructions designed to help them meet that goal?

3 A. It is my opinion that they are not.

4 Q. That they're not receiving the instruction?

5 A. That will help them meet that goal.

6 Q. That they're not receiving the instruction?

7 A. That's correct.

8 Q. Okay. "Objective 1.1. The school will
9 provide 100 percent of the students that are not
10 meeting the standards with research-based extensive
11 year academic intervention services."

12 Do you have any information that they're not
13 doing that?

14 A. I do not have any information whether they
15 are doing that or not.

16 Q. "Objective 1.2. Students in need of
17 additional academic support will have an 85 percent or
18 above attendance rate."

19 Do you know whether the school is meeting
20 that objective?

21 A. I do not.

22 Q. "Objective 1.3. A minimum of 90 percent of
23 the students will show an increase in the use of
24 individual academic strategy."

25 Do you know whether or not that goal is being

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1 met?

2 A. I would say that based on State standards and
3 based on MAP data, that 90 percent of the school
4 students have not shown an increase in their strategies
5 including reading for information. I believe the test
6 scores indicate that's not met.

7 Q. The result achieved is not the same thing as
8 whether or not they're receiving the instruction, do
9 you agree?

10 A. This one doesn't refer to receiving
11 instruction. It says what the students will show and
12 the way that they show that.

13 Q. And from your presentation, I heard you to
14 say that the students were showing improvement.

15 A. I certainly don't believe I said 90 percent
16 of the students are showing improvement, no. And
17 that's what this objective states.

18 Q. "Would show an increase in the use of the
19 individual strategies." It didn't say that they would
20 meet the objective, it said the students will show an
21 increase of the use of these things designed to get
22 them there.

23 A. And nothing indicates that 90 percent of
24 students are showing an increase.

25 Q. And do you have any indication that that is

1 not true?

2 A. I have already stated that, yes.

3 Q. Based on the results achieved?

4 A. Correct.

5 MR. NORTON: Objection, asked and answered.

6 He's just badgering the witness.

7 MR. WATSON: I am not. There's a fine point
8 that needs to be clarified.

9 MR. NORTON: You're not getting the answers
10 you want, and you're badgering the witness.

11 MR. WATSON: And you were testifying when you
12 shouldn't.

13 MR. MCLAURIN: Listen, I don't want to hear
14 you all arguing. If you will ask a question and accept
15 her answer, whether -- I mean, you know, that's her
16 answer.

17 BY MR. WATSON:

18 Q. "Goal 2. Lake City College Prep will utilize
19 researched-based practices as it pertains to arts-based
20 education."

21 Do you have any idea whether they're doing
22 that?

23 A. Arts is not my area, so I can't answer
24 anything related to arts-based education.

25 Q. Okay. So basically you can't answer the sub

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1 objective of goal 1.

2 ~~Goal 2, that's not in your area.~~

3 Let's look at goal 3. "Students at Lake City

4 College Prep Academy will have expanded opportunities

5 to participate in a minimum of two to three major

6 arts-based extravaganzas to include one that has a

7 global theme."

8 Do you have any opinions to whether or not
9 they're meeting that goal?

10 A. Again, this refers to the arts. As I stated
11 earlier --

12 Q. This is the goal of the school, though,
13 correct? This is the goal stated in their charter.

14 A. And my goal here is to discuss the academic
15 goals, which are 1 and 4.

16 Q. That's the only thing you can discuss is
17 goals 1 and 4?

18 A. Anything related to academic performance of
19 the school.

20 Q. Goal 4 states, "Lake City College Prep
21 Academy will assist South Carolina in achieving
22 academic excellence and promoting lifelong learning
23 which will be revealed in the rating on the
24 South Carolina Education Oversight Committee Report."

25 Do you have any idea whether that goal is

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1 being met?

2 A. I can state that one emphatically, that the
3 school has not met that goal.

4 Q. Okay. Do you now what the enrollment is at
5 Lake City right now?

6 A. I believe around 200 students. I'm not
7 positive.

8 Q. Around 200 students.

9 Are you familiar with page 23 of the charter?

10 A. I have it in front of me. I'm not familiar
11 with it.

12 Q. You have it?

13 A. But I do have it in front of me.

14 Q. And that -- those are the stated five-year
15 enrollment projections for the school?

16 A. I see that.

17 Q. And I know you said it's not your area of --
18 finance is not your area of expertise. But if the
19 school has been attempting to meet their enrollment
20 goals as stated here and the District prohibits them
21 from enrolling students, would not the District be
22 working against the goals of the school?

23 A. Again, it's not my area of expertise.

24 MR. WATSON: I have no further questions.

25 I'll just direct the rest to Dr. Brown since

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1 you can't answer the questions.

2 MR. MCLAURIN: All right. Thank you.

3 Do you have another witness?

4 MR. NORTON: Yes. She's indisposed at the
5 moment. She'll be right back.

6 You want to take the opportunity to take two
7 minutes?

8 MR. MCLAURIN: Yeah. Let's take literally
9 three minutes.

10 MR. NORTON: Okay.

11 (A recess transpired.)

12 MR. MCLAURIN: Is everybody ready?

13 MR. NORTON: Yes. Thank you.

14 MR. MCLAURIN: We're back in order.

15 MR. NORTON: Next witness we'll call is Becky
16 Davis.

17 MR. WATSON: I'm not through with this
18 witness.

19 MR. MCLAURIN: You dismissed her.

20 MR. NORTON: You dismissed her.

21 MR. WATSON: I said I was going to come back,
22 but that's okay. Go ahead.

23 EXAMINATION

24 BY MR. NORTON:

25 Q. Ms. Davis, could you state your name for the

1 record, please.

2 A. My name is Rebecca Davis. R-e-b-e-c-c-a
3 D-a-v-i-s.

4 Q. What's your title with the district?

5 A. Director of special education.

6 Q. Can you tell me about what your job
7 responsibilities are for the district.

8 A. Part of my job entails monitoring for special
9 education compliance as well as ensuring that children
10 in the district receive, as required by law, free
11 appropriate public education.

12 Q. And can you describe a little bit of your
13 background in special education for the Board, please.

14 A. Sure. I have degrees in psychology, special
15 education, school psychology, elementary ed. I have
16 taught grade levels ranging from preschool to high
17 school. Have taught various categories of disability
18 as well as general education. Have been a school
19 psychologist and worked for about nine years for the
20 South Carolina Department of Education Office of
21 Exceptional Children as the school psychology
22 consultant and then the coordinator for general
23 supervision, which was the monitoring division for the
24 Office of Exceptional Children.

25 Q. So all that's kind of a mouthful. Bottom

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1 line is you've worked in special education all that
2 time, touching it in some way?

3 A. Yes.

4 Q. As part of your job with the district, did
5 you review special education documentation from LCCPA?

6 A. Yes.

7 Q. And what specific documentation did you
8 review?

9 A. I had reviewed IEPs, reevaluation, initial
10 reevaluation reports, all of the paperwork comprising
11 due process folder.

12 Q. So you looked at a student's entire special
13 education folder?

14 A. Yes.

15 Q. And is Exhibit 25 a summary of your findings?

16 A. Yes.

17 Q. So I want to ask you, just so we are all on a
18 level playing field, I'm sure you know special
19 education is full of acronyms so I want to make sure
20 everybody understands what we're talking about here.

21 Can you -- first of all, what is the federal
22 law that governs special education?

23 A. It's called the Individuals for Disabilities
24 in Education Act. It was reauthorized last in 2004 at
25 which time there were state regulations written that

1 corresponded to the federal regulations.

2 Q. And so all of the documents that you were
3 just referring to, they're all somehow required by the
4 federal law?

5 A. Yes.

6 Q. What is an IEP?

7 A. It's an Individualized Education Program, and
8 it's required specifically in the regulations that a
9 description of where the student is at the time that
10 IEP is written, so his present levels, his baseline
11 data where he is right now. There are projected goals
12 that are to be achieved within the life of that
13 one-year IEP. So you have baseline data, projected
14 goals.

15 And then it's also a description of the
16 services and supports that the student will receive in
17 order to achieve those annual goals as well as how and
18 when progress toward those goals will be reported to
19 parents.

20 Q. And do schools have to provide progress
21 reports for special education students to tell the
22 parents and students and teachers how they are
23 progressing towards those goals in the IEP?

24 A. Yes. That's a specific requirement of both
25 state and federal regulations. It's progress toward

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1 annual goals. And the IEP is required not only to tell
2 how progress will be reported but how often.

3 Q. Are IEPs reviewed on a regular basis?

4 A. IEPs are, according to federal and state
5 regs, to be reviewed periodically but no less than
6 annually.

7 Q. And that's when you talk about the annual
8 review or AR, is that what you are referring to?

9 A. Yes.

10 Q. What are reevaluations?

11 A. A reevaluation occurs at least every three
12 years, and at that time there are basically four
13 questions that are answered by the IEP team.

14 The first is, does that student continue to
15 have a disability as defined by the law?

16 The second would be, if he does, then as a
17 result of that disability, does he continue to meet
18 specialized instruction or special education?

19 The third would be, do we know what his
20 present levels are, or do we know where he is?

21 And then the fourth would be based on all of
22 that information, do we need to make any changes to
23 that IEP based on that information?

24 Q. So these documents we're talking about are
25 the foundation of special education law?

1 A. Yes.

2 Q. And these are the documents that you are
3 reviewing for Lake City?

4 A. Yes.

5 Q. Can you explain -- this is the very first
6 page of Exhibit 25 is a summary of that special
7 education data. Can you explain your summary to us,
8 again, taking note of the chair's admonition not to
9 restate things, but there's a lot of acronyms in there
10 and that kind of thing. So if you could just summarize
11 a little bit about what you saw when you evaluated
12 these special education folders.

13 A. These data reflect three reviews of due
14 process information at three specific points of time.
15 The first was prior to December 2012; the next, prior
16 to April 2013, a year and a little over; and then just
17 prior to April 2014.

18 At the time of the first review in 2012,
19 there were zero IEPs that were found to be compliant.
20 The same finding in April of 2013. And as of April
21 2014 there were 15 IEPs that were deemed to be
22 compliant. And when we talk about compliance, we're
23 talking about meeting the minimal requirements in the
24 federal and state regulations as far as what's required
25 to be in an IEP.

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1 Q. So can you give some examples of some of the
2 areas of noncompliance you received?

3 A. Sure. As I said before, an IEP contains
4 present level information to tell you where the student
5 is now. That sets a baseline so that you know where
6 you want the student to be within the year of that IEP.
7 The law requires that annual goals be measurable. In
8 other words, you've got to know whether the student has
9 achieved that goal or not. So if you don't know where
10 he's starting, it's difficult to know if that's a
11 measurable, obtainable goal within the one-year life of
12 the IEP.

13 Many of the IEPs did not contain adequate or
14 any present levels of performance to know where the
15 student was starting. Many of them did not contain
16 annual goals that were measurable. Other issues
17 involved progress reports that were not done,
18 reevaluation of their deadlines that were not done.

19 And, basically, there were two types of
20 issues: One was compliance within the IEP that
21 predominantly broke down into we don't really know
22 where the student is now, so we don't know if the goal
23 is measurable and obtainable. And then we don't know
24 the progress that he's made toward that goal. And then
25 the other area had to do with general compliance with

1 deadlines that are required in both the federal and the
2 state regulations.

3 And so it was difficult in reviewing the IEPs
4 to know if students were making reasonable progress or
5 just what's required to meet the definition of free
6 appropriate public education.

7 Q. As I'm looking at your summary, we've got a
8 list there, for example, of annual reviews held on time
9 by year. That is objective, you just looked to see
10 whether they had their annual review or didn't?

11 A. Yes.

12 Q. So you can look at that. If they had it,
13 they had to report it on the special education
14 documentation; is that correct?

15 A. Correct.

16 Q. And so you just looked to see if it was there
17 or not there?

18 A. Yes. The IEP reflects a beginning date and
19 an ending date and an anticipated annual review date.

20 Q. The same thing with reevaluations?

21 A. Correct.

22 Q. You just look at the beginning date and the
23 end date, and it's either there or it's not there?

24 A. Correct. And then the subsequent
25 documentation that would go with that. The date may be

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1 correct, but it also requires documentation that a
2 meeting was held or reevaluation was held. A properly
3 constituted reevaluation.

4 Q. And then the progress reports are the same
5 thing, you just looked to see if they were issued in
6 the file?

7 A. Correct.

8 Q. And so if I'm looking at this, you said 42 of
9 44 IEPs, for example, as of 3-20-14. Is that all of
10 Lake City special education students?

11 A. Yes.

12 Q. So we're looking at progress reports for
13 2013-2014 at the bottom; is that right?

14 A. Yes.

15 Q. And so out of all of those 44 students, only
16 two students have progress reports issued according to
17 their IEPs?

18 A. Correct.

19 Q. And if you flip the page over, there is a
20 chart. Does this provide more detail about the
21 summary?

22 A. It does.

23 Q. And so help me read this just a little bit.
24 Let's maybe look at the third student down. And I note
25 here that we've got a student number rather than names.

1 Is there a reason for that?

2 A. Confidentiality purposes.

3 Q. But these are all -- these student numbers
4 are identified so that you can tag them to a particular
5 student --

6 A. Correct.

7 Q. -- when you look at the information?

8 And so if we look at -- if we look, for
9 example, at student number 2, the third row down, it
10 notes that the IEP was not compliant as of 12-18-12; is
11 that right?

12 A. Correct.

13 Q. That's what the "N" means?

14 A. Yes.

15 Q. And then we follow along and it says that IEP
16 was also not compliant on 4-22-13; is that right?

17 A. Yes.

18 Q. Is there a consequence under the federal law
19 for the failure of a school to correct a deficiency in
20 a year?

21 A. The federal law and state regulations require
22 that once a school is notified in writing of an issue
23 of noncompliance, that that issue of noncompliance be
24 corrected at both the individual student level and the
25 systemic level as soon as possible but in no case later

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1 than one year.

2 Q. And in your experience in the special
3 education world, what can happen if school districts
4 fail to remedy special education errors?

5 A. The regs require that state education
6 association -- state education agency, which will be
7 the South Carolina Department of Education in this
8 situation, provide sanctions to school districts. In
9 my time at the Department of Ed, the State Department
10 has applied sanctions such as withholding federal
11 funds, requiring specific remedies, corrective action
12 plans, those types of things.

13 Q. In fact, the State Department of Education
14 has even taken over certain special education
15 departments?

16 A. Yes.

17 Q. Did you ever notify Lake City of these issues
18 of noncompliance identified in your summaries?

19 A. Yes.

20 Q. If you'll look at Exhibit 8.

21 A. All right.

22 Q. Do you recognize this letter?

23 A. I do.

24 Q. Can you tell me what this letter informs the
25 school of?

1 A. This letter informs the school that there
2 were issues of noncompliance identified. This is the
3 school's written notification that the school had
4 significant issues of noncompliance related to special
5 education processes and procedures and compliance
6 within files based on site visits, interviews, and
7 reviews of that sort.

8 Q. And did you have other communication with the
9 school about this, as well, other than just the single
10 letter?

11 A. Oh, yes.

12 Q. Okay. And how did you typically communicate
13 with the school?

14 A. Phone calls, site visits, e-mail
15 correspondence.

16 Q. And you mentioned earlier that there's a
17 requirement that the District issues sanctions if the
18 issues aren't corrected. Did the District ever issue
19 sanctions short of revocation in this particular case
20 relative to your review of the IEP documents?

21 A. It did once the school had not corrected the
22 findings of noncompliance within one year.

23 Q. And this is your letter of April 22, 2013,
24 which is Exhibit 9?

25 A. Yes.

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Why NOT Special Ed
Students?

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1 Q. And what sanction was issued?

2 A. The -- Lake City was barred from accepting
3 any new students and had to use noncategorical funds to
4 employ a special education consultant of the school's
5 own choosing and subject to the District's approval. done

6 Q. Now, you said they were barred from enrolling
7 new students. How long?

8 A. Until the corrections were verified by the
9 District.

10 Q. So all they had to do was fix the problem?

11 A. Correct.

12 Q. And we know from your chart and your summary
13 that that didn't even happen even to date, has it?

14 A. No, it has not.

15 Q. To your knowledge, did the school comply with
16 the sanctions?

17 A. It did not.

18 Q. Did you ever have any occasion to observe any
19 instruction at Lake City?

20 A. I did.

21 Q. Can you tell me about what you observe -- let
22 me back up just a second.

23 Was this an announced visit, a scheduled
24 visit?

25 A. It was.

1 Q. And can you tell me what you observed during
2 that visit?

3 A. I observed in one of the special education
4 classes and one of the general education classes, in
5 the special education class there were -- there was a
6 student present. The teacher said that she did not
7 have her lesson plans, they were at home. That she did
8 not have access to any particular curricular materials
9 for special education but used worksheets. And I did
10 observe her working individually with the student in
11 her classroom.

12 MR. NORTON: Okay. I don't have any other
13 questions.

14 If you will answer any questions that
15 Mr. Buyck or Mr. Watson might have.

16 EXAMINATION

17 BY MR. BUYCK:

18 Q. Ms. Davis, has Lake City ever been sanctioned
19 by the State Board of Education?

20 A. Yes, they have.

21 Q. When?

22 A. As a result of an onsite visit by the Office
23 of Exceptional Children that took place for the first
24 time in the fall of 2010. Two of the IEPs from Lake
25 City were pulled as a result of that onsite monitoring

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1 visit and reviewed by the State Department of Education
2 and were found to have issues of noncompliance.

3 Q. When was the school notified of that?

4 A. We would have reported results as soon as we
5 got them back from the Department of Ed, and that would
6 probably have been -- I don't know a specific date.
7 But it would have been that spring after we got the
8 results from the review of all of the folders that the
9 OEC did.

10 Q. Were you part of that site visit?

11 A. I was a district employee, so I participated
12 as providing information to the -- it was the Office of
13 Exceptional Children monitoring staff that came to do
14 the actual monitoring of the IEPs and folders.

15 Q. Right. Did the State office actually send --
16 communicate, excuse me, with Lake City following that
17 review, or was it strictly through your office?

18 A. It was strictly through our office, which is
19 the pattern or the process.

20 Q. ~~So the question was,~~ have they ever been
21 sanctioned by the State Board of Education?

22 A. They have had IEPs that were identified as
23 being noncompliant.

24 Q. I'm not asking whether there was a finding of
25 noncompliance. I'm asking has there ever been a

1 sanction by the State Board of Education on Lake City
2 Collegiate Prep?

3 A. Please define "sanction."

4 Q. Has the State Board of Education taken any
5 type of punitive action against Lake City because of
6 noncompliance with special ed requirements?

7 A. The Department of Ed has not.

8 Q. Has the United States Department of Education
9 taken any punitive action against Lake City because of
10 any noncompliance with special ed requirements?

11 A. Not to my knowledge.

12 Q. In your experience with the South Carolina
13 Department of Education when you were an employee
14 there, you mentioned that they took all sorts of action
15 against various schools. Did they ever shut down a
16 school for noncompliance with special ed requirements?

17 A. The Department of Ed works through districts,
18 the Local Education Agency, the LEA, because that's
19 where funds are funneled through. So the State
20 Department puts the responsibility on the District to
21 ensure compliance within schools within the district.

22 I don't know of any specific school that the
23 Department of Ed has ever shut down. I do know that
24 the Department of Ed has taken over school districts
25 and -- including the special ed programs within

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1 districts.

2 Q. But that was not due to noncompliance with
3 special ed requirements?

4 A. That was part of the reason for the State
5 Department stepping in.

6 Q. Okay. In your chart, you identified 44
7 special ed students at Lake City. I've been told the
8 population of approximately 200. That appears to me to
9 be over 20 percent of the student body of Lake City is
10 special ed. How does that percentage compare to, say,
11 the state average?

12 A. It's higher than the state average, which is
13 concerning.

14 Q. How does it compare to the national average?

15 A. It's higher than the national average.

16 Q. How does it compare to the district average?

17 A. It's higher than the district average.

18 Q. How does it compare to the neighboring school
19 district average?

20 A. I don't know that.

21 Q. Why is it concerning to you that it's -- that
22 there are higher percentage of special ed students at
23 Lake City than, say, the district?

24 A. One of the concerns has to do with
25 overidentification of students. Especially

1 African-American students. It's one of the things that
2 the Office of Special Education Programs the feds have
3 concentrated on.

4 The other concern is that regardless of
5 whether there's one special education student at the
6 school or 44 or whether the percentage is 10 percent,
7 25 percent or 55 percent, because this is an individual
8 entitlement law, even one student with noncompliance is
9 just as bad as if there's noncompliance for all
10 students.

11 Q. I wasn't speaking -- the question wasn't
12 directed to noncompliance. The question was, your
13 concern that over 20 percent of the students of Lake
14 City are special ed, and that's what I'm trying to
15 drill down on. Why that is concerning. You said
16 overidentification. Well, do they come to the school
17 with IEPs?

18 A. Some students do. Others are identified once
19 they get to the school.

20 Q. Do you know how -- is there any way in your
21 data where it reflects how many were identified once
22 they got to Lake City?

