

The Supreme Court of South Carolina

DANIEL E. SHEAROUSE
CLERK OF COURT

BRENDA F. SHEALY
CHIEF DEPUTY CLERK

POST OFFICE BOX 11330
COLUMBIA, SOUTH CAROLINA 29211
TELEPHONE: (803) 734-1080
FAX: (803) 734-1499

July 15, 2008

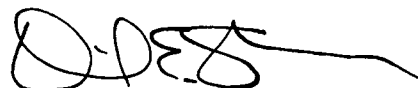
Conservatives of Pickens County
814 Bell Shoals Road
Pickens, SC 29671

Dear Sir or Madame:

This responds to your recent letter to Chief Justice Toal. It appears to be written in response to the case of Abbeville County School District v. State of South Carolina that is currently pending before this Court.

Please be advised that the Court cannot consider ex parte communications relating to a pending matter. Therefore, the Court will be unable to consider your letter. Instead, the above case will be decided based on the record and arguments submitted by the parties and the amicus curiae.

Sincerely,



Daniel E. Shearouse

Conservatives of Pickens County

814 Belle Shoals Road

Pickens, South Carolina 29671

Chief Justice Jean H. Toal

Supreme Court Building

Box 11330

Columbia, South Carolina 29211

Copies to : Upstate Newspapers and Radio Stations

Dear Chief Justice Toal:

We read with much interest the newspaper accounts of the pleadings in the case of the Colleton County kindergarten funding decision made by Circuit Judge Thomas Cooper and the suit by county lawyers to require the General Assembly to fund education in many of the poorer counties. As you know, this whole problem has been caused by the Greenville Plan whereby dummy corporations have been set up to avoid the 8% of bonded indebtedness limitation on the appraised property values of each county. When this door was opened by the decision of the courts in the Clarendon County and Pickens County cases to allow these dummy corporations, it was only natural that all counties now want all the new schools with college like facilities and acres of land to house athletic facilities comparable to the small colleges in South Carolina. While I love sports, these facilities should not be the responsibility of the tax payers of the counties.

Here is our reasoning and what we should do:

1. The South Carolina General Assembly is responsible for education as spelled out in Article II Section 3 of the State Constitution. There is no mention of the counties in this article of the constitution. The word "minimally adequate" does not appear in the constitution and has become the excuse for our General Assembly members to legislate the funding of our schools through statutory law. This new word came to us in the *Abbeville School District, et al. v. The State*, 355 S.O. 58, 515 S.E.2nd 535(1999). How can the state be providing "minimally adequate" opportunity when they do not provide a place to do the teaching? In fact when James Byrnes was Governor of South Carolina, the people voted to fund school buildings with the first three per cent of the sales tax. Later the reason for "equal but separate" schools was overturned by the U.S. Supreme Court, but the tax was not taken off or legally changed. It was just absorbed into the operational expense of the schools, or spent dredging harbors in Charleston, and gave the General Assembly the leeway not to fund education like the constitution demands. It has created a feeling of distrust of government at the county level. It has caused people to be taxed out of their homes (over 1000 pieces of property have been scheduled for sale in Pickens County in the past three years for tax delinquency). "Minimally adequate" and "separation of church and state" are thoughts coined by judges not written in any constitution or intended by the writers to define the thoughts they seem to represent.

2. The statutory laws as represented in law 208 have been violated so many times that if that law was put on trial it would be given the death penalty. In Pickens County alone the millage has been underestimated during reassessment every time the last thirty five years (in five year increments) with 2 to 5 million dollars in tax increases being the result so that it now represents more than \$30,000,000 in errors alone of the school's current budget. In steps the S.C. General Assembly with a "tax swap scheme." It gobbled up the 30 million and claimed a triumph for the poor property owners.

RECEIVED

JUL 15 2008

RECEIVED
OFFICE OF
CHIEF JUSTICE

JUL 15 2008

S.C. SUPREME COURT

The tax appeal process is used to hide revenue in the tax delinquency account so that taxes can be raised without a vote. Farmers have been overtaxed because they don't have 10 acres of land when that is not even a requirement of the law. Green houses are taxed at the wrong rate. The County Auditor has incorrectly set millage nearly every time, but no correction is made when excesses occur and the excuse given is that the amount is so small that no refund or credit will be given in accordance with Statutory Law 12-43-285, yet every where this dirty deed had been adjudicated the municipality etc. has been forced to repay or credit. (Myrtle Beach and Fairfield County for instance) The only reason this law has survived as long as it has is because of the incompetence of county assessors in knowing what this law says and how to apply it, the incredible lack of knowledge by the people, and the high cost of lawyers.

3. Make the General Assembly responsible for education. There is enough money available with hard choices made. As long as the courts protect them there will never be any progress in education. We are and have been near the bottom in the nation. Our elected representatives have told us that the judges are appointed by the General Assembly and that they can be taken out if they do not rule the way they say. I will be glad to furnish proof of these statements if you ask.

4. Pickens County has a debt of \$375,000,000 from the dummy corporation set up and approved by the courts last year. Already without any school under construction we have \$7,000,000 in mess ups. Educators are not capable of doing what these dummy corporations have set up. This state will be a mess in five years if some soul does not take action to create the necessary management structure for these projects. Please take on the responsibility of helping the people of South Carolina to return to constitutional government.

Chief Justice Toal you are the last hope for real progress in this case. The answer lies in our courts. I beg you to hear this argument before more suits are put into the courts.

Sincerely,
Founders of COP

John W. Turner Sr.

W. Melvin Watson

Francis M. Caddell

Carl C. Smith

Ellen H Caddell

Richard L. Ladd

James McDonald
Ray Ann Turner
Junius R. Smith, Jr.

COLLECTION FOR	SCHOOL BONDS	TRI-COUNTY	SCHOOL	COUNTY	EASLEY	LIBERTY	NORRIS	CENTRAL	CLEMSON	SIX MILE	PICKENS
JUL 90 DELINQUENT	13,776.01	976.65	44,836.53	21,292.83	3,815.18	1,019.57	135.07	1,266.32	5,753.01	37.70	1,544.40
JUL 90 TREASURER	67,114.28	4,792.34	220,513.90	103,377.22	22,376.63	4,414.77	573.00	2,442.00	30,933.67	370.76	3,250.10
AUG 90 DELINQUENT	12,033.84	852.16	38,349.55	18,710.89	4,925.98	562.07	328.56	42.51	11,777.07	10.61	1,774.13
AUG 90 TREASURER	70,917.66	5,065.78	233,006.48	109,232.99	23,821.94	5,138.10	727.33	3,014.22	27,471.19	382.72	3,001.64
SEPT 90 DELINQUENT	18,202.59	1,295.72	59,465.00	15,391.96	5,498.86	473.30	98.00	343.69	5,593.56		509.53
SEPT 90 TREASURER	59,190.83	4,228.10	194,476.61	91,167.00	20,311.67	4,742.95	329.00	3,383.60	24,611.05	279.24	3,071.97
OCT 90 DELINQUENT	33,981.62	2,285.51	112,228.14	53,977.65	3,426.81	1,813.37	161.29	731.80	6,774.37	3.85	1,602.28
OCT 90 TREASURER	223,630.20	16,915.71	818,918.97	422,387.80	109,118.73	20,946.16	2,081.37	10,700.70	87,012.38	1,601.66	14,091.03
NOV 90 DELINQUENT	29,903.51	2,039.85	98,459.88	46,725.62	4,954.45	1,278.38	218.78	1,296.41	13,820.27	81.88	1,812.73
NOV 90 TREASURER	194,661.58	14,661.55	711,423.84	366,230.21	82,562.96	15,136.69	1,999.32	9,374.91	88,680.99	1,128.24	12,204.66
DEC 90 DELINQUENT	11,472.62	793.41	37,058.33	17,971.55	2,491.27	192.83	3.31	933.16	1,574.28	38.95	65.31
DEC 90 TREASURER	845,533.46	66,494.40	3,153,463.46	1,659,888.53	403,215.12	70,763.29	7,384.94	57,192.09	606,589.78	5,573.08	69,024.65
JAN 91 DELINQUENT	18,065.84	1,242.64	58,414.13	26,976.17	8,547.38	4,381.14	137.33	1,016.84	2,363.61		2,099.22
JAN 91 TREASURER	1,862,906.05	148,207.26	6,986,280.43	3,143,985.43	484,617.08	199,964.95	12,863.86	81,298.26	775,352.37	7,015.60	100,395.41
FEB 91 DELINQUENT	13,002.63	890.34	42,503.55	20,524.78	16,555.81	446.17	34.96	698.16	1,197.36		
FEB 91 TREASURER	81,507.84	6,405.77	303,853.44	160,750.52	28,135.03	7,794.52	942.11	5,157.56	30,036.02	448.33	4,104.29
MAR 91 DELINQUENT	9,895.74	675.63	32,461.14	15,467.47	4,017.24	984.69	121.45	908.19	9,112.88	49.19	489.94
MAR 91 TREASURER	99,895.30	7,894.24	373,426.94	198,924.26	33,348.74	9,372.66	1,132.39	5,894.02	33,025.17	488.50	8,565.85
APR 91 DELINQUENT	100,705.94	7,861.30	372,429.08	192,908.45	30,479.11	11,661.26	1,358.52	5,951.64	37,509.81	1,789.45	7,417.45
APR 91 TREASURER	52,875.79	4,147.39	196,962.22	104,869.97	18,594.96	4,929.88	447.63	2,996.71	20,050.99	231.19	2,908.09
MAY 91 DELINQUENT	24,416.07	1,880.96	88,504.83	46,757.33	6,871.52	948.36	570.82	1,480.35	13,621.18	44.37	2,178.85
MAY 91 TREASURER	50,310.94	3,983.13	188,216.61	100,958.80	18,076.67	5,071.90	414.31	2,386.68	19,181.99	528.80	3,084.51
JUN 91 DELINQUENT	16,116.64	1,236.56	57,848.49	30,333.44	2,339.23	2,703.47	300.87	2,837.67	8,878.53	105.21	3,573.65
JUN 91 TREASURER	46,301.28	3,683.89	173,609.35	93,493.29	17,867.82	5,108.83	161.32	3,786.87	22,294.25	250.56	2,507.05
TOTAL TAXES COLLT	3,956,418.26	308,510.29	14,596,710.84	7,062,304.16	1,355,970.19	379,849.31	32,525.54	205,134.36	1,883,215.78	20,459.89	249,276.74
HOMESTEAD	106,980.94	8,520.60	401,451.21	216,329.07	46,492.80	20,322.12	1,767.54	7,194.82	39,635.59	626.05	12,756.00
	4,063,399.20	317,030.89	14,998,162.05	7,278,633.23	1,402,462.99	400,171.43	34,293.08	212,329.18	1,922,851.37	21,085.94	262,032.74

shows how delinquent taxes were over-collected compared to amount that was included in the calculation of millage for 1991.

OF PICKENS COUNTY GOVERNMENT their award as much as it is mine."

Stewart started his career as a teacher at Dacusville High School in 1967 and eventually worked his way to the top position in the district in 2000. He will officially retire on June 30.

Stewart previously told *The Sentinel* that student achievement was his number one priority.

During his time as superintendent, the school district has scored above the state average on SAT and ACT tests and has also shown an overall increase on PACT testing. Improved facilities, employee moral, lowering the drop-out rates, and increasing vocational school opportunities were among Stewart's other priorities as superintendent.

He also said his favorite part of the work day was getting to visit the schools and seeing students learn first-hand.

"I can think of no one more deserving for receiving the Order of the Palmetto than Mendel



Dr. Mendel Stewart is presented with the Order of the Palmetto by state Senator Larry Martin. State Representative Davey Hliott was also present.

Stewart. In his outstanding career spanning over four decades, he has dedicated himself to the betterment of Pickens County and South Carolina," said Martin.

After retirement, Stewart said he still plans to support public education and will continue

to serve on the board at Tri-County Technical College.

The Order of the Palmetto was created by Governor John West in 1971 to recognize lifetime achievement and service. Strict criteria for award eligibility was established by a panel established in 2003.

district to collect extra funds this year - 2010

another Confession - no refunds made

rate was not rolled back enough to adjust for the actual increased property values during last year's reassessment.

Last September, the board rolled back millage from 118 to 108, based on conservative reassessment values provided by the county. Because those values were conservative, excess money will be collected, according to Campbell.

Campbell also said that \$537,000 of the extra money is from a mistake made in Duke Energy's tax billing. That money has already been collected, she said.

The exact amount of extra money that will be collected from other taxes has not been determined yet, and Campbell emphasized that she could only make a projection. She said that it was

important, however, to advise the school board that there will be extra funds.

County auditor George Bryant said the exact amount of the overage could not be determined until the end of the fiscal year on June 30.

He said that when budgets were set for 2005-2006, there were a lot of unknown, unsettled numbers to deal with, making it

hard to come up with an accurate figure.

"I was conservative, and they were probably conservative; so a lot more will be collected than projected," he said.

Bryant said he used conservative figures because he'd rather come up with an overage than a shortage that would keep the school board or county government from being able to make

payroll.

So what will the School District do with the extra money?

Bryant said it's his understanding of the law that the any excess money collected has to be rolled back against the following year's budget.

In other words, Bryant said, the district must subtract the

See MONEY, Page 14A

Easley man arrested in Internet predator sting

By Sandy Foster
Editor

Last Thursday, Spartanburg authorities arrested an Easley man during an undercover Internet predator sting.

Ranjit Gohil, 51, of 1220 Old Mill Road was charged with criminal solicitation of a minor, a felony offense punishable up to 10 years in prison, and attempted criminal sexual conduct with a minor, a felony charge punishable by up to 20 years in prison.

On May 1, Gohil allegedly began soliciting sex from a person he believed to be a 12-year-old girl, according to arrest warrants.

"In reality, he was allegedly seeking sex from a Spartanburg County Sheriff's deputy," said

Mark Plowden of the SC Attorney General's Office.

Warrants also allege that Gohil arranged to meet the "girl" for sex at an arranged location in Spartanburg on May 17.

Gohil was taken into custody when he arrived at that location, said Plowden.

The Anderson County Sheriff's Office executed a search warrant at the suspect's home, which resulted in the seizure of a lap top computer, desktop computer, and a notebook containing various screen names, he said.

Gohil is being held at the Spartanburg County Detention Center on a \$100,000 bond. The case will be prosecuted by the Attorney General's Office.

this year

average from the amount needed for 2006-2007 and set the millage based on that reduced amount.

"That's how the state law reads," he said.

He said that the School District was advised that any excess money from tax collections, and the Duke Energy money, would have to be rolled back.

Bryant said that on the onset of the reassessment process, the Department of Revenue advised him that rollbacks were required if excess money was collected.

Campbell said the school district will recommend that the money be put aside and earmarked for a specific project, but that the board must make the final decision.

She said that she has heard of cases where a tax rollback or rebate was warranted, but only when there was a true error in the calculation methodology.

"Just because we collected more than budgeted, it's not necessarily an indication that our levy rate was set in excess of the legal allowance," she said.

Board member David Cox, who represents the Dacusville area, said that since there was no tax increase for the coming year, he hopes the money will be used for building projects.

"We've got a lot of building needs, but two projects, in my opinion, stand out above the rest

as soon as possible," he said.

School board member Alex Saitta, on the other hand, says the money should be given back to the taxpayers.

"The bottom line is, the school board overcharged the taxpayers in the reassessment process. To settle that mistake, the board should give the \$2.7 million back, by cutting their millage rate about seven mills," he said.

"I suspect the majority of the board will want to keep the money. If that is the case, they need to tell the people they raised their taxes about seven mills and not try to sneak that tax increase through in a reassessment," Saitta added.

Bryant said that he had no doubt that, through advice from legal council and the Department of Revenue, the school district would make sure it followed the law regarding the excess revenue. He also said he could understand why the district would want to keep needed funds.

"If it were me, I would seek an opinion from the Attorney General," he said.

Cox said he hopes the board can make a decision about what to do with the extra funds during their next regular meeting.

Editor's Note: Monday night, the school board approved a \$94.5 million budget for fiscal year 2006-2007. See story on Page 3A.

Pontoon classes being offered

Would you like to spend time this summer in a classroom that meets on Lake Keowee and the subject taught is water resources? Would you like to learn by using hands-on techniques and field trips taken on pontoons?

If you answered yes to these questions, the 4-H2O Pontoon

P.O.L.K.S. The dates and times are as follows: July 10 - July 14, 8:30 a.m. - 12:30 p.m. each day.

General topics taught are: The Importance of a Watershed Approach, Physical and Chemical Properties of Lake Keowee Water, Biological Properties of Lake Keowee and Fun on Lake

L100 Series Truckload Sale



Limited supply available
Only **\$1,299**

No Interest, No Payment
in March 2007

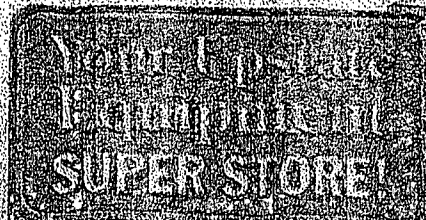
**EVERYTHING
PRICED TO
SELL**

V&V EQUIPMENT

- Test drive a new John Deere!
- Great deals for homeowners, large property owners and commercial businesses!
- Visit Our Website For Special Offers Going On Now!



• EXPERT STAFF



Visit our newly remodeled showroom! John Deere Superstore is now carrying the largest and best selection of John Deere Equipment, BBQ Grills, Merchandise, Hats, and Clothing for adults, youth, and infants! Best prices in the upstate!

\$1,000 OFF
This Weekend Only!

LT150 P

\$1,799
or **\$18/**
No Interest, No Payment
March 2007

Buck

757 Z Tractor
\$800 OFF

Prices are for in-stock merchandise only, prices subject to change without notice, payments based on John Deere credit plans, see store for details. Sale Ends 5-31-06

No Interest

Auditors confessions - No refund made

1991

Sunday, April 28, 1991

The Greenville News

Pickens School Board may avoid tax hike

Ann Aday
Staff Bureau

LEY — If the Pickens School Board approves a \$57.4 million budget for the 1992 school year as is, it is one of the few in recent years that won't require a tax hike, officials say. According to records from the auditor's office, the school board has used the power granted by the Pickens County Legis-

Past year's reassessment resulted in revenue increase

lative Delegation to raise taxes every year but two since 1983, for a net total increase of more than 40 mills.

In 1983, the district raised taxes by 16 mills; in 1984 the levy was reduced by 2 mills; in 1985 it rose by 4 mills; in 1986, 5; in 1987, another 5; in 1988, 8.8 mills and in 1989, 5 mills, according to Pickens

County Auditor George Bryant.

Last year was a reassessment year, so the district's tax revenue rose without a millage rate increase because the value of area property increased, Bryant said.

Those many years of steadily increasing taxes, and the perception that county residents may be getting less thrilled each year the

district digs deeper into their pockets, was in the back of the minds of those preparing the budget, said David Cox, district deputy superintendent.

"That's certainly one of our considerations, and we're trying to avoid that again this year," Cox said.

But next year's proposed bud-

get, which was presented to the board last week and is scheduled to be adopted in late May, still has to be approved without major additions by the school board before a tax increase is ruled out, Cox said.

"Our goal is to not raise taxes, but it might still have to be done," he said.

Balancing the desire for good schools with the need for a balanced budget has been a difficult task over the years, but sometimes tax increases are necessary, said board member Al Dunn.

"We have never gotten the message (from voters) that they want a bare-bones education program," Dunn said.

Sea island natives forced to move

Rising property taxes become too expensive for land holders

ST. HELENA ISLAND (AP) — Ernice Dean lives in a small, weather-beaten home on this tiny sea island, on land that has been in her family for generations. But the land may not belong to her much longer.

Ms. Dean, like hundreds of other descendants of freed slaves in South Carolina, has found she cannot keep pace with rising property taxes brought on by increased property values.

"I was paying \$280 and now I have to pay about \$400 (annually)," said Ms. Dean, who has been forced to let four other people live on her property in order to pay the tax bill.

St. Helena Island, population 6,230, about 40 miles from lavish Hilton Head Island, is one of more than 100 sea islands stretching from Charleston to Savannah, Ga. The islands, dotted with marshes and lined with palmetto trees, were settled by slaves freed during the Civil War.

Today, warm breezes and fresh seafood make the island chain a magnet for visitors.

But with tourism has come development that has driven up land prices and taxes, and that threatens the residents, many of whom are poor and subsist on what they can grow in their gardens and catch in the sea.

Last fall, Beaufort County auctioned off 87 properties — up 42

percent from the previous year — for about \$1 million because the owners were unable to pay their taxes.

"The main source of income, the industry of tourism, pays low wages and is seasonal," said Emory Campbell, director of the Penn Community Center which has helped the islanders with land problems since its founding.

"It emphasizes exclusivity and results in increased property values. You find that it is extremely out of balance. Income from tourism does not sustain the increased cost of taxes, housing and food."

Beaufort County treasurer Eldrid Moody also blames the county's spending habits. The county, he said, spends more money and has more employees than many its size.

"We need to put a measuring stick on the ability to pay of the masses," Moody said.

Beaufort County's population has grown only 4.2 percent annually since 1980, while the budget has mushroomed 18 percent a year, he said.

County Council chairman Bill Bowen defended the county's budget and tax structure.

"Those quote, poor people, are the ones who require the most services from the county through welfare services and receive the most for their tax dollar," he said.

Residents who lost their property in last year's tax sale have until October to buy it back, but many are impoverished.

The County Council has discussed the tax dilemma, but Bowen isn't sure the council should do anything.

"If someone can't afford to own property because they cannot pay taxes then they shouldn't own the property," he said. "If I can't pay my taxes because my property has gotten so valuable, then I sell my property for a profit and move to an area where it is like it used to be."

There are fewer and fewer places where it's "like it used to be," Campbell said.

A study conducted eight years ago by the Penn Center found that 35 percent of the land in Beaufort County was owned by blacks. He doesn't have current figures, but believes that's decreased.

"It's driving people from a situation where they're surviving to an inner-city situation, such as public-subsidized housing, or even a homeless situation," Campbell said. "People usually don't have any sympathy. There needs to be some kind of recognition of the indigenous use of land."

"Before you know it, the thing that attracted tourism and development is gone."

Some old thing in Sea Island

Wednesday, June 12, 1991 3C

Pickens School District officials bristle at tax rebate suggestions

By Sean Aday
News Easley Bureau

EASLEY — Pickens County School District officials, already beleaguered with budget woes, are bristling at suggestions that they return a large sum of tax money collected last year in the form of a reduced millage increase.

The money must be rebated because the county apparently collected more tax money than anticipated in the 1990-91 fiscal year, although final figures won't be available until the end of June.

increase in tax collections resulting solely from reassessment must be used to roll back the tax millage in the following year.

Early figures from the commission indicate that could translate into between \$800,000 and \$1.2 million that must be rebated by the School District, district officials say.

But that includes delinquent tax money that happened to be collected last year, and district officials say they don't feel that should have to be rebated.

"This law has no bearing on delinquent taxes," said Superintendent Richard Gettys, adding

summer to hammer out the details concerning the delinquent-tax issue, Gettys said.

Under law, the district is not supposed to spend excess tax revenue, allowing officials to simply set aside the funds to be rebated the following year, said James Brodie, director of the commission's property division.

But Gettys said the district makes its budget based on anticipated tax collections, which in turn assumed a 45.7 millage when in fact it should have been lower. As a result, the district spent money it now discovers should have been set aside, he said.

A Sentinel Editorial

Property taxes should be rolled back to reflect overcollection

Imagine walking down the street and finding a very expensive diamond ring lying on the sidewalk. Of course it would be tempting to put it in your pocket and keep it, or perhaps give it to your girlfriend or wife. But the honest thing to do would be to try to find the rightful owner and return the ring. That's what most of us were taught as children.

Chances are that someone out there was devastated over the loss of that ring, frantically searching for it when you found it; and they would be forever grateful for your honesty.

It's important for parents today to instill those same ethics in our children that we learned growing up, and the same holds true for those responsible for their education.

In a way, our educational leaders are facing a similar situation as the one described above. Because of an "underestimation," during the reassessment process, our school district is going to collect approximately \$2.6 million in extra taxes - funds they were not expecting, funds above and beyond what they needed to operate in the fiscal year that's about to end.

And like the person who lost the diamond ring, the taxpayers of this county were devastated by the enormous tax increase forced down their throats last year, a tax increase that was even larger than necessary thanks to this "underestimation!"

With the school district facing numerous building needs, the idea of keeping that money is no doubt mighty tempting, but that money was not supposed to be collected in the first place! And the only right thing to do is return it to those who paid it - through a rollback in the coming year's taxes.

We teach our children that it is wrong to keep someone else's money. So the school district, despite any loopholes or "interpretation" they may find in the law, they have the perfect opportunity to set a good example for our children.

Imagine going to a local grocery store, being overcharged for your purchase, and then having the owner of the store refuse to refund the money. The over-collection by the school district is no different. While it was not done on purpose, too much money was collected nonetheless, and the school board should not be allowed to just say, "Uh, oh, we took too much money, so we're just going to keep it."

If more funds are really needed, be up front and call it a tax increase. Don't brag that there's no increase, collect extra money anyway, and then say, "Sorry!"

That just doesn't cut it!

Pickens County government will collect some extra funds as well, but how much and whether or not County Council intends to roll back taxes to reflect the overage, has yet to be determined.

While the school board has not made a final decision on what to do with the extra money, many members have already spoken in favor of keeping it.

If either of these groups get by with keeping and spending this over-collection, what will stop them from purposely "underestimating" next time reassessment comes around - as a way to get extra funds without calling it a tax increase?

That's why taxpayers must demand that this money be returned to us, before any vote is taken. We must send a clear signal that we expect both our school district and county government to operate in a fair, open and honest fashion. They are not supposed to profit from reassessment.

So, to both the School Board and County Council - do the right thing, and roll back taxes to reflect all that extra money you collected. You owe it to the taxpayers of Pickens County.

Local article about refunding overage collections during last reassessment!

Nelson Mullins

Nelson Mullins Riley & Scarborough LLP

Attorneys and Counselors at Law

1320 Main Street / 17th Floor / Columbia, SC 29201

Tel: 803.799.2000 Fax: 803.255.9051

www.nelsonmullins.com

Lana R. Landess

Senior Paralegal

Tel: 803.255.9631

Fax: 803.255.9051

lana.landess@nelsonmullins.com

July 2, 2008

Hand Delivered

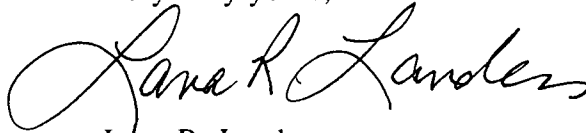
The Honorable Daniel E. Shearouse
Clerk of Court
Supreme Court Building
1231 Gervais Street
Columbia, South Carolina 29201

RE: Abbeville County School District, et al. v. State of South Carolina, et al.
Civil Action No. 93-CP-31-169
Court of Appeals Case Tracking No. 2007-65159
Our File No. 11884/01500

Dear Mr. Shearouse:

Please accept this letter as a formal request for the tape of the oral arguments heard on Wednesday, June 25, 2008 in the above-referenced matter. Enclosed please find a check, in the amount of \$20.00, for this request. Thank you for your assistance.

Very truly yours,



Lana R. Landess
Senior Paralegal

\rl
Enclosure

RECEIVED
JUN 25 2008
IN THE COURT
S.C. SUPREME COURT

VS.

RECEIVED
JUN 25 2008
IN THE COURT OF
S.C. SUPREME COURT

Abbeville

Pursuant to Rule 605, South Carolina Appellate Court Rules, the undersigned hereby requests permission to use equipment in order to record, photograph or televise all or portions of the proceedings in the above captioned case.

The proceedings that the undersigned desires to record, photograph or televise commence on:

The undersigned hereby certifies that the operation of the equipment and the conduct of the personnel will be in conformity with Rule 605.


(Individual Signature)

(Individual Signature)
WACH FOX 57
(Representing/Firm)

Anchor / Reporter
(Position)

1400 Pickens St.
(Address)
803-252-5757
(Telephone Number)

Date:

Presiding Judge

feeding
WTV

RECEIVED

JUN 25 2008

S.C. SUPREME COURT

Form 1
Media Coverage for Court Proceedings

South Carolina Supreme Court

Request for Electronic and Photographic Coverage of Judicial Proceedings

Pursuant to rule 605, South Carolina Appellate Court Rules, The undersigned hereby request permission to use equipment in order to record, Photograph, or televise all or portions of the proceedings in the above captioned case.

Consistent with Rule 605, the undersigned desires to use the following equipment: Microphone, Camera and audio mixer.

The proceedings that the undersigned desire to record, photograph or televise commence on June 25, 2008 at 2:30 pm.

The personnel who will be responsible for the operation of this equipment are: Rich Wandover, Chief Photojournalist, ABC Columbia, WOLO-TV.

The undersigned hereby certifies that the operation of the equipment and the conduct of the personal will be in the conformity with Rule 605.

This 25th day of June, 2008.

(Individual Signature)
Chief Photojournalist
Representing ABC Columbia/WOLO-TV

 COLUMBIA

1200 Main Street, Suite A
Columbia SC 29201
(803) 754-7525

Received:

Date: / / 2008

Presiding Judge

*Lead from
ETV*

Rich -

7/8

FORM 1
MEDIA COVERAGE OF COURT PROCEEDINGS

STATE OF SOUTH CAROLINA)
COUNTY OF)

IN THE COURT

RECEIVED

JUN 23 2008

Abbeville Co. schools et al

vs.

The State of South Carolina

S.C. SUPREME COURT

Request for Electronic and Photographic Coverage
Of Judicial Proceedings

Pursuant to Rule 605, South Carolina Appellate Court Rules, the undersigned hereby requests permission to use equipment in order to record, photograph or televise all or portions of the proceedings in the above captioned case.

Consistent with Rule 605, the undersigned desires to use the following equipment:

DIGITAL CAMERAS

The proceedings that the undersigned desires to record, photograph or televise commence on:

Wed. June 25, 2008

The personnel who will be responsible for the operation of this equipment are:

To be assigned by photo editor Al Anderson

The undersigned hereby certifies that the operation of the equipment and the conduct of the personnel will be in conformity with Rule 605.

This *23rd* day of *June, 2008*.

Bill Perkins (staff writer)
(Individual Signature)

The State Newspaper
(Representing/Firm)

staff writer
(Position)

RECEIVED: GRANTED.

Date:

[Signature]
Presiding Judge FOR THE COURT

1401 Shop Rd. Columbia, SC 29201
(Address)
803-771-8482
(Telephone Number)

June 25, 2008.

The State

P.O. Box 1333
Columbia, SC 29202

RECEIVED

JUN 23 2008

S.C. SUPREME COURT

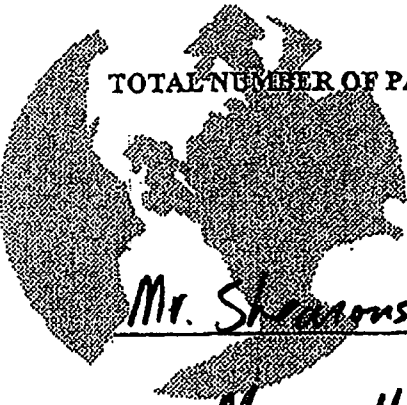
TELECOMETER TRANSMITTAL COVER SHEET

To: **DANIEL SHEAROUSE**Fax: **734-1499**From: **BILL ROBINSON, staff writer**Date: **JUNE 23, 2008**

TOTAL NUMBER OF PAGES INCLUDING COVER SHEET:

TWO

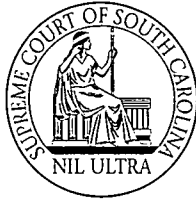
MESSAGES:

Mr. Shearouse:

My colleague Rick Brundrett suggested we file this request with you ASAP. I will call you when I know who the photographer is. Thank you, Bill Robinson

If you do not receive all pages indicated, please call:

(803) 771-**8482**



The Supreme Court of South Carolina

DANIEL E. SHEAROUSE
CLERK OF COURT

BRENDA F. SHEALY
CHIEF DEPUTY CLERK

POST OFFICE BOX 11330
COLUMBIA, SOUTH CAROLINA 29211

(803) 734-1080

FAX (803) 734-1499

June 24, 2008

Stephen K. Benjamin, Esquire
Tina N. Herbert, Esquire
McAngus Goudelock & Courie, LLC
P.O. Box 12519
Capitol Station
Columbia, SC 29211-2519

Re: Abbeville County School District, et al. v. State of SC, et al.

Dear Counsel:

The following Order has been endorsed on your Motion on behalf of the South Carolina Association of School Administrators (SCASA) and South Carolina School Boards Association (SCSBA) for Leave to File a Brief as Amici Curiae in the above entitled case on appeal.

“Granted.

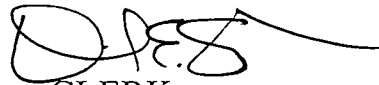
s/ Jean H. Toal C.J.
For the Court

June 24, 2008.”

Stephen K. Benjamin, Esquire
Abbeville Cty School Dist v. The State
June 24, 2008
Page two

We have received your brief and it has been filed as of this date.

Very truly yours,


CLERK

DES/jjp

cc: Carl B. Epps, III, Esquire
Stephen G. Morrison, Esquire
Laura Callaway Hart, Esquire
Shelby K. Leonardi, Esquire
Elizabeth Scott Moise, Esquire
Rachel Atkin Hedley, Esquire
D. Kay Tennyson, Esquire
Robert E. Stepp, Esquire
Elizabeth Van Doren Gray, Esquire
A. Jackson Barnes, Esquire
Roland M. Franklin, Jr., Esquire
Attorney General Henry D. McMaster
Assistant Deputy Attorney General J. Emory Smith, Jr.
Swati Shah Patel, Esquire
Amanda Gibson Adler, Esquire
Edward W. Laney, IV, Esquire
R. Hawthorne Barrett, Esquire
Ellen M. Boylan, Esquire
Joel W. Collins, Jr., Esquire
Mary Anne Hunter, Esquire
Matthew Terry Richardson, Esquire
Susan J. Rose, Esquire
Susan B. Berkowitz, Esquire



ATTORNEYS AT LAW

Reply To
STEPHEN K. BENJAMIN
Direct Dial: (803) 227-4921
steve.benjamin@mgclaw.com
COLUMBIA

June 23, 2008

Via Hand Delivery

The Honorable Daniel E. Shearouse
Clerk of Court
Supreme Court of South Carolina
1231 Gervais St.
Columbia, South Carolina 29211

RECEIVED

JUN 23 2008

S.C. SUPREME COURT

Dear Mr. Shearouse:

RE: Abbeville County School District., *et al.* v. State of South Carolina, *et al.*
Case No.: 2007-65159
Civil Action No.: 93-CP-31-0169

Please find enclosed for filing (1) the original and seven (7) copies of a Motion for Leave to File a Brief as *Amici Curiae*; (2) the original and 17 copies of the proposed *Amici Curiae* Brief; (3) the original and one copy of the Proof of Service; and (4) a check for the \$25.00 motion filing fee. Please file the originals and necessary copies and return the extra stamped copies to our courier.

Should you have any questions please feel free to contact me.

Very truly yours,



Stephen K. Benjamin

SKB/cls

Enclosure

cc: Carl B. Epps, III, Esq.
Stephen G. Morrison, Esq.
Laura Callaway Hart, Esq.
Shelby K. Leonardi, Esq.

COLUMBIA | CHARLOTTE | CHARLESTON | GREENVILLE | RALEIGH

700 GERVAIS STREET, SUITE 300 • POST OFFICE BOX 12519 • COLUMBIA, SOUTH CAROLINA 29211 • 803-779-2300 PHONE • 803-748-0526 FAX

mgclaw.com

Letter to Daniel E. Shearouse
June 23, 2008
Page 2

Henry D. McMaster, Esq.
J. Emory Smith, Jr., Esq.
Robert E. Stepp, Esq.
Elizabeth Van Doren Gray, Esq.
A. Jackson Barnes, Esq.

**THE STATE OF SOUTH CAROLINA
In The Supreme Court**

APPEAL FROM LEE COUNTY
Court of Common Pleas

Thomas W. Cooper, Jr., Circuit Court Judge

Civil Action No.: 93-CP-31-0169
Case Tracking No.: 2007-65159

RECEIVED

JUN 23 2008

S.C. SUPREME COURT

Abbeville County School District, Allendale County School District, Bamberg County School District 1, Bamberg County School District 2, Barnwell County School District 19, Barnwell County School District 29, Barnwell County School District 45, Berkeley County School District, Chesterfield County School District, Clarendon County School District 1, Clarendon County School District 2, Clarendon County School District 3, Dillon County School District 1, Dillon County School District 2, Dillon County School District 3, Florence County School District 1, Florence County School District 2, Florence County School District 3, Florence County School District 4, Florence County School District 5, Hampton County School District 1, Hampton County School District 2, Jasper County School District, Laurens County School District 55, Laurens County School District 56, Lee County School District, Lexington County School District 4, Marion County School District 1, Marion County School District 2, Marion County School District 7, Marlboro County School District, McCormick County School District, Orangeburg Consolidated School District 3, Orangeburg Consolidated School District 5, Saluda County School District and Williamsburg County School District; Lena Manning, individually, and as a taxpayer residing in Allendale County and as Guardian ad Litem of Courtney V.; Courtney V., a minor, by and through Lena Manning, as Guardian ad Litem; William L. Mills, individually, and as a Taxpayer residing in Allendale County and as Guardian ad Litem of Waylon P.; Waylon P., a minor, by and through William Mills, as Guardian ad Litem; Betty Bagley, individually, and as a taxpayer residing in Bamberg County and as a parent

and Guardian ad Litem of Tyler B.; Tyler B., a minor, by and through Betty Bagley, as Guardian ad Litem, Evert Comer, Jr., individually, and as a taxpayer residing in Bamberg County and as parent and Guardian ad Litem of Kimberly C.; Kimberly C., a minor, by and through Evert Comer, Jr., as Guardian ad Litem; Marla Q. Jameson, individually, and as a taxpayer residing in Barnwell County, and as a parent and Guardian ad Litem of Eleanor J.; Eleanor J., a minor, by and through Marla Q. Jameson, as Guardian ad Litem; Victor M. Lancaster, Sr., individually, and as a taxpayer residing in Barnwell County, and as parent and Guardian ad Litem of Christie L.; Christie L., a minor, by and through Victor M. Lancaster, Sr., as Guardian ad Litem; Dr. Charles Clark, individually, and as a taxpayer residing in Chesterfield County, and as parent and Guardian ad Litem of Candace C., a minor, by and through Dr. Charles Clark, as Guardian ad Litem; Colonel Larry Coker, individually, and as a taxpayer residing in Clarendon County, and as a parent and Guardian ad Litem of Corrie C.; Corrie C., a minor, by and through Colonel Larry Coker, as Guardian ad Litem; Pamela Williams, individually, and as a taxpayer residing in Dillon County, and as parent and Guardian ad Litem of Katisha W.; Katisha W., a minor, by and through Pamela Williams as Guardian ad Litem; Eddie Wright, individually, and as a taxpayer residing in Florence County, and as parent and Guardian ad Litem of Brandon F.; Brandon F., a minor, by and through Eddie Wright as Guardian ad Litem; John Whiteside, individually, and as a taxpayer residing in Florence County and as Parent and Guardian ad Litem of Joel W.; Joel W., a minor, by and through John Whiteside as Guardian ad Litem; Dr. Francis Mills, individually, and as a taxpayer residing in Hampton County and as a parent and Guardian ad Litem of Amy M.; Amy M., a minor, by and through Dr. Francis Mills, as Guardian ad Litem; Brenda Brooks, individually, and as a taxpayer residing in Hampton County, and as parent and Guardian ad Litem of Tyrin B.; Tyrin B., a minor, by and through Brenda Brooks as Guardian ad Litem; Marva Tigner, individually, and as a taxpayer residing in Jasper County, and as parent and Guardian ad Litem of Bryan T. and Bradley T.; Bryan T., a minor, by and through Marva Tigner as Guardian ad Litem; Bradley T., a minor,

by and through Marva Tigner as Guardian ad Litem;
Robert Elisha Short, individually, and as a taxpayer
residing in Laurens County and as parent and Guardian
ad Litem of Robert B. S.; Robert B. S.,
a minor, by and through Robert Elisha Short, as Guardian
ad Litem; Dr. Keith A. Bridges, individually, and as a
taxpayer residing in Laurens County and as parent and
Guardian ad Litem of Jorgana Ranson B.; Jorgana
Ranson B., a minor, by and through Dr. Keith A.
Bridges, as Guardian ad Litem; Gail Y. Harriott,
individually, and as a taxpayer residing in Lee County
and as parent and Guardian ad Litem of Rashade H.;
Rashade H., a minor, by and through Gail Y. Harriott, as
Guardian ad Litem; Linda Carraway, individually, and as
a taxpayer residing in Marion County, and as parent and
Guardian ad Litem of Kimberly W.; Kimberly W., a
minor, by and through Linda Carraway as Guardian ad
Litem; Dr. John Nobles, individually, and as a taxpayer
residing in Marlboro County and as parent and Guardian
ad Litem of Erin N.; Erin N., a minor, by and through Dr.
John Nobles, as Guardian ad
Litem; Patricia Hampton, individually, and as a taxpayer
residing in McCormick County and as parent and
Guardian ad Litem of Krystle H.; Krystle H., a minor, by
and through Patricia Hampton, as Guardian
ad Litem; Bernice Profit, individually, as a taxpayer
residing in Orangeburg County and as parent and
Guardian ad Litem of Russell H.; Russell H., a minor, by
and through Bernice Profit, as Guardian ad Litem; Matlin
P. Brown, individually, and as a taxpayer
residing in Orangeburg County and as parent and
Guardian ad Litem of Tanisha P. B.; Tanisha P. B., a
minor, by and through Matlin P. Brown, as Guardian ad
Litem; James Berry, individually, and as a taxpayer
residing in Orangeburg County and as parent and
Guardian ad Litem of Dondrea B.; Dondrea B., a minor,
by and through James Berry, as Guardian ad Litem;
Gerald Smith, individually, and as a taxpayer residing in
Orangeburg County and as parent and Guardian ad Litem
of Brenda S.; Brenda S., a minor,
by and through Gerald Smith, as Guardian ad Litem;
Thomas Shealy, individually, and as a taxpayer residing
in Saluda County and as parent and Guardian ad Litem of
Thomas S., Jr.; Thomas S., Jr., a minor,
by and through Thomas Shealy, as Guardian ad Litem,

Plaintiffs,

Of whom:

Allendale County School District,
Dillon County School District 2,
Florence County School District 4,
Hampton County School District 2,
Jasper County School District,
Lee County School District,
Marion County School District 7,
Orangeburg School District 3,
Lena Manning, individually, and as a taxpayer residing
in Allendale County and as Guardian ad Litem of
Courtney V.; Courtney V., a minor, by and through Lena
Manning, as Guardian ad Litem; Pamela Williams,
individually, and as a taxpayer residing in Dillon County,
and as parent and Guardian ad Litem of Katisha W.;
Katisha W., a minor, by and through Pamela Williams as
Guardian ad Litem; Eddie Wright, individually, and as a
taxpayer residing in Florence County, and as parent and
Guardian ad Litem of Brandon F.; Brandon F., a minor,
by and through Eddie Wright as Guardian ad Litem;
Brenda Brooks, individually, and as a taxpayer residing
in Hampton County, and as parent and Guardian ad
Litem of Tyrin B.; Tyrin B., a minor, by and through
Brenda Brooks as Guardian ad Litem; Marva Tigner,
individually, and as a taxpayer residing in Jasper County,
and as parent and Guardian ad Litem of Bryan T. and
Bradley T.; Bryan T., a minor, by and through Marva
Tigner as Guardian ad Litem; Bradley T., a minor, by
and through Marva Tigner as Guardian ad Litem; Gail Y.
Harriott, individually, and as a taxpayer residing in Lee
County and as parent and Guardian ad Litem of Rashade
H.; Rashade H., a minor, by and through Gail Y.
Harriott, as Guardian ad Litem; Linda Carraway,
individually, and as a taxpayer residing in Marion
County, and as parent and Guardian ad Litem of
Kimberly W.; Kimberly W., a minor, by and through
Linda Carraway as Guardian ad Litem; Bernice Profit,
individually, and as a taxpayer residing in Orangeburg
County and as parent and Guardian ad Litem of Russell
H.; Russell H., a minor, by and through Bernice Profit, as
Guardian ad Litem, are

Appellants-
Respondents,

v.

Glenn F. McConnell, as President *Pro Tempore*
of the Senate and as a representative of the South

Carolina Senate; Robert W. Harrell, Jr., as
Speaker of the House of Representatives
and as a representative of the South Carolina
House of Representatives, ...

Respondents-
Appellants,

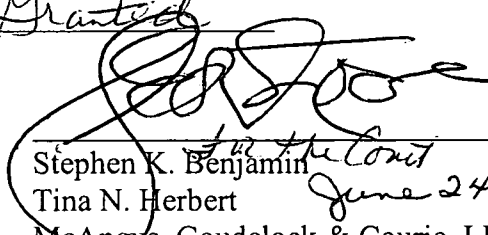
and

The State of South Carolina; Mark C. Sanford, as
Governor of the State of
South Carolina, ...

Respondents.

**MOTION OF THE SOUTH CAROLINA ASSOCIATION OF SCHOOL
ADMINISTRATORS (SCASA) AND SOUTH CAROLINA SCHOOL BOARDS
ASSOCIATION (SCSBA) FOR LEAVE TO FILE A BRIEF AS *AMICI CURIAE***

Granted


Stephen K. Benjamin

Tina N. Herbert

McAngus, Goudelock & Courie, LLC

700 Gervais Street, Suite 300 (29201)

Post Office Box 12519

Columbia, South Carolina 29211

(803) 779-2300

*Attorneys for South Carolina Association
of School Administrators and
South Carolina School Boards Association*

*for the Court C.J.
June 24, 2008.*

Argument

Pursuant to South Carolina Appellate Court Rule 213, the South Carolina Association of School Administrators and the South Carolina School Boards Association move for leave of the Court to file an amicus brief.

The South Carolina Association of School Administrators (SCASA) is a non-profit organization with a membership of diverse school leaders in South Carolina. Its mission is to advocate for public education for the citizens of South Carolina by working to influence education legislation and policy, to stimulate and foster support for public schools, to ensure a cadre of effective school leaders, and to provide programs and services supporting its members. Its membership consists of school district superintendents, principals of schools, directors of career and technology centers, directors of adult education programs, school personnel administrators and allied school administrators employed in diverse school districts across the State of South Carolina. Its members have direct knowledge of the laws and regulations impacting the public school system and their implementation, as well as the funding provided by the State to support and maintain its public schools.

The South Carolina School Boards Association (SCSBA) is a non-profit organization that serves as a source of information and as a statewide voice for boards governing the 85 public school districts in South Carolina. Its mission is to advocate for public education for the citizens of South Carolina and to ensure excellence in school board performance through training and service. SCSBA assists local school boards in legislative advocacy, working to change or encourage passage of laws to strengthen public schools and providing numerous avenues of communications by and among local school boards and state leaders (including members of the General Assembly, South Carolina's congressional representatives) and key state agencies

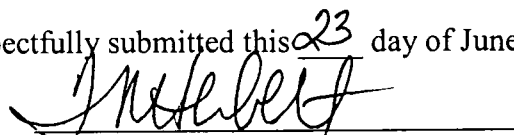
(including the State Board of Education and the Education Oversight Committee). SCSBA is a member of the National School Boards Association (NSBA), which has filed an amicus curiae brief in support of Appellants-Respondents (hereinafter Plaintiffs).

The SCASA and the SCSBA both have a strong interest in the outcome of this case, as the funding issues addressed will affect the ability of school districts to address the educational needs seen in their respective districts and classrooms. As advocates for public education, the SCASA wants to ensure that the public schools have effective programs and services for school leaders. The SCSBA wants to ensure excellence in school board performance. The SCASA and the SCSBA seek leave to file this brief in order to outline and discuss specifically how the structure of the current funding statutes compromise the ability of the districts to provide effective programming and services. The SCASA and the SCSBA also seek to outline how the current funding structure compromises excellent school board performance. Neither of these objectives can be attained without adequate and consistent funding systems. The missions and goals of the organizations are directly tied to the effectiveness of the funding statutes.

For the reasons stated above, the South Carolina Association of School Administrators (SCASA) and the South Carolina Boards Association (SCSBA) respectfully request that the court grant this motion.

Respectfully submitted this 23 day of June, 2008.

By:



Stephen K. Benjamin

Tina N. Herbert

McAngus, Goudelock & Courie, LLC

700 Gervais Street, Suite 300 (29201)

Post Office Box 12519

Columbia, South Carolina 29211

(803) 779-2300

STATE OF SOUTH CAROLINA
In the Supreme Court

APPEAL FROM LEE COUNTY
Thomas W. Cooper, Jr., Circuit Court Judge
Civil Action No.: 93-CP-31-0169
Case Tracking No.: 2007-65159

RECEIVED

JUN 23 2008

S.C. SUPREME COURT

Abbeville County School District, *et al.*, ...Petitioner,

v.

The State of South Carolina, *et al.*, ...Respondents.

CERTIFICATE OF SERVICE

I certify that I have served the **Motion for Leave to File a Brief as *Amici Curiae* and the proposed *Amici Curiae* Brief** by depositing a copy of it in the United States Mail, postage prepaid, on June 23, 2008, addressed to the following:

AS TO THE PETITIONER:

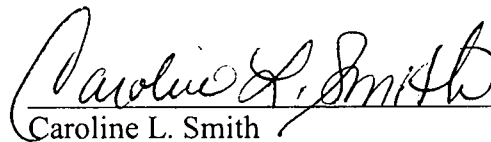
Carl B. Epps, III
Stephen O. Morrison
Laura Callaway Hart
Shelby K. Leonardi
Nelson Mullins Riley & Scarborough, L.L.P.
Meridian, 17th Floor
1320 Main St.
Columbia, SC 29201

AS TO THE RESPONDENT STATE AND GOVERNOR OF SOUTH CAROLINA:

Henry D. McMaster
J. Emory Smith, Jr., Esq.
Office of the Attorney General
P.O. Box 11549
Columbia, SC 29211

**AS TO THE RESPONDENT SENATE AND HOUSE OF REPRESENTATIVES
OF THE STATE OF SOUTH CAROLINA:**

Robert E. Stepp
Elizabeth Van Doren Gray
A. Jackson Barnes
Sowell Gray Stepp & Laffitte, L.L.C.
1310 Gadsden St.
P.O. Box 11449
Columbia, SC 29211

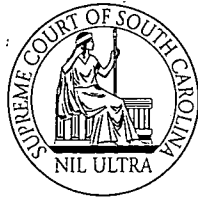


Caroline L. Smith

Legal Assistant to Stephen K. Benjamin and
Tina N. Herbert

McANGUS GOUDELOCK & COURIE LLC
Post Office Box 12519
700 Gervais Street, Suite 300 (29201)
Columbia, South Carolina 29211-2519
(803) 779-2300

*Attorneys for South Carolina Association
of School Administrators and
South Carolina School Boards Association*



The Supreme Court of South Carolina

DANIEL E. SHEAROUSE
CLERK OF COURT

BRENDA F. SHEALY
CHIEF DEPUTY CLERK

POST OFFICE BOX 11330
COLUMBIA, SOUTH CAROLINA 29211

(803) 734-1080

FAX (803) 734-1499

June 20, 2008

Amanda Gibson Adler, Esquire
Rural Education Finance Center
141-F Pelham Rd., #207
Columbia, SC 29209

Re: Abbeville County School District, et al. v. State of SC, et al.

Dear Ms. Adler:

The following Order has been endorsed on your Motion of South Carolina Rural Education Grassroots Group and the Rural School and Community Trust for Leave to File a Brief as Amici Curiae in Support of Appellants-Respondents in the above entitled case on appeal.

"Granted.

s/ Jean H. Toal C.J.
For the Court

June 20, 2008."

Your brief has been filed as of this date.

Very truly yours,
Daniel E. Shearouse
CLERK

DES/jjp

cc: Carl B. Epps, III, Esquire
Stephen G. Morrison, Esquire
Laura Callaway Hart, Esquire
Shelby K. Leonardi, Esquire
Elizabeth Scott Moise, Esquire
Rachel Atkin Hedley, Esquire
D. Kay Tennyson, Esquire
Robert E. Stepp, Esquire
Elizabeth Van Doren Gray, Esquire
A. Jackson Barnes, Esquire
Roland M. Franklin, Jr., Esquire
Attorney General Henry D. McMaster
Assistant Deputy Attorney General J. Emory Smith, Jr.
Swati Shah Patel, Esquire
Edward W. Laney, IV, Esquire
R. Hawthorne Barrett, Esquire
Ellen M. Boylan, Esquire
Joel W. Collins, Jr., Esquire
Mary Anne Hunter, Esquire
Matthew Terry Richardson, Esquire
Susan J. Rose, Esquire
Susan B. Berkowitz, Esquire

THE STATE OF SOUTH CAROLINA
In The Supreme Court

RECEIVED

JUN 18 2008

APPEAL FROM LEE COUNTY
Court of Common Pleas

S.C. SUPREME COURT

Thomas W. Cooper, Jr., Circuit Court Judge

Case No. 93-CP-31-0169

Abbeville County School District, Allendale County School District, Bamberg County School District 1, Bamberg County School District 2, Barnwell County School District 19, Barnwell County School District 29, Barnwell County School District 45, Berkeley County School District, Chesterfield County School District, Clarendon County School District 1, Clarendon County School District 2, Clarendon County School District 3, Dillon County School District 1, Dillon County School District 2, Dillon County School District 3, Florence County School District 1, Florence County School District 2, Florence County School District 3, Florence County School District 4, Florence County School District 5, Hampton County School District 1, Hampton County School District 2, Jasper County School District, Laurens County School District 55, Laurens County School District 56, Lee County School District, Lexington County School District 4, Marion County School District 1, Marion County School District 2, Marion County School District 7, Marlboro County School District, McCormick County School District, Orangeburg Consolidated School District 3, Orangeburg Consolidated School District 5, Saluda County School District and Williamsburg County School District; Lena Manning, individually, and as a taxpayer residing in Allendale County and as Guardian ad Litem of Courtney V.; Courtney V., a minor, by and through Lena Manning, as Guardian ad Litem; William L. Mills, individually, and as a Taxpayer residing in Allendale County and as Guardian ad Litem of Waylon P.; Waylon P., a minor, by and through William Mills, as Guardian ad Litem; Betty Bagley, individually, and as a taxpayer residing in Bamberg County and as a parent and Guardian ad Litem of Tyler B.; Tyler B., a minor, by

and through Betty Bagley, as Guardian ad Litem, Evert Comer, Jr., individually, and as a taxpayer residing in Bamberg County and as parent and Guardian ad Litem of Kimberly C.; Kimberly C., a minor, by and through Evert Comer, Jr., as Guardian ad Litem; Marla Q. Jameson, individually, and as a taxpayer residing in Barnwell County, and as a parent and Guardian ad Litem of Eleanor J.; Eleanor J., a minor, by and through Marla Q. Jameson, as Guardian ad Litem; Victor M. Lancaster, Sr., individually, and as a taxpayer residing in Barnwell County, and as parent and Guardian ad Litem of Christie L.; Christie L., a minor, by and through Victor M. Lancaster, Sr., as Guardian ad Litem; Dr. Charles Clark, individually, and as a taxpayer residing in Chesterfield County, and as parent and Guardian ad Litem of Candace C., a minor, by and through Dr. Charles Clark, as Guardian ad Litem; Colonel Larry Coker, individually, and as a taxpayer residing in Clarendon County, and as a parent and Guardian ad Litem of Corrie C.; Corrie C., a minor, by and through Colonel Larry Coker, as Guardian ad Litem; Pamela Williams, individually, and as a taxpayer residing in Dillon County, and as parent and Guardian ad Litem of Katisha W.; Katisha W., a minor, by and through Pamela Williams as Guardian ad Litem; Eddie Wright, individually, and as a taxpayer residing in Florence County, and as parent and Guardian ad Litem of Brandon F.; Brandon F., a minor, by and through Eddie Wright as Guardian ad Litem; John Whiteside, individually, and as a taxpayer residing in Florence County and as Parent and Guardian ad Litem of Joel W.; Joel W., a minor, by and through John Whiteside as Guardian ad Litem; Dr. Francis Mills, individually, and as a taxpayer residing in Hampton County and as a parent and Guardian ad Litem of Amy M.; Amy M., a minor, by and through Dr. Francis Mills, as Guardian ad Litem; Brenda Brooks, individually, and as a taxpayer residing in Hampton County, and as parent and Guardian ad Litem of Tyrin B.; Tyrin B., a minor, by and through Brenda Brooks as Guardian ad Litem; Marva Tigner, individually, and as a taxpayer residing in Jasper County, and as parent and Guardian ad Litem of Bryan T. and Bradley T.; Bryan T., a minor, by and through Marva Tigner as Guardian ad Litem; Bradley T., a minor, by and through Marva Tigner as Guardian ad Litem;

Robert Elisha Short, individually, and as a taxpayer residing in Laurens County and as parent and Guardian ad Litem of Robert B. S.; Robert B. S., a minor, by and through Robert Elisha Short, as Guardian ad Litem; Dr. Keith A. Bridges, individually, and as a taxpayer residing in Laurens County and as parent and Guardian ad Litem of Jorgana Ranson B.; Jorgana Ranson B., a minor, by and through Dr. Keith A. Bridges, as Guardian ad Litem; Gail Y. Harriott, individually, and as a taxpayer residing in Lee County and as parent and Guardian ad Litem of Rashade H.; Rashade H., a minor, by and through Gail Y. Harriott, as Guardian ad Litem; Linda Carraway, individually, and as a taxpayer residing in Marion County, and as parent and Guardian ad Litem of Kimberly W.; Kimberly W., a minor, by and through Linda Carraway as Guardian ad Litem; Dr. John Nobles, individually, and as a taxpayer residing in Marlboro County and as parent and Guardian ad Litem of Erin N.; Erin N., a minor, by and through Dr. John Nobles, as Guardian ad Litem; Patricia Hampton, individually, and as a taxpayer residing in McCormick County and as parent and Guardian ad Litem of Krystle H.; Krystle H., a minor, by and through Patricia Hampton, as Guardian ad Litem; Bernice Profit, individually, as a taxpayer residing in Orangeburg County and as parent and Guardian ad Litem of Russell H.; Russell H., a minor, by and through Bernice Profit, as Guardian ad Litem; Matlin P. Brown, individually, and as a taxpayer residing in Orangeburg County and as parent and Guardian ad Litem of Tanisha P. B.; Tanisha P. B., a minor, by and through Matlin P. Brown, as Guardian ad Litem; James Berry, individually, and as a taxpayer residing in Orangeburg County and as parent and Guardian ad Litem of Dondrea B.; Dondrea B., a minor, by and through James Berry, as Guardian ad Litem; Gerald Smith, individually, and as a taxpayer residing in Orangeburg County and as parent and Guardian ad Litem of Brenda S.; Brenda S., a minor, by and through Gerald Smith, as Guardian ad Litem; Thomas Shealy, individually, and as a taxpayer residing in Saluda County and as parent and Guardian ad Litem of Thomas S., Jr.; Thomas S., Jr., a minor, by and through Thomas Shealy, as Guardian ad Litem,

Plaintiffs,

Of whom:

Allendale County School District,
 Dillon County School District 2,
 Florence County School District 4,
 Hampton County School District 2,
 Jasper County School District,
 Lee County School District,
 Marion County School District 7,
 Orangeburg School District 3,
 Lena Manning, individually, and as a taxpayer residing
 in Allendale County and as Guardian ad Litem of
 Courtney V.; Courtney V., a minor, by and through Lena
 Manning, as Guardian ad Litem; Pamela Williams,
 individually, and as a taxpayer residing in Dillon County,
 and as parent and Guardian ad Litem of Katisha W.;
 Katisha W., a minor, by and through Pamela Williams as
 Guardian ad Litem; Eddie Wright, individually, and as a
 taxpayer residing in Florence County, and as parent and
 Guardian ad Litem of Brandon F.; Brandon F., a minor,
 by and through Eddie Wright as Guardian ad Litem;
 Brenda Brooks, individually, and as a taxpayer residing
 in Hampton County, and as parent and Guardian ad
 Litem of Tyrin B.; Tyrin B., a minor, by and through
 Brenda Brooks as Guardian ad Litem; Marva Tigner,
 individually, and as a taxpayer residing in Jasper County,
 and as parent and Guardian ad Litem of Bryan T. and
 Bradley T.; Bryan T., a minor, by and through Marva
 Tigner as Guardian ad Litem; Bradley T., a minor, by
 and through Marva Tigner as Guardian ad Litem; Gail Y.
 Harriott, individually, and as a taxpayer residing in Lee
 County and as parent and Guardian ad Litem of Rashade
 H.; Rashade H., a minor, by and through Gail Y.
 Harriott, as Guardian ad Litem; Linda Carraway,
 individually, and as a taxpayer residing in Marion
 County, and as parent and Guardian ad Litem of
 Kimberly W.; Kimberly W., a minor, by and through
 Linda Carraway as Guardian ad Litem; Bernice Profit,
 individually, and as a taxpayer residing in Orangeburg
 County and as parent and Guardian ad Litem of Russell
 H.; Russell H., a minor, by and through Bernice Profit, as
 Guardian ad Litem, are

Appellants-
 Respondents,

v.

