THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM CHEROKEE COUNTY
Court of Common Pleas

J. Mark Hayes Jr., Circuit Court Judge

Docket Case No. 2015-CP-11-0828
Appellate Case No. 2017-001466

Sharon Brown, ... Appellant,

vs.

Cherokee County School District, ... Respondent.

APPELLANT'S AMENDED FINAL BRIEF

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STATEMENT OF THE CASE

This matter is before the Court on the appeal of Sharon Brown (hereinafter "Appellant") from the decisions of the Honorable J. Mark Hayes dated July 25, 2016 and June 12, 2017. (R. pp. 1-6).

This teacher appeal was commenced by the Appellant against the Defendant Cherokee County School District (CCSD) by filing of Notice of Intent to Appeal and an Appeal Brief on November 5, 2015. (R. pp. 7-20). At the time of the filing, the transcript had not been prepared by the Court Reporter that attended the teacher dismissal hearing on October 7, 2015.

On November 13, 2015, Appellant filed an Amended Appeal Brief after receipt of the transcript. (R. pp. 22-23). Thereafter, on December 1, 2015, Cherokee County School District (CCSD) filed the Answer and Return of Respondent Cherokee County School District. (R. pp. 49-51). On January 22, 2016, approximately 52 days after CCSD filed the Answer and Return of Respondent Cherokee County School District, CCSD filed Respondent's Brief In Opposition To Appeal and In Support of Board's Decision. (R. pp. 79-107). On January 25, 2016, Appellant filed Second Amended Appeal Brief. (R. pp. 52-74). Appellant's Second Amended Brief consisted of an additional section having been added to the grounds on appeal (along with an argument for the additional ground). A Memorandum In Support of Appellant's Second Amended Appeal Brief was filed on June 17, 2016. (R. pp. 108-125). On June 16, 2016, Respondent served an Amended Brief (dated June 16, 2016) In Opposition to Appeal and In Support of Board's Decision. (R. pp. 142-172). On June 20, 2016 Appellant's counsel filed "Brief of Appellant" which is dated June 18, 2016. (R. pp. 173-200). Thereafter, on July 25, 2016, the Honorable J. Mark Hayes dismissed Appellant's Teacher Appeal. (R. pp. 1-3). On August 5, 2016, Appellant filed a Motion for Reconsideration. (R. pp. 201-204). On August 18, 2016 Appellant filed a Memorandum In Support of Motion to Reconsider and on August 30, 2016 Appellant filed a Supplemental Memorandum In Support of Motion to Reconsider. (R. pp. 219-231). On June 12, 2017 the Honorable Mark J. Hayes denied Appellant's Motion for Reconsideration and Dismissed Appellant's appeal. (R. pp. 4-6).

The Appellant, Sharon Brown, worked from August 1, 1999 to October 7, 2015 with the subject employer (Cherokee County School District), most recently as a second grade teacher. (R. p. 416, lines 2-4; R. p. 416, lines 8-10). The Appellant was terminated effective October 7, 2015 for conduct violations. (R. pp. 127-137). At the time of this action, Ms. Brown was in her seventeenth year of teaching experience with Cherokee County School District (CCSD). (R. p. 416, lines 8-10). Ms. Brown has never had any special conditions or stipulations on any of her teaching contracts with Cherokee County School District in her seventeen years of employment.

Ms. Brown has a bachelor's of science degree in criminal justice, a master's degree in elementary education, a master's degree in reading, and an educational specialist degree in school administration. (R. p. 430, lines 16-22). She is certified as an elementary teacher, reading teacher, reading consultant, elementary principal, and an elementary supervisor. Ms. Brown was employed by Respondent to teach a second grade class during the 2014-2015 school term at Luther Vaughn Elementary School. On June 1, 2015, two days before the last day of school, Ms. Brown met with Dr. Carl Carpenter (Dr. Carpenter) the Director of Human Resources for Cherokee County School District and the principal of Luther Vaughn Elementary, Ms. Nanette Ruppe (Ms. Ruppe) concerning an allegation of child abuse.

Initially, Dr. Carpenter did not tell Ms. Brown why they were meeting with her. Dr. Carpenter started the meeting by asking Ms. Brown questions about Student J's family. Throughout this appeal brief I will refer to the student as Student J. Later in the meeting, Dr. Carpenter informed Ms. Brown that he had an allegation of child abuse reported by Justin Kelly (Mr. Kelly), an art teacher at Luther Vaughn Elementary, concerning Student J. Dr. Carpenter asked Ms. Brown to give him a statement concerning the allegation of child abuse and what happened that day. Additionally, Dr. Carpenter asked had anyone seen Ms. Brown talking with the student outside the art room. Ms. Brown informed him that Mrs. Beth Owens (Ms. Owens) had passed by. Ms. Brown never told Dr. Carpenter that Mrs. Owens was a witness for her. She just said that Ms. Owens and her husband had passed by. Ms. Brown is aware of Mrs. Owen's dislike for her. (R. p. 420, lines 2-8). During this meeting with Dr. Carpenter and Ms. Ruppe, Ms. Brown informed Dr. Carpenter that Ms. Tracie Wilson was in the art room.

When the meeting was over with Dr. Carpenter and Ms. Ruppe, Ms. Brown requested a copy of the allegations that Justin Kelly made against her. Initially, Dr. Carpenter said he would e-mail Ms. Brown a copy of Justin Kelly's statement. However, Ms. Ruppe said she would make a copy. Ms. Brown received a copy of the allegations made by Justin Kelly. After the meeting was concluded, Ms. Brown was escorted to her classroom to get her purse and rolling cart and was escorted off the premises by the principal.

There was no third party administrative and/or law enforcement agency notification of any kind by the district officials or employees concerning the alleged attack by Appellant upon the student. (R. p. 286, lines 3-10). The alleged child victim simply returned to his class, according to the employer witness and no substantive follow-up thereafter relative to the matter. Additionally, the child gave two statements that the Appellant never touched him and stated that Ms. Brown was a nice teacher. (R. p. 450, lines 12-13; R. p. 451, lines 13-14)

The Appellant was not made aware of the allegation until June 1, 2015 when the Appellant was summoned to meet with among others, the Human Resource Director (Dr. Carpenter); the other employer witness participating in the Teacher Dismissal Hearing.

According to Ruby Byers, guidance counselor for Luther Vaughn Elementary School, on May 29, at approximately 3:10 p.m., Justin Kelly (Mr. Kelly), the art teacher, came to her office and told her that he witnessed a teacher doing something disturbing and he wanted to tell her about it so that he would get advice on what to do. Ms. Byers states, "he told me that the day before (Thursday), he saw Miss Brown shoving a student up against the wall and squeezing his lower face and neck with her hands and yelling at him outside the art room. (R. p. 467, lines 2-5).

Dr. Carpenter contends that at time of the June 1, 2015 meeting, he placed the Appellant, Sharon Brown on administrative leave for the duration of the subsequent investigation and verbally informed the Appellant not to have any contact with District employees or students during her leave; The Appellant maintains that she has no recollection of that specific directive. (R. p. 427, lines 24-p. 428, line 1; R.p. 438, lines 3-9).

A June 1, 2015 letter was forwarded certified mail to the Appellant, whose receipt of same was not until June 11, 2015; all parties stipulated to the date of receipt as in fact having been June 11, 2015. (R.p. 477; R. p. 417, lines 13-17; R. p. 345 line 24-p. 346, lines 1-6).

The letter, although stating that the Appellant, Sharon Brown, was restricted from going on any school property without expressed permission and/or having any contact with school district employees or students in any manner while on leave, failed to memorialize the June 1, 2015 meeting relative to latter of the two (2) directives contained in the letter.

In the interim and on June 5, 2015, The Appellant acknowledged that she had a chance meeting with Ms. Tracie Wilson, who was in the art room on May 28, 2015, in a Ross Department Store in Spartanburg S.C.

On July 31, 2015 The Appellant, Appellant's mother, Superintendent Dr. Moore , Dr. Carpenter, and counsel for the employer met wherein the Appellant was informed that her encounter with the co-worker in the department store had significantly and adversely impacted the District's ability to complete its investigation into the May 28, 2015 incident; this, irrespective of the fact that the District had already secured a signed statement from the co-worker, Tracie Wilson, on June 1, 2015. (R. p. 343, lines 4-9).

By letter dated August 11, 2015, the employer informed the Appellant that the District deemed her to have been dishonest in her reporting the facts, questioned her denial of the May 28, 2015 incident and recommended her dismissal to the District Board of Trustees. After the completion of the hearing and within the statutory time limit, the Board notified Ms. Brown that good and sufficient reasons for terminating her exists because, by her conduct, she manifested an evident unfitness for teaching. The board goes on to say that "South Carolina Code of Law, Sections 59-19-90(ii), 59-25-430. Those reasons and manifested unfitness for teaching are based upon Ms. Brown's inappropriate interactions with a student; her insubordination regarding the directive she received from the administration, and her dishonesty in responding to questions from the Superintendent." The appellant was formally terminated effective October 7, 2015. (R. p. 136, lines 11-16).

ARGUMENT

I. WHETHER THERE WAS SUBSTANTIAL EVIDENCE IN THE RECORD TO SUPPORT A FINDING THAT MS. BROWN IS UNFIT TO TEACH?

Dr. Quincie Moore, in her notice to Ms. Brown that a recommendation would be made for the termination of her contract, specifically stated that the action was being taken under South Carolina Code Section 59-25-430.