23 A. No, I did not look at that. I did, however,
24 look at the numbers of -- look to see if there were any
25 students during that identification process where there

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1 were areas of noncompliance. And there are three
2 students who did not receive their evaluation in a
3 timely fashion.

4 Q. Where is the authority for the District to
5 issue a sanction to limit the enrollment of students at
6 Lake City?

7 A. There's not -- there's nothing to prohibit
8 the District in choosing that as a sanction.

9 Q. There's nothing that authorizes the District
10 to do it either, is there?

11 A. The District is authorized to take steps to
12 ensure that issues of noncompliance are corrected as
13 soon as possible but in no case later than one year.
14 Including providing sanctions.

15 Q. Where does it say "including providing
16 sanctions"?

17 A. It's 243 -- I have to look to see exactly the
18 number, but it is in the state regulations.

19 Q. And in that state regulation is there -- does
20 it specifically say that the District can limit
21 enrollment at a charter school?

22 A. No. But it does not say that they cannot.

23 Q. There's nothing in the charter school law
24 that says that the sponsoring body can limit the number
25 of students that are enrolled in a particular school,

1 is there?

2 MR. NORTON: Objection.

3 BY MR. BUYCK:

4 Q. That you're aware of.

5 A. Not to my knowledge. But, again, there's
6 nothing in there that prohibits it.

7 Q. Why not just tell the District -- not the
8 District but the school they can't enroll any more
9 special ed students?

10 A. That would be discriminatory.

11 Q. Well, wouldn't limiting the number of
12 students that can enroll at a school also be
13 discriminatory?

14 A. That would be an across-the-board sanction.

15 Q. Okay. Has the District ever been cited for
16 by the U.S. Department of Education for noncompliance
17 with special ed?

18 A. No. Not by the U.S. Department of Education,
19 no.

20 Q. How about the State Board of Education?

21 A. We have had findings of noncompliances with
22 the District, yes.

23 Q. Have any of those been related to Lake City?

24 A. If you repeat your question, please.

25 Q. The findings of noncompliance that the

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1 District has gotten from the South Carolina State Board
2 of Education, have any of them been specifically
3 related to Lake City?

4 A. Yes.

5 Q. When was that?

6 A. That was from the onsite visit that started
7 in the fall of 2012.

8 Q. Was that forwarded to Lake City?

9 A. Yes. That information was given to Lake
10 City, was provided to Lake City.

11 Q. That the District was sanctioned by the
12 State; is that information forwarded to Lake City?

13 A. Yes. We communicated that to all of the
14 special ed coordinators at the school that had folders
15 that were reviewed during that onsite visit.

16 Q. And what schools were part of that sanction?

17 A. It was any school that was already in -- that
18 would have been up and running for the '11-'12 school
19 year.

20 Q. And how many schools were involved in that
21 particular audit?

22 A. I don't remember the exact number, but it
23 would have been all the schools that were in the
24 district during that school year.

25 Q. And were all of the schools in the district

1 noncompliant in one form or fashion?

2 A. There were findings of noncompliance across
3 the board.

4 Q. Every single school in the district?

5 A. Yes.

6 Q. All right. Is there an issue with uniformity
7 of the reports that the District requires? In other
8 words, was Lake City not using the same form as, say,
9 Calhoun Falls?

10 A. As far as the onsite monitoring visit with
11 the issues of noncompliance?

12 Q. Yes.

13 A. No.

14 Q. Issue of noncompliance or uniformity of the
15 reports that are put in the folders.

16 A. No. No, there was not. There was no
17 difference. That was not a finding. The findings had
18 to do with the substance, the requirements of the due
19 process folder, notices to parents, progress reports,
20 IEP components, those types of things.

21 MR. WATSON: I have a couple of questions.

22 BY MR. WATSON:

23 Q. What does LEA stand for?

24 A. It depends on how you're using the term. In
25 this case it refers to the Local Education Agency a/k/a

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1 The District.

2 Q. So The District is LEA for special needs
3 students?

4 A. Yes. The other way we use the term LEA is
5 when we refer to an LEA representative or an LEA rep,
6 which would be the representative in an IEP team that's
7 responsible for actually making decisions and the
8 requirements that that LEA representative has to meet.

9 Q. Is Lake City in compliance now?

10 A. With?

11 Q. With the requirements that -- for LEA, that
12 they need to provide LEA, which I guess is a district,
13 but they're in compliance with everything that they
14 should have provided at this time?

15 A. No.

16 Q. What is it not in compliance with?

17 A. At this point there are 16 annual reviews
18 that were not done within the year of the IEP. There
19 were eight reevaluations that were not one or have not
20 been done in a timely fashion. Progress reports not
21 issued as per the IEPs.

22 Q. Now, if the District is the responsible LEA
23 partner -- and the District, you say, is in compliance;
24 is that correct? The District hasn't been sanctioned
25 for anything, right?

1 A. No. I said the District did have findings of
2 noncompliance from the Department of Ed's onsite visit.

3 Q. So you are in compliance? The District is in
4 compliance at this point?

5 A. We have corrected all the findings from that
6 onsite visit. The District has corrected and each
7 individual school has corrected those particular X
8 student-level findings of noncompliance.

9 Q. So then if each student has, then Lake City
10 is also in compliance?

11 A. Lake City corrected the two students that
12 were pulled in that visit. *LMC*

13 Q. Is it possible for the District to be in (H)W
14 compliance if any of the individual schools are not?

15 A. No. If there are findings of noncompliance
16 in a school in the district, ultimately the District is
17 responsible.

18 Q. And you say the District is now in
19 compliance?

20 A. No, sir. I said the District had corrected
21 all the findings of noncompliance that were identified
22 at the onsite visit.

23 Q. So there are no issues of noncompliance that
24 have not been corrected?

25 A. I did not say that. As an example, and this

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1 is just an example. I'm going to make up a number.
2 There were 50 issues of noncompliance identified in
3 that onsite visit by the Department of Ed. All 50 of
4 those particular student level issues have been
5 corrected.

6 Q. Okay. So if all the issues have been
7 corrected, then they're in compliance?

8 A. No, sir. There are other issues of
9 noncompliance.

10 Q. Okay. But ultimately for the District to be
11 in compliance, which you say the District is, all the
12 individual schools, then, must therefore -- because it
13 translates if any school is noncompliant, that throws
14 the District's compliance out of the --

15 MR. NORTON: Objection, asked and answered.

16 MR. MCLAURIN: There's a miscommunication
17 going here. You all are talking like this. What I
18 would like to try to do, if it's okay with everybody,
19 in order to clear up what's happening here, she is
20 interpreting, and I believe correctly, you're talking
21 noncompliance, noncompliance with the State Department
22 of Education.

23 MR. WATSON: Or the federal -- yeah. The
24 District report to the Department of Education.

25 MR. MCLAURIN: What I'm saying is, correct me

1 if I'm wrong, but what I'm hearing is, that I don't
2 think for some reason everybody is, that that has been
3 taken care of, but that there are other issues at this
4 particular school that were not pulled by the State
5 Department of Education, and so they're out of
6 compliance with us. But the State Department of
7 Education is not involved in those because it didn't
8 pull them. So you all are talking compliance, you're
9 talking about the State Department, she's talking about
10 the District, and that's why it's possible for the two
11 conditions to exist that you all are talking. Am I
12 correct on that?

13 THE WITNESS: You're correct.

14 MR. MCLAURIN: Okay.

15 BY MR. WATSON:

16 Q. Is Lake City more noncompliant than all the
17 other districts?

18 A. I have no knowledge of how compliant the
19 other districts are.

20 Q. Other schools. Other schools in the
21 district.

22 A. To my knowledge, at this point, we have no
23 other schools that have not corrected within a year.

24 Q. Okay. Including Lake City?

25 A. No. Lake City has not corrected. We have no

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1 other schools other than Lake City that has not
2 corrected in a year.

3 Q. And what are you doing as a sponsor to help
4 Lake City come into compliance?

5 A. We have provided -- we provide monthly
6 training to our special ed coordinators. We provide
7 face-to-face meetings. We have a regional coordinator
8 that meets with the special ed coordinators in that
9 region. We are available by phone, by e-mail. We have
10 PowerPoint presentations. We do three days of training
11 in the summer, specifically with the special ed
12 coordinators. We provided written guidance. We have
13 hands-on training, onsite visits, visits here for
14 technical assistance.

15 Q. Lake City is utilizing the resources you're
16 providing?

17 A. Lake City attends the majority of our
18 training and has attended the regional meetings.

19 Q. Okay. Did you require Lake City to hire a
20 special ed consultant?

21 A. We did.

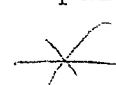
22 Q. And they did that?

23 A. It was also supposed to -- part of the
24 sanction was to be approved by the District, and we
25 were never asked for approval.

1 Q. So they did hire the special ed consultants
2 you required but did not seek specific approval from
3 you. So you don't know whether the person that hired
4 is qualified. Is that an issue?

5 A. They did not meet the sanctions in that
6 letter.

7 Q. Okay. But do you know whether the person is
8 qualified?

9 A. I've not seen her qualifications. I know her
10 from years of having worked as the Department of Ed's
11 school psych consultant. 

12 MR. WATSON: I have nothing further at this
13 time.

14 MR. MCLAURIN: Okay. Just so, Mr. Watson,
15 you'll know, Dr. Brazell is going to have to leave, I
16 think it's at 5:30. And so if you wanted to call him
17 as a witness, I just want to give you plenty of notice.
18 And if we need to change the order a little bit in
19 order to, you wouldn't object to that, I assume. I
20 just want you to know so you don't -- hopefully, that
21 won't be a problem. But he's available if we start
22 getting close to that time, he's available.

23 Any other witnesses?

24 MR. NORTON: We don't have any more witnesses
25 at this time.

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1 MR. MCLAURIN: Okay. Do you all have
2 witnesses? I know you do.

3 MR. BUYCK: We'll call Ms. Queen Wallace.

4 MR. WATSON: Before Ms. Wallace testifies we
5 would like to, as part of the opening of our case, play
6 a video. It's a fairly brief video.

7 (Lake City Prep Experience video played.)

8 EXAMINATION

9 BY MR. BUYCK:

10 Q. All right. We'll go ahead and get started
11 with Ms. Wallace.

12 What is your name for the record?

13 A. My name is Queen Elizabeth Wallace.

14 Q. And where are you from, Ms. Wallace?

15 A. Lake City, South Carolina.

16 Q. How long have you lived in Lake City?

17 A. All my life, 63 years.

18 Q. What is your current position with Lake City
19 Collegiate?

20 A. I'm the Chairman of the Board.

21 Q. How long have you been the Chairman of the
22 Board?

23 A. For four years, since we started.

24 Q. Is it an active Board?

25 A. Yes, it's active.

1 Q. How many members do you have on the Board?

2 A. Seven.

3 Q. How often do you all meet?

4 A. Once a month.

5 Q. Are you engaged in training and that sort of
6 thing?

7 A. Yes. We have training.

8 Q. Has Mr. Church provided you training?

9 A. Yes, Mr. David Church.

10 Q. And is it training on the role of the Board,
11 what's your responsibility -- duties and
12 responsibilities are regarding the school?

13 A. On the Board?

14 Q. Yes.

15 A. Okay. I open up the Board meetings and
16 preside over the Board meetings.

17 Q. Who are -- are you a member of any other
18 boards?

19 A. Yes. I'm on the Lake City Development Board
20 for the City of Lake City. I'm secretary/treasurer. I
21 am on Lake City Partnership, I work with that board.
22 And I'm the secretary of our alumni association, and
23 the secretary of the Ronald Lee McNair Committee. I've
24 worked with the arts field. And I serve as secretary
25 of Florence District 3 for two years, '68 through '70.

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1 And I'm a trustee at my church, and I'm on some other
2 boards.

3 Q. Now, who runs these Board meetings that you
4 all have at the school, is it you or it is the school?

5 A. Well, I chair the Board meeting. I run the
6 Board meeting.

7 Q. Does the Board comply with the Freedom of
8 Information Act?

9 A. Yes, we do.

10 Q. Tell me in your words how this school impacts
11 the community in Lexington.

12 A. Well, we started the school because at that
13 time, I know everybody is familiar with it, we were
14 having problems with the Third District with the kids
15 failing and the grade levels going down. We opened up
16 the school. The community was very excited. So they
17 wanted something different, something to help the
18 children.

19 And Dr. Brown came in, and we had several
20 meetings and met with the community. And we thought it
21 was a good idea to try to get our children educated.
22 And so far they have been doing exceptionally well. We
23 have them in uniforms, which you -- I even been in the
24 stores and see them in their uniforms, and they have
25 their pants up. So that's a plus. And the parents are

1 proud of that.

2 Plus the grade, seems that they are learning
3 better. I just observed for myself in church on Sunday
4 mornings, you have the kids that were shy and would not
5 talk, would not participate in other things, so now
6 they are more open to participate. They seem to be
7 learning better.

8 Q. Are you personally satisfied with your work
9 with the -- as Chairman of the Board?

10 A. Yes, I am.

11 Q. Are you happy with the direction of the
12 school and the progress that it has yet?

13 A. Yes. I'm happy because I know nobody's
14 perfect and Rome wasn't built in a day. It takes time.
15 The first two years that we worked hard with those
16 kids, and we finally got a B. So you've got to give
17 the school time. You just can't get a child and make
18 them from an F to a B overnight. It takes time. So
19 I'm proud. I see a lot of work.

20 MR. BUYCK: That's all I have.

21 MR. NORTON: I have a few questions.

22 EXAMINATION

23 BY MR. NORTON:

24 Q. Ms. Wallace, what does FOIA require with
25 regard to notice for Board meetings?

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1 A. Well, we have the announcement in the
2 newspaper. We also put it on the Internet, the
3 secretary does that.

4 Q. You use your Web site?

5 A. Yes.

6 Q. Do you put it anywhere on the physical
7 location where you're meeting?

8 A. The secretary does that, so I can't tell you
9 where all she puts it. But I do know we do have it in
10 the newspaper because I personally look at that and
11 make sure it's in there.

12 Q. Any time you have a meeting, you notice it in
13 the newspaper?

14 A. Yeah. But I know it, but then I see it in
15 the newspaper. The Shopper.

16 Q. So if we want to know how many times you met,
17 I should be able to go back and look at the newspaper
18 and I can just see how many times --

19 A. You can look in The Shopper.

20 Q. Do you ever cancel your meetings?

21 A. Sometime we had a few meetings cancel, but we
22 still had the meeting for that month. We do it on a
23 different date.

24 Q. Did you provide notice when you changed those
25 meetings?

1 A. Yes, we provided notice.

2 Q. In The Shopper?

3 A. Yes.

4 Q. So I can go get The Shopper and find it?

5 A. You should be able to.

6 Q. What does FOIA require with regard to
7 financial records?

8 A. What do we require?

9 Q. What does FOIA require? The Freedom of
10 Information Act, what does it require with regard to
11 your financial records of the school?

12 A. Well, now, I can't answer that because, like
13 I said, I'm the Board Chair. We have a treasurer.
14 She's not here today.

15 Q. You did testify that you comply with FOIA,
16 right?

17 A. That we comply with it?

18 Q. That's what you said earlier.

19 A. Yes. When I talked to Dr. Brown, I asked
20 her. But just knowing what they require, I'm not going
21 to sit here and say I know something that I don't know.

22 Q. Have you reviewed the charter for your
23 school?

24 A. Yes. It's been awhile.

25 Q. In your own words, can you tell the Board

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1 your understanding of the goals for the school.

2 A. Our goals, personally, in my opinion, like I
3 stated earlier, the goal is to move a child from where
4 it was to a higher position in education. Our goal is
5 to educate the children. That's basically the short
6 terms.

7 Q. And as a -- that's -- obviously you've
8 developed goals to try to do that, right?

9 A. Yes.

10 Q. And so as a Board Chair, I just want you to
11 be able to put into your own words what the goals are
12 of the school so I know how you're measuring to see if
13 the school is meeting it.

14 A. Okay. Well, we started in ninth grade, and
15 our goal was to make it through twelfth grade and keep
16 going and keep getting to bring in these kids from K-1,
17 making them more acceptable and knowledgeable about
18 what it is to really learn and be educated and to bring
19 them on -- carry theme through twelfth grade so they
20 will be prepared for college.

21 Q. And as the Board Chair, what data or
22 information are you given so you're assured that that's
23 happening for your students?

24 A. Well, at our Board meetings -- or before
25 Board meetings, I get them. For Board meetings, Dr.

1 Brown gives us updates in writing, where the children
2 are. And we have Board members that they drill us,
3 they ask questions.

4 Q. And so there's a written report from
5 Dr. Brown for every single Board meeting?

6 A. Not every Board meeting. I wouldn't say
7 every Board meeting. Because what she does, they ask
8 questions and she answers them.

9 Q. And so if there's an agenda item that says
10 that she's going to provide a report, there should be a
11 written report, right?

12 A. Right. She'll have that.

13 Q. She would have that?

14 A. Yeah, if it's a report.

15 Q. And so whatever's in that report, that's how
16 you tell if the school is complying; is that fair to
17 say?

18 A. That would be fair to say, but I'm not there
19 on a daily basis.

20 Q. So whatever --

21 A. You know, I go out there, but I'm not there
22 on a daily basis.

23 Q. Whatever data Dr. Brown is providing you,
24 that's what you look at?

25 A. That's what we have to look at. And then ask

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1 her questions. We have a few people that ask
2 questions.

3 Q. What questions did you ask with regard to the
4 issues on of noncompliance with special education?

5 A. Well, I got my letters and I questioned her
6 about it and asked her what she's going to do about it.
7 Then she would make corrections. I'd look at it and
8 send it in.

9 Q. So you actually reviewed the IEPs yourself?

10 A. No. No. She would tell me about the
11 letters, and I would get my letter and review it and
12 then I would ask the questions.

13 Q. And she told you that she was going to fix
14 it?

15 A. Yes.

16 Q. And to your knowledge has it been fixed?

17 A. She told me that she had it fixed now. But I
18 didn't ask step by step, like, "What did you do?" and
19 all that.

20 Q. You just took her word for it?

21 A. She said she would take care of it.

22 Q. You took her word for it?

23 A. Yes. Because we never had any problems --
24 any reason not to. She does a great job.

25 Q. Will you look at Exhibit 2 to Volume I, that

1 big book in front of you.

2 A. Number 2?

3 Q. Uh-huh. Yes, ma'am.

4 A. The first page?

5 Q. Actually, if you look on page 10 of Exhibit

6 2.

7 A. Okay.

8 Q. Have you ever read this document before? Do

9 you know what it is?

10 A. The charter school?

11 Q. Well, you can look at the first page, that

12 might help you.

13 A. The first page?

14 Q. You might want to look at the first page.

15 A. Of part 2?

16 Q. Of part 2, yes, ma'am.

17 A. Like I say, I read so much stuff, I think I

18 read it, but we've been in school for four years.

19 Q. Well, that's my question. Do you recognize

20 this document? Do you know what it is?

21 A. Yes. I've seen it, but I didn't see what's

22 all in it at this moment.

23 Q. Sure. It's your agreement with the Charter

24 School District, isn't it?

25 A. Uh-huh.

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1 Q. And in this agreement do you agree that these
2 are the things that the school and the District agreed
3 to do together?

4 A. I would have to see sit here and read this
5 again. Because, like I said, it's been four years
6 since I read it.

7 Q. Well, let me ask you --

8 A. You want me to take the time to read it?

9 Q. No, ma'am. I want you to look at page 10 and
10 11 and tell me if this document has been signed by both
11 the District and the school.

12 A. Yes.

13 Q. So would you agree that the school was bound
14 by this document?

15 A. Yes. We'd be bound by it. We signed it.
16 Dr. Brown and me.

17 MR. NORTON: Okay. That's all I need from
18 you. Thank you, ma'am.

19 I don't have any other questions.

20 MR. BUYCK: That's all we have.

21 MR. MCLAURIN: That's your only witness?

22 MR. BUYCK: No. That's all we have of

23 Ms. Wallace.

24 We'll call Dr. Deloris Brown.

25 MR. MCLAURIN: Okay.

1 MR. BUYCK: Can we have about a three-minute
2 break?

3 MR. MCLAURIN: Yeah.

4 (A recess transpired.)

5 MR. BUYCK: We're going to move this
6 letter -- it was fashioned as a Letter of
7 Reconsideration that was addressed to you. I believe
8 you got a copy of it by e-mail.

9 MR. MCLAURIN: Yes, I did.

10 MR. BUYCK: We also have the attachments.
11 I've got a copy of the letter that I'll pass to all of
12 you, and then we will put all of this in the record.

13 The attachments -- I don't have copies of all
14 the attachments. Some of them are duplicative of what
15 your attorney has already prepared.

16 MR. MCLAURIN: Right. This is what you want
17 in the record?

18 MR. BUYCK: Yes. I want this in the record.

19 EXAMINATION

20 BY MR. BUYCK:

21 Q. All right. Ms. Brown, tell us a little bit
22 about your background and what your qualifications are
23 to be director of education at the Lake City
24 Collegiate.