Glenn F. McConnell, as President *Pro Tempore*
 of the Senate and as a representative of the South
 Carolina Senate; Robert W. Harrell, Jr., as

Speaker of the House of Representatives
and as a representative of the South Carolina
House of Representatives, ...

Respondents-
Appellants,

and

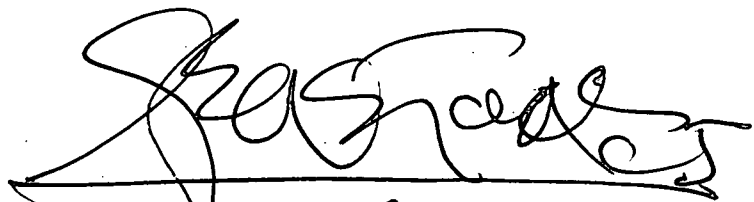
The State of South Carolina; Mark C. Sanford, as
Governor of the State of
South Carolina, ...

Respondents.

**MOTION OF
SOUTH CAROLINA RURAL EDUCATION GRASSROOTS GROUP
AND THE RURAL SCHOOL AND COMMUNITY TRUST FOR
LEAVE TO FILE A BRIEF AS *AMICI CURIAE*
IN SUPPORT OF APPELLANTS-RESPONDENTS**

Amanda Gibson Adler
Director, Rural Education Finance Center
The Rural School and Community Trust
141-F Pelham Road, #207
Columbia, SC 29209
Telephone & Facsimile: (803) 253-6309
amanda.adler@ruraledu.org

Attorney for *Amici* South Carolina Rural
Education Grassroots Group and The Rural
School and Community Trust



For the Court

June 20, 2008.

The South Carolina Appellate Court Rules provide that "[a] brief of *amicus curiae* may be filed only by leave of the appellate court granted on motion, or at the request of the appellate court" and "[a] motion for leave shall identify the interest of the applicant and shall state the reasons why a brief of an *amicus curiae* is desirable" Rule 213, SCACR.

The South Carolina Rural Education Grassroots Group (hereinafter, "SCREGG") and The Rural School and Community Trust (together, *amici*) submit this memorandum of law as *amici curiae*. The SCREGG is a non-profit organization of rural citizens who are working to improve the quality of public education for students attending school in rural South Carolina. Many of these students are poor or members of racial minority groups who too frequently are not succeeding in school. SCREGG is intimately acquainted with these students: they are our children, our grandchildren, our friends, and neighbors.

The Rural School and Community Trust, (hereinafter, "Rural Trust"), a nationally recognized organization, assists SCREGG in its work. Rural Trust is a nationally recognized non-profit organization dedicated to promoting equal educational opportunity and improving learning for students who attend public schools located in rural communities across the United States. It is the primary national source for information on addressing the crucial relationship between good schools and thriving rural communities. The Rural Trust has directly worked with hundreds of rural schools across the country and has significant expertise and experience in the fields of education finance, law, and policy. The Rural Trust believes that in making important policy and legal decisions about school finance, it is essential for courts and policymakers to take

into account unique needs and benefits of small and rural schools. Both SCREGG and the Rural Trust believe that it is essential that the perspectives of rural students be presented to the court, because like other students, they deserve nothing less than the full protection of the law.

The persons with the paramount interest in the outcome of this litigation are the school-aged children of South Carolina. In light of *amici's* knowledge of the education system, our unique awareness of the needs of students, and our firm commitment to improve the education of students in the plaintiff districts, *amici* submit this brief as a means of giving voice to the interests of South Carolina's students.

For the reasons stated above, the South Carolina Rural Education Grassroots Group and The Rural School and Community Trust respectfully request that the court grant this motion.

Respectfully submitted this 18th day of June, 2008

By: Amanda Adler

Amanda Gibson Adler
Director, Rural Education Finance Center
The Rural School and Community Trust
141-F Pelham Road, #207
Columbia, SC 29209
Telephone & Facsimile: (803) 253-6309
amanda.adler@ruraledu.org

Attorney for *Amici* South Carolina Rural Education
Grassroots Group and The Rural School and
Community Trust

RECEIVED

JUN 18 2008

THE STATE OF SOUTH CAROLINA
In The Supreme Court

S.C. SUPREME COURT

APPEAL FROM LEE COUNTY
Court of Common Pleas

Thomas W. Cooper, Jr., Circuit Court Judge

Case No. 93-CP-31-0169

Abbeville County School District, Allendale County School District, Bamberg County School District 1, Bamberg County School District 2, Barnwell County School District 19, Barnwell County School District 29, Barnwell County School District 45, Berkeley County School District, Chesterfield County School District, Clarendon County School District 1, Clarendon County School District 2, Clarendon County School District 3, Dillon County School District 1, Dillon County School District 2, Dillon County School District 3, Florence County School District 1, Florence County School District 2, Florence County School District 3, Florence County School District 4, Florence County School District 5, Hampton County School District 1, Hampton County School District 2, Jasper County School District, Laurens County School District 55, Laurens County School District 56, Lee County School District, Lexington County School District 4, Marion County School District 1, Marion County School District 2, Marion County School District 7, Marlboro County School District, McCormick County School District, Orangeburg Consolidated School District 3, Orangeburg Consolidated School District 5, Saluda County School District and Williamsburg County School District; Lena Manning, individually, and as a taxpayer residing in Allendale County and as Guardian ad Litem of Courtney V.; Courtney V., a minor, by and through Lena Manning, as Guardian ad Litem; William L. Mills, individually, and as a Taxpayer residing in Allendale County and as Guardian ad Litem of Waylon P.; Waylon P., a minor, by and through William Mills, as Guardian ad Litem; Betty Bagley, individually, and as a taxpayer residing in Bamberg County and as a parent and Guardian ad Litem of Tyler B.; Tyler B., a minor, by

and through Betty Bagley, as Guardian ad Litem, Evert Comer, Jr., individually, and as a taxpayer residing in Bamberg County and as parent and Guardian ad Litem of Kimberly C.; Kimberly C., a minor, by and through Evert Comer, Jr., as Guardian ad Litem; Marla Q. Jameson, individually, and as a taxpayer residing in Barnwell County, and as a parent and Guardian ad Litem of Eleanor J.; Eleanor J., a minor, by and through Marla Q. Jameson, as Guardian ad Litem; Victor M. Lancaster, Sr., individually, and as a taxpayer residing in Barnwell County, and as parent and Guardian ad Litem of Christie L.; Christie L., a minor, by and through Victor M. Lancaster, Sr., as Guardian ad Litem; Dr. Charles Clark, individually, and as a taxpayer residing in Chesterfield County, and as parent and Guardian ad Litem of Candace C., a minor, by and through Dr. Charles Clark, as Guardian ad Litem; Colonel Larry Coker, individually, and as a taxpayer residing in Clarendon County, and as a parent and Guardian ad Litem of Corrie C.; Corrie C., a minor, by and through Colonel Larry Coker, as Guardian ad Litem; Pamela Williams, individually, and as a taxpayer residing in Dillon County, and as parent and Guardian ad Litem of Katisha W.; Katisha W., a minor, by and through Pamela Williams as Guardian ad Litem; Eddie Wright, individually, and as a taxpayer residing in Florence County, and as parent and Guardian ad Litem of Brandon F.; Brandon F., a minor, by and through Eddie Wright as Guardian ad Litem; John Whiteside, individually, and as a taxpayer residing in Florence County and as Parent and Guardian ad Litem of Joel W.; Joel W., a minor, by and through John Whiteside as Guardian ad Litem; Dr. Francis Mills, individually, and as a taxpayer residing in Hampton County and as a parent and Guardian ad Litem of Amy M.; Amy M., a minor, by and through Dr. Francis Mills, as Guardian ad Litem; Brenda Brooks, individually, and as a taxpayer residing in Hampton County, and as parent and Guardian ad Litem of Tyrin B.; Tyrin B., a minor, by and through Brenda Brooks as Guardian ad Litem; Marva Tigner, individually, and as a taxpayer residing in Jasper County, and as parent and Guardian ad Litem of Bryan T. and Bradley T.; Bryan T., a minor, by and through Marva Tigner as Guardian ad Litem; Bradley T., a minor, by and through Marva Tigner as Guardian ad Litem;

Robert Elisha Short, individually, and as a taxpayer residing in Laurens County and as parent and Guardian ad Litem of Robert B. S.; Robert B. S., a minor, by and through Robert Elisha Short, as Guardian ad Litem; Dr. Keith A. Bridges, individually, and as a taxpayer residing in Laurens County and as parent and Guardian ad Litem of Jorgana Ranson B.; Jorgana Ranson B., a minor, by and through Dr. Keith A. Bridges, as Guardian ad Litem; Gail Y. Harriott, individually, and as a taxpayer residing in Lee County and as parent and Guardian ad Litem of Rashade H.; Rashade H., a minor, by and through Gail Y. Harriott, as Guardian ad Litem; Linda Carraway, individually, and as a taxpayer residing in Marion County, and as parent and Guardian ad Litem of Kimberly W.; Kimberly W., a minor, by and through Linda Carraway as Guardian ad Litem; Dr. John Nobles, individually, and as a taxpayer residing in Marlboro County and as parent and Guardian ad Litem of Erin N.; Erin N., a minor, by and through Dr. John Nobles, as Guardian ad Litem; Patricia Hampton, individually, and as a taxpayer residing in McCormick County and as parent and Guardian ad Litem of Krystle H.; Krystle H., a minor, by and through Patricia Hampton, as Guardian ad Litem; Bernice Profit, individually, as a taxpayer residing in Orangeburg County and as parent and Guardian ad Litem of Russell H.; Russell H., a minor, by and through Bernice Profit, as Guardian ad Litem; Matlin P. Brown, individually, and as a taxpayer residing in Orangeburg County and as parent and Guardian ad Litem of Tanisha P. B.; Tanisha P. B., a minor, by and through Matlin P. Brown, as Guardian ad Litem; James Berry, individually, and as a taxpayer residing in Orangeburg County and as parent and Guardian ad Litem of Dondrea B.; Dondrea B., a minor, by and through James Berry, as Guardian ad Litem; Gerald Smith, individually, and as a taxpayer residing in Orangeburg County and as parent and Guardian ad Litem of Brenda S.; Brenda S., a minor, by and through Gerald Smith, as Guardian ad Litem; Thomas Shealy, individually, and as a taxpayer residing in Saluda County and as parent and Guardian ad Litem of Thomas S., Jr.; Thomas S., Jr., a minor, by and through Thomas Shealy, as Guardian ad Litem, Plaintiffs,

Of whom:

Allendale County School District,
 Dillon County School District 2,
 Florence County School District 4,
 Hampton County School District 2,
 Jasper County School District,
 Lee County School District,
 Marion County School District 7,
 Orangeburg School District 3,
 Lena Manning, individually, and as a taxpayer residing
 in Allendale County and as Guardian ad Litem of
 Courtney V.; Courtney V., a minor, by and through Lena
 Manning, as Guardian ad Litem; Pamela Williams,
 individually, and as a taxpayer residing in Dillon County,
 and as parent and Guardian ad Litem of Katisha W.;
 Katisha W., a minor, by and through Pamela Williams as
 Guardian ad Litem; Eddie Wright, individually, and as a
 taxpayer residing in Florence County, and as parent and
 Guardian ad Litem of Brandon F.; Brandon F., a minor,
 by and through Eddie Wright as Guardian ad Litem;
 Brenda Brooks, individually, and as a taxpayer residing
 in Hampton County, and as parent and Guardian ad
 Litem of Tyrin B.; Tyrin B., a minor, by and through
 Brenda Brooks as Guardian ad Litem; Marva Tigner,
 individually, and as a taxpayer residing in Jasper County,
 and as parent and Guardian ad Litem of Bryan T. and
 Bradley T.; Bryan T., a minor, by and through Marva
 Tigner as Guardian ad Litem; Bradley T., a minor, by
 and through Marva Tigner as Guardian ad Litem; Gail Y.
 Harriott, individually, and as a taxpayer residing in Lee
 County and as parent and Guardian ad Litem of Rashade
 H.; Rashade H., a minor, by and through Gail Y.
 Harriott, as Guardian ad Litem; Linda Carraway,
 individually, and as a taxpayer residing in Marion
 County, and as parent and Guardian ad Litem of
 Kimberly W.; Kimberly W., a minor, by and through
 Linda Carraway as Guardian ad Litem; Bernice Profit,
 individually, and as a taxpayer residing in Orangeburg
 County and as parent and Guardian ad Litem of Russell
 H.; Russell H., a minor, by and through Bernice Profit, as
 Guardian ad Litem, are

Appellants-
 Respondents,

v.

Glenn F. McConnell, as President *Pro Tempore*
 of the Senate and as a representative of the South
 Carolina Senate; Robert W. Harrell, Jr., as

Speaker of the House of Representatives
and as a representative of the South Carolina
House of Representatives, ... Respondents-
Appellants,
and
The State of South Carolina; Mark C. Sanford, as
Governor of the State of
South Carolina, ... Respondents.

PROOF OF SERVICE

I hereby certify that the foregoing **MOTION OF SOUTH CAROLINA RURAL EDUCATION GRASSROOTS GROUP AND THE RURAL SCHOOL AND COMMUNITY TRUST FOR LEAVE TO FILE A BRIEF AS *AMICI CURIAE* IN SUPPORT OF APPELLANTS-RESPONDENTS** has been served upon all counsel of record in this matter by depositing a copy of same in the United States Postal Service to them with sufficient postage thereon and return address affixed thereto:

Carl B. Epps, Esq.
Laura C. Hart, Esq.
Stephen O. Morrison, Esq.
Shelby K. Leonardi, Esq.
Nelson Mullins Riley &
Scarborough, LLP
Post Office Box 11070
Columbia, SC 29211

Attorneys for Appellants-
Respondents

Robert E. Stepp, Esq.
Elizabeth Van Doren Gray, Esq.
A Jackson Barnes, Esq.
Roland M. Franklin, Jr., Esq.
Sowell Gray Stepp & LaFitte, LLC
Post Office Box 11449
Columbia, SC 29211

Attorneys for Respondents-Appellants Senate and
House of Representatives of the State of South
Carolina

Henry D. McMaster, Esq.
J. Emory Smith, Jr., Esq.

Swati S. Patel, Esq.
Office of the Governor

Office of the Attorney General
of the State of South Carolina
Post Office Box 11549
Columbia, SC 29211

South Carolina State House
Post Office Box 12267
Columbia, SC 29211

Attorneys for Respondent State
of South Carolina

Attorney for Respondent
Governor of South Carolina

Amanda Adler

Amanda Gibson Adler, Esq.
Director, Rural Education Finance Center
The Rural School and Community Trust
141-F Pelham Road, #207
Columbia, SC 29209
Telephone & Facsimile: (803) 253-6309
amanda.adler@ruraledu.org

June 18, 2008



Rural Education Finance Center
141-F Pelham Road, #207
Columbia, SC 29209
(803) 253- 6309 phone/fax
amanda.adler@ruraledu.org
www.ruraledu.org

June 18, 2008

VIA HAND DELIVERY

The Honorable Daniel E. Shearhouse
Clerk, South Carolina Supreme Court
1231 Gervais Street
Columbia, SC 29201

RECEIVED

JUN 18 2008

S.C. SUPREME COURT

RE: Abbeville County School District, et al. v. Glenn F. McConnell, et al.
Appeal from Lee County
Civil Action No: 93-CP-31-0169

Dear Mr. Shearhouse:

Enclosed for filing please find an original and 14 copies for the Court and 14 copies to be filed-stamped and returned to me of the *Amici Curiae* Brief of The South Carolina Rural Education Grassroots Group and The Rural School and Community Trust in the above-styled case. Also enclosed is certification of service to counsel of record of same.

Thank you for your assistance.

Sincerely,

Amanda G. Adler

Amanda G. Adler

Enclosures

cc: Carl B. Epps, Esquire
Laura C. Hart, Esquire
Stephen O. Morrison, Esquire
Shelby K. Leonardi, Esquire
Robert E. Stepp, Esquire
Elizabeth Van Doren Gray, Esquire
A. Jackson Barnes, Esquire
Roland M. Franklin, Jr., Esquire
Henry D. McMaster, Esquire
J. Emory Smith, Jr., Esquire
Swati S. Patel, Esquire



Rural Education Finance Center
141-F Pelham Road, #207
Columbia, SC 29209
(803) 253- 6309 phone/fax
amanda.adler@ruraledu.org
www.ruraledu.org

RECEIVED

JUN 18 2008

S.C. SUPREME COURT

June 18, 2008

VIA HAND DELIVERY

The Honorable Daniel E. Shearhouse
Clerk, South Carolina Supreme Court
1231 Gervais Street
Columbia, SC 29201

**RE: Abbeville County School District, et al. v. Glenn F. McConnell, et al.
Appeal from Lee County
Civil Action No: 93-CP-31-0169**

Dear Mr. Shearhouse:

Enclosed for filing please find an original and ten copies of the Motion of The South Carolina Rural Education Grassroots Group and The Rural School and Community Trust for Leave to File Brief as *Amici Curiae* in Support of the Appellants-Respondents. Please return four filed-stamped copies to me. Also enclosed is a filing fee of \$25.00 and certification of service to counsel of record of same.

Thank you for your assistance.

Sincerely,

Amanda G. Adler

Amanda G. Adler

Enclosures

cc: Carl B. Epps, Esquire
Laura C. Hart, Esquire
Stephen O. Morrison, Esquire
Shelby K. Leonardi, Esquire
Robert E. Stepp, Esquire
Elizabeth Van Doren Gray, Esquire
A. Jackson Barnes, Esquire
Roland M. Franklin, Jr., Esquire
Henry D. McMaster, Esquire
J. Emory Smith, Jr., Esquire
Swati S. Patel, Esquire

RECEIVED

JUN 17 2008

**Nelson
Mullins**

S.C. SUPREME COURT

Nelson Mullins Riley & Scarborough LLP

Attorneys and Counselors at Law

1320 Main Street / 17th Floor / Columbia, SC 29201

Tel: 803.799.2000 Fax: 803.256.7500

www.nelsonmullins.com

Carl B. Epps, III

Tel: 803.255.9751

carl.epps@nelsonmullins.com

June 17, 2008

VIA HAND DELIVERY

The Honorable Daniel E. Shearouse
Clerk of Court
South Carolina Supreme Court
1231 Gervais Street
Columbia, SC 29201

RE: Abbeville County School District, et al. v. State of South Carolina, et al.
Civil Action No. 93-CP-31-169
Court of Appeals Case Tracking No. 2007-65159
Our File No. 11884/01500

Dear Mr. Shearouse:

We wish to advise the Court that Laura Hart will present arguments instead of the writer during the hearing on June 25, 2008. Thank you for your assistance, and please let us know if that creates any problems for the Court.

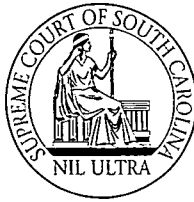
Very truly yours,



Carl B. Epps, III

CBEIII:ljs

cc: Robert E. Stepp, Esquire (via electronic mail)
Elizabeth Van Doren Gray, Esquire (via electronic mail)
A. Jackson Barnes, Esquire (via electronic mail)
J. Emory Smith, Jr., Esquire (via electronic mail)
Swati Patel, Esquire (via electronic mail)



The Supreme Court of South Carolina

DANIEL E. SHEAROUSE
CLERK OF COURT

BRENDA F. SHEALY
CHIEF DEPUTY CLERK

POST OFFICE BOX 11330
COLUMBIA, SOUTH CAROLINA 29211

(803) 734-1080

FAX (803) 734-1499

June 18, 2008

Carl B. Epps, III, Esquire
Stephen G. Morrison, Esquire
Laura Callaway Hart, Esquire
Shelby K. Leonardi, Esquire
Nelson Mullins Riley
& Scarborough
P O Box 11070
Columbia, SC 29211

Elizabeth Scott Moise, Esquire
Rachel Atkin Hedley, Esquire
D. Kay Tennyson, Esquire
Nelson Mullins Riley
& Scarborough
P O Box 11070
Columbia, SC 29211

Robert E. Stepp, Esquire
Elizabeth Van Doren Gray, Esquire
A. Jackson Barnes, Esquire
Roland M. Franklin, Jr., Esquire
Sowell, Gray, Stepp
& Laffitte, L.L.C.
P O Box 11449
Columbia, SC 29211

Attorney General Henry L. McMaster
Assistant Deputy Attorney General J. Emory Smith, Jr.
Office of the Attorney General
P.O. Box 11549
Columbia, SC 29211

Swati Shah Patel, Esquire
SC Governor's Office
P.O. Box 12267
Columbia, SC 29211

Re: Abbeville County School District v. State of SC

Dear Counsel:

The record in the above case has been reviewed and the time allotment for oral argument for this case is as follows:

Appellants/Respondents	30 minutes
Respondents/Appellants and Respondents	30 minutes
Appellants/Respondents in Reply	10 minutes

This case is scheduled for hearing at 2:30 p.m. on Wednesday, June 25, 2008.

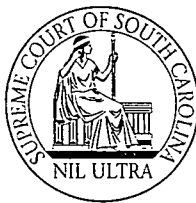
Very truly yours,

Daniel E. Shearouse, Clerk

By Jean J. Peebles
Administrative Assistant

DES/jjp

cc: Edward W. Laney, IV, Esquire
R. Hawthorne Barrett, Esquire
Ellen M. Boylan, Esquire
Joel W. Collins, Jr., Esquire
Mary Anne Hunter, Esquire
Matthew Terry Richardson, Esquire
Susan J. Rose, Esquire
Susan B. Berkowitz, Esquire



The Supreme Court of South Carolina

DANIEL E. SHEAROUSE
CLERK OF COURT

BRENDA F. SHEALY
CHIEF DEPUTY CLERK

POST OFFICE BOX 11330
COLUMBIA, SOUTH CAROLINA 29211

(803) 734-1080

FAX (803) 734-1499

June 11, 2008

Joel W. Collins, Jr., Esquire
Collins & Lacy
P O Box 12487
Columbia, SC 29211

Mary Anne Hunter, Esquire
Education Justice
Education Law Center
60 Park Place, Suite 300
Newark, NJ 07102

Re: Abbeville County School District v. State of SC

Dear Counsel:

The following Order has been endorsed on your Motion of Education Justice, Education Law Center, The National School Boards Association; and the National Access Network, Teachers College, Columbia University for Leave to File Brief as Amici Curiae in Support of the Appellants-Respondents in the above entitled case on appeal.

"Granted.

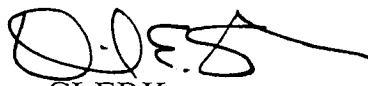
s/ Jean H. Toal C.J.
For the Court

June 11, 2008."

Joel W. Collins, Jr., Esquire
Re: Abbeville Cty Sch Dist v. State
June 11, 2008
Page two

We have received your brief and it has been filed as of this date. However, we note that you have listed on your brief Daniel E. Goldman, Francisco M. Negron, Jr., Thomas E.M. Hutton and Michael Rebell as counsel. These attorneys are not members of the South Carolina Bar nor have they been admitted pro hac vice in this matter. Please make the necessary corrections to the brief by June 16, 2008.

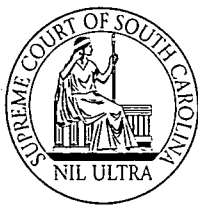
Very truly yours,



CLERK

DES/jjp

cc: Carl B. Epps, III, Esquire
Stephen G. Morrison, Esquire
Laura Callaway Hart, Esquire
Shelby K. Leonardi, Esquire
Elizabeth Scott Moise, Esquire
Rachel Atkin Hedley, Esquire
D. Kay Tennyson, Esquire
Robert E. Stepp, Esquire
Elizabeth Van Doren Gray, Esquire
A. Jackson Barnes, Esquire
Roland M. Franklin, Jr., Esquire
~~Attorney General Henry D. McMaster~~
Assistant Deputy Attorney General J. Emory Smith, Jr.
Swati Shah Patel, Esquire
Edward W. Laney, IV, Esquire
R. Hawthorne Barrett, Esquire
Ellen M. Boylan, Esquire
Matthew Terry Richardson, Esquire
Susan J. Rose, Esquire
Susan B. Berkowitz, Esquire
Daniel E. Goldman, Esquire
Francisco M. Negron, Jr., Esquire
Thomas E. M. Hutton, Esquire
Michael Rebell, Esquire



The Supreme Court of South Carolina

DANIEL E. SHEAROUSE
CLERK OF COURT

BRENDA F. SHEALY
CHIEF DEPUTY CLERK

POST OFFICE BOX 11330
COLUMBIA, SOUTH CAROLINA 29211

(803) 734-1080

FAX (803) 734-1499

June 11, 2008

Joel W. Collins, Jr., Esquire
Collins & Lacy
P O Box 12487
Columbia, SC 29211

Re: Abbeville County School District v. State of SC

Dear Counsel:

The following Order has been endorsed on your Motion in Support of Application pro hac vice of Mary Anne Hunter in the above entitled case on appeal.

"Granted.

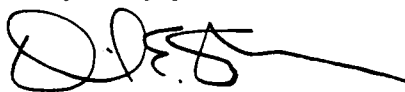
Jean H. Toal C.J.

For the Court

By s/ Daniel E. Shearouse
Clerk

June 11, 2008."

Very truly yours,



CLERK

DES/jjp

cc: Carl B. Epps, III, Esquire
Stephen G. Morrison, Esquire
Laura Callaway Hart, Esquire
Shelby K. Leonardi, Esquire
Elizabeth Scott Moise, Esquire
Rachel Atkin Hedley, Esquire
D. Kay Tennyson, Esquire
Robert E. Stepp, Esquire
Elizabeth Van Doren Gray, Esquire
A. Jackson Barnes, Esquire
Roland M. Franklin, Jr., Esquire
Attorney General Henry D. McMaster
Assistant Deputy Attorney General J. Emory Smith, Jr.
Swati Shah Patel, Esquire
Edward W. Laney, IV, Esquire
R. Hawthorne Barrett, Esquire
Ellen M. Boylan, Esquire
Mary Anne Hunter, Esquire
Matthew Terry Richardson, Esquire
Susan J. Rose, Esquire
Susan B. Berkowitz, Esquire



SOWELL GRAY STEPP & LAFFITTE, LLC
ATTORNEYS AND COUNSELORS AT LAW

June 10, 2008

VIA HAND DELIVERY

The Honorable Daniel E. Shearouse
South Carolina Supreme Court Clerk of Court
1231 Gervais Street
Columbia, South Carolina 29201

Re: Abbeville School District, *et al.* vs. The State of South Carolina, *et al.*
Case No.: 2007-65159
Civil Action Number: 93-CP-31-169
SGS&L File Number: 2014/1500

Dear Mr. Shearouse:

Enclosed for filing are the original and seven (7) copies of Respondents/Appellants Glenn F. McConnell and Robert William Harrell, Jr.'s Return to Motion of Education Justice, Education Law Center; The National School Boards Association; and the National Access Network, Teachers College, Columbia University for Leave to File Brief as *Amicus Curiae* and Proof of Service. Please return one clocked-in copy of the Return as well as the Proof of Service to my office via our courier.

By copy of this letter to all counsel of record, I am serving them with a copy of the same.

Thank you for your assistance and please do not hesitate to contact my office with any questions.

Very truly yours,

Roland M. Franklin

RMF/mdl

Enclosures

RECEIVED
JUN 10 2008
S.C. SUPREME COURT

Roland M. Franklin
rfranklin@sowell.com
DD 803.231.7826

1310 Gadsden Street
Post Office Box 11449
Columbia, SC 29211

PHONE 803.929.1400
FACSIMILE 803.929.0300
WEBSITE www.sowell.com

6/10/2008
Page 2 of 2



SOWELL GRAY STEPP & LAFFITTE, LLC
ATTORNEYS AND COUNSELORS AT LAW

cc: Carl B. Epps, III, Esquire
Laura C. Hart, Esquire
Stephen G. Morrison, Esquire
Shelby K. Leonardi, Esquire
J. Emory Smith, Esquire
Joel W. Collins, Jr., Esquire
Molly (Mary Anne) Hunter, Esquire
Daniel E. Goldman, Esquire
Francisco M. Negrón, Jr, Esquire
Thomas E.M. Huron, Esquire
Michael Rebell, Esquire

THE STATE OF SOUTH CAROLINA
In the Supreme Court

RECEIVED

JUN 10 2008

APPEAL FROM LEE COUNTY
Court of Common Pleas

S.C. SUPREME COURT

Thomas W. Cooper, Jr., Circuit Court Judge

Case No.: 2007-65159

Abbeville County School District, Allendale County School District, Bamberg County School District 1, Bamberg County School District 2, Barnwell County School District 19, Barnwell County School District 29, Barnwell County School District 45, Berkeley County School District, Chesterfield County School District, Clarendon County School District 1, Clarendon County School District 2, Clarendon County School District 3, Dillon County School District 1, Dillon County School District 2, Dillon County School District 3, Florence County School District 1, Florence County School District 2, Florence County School District 3, Florence County School District 4, Florence County School District 5, Hampton County School District 1, Hampton County School District 2, Jasper County School District, Laurens County School District 55, Laurens County School District 56, Lee County School District, Lexington County School District 4, Marion County School District 1, Marion County School District 2, Marion County School District 7, Marlboro County School District, McCormick County School District, Orangeburg Consolidated School District 3, Orangeburg Consolidated School District 5, Saluda County School District and Williamsburg County School District; Lena Manning, individually, and as a taxpayer residing in Allendale County and as Guardian ad Litem of Courtney V.; Courtney V., a minor, by and through Lena Manning, as Guardian ad Litem; William L. Mills, individually, and as a Taxpayer residing in Allendale County and as Guardian ad Litem of Waylon P.; Waylon P., a minor, by and through William Mills, as Guardian ad Litem; Betty Bagley, individually, and as a taxpayer residing in Bamberg County and as a parent and Guardian ad Litem of Tyler B.; Tyler B., a minor, by and through Betty Bagley, as Guardian ad Litem, Evert Comer, Jr., individually, and as a taxpayer residing in Bamberg County and as parent and Guardian ad Litem of Kimberly C.; Kimberly C., a minor, by and through Evert Comer, Jr., as Guardian ad Litem; Marla Q. Jameson, individually, and as a taxpayer residing in Barnwell County, and as a parent and Guardian ad Litem of Eleanor J.; Eleanor J., a minor, by and through

Marla Q. Jameson, as Guardian ad Litem; Victor M. Lancaster, Sr., individually, and as a taxpayer residing in Barnwell County, and as parent and Guardian ad Litem of Christie L.; Christie L., a minor, by and through Victor M. Lancaster, Sr., as Guardian ad Litem; Dr. Charles Clark, individually, and as a taxpayer residing in Chesterfield County, and as parent and Guardian ad Litem of Candace C., a minor, by and through Dr. Charles Clark, as Guardian ad Litem; Colonel Larry Coker, individually, and as a taxpayer residing in Clarendon County, and as a parent and Guardian ad Litem of Corrie C.; Corrie C., a minor, by and through Colonel Larry Coker, as Guardian ad Litem; Pamela Williams, individually, and as a taxpayer residing in Dillon County, and as parent and Guardian ad Litem of Katisha W.; Kathisha W., a minor, by and through Pamela Williams as Guardian ad Litem; Eddie Wright, individually, and as a taxpayer residing in Florence County, and as parent and Guardian ad Litem of Brandon F.; Brandon F., a minor, by and through Eddie Wright as Guardian ad Litem; John Whiteside, individually, and as a taxpayer residing in Florence County and as Parent and Guardian ad Litem of Joel W.; Joel W., a minor, by and through John Whiteside as Guardian ad Litem; Dr. Francis Mills, individually, and as a taxpayer residing in Hampton County and as a parent and Guardian ad Litem of Amy M.; Amy M., a minor, by and through Dr. Francis Mills, as Guardian ad Litem; Brenda Brooks, individually, and as a taxpayer residing in Hampton County, and as parent and Guardian ad Litem of Tyrin B.; Tyrin B., a minor, by and through Brenda Brooks as Guardian ad Litem; Marva Tigner, individually, and as a taxpayer residing in Jasper County, and as parent and Guardian ad Litem of Bryan T. and Bradley T.; Bryan T., a minor, by and through Marva Tigner as Guardian ad Litem; Bradley T., a minor, by and through Marva Tigner as Guardian ad Litem; Robert Elisha Short, individually, and as a taxpayer residing in Laurens County and as parent and Guardian ad Litem of Robert B. S.; Robert B. S., a minor, by and through Robert Elisha Short, as Guardian ad Litem; Dr. Keith A. Bridges, individually, and as a taxpayer residing in Laurens County and as parent and Guardian ad Litem of Jorgana Ranson B.; Jorgana Ranson B., a minor, by and through Dr. Keith A. Bridges, as Guardian ad Litem; Gail Y. Harriott, individually, and as a taxpayer residing in Lee County and as parent and Guardian ad Litem of Rashade H.; Rashade H., a minor, by and through Gail Y. Harriott, as Guardian ad Litem; Linda Carraway, individually, and as a taxpayer residing in Marion County, and as parent and Guardian ad Litem of Kimberly W.; Kimberly W., a minor, by and through Linda Carraway as Guardian ad Litem; Dr. John Nobles, individually, and as a taxpayer residing in Marlboro County and as parent and Guardian ad Litem of Erin N.; Erin N., a minor, by and through Dr. John Nobles, as Guardian ad

4 17

Litem; Patricia Hampton, individually, and as a taxpayer residing in McCormick County and as parent and Guardian ad Litem of Krystle H.; Krystle H., a minor, by and through Patricia Hampton, as Guardian ad Litem; Bernice Profit, individually, as a taxpayer residing in Orangeburg County and as parent and Guardian ad Litem of Russell H.; Russell H., a minor, by and through Bernice Profit, as Guardian ad Litem; Matlin P. Brown, individually, and as a taxpayer residing in Orangeburg County and as parent and Guardian ad Litem of Tanisha P. B.; Tanisha P. B., a minor, by and through Matlin P. Brown, as Guardian ad Litem; James Berry, individually, and as a taxpayer residing in Orangeburg County and as parent and Guardian ad Litem of Dondrea B.; Dondrea B., a minor, by and through James Berry, as Guardian ad Litem; Gerald Smith, individually, and as a taxpayer residing in Orangeburg County and as parent and Guardian ad Litem of Brenda S.; Brenda S., a minor, by and through Gerald Smith, as Guardian ad Litem; Thomas Shealy, individually, and as a taxpayer residing in Saluda County and as parent and Guardian ad Litem of Thomas S., Jr.; Thomas S., Jr., a minor, by and through Thomas Shealy, as Guardian ad Litem,

Plaintiffs,

Of Whom

Allendale County School District, Dillon County School District 2, Florence County School District 4, Hampton County School District 2, Jasper County School District, Lee County School District, Marion County School District 7 and Orangeburg Consolidated School District 3; Lena Manning, individually, and as a taxpayer residing in Allendale County and as Guardian ad Litem of Courtney V.; Courtney V., a minor, by and through Lena Manning, as Guardian ad Litem; Pamela Williams, individually, and as a taxpayer residing in Dillon County, and as parent and Guardian ad Litem of Katisha W.; Kathisha W., a minor, by and through Pamela Williams as Guardian ad Litem; Eddie Wright, individually, and as a taxpayer residing in Florence County, and as parent and Guardian ad Litem of Brandon F.; Brandon F., a minor, by and through Eddie Wright as Guardian ad Litem; Brenda Brooks, individually, and as a taxpayer residing in Hampton County, and as parent and Guardian ad Litem of Tyrin B.; Tyrin B., a minor, by and through Brenda Brooks as Guardian ad Litem; Marva Tigner, individually, and as a taxpayer residing in Jasper County, and as parent and Guardian ad Litem of Bryan T. and Bradley T.; Bryan T., a minor, by and through Marva Tigner as Guardian ad Litem; Bradley T., a minor, by and through Marva Tigner as Guardian ad Litem; Gail Y. Harriott, individually, and as a taxpayer residing in Lee County and as parent and

Guardian ad Litem of Rashade H.; Rashade H., a minor, by and through Gail Y. Harriott, as Guardian ad Litem; Linda Carraway, individually, and as a taxpayer residing in Marion County, and as parent and Guardian ad Litem of Kimberly W.; Kimberly W., a minor, by and through Linda Carraway as Guardian ad Litem; Bernice Profit, individually, as a taxpayer residing in Orangeburg County and as parent and Guardian ad Litem of Russell H.; Russell H., a minor, by and through Bernice Profit, as Guardian ad Litem, are

Appellants / Respondents,

vs.

The State of South Carolina, Mark C. Sanford, as Governor of The State of South Carolina; Glenn F. McConnell, in his representative capacity as President Pro Tempore of the South Carolina Senate and as representative thereof; Robert William Harrell, Jr., as Speaker of the House of Representatives and as a representative of the South Carolina House of Representatives,

Defendants,

Of Whom

Glenn F. McConnell, in his representative capacity as President Pro Tempore of the South Carolina Senate and as representative thereof; Robert William Harrell, Jr., as Speaker of the House of Representatives and as a representative of the South Carolina House of Representatives,

Respondents / Appellants

and

The State of South Carolina and Mark C. Sanford, as Governor of the State of South Carolina are

Respondents.

**RESPONDENTS / APPELLANTS GLENN F. McCONNELL AND ROBERT
WILLIAM HARRELL, JR.'s RETURN TO MOTION OF
EDUCATION JUSTICE, EDUCATION LAW CENTER; THE NATIONAL
SCHOOL BOARDS ASSOCIATION; AND THE NATIONAL ACCESS
NETWORK, TEACHERS COLLEGE, COLUMBIA UNIVERSITY FOR LEAVE
TO FILE BRIEF AS *AMICUS CURIAE***

Robert E. Stepp
Elizabeth Van Doren Gray
A. Jackson Barnes
Roland M. Franklin, Jr.
SOWELL GRAY STEPP & LAFFITTE, L.L.C.
1310 Gadsden Street
Post Office Box 11449
Columbia, South Carolina 29211
(803) 929-1400

**Attorneys for Respondents/ Appellants Glenn F.
McConnell and Robert William Harrell, Jr.**

Introduction

Without having reviewed the evidence in this case, Education Justice, Education Law Center, the National School Boards Association, and the National Access Network, Teachers College, Columbia University (collectively, “the *amici*”) have moved this Court for leave to file an *amicus curiae* brief in the above-referenced matter. For the reasons set forth below, the *amici*’s motion should be denied.

Argument

Under South Carolina Appellate Court Rules, “[a] brief of an *amicus curiae* may be filed only by leave of the appellate court granted on motion, or at the request of the appellate court.” Rule 213, SCACR. While our rules do not specify a time frame in which interested non-parties must file *amicus* briefs, “[a] court will deny a motion for leave to submit an *amicus curiae* brief that is filed after the normal briefing cycle set for the party to be supported, where the *amici* fail to show the requisite extraordinary cause for leave to file their brief.” 4 Am. Jur. 2d *Amicus Curiae* § 3 (2007) (citing *Mitchell v. Griffin Television, LLC.*, 60 P.3d 1058, 1068 (Ok. Civ. App. 2002)).

The normal briefing cycle for all parties concluded more than a month ago, and this Court has scheduled oral argument to take place in this matter in a little more than two weeks. This Court has already granted the motions of at least four other entities to file *amicus* briefs, and Respondents/Appellants have responded to the arguments presented by those *amici*. At some point, however, this Court must set a cut-off date for the filing of *amicus* briefs. If not, Respondents/Appellants will be burdened by the task of responding to nuances of the same arguments presented by Appellants/Respondents up to the time of oral argument.

Moreover, the putative *amici* fail to present any extraordinary cause for leave to file their brief. Instead, the *amici* offer to present arguments that merely extend the arguments already presented by Appellants/Respondents or are not helpful to this Court's resolution of the issues. The *amici* purport to "present the rich body of relevant decisions from sister states, some of which this Court referenced in its 1999 *Abbeville* ruling, and some of which the trial court misread." (Mot. for Leave to File 6). But as the trial court correctly observed, "[i]n holding that the education clause 'requires the General Assembly to provide the opportunity for each child to receive a minimally adequate education,'" this Court "declined to adopt *en bloc* any of the definitions pronounced by courts in other jurisdictions." (REC000057 ¶ 41). Instead, this Court "excluded a plethora of factors deemed necessary to the provision of an 'adequate education,' 'sound basic education' or 'efficient education' as adopted" by courts in other jurisdictions. (REC000057 ¶ 41). Because our constitutional standard differs from other jurisdictions, it can hardly be said that the *amici*'s presentation of a rich body of decisions from sister states is relevant.

Additionally, this exercise has already been provided by Appellants/Respondents. See Final Resp'ts Br. of Appellants-Resp'ts 86 (noting "other courts around the country have allegedly considered state education goals, standards, performance assessments, graduation rates, and post-secondary experience in determining whether the state is living up to its constitutional obligations"); Final Principal Brief of Appellants-Resp'ts 101 (same).

The second reason this Court should deny the *amici*'s motion is that by definition an *amicus curiae* is a "friend of the court" whose general purpose is to "give[]

information for the assistance of the court on some matter of law in regard to which the court might be doubtful or mistaken rather than one who gives a highly partisan account of the facts.” 3B C.J.S. *Amicus Curiae* § 1 (2004). The *amici* here do not submit a brief as a “friend of the court,” but rather as a friend of the Appellants/Respondents as evidenced by the fact that they “move for leave to file the attached brief as *amici curiae* in support of Appellants-Respondents.” (Mot. for Leave to File 5). Again, the proposed brief is merely an attempt by the *amici* to extend and complete Appellants/Respondents’ arguments before this Court. As cogently noted by the Seventh Circuit, “it is very rare for an *amicus curiae* brief to do more than repeat in somewhat different language the arguments in the brief of the party whom the *amicus* is supporting.” *Voices for Choices v. Illinois Bell Tel. Co.*, 339 F.3d 542, 545 (7th Cir. 2003). This Court limited the parties as to the number and length of briefs each may submit. *Amicus* briefs “should not be used to simply give one side more exposure than the rules contemplate.” *CIBA-GEITY, Ltd. v. The Fish Peddler, Inc.*, 683 So.2d 522, 523 (Fla. App. 1996); *Aspinall v. Philip Morris Cos., Inc.*, 813 N.E.2d 476, 480 n.8 (Mass. 2004) (“Briefs of *amicus curiae* are intended to represent the views of *non* parties; they are not intended as vehicles for parties or their counsel to make additional arguments beyond those that fit within the page constraints of their briefs.”)

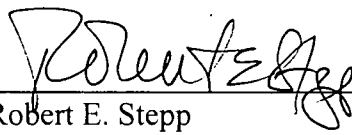
Because the proposed *amicus* brief is admittedly partisan, the motion for leave to file an *amicus* brief should be denied. See 3B C.J.S. *Amicus Curiae*, § 4 (2004) (observing that *amicus* status is typically granted when, among other things, “the *amicus* is not partial to a particular outcome in the case”). Rather than concern themselves with propositions of law that might have application beyond this case, the *amici* are simply

expanding Appellants/Respondents' arguments in the most blatant way. There is no reason that this Court should permit Appellants/Respondants an expanded opportunity to argue their side of the case through putative *amicus* parties who are aligned with Plaintiffs in every respect. As Judge Posner concluded, "[t]he bane of lawyers is prolixity and duplication In an era of heavy judicial caseloads and public impatience with the delays and expense of litigation, we judges should be assiduous to bar the gates to *amicus curiae* briefs that fail to present convincing reasons why the parties' briefs do not give us all the help we need for deciding the [case]." *Ryan v. Commodity Futures Trading Comm'n*, 125 F.3d 1062, 1064 (7th Cir. 1997).

The *amici* have failed to set forth any such reasons. Therefore, the *amici*'s motion should be denied.

Respectfully submitted,

SOWELL GRAY STEPP & LAFFITTE, L.L.C.



Robert E. Stepp
Elizabeth Van Doren Gray
A. Jackson Barnes
Roland M. Franklin, Jr.
1310 Gadsden Street
Post Office Box 11449
Columbia, South Carolina 29211
(803) 929-1400

**Attorneys for Respondents / Appellants Glenn F.
McConnell and Robert William Harrell, Jr.**

Columbia, South Carolina

June 10th, 2008

THE STATE OF SOUTH CAROLINA
In the Supreme Court

APPEAL FROM LEE COUNTY
Court of Common Pleas

Thomas W. Cooper, Jr., Circuit Court Judge

Case No.: 2007-65159

Abbeville County School District, Allendale County School District, Bamberg County School District 1, Bamberg County School District 2, Barnwell County School District 19, Barnwell County School District 29, Barnwell County School District 45, Berkeley County School District, Chesterfield County School District, Clarendon County School District 1, Clarendon County School District 2, Clarendon County School District 3, Dillon County School District 1, Dillon County School District 2, Dillon County School District 3, Florence County School District 1, Florence County School District 2, Florence County School District 3, Florence County School District 4, Florence County School District 5, Hampton County School District 1, Hampton County School District 2, Jasper County School District, Laurens County School District 55, Laurens County School District 56, Lee County School District, Lexington County School District 4, Marion County School District 1, Marion County School District 2, Marion County School District 7, Marlboro County School District, McCormick County School District, Orangeburg Consolidated School District 3, Orangeburg Consolidated School District 5, Saluda County School District and Williamsburg County School District; Lena Manning, individually, and as a taxpayer residing in Allendale County and as Guardian ad Litem of Courtney V.; Courtney V., a minor, by and through Lena Manning, as Guardian ad Litem; William L. Mills, individually, and as a Taxpayer residing in Allendale County and as Guardian ad Litem of Waylon P.; Waylon P., a minor, by and through William Mills, as Guardian ad Litem; Betty Bagley, individually, and as a taxpayer residing in Bamberg County and as a parent and Guardian ad Litem of Tyler B.; Tyler B., a minor, by and through Betty Bagley, as Guardian ad Litem, Evert Comer, Jr., individually, and as a taxpayer residing in Bamberg County and as parent and Guardian ad Litem of Kimberly C.; Kimberly C., a minor, by and through Evert Comer, Jr., as Guardian ad Litem; Marla Q. Jameson, individually, and as a taxpayer residing in Barnwell County, and as a parent and Guardian ad Litem of Eleanor J.; Eleanor J., a minor, by and through

Marla Q. Jameson, as Guardian ad Litem; Victor M. Lancaster, Sr., individually, and as a taxpayer residing in Barnwell County, and as parent and Guardian ad Litem of Christie L.; Christie L., a minor, by and through Victor M. Lancaster, Sr., as Guardian ad Litem; Dr. Charles Clark, individually, and as a taxpayer residing in Chesterfield County, and as parent and Guardian ad Litem of Candace C., a minor, by and through Dr. Charles Clark, as Guardian ad Litem; Colonel Larry Coker, individually, and as a taxpayer residing in Clarendon County, and as a parent and Guardian ad Litem of Corrie C.; Corrie C., a minor, by and through Colonel Larry Coker, as Guardian ad Litem; Pamela Williams, individually, and as a taxpayer residing in Dillon County, and as parent and Guardian ad Litem of Katisha W.; Kathisha W., a minor, by and through Pamela Williams as Guardian ad Litem; Eddie Wright, individually, and as a taxpayer residing in Florence County, and as parent and Guardian ad Litem of Brandon F.; Brandon F., a minor, by and through Eddie Wright as Guardian ad Litem; John Whiteside, individually, and as a taxpayer residing in Florence County and as Parent and Guardian ad Litem of Joel W.; Joel W., a minor, by and through John Whiteside as Guardian ad Litem; Dr. Francis Mills, individually, and as a taxpayer residing in Hampton County and as a parent and Guardian ad Litem of Amy M.; Amy M., a minor, by and through Dr. Francis Mills, as Guardian ad Litem; Brenda Brooks, individually, and as a taxpayer residing in Hampton County, and as parent and Guardian ad Litem of Tyrin B.; Tyrin B., a minor, by and through Brenda Brooks as Guardian ad Litem; Marva Tigner, individually, and as a taxpayer residing in Jasper County, and as parent and Guardian ad Litem of Bryan T. and Bradley T.; Bryan T., a minor, by and through Marva Tigner as Guardian ad Litem; Bradley T., a minor, by and through Marva Tigner as Guardian ad Litem; Robert Elisha Short, individually, and as a taxpayer residing in Laurens County and as parent and Guardian ad Litem of Robert B. S.; Robert B. S., a minor, by and through Robert Elisha Short, as Guardian ad Litem; Dr. Keith A. Bridges, individually, and as a taxpayer residing in Laurens County and as parent and Guardian ad Litem of Jorgana Ranson B.; Jorgana Ranson B., a minor, by and through Dr. Keith A. Bridges, as Guardian ad Litem; Gail Y. Harriott, individually, and as a taxpayer residing in Lee County and as parent and Guardian ad Litem of Rashade H.; Rashade H., a minor, by and through Gail Y. Harriott, as Guardian ad Litem; Linda Carraway, individually, and as a taxpayer residing in Marion County, and as parent and Guardian ad Litem of Kimberly W.; Kimberly W., a minor, by and through Linda Carraway as Guardian ad Litem; Dr. John Nobles, individually, and as a taxpayer residing in Marlboro County and as parent and Guardian ad Litem of Erin N.; Erin N., a minor, by and through Dr. John Nobles, as Guardian ad

Litem; Patricia Hampton, individually, and as a taxpayer residing in McCormick County and as parent and Guardian ad Litem of Krystle H.; Krystle H., a minor, by and through Patricia Hampton, as Guardian ad Litem; Bernice Profit, individually, as a taxpayer residing in Orangeburg County and as parent and Guardian ad Litem of Russell H.; Russell H., a minor, by and through Bernice Profit, as Guardian ad Litem; Matlin P. Brown, individually, and as a taxpayer residing in Orangeburg County and as parent and Guardian ad Litem of Tanisha P. B.; Tanisha P. B., a minor, by and through Matlin P. Brown, as Guardian ad Litem; James Berry, individually, and as a taxpayer residing in Orangeburg County and as parent and Guardian ad Litem of Dondrea B.; Dondrea B., a minor, by and through James Berry, as Guardian ad Litem; Gerald Smith, individually, and as a taxpayer residing in Orangeburg County and as parent and Guardian ad Litem of Brenda S.; Brenda S., a minor, by and through Gerald Smith, as Guardian ad Litem; Thomas Shealy, individually, and as a taxpayer residing in Saluda County and as parent and Guardian ad Litem of Thomas S., Jr.; Thomas S., Jr., a minor, by and through Thomas Shealy, as Guardian ad Litem,

Plaintiffs,

Of Whom

Allendale County School District, Dillon County School District 2, Florence County School District 4, Hampton County School District 2, Jasper County School District, Lee County School District, Marion County School District 7 and Orangeburg Consolidated School District 3; Lena Manning, individually, and as a taxpayer residing in Allendale County and as Guardian ad Litem of Courtney V.; Courtney V., a minor, by and through Lena Manning, as Guardian ad Litem; Pamela Williams, individually, and as a taxpayer residing in Dillon County, and as parent and Guardian ad Litem of Katisha W.; Kathisha W., a minor, by and through Pamela Williams as Guardian ad Litem; Eddie Wright, individually, and as a taxpayer residing in Florence County, and as parent and Guardian ad Litem of Brandon F.; Brandon F., a minor, by and through Eddie Wright as Guardian ad Litem; Brenda Brooks, individually, and as a taxpayer residing in Hampton County, and as parent and Guardian ad Litem of Tyrin B.; Tyrin B., a minor, by and through Brenda Brooks as Guardian ad Litem; Marva Tigner, individually, and as a taxpayer residing in Jasper County, and as parent and Guardian ad Litem of Bryan T. and Bradley T.; Bryan T., a minor, by and through Marva Tigner as Guardian ad Litem; Bradley T., a minor, by and through Marva Tigner as Guardian ad Litem; Gail Y. Harriott, individually, and as a taxpayer residing in Lee County and as parent and

Guardian ad Litem of Rashade H.; Rashade H., a minor, by and through Gail Y. Harriott, as Guardian ad Litem; Linda Carraway, individually, and as a taxpayer residing in Marion County, and as parent and Guardian ad Litem of Kimberly W.; Kimberly W., a minor, by and through Linda Carraway as Guardian ad Litem; Bernice Profit, individually, as a taxpayer residing in Orangeburg County and as parent and Guardian ad Litem of Russell H.; Russell H., a minor, by and through Bernice Profit, as Guardian ad Litem, are

Appellants / Respondents,

vs.

The State of South Carolina, Mark C. Sanford, as Governor of The State of South Carolina; Glenn F. McConnell, in his representative capacity as President Pro Tempore of the South Carolina Senate and as representative thereof; Robert William Harrell, Jr., as Speaker of the House of Representatives and as a representative of the South Carolina House of Representatives,

Defendants,

Of Whom

Glenn F. McConnell, in his representative capacity as President Pro Tempore of the South Carolina Senate and as representative thereof; Robert William Harrell, Jr., as Speaker of the House of Representatives and as a representative of the South Carolina House of Representatives,

RECEIVED

Respondents / Appellants

JUN 10 2008

and

The State of South Carolina and Mark C. Sanford, as Governor of the State of South Carolina are

Respondents.

PROOF OF SERVICE

I hereby certify that I served a copy of the Respondents/Appellants Glenn F. McConnell and Robert William Harrell, Jr.'s Return to Motion of Education Justice,

Education Law Center; The National School Boards Association; and the National Access Network, Teachers College, Columbia University for Leave to File Brief as *Amicus Curiae* upon counsel of record and all interested parties, as reflected below, by placing same in the United States mail, postage prepaid, this 10th, day of June, 2008.

Carl B. Epps, Esquire
Laura C. Hart, Esquire
Stephen O. Morrison
Shelby K. Leonardi
Nelson Mullins Riley & Scarborough
Post Office Box 11070
Columbia, South Carolina 29211-1070

J. Emory Smith, Jr., Esquire
Assistant Deputy Attorney General
Post Office Box 11549
Columbia South Carolina 29211-1549

Joel W. Collins, Jr., Esquire
Collins & Lacy, PC
Post Office Box 12487
Columbia, South Carolina 29211

Molly (Mary Anne) Hunter, Esquire
Education law Center
60 Park Place, Suite 300
Newark, New Jersey 07102
Admitted pro *hac vice*

Daniel E. Goldman, Esquire
Education Justice
Education Law Center
60 Park Place, Suite 300
Newark, New Jersey 07102

Francisco M. Negrón, Jr, Esquire
Thomas E.M. Huron, Esquire
National School Boards Association
1680 Duke Street
Alexandria, Virginia 22314

Michael Rebell, Esquire
National Access Network
525 West 120th Street, #219
New York, New York 10027

**Attorneys for *Amici Curiae*: Education Justice,
Education Law Center; National School Boards
Association; and, National Access Network, Teachers
College, Columbia University**

SOWELL GRAY STEPP & LAFFITTE, LLC

A handwritten signature in black ink, appearing to read 'R. Stepp', is written over a horizontal line.

Robert E. Stepp
Elizabeth Van Doren Gray
A. Jackson Barnes
Roland M. Franklin, Jr.
1310 Gadsden Street
Post Office Box 11449
Columbia, South Carolina 29211
(803) 929-1400

June 10, 2009

**Attorneys for Respondents / Appellants Glen
F. McConnell and Robert William Harrell, Jr.**



RECEIVED

JUN 10 2008

S.C. SUPREME COURT

Joel W. Collins, Jr. | Office: 803.256.2660 | E-Mail: jcollins@collinsandlacy.com

June 10, 2008

VIA HAND DELIVERY

The Honorable Daniel E. Shearouse
Clerk, South Carolina Supreme Court
1231 Gervais Street
Columbia, SC 29201

**Re: Abbeville County School District, et al. v. Glenn F. McConnell,
as President Pro Tempore of the Senate and as a representative
of the South Carolina Senate, et al.
Case No. 93-CP-31-169**

Dear Mr. Shearouse:

Enclosed for filing are an original and eight copies of the Motion in Support of Application *Pro Hac Vice* of Education Justice, Education Law Center, the National School Boards Association and the National Access Network, Teachers College, Columbia University. Please return two filed copies to my courier. The filing fee of \$250.00 was paid on June 6, 2008 with the filing of the Verified Application for Admission *Pro Hac Vice*.

If you have any questions, please do not hesitate to call me. Thank you for your assistance.

Sincerely,

Joel W. Collins, Jr.

JWCjr:ppc

Enclosures

cc: Mary Anne Hunter, Esquire
Dan Goldman, Esquire
Carl B. Epps, Esquire
Laura C. Hart, Esquire
Stephen K. Leonardi, Esquire
Robert E. Stepp, Esquire
Elizabeth Van Doren Gray, Esquire
A. Jackson Barnes, Esquire
Roland M. Franklin, Jr., Esquire
Henry D. McMaster, Esquire
J. Emory Smith, Jr., Esquire
Swati S. Patel, Esquire

THE STATE OF SOUTH CAROLINA
In The Supreme Court

RECEIVED

JUN 10 2008

APPEAL FROM LEE COUNTY
Court of Common Pleas

S.C. SUPREME COURT

Thomas W. Cooper, Jr., Circuit Court Judge

Case No. 93-CP-31-169

Abbeville County School District, Allendale County School District, Bamberg County School District 1, Bamberg County School District 2, Barnwell County School District 19, Barnwell County School District 29, Barnwell County School District 45, Berkeley County School District, Chesterfield County School District, Clarendon County School District 1, Clarendon County School District 2, Clarendon County School District 3, Dillon County School District 1, Dillon County School District 2, Dillon County School District 3, Florence County School District 1, Florence County School District 2, Florence County School District 3, Florence County School District 4, Florence County School District 5, Hampton County School District 1, Hampton County School District 2, Jasper County School District, Laurens County School District 55, Laurens County School District 56, Lee County School District, Lexington County School District 4, Marion County School District 1, Marion County School District 2, Marion County School District 7, Marlboro County School District, McCormick County School District, Orangeburg Consolidated School District 3, Orangeburg Consolidated School District 5, Saluda County School District and Williamsburg County School District; Lena Manning, individually, and as a taxpayer residing in Allendale County and as Guardian ad Litem of Courtney V.; Courtney V., a minor, by and through Lena Manning, as Guardian ad Litem; William L. Mills, individually, and as a Taxpayer residing in Allendale County and as Guardian ad Litem of Waylon P.; Waylon P., a minor, by and through William Mills, as Guardian ad Litem; Betty Bagley, individually, and as a taxpayer residing in Bamberg County and as a parent

and Guardian ad Litem of Tyler B.; Tyler B., a minor, by and through Betty Bagley, as Guardian ad Litem, Evert Comer, Jr., individually, and as a taxpayer residing in Bamberg County and as parent and Guardian ad Litem of Kimberly C.; Kimberly C., a minor, by and through Evert Comer, Jr., as Guardian ad Litem; Marla Q. Jameson, individually, and as a taxpayer residing in Barnwell County, and as a parent and Guardian ad Litem of Eleanor J.; Eleanor J., a minor, by and through Marla Q. Jameson, as Guardian ad Litem; Victor M. Lancaster, Sr., individually, and as a taxpayer residing in Barnwell County, and as parent and Guardian ad Litem of Christie L.; Christie L., a minor, by and through Victor M. Lancaster, Sr., as Guardian ad Litem; Dr. Charles Clark, individually, and as a taxpayer residing in Chesterfield County, and as parent and Guardian ad Litem of Candace C., a minor, by and through Dr. Charles Clark, as Guardian ad Litem; Colonel Larry Coker, individually, and as a taxpayer residing in Clarendon County, and as a parent and Guardian ad Litem of Corrie C.; Corrie C., a minor, by and through Colonel Larry Coker, as Guardian ad Litem; Pamela Williams, individually, and as a taxpayer residing in Dillon County, and as parent and Guardian ad Litem of Katisha W.; Katisha W., a minor, by and through Pamela Williams as Guardian ad Litem; Eddie Wright, individually, and as a taxpayer residing in Florence County, and as parent and Guardian ad Litem of Brandon F.; Brandon F., a minor, by and through Eddie Wright as Guardian ad Litem; John Whiteside, individually, and as a taxpayer residing in Florence County and as Parent and Guardian ad Litem of Joel W.; Joel W., a minor, by and through John Whiteside as Guardian ad Litem; Dr. Francis Mills, individually, and as a taxpayer residing in Hampton County and as a parent and Guardian ad Litem of Amy M.; Amy M., a minor, by and through Dr. Francis Mills, as Guardian ad Litem; Brenda Brooks, individually, and as a taxpayer residing in Hampton County, and as parent and Guardian ad Litem of Tyrin B.; Tyrin B., a minor, by and through Brenda Brooks as Guardian ad Litem; Marva Tigner, individually, and as a taxpayer residing in Jasper County, and as parent and Guardian ad Litem of Bryan T. and Bradley T.; Bryan T., a minor, by and through Marva Tigner as Guardian ad Litem; Bradley T., a minor,

by and through Marva Tigner as Guardian ad Litem; Robert Elisha Short, individually, and as a taxpayer residing in Laurens County and as parent and Guardian ad Litem of Robert B. S.; Robert B. S., a minor, by and through Robert Elisha Short, as Guardian ad Litem; Dr. Keith A. Bridges, individually, and as a taxpayer residing in Laurens County and as parent and Guardian ad Litem of Jorgana Ranson B.; Jorgana Ranson B., a minor, by and through Dr. Keith A. Bridges, as Guardian ad Litem; Gail Y. Harriott, individually, and as a taxpayer residing in Lee County and as parent and Guardian ad Litem of Rashade H.; Rashade H., a minor, by and through Gail Y. Harriott, as Guardian ad Litem; Linda Carraway, individually, and as a taxpayer residing in Marion County, and as parent and Guardian ad Litem of Kimberly W.; Kimberly W., a minor, by and through Linda Carraway as Guardian ad Litem; Dr. John Nobles, individually, and as a taxpayer residing in Marlboro County and as parent and Guardian ad Litem of Erin N.; Erin N., a minor, by and through Dr. John Nobles, as Guardian ad Litem; Patricia Hampton, individually, and as a taxpayer residing in McCormick County and as parent and Guardian ad Litem of Krystle H.; Krystle H., a minor, by and through Patricia Hampton, as Guardian ad Litem; Bernice Profit, individually, as a taxpayer residing in Orangeburg County and as parent and Guardian ad Litem of Russell H.; Russell H., a minor, by and through Bernice Profit, as Guardian ad Litem; Matlin P. Brown, individually, and as a taxpayer residing in Orangeburg County and as parent and Guardian ad Litem of Tanisha P. B.; Tanisha P. B., a minor, by and through Matlin P. Brown, as Guardian ad Litem; James Berry, individually, and as a taxpayer residing in Orangeburg County and as parent and Guardian ad Litem of Dondrea B.; Dondrea B., a minor, by and through James Berry, as Guardian ad Litem; Gerald Smith, individually, and as a taxpayer residing in Orangeburg County and as parent and Guardian ad Litem of Brenda S.; Brenda S., a minor, by and through Gerald Smith, as Guardian ad Litem; Thomas Shealy, individually, and as a taxpayer residing in Saluda County and as parent and Guardian ad Litem of Thomas S., Jr.; Thomas S., Jr., a minor, by and through Thomas Shealy, as Guardian ad Litem,

Plaintiffs,

Of whom:

Allendale County School District,
Dillon County School District 2,
Florence County School District 4,
Hampton County School District 2,
Jasper County School District,
Lee County School District,
Marion County School District 7,
Orangeburg School District 3,
Lena Manning, individually, and as a taxpayer residing
in Allendale County and as Guardian ad Litem of
Courtney V.; Courtney V., a minor, by and through Lena
Manning, as Guardian ad Litem; Pamela Williams,
individually, and as a taxpayer residing in Dillon County,
and as parent and Guardian ad Litem of Katisha W.;
Katisha W., a minor, by and through Pamela Williams as
Guardian ad Litem; Eddie Wright, individually, and as a
taxpayer residing in Florence County, and as parent and
Guardian ad Litem of Brandon F.; Brandon F., a minor,
by and through Eddie Wright as Guardian ad Litem;
Brenda Brooks, individually, and as a taxpayer residing
in Hampton County, and as parent and Guardian ad
Litem of Tyrin B.; Tyrin B., a minor, by and through
Brenda Brooks as Guardian ad Litem; Marva Tigner,
individually, and as a taxpayer residing in Jasper County,
and as parent and Guardian ad Litem of Bryan T. and
Bradley T.; Bryan T., a minor, by and through Marva
Tigner as Guardian ad Litem; Bradley T., a minor, by
and through Marva Tigner as Guardian ad Litem; Gail Y.
Harriott, individually, and as a taxpayer residing in Lee
County and as parent and Guardian ad Litem of Rashade
H.; Rashade H., a minor, by and through Gail Y.
Harriott, as Guardian ad Litem; Linda Carraway,
individually, and as a taxpayer residing in Marion
County, and as parent and Guardian ad Litem of
Kimberly W.; Kimberly W., a minor, by and through
Linda Carraway as Guardian ad Litem; Bernice Profit,
individually, and as a taxpayer residing in Orangeburg
County and as parent and Guardian ad Litem of Russell
H.; Russell H., a minor, by and through Bernice Profit, as
Guardian ad Litem, are

Appellants-
Respondents,

v.