That section states in part that:

> any teacher may dismissed at any time who shall fail, or may be incompetent, to give instruction in accordance with the directions of the superintendent, or shall otherwise manifest an evident unfitness for teaching; provided, however, that notice and an opportunity shall be afforded for a hearing prior to any dismissal.

in section 59-25-440, that:

> whenever a superior, principal, where applicable, or supervisor charged with the supervision of a teacher finds it necessary to admonish a teacher for a reason that he believes may lead to, or be cited as a reason for dismissal, or cause the teacher not to be reemployed, he shall (1.) bring the matter in writing to the attention of the teacher involved and make a reasonable effort to assist the teacher to correct whatever appears to be the cause of potential dismissal or failure to be reemployed and (2.) except as provided in Section 59-24-450, allow reasonable time for improvement

The South Carolina Supreme Court in Adams vs. Clarendon County School District, No. Two, 270 S.C. 266, 241 S.E.2d 897 (1978) analyzed the two circumstances under the Act for which a teacher may be terminated. As noted by the Court, one category is provided for in Section 59-24-430 and the other is provided for in Section 59-24-440. Id. at p. 900. The two sections apply to different categories of grounds for dismissal. Under Section 59-25-430, a teacher may be dismissed at any time subject to the rights of notice and a hearing. However, under Section 59-25-440, a reason which may lead to termination does not become a "good and sufficient" reason, thereby justifying termination, until after a reasonable time for improvement has been allowed. Id. It is , therefore, the failure to improve which constitutes the good and sufficient reasons for termination.

The evidence of record reveals that the purpose of the hearing was to hear evidence in support of and in opposition to the recommendation that Ms. Brown's contract be terminated. The recommendation was based solely on section 59-25-430 which requires a finding of unfitness to teach. The Board cannot argue that the evidence showed a good and sufficient reason under 59-24-430 because Ms. Brown did not willfully and intentionally disregard a directive. *See Hall vs. The Board of Trustees of Sumter School District Number Two* 330 S.C. 402, 499 S.E. 2d 216 (S.C. Court of Appeals). Ms. Brown does not recall Dr. Carpenter telling her on June 1, 2015 not to have contact with District employees or students while on administrative leave. (R. p. 151, line 24-p. 152, line 5). It is reasonable that any educator called to a meeting and told that there is an accusation of child abuse against him/her would be devastated and in the state of shock when the allegation has been totally fabricated.

Ms. Brown was placed on administrative leave on June 1, 2015. (R. p. 456, lines 1-2). She did not received the certified letter from Dr. Carpenter until June 11, 2015. (R. p. 477). The letter from Dr. Carpenter was mailed one day before the last day of school June 3, 2015. The letter indicates that Ms. Brown was being placed on administrative leave for allegedly grabbing a student by his lower jaw and throat and forcing his body against the wall. (R. p. 456, lines 2-3). Further, the letter instructs Ms. Brown not to have any contact with school district employees or students in any manner while on administrative leave. <u>It is to be noted that there are discrepancies in regard to what Dr. Carpenter stated, during the board hearing, he told Ms. Brown in the meeting with her on June 1, 2015 and what Ms. Ruppe said Dr. Carpenter told Ms. Brown at the meeting with her on June 1, 2015</u>. Dr. Carpenter testified before the board that, "she (referring to Ms. Brown) was told that she was supposed to have no contact with employees or students." (R. p. 56, lines 18-19). Ms. Ruppe testimony before the board, in part, was that

Ms. Brown was told "not to discuss anything about the case with anyone." (R. p. 313, lines 16-19). Ms. Ruppe's statement of what was said by Dr. Carpenter during the June 1, 2015 meeting with Ms. Brown does not confirm that Dr. Carpenter actually told Ms. Brown not to have contact with any employees or students during the meeting with Ms. Brown on June 1, 2015. Even if Dr. Carpenter told Ms. Brown not to have contact with any employees, Ms. Brown did not willfully and intentionally disobey a directive. Ms. Brown does not recall Dr. Carpenter telling her not to have contact with employees and students on June 1, 2015.

Additionally, Dr. Moore testified at the board hearing that " Third, by speaking with Ms. Wilson, her own witness, it clearly got in the way of our investigating the situation correctly for her, and so based on all three of those things, I made the recommendation that she be terminated from our district." (R. p. 402, lines 3-8). It is to be noted that Ms. Wilson was asked during the board hearing the question, "You didn't tell them anything different than the investigation after Ms. Brown talked to you on June the 5th than what you told them with regard to your statement on June the 1st, did you?" (R. p. 381, lines 3-7). Ms. Wilson's response was "I don't think I did." Next, Ms. Wilson was asked the question, "Right, so that didn't compromise your testimony with regard to what you told Mr. Carpenter or Ms. Ruppe, did it? (R. p. 381, lines 8-11). Ms. Wilson's response was "Correct." (R. p. 381, lines 8-12). Ms. Wilson was also asked the question, "With regard to your own participation in this investigation, what you state in that statement on June the 1st, you stood by it whenever Mr. Carpenter spoke to you later on in July, correct? (R. p. 382, lines 19-22). Ms. Wilson's response was "Correct." (R. p. 382, line 23). The investigation was not compromised at all. Additionally, Ms. Brown's counsel argued that Dr. Carpenter had spoken with board Attorney Andrea White over five times prior to the hearing and that does not make Dr. Carpenter's testimony before the CCSB unreliable because Dr. Carpenter is expected to tell the truth, just like employees of CCSD are expected to tell the truth. (R. p. 348, lines 6-19).

Ms. Brown is fit to be a teacher for CCSD. She has done absolutely nothing to be treated so horribly by CCSD. Ms. Brown did not touch Student J. Student J confirmed this. Additionally, Student

J's mother questioned Student J. Student J's mother said "teacher did not touch him." (R. p. 451). As mentioned earlier, Dr. Carpenter acknowledged that Ms. Brown is credible given that the alleged victim confirmed that Ms. Brown never touched him. If CCSD had followed their district policy and state law pertaining to dealing with allegations of child abuse, Ms. Brown would not be going through this crazy mess that she is going through with them. There is no victim that was assaulted or touched by Ms. Brown in this case. This is a bogus case to get rid of a teacher that CCSD does not want in their school district. It is to be noted that Student J confirms that he "walked into the room with other students." (R. p. 450, lines 4-5). Additionally, Ms. Brown indicates that student J went in the art room with the other students when she dropped her students off for art on May 28, 2015. (R. p. 462, line 6). Both Ms. Brown and student J's statements contradict Justin Kelly's statement.

Moreover, Cherokee County School District officials are mandated by state law to contact DSS and/or law enforcement concerning allegations of child abuse. The Respondent violated state law including: (A.) Code of Laws-Title 63-Chapter 7- **Section 63-7-310** : School teachers, counselors, principals ,and administrators must report allegations of child abuse to DSS/and or Law Enforcement when in the person's professional capacity the person has received information which gives the person reason to believe that a child has been or may be abused or neglected as defined in Section 63-7-20.

Further, the respondent and its officials violated their District Policy (**Policy AR JLF Student Welfare**) as it pertains to allegations of child abuse: The policy tells what procedures school and/or district personnel will follow in reporting suspected child abuse or neglect.

Respondent and its officials violated the following sections of Policy AR JLF- Student Welfare:

(A.) **Reporting Personnel must do the following**: Report by telephone or in a face-to-face meeting the suspected abuse to child protective unit of the department of social service

(B.) Complete the Report of Suspected Abuse/Neglect form JLF-E and submit to the principal.

(C.) **Principals and Administrators Must Do the following**: Be available to talk with child protective workers. Any involvement in the investigation or treatment must be in conjunction with the child protective unit of the department of social services or a law enforcement agency. District personnel may not conduct their own questioning or investigation after a report has been made.

It is to be noted that Ms. Ruppe, Dr. Carpenter, and Superintendent Dr. Quince Moore (Dr. Moore) were not to conduct their own investigation into the allegations of child abuse. During Ms. Ruppe's testimony before CCSB, Ms. Ruppe was asked did she do an investigation into the alleged May 28, 2015 incident, her response was "I would say that Dr. Carpenter and I did the investigation together." (R. p. 319, lines 11-12). During the board hearing Dr. Carpenter was asked, when you received that report on May the 29th, that Friday, did you report it to law enforcement? Dr. Carpenter's response was "No, I did not. I called the superintendent, reported it to her, but I had not conducted an investigation at that time, so I did not feel comfortable reporting that to law enforcement. My initial investigation was going to begin Monday morning." (R. p. 329, lines 13-19). Further, Dr. Carpenter was asked "And so Ms. Ruppe and you both were conducting an investigation at the same time, correct? Dr. Carpenter's response, "That would be correct." (R. p. 343, lines 16-19). During Dr. Moore's testimony she states, "Once Ms. Ruppe had sent the statements to Dr. Carpenter and he met with me to talk about the situation, as you can tell and as you've heard tonight, but also one that is very complicated, so as we began to start investigating further, and now me sitting in with Dr. Carpenter and questioning the folks that had provided statements, it took a while. " (R. p. 397, lines 17-24).

