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THE STATE OF SOUTH CAROLINA
In The Court of Appeals

Redacted

APPEAL FROM GREENVILLE COUNTY
Court of Common Pleas

The Honorable Edward W. Miller, Circuit Court Judge

C.A. No.: 2013-002232

Lee C. P. and Nelle S.P., as Guardians ad Litem for L.P., a minor, Respondents.

v.

The School District of Greenville County, Appellant.

AMENDED RECORD ON APPEAL

CHILDS & HALLIGAN, P.A.

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Greenville, SC 29602

Attorneys for Appellant
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Carl F. Muller, Attorney at Law, P.A.
607 Pendleton Street, Suite 201
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(864) 991-8904

Attorney for Respondents

RECEIVED

APR 01 2014

SC Court of Appeals

James Theodore Gentry
Wade Stackhouse Kolb, III
44 East Camperdown Way
Greenville, SC 29601-3512

**THE STATE OF SOUTH CAROLINA
In The Court of Appeals**

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Court of Common Pleas**

The Honorable Edward W. Miller, Circuit Court Judge

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Attorneys for Appellant
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(864) 991-8904

Attorney for Respondents

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The Supreme Court of South Carolina

Lee C. P. [REDACTED] and Nelle S. P. [REDACTED] as Guardians ad Litem
for L. [REDACTED] P. [REDACTED], a minor, Plaintiffs,

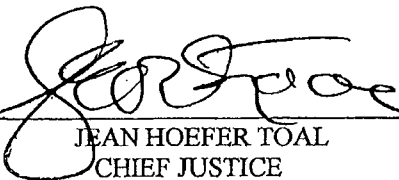
v.

The School District of Greenville, Defendant.

Lower Court Case No. 2013-CP-23-03447

ORDER

The motion to assign this case to the Business Court Pilot Program is denied. This case, however, is hereby assigned to the Honorable Edward W. Miller, circuit court judge. Judge Miller shall have jurisdiction over this case regardless of where he may be assigned and he shall insure that this case is resolved in an expedited manner.



JEAN HOEFER TOAL
CHIEF JUSTICE

Columbia, South Carolina
September 9, 2013

cc: The Honorable Edward W. Miller
The Honorable Paul B. Wickensimer
Carl F. Muller, Esquire
Thomas Kennedy Barlow, Esquire
Kimberly Kelley Blackburn, Esquire

Comp

FILED - CLERK OF COURT
GREENVILLE CO. S.C.
IN THE COURT OF COMMON PLEAS
COUNTY OF GREENVILLE - 7 4: 25 THIRTEENTH JUDICIAL CIRCUIT

Lee C. P. [redacted] and Nelle S. P. [redacted] as)
 Guardians ad Litem for)
 L. [redacted] P. [redacted], a minor)
)
 Plaintiffs,)
)
 vs.)
)
 The School District of Greenville)
 County,)
)
 Defendant.)

CASE NO.: 2013-CP-23-03447

WRIT OF MANDAMUS AND ORDER

This action was brought on June 21, 2013 by the filing of a Summons and Complaint with the Court of Common Pleas in Greenville County. The Complaint seeks a Writ of Mandamus directing the Defendant, The School District of Greenville County, forthwith to restore the grades and rank of the minor Plaintiff, L. [redacted] P. [redacted], to the levels first determined by his school, Southside High School, at the beginning of his junior year, before reduction by the Defendant. The Complaint also seeks an injunction prohibiting the alteration of his grades and rank in a manner inconsistent with the sought Writ of Mandamus. Southside High School is a high school in Greenville County under the direction and control of the Defendant School District.

The Defendant answered on August 6, 2013. On August 8, 2013 the Plaintiff moved for expedited trial in the Business Court on the ground that the Plaintiff is a rising senior and will be applying to college this fall. On September 9, 2013, the Honorable Jean H. Toal, Chief Justice of the South Carolina Supreme Court, declined to assign the case to the Business Court Pilot Program but did assign it to the Honorable Edward W. Miller, Circuit Judge. She further ordered that "Judge Miller shall have jurisdiction over this case regardless

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[handwritten signature]

of where he may be assigned and he shall insure that this case is resolved in an expedited manner." The case was tried to the Court without a jury on October 4, 2013. The facts were virtually undisputed.

In brief, the Plaintiff, L. [REDACTED] P. [REDACTED], is a rising senior at Southside High School. He transferred there at the beginning of his junior year from Riverside Military Academy in the State of Georgia. At the time of his transfer, his grades from Riverside Military Academy were transferred to Southside High School. They were initially accepted by Southside High School in accordance with the law of the State of South Carolina, the South Carolina Uniform Grading Policy issued by the South Carolina Department of Education and the Defendant's own grading policy. On October 3, 2012, Southside High School issued the Plaintiff his grades and rank. The next day, the parent of another student in the junior class at Southside High School complained to the school about the Plaintiff's grades. The administration at Southside High School initially informed the parent that the Plaintiff's grades had been determined correctly. Approximately two months later, in late November 2012, the Defendant reduced the Plaintiff's grades and rank after determining that, in its judgment, Plaintiff had received 5 to 10 bonus points for each honors and Advanced Placement class at Riverside Military. According to the Defendant, this would have created a "double bump" on his Southside transcript when the grades were transferred.

The Defendant may have made this change in a well-intentioned effort at what it considered to be fairness and equality in interpreting the Plaintiff's transcript from Riverside Military Academy. I assign no blame to anyone for the change. Nevertheless, the change was in violation of state law, the grading policy of the South Carolina Department of Education, and the Defendant's own grading policy. SC Code Section 59-5-68 directs the

South Carolina State Board of Education to adopt a uniform grading policy. It further directs the school districts of the state to use that policy. This policy is as follows:

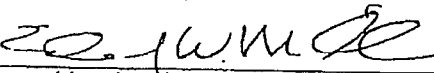
“When transcripts are received from accredited out-of-state schools (or in state from accredited sources other than the public schools) and numerical averages are provided, those averages *must* be used in transferring the grades to the student’s record.” [Emphasis added.]

That state policy is repeated verbatim in the Defendant’s own grading policy, as required by SC Code Section 59-5-68.

Southside High School correctly followed policy when it initially determined the Plaintiff’s grades and rank on October 3, 2012. The Defendant deviated from that policy when it did not accept the numerical averages provided on the official transcript by Riverside Military Academy and instead changed Plaintiff’s grades and rank based on its interpretation of the grading policy and actions of Riverside Military Academy. The Court is further concerned this improper change was made without notice to the Plaintiff or an opportunity to be heard.

What the Plaintiff seeks is that his grades and rank be restored as originally determined by Southside High School on October 3, 2012. I hereby grant his request and issue this Writ of Mandamus requiring the Defendant to do so immediately. Also, the Plaintiff has requested an injunction prohibiting the alteration of his grades and rank in a manner inconsistent with this Writ of Mandamus. I hereby grant that injunction.

AND IT IS SO ORDERED.


Honorable Edward W. Miller
Circuit Judge
Thirteenth Judicial Circuit

October 7, 2013

FORM 4

STATE OF SOUTH CAROLINA
 COUNTY OF GREENVILLE
 IN THE COURT OF COMMON PLEAS

FILED-CLERK OF COURT
 GREENVILLE CO S.C.
 PAUL B. WIDRENSNER

JUDGMENT IN A CIVIL CASE
 CASE NUMBER 2013CP2303447

I C P

Nelle S P

School District Of
 Greenville County

L P

2013 OCT -7 P 4:25

PLAINTIFF(S)

DEFENDANT(S)

Submitted by:

Attorney for: Plaintiff Defendant
 Self-Represented Litigant

DISPOSITION TYPE (CHECK ONE)

- JURY VERDICT. This action came before the court for a trial by jury. The issues have been tried and a verdict rendered.
- DECISION BY THE COURT. This action came to trial or hearing before the court. The issues have been tried or heard and a decision rendered. See Page 2 for additional information.
- ACTION DISMISSED (CHECK REASON): Rule 12(b), SCRPC; Rule 41(a), SCRPC (Vol. Nonsuit);
 Rule 43(k), SCRPC (Settled); Other: _____
- ACTION STRICKEN (CHECK REASON): Rule 40(j) SCRPC; Bankruptcy;
 Binding arbitration, subject to right to restore to confirm, vacate or modify arbitration award; Other: _____
- DISPOSITION OF APPEAL TO THE CIRCUIT COURT (CHECK APPLICABLE BOX):
 Affirmed; Reversed; Remanded; Other: _____

NOTE: ATTORNEYS ARE RESPONSIBLE FOR NOTIFYING LOWER COURT, TRIBUNAL, OR ADMINISTRATIVE AGENCY OF THE CIRCUIT COURT RULING IN THIS APPEAL.

IT IS ORDERED AND ADJUDGED: See attached order; (formal order to follow) Statement of Judgment by the Court:

ORDER INFORMATION

This order ends does not end the case.

Additional Information for the Clerk: _____

INFORMATION FOR THE JUDGMENT INDEX

Complete this section below when the judgment affects title to real or personal property or if any amount should be enrolled. If there is no judgment information, indicate "N/A" in one of the boxes below.

Judgment in Favor of (List name(s) below)	Judgment Against (List name(s) below)	Judgment Amount To be Enrolled (List amount(s) below)

If applicable, describe the property, including tax map information and address, referenced in the order:

The judgment information above has been provided by the submitting party. Disputes concerning the amounts contained in this form may be addressed by way of motion pursuant to the SC Rules of Civil Procedure. Amounts to be computed such as interest or additional taxable costs not available at the time the form and final order are submitted to the judge may be provided to the clerk. Note: Title abstractors and researchers should refer to the official court order for judgment details.

Circuit Court Judge

Judge Code

10/7/2013

Date

For Clerk of Court Office Use Only

This judgment was entered on 7th day of October, 2013, and a copy mailed first class or placed in the appropriate attorney's box on 7th day of October, 2013, to attorneys of record or to parties (when appearing pro se) as follows:

Carl F. Muller 607 Pendleton St., Ste. 201 Greenville, SC
29601

Thomas Kennedy Barlow Childs & Halligan, P.A. P.O. Box
11367 Columbia, SC 29211
Kimberly Kelley Blackburn Childs & Halligan, P.A. P.O.
Box 11367 Columbia, SC 29211

ATTORNEY(S) FOR THE PLAINTIFF(S)

ATTORNEY(S) FOR THE DEFENDANT(S)

Court Reporter

**Paul B. Wickensimer Greenville County Clerk Of
Court - Clerk of Court**

ADDITIONAL INFORMATION REGARDING DECISION BY THE COURT AS REFERENCED ON PAGE 1.

This action came to trial or hearing before the court. The issues have been tried or heard and a decision rendered.

STATE OF SOUTH CAROLINA)

COUNTY OF GREENVILLE)

C. F. [redacted] and Nelle S. F. [redacted], as Guardians ad Litem for L. [redacted] P. [redacted], a minor)

Plaintiff(s))

vs.)

The School District of Greenville County)

Defendant(s))

(Please Print)

Submitted By: Carl F. Muller

Address: PO Box 1717, Greenville, SC 29602

IN THE COURT OF COMMON PLEAS

CIVIL ACTION COVERSHEET

2013-CP - 23-03447

SC Bar #: 4131

Telephone #: 864-991-8904

Fax #: 864-751-2831

Other:

E-mail: carl@carlmullerlaw.com

NOTE: The cover sheet and information contained herein neither replaces nor supplements the filing and service of pleadings or other papers as required by law. This form is required for the use of the Clerk of Court for the purpose of docketing. It must be filled out completely, signed, and dated. A copy of this cover sheet must be served on the defendant(s) along with the Summons and Complaint.

DOCKETING INFORMATION (Check all that apply)

*If Action is Judgment/Settlement do not complete

- JURY TRIAL demanded in complaint.
NON-JURY TRIAL demanded in complaint.
This case is subject to ARBITRATION pursuant to the Court Annexed Alternative Dispute Resolution Rules.
This case is subject to MEDIATION pursuant to the Court Annexed Alternative Dispute Resolution Rules.
This case is exempt from ADR. (Proof of ADR/Exemption Attached)

NATURE OF ACTION (Check One Box Below)

- Contracts: Constructions (100), Debt Collection (110), Employment (120), General (130), Breach of Contract (140), Other (199)
Torts - Professional Malpractice: Dental Malpractice (200), Legal Malpractice (210), Medical Malpractice (220), Previous Notice of Intent Case #, Notice/ File Med Mal (230), Other (299)
Torts - Personal Injury: Assault/Slander/Libel (300), Conversion (310), Motor Vehicle Accident (320), Premises Liability (330), Products Liability (340), Personal Injury (350), Wrongful Death (360), Other (399)
Real Property: Claim & Delivery (400), Condemnation (410), Foreclosure (420), Mechanic's Lien (430), Partition (440), Possession (450), Building Code Violation (460), Other (499)
Inmate Petitions: PCR (500), Mandamus (520), Habeas Corpus (530), Other (599)
Judgments/Settlements: Death Settlement (700), Foreign Judgment (710), Magistrate's Judgment (720), Minor Settlement (730), Transcript Judgment (740), Lis Pendens (750), Transfer of Structured Settlement Payment Rights Application (760), Other (799)
Administrative Law/Relief: Reinstate Driver's License (800), Judicial Review (810), Relief (820), Permanent Injunction (830), Forfeiture-Petition (840), Forfeiture-Consent Order (850), Other (899)
Appeals: Arbitration (900), Magistrate-Civil (910), Magistrate-Criminal (920), Municipal (930), Probate Court (940), SCDOT (950), Worker's Comp (960), Zoning Board (970), Public Service Commission (990), Employment Security Comm (991), Other (999)
Special/Complex /Other: Environmental (600), Automobile Arb. (610), Medical (620), Other (699), Pharmaceuticals (630), Unfair Trade Practices (640), Out-of State Depositions (650), Motion to Quash Subpoena in an Out-of-County Action (660), Sexual Predator (510)
Writ of Mandamus

Submitting Party Signature: Carl Muller

Date: June 21, 2013

STATE OF SOUTH CAROLINA)
)
COUNTY OF GREENVILLE)

IN THE COURT OF COMMON PLEAS
THIRTEENTH JUDICIAL CIRCUIT

Lee C. [REDACTED] and Nelle S. [REDACTED], as)
Guardians ad Litem for)
L. [REDACTED], a minor)
)
Plaintiffs,)

CASE NO.: 2013-CP-23 03447

vs.)