Glenn F. McConnell, as President *Pro Tempore*
of the Senate and as a representative of the South

Carolina Senate; Robert W. Harrell, Jr., as
Speaker of the House of Representatives
and as a representative of the South Carolina
House of Representatives, ...

Respondents-
Appellants,

and

The State of South Carolina; Mark C. Sanford, as
Governor of the State of
South Carolina, ... Respondents.

MOTION IN SUPPORT OF APPLICATION *PRO HAC VICE*

The undersigned local counsel hereby moves, together with the attached Application, that Mary Anne Hunter be admitted *pro hac vice* in the above-captioned case as associate counsel. As local counsel, we understand that:

1. All pleadings and other documents that we file in this case will contain one of our names, firm name, address and phone number and those of my associate counsel admitted *pro hac vice*; and

2. Service of all pleadings and notices as required shall be sufficient if served upon us, and it is our responsibility to serve our associate counsel admitted *pro hac vice*; and

3. Unless excused by the court, one of us will be present at all pretrial conferences, hearings, and trials, and may attend discovery proceedings. We will be prepared to actively participate if necessary.

4. Certification of Consultation Rule 11.

☒ Prior to filing this Motion, I conferred with opposing counsel who has indicated the following position as to this Motion: ☐ will likely oppose; ☒ does not intend to oppose.

- ☐ Prior to filing this Motion, I attempted to confer with opposing counsel but was unable to do so for the following reason(s):
- ☐ No duty of consultation is required because the opposing party is proceeding pro se.

Respectfully submitted,
COLLINS & LACY, P.C.

By: 
Joel W. Collins, Jr., Esquire (S.C. Bar No. 1341)
1330 Lady Street, Sixth Floor (29201)
Post Office Box 12487
Columbia, South Carolina 29211
(803) 256-2660
(803) 771-4484 (f)

Molly (Mary Anne) Hunter, Esquire
Education Law Center
60 Park Place, Suite 300
Newark, New Jersey 07102
Admitted *pro hac vice*

Daniel E. Goldman, Esquire
Education Justice
Education Law Center
60 Park Place, Suite 300
Newark, New Jersey 07102

Francisco M. Negrón, Jr., Esquire
Thomas E.M. Hutton, Esquire
National School Boards Association
1680 Duke Street

Alexandria, Virginia 22314

GRANTED


Jean H. Teal
For the Court

By: 
Michael Rebell
Clerk

June 11, 2008.

Michael Rebell, Esquire
National Access Network
525 West 120th Street, #219
New York, New York 10027

**Attorneys for *Amici Curiae*: Education Justice,
Education Law Center; National School Boards
Association and National Access Network, Teachers
College, Columbia University**

June 10, 2008

THE STATE OF SOUTH CAROLINA
In The Supreme Court

APPEAL FROM LEE COUNTY
Court of Common Pleas

Thomas W. Cooper, Jr., Circuit Court Judge

Case No. 93-CP-31-169

Abbeville County School District, Allendale County School District, Bamberg County School District 1, Bamberg County School District 2, Barnwell County School District 19, Barnwell County School District 29, Barnwell County School District 45, Berkeley County School District, Chesterfield County School District, Clarendon County School District 1, Clarendon County School District 2, Clarendon County School District 3, Dillon County School District 1, Dillon County School District 2, Dillon County School District 3, Florence County School District 1, Florence County School District 2, Florence County School District 3, Florence County School District 4, Florence County School District 5, Hampton County School District 1, Hampton County School District 2, Jasper County School District, Laurens County School District 55, Laurens County School District 56, Lee County School District, Lexington County School District 4, Marion County School District 1, Marion County School District 2, Marion County School District 7, Marlboro County School District, McCormick County School District, Orangeburg Consolidated School District 3, Orangeburg Consolidated School District 5, Saluda County School District and Williamsburg County School District; Lena Manning, individually, and as a taxpayer residing in Allendale County and as Guardian ad Litem of Courtney V.; Courtney V., a minor, by and through Lena Manning, as Guardian ad Litem; William L. Mills, individually, and as a Taxpayer residing in Allendale County and as Guardian ad Litem of Waylon P.; Waylon P., a minor, by and through William Mills, as Guardian ad Litem; Betty Bagley, individually, and as a taxpayer residing in Bamberg County and as a parent

and Guardian ad Litem of Tyler B.; Tyler B., a minor, by and through Betty Bagley, as Guardian ad Litem, Evert Comer, Jr., individually, and as a taxpayer residing in Bamberg County and as parent and Guardian ad Litem of Kimberly C.; Kimberly C., a minor, by and through Evert Comer, Jr., as Guardian ad Litem; Marla Q. Jameson, individually, and as a taxpayer residing in Barnwell County, and as a parent and Guardian ad Litem of Eleanor J.; Eleanor J., a minor, by and through Marla Q. Jameson, as Guardian ad Litem; Victor M. Lancaster, Sr., individually, and as a taxpayer residing in Barnwell County, and as parent and Guardian ad Litem of Christie L.; Christie L., a minor, by and through Victor M. Lancaster, Sr., as Guardian ad Litem; Dr. Charles Clark, individually, and as a taxpayer residing in Chesterfield County, and as parent and Guardian ad Litem of Candace C., a minor, by and through Dr. Charles Clark, as Guardian ad Litem; Colonel Larry Coker, individually, and as a taxpayer residing in Clarendon County, and as a parent and Guardian ad Litem of Corrie C.; Corrie C., a minor, by and through Colonel Larry Coker, as Guardian ad Litem; Pamela Williams, individually, and as a taxpayer residing in Dillon County, and as parent and Guardian ad Litem of Katisha W.; Katisha W., a minor, by and through Pamela Williams as Guardian ad Litem; Eddie Wright, individually, and as a taxpayer residing in Florence County, and as parent and Guardian ad Litem of Brandon F.; Brandon F., a minor, by and through Eddie Wright as Guardian ad Litem; John Whiteside, individually, and as a taxpayer residing in Florence County and as Parent and Guardian ad Litem of Joel W.; Joel W., a minor, by and through John Whiteside as Guardian ad Litem; Dr. Francis Mills, individually, and as a taxpayer residing in Hampton County and as a parent and Guardian ad Litem of Amy M.; Amy M., a minor, by and through Dr. Francis Mills, as Guardian ad Litem; Brenda Brooks, individually, and as a taxpayer residing in Hampton County, and as parent and Guardian ad Litem of Tyrin B.; Tyrin B., a minor, by and through Brenda Brooks as Guardian ad Litem; Marva Tigner, individually, and as a taxpayer residing in Jasper County, and as parent and Guardian ad Litem of Bryan T. and Bradley T.; Bryan T., a minor, by and through Marva Tigner as Guardian ad Litem; Bradley T., a minor,

by and through Marva Tigner as Guardian ad Litem; Robert Elisha Short, individually, and as a taxpayer residing in Laurens County and as parent and Guardian ad Litem of Robert B. S.; Robert B. S., a minor, by and through Robert Elisha Short, as Guardian ad Litem; Dr. Keith A. Bridges, individually, and as a taxpayer residing in Laurens County and as parent and Guardian ad Litem of Jorgana Ranson B.; Jorgana Ranson B., a minor, by and through Dr. Keith A. Bridges, as Guardian ad Litem; Gail Y. Harriott, individually, and as a taxpayer residing in Lee County and as parent and Guardian ad Litem of Rashade H.; Rashade H., a minor, by and through Gail Y. Harriott, as Guardian ad Litem; Linda Carraway, individually, and as a taxpayer residing in Marion County, and as parent and Guardian ad Litem of Kimberly W.; Kimberly W., a minor, by and through Linda Carraway as Guardian ad Litem; Dr. John Nobles, individually, and as a taxpayer residing in Marlboro County and as parent and Guardian ad Litem of Erin N.; Erin N., a minor, by and through Dr. John Nobles, as Guardian ad Litem; Patricia Hampton, individually, and as a taxpayer residing in McCormick County and as parent and Guardian ad Litem of Krystle H.; Krystle H., a minor, by and through Patricia Hampton, as Guardian ad Litem; Bernice Profit, individually, as a taxpayer residing in Orangeburg County and as parent and Guardian ad Litem of Russell H.; Russell H., a minor, by and through Bernice Profit, as Guardian ad Litem; Matlin P. Brown, individually, and as a taxpayer residing in Orangeburg County and as parent and Guardian ad Litem of Tanisha P. B.; Tanisha P. B., a minor, by and through Matlin P. Brown, as Guardian ad Litem; James Berry, individually, and as a taxpayer residing in Orangeburg County and as parent and Guardian ad Litem of Dondrea B.; Dondrea B., a minor, by and through James Berry, as Guardian ad Litem; Gerald Smith, individually, and as a taxpayer residing in Orangeburg County and as parent and Guardian ad Litem of Brenda S.; Brenda S., a minor, by and through Gerald Smith, as Guardian ad Litem; Thomas Shealy, individually, and as a taxpayer residing in Saluda County and as parent and Guardian ad Litem of Thomas S., Jr.; Thomas S., Jr., a minor, by and through Thomas Shealy, as Guardian ad Litem,

Plaintiffs,

Of whom:

Allendale County School District,
Dillon County School District 2,
Florence County School District 4,
Hampton County School District 2,
Jasper County School District,
Lee County School District,
Marion County School District 7,
Orangeburg School District 3,
Lena Manning, individually, and as a taxpayer residing
in Allendale County and as Guardian ad Litem of
Courtney V.; Courtney V., a minor, by and through Lena
Manning, as Guardian ad Litem; Pamela Williams,
individually, and as a taxpayer residing in Dillon County,
and as parent and Guardian ad Litem of Katisha W.;
Katisha W., a minor, by and through Pamela Williams as
Guardian ad Litem; Eddie Wright, individually, and as a
taxpayer residing in Florence County, and as parent and
Guardian ad Litem of Brandon F.; Brandon F., a minor,
by and through Eddie Wright as Guardian ad Litem;
Brenda Brooks, individually, and as a taxpayer residing
in Hampton County, and as parent and Guardian ad
Litem of Tyrin B.; Tyrin B., a minor, by and through
Brenda Brooks as Guardian ad Litem; Marva Tigner,
individually, and as a taxpayer residing in Jasper County,
and as parent and Guardian ad Litem of Bryan T. and
Bradley T.; Bryan T., a minor, by and through Marva
Tigner as Guardian ad Litem; Bradley T., a minor, by
and through Marva Tigner as Guardian ad Litem; Gail Y.
Harriott, individually, and as a taxpayer residing in Lee
County and as parent and Guardian ad Litem of Rashade
H.; Rashade H., a minor, by and through Gail Y.
Harriott, as Guardian ad Litem; Linda Carraway,
individually, and as a taxpayer residing in Marion
County, and as parent and Guardian ad Litem of
Kimberly W.; Kimberly W., a minor, by and through
Linda Carraway as Guardian ad Litem; Bernice Profit,
individually, and as a taxpayer residing in Orangeburg
County and as parent and Guardian ad Litem of Russell
H.; Russell H., a minor, by and through Bernice Profit, as
Guardian ad Litem, are

Appellants-
Respondents,

v.

Glenn F. McConnell, as President *Pro Tempore*
of the Senate and as a representative of the South

Carolina Senate; Robert W. Harrell, Jr., as
Speaker of the House of Representatives
and as a representative of the South Carolina
House of Representatives, ...

Respondents-
Appellants,

and

The State of South Carolina; Mark C. Sanford, as
Governor of the State of
South Carolina, ... Respondents.

PROOF OF SERVICE

I hereby certify that the foregoing **MOTION IN SUPPORT OF APPLICATION *PRO HAC VICE* of the EDUCATION JUSTICE AT EDUCATION LAW CENTER; THE NATIONAL SCHOOL BOARDS ASSOCIATION; AND THE NATIONAL ACCESS NETWORK, TEACHERS COLLEGE, COLUMBIA UNIVERSITY, IN SUPPORT OF PLAINTIFF SCHOOL DISTRICTS** has been served upon all counsel of record in this matter by depositing one (1) copy of the Motion in the United States Postal Service to them with sufficient postage thereon and return address affixed thereto:

Carl B. Epps, Esq.
Laura C. Hart, Esq.
Stephen O. Morrison, Esq.
Shelby K. Leonardi, Esq.
Nelson Mullins Riley &
Scarborough, LLP
Post Office Box 11070
Columbia, SC 29211

Attorneys for Appellants-
Respondents

Robert E. Stepp, Esq.
Elizabeth Van Doren Gray, Esq.
A. Jackson Barnes, Esq.
Roland M. Franklin, Jr., Esq.
Sowell Gray Stepp & LaFitte, LLC
Post Office Box 11449
Columbia, SC 29211

Attorneys for Respondents-Appellants Senate and
House of Representatives of the State of South
Carolina

Henry D. McMaster, Esq.
J. Emory Smith, Jr., Esq.

Swati S. Patel, Esq.
Office of the Governor

Office of the Attorney General of the State of South Carolina
Post Office Box 11549
Columbia, SC 29211

South Carolina State House
Post Office Box 12267
Columbia, SC 29211

Attorneys for Respondent State
of South Carolina

Attorney for Respondent Governor of South Carolina


Joel W. Collins, Jr., Esq.
Collins & Lacy, P.C.
Post Office Box 12487
Columbia, SC 29211

, 2008



SOWELL GRAY STEPP & LAFFITTE, LLC
ATTORNEYS AND COUNSELORS AT LAW

June 9, 2008

RECEIVED

JUN - 9 2008

VIA HAND DELIVERY

The Honorable Daniel E. Shearouse
South Carolina Supreme Court Clerk of Court
1231 Gervais Street
Columbia, South Carolina 29201

S.C. SUPREME COURT

Re: Abbeville School District, *et al.* vs. The State of South Carolina, *et al.*
Case No.: 2007-65159
Civil Action Number: 93-CP-31-169
SGS&L File Number: 2014/1500

Dear Mr. Shearouse:

Enclosed for filing are the original and sixteen (16) copies of Respondent/Appellants Glenn F. McConnell and Robert William Harrell, Jr.'s Return to Brief of *Amicus Curiae* of The League of Women Voters of South Carolina and The South Carolina State Conference of the National Association for the Advancement of Colored People and Proof of Service. Please return one clocked-in copy of the Return as well as the Proof of Service to my office via our courier.

By copy of this letter to all counsel of record, I am serving them with a copy of the same.

Thank you for your assistance and please do not hesitate to contact my office with any questions.

Very truly yours,

Roland M. Franklin

Enclosures

cc: Carl B. Epps, III, Esquire
Laura C. Hart, Esquire
Stephen G. Morrison, Esquire
Shelby K. Leonardi, Esquire
J. Emory Smith, Esquire
Matthew T. Richardson, Esquire
Ellen M. Boylan, Esquire

Roland M. Franklin
rfranklin@sowell.com
DD 803.231.7826

1310 Gadsden Street
Post Office Box 11449
Columbia, SC 29211

PHONE 803.929.1400
FACSIMILE 803.929.0300
WEBSITE WWW.SOWELL.COM



The Supreme Court of South Carolina

DANIEL E. SHEAROUSE
CLERK OF COURT

BRENDA F. SHEALY
CHIEF DEPUTY CLERK

POST OFFICE BOX 11330
COLUMBIA, SOUTH CAROLINA 29211
TELEPHONE: (803) 734-1080
FAX: (803) 734-0384

June 6, 2008

The Honorable Daniel E. Shearouse
Clerk of Court
South Carolina Supreme Court
Post Office Box 11330
Columbia, S.C. 29211

RE: Abbeville County School District v. McConnell, et al.
Case Number: 93-CP-31-169
Supreme Court No.:

Dear Mr. Shearouse:

I certify that the Office of Bar Admissions has received a verified application requesting Molly (Mary Anne) Hunter be admitted *pro hac vice* in the above matter. The \$250 filing fee for the applicant has been paid.

Yours truly,

Gayle B. Watts /28

Deputy Clerk for Bar Admissions

GBW/sp

**VERIFIED APPLICATION FOR ADMISSION *PRO HAC VICE*
IN THE STATE OF SOUTH CAROLINA**

Abbeville County School District

Plaintiff

93-CP-31-169

Case No.

Supreme Court

Court

vs.

McConnell, et al.

Defendant

Mailing Address of Court: Supreme Court Building
1231 Gervais Street
Columbia, South Carolina 29201

Comes now Molly (Mary Anne) Hunter, applicant herein, and respectfully represents the following:

RECEIVED

JUN 06 2008

S.C. SUPREME COURT

1. Applicant resides at:

69 Mews Lane

Street Address

South Orange

City

973-313-1071

Telephone

Essex

County

NJ

State

07079

Zip Code

2. Applicant is an attorney and a member of the law firm of (or practices law under the name of) Education Law Center, with offices at, at
60 Park Place, Suite 300

Street Address

Newark

City

973-624-1815, x19

Telephone

Essex

County

NJ

State

973-624-7339

Fax Number

07102

Zip Code

3. Applicant has been retained personally or as a member of the above named law firm by Education Law Center to provide legal representation in connection with the above case now pending before the above named court of the State of South Carolina.

4. Since December of 1995, applicant has been, and presently is, a member in good standing of the bar of the highest court of the District of Columbia or the State of New Jersey where applicant regularly practices law. Attached is a certificate of good standing.

5. Applicant has been admitted to practice before the following courts: (List all of the following courts applicant has been admitted to practice before: United States District Courts; United States Circuit Courts of Appeals; the Supreme Court of the United States; and courts of other states or the District of Columbia.)

Court:

Date Admitted:

United States District Court for the Southern District of NY	5 January 1999
United States District Court for the District of New Jersey	20 December 1995
United States District Court for the Eastern District of NY	11 January 1999
Appellate Division of the Supreme Court of New York, First Judicial Department	20 April 1998

Applicant is presently a member in good standing of the bars of those courts listed above, except as listed below:
(List any court named in the preceding paragraph that applicant is no longer admitted to practice before.)

None

6. Applicant presently is not subject to any suspension or disbarment proceedings, and has not been formally notified of any complaints pending before a disciplinary agency, except as provided below (give particulars, e.g., jurisdiction, court, date):

None

7. Applicant never has had any application for admission *pro hac vice* in this or any other jurisdiction denied or any *pro hac vice* admission revoked, except as provided below (give particulars, e.g., date, court, docket number, judge, circumstances; attach a copy of any order of denial or revocation):

None

8. Applicant never has had any certificate or privilege to appear and practice before any administrative body suspended or revoked, except as provided below (give particulars, e.g., date, administrative body, date of suspension and reinstatement):

None

9. Local counsel of record associated with applicant in this case is Joel W. Collins, Jr., of the Collins and Lacy law firm, which has offices at:

1330 Lady Street Sixth Floor

Street Address

Richland

County

(803) 255-0423

Telephone

Columbia

City

South Carolina

State

29201

Zip Code

If applicable list all other firms/attorneys you are associated with in this matter

None

10. Applicant has previously filed an application to appear *pro hac vice* in the following South Carolina cases (give case name and status of litigation, date of application, local counsel of record in each case, and state whether application is pending or was granted).

None

11. Applicant agrees to comply with the applicable statutes, laws and rules of the State of South Carolina and will familiarize him/herself with and comply with the South Carolina Rules of Professional Conduct. Applicant consents to the jurisdiction of the South Carolina courts and Commission on Lawyer Conduct.

12. Applicant respectfully requests to be admitted to practice in the above named court for this case only.

DATED this 28th day of May, 2008.

Molly A. Hunter
APPLICANT

VERIFICATION

STATE OF NEW JERSEY)

COUNTY OF ESSEX)

I, Molly (Mary Anne) Hunter, do hereby swear or affirm under penalty of perjury that I am the applicant in the above styled matter; that I have read the foregoing application and know the contents thereof; and that the contents are true of my own knowledge, except as to those matters stated on information and belief, and that as to those matters I believe them to be true.

Molly A. Hunter
APPLICANT/AFFIANT

Subscribed and sworn to before me this 28th day of May, 2008.

Elizabeth Athos

Notary Public for the State of _____

Elizabeth Athos
Attorney at Law
State of New Jersey

My Commission Expires: _____

LOCAL COUNSEL CONSENT

I hereby consent, as local counsel of record, to the association of applicant in this cause pursuant to Rules Governing Admission *Pro Hac Vice* to the South Carolina Bar.

DATED this 6 day of June, 2008.

Mr. W. C. [Signature]
LOCAL COUNSEL OF RECORD

CERTIFICATE OF SERVICE

I hereby certify that I have served a copy of this application upon the South Carolina Supreme Court by mail addressed to: South Carolina Supreme Court Office of Bar Admissions, PO Box 11330, Columbia, SC 29211, accompanied by payment of the \$250 filing fee payable to the South Carolina Supreme Court on this 6th day of June, 2008.

Mr. W. C. [Signature]
APPLICANT/AFFIANT

Supreme Court of New Jersey

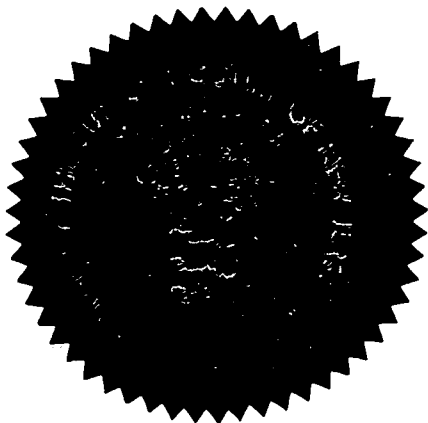


Certificate of Good Standing

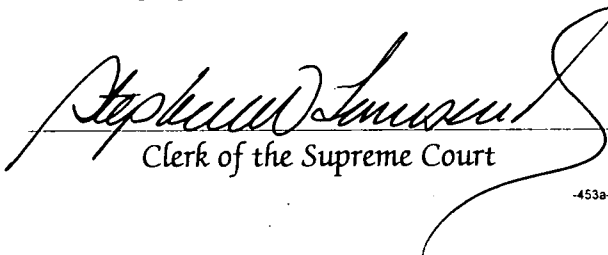
This is to certify that **MARY ANNE HUNTER**
(No. **024451995**) was constituted and appointed an Attorney at Law of New
Jersey on **December 18, 1995** and, as such,
has been admitted to practice before the Supreme Court and all other courts of this State
as an Attorney at Law, according to its laws, rules, and customs.

I further certify that as of this date, the above-named is an Attorney at Law in
Good Standing. For the purpose of this Certificate, an attorney is in "Good Standing"
if the Court's records reflect that the attorney: 1) is current with all assessments
imposed as a part of the filing of the annual Attorney Registration Statement, including,
but not limited to, all obligations to the New Jersey Lawyers' Fund for Client
Protection; 2) is not suspended or disbarred from the practice of law; 3) has not
resigned from the Bar of this State; and 4) has not been transferred to Disability
Inactive status pursuant to Rule 1:20-12.

*Please note that this Certificate does not constitute confirmation of an attorney's
satisfaction of the administrative requirements of Rule 1:21-1(a) for eligibility to
practice law in this State.*



In testimony whereof, I have
hereunto set my hand and
affixed the Seal of the
Supreme Court, at Trenton, this
21ST day of May , 20 08


Clerk of the Supreme Court



Joel W. Collins, Jr. | Office: 803.256.2660 | E-Mail: jcollins@collinsandlacy.com

June 6, 2008

RECEIVED
JUN 06 2008
S.C. SUPREME COURT

VIA HAND DELIVERY

The Honorable Daniel E. Shearouse
Clerk, South Carolina Supreme Court
1231 Gervais Street
Columbia, SC 29201

**Re: Abbeville County School District, et al. v. Glenn F. McConnell,
as President Pro Tempore of the Senate and as a representative
of the South Carolina Senate, et al.
Case No. 93-CP-31-169**

Dear Mr. Shearouse:

Enclosed for filing are an original and 14 copies for the Court and 16 copies to be filed and returned to my courier of the Amicus Brief in the above-styled case.

If you have any questions, please do not hesitate to call me. Thank you for your assistance.

Sincerely,

A handwritten signature in black ink, appearing to read "Joel W. Collins, Jr.", written over a printed name.

Joel W. Collins, Jr.

JWCjr:ppc

Enclosures

cc: Mary Anne Hunter, Esquire
Dan Goldman, Esquire
Carl B. Epps, Esquire
Laura C. Hart, Esquire
Stephen K. Leonardi, Esquire
Robert E. Stepp, Esquire
Elizabeth Van Doren Gray, Esquire
A. Jackson Barnes, Esquire
Roland M. Franklin, Jr., Esquire
Henry D. McMaster, Esquire
J. Emory Smith, Jr., Esquire
Swati S. Patel, Esquire



Joel W. Collins, Jr. | Office: 803.256.2660 | E-Mail: jcollins@collinsandlacy.com

RECEIVED

June 6, 2008

JUN 06 2008

VIA HAND DELIVERY

The Honorable Daniel E. Shearouse
Clerk, South Carolina Supreme Court
1231 Gervais Street
Columbia, SC 29201

S.C. SUPREME COURT

**Re: Abbeville County School District, et al. v. Glenn F. McConnell,
as President Pro Tempore of the Senate and as a representative
of the South Carolina Senate, et al.
Case No. 93-CP-31-169**

Dear Mr. Shearouse:

Enclosed for filing are an original and eight copies of the Motion of Education Justice, Education Law Center, the National School Boards Association and the National Access Network, Teachers College, Columbia University for Leave to File Brief as *Amici Curiae* in Support of the Appellants-Respondents. Please return two filed copies to my courier. Also enclosed is a filing fee of \$25.00.

If you have any questions, please do not hesitate to call me. Thank you for your assistance.

Sincerely,

A handwritten signature in dark ink, appearing to read "Joel W. Collins, Jr.", with a stylized flourish at the end.

Joel W. Collins, Jr.

JWCjr:ppc

Enclosures

cc: Mary Anne Hunter, Esquire
Dan Goldman, Esquire
Carl B. Epps, Esquire
Laura C. Hart, Esquire
Stephen K. Leonardi, Esquire
Robert E. Stepp, Esquire
Elizabeth Van Doren Gray, Esquire
A. Jackson Barnes, Esquire
Roland M. Franklin, Jr., Esquire
Henry D. McMaster, Esquire
J. Emory Smith, Jr., Esquire
Swati S. Patel, Esquire

THE STATE OF SOUTH CAROLINA
In The Supreme Court

APPEAL FROM LEE COUNTY
Court of Common Pleas

Thomas W. Cooper, Jr., Circuit Court Judge

Case No. 93-CP-31-0169

RECEIVED

JUN 06 2008

S.C. SUPREME COURT

Abbeville County School District, Allendale County School District, Bamberg County School District 1, Bamberg County School District 2, Barnwell County School District 19, Barnwell County School District 29, Barnwell County School District 45, Berkeley County School District, Chesterfield County School District, Clarendon County School District 1, Clarendon County School District 2, Clarendon County School District 3, Dillon County School District 1, Dillon County School District 2, Dillon County School District 3, Florence County School District 1, Florence County School District 2, Florence County School District 3, Florence County School District 4, Florence County School District 5, Hampton County School District 1, Hampton County School District 2, Jasper County School District, Laurens County School District 55, Laurens County School District 56, Lee County School District, Lexington County School District 4, Marion County School District 1, Marion County School District 2, Marion County School District 7, Marlboro County School District, McCormick County School District, Orangeburg Consolidated School District 3, Orangeburg Consolidated School District 5, Saluda County School District and Williamsburg County School District; Lena Manning, individually, and as a taxpayer residing in Allendale County and as Guardian ad Litem of Courtney V.; Courtney V., a minor, by and through Lena Manning, as Guardian ad Litem; William L. Mills, individually, and as a Taxpayer residing in Allendale County and as Guardian ad Litem of Waylon P.; Waylon P., a minor, by and through William Mills, as Guardian ad Litem; Betty Bagley, individually, and as a taxpayer residing in Bamberg County and as a parent and Guardian ad Litem of Tyler B.; Tyler B., a minor, by

and through Betty Bagley, as Guardian ad Litem, Evert Comer, Jr., individually, and as a taxpayer residing in Bamberg County and as parent and Guardian ad Litem of Kimberly C.; Kimberly C., a minor, by and through Evert Comer, Jr., as Guardian ad Litem; Marla Q. Jameson, individually, and as a taxpayer residing in Barnwell County, and as a parent and Guardian ad Litem of Eleanor J.; Eleanor J., a minor, by and through Marla Q. Jameson, as Guardian ad Litem; Victor M. Lancaster, Sr., individually, and as a taxpayer residing in Barnwell County, and as parent and Guardian ad Litem of Christie L.; Christie L., a minor, by and through Victor M. Lancaster, Sr., as Guardian ad Litem; Dr. Charles Clark, individually, and as a taxpayer residing in Chesterfield County, and as parent and Guardian ad Litem of Candace C., a minor, by and through Dr. Charles Clark, as Guardian ad Litem; Colonel Larry Coker, individually, and as a taxpayer residing in Clarendon County, and as a parent and Guardian ad Litem of Corrie C.; Corrie C., a minor, by and through Colonel Larry Coker, as Guardian ad Litem; Pamela Williams, individually, and as a taxpayer residing in Dillon County, and as parent and Guardian ad Litem of Katisha W.; Katisha W., a minor, by and through Pamela Williams as Guardian ad Litem; Eddie Wright, individually, and as a taxpayer residing in Florence County, and as parent and Guardian ad Litem of Brandon F.; Brandon F., a minor, by and through Eddie Wright as Guardian ad Litem; John Whiteside, individually, and as a taxpayer residing in Florence County and as Parent and Guardian ad Litem of Joel W.; Joel W., a minor, by and through John Whiteside as Guardian ad Litem; Dr. Francis Mills, individually, and as a taxpayer residing in Hampton County and as a parent and Guardian ad Litem of Amy M.; Amy M., a minor, by and through Dr. Francis Mills, as Guardian ad Litem; Brenda Brooks, individually, and as a taxpayer residing in Hampton County, and as parent and Guardian ad Litem of Tyrin B.; Tyrin B., a minor, by and through Brenda Brooks as Guardian ad Litem; Marva Tigner, individually, and as a taxpayer residing in Jasper County, and as parent and Guardian ad Litem of Bryan T. and Bradley T.; Bryan T., a minor, by and through Marva Tigner as Guardian ad Litem; Bradley T., a minor, by and through Marva Tigner as Guardian ad Litem; Robert Elisha Short, individually, and as a taxpayer residing in Laurens County and as parent and Guardian

ad Litem of Robert B. S.; Robert B. S., a minor, by and through Robert Elisha Short, as Guardian ad Litem; Dr. Keith A. Bridges, individually, and as a taxpayer residing in Laurens County and as parent and Guardian ad Litem of Jorgana Ranson B.; Jorgana Ranson B., a minor, by and through Dr. Keith A. Bridges, as Guardian ad Litem; Gail Y. Harriott, individually, and as a taxpayer residing in Lee County and as parent and Guardian ad Litem of Rashade H.; Rashade H., a minor, by and through Gail Y. Harriott, as Guardian ad Litem; Linda Carraway, individually, and as a taxpayer residing in Marion County, and as parent and Guardian ad Litem of Kimberly W.; Kimberly W., a minor, by and through Linda Carraway as Guardian ad Litem; Dr. John Nobles, individually, and as a taxpayer residing in Marlboro County and as parent and Guardian ad Litem of Erin N.; Erin N., a minor, by and through Dr. John Nobles, as Guardian ad Litem; Patricia Hampton, individually, and as a taxpayer residing in McCormick County and as parent and Guardian ad Litem of Krystle H.; Krystle H., a minor, by and through Patricia Hampton, as Guardian ad Litem; Bernice Profit, individually, as a taxpayer residing in Orangeburg County and as parent and Guardian ad Litem of Russell H.; Russell H., a minor, by and through Bernice Profit, as Guardian ad Litem; Matlin P. Brown, individually, and as a taxpayer residing in Orangeburg County and as parent and Guardian ad Litem of Tanisha P. B.; Tanisha P. B., a minor, by and through Matlin P. Brown, as Guardian ad Litem; James Berry, individually, and as a taxpayer residing in Orangeburg County and as parent and Guardian ad Litem of Dondrea B.; Dondrea B., a minor, by and through James Berry, as Guardian ad Litem; Gerald Smith, individually, and as a taxpayer residing in Orangeburg County and as parent and Guardian ad Litem of Brenda S.; Brenda S., a minor, by and through Gerald Smith, as Guardian ad Litem; Thomas Shealy, individually, and as a taxpayer residing in Saluda County and as parent and Guardian ad Litem of Thomas S., Jr.; Thomas S., Jr., a minor, by and through Thomas Shealy, as Guardian ad Litem,

Plaintiffs,

Of whom:

Allendale County School District,
Dillon County School District 2,
Florence County School District 4,
Hampton County School District 2,
Jasper County School District,
Lee County School District,
Marion County School District 7,
Orangeburg School District 3,
Lena Manning, individually, and as a taxpayer residing
in Allendale County and as Guardian ad Litem of
Courtney V.; Courtney V., a minor, by and through Lena
Manning, as Guardian ad Litem; Pamela Williams,
individually, and as a taxpayer residing in Dillon County,
and as parent and Guardian ad Litem of Katisha W.;
Katisha W., a minor, by and through Pamela Williams as
Guardian ad Litem; Eddie Wright, individually, and as a
taxpayer residing in Florence County, and as parent and
Guardian ad Litem of Brandon F.; Brandon F., a minor,
by and through Eddie Wright as Guardian ad Litem;
Brenda Brooks, individually, and as a taxpayer residing
in Hampton County, and as parent and Guardian ad
Litem of Tyrin B.; Tyrin B., a minor, by and through
Brenda Brooks as Guardian ad Litem; Marva Tigner,
individually, and as a taxpayer residing in Jasper County,
and as parent and Guardian ad Litem of Bryan T. and
Bradley T.; Bryan T., a minor, by and through Marva
Tigner as Guardian ad Litem; Bradley T., a minor, by
and through Marva Tigner as Guardian ad Litem; Gail Y.
Harriott, individually, and as a taxpayer residing in Lee
County and as parent and Guardian ad Litem of Rashade
H.; Rashade H., a minor, by and through Gail Y.
Harriott, as Guardian ad Litem; Linda Carraway,
individually, and as a taxpayer residing in Marion
County, and as parent and Guardian ad Litem of
Kimberly W.; Kimberly W., a minor, by and through
Linda Carraway as Guardian ad Litem; Bernice Profit,
individually, and as a taxpayer residing in Orangeburg
County and as parent and Guardian ad Litem of Russell
H.; Russell H., a minor, by and through Bernice Profit, as
Guardian ad Litem, are

Appellants-
Respondents,

v.

Glenn F. McConnell, as President *Pro Tempore*
of the Senate and as a representative of the South
Carolina Senate; Robert W. Harrell, Jr., as
Speaker of the House of Representatives
and as a representative of the South Carolina
House of Representatives,

And

The State of South Carolina; Mark C. Sanford, as
Governor of the State of
South Carolina,

Case No 4601
Abbeville City
School Dist
v.
State of SC

Appellants,

Respondent.

**MOTION OF EDUCATION JUSTICE, EDUCATION LAW CENTER; THE
NATIONAL SCHOOL BOARDS ASSOCIATION; AND THE NATIONAL
ACCESS NETWORK, TEACHERS COLLEGE, COLUMBIA UNIVERSITY
FOR LEAVE TO FILE BRIEF AS *AMICI CURIAE*
IN SUPPORT OF THE APPELLANTS-RESPONDENTS**

Pursuant to Rule 213 of the South Carolina Appellate Court Rules, Education Justice, Education Law Center ("Education Justice"), the National School Boards Association ("NSBA"), and the National Access Network, Teachers College, Columbia University ("Access") hereby move for leave to file the attached brief as *amici curiae* in support of Appellants-Respondents.

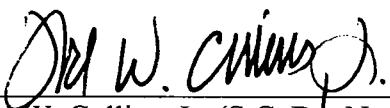
Education Justice is a project of the Education Law Center, a non-profit organization established in 1973 to advocate on behalf of public schoolchildren for an equal and adequate education under state and federal laws. Education Justice disseminates research, develops policy positions and strategies, and provides assistance to advocates on matters of equitable educational opportunities, proven educational reforms, and policies that help schools build the know-how to narrow and close achievement gaps.

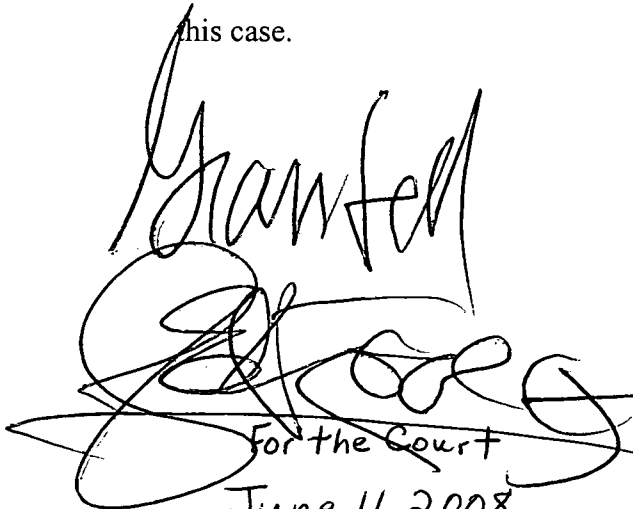
NSBA is a nonprofit federation of state school boards associations, including the South Carolina School Boards Association. NSBA and the members of its federation represent the over 95,000 school board members who govern some 14,000 local school districts. NSBA recognizes that, among all the issues confronting public education today, the adequacy of funding is arguably the most important---and inescapably is fundamental to virtually all of the other issues.

Access is a project of the Campaign for Educational Equity at Teachers College, Columbia University, and Access's mission is to provide up-to-date information on developments regarding fiscal equity reform, fiscal equity litigations and education adequacy litigations to researchers, policymakers, advocates and attorneys throughout the United States.

In contrast to the largely factual presentation and the South Carolina-focused legal analysis contained in the Appellants-Respondents' brief, Education Justice, the NSBA and Access seek to assist the Court in reviewing the trial court's interpretation of the "minimal adequacy" standards and present the rich body of relevant decisions from sister states, some of which this Court referenced in its 1999 *Abbeville* ruling, and some of which the trial court misread. For this reason, Education Justice, the NSBA, and Access respectfully submit that the attached brief may be helpful to the Court in resolving this case.

Respectfully submitted,


Joel W. Collins, Jr. (S.C. Bar No. 1341)
Collins & Lacy, P.C.


For the Court
June 11, 2008.

Post Office Box 12487
Columbia, SC 29211
(803) 255-0423

Molly (Mary Anne) Hunter, Esquire
Education law Center
60 Park Place, Suite 300
Newark, NJ 07102
Admitted *pro hac vice*

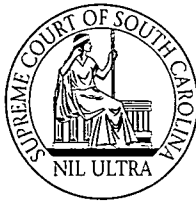
Daniel E. Goldman, Esq.
Education Justice
Education Law Center
60 Park Place, Suite 300
Newark, New Jersey 07102

Francisco M. Negrón, Jr., Esq.
Thomas E.M. Hutton, Esq.
National School Boards Association
1680 Duke Street
Alexandria, VA 22314

Michael Rebell, Esq.
National Access Network
525 West 120th St., #219
New York, NY 10027

**Attorneys for *Amici Curiae*: Education Justice,
Education Law Center; National School Boards
Association; and, National Access Network,
Teachers College, Columbia University**

June 6, 2008



The Supreme Court of South Carolina

DANIEL E. SHEAROUSE
CLERK OF COURT

BRENDA F. SHEALY
CHIEF DEPUTY CLERK

POST OFFICE BOX 11330
COLUMBIA, SOUTH CAROLINA 29211

(803) 734-1080

FAX (803) 734-1499

June 4, 2008

Matthew Terry Richardson, Esquire
Wyche Burgess Freeman & Parham, PA
P.O. Box 12247
Columbia, SC 29211-2247

Ellen M. Boylan, Esquire
Education Law Center
60 Park Place, Suite 300
Newark, NJ 07102

Re: Abbeville County School District, et al. v. State of SC, et al.

Dear Counsel:

The following Order has been endorsed on your Motion of the League of Women Voters of South Carolina and the South Carolina State Conference of the National Association for the Advancement of Colored People for Leave to File Brief as Amici Curiae in Support of the Appellants-Respondents in the above entitled case on appeal.

“Granted.

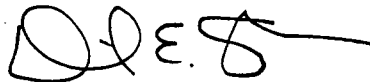
s/ Jean H. Toal C.J.
For the Court

June 4, 2008.”

Matthew Terry Richardson, Esquire
Re: Abbeville Cty Sch Dist v. State
June 4, 2008
Page two

By copy of this letter, counsel for Respondents-Appellants and Respondent are advised that any brief in response to this amici curiae brief should be served and filed no later than June 18, 2008.

Very truly yours,


CLERK

DES/jjp

cc: Carl B. Epps, III, Esquire
Stephen G. Morrison, Esquire
Laura Callaway Hart, Esquire
Shelby K. Leonardi, Esquire
Elizabeth Scott Moise, Esquire
Rachel Atkin Hedley, Esquire
D. Kay Tennyson, Esquire
Robert E. Stepp, Esquire
Elizabeth Van Doren Gray, Esquire
A. Jackson Barnes, Esquire
Roland M. Franklin, Jr., Esquire
Attorney General Henry D. McMaster
Assistant Deputy Attorney General J. Emory Smith, Jr.
Swati Shah Patel, Esquire
Edward W. Laney, IV, Esquire
R. Hawthorne Barrett, Esquire
Susan J. Rose, Esquire
Susan B. Berkowitz, Esquire

W Y C H E

WYCHE BURGESS FREEMAN & PARHAM, P.A.

Attorneys at Law

May 30, 2008

RECEIVED

MAY 30 2008

S.C. SUPREME COURT

VIA HAND DELIVERY

The Honorable Daniel E. Shearouse
Clerk of the South Carolina Supreme Court
1231 Gervais Street
Columbia, SC 29201

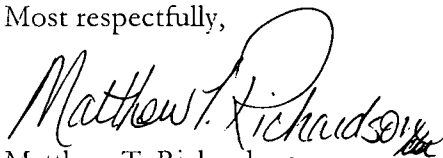
RE: Abbeville County School District, et al. v. Glenn F. McConnell, et al.
Appeal from Lee County
Civil Action No: 93-CP-31-0169

Dear Mr. Shearouse:

Enclosed please find the original and nine copies of the Motion of The League of Women Voters of South Carolina and the South Carolina State Conference of the National Association for the Advancement of Colored People for Leave to File Brief as *Amici Curiae* in Support of the Appellants-Respondents. We are also enclosing the *Amici Curiae* Brief of The League of Women Voters of South Carolina and the South Carolina Conference of the National Association for the Advancement of Colored People in Support of the Appellants-Respondents. Please return the filed-stamped copies to us via our courier. Our firm's check in the amount of \$25.00 in payment of the filing fee is attached.

By copy of this letter, we are serving counsel of record with a copies of same.

Most respectfully,



Matthew T. Richardson
mrichardson@wyche.com

MTR/cbr

Enclosures

cc: Carl B. Epps, Esquire
Laura C. Hart, Esquire
Stephen O. Morrison, Esquire
Shelby K. Leonardi, Esquire
Robert E. Stepp, Esquire
Elizabeth Van Doren Gray, Esquire

The Honorable Daniel E. Shearouse

May 30, 2008

Page Two

cc: A. Jackson Barnes, Esquire
 Roland M. Franklin, Jr., Esquire
 Henry D. McMaster, Esquire
 J. Emory Smith, Jr., Esquire
 Swati S. Patel, Esquire
 Ellen M. Boylan, Esquire

THE STATE OF SOUTH CAROLINA
In The Supreme Court

APPEAL FROM LEE COUNTY
Court of Common Pleas

Thomas W. Cooper, Jr., Circuit Court Judge

Case No. 93-CP-31-0169

RECEIVED

MAY 30 2008

S.C. SUPREME COURT

Abbeville County School District, Allendale County School District, Bamberg County School District 1, Bamberg County School District 2, Barnwell County School District 19, Barnwell County School District 29, Barnwell County School District 45, Berkeley County School District, Chesterfield County School District, Clarendon County School District 1, Clarendon County School District 2, Clarendon County School District 3, Dillon County School District 1, Dillon County School District 2, Dillon County School District 3, Florence County School District 1, Florence County School District 2, Florence County School District 3, Florence County School District 4, Florence County School District 5, Hampton County School District 1, Hampton County School District 2, Jasper County School District, Laurens County School District 55, Laurens County School District 56, Lee County School District, Lexington County School District 4, Marion County School District 1, Marion County School District 2, Marion County School District 7, Marlboro County School District, McCormick County School District, Orangeburg Consolidated School District 3, Orangeburg Consolidated School District 5, Saluda County School District and Williamsburg County School District; Lena Manning, individually, and as a taxpayer residing in Allendale County and as Guardian ad Litem of Courtney V.; Courtney V., a minor, by and through Lena Manning, as Guardian ad Litem; William L. Mills, individually, and as a Taxpayer residing in Allendale County and as Guardian ad Litem of Waylon P.; Waylon P., a minor, by and through William Mills, as Guardian ad Litem; Betty Bagley, individually, and as a taxpayer residing in Bamberg County and as a parent and Guardian ad Litem of Tyler B.; Tyler B., a minor, by

and through Betty Bagley, as Guardian ad Litem, Evert Comer, Jr., individually, and as a taxpayer residing in Bamberg County and as parent and Guardian ad Litem of Kimberly C.; Kimberly C., a minor, by and through Evert Comer, Jr., as Guardian ad Litem; Marla Q. Jameson, individually, and as a taxpayer residing in Barnwell County, and as a parent and Guardian ad Litem of Eleanor J.; Eleanor J., a minor, by and through Marla Q. Jameson, as Guardian ad Litem; Victor M. Lancaster, Sr., individually, and as a taxpayer residing in Barnwell County, and as parent and Guardian ad Litem of Christie L.; Christie L., a minor, by and through Victor M. Lancaster, Sr., as Guardian ad Litem; Dr. Charles Clark, individually, and as a taxpayer residing in Chesterfield County, and as parent and Guardian ad Litem of Candace C., a minor, by and through Dr. Charles Clark, as Guardian ad Litem; Colonel Larry Coker, individually, and as a taxpayer residing in Clarendon County, and as a parent and Guardian ad Litem of Corrie C.; Corrie C., a minor, by and through Colonel Larry Coker, as Guardian ad Litem; Pamela Williams, individually, and as a taxpayer residing in Dillon County, and as parent and Guardian ad Litem of Katisha W.; Katisha W., a minor, by and through Pamela Williams as Guardian ad Litem; Eddie Wright, individually, and as a taxpayer residing in Florence County, and as parent and Guardian ad Litem of Brandon F.; Brandon F., a minor, by and through Eddie Wright as Guardian ad Litem; John Whiteside, individually, and as a taxpayer residing in Florence County and as Parent and Guardian ad Litem of Joel W.; Joel W., a minor, by and through John Whiteside as Guardian ad Litem; Dr. Francis Mills, individually, and as a taxpayer residing in Hampton County and as a parent and Guardian ad Litem of Amy M.; Amy M., a minor, by and through Dr. Francis Mills, as Guardian ad Litem; Brenda Brooks, individually, and as a taxpayer residing in Hampton County, and as parent and Guardian ad Litem of Tyrin B.; Tyrin B., a minor, by and through Brenda Brooks as Guardian ad Litem; Marva Tigner, individually, and as a taxpayer residing in Jasper County, and as parent and Guardian ad Litem of Bryan T. and Bradley T.; Bryan T., a minor, by and through Marva Tigner as Guardian ad Litem; Bradley T., a minor, by and through Marva Tigner as Guardian ad Litem; Robert Elisha Short, individually, and as a taxpayer residing in Laurens County and as parent and Guardian

ad Litem of Robert B. S.; Robert B. S., a minor, by and through Robert Elisha Short, as Guardian ad Litem; Dr. Keith A. Bridges, individually, and as a taxpayer residing in Laurens County and as parent and Guardian ad Litem of Jorgana Ranson B.; Jorgana Ranson B., a minor, by and through Dr. Keith A. Bridges, as Guardian ad Litem; Gail Y. Harriott, individually, and as a taxpayer residing in Lee County and as parent and Guardian ad Litem of Rashade H.; Rashade H., a minor, by and through Gail Y. Harriott, as Guardian ad Litem; Linda Carraway, individually, and as a taxpayer residing in Marion County, and as parent and Guardian ad Litem of Kimberly W.; Kimberly W., a minor, by and through Linda Carraway as Guardian ad Litem; Dr. John Nobles, individually, and as a taxpayer residing in Marlboro County and as parent and Guardian ad Litem of Erin N.; Erin N., a minor, by and through Dr. John Nobles, as Guardian ad Litem; Patricia Hampton, individually, and as a taxpayer residing in McCormick County and as parent and Guardian ad Litem of Krystle H.; Krystle H., a minor, by and through Patricia Hampton, as Guardian ad Litem; Bernice Profit, individually, as a taxpayer residing in Orangeburg County and as parent and Guardian ad Litem of Russell H.; Russell H., a minor, by and through Bernice Profit, as Guardian ad Litem; Matlin P. Brown, individually, and as a taxpayer residing in Orangeburg County and as parent and Guardian ad Litem of Tanisha P. B.; Tanisha P. B., a minor, by and through Matlin P. Brown, as Guardian ad Litem; James Berry, individually, and as a taxpayer residing in Orangeburg County and as parent and Guardian ad Litem of Dondrea B.; Dondrea B., a minor, by and through James Berry, as Guardian ad Litem; Gerald Smith, individually, and as a taxpayer residing in Orangeburg County and as parent and Guardian ad Litem of Brenda S.; Brenda S., a minor, by and through Gerald Smith, as Guardian ad Litem; Thomas Shealy, individually, and as a taxpayer residing in Saluda County and as parent and Guardian ad Litem of Thomas S., Jr.; Thomas S., Jr., a minor, by and through Thomas Shealy, as Guardian ad Litem,

Plaintiffs,

Of whom:

Allendale County School District,
Dillon County School District 2,
Florence County School District 4,
Hampton County School District 2,
Jasper County School District,
Lee County School District,
Marion County School District 7,
Orangeburg School District 3,
Lena Manning, individually, and as a taxpayer residing
in Allendale County and as Guardian ad Litem of
Courtney V.; Courtney V., a minor, by and through Lena
Manning, as Guardian ad Litem; Pamela Williams,
individually, and as a taxpayer residing in Dillon County,
and as parent and Guardian ad Litem of Katisha W.;
Katisha W., a minor, by and through Pamela Williams as
Guardian ad Litem; Eddie Wright, individually, and as a
taxpayer residing in Florence County, and as parent and
Guardian ad Litem of Brandon F.; Brandon F., a minor,
by and through Eddie Wright as Guardian ad Litem;
Brenda Brooks, individually, and as a taxpayer residing
in Hampton County, and as parent and Guardian ad
Litem of Tyrin B.; Tyrin B., a minor, by and through
Brenda Brooks as Guardian ad Litem; Marva Tigner,
individually, and as a taxpayer residing in Jasper County,
and as parent and Guardian ad Litem of Bryan T. and
Bradley T.; Bryan T., a minor, by and through Marva
Tigner as Guardian ad Litem; Bradley T., a minor, by
and through Marva Tigner as Guardian ad Litem; Gail Y.
Harriott, individually, and as a taxpayer residing in Lee
County and as parent and Guardian ad Litem of Rashade
H.; Rashade H., a minor, by and through Gail Y.
Harriott, as Guardian ad Litem; Linda Carraway,
individually, and as a taxpayer residing in Marion
County, and as parent and Guardian ad Litem of
Kimberly W.; Kimberly W., a minor, by and through
Linda Carraway as Guardian ad Litem; Bernice Profit,
individually, and as a taxpayer residing in Orangeburg
County and as parent and Guardian ad Litem of Russell
H.; Russell H., a minor, by and through Bernice Profit, as
Guardian ad Litem, are

Appellants-
Respondents,

v.

Glenn F. McConnell, as President *Pro Tempore*
of the Senate and as a representative of the South
Carolina Senate; Robert W. Harrell, Jr., as
Speaker of the House of Representatives
and as a representative of the South Carolina
House of Representatives,

Respondents-
Appellants,

And

The State of South Carolina; Mark C. Sanford, as
Governor of the State of
South Carolina,

Respondent.

**MOTION OF THE LEAGUE OF WOMEN VOTERS OF SOUTH CAROLINA
AND THE SOUTH CAROLINA STATE CONFERENCE OF THE NATIONAL
ASSOCIATION FOR THE ADVANCEMENT OF COLORED PEOPLE
FOR LEAVE TO FILE BRIEF AS *AMICI CURIAE*
IN SUPPORT OF THE APPELLANTS-RESPONDENTS**

Pursuant to Rule 213 of the South Carolina Appellate Court Rules, the League of Women Voters ("League") of South Carolina and the South Carolina State Conference of the National Association for the Advancement of Colored People ("NAACP") hereby move for leave to file the attached brief as *amici curiae* in support of Appellants-Respondents.

The League is a nonpartisan political organization that has fought since 1920 to improve our government and impact public policies through education and advocacy. The League's enduring vitality and resonance comes from its unique decentralized structure as one of the original grassroots organizations, and the League does not support or oppose candidates for office at any level.

The NAACP is likewise a grassroots organization that was born out of necessity and is the oldest civil rights organization in America. For almost 100 years, the NAACP

has worked to ensure educational equality of all people and to eliminate racial discrimination. The South Carolina Conference was chartered in 1939 and operates through a network of branches, youth councils, and college chapters across the state.

In contrast to the focused legal analysis contained in the Appellants-Respondents' brief, the League and NAACP seek to point out the broader policy interests of affirming the Trial Court's judgment that high-quality, early childhood education programs are necessary for an adequate public education system. For this reason, the League and NAACP respectfully submit that the attached brief may be helpful to the Court in resolving this case.

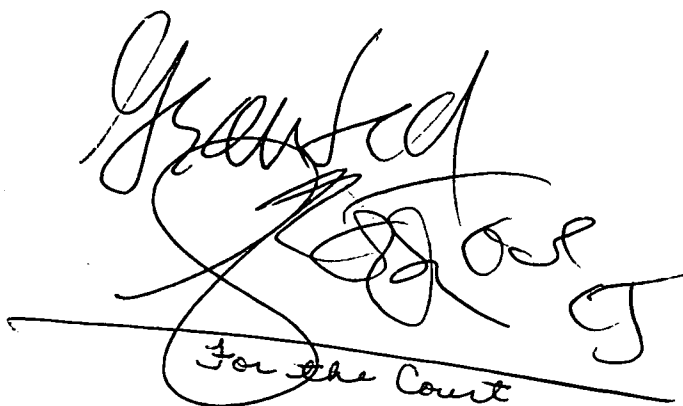
Respectfully submitted,



Matthew T. Richardson (S.C. Bar No. 15647)
Wyche, Burgess, Freeman & Parham, P.A.
Post Office Box 12247
Columbia, SC 29211
(803) 254-6542

Ellen M. Boylan, Esquire
Education law Center
60 Park Place, Suite 300
Newark, NJ 07102
Admitted pro hac vice

**Attorneys for *Amici Curiae* League of Women
Voters of South Carolina and South Carolina
Conference of the National Association for the
Advancement of Colored People**



For the Court

June 4, 2008.

May 29, 2008

PROOF OF SERVICE

The undersigned counsel hereby certifies that on May 30, 2008, he served a copy of the foregoing Motion of the League of Women Voters of South Carolina and the South Carolina State Conference of the National Association for the Advancement of Colored People for Leave to File Brief as Amici Curiae in Support of the Appellants-Respondents and the Amici Curiae Brief of the League of Women Voters of South Carolina and the South Carolina State Conference of the National Association for the Advancement of Colored People in Support of Appellants-Respondents, on all counsel of record by depositing copies of the same in the United States mail, first-class postage prepaid, and addressed as follows:

Carl B. Epps, Esquire
Laura C. Hart, Esquire
Stephen O. Morrison, Esquire
Shelby K. Leonardi, Esquire
NELSON MULLINS RILEY & SCARBOROUGH
LLP
Post Office Box 11070
Columbia, SC 29211

Attorneys for Appellants-Respondents

Henry D. McMaster, Esquire
J. Emory Smith, Jr., Esquire
OFFICE OF THE ATTORNEY GENERAL OF THE
STATE OF SOUTH CAROLINA
Post Office Box 11549
Columbia, SC 29211

Attorneys for Respondent State of South
Carolina

Robert E. Stepp, Esquire
Elizabeth Van Doren Gray, Esquire
A. Jackson Barnes, Esquire
Roland M. Franklin, Jr., Esquire
SOWELL GRAY STEPP & LAFITTE, L.L.C.
Post Office Box 11449
Columbia, SC 29211

Attorneys for Respondents-Appellants
Senate and House of Representatives of the
State of South Carolina

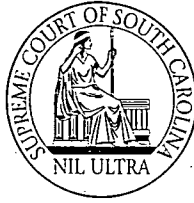
Swati S. Patel, Esquire
Office of the Governor
South Carolina State House
P.O. Box 12267
Columbia, SC 29211

Attorney for Respondent Governor of South
Carolina



Matthew T. Richardson

May 30, 2008



The Supreme Court of South Carolina

DANIEL E. SHEAROUSE
CLERK OF COURT

BRENDA F. SHEALY
CHIEF DEPUTY CLERK

POST OFFICE BOX 11330
COLUMBIA, SOUTH CAROLINA 29211

(803) 734-1080

FAX (803) 734-1499

May 28, 2008

Matthew Terry Richardson, Esquire
Wyche Burgess Freeman & Parham, PA
P.O. Box 12247
Columbia, SC 29211-2247

Re: Abbeville Cty Sch Dist v. State of SC

Dear Mr. Richardson:

The following Order has been endorsed on your Motion for Admission of Ellen M. Boylan Pro Hac Vice in the above entitled case on appeal.