Further, Dr. Moore, during the board hearing, testified that she did not know if the child said Ms. Brown did not touch him. (R. p. 411, lines 14-17). During Dr. Moore's testimony she states "and we don't have a statement from the student, Mr. Smith. We have what Ms. Ruppe's notes, and I didn't talk with the student." (R. p. 411, lines 19-21). So, Dr. Moore investigation was incomplete. However, she charged Ms. Brown with touching Student J. Additionally, Dr. Moore advanced the theory that Ms. Brown came into the art room twice. (R. p. 404, lines 5-19). Dr. Moore made an error in trying to fire somebody for something that she had no personal knowledge of and that has not been confirmed by any of the factual content in this case. (R. p. 404, line 24-p. 405, line 3). Dr. Moore never bothered to ask Student J, Student J's mother, or Ms. Torres whether or not student J came out of the art room twice to speak to Ms. Brown. (R. p. 406, lines 9-13). Dr. Moore's investigation was not complete and hasn't been completed to date. (R. p. 406, lines 14-15). Dr. Moore states, "I believe that's why the student wasn't crying because Ms. Brown went back a second time and, and made amends with the student." (R. p. 399, lines 10-13). Dr. Moore came up with her own theories at the expense of an innocent person losing her livelihood. Additionally, Dr. Moore's investigation was not complete because she did not have any report by law enforcement to substantiate the findings of the allegations of physical contact by Ms. Brown. Cherokee County School District Board of Trustees accepted Dr. Moore's findings in error.

Ross Store and Tracie Wilson

<u>Ms. Brown was due "equal protection" of the alleged June 1, 2015 directive by Dr. Carl Carpenter.</u> (R. p. 338, line 18-p. 343, line 22). Tracie Wilson should have been directed not to speak to Ms. Brown when interviewed on June 1, 2015 by investigator Nan Ruppe. Further as previously stated, Ms. Brown did not intentionally and willfully disobey a directive. Additionally, the board's finding (based on Superintendent Moore) that Ms. Brown attempted to interfere with the District's investigation into the May 28th incident by telling her own witness, Ms. Wilson, what she should say to Dr. Carpenter is without any evidentiary support. Nowhere in Dr. Moore's charges (letter dated August 11, 2015) does she claim that Ms. Brown committed the specific acts at Ross Store that are asserted by Ms. Wilson, concerning Ms. Brown encounter at Ross Store on June 5, 2015. Dr. Moore did not charge Ms. Brown with telling her witness what to say and the other fabricated allegations made by Ms. Wilson concerning her encounter with Ms. Brown at Ross Store on June 5, 2015 that are in the board order dated October 15, 2015. <u>**Appellant's due process rights have been violated by the school board.**</u> Additionally, Ms. Wilson's testimony <u>during the hearing conflicts with her written statements before the board.</u> During Mrs. Wilson's testimony before the CCSB she states, "We were just chit-chatting it up with each other, and

then she was actually talking to me and saying, next thing I know she was like, well, Dr. Carpenter is supposed to call you, have you heard from Dr. Carpenter. (R. p. 364, lines 20-24). It is to be noted that nowhere in Ms. Wilson's undated statement does she state this, concerning her encounter with Ms. Brown at Ross Store. In Ms. Wilson's written statement she stated that, "she asked me had Dr. Carpenter spoke with me yet or called me." (R. p. 454, line 3). Further, Ms. Wilson states in her testimony, "And she telling me that he was supposed to call me, and he supposed to be getting in touch with me, and whenever he does get in touch with me, I'm supposed to talk about what happened with the student. (R. p. 364, line 25-p. 365, line 4). This is not in her undated written statement. Additionally, Ms. Wilson states in her testimony before the board that Ms. Brown said "he's going to call you and you need to tell him that, well, no, she's like, this is what happened with a student, and he's going to call you and ask you about what happened." (R. p. 365, lines 9-12). This too is not in her undated written statement. Additionally, during Ms. Wilson testimony before the CCSB she claimed that Ms. Brown and her were arguing in the store and she lost her place of where she was and that she was shopping with her daughters. (R. p. 366, lines 19-22). This is not in her undated written statement. Further, in Mrs. Wilson's undated written statement she states, " she started stating Mr. Kelly has reported on her three times since April and she doesn't know why unless he is trying to get a promotion or trying to get ahead by reporting on her." (R. p. 454, lines 18-19). In Ms. Wilson testimony before the CCSB she states, "and then she was saying that Mr. Kelly, she don't know what he got the game from unless it's a promotion. She says he has been after her since April. (R. p. 367, lines 2-4). Also, in Mrs. Wilson's testimony before the board she states, "And next thing you know, I know we were loud, and my daughter had came over, and she looked at my daughter real funny, and I think she said something like we were talking, and I was like that's my daughter. You know that's my daughter, don't, I was like don't have a problem with her because she's my daughter, and she kept on. " (R. p. 367, lines 9-16). This too is not in her undated written statement. Further, Ms. Wilson states , "They (referring to her daughters) sat down and waited and she kept on talking and saying stuff about telling me what I'm supposed to say." (R. p. 367, lines 17-19). This too is not in her undated written statement. Additionally, Ms. Wilson states that Ms. Ruppe told her to write a statement, and just take it whenever you go and meet with Dr. Carpenter and Ms. Moore. (R. p. 369, lines 19-21). However, Ms. Ruppe stated during her testimony "you" (referring to Ms. Wilson) need to provide that statement for him (referring to Dr. Carpenter only) when you go see him. (R. p. 317, line 20-p. 318, line 15). During the board hearing Ms. Wilson was told by Ms. Brown's counsel that she is making up stuff. (R. p. 379, lines 9-22). Her testimony before CCSB conflicts with her undated written statement . Additionally, she fabricated that Ms. Brown told her, "you know, I'm not to be discussing it" during her encounter with Ms. Brown at Ross Store on June 5, 2015 and all the other nonsense that she made up concerning her encounter with Ms. Brown at Ross Store on June 5, 2015. **This Court should take notice that Attorney Andrea White, counsel for CCSD, stated the following to Lower court judge (during the Teacher Appeal Hearing before Cherokee County Court of Common Pleas concerning Ms. Wilson on June 20, 2016): "because she would have no reason to realize, that Ms. Brown had been told not to have a conversation with her. So it was the substance of the conversation, not just the fact that the conversation occurred that led Ms. Wilson to say, hmm, something isn't right about this**." Notice that Attorney White does not state to Lower court judge that Brown told Ms. Wilson that she was not suppose to be discussing it. Upon belief, Ms. Wilson was coerced/bribed to make this statement during the board hearing.

Brown does not know whether the district, its officials, or the district's counsel coerced/bribed Ms. Wilson into lying on her during the School Board Hearing. It appears that Ms. Wilson has proven to be absolutely not credible, however CCSB appear to be totally biased and partial concerning Ms. Brown. CCSB appear not have considered Ms. Brown's version of what happened during her encounter with Ms. Wilson at Ross Store on June 5, 2015. They appear to want to take the advantage of Ms. Wilson' apparent false statements and use them to get rid of Ms. Brown, someone that the superintendent and the CCSB already wanted out of their district. Despite the fact that they know that Ms. Wilson is absolutely not credible and should not be allowed to work at any school. CCSB disregarded Ms. Brown's credible testimony concerning her encounter with Ms. Wilson at Ross Store on June 5, 2015. (R. p. 422, line 23-p. 423, line 23).

It is to be noted that Tracie Wilson written statement given on June 1, 2015 conflicts with testimony that she gave before the CCSB during the board hearing. In Ms. Wilson's written statement dated June 1, 2015 she states, " Mr. Kelly informed the students that he wanted to do a fun activity with them since it was the last day he would have their class. He decided to play "Heads Up Seven Up" where he picked seven students to come up front and the rest sit at their desk."(R. p. 453, lines 9-10). Ms. Wilson's statement before the board was that "I think Mr. Kelly, I'm sure Mr. Kelly and I, we had been discussing what we were going to do with them because it was the last full day and that was the last time he would see them, so we had discussed what games we were going to play." (R. p. 361, lines 6-9). It is to be noted that during questioning of Ms. Wilson by Ms. Brown's counsel, Ms. Wilson was asked the question, "So you had to actually knock on the door to get in? (R. p. 360, line 21) Ms. Wilson's response was "I knocked on the door and a student let me in. (R. p. 360, line 22). Next, Ms. Brown counsel asked Ms. Wilson the question, "And at that point was Mr. Kelly already underway with activities he was doing with his students? (R. p. 360, lines 23-24). Ms. Wilson's response was "Yes." (R. p. 360, line 25).

It is to be noted that Ms. Wilson, during the board hearing, states, "**she was late coming to get them**, so when she was late coming to get them, Mr. Kelly and I were lining them up and he was like well, **I said what time, it is**, and he was like **well it's almost that time** and he was like let's line them up, and **while** we were lining them up and getting ready to take them down the hall, she came to the door. (R. p. 362, lines 10-15). This contradicts her statement that was written on June 1, 2015. In Ms. Wilson's written statement dated June 1, 2015 she states, "The student and I returned to the art room and **I informed Mr. Kelly it was almost time for the students special area time to be over** and he glanced at the clock and said oh, yea and said let's line them up, so lined them up by the quietest table. (R. p. 453, lines 18-20). Ms. Brown was not late (it's almost that time) picking up her students on May 28, 2015 as asserted by Ms. Wilson.

When Ms. Brown attended a meeting on July 31, 2015 with Dr. Moore and Dr. Carpenter, Dr. Carpenter read a statement that he said was <u>written by Ms. Ruppe</u> of what Tracie Wilson had called the school and told Ms. Ruppe concerning her encounter at Ross with Ms. Brown. During the meeting on July 31, 2015, the undated statement by Tracie Wilson concerning her encounter with Ms. Brown at Ross Store was not shared with Ms. Brown.