SUMMONS

The School District of Greenville)
County,)
)
Defendant.)

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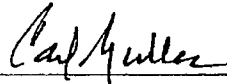
2013 JUN 21 P 12:48

YOU ARE HEREBY SUMMONED and required to answer the Complaint in this
action, a copy of which is hereby served upon you, and to serve a copy of your Answer upon
Plaintiffs through their attorney, as follows:

Carl F. Muller, Esq.
Carl F. Muller, Attorney at Law, P.A.
607 Pendleton Street, Suite 201
Greenville, South Carolina 29601

within thirty (30) days from the date of service, and if you fail to answer the Complaint, the
Plaintiffs will apply to the Court for the relief demanded in the Complaint.

Respectfully submitted,



Carl F. Muller SC Bar No. 4131
607 Pendleton Street, Suite 201
Greenville, SC 29601
864-991-8904
864-751-2831 (fax)
carl@carlmullerlaw.com

Greenville, SC

Dated: June 21, 2013

STATE OF SOUTH CAROLINA)
)
COUNTY OF GREENVILLE)

IN THE COURT OF COMMON PLEAS
THIRTEENTH JUDICIAL CIRCUIT

Lee C. F. [REDACTED] and Nelle S. F. [REDACTED], as)
Guardians ad Litem for)
L. [REDACTED] P. [REDACTED], a minor,)
)
Plaintiffs,)

CASE NO.: 2013-CP-23- 03447

vs.)
)
The School District of Greenville)
County,)
)
Defendant.)

COMPLAINT
NON-JURY

FILED
JUN 21 12 48

The Plaintiffs, complaining of the Defendant, would respectfully show unto the Court:

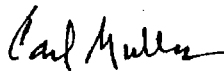
1. The Plaintiffs are duly appointed Guardians ad Litem for their son, L. [REDACTED] P. [REDACTED]. He and they are citizens and residents of Greenville County, South Carolina, and are domiciled there.
2. The Defendant is a governmental entity and the public school district of Greenville County, South Carolina. One of its schools is Southside High School.
3. L. [REDACTED] P. [REDACTED] is a rising senior at Southside High School. He transferred there at the beginning of his junior year from Riverside Military Academy in the State of Georgia.
4. At the time of his transfer, his grades from Riverside Military Academy were transferred to Southside High School. They were accepted by Southside High School in accordance with the laws of the State of South Carolina, the South

Carolina Uniform Grading Policy issued by the South Carolina Department of Education, and the Defendant's grading policy and rules.

5. L. [REDACTED] P. [REDACTED] was then ranked by Southside High School as first in his class.
6. Shortly thereafter, the mother of another student in the Junior Class at Southside High School complained to the school about the grades and rank of L. [REDACTED] P. [REDACTED]
7. The administration at Southside High School informed her that his grades and rank had been determined correctly.
8. She continued her complaints and they reached the administrative level of the Defendant.
9. In violation of South Carolina law, the South Carolina Uniform Grading Policy issued by the South Carolina Department of Education and the Defendant's own grading policy and rules, the Defendant yielded to her demands and reduced the grades and rank of L. [REDACTED] P. [REDACTED]
10. As a result of this action, the rights of L. [REDACTED] P. [REDACTED] have been violated and his prospects for gaining admission to a college or university of his choice have been impaired.
11. L. [REDACTED] P. [REDACTED] is entitled to a Writ of Mandamus from this Court directing the Defendant forthwith to restore his grades and rank to the levels first determined by Southside High School at the beginning of his junior year, before reduction, and an injunction prohibiting the alteration of his grades and rank in a manner inconsistent with the Writ of Mandamus.

Wherefore, the Plaintiffs pray that the Court issue a Writ of Mandamus directing the Defendant forthwith to restore the grades and rank of L. [REDACTED] P. [REDACTED] to the levels first

determined by Southside High School at the beginning of his junior year, before reduction, and an injunction prohibiting the alteration of his grades and rank in a manner inconsistent with the Writ of Mandamus. The Plaintiffs pray also for such other and further relief as shall be right and proper, and the costs of this action.



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607 Pendleton Street, Suite 201
Greenville, SC 29601
864-991-8904
864-751-2831 (fax)
carl@carlmullerlaw.com

Greenville, SC

Dated: June 21, 2013

STATE OF SOUTH CAROLINA)
)
COUNTY OF GREENVILLE)

IN THE COURT OF COMMON PLEAS

Lee C. [REDACTED] and Nelle S. P. [REDACTED], as
Guardians ad Litem for L. [REDACTED]
P. [REDACTED], a minor,

C.A. No. 2013-CP-23-03447

Plaintiffs,

**ANSWER AND AFFIRMATIVE
DEFENSES**

vs.

The School District of Greenville County,

Defendant.

FILED-CLERK OF COURT
GREENVILLE CO. S.C.
PAUL B. WICKENS/MSR
2013 AUG - 9 A 4
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Defendant, School District of Greenville County, by and through its undersigned counsel,
hereby responds to the Complaint of Plaintiffs in accordance with the numbered paragraphs
thereof, as follows:

1. Admitted on information and belief.
2. Admitted
3. Admitted.
4. Admitted in part and denied in part. Defendant admits only that weighted numerical grades were originally transferred from Riverside Military Academy for L. [REDACTED] P. [REDACTED] to Southside High School. The remaining allegations of this paragraph are denied.
5. Admitted in part and denied in part. Defendant admits only that, based upon the weighted numerical grades originally received from Riverside Military Academy, L. [REDACTED] P. [REDACTED] would have been ranked first in his class at the beginning of the 2013-14 school year.
6. Admitted in part and denied in part. Defendant admits only that a parent of another student pointed out disparities in the weighted numerical grades and actual numerical grades that L. [REDACTED] P. [REDACTED] received from Riverside Military Academy.

7. Admitted in part and denied in part. Defendant admits only that employees of Southside High School initially believed that grades should have been transferred as Plaintiffs desired.

8. Admitted in part and denied in part. Defendant admits only that District-level administrators reviewed the transfer of L [REDACTED] P [REDACTED]'s grades and determined that the weighted numerical grades from Riverside Military Academy should not be accepted, and rather, the unweighted numerical grade averages from Riverside Military Academy were to be transferred to Southside High School and then weighted in accordance with the uniform grading scale for purposes of calculating his grade point average.

9. Admitted in part and denied in part. Defendant admits only that it did not accept weighted numerical grades from Riverside Academy and L [REDACTED] P [REDACTED] is not currently ranked first in his class at Southside High School.

10. Denied for lack of knowledge.

11. Denied.

FIRST AFFIRMATIVE DEFENSE

This Court lacks subject matter jurisdiction of this matter, and Plaintiffs' claims must be dismissed pursuant to Rule 12(b)(1).

SECOND AFFIRMATIVE DEFENSE

Plaintiffs' claim is barred because the action is premature, not ripe, and no actual controversy exists.

THIRD AFFIRMATIVE DEFENSE

Plaintiffs' claims are barred by the doctrines of estoppel and waiver.

FOURTH AFFIRMATIVE DEFENSE

At all times, Defendant School District acted in good faith and had a reasonable and rational basis for its application of the Uniform Grading Scale as required by S.C. Code Ann. § 59-5-68 and implementing regulations.

WHEREFORE, having fully answered Plaintiffs' Complaint, Defendant School District of Greenville County respectfully requests that the Complaint be dismissed with prejudice and that Defendant School District of Greenville County be awarded the costs of this action, together with a reasonable attorney's fee as permitted by law or equity.

Respectfully submitted,

CHILDS & HALLIGAN, P.A.

By: 

Thomas K. Barlow, S.C. Bar No. 8995
tbarlow@childs-halligan.net

Kimberly Kelley Blackburn, S.C. Bar No. 73699
kblackburn@childs-halligan.net

P.O. Box 11367
Columbia, South Carolina 29211
(803) 254-4035

Attorneys for Defendant

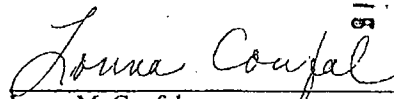
August 6, 2013

Columbia, South Carolina

CERTIFICATE OF SERVICE BY MAIL

The undersigned of Childs & Halligan, P.A., hereby certifies that she has served the following counsel of record with the foregoing **ANSWER AND AFFIRMATIVE DEFENSES** by mailing a copy of same, postage prepaid and return address clearly indicated, to the following on this 6th day of August, 2013:

Carl F. Muller, Esq.
Carl F. Muller, Attorney at Law, P.A.
607 Pendleton Street, Suite 201
Greenville, SC 29601



Lonna M. Coufal

FILED CLERK OF COURT
GREENVILLE CO. S.C.
PAUL B. WICKENSIMER
2013 AUG - 9 A 9:18

STATE OF SOUTH CAROLINA)
COUNTY OF GREENVILLE)

COURT OF COMMON PLEAS
2013-CP-23-03447

LEE C. P. [REDACTED] AND NELLE S. [REDACTED], AS GUARDIANS AD LITEM)
FOR L. [REDACTED] P. [REDACTED],)
A MINOR,)
PLAINTIFFS,)

vs.)

TRANSCRIPT OF RECORD

THE SCHOOL DISTRICT OF)
GREENVILLE COUNTY,)
DEFENDANT.)

ORIGINAL

October 4, 2013
Greenville, South Carolina

B E F O R E:

THE HONORABLE EDWARD W. MILLER, JUDGE.

A P P E A R A N C E S:

CARL F. MULLER, ESQ.
Attorney for the Plaintiffs

THOMAS K. BARLOW, ESQ.
R. DOUGLAS WEBB, ESQ.
Attorneys for the Defendant

HOLLIE M. JENKINS
Circuit Court Reporter

I N D E X

(There were no witnesses called.)

E X H I B I T S

<u>NO.</u>	<u>DESCRIPTION</u>	<u>ID.</u>	<u>EVD.</u>
(Plaintiffs Exhibits)			
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(Defense Exhibits)			
D-1	Letter dated 4/24/13.....		
D-2	Defense Memo of Law in Opposition.....		

All Exhibits were retained by the Clerk of Court for Greenville County.

P R O C E E D I N G S

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THE COURT: Okay. Tell me about it.

MR. MULLER: Your Honor, Carl Muller for the Plaintiff.

I don't know how Your Honor would like to proceed. Most, if not all, of the facts here are not in dispute. It's a question of the application of the law.

THE COURT: Yes.

MR. MULLER: It may be easier from just a management stand -- case management standpoint for me to go through the documents that I have and the law, and for Mr. Barlow to do the same thing. But if you wish for me to call witnesses, I can call them.

THE COURT: No. I don't -- I think -- you all agree that the facts are pretty much stipulated, aren't they, from what I can tell?

MR. BARLOW: Pretty much, not officially, but I don't think there's a factual dispute to a great degree.

THE COURT: Okay. Well, if it comes to a point where we need testimony, we'll do that. But, otherwise, let's just proceed as --

MR. MULLER: Thank you, Your Honor.

I represent [REDACTED], this young man who's seated to my left here. He's a senior at Southside High School. He previously was a student at Riverside Military Academy

1 for two years in the ninth and tenth grade. He
2 transferred in to Southside at the beginning of his
3 eleventh grade. And when he did, he sent his transcript
4 over. And here is a copy of his transcript.

5 THE COURT: All right. Let her mark it.

6 MR. MULLER: Which we should mark as Plaintiff's
7 Exhibit No. A [sic].

8 THE COURT: Any objection to that?

9 MR. BARLOW: No objection.

10 (WHEREUPON, Plaintiff's Exhibit No. 1 was marked for
11 identification and admitted into evidence.)

12 MR. MULLER: Southside High School then took his
13 transcript and -- from Riverside. And they created a
14 South Carolina high school transcript, which I would like
15 to introduce as Defendant's -- I'm sorry, as Plaintiff's
16 Exhibit No. 2.

17 THE COURT: Okay. No objection?

18 MR. BARLOW: No objection.

19 (WHEREUPON, Plaintiff's Exhibit No. 2 was marked for
20 identification and admitted into evidence.)

21 MR. MULLER: And if you'll note two things about that
22 transcript, in the lower right-hand corner is the date,
23 October the 3rd of 2012, which is important. And I'll get
24 to that in just a minute.

25 And then at the very bottom of the transcript, it

1 says, An official signature or seal is required for
2 manually-created transcripts. And we'll talk about that a
3 little bit later.

4 That transcript was correctly created by Southside
5 High School. That's the correct transcript. And that
6 transcript is correct under the Greenville County schools
7 grading policy, which I would like to introduce as
8 Plaintiff's Exhibit No. 3.

9 THE COURT: Okay.

10 (WHEREUPON, Plaintiff's Exhibit No. 3 was marked for
11 identification and admitted into evidence.)

12 MR. MULLER: There are two things that are important
13 to note on this policy. On the first page at the very
14 top, there's -- the very first sentence of the first page
15 says that the district complies with the State Board of
16 Education's policy regarding a statewide uniform grading
17 scale. It's the very first sentence.

18 If you go to the second page, in the middle of the
19 page, there's a section called Conversion Process. And
20 the second paragraph of that section reads, When
21 transcripts are received from accredited out-of-state
22 schools or in state from accredited sources other than
23 public schools and numerical averages are provided, those
24 averages must be used in transferring the grades to the
25 student's record. That's what Greenville County says they

1 do.

2 And if you look at the Riverside transcript that went
3 to Southside, it had numerical averages on it. And what
4 Southside did is they took those numerical averages and
5 transferred them. They complied with the Greenville
6 County school's grading policy.

7 And that policy originates from the State of South
8 Carolina policy adopted by the State Board of Education on
9 January the 9th, 2007. And I would like to introduce that
10 as Plaintiff's Exhibit No. 4.

11 (WHEREUPON, Plaintiff's Exhibit No. 4 was marked for
12 identification and admitted into evidence.)

13 MR. MULLER: At the very beginning of that, I'd like
14 to include a synopsis agenda and executive summary from
15 the South Carolina State Board of Education. And there
16 are a couple of things that are important about this.

17 If you look at the very first page of the synopsis
18 down at the bottom, there's a section called Timeline
19 Review Process. And the first entry is September of 2005.