“Granted.

Jean H. Toal C.J.
For the Court

By s/ Daniel E. Shearouse
Clerk

May 28, 2008.”

Very truly yours,


CLERK

DES/jjp

cc: Carl B. Epps, III, Esquire
Stephen G. Morrison, Esquire
Laura Callaway Hart, Esquire
Shelby K. Leonardi, Esquire
Elizabeth Scott Moise, Esquire
Rachel Atkin Hedley, Esquire
D. Kay Tennyson, Esquire
Robert E. Stepp, Esquire
Elizabeth Van Doren Gray, Esquire
A. Jackson Barnes, Esquire
Roland M. Franklin, Jr., Esquire
Attorney General Henry D. McMaster
Assistant Deputy Attorney General J. Emory Smith, Jr.
Swati Shah Patel, Esquire
Edward W. Laney, IV, Esquire
R. Hawthorne Barrett, Esquire
Susan J. Rose, Esquire
Susan B. Berkowitz, Esquire
Ellen M. Boylan, Esquire

W Y C H E

WYCHE BURGESS FREEMAN & PARHAM, P.A.

Attorneys at Law

May 23, 2008

RECEIVED

MAY 23 2008

The Honorable Daniel E. Shearouse
Clerk of the South Carolina Supreme Court
1231 Gervais Street
Columbia, SC 29201

S.C. SUPREME COURT

RE: Abbeville County School District, et al. v. Glenn F. McConnell, et al.
Appeal from Lee County
Civil Action No: 93-CP-31-0169

Dear Mr. Shearouse:

Enclosed please find the original and eight copies of the Motion for Admission Pro Hac Vice in the above matter. Attached to the Motion are our Proof of Service and Verified Application for Admission *Pro Hac Vice* in the State of South Carolina. Please return the clocked copies to us via our courier. We are enclosing checks in the amount of \$25.00 for the filing fee and \$250.00 for the Application fee.

If you should have any questions, please let me know.

Most respectfully,



Matthew T. Richardson
mrichardson@wyche.com

MTR/cbr
Enclosures

cc: Ellen M. Boylan, Esquire

THE STATE OF SOUTH CAROLINA
In The Supreme Court

APPEAL FROM LEE COUNTY
Court of Common Pleas

Thomas W. Cooper, Jr., Circuit Court Judge

Case No. 93-CP-31-0169

RECEIVED

MAY 23 2003

S.C. SUPREME COURT

Abbeville County School District, Allendale County School District, Bamberg County School District 1, Bamberg County School District 2, Barnwell County School District 19, Barnwell County School District 29, Barnwell County School District 45, Berkeley County School District, Chesterfield County School District, Clarendon County School District 1, Clarendon County School District 2, Clarendon County School District 3, Dillon County School District 1, Dillon County School District 2, Dillon County School District 3, Florence County School District 1, Florence County School District 2, Florence County School District 3, Florence County School District 4, Florence County School District 5, Hampton County School District 1, Hampton County School District 2, Jasper County School District, Laurens County School District 55, Laurens County School District 56, Lee County School District, Lexington County School District 4, Marion County School District 1, Marion County School District 2, Marion County School District 7, Marlboro County School District, McCormick County School District, Orangeburg Consolidated School District 3, Orangeburg Consolidated School District 5, Saluda County School District and Williamsburg County School District; Lena Manning, individually, and as a taxpayer residing in Allendale County and as Guardian ad Litem of Courtney V.; Courtney V., a minor, by and through Lena Manning, as Guardian ad Litem; William L. Mills, individually, and as a Taxpayer residing in Allendale County and as Guardian ad Litem of Waylon P.; Waylon P., a minor, by and through William Mills, as Guardian ad Litem; Betty Bagley, individually, and as a taxpayer residing in Bamberg County and as a

parent and Guardian ad Litem of Tyler B.; Tyler B., a minor, by and through Betty Bagley, as Guardian ad Litem, Evert Comer, Jr., individually, and as a taxpayer residing in Bamberg County and as parent and Guardian ad Litem of Kimberly C.; Kimberly C., a minor, by and through Evert Comer, Jr., as Guardian ad Litem; Marla Q. Jameson, individually, and as a taxpayer residing in Barnwell County, and as a parent and Guardian ad Litem of Eleanor J.; Eleanor J., a minor, by and through Marla Q. Jameson, as Guardian ad Litem; Victor M. Lancaster, Sr., individually, and as a taxpayer residing in Barnwell County, and as parent and Guardian ad Litem of Christie L.; Christie L., a minor, by and through Victor M. Lancaster, Sr., as Guardian ad Litem; Dr. Charles Clark, individually, and as a taxpayer residing in Chesterfield County, and as parent and Guardian ad Litem of Candace C., a minor, by and through Dr. Charles Clark, as Guardian ad Litem; Colonel Larry Coker, individually, and as a taxpayer residing in Clarendon County, and as a parent and Guardian ad Litem of Corrie C.; Corrie C., a minor, by and through Colonel Larry Coker, as Guardian ad Litem; Pamela Williams, individually, and as a taxpayer residing in Dillon County, and as parent and Guardian ad Litem of Katisha W.; Kathisha W., a minor, by and through Pamela Williams as Guardian ad Litem; Eddie Wright, individually, and as a taxpayer residing in Florence County, and as parent and Guardian ad Litem of Brandon F.; Brandon F., a minor, by and through Eddie Wright as Guardian ad Litem; John Whiteside, individually, and as a taxpayer residing in Florence County and as Parent and Guardian ad Litem of Joel W.; Joel W., a minor, by and through John Whiteside as Guardian ad Litem; Dr. Francis Mills, individually, and as a taxpayer residing in Hampton County and as a parent and Guardian ad Litem of Amy M.; Amy M., a minor, by and through Dr. Francis Mills, as Guardian ad Litem; Brenda Brooks, individually, and as a taxpayer residing in Hampton County, and as parent and Guardian ad Litem of Tyrin B.; Tyrin B., a minor, by and through Brenda Brooks as Guardian ad Litem; Marva Tigner, individually, and as a taxpayer residing in Jasper County, and as parent and Guardian ad Litem of Bryan T. and Bradley T.; Bryan T., a minor, by and through

Marva Tigner as Guardian ad Litem; Bradley T., a minor, by and through Marva Tigner as Guardian ad Litem; Robert Elisha Short, individually, and as a taxpayer residing in Laurens County and as parent and Guardian ad Litem of Robert B. S.; Robert B. S., a minor, by and through Robert Elisha Short, as Guardian ad Litem; Dr. Keith A. Bridges, individually, and as a taxpayer residing in Laurens County and as parent and Guardian ad Litem of Jorgana Ranson B.; Jorgana Ranson B., a minor, by and through Dr. Keith A. Bridges, as Guardian ad Litem; Gail Y. Harriott, individually, and as a taxpayer residing in Lee County and as parent and Guardian ad Litem of Rashade H.; Rashade H., a minor, by and through Gail Y. Harriott, as Guardian ad Litem; Linda Carraway, individually, and as a taxpayer residing in Marion County, and as parent and Guardian ad Litem of Kimberly W.; Kimberly W., a minor, by and through Linda Carraway as Guardian ad Litem; Dr. John Nobles, individually, and as a taxpayer residing in Marlboro County and as parent and Guardian ad Litem of Erin N.; Erin N., a minor, by and through Dr. John Nobles, as Guardian ad Litem; Patricia Hampton, individually, and as a taxpayer residing in McCormick County and as parent and Guardian ad Litem of Krystle H.; Krystle H., a minor, by and through Patricia Hampton, as Guardian ad Litem; Bernice Profit, individually, as a taxpayer residing in Orangeburg County and as parent and Guardian ad Litem of Russell H.; Russell H., a minor, by and through Bernice Profit, as Guardian ad Litem; Matlin P. Brown, individually, and as a taxpayer residing in Orangeburg County and as parent and Guardian ad Litem of Tanisha P. B.; Tanisha P. B., a minor, by and through Matlin P. Brown, as Guardian ad Litem; James Berry, individually, and as a taxpayer residing in Orangeburg County and as parent and Guardian ad Litem of Dondrea B.; Dondrea B., a minor, by and through James Berry, as Guardian ad Litem; Gerald Smith, individually, and as a taxpayer residing in Orangeburg County and as parent and Guardian ad Litem of Brenda S.; Brenda S., a minor, by and through Gerald Smith, as Guardian ad Litem; Thomas Shealy, individually, and as a taxpayer residing in Saluda County and as parent and Guardian ad Litem of Thomas S., Jr.; Thomas S., Jr., a minor,

by and through Thomas Shealy, as Guardian ad Litem,

Plaintiffs,

Of whom:

Allendale County School District,
Dillon County School District 2,
Florence County School District 4,
Hampton County School District 2,
Jasper County School District,
Lee County School District,
Marion County School District 7,
Orangeburg School District 3,
Lena Manning, individually, and as a taxpayer residing
in Allendale County and as Guardian ad Litem of
Courtney V.; Courtney V., a minor, by and through
Lena Manning, as Guardian ad Litem; Pamela
Williams, individually, and as a taxpayer residing in
Dillon County, and as parent and Guardian ad Litem of
Katisha W.; Katisha W., a minor, by and through
Pamela Williams as Guardian ad Litem; Eddie Wright,
individually, and as a taxpayer residing in Florence
County, and as parent and Guardian ad Litem of
Brandon F.; Brandon F., a minor, by and through
Eddie Wright as Guardian ad Litem; Brenda Brooks,
individually, and as a taxpayer residing in Hampton
County, and as parent and Guardian ad Litem of Tyrin
B.; Tyrin B., a minor, by and through Brenda Brooks
as Guardian ad Litem; Marva Tigner, individually, and
as a taxpayer residing in Jasper County, and as parent
and Guardian ad Litem of Bryan T. and Bradley T.;
Bryan T., a minor, by and through Marva Tigner as
Guardian ad Litem; Bradley T., a minor, by and
through Marva Tigner as Guardian ad Litem; Gail Y.
Harriott, individually, and as a taxpayer residing in Lee
County and as parent and Guardian ad Litem of
Rashade H.; Rashade H., a minor, by and through Gail
Y. Harriott, as Guardian ad Litem; Linda Carraway,
individually, and as a taxpayer residing in Marion
County, and as parent and Guardian ad Litem of
Kimberly W.; Kimberly W., a minor, by and through
Linda Carraway as Guardian ad Litem; Bernice Profit,
individually, and as a taxpayer residing in Orangeburg
County and as parent and Guardian ad Litem of Russell
H.; Russell H., a minor, by and through Bernice Profit,

Appellants-
Respondents,

as Guardian ad Litem, are

v.

Glenn F. McConnell, as President *Pro Tempore*
of the Senate and as a representative of the South
Carolina Senate; Robert W. Harrell, Jr., as
Speaker of the House of Representatives
and as a representative of the South Carolina
House of Representatives, ... Respondents-
Appellants,
and

The State of South Carolina; Mark C. Sanford, as
Governor of the State of
South Carolina, ... Respondents.

MOTION FOR ADMISSION PRO HAC VICE

I, Matthew T. Richardson ("Movant"), hereby move this Court for an Order pursuant to Rule 404 of the South Carolina Appellate Court Rules, admitting Ellen M. Boylan to appear *pro hac vice* to practice before this Court for the sole purpose of appearing on behalf of the League of Women Voters of South Carolina and the South Carolina Chapter of the National Association for the Advancement of Colored People, and in association with undersigned counsel, having been retained as an attorney for the League of Women Voters of South Carolina and the South Carolina Chapter of the National Association for the Advancement of Colored People in the above-captioned action.

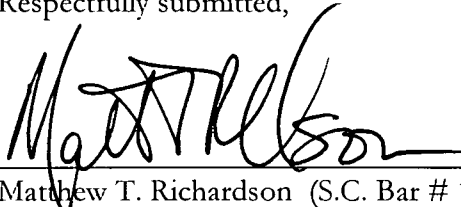
In support thereof, the Movant would show:

1. Ellen M. Boylan, Esquire is a member in good standing of the Bar of New Jersey and is an attorney with the Education Law Center with offices at 60 Park Place, Suite 300, Newark, New Jersey 07102.

2. Movant is a partner with the law firm of Wyche Burgess Freeman and Parham, P.A., 1122 Lady Street, Suite 810, Columbia, SC 29201, a member in good standing with the South Carolina Bar (S.C. Bar #15647), and a resident of South Carolina.
3. Movant has been associated and will be appearing with Ms. Boylan in this proceeding.
4. Ms. Boylan agrees to be subject to and abide by the ethical standards governing the practice of law before this Court, which are incorporated herein by reference.
5. A Verified Application for Admission *Pro Hac Vice* in the State of South Carolina for Ms. Boylan has been completed and a copy of same has been hand delivered to the South Carolina Supreme Court, Office of Bar Admissions together with the requisite filing fee of \$250.00 for the Application. The Verified Application for Admission is attached and incorporated into this motion.

WHEREFORE, Movant prays that Ms. Boylan be admitted to practice before this Court *pro hac vice* in this action.

Respectfully submitted,



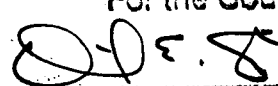
Matthew T. Richardson (S.C. Bar # 15647)
WYCHE, BURGESS, FREEMAN & PARHAM, P.A.
Post Office Box 12247
Columbia, SC 29211
Phone: 803-254-6542 – Fax: 803-254-6544
mrichardson@wyche.com

ATTORNEY FOR LEAGUE OF WOMEN VOTERS
OF SOUTH CAROLINA AND THE SOUTH
CAROLINA CHAPTER OF THE NATIONAL
ASSOCIATION OF THE ADVANCEMENT OF
COLORED PEOPLE.

May 23, 2008

GRANTED.

Jean H. Toal C.J.
For the Court

By  Clerk

May 28, 2008.

PROOF OF SERVICE

The undersigned counsel for the Appellants-Respondents hereby certifies that on May 23, 2008 he served a copy of the foregoing Motion for Admission Pro Hac Vice, on all counsel of record by depositing copies of the same in the United States mail, first-class postage prepaid, and addressed as follows:

Carl B. Epps, Esquire
Laura C. Hart, Esquire
Stephen O. Morrison, Esquire
Shelby K. Leonardi, Esquire
NELSON MULLINS RILEY & SCARBOROUGH
LLP
Post Office Box 11070
Columbia, SC 29211

Attorneys for Appellants-Respondents

Robert E. Stepp, Esquire
Elizabeth Van Doren Gray, Esquire
A. Jackson Barnes, Esquire
Roland M. Franklin, Jr., Esquire
SOWELL GRAY STEPP & LAFITTE, L.L.C.
Post Office Box 11449
Columbia, SC 29211

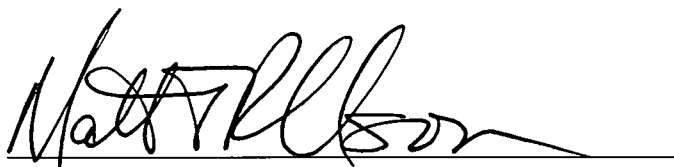
Attorneys for Respondents-Appellants
Senate and House of Representatives of the
State of South Carolina

Henry D. McMaster, Esquire
J. Emory Smith, Jr., Esquire
OFFICE OF THE ATTORNEY GENERAL OF THE
STATE OF SOUTH CAROLINA
Post Office Box 11549
Columbia, SC 29211

Attorneys for Respondent State of South
Carolina

Swati S. Patel, Esquire
Office of the Governor
South Carolina State House
P.O. Box 12267
Columbia, SC 29211

Attorney for Respondent Governor of South
Carolina


Matthew T. Richardson

May 23, 2008



The Supreme Court of South Carolina

DANIEL E. SHEAROUSE
CLERK OF COURT

BRENDA F. SHEALY
CHIEF DEPUTY CLERK

POST OFFICE BOX 11330
COLUMBIA, SOUTH CAROLINA 29211
TELEPHONE: (803) 734-1080
FAX: (803) 734-0384

May 23, 2008

The Honorable Daniel E. Shearouse
Clerk of Court
South Carolina Supreme Court
Post Office Box 11330
Columbia, S.C. 29211

RE: Abbeville County School District v. McConnell, et al.
Case Number: 93-CP-31-169
Supreme Court No.:

Dear Mr. Shearouse:

I certify that the Office of Bar Admissions has received a verified application requesting Ellen Boylan be admitted *pro hac vice* in the above matter. The \$250 filing fee for the applicant has been paid.

Yours truly,

Gayle B. Watts /sp
Deputy Clerk for Bar Admissions

GBW/sp

VERIFIED APPLICATION FOR ADMISSION *PRO HAC VICE*
IN THE STATE OF SOUTH CAROLINA

Abbeville County School District

Plaintiff

93-CP-31-169

Case No.

Supreme Court

Court

vs.

McConnel, et al.

Defendant

Mailing Address of Court: Supreme Court Building
1231 Gervais Street
Columbia, South Carolina 29201

RECEIVED

MAY 23 2008

Comes now Ellen Boylan, applicant herein, and respectfully represents the following:

S.C. SUPREME COURT

1. Applicant resides at:

137 Tulip St.

Street Address

Summit

Union

NJ

07901

City

County

State

Zip Code

(908) 598-1764

Telephone

2. Applicant is an attorney and a member of the law firm of (or practices law under the name of) Education

Law Center, with offices at, at

60 Park Place, Suite 300

Street Address

Newark

Essex

NJ

07102

City

County

State

Zip Code

(973) 624-1815, x 18

Telephone

(973) 624-7339

Fax Number

3. Applicant has been retained personally or as a member of the above named law firm by League of Women Voters of South Carolina and the South Carolina Chapter of the National Association for the Advancement of Color People to provide legal representation in connection with the above case now pending before the above named court of the State of South Carolina.

4. Since December of 1984, applicant has been, and presently is, a member in good standing of the bar of the highest court of the District of Columbia or the State of New Jersey where applicant regularly practices law. Attached is a certificate of good standing.

5. Applicant has been admitted to practice before the following courts: (List all of the following courts applicant has been admitted to practice before: United States District Courts; United States Circuit Courts of Appeals; the Supreme Court of the United States; and courts of other states or the District of Columbia.)

Court:

Date Admitted:

New Jersey	December 1984
Pennsylvania	December 1984
United States Districts Court, New Jersey	December 1984
United States Court of Appeals, Third Circuit	April 1997

Applicant is presently a member in good standing of the bars of those courts listed above, except as listed below:
(List any court named in the preceding paragraph that applicant is no longer admitted to practice before.)

N/A

6. Applicant presently is not subject to any suspension or disbarment proceedings, and has not been formally notified of any complaints pending before a disciplinary agency, except as provided below (give particulars, e.g., jurisdiction, court, date):

N/A

7. Applicant never has had any application for admission *pro hac vice* in this or any other jurisdiction denied or any *pro hac vice* admission revoked, except as provided below (give particulars, e.g., date, court, docket number, judge, circumstances; attach a copy of any order of denial or revocation):

N/A

8. Applicant never has had any certificate or privilege to appear and practice before any administrative body suspended or revoked, except as provided below (give particulars, e.g., date, administrative body, date of suspension and reinstatement):

N/A

9. Local counsel of record associated with applicant in this case is Matthew T. Richardson, of the Wyche, Burgess, Freeman & Parham, P.A., law firm, which has offices at:

1122 Lady St., Suite 810

Street Address

Richland

County

(803) 254-6542

Telephone

Columbia

City

South Carolina

State

29201

Zip Code

If applicable list all other firms/attorneys you are associated with in this matter

N/A

10. Applicant has previously filed an application to appear *pro hac vice* in the following South Carolina cases (give case name and status of litigation, date of application, local counsel of record in each case, and state whether application is pending or was granted).

N/A

11. Applicant agrees to comply with the applicable statutes, laws and rules of the State of South Carolina and will familiarize him/herself with and comply with the South Carolina Rules of Professional Conduct. Applicant consents to the jurisdiction of the South Carolina courts and Commission on Lawyer Conduct.

12. Applicant respectfully requests to be admitted to practice in the above named court for this case only.

DATED this 16th day of May, 2008.

Ellen Boylan
APPLICANT

VERIFICATION

STATE OF New Jersey)

COUNTY OF Essex)

I, Ellen Boylan, do hereby swear or affirm under penalty of perjury that I am the applicant in the above styled matter; that I have read the foregoing application and know the contents thereof; and that the contents are true of my own knowledge, except as to those matters stated on information and belief, and that as to those matters I believe them to be true.

Ellen Boylan
APPLICANT/AFFIANT

Subscribed and sworn to before me this 16th day of May, 2008.

Elizabeth Athos

Notary Public for the State of _____

Elizabeth Athos
Attorney at Law
State of New Jersey

My Commission Expires: _____

See attached
NJ Statute
for authority to
sign as notary.
not

LOCAL COUNSEL CONSENT

I hereby consent, as local counsel of record, to the association of applicant in this cause pursuant to Rules Governing Admission *Pro Hac Vice* to the South Carolina Bar.

DATED this 23rd day of May, 2008.

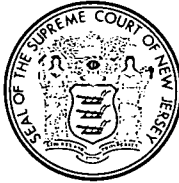
Walter Ellison
LOCAL COUNSEL OF RECORD

CERTIFICATE OF SERVICE

I hereby certify that I have served a copy of this application upon the South Carolina Supreme Court by mail addressed to: South Carolina Supreme Court Office of Bar Admissions, PO Box 11330, Columbia, SC 29211, accompanied by payment of the \$250 filing fee payable to the South Carolina Supreme Court on this 23rd day of May, 2008.

Walter Ellison
APPLICANT/AFFIANT

Supreme Court of New Jersey



Certificate of Good Standing

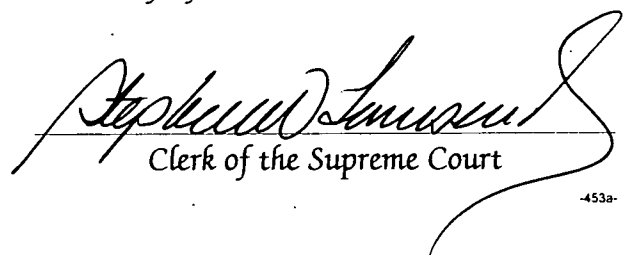
This is to certify that **ELLEN M BOYLAN**
(No. **028811984**) was constituted and appointed an Attorney at Law of New
Jersey on **December 20, 1984** and, as such,
has been admitted to practice before the Supreme Court and all other courts of this State
as an Attorney at Law, according to its laws, rules, and customs.

I further certify that as of this date, the above-named is an Attorney at Law in
Good Standing. For the purpose of this Certificate, an attorney is in "Good Standing"
if the Court's records reflect that the attorney: 1) is current with all assessments
imposed as a part of the filing of the annual Attorney Registration Statement, including,
but not limited to, all obligations to the New Jersey Lawyers' Fund for Client
Protection; 2) is not suspended or disbarred from the practice of law; 3) has not
resigned from the Bar of this State; and 4) has not been transferred to Disability
Inactive status pursuant to Rule 1:20-12.

*Please note that this Certificate does not constitute confirmation of an attorney's
satisfaction of the administrative requirements of Rule 1:21-1(a) for eligibility to
practice law in this State.*



In testimony whereof, I have
hereunto set my hand and
affixed the Seal of the
Supreme Court, at Trenton, this
21ST day of May , 20 08


Clerk of the Supreme Court

New Jersey Permanent Statutes Database

(UPDATED THROUGH P.L. 2008, ch. 18 and J.R.:1)

TITLE 41 OATHS AND AFFIDAVITS

41:1-6. Affirmations and declarations; when authorized; forms; legal effect

41:2-1 Officials authorized to take oaths.

41:2-1. All oaths, affirmations and affidavits required to be made or taken by law of this State, or necessary or proper to be made, taken or used in any court of this State, or for any lawful purpose whatever, may be made and taken before any one of the following officers:

The Chief Justice of the Supreme Court or any of the justices or judges of courts of record of this State;

Masters of the Superior Court;

Municipal judges;

Mayors or aldermen of cities, towns or boroughs or commissioners of commission governed municipalities;

Surrogates, registers of deeds and mortgages, county clerks and their deputies;

Municipal clerks and clerks of boards of chosen freeholders;

Sheriffs of any county;

Members of boards of chosen freeholders;

Clerks of all courts;

Notaries public;

Commissioners of deeds;

Members of the State Legislature;

Attorneys-at-law and counsellors-at-law of this State;

Certified court reporters, as defined in section 10 of P.L.1940, c.175 (C.45:15B-10).

This section shall not apply to official oaths required to be made or taken by any of the officers of this State, nor to oaths or affidavits required to be made and taken in open court.

Amended 1951, c.302, s.1; 1953, c.39, s.1; 1953, c.428, s.3; 1964, c.165, s.1; 1968, c.169; 1970, c.182; 1983, c.495; 1986, c.124; 2007, c.73.



SOWELL GRAY STEPP & LAFFITTE, LLC
ATTORNEYS AND COUNSELORS AT LAW

May 20, 2008

VIA HAND DELIVERY

The Honorable Daniel E. Shearouse
South Carolina Supreme Court Clerk of Court
1231 Gervais Street
Columbia, South Carolina 29201

Re: Abbeville School District, *et al.* vs. The State of South Carolina, *et al.*
Case No.: 2007-65159
Civil Action Number: 93-CP-31-169
SGS&L File Number: 2014/1500

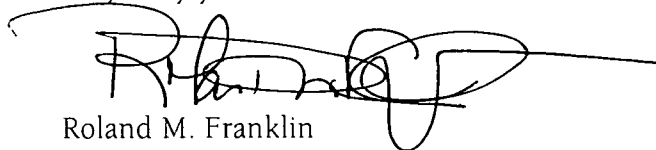
Dear Mr. Shearouse:

Enclosed for filing are the original and twenty-four (24) copies of Respondent/Appellants Glenn F. McConnell and Robert William Harrell, Jr.'s Return to Brief of *Amicus Curiae* and Proof of Service. Please return nine clocked-in copies of the Return as well as the Proof of Service to my office via our courier.

By copy of this letter to all counsel of record, I am serving them with a copy of the same.

Thank you for your assistance and please do not hesitate to contact my office with any questions.

Very truly yours,



Roland M. Franklin

RMF:mdl
Enclosures

cc: J. Emory Smith, Esquire
Carl B. Epps, III, Esquire
Laura C. Hart, Esquire
Stephen G. Morrison, Esquire
Shelby K. Leonardi, Esquire
Susan J. Rose, Esquire
Susan B. Berkowitz, Esquire
Edward W. Laney, IV, Esquire
R. Hawthorne Barrett, Esquire

RECEIVED

MAY 20 2008

S.C. SUPREME COURT

Roland M. Franklin
rfranklin@sowell.com
DD 803.231.7826

1310 Gadsden Street
Post Office Box 11449
Columbia, SC 29211

PHONE 803.929.1400
FACSIMILE 803.929.0300
WEBSITE www.sowell.com



SOWELL GRAY STEPP & LAFFITTE, LLC
ATTORNEYS AND COUNSELORS AT LAW

May 14, 2008

RECEIVED

MAY 14 2008

VIA HAND DELIVERY

ATTN: Jean Peebles
The Honorable Daniel E. Shearouse
Clerk of Court
South Carolina Supreme Court
1231 Gervais Street
Columbia, SC 29201

S.C. SUPREME COURT

Re: Abbeville School District, et al. v. The State of South Carolina, et al.
Case No.: 2007-65159
Civil Action Number 93-CP-31-169
SGS&L File Number 2014/1500

Dear Jean:

Please find enclosed the original videotapes (Defendants Exhibit 2831 and Defendants Exhibit 2852), as referenced in Respondents/Appellants final brief and received directly from the Clerk of Court in Lee County.

Please do not hesitate to contact me if you have any questions.

With kind regards, I am

Melissa L. Turner
Litigation Paralegal

Enclosures

Cc: (via email only)
Laura Hart, Esquire
J. Emory Smith, Esquire

Melissa L. Turner
mtturner@sowell.com
DD 803.231.7820

1310 Gadsden Street
Post Office Box 11449
Columbia, SC 29211

PHONE 803.929.1400
FACSIMILE 803.929.0300
WEBSITE www.sowell.com

May 7, 2008

VIA HAND DELIVERY

The Honorable Daniel E. Shearouse
South Carolina Supreme Court Clerk of Court
1231 Gervais Street
Columbia, South Carolina 29201

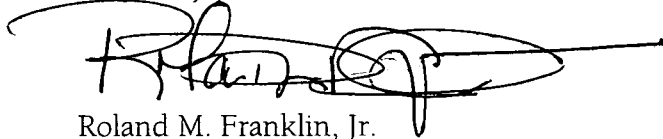
Re: **Abbeville School District, et al. vs. The State of South Carolina, et al.**
Case No.: **2007-65159**
Civil Action Number: **93-CP-31-169**
SGS&L File Number: **2014/1500**

Dear Mr. Shearouse:

Enclosed for filing are ten compact disks containing the hyperlinked versions of the Brief of Respondents/Appellants, the Cross-Appeal Brief of Respondents/Appellants, and the Reply Brief of Respondents/Appellants. By copy of this letter to opposing counsel, I am serving them with a copy of the same.

Thank you for your assistance and please do not hesitate to contact my office if you have any questions.

Very truly yours,



Roland M. Franklin, Jr.

RMF, jr:
Enclosures

cc: (hand delivery)
J. Emory Smith, Esquire
Michael Hitchcock, Esquire
Bradley S. Wright, Esquire
Carl B. Epps, III, Esquire
Laura C. Hart, Esquire
Stephen G. Morrison, Esquire
Shelby K. Leonardi, Esquire

Roland M. Franklin
rfranklin@sowell.com
DD 803.231.7826

1310 Gadsden Street
Post Office Box 11449
Columbia, SC 29211

PHONE 803.929.1400
FACSIMILE 803.929.0300
WEBSITE www.sowell.com

THE STATE OF SOUTH CAROLINA
In The Supreme Court

APPEAL FROM LEE COUNTY
Court of Common Pleas

Thomas W. Cooper, Jr., Circuit Court Judge

Case No. 93-CP-31-0169

Abbeville County School District, Allendale County School District, Bamberg County School District 1, Bamberg County School District 2, Barnwell County School District 19, Barnwell County School District 29, Barnwell County School District 45, Berkeley County School District, Chesterfield County School District, Clarendon County School District 1, Clarendon County School District 2, Clarendon County School District 3, Dillon County School District 1, Dillon County School District 2, Dillon County School District 3, Florence County School District 1, Florence County School District 2, Florence County School District 3, Florence County School District 4, Florence County School District 5, Hampton County School District 1, Hampton County School District 2, Jasper County School District, Laurens County School District 55, Laurens County School District 56, Lee County School District, Lexington County School District 4, Marion County School District 1, Marion County School District 2, Marion County School District 7, Marlboro County School District, McCormick County School District, Orangeburg Consolidated School District 3, Orangeburg Consolidated School District 5, Saluda County School District and Williamsburg County School District; Lena Manning, individually, and as a taxpayer residing in Allendale County and as Guardian ad Litem of Courtney V.; Courtney V., a minor, by and through Lena Manning, as Guardian ad Litem; William L. Mills, individually, and as a Taxpayer residing in Allendale County and as Guardian ad Litem of Waylon P.; Waylon P., a minor, by and through William Mills, as Guardian ad Litem; Betty Bagley, individually, and as a taxpayer residing in Bamberg County and as a parent and Guardian ad Litem of Tyler B.; Tyler B., a

minor, by and through Betty Bagley, as Guardian ad Litem, Evert Comer, Jr., individually, and as a taxpayer residing in Bamberg County and as parent and Guardian ad Litem of Kimberly C.; Kimberly C., a minor, by and through Evert Comer, Jr., as Guardian ad Litem; Marla Q. Jameson, individually, and as a taxpayer residing in Barnwell County, and as a parent and Guardian ad Litem of Eleanor J.; Eleanor J., a minor, by and through Marla Q. Jameson, as Guardian ad Litem; Victor M. Lancaster, Sr., individually, and as a taxpayer residing in Barnwell County, and as parent and Guardian ad Litem of Christie L.; Christie L., a minor, by and through Victor M. Lancaster, Sr., as Guardian ad Litem; Dr. Charles Clark, individually, and as a taxpayer residing in Chesterfield County, and as parent and Guardian ad Litem of Candace C., a minor, by and through Dr. Charles Clark, as Guardian ad Litem; Colonel Larry Coker, individually, and as a taxpayer residing in Clarendon County, and as a parent and Guardian ad Litem of Corrie C.; Corrie C., a minor, by and through Colonel Larry Coker, as Guardian ad Litem; Pamela Williams, individually, and as a taxpayer residing in Dillon County, and as parent and Guardian ad Litem of Katisha W.; Kathisha W., a minor, by and through Pamela Williams as Guardian ad Litem; Eddie Wright, individually, and as a taxpayer residing in Florence County, and as parent and Guardian ad Litem of Brandon F.; Brandon F., a minor, by and through Eddie Wright as Guardian ad Litem; John Whiteside, individually, and as a taxpayer residing in Florence County and as Parent and Guardian ad Litem of Joel W.; Joel W., a minor, by and through John Whiteside as Guardian ad Litem; Dr. Francis Mills, individually, and as a taxpayer residing in Hampton County and as a parent and Guardian ad Litem of Amy M.; Amy M., a minor, by and through Dr. Francis Mills, as Guardian ad Litem; Brenda Brooks, individually, and as a taxpayer residing in Hampton County, and as parent and Guardian ad Litem of Tyrin B.; Tyrin B., a minor, by and through Brenda Brooks as Guardian ad Litem; Marva Tigner, individually, and as a taxpayer residing in Jasper County, and as parent and Guardian ad Litem of Bryan T. and Bradley T.; Bryan T., a minor, by and through Marva Tigner as Guardian ad Litem; Bradley T., a minor, by and through Marva Tigner as Guardian ad

Litem; Robert Elisha Short, individually, and as a taxpayer residing in Laurens County and as parent and Guardian ad Litem of Robert B. S.; Robert B. S., a minor, by and through Robert Elisha Short, as Guardian ad Litem; Dr. Keith A. Bridges, individually, and as a taxpayer residing in Laurens County and as parent and Guardian ad Litem of Jorgana Ranson B.; Jorgana Ranson B., a minor, by and through Dr. Keith A. Bridges, as Guardian ad Litem; Gail Y. Harriott, individually, and as a taxpayer residing in Lee County and as parent and Guardian ad Litem of Rashade H.; Rashade H., a minor, by and through Gail Y. Harriott, as Guardian ad Litem; Linda Carraway, individually, and as a taxpayer residing in Marion County, and as parent and Guardian ad Litem of Kimberly W.; Kimberly W., a minor, by and through Linda Carraway as Guardian ad Litem; Dr. John Nobles, individually, and as a taxpayer residing in Marlboro County and as parent and Guardian ad Litem of Erin N.; Erin N., a minor, by and through Dr. John Nobles, as Guardian ad Litem; Patricia Hampton, individually, and as a taxpayer residing in McCormick County and as parent and Guardian ad Litem of Krystle H.; Krystle H., a minor, by and through Patricia Hampton, as Guardian ad Litem; Bernice Profit, individually, as a taxpayer residing in Orangeburg County and as parent and Guardian ad Litem of Russell H.; Russell H., a minor, by and through Bernice Profit, as Guardian ad Litem; Matlin P. Brown, individually, and as a taxpayer residing in Orangeburg County and as parent and Guardian ad Litem of Tanisha P. B.; Tanisha P. B., a minor, by and through Matlin P. Brown, as Guardian ad Litem; James Berry, individually, and as a taxpayer residing in Orangeburg County and as parent and Guardian ad Litem of Dondrea B.; Dondrea B., a minor, by and through James Berry, as Guardian ad Litem; Gerald Smith, individually, and as a taxpayer residing in Orangeburg County and as parent and Guardian ad Litem of Brenda S.; Brenda S., a minor, by and through Gerald Smith, as Guardian ad Litem; Thomas Shealy, individually, and as a taxpayer residing in Saluda County and as parent and Guardian ad Litem of Thomas S., Jr.; Thomas S., Jr., a minor, by and through Thomas Shealy, as Guardian ad Litem,

Plaintiffs,

Of whom:

Allendale County School District, Dillon County School District 2, Florence County School District 4, Hampton County School District 2, Jasper County School District, Lee County School District, Marion County School District 7, Orangeburg School District 3, Lena Manning, individually, and as a taxpayer residing in Allendale County and as Guardian ad Litem of Courtney V.; Courtney V., a minor, by and through Lena Manning, as Guardian ad Litem; Pamela Williams, individually, and as a taxpayer residing in Dillon County, and as parent and Guardian ad Litem of Katisha W.; Katisha W., a minor, by and through Pamela Williams as Guardian ad Litem; Eddie Wright, individually, and as a taxpayer residing in Florence County, and as parent and Guardian ad Litem of Brandon F.; Brandon F., a minor, by and through Eddie Wright as Guardian ad Litem; Brenda Brooks, individually, and as a taxpayer residing in Hampton County, and as parent and Guardian ad Litem of Tyrin B.; Tyrin B., a minor, by and through Brenda Brooks as Guardian ad Litem; Marva Tigner, individually, and as a taxpayer residing in Jasper County, and as parent and Guardian ad Litem of Bryan T. and Bradley T.; Bryan T., a minor, by and through Marva Tigner as Guardian ad Litem; Bradley T., a minor, by and through Marva Tigner as Guardian ad Litem; Gail Y. Harriott, individually, and as a taxpayer residing in Lee County and as parent and Guardian ad Litem of Rashade H.; Rashade H., a minor, by and through Gail Y. Harriott, as Guardian ad Litem; Linda Carraway, individually, and as a taxpayer residing in Marion County, and as parent and Guardian ad Litem of Kimberly W.; Kimberly W., a minor, by and through Linda Carraway as Guardian ad Litem; Bernice Profit, individually, and as a taxpayer residing in Orangeburg County and as parent and Guardian ad Litem of Russell H.; Russell H., a minor, by and through Bernice Profit, as Guardian ad Litem, are	Appellants- Respondents,

v.

Glenn F. McConnell, as President *Pro Tempore*
of the Senate and as a representative of the South

RECEIVED

MAY 7 2003

Carolina Senate; Robert W. Harrell, Jr., as
Speaker of the House of Representatives
and as a representative of the South Carolina
House of Representatives, ...

S.C. SUPREME COURT
Respondents-
Appellants,

and

The State of South Carolina; Mark C. Sanford, as
Governor of the State of
South Carolina, ... Respondents.

PROOF OF SERVICE

I, the undersigned Administrative Assistant, of the law offices of Nelson Mullins Riley & Scarborough LLP, attorneys for Appellants-Respondents, do hereby certify that I have served all counsel in this action with the documents hereinbelow specified by hand delivery to the following addresses:

**Supplemental Master Reference Record and Record on Appeal (Condensed);
Master Reference Record (in electronic format-updated);
Record on Appeal (Condensed) (in electronic format-updated); and
Final briefs of Appellants-Respondents (in electronic format)**

Counsel Served:

Robert E. Stepp
Elizabeth Van Doren Gray
A. Jackson Barnes
Roland M. Franklin, Jr.
SOWELL GRAY STEPP & LAFITTE, L.L.C.
1310 Gadsden Street
Columbia, SC 29201

Attorneys for Respondents-Appellants
Senate and House of Representatives of the
State of South Carolina

Henry D. McMaster
J. Emory Smith, Jr.
OFFICE OF THE ATTORNEY GENERAL OF
THE STATE OF SOUTH CAROLINA
Rembert C. Dennis Building
Columbia, SC 29201

Attorneys for Respondent State of South
Carolina

Swati S. Patel
Office of the Governor
South Carolina State House
P.O. Box 12267
Columbia, SC 29211

Attorney for Respondent Governor of
South Carolina



Stella Kasten
Administrative Assistant

May 7, 2008

THE STATE OF SOUTH CAROLINA
In The Supreme Court

RECEIVED

MAY 7 2008

APPEAL FROM LEE COUNTY
Court of Common Pleas

S.C. SUPREME COURT

Thomas W. Cooper, Jr., Circuit Court Judge

Case No. 93-CP-31-169

Abbeville County School District, Allendale County School District, Bamberg County School District 1, Bamberg County School District 2, Barnwell County School District 19, Barnwell County School District 29, Barnwell County School District 45, Berkeley County School District, Chesterfield County School District, Clarendon County School District 1, Clarendon County School District 2, Clarendon County School District 3, Dillon County School District 1, Dillon County School District 2, Dillon County School District 3, Florence County School District 1, Florence County School District 2, Florence County School District 3, Florence County School District 4, Florence County School District 5, Hampton County School District 1, Hampton County School District 2, Jasper County School District, Laurens County School District 55, Laurens County School District 56, Lee County School District, Lexington County School District 4, Marion County School District 1, Marion County School District 2, Marion County School District 7, Marlboro County School District, McCormick County School District, Orangeburg Consolidated School District 3, Orangeburg Consolidated School District 5, Saluda County School District and Williamsburg County School District; Lena Manning, individually, and as a taxpayer residing in Allendale County and as Guardian ad Litem of Courtney V.; Courtney V., a minor, by and through Lena Manning, as Guardian ad Litem; William L. Mills, individually, and as a Taxpayer residing in Allendale County and as Guardian ad Litem of Waylon P.; Waylon P., a minor, by and through William Mills, as Guardian ad Litem; Betty Bagley, individually, and as a taxpayer residing in Bamberg County and as a parent

and Guardian ad Litem of Tyler B.; Tyler B., a minor, by and through Betty Bagley, as Guardian ad Litem, Evert Comer, Jr., individually, and as a taxpayer residing in Bamberg County and as parent and Guardian ad Litem of Kimberly C.; Kimberly C., a minor, by and through Evert Comer, Jr., as Guardian ad Litem; Marla Q. Jameson, individually, and as a taxpayer residing in Barnwell County, and as a parent and Guardian ad Litem of Eleanor J.; Eleanor J., a minor, by and through Marla Q. Jameson, as Guardian ad Litem; Victor M. Lancaster, Sr., individually, and as a taxpayer residing in Barnwell County, and as parent and Guardian ad Litem of Christie L.; Christie L., a minor, by and through Victor M. Lancaster, Sr., as Guardian ad Litem; Dr. Charles Clark, individually, and as a taxpayer residing in Chesterfield County, and as parent and Guardian ad Litem of Candace C., a minor, by and through Dr. Charles Clark, as Guardian ad Litem; Colonel Larry Coker, individually, and as a taxpayer residing in Clarendon County, and as a parent and Guardian ad Litem of Corrie C.; Corrie C., a minor, by and through Colonel Larry Coker, as Guardian ad Litem; Pamela Williams, individually, and as a taxpayer residing in Dillon County, and as parent and Guardian ad Litem of Katisha W.; Katisha W., a minor, by and through Pamela Williams as Guardian ad Litem; Eddie Wright, individually, and as a taxpayer residing in Florence County, and as parent and Guardian ad Litem of Brandon F.; Brandon F., a minor, by and through Eddie Wright as Guardian ad Litem; John Whiteside, individually, and as a taxpayer residing in Florence County and as Parent and Guardian ad Litem of Joel W.; Joel W., a minor, by and through John Whiteside as Guardian ad Litem; Dr. Francis Mills, individually, and as a taxpayer residing in Hampton County and as a parent and Guardian ad Litem of Amy M.; Amy M., a minor, by and through Dr. Francis Mills, as Guardian ad Litem; Brenda Brooks, individually, and as a taxpayer residing in Hampton County, and as parent and Guardian ad Litem of Tyrin B.; Tyrin B., a minor, by and through Brenda Brooks as Guardian ad Litem; Marva Tigner, individually, and as a taxpayer residing in Jasper County, and as parent and Guardian ad Litem of Bryan T. and Bradley T.; Bryan T., a minor, by and through Marva Tigner as Guardian ad Litem; Bradley T., a minor,

by and through Marva Tigner as Guardian ad Litem; Robert Elisha Short, individually, and as a taxpayer residing in Laurens County and as parent and Guardian ad Litem of Robert B. S.; Robert B. S., a minor, by and through Robert Elisha Short, as Guardian ad Litem; Dr. Keith A. Bridges, individually, and as a taxpayer residing in Laurens County and as parent and Guardian ad Litem of Jorgana Ranson B.; Jorgana Ranson B., a minor, by and through Dr. Keith A. Bridges, as Guardian ad Litem; Gail Y. Harriott, individually, and as a taxpayer residing in Lee County and as parent and Guardian ad Litem of Rashade H.; Rashade H., a minor, by and through Gail Y. Harriott, as Guardian ad Litem; Linda Carraway, individually, and as a taxpayer residing in Marion County, and as parent and Guardian ad Litem of Kimberly W.; Kimberly W., a minor, by and through Linda Carraway as Guardian ad Litem; Dr. John Nobles, individually, and as a taxpayer residing in Marlboro County and as parent and Guardian ad Litem of Erin N.; Erin N., a minor, by and through Dr. John Nobles, as Guardian ad Litem; Patricia Hampton, individually, and as a taxpayer residing in McCormick County and as parent and Guardian ad Litem of Krystle H.; Krystle H., a minor, by and through Patricia Hampton, as Guardian ad Litem; Bernice Profit, individually, as a taxpayer residing in Orangeburg County and as parent and Guardian ad Litem of Russell H.; Russell H., a minor, by and through Bernice Profit, as Guardian ad Litem; Matlin P. Brown, individually, and as a taxpayer residing in Orangeburg County and as parent and Guardian ad Litem of Tanisha P. B.; Tanisha P. B., a minor, by and through Matlin P. Brown, as Guardian ad Litem; James Berry, individually, and as a taxpayer residing in Orangeburg County and as parent and Guardian ad Litem of Dondrea B.; Dondrea B., a minor, by and through James Berry, as Guardian ad Litem; Gerald Smith, individually, and as a taxpayer residing in Orangeburg County and as parent and Guardian ad Litem of Brenda S.; Brenda S., a minor, by and through Gerald Smith, as Guardian ad Litem; Thomas Shealy, individually, and as a taxpayer residing in Saluda County and as parent and Guardian ad Litem of Thomas S., Jr.; Thomas S., Jr., a minor, by and through Thomas Shealy, as Guardian ad Litem, Plaintiffs,

Of whom:

Allendale County School District,
Dillon County School District 2,
Florence County School District 4,
Hampton County School District 2,
Jasper County School District,
Lee County School District,
Marion County School District 7,
Orangeburg School District 3,
Lena Manning, individually, and as a taxpayer residing
in Allendale County and as Guardian ad Litem of
Courtney V.; Courtney V., a minor, by and through Lena
Manning, as Guardian ad Litem; Pamela Williams,
individually, and as a taxpayer residing in Dillon County,
and as parent and Guardian ad Litem of Katisha W.;
Katisha W., a minor, by and through Pamela Williams as
Guardian ad Litem; Eddie Wright, individually, and as a
taxpayer residing in Florence County, and as parent and
Guardian ad Litem of Brandon F.; Brandon F., a minor,
by and through Eddie Wright as Guardian ad Litem;
Brenda Brooks, individually, and as a taxpayer residing
in Hampton County, and as parent and Guardian ad
Litem of Tyrin B.; Tyrin B., a minor, by and through
Brenda Brooks as Guardian ad Litem; Marva Tigner,
individually, and as a taxpayer residing in Jasper County,
and as parent and Guardian ad Litem of Bryan T. and
Bradley T.; Bryan T., a minor, by and through Marva
Tigner as Guardian ad Litem; Bradley T., a minor, by
and through Marva Tigner as Guardian ad Litem; Gail Y.
Harriott, individually, and as a taxpayer residing in Lee
County and as parent and Guardian ad Litem of Rashade
H.; Rashade H., a minor, by and through Gail Y.
Harriott, as Guardian ad Litem; Linda Carraway,
individually, and as a taxpayer residing in Marion
County, and as parent and Guardian ad Litem of
Kimberly W.; Kimberly W., a minor, by and through
Linda Carraway as Guardian ad Litem; Bernice Profit,
individually, and as a taxpayer residing in Orangeburg
County and as parent and Guardian ad Litem of Russell
H.; Russell H., a minor, by and through Bernice Profit, as
Guardian ad Litem, are

Appellants-
Respondents,

v.

Glenn F. McConnell, as President *Pro Tempore*
of the Senate and as a representative of the South

Carolina Senate; Robert W. Harrell, Jr., as Speaker of the House of Representatives and as a representative of the South Carolina House of Representatives, ...	Respondents- Appellants,
and	
The State of South Carolina; Mark C. Sanford, as Governor of the State of South Carolina, ...	Respondents.

**SUPPLEMENTAL MASTER REFERENCE RECORD AND
RECORD ON APPEAL (CONDENSED)**

Appellants-Respondents and Respondents-Appellants, with the consent of all attorneys of record and pursuant to Rule 212(b), SCACR, supplement the Master Reference Record and the Record On Appeal (Condensed) filed April 17, 2008, to include the following documents inadvertently omitted from the Record on Appeal. These documents are included in the corrected hard copies of the Record on Appeal (Condensed), in the corrected electronic Record on Appeal (Condensed), and in the corrected electronic Master Reference Record filed with this Court:

1. Trial Transcript
 - a. 7/28/03: 31, 195
 - b. 7/29/03: 132
 - c. 7/30/03: 157
 - d. 7/31/03: 53-57, 100-101, 169
 - e. 8/1/03: 117-119, 194-195
 - f. 8/4/03: 129, 149-150, 199
 - g. 8/6/03: 80, 82
 - h. 8/7/03: 101-102
 - i. 8/12/03: 107
 - j. 8/13/03: 37-38
 - k. 9/8/03: 154
 - l. 9/12/03: 118
 - m. 9/23/03: 102-103, 163, 188
 - n. 9/25/03: 238, 244, 246, 252-253
 - o. 9/26/03: 217-218
 - p. 9/30/03: 23, 104
 - q. 10/2/03: 152, 174, 203
 - r. 10/6/03: 203-204, 208, 211
 - s. 10/8/03: 128, 194
 - t. 10/9/03: 11, 15, 16
 - u. 10/10/03: 57
 - v. 1/5/04: 171, 179, 184

w. 1/6/04: 174, 183
 x. 1/9/04: 11
 y. 1/15/04: 106
 z. 2/9/04: 110
 aa. 3/4/04: 82
 bb. 3/5/04: 17, 29, 32, 46
 cc. 3/30/04: 163
 dd. 4/2/04: 23, 27, 47-48
 ee. 4/19/04: 210-211
 ff. 4/21/04: 25, 29, 32, 107, 110, 112, 115, 133, 136, 185, 188
 gg. 4/22/04: 26, 88, 158
 hh. 5/3/04: 37, 46, 110, 113-114, 116
 ii. 5/4/04: 22, 24, 35, 48, 74, 78, 98, 142, 146, 157, 194, 197, 238
 jj. 5/5/04: 59
 kk. 5/24/04: 197, 208
 ll. 5/25/04: 70, 80, 87, 112, 118, 130, 133, 157
 mm. 5/26/04: 8, 22, 143, 148, 160, 167
 nn. 6/7/04: 4, 16, 38, 40, 97, 223, 232
 oo. 6/8/04: 30, 32, 38, 143, 145, 153, 159, 162, 178, 186, 200
 pp. 6/9/04: 174
 qq. 6/10/04: 104
 rr. 6/15/04: 219
 ss. 6/17/04: 232
 tt. 6/28/04: 129, 189
 uu. 6/29/04: 123
 vv. 6/30/04: 213
 ww. 9/20/04: 90-91, 93
 xx. 9/21/04: 111
 yy. 9/27/04: 99-107
 zz. 10/1/04: 162, 165
 aaa. 11/5/04: 183

2. Deposition Transcripts
 - a. Frances Baker, April 8, 2003, p. 18
 - b. Jean Pearson, April 8, 2003, p. 34-35, 47
3. Plaintiffs' Exhibit 157, Cover Page to p. 2
4. Plaintiffs Exhibit 157, pp. 3-11
5. Plaintiffs' Exhibit 157
6. Plaintiffs' Exhibit 157, p. 98
7. Plaintiffs' Exhibit 339
8. Plaintiffs' Exhibit 575, p. 21
9. Plaintiffs' Exhibit 1511, pp. 163-205
10. Plaintiffs' Exhibit 1566
11. Plaintiffs' Exhibit 1570-ED-EG
12. Plaintiffs' Exhibit 1571-A-FY
13. Plaintiffs' Exhibit 1573-CV

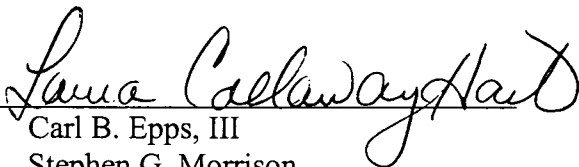
14. Plaintiffs' Exhibit 5038
15. Plaintiffs' Exhibit 5039
16. Plaintiffs' Exhibit 6042
17. Plaintiffs' Exhibit 6081
18. Plaintiffs' Exhibit 6142
19. Plaintiffs' Exhibit 6362
20. Plaintiffs' Exhibit 6483, p. 17
21. Plaintiffs' Exhibit 6601, p. 4
22. Plaintiffs' Exhibit 6813
23. Defendants' Exhibit 671A
24. Defendants' Exhibit 2621
25. Defendants' Exhibit 2780, p. 20
26. Defendants' Exhibit 3188
27. Defendants' Exhibit 3191
28. Defendants' Exhibit 3254I
29. Defendants' Exhibit 3254 O-Q, S-AL
30. Plaintiffs' Notice of Motion and Motion to Alter or Amend Judgment Pursuant to Rules 52 and 49 of the SCRPC, January 11, 2006
31. <http://www.florence4.k12.sc.us>

Appellants-Respondents and Respondents-Appellants, with the consent of all attorneys of record, further supplement the Master Reference Record filed April 17, 2008, to include the following documents inadvertently omitted from the Record on Appeal. These documents are included in the corrected electronic Master Reference Record filed with this Court:

1. Second Amended Complaint, July 19, 1995
2. Trial Transcript:
 - a. 7/28/03: 28-29
 - b. 8/7/03: 16, 18
 - c. 10/8/03: 128
 - d. 2/13/04: 96
 - e. 4/21/04: 188, 191-192
 - f. 4/22/04: 256
 - g. 5/4/04: 238
 - h. 6/9/04: 174
 - i. 6/21/04: 104
 - j. 6/28/04: 132
 - k. 9/20/04: 93
 - l. 11/4/04: 86
3. Defendants' Exhibit 671A
4. Defendants' Exhibit 3191
5. Defendants' Exhibit 3254 O-Q, S-AL
6. Motion to Amend Complaint, June 30, 2003
7. <http://florence4.k12.sc.us>

Respectfully submitted,

NELSON MULLINS RILEY & SCARBOROUGH LLP

By: 

May 7, 2008

Carl B. Epps, III
Stephen G. Morrison
Laura Callaway Hart
Shelby K. Leonardi
Elizabeth Scott Moise
Rachel Atkin Hedley
D. Kay Tennyson
1320 Main Street / 17th Floor
Post Office Box 11070 (29211-1070)
Columbia, SC 29201
(803) 799-2000

Attorneys for Appellants-Respondents

SOWELL GRAY STEPP & LAFFITTE, L.L.C.

By: 

May 7, 2008

Robert E. Stepp
Elizabeth Van Doren Gray
A. Jackson Barnes
Roland M. Franklin, Jr.
1310 Gadsden Street
Post Office Box 11449
Columbia, South Carolina 29211
(803) 929-1400

Attorneys for Respondents / Appellants Glenn F. McConnell and Robert William Harrell, Jr.

We Consent:

OFFICE OF THE ATTORNEY GENERAL OF THE STATE OF SOUTH CAROLINA

By: J. Emory Smith, Jr. May 7, 2008
Henry D. McMaster
J. Emory Smith, Jr. by Laura Hart with authorization
Rembert C. Dennis Building
Post Office Box 11549
Columbia, SC 29201
(803) 734-3680

Attorneys for Respondents State of South Carolina and Mark C. Sanford, Governor of the State of South Carolina

Nelson Mullins

Nelson Mullins Riley & Scarborough LLP
Attorneys and Counselors at Law
1320 Main Street / 17th Floor / Columbia, SC 29201
Tel: 803.799.2000 Fax: 803.255.9038
www.nelsonmullins.com

RECEIVED

MAY 7 2008

S.C. SUPREME COURT

Laura Callaway Hart
Tel: 803.255.9752
Fax: 803.255.9038
laura.hart@nelsonmullins.com

May 7, 2008

Hand Delivered

The Honorable Daniel E. Shearouse
Clerk of Court
South Carolina Supreme Court
1231 Gervais Street
Columbia, SC 29211

RE: *Abbeville County School District, et al. v. State of South Carolina, et al.*
Civil Action No. 93-CP-31-169
Court of Appeals Case Tracking No. 2007-65159
Our File No. 11884/01500

Dear Mr. Shearouse:

Enclosed for filing are the following:

- Supplemental Master Reference Record and Record on Appeal (Condensed);
- One (1) hard drive containing the Master Reference Record updated to include documents listed in Supplemental Master Reference Record and Record on Appeal (Condensed) (also enclosed is a DVD containing the same material);
- Seven (7) hard copies and seven (7) electronic copies on CD of the Record on Appeal (Condensed) updated to include documents listed in Supplemental Master Reference Record and Record on Appeal (Condensed); and
- Seven (7) electronic copies on CD of the final briefs of Appellants-Respondents filed in hard copy on May 1, 2008.

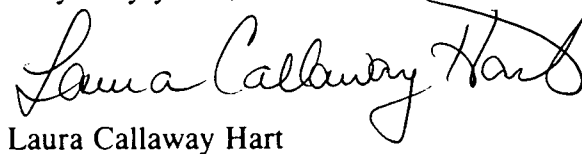
Also, enclosed is one (1) unbound hard copy of the Record on Appeal (Condensed) for the Court's use in scanning per our discussion with Ms. Peebles.

We are including an extra copy of the Supplemental Master Reference Record and Record on Appeal (Condensed) and ask that you return the clocked-in copy to us by our courier.

The Honorable Daniel E. Shearouse
May 7, 2008
Page 2

By copy of this letter to other counsel, we are serving each of them with a copy of the above-referenced documents.

Very truly yours,

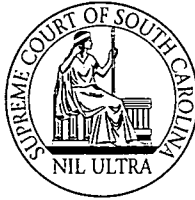
A handwritten signature in black ink, reading "Laura Callaway Hart". The signature is fluid and cursive, with a large initial "L" and a stylized "H".

Laura Callaway Hart

LCH:sik

Enclosures

cc: Robert E. Stepp, Esquire (via hand delivery; w/enclosures)
Elizabeth Van Doren Gray, Esquire (via hand delivery; w/enclosures)
A. Jackson Barnes, Esquire (via hand delivery; w/enclosures)
J. Emory Smith, Jr., Esquire (via hand delivery; w/enclosures)
Swati Patel, Esquire (via hand delivery; w/enclosures)



The Supreme Court of South Carolina

DANIEL E. SHEAROUSE
CLERK OF COURT

BRENDA F. SHEALY
CHIEF DEPUTY CLERK

POST OFFICE BOX 11330
COLUMBIA, SOUTH CAROLINA 29211

(803) 734-1080

FAX (803) 734-1499

May 5, 2008

Susan J. Rose, Esquire
Susan B. Berkowitz, Esquire
S.C. Appleseed Legal Justice Center
PO Box 7187
Columbia, SC 29202

Edward W. Laney, IV, Esquire
R. Hawthorne Barrett, Esquire
Turner, Padgett, Graham & Laney, P.A.
P O Box 1473
Columbia, SC 29202

Re: Abbeville County School District v. State of SC

Dear Counsel:

The following Order has been endorsed on your Motion of South Carolina Appleseed Legal Justice Center and South Carolina Association of School Nurses for Leave to File a Brief as Amici Curiae in the above entitled case on appeal.

“Granted.

s/ Jean H. Toal C.J.
For the Court

May 5, 2008.”

Susan J. Rose, Esquire

Re: Abbeville County School District v. State of SC

May 5, 2008

Page two

By copy of this letter, all other counsel in this matter are advised that any brief in reply to the amici curiae brief should be served and filed no later than May 20, 2008.

Very truly yours,



CLERK

DES/jjp

cc: Carl B. Epps, III, Esquire
Stephen G. Morrison, Esquire
Laura Callaway Hart, Esquire
Shelby K. Leonardi, Esquire
Elizabeth Scott Moise, Esquire
Rachel Atkin Hedley, Esquire
D. Kay Tennyson, Esquire
Robert E. Stepp, Esquire
Elizabeth Van Doren Gray, Esquire
A. Jackson Barnes, Esquire
Roland M. Franklin, Jr., Esquire
Attorney General Henry D. McMaster
Assistant Deputy Attorney General J. Emory Smith, Jr.
Swati Shah Patel, Esquire

STATE OF SOUTH CAROLINA
In the Supreme Court

RECEIVED

APPEAL FROM LEE COUNTY
Thomas W. Cooper, Jr., Circuit Court Judge
Case No. 2007-65159

MAY 1 2008

S.C. SUPREME COURT

Abbeville County School District, *et al.*, ... Petitioner,

v.