Additionally, Dr. Moore's witnesses have given conflicting stories. For Beth Owens written statement and testimony, view the exhibit submitted by Ms. Brown at the hearing for the layout of Luther Vaughan Elementary as it pertains to this subject matter. (R. p. 465). <u>The Board of Trustees cannot make a finding of fact or draw conclusions based on what occurred on May 28th or June 5th based on these witnesses</u>. <u>Additionally, Superintendent Moore should not have drawn any conclusions based on these witnesses.</u>

During Ms. Owen's testimony before the board she testified that, after dropping her students off at the gym, she went to her car in the school parking lot to retrieve an item that her husband had come to the school get. (R. p. 351, line 20-p. 353, line 20). At approximately 1:20- 1:25, she and her husband were walking down the hall toward where the art room is located when she observed Ms. Brown in the hall outside the little theater. Using the video-recording, Ms. Owens demonstrated where Ms. Brown and Student J were standing when she saw them, which was several feet away on the opposite side of a door way from where Mr. Kelly indicated he had observed Ms. Brown's interaction with Student J. Ms. Owens testified that the student looked away from Ms. Brown and that, in response, Ms. Brown physically redirected the student by placing her fingers on his lower jaw and turning his face back toward her. It is to be noted that that Ms. Owens and her husband had come off the hall that her classroom is located on and entered the hallway that Ms. Brown and Student J was on. (R. p. 365). Ms. Owen's was not truthful concerning where she and her husband were coming from when they passed by Ms. Brown.

In Beth Owens written statement dated June 1, 2015 she states," **I had just dropped my students off in the gym around 1:15 and I was on my way back to my classroom.** I noticed Miss Brown and Student in the hallway outside of the art room. Student J's back was against the wall. Miss Brown was bent over so they were at eye level. I observed Miss Brown then take her fingers, placed them on his chin and turned his head so he was again looking in her direction. I continued to room and didn't observe any further interaction between Miss Brown and the student."

In Ms. Owens written statement she was alone when she passed by Ms. Brown. During Ms. Owen's testimony before CCSB she's now with her husband when she passed by Ms. Brown. (R. p. 351, line 2-p. 352, line 2). **Ms. Owens has not been forthright in this matter. She too is not credible.**

Justin Kelly is also dishonest. In his statement dated May 29, 2015, he states "I witnessed Sharon Brown, a second grade teacher, <u>grabbing a student violently by his lower jaw and throat, and forcing his body against the wall while proceeding to verbally assault him. He goes on to say that student J was walking appropriately to class when Miss Brown grabbed him</u>." Justin Kelly told Ruby Byers, Guidance Counselor for Luther Vaughan Elementary the following: "he saw Miss Brown <u>squeezing his lower face and neck</u> with her hands and yelling at him outside the room." Justin was asked by Ms. Brown's counsel, "All right. And then you got to the statement to Ms. Ruby Byers, you said that she was squeezing his lower face and neck with her hands and yelling at him outside the art room. Do you remember making that statement?" (R. p. 302, line 23-p. 303, lines 1-2). Mr. Kelly's response was "No, sir." (R. p. 303, line 3). Next, Mr. Kelly was asked, "Okay. Well, Ms. Byers wrote it up now. Are you saying Ms. Byers didn't report what you said correctly?" (R. p. 303, lines 4-6). Justin's response was "I am." (R. p. 303, line 7). Justin Kelly's testimony at the board hearing was , "before Student J got to that door handle, I see Ms. Brown come around the door and put her hands on student, and forced him to the side of my door.(R. p. 294, lines 5-7). This was not in Justin's May 29, 2015 written statement. (R. p. 446). Additionally, Student J said he entered the room with the other students. (R. p. 450, lines 4-5). Additionally, Ms.

Brown's statement dated June 1, 2015 indicates that Student J entered the room with the other students. (R. p. 462, line 6).

It is to be noted that Justin Kelly never attempted to get Student J any type of medical assistance on May 28, 2015. He never sent student J to the nurses' office, Justin Kelly never states that the student screamed/ said something given that the student had been allegedly attacked by Ms. Brown. Further, none of the other students reacted to such a horrific occasion as alleged by Justin Kelly. Further, Justin Kelly never paged the office to have someone to come to the art room to see about student J, and he never notified dss and/or police as mandatory required by state law and Cherokee County School District Policy. Instead, Justin Kelly had art with the student for 40 minutes. According to Ms. Wilson, Ms. Brown's class played several rounds of the game *Heads Up Seven Up*. Ms. Wilson was in the art room for practically the entire art period. (R. p. 374, lines 5-10; R. p. 378, lines 1-6). Justin Kelly, according to Ms. Wilson, never told her that Student J had been physically attacked. (R. p. 379, lines 6-8). Ms. Owens and Mr. Kelly had personal issues with Ms. Brown. Both teachers were in the office on April 23, 2015 asserting allegations against Ms. Brown.

Student J and his mother concur with Ms. Brown on the fact that Student J was not touched by Ms. Brown. It is to be noted that student J speaks English fluently and does not have any learning disabilities. Additionally, it is to be noted that Student J does not speak broken English as stated by Justin Kelly during the board hearing.

The CCSB did not ask Justin Kelly why would Ms. Byers fabricate her report. However, they state in their board order dated October 15, 2015 that " Based on the testimony of Beth Owens and Justin Kelly, her (referring to Ms. Brown) denial was not deemed credible, particularly since Ms. Brown was unable to provide any sound reason why either Mr. Kelly or Ms. Owens would fabricate their report. Further the CCSB states in their October 15, 2015 board order that, "Finally, the testimony of Ms. Brown regarding her encounter with Ms. Wilson at Ross on June 5th was not deemed credible, particularly since

Ms. Brown was unable to provide any motivation for Ms. Wilson to fabricate her version of that encounter. Ms. Brown testified before CCSB that it seems to be Ms. Wilson's nature (referring to why Ms. Wilson fabricated her version of her encounter at Ross Store with Ms. Brown). (R. p. 426, lines 18-25). That's one of the motivation for Ms. Wilson lying about her encounter with Ms. Brown at Ross Store on June 5, 2015. Further, people lie for all sorts of reasons: jealousy, pathological liar, coerced to lie, to make someone else feel good, bribery, etc...

II. WHETHER THE SCHOOL BOARD WAS A FAIR AND IMPARTIAL TRIBUNAL?

Cherokee County School District Board of Trustees was not an impartial tribunal. Brown had a history with this School District and her unfair firing which was reversed by the Court of Appeals. Furthermore, Cherokee County School Board may have an inherent bias and animosity towards Appellant's reinstatement to her teaching position by the Lower court judge in late 2011.

Additionally, board member Robin Harper interjected comments to try to help defend the Superintendent while Appellant's counsel was questioning Superintendent Moore. (R. p. 411, line 19-p. 412, line 3). Ms. Harper states, "And I want to know. Can you talk to a seven year old." (R. p. 412, lines 2-3).

Ms. Robin Harper imputed, conveyed, and insinuated that the alleged victim was not capable of knowing whether he was assaulted by Brown. Board Member Robin Harper revealed when she made the statement "And I want to know. Can you talk to a seven year old" that she was going to disregard Ms. Brown and Ms. Brown's witness (the alleged victim himself) on the fact that the child was not touched by Ms. Brown. Robin Harper exhibited prejudgment of the factual question to be determined at the hearing. *See Kizer v. Dorchester County Edu. Bd. of Trustees*, 287 S.C. 545, 550, 340 S.E. 2d 144, 147 (1986). Additionally, Robin Harper interjected when Attorney Smith was questioning Ms. Tracie Wilson. (R. p. 371, lines 20-25) Robin Harper stated, "I think she still said she didn't know who the child was, right? (R. p. 371, lines 20-21). Next, Robin Harper said, "Yeah until they were in Ross and then she said his name in their conversation. (R. p. 371, lines 23-24.). Robin Harper was biased and partial towards Appellant. Board member Harper repeatedly interfered while appellant's counsel asked questions of witnesses. Ms. Brown was denied the opportunity to have a meaningful hearing. Bias was demonstrated by Robin Harper in words and in her actions throughout the school board hearing. Further, Cherokee County School District Board of Trustees showed their impartiality in their decision. For example, on page 9 of their order they state the following: Finally, the testimony of Ms. Brown regarding her encounter with Ms. Wilson at Ross on June 5th was not deemed credible, particularly since Ms. Brown was unable to provide any motivation for Ms. Wilson to fabricate her version of that encounter. (R. p. 136, lines 7-9).

Preconceived bias was also shown by the Board actions. By the board failing to take the alleged victim's word and his mother's word that Brown had not touch him. This indicates that the board was bias toward Ms. Brown.

Again it is to be noted that Dr. Moore, superintendent, did not name any specific thing in her letter dated August 11, 2015 of something Ms. Wilson said that Ms. Brown said or did. Ms. Brown was technically not charged with this encounter with Ms. Wilson by Dr. Moore, Superintendent. **The Board exceeded in scope the reasons given by the Superintendent for termination of a continuing contract teacher .**

S.C. Code Section 1-23-380 sets forth the criteria for reversing a lower court and or school board decision that is contrary to procedural due process.

Cherokee County School District Board of Trustees (Board) did not provide Appellant with fair and open-minded consideration that due process demanded her case receive. This is evident by all the incorrect material in their board order and/or the recitation of information received by the board outside of the hearing that is cited in the board's dismissal order dated October 15, 2015. **During a board hearing school board members must be able to set aside their prior knowledge and preconceptions concerning the matter at issue, and base their considerations solely upon the evidence adduced at the hearing. Objectivity is essential when a teacher's livelihood is at stake.**

Appellant provided the Board with the Special Area schedule for the 2014-2015 school term. The Special Area schedule specifically indicates that Ms. Brown's art time was on Thursdays, from 1:15-1:55. (R. p. 468). However, the Board states in its Order that "Ms. Brown's students reported to art weekly on Thursday afternoons, with the class beginning at approximately 1:15pm and ending at approximately 2:10 p.m. (R. p. 130, lines 13-15).