20 And what that says is that a committee of 27 school
21 and district representatives statewide was formed to
22 review the 1999-2000 version of the uniform grading policy
23 and determine if provisions were needed. And the
24 committee included assistant superintendents of
25 instruction, guidance counselors, commission on higher

1 education members, curriculum coordinators, and South
2 Carolina Department of Education personnel. So this was
3 something that was carefully considered and put together
4 by a blue ribbon committee.

5 Then if you go over into the uniform grading policy
6 itself to Page -- if you look down at the bottom of the
7 pages, they're numbered in kind of an interesting way.
8 But if you go to Page 55-03-6 --

9 THE COURT: Okay.

10 MR. MULLER: -- it says, Converting grades on
11 transcripts. And it says, When transcripts are received
12 from accredited out-of-state schools or in state from
13 accredited sources other than public schools and numerical
14 averages are provided, those averages must be used in
15 transferring the grades to the student's records, which is
16 exactly the same as the --

17 THE COURT: Greenville County.

18 MR. MULLER: -- Greenville County policy.

19 And if you want to look at the General Assembly's
20 mandate for this, it is contained at the very beginning of
21 the policy on Page 55-03-1. And I've got -- well, that's
22 probably the best place to look at it. And if you look at
23 South Carolina Code Section 59-5-68, the last sentence
24 says, The State Board of Education shall then adopt and
25 the school districts of the state shall begin using the

1 adopted grade scale no later than the 2000-2001 school
2 year.

3 All of this began with a statute that was originally
4 passed, I think, in 1999 or a little bit earlier. And
5 I've got a copy of it right here. It references the same
6 thing, but it's just -- said that they were to get to work
7 earlier.

8 And I would like to introduce this as Plaintiff's
9 Exhibit --

10 THE COURT: No. 5.

11 MR. MULLER: -- No. 5.

12 (WHEREUPON, Plaintiff's Exhibit No. 5 was marked for
13 identification and admitted into evidence.)

14 MR. MULLER: And that's just an earlier version of
15 Section 59-5-68. And what it says is the State Board of
16 Education shall then adopt and the school districts of the
17 state shall begin using the adopted grading scale no later
18 than the 2000-2001 school year.

19 So it, basically, said get to work earlier. And then
20 the statute was updated simply just to change the date.
21 But the policy was the same here. So far so good.

22 Then on the morning of October the 4th, which is the
23 day after my client, [REDACTED] P [REDACTED], gets his grades, the
24 morning -- that morning at 8:45 a.m., the mother of
25 another student in Southside High School complains to the

1 school district and says that this is not right. And she
2 wants to remain anonymous. And her son, as it turns out,
3 is in the same class as Mr. P [REDACTED]

4 I'd like to mark this as Plaintiff's Exhibit No. 6.

5 THE COURT: Okay.

6 (WHEREUPON, Plaintiff's Exhibit No. 6 was marked for
7 identification and admitted into evidence.)

8 MR. MULLER: It's probably not the first time that a
9 parent has complained. So what the school does is
10 correct. The principal of the school, who is Carlos
11 Brooks, sends an e-mail to the district and says, We have
12 reservations about the methods the parent used. Because
13 the parent, according to her e-mail, called down to
14 Riverside Academy to find out about what was going on with
15 Mr. P [REDACTED].

16 Let's mark this as Plaintiff's Exhibit No. 7.

17 (WHEREUPON, Plaintiff's Exhibit No. 7 was marked for
18 identification and admitted into evidence.)

19 MR. MULLER: Now, the reason that Mr. Brooks had
20 reservations about that, undoubtedly, was not only because
21 of the privacy guidelines of the Greenville County School
22 District, but, also, because of the federal statute that
23 requires confidentiality to be maintained of students
24 records, a log known as FERPA, which is the Family
25 Educational Rights and Privacy Act.

1 Now, the guidance counselor at Southside High School
2 on Thursday morning, three hours after the complaint is
3 filed, looks into this.

4 And I'm sorry I left off the second page of the
5 e-mail to Plaintiff's Exhibit --

6 THE COURT: No. 7.

7 MR. MULLER: -- No. 7. So I need to give that to the
8 court reporter.

9 THE COURT: Any objection to just tacking it on?

10 MR. BARLOW: No objection.

11 THE COURT: Okay.

12 MR. MULLER: So three hours after the parent
13 complains, the guidance counselor at Southside High School
14 sends an e-mail to the district about --

15 THE COURT: Who is the guidance counselor?

16 MR. MULLER: The guidance counselor at Southside High
17 School, her name is Diamond Henderson. She sends this
18 e-mail on Thursday, October the 4th, at 11:30.

19 I'd like to mark this as Plaintiff's Exhibit No. 8.

20 (WHEREUPON, Plaintiff's Exhibit No. 8 was marked for
21 identification and admitted into evidence.)

22 MR. MULLER: And she does that three hours after the
23 mother of the other student complains.

24 And what she says -- she sends this e-mail to Rob
25 Rhodes and she says, Hey Rob, please see the below e-mail

1 from one of our parents regarding another student. And
2 then this is the critical part of this e-mail, she says,
3 We can't alter transcripts. We only enter what we
4 receive. She says, I called Dr. Childs and he agreed.
5 He, also, stated other students information is
6 confidential and shouldn't be discussed with other
7 parents. And then she says that her principal,
8 Mr. Brooks, asked that I e-mail you to verify what the
9 district policy is before he responds to the parent.

10 So she's stating what the policy is. And she's
11 asking for verification before the principal responds to
12 the parent. Well, the next day the principal responds to
13 the parent, which indicates that they have now obtained
14 verification from the school district on what the policy
15 is.

16 And the way the principal --

17 THE COURT: Is that -- you're introducing that as
18 Plaintiff's Exhibit No. 9?

19 MR. MULLER: I'm introducing that as Plaintiff's
20 Exhibit No. 9.

21 THE COURT: Okay.

22 (WHEREUPON, Plaintiff's Exhibit No. 9 was marked for
23 identification and admitted into evidence.)

24 MR. MULLER: That's an e-mail from Carlos Brooks
25 dated October the 5th, to Susan S [REDACTED], who is the parent.

1 And he says, Ms. S [REDACTED], our guidance department has
2 followed the uniform grading policy as outlined by the
3 State Department of Education and the district. When a
4 transcript is received, we can only input the data as it
5 appears on the transcript.

6 So, now, what's happened is you have the parent
7 complained, immediately the guidance counselor says we
8 followed the policy and the law. She checked with the
9 principal, who says we followed the policy and the law.
10 She checked with the school district to confirm that. And
11 once she gets confirmation from the school district, the
12 principal then responds to the parent, we followed the
13 law.

14 But, apparently, the parent is not satisfied. The
15 way we know all this, by the way, I should mention to you,
16 is that we filed a Freedom of Information Act request to
17 get e-mails and any other information relating to this
18 case.

19 The next e-mail that we were able to obtain -- I
20 believe I'm right about this -- is a month later in
21 November, November the 8th, and it's an e-mail -- it's,
22 actually, a voice mail. It's a voice mail that I would
23 like to introduce. It's a transcript of a voice mail that
24 I would like to introduce as Plaintiff's Exhibit No. 10, I
25 believe.

1 (WHEREUPON, Plaintiff's Exhibit No. 10 was marked for
2 identification and admitted into evidence.)

3 MR. MULLER: So we don't know what's been going on
4 for a month. But, obviously, something has been going on
5 at some level. Because the next thing we find is a
6 transcript of a voice mail. And it is to Diamond
7 Henderson, who is the guidance counselor at Southside High
8 School. And it look like it is from Riverside Academy.
9 It says, Henderson, this is Pat. And Pat is a person at
10 Riverside Academy. And she says, Dr. Robinson, who is our
11 academic -- they said "bean," but I think that should have
12 been "dean" -- is not comfortable changing our
13 transcripts.

14 So it looks like -- I can't say for sure, but it
15 looks like somebody is asking Riverside to change the
16 transcript. And, obviously, the reason that they would be
17 asking Riverside to change the transcript is that they
18 know that they have to take the transcript as it is
19 presented to them by Riverside and not change it. That's
20 what the policy says. And that's what the law says. They
21 cannot change the transcript. But it looks like somebody
22 is trying to get them to do that.

23 The next thing we have is three weeks later. And, at
24 that point, it looks like there's been a discussion within
25 the school district by somebody -- some people and they

1 have decided to change the transcript on their own. And
2 this is an e-mail from Diamond Henderson, the guidance
3 counselor, to Carlos Brooks, the principal. And it's
4 dated November the 27th.

5 (WHEREUPON, Plaintiff's Exhibit No. 11 was marked for
6 identification and admitted into evidence.)

7 MR. MULLER: And the guidance counselor says to her
8 principal at the very end of that e-mail, she says, I
9 don't have the authority nor am I comfortable changing a
10 schools final grades, regardless of their policy.

11 So it's pretty clear that somebody has been nosing
12 around at [sic] what's been going on down at Riverside.
13 And they've tried to change the grades based on what they
14 consider to be the Riverside policy. And I'll get back to
15 that policy in a second, because I want to talk about
16 that. But right now, I want to keep going through these
17 documents.

18 The next thing we have is two days later, the
19 guidance counselor sends an e-mail, again, to the
20 principal. It looks like she's getting continuing
21 pressure to change the grades. This is November the 29th.

22 I'd like to mark this as Plaintiff's Exhibit No. 12.

23 (WHEREUPON, Plaintiff's Exhibit No. 12 was marked for
24 identification and admitted into evidence.)

25 MR. MULLER: And she says, The voice mail I received

1 and forwarded stated that the school was not comfortable
2 changing grades on their transcript. So it looks like
3 Plan A didn't work. Plan A that somebody at the school
4 district had concocted was to get Riverside to change the
5 grades on their transcript. Riverside refused to change
6 the grades on their transcript and said, This is the
7 transcript. We're not changing the grades.

8 So then the school district figures out, well, let's
9 go to Plan B. So what Plan B was, we'll alter the grades
10 that we say we received from Riverside. And we'll do that
11 in a way that is not official. And I'll talk about that
12 in a minute.

13 Meanwhile, I want to go through this e-mail. She
14 then says, The South Carolina uniform grading policy
15 states that when receiving grades from an out-of-district
16 school and numerical grades are provided, those averages
17 must be used in transferring the grades to the student
18 record. She then says, Of course, I will do as I have
19 been directed, which, obviously, means that she's been
20 told to do something different. She says, However, I
21 would like to get clarification on the recommendation. I
22 know this is an unusual situation, but this contradicts
23 everything I have been taught, everything I have been
24 taught.

25 And then she says -- and this is important -- Who

1 will notify the student and his parents? So what's been
2 going on here is there has been a behind the scenes effort
3 to lower this young man's grades without ever giving him
4 notice or his parents notice of what was going on. One of
5 the fundamental rules of doing anything in America is you
6 don't do things behind somebody's back.

7 So what was going on here is you have the complaining
8 parent, who was upset about her son and where he stood in
9 the class. And then you have pressure by that parent
10 resisted by the guidance counselor and the principal
11 confirmed by the school district, initially. And then she
12 puts so much pressure on them that they yield. But they
13 still don't tell the parents or the student.

14 So then what happens is this. On December the 4th,
15 the guidance counselor, Ms. Henderson, says, I have not
16 contacted Lee's parents.

17 This is Plaintiff's Exhibit No. 13.

18 (WHEREUPON, Plaintiff's Exhibit No. 13 was marked for
19 identification and admitted into evidence.)

20 MR. MULLER: So still, in December, the P [REDACTED] family
21 has no idea that any of this is going on. And, finally,
22 on January the 23rd, they notify the P [REDACTED] family after
23 all this has been put in concrete.

24 I'd like to mark this memo from Diamond Henderson,
25 the guidance counselor, to Carlos Brooks, the principal,

1 as Plaintiff's Exhibit No. 14.

2 (WHEREUPON, Plaintiff's Exhibit No. 14 was marked for
3 identification and admitted into evidence.)

4 MR. MULLER: Well, as you might imagine, the P [REDACTED]
5 family is not happy about this. She said, I would like to
6 meet with you tomorrow.

7 And then what happens is a week later, Mr. P [REDACTED]
8 sends a Freedom of Information Act request to the school
9 district, which is how I got these e-mails.

10 I'd like to mark his request as Plaintiff's Exhibit
11 No. 15.

12 (WHEREUPON, Plaintiff's Exhibit No. 15 was marked for
13 identification and admitted into evidence.)

14 MR. MULLER: Now, there is a meeting. And the
15 principal, undoubtedly, following orders from the district
16 says -- oh, let me back up. Let me give you a copy of the
17 revised transcript. This is the revised transcript. It's
18 dated February the 8th of 2013. But, as we can see from
19 the e-mails, the decision was made, at least, two months
20 earlier.

21 (WHEREUPON, Plaintiff's Exhibit No. 16 was marked for
22 identification and admitted into evidence.)

23 MR. MULLER: Interestingly, there's a letter to
24 Mr. P [REDACTED] from the principal dated two days before the
25 date on that transcript where he describes why that

1 transcript is what it is, which means that they had
2 already decided in the transcript -- the date on the
3 transcript of February the 8th is really kind of
4 meaningless. Because they'd already made the decision.
5 And Carlos Brooks had already met with Mr. P [REDACTED]. And the
6 week before that, Ms. P [REDACTED] had been notified by the
7 guidance counselor.

8 What's important about this letter is what it does
9 not say. There have been arguments raised now by counsel
10 for the school district that do not appear in this letter.
11 So if you look at the letter, you sort of know what they
12 had in mind and what they were really doing. And it puts
13 in context the interesting arguments put forth by counsel
14 for the school district.

15 What this letter says in a nutshell is, look, we were
16 just trying to be fair. We wanted to "level the playing
17 field." And at Riverside, there's a grading policy that
18 assigns extra points for honors courses and AP courses.
19 And we didn't want your son to double dip.

20 Well, there are a couple responses to that. One of
21 which is that never mind all that, you follow the law.
22 The reason the law says what it does is to avoid disputes
23 like the one we're in today where you go back to look at
24 grading policies of institutions that students attended
25 before they transferred. Because there are all kinds of

1 ways that schools grade.