The State of South Carolina, *et al.*, ... Respondents.

**MOTION OF SOUTH CAROLINA APPLESEED LEGAL JUSTICE CENTER
AND SOUTH CAROLINA ASSOCIATION OF SCHOOL NURSES FOR
LEAVE TO FILE A BRIEF AS *AMICI CURIAE***

Susan J. Rose
Susan B. Berkowitz
South Carolina Appleseed Legal Justice Center
Post Office Box 7187
Columbia, South Carolina 29202
Telephone: (803) 779-1113, ex. 102
Facsimile: (803) 779-5951
Email: srose@scjustice.org
sberk@scjustice.org

Attorneys for *Amicus* South Carolina Appleseed
Legal Justice Center

Edward W. Laney, IV
R. Hawthorne Barrett
Turner Padgett Graham & Laney P.A.
P.O. Box 1473

Columbia, SC 29202
Telephone: (803) 254-2200
Facsimile: (803) 400-1454
Email: elaney@turnerpadget.com
tbarrett@turnerpadget.com

Attorneys for *Amicus* South Carolina
Association of School Nurses

Argument

The South Carolina Appellate Court Rules provide that "[a] brief of *amicus curiae* may be filed only by leave of the appellate court granted on motion, or at the request of the appellate court" and "[a] motion for leave shall identify the interest of the applicant and shall state the reasons why a brief of an *amicus curiae* is desirable" Rule 213, SCACR. While the Court sits as a trial court, rather than an appellate court, in this original jurisdiction action, this rule is applicable by analogy. See Doe v. McMaster, 355 S.C. 306, 585 S.E. 2d 773 (2003).

South Carolina Appleseed Legal Justice Center ("the Center") advocates for low income people in South Carolina. The Center's goal is to effect systemic change by acting through the courts, the legislature, administrative agencies, the community, and the media, and by helping others do the same through education, training and co-counseling. In furtherance of that goal, the Center seeks to improve the public school system so that it will better serve low-income and minority students in South Carolina. By collaborating with the legal, educational and social services communities, the Center advocates for legislation and policies that ensure equal educational opportunities for all children.

The Center has a strong interest in the outcome of this case, as the Court's decision will affect all school-age children throughout the state who come from economically disadvantaged backgrounds. These children are currently at high risk of not receiving a "minimally adequate" education. The failure to provide such an opportunity to these children would prevent them from becoming productive members of society or attaining economic security for themselves and their families.

The South Carolina Association of School Nurses ("the Association") promotes the delivery of quality health programs to the school population by strengthening the growth of

professional school health nurses and advancing the practice of school nursing. The Association also seeks to increase the community's awareness of both the roles of school nurses and the impact of school health services on academic performance. In addition, the Association works to increase the availability of school health services to South Carolina's students.

The Association recognizes the undeniable link between health and education, and it believes physical, psychological and emotional well-being all enhance academic achievement. Inez Tenenbaum, former South Carolina Superintendent of Education, affirmed this belief when she stated, "A study conducted found that there is a missing key in southern school districts; there is not enough focus on the 'whole health' of a child when considering his or her academic performance." Unmet health needs hinder students' academic performance, and this is especially true in school districts that have a high percentage of students who live in poverty. Removing these health barriers to learning and meeting the health needs of South Carolina school children should be a priority for our state legislature.

For the reasons stated above, the South Carolina Appleseed Legal Justice Center and the South Carolina Association of School Nurses respectfully request that the court grant this motion.

Granted
[Signature]
May 5, 2008.

Respectfully submitted this 1st day of May, 2008

By:

[Signature]

Susan J. Rose
Susan B. Berkowitz
South Carolina Appleseed Legal Justice Center
Post Office Box 7187
Columbia, South Carolina 29202

Telephone: (803) 779-1113, ex. 102
Facsimile: (803) 779-5951
Email: srose@scjustice.org
sberk@scjustice.org

Attorneys for *Amici* South Carolina Appleseed
Legal Justice Center

Edward W. Laney, IV
R. Hawthorne Barrett
Turner Padget Graham & Laney P.A.
P.O. Box 1473
Columbia, SC 29202
Telephone: (803) 254-2200
Facsimile: (803) 400-1454
Email: elaney@turnerpadget.com
tbarrett@turnerpadget.com

Attorneys for *Amicus* South Carolina
Association of School Nurses

R. Hawthorne Barrett

REPLY TO:

E-Mail: TBarrett@TurnerPadget.com
Writer's Direct Dial: (803) 227-4219
Direct Fax: (803) 400-1454

May 1, 2008

RECEIVED

MAY 1 2008

S.C. SUPREME COURT

Hand Delivered

The Hon. Daniel E. Shearouse
Clerk of Court
South Carolina Supreme Court
1231 Gervais Street
Columbia, SC 29201

Re: Abbeville County Sch. Dist., et al. v. State of South Carolina, et al.
Case No.: 2007-65159

Dear Mr. Shearouse:

Enclosed are the following materials: (1) the original and 7 copies of a Motion for Leave to File a Brief as *Amici Curiae*; (2) the original and 17 copies of the proposed *Amici Curiae* Brief; (3) the original and one copy of the Proof of Service; and (4) a check for the \$25 motion filing fee. Please file the originals and necessary copies and return the extra stamped copies to our courier. Thank you for your kind assistance.

Sincerely,

TURNER, PADGET, GRAHAM & LANEY, P.A.



R. Hawthorne Barrett

RHB:
Enclosures

cc (w/ encls.): Carl B. Epps, III, Esq.
Stephen G. Morrison, Esq.
Laura Callaway Hart, Esq.
Shelby K. Leonardi, Esq.
Henry D. McMaster, Esq.

Cola 905171v1

The Hon. Daniel E. Shearouse

May 1, 2008

Page 2

J. Emory Smith, Jr., Esq.

Robert E. Stepp, Esq.

Elizabeth Van Doren Gray, Esq.

A. Jackson Barnes, Esq.



SOWELL GRAY STEPP & LAFFITTE, LLC
ATTORNEYS AND COUNSELORS AT LAW

May 1, 2008

RECEIVED

MAY 1 2008

S.C. SUPREME COURT

VIA HAND DELIVERY

The Honorable Daniel E. Shearouse
South Carolina Supreme Court Clerk of Court
1231 Gervais Street
Columbia, South Carolina 29201

Re: Abbeville School District, *et al.* vs. The State of South Carolina, *et al.*
Case No.: 2007-65159
Civil Action Number: 93-CP-31-169
SGS&L File Number: 2014/1500

Dear Mr. Shearouse:

Enclosed for filing are the original and twenty-four (24) copies of each of the following final briefs:

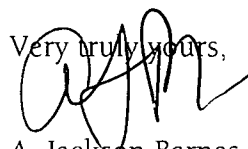
1. Cross-Appeal Brief of Respondents/Appellants Glenn F. McConnell and Robert William Harrell, Jr.;
2. Reply Brief of Respondents / Appellants Glenn F. McConnell and Robert William Harrell, Jr.; and
3. Brief of Respondents / Appellants Glenn F. McConnell and Robert William Harrell, Jr.

Also enclosed please find the original and four (4) copies of the Proof of Service. Please return nine clocked-in copies of the above documents as well as the Proof of Service to my office via our courier.

By copy of this letter to opposing counsel, I am serving him with a copy of the same.

Thank you for your assistance and please do not hesitate to contact my office with any questions.

Very truly yours,


A. Jackson Barnes

Enclosures

A. Jackson Barnes
jbarnes@sowell.com
DD 803.231.7823

1310 Gadsden Street
Post Office Box 11449
Columbia, SC 29211

PHONE 803.929.1400

FACSIMILE 803.929.0300

WEBSITE www.sowell.com

5/1/2008
Page 2 of 2



SOWELL GRAY STEPP & LAFFITTE, LLC
ATTORNEYS AND COUNSELORS AT LAW

cc: *(hand delivery)*
 J. Emory Smith, Esquire
 Carl B. Epps, III, Esquire
 Laura C. Hart, Esquire
 Stephen G. Morrison, Esquire
 Shelby K. Leonardi, Esquire

Nelson Mullins

Nelson Mullins Riley & Scarborough LLP
Attorneys and Counselors at Law
1320 Main Street / 17th Floor / Columbia, SC 29201
Tel: 803.799.2000 Fax: 803.255.9038
www.nelsonmullins.com

Laura Callaway Hart
Tel: 803.255.9752
Fax: 803.255.9038
laura.hart@nelsonmullins.com

May 1, 2008

Hand Delivered

The Honorable Daniel E. Shearouse
Clerk of Court
South Carolina Supreme Court
1231 Gervais Street
Columbia, SC 29211

RECEIVED
MAY 1 2008
S.C. SUPREME COURT

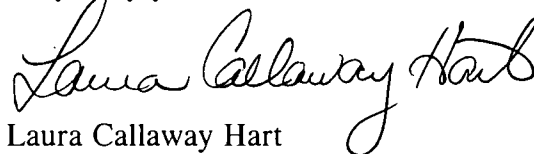
RE: *Abbeville County School District, et al. v. State of South Carolina, et al.*
Civil Action No. 93-CP-31-169
Court of Appeals Case Tracking No. 2007-65159
Our File No. 11884/01500

Dear Mr. Shearouse:

Enclosed are the original and eight (8) copies of each of the Final Principal Brief of Appellants-Respondents, Final Respondents' Brief of Appellants-Respondents, and Final Reply Brief of Appellants-Respondents. Please file the originals and seven (7) copies of each and return the remaining clocked-in copies to us.

By copy of this letter to other counsel, we are serving each of them a copy of each of the above-referenced documents.

Very truly yours,



Laura Callaway Hart

LCH:sik
Enclosures

cc: Robert E. Stepp, Esquire (via hand delivery; w/enclosures)
Elizabeth Van Doren Gray, Esquire (via hand delivery; w/enclosures)
A. Jackson Barnes, Esquire (via hand delivery; w/enclosures)
J. Emory Smith, Jr., Esquire (via hand delivery; w/enclosures)
Swati Patel, Esquire (via hand delivery; w/enclosures)



RECEIVED

APR 29 2008

S.C. SUPREME COURT

HENRY McMASTER
ATTORNEY GENERAL

April 29, 2008

The Honorable Daniel E. Shearouse
Clerk, Supreme Court of
South Carolina
HAND DELIVERY AND FAX

Re: Abbeville County School District v. State 93-CP-31-169 - Final brief
Concurrence of State and Governor in Brief of Respondents/ Appellants
McConnell and Harrell

Dear Mr. Shearouse:

In lieu of a formal final brief, I would appreciate your accepting this letter as a statement of concurrence of the Respondents State and Governor in the legal arguments in the above brief of Respondents McConnell and Harrell to be filed this week. This concurrence is subject to the following conditions. As to those issues in the Brief of Respondents McConnell and Harrell which they are appealing in their Cross Appeal brief, the State and the Governor crave reference to the December 29, 2005, and July 12, 2007, Orders of the Honorable Thomas W. Cooper, Jr, Circuit Court Judge. The State and the Governor have not appealed those Orders and respectfully request that Judge Cooper's Orders be affirmed. To any extent that Respondent's Brief may take positions different from the Orders of Judge Cooper or request that the Orders be vacated or reversed, the State and the Governor respectfully request that Judge Cooper's Orders be followed.

If you have questions or prefer a more formal filing regarding this position, please let me know. I am mailing and emailing copies of this letter to counsel for the other parties.

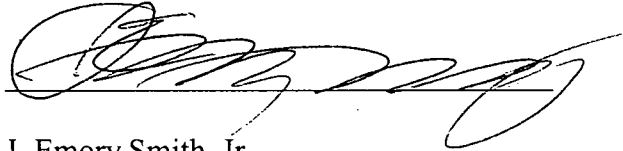
Respectfully submitted,

J. Emory Smith, Jr.
Assistant Deputy Attorney General
Counsel for the State and the Governor

The Honorable Daniel E. Shearouse
April 29, 2008
Page 2

CERTIFICATE OF COMPLIANCE WITH RULE 211 (b)

I hereby certify that the Final letter brief of the State and the Governor comply with Rule 211(b), SCACR. The State and the Governor previously served and filed an initial brief in letter format. This letter is the same except for the reference herein to the final brief.



J. Emory Smith, Jr.
Assistant Deputy Attorney General

April 29, 2008

cc: Carl B. Epps, III, Esquire
Stephen G. Morrison, Esquire
Laura Callaway Hart, Esquire
Shelby K. Leonardi, Esquire
Elizabeth Scott Moise, Esquire
Rachel Atkin Hedley, Esquire
D. Kay Tennyson, Esquire
Robert E. Stepp, Esquire
Elizabeth Van Doren Gray, Esquire
A. Jackson Barnes, Esquire
Roland M. Franklin, Jr., Esquire
Swati Shah Patel, Esquire

Nelson Mullins

Nelson Mullins Riley & Scarborough LLP
Attorneys and Counselors at Law
1320 Main Street / 17th Floor / Columbia, SC 29201
Tel: 803.799.2000 Fax: 803.255.9038
www.nelsonmullins.com

Laura Callaway Hart
Tel: 803.255.9752
Fax: 803.255.9038
laura.hart@nelsonmullins.com

April 28, 2008

Hand Delivered

The Honorable Daniel E. Shearouse
Clerk of Court
South Carolina Supreme Court
1231 Gervais Street
Columbia, SC 29211

RECEIVED

APR 28 2008

S.C. SUPREME COURT

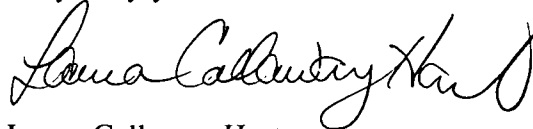
RE: Abbeville County School District, et al. v. State of South Carolina, et al.
Civil Action No. 93-CP-31-169
Court of Appeals Case Tracking No. 2007-65159
Our File No. 11884/01500

Dear Mr. Shearouse:

Enclosed are the original and two copies of an Amended Designation of Matter to be Included in the Record on Appeal. Please file the original and one (1) copy and return the remaining clocked-in copy to us.

By copy of this letter to other counsel, we are serving each of them with a copy of the above-referenced documents.

Very truly yours,



Laura Callaway Hart

LCH:ljs:sik

Enclosures

cc: Robert E. Stepp, Esquire (via hand delivery; w/enclosures)
Elizabeth Van Doren Gray, Esquire (via hand delivery; w/enclosures)
A. Jackson Barnes, Esquire (via hand delivery; w/enclosures)
J. Emory Smith, Jr., Esquire (via hand delivery; w/enclosures)
Swati Patel, Esquire (via hand delivery; w/enclosures)

and

The State of South Carolina; Mark C. Sanford, as
Governor of the State of
South Carolina, ... Respondents.

PROOF OF SERVICE

I, the undersigned Administrative Assistant, of the law offices of Nelson Mullins Riley & Scarborough LLP, attorneys for Appellants-Respondents, do hereby certify that I have served all counsel in this action with an electronic copy of the documents hereinbelow specified by hand delivery to the following addresses:

Amended Designation of Matter to be Included in the Record on Appeal

Counsel Served:

Robert E. Stepp
Elizabeth Van Doren Gray
A. Jackson Barnes
Roland M. Franklin, Jr.
SOWELL GRAY STEPP & LAFITTE, L.L.C.
1310 Gadsden Street
Columbia, SC 29201

Attorneys for Respondents-Appellants
Senate and House of Representatives of the
State of South Carolina

Henry D. McMaster
J. Emory Smith, Jr.
OFFICE OF THE ATTORNEY GENERAL OF
THE STATE OF SOUTH CAROLINA
Rembert C. Dennis Building
Columbia, SC 29201

Attorneys for Respondent State of South
Carolina

Swati S. Patel
Office of the Governor
South Carolina State House
P.O. Box 12267
Columbia, SC 29211

Attorney for Respondent Governor of
South Carolina



Stella Kasten
Administrative Assistant

April 28, 2008



HENRY McMASTER
ATTORNEY GENERAL

April 24, 2008

RECEIVED

APR 24 2008

The Honorable Daniel E. Shearouse
Clerk, Supreme Court of
South Carolina
HAND DELIVERY AND FAX

S.C. SUPREME COURT

Re: Abbeville County School District v. State 93-CP-31-169
Oral Argument

Dear Mr. Shearouse:

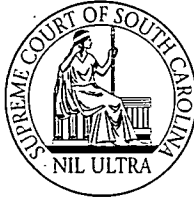
For the information of the Court and for the purposes of the oral argument in this matter, I would like to reserve, for the State of South Carolina and the Governor, the right to make a very brief argument or possibly some statement of concurrence consistent with our filings with the Court. I would be the attorney who would make this argument or statement, if any, and I should not need more than one minute to do so.

Please let me know if you have any questions.

Respectfully,

J. Emory Smith, Jr.
Assistant Deputy Attorney General

cc: Carl B. Epps, III, Esquire (also by email)
Stephen G. Morrison, Esquire (also by email)
Laura Callaway Hart, Esquire (also by email)
Shelby K. Leonardi, Esquire (also by email)
Elizabeth Scott Moise, Esquire
Rachel Atkin Hedley, Esquire
D. Kay Tennyson, Esquire
Robert E. Stepp, Esquire (also by email)
Elizabeth Van Doren Gray, Esquire (also by email)
A. Jackson Barnes, Esquire (also by email)
Roland M. Franklin, Jr., Esquire (also by email)
Swati Shah Patel, Esquire (by interagency mail and email)



The Supreme Court of South Carolina

DANIEL E. SHEAROUSE
CLERK OF COURT

BRENDA F. SHEALY
CHIEF DEPUTY CLERK

POST OFFICE BOX 11330
COLUMBIA, SOUTH CAROLINA 29211

(803) 734-1080

FAX (803) 734-1499

April 24, 2008

Carl B. Epps, III, Esquire
Stephen G. Morrison, Esquire
Laura Callaway Hart, Esquire
Shelby K. Leonardi, Esquire
Elizabeth Scott Moise, Esquire
Rachel Atkin Hedley, Esquire
D. Kay Tennyson, Esquire
Nelson Mullins Riley & Scarborough
P O Box 11070
Columbia, SC 29211

Robert E. Stepp, Esquire
Elizabeth Van Doren Gray, Esquire
A. Jackson Barnes, Esquire
Roland M. Franklin, Jr., Esquire
Sowell, Gray, Stepp & Laffitte, L.L.C.
P O Box 11449
Columbia, SC 29211

Attorney General Henry D. McMaster
Assistant Deputy Attorney General J. Emory Smith, Jr.
Office of the Attorney General
P.O. Box 11549
Columbia, SC 29211

Swati Shah Patel, Esquire
SC Governor's Office
P.O. Box 12267
Columbia, SC 29211

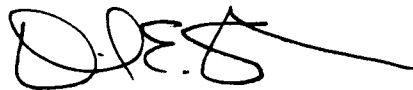
Re: Abbeville County School District, et al. v. State of SC, et al.

Dear Counsel:

This is to confirm that oral argument in this matter has been set at 2:30 p.m. on Wednesday, June 25, 2008. The record will be reviewed and you will be advised of the time allotment for the oral argument at a later date.

Enclosed is a copy of the June Roster.

Very truly yours,


CLERK

DES/jjp

Enclosure

The Supreme Court of South Carolina

Abbeville County School
District, et al.,

Appellants-Respondents,

v.

The State of South Carolina, et
al., of whom Glenn F.
McConnell, as President Pro
Tempore of the Senate and as a
representative of the South
Carolina Senate and Robert W.
Harrell, Jr., as Speaker of the
House of Representatives and as
a representative of the South
Carolina House of
Representatives are

Respondents-Appellants

and

State of South Carolina, Mark
C. Sanford as Governor of the
State of South Carolina are

Respondents

The Honorable Thomas W. Cooper, Jr.
Lee County
Trial Court Case No. 1993-CP-31-00169

ORDER

Pursuant to Rule 210(f) of the South Carolina Appellate Court Rules, it is ordered that the Clerk of Court for Lee County release to the Law Firm of Sowell, Gray Stepp & Laffitte:

Defendant's Exhibit 2831 - Videotape

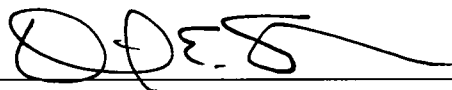
Defendant's Exhibit 2852 - Videotape

to be transported to the South Carolina Supreme Court for consideration in the above referenced appeal.

IT IS SO ORDERED.

JEAN H. TOAL, CHIEF JUSTICE

BY



CLERK

Columbia, South Carolina

April 24, 2008

cc: Carl B. Epps, III, Esquire
Stephen G. Morrison, Esquire
Laura Callaway Hart, Esquire
Shelby K. Leonardi, Esquire
Elizabeth Scott Moise, Esquire
Rachel Atkin Hedley, Esquire
D. Kay Tennyson, Esquire
Robert E. Stepp, Esquire

Elizabeth Van Doren Gray, Esquire

A. Jackson Barnes, Esquire

Roland M. Franklin, Jr., Esquire

Attorney General Henry D. McMaster

Assistant Deputy Attorney General J. Emory Smith, Jr.

Swati Shah Patel, Esquire

The Honorable James I. Davis



SOWELL GRAY STEPP & LAFFITTE, LLC
ATTORNEYS AND COUNSELORS AT LAW

April 22, 2008

The Honorable Daniel E. Shearouse
South Carolina Supreme Court Clerk of Court
1231 Gervais Street
Columbia, South Carolina 29201

Re: Abbeville School District, *et al.* vs. The State of South Carolina, *et al.*
Case No.: 2007-65159
Civil Action Number: 93-CP-31-169
SGS&L File Number: 2014/1500

Dear Mr. Shearouse:

The Respondents/Appellants in this matter have designated certain videotapes (Defendants Exhibit 2831 and Defendants Exhibit 2852), which were admitted as evidence in the trial of this case, as exhibits to this appeal. These videotapes are currently in the possession of the Lee County Clerk of Court. Because the videotapes do not lend themselves to accurate reproduction for purposes of the Record on Appeal, pursuant to Rule 210(f), the Respondents/Appellants respectfully request that you issue an order requiring that the Lee County Clerk of Court deliver the videotapes to this Court so that they may be considered as part of this appeal.

Please do not hesitate to contact us if you have any questions.

Very truly yours,

A. Jackson Barnes

AJB:

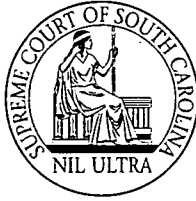
cc: J. Emory Smith, Esquire
Carl B. Epps, III, Esquire
Laura C. Hart, Esquire
Stephen G. Morrison, Esquire
Shelby K. Leonardi, Esquire
Michael Hitchcock, Esquire
Bradley S. Wright, Esquire

RECEIVED
APR 23 2008
S.C. SUPREME COURT

A. Jackson Barnes
jbarnes@sowell.com
DD 803.231.7823

1310 Gadsden Street
Post Office Box 11449
Columbia, SC 29211

PHONE 803.929.1400
FACSIMILE 803.929.0300
WEBSITE www.sowell.com



The Supreme Court of South Carolina

DANIEL E. SHEAROUSE
CLERK OF COURT

BRENDA F. SHEALY
CHIEF DEPUTY CLERK

POST OFFICE BOX 11330
COLUMBIA, SOUTH CAROLINA 29211

(803) 734-1080

FAX (803) 734-1499

April 23, 2008

Carl B. Epps, III, Esquire
Stephen G. Morrison, Esquire
Laura Callaway Hart, Esquire
Shelby K. Leonardi, Esquire
Nelson Mullins Riley
& Scarborough
P O Box 11070
Columbia, SC 29211

Re: Abbeville County School District v. State of South Carolina

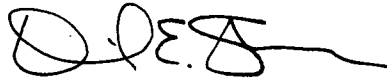
Dear Counsel:

By letter dated April 22, 2008, Carl B. Epps, III, Esquire, requested that the oral arguments in this case, which are scheduled for June 25, 2008, be delayed until July 2008. The basis for this request is that Stephen G. Morrison, Esquire, may be involved in the trial of Jeld-Wen, Inc., v. Nebula Glass International, Inc. and Reichhold, Inc., No. 07-22326, a case pending before the United States District Court for the Southern District of Florida.

Please be advised that the Federal District Court Judge for the case, The Honorable William P. Dimitrouleas, has graciously agreed not to hold court on June 25, 2008, so that Mr. Morrison can be present for the oral arguments before this Court.

Therefore, this letter is to advise you that this case will be argued on June 25, 2008, at 2:30 p.m. Counsel will be advised of the time allocated for each argument by later correspondence.

Very truly yours,


CLERK

cc: Elizabeth Scott Moise, Esquire
Rachel Atkin Hedley, Esquire
D. Kay Tennyson, Esquire
Robert E. Stepp, Esquire
Elizabeth Van Doren Gray, Esquire
A. Jackson Barnes, Esquire
Roland M. Franklin, Jr., Esquire
Attorney General Henry D. McMaster
Assistant Deputy Attorney General J. Emory Smith, Jr.
Swati Shah Patel, Esquire



SOWELL GRAY STEPP & LAFFITTE, LLC
ATTORNEYS AND COUNSELORS AT LAW

April 22, 2008

VIA FACSIMILE 734-1499

The Honorable Daniel E. Shearouse
South Carolina Supreme Court Clerk of Court
1231 Gervais Street
Columbia, South Carolina 29201

Re: Abbeville School District, *et al.* vs. The State of South Carolina, *et al.*
Case No.: 2007-65159
Civil Action Number: 93-CP-31-169
SGS&L File Number: 2014/1500

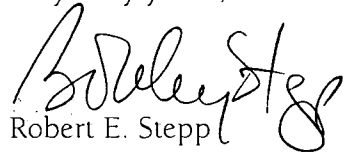
Dear Mr. Shearouse:

I received information today that the Supreme Court has set oral argument in this matter for June 25, 2008 at 2:30 p.m. and further that you were requesting information today regarding any possible conflicts. To that end, I wanted to notify you that I am scheduled to begin a date certain trial involving multiple parties and lawyers on June 16, 2008 which I expect will continue into the next week and, at this point, including the 25th.

As I will be the lawyer arguing on behalf of the House and Senate in Abbeville, I felt compelled to raise the conflict and seek guidance from the Supreme Court, given that many lawyers and witnesses are currently expecting to begin trial on June 16 in front of Judge Patterson in York County in the case of Duncan v. Alfa Laval, Inc., Civil Action No. 06-CP-46-3077.

I certainly appreciate that the Supreme Court's docket takes precedence over the trial court's docket and simply seek guidance in how to proceed. This is not an effort to delay a hearing at all. In fact, the House and the Senate would be happy to argue before the 16th, including the first two weeks of June.

Very truly yours,


Robert E. Stepp

RECEIVED

APR 23 2008

S.C. SUPREME COURT

Robert E. Stepp
rstepp@sowell.com
DD 803.231.7836

1310 Gadsden Street
Post Office Box 11449
Columbia, SC 29211

PHONE 803.929.1400
FACSIMILE 803.929.0300
WEBSITE www.sowell.com

4/22/2008
Page 2 of 2



SOWELL GRAY STEPP & LAFFITTE, LLC
ATTORNEYS AND COUNSELORS AT LAW

cc: ALL VIA FACSIMILE
J. Emory Smith, Esquire
Carl B. Epps, III, Esquire
Laura C. Hart, Esquire
Stephen G. Morrison, Esquire
Shelby K. Leonardi, Esquire
Michael Hitchcock, Esquire
Bradley S. Wright, Esquire

RECEIVED
APR 23 2008
S.C. SUPREME COURT

Nelson Mullins

Nelson Mullins Riley & Scarborough LLP

Attorneys and Counselors at Law

1320 Main Street / 17th Floor / Columbia, SC 29201

Tel: 803.799.2000 Fax: 803.256.7500

www.nelsonmullins.com

Carl B. Epps, III

Tel: 803.255.9751

carl.epps@nelsonmullins.com

April 22, 2008

Via Facsimile (803-734-1499)

The Honorable Daniel E. Shearouse
Clerk of Court
South Carolina Supreme Court
1231 Gervais Street
Columbia, SC 29211

RE: Abbeville County School District, et al. v. State of South Carolina, et al.
Civil Action No. 93-CP-31-169
Court of Appeals Case Tracking No. 2007-65159
Our File No. 11884/01500

Dear Mr. Shearouse:

We appreciate the Court's advising us that oral argument has been set for June 25, 2008, at 2:30 p.m., and that you needed to know who from our firm would argue the appeal and whether there were any conflicts. I have received Mr. Stepp's and Mr. Smith's letters addressing the inquiry. Mr. Stepp's office subsequently told us that the Court has confirmed the June 25, 2008, day for oral arguments, and that he will be protected in the case in York County.

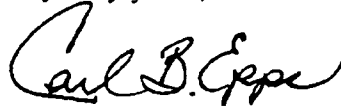
Steve Morrison and I plan to divide the arguments on behalf of the plaintiffs. Unfortunately, Mr. Morrison is scheduled to commence a trial in the United States District Court for the Southern District of Florida on June 9, 2008, and the case is expected to last beyond June 25, 2008. The case is *Jeld-Wen, Inc. v. Nebula Glass International, Inc. and Reichhold, Inc.* Accordingly, the plaintiffs respectfully request that the oral arguments be delayed until July.

It would also be helpful to all parties to know whether the time allowed for oral arguments will be expanded.

The Honorable Daniel E. Shearouse
April 22, 2008
Page 2

I regret having to raise the conflict with the Court, but trust that everyone understands.

Very truly yours,

A handwritten signature in cursive script, reading "Carl B. Epps, III". The signature is written in dark ink and is positioned above the printed name.

Carl B. Epps, III

CBEIII:dsh

cc: Robert E. Stepp, Esquire (Via Facsimile)
Elizabeth Van Doren Gray, Esquire (Via Facsimile)
A. Jackson Barnes, Esquire (Via Facsimile)
J. Emory Smith, Jr., Esquire (Via Facsimile)
Swati Patel, Esquire (Via Facsimile)

Nelson Mullins

Nelson Mullins Riley & Scarborough LLP

Attorneys and Counselors at Law

1320 Main Street / 17th Floor / Columbia, South Carolina 29201

Post Office Box 11070 / Columbia, SC 29211-1070

Tel: 803.799.2000 Fax: 803.256.7500

www.nelsonmullins.com

Facsimile Cover Sheet

TO:	<u>Hon. Daniel E. Shearouse</u>	FAX No. <u>(803) 734-1499</u>
TO:	<u>Robert E. Stepp</u>	FAX No. <u>(803) 929-0336</u>
TO:	<u>Elizabeth VanDoren Gray</u>	FAX No. <u>(803) 929-0336</u>
TO:	<u>A. Jackson Barnes</u>	FAX No. <u>(803) 929-0336</u>
TO:	<u>J. Emory Smith, Jr.</u>	FAX No. <u>(803) 253-6283</u>
TO:	<u>Swati Patel</u>	FAX No. <u>(803) 734-5167</u>

PAGES: 3 including cover sheet

* * *

FROM:	<u>Carl B. Epps, III</u>	DID No. <u>803.255.9751</u>
RETURN TO:	<u>Debbie Horton</u>	FAX No. <u>803.256.7500</u>
DATE/TIME:	<u>April 22, 2008 at 5:53 PM</u>	FILE No. <u>11884/01500</u>
COMMENTS:	<u>Please see attached.</u>	

CONFIDENTIALITY NOTICE: The information contained in this facsimile message may be attorney privileged and confidential information and is intended only for the use of the individual or entity named above. If the reader of this message is not the intended recipient, or the employee or agent responsible to deliver it to the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you have received this communication in error, please immediately notify us by telephone, and return the original message to us at the above address via the U.S. Postal Service. Thank you.

PLEASE LET US KNOW IMMEDIATELY IF YOU DID NOT RECEIVE ALL PAGES

FAX Page 1



HENRY McMASTER
ATTORNEY GENERAL

April 22, 2008

RECEIVED

APR 22 2008

S.C. SUPREME COURT

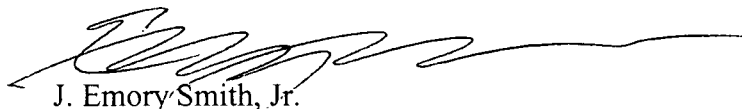
The Honorable Daniel E. Shearouse
Clerk, Supreme Court of
South Carolina
HAND DELIVERY AND FAX

Re: Abbeville County School District v. State 93-CP-31-169
Oral Argument - June 25, 2008

Dear Mr. Shearouse:

Jean Peebles called to inform me of the oral argument date and time of June 25, 2008, at 2:30 pm for this case. I can and will be present then; however, should the Court be considering other scheduling issues for other parties, I note that I am to be out of town on family vacation that week. Although I will be away, I can easily come up for oral argument that day and will be happy to do so. Therefore, I am not requesting that the argument be rescheduled, but simply noting this scheduling matter. I will plan to be present on June 25 unless notified otherwise.

Respectfully,



J. Emory Smith, Jr.
Assistant Deputy Attorney General

cc: Carl B. Epps, III, Esquire (also by email)
Stephen G. Morrison, Esquire (also by email)
Laura Callaway Hart, Esquire (also by email)
Shelby K. Leonardi, Esquire (also by email)
Elizabeth Scott Moise, Esquire
Rachel Atkin Hedley, Esquire
D. Kay Tennyson, Esquire
Robert E. Stepp, Esquire (also by email)
Elizabeth Van Doren Gray, Esquire (also by email)
A. Jackson Barnes, Esquire (also by email)
Roland M. Franklin, Jr., Esquire (also by email)
Swati Shah Patel, Esquire (by interagency mail and email)



SOWELL GRAY STEPP & LAFFITTE, LLC
ATTORNEYS AND COUNSELORS AT LAW

April 22, 2008

VIA FACSIMILE 734-1499

The Honorable Daniel E. Shearouse
South Carolina Supreme Court Clerk of Court
1231 Gervais Street
Columbia, South Carolina 29201

Re: Abbeville School District, et al. vs. The State of South Carolina, et al.
Case No.: 2007-65159
Civil Action Number: 93-CP-31-169
SGS&L File Number: 2014/1500

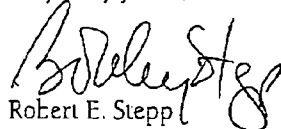
Dear Mr. Shearouse:

I received information today that the Supreme Court has set oral argument in this matter for June 25, 2008 at 2:30 p.m. and further that you were requesting information today regarding any possible conflicts. To that end, I wanted to notify you that I am scheduled to begin a date certain trial involving multiple parties and lawyers on June 16, 2008 which I expect will continue into the next week and, at this point, including the 25th.

As I will be the lawyer arguing on behalf of the House and Senate in Abbeville, I felt compelled to raise the conflict and seek guidance from the Supreme Court, given that many lawyers and witnesses are currently expecting to begin trial on June 16 in front of Judge Patterson in York County in the case of Duncan v. Alfa Laval, Inc., Civil Action No. 06-CP-45-3077.

I certainly appreciate that the Supreme Court's docket takes precedence over the trial court's docket and simply seek guidance in how to proceed. This is not an effort to delay a hearing at all. In fact, the House and the Senate would be happy to argue before the 16th, including the first two weeks of June.

Very truly yours,


Robert E. Stepp

Robert E. Stepp
rstepp@sowell.com
DD 803.231.7836

1310 Gadsden Street
Post Office Box 11449
Columbia, SC 29211

PHONE 803.929.1400
FACSIMILE 803.929.0300
WEBSITE www.sowell.com

4/22/2008
Page 2 of 2



SOWELL GRAY STEPP & LAFFITTE, LLC
ATTORNEYS AND COUNSELORS AT LAW

cc: ALL VIA FACSIMILE
J. Emory Smith, Esquire
Carl B. Epps, III, Esquire
Laura C. Hart, Esquire
Stephen G. Morrison, Esquire
Shelby K. Leonardi, Esquire
Michael Hitchcock, Esquire
Bradley S. Wright, Esquire



SOWELL GRAY STEPP & LAFFITTE, LLC
ATTORNEYS AND COUNSELORS AT LAW

Litigation is our business

DATE: 4/22/2008 3:01:42 PM PAGES (Including Cover): 3

TO: The Honorable Daniel E. Shearouse

FAX NUMBER: 7341499

COMPANY:

FILE NUMBER: 2014/1500

FROM: Valerie Hampton

PHONE NUMBER: 803-231-7844

COMMENTS:

IF YOU DID NOT RECEIVE ALL PAGES, PLEASE CALL BACK AS SOON AS POSSIBLE.

CONFIDENTIALITY NOTICE: The information contained in this facsimile message may be attorney privileged and confidential information and is intended only for the use of the individual or entity named above. If the reader of this message is not the intended recipient, or the employee or agent responsible to deliver it to the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you have received this communication in error, please immediately notify us by telephone, and return the original message to us at the above address via the United States Postal Service. Thank you.

1310 Gadsden Street
Post Office Box 11449 Columbia, South Carolina 29201
TELEPHONE (803)929-1400 FACSIMILE (803) 929-0300
www.sowell.com



SOWELL GRAY STEPP & LAFFITTE, LLC
ATTORNEYS AND COUNSELORS AT LAW

April 18, 2008

RECEIVED
APR 22 2008
S.C. SUPREME COURT

The Honorable Daniel E. Shearouse
South Carolina Supreme Court Clerk of Court
1231 Gervais Street
Columbia, South Carolina 29201

Re: Abbeville School District, *et al.* vs. The State of South Carolina, *et al.*
Case No.: 2007-65159
Civil Action Number: 93-CP-31-169
SGS&L File Number: 2014/1500

Dear Mr. Shearouse:

The Respondents/Appellants in this matter have designated certain videotapes, which were admitted as evidence in the trial of this case, as exhibits to this appeal. These videotapes are currently in the possession of the Lee County Clerk of Court. Because the videotapes do not lend themselves to accurate reproduction for purposes of the Record on Appeal, pursuant to Rule 210(f), the Respondents/Appellants respectfully request that you issue an order requiring that the Lee County Clerk of Court deliver the videotapes to this Court so that they may be considered as part of this appeal.

Please do not hesitate to contact us if you have any questions.

Very truly yours,

A. Jackson Barnes

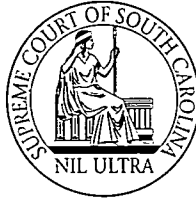
AJB:

cc: J. Emory Smith, Esquire
Carl B. Epps, III, Esquire
Laura C. Hart, Esquire
Stephen G. Morrison, Esquire
Shelby K. Leonardi, Esquire
Michael Hitchcock, Esquire
Bradley S. Wright, Esquire

A. Jackson Barnes
jbarnes@sowell.com
DD 803.231.7823

1310 Gadsden Street
Post Office Box 11449
Columbia, SC 29211

PHONE 803.929.1400
FACSIMILE 803.929.0300
WEBSITE www.sowell.com



The Supreme Court of South Carolina

DANIEL E. SHEAROUSE
CLERK OF COURT

BRENDA F. SHEALY
CHIEF DEPUTY CLERK

POST OFFICE BOX 11330
COLUMBIA, SOUTH CAROLINA 29211

(803) 734-1080

FAX (803) 734-1499

April 22, 2008

Carl B. Epps, III, Esquire
Stephen G. Morrison, Esquire
Laura Callaway Hart, Esquire
Shelby K. Leonardi, Esquire
Nelson Mullins Riley & Scarborough
P O Box 11070
Columbia, SC 29211

Re: Abbeville County School District, et al. v. State of SC, et al.

Dear Counsel:

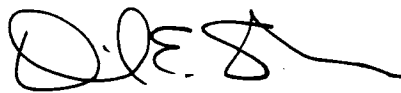
The following Order has been endorsed on your Request to file an Amended Designation of Matter to be Included in the Record on Appeal in the above entitled case on appeal.

"Granted.

s/ Jean H. Toal C.J.
For the Court

April 18, 2008."

Very truly yours,


CLERK

DES/jjp

cc: Elizabeth Scott Moise, Esquire
Rachel Atkin Hedley, Esquire
D. Kay Tennyson, Esquire
Robert E. Stepp, Esquire
Elizabeth Van Doren Gray, Esquire
A. Jackson Barnes, Esquire
Roland M. Franklin, Jr., Esquire
Attorney General Henry D. McMaster
Assistant Deputy Attorney General J. Emory Smith, Jr.
Swati Shah Patel, Esquire

Nelson Mullins

Nelson Mullins Riley & Scarborough LLP
Attorneys and Counselors at Law
1320 Main Street / 17th Floor / Columbia, SC 29201
Tel: 803.799.2000 Fax: 803.255.9038
www.nelsonmullins.com

Laura Callaway Hart
Tel: 803.255.9752
Fax: 803.255.9038
laura.hart@nelsonmullins.com

April 17, 2008

Hand Delivered

The Honorable Daniel E. Shearouse
Clerk of Court
South Carolina Supreme Court
1231 Gervais Street
Columbia, SC 29211

RECEIVED

APR 17 2008

S.C. SUPREME COURT

RE: Abbeville County School District, et al. v. State of South Carolina, et al.
Civil Action No. 93-CP-31-169
Court of Appeals Case Tracking No. 2007-65159
Our File No. 11884/01500

Dear Mr. Shearouse:

The Appellants-Respondents hereby request the Court to allow the filing of an Amended Designation of Matter to be Included in the Record on Appeal.

The Appellants-Respondents have filed three designations through the briefing stage of this appeal. Six (6) corrections of transcript page numbers are needed to ensure the proper record is before this Court.

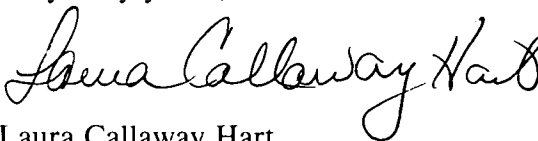
Appellants-Respondents have consulted with Respondents-Appellants and with Respondents who consent to the filing of the same.

Thank you for your consideration of this request.

GRANTED


FOR THE COURT

Very truly yours,


Laura Callaway Hart

LCH:ljs
Enclosures

APRIL 18, 2008

The Honorable Daniel E. Shearouse

April 17, 2008

Page 2

cc: Robert E. Stepp, Esquire (via hand delivery; w/enclosures)
Elizabeth Van Doren Gray, Esquire (via hand delivery; w/enclosures)
A. Jackson Barnes, Esquire (via hand delivery; w/enclosures)
J. Emory Smith, Jr., Esquire (via hand delivery; w/enclosures)
Swati Patel, Esquire (via hand delivery; w/enclosures)

THE STATE OF SOUTH CAROLINA
In The Supreme Court

RECEIVED

APR 17 2008

APPEAL FROM LEE COUNTY
Court of Common Pleas

S.C. SUPREME COURT

Thomas W. Cooper, Jr., Circuit Court Judge

Case No. 93-CP-31-169

Abbeville County School
District, et al.

Appellants-
Respondents.

v.

Warren K. Giese, as
Chairman of the Senate Education
Committee and Chairman of the Senate
Finance Committee, in his representative
capacity as a properly designated
representative of the South Carolina
Senate; David H. Wilkins, as Speaker
of the House of Representatives and as
a representative of the South Carolina
House of Representatives, ...

Respondents-
Appellants,

v.

The State of South Carolina; Mark C. Sanford, as
Governor of the State of
South Carolina, ...

Respondents.

**AMENDED DESIGNATION OF MATTER TO
BE INCLUDED IN THE RECORD ON APPEAL**

Pursuant to Rules 209 and 224 of the South Carolina Appellate Court Rules, Appellants amend their prior designations of matter dated December 13, 2007, February, 28, 2008, and March 28, 2008 to include the following:

1. Trial Transcript, dated July 31, 2003 – page 101

2. Trial Transcript, dated August 4, 2003 – page 28
3. Trial Transcript, dated September 25, 2003 – pages 116-117
4. Trial Transcript, dated June 16, 2004 – page 65
5. Trial Transcript, dated June 28, 2004 – pages 129 and 184

Appellant counsel has consulted with counsel for the respondents and they consent to the above amendments to the record on appeal. The undersigned hereby certifies that the Amended Designation of Matter to be included in the Record on Appeal contains no matter which is which is irrelevant to this appeal.

April 17, 2008

Respectfully submitted,

NELSON MULLINS RILEY & SCARBOROUGH LLP

By: _____

Carl B. Epps, III
SC Bar No. 001903
E-Mail: carl.epps@nelsonmullins.com
Stephen G. Morrison
SC Bar No. 004103
E-Mail: steve.morrison@nelsonmullins.com
Laura Callaway Hart
SC Bar No. 002766
E-Mail: laura.hart@nelsonmullins.com
Shelby K. Leonardi
SC Bar No. 70570
E-Mail: shelby.leonardi@nelsonmullins.com
1320 Main Street / 17th Floor
Post Office Box 11070 (29211-1070)
Columbia, SC 29201
(803) 799-2000

Attorneys for Appellants-Respondents

Nelson Mullins

Nelson Mullins Riley & Scarborough LLP

Attorneys and Counselors at Law

1320 Main Street / 17th Floor / Columbia, SC 29201

Tel: 803.799.2000 Fax: 803.255.9038

www.nelsonmullins.com

Laura Callaway Hart

Tel: 803.255.9752

Fax: 803.255.9038

laura.hart@nelsonmullins.com

April 17, 2008

Hand Delivered

The Honorable Daniel E. Shearouse
Clerk of Court
South Carolina Supreme Court
1231 Gervais Street
Columbia, SC 29211

RECEIVED

APR 17 2008

S.C. SUPREME COURT

RE: Abbeville County School District, et al. v. State of South Carolina, et al.
Civil Action No. 93-CP-31-169
Court of Appeals Case Tracking No. 2007-65159
Our File No. 11884/01500

Dear Mr. Shearouse:

Enclosed for filing are the following:

- One hard drive containing the Master Reference Record pursuant to the Court's April 9, 2008 Order (also enclosed is a DVD containing the same material);
- Documents Sealed Pursuant to April 15, 2008 Letter From the Court (redacted copies are included in Master Reference Record);
- Seven hard copies and seven electronic copies on CD of the Record on Appeal (Condensed) pursuant to the Court's April 9, 2008 Order;
- Certificate of Counsel as to Master Reference Record; and
- Certificate of Counsel as to Record on Appeal (Condensed)

We are including an extra copy of the Certificate of Counsel as to Master Reference Record and Certificate of Counsel as to Record on Appeal (Condensed) and ask that you return the clocked-in copy to us by our courier.

By copy of this letter to other counsel, we are serving each of them with a copy of the above-referenced documents.

THE STATE OF SOUTH CAROLINA
In The Supreme Court

APPEAL FROM LEE COUNTY
Court of Common Pleas

Thomas W. Cooper, Jr., Circuit Court Judge

Case No. 93-CP-31-0169

RECEIVED

APR 28 2003

S.C. SUPREME COURT

Abbeville County School District, Allendale County School District, Bamberg County School District 1, Bamberg County School District 2, Barnwell County School District 19, Barnwell County School District 29, Barnwell County School District 45, Berkeley County School District, Chesterfield County School District, Clarendon County School District 1, Clarendon County School District 2, Clarendon County School District 3, Dillon County School District 1, Dillon County School District 2, Dillon County School District 3, Florence County School District 1, Florence County School District 2, Florence County School District 3, Florence County School District 4, Florence County School District 5, Hampton County School District 1, Hampton County School District 2, Jasper County School District, Laurens County School District 55, Laurens County School District 56, Lee County School District, Lexington County School District 4, Marion County School District 1, Marion County School District 2, Marion County School District 7, Marlboro County School District, McCormick County School District, Orangeburg Consolidated School District 3, Orangeburg Consolidated School District 5, Saluda County School District and Williamsburg County School District; Lena Manning, individually, and as a taxpayer residing in Allendale County and as Guardian ad Litem of Courtney V.; Courtney V., a minor, by and through Lena Manning, as Guardian ad Litem; William L. Mills, individually, and as a Taxpayer residing in Allendale County and as Guardian ad Litem of Waylon P.; Waylon P., a minor, by and through William Mills, as Guardian ad Litem; Betty Bagley, individually, and as a taxpayer residing in Bamberg County and as a parent and Guardian ad Litem of Tyler B.; Tyler B., a

*Designations
of Matter*

minor, by and through Betty Bagley, as Guardian ad Litem, Evert Comer, Jr., individually, and as a taxpayer residing in Bamberg County and as parent and Guardian ad Litem of Kimberly C.; Kimberly C., a minor, by and through Evert Comer, Jr., as Guardian ad Litem; Marla Q. Jameson, individually, and as a taxpayer residing in Barnwell County, and as a parent and Guardian ad Litem of Eleanor J.; Eleanor J., a minor, by and through Marla Q. Jameson, as Guardian ad Litem; Victor M. Lancaster, Sr., individually, and as a taxpayer residing in Barnwell County, and as parent and Guardian ad Litem of Christie L.; Christie L., a minor, by and through Victor M. Lancaster, Sr., as Guardian ad Litem; Dr. Charles Clark, individually, and as a taxpayer residing in Chesterfield County, and as parent and Guardian ad Litem of Candace C., a minor, by and through Dr. Charles Clark, as Guardian ad Litem; Colonel Larry Coker, individually, and as a taxpayer residing in Clarendon County, and as a parent and Guardian ad Litem of Corrie C.; Corrie C., a minor, by and through Colonel Larry Coker, as Guardian ad Litem; Pamela Williams, individually, and as a taxpayer residing in Dillon County, and as parent and Guardian ad Litem of Katisha W.; Kathisha W., a minor, by and through Pamela Williams as Guardian ad Litem; Eddie Wright, individually, and as a taxpayer residing in Florence County, and as parent and Guardian ad Litem of Brandon F.; Brandon F., a minor, by and through Eddie Wright as Guardian ad Litem; John Whiteside, individually, and as a taxpayer residing in Florence County and as Parent and Guardian ad Litem of Joel W.; Joel W., a minor, by and through John Whiteside as Guardian ad Litem; Dr. Francis Mills, individually, and as a taxpayer residing in Hampton County and as a parent and Guardian ad Litem of Amy M.; Amy M., a minor, by and through Dr. Francis Mills, as Guardian ad Litem; Brenda Brooks, individually, and as a taxpayer residing in Hampton County, and as parent and Guardian ad Litem of Tyrin B.; Tyrin B., a minor, by and through Brenda Brooks as Guardian ad Litem; Marva Tigner, individually, and as a taxpayer residing in Jasper County, and as parent and Guardian ad Litem of Bryan T. and Bradley T.; Bryan T., a minor, by and through Marva Tigner as Guardian ad Litem; Bradley T., a minor, by and through Marva Tigner as Guardian ad

Litem; Robert Elisha Short, individually, and as a taxpayer residing in Laurens County and as parent and Guardian ad Litem of Robert B. S.; Robert B. S., a minor, by and through Robert Elisha Short, as Guardian ad Litem; Dr. Keith A. Bridges, individually, and as a taxpayer residing in Laurens County and as parent and Guardian ad Litem of Jorgana Ranson B.; Jorgana Ranson B., a minor, by and through Dr. Keith A. Bridges, as Guardian ad Litem; Gail Y. Harriott, individually, and as a taxpayer residing in Lee County and as parent and Guardian ad Litem of Rashade H.; Rashade H., a minor, by and through Gail Y. Harriott, as Guardian ad Litem; Linda Carraway, individually, and as a taxpayer residing in Marion County, and as parent and Guardian ad Litem of Kimberly W.; Kimberly W., a minor, by and through Linda Carraway as Guardian ad Litem; Dr. John Nobles, individually, and as a taxpayer residing in Marlboro County and as parent and Guardian ad Litem of Erin N.; Erin N., a minor, by and through Dr. John Nobles, as Guardian ad Litem; Patricia Hampton, individually, and as a taxpayer residing in McCormick County and as parent and Guardian ad Litem of Krystle H.; Krystle H., a minor, by and through Patricia Hampton, as Guardian ad Litem; Bernice Profit, individually, as a taxpayer residing in Orangeburg County and as parent and Guardian ad Litem of Russell H.; Russell H., a minor, by and through Bernice Profit, as Guardian ad Litem; Matlin P. Brown, individually, and as a taxpayer residing in Orangeburg County and as parent and Guardian ad Litem of Tanisha P. B.; Tanisha P. B., a minor, by and through Matlin P. Brown, as Guardian ad Litem; James Berry, individually, and as a taxpayer residing in Orangeburg County and as parent and Guardian ad Litem of Dondrea B.; Dondrea B., a minor, by and through James Berry, as Guardian ad Litem; Gerald Smith, individually, and as a taxpayer residing in Orangeburg County and as parent and Guardian ad Litem of Brenda S.; Brenda S., a minor, by and through Gerald Smith, as Guardian ad Litem; Thomas Shealy, individually, and as a taxpayer residing in Saluda County and as parent and Guardian ad Litem of Thomas S., Jr.; Thomas S., Jr., a minor, by and through Thomas Shealy, as Guardian ad Litem,

Plaintiffs,

Of whom:

Allendale County School District,
Dillon County School District 2,
Florence County School District 4,
Hampton County School District 2,
Jasper County School District,
Lee County School District,
Marion County School District 7,
Orangeburg School District 3,
Lena Manning, individually, and as a taxpayer residing
in Allendale County and as Guardian ad Litem of
Courtney V.; Courtney V., a minor, by and through
Lena Manning, as Guardian ad Litem; Pamela
Williams, individually, and as a taxpayer residing in
Dillon County, and as parent and Guardian ad Litem of
Katisha W.; Katisha W., a minor, by and through
Pamela Williams as Guardian ad Litem; Eddie Wright,
individually, and as a taxpayer residing in Florence
County, and as parent and Guardian ad Litem of
Brandon F.; Brandon F., a minor, by and through
Eddie Wright as Guardian ad Litem; Brenda Brooks,
individually, and as a taxpayer residing in Hampton
County, and as parent and Guardian ad Litem of Tyrin
B.; Tyrin B., a minor, by and through Brenda Brooks
as Guardian ad Litem; Marva Tigner, individually, and
as a taxpayer residing in Jasper County, and as parent
and Guardian ad Litem of Bryan T. and Bradley T.;
Bryan T., a minor, by and through Marva Tigner as
Guardian ad Litem; Bradley T., a minor, by and
through Marva Tigner as Guardian ad Litem; Gail Y.
Harriott, individually, and as a taxpayer residing in Lee
County and as parent and Guardian ad Litem of
Rashade H.; Rashade H., a minor, by and through Gail
Y. Harriott, as Guardian ad Litem; Linda Carraway,
individually, and as a taxpayer residing in Marion
County, and as parent and Guardian ad Litem of
Kimberly W.; Kimberly W., a minor, by and through
Linda Carraway as Guardian ad Litem; Bernice Profit,
individually, and as a taxpayer residing in Orangeburg
County and as parent and Guardian ad Litem of Russell
H.; Russell H., a minor, by and through Bernice Profit,
as Guardian ad Litem, are

Appellants-
Respondents,

v.

Glenn F. McConnell, as President *Pro Tempore*

RECEIVED

APR 28 2008

of the Senate and as a representative of the South
Carolina Senate; Robert W. Harrell, Jr., as
Speaker of the House of Representatives
and as a representative of the South Carolina
House of Representatives, ...

SC SUPREME COURT
Respondents-
Appellants,

and

The State of South Carolina; Mark C. Sanford, as
Governor of the State of
South Carolina, ... Respondents.

**AMENDED DESIGNATION OF MATTER TO
BE INCLUDED IN THE RECORD ON APPEAL**

Pursuant to Rules 209 and 224 of the South Carolina Appellate Court Rules, and with
permission of this Court, Appellants amend their prior designations of matter dated
December 13, 2007, February, 28, 2008, and March 28, 2008 to include the following:

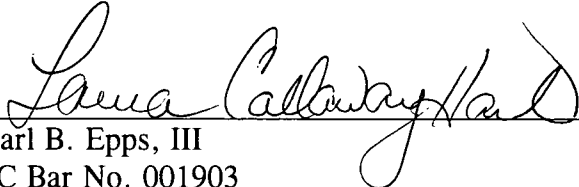
1. Trial Transcript, dated July 31, 2003 – page 101
2. Trial Transcript, dated August 4, 2003 – page 28
3. Trial Transcript, dated September 25, 2003 – pages 116-117
4. Trial Transcript, dated June 16, 2004 – page 65
5. Trial Transcript, dated June 28, 2004 – pages 129 and 184

Appellant counsel has consulted with counsel for the respondents and they consent to the above
amendments to the record on appeal. The undersigned hereby certifies that the Amended
Designation of Matter to be included in the Record on Appeal contains no matter which is
irrelevant to this appeal.