25 A. Okay. My background is I've been in

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1 education basically all my life, over 20-plus years. I
2 taught at every level, elementary, middle, and high.
3 I've also taught at the college level. I am, I guess,
4 an international -- I'm internationally knowledgeable
5 about education. In particular, for over 15 years I've
6 been traveling all over the world studying different
7 models of education in different nations. I have been
8 at many schools where I have been asked to go in
9 because the performance was -- the students were
10 underperforming. And those schools went from
11 underperforming to high performing schools.

12 I have created schools. I have -- I have --
13 I'm a writer. I've published articles on education. I
14 will be considered an expert in terms of art-based
15 education, which is academic. Arts is a core academic
16 subject.

17 And I am thoroughly knowledgeable about how
18 children learn and how systems work. In fact, my --
19 several of my degrees are looking at school change, how
20 that change occurs, systems that are in place that can
21 make a difference. And I've done this in different
22 places that I've been in terms of using the arts as a
23 motivational tool for children in poverty, urban
24 students, and also students in high -- coming from high
25 middle class families.

1 For example, one of the districts I worked in
2 was bordering Scarsdale, which is a famous area known
3 for high performance and high-income students. So I've
4 seen a lot of things. I've been around and worked
5 collaboratively with all types of people from all walks
6 of life. And I obviously enjoy what I do, and I'm
7 pretty good at it.

8 Q. Where did the idea for Lake City Collegiate
9 come from?

10 A. Basically, I looked at several models. For
11 one, I used a model of the Harlem Boys Choir of Harlem.
12 The Harlem Choir Academy, which was the school that was
13 designed for the Boys Choir of Harlem, and the Boys
14 Choir of Harlem is a boys choir, which research goes
15 back to the Vienna Boys Choir. And when you look at
16 that model in Europe, it was a place that was designed
17 to help choruses learn because they had such rigorous
18 training to do -- to provide core services way back in
19 the days as far as back as medieval times.

20 So it came from my experience with the Boys
21 Choir of Harlem. But we tweaked it because not only
22 where the Boys Choir of Harlem dealt only with music,
23 mostly choral arts and a little bit of the instrumental
24 arts, our school deals with all the arts.

25 Q. All right. Let's briefly talk about your

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1 first year of operation. Were they -- what were your
2 biggest challenges once you began accepting students?

3 A. I would say there were two equally
4 challenging things that occurred. Number one, we were
5 in the local school district area, Florence School
6 District 3, which is, of course, serving children in
7 poverty. And, you know, it's a very small area and at
8 that time the superintendent there was not very
9 knowledgeable about charter schools. And, you know,
10 it's the normal, traditional approach when a charter
11 school opens in an area where traditional schools have
12 only been the norm, there's usually not a real pleasant
13 embracing of the local school district for that charter
14 school. So that was one of our major bones of
15 contention, trying to recruit students, you know, in
16 that type of environment.

17 Number two, the second thing was funding. We
18 were told at the very beginning when we were about to
19 open that we would get X number of dollars and then
20 there were budget cuts and then there were budget cuts
21 again.

22 So the amount of money that we had expected
23 to see, we did not see. And, of course, that created
24 major, major challenges for us. But at the same time
25 we survived, all our bills were paid. Never was there

1 one check that bounced.

2 Q. You felt like -- do you feel like you
3 complied with the fiscal requirements of the charter
4 during your first year of operation?

5 A. Of course. Yes, we did. Yes, we did. I am
6 a rules-based person. In another career, I was a
7 public administrator. So, as you know, working with
8 government things have rigid, very policy driven. So I
9 am a person that believes in complying. And, yes, we
10 did. There was never a letter that was written where
11 we did not respond to. As you can imagine, it was an
12 enormous undertaking just like any other charter
13 school.

14 All charter schools usually start out with so
15 much pressure because it's new. Anything new is going
16 to take time to fine tune. But we did comply with all
17 of the requirements of our charter.

18 Q. All right. I want to direct your attention
19 to Exhibit Number 4 from the District's packet, which
20 is a letter July 27, 2011, to you, from Dr. Brazell.

21 And it references charter probation. Were
22 you expecting this letter?

23 A. No, not at all.

24 Q. What was your reaction when you -- when you
25 got this letter?

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1 A. I was really surprised. I actually had a
2 conversation with Dr. Brazell. And I -- in fact,
3 because I had -- I have been in education for a long
4 time, I've done enormous research on the No Child Left
5 Behind and actually have published some papers in that
6 area, I was really surprised. But I did speak with him
7 and never once disputed our -- that the performance did
8 not rise to where we thought it should be.

9 But like everyone in the charter school world
10 knows, it's the luck of the draw because you do not
11 have the option like a private school to decide who
12 comes into your building. Whoever shows up on your
13 doorstep, as long as you have space available, you must
14 accept if it fits -- if they fit within the grade span
15 of your school.

16 So we took in everyone that came. And I had
17 a conversation with Dr. Brazell. I respected his
18 opinion. And I told him that we will continue to work
19 hard, to try and get the school where it needs to be.

20 Q. The first sentence of that letter references
21 a July 27, 2011, meeting of the Board of Trustees of
22 the South Carolina Public Charter School District,
23 agreeing to place the charter of Lake City College Prep
24 on a probation status. Were you in attendance at that
25 July 27, 2011, meeting?

1 A. No. I didn't know anything about it until I
2 read the minutes. I didn't know that they were going
3 to be discussing our school. And when I read the
4 minutes and went through it, I didn't see any action.
5 Any votes or anything, you know. But I was the new kid
6 on the block and was determined to hold up our end of
7 the bargain and do what was necessary for the school.

8 Q. All right. So is it your testimony there's
9 no reference in the minutes of that July 27, 2011,
10 Board meeting of this body to any action being taken
11 against the school?

12 A. Absolutely.

13 Q. All right. The first --

14 A. There is one other thing, too. The other
15 reason I was surprised, like I said, most of my
16 training has been in New York, and I was -- you know,
17 I'm very knowledgeable about No Child Left Behind. And
18 used to doing things a certain way, you know,
19 understanding that each state is different. But that
20 was a federal -- that was a federal law and so
21 according to No Child Left Behind, usually it takes two
22 years to get on to -- in other words, to be identified
23 for some type of sanction, for lack of a better word.
24 And then it takes two years to get off. So you have to
25 show two years of failure to be identified, and then

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1 you need two years of good standing to be removed. So
2 that's another reason that I was surprised. And I
3 didn't know that there was anything called probation.
4 So I was surprised, yes.

5 Q. All right. The academic results that
6 Dr. Brazell refers to in this letter are the 2011 PASS
7 scores. Now, those PASS tests, were they taken in
8 April of the first year?

9 A. Usually taken in May every year.

10 Q. May. All right.

11 Now, did you have any kind of baseline scores
12 to compare your students' results on the 2011 PASS?

13 A. No. We had no baseline. We didn't know the
14 kids until they showed up at our door. That's one of
15 the gifts of being a brand-new entity. You have --
16 they show up and when they show up, because of the
17 laws, the charter school laws, you must admit them into
18 the school. You cannot say because maybe in another
19 school you did X, Y, Z on your report card, even though
20 we require a report card, but that is not a part of
21 admissions criteria. We have to accept them until
22 every seat is filled.

23 So if every student that shows up in my
24 building, if I have 50 slots and 50 students show up
25 and all 50 are failing and five or ten years behind, I

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1 have to accept them. If they are all special education
2 students, I cannot tell them you cannot come because I
3 have to -- I can only have 10 percent special
4 education, which is the norm for most local school
5 districts. That's not how charter schools operate. So
6 I just had to accept whoever came in and work with
7 them. So we had no baseline data.

8 Q. Now let's move on to the concerns with the
9 finances. Dr. Brazell mentions three major concerns.
10 The first is the United States Department of
11 Agriculture Food and Nutrition Program for 2011-2012.
12 It says that the school will not be able to participate
13 because the school did not meet its financial
14 obligations under the program for the 2010-2011 school
15 year. How would you address that?

16 A. I had no idea what he was talking about.
17 That never happened to our school. We've always been
18 qualified to participate. We've never gotten any
19 letter telling us that we cannot participate in the
20 program. You know, I was brand-new and really didn't
21 have a clue. And I knew it was a hard time for the
22 district because the district was also new -- being
23 newly opened.

24 And I asked Dr. Brazell about it and we
25 talked and he said, "Are you questioning me?"

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1 And I just kind of left it alone because I
2 was a very brand-new person in the district, and I
3 understood he was the new superintendent here in the
4 district. So I just left it alone. But, no, that is
5 not correct. That never happened to us.

6 Q. In fact, didn't you receive a letter on June
7 24, 2011, which is one of the attachments to the Letter
8 of Reconsideration from Todd Bedenbaugh, the director
9 of Office of Health and Nutrition Services at the
10 South Carolina Department of Education, notifying you
11 that your free and reduced price meal program agreement
12 had been renewed for the 2011-2012 school year?

13 A. Yes, I did receive that. And that was
14 actually written before we got the July 27 letter. So
15 I didn't know what it was. And my position as an
16 educator, I mean real educator, I've always tried to
17 stay away from politics, which does nothing for
18 children except children end up suffering. So I've
19 always focused on doing what I know is best for kids in
20 terms of educating them and just staying focused on
21 that.

22 And I did get the letter from the Food and
23 Nutrition Program. And when I got the 27th letter, I
24 saw that. Like I said, being the new kid on the block,
25 children and their education was more important at that

1 time than getting into a whole lot of arguments. I
2 stated that it wasn't true. ~~It didn't happen.~~ But
3 nothing was done. So that's what happened.

4 Q. All right. The second area of concern with
5 regards to finance, Dr. Brazell indicates he's
6 concerned with the lower-than-anticipated student
7 population for the school creating an unsound financial
8 structure for the school year and that you only had 178
9 students in the first year. Is that accurate?

10 A. That's close to accurate. You know, we had
11 kids that came in. Well, first of all, we had a
12 waiting list. We had a waiting list the very first
13 year. And as I said, like all new charter schools, you
14 know what happens. You're new on the block.
15 Especially in a small area like Lake City, they had
16 never seen charter schools before.

17 The traditional public school superintendent,
18 you know, got -- probably got nervous. And that's very
19 common, and I'm sure everyone here that's been involved
20 in charter schools is aware of that. And there were
21 all sorts of rumors going around that we were not a
22 public school. We were not a public charter school and
23 all kinds of things. So parents got a little nervous,
24 and we ended up with 178. But we did have a waiting
25 list at the onset of opening this school.

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1 Q. Now, did the fact that you only had 178
2 students instead of the 250 projected, did that cause
3 any financial -- systemic financial problems with the
4 school?

5 A. I wouldn't say so. I think the financial --
6 what happened, the financial problems that I believe --
7 well, there weren't any financial problems actually.
8 What happened was for Title I, which is a federally
9 funded program and when you have high poverty amount --
10 large amount of high poverty students, you get X number
11 of dollars in Title 1, which was a large percentage of
12 our budget. You must spend that money before you can
13 get it.

14 So we -- the school had to spend the money.
15 Well, where do you spend money that you don't have?
16 How do you get a loan from a bank when you have no
17 credit? But our banker was very, very kind to us and
18 we would give us -- he would give us these
19 small-term -- short-term loans in advance. Every
20 payroll was met. Every bill was paid.

21 So there weren't any financial problems in
22 terms of that. The only concern was because of the
23 budget cuts, we sure could have done a whole lot better
24 with the funding that we have now that first year
25 because it's clearly almost double than what it was the

1 very first year of school.

2 In fact, there was also some correspondences,
3 and I actually went down to the -- I can recall the
4 first year right before we started, that this district
5 spoke with me because there were lots of concerns that
6 this district -- you know, because everything is new.
7 When something is new, this is just what happens.
8 People are nervous about it.

9 And I went down and spoke with the black
10 caucus on behalf of this district and said, "Yes. No,
11 this is not a school that is trying to --" "-- this is
12 not a district that's trying to use public school
13 dollars for private school, homeschool children."

14 And I spoke on behalf -- and that is in the
15 record. I spoke at the Education Committee for the
16 Senate, and I also spoke on behalf of, you know, the
17 importance of allowing us to get the funding that we
18 needed. And so there were concerns that we were not
19 fairly funded, but we continued to do our very best and
20 try to make the school work. And we did. We did. We
21 had no problems.

22 Q. All right. And then the third concern with
23 regards to the finances was -- and I'll quote from the
24 letter. "The third major concern is that several
25 individuals employed at the school during the 2010-2011

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1 school year have approached the district office and
2 related particular concerns with the management of the
3 finances for the school. Please note that even the
4 perception of financial impropriety by those employed
5 at the school can be a serious problem and one that
6 does not reflect well on the leadership of this
7 school."

8 What employees was Dr. Brazell referring to?

9 A. I don't know. We had a conversation and in
10 that conversation he said, "Are you questioning me?"

11 Q. With who did you have the conversation?

12 A. With Dr. Brazell.

13 Q. After receiving this letter?

14 A. Yeah. Because I wanted to know -- because
15 that was real weird for me. I had no idea who could
16 possibly -- you know, where that was coming from. And
17 then the other part is because, as I said, being from
18 New York and being involved with local school boards
19 and, you know, regional boards and county boards for
20 schools, normally the first stop is the principal. If
21 there's no satisfaction at the principal level, then it
22 goes from the principal to the Board, the local school
23 board. And then if there's no satisfaction, then it
24 ends up at the district office.

25 And no one ever, ever made a complaint to

1 myself or the Board. And I was surprised that that
2 question or whatever was going on was entertained. But
3 what I did, I said, "Well, you know what, we're all new
4 here. I'm not going to squabble over little things
5 that can interfere with educating kids."

6 And I left it just like that.

7 Q. Did anyone at the District in this time
8 frame, around July 27, 2011, did anybody at the
9 District approach you about any particular concerns
10 with the management of the finances of the school?

11 A. No. No one.

12 Q. Did you take any particular action after
13 receiving this letter other than calling Dr. Brazell?
14 Did you do anything proactive to address the issues
15 that are discussed here?

16 A. Well, I shared the information with our
17 Board. I shared it with parents. We even had a Board
18 meeting. And the parents were asking me about the
19 probation. What it was and all of that. And in that
20 particular meeting, I went over what I know best. No
21 Child Left Behind, how it works. Two years on to be
22 identified and then two years of low performances to be
23 identified and then two years of positive to get off
24 whatever. And I shared that information.

25 I also -- because the parents at the -- the

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1 parents were very upset, very concerned because they
2 didn't understand. They said, "You're brand-new," and
3 they knew many of the students that came in from the
4 local area and where they were and they had seen
5 progress or whatever and they knew -- they understood
6 things on a, I guess, a different level. They couldn't
7 understand why we were getting cited after one year.
8 So ...

9 Q. Was there any communication sent to the
10 parents of the school that said that the school was on
11 probation after its first year of operation?

12 A. After the first year, we had a parent
13 meeting. And when we had the parent meeting, we had
14 the Board meeting and then parent meetings and then
15 that's when it was discussed. Because the parents were
16 very upset. They were very, very upset because they
17 said, you know -- and, you know, I'm in a small area.
18 Lake City is small. Columbia is a big thing. You
19 know, I'm not used to the dichotomy between the Pee Dee
20 and the big four or whatever exists in the state at
21 that time. I was not even knowledgeable about, you
22 know, people's feelings. So then there was urging to
23 maybe you need to seek legal representation about this
24 because these are serious matters.

25 And so I spoke with Mr. Buyck because -- at

1 the urging of the parents and also because it was -- I
2 guess it didn't look like something that was going to
3 go away quickly.

4 Q. Did this issue of probation, particularly the
5 financial probation, did it keep coming up in
6 subsequent letters from the District?

7 A. Yes. Yes. I was surprised. I followed
8 different public release. Sometimes they would be sent
9 from the District. And at the legislature meetings
10 with the law makers. It's like, well, you know, this
11 is what's happening. And I understood the District's
12 position and trying to get funding for a new way of
13 educating children under a new district where they had
14 to explain to the lawmakers, well, these are the
15 schools that we have. These are the schools that did
16 not perform well, and this is what we did. We put them
17 on probation, and they stated why.

18 Academic performance was -- I believe all of
19 them said academic performance. But Lake City had
20 something that said academic and finance. And I was
21 quite concerned about that because it didn't happen.

22 Q. All right. Let's look at the March 21, 2012,
23 letter, which I'm going to -- do you have that letter?

24 Do you have that March 21, 2012, letter from
25 Dana Reed there in front of you, Ms. Brown?

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1 A. No, I don't.

2 MR. BUYCK: All right. We'd also like to put
3 this one in the report. It's a letter of March 21,
4 2012, to Deloris Brown from Dana Reed.

5 MR. MCLAURIN: What year?

6 MR. BUYCK: March 21, 2012.

7 MR. MCLAURIN: You'll get us a copy?

8 MR. BUYCK: Yes, we'll get you a copy.

9 MR. MCLAURIN: Go ahead, I'm sorry. I don't
10 want to interrupt.

11 BY MR. BUYCK:

12 Q. All right. Now, this letter purports to be a
13 Letter of Caution for failure to submit timely data.
14 What was the -- for lottery and professional
15 development funds. How would you address that
16 particular Letter of Caution?

17 A. Okay. This was requesting some information,
18 but it was not very clear how the information was to be
19 given back to the District. And, of course, because we
20 have people that keep our books for -- like certain
21 things in terms of the financial management. Like
22 there's like certain -- kind of hard for me to explain.
23 The way things are set up, it's all in the computerized
24 system.

25 I reached out to that company, and that's

1 Kelly-Moser, to get that information. He got the
2 information, and he actually asked for clarification.

3 And when we received the information, we did send it to
4 Wanda. Wanda said she didn't get it. That was the end
5 of it.

6 We were told -- and when I say "we," all
7 school administrators were told that if you get three
8 letters of caution, that we should not worry about
9 these. We should try our best not to let it happen.

10 But this is a practice that the District is doing for
11 monitoring purposes and if you get three of them, then
12 it's a big deal. But make sure that if you get a
13 Letter of Caution, that you do not get another Letter
14 of Caution. And that's the way we left out. But we
15 did submit the data. She said she didn't receive it.

16 As I said, that was the end of it. But she did get it.

17 Q. Did you talk with Mr. Moser and confirm that
18 it had been resent?

19 A. Yeah. He sent me the data, and then I sent
20 it out to Wanda.

21 Q. Okay. So whatever was requested in this
22 March 21, 2012, letter, you jumped right on it and you
23 sent the data in to the District?

24 A. She had received it. She received the
25 letter. She received the information. What she was

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1 arguing was that she didn't get it on time, but she did
2 receive the information and it was sent on time. But
3 she said she didn't get it, so ...

4 Q. All right. The next letter that you received
5 from the District is Exhibit Number 5 in the District's
6 presentation. It's June 5th, 2012. Do you have that
7 there in front of you?

8 A. Yes.

9 Q. All right. Tell me about that particular
10 letter and why you believe you got it.

11 A. Okay. I believe that this letter was --

12 Q. This actually deals with special ed, right?

13 A. Right, it does.

14 Q. And there was testimony about this earlier,
15 that during an assessment there were two files that
16 were identified as being noncompliant; is that correct?
17 Is this the letter discussing those two files?

18 A. No. I don't think it was these two files.

19 Q. Okay. I'm sorry. Well, tell me what this
20 one is.

21 A. Okay. This is a letter from special
22 education. When I -- first of all, I'm used to running
23 a school a certain way. However, when I'm in the
24 district, as I said, I'm a person that likes to follow
25 policy. And upon arrival in this district, I requested

1 that I was copied on letters to my staff. Well, I was
2 told, no, we only have specific individuals. So
3 whoever the special ed coordinator is, that's who we
4 will send the information to. Okay. That's not my
5 preferred style of leadership, but that's what
6 happened.

7 Once I received notice of this information
8 and began to look into it, all of these issues -- first
9 of all, these issues are not all accurate. But
10 everything was taken care of.

11 Q. All right. And this particular Letter of
12 Caution deals with one student and one file?

13 A. I would have to read the entire letter.

14 Q. Well, I'll refer you to the next-to-last
15 paragraph where it says, "LCCPA is also required to
16 meet with District staff, including the director of
17 information technology, and the student's parent to
18 resolve questions regarding the student's attendance,
19 schedule, and placement in a special education setting
20 prior to and during the evaluation process."

21 A. Yeah. I will speak to this letter. It was a
22 student in our school. This student was having
23 difficulty in a classroom. We met with the families.
24 Our response to intervention team met with the student.
25 And it was decided between the parent, the student, and

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1 also the classroom teacher, that the student would have
2 opportunities to also at certain times go to another
3 location with work given to him by his regular
4 education teacher and complete that work just to give
5 him a change of pace until his evaluation could be
6 done.

7 During that time we were waiting for the
8 evaluation to be done and what kept happening was we
9 kept getting requests for anecdotal. Well, the
10 anecdotal were sent. I would speak with the special
11 education coordinator. "Have you sent it up?"