2 I mean, I, for example, went to a small country high
3 school, Blythewood High School. It had 33 students. If I
4 got an A in that class, I'm sure that people who went to
5 Dreher would have said, well, an A at Blythewood High
6 School is not the equivalent of an A at Dreher High
7 School. Well, it turns out, under the South Carolina
8 uniform grading policy, it is. And if I had transferred
9 from Blythewood High School to Dreher, nobody at Dreher
10 would get a chance to go over to Blythewood and say to
11 Ms. Roar [phonetic], my English teacher, well, how did you
12 really grade Carl?

13 There are all sorts of nuances and factors that go
14 into grading. And that's why the grading policy that's
15 mandated by the South Carolina Department of Education
16 that's written down by them and the school district and
17 that's followed, according to all of these e-mails, says
18 you take the grade -- the numerical grade and you don't
19 look behind the screen. That's why you have the policy.
20 And it makes total sense. And a blue ribbon commission
21 set up the policy at the direction of the legislature.

22 But if you want to talk about fairness, let's talk
23 about fairness. The policy is not -- the stated policy is
24 not the only factor that goes into grading. For example,
25 this young man took courses at Riverside where if he got

1 everything right, he still got less than 100. He got a 90
2 or a 95.

3 And when he would go to a teacher and say, why is
4 that, the teacher would say, well, you're going to get an
5 extra five or 10 points at the end, so what difference
6 does it make? If he got a perfect score in another class
7 of 100, he didn't get the points at all because there was
8 a cap of 100.

9 So if you look only at the grading policy and nothing
10 else at Riverside Academy and said you're double dipping,
11 you would be completely wrong. Because he didn't double
12 dip. The most he ever could have gotten was 100, even if
13 you gave him the full benefit of the cap. And in some
14 classes, they deliberately lowered his grade because they
15 knew he was going to get the additional points maybe.

16 So to say that he's double dipped and what they're
17 trying to do is level the playing field is completely
18 erroneous. And if they had asked us that, if they had
19 notified the parents, maybe they would have found that out
20 in advance, instead of charging off to bow to the pressure
21 of this mother.

22 The other thing they say is that you have to look at
23 South Carolina Regulation 43-273 in order to apply the
24 policy. Well, that is nothing that they told us in the
25 letter from Carlos Brooks. This is the first time we've

1 heard of that. But since they've mentioned that, let's
2 talk about that.

3 And here is a copy of regulation 43-273, which I'd
4 like to mark as Plaintiff's Exhibit No. 17.

5 THE COURT: Plaintiff's Exhibit No. 18.

6 MR. MULLER: Plaintiff's Exhibit No. 18.

7 (WHEREUPON, Plaintiff's Exhibit No. 18 was marked for
8 identification and admitted into evidence.)

9 MR. MULLER: They say you have to look at that in
10 order to -- and that that justifies what they did. That
11 does not justify what they did. That has nothing to do
12 with what they did. And I'll explain how this works.

13 If you will go back to the South Carolina Uniform
14 Grading Policy Page 5503-6.

15 THE COURT: That would be Plaintiff's Exhibit No. 4?

16 MR. MULLER: Probably.

17 THE COURT: Yes. Okay.

18 MR. MULLER: Page 5503-6, it says, See State Board of
19 Education Regulation 43-273 for complete information on
20 transfers and withdrawals. So I looked at that
21 regulation. And if you go over to that operative part of
22 that regulation, it's on the second page. And I'll kind
23 of skip all the names. What it says is it says, Units
24 earned by a student in an accredited high school of this
25 state -- and then you go all the way down to the last

1 sentence, it says, Will be accepted under the same value
2 which would apply to students in the school to which they
3 transferred.

4 Now, what the school district is saying is that you
5 need to read the word "value" to mean we're changing the
6 grading policy. But that's not what it says. This is
7 talking about units. This is not talking about grades.
8 And just to show you how it works, look at Page 5503-5 of
9 the South Carolina State Education Policy. And there,
10 you'll see an example of what they're talking about.
11 They've got a course name. They have a numerical average.
12 And then they have unit. And a unit, basically, is -- you
13 know, if you take one course, you get one unit. That's
14 what it is. They're not changing the grades.

15 So what you do in order to calculate grades in the
16 South Carolina system is you take the numerical average
17 which you're supposed to take directly from the transcript
18 of the prior school, you look at something called quality
19 points. And I'll show you how you calculate quality
20 points. If you'll go over to Page 5503-2, you'll see this
21 big chart.

22 THE COURT: Okay.

23 MR. MULLER: And just to kind of follow it through,
24 in the right -- left hand column is the numerical average.
25 If you pick up 91 there as the numerical average grade,

1 you'll see that a college prep course would be given a
2 3750. And if you look over at the example on Page 5,
3 that's where the quality points -- that's where the
4 quality points show up.

5 So what you do in South Carolina, the way this works
6 is you take the numerical grade from the school where the
7 student was, you put it into this formula, and then you
8 take the quality points from this chart and multiply it by
9 the unit. If it's one unit, that's fine. If it's two
10 units, that's another thing. And that gives you the grade
11 point average. But you don't change the numerical
12 average. That's why they use the word "must."

13 So the formula works. And don't take my word for it.
14 Take the word of the guidance counselor, the principal.
15 The school district, initially, they said that's the way
16 it works. And that's the way it works. All we're asking
17 is for this to be -- is for his grades to be restored to
18 what they were originally calculated to be by Southside.
19 We're not asking for them to be changed. We're just
20 asking for them to restore them to what they originally
21 were.

22 Now, they mentioned level the playing field. There
23 is no playing field here. This is not a competition.
24 He's worked hard for his grades. He's 17 years old. He's
25 applying to college. He worked for it. And all we're

1 asking for him to get is what he worked for. And we don't
2 know whether he's going to be first in his class or
3 hundredth in his class. We just want him to get what he
4 worked for. He worked for it, and he deserves it.

5 Counsel for the school district has said, look, you
6 can't consider this, Your Honor. This is outside your
7 purview because this is a case that is not judiciable.
8 This case is judiciable. And let me just put it in plain
9 and simple terms.

10 This is a case we know is judiciable because Jean
11 Toal has already put her stamp of approval on this case.
12 I had to get this case expedited by getting authorization
13 from her to do it. And in order to do that, I had to send
14 her copies of the complaint and the answer. And if she
15 thought this case was not judiciable, all she had to do
16 was to tell me no. But she said yes, and she expedited
17 the case. So we know that she thinks that this case is
18 judiciable.

19 Also, we know that the case is judiciable under the
20 law. Because, otherwise, this young man would be left
21 with absolutely no remedy whatsoever. And under the First
22 Amendment to the United States Constitution, every citizen
23 of this country has the right to petition his government
24 for a redress of grievances. And he's entitled to due
25 process. And that's what we're asking for here. There's

1 nothing unusual about that. This is fundamentally
2 different than seeking or trying to create a private cause
3 of action against a third party.

4 Counsel for the school district has said that there's
5 no private right of action under this statute. This is
6 not a private right of action against a third party. This
7 is a direct cause of action against the school district
8 for disobeying the law.

9 Mandamus is, also, entirely appropriate. Because
10 we're not asking the school district to do anything that
11 they haven't already done. They have already done it. So
12 we're simply asking them to perform a ministerial act,
13 which is to comply with the law. And they know full well
14 how to do it because they've already done it.

15 I might add as a final note, I've already mentioned
16 the federal statute that prohibits prying into another
17 students information by third parties, which was most
18 unfortunate in this case. I'd, also, mention -- I'd like
19 to hand up to the Court a copy of a South Carolina
20 criminal statute. I don't want to be too forward and
21 suggest that there was a criminal act here. But I do
22 think it underscores the policy of this state. And the
23 policy of this state is not to change transcripts.

24 And Section 16-13-15, actually, makes it a crime to
25 try to change a transcript. And I would like to hand this

1 up to the Court as well.

2 (WHEREUPON, Plaintiff's Exhibit No. 19 was marked for
3 identification and admitted into evidence.)

4 MR. MULLER: Because what all of these things do,
5 Your Honor, is point to one conclusion, and that is that
6 the entire policy of the State of South Carolina, the
7 entire policy of the federal government is to prevent the
8 occurrence of exactly what happened here, which is a
9 disgruntled mother of a student going in to another
10 student's academic file and changing it once it's already
11 been put in place by the school district for the
12 application of political, financial, or social pressure.

13 Thank you, Your Honor.

14 THE COURT: Okay. Thank you.

15 MR. BARLOW: May it please the Court.

16 THE COURT: Yes, sir.

17 MR. BARLOW: Your Honor, I'm Tom Barlow for the
18 school district of Greenville County.

19 And we e-mailed a memorandum of law --

20 THE COURT: We got it.

21 MR. BARLOW: You've got it?

22 THE COURT: I've read it.

23 MR. BARLOW: Okay. And I wanted to make sure you had
24 that. And I, also, e-mailed it to Mr. Muller as well.

25 We'd move, at this time, that our exhibits marked one

1 through five here just be admitted into evidence in the
2 case. It will make it a whole lot easier.

3 MR. MULLER: I do have one objection I'd like to make
4 for the record, Your Honor. There's e-mails that are from
5 Riverside -- somebody at Riverside to somebody at
6 Southside talking about his grades. That is not an
7 official transcript. That's the first time we've ever
8 seen these is in that e-mail -- not the first time, but, I
9 mean, it's not -- when Mr. Barlow sent it to me, I'd seen
10 it before.

11 MR. BARLOW: Sure.

12 MR. MULLER: But that's the first time that we've
13 seen that. We have no idea whether those grades are right
14 or not. And we would object to it on that basis.

15 THE COURT: Well, which part of this exhibit are you
16 referring to? Is that --

17 MR. BARLOW: He's referring to our Exhibit No. 3, I
18 believe, Your Honor.

19 THE COURT: Exhibit No. 3?

20 MR. BARLOW: Yes, sir.

21 THE COURT: Okay. Well, does that go to the
22 admissibility or the credibility?

23 MR. MULLER: I think it goes to both. I think it
24 goes to admissibility. Because if you look at the -- I'm
25 not -- I'm not saying -- I'm not making the objection

1 based on hearsay.

2 THE COURT: Okay.

3 MR. MULLER: Because -- I'm not going to do that.
4 But I am making the objection based on the fact that if
5 you look at even the South -- if you look at the -- if you
6 look at what's even at the bottom of the Southside
7 transcript, it says, you know, it's got to be an official
8 sealed transcript. And that's not an official sealed
9 transcript. We have no idea what went into that. We have
10 no idea how those grades were created.

11 So I think it goes very much to the admissibility.
12 It goes very much to the credibility, if the Court decides
13 to consider it.

14 MR. BARLOW: And I'd respond to that by saying, Your
15 Honor, I don't think there's any dispute to the underlying
16 grades that are referenced in the exhibit. We got notice
17 of this hearing on Monday. And if he's going to challenge
18 that, I'd appreciate some time for the Court to get an
19 affidavit from somebody to clarify that.

20 THE COURT: Okay. Well, I'll take --

21 MR. MULLER: I'm not -- just so we understand each
22 other, I'm not challenging that that's what the person
23 said. I'm simply challenging --

24 THE COURT: The underlying --

25 MR. MULLER: -- the underlying correctness of it, not

1 the authenticity of it.

2 THE COURT: Well, I'm going to note your objection
3 for the record.

4 And we'll accept this and mark it as -- this is a
5 stapled document with five parts to it -- or five listed
6 exhibits pursuant to your codification of it. We'll make
7 it Defendant's Exhibit No. 1.

8 MR. BARLOW: I think we can make the whole thing
9 Defendant's Exhibit No. 1.

10 THE COURT: Okay.

11 MR. BARLOW: I'd, also, like to mark Defendant's
12 Exhibit No. 2 based on counsel's --

13 THE COURT: Okay. Show it to him.

14 MR. BARLOW: All right.

15 MR. MULLER: Sure. That's fine. No objection.

16 (WHEREUPON, Defendant's Exhibit Nos. 1 and 2 were
17 marked for identification and admitted into evidence.)

18 THE COURT: And then before you get started, I'd like
19 to take about a five-minute recess.

20 MR. BARLOW: Certainly.

21 THE COURT: Thank you.

22 (WHEREUPON, a break was taken.)

23 (WHEREUPON, Plaintiff's Exhibit No. 17 was marked for
24 identification and admitted into evidence.)

25 THE COURT: Yes, Mr. Muller.

1 MR. MULLER: Your Honor, I overlooked one e-mail that
2 I need to bring to the Court's attention.

3 May I do that?

4 THE COURT: Yes.

5 Is everybody ready?

6 MR. BARLOW: I think we're waiting on a couple of
7 people to --

8 THE COURT: Okay. Just let them get back.

9 MR. BARLOW: But I have no objection to him doing
10 that.

11 THE COURT: Okay.

12 (Pause.)

13 THE COURT: Go ahead.

14 What is it?

15 MR. MULLER: It's an e-mail. In trying to get ready
16 for this hearing, both Mr. Barlow and Mr. P [REDACTED] contacted
17 the academic dean at Riverside Academy --

18 THE COURT: Well, get her to mark it.

19 MR. MULLER: I'd like to mark this as --

20 THE COURT: Plaintiff's Exhibit No. 20.

21 MR. MULLER: -- Plaintiff's Exhibit No. 20.

22 (WHEREUPON, Plaintiff's Exhibit No. 20 was marked for
23 identification and admitted into evidence.)

24 MR. MULLER: It's about certain information. And the
25 interesting thing about his response here is that if you

1 look at the second page of that, the second paragraph, he
2 says, I believe that FERPA, which is a federal law,
3 prevents me from disclosing actual grades, which
4 underscores that what was going on here was really not
5 proper in any fashion.

6 Now, it turns out that those grades had already been
7 obtained by Southside High School, which he notes here and
8 says, I believe you already have those. But it's more
9 than of interest that he says the federal law prevents him
10 from disclosing actual grades. Undoubtedly, the school
11 district knew what they were doing was not right. And
12 this is simply -- this simply underscores that.

13 THE COURT: Okay.

14 MR. BARLOW: Thank you, Your Honor.

15 Like I said, I'm Tom Barlow. I'm here for the school
16 district. And we've heard these arguments previously. We
17 submitted a memo of law and exhibits.