April 28, 2008

Respectfully submitted,

NELSON MULLINS RILEY & SCARBOROUGH LLP

By: 

Carl B. Epps, III

SC Bar No. 001903

E-Mail: carl.epps@nelsonmullins.com

Stephen G. Morrison

SC Bar No. 004103

E-Mail: steve.morrison@nelsonmullins.com

Laura Callaway Hart

SC Bar No. 002766

E-Mail: laura.hart@nelsonmullins.com

Shelby K. Leonardi

SC Bar No. 70570

E-Mail: shelby.leonardi@nelsonmullins.com

1320 Main Street / 17th Floor

Post Office Box 11070 (29211-1070)

Columbia, SC 29201

(803) 799-2000

Attorneys for Appellants-Respondents

THE STATE OF SOUTH CAROLINA
In The Supreme Court

APPEAL FROM LEE COUNTY
Court of Common Pleas

Thomas W. Cooper, Jr., Circuit Court Judge

Case No. 93-CP-31-0169

Abbeville County School District, Allendale County School District, Bamberg County School District 1, Bamberg County School District 2, Barnwell County School District 19, Barnwell County School District 29, Barnwell County School District 45, Berkeley County School District, Chesterfield County School District, Clarendon County School District 1, Clarendon County School District 2, Clarendon County School District 3, Dillon County School District 1, Dillon County School District 2, Dillon County School District 3, Florence County School District 1, Florence County School District 2, Florence County School District 3, Florence County School District 4, Florence County School District 5, Hampton County School District 1, Hampton County School District 2, Jasper County School District, Laurens County School District 55, Laurens County School District 56, Lee County School District, Lexington County School District 4, Marion County School District 1, Marion County School District 2, Marion County School District 7, Marlboro County School District, McCormick County School District, Orangeburg Consolidated School District 3, Orangeburg Consolidated School District 5, Saluda County School District and Williamsburg County School District; Lena Manning, individually, and as a taxpayer residing in Allendale County and as Guardian ad Litem of Courtney V.; Courtney V., a minor, by and through Lena Manning, as Guardian ad Litem; William L. Mills, individually, and as a Taxpayer residing in Allendale County and as Guardian ad Litem of Waylon P.; Waylon P., a minor, by and through William Mills, as Guardian ad Litem; Betty Bagley, individually, and as a taxpayer residing in Bamberg County and as a parent and Guardian ad Litem of Tyler B.; Tyler B., a minor, by and through Betty Bagley, as Guardian ad Litem, Evert Comer, Jr., individually, and as a

taxpayer residing in Bamberg County and as parent and Guardian ad Litem of Kimberly C.; Kimberly C., a minor, by and through Evert Comer, Jr., as Guardian ad Litem; Marla Q. Jameson, individually, and as a taxpayer residing in Barnwell County, and as a parent and Guardian ad Litem of Eleanor J.; Eleanor J., a minor, by and through Marla Q. Jameson, as Guardian ad Litem; Victor M. Lancaster, Sr., individually, and as a taxpayer residing in Barnwell County, and as parent and Guardian ad Litem of Christie L.; Christie L., a minor, by and through Victor M. Lancaster, Sr., as Guardian ad Litem; Dr. Charles Clark, individually, and as a taxpayer residing in Chesterfield County, and as parent and Guardian ad Litem of Candace C., a minor, by and through Dr. Charles Clark, as Guardian ad Litem; Colonel Larry Coker, individually, and as a taxpayer residing in Clarendon County, and as a parent and Guardian ad Litem of Corrie C.; Corrie C., a minor, by and through Colonel Larry Coker, as Guardian ad Litem; Pamela Williams, individually, and as a taxpayer residing in Dillon County, and as parent and Guardian ad Litem of Katisha W.; Katisha W., a minor, by and through Pamela Williams as Guardian ad Litem; Eddie Wright, individually, and as a taxpayer residing in Florence County, and as parent and Guardian ad Litem of Brandon F.; Brandon F., a minor, by and through Eddie Wright as Guardian ad Litem; John Whiteside, individually, and as a taxpayer residing in Florence County and as Parent and Guardian ad Litem of Joel W.; Joel W., a minor, by and through John Whiteside as Guardian ad Litem; Dr. Francis Mills, individually, and as a taxpayer residing in Hampton County and as a parent and Guardian ad Litem of Amy M.; Amy M., a minor, by and through Dr. Francis Mills, as Guardian ad Litem; Brenda Brooks, individually, and as a taxpayer residing in Hampton County, and as parent and Guardian ad Litem of Tyrin B.; Tyrin B., a minor, by and through Brenda Brooks as Guardian ad Litem; Marva Tigner, individually, and as a taxpayer residing in Jasper County, and as parent and Guardian ad Litem of Bryan T. and Bradley T.; Bryan T., a minor, by and through Marva Tigner as Guardian ad Litem; Bradley T., a minor, by and through Marva Tigner as Guardian ad Litem; Robert Elisha Short, individually, and as a taxpayer residing in Laurens County and as parent and Guardian ad Litem of Robert B. S.; Robert B. S., a minor, by and through Robert Elisha Short, as

Guardian ad Litem; Dr. Keith A. Bridges, individually, and as a taxpayer residing in Laurens County and as parent and Guardian ad Litem of Jorgana Ranson B.; Jorgana Ranson B., a minor, by and through Dr. Keith A. Bridges, as Guardian ad Litem; Gail Y. Harriott, individually, and as a taxpayer residing in Lee County and as parent and Guardian ad Litem of Rashade H.; Rashade H., a minor, by and through Gail Y. Harriott, as Guardian ad Litem; Linda Carraway, individually, and as a taxpayer residing in Marion County, and as parent and Guardian ad Litem of Kimberly W.; Kimberly W., a minor, by and through Linda Carraway as Guardian ad Litem; Dr. John Nobles, individually, and as a taxpayer residing in Marlboro County and as parent and Guardian ad Litem of Erin N.; Erin N., a minor, by and through Dr. John Nobles, as Guardian ad Litem; Patricia Hampton, individually, and as a taxpayer residing in McCormick County and as parent and Guardian ad Litem of Krystle H.; Krystle H., a minor, by and through Patricia Hampton, as Guardian ad Litem; Bernice Profit, individually, as a taxpayer residing in Orangeburg County and as parent and Guardian ad Litem of Russell H.; Russell H., a minor, by and through Bernice Profit, as Guardian ad Litem; Matlin P. Brown, individually, and as a taxpayer residing in Orangeburg County and as parent and Guardian ad Litem of Tanisha P. B.; Tanisha P. B., a minor, by and through Matlin P. Brown, as Guardian ad Litem; James Berry, individually, and as a taxpayer residing in Orangeburg County and as parent and Guardian ad Litem of Dondrea B.; Dondrea B., a minor, by and through James Berry, as Guardian ad Litem; Gerald Smith, individually, and as a taxpayer residing in Orangeburg County and as parent and Guardian ad Litem of Brenda S.; Brenda S., a minor, by and through Gerald Smith, as Guardian ad Litem; Thomas Shealy, individually, and as a taxpayer residing in Saluda County and as parent and Guardian ad Litem of Thomas S., Jr.; Thomas S., Jr., a minor, by and through Thomas Shealy, as Guardian ad Litem, Plaintiffs,

Of whom:

Allendale County School District,
Dillon County School District 2,
Florence County School District 4,
Hampton County School District 2,
Jasper County School District,

Lee County School District,
Marion County School District 7,
Orangeburg School District 3,
Lena Manning, individually, and as a taxpayer residing
in Allendale County and as Guardian ad Litem of
Courtney V.; Courtney V., a minor, by and through
Lena Manning, as Guardian ad Litem; Pamela
Williams, individually, and as a taxpayer residing in
Dillon County, and as parent and Guardian ad Litem of
Katisha W.; Katisha W., a minor, by and through
Pamela Williams as Guardian ad Litem; Eddie Wright,
individually, and as a taxpayer residing in Florence
County, and as parent and Guardian ad Litem of
Brandon F.; Brandon F., a minor, by and through
Eddie Wright as Guardian ad Litem; Brenda Brooks,
individually, and as a taxpayer residing in Hampton
County, and as parent and Guardian ad Litem of Tyrin
B.; Tyrin B., a minor, by and through Brenda Brooks
as Guardian ad Litem; Marva Tigner, individually, and
as a taxpayer residing in Jasper County, and as parent
and Guardian ad Litem of Bryan T. and Bradley T.;
Bryan T., a minor, by and through Marva Tigner as
Guardian ad Litem; Bradley T., a minor, by and
through Marva Tigner as Guardian ad Litem; Gail Y.
Harriott, individually, and as a taxpayer residing in Lee
County and as parent and Guardian ad Litem of
Rashade H.; Rashade H., a minor, by and through Gail
Y. Harriott, as Guardian ad Litem; Linda Carraway,
individually, and as a taxpayer residing in Marion
County, and as parent and Guardian ad Litem of
Kimberly W.; Kimberly W., a minor, by and through
Linda Carraway as Guardian ad Litem; Bernice Profit,
individually, and as a taxpayer residing in Orangeburg
County and as parent and Guardian ad Litem of Russell
H.; Russell H., a minor, by and through Bernice Profit,
as Guardian ad Litem, are

Appellants-
Respondents,

v.

Glenn F. McConnell, as President *Pro Tempore*
of the Senate and as a representative of the South
Carolina Senate; Robert W. Harrell, Jr., as
Speaker of the House of Representatives
and as a representative of the South Carolina
House of Representatives, ...

Respondents-
Appellants,

THE STATE OF SOUTH CAROLINA
In the Supreme Court

APPEAL FROM LEE COUNTY
Court of Common Pleas

Thomas W. Cooper, Jr., Circuit Court Judge

Case No.: 2007-65159

RECEIVED

APR 16 2008

S.C. SUPREME COURT

Abbeville County School District, Allendale County School District, Bamberg County School District 1, Bamberg County School District 2, Barnwell County School District 19, Barnwell County School District 29, Barnwell County School District 45, Berkeley County School District, Chesterfield County School District, Clarendon County School District 1, Clarendon County School District 2, Clarendon County School District 3, Dillon County School District 1, Dillon County School District 2, Dillon County School District 3, Florence County School District 1, Florence County School District 2, Florence County School District 3, Florence County School District 4, Florence County School District 5, Hampton County School District 1, Hampton County School District 2, Jasper County School District, Laurens County School District 55, Laurens County School District 56, Lee County School District, Lexington County School District 4, Marion County School District 1, Marion County School District 2, Marion County School District 7, Marlboro County School District, McCormick County School District, Orangeburg Consolidated School District 3, Orangeburg Consolidated School District 5, Saluda County School District and Williamsburg County School District; Lena Manning, individually, and as a taxpayer residing in Allendale County and as Guardian ad Litem of Courtney V.; Courtney V., a minor, by and through Lena Manning, as Guardian ad Litem; William L. Mills, individually, and as a Taxpayer residing in Allendale County and as Guardian ad Litem of Waylon P.; Waylon P., a minor, by and through William Mills, as Guardian ad Litem; Betty Bagley, individually, and as a taxpayer residing in Bamberg County and as a parent and Guardian ad Litem of Tyler B.; Tyler B., a minor, by and through Betty Bagley, as Guardian ad Litem, Evert Comer, Jr., individually, and as a taxpayer residing in Bamberg County and as parent and Guardian ad Litem of Kimberly C.; Kimberly C., a minor, by and through Evert Comer, Jr., as Guardian ad Litem; Marla Q. Jameson, individually, and as a taxpayer residing in Barnwell County, and as a parent and Guardian ad Litem of Eleanor J.; Eleanor J., a minor, by and through

Marla Q. Jameson, as Guardian ad Litem; Victor M. Lancaster, Sr., individually, and as a taxpayer residing in Barnwell County, and as parent and Guardian ad Litem of Christie L.; Christie L., a minor, by and through Victor M. Lancaster, Sr., as Guardian ad Litem; Dr. Charles Clark, individually, and as a taxpayer residing in Chesterfield County, and as parent and Guardian ad Litem of Candace C., a minor, by and through Dr. Charles Clark, as Guardian ad Litem; Colonel Larry Coker, individually, and as a taxpayer residing in Clarendon County, and as a parent and Guardian ad Litem of Corrie C.; Corrie C., a minor, by and through Colonel Larry Coker, as Guardian ad Litem; Pamela Williams, individually, and as a taxpayer residing in Dillon County, and as parent and Guardian ad Litem of Katisha W.; Kathisha W., a minor, by and through Pamela Williams as Guardian ad Litem; Eddie Wright, individually, and as a taxpayer residing in Florence County, and as parent and Guardian ad Litem of Brandon F.; Brandon F., a minor, by and through Eddie Wright as Guardian ad Litem; John Whiteside, individually, and as a taxpayer residing in Florence County and as Parent and Guardian ad Litem of Joel W.; Joel W., a minor, by and through John Whiteside as Guardian ad Litem; Dr. Francis Mills, individually, and as a taxpayer residing in Hampton County and as a parent and Guardian ad Litem of Amy M.; Amy M., a minor, by and through Dr. Francis Mills, as Guardian ad Litem; Brenda Brooks, individually, and as a taxpayer residing in Hampton County, and as parent and Guardian ad Litem of Tyrin B.; Tyrin B., a minor, by and through Brenda Brooks as Guardian ad Litem; Marva Tigner, individually, and as a taxpayer residing in Jasper County, and as parent and Guardian ad Litem of Bryan T. and Bradley T.; Bryan T., a minor, by and through Marva Tigner as Guardian ad Litem; Bradley T., a minor, by and through Marva Tigner as Guardian ad Litem; Robert Elisha Short, individually, and as a taxpayer residing in Laurens County and as parent and Guardian ad Litem of Robert B. S.; Robert B. S., a minor, by and through Robert Elisha Short, as Guardian ad Litem; Dr. Keith A. Bridges, individually, and as a taxpayer residing in Laurens County and as parent and Guardian ad Litem of Jorgana Ranson B.; Jorgana Ranson B., a minor, by and through Dr. Keith A. Bridges, as Guardian ad Litem; Gail Y. Harriott, individually, and as a taxpayer residing in Lee County and as parent and Guardian ad Litem of Rashade H.; Rashade H., a minor, by and through Gail Y. Harriott, as Guardian ad Litem; Linda Carraway, individually, and as a taxpayer residing in Marion County, and as parent and Guardian ad Litem of Kimberly W.; Kimberly W., a minor, by and through Linda Carraway as Guardian ad Litem; Dr. John Nobles, individually, and as a taxpayer residing in Marlboro County and as parent and Guardian ad Litem of Erin N.; Erin N., a minor, by and through Dr. John Nobles, as Guardian ad

Litem; Patricia Hampton, individually, and as a taxpayer residing in McCormick County and as parent and Guardian ad Litem of Krystle H.; Krystle H., a minor, by and through Patricia Hampton, as Guardian ad Litem; Bernice Profit, individually, as a taxpayer residing in Orangeburg County and as parent and Guardian ad Litem of Russell H.; Russell H., a minor, by and through Bernice Profit, as Guardian ad Litem; Matlin P. Brown, individually, and as a taxpayer residing in Orangeburg County and as parent and Guardian ad Litem of Tanisha P. B.; Tanisha P. B., a minor, by and through Matlin P. Brown, as Guardian ad Litem; James Berry, individually, and as a taxpayer residing in Orangeburg County and as parent and Guardian ad Litem of Dondrea B.; Dondrea B., a minor, by and through James Berry, as Guardian ad Litem; Gerald Smith, individually, and as a taxpayer residing in Orangeburg County and as parent and Guardian ad Litem of Brenda S.; Brenda S., a minor, by and through Gerald Smith, as Guardian ad Litem; Thomas Shealy, individually, and as a taxpayer residing in Saluda County and as parent and Guardian ad Litem of Thomas S., Jr.; Thomas S., Jr., a minor, by and through Thomas Shealy, as Guardian ad Litem,

Plaintiffs,

Of Whom

Allendale County School District, Dillon County School District 2, Florence County School District 4, Hampton County School District 2, Jasper County School District, Lee County School District, Marion County School District 7 and Orangeburg Consolidated School District 3; Lena Manning, individually, and as a taxpayer residing in Allendale County and as Guardian ad Litem of Courtney V.; Courtney V., a minor, by and through Lena Manning, as Guardian ad Litem; Pamela Williams, individually, and as a taxpayer residing in Dillon County, and as parent and Guardian ad Litem of Katisha W.; Kathisha W., a minor, by and through Pamela Williams as Guardian ad Litem; Eddie Wright, individually, and as a taxpayer residing in Florence County, and as parent and Guardian ad Litem of Brandon F.; Brandon F., a minor, by and through Eddie Wright as Guardian ad Litem; Brenda Brooks, individually, and as a taxpayer residing in Hampton County, and as parent and Guardian ad Litem of Tyrin B.; Tyrin B., a minor, by and through Brenda Brooks as Guardian ad Litem; Marva Tigner, individually, and as a taxpayer residing in Jasper County, and as parent and Guardian ad Litem of Bryan T. and Bradley T.; Bryan T., a minor, by and through Marva Tigner as Guardian ad Litem; Bradley T., a minor, by and through Marva Tigner as Guardian ad Litem; Gail Y. Harriott, individually, and as a taxpayer residing in Lee County and as parent and

Guardian ad Litem of Rashade H.; Rashade H., a minor, by and through Gail Y. Harriott, as Guardian ad Litem; Linda Carraway, individually, and as a taxpayer residing in Marion County, and as parent and Guardian ad Litem of Kimberly W.; Kimberly W., a minor, by and through Linda Carraway as Guardian ad Litem; Bernice Profit, individually, as a taxpayer residing in Orangeburg County and as parent and Guardian ad Litem of Russell H.; Russell H., a minor, by and through Bernice Profit, as Guardian ad Litem, are

Appellants / Respondents,

vs.

The State of South Carolina, Mark C. Sanford, as Governor of The State of South Carolina; Glenn F. McConnell, in his representative capacity as President Pro Tempore of the South Carolina Senate and as representative thereof; Robert William Harrell, Jr., as Speaker of the House of Representatives and as a representative of the South Carolina House of Representatives,

Defendants,

Of Whom

Glenn F. McConnell, in his representative capacity as President Pro Tempore of the South Carolina Senate and as representative thereof; Robert William Harrell, Jr., as Speaker of the House of Representatives and as a representative of the South Carolina House of Representatives,

Respondents / Appellants

and

The State of South Carolina and Mark C. Sanford, as Governor of the State of South Carolina are

Respondents.

**CORRECTED / AMENDED MASTER DESIGNATION OF MATTER
TO BE INCLUDED IN THE RECORD ON APPEAL**

Respondents / Appellants propose the following be included in the Record on Appeal:

1. Order dated September 20, 1996
2. Order filed June 1, 2001
3. Order dated June 20, 2003
4. Order dated December 3, 2004
5. Order dated December 29, 2005
6. Allendale School District – 2004 Annual District Report Card (see 12/29/05 Order)
7. Dillon 2 School District – 2004 Annual District Report Card (see 12/29/05 Order)
8. Florence 4 School District – 2004 Annual District Report Card (see 12/29/05 Order)
9. Hampton 2 School District – 2004 Annual District Report Card (see 12/29/05 Order)
10. Jasper School District – 2004 Annual District Report Card (see 12/29/05 Order)
11. Lee School District – 2004 Annual District Report Card (see 12/29/05 Order)
12. Marion 7 School District – 2004 Annual District Report Card (see 12/29/05 Order)
13. Orangeburg 3 School District – 2004 Annual District Report Card (12/29/05 Order)
14. Order dated July 12, 2007
15. Complaint dated November 1, 1993
16. Second Amended Complaint, filed July 20, 1995
17. Defendants' Motion to Dismiss dated August 14, 1995
18. Plaintiffs' Motion to Amend Complaint filed January 18, 2001
19. Fourth Amended Complaint dated June 30, 2003
20. Fourth Amended Complaint dated July 10, 2003
21. Notice of Cross Appeal filed by the Senate and the House on August 15, 2007
22. <http://www.jcsd.net/community/construction.php> (last visited April 9, 2008)
23. <http://www.obg3.k12.sc.us/education/school/school.php?sectiondetailid=59> (last visited April 14, 2008)
24. http://www.obg3.k12.sc.us/education/components/sectionlist.php?sectiondetailid=5&sc_id=1201012415 (last visited April 14, 2008)
25. <http://www.dillon2.k12.sc.us/home/eastmaps.asp> (last visited April 14, 2008)
26. <http://www.dillon2.k12.sc.us/home/shsmaps.asp> (last visited April 14, 2008)
27. <http://www.dillon2.k12.sc.us/home/middleschoomaps.asp> (last visited April 14, 2008)
28. <http://www.dillon2.k.12.sc.us/ home/bondreferendum> (last visited April 14, 2008)
29. http://leeschoolsk12.org/site_res_view_folder.aspx?id=791107b4-0b59-401d-8a76-49b6c9101711 (last visited April 14, 2008)
30. <http://www.theitem.com/apps/pbcs.dll/article?AID=/20071221/ITNEWS01/775490447&SearchID=7330632872690> (last visited April 9, 2008)
31. <http://ed.sc.gov/agency/offices/finance/insite> (last visited April 14, 2008)
32. [http://ed.sc.gov/agency/offices/ assessment/PACT/scores.html](http://ed.sc.gov/agency/offices/assessment/PACT/scores.html) (last visited April 14, 2008)

33. <http://www.sceoc.org/CmsPortal/AgencyHomePageTemplate.aspx?NRMODE=Public&NRNODEGUID={6D239C2F-64A3-42EE-A813-8D57402F6EFC}&NRORIGINALURL=/glossaryofterms/&NRCACHEHINT=NoModifyGuest#GraduationRate> (last visited April 14, 2008)
34. <http://eoc.sc.gov/NR/rdonlyres/0D0B40F9-7CB3-4B68-9B40-6F8E38899CE1/0/CDEPP Feb07.pdf> (last visited April 14, 2008)
35. http://www.scstatehouse.net/session/2005-2006/prever/4449_20060531a.htm (last visited April 9, 2008)
36. Deposition Testimony of Peggy Stafford 4/21/03, pp. 50 – 51
37. Deposition Testimony of Thomas Monahan 4/22/03, pp. 86-87
38. Deposition Testimony of Polly Elkins 4/23/03, pp. 77-78, p. 90, p. 104, p.89
39. Deposition Testimony of Jayne Lee 4/23/03, pp. 61-62
40. Deposition Testimony of JaNovice Green-Richardson, 4/23/03, pp. 55-57
41. Deposition Testimony of Derrick Weatherford 5/2/03, pp. 62-63
42. Deposition Testimony of Archie Franchini 4/15/03, p. 11, pp.15-16, p. 59
43. Transcript of Trial Testimony 7/30/03, pp.110-111, pp. 133-137, pp. 161-164
44. Transcript of Trial Testimony 7/31/03, pp. 83-84, p. 165
45. Transcript of Trial Testimony 8/6/03, p. 12, p. 23, p.79, p. 119, pp. 181-186
46. Transcript of Trial Testimony 8/7/03, pp. 98-100
47. Transcript of Trial Testimony 8/11/03, p. 217
48. Transcript of Trial Testimony 8/12/03, p. 21, p. 23, pp. 9-15, pp. 42-44, pp. 62-63
49. Transcript of Trial Testimony 8/13/03, p. 12, pp. 55-56, p. 103
50. Transcript of Trial Testimony 8/14/03, p. 11, p. 21, pp. 28-29, pp. 37-38, pp. 45-50, p. 88, pp. 90-91, p. 102-103, pp. 107-110
51. Transcript of Trial Testimony 9/12/03, pp. 78-84, pp. 98-99
52. Transcript of Trial Testimony 9/22/03, pp. 133-134, p. 182
53. Transcript of Trial Testimony 9/23/03, pp. 25-27, pp. 30-31 pp. 183-187, p. 162
54. Transcript of Trial Testimony 9/24/03, p. 43
55. Transcript of Trial Testimony 9/26/03, p. 119, p. 121, p. 234, p. 254
56. Transcript of Trial Testimony 9/29/03, pp. 98-99
57. Transcript of Trial Testimony 9/30/03, p. 18, p. 104, pp. 108-109
58. Transcript of Trial Testimony 10/2/03, pp. 179-180, p. 202
59. Transcript of Trial Testimony 10/6/03, p. 87, p.89, p. 115
60. Transcript of Trial Testimony 10/8/03, p. 19, pp. 115-129
61. Transcript of Trial Testimony 10/9/03, pp. 114-115
62. Transcript of Trial Testimony 1/6/04, p. 13, pp. 110-113
63. Transcript of Trial Testimony 1/7/04, pp. 19-21
64. Transcript of Trial Testimony 1/9/04, pp. 143-145
65. Transcript of Trial Testimony 1/14/04, p. 203
66. Transcript of Trial Testimony 1/15/04, pp. 144-145
67. Transcript of Trial Testimony 1/16/04, p. 40-41, p. 141, p. 188-190, pp. 198-206, pp. 217-218, pp. 223-224, pp. 202-203
68. Transcript of Trial Testimony 2/9/04, pp. 25-33, pp. 38-39, pp. 127-128
69. Transcript of Trial Testimony 2/13/04, pp. 192-201

70. Transcript of Trial Testimony 2/24/04, pp. 57-59
71. Transcript of Trial Testimony 3/3/04, pp. 22-23
72. Transcript of Trial Testimony 3/4/04, p. 173, p. 170, pp. 195-196, p. 226
73. Transcript of Trial Testimony 3/5/04, pp. 18-19
74. Transcript of Trial Testimony 3/30/04, pp. 3-4, pp. 14-15, pp. 17-19, p. 23, p. 42
75. Transcript of Trial Testimony 3/31/04, p. 10, p. 12, p. 40, pp. 81-82, pp. 78-82
76. Transcript of Trial Testimony 4/1/04, p. 149
77. Transcript of Trial Testimony 4/2/04, p. 40, pp. 57-58, p. 111, p. 175
78. Transcript of Trial Testimony 4/21/04, pp. 191-192
79. Transcript of Trial Testimony 5/4/04, p. 23, pp. 75-76, p. 79, pp. 143-144, p. 239-240
80. Transcript of Trial Testimony 6/7/04, pp. 233-241
81. Transcript of Trial Testimony 6/9/04, p. 74, pp. 80-83, pp. 89-90, pp. 137-142, pp. 144-145, pp. 148-149, pp. 151-154, pp. 156-157, pp. 161-162, pp. 169-172, pp. 190-192, pp. 197-198, p. 210, pp. 215-218, pp. 222-226, pp. 229-232, pp. 233-234
82. Transcript of Trial Testimony 6/10/04, p. 5-9, pp. 12-13, pp. 15-17, pp. 19-22, pp. 26-27, pp. 29-30, p. 38, p. 179
83. Transcript of Trial Testimony 6/11/04, pp. 164-165
84. Transcript of Trial Testimony 6/14/04, pp. 44-45, pp. 76-77, pp. 205-210, pp. 213-214, pp. 217-224, pp. 228-233, pp. 237-239
85. Transcript of Trial Testimony 6/15/04, pp. 11-12, pp. 19-20, pp. 33-35, p. 37, pp. 53-54, pp. 97-113, pp. 18-25, pp. 33-35, p. 37, pp. 53-54, p. 124-134, pp. 140-147
86. Transcript of Trial Testimony 6/16/04, pp. 100-102, p. 148
87. Transcript of Trial Testimony 6/17/04, p. 101
88. Transcript of Trial Testimony 6/21/04, pp. 13-14, p. 44, pp. 46-50, pp. 77-83, pp. 87-89, pp. 93-94 p. 104, p. 111, p. 116-118, pp. 120-125, pp. 135-136
89. Transcript of Trial Testimony 6/22/04, pp. 68-70, pp. 74-78
90. Transcript of Trial Testimony 6/28/04, p. 11, pp. 29-34, pp. 36-42, pp. 48-49, p. 52-53, pp. 56-58, pp. 60-65, pp. 67-68, p. 82-83, p. 94, p. 119, pp. 123-124, p. 127, p. 141, p. 189, p. 193, p. 195, p. 198, p. 207, p. 210, p. 213
91. Transcript of Trial Testimony 6/29/04, pp. 14-23, p. 16, p. 20, p. 22, p. 26, p. 29, p. 36, pp. 44-49, p. 51-52, p. 57, pp. 62-63, pp. 70-71, pp. 115-117, p. 125
92. Transcript of Trial Testimony 6/30/04, pp. 92-94
93. Transcript of Trial Testimony 7/1/04, pp. 171-176
94. Transcript of Trial Testimony 7/2/04, pp. 203-205, pp. 223-225, pp. 234-236
95. Transcript of Trial Testimony 8/17/04, pp. 71-72, p. 117
96. Transcript of Trial Testimony 9/20/04, p. 60-62, pp. 73-77, pp. 79-80, pp. 82-85, pp. 89-92, p. 98, pp. 100-101, p. 103, pp. 113-115, pp. 103-107, p. 118, pp. 122-123, p. 125, p. 138, pp. 169-170, pp. 178-179, pp. 182-183, p. 192, p. 199, pp. 201-202, p. 206-209, p. 211-212, p. 215, p. 243
97. Transcript of Trial Testimony 9/21/04, pp. 3-4, pp. 10-27, p. 34, pp. 49-51, pp. 58-59, pp. 60-61, p. 72, pp. 80-84, pp. 97-100
98. Transcript of Trial Testimony 9/22/04, pp. 43-45

99. Transcript of Trial Testimony 9/23/04, pp. 30-32, p. 33-34, pp. 49-50, pp. 73-77, pp. 84-96, pp. 155-157, p. 185
100. Transcript of Trial Testimony 9/24/04, p. 234
101. Transcript of Trial Testimony 9/29/04, p. 133
102. Transcript of Trial Testimony 9/30/04, pp. 17-18, p. 49
103. Transcript of Trial Testimony 11/4/04, pp. 110-111, pp. 146-148, pp. 154-155, pp. 164-166, p. 181, p. 186, pp. 197-19
104. Transcript of Trial Testimony 11/5/04, p. 188
105. Transcript of Trial Testimony 11/29/04, pp. 22-24, p. 52, pp. 17-21
106. Transcript of Trial Testimony 12/9/04, pp. 58-59, pp. 69-70, pp. 122-124
107. Defendants' Exhibit 233
108. Defendants' Exhibit 297
109. Defendants' Exhibit 327
110. Defendants' Exhibit 391
111. Defendants' Exhibit 391
112. Defendants' Exhibit 671
113. Defendants' Exhibit 672
114. Defendants' Exhibit 673
115. Defendants' Exhibit 674
116. Defendants' Exhibit 675
117. Defendants' Exhibit 676
118. Defendants' Exhibit 677
119. Defendants' Exhibit 678
120. Defendants' Exhibit 679
121. Defendants' Exhibit 688
122. Defendants' Exhibit 690
123. Defendants' Exhibit 691
124. Defendants' Exhibit 692
125. Defendants' Exhibit 697
126. Defendants' Exhibit 700
127. Defendants' Exhibit 702
128. Defendants' Exhibit 703
129. Defendants' Exhibit 704
130. Defendants' Exhibit 705
131. Defendants' Exhibit 706
132. Defendants' Exhibit 707
133. Defendants' Exhibit 708
134. Defendants' Exhibit 709
135. Defendants' Exhibit 710
136. Defendants' Exhibit 711
137. Defendants' Exhibit 713
138. Defendants' Exhibit 714
139. Defendants' Exhibit 715
140. Defendants' Exhibit 804, p. 3, p. 4, p.8
141. Defendants' Exhibit 894
142. Defendants' Exhibit 1117

143. Defendants' Exhibit 1290
144. Defendants' Exhibit 1388
145. Defendants' Exhibit 1413
146. Defendants' Exhibit 1542
147. Defendants' Exhibit 1719
148. Defendants' Exhibit 1792
149. Defendants' Exhibit 2041
150. Defendants' Exhibit 2533
151. Defendants' Exhibit 2534
152. Defendants' Exhibits 2117-2435
153. Defendants' Exhibit 2575
154. Defendants' Exhibit 2621, p. 8
155. Defendants' Exhibit 2776
156. Defendants' Exhibit 2780, p. 2-3, p. 7
157. Defendants' Exhibit 2784
158. Defendants' Exhibit 2800
159. Defendants' Exhibit 2831
160. Defendants' Exhibit 2832
161. Defendants' Exhibit 2833
162. Defendants' Exhibit 2835
163. Defendants' Exhibit 2852
164. Defendants' Exhibit 2869
165. Defendants' Exhibit 2870A
166. Defendants' Exhibit 2880
167. Defendants' Exhibit 2903
168. Defendants' Exhibit 2910
169. Defendants' Exhibit 2971
170. Defendants' Exhibit 2976
171. Defendants' Exhibit 2983
172. Defendants' Exhibit 2987
173. Defendants' Exhibit 2991
174. Defendants' Exhibit 2997
175. Defendants' Exhibit 3004
176. Defendants' Exhibit 3009
177. Defendants' Exhibit 3074
178. Defendants' Exhibit 3127
179. Defendants' Exhibit 3131, p. 40-41
180. Defendants' Exhibit 3149
181. Defendants' Exhibit 3164
182. Defendants' Exhibit 3166
183. Defendants' Exhibit 3167
184. Defendants' Exhibit 3168
185. Defendants' Exhibit 3169
186. Defendants' Exhibit 3170
187. Defendants' Exhibit 3171
188. Defendants' Exhibit 3172

189. Defendants' Exhibit 3183
190. Defendants' Exhibit 3185
191. Defendants' Exhibit 3186
192. Defendants' Exhibit 3187
193. Defendants' Exhibit 3188
194. Defendants' Exhibit 3189
195. Defendants' Exhibit 3195
196. Defendants' Exhibit 3217
197. Defendants' Exhibit 3204
198. Defendants' Exhibit 3225, Table 88, p. 232, pp. 262-263
199. Defendants' Exhibit 3245 A- AL
200. Defendants' Exhibit 3254 A
201. Defendants' Exhibit 3254 R
202. Defendants' Exhibit 3254 BL
203. Defendants' Exhibit 3254 BM
204. Defendants' Exhibit 3254 BN
205. Defendants' Exhibit 3254 I
206. Defendants' Exhibit 3261
207. Defendants' Exhibit 3263
208. Defendants' Exhibit 3264
209. Defendants' Exhibit 3265
210. Defendants' Exhibit 3266
211. Defendants' Exhibit 3267
212. Defendants' Exhibit 3268
213. Defendants' Exhibit 3280
214. Defendants' Exhibit 3283
215. Defendants' Exhibit 3284
216. Defendants' Exhibit 3285
217. Defendants' Exhibit 3286
218. Defendants' Exhibit 3287
219. Defendants' Exhibit 3288
220. Defendants' Exhibit 3289
221. Defendants' Exhibit 3290
222. Defendants' Exhibit 3291
223. Defendants' Exhibit 3292
224. Defendants' Exhibit 3293
225. Defendants' Exhibit 3294
226. Defendants' Exhibit 3307, pp. 3-4, p. 13, 16
227. Defendants' Exhibit 3315, p. 6-16
228. Defendants' Exhibit 3317
229. Defendants' Exhibit 3318
230. Defendants' Exhibit 3319
231. Defendants' Exhibit 3320
232. Defendants' Exhibit 3321
233. Defendants' Exhibit 3322
234. Defendants' Exhibit 3323

- 235. Defendants' Exhibit 3324
- 236. Defendants' Exhibit 3325
- 237. Defendants' Exhibit 3326
- 238. Defendants' Exhibit 3327
- 239. Defendants' Exhibit 3328
- 240. Defendants' Exhibit 3329
- 241. Defendants' Exhibit 3330
- 242. Defendants' Exhibit 3331
- 243. Defendants' Exhibit 3332
- 244. Defendants' Exhibit 3333
- 245. Defendants' Exhibit 3334
- 246. Defendants' Exhibit 3335
- 247. Defendants' Exhibit 3336
- 248. Defendants' Exhibit 3339
- 249. Defendants' Exhibit 3342, p. 33-35, pp. 37-40, p. 42, p. 44-47, p. 49-52, p. 57-60, pp.62-64, pp. 66-68, p. 70-79, p. 81, pp. 84-95, p. 97-108, p. 112, p.114, p.116, p. 118
- 250. Defendants' Exhibit 3346
- 251. Defendants' Exhibit 3350
- 252. Plaintiffs' Exhibit 251-C
- 253. Plaintiffs' Exhibit 1458
- 254. Plaintiffs' Exhibit 5024
- 255. Plaintiffs' Exhibit 6010
- 256. Plaintiffs' Exhibit 6021
- 257. Plaintiffs' Exhibit 6149
- 258. Plaintiffs' Exhibit 6207
- 259. Plaintiffs' Exhibit 6208
- 260. Plaintiffs' Exhibit 6209
- 261. Plaintiffs' Exhibit 6214
- 262. Plaintiffs' Exhibit 6215
- 263. Plaintiffs' Exhibit 6216
- 264. Plaintiff's Exhibit 6217
- 265. Plaintiffs' Exhibit 6236
- 266. Plaintiffs' Exhibit 6264
- 267. Plaintiffs' Exhibit 6293
- 268. Plaintiffs' Exhibit 6312
- 269. Plaintiffs' Exhibit 6313
- 270. Plaintiffs' Exhibit 6314
- 271. Plaintiffs' Exhibit 6352 A
- 272. Plaintiffs' Exhibit 6835 A, I
- 273. Plaintiffs' Exhibit 6859 E

I certify that this designation contains no matter which is irrelevant to this appeal.

April 16, 2008

A handwritten signature in black ink, appearing to read "Robert E. Stepp", written over a horizontal line.

Robert E. Stepp
Elizabeth Van Doren Gray
A. Jackson Barnes
Roland M. Franklin, Jr.
SOWELL GRAY STEPP & LAFFITTE, L.L.C.
1310 Gadsden Street
Post Office Box 11449
Columbia, South Carolina 29211
(803) 929-1400

**Attorneys for Respondents / Appellants Glenn F.
McConnell and Robert William Harrell, Jr**

THE STATE OF SOUTH CAROLINA
In The Supreme Court

APPEAL FROM LEE COUNTY
Court of Common Pleas

Thomas W. Cooper, Jr., Circuit Court Judge

Case No. 93-CP-31-0169

RECEIVED

APR 17 2008

S.C. SUPREME COURT

Abbeville County School District, Allendale County School District, Bamberg County School District 1, Bamberg County School District 2, Barnwell County School District 19, Barnwell County School District 29, Barnwell County School District 45, Berkeley County School District, Chesterfield County School District, Clarendon County School District 1, Clarendon County School District 2, Clarendon County School District 3, Dillon County School District 1, Dillon County School District 2, Dillon County School District 3, Florence County School District 1, Florence County School District 2, Florence County School District 3, Florence County School District 4, Florence County School District 5, Hampton County School District 1, Hampton County School District 2, Jasper County School District, Laurens County School District 55, Laurens County School District 56, Lee County School District, Lexington County School District 4, Marion County School District 1, Marion County School District 2, Marion County School District 7, Marlboro County School District, McCormick County School District, Orangeburg Consolidated School District 3, Orangeburg Consolidated School District 5, Saluda County School District and Williamsburg County School District; Lena Manning, individually, and as a taxpayer residing in Allendale County and as Guardian ad Litem of Courtney V.; Courtney V., a minor, by and through Lena Manning, as Guardian ad Litem; William L. Mills, individually, and as a Taxpayer residing in Allendale County and as Guardian ad Litem of Waylon P.; Waylon P., a minor, by and through William Mills, as Guardian ad Litem; Betty Bagley, individually, and as a taxpayer residing in Bamberg County and as a parent and Guardian ad Litem of Tyler B.; Tyler B., a

minor, by and through Betty Bagley, as Guardian ad Litem, Evert Comer, Jr., individually, and as a taxpayer residing in Bamberg County and as parent and Guardian ad Litem of Kimberly C.; Kimberly C., a minor, by and through Evert Comer, Jr., as Guardian ad Litem; Marla Q. Jameson, individually, and as a taxpayer residing in Barnwell County, and as a parent and Guardian ad Litem of Eleanor J.; Eleanor J., a minor, by and through Marla Q. Jameson, as Guardian ad Litem; Victor M. Lancaster, Sr., individually, and as a taxpayer residing in Barnwell County, and as parent and Guardian ad Litem of Christie L.; Christie L., a minor, by and through Victor M. Lancaster, Sr., as Guardian ad Litem; Dr. Charles Clark, individually, and as a taxpayer residing in Chesterfield County, and as parent and Guardian ad Litem of Candace C., a minor, by and through Dr. Charles Clark, as Guardian ad Litem; Colonel Larry Coker, individually, and as a taxpayer residing in Clarendon County, and as a parent and Guardian ad Litem of Corrie C.; Corrie C., a minor, by and through Colonel Larry Coker, as Guardian ad Litem; Pamela Williams, individually, and as a taxpayer residing in Dillon County, and as parent and Guardian ad Litem of Katisha W.; Kathisha W., a minor, by and through Pamela Williams as Guardian ad Litem; Eddie Wright, individually, and as a taxpayer residing in Florence County, and as parent and Guardian ad Litem of Brandon F.; Brandon F., a minor, by and through Eddie Wright as Guardian ad Litem; John Whiteside, individually, and as a taxpayer residing in Florence County and as Parent and Guardian ad Litem of Joel W.; Joel W., a minor, by and through John Whiteside as Guardian ad Litem; Dr. Francis Mills, individually, and as a taxpayer residing in Hampton County and as a parent and Guardian ad Litem of Amy M.; Amy M., a minor, by and through Dr. Francis Mills, as Guardian ad Litem; Brenda Brooks, individually, and as a taxpayer residing in Hampton County, and as parent and Guardian ad Litem of Tyrin B.; Tyrin B., a minor, by and through Brenda Brooks as Guardian ad Litem; Marva Tigner, individually, and as a taxpayer residing in Jasper County, and as parent and Guardian ad Litem of Bryan T. and Bradley T.; Bryan T., a minor, by and through Marva Tigner as Guardian ad Litem; Bradley T., a minor, by and through Marva Tigner as Guardian ad

1

Item; Robert Elisha Short, individually, and as a taxpayer residing in Laurens County and as parent and Guardian ad Litem of Robert B. S.; Robert B. S., a minor, by and through Robert Elisha Short, as Guardian ad Litem; Dr. Keith A. Bridges, individually, and as a taxpayer residing in Laurens County and as parent and Guardian ad Litem of Jorgana Ranson B.; Jorgana Ranson B., a minor, by and through Dr. Keith A. Bridges, as Guardian ad Litem; Gail Y. Harriott, individually, and as a taxpayer residing in Lee County and as parent and Guardian ad Litem of Rashade H.; Rashade H., a minor, by and through Gail Y. Harriott, as Guardian ad Litem; Linda Carraway, individually, and as a taxpayer residing in Marion County, and as parent and Guardian ad Litem of Kimberly W.; Kimberly W., a minor, by and through Linda Carraway as Guardian ad Litem; Dr. John Nobles, individually, and as a taxpayer residing in Marlboro County and as parent and Guardian ad Litem of Erin N.; Erin N., a minor, by and through Dr. John Nobles, as Guardian ad Litem; Patricia Hampton, individually, and as a taxpayer residing in McCormick County and as parent and Guardian ad Litem of Krystle H.; Krystle H., a minor, by and through Patricia Hampton, as Guardian ad Litem; Bernice Profit, individually, as a taxpayer residing in Orangeburg County and as parent and Guardian ad Litem of Russell H.; Russell H., a minor, by and through Bernice Profit, as Guardian ad Litem; Matlin P. Brown, individually, and as a taxpayer residing in Orangeburg County and as parent and Guardian ad Litem of Tanisha P. B.; Tanisha P. B., a minor, by and through Matlin P. Brown, as Guardian ad Litem; James Berry, individually, and as a taxpayer residing in Orangeburg County and as parent and Guardian ad Litem of Dondrea B.; Dondrea B., a minor, by and through James Berry, as Guardian ad Litem; Gerald Smith, individually, and as a taxpayer residing in Orangeburg County and as parent and Guardian ad Litem of Brenda S.; Brenda S., a minor, by and through Gerald Smith, as Guardian ad Litem; Thomas Shealy, individually, and as a taxpayer residing in Saluda County and as parent and Guardian ad Litem of Thomas S., Jr.; Thomas S., Jr., a minor, by and through Thomas Shealy, as Guardian ad Litem, Plaintiffs,

Of whom:

Allendale County School District,
 Dillon County School District 2,
 Florence County School District 4,
 Hampton County School District 2,
 Jasper County School District,
 Lee County School District,
 Marion County School District 7,
 Orangeburg School District 3,
 Lena Manning, individually, and as a taxpayer residing
 in Allendale County and as Guardian ad Litem of
 Courtney V.; Courtney V., a minor, by and through
 Lena Manning, as Guardian ad Litem; Pamela
 Williams, individually, and as a taxpayer residing in
 Dillon County, and as parent and Guardian ad Litem of
 Katisha W.; Katisha W., a minor, by and through
 Pamela Williams as Guardian ad Litem; Eddie Wright,
 individually, and as a taxpayer residing in Florence
 County, and as parent and Guardian ad Litem of
 Brandon F.; Brandon F., a minor, by and through
 Eddie Wright as Guardian ad Litem; Brenda Brooks,
 individually, and as a taxpayer residing in Hampton
 County, and as parent and Guardian ad Litem of Tyrin
 B.; Tyrin B., a minor, by and through Brenda Brooks
 as Guardian ad Litem; Marva Tigner, individually, and
 as a taxpayer residing in Jasper County, and as parent
 and Guardian ad Litem of Bryan T. and Bradley T.;
 Bryan T., a minor, by and through Marva Tigner as
 Guardian ad Litem; Bradley T., a minor, by and
 through Marva Tigner as Guardian ad Litem; Gail Y.
 Harriott, individually, and as a taxpayer residing in Lee
 County and as parent and Guardian ad Litem of
 Rashade H.; Rashade H., a minor, by and through Gail
 Y. Harriott, as Guardian ad Litem; Linda Carraway,
 individually, and as a taxpayer residing in Marion
 County, and as parent and Guardian ad Litem of
 Kimberly W.; Kimberly W., a minor, by and through
 Linda Carraway as Guardian ad Litem; Bernice Profit,
 individually, and as a taxpayer residing in Orangeburg
 County and as parent and Guardian ad Litem of Russell
 H.; Russell H., a minor, by and through Bernice Profit,
 as Guardian ad Litem, are

Appellants-
 Respondents,

v.

Glenn F. McConnell, as President *Pro Tempore*
 of the Senate and as a representative of the South

Carolina Senate; Robert W. Harrell, Jr., as Speaker of the House of Representatives and as a representative of the South Carolina House of Representatives, ...	Respondents- Appellants,
and	
The State of South Carolina; Mark C. Sanford, as Governor of the State of South Carolina, ...	Respondents.

CERTIFICATE OF COUNSEL

The undersigned hereby certifies that the record on appeal (condensed) contains all material proposed to be included by any of the parties and not any other material and further complies with the Order of the Court dated April 9, 2008, filed in this case.

[SIGNATURE BLOCK ON FOLLOWING PAGE]

Respectfully submitted,

NELSON MULLINS RILEY & SCARBOROUGH LLP

By: Laura Callaway Hart

Carl B. Epps, III

SC Bar No. 001903

E-Mail: carl.epps@nelsonmullins.com

Stephen G. Morrison

SC Bar No. 004103

E-Mail: steve.morrison@nelsonmullins.com

Laura Callaway Hart

SC Bar No. 002766

E-Mail: laura.hart@nelsonmullins.com

Shelby K. Leonardi

SC Bar No. 70570

E-Mail: shelby.leonardi@nelsonmullins.com

Elizabeth Scott Moise

SC Bar No. 12945

E-Mail: scott.moise@nelsonmullins.com

Rachel Atkin Hedley

SC Bar No. 16941

E-Mail: rachel.hedley@nelsonmullins.com

D. Kay Tennyson

SC Bar No. 11825

E-Mail: kay.tennyson@nelsonmullins.com

1320 Main Street / 17th Floor

Post Office Box 11070 (29211-1070)

Columbia, SC 29201

(803) 799-2000

Attorneys for Appellants-Respondents

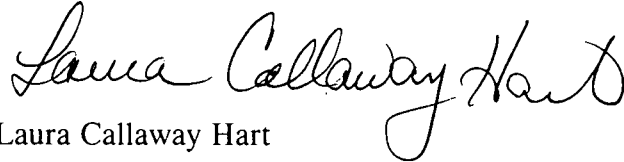
April 17, 2008

The Honorable Daniel E. Shearouse

April 17, 2008

Page 2

Very truly yours,

A handwritten signature in cursive script that reads "Laura Callaway Hart". The signature is fluid and elegant, with the first name "Laura" being the most prominent.

Laura Callaway Hart

LCH:ljs

Enclosures

cc: Robert E. Stepp, Esquire (via hand delivery; w/enclosures)
Elizabeth Van Doren Gray, Esquire (via hand delivery; w/enclosures)
A. Jackson Barnes, Esquire (via hand delivery; w/enclosures)
J. Emory Smith, Jr., Esquire (via hand delivery; w/enclosures)
Swati Patel, Esquire (via hand delivery; w/enclosures)

THE STATE OF SOUTH CAROLINA
In The Supreme Court

RECEIVED

APR 17 2008

APPEAL FROM LEE COUNTY
Court of Common Pleas

S.C. SUPREME COURT

Thomas W. Cooper, Jr., Circuit Court Judge

Case No. 93-CP-31-0169

Abbeville County School District, Allendale County School District, Bamberg County School District 1, Bamberg County School District 2, Barnwell County School District 19, Barnwell County School District 29, Barnwell County School District 45, Berkeley County School District, Chesterfield County School District, Clarendon County School District 1, Clarendon County School District 2, Clarendon County School District 3, Dillon County School District 1, Dillon County School District 2, Dillon County School District 3, Florence County School District 1, Florence County School District 2, Florence County School District 3, Florence County School District 4, Florence County School District 5, Hampton County School District 1, Hampton County School District 2, Jasper County School District, Laurens County School District 55, Laurens County School District 56, Lee County School District, Lexington County School District 4, Marion County School District 1, Marion County School District 2, Marion County School District 7, Marlboro County School District, McCormick County School District, Orangeburg Consolidated School District 3, Orangeburg Consolidated School District 5, Saluda County School District and Williamsburg County School District; Lena Manning, individually, and as a taxpayer residing in Allendale County and as Guardian ad Litem of Courtney V.; Courtney V., a minor, by and through Lena Manning, as Guardian ad Litem; William L. Mills, individually, and as a Taxpayer residing in Allendale County and as Guardian ad Litem of Waylon P.; Waylon P., a minor, by and through William Mills, as Guardian ad Litem; Betty Bagley, individually, and as a taxpayer residing in Bamberg County and as a parent and Guardian ad Litem of Tyler B.; Tyler B., a

minor, by and through Betty Bagley, as Guardian ad Litem, Evert Comer, Jr., individually, and as a taxpayer residing in Bamberg County and as parent and Guardian ad Litem of Kimberly C.; Kimberly C., a minor, by and through Evert Comer, Jr., as Guardian ad Litem; Marla Q. Jameson, individually, and as a taxpayer residing in Barnwell County, and as a parent and Guardian ad Litem of Eleanor J.; Eleanor J., a minor, by and through Marla Q. Jameson, as Guardian ad Litem; Victor M. Lancaster, Sr., individually, and as a taxpayer residing in Barnwell County, and as parent and Guardian ad Litem of Christie L.; Christie L., a minor, by and through Victor M. Lancaster, Sr., as Guardian ad Litem; Dr. Charles Clark, individually, and as a taxpayer residing in Chesterfield County, and as parent and Guardian ad Litem of Candace C., a minor, by and through Dr. Charles Clark, as Guardian ad Litem; Colonel Larry Coker, individually, and as a taxpayer residing in Clarendon County, and as a parent and Guardian ad Litem of Corrie C.; Corrie C., a minor, by and through Colonel Larry Coker, as Guardian ad Litem; Pamela Williams, individually, and as a taxpayer residing in Dillon County, and as parent and Guardian ad Litem of Katisha W.; Kathisha W., a minor, by and through Pamela Williams as Guardian ad Litem; Eddie Wright, individually, and as a taxpayer residing in Florence County, and as parent and Guardian ad Litem of Brandon F.; Brandon F., a minor, by and through Eddie Wright as Guardian ad Litem; John Whiteside, individually, and as a taxpayer residing in Florence County and as Parent and Guardian ad Litem of Joel W.; Joel W., a minor, by and through John Whiteside as Guardian ad Litem; Dr. Francis Mills, individually, and as a taxpayer residing in Hampton County and as a parent and Guardian ad Litem of Amy M.; Amy M., a minor, by and through Dr. Francis Mills, as Guardian ad Litem; Brenda Brooks, individually, and as a taxpayer residing in Hampton County, and as parent and Guardian ad Litem of Tyrin B.; Tyrin B., a minor, by and through Brenda Brooks as Guardian ad Litem; Marva Tigner, individually, and as a taxpayer residing in Jasper County, and as parent and Guardian ad Litem of Bryan T. and Bradley T.; Bryan T., a minor, by and through Marva Tigner as Guardian ad Litem; Bradley T., a minor, by and through Marva Tigner as Guardian ad

Litem; Robert Elisha Short, individually, and as a taxpayer residing in Laurens County and as parent and Guardian ad Litem of Robert B. S.; Robert B. S., a minor, by and through Robert Elisha Short, as Guardian ad Litem; Dr. Keith A. Bridges, individually, and as a taxpayer residing in Laurens County and as parent and Guardian ad Litem of Jorgana Ranson B.; Jorgana Ranson B., a minor, by and through Dr. Keith A. Bridges, as Guardian ad Litem; Gail Y. Harriott, individually, and as a taxpayer residing in Lee County and as parent and Guardian ad Litem of Rashade H.; Rashade H., a minor, by and through Gail Y. Harriott, as Guardian ad Litem; Linda Carraway, individually, and as a taxpayer residing in Marion County, and as parent and Guardian ad Litem of Kimberly W.; Kimberly W., a minor, by and through Linda Carraway as Guardian ad Litem; Dr. John Nobles, individually, and as a taxpayer residing in Marlboro County and as parent and Guardian ad Litem of Erin N.; Erin N., a minor, by and through Dr. John Nobles, as Guardian ad Litem; Patricia Hampton, individually, and as a taxpayer residing in McCormick County and as parent and Guardian ad Litem of Krystle H.; Krystle H., a minor, by and through Patricia Hampton, as Guardian ad Litem; Bernice Profit, individually, as a taxpayer residing in Orangeburg County and as parent and Guardian ad Litem of Russell H.; Russell H., a minor, by and through Bernice Profit, as Guardian ad Litem; Matlin P. Brown, individually, and as a taxpayer residing in Orangeburg County and as parent and Guardian ad Litem of Tanisha P. B.; Tanisha P. B., a minor, by and through Matlin P. Brown, as Guardian ad Litem; James Berry, individually, and as a taxpayer residing in Orangeburg County and as parent and Guardian ad Litem of Dondrea B.; Dondrea B., a minor, by and through James Berry, as Guardian ad Litem; Gerald Smith, individually, and as a taxpayer residing in Orangeburg County and as parent and Guardian ad Litem of Brenda S.; Brenda S., a minor, by and through Gerald Smith, as Guardian ad Litem; Thomas Shealy, individually, and as a taxpayer residing in Saluda County and as parent and Guardian ad Litem of Thomas S., Jr.; Thomas S., Jr., a minor, by and through Thomas Shealy, as Guardian ad Litem, Plaintiffs,

Of whom:

Allendale County School District,
 Dillon County School District 2,
 Florence County School District 4,
 Hampton County School District 2,
 Jasper County School District,
 Lee County School District,
 Marion County School District 7,
 Orangeburg School District 3,
 Lena Manning, individually, and as a taxpayer residing
 in Allendale County and as Guardian ad Litem of
 Courtney V.; Courtney V., a minor, by and through
 Lena Manning, as Guardian ad Litem; Pamela
 Williams, individually, and as a taxpayer residing in
 Dillon County, and as parent and Guardian ad Litem of
 Katisha W.; Katisha W., a minor, by and through
 Pamela Williams as Guardian ad Litem; Eddie Wright,
 individually, and as a taxpayer residing in Florence
 County, and as parent and Guardian ad Litem of
 Brandon F.; Brandon F., a minor, by and through
 Eddie Wright as Guardian ad Litem; Brenda Brooks,
 individually, and as a taxpayer residing in Hampton
 County, and as parent and Guardian ad Litem of Tyrin
 B.; Tyrin B., a minor, by and through Brenda Brooks
 as Guardian ad Litem; Marva Tigner, individually, and
 as a taxpayer residing in Jasper County, and as parent
 and Guardian ad Litem of Bryan T. and Bradley T.;
 Bryan T., a minor, by and through Marva Tigner as
 Guardian ad Litem; Bradley T., a minor, by and
 through Marva Tigner as Guardian ad Litem; Gail Y.
 Harriott, individually, and as a taxpayer residing in Lee
 County and as parent and Guardian ad Litem of
 Rashade H.; Rashade H., a minor, by and through Gail
 Y. Harriott, as Guardian ad Litem; Linda Carraway,
 individually, and as a taxpayer residing in Marion
 County, and as parent and Guardian ad Litem of
 Kimberly W.; Kimberly W., a minor, by and through
 Linda Carraway as Guardian ad Litem; Bernice Profit,
 individually, and as a taxpayer residing in Orangeburg
 County and as parent and Guardian ad Litem of Russell
 H.; Russell H., a minor, by and through Bernice Profit,
 as Guardian ad Litem, are

Appellants-
 Respondents,

v.

Glenn F. McConnell, as President *Pro Tempore*
 of the Senate and as a representative of the South

Carolina Senate; Robert W. Harrell, Jr., as Speaker of the House of Representatives and as a representative of the South Carolina House of Representatives, ...	Respondents- Appellants,
and	
The State of South Carolina; Mark C. Sanford, as Governor of the State of South Carolina, ...	Respondents.

CERTIFICATE OF COUNSEL

The undersigned hereby certifies that the Master Reference Record contains all material proposed to be included by any of the parties and not any other material and further complies with the Order of the Court dated April 9, 2008, filed in this case.

[SIGNATURE BLOCK ON FOLLOWING PAGE]

Respectfully submitted,

NELSON MULLINS RILEY & SCARBOROUGH LLP

By: Laura Callaway Hart

Carl B. Epps, III

SC Bar No. 001903

E-Mail: carl.epps@nelsonmullins.com

Stephen G. Morrison

SC Bar No. 004103

E-Mail: steve.morrison@nelsonmullins.com

Laura Callaway Hart

SC Bar No. 002766

E-Mail: laura.hart@nelsonmullins.com

Shelby K. Leonardi

SC Bar No. 70570

E-Mail: shelby.leonardi@nelsonmullins.com

Elizabeth Scott Moise

SC Bar No. 12945

E-Mail: scott.moise@nelsonmullins.com

Rachel Atkin Hedley

SC Bar No. 16941

E-Mail: rachel.hedley@nelsonmullins.com

D. Kay Tennyson

SC Bar No. 11825

E-Mail: kay.tennyson@nelsonmullins.com

1320 Main Street / 17th Floor

Post Office Box 11070 (29211-1070)

Columbia, SC 29201

(803) 799-2000

Attorneys for Appellants-Respondents

April 17, 2008

THE STATE OF SOUTH CAROLINA
In The Supreme Court

APPEAL FROM LEE COUNTY
Court of Common Pleas

Thomas W. Cooper, Jr., Circuit Court Judge

Case No. 93-CP-31-0169

RECEIVED
APR 17 2003
S.C. SUPREME COURT

Abbeville County School District, Allendale County School District, Bamberg County School District 1, Bamberg County School District 2, Barnwell County School District 19, Barnwell County School District 29, Barnwell County School District 45, Berkeley County School District, Chesterfield County School District, Clarendon County School District 1, Clarendon County School District 2, Clarendon County School District 3, Dillon County School District 1, Dillon County School District 2, Dillon County School District 3, Florence County School District 1, Florence County School District 2, Florence County School District 3, Florence County School District 4, Florence County School District 5, Hampton County School District 1, Hampton County School District 2, Jasper County School District, Laurens County School District 55, Laurens County School District 56, Lee County School District, Lexington County School District 4, Marion County School District 1, Marion County School District 2, Marion County School District 7, Marlboro County School District, McCormick County School District, Orangeburg Consolidated School District 3, Orangeburg Consolidated School District 5, Saluda County School District and Williamsburg County School District; Lena Manning, individually, and as a taxpayer residing in Allendale County and as Guardian ad Litem of Courtney V.; Courtney V., a minor, by and through Lena Manning, as Guardian ad Litem; William L. Mills, individually, and as a Taxpayer residing in Allendale County and as Guardian ad Litem of Waylon P.; Waylon P., a minor, by and through William Mills, as Guardian ad Litem; Betty Bagley, individually, and as a taxpayer residing in Bamberg County and as a parent and Guardian ad Litem of Tyler B.; Tyler B., a

minor, by and through Betty Bagley, as Guardian ad Litem, Evert Comer, Jr., individually, and as a taxpayer residing in Bamberg County and as parent and Guardian ad Litem of Kimberly C.; Kimberly C., a minor, by and through Evert Comer, Jr., as Guardian ad Litem; Marla Q. Jameson, individually, and as a taxpayer residing in Barnwell County, and as a parent and Guardian ad Litem of Eleanor J.; Eleanor J., a minor, by and through Marla Q. Jameson, as Guardian ad Litem; Victor M. Lancaster, Sr., individually, and as a taxpayer residing in Barnwell County, and as parent and Guardian ad Litem of Christie L.; Christie L., a minor, by and through Victor M. Lancaster, Sr., as Guardian ad Litem; Dr. Charles Clark, individually, and as a taxpayer residing in Chesterfield County, and as parent and Guardian ad Litem of Candace C., a minor, by and through Dr. Charles Clark, as Guardian ad Litem; Colonel Larry Coker, individually, and as a taxpayer residing in Clarendon County, and as a parent and Guardian ad Litem of Corrie C.; Corrie C., a minor, by and through Colonel Larry Coker, as Guardian ad Litem; Pamela Williams, individually, and as a taxpayer residing in Dillon County, and as parent and Guardian ad Litem of Katisha W.; Katisha W., a minor, by and through Pamela Williams as Guardian ad Litem; Eddie Wright, individually, and as a taxpayer residing in Florence County, and as parent and Guardian ad Litem of Brandon F.; Brandon F., a minor, by and through Eddie Wright as Guardian ad Litem; John Whiteside, individually, and as a taxpayer residing in Florence County and as Parent and Guardian ad Litem of Joel W.; Joel W., a minor, by and through John Whiteside as Guardian ad Litem; Dr. Francis Mills, individually, and as a taxpayer residing in Hampton County and as a parent and Guardian ad Litem of Amy M.; Amy M., a minor, by and through Dr. Francis Mills, as Guardian ad Litem; Brenda Brooks, individually, and as a taxpayer residing in Hampton County, and as parent and Guardian ad Litem of Tyrin B.; Tyrin B., a minor, by and through Brenda Brooks as Guardian ad Litem; Marva Tigner, individually, and as a taxpayer residing in Jasper County, and as parent and Guardian ad Litem of Bryan T. and Bradley T.; Bryan T., a minor, by and through Marva Tigner as Guardian ad Litem; Bradley T., a minor, by and through Marva Tigner as Guardian ad

Litem; Robert Elisha Short, individually, and as a taxpayer residing in Laurens County and as parent and Guardian ad Litem of Robert B. S.; Robert B. S., a minor, by and through Robert Elisha Short, as Guardian ad Litem; Dr. Keith A. Bridges, individually, and as a taxpayer residing in Laurens County and as parent and Guardian ad Litem of Jorgana Ranson B.; Jorgana Ranson B., a minor, by and through Dr. Keith A. Bridges, as Guardian ad Litem; Gail Y. Harriott, individually, and as a taxpayer residing in Lee County and as parent and Guardian ad Litem of Rashade H.; Rashade H., a minor, by and through Gail Y. Harriott, as Guardian ad Litem; Linda Carraway, individually, and as a taxpayer residing in Marion County, and as parent and Guardian ad Litem of Kimberly W.; Kimberly W., a minor, by and through Linda Carraway as Guardian ad Litem; Dr. John Nobles, individually, and as a taxpayer residing in Marlboro County and as parent and Guardian ad Litem of Erin N.; Erin N., a minor, by and through Dr. John Nobles, as Guardian ad Litem; Patricia Hampton, individually, and as a taxpayer residing in McCormick County and as parent and Guardian ad Litem of Krystle H.; Krystle H., a minor, by and through Patricia Hampton, as Guardian ad Litem; Bernice Profit, individually, as a taxpayer residing in Orangeburg County and as parent and Guardian ad Litem of Russell H.; Russell H., a minor, by and through Bernice Profit, as Guardian ad Litem; Matlin P. Brown, individually, and as a taxpayer residing in Orangeburg County and as parent and Guardian ad Litem of Tanisha P. B.; Tanisha P. B., a minor, by and through Matlin P. Brown, as Guardian ad Litem; James Berry, individually, and as a taxpayer residing in Orangeburg County and as parent and Guardian ad Litem of Dondrea B.; Dondrea B., a minor, by and through James Berry, as Guardian ad Litem; Gerald Smith, individually, and as a taxpayer residing in Orangeburg County and as parent and Guardian ad Litem of Brenda S.; Brenda S., a minor, by and through Gerald Smith, as Guardian ad Litem; Thomas Shealy, individually, and as a taxpayer residing in Saluda County and as parent and Guardian ad Litem of Thomas S., Jr.; Thomas S., Jr., a minor, by and through Thomas Shealy, as Guardian ad Litem, Plaintiffs,

Of whom:

Allendale County School District,
 Dillon County School District 2,
 Florence County School District 4,
 Hampton County School District 2,
 Jasper County School District,
 Lee County School District,
 Marion County School District 7,
 Orangeburg School District 3,
 Lena Manning, individually, and as a taxpayer residing
 in Allendale County and as Guardian ad Litem of
 Courtney V.; Courtney V., a minor, by and through
 Lena Manning, as Guardian ad Litem; Pamela
 Williams, individually, and as a taxpayer residing in
 Dillon County, and as parent and Guardian ad Litem of
 Katisha W.; Katisha W., a minor, by and through
 Pamela Williams as Guardian ad Litem; Eddie Wright,
 individually, and as a taxpayer residing in Florence
 County, and as parent and Guardian ad Litem of
 Brandon F.; Brandon F., a minor, by and through
 Eddie Wright as Guardian ad Litem; Brenda Brooks,
 individually, and as a taxpayer residing in Hampton
 County, and as parent and Guardian ad Litem of Tyrin
 B.; Tyrin B., a minor, by and through Brenda Brooks
 as Guardian ad Litem; Marva Tigner, individually, and
 as a taxpayer residing in Jasper County, and as parent
 and Guardian ad Litem of Bryan T. and Bradley T.;
 Bryan T., a minor, by and through Marva Tigner as
 Guardian ad Litem; Bradley T., a minor, by and
 through Marva Tigner as Guardian ad Litem; Gail Y.
 Harriott, individually, and as a taxpayer residing in Lee
 County and as parent and Guardian ad Litem of
 Rashade H.; Rashade H., a minor, by and through Gail
 Y. Harriott, as Guardian ad Litem; Linda Carraway,
 individually, and as a taxpayer residing in Marion
 County, and as parent and Guardian ad Litem of
 Kimberly W.; Kimberly W., a minor, by and through
 Linda Carraway as Guardian ad Litem; Bernice Profit,
 individually, and as a taxpayer residing in Orangeburg
 County and as parent and Guardian ad Litem of Russell
 H.; Russell H., a minor, by and through Bernice Profit,
 as Guardian ad Litem, are Appellants-
 Respondents,

v.