Further, the board is manufacturing facts in its order or reciting information that was presented to them outside of the hearing. Specifically, the board states the following: "Ms. Ruppe also testified that, on the afternoon of May 28, 2015, another LVES second grade teacher, Beth Owens, mentioned to her while discussing another matter that she had seen Ms. Brown **"talking intently"** with a student outside the class while the class underway. (R. p. 131, lines 20-21). This is another example of the school board members making a decision on facts of this case other than that presented before the school board on October 7, 2015. The trial transcript indicates the following pertaining to Ms. Ruppe and Ms. Owens on this matter:

Question By Attorney White: Now backing up to the afternoon of May 28th, that Thursday afternoon, do you recall having a conversation with Ms. Beth Owens about something she had observed with Sharon Brown? (R. p. 310, lines 22-25).

Ms. Ruppe's Answer: She had actually come to my office for something else, and I do not recall what else it was, but it was nothing to do with Ms. Brown, and as she was getting ready to leave, she, she did indicate that there had been something that she had seen. (R. p. 311, lines 1-5).

Question By Attorney White: And later on did she provide a statement to you? (R. p. 311, line 6).

Ms. Ruppe's Answer: She provided a statement on Monday. (R. p. 311, line 7).

Question By Attorney White: June 1st (R. p. 311, line 8).

Ms. Ruppe's Answer: Right. (R. p. 311, line 9).

Additionally, the Board shows their lack of impartiality and bias towards Appellant when they state the following in their Board Order: "Ms. Owens testified that the student appeared slightly anxious and that because she thought the situation was a little out of the ordinary, she should mention it to Ms. Ruppe, which she did that afternoon." (R. p. 132, lines 21-23).

The transcript of the teacher dismissal hearing indicates the following pertaining to Ms. Owens:

Question By Attorney White: And what lead you to report that to Ms. Ruppe? (R. p. 353, line 21).

Ms. Owens' Answer: He, the student just kind of had an uneasy look on his face when he looked back towards me. He just kind of had a nervous, uneasy look about him like he was uncomfortable,-it was an uncomfortable situation for him. (R. p. 353, line 22-p. 354, line 1).

Further, the Board shows its lack of impartiality and bias when recounting Dr. Moore's testimony. The board members are making up facts or reciting information that was presented to them outside of the board hearing: Specifically the board states the following in its order: "A short time later, in effort to "make up" with Student J, Ms. Brown returned to the class, where she asked that Ms. Wilson send Student J out into the hall to talk with her, which is the interaction witnessed at approximately 1:20 p.m. by Ms. Owens." (R. p. 135, lines 8-10).

The trial transcripts indicates the following pertaining to Dr. Moore:

Dr. Moore: "I believe she went back to the classroom a second time and went in that, that, that door from the hallway. How she got in there, a student let her in, however that she got in. She asked to speak to Student J a second time, and based on Ms. Owens testimony that is the second occurrence that Ms. Owens in fact witnessed on a different side of the hall. (R. p. 398, line 20-p. 399, line 2).

In the teacher dismissal transcript, Dr. Moore's testimony appears not to state that Ms. Brown returned to the class, where she asked that Ms. Wilson send Student J out into the hall to talk with her.

Further the board's order dated October 15, 2015 states the following: Ms. Ruppe testified that she heard Dr. Carpenter inform Ms. Brown that he was placing her on administrative leave effective June 1, 2015, and that, while she was on administrative leave, she should not discuss her status and the May 28th incident with any other District employee. (R. p. 132, lines 4-6). This is an incorrect version of Ms. Ruppe's testimony, which demonstrates the board's lack of impartiality toward Appellant.

Ms. Ruppe testified the following: "He indicated that she would be on paid administrative leave and that she needed to be available during the hours of the school day and not to discuss anything about the case with anyone. (R. p. 313, lines 16-19).

III. WHETHER APPELLANT'S PROCEDURAL DUE PROCESS RIGHTS AND DUE PROCESS RIGHTS GUARANTEED BY THE STATE'S CONSTITUTION AND STATUTES VIOLATED?

(A.) SUPERINTENDENT QUINCIE MOORE, IN HER AUGUST 11, 2015 LETTER, DID NOT PUT APPELLANT ON NOTICE IN THE PROPOSED CANCELLATION LETTER OF SPECIFIC ALLEGATIONS BY TRACIE WILSON SO APPELLANT COULD FORMULATE HER DEFENSE AGAINST THE FALSE ALLEGATIONS.

(B.) SUPERINTENDENT DR. QUINCIE MOORE VIOLATED SOUTH CAROLINA TEACHER EMPLOYMENT AND DISMISSAL ACT (SECTION 59-25-460), WHICH MANDATES THAT ALL REASONS FOR PROPOSED CANCELLATION OF APPELLANT'S CONTRACT BE DISCLOSED TO APPELLANT IN THE PROPOSED CANCELLATION LETTER.

(C.) THE BOARD'S DECISION FOR TERMINATION WENT BEYOND THE REASONS OUTLINED IN DR. QUINCIE MOORES' AUGUST 11, 2015 LETTER TO APPELLANT, GIVEN THAT APPELLANT WAS NOT GIVEN ANY SPECIFIC INFORMATION IN DR. MOORE'S AUGUST 11, 2015 LETTER TO APPELLANT OF SPECIFIC ALLEGATIONS OF TRACIE WILSON.

South Carolina Teacher Employment and Dismissal Act, Section 59-25-460, mandates that all reasons for proposed cancellation of a teacher's contract be disclosed to the teacher in the proposed cancellation letter.

The Appellant takes the position that the agency (CCSD Board of Trustees) decision must be reversed in that the hearing violated due process. Dr. Moore's letter to Appellant, dated August 11, 2015, does not give Appellant any information as to the substance of Ms. Tracie Wilson's allegations concerning an encounter at Ross with the Appellant on June 5, 2015. This allegation/charge was not sufficiently specific. Therefore any charges brought by the superintendent would not be sufficient to support the order of dismissal and the proceedings before the board did not meet the requirements of due process. The allegation/charge as framed does not furnish Ms. Brown with facts upon which she could reasonably formulate a defense.

Ms. Tracie Wilson fabricated allegations/testimony against the Appellant at the board hearing on October 7, 2015 should be consider null and void. Ms. Brown was not charged by Dr. Moore with any of the contents of the fabricated allegation/testimony of Tracie Wilson. Further, on July 31, 2015, during a meeting in which the appellant and her counsel attended, Dr. Carpenter (Director of Personnel for CCSD) claimed to have a statement written by Ms. Ruppe (principal) concerning Ms. Brown's encounter with Ms. Tracie Wilson at Ross Store. Dr. Carpenter never showed Appellant or her counsel the letter/memo itself that he was reading from on July 31, 2015.

Further, the respondent claims the following: "Dr. Moore's August 11, 2015 letter included a summary of the matters discussed with Brown and her attorney at the meeting on July 31, 2015, including Kelly's allegation of Brown's physical contact with Student J and Brown's denial of physical contact with Student J on May 28 and Brown's denial of physical contact; Owen's description of Brown's physical contact with Student J on May 28 and Brown's denial of physical contact; the June 1 directive to Brown not to have contact with District staff while on administrative leave; Wilson's written statement describing her June 5 conversation with Brown at the Ross store and Brown's version of that conversation." Some of this information is not accurate. Attorney Laura Callaway Harte was not present during the meeting on July 31, 2015. Owen's description of Brown's physical contact with Student J on May 28 was not discussed or mentioned in this meeting. Dr. Moore asked Ms. Brown did she have any physical contact with student J. Ms. Brown's response was no. Additionally, there was no statement read that Ms. Wilson had written during this meeting on July 31, 2015. (R. p. 103, line 22-p. 104, line 3).

Dr. Quincie Moore has proven herself to be mistaken. During the School Board hearing, Dr. Moore was asked by Attorney White (her counsel) the following: "Did you share with her what the statement was from Ms. Owens? Superintendent Dr. Moore responded "Yes, Ma'am." (R. p. 395, lines 11-16).

Superintendent Moore knew that she had not shared anything with Ms. Brown pertaining to Ms. Owens. You will notice that on page 2 of Dr. Quincie Moore's letter dated August 11, 2015, it states the following: "Specifically, while you have denied touching the student, it was reported by Ms. Owens, whose name you provided as witness, that she observed you physically guiding the student by his face to look at you as you spoke to him." (R. p. 459, line 32-p. 460, line 1). The first time that Dr. Quincie Moore brought up allegations concerning Ms. Owens was in her letter to Ms. Brown dated August 11, 2015. Additionally, Dr. Quincie Moore did not share a statement from Ms. Wilson with Ms. Brown on July 31, 2015. The superintendent of this school district has committed perjury and fraud.

IV. WHETHER DR. QUINCIE MOORE, SUPERINTENDENT, PRESENTED SUFFICIENT EVIDENCE THAT BROWN LIED TO HER DURING THE MEETING ON JULY 31, 2015 THAT SHE WAS CALLED TO?

Brown has not previous history of dishonesty or breaking the laws of this state. Moreover, Brown has been an exemplary teacher for Cherokee County School District and Cherokee County School District officials have never written Ms. Brown up in her 17 years as a teacher of dishonesty. Further, Appellant believes and would assert that Superintendent Quincie Moore did not produce sufficient evidence for the school board that Ms. Brown lied to her at the meeting on July 31, 2015 or any other time.