18 Before I get into addressing the specifics of the
19 case, I think it's important to remember that the big
20 picture behind the uniform grading policy as set forth in
21 the statutory section is to level the playing field for
22 scholarships and financial aid to make sure students
23 aren't getting an unfair advantage over other students by
24 virtue of a school giving extra points that another school
25 has not given, or anything like that. And that's the main

1 purpose of that.

2 Another main purpose or point I'd like to make before
3 getting into things is that courts are very reluctant to
4 get into matters of students, and grades, and things like
5 that. I mean, there's a long history of South Carolina
6 decisions and from elsewhere that say courts stay out of
7 this, these are decisions for academic educational
8 officials. They're in the best position to make these
9 decisions.

10 Also, certainly, I'd point out immediately that
11 there's no private of -- right of action other than the
12 uniform grading policy, or the regulations, or any other
13 statute, or any other clear reason or way for these people
14 to be in court to argue that the Court should issue a
15 mandamus. And I'll talk a little bit more, certainly,
16 about the standards and some of our arguments that we've
17 made when we get to it.

18 And this is not a Constitutional case. I mean,
19 there's no First Amendment claim. There's no due process
20 claim in this case. It's not an estoppel case, Your
21 Honor. There's no claim for estoppel, or anything like
22 that. And there's no basis for the Court to grant this
23 mandamus on the basis of estoppel. And I'll talk about
24 that in a little bit, too.

25 First of all, I think there's nothing nefarious about

1 what the school district did here. The school district
2 received some information that they weren't aware of
3 previously. And they did what a reasonable school
4 district would do and investigated that information, and
5 determined that Mr. P [REDACTED] grades at Riverside Military
6 Academy had already been bumped by five or 10 point for
7 each honors or AP course that he took at Riverside
8 Military Academy.

9 And just to illustrate kind of what happens here when
10 Riverside Military Academy gives a five or 10 point bump,
11 I'd like for you to turn to the -- Exhibit No. 3 [sic] in
12 my packet here. It's the page that has the South Carolina
13 uniform grading scale conversion. And that's the same as
14 the exhibit in the -- that Mr. Muller handed up as well
15 that has the grade conversion chart in it.

16 THE COURT: Exhibit No. 3 or Exhibit No. 2?

17 MR. MARLOW: Tab three, Exhibit No. 2. I'm sorry.

18 THE COURT: Okay. I'm -- we may have -- which page
19 in that one?

20 MR. BARLOW: It is the one, two, third page of the --
21 fourth page of the -- not counting the page that says
22 Exhibit No. 2, it would be the third page of Exhibit
23 No. 2.

24 THE COURT: So it's tab two of Exhibit No. 1; right?

25 MR. BARLOW: Correct.

1 THE COURT: All right.

2 MR. BARLOW: Tab three of Exhibit No. 1, Your Honor,
3 which, unfortunately, is Exhibit No. 2.

4 THE COURT: Is that what you're talking about?

5 MR. BARLOW: Yes, Your Honor.

6 THE COURT: Okay. We may have -- we've got that as
7 your -- under your codification as the third page of what
8 you've labeled as Exhibit No. 2; is that right?

9 MR. BARLOW: That's right, Your Honor.

10 THE COURT: Okay.

11 MR. BARLOW: As well as Mr. Muller has already put --
12 that's in several other things.

13 THE COURT: Yes.

14 MR. BARLOW: Every school district in the state has
15 this uniform grading conversion scale.

16 THE COURT: Okay.

17 MR. BARLOW: If you look at -- for example, I'm going
18 to look at numerical average 93 and follow that across.

19 THE COURT: Okay.

20 MR. BARLOW: If that's in a college prep course, you
21 get four quality points for that. If it's an honors
22 course, you get 4.5 points for that. In an APIP dual
23 credit course, you get five points for that 93. Okay. If
24 your grade is 100, however, you get 4.875, 5.375, or
25 5.875. All right. So, obviously, getting 100 gives you

1 a -- higher quality points and gives you more average.
2 Okay.

3 What we have here is when a Southside High School
4 international baccalaureate student scores a 93, they got
5 5.0 for that. Okay. The school district found out that
6 when Mr. P [REDACTED] got the same 93 at Riverside Military
7 Academy, they bump it up 10 points in an AP course. So
8 he's transferring not only the bumped -- the first bump to
9 100, but he gets the second bump when he comes to
10 Southside making it 5.875. That's what they would have
11 Your Honor understand. And that's what the argument is
12 that he should be entitled to two bumps. Okay.

13 His transcript from Riverside Military Academy which
14 is tab two of Exhibit No. 1 -- yes, tab two of Exhibit
15 No. 1 --

16 THE COURT: Okay.

17 MR. BARLOW: -- clearly says on it, Honors courses
18 in -- and this is on the right-hand side. It's a little
19 bit small typing. I apologize for the size of the type.
20 Honors courses in accelerated math receive an additional
21 five points. This is the lower right-hand corner under --

22 THE COURT: I see it.

23 MR. BARLOW: All right. AP courses receive an
24 additional five points. AP courses for academic year 2010
25 to 2011 only receive 10 points.

1 So what you have when you see 100, it could be
2 anywhere -- the actual grade could have been anywhere from
3 90 to 100. Because it got bumped up 10 points in an AP
4 course for that particular year. All right. If it were
5 an honors course and it's showing 100, the actual grade --
6 the actual numerical average for that grade could be
7 anywhere from 95 to 100. All right.

8 During the course of investigating this, the school
9 district found out that the actual numerical averages of
10 ██████ P ██████ were less than 100, less than what it was
11 showing on the transcript, and that he had received a bump
12 of five to 10 points to take it to 100 in some cases, or
13 close to 100 in some cases.

14 THE COURT: Well, let me just ask you this.

15 MR. BARLOW: Sure.

16 THE COURT: There are no grades on this transcript
17 above 100. So if he had gotten 100 in one of those
18 classes, he would not have received a bump; is that right?

19 MR. BARLOW: Correct.

20 THE COURT: So how do we distinguish which ones get
21 what?

22 MR. BARLOW: Because they gave us the actual
23 numerical averages of his scores in those cases.

24 THE COURT: And where is that?

25 MR. BARLOW: That is Exhibit -- excuse me.

1 THE COURT: That's in the --
2 MR. BARLOW: Tab --
3 THE COURT: -- that he has objected to --
4 MR. BARLOW: -- four --
5 THE COURT: -- right?
6 MR. BARLOW: -- yes.
7 THE COURT: So --
8 MR. BARLOW: So it's not like, Your Honor, we're
9 subtracting 10 points from every hundred he got. We --
10 for example, in -- if you look at tab four, you'll see
11 that in Spanish III honors, he got a 99 and a 99.6.
12 THE COURT: You're confusing me with what you're
13 saying is a tab.
14 MR. BARLOW: All right.
15 THE COURT: Is that your Exhibit No. 3, page what?
16 MR. BARLOW: It's my Exhibit No. 1. All right. And
17 it's tab four of that exhibit.
18 THE COURT: Okay.
19 MR. BARLOW: I'm sorry.
20 THE COURT: Your Exhibit No. 1?
21 MR. BARLOW: My Exhibit No. 1 is the whole binder,
22 Your Honor.
23 THE COURT: Right.
24 MR. BARLOW: Right.
25 THE COURT: So that's your -- this is your Exhibit

1 No. 1?

2 MR. BARLOW: Yes, Your Honor.

3 THE COURT: But let's talk about -- when you say
4 "tab," what are you referring to?

5 MR. BARLOW: Let me hand you up a tabbed version. I
6 apologize.

7 THE COURT: Do you object to that? Have you seen it,
8 Mr. Muller?

9 MR. MULLER: No, no.

10 THE COURT: Okay.

11 MR. BARLOW: That will help us out a whole lot.

12 Thank you.

13 THE COURT: Okay. So you're on tab --

14 MR. BARLOW: Tab four.

15 THE COURT: Okay. Tab four.

16 MR. BARLOW: All right. Tab four is the e-mails from
17 the guidance counselor at Riverside Military Academy --

18 THE COURT: Okay.

19 MR. BARLOW: -- to the guidance counselor at
20 Southside High School.

21 THE COURT: Okay.

22 MR. BARLOW: The back part of that is just a little
23 chart extrapolating the information out of that. Because
24 some of the courses were not honors or AP courses.

25 THE COURT: Okay.

1 MR. BARLOW: All right. So looking at the chart, if
2 you would, Your Honor. For example, in chemistry honors,
3 Mr. P [REDACTED] -- young Mr. P [REDACTED] scored 100 both semesters in
4 that. That's what would have been transferred over on the
5 corrected transcript.

6 THE COURT: Okay.

7 MR. BARLOW: AP world history, for example, you'll
8 see in the 2010-2011 school year, the final numerical
9 average for AP world history for [REDACTED] P [REDACTED] was 93.4 the
10 first semester, 94.5 the second semester.

11 THE COURT: Now, on his transcript, it's 100?

12 MR. BARLOW: On his Riverside Military transcript, it
13 is 100. Okay. Based on their bumping it 10 points. All
14 right. So when he transfers to Southside, that 100 is
15 plugged into the conversions chart that we looked at,
16 5.875 versus whatever it would be for a 94 or a 95.

17 So that's where the school district has the problem
18 with the double bump. You know, there are 161 other
19 students at Southside High School who might have scored a
20 94 or a 95 in AP world history and they don't get a five
21 or 10 point bump. And that's where the fairness comes in,
22 Your Honor.

23 THE COURT: Well, here is my problem --

24 MR. BARLOW: Sure.

25 THE COURT: -- I think you're asking me to do exactly

1 what you've told me I should not do, which is to interpret
2 the grades. I don't think I'm qualified to do that. I
3 don't think the Court is qualified to do that. The
4 problem -- and, I mean, I've got some real questions about
5 this.

6 How did this other mother get ahold of his transcript
7 and complain about this -- Mr. P [REDACTED] transcript?

8 That is, to me, a real issue and a problem.

9 MR. WEBB: Judge, if I may.

10 THE COURT: Yes. Tell me about it.

11 MR. WEBB: Doug Webb, general counsel for the school
12 district.

13 To my knowledge, the mother who inquired with the
14 school district and first notified the school district
15 regarding Riverside Military Academy giving this numerical
16 bump to begin with his friends -- or was friends -- I don't
17 know the relationship now -- with the -- Mr. P [REDACTED]
18 parents.

19 Now, the school district never provided his
20 transcript to this parent -- the other parent. Okay. I
21 believe she heard about it -- heard about Riverside
22 Military Academy having a different grading policy, a
23 different bump, and, therefore, realized that if he
24 transferred in, he would receive this double bump.

25 And, you know, I will say that the school district

1 complied completely with the Family Educational Rights and
2 Privacy Act. To suggest otherwise is not accurate, Judge.
3 So I just want to clear that up. That the school district
4 has a right under the federal law to inquire with the
5 previous school -- the school in which he transferred to
6 make sure his grades are accurate. And we never provided
7 transcripts to this other parent.

8 THE COURT: Okay. Well, here is my -- you're exactly
9 right. Courts are loathed to get involved in this. We
10 don't like doing it. We're well aware of the -- I mean,
11 if there is a more vehement emotion than a parent with the
12 success of their child, I'm not aware of it. So, I mean,
13 that is the base line here.

14 What we're looking at is did the school district
15 follow their own regulations? It would be one thing if
16 the school district had said we need to check out, you
17 know, the background at Riverside before we issue a
18 transcript. And then -- but you -- but the transcript
19 came out. I don't know if -- how Ms. S [REDACTED] received the
20 notice that this young man was number one in the class. I
21 have no idea. But, you know, I'm not suggesting that the
22 school district announced it. But it happened.

23 And, I mean, it's -- there's some real questions
24 here. There's no -- I mean, the regulations say you must
25 accept the numerical average. You must. It doesn't say

1 you can go back and interpret how the other school came --
2 it doesn't -- I mean, y'all tell me --

3 MR. MULLER: Well, Your Honor --

4 THE COURT: -- does it say you can interpret what
5 another school did?

6 MR. BARLOW: Well, Your Honor, one thing is the
7 regulation doesn't define what the numerical average is.
8 We'd submit the numerical average is what he earned before
9 the bump. I mean, that's how it would apply in
10 Greenville.

11 THE COURT: Well, didn't you all base the first
12 transcript you got on the transcript you received from
13 Riverside High School?

14 MR. BARLOW: I think that they did. But then they
15 realized that there were some errors that somebody should
16 have caught with the bumping points --

17 THE COURT: Well, there are no errors. That is --
18 are there errors in the transcript, or is it just the
19 interpretation of the grade -- the final numerical grade
20 that we're talking about?

21 MR. BARLOW: I think there were errors in the
22 interpretation of the transcript, based on the five or 10
23 points that somebody might have overlooked, you know.
24 Certainly, government employees, school district employees
25 make mistakes and --

1 THE COURT: No. I'm not --

2 MR. BARLOW: -- they're entitled to correct that.

3 THE COURT: And I'm, certainly, not --

4 MR. BARLOW: When it gets to the end of the day, I
5 mean, to issue a mandamus, Your Honor, I think the case
6 law is really clear that this has to be a clear definite
7 legal right. The purpose of mandamus is not to adjudicate
8 what the legal right is whether the Plaintiff has a right
9 to double bump based on this, or, you know, what numerical
10 averages means, or the effect of the other regulation that
11 says accept the units as if they were earned at Southside
12 High School, which, of course, we submit that that's --
13 you've got to consider the fact that kids at Southside
14 High School don't have the benefit of the five or 10 point
15 bump.

16 So the fairest thing to do is to ignore the five or
17 10 point bump, apply the numerical average as if it
18 were --

19 THE COURT: Well, see, that's where -- you know, that
20 could be right. I'm not saying that's not right. But
21 that's not what the regulations and the law says. Because
22 there could be times -- I mean, just the opposite could be
23 true, too, that this Riverside High School is so demanding
24 that the grade he got there, the same amount of work and
25 input that he had in that class could have -- if he got a

1 93 in this one class at Riverside, he could have got 110
2 at Southside. That's why you can't, you know, go back and
3 interpret it.

4 MR. WEBB: If I may, Judge.

5 THE COURT: Yes.

6 MR. WEBB: I think this case is different. What is
7 different in this case is within the four corners of the
8 transcript that the district received from Riverside
9 Military Academy. There's an asterisk that says, these
10 inflated numerical grades -- inflated as a bump. And this
11 is completely different than other transcripts that the
12 district receives.