Glenn F. McConnell, as President *Pro Tempore*
 of the Senate and as a representative of the South

Carolina Senate; Robert W. Harrell, Jr., as Speaker of the House of Representatives and as a representative of the South Carolina House of Representatives, ...	Respondents- Appellants,
and	
The State of South Carolina; Mark C. Sanford, as Governor of the State of South Carolina, ...	Respondents.

PROOF OF SERVICE

I, the undersigned Administrative Assistant, of the law offices of Nelson Mullins Riley & Scarborough LLP, attorneys for Appellants-Respondents, do hereby certify that I have served all counsel in this action with the documents hereinbelow specified by hand delivery to the following addresses:

Master Reference Record (in electronic format)
Record on Appeal (Condensed) (in electronic format)
Certificate of Counsel as to Master Reference Record
Certificate of Counsel as to Record on Appeal (Condensed)

Counsel Served:

Robert E. Stepp
Elizabeth Van Doren Gray
A. Jackson Barnes
Roland M. Franklin, Jr.
SOWELL GRAY STEPP & LAFITTE, L.L.C.
1310 Gadsden Street
Columbia, SC 29201

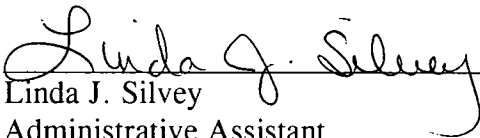
Attorneys for Respondents-Appellants
Senate and House of Representatives of the
State of South Carolina

Henry D. McMaster
J. Emory Smith, Jr.
OFFICE OF THE ATTORNEY GENERAL OF
THE STATE OF SOUTH CAROLINA
Rembert C. Dennis Building
Columbia, SC 29201

Attorneys for Respondent State of South
Carolina

Swati S. Patel
Office of the Governor
South Carolina State House
P.O. Box 12267
Columbia, SC 29211

Attorney for Respondent Governor of
South Carolina


Linda J. Silvey
Administrative Assistant

April 17, 2008



SOWELL GRAY STEPP & LAFFITTE, LLC
ATTORNEYS AND COUNSELORS AT LAW

April 16, 2008

RECEIVED

APR 16 2008

S.C. SUPREME COURT

VIA HAND DELIVERY

The Honorable Daniel E. Shearouse
South Carolina Supreme Court Clerk of Court
1231 Gervais Street
Columbia, South Carolina 29201

Re: Abbeville School District, et al. vs. The State of South Carolina, et al.
Case No.: 2007-65159
Civil Action Number: 93-CP-31-169
SGS&L File Number: 2014/1500

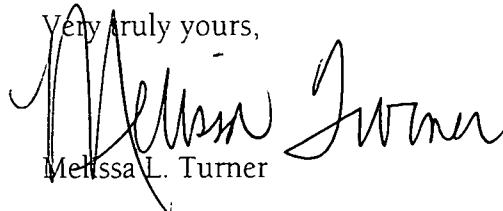
Dear Mr. Shearouse:

Please find enclosed a Corrected / Amended Master Designation of Matter to be Included in the Record on Appeal that was filed with your office yesterday. Please substitute this copy for the version that was filed yesterday, as two typographical mistakes were found after we filed the Corrected Designation yesterday.

By copy of this letter we are serving a corrected copy of the same on all counsel of record.

I apologize for any confusion but thought that it was preferable to have a completely corrected version on file. Please do not hesitate to contact us if you have any questions.

Very truly yours,



Melissa L. Turner

Litigation Paralegal

Cc: Laura Hart, Esquire

Melissa L. Turner
mtturner@sowell.com
DD 803.231.7820

1310 Gadsden Street
Post Office Box 11449
Columbia, SC 29211

PHONE 803.929.1400

FACSIMILE 803.929.0300

WEBSITE www.sowell.com

THE STATE OF SOUTH CAROLINA
In the Supreme Court

RECEIVED

APPEAL FROM LEE COUNTY
Court of Common Pleas
Thomas W. Cooper, Jr., Circuit Court Judge

APR 16 2008

S.C. SUPREME COURT

Case No. 2007-65159

Abbeville County School District, *et al.*, ...Appellants / Respondents

vs.

The State of South Carolina, *et al.*, ...Respondents / Appellants.

PROOF OF SERVICE

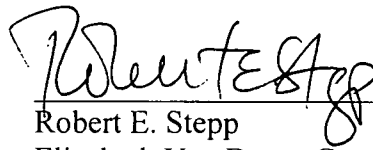
I, the undersigned employee, of the law offices of Sowell Gray Stepp & Laffitte, L.L.C., attorneys for the Respondents/Appellants, do hereby certify that on April 16, 2008 I have served all counsel in this action with a copy of the Respondents'/Appellants' Corrected / Amended Master Designation of Matter to be Included in the Record on Appeal via United States mail to the following addresses:

Counsel Served: NELSON MULLINS RILEY & SCARBOROUGH, L.L.P.

Carl B. Epps, III
Stephen G. Morrison
Laura Callaway Hart
Shelby K. Leonardi
Meridian, 17th Floor
1320 Main Street
Columbia, South Carolina 29201
Attorneys for Plaintiffs

OFFICE OF THE ATTORNEY GENERAL

Henry D. McMaster
J. Emory Smith, Jr.
Rembert Dennis Bldg.
1000 Assembly Street, Room 519
Columbia, South Carolina 29201

A handwritten signature in cursive script, appearing to read "Robert E. Stepp", written over a horizontal line.

Robert E. Stepp

Elizabeth Van Doren Gray

A. Jackson Barnes

Roland M. Franklin, Jr.

SOWELL GRAY STEPP & LAFFITTE, L.L.C.

1310 Gadsden Street

Post Office Box 11449

Columbia, South Carolina 29211

(803) 929-1400

Attorneys for Respondents/Appellants Glen F.
McConnell and Robert William Harrell, Jr.

April 16, 2006

THE STATE OF SOUTH CAROLINA
In the Supreme Court

APPEAL FROM LEE COUNTY
Court of Common Pleas

Thomas W. Cooper, Jr., Circuit Court Judge

Case No.: 2007-65159

RECEIVED

APR 15 2008

S.C. SUPREME COURT

Abbeville County School District, Allendale County School District, Bamberg County School District 1, Bamberg County School District 2, Barnwell County School District 19, Barnwell County School District 29, Barnwell County School District 45, Berkeley County School District, Chesterfield County School District, Clarendon County School District 1, Clarendon County School District 2, Clarendon County School District 3, Dillon County School District 1, Dillon County School District 2, Dillon County School District 3, Florence County School District 1, Florence County School District 2, Florence County School District 3, Florence County School District 4, Florence County School District 5, Hampton County School District 1, Hampton County School District 2, Jasper County School District, Laurens County School District 55, Laurens County School District 56, Lee County School District, Lexington County School District 4, Marion County School District 1, Marion County School District 2, Marion County School District 7, Marlboro County School District, McCormick County School District, Orangeburg Consolidated School District 3, Orangeburg Consolidated School District 5, Saluda County School District and Williamsburg County School District; Lena Manning, individually, and as a taxpayer residing in Allendale County and as Guardian ad Litem of Courtney V.; Courtney V., a minor, by and through Lena Manning, as Guardian ad Litem; William L. Mills, individually, and as a Taxpayer residing in Allendale County and as Guardian ad Litem of Waylon P.; Waylon P., a minor, by and through William Mills, as Guardian ad Litem; Betty Bagley, individually, and as a taxpayer residing in Bamberg County and as a parent and Guardian ad Litem of Tyler B.; Tyler B., a minor, by and through Betty Bagley, as Guardian ad Litem; Evert Comer, Jr., individually, and as a taxpayer residing in Bamberg County and as parent and Guardian ad Litem of Kimberly C.; Kimberly C., a minor, by and through Evert Comer, Jr., as Guardian ad Litem; Marla Q. Jameson, individually, and as a taxpayer residing in Barnwell County, and as a parent and Guardian ad Litem of Eleanor J.; Eleanor J., a minor, by and through

Marla Q. Jameson, as Guardian ad Litem; Victor M. Lancaster, Sr., individually, and as a taxpayer residing in Barnwell County, and as parent and Guardian ad Litem of Christie L.; Christie L., a minor, by and through Victor M. Lancaster, Sr., as Guardian ad Litem; Dr. Charles Clark, individually, and as a taxpayer residing in Chesterfield County, and as parent and Guardian ad Litem of Candace C., a minor, by and through Dr. Charles Clark, as Guardian ad Litem; Colonel Larry Coker, individually, and as a taxpayer residing in Clarendon County, and as a parent and Guardian ad Litem of Corrie C.; Corrie C., a minor, by and through Colonel Larry Coker, as Guardian ad Litem; Pamela Williams, individually, and as a taxpayer residing in Dillon County, and as parent and Guardian ad Litem of Katisha W.; Kathisha W., a minor, by and through Pamela Williams as Guardian ad Litem; Eddie Wright, individually, and as a taxpayer residing in Florence County, and as parent and Guardian ad Litem of Brandon F.; Brandon F., a minor, by and through Eddie Wright as Guardian ad Litem; John Whiteside, individually, and as a taxpayer residing in Florence County and as Parent and Guardian ad Litem of Joel W.; Joel W., a minor, by and through John Whiteside as Guardian ad Litem; Dr. Francis Mills, individually, and as a taxpayer residing in Hampton County and as a parent and Guardian ad Litem of Amy M.; Amy M., a minor, by and through Dr. Francis Mills, as Guardian ad Litem; Brenda Brooks, individually, and as a taxpayer residing in Hampton County, and as parent and Guardian ad Litem of Tyrin B.; Tyrin B., a minor, by and through Brenda Brooks as Guardian ad Litem; Marva Tigner, individually, and as a taxpayer residing in Jasper County, and as parent and Guardian ad Litem of Bryan T. and Bradley T.; Bryan T., a minor, by and through Marva Tigner as Guardian ad Litem; Bradley T., a minor, by and through Marva Tigner as Guardian ad Litem; Robert Elisha Short, individually, and as a taxpayer residing in Laurens County and as parent and Guardian ad Litem of Robert B. S.; Robert B. S., a minor, by and through Robert Elisha Short, as Guardian ad Litem; Dr. Keith A. Bridges, individually, and as a taxpayer residing in Laurens County and as parent and Guardian ad Litem of Jorgana Ranson B.; Jorgana Ranson B., a minor, by and through Dr. Keith A. Bridges, as Guardian ad Litem; Gail Y. Harriott, individually, and as a taxpayer residing in Lee County and as parent and Guardian ad Litem of Rashade H.; Rashade H., a minor, by and through Gail Y. Harriott, as Guardian ad Litem; Linda Carraway, individually, and as a taxpayer residing in Marion County, and as parent and Guardian ad Litem of Kimberly W.; Kimberly W., a minor, by and through Linda Carraway as Guardian ad Litem; Dr. John Nobles, individually, and as a taxpayer residing in Marlboro County and as parent and Guardian ad Litem of Erin N.; Erin N., a minor, by and through Dr. John Nobles, as Guardian ad

Litem; Patricia Hampton, individually, and as a taxpayer residing in McCormick County and as parent and Guardian ad Litem of Krystle H.; Krystle H., a minor, by and through Patricia Hampton, as Guardian ad Litem; Bernice Profit, individually, as a taxpayer residing in Orangeburg County and as parent and Guardian ad Litem of Russell H.; Russell H., a minor, by and through Bernice Profit, as Guardian ad Litem; Matlin P. Brown, individually, and as a taxpayer residing in Orangeburg County and as parent and Guardian ad Litem of Tanisha P. B.; Tanisha P. B., a minor, by and through Matlin P. Brown, as Guardian ad Litem; James Berry, individually, and as a taxpayer residing in Orangeburg County and as parent and Guardian ad Litem of Dondrea B.; Dondrea B., a minor, by and through James Berry, as Guardian ad Litem; Gerald Smith, individually, and as a taxpayer residing in Orangeburg County and as parent and Guardian ad Litem of Brenda S.; Brenda S., a minor, by and through Gerald Smith, as Guardian ad Litem; Thomas Shealy, individually, and as a taxpayer residing in Saluda County and as parent and Guardian ad Litem of Thomas S., Jr.; Thomas S., Jr., a minor, by and through Thomas Shealy, as Guardian ad Litem,

Plaintiffs,

Of Whom

Allendale County School District, Dillon County School District 2, Florence County School District 4, Hampton County School District 2, Jasper County School District, Lee County School District, Marion County School District 7 and Orangeburg Consolidated School District 3; Lena Manning, individually, and as a taxpayer residing in Allendale County and as Guardian ad Litem of Courtney V.; Courtney V., a minor, by and through Lena Manning, as Guardian ad Litem; Pamela Williams, individually, and as a taxpayer residing in Dillon County, and as parent and Guardian ad Litem of Katisha W.; Kathisha W., a minor, by and through Pamela Williams as Guardian ad Litem; Eddie Wright, individually, and as a taxpayer residing in Florence County, and as parent and Guardian ad Litem of Brandon F.; Brandon F., a minor, by and through Eddie Wright as Guardian ad Litem; Brenda Brooks, individually, and as a taxpayer residing in Hampton County, and as parent and Guardian ad Litem of Tyrin B.; Tyrin B., a minor, by and through Brenda Brooks as Guardian ad Litem; Marva Tigner, individually, and as a taxpayer residing in Jasper County, and as parent and Guardian ad Litem of Bryan T. and Bradley T.; Bryan T., a minor, by and through Marva Tigner as Guardian ad Litem; Bradley T., a minor, by and through Marva Tigner as Guardian ad Litem; Gail Y. Harriott, individually, and as a taxpayer residing in Lee County and as parent and

RECEIVED
APR 15 2008
S.C. SUPREME COURT

Guardian ad Litem of Rashade H.; Rashade H., a minor, by and through Gail Y. Harriott, as Guardian ad Litem; Linda Carraway, individually, and as a taxpayer residing in Marion County, and as parent and Guardian ad Litem of Kimberly W.; Kimberly W., a minor, by and through Linda Carraway as Guardian ad Litem; Bernice Profit, individually, as a taxpayer residing in Orangeburg County and as parent and Guardian ad Litem of Russell H.; Russell H., a minor, by and through Bernice Profit, as Guardian ad Litem, are

Appellants / Respondents,

vs.

The State of South Carolina, Mark C. Sanford, as Governor of The State of South Carolina; Glenn F. McConnell, in his representative capacity as President Pro Tempore of the South Carolina Senate and as representative thereof; Robert William Harrell, Jr., as Speaker of the House of Representatives and as a representative of the South Carolina House of Representatives,

Defendants,

Of Whom

Glenn F. McConnell, in his representative capacity as President Pro Tempore of the South Carolina Senate and as representative thereof; Robert William Harrell, Jr., as Speaker of the House of Representatives and as a representative of the South Carolina House of Representatives,

Respondents / Appellants

and

The State of South Carolina and Mark C. Sanford, as Governor of the State of South Carolina are

Respondents.

**CORRECTED / AMENDED MASTER DESIGNATION OF MATTER
TO BE INCLUDED IN THE RECORD ON APPEAL**

Respondents / Appellants propose the following be included in the Record on Appeal:

1. Order dated September 20, 1996
2. Order filed June 1, 2001
3. Order dated June 20, 2003
4. Order dated December 3, 2004
5. Order dated December 29, 2005
6. Allendale School District – 2004 Annual District Report Card (see 12/29/05 Order)
7. Dillon 2 School District – 2004 Annual District Report Card (see 12/29/05 Order)
8. Florence 4 School District – 2004 Annual District Report Card (see 12/29/05 Order)
9. Hampton 2 School District – 2004 Annual District Report Card (see 12/29/05 Order)
10. Jasper School District – 2004 Annual District Report Card (see 12/29/05 Order)
11. Lee School District – 2004 Annual District Report Card (see 12/29/05 Order)
12. Marion 7 School District – 2004 Annual District Report Card (see 12/29/05 Order)
13. Orangeburg 3 School District – 2004 Annual District Report Card (12/29/05 Order)
14. Order dated July 12, 2007
15. Complaint dated November 1, 1993
16. Second Amended Complaint, filed July 20, 1995
17. Defendants' Motion to Dismiss dated August 14, 1995
18. Plaintiffs' Motion to Amend Complaint filed January 18, 2001
19. Fourth Amended Complaint dated June 30, 2003
20. Fourth Amended Complaint dated July 10, 2003
21. Notice of Cross Appeal filed by the Senate and the House on August 15, 2007
22. <http://www.jcsd.net/community/construction.php> (last visited April 9, 2008)
23. <http://www.obg3.k12.sc.us/education/school/school.php?sectiondetailid=59> (last visited April 14, 2008)
24. http://www.obg3.k12.sc.us/education/components/sectionlist.php?sectiondetailid=5&sc_id=1201012415 (last visited April 14, 2008)
25. <http://www.dillon2.k12.sc.us/home/eastmaps.asp> (last visited April 14, 2008)
26. <http://www.dillon2.k12.sc.us/home/shsmaps.asp> (last visited April 14, 2008)
27. <http://www.dillon2.k12.sc.us/home/middleschoomaps.asp> (last visited April 14, 2008)
28. <http://www.dillon2.k.12.sc.us/home/bondreferendum> (last visited April 14, 2008)
29. http://leeschoolsk12.org/site_res_view_folder.aspx?id=791107b4-0b59-401d-8a76-49b6c9101711 (last visited April 14, 2008)
30. <http://www.theitem.com/apps/pbcs.dll/article?AID=/20071221/ITNEWS01/775490447&SearchID=7330632872690> (last visited April 9, 2008)
31. <http://ed.sc.gov/agency/offices/finance/insite> (last visited April 14, 2008)
32. <http://ed.sc.gov/agency/offices/assessment/PACT/scores.html> (last visited April 14, 2008)

33. <http://www.sceoc.org/CmsPortal/AgencyHomePageTemplate.aspx?NRMODE=Published&NRNODEGUID={6D239C2F-64A3-42EE-A813-8D57402F6EFC}&NRORIGINALURL=/glossaryofterms/&NRCACHEHINT=NoModifyGuest#GraduationRate> (last visited April 14, 2008)
34. http://eoc.sc.gov/NR/rdonlyres/0D0B40F9-7CB3-4B68-9B40-6F8E38899CE1/0/CDEPP_Feb07.pdf (last visited April 14, 2008)
35. http://www.scstatehouse.net/sess116_2005-2006/prever/4449_20060531a.htm (last visited April 9, 2008)
36. Deposition Testimony of Peggy Stafford 4/21/03, pp. 50 – 51
37. Deposition Testimony of Thomas Monahan 4/22/03, pp. 86-87
38. Deposition Testimony of Polly Elkins 4/23/03, pp. 77-78, p. 90, p. 104, p.89
39. Deposition Testimony of Jayne Lee 4/23/03, pp. 61-62
40. Deposition Testimony of JaNovice Green-Richardson, 4/23/03, pp. 55-57
41. Deposition Testimony of Derrick Weatherford 5/2/03, pp. 62-63
42. Deposition Testimony of Archie Franchini 4/15/03, p. 11, pp.15-16, p. 59
43. Transcript of Trial Testimony 7/30/03, pp.110-111, pp. 133-137, pp. 161-164
44. Transcript of Trial Testimony 7/31/03, pp. 83-84, p. 165
45. Transcript of Trial Testimony 8/6/03, p. 12, p. 23, p.79, p. 119, pp. 181-186
46. Transcript of Trial Testimony 8/7/03, pp. 98-100
47. Transcript of Trial Testimony 8/11/03, p. 217
48. Transcript of Trial Testimony 8/12/03, p. 21, p. 23, pp. 9-15, pp. 42-44, pp. 62-63
49. Transcript of Trial Testimony 8/13/03, p. 12, pp. 55-56, p. 103
50. Transcript of Trial Testimony 8/14/03, p. 11, p. 21, pp. 28-29, pp. 37-38, pp. 45-50, p. 88, pp. 90-91, p. 102-103, pp. 107-110
51. Transcript of Trial Testimony 9/12/03, pp. 78-84, pp. 98-99
52. Transcript of Trial Testimony 9/22/03, pp. 133-134, p. 182
53. Transcript of Trial Testimony 9/23/03, pp. 25-27, pp. 30-31 pp. 183-187, p. 162
54. Transcript of Trial Testimony 9/24/03, p. 43
55. Transcript of Trial Testimony 9/26/03, p. 119, p. 121, p. 234, p. 254
56. Transcript of Trial Testimony 9/29/03, pp. 98-99
57. Transcript of Trial Testimony 9/30/03, p. 18, p. 104, pp. 108-109
58. Transcript of Trial Testimony 10/2/03, pp. 179-180, p. 202
59. Transcript of Trial Testimony 10/6/03, p. 87, p.89, p. 115
60. Transcript of Trial Testimony 10/8/03, p. 19, pp. 115-129
61. Transcript of Trial Testimony 10/9/03, pp. 114-115
62. Transcript of Trial Testimony 1/6/04, p. 13, pp. 110-113
63. Transcript of Trial Testimony 1/7/04, pp. 19-21
64. Transcript of Trial Testimony 1/9/04, pp. 143-145
65. Transcript of Trial Testimony 1/14/04, p. 203
66. Transcript of Trial Testimony 1/15/04, pp. 144-145
67. Transcript of Trial Testimony 1/16/04, p. 40-41, p. 141, p. 188-190, pp. 198-206, pp. 217-218, pp. 223-224, pp. 202-203
68. Transcript of Trial Testimony 2/9/04, pp. 25-33, pp. 38-39, pp. 127-128
69. Transcript of Trial Testimony 2/13/04, pp. 192-201

70. Transcript of Trial Testimony 2/24/04, pp. 57-59
71. Transcript of Trial Testimony 3/3/04, pp. 22-23
72. Transcript of Trial Testimony 3/4/04, p. 173, p. 170, pp. 195-196, p. 226
73. Transcript of Trial Testimony 3/5/04, pp. 18-19
74. Transcript of Trial Testimony 3/30/04, pp. 3-4, pp. 14-15, pp. 17-19, p. 23, p. 42
75. Transcript of Trial Testimony 3/31/04, p. 10, p. 12, p. 40, pp. 81-82, pp. 78-82
76. Transcript of Trial Testimony 4/1/04, p. 149
77. Transcript of Trial Testimony 4/2/04, p. 40, pp. 57-58, p. 111, p. 175
78. Transcript of Trial Testimony 4/21/04, pp. 191-192
79. Transcript of Trial Testimony 5/4/04, p. 23, pp. 75-76, p. 79, pp. 143-144, p. 239-240
80. Transcript of Trial Testimony 6/7/04, pp. 233-241
81. Transcript of Trial Testimony 6/9/04, p. 74, pp. 80-83, pp. 89-90, pp. 137-142, pp. 144-145, pp. 148-149, pp. 151-154, pp. 156-157, pp. 161-162, pp. 169-172, pp. 190-192, pp. 197-198, p. 210, pp. 215-218, pp. 222-226, pp. 229-232, pp. 233-234
82. Transcript of Trial Testimony 6/10/04, p. 5-9, pp. 12-13, pp. 15-17, pp. 19-22, pp. 26-27, pp. 29-30, p. 38, p. 179
83. Transcript of Trial Testimony 6/11/04, pp. 164-165
84. Transcript of Trial Testimony 6/14/04, pp. 44-45, pp. 76-77, pp. 205-210, pp. 213-214, pp. 217-224, pp. 228-233, pp. 237-239
85. Transcript of Trial Testimony 6/15/04, pp. 11-12, pp. 19-20, pp. 33-35, p. 37, pp. 53-54, pp. 97-113, pp. 18-25, pp. 33-35, p. 37, pp. 53-54, p. 124-134, pp. 140-147
86. Transcript of Trial Testimony 6/16/04, pp. 100-102, p. 148
87. Transcript of Trial Testimony 6/17/04, p. 101
88. Transcript of Trial Testimony 6/21/04, pp. 13-14, p. 44, pp. 46-50, pp. 77-83, pp. 87-89, pp. 93-64, p. 104, p. 111, p. 116-118, pp. 120-125, pp. 135-136
89. Transcript of Trial Testimony 6/22/04, pp. 68-70, pp. 74-78
90. Transcript of Trial Testimony 6/28/04, p. 11, pp. 29-34, pp. 36-42, pp. 48-49, p. 52-53, pp. 56-58, pp. 60-65, pp. 67-68, p. 82-83, p. 94, p. 119, pp. 123-124, p. 127, p. 141, p. 189, p. 193, p. 195, p. 198, p. 207, p. 210, p. 213
91. Transcript of Trial Testimony 6/29/04, pp. 14-23, p. 16, p. 20, p. 22, p. 26, p. 29, p. 36, pp. 44-49, p. 51-52, p. 57, pp. 62-63, pp. 70-71, pp. 115-117, p. 125
92. Transcript of Trial Testimony 6/30/04, pp. 92-94
93. Transcript of Trial Testimony 7/1/04, pp. 171-176
94. Transcript of Trial Testimony 7/2/04, pp. 203-205, pp. 223-225, pp. 234-236
95. Transcript of Trial Testimony 8/17/04, pp. 71-72, p. 117
96. Transcript of Trial Testimony 9/20/04, p. 60-62, pp. 73-77, pp. 79-80, pp. 82-85, pp. 89-92, p. 98, pp. 100-101, p. 103, pp. 113-115, pp. 103-107, p. 118, pp. 122-123, p. 125, p. 138, pp. 169-170, pp. 178-179, pp. 182-183, p. 192, p. 199, pp. 201-202, p. 206-209, p. 211-212, p. 215, p. 243
97. Transcript of Trial Testimony 9/21/04, pp. 3-4, pp. 10-27, p. 34, pp. 49-51, pp. 58-59, pp. 60-61, p. 72, pp. 80-84, pp. 97-100
98. Transcript of Trial Testimony 9/22/04, pp. 43-45

99. Transcript of Trial Testimony 9/23/04, pp. 30-32, p. 33-34, pp. 49-50, pp. 73-77, pp. 84-96, pp. 155-157, p. 185
100. Transcript of Trial Testimony 9/24/04, p. 234
101. Transcript of Trial Testimony 9/29/04, p. 133
102. Transcript of Trial Testimony 9/30/04, pp. 17-18, p. 49
103. Transcript of Trial Testimony 11/4/04, pp. 110-111, pp. 146-148, pp. 154-155, pp. 164-166, p. 181, p. 186, pp. 197-19
104. Transcript of Trial Testimony 11/5/04, p. 188
105. Transcript of Trial Testimony 11/29/04, pp. 22-24, p. 52, pp. 17-21
106. Transcript of Trial Testimony 12/9/04, pp. 58-59, pp. 69-70, pp. 122-124
107. Defendants' Exhibit 233
108. Defendants' Exhibit 297
109. Defendants' Exhibit 327
110. Defendants' Exhibit 391
111. Defendants' Exhibit 391
112. Defendants' Exhibit 671
113. Defendants' Exhibit 672
114. Defendants' Exhibit 673
115. Defendants' Exhibit 674
116. Defendants' Exhibit 675
117. Defendants' Exhibit 676
118. Defendants' Exhibit 677
119. Defendants' Exhibit 678
120. Defendants' Exhibit 679
121. Defendants' Exhibit 688
122. Defendants' Exhibit 690
123. Defendants' Exhibit 691
124. Defendants' Exhibit 692
125. Defendants' Exhibit 697
126. Defendants' Exhibit 700
127. Defendants' Exhibit 702
128. Defendants' Exhibit 703
129. Defendants' Exhibit 704
130. Defendants' Exhibit 705
131. Defendants' Exhibit 706
132. Defendants' Exhibit 707
133. Defendants' Exhibit 708
134. Defendants' Exhibit 709
135. Defendants' Exhibit 710
136. Defendants' Exhibit 711
137. Defendants' Exhibit 713
138. Defendants' Exhibit 714
139. Defendants' Exhibit 715
140. Defendants' Exhibit 804, p. 3, p. 4, p.8
141. Defendants' Exhibit 894
142. Defendants' Exhibit 1117

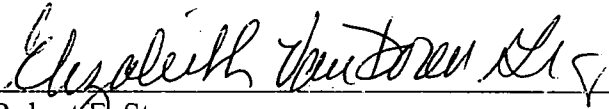
143. Defendants' Exhibit 1290
144. Defendants' Exhibit 1388
145. Defendants' Exhibit 1413
146. Defendants' Exhibit 1542
147. Defendants' Exhibit 1719
148. Defendants' Exhibit 1792
149. Defendants' Exhibit 2041
150. Defendants' Exhibit 2533
151. Defendants' Exhibit 2534
152. Defendants' Exhibits 2117-2435
153. Defendants' Exhibit 2575
154. Defendants' Exhibit 2621, p. 8
155. Defendants' Exhibit 2776
156. Defendants' Exhibit 2780, p. 2-3, p. 7
157. Defendants' Exhibit 2784
158. Defendants' Exhibit 2800
159. Defendants' Exhibit 2831
160. Defendants' Exhibit 2832
161. Defendants' Exhibit 2833
162. Defendants' Exhibit 2835
163. Defendants' Exhibit 2852
164. Defendants' Exhibit 2869
165. Defendants' Exhibit 2870A
166. Defendants' Exhibit 2880
167. Defendants' Exhibit 2903
168. Defendants' Exhibit 2910
169. Defendants' Exhibit 2971
170. Defendants' Exhibit 2976
171. Defendants' Exhibit 2983
172. Defendants' Exhibit 2987
173. Defendants' Exhibit 2991
174. Defendants' Exhibit 2997
175. Defendants' Exhibit 3004
176. Defendants' Exhibit 3009
177. Defendants' Exhibit 3074
178. Defendants' Exhibit 3127
179. Defendants' Exhibit 3131, p. 40-41
180. Defendants' Exhibit 3149
181. Defendants' Exhibit 3164
182. Defendants' Exhibit 3166
183. Defendants' Exhibit 3167
184. Defendants' Exhibit 3168
185. Defendants' Exhibit 3169
186. Defendants' Exhibit 3170
187. Defendants' Exhibit 3171
188. Defendants' Exhibit 3172

189. Defendants' Exhibit 3183
190. Defendants' Exhibit 3185
191. Defendants' Exhibit 3186
192. Defendants' Exhibit 3187
193. Defendants' Exhibit 3188
194. Defendants' Exhibit 3189
195. Defendants' Exhibit 3195
196. Defendants' Exhibit 3217
197. Defendants' Exhibit 3204
198. Defendants' Exhibit 3225, Table 88, p. 232, pp. 262-263
199. Defendants' Exhibit 3245 A- AL
200. Defendants' Exhibit 3254 A
201. Defendants' Exhibit 3254 R
202. Defendants' Exhibit 3254 BL
203. Defendants' Exhibit 3254 BM
204. Defendants' Exhibit 3254 BN
205. Defendants' Exhibit 3254 I
206. Defendants' Exhibit 3261
207. Defendants' Exhibit 3263
208. Defendants' Exhibit 3264
209. Defendants' Exhibit 3265
210. Defendants' Exhibit 3266
211. Defendants' Exhibit 3267
212. Defendants' Exhibit 3268
213. Defendants' Exhibit 3280
214. Defendants' Exhibit 3283
215. Defendants' Exhibit 3284
216. Defendants' Exhibit 3285
217. Defendants' Exhibit 3286
218. Defendants' Exhibit 3287
219. Defendants' Exhibit 3288
220. Defendants' Exhibit 3289
221. Defendants' Exhibit 3290
222. Defendants' Exhibit 3291
223. Defendants' Exhibit 3292
224. Defendants' Exhibit 3293
225. Defendants' Exhibit 3294
226. Defendants' Exhibit 3307, pp. 3-4, p. 13, 16
227. Defendants' Exhibit 3315, p. 6-16
228. Defendants' Exhibit 3317
229. Defendants' Exhibit 3318
230. Defendants' Exhibit 3319
231. Defendants' Exhibit 3320
232. Defendants' Exhibit 3321
233. Defendants' Exhibit 3322
234. Defendants' Exhibit 3323

- 235. Defendants' Exhibit 3324
- 236. Defendants' Exhibit 3325
- 237. Defendants' Exhibit 3326
- 238. Defendants' Exhibit 3327
- 239. Defendants' Exhibit 3328
- 240. Defendants' Exhibit 3329
- 241. Defendants' Exhibit 3330
- 242. Defendants' Exhibit 3331
- 243. Defendants' Exhibit 3332
- 244. Defendants' Exhibit 3333
- 245. Defendants' Exhibit 3334
- 246. Defendants' Exhibit 3335
- 247. Defendants' Exhibit 3336
- 248. Defendants' Exhibit 3339
- 249. Defendants' Exhibit 3342, p. 33-25, pp. 37-40, p. 42, p. 44-47, p. 49-52, p. 57-60, pp.62-64, pp. 66-68, p. 70-79, p. 81, pp. 84-95, p. 97-108, p. 112, p.114, p.116, p. 118
- 250. Defendants' Exhibit 3346
- 251. Defendants' Exhibit 3350
- 252. Plaintiffs' Exhibit 251-C
- 253. Plaintiffs' Exhibit 1458
- 254. Plaintiffs' Exhibit 5024
- 255. Plaintiffs' Exhibit 6010
- 256. Plaintiffs' Exhibit 6021
- 257. Plaintiffs' Exhibit 6149
- 258. Plaintiffs' Exhibit 6207
- 259. Plaintiffs' Exhibit 6208
- 260. Plaintiffs' Exhibit 6209
- 261. Plaintiffs' Exhibit 6214
- 262. Plaintiffs' Exhibit 6215
- 263. Plaintiffs' Exhibit 6216
- 264. Plaintiff's Exhibit 6217
- 265. Plaintiffs' Exhibit 6236
- 266. Plaintiffs' Exhibit 6264
- 267. Plaintiffs' Exhibit 6293
- 268. Plaintiffs' Exhibit 6312
- 269. Plaintiffs' Exhibit 6313
- 270. Plaintiffs' Exhibit 6314
- 271. Plaintiffs' Exhibit 6352 A
- 272. Plaintiffs' Exhibit 6835 A, I
- 273. Plaintiffs' Exhibit 6859 E

I certify that this designation contains no matter which is irrelevant to this appeal.

April 15, 2008



Robert F. Stepp
Elizabeth Van Doren Gray
A. Jackson Barnes
Roland M. Franklin, Jr.
SOWELL GRAY STEPP & LAFFITTE, L.L.C.
1310 Gadsden Street
Post Office Box 11449
Columbia, South Carolina 29211
(803) 929-1400

**Attorneys for Respondents / Appellants Glenn F.
McConnell and Robert William Harrell, Jr**

THE STATE OF SOUTH CAROLINA
In the Supreme Court

APPEAL FROM LEE COUNTY
Court of Common Pleas
Thomas W. Cooper, Jr., Circuit Court Judge

Case No. 2007-65159

RECEIVED

APR 15 2008

S.C. SUPREME COURT

Abbeville County School District, *et al.*, ... Appellants / Respondents

vs.

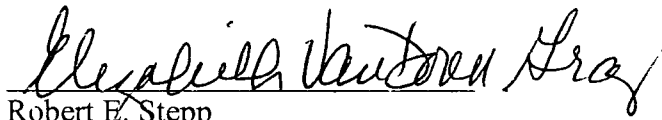
The State of South Carolina, *et al.*, ... Respondents / Appellants.

PROOF OF SERVICE

I, the undersigned employee, of the law offices of Sowell Gray Stepp & Laffitte, L.L.C., attorneys for the Respondents/Appellants, do hereby certify that on April 15, 2008 I have served all counsel in this action with a copy of the Respondents'/Appellants' Corrected / Amended Master Designation of Matter to be Included in the Record on Appeal via United States mail to the following addresses:

Counsel Served: NELSON MULLINS RILEY & SCARBOROUGH, L.L.P.
Carl B. Epps, III
Stephen G. Morrison
Laura Callaway Hart
Shelby K. Leonardi
Meridian, 17th Floor
1320 Main Street
Columbia, South Carolina 29201
Attorneys for Plaintiffs

OFFICE OF THE ATTORNEY GENERAL
Henry D. McMaster
J. Emory Smith, Jr.
Rembert Dennis Bldg.
1000 Assembly Street, Room 519
Columbia, South Carolina 29201



Robert E. Stepp

Elizabeth Van Doren Gray

A. Jackson Barnes

Roland M. Franklin, Jr.

SOWELL GRAY STEPP & LAFFITTE, L.L.C.

1310 Gadsden Street

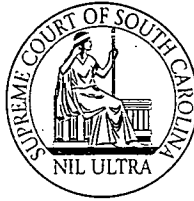
Post Office Box 11449

Columbia, South Carolina 29211

(803) 929-1400

Attorneys for Respondents/Appellants Glen F.
McConnell and Robert William Harrell, Jr.

April 15, 2006



The Supreme Court of South Carolina

DANIEL E. SHEAROUSE
CLERK OF COURT

BRENDA F. SHEALY
CHIEF DEPUTY CLERK

POST OFFICE BOX 11330
COLUMBIA, SOUTH CAROLINA 29211

(803) 734-1080

FAX (803) 734-1499

April 15, 2008

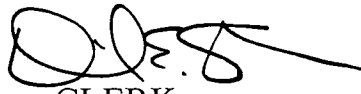
Robert E. Stepp, Esquire
Elizabeth Van Doren Gray, Esquire
A. Jackson Barnes, Esquire
Roland M. Franklin, Jr., Esquire
Sowell, Gray, Stepp & Laffitte, L.L.C.
P O Box 11449
Columbia, SC 29211

Re: Abbeville Cty Sch Dist v. State of SC

Dear Counsel:

This is to advise that you will be allowed to file a Corrected/Amended Master Designation of Matter to be Included in the Record on Appeal.

Very truly yours,



CLERK

DES/jjp

cc: Carl B. Epps, III, Esquire
Stephen G. Morrison, Esquire
Laura Callaway Hart, Esquire
Shelby K. Leonardi, Esquire



SOWELL GRAY STEPP & LAFFITTE, LLC
ATTORNEYS AND COUNSELORS AT LAW

April 14, 2008

RECEIVED

APR 14 2008

S.C. SUPREME COURT

VIA HAND DELIVERY

The Honorable Daniel E. Shearouse
Clerk of Court
South Carolina Supreme Court
1231 Gervais Street
Columbia, SC 29201

Re: Abbeville School District, et al. v. The State of South Carolina, et al.
Case No.: 2007-65159
Civil Action Number 93-CP-31-169
SGS&L File Number 2014/1500

Dear Mr. Shearouse:

The Respondents/Appellants hereby request the Court to allow the filing of a Corrected / Amended Master Designation of Matter to be Included in the Record on Appeal.

The Respondents/Appellants have filed three separate designations throughout the briefing stage of this appeal. Several corrections are needed to each of the designations. In order to condense the record, the Respondents/Appellants ask the Court to allow a combined and corrected Master Designation of Matter to be filed, which would include all changes and combine all three separately filed designations.

Respondents/Appellants have conferred with the Appellants/Respondents who consent to the filing of the same.

Your consideration is greatly appreciated.

By copy of this correspondence to all parties, I am hereby serving with a copy of same.

Very truly yours,

A. Jackson Barnes

A. Jackson Barnes
jbarnes@sowell.com
DD 803.231.7823

1310 Gadsden Street
Post Office Box 11449
Columbia, SC 29211

PHONE 803.929.1400
FACSIMILE 803.929.0300

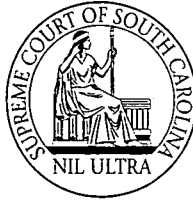
WEBSITE www.sowell.com

4/14/2008
Page 2 of 2



SOWELL GRAY STEPP & LAFFITTE, LLC
ATTORNEYS AND COUNSELORS AT LAW

cc: J. Emory Smith, Esquire
Carl B. Epps, III, Esquire
Laura C. Hart, Esquire
Stephen G. Morrison, Esquire
Shelby K. Leonardi, Esquire
Michael Hitchcock, Esquire
Bradley S. Wright, Esquire



The Supreme Court of South Carolina

DANIEL E. SHEAROUSE
CLERK OF COURT

BRENDA F. SHEALY
CHIEF DEPUTY CLERK

POST OFFICE BOX 11330
COLUMBIA, SOUTH CAROLINA 29211

(803) 734-1080

FAX (803) 734-1499

April 7, 2008

Carl B. Epps, III, Esquire
Stephen G. Morrison, Esquire
Laura Callaway Hart, Esquire
Shelby K. Leonardi, Esquire
Elizabeth Scott Moise, Esquire
Rachel Atkin Hedley, Esquire
D. Kay Tennyson, Esquire
Nelson Mullins Riley & Scarborough
P O Box 11070
Columbia, SC 29211

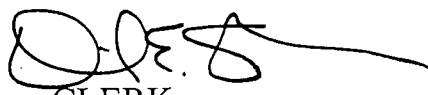
Re: Abbeville County School District v. State of SC

Dear Counsel:

Enclosed is the order issued in the above entitled matter.

By copy of this letter and order, we are advising all interested parties of the action by the Court.

Very truly yours,


CLERK

DES/jjp

cc: Robert E. Stepp, Esquire
Elizabeth Van Doren Gray, Esquire
A. Jackson Barnes, Esquire
Roland M. Franklin, Jr., Esquire
Assistant Deputy Attorney General J. Emory Smith, Jr.
Swati Shah Patel, Esquire

The Supreme Court of South Carolina

Abbeville County School
District, et al.,

Appellants-Respondents,

v.

The State of South Carolina, et
al., of whom Glenn F.
McConnell, as President Pro
Tempore of the Senate and as a
representative of the South
Carolina Senate and Robert W.
Harrell, Jr., as Speaker of the
House of Representatives and as
a representative of the South
Carolina House of
Representatives are

Respondents-Appellants,

and

State of South Carolina, Mark
C. Sanford as Governor of the
State of South Carolina is

Respondent.

ORDER

By order dated September 5, 2007, this Court set forth the manner in which the briefs and record on appeal are to be served and filed in this matter. That order states that one copy of the record on appeal shall be served in electronic format on the opposing parties and two electronic copies,

as well as seven hard copies, shall be filed with this Court. It has now come to the Court's attention that each hard copy of the record on appeal the parties intend to file will fill ten boxes. We find this unacceptable.

This Court is an appellate court, not a trial court. In this appellate role, we sit to review lower court proceedings for error, not to re-try cases. It is the duty of appellate attorneys to pare the lower court record in a manner that will aid and assist the appellate court in rendering an educated decision on the issues before it. It is also imperative that the record be culled in such a way to allow this Court to make a decision in an efficient and timely manner without having to wade through volumes of unnecessary materials. While we are very much aware of the time it took to try this case and that ten boxes is a fraction of the materials presented to the lower court, we direct counsel for the parties, as officers of this Court, to scour the record they propose to present to this Court with a practical eye and consider which materials therein are *critical* to a decision by this Court in its capacity as an appellate court. Only those materials shall be submitted to this Court in the record on appeal. We expect counsel for the parties to fully cooperate with one another in this endeavor.

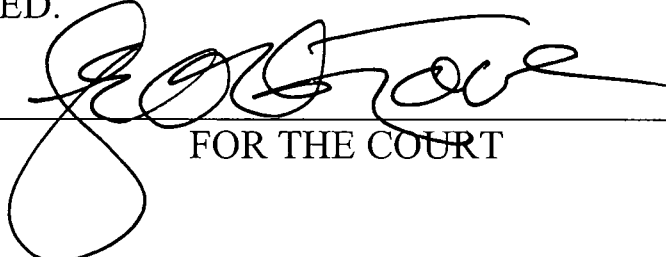
We agree to accept for filing one copy of the record as currently proposed by the parties. This record shall be referred to as the Master Reference Record and shall be filed with this Court on a hard drive. One copy of the Master Reference Record shall also be served on the opposing parties by way of a hard drive.

The *record on appeal* that counsel for the parties must settle on as discussed above shall be served and filed in accordance with this Court's order of September 5, 2007, except that the parties shall file *seven* copies by way of CDs or DVDs in addition to seven hard copies. Previous concerns about the burden of hard copies and the inability of CDs or DVDs to hold the record on appeal given its sheer volume should be alleviated by this Court's mandate to reduce the record on appeal in this matter to a reasonable and manageable size.

It has also come to this Court's attention that the parties may intend to submit sealed documents as part of the record in this matter. We direct the parties' attention to this Court's recent order in In re: Interim Guidance Regarding Personal Data Identifiers and Other Sensitive Information in Appellate Court Filings, Order No. 2007-08-13-02 (S.C. Sup. Ct. filed August 13, 2007). Therein, we stated that even if a file was sealed

in a lower court, a party must make a motion to seal with the appellate court in which the matter is pending. The order further stated that the standards established in Ex parte Capital U-Drive-It, Inc., 369 S.C. 1, 630 S.E.2d 464 (2006) and Davis v. Jennings, 304 S.C. 502, 405 S.E.2d 601 (1991) must be met before any such motion will be granted. No such motion having been received, we do not expect that there will be any sealed materials submitted.

IT IS SO ORDERED.


C. J.
FOR THE COURT

Columbia, South Carolina

April 9, 2008

The Supreme Court of South Carolina

Abbeville County School
District, et al.,

Appellants-Respondents,

v.

The State of South Carolina, et
al., of whom Glenn F.
McConnell, as President Pro
Tempore of the Senate and as a
representative of the South
Carolina Senate and Robert W.
Harrell, Jr., as Speaker of the
House of Representatives and as
a representative of the South
Carolina House of
Representatives are

Respondents-Appellants

and

State of South Carolina, Mark
C. Sanford as Governor of the
State of South Carolina is

Respondent.

ORDER

Appellants-respondents move to strike certain information from the briefs and designations of matter to be included in the record on appeal filed by respondents-appellants. Alternatively, appellants-respondents ask to be allowed to rebut the evidence. Respondents-appellants have filed a return

in opposition to the motion to strike. Respondents concur with respondents-appellants. Appellants-respondents have filed a reply to the return. We deny the motion to strike without prejudice to the rights of the parties to argue at oral argument whether the information at issue in the motion to strike should be considered by the Court in rendering a decision in this case.

IT IS SO ORDERED.


C. J.
FOR THE COURT

Columbia, South Carolina

April 7, 2008

Nelson Mullins

Nelson Mullins Riley & Scarborough LLP

Attorneys and Counselors at Law

1320 Main Street / 17th Floor / Columbia, SC 29201

Tel: 803.799.2000 Fax: 803.255.9038

www.nelsonmullins.com

Laura Callaway Hart

Tel: 803.255.9752

Fax: 803.255.9038

laura.hart@nelsonmullins.com

April 4, 2008

RECEIVED

APR - 4 2008

S.C. SUPREME COURT

Hand Delivered

The Honorable Daniel E. Shearouse
Clerk of Court
South Carolina Supreme Court
1231 Gervais Street
Columbia, SC 29211

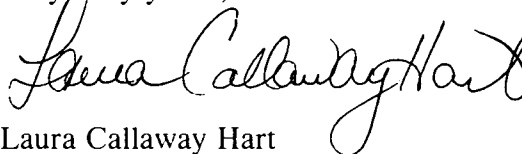
RE: Abbeville County School District, et al. v. State of South Carolina, et al.
Civil Action No. 93-CP-31-169
Court of Appeals Case Tracking No. 2007-65159
Our File No. 11884/01500

Dear Mr. Shearouse:

Enclosed are the original and seven (7) copies of Plaintiffs' Reply in Support of Motion to Strike Post-Trial Matter Outside of Record From Briefing and From The Record and Proof of Service in regard to the above matter. Please file the original and six (6) copies and return the remaining clocked-in copy to us via our courier.

By copy of this letter to other counsel, we are serving each of them with a copy of the above-referenced documents.

Very truly yours,



Laura Callaway Hart

LCH:ljs

Enclosures

cc: Robert E. Stepp, Esquire (via hand delivery; w/enclosures)
Elizabeth Van Doren Gray, Esquire (via hand delivery; w/enclosures)
A. Jackson Barnes, Esquire (via hand delivery; w/enclosures)
J. Emory Smith, Jr., Esquire (via hand delivery; w/enclosures)
Swati Patel, Esquire (via hand delivery; w/enclosures)

THE STATE OF SOUTH CAROLINA
In The Supreme Court

APPEAL FROM LEE COUNTY
Court of Common Pleas

Thomas W. Cooper, Jr., Circuit Court Judge

Case No. 93-CP-31-169

Abbeville County School District, Allendale County School District, Bamberg County School District 1, Bamberg County School District 2, Barnwell County School District 19, Barnwell County School District 29, Barnwell County School District 45, Berkeley County School District, Chesterfield County School District, Clarendon County School District 1, Clarendon County School District 2, Clarendon County School District 3, Dillon County School District 1, Dillon County School District 2, Dillon County School District 3, Florence County School District 1, Florence County School District 2, Florence County School District 3, Florence County School District 4, Florence County School District 5, Hampton County School District 1, Hampton County School District 2, Jasper County School District, Laurens County School District 55, Laurens County School District 56, Lee County School District, Lexington County School District 4, Marion County School District 1, Marion County School District 2, Marion County School District 7, Marlboro County School District, McCormick County School District, Orangeburg Consolidated School District 3, Orangeburg Consolidated School District 5, Saluda County School District and Williamsburg County School District; Lena Manning, individually, and as a taxpayer residing in Allendale County and as Guardian ad Litem of Courtney V.; Courtney V., a minor, by and through Lena Manning, as Guardian ad Litem; William L. Mills, individually, and as a Taxpayer residing in Allendale County and as Guardian ad Litem of Waylon P.; Waylon P., a minor, by and through William Mills, as Guardian ad Litem; Betty Bagley, individually, and as a taxpayer residing in Bamberg County and as a

RECEIVED

APR - 4 2008

S.C. SUPREME COURT

parent and Guardian ad Litem of Tyler B.; Tyler B., a minor, by and through Betty Bagley, as Guardian ad Litem, Evert Comer, Jr., individually, and as a taxpayer residing in Bamberg County and as parent and Guardian ad Litem of Kimberly C.; Kimberly C., a minor, by and through Evert Comer, Jr., as Guardian ad Litem; Marla Q. Jameson, individually, and as a taxpayer residing in Barnwell County, and as a parent and Guardian ad Litem of Eleanor J.; Eleanor J., a minor, by and through Marla Q. Jameson, as Guardian ad Litem; Victor M. Lancaster, Sr., individually, and as a taxpayer residing in Barnwell County, and as parent and Guardian ad Litem of Christie L.; Christie L., a minor, by and through Victor M. Lancaster, Sr., as Guardian ad Litem; Dr. Charles Clark, individually, and as a taxpayer residing in Chesterfield County, and as parent and Guardian ad Litem of Candace C., a minor, by and through Dr. Charles Clark, as Guardian ad Litem; Colonel Larry Coker, individually, and as a taxpayer residing in Clarendon County, and as a parent and Guardian ad Litem of Corrie C.; Corrie C., a minor, by and through Colonel Larry Coker, as Guardian ad Litem; Pamela Williams, individually, and as a taxpayer residing in Dillon County, and as parent and Guardian ad Litem of Katisha W.; Katisha W., a minor, by and through Pamela Williams as Guardian ad Litem; Eddie Wright, individually, and as a taxpayer residing in Florence County, and as parent and Guardian ad Litem of Brandon F.; Brandon F., a minor, by and through Eddie Wright as Guardian ad Litem; John Whiteside, individually, and as a taxpayer residing in Florence County and as Parent and Guardian ad Litem of Joel W.; Joel W., a minor, by and through John Whiteside as Guardian ad Litem; Dr. Francis Mills, individually, and as a taxpayer residing in Hampton County and as a parent and Guardian ad Litem of Amy M.; Amy M., a minor, by and through Dr. Francis Mills, as Guardian ad Litem; Brenda Brooks, individually, and as a taxpayer residing in Hampton County, and as parent and Guardian ad Litem of Tyrin B.; Tyrin B., a minor, by and through Brenda Brooks as Guardian ad Litem; Marva Tigner, individually, and as a taxpayer residing in Jasper County, and as parent and Guardian ad Litem of Bryan T. and Bradley T.; Bryan T., a minor, by and through Marva Tigner as Guardian ad Litem; Bradley T., a

minor, by and through Marva Tigner as Guardian ad Litem; Robert Elisha Short, individually, and as a taxpayer residing in Laurens County and as parent and Guardian ad Litem of Robert B. S.; Robert B. S., a minor, by and through Robert Elisha Short, as Guardian ad Litem; Dr. Keith A. Bridges, individually, and as a taxpayer residing in Laurens County and as parent and Guardian ad Litem of Jorgana Ranson B.; Jorgana Ranson B., a minor, by and through Dr. Keith A. Bridges, as Guardian ad Litem; Gail Y. Harriott, individually, and as a taxpayer residing in Lee County and as parent and Guardian ad Litem of Rashade H.; Rashade H., a minor, by and through Gail Y. Harriott, as Guardian ad Litem; Linda Carraway, individually, and as a taxpayer residing in Marion County, and as parent and Guardian ad Litem of Kimberly W.; Kimberly W., a minor, by and through Linda Carraway as Guardian ad Litem; Dr. John Nobles, individually, and as a taxpayer residing in Marlboro County and as parent and Guardian ad Litem of Erin N.; Erin N., a minor, by and through Dr. John Nobles, as Guardian ad Litem; Patricia Hampton, individually, and as a taxpayer residing in McCormick County and as parent and Guardian ad Litem of Krystle H.; Krystle H., a minor, by and through Patricia Hampton, as Guardian ad Litem; Bernice Profit, individually, as a taxpayer residing in Orangeburg County and as parent and Guardian ad Litem of Russell H.; Russell H., a minor, by and through Bernice Profit, as Guardian ad Litem; Matlin P. Brown, individually, and as a taxpayer residing in Orangeburg County and as parent and Guardian ad Litem of Tanisha P. B.; Tanisha P. B., a minor, by and through Matlin P. Brown, as Guardian ad Litem; James Berry, individually, and as a taxpayer residing in Orangeburg County and as parent and Guardian ad Litem of Dondrea B.; Dondrea B., a minor, by and through James Berry, as Guardian ad Litem; Gerald Smith, individually, and as a taxpayer residing in Orangeburg County and as parent and Guardian ad Litem of Brenda S.; Brenda S., a minor, by and through Gerald Smith, as Guardian ad Litem; Thomas Shealy, individually, and as a taxpayer residing in Saluda County and as parent and Guardian ad Litem of Thomas S., Jr.; Thomas S., Jr., a minor, by and through Thomas Shealy, as Guardian ad Litem,

Plaintiffs,

Of whom:

Allendale County School District,
Dillon County School District 2,
Florence County School District 4,
Hampton County School District 2,
Jasper County School District,
Lee County School District,
Marion County School District 7,
Orangeburg School District 3,
Lena Manning, individually, and as a taxpayer residing
in Allendale County and as Guardian ad Litem of
Courtney V.; Courtney V., a minor, by and through
Lena Manning, as Guardian ad Litem; Pamela
Williams, individually, and as a taxpayer residing in
Dillon County, and as parent and Guardian ad Litem of
Katisha W.; Katisha W., a minor, by and through
Pamela Williams as Guardian ad Litem; Eddie Wright,
individually, and as a taxpayer residing in Florence
County, and as parent and Guardian ad Litem of
Brandon F.; Brandon F., a minor, by and through
Eddie Wright as Guardian ad Litem; Brenda Brooks,
individually, and as a taxpayer residing in Hampton
County, and as parent and Guardian ad Litem of Tyrin
B.; Tyrin B., a minor, by and through Brenda Brooks
as Guardian ad Litem; Marva Tigner, individually, and
as a taxpayer residing in Jasper County, and as parent
and Guardian ad Litem of Bryan T. and Bradley T.;
Bryan T., a minor, by and through Marva Tigner as
Guardian ad Litem; Bradley T., a minor, by and
through Marva Tigner as Guardian ad Litem; Gail Y.
Harriott, individually, and as a taxpayer residing in Lee
County and as parent and Guardian ad Litem of
Rashade H.; Rashade H., a minor, by and through Gail
Y. Harriott, as Guardian ad Litem; Linda Carraway,
individually, and as a taxpayer residing in Marion
County, and as parent and Guardian ad Litem of
Kimberly W.; Kimberly W., a minor, by and through
Linda Carraway as Guardian ad Litem; Bernice Profit,
individually, and as a taxpayer residing in Orangeburg
County and as parent and Guardian ad Litem of Russell
H.; Russell H., a minor, by and through Bernice Profit,
as Guardian ad Litem, are

Appellants-
Respondents,

v.

Glenn F. McConnell, as President *Pro Tempore*

of the Senate and as a representative of the South Carolina Senate; Robert W. Harrell, Jr., as Speaker of the House of Representatives and as a representative of the South Carolina House of Representatives, ...	Respondents- Appellants,
and	
The State of South Carolina; Mark C. Sanford, as Governor of the State of South Carolina, ...	Respondents.

**PLAINTIFFS' REPLY IN SUPPORT OF MOTION TO STRIKE POST-TRIAL
MATTER OUTSIDE OF RECORD FROM BRIEFING AND FROM THE RECORD**

Pursuant to Rule 224 of the South Carolina Appellate Court Rules, Appellant-Respondents ("Plaintiffs" or "Plaintiff Districts") submit this Reply in support of their Motion to Strike Post-Trial Matter.

INTRODUCTION

Defendants' post-trial information is not appropriate for judicial notice by trial courts or appellate courts. Even if the information were accurate, it is incomplete because Plaintiffs have had no opportunity to rebut it with related information that would destroy or undercut the conclusions Defendants urge upon this Court. Further, Defendants claim that all the material is "presumably uncontroverted" and indisputable and that the material Defendants selected from Plaintiff Districts' websites constitute admissions by a party. They are incorrect on all points.

Based on this post-trial information, Defendants argue that this Court should dismiss Plaintiffs' appeal as moot, leaving the parties to return to the trial court to re-litigate the case.

However, the post-trial matter is not relevant to many issues raised in Plaintiffs' appeal and does not in any way render this appeal of those issues moot. A decision by this Court on the merits of all issues raised in this appeal is necessary to resolve those outstanding issues between the parties.

Further, the schools are continuing to operate and the General Assembly is continuing to legislate. If the Court vacates the trial court order, as Defendants argue it should, the result would be to send the case back to the trial court for rulings on the effects of post-trial information on the public school system. Any appeal from such a future trial court decision would undoubtedly be met at this Court, like this appeal, with an argument from Defendants that the circumstances have again changed because the schools continue to operate, and the General Assembly continues to legislate. The case would never come to an end, the children of South Carolina will continue to suffer, and the issues would never be finally resolved.

ARGUMENT

A. The Post-Trial Information is Not Appropriate for Judicial Notice.

“For a fact to be subject to judicial notice, it must be so notorious that the court may properly assume its existence without proof.” Masters v. Rodgers Dev. Group, 283 S.C. 251, 255, 321 S.E.2d 194, 196 (Ct. App. 1984) (citing Moss v. Aetna Life Ins. Co., 267 S.C. 370, 228 S.E.2d 108 (1976), and State v. Broad River Power Co., 177 S.C. 240, 181 S.E. 41 (1935)). “Unless a fact is either of such common or general knowledge that it is accepted by the public without qualification or contention, or its accuracy is capable of verification by reference to readily available sources of indisputable reliability, it is not subject to judicial notice.” Masters, 283 S.C. at 255, 321 S.E.2d at 194.