12 She said, "Well, yeah, I have the anecdotal.
13 They were sent up."

14 Well, at that time the -- Becky Davis was the
15 psychologist, "They're asking for anecdotal."

16 And so I said, "These are all the anecdotal
17 that we have."

18 And it went back and forth, back and forth,
19 back and forth. And then the next thing I knew, we
20 started -- we got this letter. And we had a meeting in
21 July. The parent did not show up at the meeting but
22 did call in. But before we had the meeting, the parent
23 provided us with a thick document explaining that the
24 child had been evaluated by his private psychiatrist,
25 very well-known gentleman in Florence -- in the

1 Florence area. And that person's finding was totally
2 different from Becky Davis' finding. Totally
3 different.

4 He was a psychiatrist, and she admitted it.
5 She said, "Well, he is a medical doctor and I'm not."

6 But the bottom line was it was this back and
7 forth that, "Oh, you're barring this child from regular
8 education." That did not happen.

9 We are a small school and at that time in
10 2012, which was -- we did not have the space that we
11 have now. So we had teachers that would be able to
12 do -- to have more than -- like if the teacher had a
13 student that needed to go into another teacher's
14 classroom, that student could. And that student went
15 into the classroom. And we were told that we were
16 barring the student from regular education.

17 Well, later on in July, we received a bill
18 from the Charleston School District. This bill stated
19 that the child had an IEP and had been hospitalized and
20 was a part of a special education program for about two
21 months when we had -- when the child was absent from
22 school. And that those months that he was absent, he
23 had been in Charleston school district with an IEP,
24 which we had no knowledge of. But we were billed for
25 services.

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1 So the child apparently had an IEP. The
2 parent admitted she didn't give us any notice. We
3 didn't even know the child had gone to another school.
4 The only thing that we were told is that that child was
5 hospitalized and the parent brought in the
6 documentation to verify.

7 And by the way, since that time, the child's
8 IEP has been written, and the child is doing actually
9 very good. Has increased academically and able to do
10 so much better. That's what these letters are about.

11 Q. All right. Now, you're testing for your
12 second year of -- I guess the '11-'12 year, how did
13 that go?

14 A. The testing for the '11-'12 school year, we
15 did not see the results, of course, that we wanted to
16 see. As I said, we brought students in that were many,
17 many grades behind. And by that time we had a total --
18 a lot of kids left the school and some more kids filled
19 in. And our results did not -- were not where we
20 wanted to see them.

21 Now, it was very interesting that we sent out
22 tests to this district, and I must have gotten about a
23 good 12 -- no, maybe more than that -- e-mails asking,
24 "Which grades do we test? Please --" the same question
25 over and over. "Please explain which grades were

1 tested. When you sent in these tests, which grades are
2 they? Which grades do you serve?"

3 And I suspect it was because there was a
4 turnover. At that time there was a Jonathan Butler,
5 who sat in the place of Courtney Mills. He left.

6 Courtney took over. And it was just a lot of e-mails
7 back and forth, "What grades --" and everything was
8 written, everything was packaged properly. But it was
9 at that time for the first two years that our test
10 scores came to this district before they went out to be
11 scored. So ...

12 Q. Let me ask you this.

13 A. I don't know what happened.

14 Q. After your first year, did you all prepare an
15 accountability plan that was presented to the District
16 and approved?

17 A. Yes. Yes.

18 Q. But what was the purpose of the
19 accountability plan?

20 A. Well -- which is exactly what I thought was
21 going to happen on March 13. We were asked to come in,
22 like all the schools on probation, and we were told --
23 but before we came in that we had to have an
24 accountability plan. In that accountability plan, they
25 gave us some specific areas to address. And we had to

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1 come up with the goals that we were going to meet
2 because this was our way of showing the District that
3 we were making reasonable academic progress.

4 Well, we did what was asked. We made the
5 plan. And at that meeting every school was asked, "How
6 long will it take to show growth? How long will it
7 take?"

8 And every school that was present said,
9 "Three to five years." Every single school.

10 Q. All right. Exhibit Number 6 in the
11 District's exhibit book looks like your accountability
12 plan for 2012-2013; is that correct?

13 A. Yes.

14 Q. All right. And let's flip over to Exhibit
15 Number 7, which is an October 8, 2012, letter to you
16 from Dr. Brazell.

17 A. Wait. I need to just add something to the
18 list exhibit.

19 Q. All right.

20 A. At that meeting, those plans were accepted by
21 the Board.

22 Q. They were approved by the District?

23 A. They were approved.

24 Q. All right.

25 A. And I want to be very clear about this. I

1 think one of the things is we all understand the
2 charter school world that we operate in and how you set
3 goals, and you are not going to get what you think
4 you're going to get when you open up a school. You may
5 get some of it.

6 And because of that, I believe this District
7 was very clear that those were some of the problems
8 that we were dealing with and also the fact that the
9 local traditional schools fight the opening of new
10 charters in their area. And a lot of things happen.

11 So we were given this opportunity, but we did
12 exactly -- we were not resistant. Whatever we were
13 asked to do, we did it. And at the end of that term,
14 we met those goals.

15 Q. All right. Now, let's look at Exhibit 7,
16 which is the October 8, 2012, letter from Dr. Brazell.
17 The first sentence in paragraph 2, it says, "On July
18 27, 2011, the District placed LCCPA on probation due to
19 unsatisfactory academic performance and deficiencies in
20 the area of finance."

21 Came up again, didn't it?

22 A. (Nods head.)

23 Q. Then read that sentence starting with the
24 word "despite."

25 A. Is it in the same paragraph?

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1 Q. Yeah, paragraph 2, fifth line. "Despite."

2 A. "Despite the fact that LCCPA met the specific
3 goals outlined in its 2011-2012 Accountability Plan,
4 the federal accountability data indicates that the
5 overall academic achievement of students at LCCPA
6 remains significantly subpar."

7 Q. Okay. So Dr. Brazell acknowledges that you
8 all met your goals that were set out in the 2011-2012
9 accountability plan as approved by this Board, correct?

10 A. Yes.

11 Q. But you were also continued on probation; is
12 that correct?

13 A. Yes.

14 Q. All right. Despite reaching the goals that
15 you had set with the District.

16 All right. Let me refer you to my letter of
17 September 25, 2012.

18 Actually, let's don't talk about that.

19 The next -- the next letter that you've
20 got --

21 Let's look at Exhibit 8. December 18, 2012,
22 letter. This one is from Dana Reed, correct?

23 A. Yes.

24 Q. All right. Had anything occurred between
25 Dr. Brazell's letter on October 8th and this one that

1 you received from Ms. Reed on December 18th?

2 A. Not that -- ~~not~~ that I can think of.

3 Q. All right. Now, Ms. Reed references a
4 November 29, 2012, meeting with you and two members of
5 your Board, including the Board Chair, Ms. Wallace, to
6 formally discuss the school's continued probation and
7 the Comprehensive Remedial Action Plan the school and
8 Board will be required to develop to address academic
9 performance.

10 Now, did you recall that meeting with
11 Ms. Reed?

12 A. Yes. Yes. Actually, we were asked to come
13 for a meeting. And when we showed up, it was the
14 entire District staff. Yes, I do recall that meeting.

15 Q. All right. And what was your reaction when
16 receiving this particular letter?

17 A. I was surprised because we -- we were doing
18 what we thought we were supposed to do, but really
19 pushing to improve the academics and do everything that
20 the District requested of us. And I was really

21 surprised that we received this request for a meeting.

22 But then at the same time, I was hopeful
23 that, well, maybe we'll get a chance to sit down and
24 see and get a better understanding as to what is it
25 that the District really wants? Is there something

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1 that I'm missing here? Is there an underlying issue
2 here that I'm not seeing?

3 And when we came for the meeting, there was a
4 lot that took place that I was really concerned about.

5 Q. Had the school already prepared its 2012-2013
6 action plan and had that been approved by this Board
7 when you received this or when you had that meeting in
8 November and received this letter in December?

9 A. Let's see. No, I don't believe we had at
10 that time because she says that we will be required to
11 develop another Remedial Action Plan.

12 Q. Had you prepared a Remedial Action Plan for
13 the 2012-2013 year?

14 A. I know we had to. We had to prepare one, and
15 we did. Whenever the District -- whenever they ask us
16 to prepare an action plan, we did. We were very, very
17 cooperative with the District.

18 Q. All right. Let me point you specifically to
19 this bullet point on page 2 where it says, "A budget
20 deficit occurred for the fiscal year 2011-2012 and only
21 40 percent of the school's budget was spent on
22 instruction that year. To bring the school out of a
23 deficit, the school cut instruction. Specifically
24 instructional salaries were cut by \$185,000, almost the
25 same amount as was spent on portables by the school."

1 How would you address that assertion?

2 A. Did not happen. That's a gross error,
3 really, on the District's part. And I'll tell you why.
4 The year prior to that, the per-pupil amount was a
5 little over \$2,000. The next year we did get better
6 funding, which was upward towards 5,000. A little over
7 5,000 per pupil. And the percentage, even -- we
8 actually hired more staff and every staff member
9 received a \$3,000 annual increase that year. No staff
10 members were cut. We hired more staff, and we gave
11 them \$3,000 more.

12 So staff salaries the first year was 30,000.
13 Staff salaries the next year, when the increase came
14 in, was \$33,000. But it's real -- the only way that I
15 was able to make sense of that is that if -- say if I
16 have a hundred dollars and I'm spending \$10 on
17 instruction, then it would be 10 percent. But if that
18 amount doubles to \$200 and I still spend maybe a little
19 more than \$10 on instruction, that's not going to be 10
20 percent anymore.

21 So I think that's where the error took place,
22 I did address that. But that's where it ended.

23 Q. Has Ms. Reed ever attended any of the
24 school's board meetings?

25 A. Never.

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1 Q. So when she says that the Board Chairman does
2 not run the Board meetings, she's not saying that from
3 personal observation, is she?

4 A. No.

5 Q. Who runs you all's Board meetings?

6 A. The Chair.

7 Q. All right. Now, as part of your action plan,
8 did the school engage its tutoring service?

9 A. Yes.

10 Q. Is that part of your charter?

11 A. Yes, it is.

12 Q. Tell me what action was taken to obtain
13 tutoring services.

14 A. We hired a tutoring company and that company
15 came highly qualified. Actually, I met the company at
16 the District's banquet the year before we hired them.
17 I was able to ascertain a document that was written
18 by -- written for the South Carolina Department of
19 Education where they took a look at tutoring companies
20 that provided after school, academic intervention
21 services. And they analyzed the data from those
22 companies that provided the tutorial services. And out
23 of -- there was a number. I can't recall. Maybe 12.
24 I'm not sure. But out of -- I provided this District's
25 Board with a copy of that document.

1 But out of all those companies that provided
2 services, the company that we use, Have Faith, had the
3 highest amount of increase academically and academic
4 achievement.

5 Q. Was it a Board decision to contract with Have
6 Faith?

7 A. Absolutely. Absolutely. And, also, I might
8 add that Have Faith was working for I believe it was
9 one of the Clarendon school districts. I'm not sure if
10 it was Clarendon, but it was another school district --
11 traditional school district in the state of
12 South Carolina. And it is documented in that -- it's
13 documented in that report that was submitted along with
14 our response to this accusation.

15 And I also, just for the record, because they
16 were not my employees, I was not their bookkeeper in
17 keeping their records as far as their time sheets.
18 That was not my duty. But we did hire them.

19 Q. You hired them to provide a service?

20 A. Yes.

21 Q. You hired them to provide a service?

22 A. Yes, we did.

23 Q. They provided the service?

24 A. Actually, they stayed longer than they said
25 they would.

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1 Q. And you paid them according to the contract?

2 A. Yes, we did.

3 Q. You submitted the contract to the District
4 when requested, correct?

5 A. Yes. The District never had a conversation
6 with me about that. I just received a letter in the
7 mail questioning the statements that the company was
8 owned by a teacher at the school. That is actually in
9 I believe it was my September 30th response. That the
10 company belonged to a teacher at the school and that
11 the District didn't know who the company was and just
12 all kinds of -- I don't know. And we never had a
13 conversation. No one ever said, "Deloris, it's kind
14 of --" "We'd like to get a little information about
15 this company. What's going on with this?"

16 Never, not one conversation. I just received
17 the letter in the mail with these accusations which
18 were all totally false.

19 Q. Now, what efforts did the school make with
20 regards to complying with the special ed requirements?

21 A. The school hired a consultant, first of all.
22 I had a conversation. I did have a conversation with
23 Becky Davis, and then we hired a consultant to come in.
24 Marva -- a coordinator, Marva Cannon, she came in.
25 And we removed the original coordinator of special ed

1 services, and Marva took over.

2 Then -- and everything that we were asked to
3 do, we did. Marva, I believe, had submitted a
4 response. Everything was done, but there were things
5 that was not the way they wanted it to be done.

6 Q. When you say "they," who are you referring
7 to?

8 A. So we would go back and whatever was asked,
9 we would do it. And then we were told, "Well, you've
10 got to hire a special education consultant."

11 And contrary to what Becky Davis sat here and
12 told you, we -- I had a conversation with Becky because
13 we discussed one of -- another consultant who is --
14 that I know that I worked with in New York who was
15 going to relocate temporarily because she's over the
16 region and struggling -- familiar with special
17 education, she was going to take it over. But
18 something happened and she couldn't.

19 So I had this conversation with the District
20 staff and explained that we would be hiring Albertha
21 Bannister, and they approved it. But I don't know what
22 happened. And even in a documentation that we received
23 when the District came for a visit, there was a letter
24 of response saying, "You didn't do it. You did not
25 hire a consultant like we told you to."

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1 But the District had just come in and met her
2 during the visit, and I respond to that. I believe
3 that's in my September 30th letter, which is
4 documented. On the day of the visit. But then after
5 that it was like, "You didn't do what we told you to
6 do." *S. R. Chrye*

7 So, you know, I understand that people get
8 busy and things happen.

9 Q. How do you explain Ms. Davis' testimony that
10 your IEP files are all out of compliance?

11 A. I have gone back and forth with my special
12 education team. In fact, as of -- and Albertha would
13 be able to respond to that. Every IEP -- because the
14 last letter that I got from this District, which I
15 believe was in February, I was totally surprised.

16 So I called Becky on the phone, I said, "Wait
17 a minute. What is going on? We've done everything
18 that you've asked us to do. And we've hired a
19 consultant. We've done everything. What is going on?"

20 And so she says, "Well, I don't think that
21 maybe your consultants, they understand how to write it
22 the way we want it to be written," for lack of better
23 words.

24 And so I said, "Well, what is it? Do you
25 know of someone else that you've worked with? Because

1 here we are trying to comply with what the District
2 wants, trying to do what the District is asking us to
3 do, and when we do it, you keep -- there's a problem
4 with it. So let's eliminate the problems, and let's
5 move forward."

6 I had that conversation with Becky. Becky
7 said, "Well, I know of a few special education
8 consultants."

9 She gave me the names of those people. We
10 hired one of them to work along with Albertha and also
11 Marva to work on the issues of special education.

12 And to my knowledge, all of the IEPs are --
13 all have been -- are compliant at this time. There's a
14 letter from Marva. And the reason the IEPs are
15 complaint is because we sent them to the District to
16 make sure that, okay, this is written. Is this how you
17 like it? Is this okay? Is this going to meet your
18 approval? And they would respond back, yes, no, maybe
19 you need to instead of saying the student will write
20 whatever sentences, maybe you need to add, they will
21 capitalize, or whatever. You know, little things like
22 that. And I've seen those e-mails, and that's what we
23 did. And is it approved? Yes. And so I'm real
24 surprised about that today. Very surprised.

25 Q. All right. Let me refer you to Exhibit 9

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1 again. This is April 22, 2013, letter from Dr. Brazell
2 to you, and it specifically deals with this issue of
3 IEPs.

4 A. Can you tell me the date again.

5 Q. April 22, 2013. It's Exhibit 9 in the
6 District's exhibit book.

7 This one lists in the second paragraph lists
8 sanctions effective immediately. And one, that the
9 school is barred from accepting any new students; and
10 two, the school must use noncategorical funds to employ
11 a special ed consultant of the school's own choosing
12 subject to the Board's -- the District's approval.

13 Now, we'll get back to number one, but number
14 two, is it your testimony that you did hire the
15 consultant?

16 A. Yes, we did.

17 Q. And as far as you know, it was approved by
18 the District or she was approved by the District?

19 A. I had a conversation with Becky Davis who
20 approved Albertha Bannister and stated to me that she
21 knew her and that she would be fine for us to hire.
22 And we did hire here.

23 Q. Did the consultant provide biweekly reports
24 on the school's progress to the District?

25 A. Yes, she did.

1 Q. And that consultant is still on staff a year
2 later?

3 A. Yes, she's present.

4 Q. At least in a contract?

5 A. Yes.

6 Q. All right. Now, sanction number 1, all
7 right, this, again, goes back to April 22, 2013. A
8 little over a year ago. It says, "The school is barred
9 from accepting any new students."

10 What was your response to that particular
11 sanction?

12 A. Well, it was a little nerve-racking because
13 it sets us up for lawsuits. You know, I kept getting
14 these letters, and I'm wondering is there something
15 else that I'm not reading here? But to tell me to bar
16 children of poverty from attending our school, okay,
17 when there are laws that say that you cannot bar, you
18 must admit. Which is why we're in the predicament that
19 we're in because we can't screen our kids and say we
20 only want high-achieving students. We have to accept
21 students.

22 The other concern that I have was this letter
23 came April 22nd. Our admission policy states that we
24 will accept students, and the deadline for application,
25 of course, if there's room still available, the

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1 students can continue to enroll, but the deadline is
2 January -- I believe it's usually January 13th, about
3 that time, or the second week in January. So we had
4 already accepted our students into the school.

5 ~~So I didn't understand this because I just~~
6 couldn't believe that the District would be setting us
7 up to be -- so that we would end up in court battles
8 because we're accepting kids according to the law.

9 Q. Is it also inconsistent with the District's
10 earlier placing you on financial probation for not
11 meeting your enrollment goals?

12 A. Absolutely. Well, if you bar children from
13 attending school, then the school cannot flourish and
14 continue and grow. So it was just quite confusing for
15 me. I didn't understand, you know, what was really
16 going on, why would the District ask us to bar children
17 from coming to school when the law clearly states that
18 we had to admit them.

19 And then the other thing, there are all these
20 other parts with siblings have rights and all of that.
21 So I just didn't understand it. And, yes, I was quite
22 troubled. And especially knowing that it is the
23 per-pupil expenditure that helps the school to remain
24 financially sound.

25 Q. All right. Now, in this same spring of 2013

1 time frame, were you having other discussions with the
2 District about the District's desire to -- District
3 staff's desire to come to the school and interview
4 students?

5 A. Do you mind if I go back, Mark?

6 Q. Sure.

7 A. Okay. What I stated about the September 30th
8 letter, it is Exhibit Number 7. Exhibit Number 7.

9 MR. MCLAURIN: Ma'am?

10 THE WITNESS: It's number 7. It's two there.

11 MR. BUYCK: Attachment 7 to your Motion for

12 Reconsideration.

13 MR. MCLAURIN: Okay. That's not Exhibit 7 in
14 our book.

15 THE WITNESS: I'm sorry.

16 MR. MCLAURIN: We don't have all that.

17 THE WITNESS: Okay. I'm sorry. It's number

18 7, and it's September 30 letter. My response to many

19 of the things we've already gone through. One, two,

20 three, four, the fifth page where it tells me to bar

21 students from coming to the school -- I'm sorry, where

22 we demonstrate -- until we demonstrate the capacity to

23 meet the federal requirements and that we haven't hired

24 a special education person.

25 That first paragraph after the italic states

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1 that, "The District visited the school on May 22nd.
2 The team was introduced to Albertha Bannister, who had
3 been approved for hiring after the principal spoke to
4 the District's compliance officer."

5 Okay. "The attached letter dated June 8 was
6 sent to the school's Board Chair and a copy was mailed
7 to the compliance officer at the District by the
8 consultant. According to the consultant, Ms.
9 Bannister, one letter was written to our Board Chair
10 and a copy of the letter was sent to the District."

11 So this was my response. We basically -- I
12 had -- I spoke with Dana and she says that I needed to
13 talk to Becky. I spoke to Becky. Becky remembered
14 Albertha and said she was fine. And we hired her.

15 Q. All right. Let's go to about this time last
16 spring regarding the District's desire to meet with
17 students at the school. Tell me about that. *meet students*

18 A. Last spring I received an e-mail from Wayne
19 telling me, you know, that they would like to come
20 visit the school, and he had been very, very busy but
21 he really wanted to come and visit to see the progress
22 that we were making. Because, you know, my position
23 has always been to the District, we will keep moving
24 until we get the students where -- well beyond where we
25 expect them to be. Academically and everything.

1 And so he told me, he says, "I would like to
2 set up a visit."

3 I said, "Sure, fine."

4 So then he says, "Well, I will have Clay get
5 in touch with you."

6 Clay Eaton, at that time, I believe was the
7 public relations person. *PR*

8 And he said, "He'll give you the details of
9 the visit."

10 So I waited for the response from Clay. When

11 I received that response, I was very troubled. Very,

12 very troubled. Because the way that the visit was

13 scheduled to be where the District was going to bring

14 in a group of people to interview our students and

15 students as young as third graders, questioning them.

16 No parents or staff members can be present. I was very

17 concerned about that because we know that anything, *Page*

18 including an interview, can go into the record as data.