13 You're correct in your interpretation that when the
14 district receives a transcript absent this asterisk which
15 denotes specialized treatment, we don't inquire into the
16 validity of those grades from an accredited institution.
17 But this is different.

18 Within the four corners, we had knowledge, Judge.
19 And then from there, once we had knowledge, the district
20 through talking and looking into the situation looked at
21 the law, the regulation and what that said and how it
22 would affect not only this student, but other students at
23 Southside High School.

24 And I agree with Mr. Muller. I think that this
25 student is a bright student. We wish him all the success

1 in the world going forward. But what we care about here
2 as a school district is making sure that this situation is
3 treated in the most equitable fashion possible under the
4 law.

5 THE COURT: Well, and I -- Doug, I -- you know,
6 everybody wants that. And what my question from sitting
7 up here is, what kind of impact did this other mother
8 have? I mean, this is where there's -- I'm just telling
9 you, it's smokey.

10 MR. WEBB: Judge, I believe in all honesty that
11 there's no smoke.

12 What happened was this mother contacted Southside
13 High School with this belief. Now, again, I don't know
14 where she got this belief. I believe it's because she was
15 friends with the parents. But once we were informed of
16 it, Judge, it doesn't matter who contacted us, whether it
17 be Riverside Military Academy, this parent, another
18 parent, his parents, we would have done the same exact
19 thing, Judge. It doesn't matter who contacted us.

20 THE COURT: Well, it, certainly, looks like -- here
21 is another thing that bothers me is this young man got a
22 transcript. It's an official transcript. And all the
23 sudden the next then he hears, no, he's not party to any
24 of the -- there's no due process here where he's -- you
25 know, you're talking about changing somebody's transcript.

1 And he's got -- they've got no input. That is a concern.

2 MR. BARLOW: If I may, Your Honor.

3 THE COURT: Yes. Yes, please.

4 MR. BARLOW: Certainly, due process before today -- I
5 mean, as -- the Exhibit No. 2 I handed up was --
6 certainly, Doug met with Mr. Muller. They've had
7 opportunities to speak with the school district and try to
8 work this out and try to resolve it. So, in that sense,
9 there has been some due process.

10 Certainly, we're not here on a due process claim.

11 But I know it's certainly --

12 THE COURT: Well, I'm concerned about it.

13 MR. BARLOW: Certainly.

14 THE COURT: I mean, it just happens and he doesn't
15 know anything about it. He gets a transcript that's been
16 changed. I mean, you know, maybe -- I don't know when
17 Mr. Muller got involved in it. I don't know all that.

18 It, certainly, looks like there could be discoverable
19 information. You know, how many other transcripts of
20 transfer students are there that could be questioned, that
21 could be called into question?

22 I've got real concerns about it, that the school
23 district is -- even your argument is well taken that it is
24 okay in the four corners. But, you know, perhaps, the
25 reason they gave the bump is because of the demands in the

1 course. I have no idea about Riverside Military school,
2 none. I don't know that much about Southside.

3 What is the time frame on this?

4 The Chief Justice told me to get this done in a hurry
5 because of -- because it needs to be expedited.

6 MR. MULLER: Your Honor, Mr. P [REDACTED] has to have his
7 entire application complete and in the hands of the school
8 to which he's applying by November 1st. And that includes
9 the transcript, the letters of recommendation, everything.
10 So, you know, it's a fairly short time frame.

11 But all we're asking for is restoration of the
12 transcript that they originally --

13 THE COURT: Okay. And let's say I do that, what's
14 the school -- I mean, this is going up. This is a policy
15 decision.

16 Am I right about that?

17 MR. WEBB: Judge, we have grave concerns with that.

18 THE COURT: Well, no, I'm talking -- I'm just talking
19 about from the legal footing of it. This is -- either way
20 I decide, it's going to the next level, isn't it?

21 MR. WEBB: We have concerns about the other students.
22 So, yes, you are correct, Judge.

23 THE COURT: Yes.

24 And, Mr. Muller, I would assume if I deny your
25 petition for a writ that you're not done?

1 MR. MULLER: We feel pretty strongly about it, Your
2 Honor. But we have not made any decision one way or the
3 other about the next step, if any.

4 But I do think that it's important for the transcript
5 to be changed in time for him to complete his college
6 applications that are due on November the 1st. Otherwise,
7 he'll suffer irreparable harm.

8 MR. WEBB: And, Judge, if I may, in all -- with
9 respect to you, Judge, if you changed his transcript, that
10 affects the other one hundred plus students and their
11 applications to college. And that's the concern here.

12 THE COURT: Well, how much -- I mean, we're talking
13 about the edge of a knife. I'm trying to split the baby.
14 I don't see it.

15 This is all, I guess, about class rank. Is that what
16 we're talking about, I mean, right at the bottom line?

17 MR. MULLER: It's really not, Your Honor. It's about
18 getting what he earned.

19 I mean, I don't know what his class rank will be.
20 He's a great student. But I don't know whether he's going
21 to be first, second, third, 10th or what he'll be. We'll
22 take whatever we get. Being valedictorian is no big deal
23 to him. And, frankly, it's a ban of law is what it is.

24 And on that point, Your Honor, let me just hand up,
25 if I could, the regulations under the federal statute.

1 The school district really had no right to ask Riverside
2 for these background grades. Because there's only a
3 handful of circumstances under which --

4 THE COURT: It's Plaintiff's Exhibit No. 21.

5 (WHEREUPON, Plaintiff's Exhibit No. 21 was marked for
6 identification and admitted into evidence.)

7 MR. MULLER: Because there are only a handful of
8 circumstances under which you can do that.

9 Item A on that page, which I'd like to -- on that
10 copy of the federal regulations, which I'd like to mark as
11 Plaintiff's Exhibit No. 22.

12 THE COURT: No. Plaintiff's Exhibit No. 21.

13 MR. MULLER: 21.

14 THE COURT: It's already marked.

15 MR. MULLER: Item A1-1A says that it's okay to
16 disclose it without consent if it's to somebody within the
17 school. Well, that didn't happen here. It wasn't
18 disclosed to somebody within the school. They went
19 outside the school.

20 And then if you go to two, which is on the next page,
21 you can disclose it, but only if it's to somebody
22 involving postsecondary education. This isn't
23 postsecondary education. This is secondary education.

24 So what they did is they violated the federal law by
25 going out to get these so-called background grades. And

1 that's just plain wrong. And it's illegal. They
2 shouldn't be rewarded for that.

3 MR. WEBB: Judge.

4 THE COURT: Yes.

5 MR. WEBB: Two things real quick. Our position is
6 99.34 allows institutions such as a school district to
7 contact, to speak with, to obtain transfer records from
8 other entities. That is the law under the Family
9 Educational Rights Privacy Act.

10 Secondly, if you would like, the superintendent of
11 the school district of Greenville County is here,
12 Mr. Burke Royster, and he may be able to shed some light
13 on this situation, if you would like to hear from him.

14 THE COURT: Well, sure. I'll be happy to hear
15 whatever y'all have got to say. I don't -- this is a very
16 difficult...

17 MR. BURKE ROYSTER: Your Honor, I don't know that I
18 can add a great deal that will give clarity to some of the
19 questions that were raised today. I wasn't involved in
20 this at the outset of the matter. I do know about it in
21 summary. I was made aware of it at some point during the
22 process what was going on by Mr. Webb and by our academics
23 staff.

24 I think -- you know, it was just very apparent to me
25 as I was sitting here listening, and watching, and hearing

1 what you had to say -- and I think you're faced with a
2 great dilemma. And it's a dilemma not unsimilar -- or not
3 dissimilar to the one that was faced by our folks in
4 interpreting the transcript.

5 I wish that this had been handled a little
6 differently from the outset. I think some good points
7 were made as far as the early involvement of the other
8 parent. I don't know how this came to the person's
9 attention that brought it forward.

10 But it seems to me that our counselor, initially, did
11 not pay attention to this note on the transcript. The
12 note on the transcript contained within the borders of
13 that transcript raised some question on the mind -- in the
14 minds of our academics division. And they sought clarity,
15 which is not unusual to seek clarity from another school
16 or another school district when you receive a transcript,
17 and particularly one that may have something on it that
18 you have a question about.

19 I wish they had raised that question, initially,
20 prior to ever issuing the transcript. Unfortunately, I
21 think either Mr. Webb or Mr. Barlow said, you know, people
22 sometimes act in a way that on review might have been
23 prudent to have acted a little more slowly.

24 THE COURT: We're all guilty of that.

25 MR. BURKE ROYSTER: Yes, sir. And, perhaps, not

1 issued the transcript so quickly.

2 But it does raise very difficult questions for all of
3 us. And that is how to deal with this transcript knowing
4 that the grade, actually, earned had a number added to it
5 at various points that's noted on the transcript. And how
6 do we include that and how do we enter that into the
7 consideration of not only that individual's attainment,
8 but how that relates to others within the class at
9 Southside High School.

10 And as you I'm sure are aware and remember from time
11 in school and hearing other people talk about it as well,
12 quite often, there's great competition for first, second,
13 third, fourth place in a particular class. And that,
14 oftentimes, students seek advantage in what they choose to
15 try to elevate that GPA. Because it, certainly, has a
16 meaning to them in college admission. It has a meaning in
17 earning scholarships. In fact, there are some
18 institutions that give full scholarships to those who are
19 first or second in their class. So it has great meaning
20 to a number of people.

21 And whatever decision was made about this young man's
22 transcript, obviously, effects that young man and it
23 effects other young men and young women in that class. So
24 it was not an easy issue for the school to address, nor
25 for the district to address.

1 There was never any intent, though, for anyone to
2 hide anything or for anyone to do anything behind
3 someone's back. I hate that there are any facts in the
4 matter that appear that way. And there was no -- there
5 may be some appearance there was some undue influence, but
6 there was no undue influence exerted.

7 As I think the point was already made, no matter who
8 brought this to our attention, it is a concern. It's an
9 issue. It's a problem. Once it was brought to our
10 attention, we couldn't ignore it simply because it might
11 have been brought by the parent of another student. We
12 had to address it.

13 And we believe, from a district standpoint, that we
14 addressed it in a manner prudent, that exercised good
15 judgment, and that we did the due diligence that we could
16 do in order to try to bring clarity to it to make the
17 right decision for all of those involved. And,
18 unfortunately, whatever decision we make -- whatever
19 decision you make will affect some people positively and
20 will affect some people negatively.

21 And we hope that we made the decision to the best of
22 our ability given the facts that we had. And we did it
23 only with the purpose of making the best decision and
24 making the decision we believe was right to make in that
25 particular case.

1 So I'm sorry that some of the facts appear, perhaps,
2 murky in review, but there was no intent to do it that
3 way.

4 THE COURT: Well, a couple things struck me. One is
5 you are talking about interpreting a transcript.

6 MR. BURKE ROYSTER: Yes, sir.

7 THE COURT: And then the other thing is it's -- there
8 is -- I mean, I just don't know that Georgia gives these
9 quality points. Isn't that what they're called?

10 MR. BURKE ROYSTER: Yes, sir.

11 THE COURT: I don't know if they do that in their --
12 if their donation of quality points assigning quality
13 points for elevated more difficult classes is just exactly
14 what you're talking about with the grade bump. I mean,
15 that's why Mr. Muller's point is so well taken that the
16 law is clear, the regulations are clear about you must
17 take the numerical number.

18 MR. BURKE ROYSTER: Yes, sir.

19 And I think what -- if I might, Your Honor, what made
20 that murky to us was the fact that on that same page, it
21 said, and we added this many points in these cases. So
22 which grade is the transcript? Is it the grade that
23 appears, or is it the grade minus the notation?

24 THE COURT: Well, and then the other problem, I mean,
25 is if you made 100 in a class, he doesn't get any extra.

1 And we don't know -- I mean, it's -- we don't know the
2 accuracy of what's reported in these unofficial e-mails.
3 You've got the official transcript. And there's -- and
4 that's what we go by.

5 MR. WEBB: And, Judge, with the official transcript,
6 I would say that I'm not sure I agree with the fact that
7 we interpret the transcript. What we did is when we
8 became aware that there was an asterisk within the four
9 corners of the transcript, then we did our due diligence
10 to find the accurate numerical averages for young
11 Mr. P [REDACTED].

12 Then from there, we did what we thought was in the
13 best interest of everyone involved in accordance with the
14 law. Now, as far as the accuracy of the -- and the
15 authenticity of the e-mail from Riverside Military
16 Academy, we had short notice with regard to the hearing.
17 I think we would be happy to provide the Court with
18 additional materials to alleviate any concerns with that
19 accuracy. But, you know, we've only had a few days here
20 to -- before this hearing.

21 THE COURT: I know. I mean, it's got to be done on
22 short notice.

23 MR. WEBB: Sure.

24 THE COURT: I guess this most often comes up in
25 athletes transferring schools. Would that be a fair

1 statement?

2 MR. WEBB: Judge, I would say this is a unique
3 situation that I have not experienced. And our people
4 from my discussions have not experienced this asterisk on
5 a transcript before.

6 MR. BURKE ROYSTER: Your Honor, I was a high school
7 principal about 10 years ago. I don't recall ever seeing
8 a transcript like that with that sort of notation on it.

9 In fact, you know, one of the reasons that we have --
10 and I think Mr. Muller probably made that point. But one
11 of the reasons that we have the uniform grading scale in
12 South Carolina is to address those sorts of differences.
13 Prior to the uniform grading scale, individual school
14 districts would adopt their own grading schedules. For
15 example, maybe at one place, a 95 to 100 was an A. And in
16 another place, a 90 to 100 was an A.

17 So in trying to particularly deal with transfer
18 students, it was very difficult to bring them in and
19 accurately translate what that grade was where they came
20 from into the system that they were coming into.

21 And there is incredible competition for those top
22 slots. And it is not unusual without anyone in a school
23 ever saying anything to a student -- for those students in
24 that top 10, it's very normal for them to know exactly
25 where they stand amongst themselves. There's quite a lot

1 of conversation that goes on between and amongst them,
2 between and amongst their parents sometimes. They very
3 often know exactly where they stand and where others stand
4 without anybody from the school providing that
5 information.

