

STATE OF SOUTH CAROLINA )  
 )  
 COUNTY OF CHEROKEE )  
 )  
 Sharon Brown )  
 )  
 )  
 Appellant, )  
 )  
 v. )  
 )  
 Cherokee County School Board )  
 )  
 Respondent, )  
 )  
 )  
 )  
 )  
 )

IN THE COURT OF COMMON PLEAS  
 SEVENTH JUDICIAL CIRCUIT  
 CASE NO. 2015-CP-11-0828

**RECEIVED**  
 JUL-03 2017  
 SC Court of Appeals  
 ORDER  
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 CHEROKEE COUNTY, SC

This is an appeal of the Cherokee County School Board's decision to uphold the School District Superintendent's decision to dismiss Appellant, Sharon Brown, a Cherokee County school teacher.

The substantive statutes applicable to this case are the Teacher Employment and Dismissal provisions of S.C. Code Ann. §§ 59-25-410 to -530. This Court's standard of review is limited to determining whether the Board's decision is supported by substantial evidence in the record. S.C. Code Ann. § 1-23-380; *Felder v. Charleston County School Dist.*, 327 S.C. 21, 489 S.E.2d 191 (1997); *Lark v. Bi-Lo*, 276 S.C. 130, 276 S.E.2d 305 (1981); *Hall v. Board of Trustee of Sumter County School District No. 2*, 330 S.C. 402, 499 S.E.2d 216 (Ct. App. 1998).

The School Board concluded that sufficient reasons existed for Appellant's termination. They concluded she engaged in conduct which evidenced a manifestation of an unfitness for teaching as she was dishonest in answering the superintendent's questions during an investigation into an incident involving an elementary student, she was insubordinate regarding a


directive to not have any discussions with school personnel about her suspension during the investigative process, and she had inappropriate interactions with a student.

After reviewing the transcript of the School Board's hearing and the exhibits presented as part of the hearing's record, reviewing the pleadings and briefs in the Clerk of Court's file, considering the arguments presented by counsel, and applying the required standard of review, the School Board's decision is affirmed.

While there is very little evidence that Appellant "violently" grabbed the student or that she verbally "assaulted" the student, as was first reported to have been observed by a fellow teacher. There is substantial evidence in the record to support the School Board's decision that Appellant was told not to have any discussions about her suspension with school personnel during the investigation into the alleged assault. There is also substantial evidence in the record that after Appellant was told not to discuss the investigation, Appellant tried to influence another school employee who was a potential witness in the investigation. There is also substantial evidence that Appellant was dishonest in her responses about the conversation with this witness.

Furthermore, if Appellant had actually performed the violent grabbing of the student by his lower jaw and throat and forcing the student against the wall while verbally assaulting him, school policy would have required intervention by other government entities like the Sheriff's Department and/or the Department of Social Services. It is significant that school authorities interviewed the student in question and his mother. The student and his mother indicated that such a violent incident did not happen, nor did they indicate that the alleged verbal assault occurred.

Notwithstanding, the School Board's decision that the teacher had inappropriate interaction with the student was based on the Superintendent's investigation that the teacher had used more


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force than necessary when interacting with the student. Thus, applying the substantial evidence standard of review to the record, the School Board's decision that inappropriate interaction with the student occurred is supported.

Had the dismissal been based solely on the inappropriate interaction with the student, this Court may have agreed with the assertion that S.C. Code Ann. § 59-25-440 required the district to take reasonable efforts to correct Appellant's conduct. However, with the Board's finding of evidence that manifested an unfitness for teaching, which included dishonesty combined with the superintendent's "lost [sic] of all confidence" in Appellant's credibility, and rendered Appellant an ineffective and untrustworthy employee, S.C. Code Ann. § 59-25-430 does not require any affirmative remediation efforts by the district. *See Lark v. Bilo*, 276 S.C. 130, 276 S.E.2d 305 (1981) (cautioning that the court shall not substitute its judgment for that of the agency as to the weight of the evidence on the questions of fact).

Therefore, Appellant's appeal of the School Board's decision is DENIED and the appeal is DISMISSED.

IT IS SO ORDERED.



The Honorable J. Mark Hayes, II  
Presiding Judge, Seventh Judicial Circuit

July 25, 2016  
Spartanburg, South Carolina

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GRANDY W. NOBEE  
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