19 I was concerned about FOIA. And more than

20 FOIA, I was concerned that the parents would tar and

21 feather me for allowing such -- what appeared to be

22 unethical, unprofessional activity to take place. *Page*

23 was very concerned about that.

24 I spoke with parents and then I said, "Well,

25 you know, maybe I'm making too much of this. Let me

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1 follow up and reach out to another school."

2 And I did. Well, when I shared with Wayne my
3 concerns, he said, "Oh, Deloris, don't worry, we've
4 done the same type of visit at other schools. For
5 example, we went to Calhoun Falls and we did it."

6 So I reached Deidra at Calhoun Falls, who was
7 the principal there. I said to Deidra, "Deidra, you
8 know, maybe I'm making a big deal out of --" "-- but I
9 know a red flag when I've seen one after being in
10 education this long."

11 And she said, "I'm sorry, I can't help you.
12 That type of visit did not take place here at this
13 school."

14 Now, I have an e-mail to that effect. So
15 then I began to wonder what was going on and when I
16 relayed that information back to my parents and many in
17 the community, we were very concerned. So I responded,
18 and it appeared to be a witch hunt. Really, really
19 concerning, very concerned about that type of visit.
20 Which is not a standard way that you do visit at a
21 school.

22 And I responded, reached out. Then because I
23 reached out and asserted my rights, that I thought this
24 just seemed -- it seemed like we were being singled
25 out. When I asserted my rights, that it appeared to be

1 in violation of our civil rights.

2 Q. Were you concerned enough to come up here and
3 meet with the District and the staff, Dr. Brazell and
4 Ms. Reed?

5 A. Yes. Yes.

6 Q. And myself?

7 A. Yes. Well, what happened when I made that
8 statement, I was immediately told, "I'm going to put
9 you on the Board -- on the agenda. I will put you on
10 the agenda."

11 So I sent my response to all of the Board
12 members, and I'm sure the Board members that were there
13 remembered that response.

14 Then later on, I got a note that Lake City
15 will just be under discussion, to come for a meeting.
16 We came for a meeting. I was not allowed to speak at
17 that meeting at all. All of these things were just
18 coming out at the meeting, that we were uncooperative
19 and all sorts of things. And I was at that time began
20 to really, really be concerned about the true intent of
21 what's really going on with all these letters and all
22 these things coming. That's just not kosher. So --

23 Q. Did you ever refuse to allow the District to
24 come interview the students?

25 A. No. No. No. I even stated in that we would

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1 welcome a visit. We have never told anyone -- we have
2 visitors all the time from everywhere. And we have
3 never told anyone, "You cannot come to our school."
4 Never. And so I said, "We don't mind having this
5 visit, but to interview our kids like that, that's just
6 not a good thing."

7 I wasn't sure if maybe the Board had not had
8 cultural sensitivity training and, you know, these
9 kinds of things, I don't know, you know.

10 So anyhow, moving right along, I did come to
11 that Board meeting. David Church was there with me. I
12 was not allowed to speak. I did ask and the Chair was
13 gracious to say, well, the Board is pressing me, you're
14 not on the agenda, so you really can't speak. So that
15 was that.

16 But he did say that, "Well, Wayne, will you
17 call the attorney and schedule a meeting?"

18 Now, the biggest concern was I kept calling
19 trying to say, "Well, what's going on? How can we fix
20 this? Can we talk about this?"

21 Wayne refused to talk. He refused, and I
22 mentioned that at the meeting. So that's when the
23 Board Chair said, "Well, contact her attorney, schedule
24 a meeting and then we can sit down." And that's
25 happened.

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5/20/2014
157/p

1 MR. MCLAURIN: Mr. Buyck, could you pick up
2 the pace a little bit. I don't want any less
3 information, but if the pace could just be a little
4 better, I would appreciate it.

5 BY MR. BUYCK:

6 Q. In the spring of 2013, about this same time
7 period, did you all have some PASS tests?

8 A. The spring of?

9 Q. This time last year.

10 A. Yes, we did. Yes, we did.

11 Q. All right.

12 A. Last year at this time, there were lots of
13 problems with our Internet provider in rural Lake City.

14 Q. I'm not talking about the MAP, I'm talking
15 about your PASS test.

16 A. Oh, the PASS, I'm sorry. Yes. Yeah, in May
17 of last year, yes.

18 Q. May of last year you took the PASS test.
19 When did those results come in?

20 A. They came in about July, August.

21 Q. How did the school perform?

22 A. Well, the school did an excellent job. I'm
23 going to give you some statistics.

24 At the elementary level in 2012, in ELA we
25 had 40 percent passage. In 2013, we had 71 percent of

School
Pass
5/8/2014

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1 our students pass. A 32 percent increase.

2 For math at the elementary level in 2012, we
3 had 25 percent. In 2013, we had 40 percent. With a --
4 I'm sorry, not 40 percent. 39 percent with a 24
5 percent increase.

6 The PASS writing test results in 2012, we had
7 47 percent pass. And in 2013, we had 76.4 percent pass
8 with a 24 percent increase.

9 At the middle school level in ELA in 2012, 39
10 percent pass. In 2013, 57 percent pass. And that's an
11 18 percent increase.

12 In math, 2012, 35 percent. 2013, 39 percent
13 with 4 percent increase. The writing test results,
14 middle school 41 percent in 2012; 65.4 percent in 2013
15 with a 24.4 percent increase.

16 And contrary to what have been stated
17 earlier, that is not just from the amount of students
18 participating in the test. That's the numbers of
19 students.

20 And by the way, we are no longer -- well, the
21 measurement is not so much looking at the way NCLB, No
22 Child Left Behind, was set up, where it was all or
23 nothing, if your student's in the third grade, then
24 they have to pass that third grade test in order to
25 be -- to look like you're doing a good job.

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1 Now, we're up under the ESEA waiver and all
2 of the -- pretty much every state in the United States
3 has gone up under that plan because if they did not,
4 no -- the Districts would not have been able to meet
5 the requirements of No Child Left Behind. ESE

6 The ESEA waiver is about growth and growth
7 meaning the child made more -- made at least a year or
8 more increase. And as you can see, not only did they
9 make an increase, because there were kids that did not
10 meet, but they went from not met 1, which is the lowest
11 level of scoring on PASS, to not met 2. And some
12 jumped from not met 1 to not met 3. And that's how we
13 ended up with the B because we received credit for
14 those students that jumped and grew.

15 Okay. And that's what the South Carolina
16 Oversight Committee has done by giving us the award in
17 Palmetto Gold and Silver. It's not just -- it's not
18 what you just heard, that it was just because students
19 participated. Award LTR

20 Q. All right. Exhibit Number 10 of the District
21 is a May 14, 2013, letter to you.

22 A. Excuse me. I had to take some water. I
23 wasn't finished. I just wanted to add one another
24 point.

25 Also the data that was previously read, was

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Apples/Oranges

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1 looking at students not necessarily similar to our
2 students. The majority of our students are
3 African-American. Okay. And when you look at the
4 numbers of African-American and compare to the other
5 Districts, then you will see that there is a
6 difference. Because the districts are larger, so they
7 have larger populations of Hispanics and other races.
8 Whereas we have very small populations. In fact, we
9 don't even have enough to make a cohort.

10 So when we're looking at our schools, our
11 schools should be compared to similar schools and
12 schools with similar population. We have 23 percent
13 special ed. The other schools have 13. When you start
14 comparing them, and you -- if you look at the District
15 and their response to -- or their results for
16 African-Americans, then that's how we should be
17 compared. That's apples to apples.

18 Q. In the May 14, 2013, letter from District,
19 which is tab 10, another letter from Ms. Reed where it
20 basically says that she's going to continue the status
21 of probation. And she cites, "The failure of the
22 school to provide access to the school and other
23 information requested by the District is a further
24 breach of the charter and contract that could lead to
25 revocation or nonrenewal if not remedied immediately."

1 Do you believe -- is she -- was she referring
2 to the fact that you had requested a meeting concerning
3 you and your parents' concerns about the District
4 meeting one on one with the students? Is that the lack
5 of access that she's referring to?

6 A. Exactly.

7 Q. At least presumably that's what she's
8 referring to?

9 A. Yes.

10 Q. And then the failure -- what about the
11 information, the failure to provide information. What
12 information is she referring to there?

13 A. I have no idea. I have no idea. Unless
14 she's considering the interviews to be the data that
15 they would use to rate the school based on talking to
16 third graders and other students without staff and
17 parents.

18 Q. Okay. Now, you've got Exhibit Number 11,
19 which I believe is the next letter. Is that your
20 congratulations letter for success on the PASS test?

21 A. We've never received any congratulatory
22 letters. We've been in this District actually for five
23 years, because the first year is the planning year, and
24 we've won the National History Day Competition. We won
25 the Regional Sandhills Regional Science Fair

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1 Competition competing against schools in Myrtle Beach
2 and other places. And we've never received any
3 congratulatory letters. Even getting to be -- or even
4 the Palmetto Gold and Silver Award.

5 Q. All right. Is there anything new in this
6 letter of August 27, 2013?

7 A. Yes. The ADEPT, which is on the second page,
8 "Failure to conduct evaluation as set forth in the
9 charter." Okay. That is incorrect information. And I
10 have brought with me the list of teachers that was
11 referred to that we did not conduct the ADEPT, which is
12 the teacher observation tool that's used. And this was
13 sent to me by the District. And the date on it is
14 February 19, 2013. I actually have another copy of
15 this.

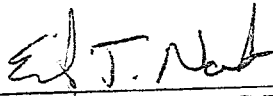
16 I'm going to go over it quickly. Really, it
17 just -- it has a list of almost 20 teachers. None of
18 them are at the school except six, and those six
19 were -- they all received their ADEPT evaluation. But
20 I was -- it basically said that we didn't do it. Some
21 of these people left the first year. Okay. They were
22 not at the school, so I was not responsible for
23 providing ADEPT evaluation to them.

24 Q. How many -- what percentage of your teachers
25 are highly qualified?

a transcript of the proceedings before the Administrative Law Court. See Rule 207(b)(1), SCACR. Therefore, Appellant's Initial Brief was to be served on SCPCSD no later than December 8, 2014, pursuant to Rule 208(a)(1), SCACR.¹

Appellant failed to serve its Initial Appellant's Brief by the mandatory deadline. Therefore, this Court must dismiss the appeal. See Wise v. S.C. Dept. of Corrections, 372 S.C. 173, 173, 642 S.E.2d 551, 551 (2007) (stating that "[w]henver it appears that an appellant has failed to comply with the requirements of the SCACR, an order of dismissal shall be issued") (emphasis added).

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December 12, 2014.

¹ Thirty (30) days from November 7, 2014 falls on Sunday, December 7, 2014. Pursuant to Rule 263(a), SCACR, the deadline would therefore fall on the following Monday, December 8, 2014.

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM ADMINISTRATIVE LAW COURT

John D. McLeod, Administrative Law Court Judge

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

Lake City College Preparatory Academy, ... Appellant,
v.
South Carolina Public Charter School District, ... Respondent.

Motion to Dismiss Appeal

Pursuant to Rule 240 of the South Carolina Appellate Court Rules, Respondent South Carolina Public Charter School District ("SCPCSD") moves to dismiss the above-captioned appeal in its entirety, including the appeal on the merits and Appellants' Motion to Expedite and Return Funds. The basis for this motion is that Appellant Lake City College Preparatory Academy ("LCCPA") failed to timely file its Initial Appellant's Brief. As a result, this Court must dismiss the appeal.

The South Carolina Appellate Court rules require Appellant to serve the Initial Appellant's Brief "[w]ithin thirty (30) days after receiving the transcript or, if no transcript is ordered, within thirty (30) days after serving the notice of appeal" Rule 208(a)(1), SCACR. Appellant filed and served its notice of appeal on November 7, 2014. SCPCSD has not received any correspondence between Appellant and the Administrative Law Court in which Appellant attempts to make arrangements to obtain

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1 A. All of them.

2 Q. Has that been the case for the last two
3 years?

4 A. Yes. All of them. In fact, I even brought
5 something that is quick facts about South Carolina's
6 highly qualified teacher requirements. And basically
7 all of our teachers are highly qualified. We're
8 allowed to have 25 percent. We have two teachers. One
9 has a master's degree in dance, and she's the P.E.
10 teacher. And we have -- and she does not have state
11 certification, but she has a master's degree. And she
12 came late, about Novemberish. But she has a master's
13 degree.

14 And according to this document, it says, "How
15 can middle or secondary school teachers demonstrate
16 knowledge in core content areas?"

17 And it says -- it has different things.
18 Passing score in the state-approved certification exam
19 or a major in the content area in each core academic
20 subject instructed or a graduate degree in each core
21 academic subject the teacher instructs.

22 All of our teachers are highly qualified.
23 According to the law -- the charter school law which
24 says the same thing. So that is incorrect.

25 What I did learn was when the District came

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1 for a visit and I sat with Ms. Whatley, she went over a
2 list of teachers that she had that had been at my
3 school at some time or whatever. And even some of my
4 teaching assistants, for example, Mr. Bennett, who is
5 the dean of students, was listed as a teacher. He has
6 never ever been a teacher at the school. Never, never,
7 never. And it was never documented or sent up that he
8 was a teacher. Never.

9 I have teaching assistants that were
10 documented as teachers, and they were not teachers. So
11 it was -- I believe it was just -- it's just an error.
12 That's what I think happened.

13 I have an extra copy of this.

14 MR. NORTON: Mr. Chair, you know, at this
15 point, from what I can tell, I've been listening to
16 this for quite some time, it's basically running right
17 down the letter that Mr. Buyck handed up as evidence at
18 the very beginning where he goes through starting with,
19 "LCCPA has received a total of eight notices of
20 noncompliance," and goes right through all of the same
21 information.

22 MR. MCLAURIN: Right.

23 MR. NORTON: This Board is entitled to accept
24 information in written form rather than have the
25 witness basically restate what's there. I would

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Stipulate?

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NO?
TESTIMONY

1 suggest to you that we stipulated that this letter is
2 in the record and we stipulated to various other items
3 in the record. I don't see that the testimony is
4 moving the ball forward at all.

X

5 And I would request that the Board just agree
6 to accept written documentation. If Mr. Buyck has
7 additional questions that he wants to ask that aren't
8 already in the written record, that that's okay. But
9 there's no reason to go through and just be reading out
10 of the record.

11 MR. BUYCK: Well, I am asking her to address
12 specific allegations made by Dr. Brazell and Dana Reed
13 in their letters to her that set up this whole kangaroo
14 court that we're here for today about noncompliance and
15 everything else.

X

16 I believe that Dr. Brown has an obligation to
17 her students, her Board, the parents that are over
18 there to explain -- to answer these charges that have
19 been made against her all -- for the last three years.
20 And that's what we're doing. We are going through it,
21 and we are being methodical. You're trying to shut
22 down this school. I think there's a reason to be
23 methodical here, and there's a reason to make the
24 record. And that's what we're doing.

25 If the Board would like to continue this

Continued
5/8/2014
Horton
Rush

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1 hearing, that's fine with me. We can come back at
2 another time when we're not rushed and we can start at
3 9:00 in the morning rather than 2:00 in the afternoon.
4 But I believe I have an obligation here to make this
5 record, and I want to do that.

6 I'm not asking her to read her letters. I'm
7 asking her to respond to the District's letters.

8 MR. NORTON: You're giving the same
9 information that's here. And, you know, obviously I
10 don't think that calling the Court and the Board names
11 is going to move the ball very far forward on this.
12 What I'm trying to do is to do what the rules allow,
13 which is to expedite the process, to let the Board
14 consider the information that's already been provided
15 to it in various different forms anyway.

Handwritten notes:
A/Rec'd
made
up
mind!

16 I didn't object to you asking questions that
17 would clarify or modify or go outside, but if it's the
18 written information and if we're reading off the
19 letter, I mean, there's no reason for her to say what
20 she's already said when you put it in the record.
21 That's all I'm saying.

22 MR. MCLAURIN: I want to give the school
23 every opportunity to respond to your inquiries, but
24 what I would appreciate, and I did this at the last
25 hearing. If somebody is asking a question that a

MCLAURIN
Rush

1 yes-or-no answer or a three-word answer, there's been a
2 lot of questions you've asked that she answered in the
3 first sentence and spent another five minutes, like,
4 reading us the requirements to be a highly-qualified
5 teacher. We know that.

6 In other words, we don't need to be educated
7 about things that are extraneous to this. And so I
8 would ask that the answers be direct answers to the
9 questions and other things that might be educational
10 for us in some other setting be left out.

11 And I am going to -- if we get to that point,
12 I may be forced to interrupt you and say, okay, the
13 question -- I want the questions answered but just
14 answered. Just answer them and then let's move on. *Rush*

15 Is that fair?

16 MR. NORTON: That's fine with me. Thank you.

17 MR. MCLAURIN: Okay. Go ahead.

18 BY MR. BUYCK:

19 Q. So is it your testimony that a hundred
20 percent of your teachers are highly qualified?

21 A. Yes.

22 Q. And that's been the case for at least the
23 last two years?

24 A. Yes.

25 Q. Now, let's refer to this -- the MAP test

LJR

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1 results. And this first comes up in this August 27,
2 2013, letter. Tell me how your school utilizes the MAP
3 testing data.

4 A. According to our charter, we not only use
5 MAP, we use other -- several different diagnostic
6 tools. And they are only for the teacher.

7 Q. What are they -- how does the school utilize
8 it?

9 A. They are -- students take the test. The
10 teachers -- and we have someone here that's going to
11 address that a little more in detail. And the teachers
12 use the data to work with the students. But because
13 you can't just do that with that. Anyone that knows
14 anything about data, and I'm a research person, in
15 order to get my doctorate, I had to do this, you can't
16 just use one isolated source. Usually you try and get
17 lengthy data. Anyone knows that. So we use many
18 sources.

19 Q. Tell me what problems the school is having
20 with the MAP testing.

21 A. All last year there was problems in the area
22 with the Internet service provider. Since that time --

23 Q. Who is your Internet service provider?

24 A. It is the Farmers Telephone Company. They're
25 the local company, but other lines come in from

ISF

1 somewhere else. Since that time, they've upgraded to
2 fiber optics. For all last year -- the fiber optics
3 did not come until later on. But all last year the
4 fiber optics was not there, and it caused the system to
5 continuously shut down. And that information was
6 continuously reported to the District that those data
7 sources -- MAP data was incorrect. Because when the
8 students took the test, about 20 minutes into the test,
9 the system shut out and they had to start all over
10 again. And that repeated several times. *ISD*
Presby 12

11 Q. Did you ever refuse to provide the District
12 with any of the MAP data that you had compiled?

13 A. No. No. What Courtney said was she got a
14 little bit of it. That was because that was the only
15 class that didn't have that problem because they were
16 not working on the Internet at that time. I'm talking
17 about a service provider was not working on the
18 Internet. So that particular class data went through
19 fine but after that all the other classes that took the
20 test, the system shut down. And there's documentation
21 from my presentation, e-mails to that effect.

22 Q. And you were informing the District of that
23 fact, that you were having technical problems with the
24 MAP data?

25 A. Yes. And that it was not reliable, and our

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1 teachers knew it wasn't reliable.

2 Q. Let's go to page 3 of this August 27 letter.

3 In particular, the allegation that the school failed to
4 adhere to generally accepted fiscal management
5 practices as required by the charter and state law.

6 Now, the record submitted -- according to
7 this letter, there were records submitted from January
8 2012 to April 2013 that showed no receipts for that
9 period of time of accounting records. How would you
10 address that?

11 A. Actually, Bill Moser is here. He'll address
12 it, I guess, more specifically. But it was basically
13 because of the way the software program is set up, and
14 that was responded to in my letter to the District.
15 That there was really no place to list the receipts.

16 Q. Did Mr. Moser have the receipts?

17 A. Yes.

18 Q. Or copies of the receipts?

19 A. Yes.

20 Q. All right. Now, it says the school paid a
21 vender in excess of \$80,000 for an educational
22 intervention team. Is that the Have Faith contract?

23 A. Yes.

24 Q. It says, "The District was unable to verify
25 the vender's qualifications to provide this service."

1 Was Have Faith qualified?

2 A. Yes. That -- according to the research and
3 according to what happened as they came in, from my
4 observation of the team that came every single day to
5 work with our students, yes, they were qualified.

6 Q. The next bullet says, "The registered agent
7 for Have Faith was a paid teacher at the school for the
8 2012-2013 school year."

9 A. Totally incorrect.

10 Q. Who was the registered agent, do you know?

11 A. The registered agent was -- last name was
12 Johnson. But it was an older gentleman. It was not
13 the -- actually, the teacher at the school was a
14 artisan resident. And he couldn't have been over -- he
15 was under 30, let's put it that way. And that company
16 had been in existence -- probably he would have been
17 five or seven when the company was started. So that
18 was clearly inaccurate information.

19 I was never even asked about this. This
20 letter just shows up.

21 Q. All right. How about this allegation here
22 that the principal was paid \$195 an hour to provide
23 Saturday school services and teachers were paid
24 more-than-average hourly rates to provide Saturday
25 school services.