6 THE COURT: Yes.

7 MR. BARLOW: Your Honor, just to bring this back to a
8 legal framework. Essentially, what's being made here is
9 an estoppel argument. You told them one thing and you've
10 got to stick with what you told them the first time. But,
11 you know, estoppel against the government requires you to
12 show reliance on it, and justifiable reliance on it, and
13 prejudicial reliance on it. And there's been no --
14 nothing offered that would show that he wouldn't have
15 transferred to Southside or that there was any prejudice
16 suffered by this back and forth. It's not the ideal
17 circumstance. But to make an estoppel claim against the
18 government, that's a key element. And that's not here.

19 THE COURT: Well, you know, I'm wondering how many
20 other transfer students received a bump in their grade and
21 just because that school that sent the transcript didn't
22 put an asterisk down there, no one knew to check it out.

23 And we've all suffered from -- well, I don't know.
24 Some of us, it probably wouldn't matter. But for some of
25 us who -- I think back to law school and the mean average

1 of the three different sections varied by a huge amount.
2 It just depended on who the professor was. Nobody got the
3 benefit of that by saying, well, look at the mean average
4 of the sections and so, you know, you should -- my work
5 was better because of me -- is better than it shows
6 because the mean of my section is lower than the mean of
7 that section so give me a job, instead of the guy that's
8 here because my section was tougher. I mean, that's a...

9 All right. Well, I wish -- I just need to -- I don't
10 do it lightly. I don't assign blame anywhere. But I'm
11 going to grant his writ just based on the fact that the
12 clear language of the regulations and the law is that it
13 must accept it. And I guess my finding would be that
14 the -- without assigning fault, and I'm really not, or
15 blame, or anything of that nature that the law is clear.
16 And that it would be my finding that the school district's
17 well intention efforts at fairness and equality which led
18 to them -- and I'm going to define it as interpreting --
19 to interpret the transcript to reduce the numerical number
20 was wrong. And I'll let y'all talk to somebody who's
21 smart enough to figure this out.

22 Would you do an order just as quickly as possible,
23 Mr. Muller?

24 MR. MULLER: Yes, sir. I'll do one this afternoon.

25 THE COURT: Okay. And would you like -- can I talk

1 to the lawyers up here for a second?

2 (WHEREUPON, a bench conference was held.)

3 THE COURT: I would say this just for pontificating
4 that it is a very dangerous thing to -- I mean, you've got
5 to -- I mean, you've got to be careful. But to spread
6 around your success, academic, financial, athletic --
7 because as soon as you start to think you're the best
8 there is, you find out very quickly that there's somebody
9 else out there who is better. And so anything -- any
10 success that a person has needs to be tempered with
11 humanity.

12 But having said that, work hard.

13 MR. MULLER: Thank you, Judge.

14 MR. WEBB: Thank you, Judge.

15 THE COURT: I did not -- this is not an exhibit. So
16 would you prefer to substitute this for the other?

17 MR. MULLER: I would.

18 THE COURT: Hollie, will you just put Defendant's
19 Exhibit No. 1 on that.

20 THE COURT REPORTER: Yes, sir.

21 THE COURT: Thank you.

22 *****END OF TRANSCRIPT OF RECORD*****
23
24
25

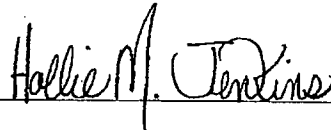
CERTIFICATE OF REPORTER

STATE OF SOUTH CAROLINA)
COUNTY OF GREENVILLE)

I, HOLLIE JENKINS, Official Court Reporter for the Thirteenth Judicial Circuit of the State of South Carolina, do hereby certify that the foregoing is a true, accurate, and complete Transcript of Record of the proceedings had and the evidence introduced in the captioned case, relative to appeal, in the Court of Common Pleas for Greenville County, South Carolina, on the 4th day of October, 2013.

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

January 14, 2014



Hollie M. Jenkins, Court Reporter

My Commission Expires: 09/24/20

*per Guidance manual
 enter semester as received.
 changed transcript to
 reflect if grades are
 different.



RIVERSIDE
 MILITARY ACADEMY

Math II Acc = Alg 2-4
 Math III Acc = Pre Calc

Address: [Redacted]

SSN: [Redacted]
 Gender: Male
 Date entered: 5/17/2010
 Date left:
 Graduation date:
 Birth date: [Redacted] 996

called school - per Ms. Loewen - Mr. H. [Redacted] Lt. = World I
 - Military Cadet - ROTC
 - Math I Acc - Alg 1
 - Math II Acc - Alg 2-4
 - Math III Acc - Pre Calc

Year	Course name	Sem1	CE	Sem2	CE	Year	CE	Summer	CE	Honors and Awards
09-10	Beck Academy									Award
	Spanish I 367107CW	95	0.5							9th Grade - 1st Sem Gold Star
	English 9 367108CW	95	0.5							Award
	Algebra I H 411103HW	95	0.5							9th Grade - 1 Hour Community Service
	Riverside Military Academy									Award
	Lit & Comp (9th) H		100		0.5					9th Grade - 2nd Sem Gold Star
	Math I Accelerated Alg 1		100		0.5					Award
	American History 9		97							10th Grade - 1st Sem Gold Star
	Physical Science 9 H		100							Award
	Art 9912CH					99		0.5		10th Grade - Nat'l Honor Society
	Computer Science 9					98		0.5		Award
	Spanish I		100		0.5					10th Grade - 2nd Sem Gold Star
	Computer Science 8		100							
	Lifetime Sports & Fitness		97							
	Cumulative Credits:								4	Appropriate Grade Conversion
10-11	Riverside Military Academy									A: 90-100*
	Multicultural Literature H 304305HW	100	0.5							B: 80-89**
	Multicultural Literature H			100	0.5					C: 70-79**
	Math II Accelerated 411203HW	100	0.5							F: below 70
	Math II Accelerated			100	0.5					* Recommendation given for cadet to proceed to next level in subject.
	AP World History 301106AW	100	0.5							Accreditation
	AP World History			100	0.5					Southern Association of Colleges and Schools
	Biology H 372102HW	96	0.5							Explanatory Notes
	Biology H			99	0.5					H=Honors Section
	Spanish II H 345207CW	100	0.5							AP=Advanced Placement
	Spanish II H			100	0.5					Honors courses and accelerated math receive an additional 5 points.
	Military Science I J ROTC I	98	0.5							AP courses receive an additional 5 points.
	Military Science I 379730CW			99	0.5					AP courses for academic year 2010-2011 only received 10 points.
	Community Service Hours									Students are not allowed to take more than 2 AP courses without approval by Academic Dean.
	Cumulative Credits:								10	Transcript is unofficial unless signed by a school official and received in a sealed Academy envelope.
11-12	Riverside Military Academy									
	AP English Language 301105AW	98	0.5							
	AP English Language			100	0.5					
	Math III Accelerated 411303HW	100	0.5							
	Math III Accelerated			100	0.5					
	US History Honors 332003HW	100	0.5							
	US History Honors			100	0.5					
	Chemistry H 373103HW	100	0.5							
	Chemistry H			100	0.5					
	Spanish III H 305303HW	100	0.5							
	Spanish III H			100	0.5					
	Computer Science II 500803CH	99	0.5							
	Military Science II J ROTC 2	100	0.5							
	Military Science II 379740CW			99	0.5					
	Community Service Hours									

Signature: [Handwritten Signature]

Title: Registrar

Date:

Student Name P. [REDACTED]		
Student ID [REDACTED]	Grade 11	Gender M
State ID [REDACTED]	Date of Birth [REDACTED] 1986	Ethnic Code W
Parent Guardian P. [REDACTED] S & [REDACTED], Lee [REDACTED] [REDACTED] [REDACTED]		

State of South Carolina Standard High School Transcript

Graduation Date:

Class Of: 2014

Diploma Type: None

School Name/Address Southside High School 6630 Frontage Road Greenville, SC 29605 Tel: 864-355-8700 Fax: 864-355-8788
District Name/Address Greenville County Schools 301 E. Camperdown Way Greenville, SC 29601 Tel: (864)355-3100 Fax: (864)355-1086

Crs ID	Course Title	Term	Grd	Mark	Credit	Crs ID	Course Title	Term	Grd	Mark	Credit
09-10 Riverside Military Academy											
301135hw	Eng 1H:Genre Analysis	YR	8	98	1.00	5.125					
350112ch	Art 1	YR	8	99	0.50	4.750					
365107cw	Spanish 1 CP	YR	8	98	1.00	4.625					
411103hw	Algebra 1 H	YR	8	98	1.00	5.125					
510002ch	Keyboarding	YR	8	100	0.50	4.875					
10-11 Riverside Military Academy											
	Spanish 2 H	YR	9	100	1.00	5.375					
301435HW	Eng 4H:World Lit Analysis	YR	9	100	1.00	5.375					
322103hw	Biology 1 H	YR	9	98	1.00	5.125					
337705aw	AP World History	YR	9	100	1.00	5.875					
379930cw	JROTC Raider Challenge 1	YR	9	99	1.00	4.750					
411203HW	Algebra 2 H	YR	9	100	1.00	5.375					
11-12 Riverside Military Academy											
307105aw	AP Eng Lang/Comp	YR	10	99	1.00	5.750					
323103hw	Chemistry 1 H	YR	10	100	1.00	5.375					
332003hw	US History H	YR	10	100	1.00	5.375					
365303hw	Spanish 3 H	YR	10	100	1.00	5.375					
379942cw	JROTC Raider Challenge 2	YR	10	100	1.00	4.875					
413103HW	Pre-Calculus H	YR	10	100	1.00	5.375					
500802CH	ComputerApps1	YR	10	99	0.50	4.750					
						SC UGP GPA 4.0 GPA					
GPA Summary						5.215 4.000					
Class Rank						1 of 199					
Date Calculated						October 3, 2012					
Credit Summary											
Total Credit Attempted: 16.50											
Total Credits Earned: 16.50											

To determine the course academic level refer to the seventh character in each course ID.

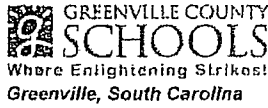
If graduation date is a future date, current year reflects Work in Progress.

Official Signature _____ Carlos Brooks, Principal or Designee Date: _____

An official signature and/or seal is required for manually created transcripts.
Information about the South Carolina Uniform Grading Policy can be found at:
http://ed.sc.gov/topics/curriculumstds/sc_ugp.html

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Greenville County Schools
301 E. Camperdown Way
Greenville, South Carolina 29601
Phone: 864-355-3100
Email: info@greenville.k12.sc.us
Hours: Monday-Friday 8:00 am-5:00 pm
Help?

Greenville County Schools Grading

Course Grading

The district complies with the State Board of Education policy regarding a statewide uniform grading scale.

A = 100-93
B = 92-86
C = 84-77
D = 76-70
F = 69-61

Grading Scales

Kindergarten

Student progress in kindergarten is reported for South Carolina kindergarten standards as follows.

- language and literacy
 - mathematics readiness
 - motor skills
 - personal and social development
- Scale =
- + Consistently demonstrates
 - ✓ Sometimes demonstrates
 - Rarely or never demonstrates
 - * Not yet demonstrated

Grade One

Student progress in grade one is reported for South Carolina first grade standards as follows:

- Personal and Social Growth
 - Reading
 - Language Arts
 - Related Arts
 - Mathematics
 - Science
 - Social Studies
 - Penmanship
- Scale =
- + Consistently demonstrates
 - ✓ Sometimes demonstrates
 - Rarely or never demonstrates
 - * Not yet demonstrated

Grades Two through Twelve Grading Scales

Student progress in grades two through twelve is reported for all subjects as follows.

The South Carolina Uniform Grading Scale and the system for calculating grade point averages (GPAs) and class rank will be effective for all students in the 2007-2008 school year. The policy requires that the lowest grade given to a student at the end of a course is a 61. This grade would be considered a "floor" grading.

Elementary (grades 2 - 5) and middle schools will have a floor of 61 for each grading period. High schools will have a floor of 50 for all students with one exception. Ninth graders will have a floor of 61 at the end of 1st and 3rd quarters (block schedule) or 1st semester (traditional schedule). Interim progress reports will show all grades, including those below 61. Teachers will contact parents when a student receives a failing progress report.

Grading values are:

- 81 - 89: F - all elementary and middle schools
- 60 - 69: F - all high schools (exception of 9th graders: 1st and 3rd block schedules, 1st semester traditional schedules)
- 70 - 78: D
- 77 - 84: C
- 85 - 92: B
- 83 - 100: A

State Uniform Grading Scale

Conversion process

All report cards and transcripts will use numerical grades for courses carrying Carnegie units. Transcripts and report cards will show course title and level/type of course taken. The grading scale must be printed on the report card.

When transcripts are received from accredited out-of-state schools (or in-state from accredited sources other than the public schools) and numerical averages are provided, those averages must be used in transferring the grades to the student's record. If letter grades with no numerical averages are provided, the following equivalents will be used to transfer the grades into the student's record.

- A=96
- B=88
- C=80
- D=73
- F=61

If the transcript indicates that the student has earned a passing grade in any course with a numerical average lower than 70, the average will be converted to a 73 numerical grade.

If the transcript shows that the student has earned a grade of "P" (passing), that grade will be converted to a numerical grade based upon information secured from the sending institution as to the approximate numerical value of the "P." If no numerical average can be obtained from the sending institution, the receiving school will calculate the student's cumulative transfer GPA and the corresponding number equivalent will be assigned to replace the "P."

End-of-course testing and the credit recovery option

In courses requiring state end-of-course testing, the district will apply the mandatory 20 percent weighting of the end-of-course test to the student's final grade. The student will be allowed to take the examination only once, at the end of the regular course duration and not at the end of an extended period granted through the credit recovery option. The school will treat students who repeat the course as though they were taking the course for the first time and all requirements will apply.

Honors courses

Honors courses are intended for students exhibiting superior abilities in the particular course content area. The honors curriculum places emphasis on critical and analytical thinking, rational decision-making, and inductive and deductive reasoning. Honors courses should not encourage a student to graduate early, but should extend course opportunities at the high school level.

The district may designate honors courses and give the assigned weighting under the following conditions.