It is to be noted that Brown was unaware beforehand as to what issues would be discussed at the meeting that she was called to on July 31, 2015. Further, Brown believes that the record reflects that Dr. Moore never wrote Brown after the meeting to confirm Ms. Brown's responses to any alleged conversation that Dr. Moore alleged occurred.

Further, Brown would request that the court consider the issue as to whether Ms. Brown should have been expected to admit something she asserts did not occur and her insistence on her innocence should not have been weighed against her by the School Board. Instead, the discipline should have been related to the conduct found to have occurred, as well as Brown's performance as teacher. *See* New Jersey case. *Brigitte Geiger and Sharon Jones vs. Board of Education for the Township of Mount Olive*, Docket No. A- 1409-13T2N.J. Superior App. Div. 2015.

V. WHETHER THERE ARE TOO MANY CONFLICTING ACCOUNTS GIVEN BY THE RESPONDENT AND ITS ATTORNEY ABOUT A DIRECTIVE THAT DR. CARL CAREPENTER, DIRECTOR OF HUMAN RESOURCES, ALLEGES TO HAVE GIVEN APPELLANT ON JUNE 1, 2015?

Nowhere, in Dr. Carpenter's June 1, 2015 letter is there any mention or reference to Dr. Carpenter having given Ms. Brown a verbal order not to have any contact with employees in any manner while on administrative leave on June 1, 2015. The letter to Ms. Brown is the competent evidence that Dr. Carpenter did not give any such order on June 1, 2015 to Ms. Brown not to have contact with employees in any manner while on administrative leave.

Cherokee County School District Superintendent and Board of Trustees do not have any evidence that a verbal order (not to have contact with employees and students in any manner while on administrative leave) was given on June 1, 2015 to the employee (Ms. Brown), that it was clearly communicated to the employee by someone with proper authority, and that the employee actually refused to comply. There appears to be discrepancies in Dr. Carpenter's and Ms. Ruppe's account of what transpired at the meeting that Ms. Brown was called to on June 1, 2015. Dr. Carpenter should not be allowed to claim he said something when his letter indicates otherwise. Keep in mind that the Board claimed Ms. Ruppe and other "alleged" witnesses said things at the board hearing that were not at all said.

Further, Carpenter stated that he gave the directive that Ms. Brown is prohibited from having contact with employees and students in any manner. On the other hand, essentially you have Ms. Ruppe (principal) stating Ms. Brown was told she can have contact with employees and students, just don't talk about the investigation with anyone. Neither of these two individuals' testimonies are reliable or credible. The testimonies are conflicting. (R. p. 313, lines 16-19; R. p. 332, lines 18-25).

As has been stated S.C. Code Section 1-23-380 is applicable to a determination of inappropriate hearing determinations by the School District. Consequently, reversal is required first because no timely transcript of record was filed with the Circuit Court and because it appears that the Board violated S.C. Code Section 1-23-380. *See* Brown v. James 389 S.C. 41, 697 S.E. 2d 604 (Ct. App. 2010).

VI. WHETHER A SCHOOL BOARD DECISION MADE IN VIOLATION OF ITS OWN POLICIES AND RULES WAS IMPROPER, ARBITRARY AND CAPRICIOUS IN VIOLATION OF THE DUE PROCESS CLAUSES OF BOTH THE FOURTEENTH AMENDMENT TO THE UNITED STATE'S CONSTITUTION AND THE CONSTITUTION OF THE STATE OF SOUTH CAROLINA?

Every contract entered in this state incorporates all applicable laws. *See*, *Ayers v. Crowley*, 205 S.C. 51, 30 S.E.2d 785, 788 (1944). *See* also, *Hogsed v. Lancaster Area Schools Board of Trustees*, 283 S.C. 42, 320 S.E. 2d 724, 727 (S.C. Court app. 1984) (Teacher contracts incorporate district policy). Respondent and its officials violated S.C. law mandatory requirement for reporting of allegations of child abuse.

The Respondent violated state law including:

(A.) Code of Laws-Title 63-Chapter 7- **Section 63-7-310** : School teachers, counselors, principals, and administrators must report allegations of child abuse to DSS/and or Law Enforcement when in the person's professional capacity the person has received information which gives the person reason to believe that a child has been or may be abused or neglected as defined in Section 63-7-20.

Cherokee County School District refusal to report the allegations of alleged child abuse by Justin Keller to DSS and/ or law enforcement, prevented Ms. Brown from being able to have Justin Kelly possibly arrested and fined for false reporting. DSS and law enforcement (unbiased authorities) agents could have questioned the alleged victim and Ms. Brown's students. Additionally, law enforcement could have looked for signs of any physical abuse on Student J. The alleged crime scene fabricated by Justin Kelly could have possibly been preserved for Ms. Brown to show additional evidence that Justin Kelly fabricated the child abuse allegation.

The Respondent and its officials violated their District Policy (**Policy AR JLF Student Welfare**) as it pertains to allegations of child abuse: The policy tells what procedures school and/or district personnel will follow in reporting suspected child abuse or neglect. Appellate asks that this Court take judicial notice of this policy for purposes of this appeal.

Respondent and its officials violated the following sections of Policy AR JLF- Student Welfare:

(A.) **Reporting Personnel must do the following**: Report by telephone or in a face-to-face meeting the suspected abuse to child protective unit of the department of social service

(B.) Complete the Report of Suspected Abuse/Neglect form JLF-E and submit to the principal.

(C.) **Principals and Administrators Must Do the following**: Be available to talk with child protective workers. Any involvement in the investigation or treatment must be in conjunction with the child protective unit of the department of social services or a law enforcement agency. District personnel may not conduct their own questioning or investigation after a report has been made.

Based upon the principles expressed in this exception, the Appellant seeks reversal of the lower court decision and judgment.

VII. WHETHER CHARGES BROUGHT BY CHEROKEE COUNTY SCHOOL DISTRICT SUPERINTENDENT AGAINST BROWN ARE MOOT GIVEN THAT THE ALLEGED VICTIM CONFIRMED THAT BROWN NEVER TOUCHED HIM?

The alleged victim confirmed that Ms. Brown had not touched him on June 1, 2015. Additionally, the victim's mother confirmed that Ms. Brown had not touched him prior to Ms. Brown seeing Ms. Tracie Wilson at Ross department store. There was no controversy for the school board to decide to begin with. All the charges brought by Superintendent Moore were moot from the very onset.

Further, Ms. Brown was not suppose to know anything concerning the child abuse allegations against her from Cherokee County School District. She was to be sent home until DSS and/or Law Enforcement contacted her.

Questioning Ms. Brown is the same as doing an investigation before DSS and/or law enforcement speaks to Ms. Brown. DSS and/or law enforcement want the reporter's name to remain ANONYMOUS while they investigate an alleged child abuse. Section 63-7-330 (A.) of South Carolina Code states, "The identity of the person making a report pursuant to this section must be kept confidential by the agency or department receiving the report and must not be disclosed except as provided by subsection (B.) or (C) as otherwise provided for in this chapter.

From the foregoing, the firing of Brown was not based on any assault of a child. This false allegation was used as a pretext for firing Brown. Something the Board and the School District was prevented from doing by the Court of Appeals and the lower court judge in a prior civil action.

VIII. WHETHER THERE WAS AN ABSENCE OF SUBSTANTIAL EVIDENCE IN FINDING THAT BROWN'S SPEAKING TO A COWORKER AFTER HER SUPERVISOR HAD COMPLETED THEIR INVESTIGATION JUSTIFIED HER TERMINATION FOR BEING UNFIT AS A TEACHER?

The Court of Appeals may reverse or modify the decision of the Board if substantial rights of the appellant have been prejudiced because the findings of the Board are affected by error of law. *Board of Bank Control v. Thomason*, 236 S.C. 158, 113 S.E. 2d 544(1960). If the agency, here the Board, violates the appellant's statutory rights, the reviewing court has the authority to reverse the agency decision. *Capri v. S.C. Dept. of Highways and Public Transportation,* 274 S.C. 88, 261 S.E. 307(1979). A matter of purely statutory construction is within the sole province of the court. S.C. Code Section 1-23-380(g)(2). Unlawful procedures or other errors of law are subject to judicial review. See e.g. *Carter v. S.C. Dept. of Highways and Public Transportation*, 279 S.C. 332, 306 S.E. 2d 614 (1983); *Smith v. Union Bleachery/Cone, Mills,* 276 S.C. 454, 280 S.E. 2d 52 (1981).

Brown had a valid contract with her public employer who misled Brown about the status of its investigation into an alleged assault that Brown was accused of committing against one of her students. All of the investigation into this matter had been completed by June 1, 2015. Brown did not recall receiving notification that she could not have contact with District employees until June 11, 2015. The conversation occurred on June 5, 2015. The letter of Dr. Carpenter was not a confirmatory letter of any conversation he had with Ms. Brown on June 1, 2015. Additionally, the letter restricted Brown from speaking to any employees. The employees who were witnesses were not precluded from speaking to Brown. Consequently, the directive of Carpenter was arbitrary and not backed by any fair application of any written school policy governing investigations.

Furthermore, the School District violated Brown's right to a fair and impartial hearing by not having the child "Student J" at the Board hearing. The Board and the Superintendent assumed that the child was lying when he gave statements that Brown did not touch or assault him.

Based upon the foregoing, the District's decision should be reversed.

IX. WHETHER THERE WAS SUBSTANTIAL EVIDENCE THAT BROWN WAS SUFFICIENTLY INSUBORDINATE TO WARRANT DISMISSAL BY THE SCHOOL BOARD?