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1 A. Totally inaccurate. Saturday Academy is a
2 hard position to staff most people don't want to work
3 on Saturdays so you must -- in my experience, you must
4 make it appealing. So what we do is we offer a daily
5 rate. This is no hourly rate. There is a daily rate
6 for Saturday Academy. And when you calculate the total
7 amount of dollars, I believe it was somewhere between
8 six to eight Saturday Academy days, you will see that
9 it was a daily rate.

10 All teachers come in at a set time and they
11 all stay until the end of Saturday Academy. It starts
12 in the morning and it ends in the afternoon. So those
13 are daily rates, not hourly rates.

14 Q. So you were paid \$195 per Saturday?

15 A. Absolutely. That's also addressed in my
16 September 30th letter.

17 Q. Did you have to prepare another action plan
18 for the '13-'14 school year?

19 A. Yes. Yes.

20 Q. Do you believe that you have met the
21 requirements of that action plan for this particular
22 school year?

23 A. Yes. We've met those requirements. The year
24 has not ended yet with the tests coming in, but we've
25 done everything that we said we were going to do.

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1 Q. All right. Now, the December 4, 2013,
2 letter, which is Exhibit 13, did you respond to this
3 letter?

4 A. Yes, we did respond to the letter.

5 Q. Did you provide the information that was
6 requested?

7 A. All information that was requested was
8 provided except -- and it is on the very last page of
9 that letter, Number 8. And I need to clarify because I
10 was not the employing agent for these individuals. I'm
11 sorry. It's number -- wait a minute. Give me one
12 minute.

13 Number 8. And there was one other one
14 regarding Have Faith that we didn't --

15 Q. Number 6.

16 A. Number 6. Number 6 and Number 8. First of
17 all, I'm not the employer for the people that work.

18 MR. MCLAURIN: Can you tell us --

19 THE WITNESS: Yes, sir.

20 MR. MCLAURIN: Are you on the letter -- which
21 letter are you on?

22 MR. BUYCK: I'm referring to Exhibit 13 which
23 is the Notice of Default. December 2013.

24 MR. MCLAURIN: And when you say number 8?

25 THE WITNESS: Yes, sir.

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1 MR. BUYCK: On the final page of that
2 six-page letter.

3 MR. MCLAURIN: I'm with you. Thank you.

4 THE WITNESS: Okay. And the page before that
5 Number 6 would have asked me to violate privacy. They
6 were not my employers. I didn't keep their time
7 sheets. I had a contract. But this was, again, the
8 lack of communication where the District apparently
9 thought I individually employed them. And I didn't.

10 All background checks were done.

11 BY MR. BUYCK:

12 Q. Did you review the background checks?

13 A. Yes, sir. And I have copies of them.

14 Q. And the services that you contracted for for
15 Have Faith, were they performed?

16 A. Yes, they were.

17 Q. How about the results, were you satisfied
18 with the results --

19 A. Very much.

20 Q. -- from what -- from the services that you
21 contracted for?

22 A. Very much so. Because as I said in our
23 charter, we say that we will provide those students
24 that are struggling with additional tutorial services.
25 And that's what we did.

1 Q. And that was during the school year 2012-2013
2 when the school got a rating of a B on the assessment,
3 correct?

4 A. Yes.

5 Q. All right. Now, item Number 8, basically a
6 request for every bit of financial documentation that
7 the school generated from July 2012 to December 1,
8 2013, correct?

9 A. Yes.

10 Q. Canceled checks, correct?

11 A. Yes.

12 Q. Did you ask me to respond to that particular
13 request?

14 A. Yes, we did.

15 Q. And my response is contained in the Letter of
16 Reconsideration on a letter dated January 16, 2014?

17 A. Exhibit 14?

18 Q. No. It's contained -- yeah. It's Attachment
19 7 to the Letter of Reconsideration. It's my letter
20 dated January 16, 2014, correct?

21 A. Yes.

22 Q. All right. And in it I question Ms. Reed's
23 request for that level of financial reporting, correct?

24 A. Yes.

25 Q. But I didn't refuse to provide it, did I?

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Financial Report

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1 A. No.

2 Q. In other words, it says, "If you have any
3 specific requests for information, please let us know
4 what they are. We'll be happy to give them to you."

5 Right?

6 A. Yes.

7 Q. Did you provide the District with copies of
8 our annual audits?

9 A. Yes. On time.

10 Q. On time. And has there ever been a
11 significant finding in any of your audits about any
12 financial mismanagement?

13 A. Never.

14 Q. Have you ever been cited for not submitting
15 your monthly reports in a timely manner other than that
16 one letter that we got about the first year?

17 A. No.

18 Q. Do you have -- and you hired a third party to
19 perform these bookkeeping functions to make sure that
20 you're in compliance with the requirements of the
21 District and the law?

22 A. Yes.

23 Q. And who is that?

24 A. Kelly-Moser, consultant.

25 Q. Is Mr. Moser here prepared to testify today?

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*Cancelled
Checks*

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1 A. Yes.

2 Q. Are you aware of any other school in the
3 district that is required to submit canceled checks to
4 the District?

5 A. No, not that I know of.

6 Q. Did the District ever tell you of any
7 specific concern that they had with Have Faith?

8 A. Never. I was never informed that I had to
9 pass any of the consultant firms that we use by the
10 District. The only time that I was asked to do that
11 was with Ms. Albertha Bannister. And my understanding
12 was that we were autonomous, and as long as we were
13 doing what was in the best interest of the school, that
14 we were able to do it. And that's what we did.

15 In fact, another reason we hired Have Faith
16 is we were informed that the District voted to approve
17 a charter school for them.

18 Q. For the same organization?

19 A. Same organization. And that was in your
20 attachments that you sent to the District with your
21 January 16 letter. It is signed.

22 Q. That letter, by the way, is Exhibit 14 in the
23 District's submission.

24 Now, you attended the March 13, 2014, Board
25 meeting, correct?

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1 A. Say that again, I'm sorry.

2 Q. You attended the March 13, 2014, meeting
3 here, correct?

4 A. Yes, I did.

5 Q. You actually -- you were on the agenda for
6 the -- excuse me, the February meeting?

7 A. Yes. *Probetive*

8 Q. What was your understanding about the purpose
9 of the -- of you appearing before the Board?

10 A. The same as it had always been all the years
11 before, because of this probation status that was still
12 with us. I was really looking forward to coming to
13 show Dr. Brazell and the Board that we had made
14 improvements. We had a B, and there was lots of
15 increase.

16 So I was looking forward to actually getting
17 an opportunity to present because that's what we did --
18 we had been doing. We were asked to write these action
19 plans and present them and then the Board basically
20 approved them, you know, state goals. And as long as
21 the goals were approved, so I was expecting the same
22 process to take place.

23 Q. Bear with me just one minute.

24 Do you feel like the school has made adequate
25 academic progress since its opening?

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1 A. I believe that the school has made reasonable
2 progress in terms of the law. The charter school law.

3 Q. Do you believe that the school has breached
4 any financial management standards?

5 A. No.

6 Q. Do you believe the school has violated any
7 provisions of the law?

8 A. No.

9 Q. Do you believe you have committed any
10 material violations of the conditions, standards, or
11 procedures provided in your charter application?

12 A. No.

13 Q. Are you satisfied with the school's
14 compliance with its charge?

15 A. Yes, I am.

16 Q. Are you happy with the direction that the
17 school has been headed in the last --

18 A. I'm very pleased --

19 Q. -- several years?

20 A. -- with the direction that the school has
21 been headed in. Especially under the circumstances
22 when we look back at all of these inaccuracies, all of
23 these areas, and still plowing ahead and trying to hold
24 true to doing what's best for kids and educating them.

25 Yes, I'm very satisfied.

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1 And I am -- I'm actually even more satisfied
2 with special education because it wasn't until recently
3 that I spoke to Becky Davis and got a clear
4 understanding as to this model that the district uses
5 for writing IEPs. So, yes, I'm very satisfied because
6 it's not -- things that are hitting, I'm clear.

7 Q. And subsequent to this hearing being
8 scheduled, the school was also recognized by the
9 Education Oversight Committee with the Palmetto Gold
10 and Silver Awards?

11 A. That really lets me know that despite what
12 has been written continuously, that we are moving in
13 the right direction. And it is also in our charter
14 because we all knew when we were writing charters,
15 there were meetings, that at some point because No
16 Child Left Behind was not working and most people could
17 not meet those targets, that it would be changed.

18 And since writing the charter, and we wrote
19 in our charter under goal, I believe it's 4.1, that we
20 would make the progress and receive an improvement
21 rating of average or excellent and on the -- on our
22 school report card. And that has happened.

23 We would -- and whatever new measurement tool
24 would be used, that we would comply with it. Which is
25 the ESEA waiver. And we have.

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Graduate

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1 Q. Are you looking forward to graduating your
2 first class of seniors?

3 A. Absolutely. Because we've had the majority
4 of them since ninth grade, and they've all met the
5 requirements of HSAP. Every last one of them has
6 passed it. And contrary to what you heard, I -- the
7 HSAP scores are released to the Districts and the
8 schools in the system. So everyone has access to it.
9 The school and the District staff.

10 Q. Those students that are graduating, what are
11 their plans?

12 A. Every student has been admitted into college.
13 We have a 100 percent admission rate. However, one
14 young man has decided, along with his family, that he's
15 going into the military. And there are two others that
16 will go into military reserves and also continue
17 school. They have received scholarships. Some of them
18 have received full scholarships.

19 Francis Marion is one with full scholarship.
20 The other ones have received two presidential
21 scholarships in North Carolina at Johnson & Wales for
22 high academic achievement. And also a full scholarship
23 at Claflin College. And we have several that are going
24 to other colleges in the state of South Carolina.

25 Q. Did those students' achievements, are they

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*N/O Questions
of mail
return*

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1 even reflected in the report cards that you all have
2 been getting?

3 A. No, they're not. For example, I did submit
4 it when -- and when I did the presentation on March
5 13th, the growth, as far as students taking HSAP, and
6 those students were ninth graders. They came in as
7 ninth graders because we started kindergarten through
8 ninth grade, and everyone knows when you get them that
9 age and they are behind, it's very hard to move them
10 forward. And I think we have shown that we've
11 accomplished that. Every one of them passed their
12 HSAP.

13 MR. BUYCK: All right. Answer any questions
14 that Mr. Norton may have.

15 MR. NORTON: I don't have any questions.
16 Thank you.

17 MR. BUYCK: All right. We would like to call
18 Bill Moser, please.

19 (A recess transpired.)

20 EXAMINATION

21 BY MR. BUYCK:

22 Q. Can you state your name for the record,
23 Mr. Moser.

24 A. William Martin Moser.

25 Q. Who do you work for?

1 A. I am one of the owners of Kelly-Moser
2 Consulting.

3 Q. How long have you been working in this field?

4 A. Too long to remember. 17 years.

5 Q. How would you describe your field? What is
6 it that you do?

7 A. Charter school fiscal management.

8 Q. How many schools are you currently serving?

9 A. 18.

10 Q. Are all of them charter schools?

11 A. Yes, sir.

12 Q. How many of them are sponsored by this
13 district?

14 A. Half, a little less, I think.

15 Q. Would you say you qualify and understand what
16 are generally accepted fiscal standards?

17 A. Yes, sir.

18 Q. What has been your role in working with Lake
19 City?

20 A. We started with them in the November 2008-'9
21 time frame during the forming of the application
22 through the certification approval process into the
23 planning year. And we've been providing services since
24 they opened their doors.

25 Q. What are your responsibilities as a

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1 contractor with Lake City?

2 A. Again, matter of record, it's a contract. I
3 can list them for you, if you like. But establishment
4 of internal control systems; training, the clerical
5 staff; setup and management of the cash accounts;
6 management of accounts payable; management of payroll
7 functions; communication with the venders;
8 communications with the District; establish accounts
9 for the venders; annual operating budget; cash/check
10 management; bank reconciliation; cash reconciliation;
11 general ledger; accounts receivable; grant accounting
12 and reporting financial statement, preparation,
13 presentation; regular financial statement presentation;
14 ongoing budget monitoring; audit coordination.

15 Q. Who do you answer to at the school?

16 A. We are contracted to the Board, and we answer
17 ultimately to the Board.

18 Q. Do you review the audits that the LCCPA
19 receives every year?

20 A. Yes, sir.

21 Q. In your opinion, what is the -- what is the
22 general condition of the school's audit?

23 A. They were -- there's been three audits: two
24 were unqualified; and one, the auditor did not issue an
25 opinion.

1 Q. What has the school been -- have there been
2 any deficiencies found in the audits?

3 A. The standard that just about every charter
4 school gets, which is that the school is not capable of
5 producing the financial statements that are internally
6 audited, that would require a CPA. Just about every
7 charter school gets it.

8 Q. If they were able to comply with that, then
9 they wouldn't need you, correct?

10 A. Depends. That was a requirement that came
11 about after the Arthur Andersen meltdown. Prior to
12 that auditors were part of the internal controls. That
13 changed. Smaller, nonprofit corporations can't afford
14 a CPA, so those were a finding every year and
15 continues. The first year there was a finding of
16 segregation of duties; the second year, segregation of
17 duties; the third year that had been corrected. And
18 that's the only findings that were there.

19 Q. Does the school meet generally accepted
20 standards including internal fiscal controls and
21 procedures and the like?

22 A. Yes.

23 Q. Does the school have in place standards and
24 procedures to make sure that they comply?

25 A. Yes, sir.

Fiscal mgmt OK

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1 Q. And the school has turned in on a timely
2 basis their annual audits every year?

3 A. That's correct.

4 Q. Do you also provide monthly reporting to the
5 District?

6 A. To the District -- we provide data to the
7 District, yes. Every month we have to upload into the
8 District's computer system all of our financial
9 transactions by the 15th of the month. 15th of May,
10 the April data would be due.

11 Q. You heard Dr. Brown's testimony about some of
12 the receipts not being accounted for. Do you have
13 copies of those receipts?

14 A. Yes.

15 Q. And you can provide those to the District at
16 their request?

17 A. We provide records at the behest of the
18 Board. We contract to the Board. The Board tells us
19 to produce, we produce. The District cannot tell us to
20 produce records. We're not allowed to by law. We
21 cannot. Unless somebody shows up with a court order or
22 a subpoena or the feds or whoever shows up with bolt
23 cutters and dollies.

24 Q. All right.

25 A. So if there is a request for records, no

ATTY

1 matter what that is, we will go back to the school and
2 say how would you like us to handle it. Just for a
3 point of order, I did discuss it with Deloris. I said,
4 "Contact your attorney about this."

5 Q. All right. In the charter school, while
6 there's a provision that states that -- there's a
7 condition of revocation violation of any provision --
8 excuse me. "Failure to meet generally-accepted
9 standards of fiscal management."

10 What are the generally-accepted standards of
11 fiscal management for charter schools?

12 A. They have never been defined either by the
13 State or any other sponsoring authority. Those
14 standards have never been defined. There's not a list
15 of standards. You cannot find those standards to say,
16 "You violated Standard 1, and here's how you do it."
17 They're not existent.

18 Q. Have any states ever defined what a generally
19 accepted standard of fiscal management is?

20 A. Yes. Where this phrase came from was the
21 North Carolina law. When South Carolina wrote their
22 law, they lifted this phrase and never defined it. And
23 neither did North Carolina. About four or five years
24 after that, around 2001, North Carolina did, in fact,
25 define and state clearly what were generally-accepted

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Pat Regner

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1 standards of fiscal management.

2 Q. All right. Now, understanding that you don't
3 respond directly to the District, but you're familiar
4 with the letter -- or excuse me, the Notice of Default
5 that the school received in December of 2013,
6 specifically the request for financial information such
7 as canceled check, bank ledgers, that sort of thing,
8 correct?

9 A. That would be general ledger, bank
10 statements, all checks written, front and back,
11 quarterly reports, bank statements, electronic
12 transfer, and all bank accounts held by the school.

13 Q. Have you ever seen a level of reporting asked
14 for in that letter of any other school in the District
15 or any sponsor that you're familiar?

16 A. The only time that's ever happened has been
17 at the end of revocation when the revocation was
18 terminal. That is now time to turn the records over to
19 the sponsor. And that's the only time I've ever seen
20 it.

21 Q. All right. In your opinion, the school does
22 meet generally accepted standards --

23 A. Yes, sir.

24 Q. -- for fiscal management?

25 A. Yes, sir.

1 Q. All right. Are you aware of any other law
2 that the school has violated?

3 A. Law?

4 Q. Do you know of any law that the school has
5 violated? I'm referring to Provision 4 of the charter
6 school letter.

7 A. Provision 4?

8 Q. Provision 4 of the revocation. Four
9 standards for revocation, one of them being failure to
10 meet generally accepted standards of fiscal management;
11 the other one is violation of any provisional law from
12 which the charter school has not specifically
13 exhibited. Are you familiar with any? *opinion*

14 A. I am not aware of any revocable action that
15 the school's been engaged in. *MUSEX*

16 MR. BUYCK: All right. That's all I have.

17 MR. NORTON: A couple of quick questions.

18 MR. MCLAURIN: Please.

19 EXAMINATION

20 BY MR. NORTON:

21 Q. In your role as a contractor with the school,
22 do you have any way of knowing if a vender is qualified
23 to provide a particular service?

24 A. Just quality management system role, that
25 would be a vender list. In other words, where venders

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Vetting

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1 are vetted, that's not at the school level. Once they
2 engage a vender, we assume that whatever venting has
3 been done has been done.

4 Q. And so you wouldn't -- you also wouldn't know
5 if a vender actually provided the services contracted
6 for, you're just looking at pieces of paper?

7 A. Correct. Just see invoices. That's correct.

8 MR. NORTON: I don't have any other
9 questions.

10 MR. MCLAURIN: Okay.

11 REEXAMINATION

12 BY MR. BUYCK:

Aulman

13 Q. Do you know why the District may even
14 question the hiring of a particular vender?

15 A. I suppose you would have to ask them. I
16 don't know. There has to be an assumed level of
17 integrity, competency by the Board or they wouldn't
18 have been issued a charter. Therefore, when they vet
19 and they select vetters, there must be some assumption
20 that they're doing something right.

21 Now, if something has colluded or done
22 something nefarious, could it be done? Absolutely.
23 Could a vender be hired that's a knucklehead?
24 Absolutely. Has schools started to engage vendors that
25 aren't reputable? Absolutely.

1 It's a small place. We call around. ABC
2 SMART Board Company. No, no, no, they screwed this
3 school up. Don't use them, go to XYZ. There's that.

4 But I don't know of any vender requirements,
5 any vender approval list, or any vetting process as
6 requiring.

7 Q. Is there anything in the law that you're
8 familiar with that requires a sponsor to approve
9 venders?

10 A. I'm not aware of any. No, sir.

11 MR. BUYCK: That's all I have.

12 MR. MCLAURIN: Okay.

13 MR. NORTON: No more questions.

14 MR. MCLAURIN: Okay.

15 MR. WATSON: We call Patricia Smith.

16 EXAMINATION

17 BY MR. WATSON:

18 Q. Ms. Smith, state your name for the record,
19 please.

20 A. My name is Patricia W. Smith.

21 Q. Ms. Smith, what's your involvement with the
22 Lake City school?

23 A. I have been serving as an educational
24 consultant for the school for the past -- this is the
25 third year that I've been working there.

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1 Q. And as an educational consultant, what
2 exactly do you for the school?

3 A. Basically -- during the day I basically work
4 with the teachers and the students. Each day that I
5 come, I make rounds to teachers. I try to get to every
6 teacher each week, at least once each week to work with
7 them, sharing with them data, sharing with them
8 articles, talking to them about classroom practices. I
9 kind of watch what they do and provide constructive
10 criticism on an individual basis.

11 Q. Have the school officials been receptive of
12 what you've offered them?

13 A. They have.

14 Q. Do you get involved with the tutoring of the
15 students?

16 A. With the tutoring?

17 Q. Yes.

18 A. Well, because I work with the data, we kind
19 of use MAP. And as she said first, we don't use MAP,
20 but we do use MAP. We use it intensively. The
21 students who --

22 MR. MCLAURIN: Excuse me, but I'm going to
23 invoke what I asked about answering questions. The
24 question was, do you get involved with the tutoring of
25 the students?

1 THE WITNESS: Well, yes. I'm sorry.

2 BY MR. WATSON:

3 Q. Tell me about, are the students making
4 reasonable progress?

5 A. They are.

6 Q. And do you feel that the students -- how many
7 years -- how long have you been at the school?

8 A. This school, this is the third year.

9 Q. You've been with them from the inception?

10 A. No, I haven't. I was recommended to them
11 through this office. Dr. Brazell recommended me to
12 that school. Can I continue?

13 Q. Yes.

14 A. He recommended me to that school. The school
15 had the option of accepting me or denying me. When I
16 first got there, she hired me for one day and then
17 after she saw my interaction with the teachers and with
18 the administrative staff and what I had to offer, she
19 asked if I would come two days.

20 Q. Why were you recommended to the school?

21 A. Through Dr. Brazell.

22 Q. Why?

23 A. Because of my expertise, what I have been
24 doing for the past 44 years -- will be 44 years at the
25 end of this fiscal year.