Moreover, taking judicial notice for the first time on appeal is dangerous, as noted by the South Carolina Court of Appeals:

Appellate courts are generally reluctant to notice adjudicative facts even when those facts may be absolutely reliable. See United States v. Jones, 580 F.2d 219 (6th Cir. 1978) (applying Fed. R. Evid. 201); Turner, Judicial Notice and Federal Rule of Evidence 201-A Rule Ready For Change, 45 U. Pitt. L. Rev. 181, 196 (1983). Notice of "facts" for the first time on appeal may deny the adverse party the opportunity to contest the matters noticed; it may also violate the general principle that appellate review should be limited to the record. Comment, The Presently Expanding Concept of Judicial Notice, 13 Vill. L. Rev. 528, 560 (1968); Morgan, Judicial Notice, 57 Harv. L. Rev. 269, 293 (1944). Finally, appellate courts, limited to the "cold" record, cannot be as sensitive to the appropriateness of judicial notice as the trial judge. Turner, supra at 196. For the foregoing reasons we hold that original judicial notice of adjudicative facts at the appellate level should be limited to matters which are indisputable.

Masters, 283 S.C. at 256, 321 S.E.2d at 197.

Here, Defendants' post-trial allegations do not meet the strict requirements for judicial notice. Plaintiff Districts' websites serve many purposes, including as public relations tools, and the information contained in them is not necessarily indisputable or definite. Websites are highly changeable and include links to information and statements by other entities and persons which the Plaintiff Districts cannot authenticate or verify. See, e.g., <http://www.dillon2.k12.sc.us/home/bondreferendum.asp> (Dillon 2's bond referendum page, updated December 7, 2007 after the trial court's orders and containing links to newspaper articles and videos) (**Exhibit A**); <http://www.dillon2.k12.sc.us/home/welcometodillon1.asp> (Dillon 2's community page containing links and information from multiple other entities, including South of the Border) (**Exhibit B**); <http://www.florence4.k12.sc.us/> (Florence 4's website stating that it is "a work in progress" and containing links to multiple pages that are "under construction") (**Exhibit C**); <http://www.leeschoolsk12.org> (Lee County's page on

construction of its Career Wing, including links to photographs on various dates, all after the trial court's orders) (**Exhibit D**); <http://www.leeschoolsk12.org> (Lee County's News page containing items for the newspaper, updated on multiple dates after the trial court's order) (**Exhibit E**). Because of their changeability due to continuous updating and their inclusion of third party statements, information from websites do not have the reliability necessary to qualify as material suitable for judicial notice.

Defendants' reliance on the websites to show that the statements in them are "public knowledge" is incorrect and insufficient to qualify them as appropriate for judicial notice. In addition, judicial notice of such post-trial evidence would strip Plaintiffs of their right to be heard and deprive them of the opportunity to present evidence rebutting Defendants' claims. Further, Defendants admit this Court has not addressed whether South Carolina courts may take judicial notice of information found on a website. (Defs.' Br. 7.) The Court would set a dangerous precedent were it to take judicial notice on the basis of a website on the internet, as the Court of Appeals previously described in Masters.

The only precedent Defendants cite to support their argument that the Court should take judicial notice of website information is federal law from other districts and circuits and is not binding on this Court. Furthermore, all the cited cases address the propriety of a *trial court* taking judicial notice of website information and, as the Masters court recognized, appellate courts should be held to a higher standard when taking judicial notice of facts presented for the first time on appeal. Finally, the cited courts took judicial notice of website information that was not subject to interpretation or clarification. See, e.g., United States v. Chapel, 41 F.3d 1338, 1342 (9th Cir. 1994) (affirming trial court taking judicial notice of a bank's FDIC insured status because the issue was "substantial and undisputed"); Mitchell v. Nix, No. 105-

2349, 2007 WL 779067 at 4 (N.D. Ga. Mar. 8, 2007) (taking judicial notice of the release dates of five former prisoners). The information Defendants ask the Court to take judicial notice of in this case, however, goes to the heart of the case and is subject to clarification.

Thus, the Court should not take judicial notice as urged by Defendants because the facts are not indisputable, as required by South Carolina courts. Additionally, to take judicial notice of the “facts” Defendants assert would deny Plaintiffs an opportunity to contest such facts and would violate Rule 210(c) of the South Carolina Rules of Appellate Practice. Accordingly, this Court should deny Defendants’ request regarding judicial notice.

B. If the Information Contained in Post-Trial Websites is Already in the Record From Other Sources, as Defendants Claim, the Post-Trial Website Information is Unnecessary.

This Court has held that it "will not consider any fact which does not appear in the transcript of record nor will any fact stated in an exception be considered unless it appears from the record that it is true. Likewise, counsel is prohibited from embodying in their briefs any fact which does not appear in the record. Rule 8, Section 7, of the Rules of this Court. Nothing should be omitted from the transcript of record that is necessary to a proper understanding and decision of the questions to be decided." S.C. State Highway Dep’t v. Meredith, 241 S.C. 306, 311, 128 S.E.2d 179, 182 (1962).

Defendants claim that the information concerning facilities in Plaintiff Districts that they selected from visits to the districts’ websites is already supported by testimony in the trial record, citing to several passages of testimony. (Defs.’ Return at 8-10.) Although Plaintiffs disagree that the testimony supports Defendants’ arguments, any additional information from websites is unnecessary on this appeal.

C. Information in Plaintiff Districts' Websites Cannot be Characterized as Admissions by Parties or Conclusive as to All Facility Issues.

Defendants seek to use information regarding facility upgrades—either new buildings or renovations to some buildings—selected from Plaintiff Districts' websites to argue that all of Plaintiffs' facilities are either new or will be new, or they are completely renovated or will be completely renovated.

First, no such statements can be found in any of the websites. Defendants urge the Court to draw that conclusion, but the websites do not support it. For example, as of April 4, 2008, the Dillon 2 website contained only miscellaneous, uncaptioned photographs of six schools, information provided by the architect (not statements by the district itself) on **proposed** building and additions plans for three schools, and miscellaneous newspaper articles, unauthenticated and written by anonymous authors. See <http://www.dillon2.k12.sc.us/home/construction.asp>. The website for Marion 7 has no information describing its facilities, and certainly no statement supporting Defendants. See <http://www.marion7.k12.sc.us/education/district/district.php?sectionid=1>.

Second, the websites contain statements and information contributed or written by persons other than the managing agents of the Plaintiff Districts. For example, the websites have proposed plans from outside architects, newspaper articles, and much information to which no contributor is identified. Clearly, such statements and information could not be construed as admissions by a party, simply because a party included links to them on its website.

Third, Defendants' simple assertion that the websites are "public" does not establish their reliability or notoriety sufficient to allow courts to take judicial notice of them.

Finally, if the Court were to take judicial notice of the material offered by Defendants, Plaintiff should be allowed to supplement the record with additional information relating to the facilities. Substantial facility issues remain, and Plaintiffs should not be prejudiced by the inclusion of incomplete information selected by Defendants from websites.

D. Legislative Provisos May Be Judicially Noticed, if Relevant, but Not the Disputed "Facts" Asserted by Defendants Based on the Provisos.

Contrary to Defendants' argument, Plaintiffs did not identify provisos passed by the General Assembly as items that should be excluded. The "facts" and conclusions Defendants urge on this Court from those provisos, however, are inappropriate and are disputed by Plaintiffs.

For example, Defendants cited to the General Appropriations Bill of 2007-08, Part IB, Proviso 1.3, Act 117 of 2007, for the purpose of showing projections by the General Assembly of 2007-08 per-pupil funding for every district, not only from the State's Education Finance Act ("EFA") formula but also from unidentified federal and local sources. (See Defs.' Initial Brief at 19.) The federal and local numbers are questionable and not verified in any way. Defendants have no control over the federal distribution of funding; their projections of amounts from federal sources are not confirmed or sourced in any way; and their inclusion of projected federal funding in the state budget proviso is essentially meaningless. Defendants also do not explain their projections of "per pupil" local funding in the 2007-08 state appropriations bill, except to claim that it does not include revenues from local bond issues. The local funding projections also do not account for the revenue swap effected by Act 388 of 2006 in which the new state sales tax is substituted for certain local property taxes. The

figures in this bill are nothing more than projections, and in the case of the federal and local funds, are unexplained and unverified estimates.

The General Assembly first began including projections of federal and local funding in the 2003-04 General Appropriations Bill, and their projections have historically been wildly inaccurate. In the 2005-06 General Appropriations Bill, for example, the General Assembly projected the average total "per pupil" funding level for 2005-06 at \$9,826, including state, federal and local funds but excluding revenues of local bond issues. See Part IB, Proviso 1.3, Act 115 of 2005. According to the State Department of Education's In\$ite chart—which is based on the school districts' actual audited financial statements and showing the state averages for fiscal year 2006—the average per-pupil spending level was actually \$8,159, including state, federal, and local funds but excluding capital improvement costs, (see http://ed.sc.gov/agency/offices/finance/insite/documents/06Insitestate_001.xls), a difference of \$1,667 per pupil or a total funding error of **\$1,157,968,214** (using a total student count of 694,642 as calculated by In\$ite, id.) or **\$1,117,960,214** (using a total student count of 670,433, as projected by the General Assembly in its budget proviso). The projected per-pupil funding stated in Defendant's initial brief, taken from the General Assembly's unexplained projections, clearly is not credible proof of actual funding. This is not the type of information that should be judicially noticed.

The other proviso cited in Defendants' Return was a 2007 proviso in which the General Assembly acknowledged that "[t]here is a definite and compelling need for new and renovated school facilities in Dillon County, inasmuch as many of the existing school facilities therein are dilapidated and obsolete." The proviso authorized the three school districts in Dillon County, including Plaintiff Dillon 2, to utilize appropriation-based acquisition agreements and to hold a

referendum for the issuance of general obligation bonds to be repaid by the proceeds from a sales and use tax for the construction and renovation of school facilities in all three districts. See Act 137 of 2007. Plaintiffs have no argument against this Court taking judicial notice of this proviso. However, the conclusion urged by Defendants—that the school facilities in Dillon 2 are now completely re-built or renovated and no issues of safety or adequacy remain—is unwarranted. Such a conclusion requires a leap from the authorization in the proviso by the General Assembly to raise local funds to meet the "definite and compelling need for new and renovated school facilities" to a conclusion that the facilities, which even the General Assembly characterized as "dilapidated and obsolete," are currently entirely safe and adequate. The bond referendum was not passed until December 2007, and the design and construction has barely had time to begin, if it has begun at all. Also, neither the trial record nor the post-trial information proffered by Defendants supports an argument that all facility issues have been or even will be resolved as a result.

E. Plaintiffs Did Not Request, and Had No Opportunity to be Heard, on the Trial Court's Judicial Notice of School or School District Report Cards and the Information Contained in Them is Subject to Dispute.

The trial court incorrectly stated in its July 12, 2007 Order that both parties had requested it to take judicial notice of all report cards issued during the pendency of this case. Plaintiffs have searched the record and have located no such request by either party. After the evidence was closed, Defendants requested in their closing argument that the court take judicial notice of the 2004 report cards. (Tr. (12/9/04) 233:7-11.) Defendants made no request for judicial notice of other report cards.

Plaintiffs made no request for judicial notice of any report cards. The only information typically found on report cards that Plaintiffs were aware the trial court had taken judicial

notice of prior to the close of evidence was of 2004 PACT scores, 2004 HSAP (exit exam) scores, and 2004 AYP (adequate yearly progress) status. See Exhibits A and B, attached to Plaintiffs' Motion to Strike. Plaintiffs had no opportunity prior to the close of evidence to be heard or to contest any other matters taken into evidence by the trial court through judicial notice, in violation of Rule 201(e), SCRE.

Material contained in the report cards contains at least some unreliable information that is not appropriate for judicial notice. For example, Defendants attempt to rely on graduation rates as reported on 2004 school report cards. However, these graduation rates are known to be unreliable and were calculated in a manner different from the graduation rates used at trial. The graduation rates entered as exhibits at trial were based on data from the National Center for Education Statistics (NCES). (See Pls.' Exs. 6094 (raw data) and 6858 (graduation rates).) By contrast, the report card graduation rates (which only appeared on report cards beginning in 2003) are based on longitudinal data on students that is incomplete and that lends itself to overstating the actual graduation rates. The EOC has recognized problems with the "precision and accuracy" of the graduation rates published in the report cards because of these data limitations. The EOC now requires that until more accurate data is available in 2009, all report cards must include a warning that the graduation rates published in the report cards may be higher than the actual graduation rates. See, e.g., 2007-08 Accountability Manual at 36-37 (found at <http://www.sceoc.com>) (attached as **Exhibit F**). Because the 2004 graduation rates cited by the Defendants, which are found only on report cards that were not judicially noticed during trial, are known to be unreliable and were calculated in a manner different from the graduation rates used at trial, they are not proper subjects for judicial notice.

CONCLUSION

Based on the law and facts discussed in Plaintiff's Motion and this Reply, the Court should strike post-trial evidence from briefs and arguments.

Respectfully submitted,

NELSON MULLINS RILEY & SCARBOROUGH LLP

By: Laura Callaway Hart

Carl B. Epps, III

SC Bar No. 001903

E-Mail: carl.epps@nelsonmullins.com

Stephen G. Morrison

SC Bar No. 004103

E-Mail: steve.morrison@nelsonmullins.com

Laura Callaway Hart

SC Bar No. 002766

E-Mail: laura.hart@nelsonmullins.com

Shelby K. Leonardi

SC Bar No. 70570

E-Mail: shelby.leonardi@nelsonmullins.com

Elizabeth Scott Moise

SC Bar No. 12945

E-Mail: scott.moise@nelsonmullins.com

Rachel Atkin Hedley

SC Bar No. 16941

E-Mail: rachel.hedley@nelsonmullins.com

D. Kay Tennyson

SC Bar No. 11825

E-Mail: kay.tennyson@nelsonmullins.com

1320 Main Street / 17th Floor

Post Office Box 11070 (29211-1070)

Columbia, SC 29201

(803) 799-2000

April 4, 2008
Columbia, SC



Dillon School District Two

[Schools](#)
[Students](#)
[Parents](#)
[Teachers](#)
[Staff](#)
[Community](#)
[Employment](#)

About Us

[Map](#)

[D-2 Connect](#)

School Board

[Policies](#)

District Staff

Calendars

[2007- 2008](#)

[2008-2009](#)

[Events](#)

[Testing](#)

[Menus](#)

Technology

[Web Tickets](#)

Email

[Staff](#)

[Students](#)

[eGuide \(For](#)

[District](#)

[Employees\)](#)

School

Closing

HOME

[PowerPoint](#)

[Viewer](#)

[Word](#)

[Viewer](#)

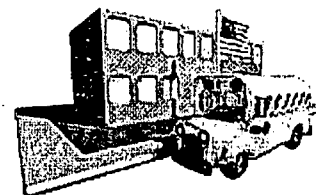
Bond Referendum

December 4, 2007

Approved By Voters

Updated

(12/7/07)



Proposed Building Plan

[Dillon Middle School](#)

[East Elementary School](#)

[Stewart Heights Elementary School](#)

Information

- [Dillon Herald Editorial September 6, 2007](#)
- [Dillon Herald Editorial September 13, 2007](#)
- [Sales Tax Referendum Meeting Held September 17, 2007](#)
- [Residents voice concern over new Dillon 2 middle school site - News - South Carolina Now \(SCNow.com\)](#)
- [Dillon Herald Editorial September 26, 2007](#)

EXHIBIT

A



- [Dillon Herald September 27, 2007](#)
- [A Look At Our Public Schools](#) *(Requires Windows Media Player)*
- [Dillon County school bond referendum concerns addressed - News - South Carolina Now \(SCNow.com\) October 4, 2007](#)
- [Dillon County Schools: Building For Our Future](#) *(Requires Windows Media Player) NEW 11/19/20*
- [The State 12-04-2007 Dillon County schools in crisis](#)
- [The State 12-05-2007 Millions to go to Dillon schools](#)
- [Dillon County approves school bond - News - South Carolina Now \(SCNow.com\)](#)
- [By Betsy Finklea - Dillon Herald Bond Referendum Passes](#)

For Additional Information Contact**Dillon County Board of Education**

Richard Schafer, Chairman

(843) 774-8711

Dillon School District Two

D. Ray Rogers, Superintendent

(843)-774-1200

[REDACTED]
843-774-1200 405 West Washington Street, Dillon, SC 29536 843-774-1203 (fax) 00



Dillon School District Two

[Schools](#) [Students](#) [Parents](#) [Teachers](#) [Staff](#) [Community](#)

About Us

Map
D-2 Connect

School Board

Policies

District Staff

Calendars

2007- 2008

2008-2009

Events

Testing

Menus

Technology

Web Tickets

Email

Staff

Students

eGuide (For

District

Employees)

School

Closing

HOME

PowerPoint

Viewer

Word

Viewer

General Information

- [Dillon County Chamber of Commerce](#)
- [Dillon County Development Board](#)
- [Dillon, SC Weather!](#)
- [Dillon Yellow Pages](#)
- [Dillon County Obituaries 1800 - 2003](#)
- [Dillon County Newspapers - SCGenWeb](#)
- [Carolinanow SC: Pee Dee District](#)
- [Search US: Dillon, SC](#)
- [Dillon County Airport](#)
- [Dillon County, South Carolina - SCGenWeb - Genealogy](#)

Visitor Information

- [Dillon, South Carolina - Hotels, Motels](#)
- [South of the Border](#)
- [Local Businesses around Dillon, SC](#)

Real Estate Information

- [Dillon County Realtors](#)
(updated 7/10/07)

Links to Additional Realtor Information

- [Dillon, South Carolina real estate, SC REALTORS®](#)
- [Dillon South Carolina - Residential Real Estate](#)
- [Discover Our Town Dillon, SC](#)
- [Dillon, South Carolina REALTORS®, HomeGain](#)
- [List of Contractors in Dillon, South Carolina](#)

Employment

- [Discover Our Town Dillon, SC](#)
- [Dillon South Carolina SC - Jobs, Employment](#)
- [South Carolina Employment Security Commission](#)

City/County Agencies

- [Dillon County Library](#)
- [Dillon County Sheriff's Department](#)

Schools

- [Dillon Data](#)
- [Dillon School District One](#)
- [Dillon County Technology](#)
- [Dillon School District Three](#)
- [Dillon County Education](#)



- ➡ [General](#)
- ➡ [Visitor In](#)
- ➡ [Real Es](#)
- ➡ [Links to](#)
- ➡ [Realtor](#)
- ➡ [Employ](#)
- ➡ [City/Co](#)
- ➡ [Schools](#)

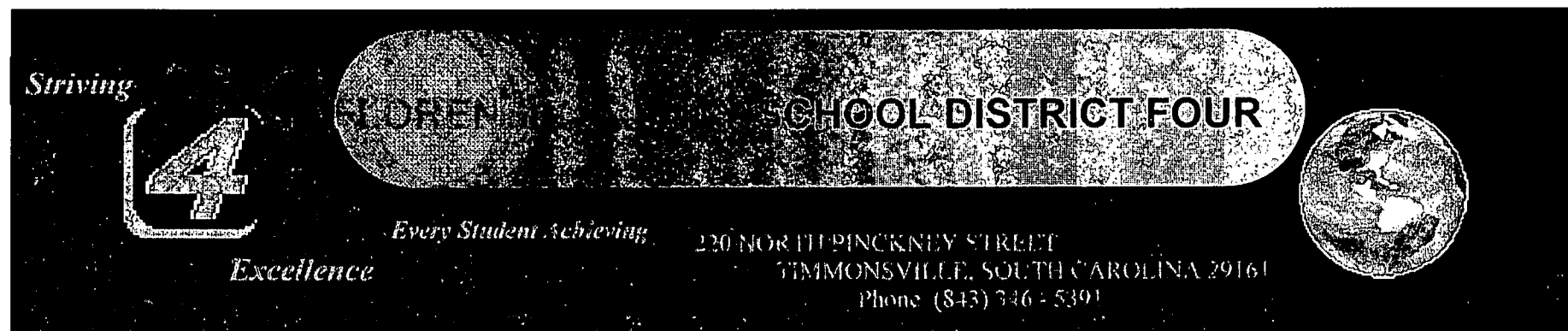


EXHIBIT

B

Center

843-774-1200 405 West Washington Street, Dillon, SC 29536 843-774-1203 (fax)


[Directory](#)
[News](#)
[School Board](#)
[About Us](#)
[Assist. Sup. Message](#)
[Employment](#)
[Parents](#)
[District Calendar](#)
[Staff](#)
[Students](#)
[District Policy](#)
[Related Links](#)
[District Email](#)

Daily Announcements

We are very happy to have our new web presence. It is still a work in process. Please look around and let us know how you feel about it.

Our thanks goes out to our Web Masters Stephanie S. Bolden, Amy Fouse, Michelle Heyward, Patricia Wright, Robert McDonald, and William Livingston for their continuous work on this project.

District Mission Statement

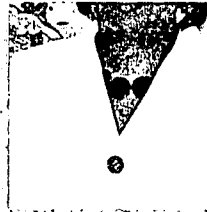
THE MISSION OF FLORENCE COUNTY SCHOOL DISTRICT FOUR, IN UNISON WITH PARENTS AND COMMUNITY, IS TO GUARANTEE AN EXCELLENT EDUCATION FOR EACH STUDENT BY PROVIDING HIGHLY QUALIFIED PERSONNEL, RIGOROUS CURRICULUM, AND SAFE AND WELL-MAINTAINED FACILITIES.

A Message from the Superintendent

As superintendent of Florence County School District Four, I am committed to ensuring that students, parents, staff

EXHIBIT

C

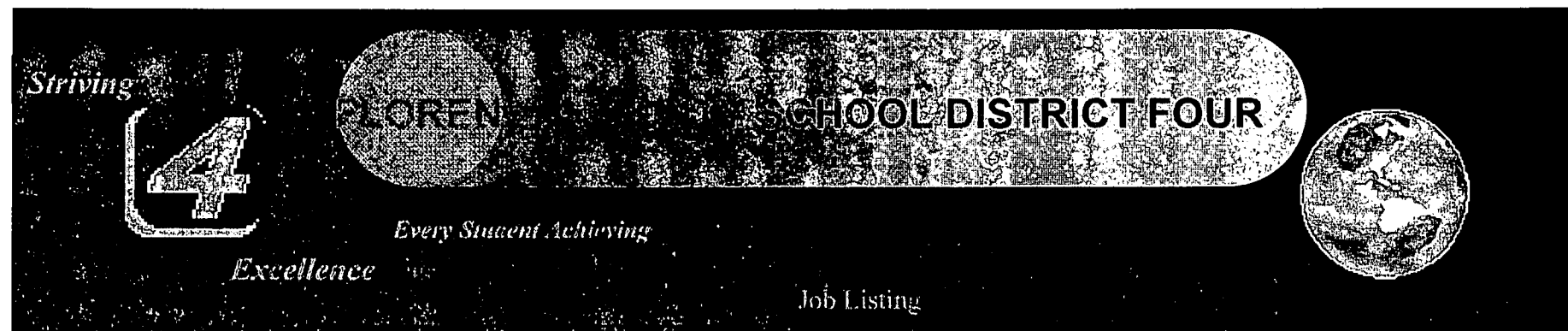


Bertha W. McCants, Ed.D.

members and the community at-large are aware of the strategies that must be consistently implemented for sustained student achievement. We all have roles to play on our journey to systematic success; as we embrace local, state and federal accountability mandates.

There are great things happening throughout the district. We have talented students who excel in academics, the arts and athletics. Our goal is to develop our students' character, as well as, their minds to become contributing citizens with compassion for mankind. Our staff members are top-notch professionals.

We invite you to visit our schools and take a personal tour of our buildings and grounds. There is excitement in the air!



Job Listings

Florence County School District Four

Positions to be advertised – Week of 3/31/08

ELEMENTARY

Media Specialist
Elementary
Early Childhood

MIDDLE

Assistant Principal
Science

HIGH SCHOOL

Spanish
Chemistry
English
Math

School Psychologist II or III, Speech Pathologist (CCC) & Special Ed;



Science & Math (Alternative School)

Cafeteria Supervisor/Manager

For more information contact:

HR Department

843-346-5391 ext. 312 or email HR@florence4.k12.sc.us

EQUAL OPPORTUNITY EMPLOYER



Striving

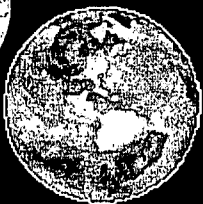
4

FLORENCE SCHOOL DISTRICT FOUR

Every Student Achieving

Excellence

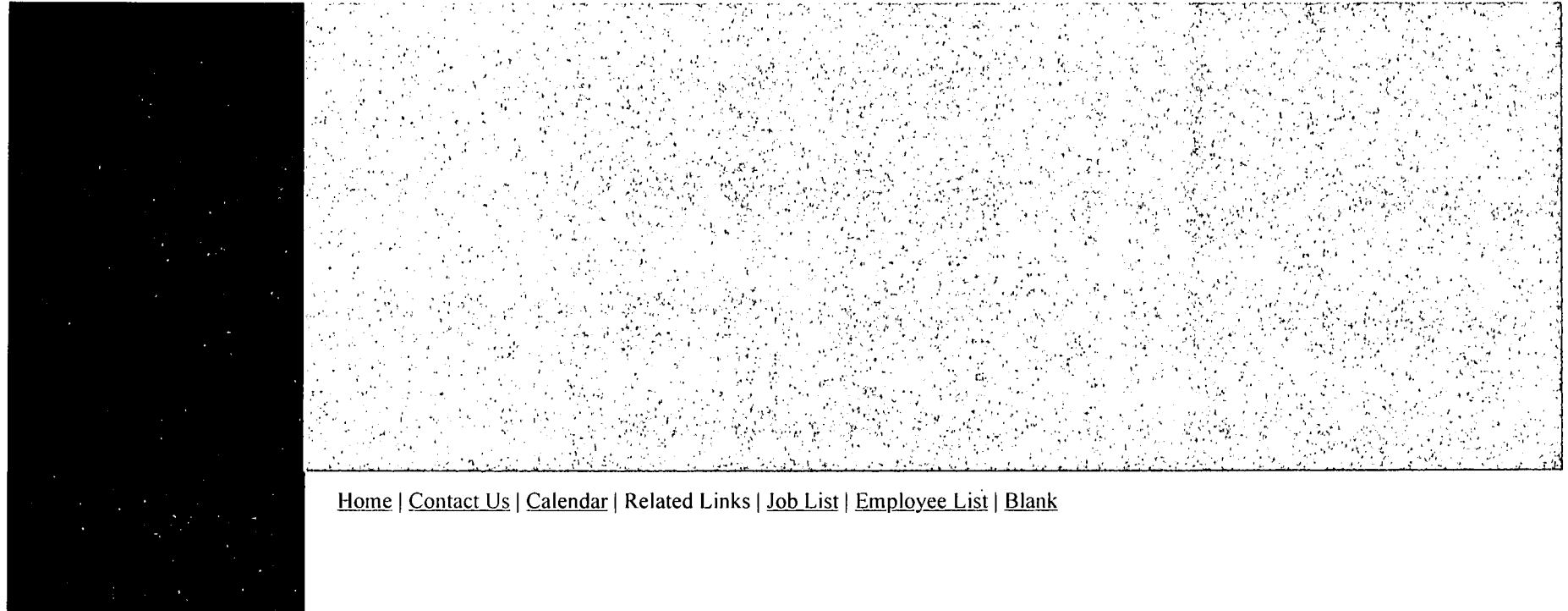
Related Links



District Home

Email

UNDER CONSTRUCTION



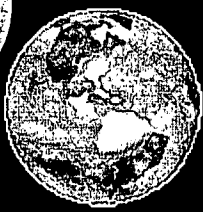
[Home](#) | [Contact Us](#) | [Calendar](#) | [Related Links](#) | [Job List](#) | [Employee List](#) | [Blank](#)

Striving
4
Excellence

FLORENCE SCHOOL DISTRICT FOUR

Every Student Achieving

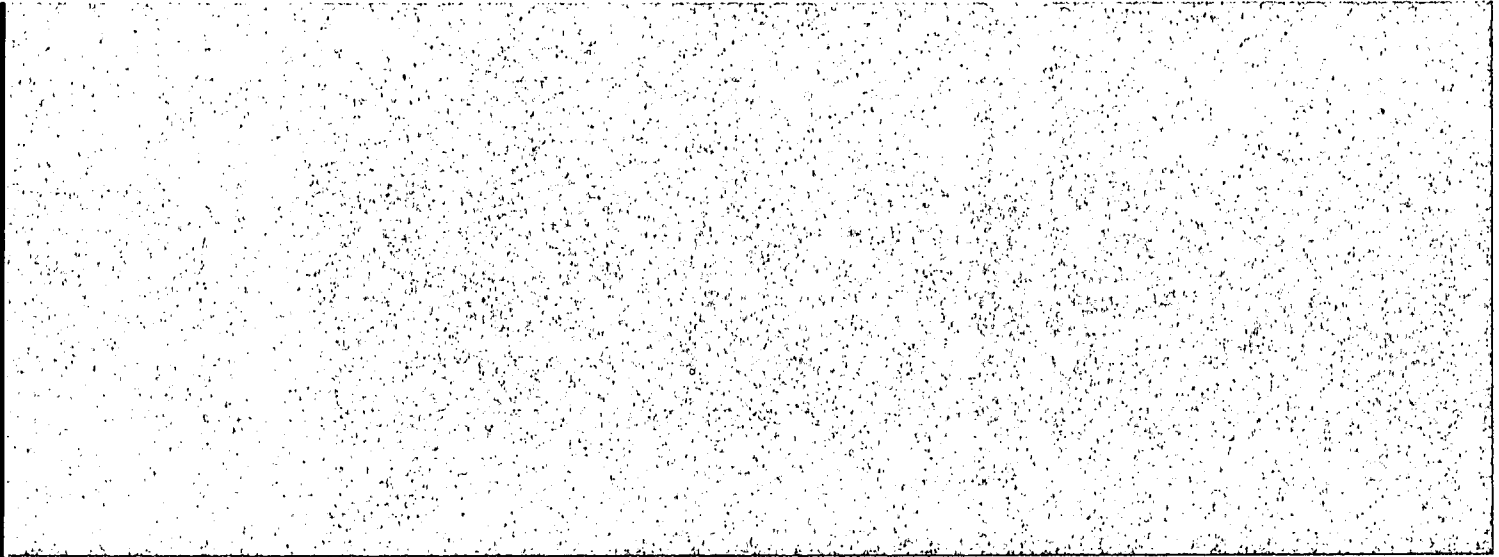
220 NORTH PINCKNEY STREET
TIMMONSVILLE, SOUTH CAROLINA 29161
Phone (843) 346-5391



District Home

Email

UNDER CONSTRUCTION



[Home](#) | [Contact Us](#) | [Calendar](#) | [Related Links](#) | [Job List](#) | [Employee List](#) | [Blank](#)

Striving

4

SCHOOL DISTRICT FOUR

Every Student Achieving

Excellence

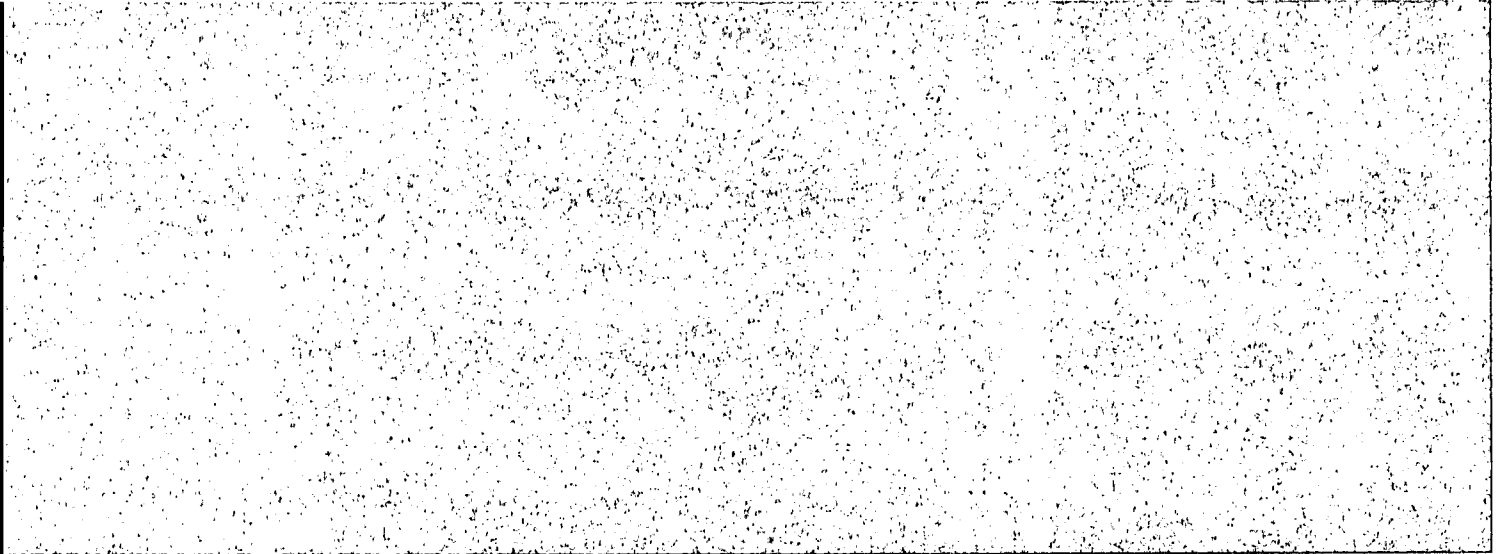
220 NORTH PINCKNEY STREET
TIMMONSVILLE, SOUTH CAROLINA 29161
Phone (843) 346-5391



District Home

Email

UNDER CONSTRUCTION



[Home](#) | [Contact Us](#) | [Calendar](#) | [Related Links](#) | [Job List](#) | [Employee List](#) | [Blank](#)

Striving
4
Excellence

FLORENCE SCHOOL DISTRICT FOUR

Every Student Achieving

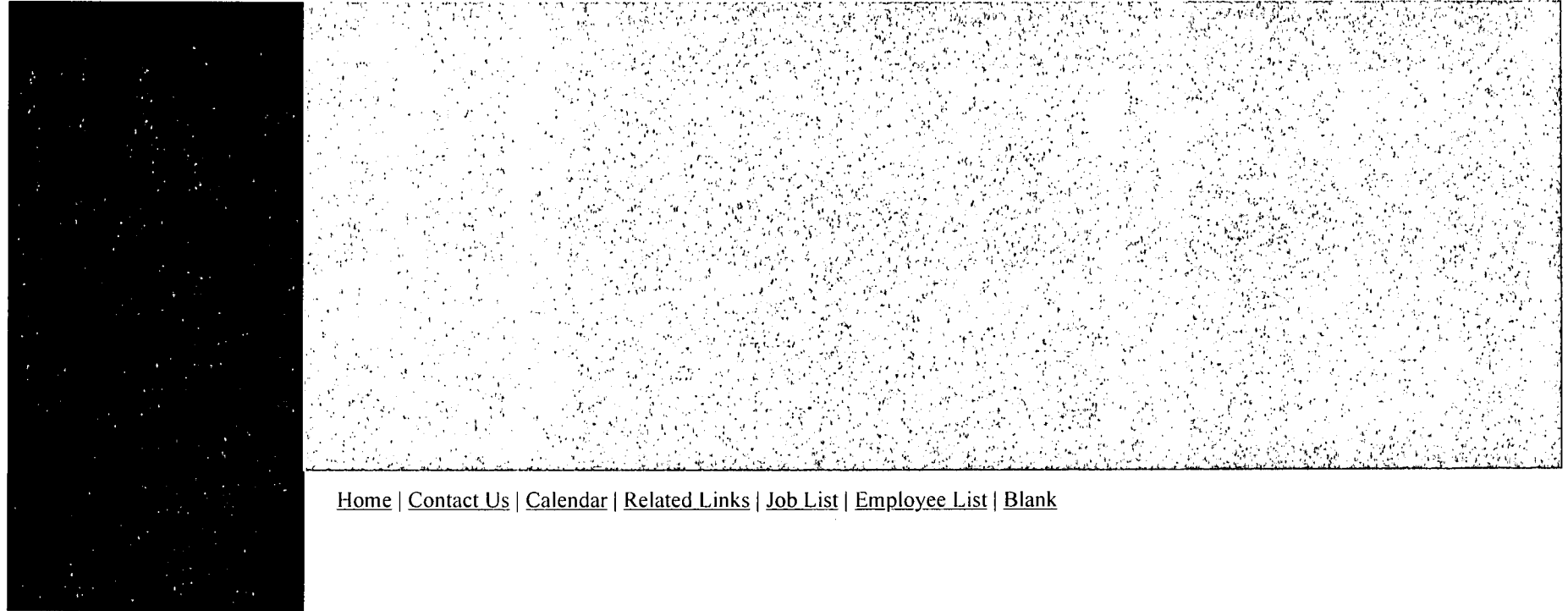
220 NORTH PINCKNEY STREET
TIMMONSVILLE, SOUTH CAROLINA 29161
Phone (843) 346-5391



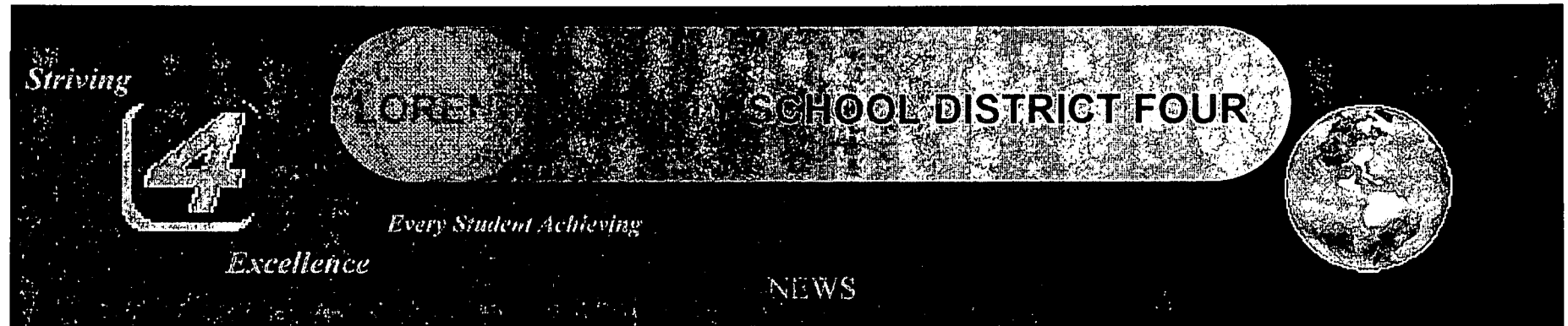
District Home

Email

UNDER CONSTRUCTION



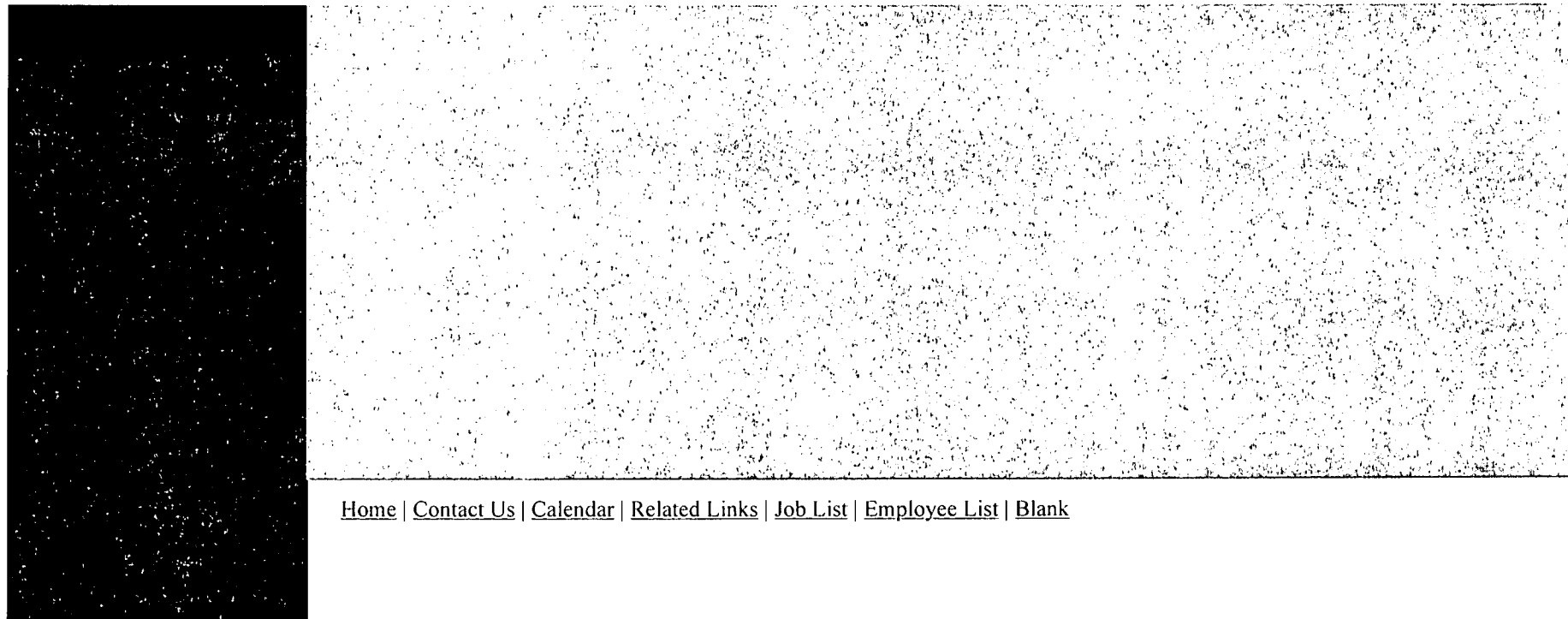
[Home](#) | [Contact Us](#) | [Calendar](#) | [Related Links](#) | [Job List](#) | [Employee List](#) | [Blank](#)



[District Home](#)

[Email](#)

UNDER CONSTRUCTION



[Home](#) | [Contact Us](#) | [Calendar](#) | [Related Links](#) | [Job List](#) | [Employee List](#) | [Blank](#)

[District Home](#)

[Login](#) [Help](#)



Directory

District Resources

New Facility Construction

[Career Wing](#)

[Middle School](#)

Customer Service Survey

**Directions to the Lee
County School District
Administrative Office**

New Facility Construction Career Wing

Career Wing

Career Wing Schematic

[Photo History as of 01/10/08](#)

[Photo History as of 10/22/07](#)

[Photo History as of 10/3/07](#)

[Photo History as of 11/09/07](#)

[Photo History as of 9/7/07](#)

[Back to New Facility Construction](#)

[Contact Us](#) | [User Policy](#)

Lee County School District, 521 Park Street, Bish
Phon

EXHIBIT

D

[District Home](#)[Login](#) [Help](#)**Directory****District Resources**[GROUPWISE Staff Mail](#)[District News](#)[Lee County Board of Education](#)[SC State Department of Education](#)[Maintenance Work Order Request](#)[07-08 Bus Routes](#)[2007-2008 District Calendar](#)[2007-2008 School Schedule](#)[Calendar of Events for April NEW](#)[Employment Opportunities](#)[Lee County 2007-2008 Teachers of the Year](#)[Our District - "At-a-Glance"](#)[School Board Policy Manual](#)**New Facility Construction****Customer Service Survey****[Directions to the Lee County School District Administrative Office](#)****District Resources District News****District News**

Each Sunday, Lee County School District is featured in The Education of The Item newspaper. These submissions are posted here for you to see the latest news in our district.

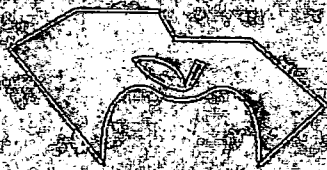
[September 9, 2007](#)[September 16, 2007](#)[September 23, 2007](#)[October 7, 2007](#)[October 14, 2007](#)[October 21, 2007](#)[October 28, 2007](#)[November 4, 2007](#)[November 11, 2007](#)[November 18, 2007](#)[December 2, 2007](#)[December 9, 2007](#)[January 13, 2008](#)[January 20, 2008](#)[January 27, 2008](#)[February 3, 2008](#)[February 10, 2008](#)[February 17, 2008](#)[February 24, 2008](#)[March 2, 2008](#)[March 9, 2008](#)**EXHIBIT****E**

[Back to District Resources](#)

[Contact Us](#) | [User Policy](#)

Lee County School District , 521 Park Street , Bish
Phon

The 2007-2008 Annual School and
District Report Card System for South
Carolina Public Schools and School
Districts



SC EDUCATION
OVERSIGHT COMMITTEE

EXHIBIT

F

PO Box 10867 | 227 Blair Building | Columbia SC 29211 | WWW.SCEOC.ORG

Ratings Criteria

- Longitudinal High School Assessment Program (HSAP) performance: This factor gauges the percentage of students who pass the HSAP by the spring graduation two years after taking the examination for the first time. Students transferring to other schools should be deleted from the calculation; however students dropping out are included. Longitudinal HSAP performance is the percentage of students who score a "2" level or higher on both ELA and Math within two years after taking it for the first time.
- First-attempt HSAP performance: The percentage of students taking the High School Assessment Program (HSAP) for the first time who passed both the English language arts and mathematics subtests by scoring at the performance level of "2" or higher.
- Percentage passing End of Course tests: The percent of passing scores (70 or higher) on all of the End of Course tests administered in the high school during the school year and subsequent summer session. The end-of-course assessments currently include Algebra I, English I, and Physical Science (and Biology I when the test is reinstated). The U.S. History and Constitution End of Course test will be administered in 2007-2008, pending approval by the EOC. In June 2007 the EOC adopted the following policies regarding End of Course test results: for the school years 2007-2008, 2008-2009 and 2009-2010, End of Course test scores for courses offered through the Virtual High School and End of Course test scores for courses offered through dual high school and college credit. are to be reported with the high school in which the student is enrolled and calculated into the school ratings and in the district's ratings.
- On-time Graduation rate: The percentage of all students (including students with disabilities) enrolled for the first time in grade nine four years prior to the year of the report card who earn a standard high school diploma (not GED), adjusted for transfers in and out of the school. Adjustments for students transferring out of the school or district cannot be made for those students for whom there is not evidence of enrollment in another state diploma granting program (for example, requests for transcripts from another state diploma granting program, placement in the juvenile or criminal justice system, etc.). Data from students who meet the state diploma requirements as a result of attending summer school and/or successfully passing HSAP in the summer following their senior year will be included in the calculation of the on-time graduation rate; this should take effect as soon as the State Department of Education and school districts can arrange for timely receipt of the data needed.

Note Regarding On-time Graduation Rate Criterion: The precision and accuracy of the on-time graduation rate calculated for the school and district report cards is currently limited by the lack of accurate identifiers to track the progress of students. Based on a study of the progress of two cohorts of students (those who were ninth graders in 1999-2000 and those who were ninth graders in 2000-2001) in six South Carolina schools, on studies of enrollments of cohorts of students from eighth grade through grade twelve, and on information provided by high school principals, the assumption that students who leave the state's high schools before graduation are transferring to another school is erroneous in many cases (for a discussion of this issue at the national level, see *What Counts: Defining and Improving High School Graduation Rates*, available from the National Association of Secondary School Principals at http://www.principals.org/s_nassp/sec.asp?CID=29&DID=50356.) To improve the accuracy of the identification of legitimate transfers and to more accurately discriminate them from school dropouts a project to assign unique student identification numbers to all South Carolina public school students was implemented in Fall 2005. It is expected that the phase-in of the student identifier system will allow accurate tracking of ninth and tenth grade students in 2006-2007, ninth, tenth, and eleventh graders in 2007-2008, and ninth, tenth, eleventh, and twelfth graders

by 2008-2009. However, until more accurate measures of high school graduation rate are available in 2009, the following statement will accompany all references to the high school on-time graduation rate reported on school and district report cards:

"NOTE: On-time graduation rates published on the S.C. school and district report cards may be higher than the actual rates because of incomplete data on students who are no longer enrolled in the school or district."

Calculation of Absolute Rating

Ratings are calculated using a mathematical formula that results in an index. The following point distribution is applied to each of the criteria for the calculation of the absolute index (the percentage weighting for each criterion is applied to the calculation of the index):

Criteria for High School Ratings

Criterion	Points Assigned				
	5	4	3	2	1
Longitudinal Exit Exam Passage Rate (30%)	100%	97.5–99.9%	90.7–97.4%	87.3–90.6%	Below 87.3%
First-attempt HSAP Passage Rate (20%)	62.9% or more	53.7–62.8%	37.4–53.6%	26.7–37.3%	Below 26.7%
% Scoring 70 or Above on End of Course Tests (20%)	87.8% or more	72.4–87.7%	41.6–72.3%	26.2–41.5%	Below 26.2%
On-time Graduation Rate (30%)	88.3% or more	79.6–88.2%	62.2–79.5%	53.5–62.1%	Below 53.5%

The index is calculated using the following formula:

- (1) Match the school's data/performance to the points assigned to each rating criterion in the table above.
- (2) Add the weighted points for each criterion. Weighted points are calculated by multiplying the assigned points by the weighting factor assigned to each criterion.

The resulting index determines the school's Absolute rating as follows:

THE STATE OF SOUTH CAROLINA
In The Supreme Court

APPEAL FROM LEE COUNTY
Court of Common Pleas

Thomas W. Cooper, Jr., Circuit Court Judge

Case No. 93-CP-31-0169

Abbeville County School District, Allendale County School District, Bamberg County School District 1, Bamberg County School District 2, Barnwell County School District 19, Barnwell County School District 29, Barnwell County School District 45, Berkeley County School District, Chesterfield County School District, Clarendon County School District 1, Clarendon County School District 2, Clarendon County School District 3, Dillon County School District 1, Dillon County School District 2, Dillon County School District 3, Florence County School District 1, Florence County School District 2, Florence County School District 3, Florence County School District 4, Florence County School District 5, Hampton County School District 1, Hampton County School District 2, Jasper County School District, Laurens County School District 55, Laurens County School District 56, Lee County School District, Lexington County School District 4, Marion County School District 1, Marion County School District 2, Marion County School District 7, Marlboro County School District, McCormick County School District, Orangeburg Consolidated School District 3, Orangeburg Consolidated School District 5, Saluda County School District and Williamsburg County School District; Lena Manning, individually, and as a taxpayer residing in Allendale County and as Guardian ad Litem of Courtney V.; Courtney V., a minor, by and through Lena Manning, as Guardian ad Litem; William L. Mills, individually, and as a Taxpayer residing in Allendale County and as Guardian ad Litem of Waylon P.; Waylon P., a minor, by and through William Mills, as Guardian ad Litem; Betty Bagley, individually, and as a taxpayer residing in Bamberg County and as a parent and Guardian ad Litem of Tyler B.; Tyler B., a minor, by and through Betty Bagley, as Guardian ad Litem, Evert Comer, Jr., individually, and as a

taxpayer residing in Bamberg County and as parent and Guardian ad Litem of Kimberly C.; Kimberly C., a minor, by and through Evert Comer, Jr., as Guardian ad Litem; Marla Q. Jameson, individually, and as a taxpayer residing in Barnwell County, and as a parent and Guardian ad Litem of Eleanor J.; Eleanor J., a minor, by and through Marla Q. Jameson, as Guardian ad Litem; Victor M. Lancaster, Sr., individually, and as a taxpayer residing in Barnwell County, and as parent and Guardian ad Litem of Christie L.; Christie L., a minor, by and through Victor M. Lancaster, Sr., as Guardian ad Litem; Dr. Charles Clark, individually, and as a taxpayer residing in Chesterfield County, and as parent and Guardian ad Litem of Candace C., a minor, by and through Dr. Charles Clark, as Guardian ad Litem; Colonel Larry Coker, individually, and as a taxpayer residing in Clarendon County, and as a parent and Guardian ad Litem of Corrie C.; Corrie C., a minor, by and through Colonel Larry Coker, as Guardian ad Litem; Pamela Williams, individually, and as a taxpayer residing in Dillon County, and as parent and Guardian ad Litem of Katisha W.; Katisha W., a minor, by and through Pamela Williams as Guardian ad Litem; Eddie Wright, individually, and as a taxpayer residing in Florence County, and as parent and Guardian ad Litem of Brandon F.; Brandon F., a minor, by and through Eddie Wright as Guardian ad Litem; John Whiteside, individually, and as a taxpayer residing in Florence County and as Parent and Guardian ad Litem of Joel W.; Joel W., a minor, by and through John Whiteside as Guardian ad Litem; Dr. Francis Mills, individually, and as a taxpayer residing in Hampton County and as a parent and Guardian ad Litem of Amy M.; Amy M., a minor, by and through Dr. Francis Mills, as Guardian ad Litem; Brenda Brooks, individually, and as a taxpayer residing in Hampton County, and as parent and Guardian ad Litem of Tyrin B.; Tyrin B., a minor, by and through Brenda Brooks as Guardian ad Litem; Marva Tigner, individually, and as a taxpayer residing in Jasper County, and as parent and Guardian ad Litem of Bryan T. and Bradley T.; Bryan T., a minor, by and through Marva Tigner as Guardian ad Litem; Bradley T., a minor, by and through Marva Tigner as Guardian ad Litem; Robert Elisha Short, individually, and as a taxpayer residing in Laurens County and as parent and Guardian ad Litem of Robert B. S.; Robert B. S., a minor, by and through Robert Elisha Short, as

Guardian ad Litem; Dr. Keith A. Bridges, individually, and as a taxpayer residing in Laurens County and as parent and Guardian ad Litem of Jorgana Ranson B.; Jorgana Ranson B., a minor, by and through Dr. Keith A. Bridges, as Guardian ad Litem; Gail Y. Harriott, individually, and as a taxpayer residing in Lee County and as parent and Guardian ad Litem of Rashade H.; Rashade H., a minor, by and through Gail Y. Harriott, as Guardian ad Litem; Linda Carraway, individually, and as a taxpayer residing in Marion County, and as parent and Guardian ad Litem of Kimberly W.; Kimberly W., a minor, by and through Linda Carraway as Guardian ad Litem; Dr. John Nobles, individually, and as a taxpayer residing in Marlboro County and as parent and Guardian ad Litem of Erin N.; Erin N., a minor, by and through Dr. John Nobles, as Guardian ad Litem; Patricia Hampton, individually, and as a taxpayer residing in McCormick County and as parent and Guardian ad Litem of Krystle H.; Krystle H., a minor, by and through Patricia Hampton, as Guardian ad Litem; Bernice Profit, individually, as a taxpayer residing in Orangeburg County and as parent and Guardian ad Litem of Russell H.; Russell H., a minor, by and through Bernice Profit, as Guardian ad Litem; Matlin P. Brown, individually, and as a taxpayer residing in Orangeburg County and as parent and Guardian ad Litem of Tanisha P. B.; Tanisha P. B., a minor, by and through Matlin P. Brown, as Guardian ad Litem; James Berry, individually, and as a taxpayer residing in Orangeburg County and as parent and Guardian ad Litem of Dondrea B.; Dondrea B., a minor, by and through James Berry, as Guardian ad Litem; Gerald Smith, individually, and as a taxpayer residing in Orangeburg County and as parent and Guardian ad Litem of Brenda S.; Brenda S., a minor, by and through Gerald Smith, as Guardian ad Litem; Thomas Shealy, individually, and as a taxpayer residing in Saluda County and as parent and Guardian ad Litem of Thomas S., Jr.; Thomas S., Jr., a minor, by and through Thomas Shealy, as Guardian ad Litem, Plaintiffs,

Of whom:

Allendale County School District,
Dillon County School District 2,
Florence County School District 4,
Hampton County School District 2,
Jasper County School District,

Lee County School District,
 Marion County School District 7,
 Orangeburg School District 3,
 Lena Manning, individually, and as a taxpayer residing
 in Allendale County and as Guardian ad Litem of
 Courtney V.; Courtney V., a minor, by and through
 Lena Manning, as Guardian ad Litem; Pamela
 Williams, individually, and as a taxpayer residing in
 Dillon County, and as parent and Guardian ad Litem of
 Katisha W.; Katisha W., a minor, by and through
 Pamela Williams as Guardian ad Litem; Eddie Wright,
 individually, and as a taxpayer residing in Florence
 County, and as parent and Guardian ad Litem of
 Brandon F.; Brandon F., a minor, by and through
 Eddie Wright as Guardian ad Litem; Brenda Brooks,
 individually, and as a taxpayer residing in Hampton
 County, and as parent and Guardian ad Litem of Tyrin
 B.; Tyrin B., a minor, by and through Brenda Brooks
 as Guardian ad Litem; Marva Tigner, individually, and
 as a taxpayer residing in Jasper County, and as parent
 and Guardian ad Litem of Bryan T. and Bradley T.;
 Bryan T., a minor, by and through Marva Tigner as
 Guardian ad Litem; Bradley T., a minor, by and
 through Marva Tigner as Guardian ad Litem; Gail Y.
 Harriott, individually, and as a taxpayer residing in Lee
 County and as parent and Guardian ad Litem of
 Rashade H.; Rashade H., a minor, by and through Gail
 Y. Harriott, as Guardian ad Litem; Linda Carraway,
 individually, and as a taxpayer residing in Marion
 County, and as parent and Guardian ad Litem of
 Kimberly W.; Kimberly W., a minor, by and through
 Linda Carraway as Guardian ad Litem; Bernice Profit,
 individually, and as a taxpayer residing in Orangeburg
 County and as parent and Guardian ad Litem of Russell
 H.; Russell H., a minor, by and through Bernice Profit,
 as Guardian ad Litem, are Appellants-
 Respondents,

v.

Glenn F. McConnell, as President *Pro Tempore*
 of the Senate and as a representative of the South
 Carolina Senate; Robert W. Harrell, Jr., as
 Speaker of the House of Representatives
 and as a representative of the South Carolina
 House of Representatives, ... Respondents-
 Appellants,

and

The State of South Carolina; Mark C. Sanford, as
Governor of the State of
South Carolina, ... Respondents.

PROOF OF SERVICE

I, the undersigned Administrative Assistant, of the law offices of Nelson Mullins Riley & Scarborough LLP, attorneys for Appellants-Respondents, do hereby certify that I have served all counsel in this action with a copy of the documents hereinbelow specified by hand delivery to the following addresses:

Pleadings: Plaintiffs' Reply in Support of Motion to Strike Post-Trial Matter
 Outside of Record From Briefing and From The Record

Counsel Served:

Robert E. Stepp
Elizabeth Van Doren Gray
A. Jackson Barnes
SOWELL GRAY STEPP & LAFITTE, L.L.C.
1310 Gadsden Street
Columbia, SC 29201

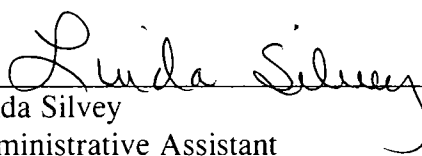
Henry D. McMaster
J. Emory Smith, Jr.
OFFICE OF THE ATTORNEY GENERAL OF
THE STATE OF SOUTH CAROLINA
Rembert C. Dennis Building
Columbia, SC 29201

Attorneys for Respondents-Appellants
Senate and House of Representatives of the
State of South Carolina

Attorneys for Respondent State of South
Carolina

Swati S. Patel
Office of the Governor
South Carolina State House
P.O. Box 12267
Columbia, SC 29211

Attorney for Respondent Governor of
South Carolina



Linda Silvey
Administrative Assistant

April 4, 2008



HENRY McMASTER
ATTORNEY GENERAL

RECEIVED

APR - 2 2008

S.C. SUPREME COURT

April 2, 2008

The Honorable Daniel E. Shearouse
Clerk, Supreme Court of
South Carolina
HAND DELIVERY

Re: Abbeville County School District v. State 93-CP-31-169
Return to Motion to Strike

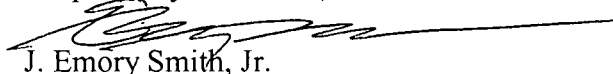
Dear Mr. Shearouse:

I would appreciate your accepting this letter as a Return of the Respondents State and Governor as to the Motion to Strike of Appellants-Respondents. The State and the Governor concur in the legal arguments in the Return of the Respondents-Appellants McConnell and Harrell to the extent that they apply to those parts of the brief of Respondents-Appellants in which the State and Governor concurred in February.

I have enclosed the original and six copies of this letter, and I have mailed it to counsel listed below. Please let me know if you have any questions.

Thank you for your consideration of this matter.

Respectfully submitted,



J. Emory Smith, Jr.
Assistant Deputy Attorney General
Counsel for the State and the Governor

cc: Carl B. Epps, III, Esquire
Stephen G. Morrison, Esquire
Laura Callaway Hart, Esquire
Shelby K. Leonardi, Esquire
Robert E. Stepp, Esquire
Elizabeth Van Doren Gray, Esquire
A. Jackson Barnes, Esquire
Roland M. Franklin, Jr., Esquire

Elizabeth Scott Moise, Esquire
Rachel Atkin Hedley, Esquire
D. Kay Tennyson, Esquire
Swati Shah Patel, Esquire