South Carolina Court of Appeals defines insubordination at common law, as a willful or intentional disregard of the lawful and reasonable instructions of an employer. *See Judy Hall vs. The Board of Sumter County School District No. 330 S.C. 402, 499 S.E.2d 216.* Appellant contends that her situation, with regard to speaking with District employees, does not meet the definition of insubordination.

Further, Ms. Brown's verbal exchange at Ross Store with Tracie Wilson on June 5, 2015 and with the Bookkeeper for Luther Vaughn Elementary School on June 3, 2015, standing alone does not constitute insubordination. Ms. Brown has a First Amendment Right to Free Speech. Additionally, Respondent has not identified any law, regulation, guideline, policy, procedure or administrative rule that Brown has violated.

Additionally, Brown's termination upon such a ground as having spoken with an employee while on administrative leave is not a valid ground for her termination. *See* S.C. Court of Appeals ruling in *Judy Hall vs. The Board of Trustees of Sumter County School District No. 2. 330 S.C. 402, 499 S.E.2d 216* Ms. Judy Hall's superintendent, Dr. Baker, admonished Ms. Hall not to discuss the investigation matter with any other employees pending closure of his investigation. However, Ms. Hall disobeyed the superintendent by speaking with three employees. Even though Ms. Hall was insubordinate, the S.C. Court of Appeals ruled that the county school board did not show that Ms. Judy Hall was unfit for teaching in their school district.

Further, in the case of *Judy Hall vs. The Board of Trustees of Sumter County School District No. 2, 330 S.C. 402, 499 S.E.2d 216* our S.C. Court of Appeal ruled that Ms. Hall's insubordination in speaking about the investigation to other employees did not justify her dismissal without a reasonable time for improvement. So even if the Cherokee County Board of Trustees believed that the Appellant was insubordinate, the Appellant still should not have been terminated by CCSD/employer. The employer's attorney, Andrea White, is aware of this. Ms. White represented Sumter County School District One in this particular case, *Hall vs. Board of Trustees of Sumter School District No. 2330 S.C. 402, 499 S.E.2d 216.* Further, Ms. Tracie Wilson, should have been directed not to speak to Ms. Brown when interviewed on June 1, 2015. Ms. Brown was due "equal protection" of the alleged June 1, 2015 verbal directive by Dr. Carpenter. (R. p. 338, line 18-p. 339, line 23; R. p. 341, line 13-p. 343, line 22). Additionally, the bookkeeper of Luther Vaughn Elementary should have been directed not to contact Ms. Brown by telephone on June 3, 2015 about the whereabouts of equipment (R. p. 338, line 18-p. 339, line 23).

Based on this exception, the lower court decision should be reversed.

X. WHETHER THERE WAS SUBSTANTIAL EVIDENCE THAT BROWN IMPERMISSIBLY ASSAULTED A STUDENT?

In this case Student J gave two statements that Ms. Brown did not touch him or assault him as two of Brown's accusers stated. Student J's statements corroborate Ms. Brown. Yet the School Board decided that Ms. Brown was telling a lie and found her worthy of being terminated from her employment. Based on <u>Hall vs. Sumter County School District No.</u> *2330 S.C. 402, 499 S.E.2d 216* this review of the whole record demonstrates that there exists no substantial evidence to warrant a finding by the Board that Brown assaulted a child in her care as a teacher. Additionally, the school district did not report this to law enforcement and allege that Brown was impermissively abusive to Student J.

Misconduct of School Administrators:

The school district did not allow Brown to call Student J as a witness nor did the superintendent, Dr. Moore, interview Student J in her so called investigation. It is clear that the investigation was bias and designed to arbitrarily subject Brown to a recommendation by the Superintendent to the Board that Ms. Brown be terminated from her employment as a teacher.

Additionally, this amounts to prosecutorial misconduct by instructing Ms. Brown not to speak to anyone during an investigation but not telling potential witnesses of the School District interviewed on June 1, 2015 not to speak to Ms. Brown. Moreover, the restrictions on Ms. Brown covered all district employees and prohibited her from having in a small community even the most mundane of conversation which is violative of the overbreath doctrine, equal protection and vagueness concerns of the 14th Amendment of the U.S. Constitution and South Carolina Constitution.

The District's investigation was completed on June 1, 2015 and Ms. Brown was not informed of this development until much later. Clearly, Ms. Brown's conduct in speaking to any employee did not compromise the "integrity" of the school district's "investigation."

XI. WHETHER THE DISTRICT PROVED BY SUBSTANTIAL EVIDENCE WITH THE ALLEDED VICTIM HIMSELF/PARENTS/MEDICAL PERSONEL/PSYCHOLOGISTS THAT THE ALLEGATION OF CHILD ABUSE OF TOUCHING WERE ACTUALLY TRUE, NOT MERELY THAT THE CHILD ABUSE "INAPPROPRIATE INTERATIONS" ALLEGATIONS WERE MADE?

In order for the school board to demonstrate just cause for termination of Ms. Brown for assault "inappropriate interaction", the board had to prove by the use of the student himself that Ms. Brown assaulted/touched him, not merely that two teachers accused Brown of assaulting/touching the student.

XII. WHETHER APPELLANT SHOULD HAVE BEEN EXPECTED TO ADMIT SOMETHING SHE ASSERTS DID NOT OCCUR AND HER INSISTENCE ON HER INNOCENCE SHOULD NOT HAVE BEEN WEIGHED AGAINST HER BY THE SCHOOL BOARD?

Ms. Brown should not have been punished by the Board for not admitting something that did not occur. Ms. Brown should not have been expected to claim that she assaulted or touched a kid when she did not. Additionally, Ms. Brown should not have been expected to say she did things at Ross Store that she did not do.

Ms. Brown's insistence on her innocence should not have been weighed against her by the School Board. *See* Bridgitte Geiger and Sharon Jones vs. Board of Education of the Township of Mount Olive, Docket No. A-1409-13T2 N.J. Superior App. Div. 2015. Ms. Brown should not have been labeled as having been dishonest by the bias and partial school board.

Further, any discipline imposed by the Board should have been related to Brown's past performance as a teacher.

The Court below lacked a sufficient evidentiary transcript for making any determination upholding Brown's termination from her employment. In this regard, there is a lack of evidence calling into question that Brown was dishonest in claiming her innocence in abusing a minor child in her care.

XIII. WHETHR THE LOWER COURT JUDGE COMMITTED ERROR IN UPHOLDING THE BOARD'S UNFAIR FINDING OF FACTS AND CONCLUSIONS OF LAW WHERE THE BOARD MISTAKED FACTS AND ENGAGED IN EX PARTE COMMUNICATIONS WITHOUT BROWN'S KNOWLEDGE BECAUSE CONDUCT CALLS INTO QUESTION THE DECISION OF THE BOARD AS BEING INHERENTLY BIAS AGAINST BROWN A CONTRACT TEACHER?

The Board's fact-finding was not totally based on what occurred during the board hearing. The Board appeared to be bias toward Ms. Brown. Board Order appeared to contain inaccurate information.

The Board appears to be reciting facts that were not offered during the Board hearing in its order. Specifically, the board states the following: "Ms. Ruppe also testified that, on the afternoon of May 28, 2015, another LVES second grade teacher, Beth Owens, mentioned to her while discussing another matter that she had seen Ms. Brown **"talking intently"** with a student outside the class while the class underway. (R. p. 131, lines 20-21). This is an example of the school board members making a decision on facts of this case other than that presented before the school board on October 7, 2015. The trial transcript indicates the following pertaining to Ms. Ruppe and Ms. Owens on this matter:

Question By Attorney White: Now backing up to the afternoon of May 28th, that Thursday afternoon, do you recall having a conversation with Ms. Beth Owens about something she had observed with Sharon Brown? (R. p. 310, lines 22-25).

Ms. Ruppe's Answer: She had actually come to my office for something else, and I do not recall what else it was, but it was nothing to do with Ms. Brown, and as she was getting ready to leave, she, she did indicate that there had been something that she had seen. (R. p. 311, lines 1-5).

Question By Attorney White: And later on did she provide a statement to you? (R. p. 311, line 6).

Ms. Ruppe's Answer: She provided a statement on Monday. (R. p. 311, line 7).

Question By Attorney White: June 1st (R. p. 311, line 8).

Ms. Ruppe's Answer: Right. (R. p. 311, line 9).

Additionally, the Board shows their lack of impartiality and bias against Brown when the Board stated the following in their Board Order: "Ms. Owens testified that the student appeared slightly anxious and that because she thought the situation was a little out of the ordinary, she should mention it to Ms. Ruppe, which she did that afternoon. (R. p. 132, lines 21-23).

The trial transcripts indicates the following pertaining to Ms. Owens:

Question By Attorney White: And what lead you to report that to Ms. Ruppe? (R. p. 353, line 21).

Ms. Owens' Answer: He, the student just kind of had an uneasy look on his face when he looked back towards me. He just kind of had a nervous, uneasy look about him like he was uncomfortable, it was an uncomfortable situation for him. (R. p. 353, line 22-p. 354, line 1).

Further, the Board shows its lack of impartiality when recounting Dr. Moore's testimony. Specifically the board states the following in its order: "A short time later, in effort to "make up" with Student J, Ms. Brown returned to the class, <u>where she asked that Ms. Wilson send Student J out into the hall to talk with her,</u> which is the interaction witnessed at approximately 1:20 p.m. by Ms. Owens." (R. p. 135, lines 8-10).