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1 Q. Was there a particular problems that you were
2 sent there to correct -- help correct?

3 A. Yes. I was to work with them with their
4 testing. I was told that they were some of the worse
5 testing that was ever seen on the PASS. So that was my
6 focus.

7 Q. And how has that progressed? Have you seen
8 any improvement in the test scores as a result of your
9 efforts?

10 A. Yes.

11 MR. WATSON: I have nothing further.

12 MR. NORTON: No questions.

13 MR. MCLAURIN: Okay. Thank you.

14 MR. BUYCK: I would like to call David
15 Church.

16 (Off the record.)

17 MR. MCLAURIN: Obviously, David will
18 introduce himself, but you don't need to probe a lot in
19 his background. Anybody here that doesn't know David
20 and his credentials hadn't been around charter schools
21 very long, but certainly hit the -- you know, if we go
22 into his whole background, we'll be here a half an hour
23 just hearing that.

24 We certainly acknowledge Dr. Church's
25 experience.

1 MR. BUYCK: I'll move to accept Dr. Church's
2 testimony as an expert in the field of charter school
3 law evaluation, formation, and administration.

4 MR. MCLAURIN: Yes. Absolutely.

5 MR. BUYCK: All right.

6 EXAMINATION

7 BY MR. BUYCK:

8 Q. Dr. Church, how long have you been working
9 with charter schools in South Carolina?

10 A. Well, after I retired as an assistant
11 superintendent and high school principal after 32 years
12 in New York state, I was recruited in 1999 by
13 Greenville Tech College to form the first charter
14 school on a college campus in the Southeast. That's
15 Greenville Tech Charter High School.

16 At the same year, the charter school law was
17 invalidated by Chief -- by Judge Gregory and became
18 unconstitutional. And I founded the South Carolina
19 Association of Public Charter Schools as a state
20 organization to save the charter school movement, and
21 that was finally revised in 2002 with my input.

22 Established the advisory committee, which I
23 was a founding committee member. I worked with the
24 State Department of Education to write the regulations
25 that form the basis for the advisory committee to

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1 evaluate charter school applications.

2 Q. Did you have any input in --

3 A. And from there on --

4 MR. MCLAURIN: Excuse me. We've accepted
5 Dr. Church's credentials. The question was, how long
6 has he been in involved in charter schools?

7 THE WITNESS: It's 15 years.

8 MR. MCLAURIN: Thank you.

9 BY MR. BUYCK:

10 Q. Did you have any input into the drafting of
11 the South Carolina Charter School Act of 1996?

12 A. No. That predates my involvement.

13 Q. How about the revisions?

14 A. Revisions, I participated in five revisions
15 of the statute.

16 Q. Are you familiar with Lake City Collegiate?

17 A. Yes.

18 Q. Lake City College?

19 A. Yes.

20 Q. How long have you been familiar with the
21 school?

22 A. I provided Board training. I am a qualified
23 Board trainer through the State Department of
24 Education. I actually wrote the curriculum for the
25 governance portion of the training program, which is

1 the largest segment. And I started doing that last
2 year. And since then, I've become familiar with the
3 school. And I have the curriculum here, for the
4 record, so you can see.

5 Q. For Board training.

6 Was Ms. Wallace at the Board training that
7 you provided?

8 A. Yes.

9 Q. How long does it take to go through that
10 particular program?

11 A. Well, that was pretty much an enhanced Board
12 training. It was not only this curriculum, but we also
13 discussed strategic planning and a good number and
14 various types of challenges. The entire Board was
15 present, which was good.

16 Q. Was the Board engaged?

17 A. Very much so. It was a full day. It was not
18 the typical three, three and a half, four hours. It
19 was a full day.

20 Q. Does -- in your expert opinion, how long does
21 it take for a charter school to show progress and to
22 become successful?

23 A. Well, normally it's -- in my view, and
24 dealing with charter schools and, you know, I founded a
25 number of other charter schools, too. It takes more

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1 than three years. We extended the charter school
2 contract from five to ten years for two reasons. One
3 is more access to capital funding, but the other is to
4 give more time for indicators of progress. So I
5 believe it's a minimum of five years.

6 Okay. And when you're dealing with an
7 at-risk population, particularly when you have students
8 coming in at different intervals during a
9 three-to-five-year period of time, you've got different
10 baseline data for each student. And it takes quite a
11 while to show growth.

12 The fact that a charter school such as Lake
13 City has a dip in performance after the first year is a
14 good sign. It's a good sign because it shows that
15 those students have been exposed to higher standards,
16 more rigorous instruction and learning environment.

17 Their performance is actually supposed to decline
18 before they start to improve.

19 And you look at all the research and all of
20 the evidence, for example, from KIPP, Success Academies
21 and so on, they have the same experiences.

22 Q. Are the indicators for Lake City positive in
23 your opinion?

24 A. Absolutely. They show every indication that
25 the instructional program is showing -- based on a

1 growth model and based on value-added approaches that
2 they are, in fact, improving. But they need time. And
3 to get the full story on this, they need a full five
4 years with the same students. The same cohorts. Okay.

5 So I would suggest that you look at the data
6 for students who actually started three years ago and
7 track those students. Because, you know, we've done
8 accountability programs, and I've worked with Lauren
9 Anderson for the University of South Carolina before I
10 retired. And we developed an account -- we did this at
11 Greenville Tech. We looked at cohorts of students, not
12 just students that just came in during the course of a
13 three to five, four-year period of time, but those
14 cohorts that we had sustained opportunities to work
15 with over a five-year period of time to see what
16 happens with those students.

17 Actually, it's four years with the high
18 school. Okay. And we did follow-up studies in terms
19 of how well they fared a year after they graduated.

20 Okay. We always believed that accountability
21 has to be separate from the State's program as well.
22 That we would install our own accountability cohort
23 studies. That's what's happening here. That was the
24 data that you just heard from Dr. Brown.

25 Q. What is the role of a sponsor in the charter

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1 school?

2 A. First of all --

3 Q. The overall governance of the charter school.

4 A. We're the only state that has a Charter
5 School Act in 42 states that calls the authorizer a
6 sponsor, and we did that purposely. It connotes
7 something -- an entirely set of different notions than
8 simply being an authorizer.

9 It indicates that the sponsoring school
10 district is going to promote charter schools. That it
11 will provide technical assistance. That it will
12 provide proper funding. And in some cases, it also
13 means that they take over the responsibility of special
14 ed. I think with a small school -- and I consider a
15 small school any student population of less than 400,
16 okay. -- it's very difficult for the principal, who
17 has no other administrative staff, to work effectively
18 with special education, giving all the requirements and
19 mandates.

20 We do have school districts in this state
21 that conduct the special education programs themselves,
22 retain the special education fundings, and pay for the
23 teachers, hire the teachers, and have complete
24 coordination between the instruction and the District's
25 director. And that makes some sense. Okay. Because

1 we know that the sponsor is ultimately liable for
2 special education compliance. Not the individual
3 school. Okay. And since it is -- since -- and you're
4 holding the buck here in terms of being responsible,
5 that's something to consider. That's the kind of
6 sponsorship we like to see. Okay.

7 We didn't see that a lot when it was only
8 local school district as being the authorizer. But
9 that's what the promise was of the South Carolina
10 Public Charter School District. Okay. It's
11 disconcerting to hear how this particular case has been
12 bureaucratically handled. Okay.

13 MR. MCLAURIN: Again -- again, the question
14 was, what was the role of the sponsor?

15 THE WITNESS: That's the role.

16 MR. MCLAURIN: But his disconcertion about
17 what this Board is doing isn't part of that role. I
18 welcome the concise answer on role of a sponsor but not
19 an opinion about whether we're doing our job. Fair?

20 MR. BUYCK: I think his response, though, was
21 tailored more toward the District and not the Board. I
22 didn't take that as a criticism of the Board at all.

23 MR. MCLAURIN: I'm not looking for an opinion
24 about how the District ought to be run. I like the
25 question: What's the role of the sponsor? Answer, and

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1 let's move on.

2 THE WITNESS: Of course, it's completely
3 outlined, one thing that we do have in our law, as you
4 know, is that it is very specific about what is an
5 acceptable application, okay, because we actually write
6 that in the law and the regulations, and what the role
7 is of the sponsor vis-a-vis the charter school. Okay.

8 MR. MCLAURIN: Do you mind if I break my own
9 rule and just ask a question? I want to get some
10 clarification.

11 MR. BUYCK: Yeah.

12 MR. MCLAURIN: And so in the role of a
13 sponsor, is it in the charter school law that it's the
14 role of the sponsor to take over and run special ed?

15 THE WITNESS: No.

16 MR. MCLAURIN: Okay. Thank you.

17 THE WITNESS: It doesn't say that, but that
18 certainly is an option.

19 MR. MCLAURIN: Thank you.

20 THE WITNESS: That's correct. But it does
21 say that the School District is responsible --

22 MR. MCLAURIN: I understand that.

23 THE WITNESS: -- for special education.

24 BY MR. BUYCK:

25 Q. Dr. Church, you've been here all day and

1 you've heard all the testimony. In your opinion, has
2 Lake City College Preparatory Academy fulfilled the
3 requirements of the South Carolina Charter School Act?

4 A. Yes.

5 MR. NORTON: I'll object to that opinion
6 coming in. I mean, sitting here listening to testimony
7 today is not a proper expert opinion to come in and try
8 to take the place of the fact finder here. It's just
9 not appropriate as an expert opinion.

10 MR. MCLAURIN: Sustained.

11 THE WITNESS: If I may respond. I've read
12 all the documentation for this case, and the answer to
13 that question is yes.

14 MR. NORTON: Same objection.

15 MR. BUYCK: Thank you.

16 MR. MCLAURIN: Yeah. Noted.

17 MR. BUYCK: That's all we have.

18 EXAMINATION

19 BY MR. NORTON:

20 Q. Just one quick question. Are there
21 limitations on the District's funding for
22 administrative costs in the Charter School Act or in
23 the budgetary process, do you know?

24 A. Limitations?

25 Q. As to how much of the -- of what the

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1 District's budget is to do things like, say, run a
2 special ed department?

3 A. Yes. It's 2 percent of the revenue.

4 MR. NORTON: Okay. That's all.

5 THE WITNESS: Okay. Thank you.

6 MR. MCLAURIN: Mr. Watson.

7 MR. WATSON: You earlier told us that
8 Dr. Brazell had to leave, and, of course, we
9 accommodate that. But we do want his testimony for the
10 record. We propose taking his testimony by deposition
11 and submitting it along with that of Dr. Reed.

12 MR. NORTON: Objection. The testimony of
13 Dr. Reed was offered prior to this, and it wasn't taken
14 up. And there's no reason that they couldn't have
15 called Dr. Brazell earlier here. It's a clear delay
16 tactic.

17 MR. MCLAURIN: That's the reason I announced
18 ahead of time that if you wanted him to testify, let me
19 know. Because I gave you that option.

20 MR. WATSON: Yes. That's not the only --
21 that's an option, but we prefer to have him in this
22 position at this time --

23 MR. MCLAURIN: Well, you didn't tell me that
24 at the time. Come on now. Let's play straight. I
25 gave you the option. I told you he had to leave, I

1 asked you if you wanted to --

2 MR. WATSON: Is there a problem with us
3 taking his deposition and submitting it for the record?

4 MR. MCLAURIN: Yes.

5 MR. WATSON: Why?

6 MR. MCLAURIN: Well, because we're here to
7 make a decision and you had the option. I gave you
8 the -- I couldn't have been any more honest. I gave
9 you the option. I know on Dr. -- on Dana's testimony
10 that you were given the option of deposing her. And
11 you didn't do it. I mean, you've had the opportunity
12 and you didn't take it.

13 MR. WATSON: You didn't say we had to do it
14 by today.

15 MR. MCLAURIN: I didn't say you had to.

16 MR. WATSON: Traditionally, we always kept
17 the record open or allowed the record to be kept open
18 for further submission, and I'm asking that you do
19 that.

20 MR. NORTON: We would object to that.
21 There's plenty of information in the record in a
22 variety of different forms for this Board to make a
23 decision.

24 MR. MCLAURIN: I've done that before. We've
25 done that, but not in cases where the opportunity was

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1 presented before the hearing or during the hearing to
2 get the information. That was when there was other
3 information that we found out we needed that we didn't
4 find out until it was too late to do that.

5 But in this case, I've just got to say when I
6 say the man has got to leave at 5:30, it's 4:00, if you
7 want to talk to him, speak up. And you don't speak up
8 and then you let him leave and then you tell me you
9 didn't get a chance to talk to him. I mean, it's 7:00
10 and you had your chance.

11 ~~So, no, I've --~~ that's -- I've bent over
12 backwards. If you wanted to talk to him, all you had
13 to do --

14 MR. WATSON: I disagree with that
15 characterization, but you are chairing this meeting
16 so ...

17 MR. BUYCK: We've stated it for the record.

18 MR. MCLAURIN: Okay.

19 MR. BUYCK: We would also like to hold it
20 open for the testimony of Ms. Reed, who, again, I
21 acknowledge that the offer was made to take her
22 deposition beforehand. However, we prefer live
23 testimony and we prefer to have her and have her
24 testimony in the record. But if the ruling is no, then
25 I will respect that and we've made the point in the

1 record.

2 MR. MCLAURIN: All right. Okay.

3 Are you all through with your -- okay. Then
4 do you all each want to make a brief closing statement?

5 MR. NORTON: Five minutes for each side.

6 MR. MCLAURIN: Okay.

7 MR. BUYCK: We would move the Board training
8 material into the record.

9 MR. MCLAURIN: No problem.

10 MR. BUYCK: And also would like to submit an
11 affidavit of Ms. Bannister in lieu of -- is she here?

12 We would like to call Ms. Bannister, please.

13 MR. MCLAURIN: Okay.

14 EXAMINATION

15 BY MR. BUYCK:

16 Q. Ms. Bannister, please state your name for the
17 record.

18 A. Albertha Bannister.

19 Q. Do you currently contract with Lake City
20 College Preparatory Academy?

21 A. Yes.

22 Q. And what is your contract with the school?

23 A. I work with the special education coordinator
24 with the reviewing of IEPs and special education
25 procedures.

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1 Q. How long have you been working with the
2 school in preparing IEPs and reviewing IEPs?

3 A. My first visit was in May. It's about a
4 year.

5 Q. A year ago?

6 A. Uh-huh, a year ago.

7 Q. Was your contract as a result of any specific
8 request by the District to the school? In other words,
9 are you aware that the District was requiring the
10 school to hire a consultant?

11 A. I was not.

12 Q. All right. Did you --

13 A. I was not aware of that.

14 Q. Had you ever provided any consulting services
15 to any other charter schools in South Carolina?

16 A. No, I have not.

17 Q. Briefly tell us what your background is.

18 A. I am a certified special education teacher.

19 I have a master's in special education. I have a
20 degree in guidance and counseling. And I have an EDS,
21 which is a specialist degree, in administration.

22 Q. How long have you been working in the field
23 of special education?

24 A. 36 years.

25 Q. In your opinion, has Lake City College Prep

1 complied with the IEP requirements set out by the
2 federal law?

3 A. They are making every effort to become
4 compliant, according to what the Charter School
5 District asked them to do.

6 Q. Do you regularly communicate with the Charter
7 School District?

8 A. I have no communication with them.

9 Q. Do they come to the school to review the
10 files?

11 A. The very first time that I met them they were
12 there to do something. I have no idea what it was, but
13 they were all there. That's when I met them in May.
14 But that's the only time I've seen them at the school.

15 Q. All right. Is there any kind of a
16 ~~misunderstanding that you're aware of between the~~
17 ~~school and the District about how the IEPs are to be~~
18 prepared and the format of the IEPs and anything?

19 A. I think there was, yes.

20 Q. And has that been corrected to your
21 knowledge?

22 A. Yes, it has.

23 Q. You heard the testimony earlier today that as
24 of about approximately a month ago, I think close to
25 half of the files were still noncompliant. Did you

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1 hear that testimony?

2 A. Yes, I heard that.

3 Q. Would you agree that half the files are still
4 noncompliant?

5 A. To my knowledge, according to the special
6 education coordinator, she has been sending IEPs up to
7 the District. And supposedly, from the best of my
8 information ~~that I have~~, there are about eight IEPs
9 that still need to be sent up to the District.

10 Q. ~~What~~ problems are there with the IEPs that --
11 of those eight that you -- those eight that would make
12 them noncompliant?

13 A. They haven't been written yet. I mean,
14 they're working on them to send them for them to
15 approve.

16 Q. How often are you at the school?

17 A. A lot of -- I'm not there that often really.
18 A lot of what we do is communicate through e-mail.

19 Q. Okay.

20 A. Uh-huh.

21 Q. And who is it that you deal with at the
22 school?

23 A. The special education coordinator.

24 Q. ~~Who is that?~~

25 A. That's Marva Cannon.

1 Q. Have you personally reviewed the IEPs that
2 the District is concerned with?

3 A. Yes.

4 Q. And offered advice on how to bring them into
5 compliance?

6 A. Yes.

7 Q. And the school has been responsive to your
8 advice?

9 A. Not only mine, they have been responsive to
10 mine, from what the District has said, and from the
11 additional consultant that Dr. Brown has hired.

12 Q. So there is an effort -- in your opinion,
13 there's been an effort to comply with --

14 A. Absolutely.

15 Q. -- IDEA?

16 A. Absolutely.

17 MR. BUYCK: All right. That's all I have.

18 MR. NORTON: Very quickly.

19 EXAMINATION

20 BY MR. NORTON:

21 Q. When you say you reviewed the IEPs, are you
22 reviewing the entire special education file or just the
23 IEP document itself?

24 A. Just the IEP document.

25 Q. So if, for example, you're looking at the IEP

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1 that type thing. That data is what it is. And the
2 fact is that there's really no basis to believe that
3 anything but what Ms. Davis reported as to special
4 education compliance is true. They either had needs or
5 they didn't have them. It's either documented or it
6 isn't. This isn't an area of discretion.

7 What we've heard today is this. We've got
8 accountability data that at best shows some limited
9 process. At best in a very narrow area. But when you
10 look a little bit deeper, and to use what Mr. Church
11 has suggested, you look back at the individual data of
12 people who had come at the school, the closest data we
13 have on that is the MAP data because that's what the
14 school provides. And that information, as Ms. Mills
15 testified, shows that when you take a two-year look
16 back at the people that have benchmark tests, which
17 means they've come from the school for at least two
18 years, they're actually decreasing in their
19 performance. That they are not keeping up with their
20 peers on a nationwide benchmark.

21 Beyond that, you know, we also have some
22 evidence here that goes beyond the data. We heard what
23 the District employees saw in those classrooms. We
24 saw -- we have computer science classes being taught
25 Sudoku. When you put that together with the data, it

1 leaves an indelible picture of a school that's not
2 serving its students well.

3 Beyond that, the failure to comply with the
4 special education law is just inexcusable. Whatever
5 efforts we just heard about from Ms. Bannister, and we
6 know they're not complete, didn't start until after the
7 school was under a revocation order. In the meantime,
8 they jeopardized the funding of this whole district for
9 special education, and they jeopardize the reputation
10 of this district by not correcting errors it knew about
11 for more than a year. There's just no reason for that.

12 And on top of that, when the District issued
13 sanctions short of revocations to try to encourage the
14 school to come into compliance quickly, it simply
15 ignored the sanctions. It really gives you no option
16 in a case like this. You really don't have anything
17 left. There's really no arrows left in the quiver.
18 With due respect, the idea that you're going to go in
19 and run the special education department of every
20 school within the district -- of any school within the
21 district with two people on a 2 percent overhead, it's
22 just not plausible. It really doesn't leave any option
23 for the school here.

24 And just to address it, you all know this
25 because you've dealt with it. The District caps

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1 enrollment on schools for a variety of reasons all the
2 time. That's why we have lottery procedures. It can
3 be for facility space. It can be for concern about the
4 academic performance. It can be special ed compliance.
5 This is something that we do all the time. This is not
6 novel or new.

7 Schools themselves cap enrollment all the
8 time. It's not something that should be different, and
9 it's something that is certainly appropriate.

10 With regard to the financial issues, we heard
11 a lot of testimony about the jot and tittle, the sort
12 of details of this. But the issue and the notice of
13 revocation and the reason we're here is because the
14 school simply wouldn't comply. What we know, and you
15 know this from having followed this process, is that
16 the information that the school had with -- the school
17 was simply not forthcoming with the information that
18 would have allowed the District to confirm that the
19 money was being spent in a responsible way.

20 When the District then asked for additional
21 information, specific information, it wasn't
22 forthcoming. We got, "They're not our contractor. We
23 don't have it."

24 As you all know, it's been very clear at that
25 site inspection -- at the end of the inspection report,

1 the background checks for those vender employees was
2 not there as was required by the law.

3 So what we've got here is a situation where
4 you've got a vender that we can't get information to
5 verify, you've got no background checks, you have no
6 list of people actually providing the service, as you
7 heard. The only logical thing to do is to broaden the
8 scope of the inquiry so you can get to a level of
9 comfort.

10 The contract is clear. The contract itself,
11 Section 5.2 of the operating agreement, allows the
12 representatives of SCPSE to go to onsite visits. And
13 at those onsite visits, they can visit classrooms,
14 review assessment protocols, interview faculty,
15 students, and parents. Students as well. Right there
16 in the contract, not a big surprise.

17 And then at the end it says you can review
18 the records including but not limited to the financial
19 records. There's no limitation on that. These are
20 FOIA records. These are records that any person of the
21 public should be able to get access to. It's public
22 money that is being watched here. And when the school
23 won't give that information -- as you all know, again,
24 the testimony is, "Have you ever heard of this? Have
25 you ever heard of that?" We've never had a school that

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1 just said no. We've never had a school that said, "We
2 won't give you the information." We've never had a
3 school that when we showed up didn't have the
4 information available to us. And I submit to you that
5 if we have in the past and I don't know about it as I
6 sit here, we would have responded the same way.

7 As is very clear, I think from the record in
8 this case, the District had valid concerns about lots
9 of facets of the school's operation. Over a period of
10 three years, the District worked with this school
11 through documented letters of caution, letters of
12 probation trying to help the school get back on track.
13 It simply hasn't done it. It simply has not fulfilled
14 its obligation to properly document its financial
15 expenditures, to properly document its academic success
16 and to properly cooperate with the District in a way
17 that allows the District to do its compliance.

18 Responsibility, which I think everybody
19 agrees, that's what -- that is what is going on here.

20 So, you know, there's no reason in this
21 particular context to allow a school more time when
22 it's not been cooperative; it hasn't provided the
23 information. It hasn't complied with sanctions.
24 Indisputably.

25 These aren't issue of fact for you to decide.

1 The school has admitted special education violations,
2 we've heard just then. They may be making efforts now
3 to fix them, but they didn't for more than a year. It
4 is undisputed what that academic data is, and it's at
5 best a mixed bag.

6 And we saw two key points of academic data I
7 want to leave with you. We saw their MAP scores that
8 showed failure to progress as expected under -- for two
9 years. And we also saw data based on federal and state
10 accountability that shows that this is the worst school
11 in most metrics when compared to its neighboring
12 schools in this area.

13 Those were schools that were self-identified
14 by us. We didn't pick those. The school picked that
15 as its comparable schools. You keep those two data
16 points in mind, and it paints a picture of a school
17 that's not meeting its promise of contributing to the
18 academic excellence of the state. Just the contrary.

19 I think you add all that up, the -- what I
20 would say, just brazen disregard for the District's
21 obligations to monitor this school, and I don't think
22 you're left with any choice but to revoke the charter
23 of the school as you rightly voted to do before and
24 should affirm today.

25 Thank you.

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1 MR. BUYCK: Mr. Chairman, thank you.

2 Thank you, Ms. Staley and Ms. Bagley. I know
3 it's been a long day. We also know that we've got sort
4 of a tough task over here representing this school. We
5 essentially have to convince you to ignore your lawyer,
6 the lawyer that you all hired, the lawyer that you all
7 pay.

8 MR. MCLAURIN: The District.

9 MR. BUYCK: The District.

10 MR. MCLAURIN: He doesn't represent the
11 Board.

12 MR. BUYCK: We're asking you to ignore the
13 District's lawyer, ignore the District's Office of
14 Compliance, who is another lawyer, and convince you to
15 change your mind on a decision that you made -- that
16 you've already made.

17 But some of what we were presenting today,
18 you know, it may seem duplicative and repetitive, but
19 this school, if you go back and look at the
20 correspondence from Dr. Brown, look at the
21 correspondence from me, we felt like we've been put in
22 a box from the git-go. The very first Letter of Issue
23 of Noncompliance was on an area of finance that just
24 wasn't so. It wasn't true.

25 Dr. Brown has been chasing rabbits down holes

1 for three years now. She gets all of these very
2 detailed letters from Dana Reed or all of these letters
3 from Dr. Brazell about all these things that we're not
4 doing, that you should be doing. And we chase those
5 rabbits down holes.

6 We said, you know, this whole idea about her
7 making \$195 an hour. That's not true. It never was
8 true. Nobody at the District calls, but they put it in
9 a letter that is subject to FOIA. And that goes out to
10 her Board. It goes out to the school. Everybody sees,
11 Oh, the principal over there is making \$195 an hour.

12 This school has made remarkable achievements
13 in academics considering the population that it serves,
14 considering the degree of oversight that it's getting
15 from the District.

16 They hire a consultant to provide tutoring
17 services and in the year that that consultant was
18 there, they go from being at risk to excellent. The
19 consultant did its job. And if I hear one more time
20 that the school refused to comply with the issue and
21 threatened to sue -- go back and look at my letter of
22 January 16th. I never said you couldn't have this
23 information. What I said was if you want some
24 information -- what I said was the level -- the request
25 for canceled checks, general ledgers, all that stuff

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1 was just unprecedented. That you would try to dig down
2 that deep into a school that is supposed to be
3 autonomous. That you would -- that the District would
4 dig down that deep to ask for canceled checks.

5 I said, "If you have any specific request,
6 let us know and we'll provide those to you."

7 The law that Mr. Norton reads to you says,
8 "On onsite visits, we'll provide records."

9 Well, this wasn't an onsite visit. This was
10 a letter from Dana Reed saying you've got to submit all
11 of this stuff. And the issue of the statement that
12 instead of complying, we threatened to sue, well, I
13 take issue with that, too. That's not what I said in
14 that letter. That's far from it.

15 What I did say in the very last sentence was
16 the school feels like it is being set up, being treated
17 differently than other schools in this district and has
18 been from the start. We feel like we have been
19 subjected to unprecedented levels of oversight from
20 this District, and that's what they objected to.
21 That's where I said if this -- if it continues, the
22 school will consider a federal complaint.

23 I didn't say we're going to sue you, and I
24 certainly didn't say we're going to sue you if you ask
25 us for any more financial data. That's not what I

1 said. That's how Dana Reed presented it to you at your
2 Board meeting in March. I've heard the audio. I've
3 seen her reports. That's not what I said.

4 And it's been, again, chasing rabbits. The
5 District throws enough against the wall about all these
6 rumor and innuendo and everything else that's been
7 thrown at this school, you know, something may stick.

8 We didn't -- Dr. Brown thought that the files were
9 compliant. Well, our consultant says actually there
10 might be eight that aren't.

11 Okay. Erik says our witness testified that
12 she doesn't have any contact with the district when
13 she's supposed to have biweekly contact. That's not
14 what she said. She says she doesn't meet with them,
15 but she communicates by e-mail.

16 Again, chasing rabbits down a hole. We've
17 been doing this from the git-go. I was passed up a
18 note, the issue today about is Sudoku in the computer
19 science class. That was on a site visit that was last
20 school year. Lake City didn't offer computer science
21 in that school year. The school didn't offer it. It
22 was only this year that computer science was even part
23 of the curriculum. That's the kind of thing that
24 Deloris Brown and this Board has been responding to for
25 the last three years.

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1 Listen to Mr. Church. Give this school a
2 chance to show you or to continue to show you that what
3 it has been doing, what it's been doing academically,
4 what it's being doing with these students. You've seen
5 the video. What it's doing works. It's going to take
6 some time to show it. But even in the three years that
7 it's been in operation, it is working.

8 Now, the District spins this data about that
9 nobody is successful. I got the District's witness to
10 admit that the data she relies on is statistically
11 insignificant.

12 Dr. Church testified that what the school has
13 been doing is significant. That achievements that are
14 gained are real. The students that it serves are happy
15 to be there. The families that attend the school are
16 happy to be there.

17 There's nothing in the Charter School Act
18 that says that the District can limit enrollment. Now
19 that may be the practice, but our interpretation was
20 that we couldn't do it. We couldn't do it by law.
21 There's another letter that I wrote to the District in
22 response to that. I think there are about three or
23 four letters that I wrote to the District in response
24 to some of their specific letters. And within a month
25 of each one of my letters, we get another Letter of

1 Caution or noncompliance. It's almost like, you know,
2 how dare you question what we have put here.

3 Now, the law says that charter schools are
4 a -- you know, one of the purposes is to allow them to
5 operate autonomously in accordance with the law.

6 Now, the school has never been given the
7 opportunity to operate autonomously. It's never been
8 given the opportunity to experiment autonomously. They
9 have continuously got somebody looking over their
10 shoulder, nit-picking everything that happens.
11 Everything that goes on.

12 Now, I respectfully request that you consider
13 what you've heard here today. Consider the successes
14 of this school. And it hasn't been the sponsorship of
15 the District, there's not one commendation anywhere in
16 this record for anything that this school has
17 accomplished. They've accomplished a lot. They serve
18 an at-risk population, and there have been successes.
19 But those get minimized and the problems get spun out
20 of control to make them look -- to make a mountain out
21 of a molehill.

22 I ask you to please consider this, consider
23 it with an open mind and give these students and these
24 parents and these families an opportunity to continue
25 to attend this school, one that they want, one that

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1 they've worked hard for, one that they continue to
2 support.

3 I thank you for your attention.

4 MR. MCLAURIN: Okay. Then I'll move into the
5 Board deliberations where we can ask questions of
6 anyone who has testified, first, and then we will have
7 deliberations.

8 But before I ask the other two, I do have one
9 thing that I want to -- I don't know, I've just got the
10 feeling that it must be on all of our minds. I would
11 like to hear an answer to. I think we all would; if
12 not, I would.

13 There's 24 schools in the district. And I
14 know that when we go through the process of approving a
15 group that comes before us that wants a charter, I
16 mean, it just defies logic that we would do that and
17 then start wanting to close one down right away just, I
18 don't know, for the hell of it.

19 I mean, this Board -- every member of this
20 Board serves for free because we care about kids and we
21 care about the state and we want to see progress made.
22 And I'm confident, at least, that the staff has that
23 same thing.

24 So I'm just wondering -- I feel like there's
25 almost -- well, it's not almost. It's been called a

1 kangaroo court. Almost everything that the staff has
2 said was wrong in all these letters that have gone out.
3 The answer to was just, no, that's not true. Just not
4 true.

5 So I'm trying to figure out what in the world
6 motivated them? Because to all of a sudden just decide
7 to start trying to close down a school when for no
8 reason that I can determine when I know that we're all
9 here to help schools make it and we cheer for schools,
10 we want them to make it. Now, we're also here to hold
11 schools accountable for reaching goals. And this Board
12 has decided over and over and it's in our mission
13 statement that we're all about excellence.

14 But so can you tell me what you think? Just
15 briefly, what was the motive to all of a sudden start
16 feeding the Board a bunch of lies? Because I'm at the
17 point where I feel like that if what we heard was true
18 and we reverse the revocation, that we need to fire the
19 whole staff. They're a bunch of lying, devious people
20 who hate schools. And have picked out for some reason
21 among 24 -- now, we just revoked -- didn't renew
22 another charter this morning. So it's not unique. We
23 revoked another school. But with the exception of
24 three schools out of 24, it's not like they run around
25 doing this to other schools.

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1 Have you got any idea? Because some of the
2 things that were charged were very troubling to me.

3 Have you got any idea of what their
4 motivation was just to all of a sudden do this?

5 MR. BUYCK: I've wondered the same thing.
6 And I'm not --

7 MR. WATSON: I would like to address that.

8 MR. BUYCK: But let me mention one thing.
9 That very first probation letter that the school
10 received after being in operation for only a year, and
11 it came right after first round of PASS test, PASS
12 scores came out. Those scores were bad. And -- but I
13 don't think that particular -- those scores didn't
14 reflect the teaching.

15 MR. MCLAURIN: But I'm asking the motivation
16 of the staff.

17 MR. BUYCK: I know. But I think that the
18 concern may have been just the low level of those --
19 the raw scores that were submitted were so low that
20 somebody has said, you know, those scores are bad and
21 we need to -- it's going to take a whole lot for those
22 to get better. And they're more worried about the
23 level of the score rather than the growth that's been
24 shown in the improvement of those scores.

25 MR. MCLAURIN: Okay.

1 MR. BUYCK: And I kept harping on this, but
2 this whole issue about the school lunch program being
3 put on financial probation from the git-go for
4 something that just didn't exist. I don't know where
5 the disconnect was. There's no evidence from the
6 District that there -- that the school had ever been
7 disqualified.

8 MR. MCLAURIN: But motivation, why would they
9 have done that?

10 MR. BUYCK: I think it has to do with the
11 level of the raw test scores.

12 MR. MCLAURIN: Mr. Watson, you wanted to
13 comment on that?

14 MR. WATSON: I'll just answer that by saying
15 take a look at this chart. It shows the average
16 graduation rate for other schools in the district.
17 South Carolina Connections, 35 percent; the Virtual
18 School, 14 percent; Provost, 20 percent; E-cademy 15
19 percent; Whitmore, 17 percent.

20 While these schools that have been revoked,
21 the MLT of this school had 100 percent graduation
22 rates.

23 Graduation of school grade less than 10
24 percent.

25 MR. MCLAURIN: Tell me what the motivation in

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1 that is. That's what I'm -- why in the world --

2 MR. WATSON: I'm going to leave that to you
3 to draw conclusion from looking at this data.

4 MR. MCLAURIN: Okay. Questions, anyone?

5 MS. STALEY: Not right now.

6 MS. BAGLEY: No.

7 MR. MCLAURIN: No questions.

8 I would like to ask Ms. Bannister -- is she
9 still here? Yes. I do want to clear up because there
10 seems like there's a contradiction to what I think I
11 heard.

12 I wrote down that when you were asked some
13 question that had to do with your interaction with the
14 District, that you said you didn't have contact with
15 the District or rarely had contact.

16 MS. BANNISTER: I said we have contact
17 through e-mail because we would be talking and
18 discussing. I would be physically there, but not
19 like --

20 MR. MCLAURIN: With the District. With us.

21 MS. BANNISTER: No, no, no. Just staff. No.
22 I had one meeting with this staff, which was on March
23 4th.

24 MR. MCLAURIN: Right.

25 MS. BANNISTER: And it was at that time that

1 the regional person reviewed with us what they really
2 wanted in the IEPs.

3 MR. MCLAURIN: Right.

4 MS. BANNISTER: I had no discussion, but they
5 were always discussed with the special ed coordinator.

6 MR. MCLAURIN: Because I thought I heard you
7 say that she had lots of e-mail back and forth with the
8 staff.

9 MS. BANNISTER: Not with this District. With
10 the Lake City.

11 MR. MCLAURIN: That's what you said.

12 MR. BUYCK: Her testimony was that she had
13 e-mails back and forth. I didn't know whether they
14 were from staff or who they were with. But there were
15 e-mails that were being sent.

16 MR. MCLAURIN: Okay. But you can't hold the
17 staff responsible for knowing what she was saying to
18 the school. That's what I'm saying, there's a
19 contradiction. I think I've got it figured out. You
20 thought she meant with the District, but it was -- I
21 think. Is that right?

22 MR. BUYCK: Yeah.

23 MR. MCLAURIN: So that was just a mistake.

24 MR. BUYCK: Yes.

25 MR. MCLAURIN: Yes, ma'am.

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1 MS. BROWN: There were letters that were
2 written to our Board and copies --

3 MR. MCLAURIN: But I was addressing
4 Ms. Bannister.

5 MS. BROWN: Right. That's what I'm saying,
6 Ms. Bannister wrote letters to our Board. I made
7 copies to send to the District, and that's what I
8 stated that.

9 MR. MCLAURIN: Right. I'm not questioning
10 that, I'm just trying to make sure I understand the
11 testimony that I heard.

12 Okay. So then are you all ready to discuss
13 this? Make a motion?

14 MS. STALEY: Mr. Chair, I make a motion to
15 affirm the decision to revoke.

16 MS. BAGLEY: Second.

17 MR. MCLAURIN: Been moved and seconded.
18 Discussion?

19 MS. STALEY: This has been a difficult
20 hearing. I think I want to say, too, for the record,
21 that I came here very open-minded. I did not make a
22 decision before I came. I have a vested interest in
23 all of these schools succeeding.

24 The noncompliance issues are issues that I
25 can't -- I just can't go with. The District can't take

1 on those responsibilities. And I think more than
2 enough time and more than enough help overboard came
3 from the testimonies that I heard to come into
4 compliance. And these things are very -- and I'm
5 talking about special ed particularly. And, you know,
6 I'm not going to go all the way through some of it.
7 Again, I came here open-minded, and I had hoped my mind
8 would be changed. And it's just not.

9 MS. BAGLEY: Of course, I've heard this
10 really for the first time as a Board member. I was
11 here in March as an incoming Board member, but the
12 depth of it today has been my first brush with all of
13 this.

14 And, you know, you had to expect that your
15 school would be filled with children of poverty.
16 You're in Lake City, Florence 3. You called it the
17 "Corridor of Shame." The boundary, the school.
18 districts around you are filled with children of
19 poverty. And they need the very best we have. They
20 need the very best we have in instruction, in data,
21 acquisition, taking that data and reteaching and
22 building programs that will be the best with -- of all
23 the children who need our best, it is them.

24 And anyone that you bring in under contract,
25 such as this vender that you contracted, they have to

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1 be vetted as the best of the best of the best. Because
2 that's \$80,000 that's going to a group of people who
3 have had a proven record of success with children of
4 poverty.

5 And the special education is just beyond
6 understanding. Here are these children, 25 percent,
7 and it's not unheard of. I know plenty of schools who
8 have a population of 20 to 25, 27 percent who do
9 extremely well. But I'm telling you, to be in
10 compliance with special education is not magical. It
11 is clear-cut that has been dictated by law.

12 So it's not magical what goes down on IEPs.
13 It's not, oh, what is this? What is that? It is cut
14 and dry by special education law what is to be
15 reevaluation, what is to be a new IEP, what is to be
16 notification of parents, on and on and on and on and
17 on. Of all the compliance that one can do, special
18 education is one of the ones that is most understood
19 and just clear cut to where there really can't be any
20 misunderstanding other than just not doing it. Because
21 special education is not new, and, again, it's not
22 magical.

23 You've got 25 percent of the kids who are
24 needing reevaluation, needing strong IEPs, needing
25 services, needing good data, needing qualified

1 instruction, needing qualified after-school programs.
2 Of all the places, those children should have the best
3 of the best of the best. And I did not hear that
4 today.

5 MR. MCLAURIN: We're in Board discussion now.
6 It's public, but it's amongst the three of us.

7 MR. WATSON: You're basing your decision
8 largely on the special education --

9 MR. MCLAURIN: I'm sorry, Mr. Watson. The
10 hearing is over except for our deliberations. It's
11 simply not proper. The Board speaks now. We've heard
12 everybody else, now the Board gets to talk. That's the
13 way it works, and that's the way it has worked since
14 Robert started writing the rules as far as I can tell.

15 Yeah. We write a contract for the group, and
16 I know I can speak for everybody on the Board anyway,
17 that we wouldn't do it if we weren't cheering for them.
18 I mean, we turn down the ones we don't feel like we can
19 cheer for. And we've got to make those decisions.
20 It's much easier to do it then.

21 But the things that Betty in particular
22 mentioned concerns me. But I'm -- you know, what
23 really concerns me is that the reason -- my turn again.

24 The reason I would characterize it as an
25 excuse is that we've got children of poverty. My

1 goodness, if there's any group of people we need to not
2 make excuses for, we need to teach them, we need to
3 teach them up and teach them up and teach them up. But
4 we just can't allow to say to ourselves, well, it's
5 okay if the results aren't what they ought to be
6 because of where these kids came from.

7 You know, that's -- I've never seen any
8 enterprise prosper and reach their mission that
9 accepted environmental things as an excuse for not
10 achieving their mission. I've never run a school, but
11 I've run some things. And I know that sometimes it's
12 tough doing your mission and whatnot. But that, to me,
13 that just concerns the heck out of me.

14 And the other thing that I feel is that we
15 write a contract for these people. I've heard,
16 according to whether it's special ed or something else,
17 that we have given this group too much autonomy or not
18 enough autonomy, according to what they might want in
19 that specific situation. But the terms of the contract
20 are the terms of the contract. And then it's our job
21 to face up to it if it -- all the evidence points that
22 the contract can't be and is not being lived up to.

23 I would call for a vote.

24 All in favor -- all in favor of the motion,
25 and make sure I repeat it accurately, which is to

1 uphold the revocation, please say "aye."

2 MS. BAGLEY: Aye.

3 MS. STALEY: Aye.

4 MR. MCLAURIN: Opposed, no.

5 Hearing none, the motion carries.

6 Thank you all for your time and your efforts.

7 MS. STALEY: I make a motion to adjourn.

8 MS. BAGLEY: Second.

9 MR. MCLAURIN: The hearing is adjourned.

10 (The hearing concluded at 7:40 p.m.)

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CERTIFICATE OF REPORTER

4 I, Sheri L. Byers, Registered
5 Professional Reporter and Notary Public of the
6 State of South Carolina at Large, do hereby
7 certify:

8 That the foregoing proceedings were
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11 recorded stenographically by me and were thereafter
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14 complete record of the proceedings to the best of
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16 I further certify that I am neither
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21 2014, at Columbia, Richland County, South Carolina



22 Sheri L. Byers
23 Sheri L. Byers,
24 Registered Professional Reporter,
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State of South Carolina at Large
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October 30, 2023

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