The trial transcripts indicates the following pertaining to Dr. Moore: "I believe she went back to the classroom a second time and went in that, that, that door from the hallway. How she got in there, a student let her in, however that she got in. She asked to speak to Student J a second time, and based on

Ms. Owens testimony that that is the second occurrence that Ms. Owens in fact witnessed on a different side of the hall. (R. p. 398, line 20-p. 399, line 2). Dr. Moore did not testify that Ms. Brown asked Ms. Wilson to send Student J out into the hall to talk with her.

Further the Board's order dated October 15, 2015 states the following: **Ms. Ruppe testified that she heard Dr. Carpenter inform Ms. Brown that he was placing her on administrative leave effective June 1, 2015, and that, while she was on administrative leave, she should not discuss her status and the May 28th incident with any other District employee.** (R. p. 132, lines 4-6). This is an incorrect version of Ms. Ruppe's testimony, which demonstrates the board's lack of impartiality toward Appellant. The Board is adding testimony and reciting testimony that it heard outside of the board hearing. This is another example of the board's lack of impartiality. Specifically, the board is making a decision that Ms. Brown was told a specific thing based upon evidence other than that presented before the school board. This is evidence of partiality.

Ms. Ruppe testified the following: "He indicated that she would be on paid administrative leave and that she needed to be available during the hours of the school day and not to discuss anything about the case with anyone. (R. p. 313, lines 16-19)

It is a violation of due process for the Board to include ex parte communications outside the Board hearing and violated Ms. Brown's Sixth Amendment right to confront those witnesses. Additionally, the Board's findings based on incorrect testimony to aid in supporting the charges brought by superintendent is patently unfair. Further, it appears that the Board had its mind made up as to what it was going to decide before the board hearing.

Further, during teacher dismissal hearing, Ms. Wilson states:"I think she said something like we were talking, and I was like that's my daughter, you know, that's my daughter, don't, have a problem with her because she's my daughter." (R. p. 367, lines 11-16). This is an example of how Ms. Brown was denied due process. Tracie Wilson made up stuff as she pleased.

Further, Ms. Wilson claimed that she saw five or more of Ms. Brown's students, when in fact she did not see five or more of Ms. Brown's students. Ms. Brown had two students that were on behavioral plans that saw Ms. Wilson. One of the kids moved approximately two months before the end of the school year, so there was only one student seeing Ms. Wilson from Ms. Brown's class. Ms. Wilson sees students who have been referred to the office a certain amount of times and referred by the principal to see Ms. Wilson. Ms. Wilson is a paraprofessional who assists the principal. Ms. Brown only had approximately 17 students and was not allowed to pile the behavioral interventionist up with almost a third of class.

Appellant could have requested surveillance of her encounter at Ross Store with Ms. Tracie Wilson to prove that Ms. Wilson is a liar. However, the District waited right before the hearing to give Attorney Smith any sort of information concerning Ms. Wilson and her undated statement. Such short notice violates due process as well. Ms. Brown was denied knowing what issues were raised by Ms. Wilson in her statement to Dr. Moore and her statements before the Board. As a result of this, Brown could not obtain the store video to dispute all the fabricated accusations made by Ms. Wilson.

XIV. WHETHER THE PUNISHMENT OF THE BOARD IMPOSED UPON THE APPELLANT BY THE BOARD EXCESSIVE?

Brown was an exemplary teacher for Cherokee County School District for 17 years with no record of being dishonest. Student J was not assaulted or touched by Ms. Brown.

Cherokee County School District Board of Trustees was not an impartial tribunal. Brown had a history with this School District and her unfair firing was reversed by the Court of Appeals. Furthermore, Cherokee County School Board may have an inherent bias and animosity towards Appellant's reinstatement to her teaching position by Lower court judge in late 2011.

Upon belief, the Board was going to find Ms. Brown guilty of any offense that was filed against her. Further, the punishment issued to Ms. Brown was not proportionate to the alleged offenses. The punishment, termination, was excessive.

XV. THE COURT BELOW COMMITTED REVERSIBLE ERROR BY FAILING TO FIND AND RULE THAT DURING THE SUMMER MONTHS WHEN SCHOOL WAS OUT, BROWN WAS NOT UNDER A CONTRACT WITH THE CHEROKEE COUNTY SCHOOL DISTRICT BECAUSE (1) BROWN HAD NO DUTIES TO PERFORM ON BEHALF OF CHEROKEE COUNTY SCHOOL DISTRICT DURING THE SUMMER MONTHS AND BECAUSE(2) BROWN'S 190 DAY TEACHING CONTRACT FOR THE 2014-2015 SCHOOL TERM ENDED ON JUNE 3, 2015.

Appellant asserts that she was not employed with Cherokee County School District on June 5, 2015 and that she had already fulfilled her 190 day teaching contract for the 2014-2015 school term with Cherokee County School District on June 3, 2015. Therefore, any alleged insubordination committed by Brown on June 5, 2015 should not have been entertained by lower court nor the school board. Further, unreliable testimony of Tracie Wilson concerning her encounter with Brown at a Ross Department Store in Spartanburg should not have been entertained by the Court nor the school board. Brown was not an employee of Cherokee County on June 5, 2015. Brown had no duties or obligations to perform on behalf of Cherokee County School District during the summer months.

It is to be noted that respondent's counsel stated the following at the teacher dismissal hearing: "Explain to the Board if you would what happened on June the 5th, which would have been Friday, school's out, when you ran into Ms. Brown at Ross." (R.p. 364, lines 7-9).

Also, it is to be noted that Tracie Wilson stated the following at the teacher dismissal hearing: " I didn't really care what happened because I was on summer break and I didn't care at all what was happening." (R. p. 365, lines 19-22).

Ms. Brown stated the following during the teacher dismissal hearing. "On Friday, June 5th, I came into the Ross Store, and when I entered, Ms. Wilson was standing off to the right, and she said, hey, Ms. Brown, how you doing, and I replied fine, and she asked how my summer was going, and also she told me she was glad to be off. (R. p. 422, lines 23 -24 and R.p. 423, lines 1-3).

The Court of Appeals should reverse the lower court order.

XVI. WHETHER COURT BELOW COMMITTED A REVERSIBLE ERROR WHEN HE RULED ON BROWN'S TEACHER DISMISSAL APPEAL AND FOUND SUBSTANTIAL EVIDENCE TO SUPPORT BROWN'S DISCHARGE WITHOUT CHEROKEE COUNTY SCHOOL DISTRICT BOARD OF TRUSTEES EVER HAVING FILED THE TRANSCRIPT OF THE TEACHER DISMISSAL HEARING WITH THE COURT OF COMMON PLEAS AS MANDATED BY SECTION 59-25-480 OF S.C. TEACHER EMPLOYMENT AND DISMISSAL ACT?

The Court below heard Brown's teacher appeal on June 20, 2016. The respondent district claims it mailed a transcript of the teacher dismissal hearing transcript to the Cherokee County Court of Common Pleas on December 1, 2015. The only thing filed around early December of 2015 by the respondent district with the Cherokee County Court of Common Pleas is the following: (1.) Answer and Return of Respondent Cherokee County School District and (2.) Certificate of Service for Answer and Return of Respondent Cherokee County School District.

On October 30, 2017, Appellant inquired into why the Transcript of the Teacher Dismissal Hearing was not showing up online on Cherokee County Court of Common Pleas' website and was told by Ms. Brittany Ramsey, Clerk for Cherokee County Common Pleas, that no transcript was ever filed by the Respondent school district in the above case.

The appellant was not aware of the fact that no transcript was filed by the Cherokee County School District Board of Trustees as mandated by S.C. Teacher Employment and Dismissal Act, section 59-25-480, until this case was before this court.

Further, it is to be noted that in a document dated December 20, 2017 submitted to this court, Respondent District Attorneys state the following: "Notwithstanding that the Cherokee County Clerk of Court's records do not reflect that the Transcript was received in that office."

The appellant asserts that without the transcript setting forth sufficient facts for either the lower court or the Appellate Court there is a lack of substantial evidence in the record to support the Respondent's discharge of Appellant as a teacher when the lower court ruled in favor of the Respondent district without the Respondent district apparently ever having filed a transcript of the teacher dismissal hearing with the Cherokee County Court of Common Pleas Clerk's Office.

The respondent district defaulted in this case by failing to file a transcript of the teacher dismissal hearing as mandated by section 59-25-480 of S.C. Teacher Employment and Dismissal Act. The observance of the procedural requirements of the Employment and Dismissal Act is **mandatory** and not a matter of discretion. See *Brown vs. James, Superintendent for Cherokee County School District, (S.C. Ct. of Appeals.* (Emphasis added.) 2010; Opinion No. 4674).

Given that there is no record below that a teacher dismissal hearing transcript was ever filed by the Cherokee County School District Board of Trustees at the Cherokee County Court of Common Pleas Clerk of Court's Office, the test for substantial evidence is lacking necessitating a reversal of the court below. Therefore, appellant request that the Court of Appeals reverse the lower court and order her reinstated to teaching position with backpay and benefits and any other remedy that the Court deems appropriate.

CONCLUSION

An order reinstating Appellant to her teaching position with Cherokee County School District should be entered by this Court. Lower Court committed reversible errors and the respondent district violated S.C. Code Section 1-23- 380. If reinstatement is not feasible because of the conduct of Cherokee County School District toward Appellant, Appellant requests front pay with benefits.

Further, judgment should be entered against Respondent for actual damages, including back pay, lost employment benefits, and contributions to the South Carolina Retirement System, Attorney Fees, Cost of this Action, and such other relief as the Court may deem just and proper.

May 28, 2018

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CERTIFICATE OF COUNSEL

This is to certify that Appellant's Amended Final Brief complies with Rule 211(b), SCACR.

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