- An honors course must have a published syllabus that verifies rigor sufficiently beyond the College Preparatory (CP) requirements.
- Textbooks and/or other course materials must be differentiated and more rigorous than those used in CP courses.
- Honors courses may be offered in English, mathematics, science and social studies. Additionally, honors courses may be designated in other content areas for the third or fourth level of the courses provided the two criteria listed above are met. Honors weighting may not be designated in any physical education courses.

One-half of a quality point (.5) will be added to the CP weighting for honors courses that meet all three criteria listed above. These criteria apply to all courses, including those offered online and in other nontraditional settings as well as those recorded on a transcript from an out-of-state-school accredited under the board of education of that state or the appropriate regional accrediting agency.

Advanced Placement (AP) and International Baccalaureate (IB) Courses

The following criteria apply to the College Board's AP courses and to IB courses, including those offered online and in other nontraditional settings as well as those recorded on a transcript from an out-of-state-school accredited under the board of education of that state or the appropriate regional accrediting agency.

- AP or IB courses will be awarded a full quality point above the CP weighting. Seminar or support courses for AP or IB may be weighted as honors but not as AP or IB courses.
- A standard-level (SL) IB course will carry only one quality point. However, two quality points of IB credit will be granted for higher-level (HL) courses in the IB program that require a minimum of 240 hours of instruction.

Dual credit courses

Dual credit courses, whether the course is taken at the school site where the student is enrolled or at a post-secondary institution, are defined as those courses for which the student has received permission from his/her home school to earn both Carnegie units and credit for those particular courses. One quality point will be added to the CP weighting for dual credit courses that are applicable to baccalaureate degrees or associate degrees offered by accredited institutions.

College orientation classes for dual credit will be weighted as CP.

Grade point averages (GPA)

The uniform grading scale and system for figuring GPA and class rank will apply to all courses carrying Carnegie units, including units earned at the middle/junior high school level.

As applicable, the district will recalculate GPAs already earned by students based on the three-decimal-point scale as outlined in this administrative rule. Increased quality points for dual credit courses and full credit for dual credit courses will not be figured into recalculations.

Grade point averages will be figured uniformly in all schools using the following formula. The formula will yield each student's GPA which can then be ranked from highest to lowest rank in class. Computations will not be rounded to a higher number. All diploma candidates are included in the ranking.

$$\text{GPR} = \frac{\text{sum (quality points x units)}}{\text{sum of units attempted}}$$

Class Rankings

Class rankings will be determined based on the grade point ratios ("GPRs") of students in grade twelve at the conclusion of the seventh semester of high school in order:

- To determine honor graduates and select a valedictorian and salutatorian. The high school will determine the manner of recognition of honors graduates, i.e., honor cords, special recognition in the graduation program/ceremony, etc.
- To provide information students need for applications for admission to post-secondary programs; and
- To provide information students need for scholarships and other awards.

However, class rank for LIFE Scholarships is determined at the conclusion of the spring semester of the senior year.

Course withdrawals

With the first day of enrollment as the baseline, students who withdraw from a course within three days in a 45-day course, five days in a 90-day course or 10 days in a 180-day course will do so without penalty.

Students who withdraw from a course after the specified time of three days in a 45-day course, five days in a 90-day course or 10 days in a 180-day course will be assigned a WF and the F (as a 61) will be calculated in

the student's overall grade point average.

The three, five and 10-day limitations for withdrawing from a course without penalty do not apply to course or course level changes approved by the administration of a school. The district will establish withdrawal limitations for distance learning courses.

Students who drop out of school or are expelled after the allowed period for withdrawal but before the end of the grading period will be assigned grades in accordance with the following.

- The student will receive a WP if he/she was passing the course. The grade of WP will carry no Carnegie units and no quality points to be factored into the student's GPA.
- The student will receive a WF if he/she was failing the course. The grade of WF will carry no Carnegie units but will be factored into the student's GPA as a 61.

If a student fails a course due to excessive absences, the school will record an FA on his/her transcript. The grade of FA will carry no Carnegie units but will be factored into the student's GPA as a 61.

Retaking courses

Students in grades nine through 12 may retake a course at the same level of difficulty if they earned a D or F in that course. The student's record will reflect all courses taken and the grades earned.

The student may retake the course either during the current school year or during the next school year but no later than that second year. In addition, the student must retake the course before he/she has enrolled in the next sequential course (unless granted approval by the school administration to do so).

A student who has taken a course for a Carnegie unit prior to his/her ninth grade year may retake that course regardless of the grade earned. In this case, only the retake grade will be used in figuring the student's GPR and only the retake attempt will show on the transcript. This rule will apply whether the retake grade is higher or lower than the grade previously earned by the student.



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10/1/13

BoardDocs® Policy Introduction



Book	Policies
Section	I - Instructional Program
Title	Academic Achievement; Grading Systems
Number	IHA
Status	Active
Legal	
Adopted	October 10, 2000
Last Revised	May 22, 2007

The district complies with the State Board of Education policy regarding a statewide uniform grading scale.

The Uniform Grading Policy is effective for all students beginning in the 2007-2008 school year and is set out below.

A = 100-93
B = 92-85
C = 84-77
D = 76-70
F = 69-61

The administration will develop regulations and procedures necessary to implement this policy.

Rule: IHA



Book	Rules
Section	I - Instructional Program
Title	Academic Achievement: Grading Systems
Number	IHA
Status	Active
Legal	
Adopted	May 1, 1981
Last Revised	October 1, 2007

Grading scales

Kindergarten

Student progress in kindergarten is reported for South Carolina kindergarten standards as follows.

- language and literacy
- mathematics readiness
- motor skills
- personal and social development

Scale =

- + Consistently demonstrate
- √ Sometimes demonstrates
- Rarely or never demonstrates
- * Not yet demonstrated

Grade one

Student progress in grade one is reported for South Carolina first grade standards as follows:

- Personal and Social Growth
- Reading
- Language Arts
- Related Arts
- Mathematics
- Science
- Social Studies
- Penmanship

Scale =

- + Consistently demonstrates
- √ Sometimes demonstrates
- Rarely or never demonstrates
- * Not yet demonstrated

Grades two through twelve

Student progress in grades two through twelve is reported for all subjects as follows.

The South Carolina Uniform Grading Scale and the system for calculating grade point averages (GPAs) and class rank will be effective for all students in the 2007-2008 school year. The policy requires that the lowest grade given to a student at the end of a course is a 61. This grade would be considered a "floor" grading.

Elementary (grades 2 – 5) and middle schools will have a floor of 61 for each grading period. High schools will have a floor of 50 for all students with one exception. Ninth graders will have a floor of 61 at the end of 1st and 3rd quarters (block schedule) or 1st semester (traditional schedule). Interim progress reports will show all grades, including those below 61. Teachers will contact parents when a student receives a failing progress report.

Grading values are:

61 - 69: F – all elementary and middle schools

50 – 69: F – all high schools (exception of 9th graders: 1st and 3rd block schedules, 1st semester traditional schedules)

70 – 76: D

77 – 84: C

85 – 92: B

93 – 100: A

State uniform grading scale - grades nine through 12

Numerical breaks for letter grades, weightings for specified courses and a conversion chart for computing grade point ratios follow.

South Carolina Uniform Grading Scale Conversions

Numerical average	Letter grade	College Prep	Honors	AP/IB/Dual Credit
100	A	4.875	5.375	5.875
99	A	4.750	5.250	5.750
98	A	4.625	5.125	5.625
97	A	4.500	5.000	5.500
96	A	4.375	4.875	5.375
95	A	4.250	4.750	5.250
94	A	4.125	4.625	5.125
93	A	4.000	4.500	5.000
92	B	3.875	4.375	4.875
91	B	3.750	4.250	4.750
90	B	3.625	4.125	4.625
89	B	3.500	4.000	4.500
88	B	3.375	3.875	4.375
87	B	3.250	3.750	4.250
86	B	3.125	3.625	4.125
85	B	3.000	3.500	4.000
84	C	2.875	3.375	3.875

83	C	2.750	3.250	3.750
82	C	2.625	3.125	3.625
81	C	2.500	3.000	3.500
80	C	2.375	2.875	3.375
79	C	2.250	2.750	3.250
78	C	2.125	2.625	3.125
77	C	2.000	2.500	3.000
76	D	1.875	2.375	2.875
75	D	1.750	2.250	2.750
74	D	1.625	2.125	2.625
73	D	1.500	2.000	2.500
72	D	1.375	1.875	2.375
71	D	1.250	1.750	2.250
70	D	1.125	1.625	2.125
69	F	1.000	1.500	2.000
68	F	0.875	1.375	1.875
67	F	0.750	1.250	1.750
66	F	0.625	1.125	1.625
65	F	0.500	1.000	1.500
64	F	0.325	0.875	1.375
63	F	0.250	0.750	1.250
62	F	0.125	0.625	1.125
0-61	F	0.000	0.000	0.000
61	FA	0.000	0.000	0.000
61	WF	0.000	0.000	0.000
---	WP	0.000	0.000	0.000

Conversion process

All report cards and transcripts will use numerical grades for courses carrying Carnegie units. Transcripts and report cards will show course title and level/type of course taken. The grading scale must be printed on the report card.

When transcripts are received from accredited out-of-state schools (or in-state from accredited sources other than the public schools) and numerical averages are provided, those averages must be used in transferring the grades to the student's record. If letter grades with no numerical averages are provided, the following equivalents will be used to transfer the grades into the student's record.

A=96

B=88

C=80

D=73

F=61

If the transcript indicates that the student has earned a passing grade in any course with a numerical average lower than 70, the average will be converted to a 73 numerical grade.

If the transcript shows that the student has earned a grade of "P" (passing), that grade will be converted to a numerical grade based upon information secured from the sending institution as to the approximate numerical value of the "P." If no numerical average can be obtained from the sending institution, the receiving school will calculate the student's cumulative transfer GPA and the corresponding number equivalent will be assigned to replace the "P."

End-of-course testing and the credit recovery option

In courses requiring state end-of-course testing, the district will apply the mandatory 20 percent weighting of the end-of-course test to the student's final grade. The student will be allowed to take the examination only once, at the end of the regular course duration and not at the end of an extended period granted through the credit recovery option. The school will treat students who repeat the course as though they were taking the course for the first time and all requirements will apply.

Honors courses

Honors courses are intended for students exhibiting superior abilities in the particular course content area. The honors curriculum places emphasis on critical and analytical thinking, rational decision-making, and inductive and deductive reasoning. Honors courses should not encourage a student to graduate early, but should extend course opportunities at the high school level.

The district may designate honors courses and give the assigned weighting under the following conditions.

- An honors course must have a published syllabus that verifies rigor sufficiently beyond the College Preparatory (CP) requirements.
- Textbooks and/or other course materials must be differentiated and more rigorous than those used in CP courses.
- Honors courses may be offered in English, mathematics, science and social studies. Additionally, honors courses may be designated in other content areas for the third or fourth level of the courses provided the two criteria listed above are met. Honors weighting may not be designated in any physical education courses.

One-half of a quality point (.5) will be added to the CP weighting for honors courses that meet all three criteria listed above. These criteria apply to all courses, including those offered online and in other nontraditional settings as well as those recorded on a transcript from an out-of-state-school accredited under the board of education of that state or the appropriate regional accrediting agency.

Advanced Placement (AP) and International Baccalaureate (IB) Courses

The following criteria apply to the College Board's AP courses and to IB courses, including those offered online and in other nontraditional settings as well as those recorded on a transcript from an out-of-state-school accredited under the board of education of that state or the appropriate regional accrediting agency.

- AP or IB courses will be awarded a full quality point above the CP weighting. Seminar or support courses for AP or IB may be weighted as honors but not as AP or IB courses.
- A standard-level (SL) IB course will carry only one quality point. However, two quality points of IB credit will be granted for higher-level (HL) courses in the IB program that require a minimum of 240 hours of instruction.

Dual credit courses

Dual credit courses, whether the course is taken at the school site where the student is enrolled or at a post-secondary institution, are defined as those courses for which the student has received permission from his/her home school to earn both Carnegie units and credit for those particular courses. One quality point will be added to the CP weighting for dual credit courses that are applicable to baccalaureate degrees or associate degrees offered by

accredited institutions.

College orientation classes for dual credit will be weighted as CP.

Grade point averages (GPA)

The uniform grading scale and system for figuring GPA and class rank will apply to all courses carrying Carnegie units, including units earned at the middle/junior high school level.

As applicable, the district will recalculate GPAs already earned by students based on the three-decimal-point scale as outlined in this administrative rule. Increased quality points for dual credit courses and full credit for dual credit courses will not be figured into recalculations.

Grade point averages will be figured uniformly in all schools using the following formula. The formula will yield each student's GPA which can then be ranked from highest to lowest rank in class. Computations will not be rounded to a higher number. All diploma candidates are included in the ranking.

$$\text{GPR} = \frac{\text{sum (quality points x units)}}{\text{sum of units attempted}}$$

Class Rankings

Class rankings will be determined based on the grade point ratios ("GPRs") of students in grade twelve at the conclusion of the seventh semester of high school in order:

1. To determine honor graduates and select a valedictorian and salutatorian. The high school will determine the manner of recognition of honors graduates, i.e., honor cords, special recognition in the graduation program/ceremony, etc.;
2. To provide information students need for applications for admission to post-secondary programs; and
3. To provide information students need for scholarships and other awards.

However, class rank for LIFE Scholarships is determined at the conclusion of the spring semester of the senior year.

Course withdrawals

With the first day of enrollment as the baseline, students who withdraw from a course within three days in a 45-day course, five days in a 90-day course or 10 days in a 180-day course will do so without penalty.

Students who withdraw from a course after the specified time of three days in a 45-day course, five days in a 90-day course or 10 days in a 180-day course will be assigned a WF and the F (as a 61) will be calculated in the student's overall grade point average.

The three, five and 10-day limitations for withdrawing from a course without penalty do not apply to course or course level changes approved by the administration of a school. The district will establish withdrawal limitations for distance learning courses.

Students who drop out of school or are expelled after the allowed period for withdrawal but before the end of the grading period will be assigned grades in accordance with the following.

- The student will receive a WP if he/she was passing the course. The grade of WP will carry no Carnegie units and no quality points to be factored into the student's GPA.
- The student will receive a WF if he/she was failing the course. The grade of WF will carry no Carnegie units but will be factored into the student's GPA as a 61.

If a student fails a course due to excessive absences, the school will record an FA on his/her transcript. The grade of FA will carry no Carnegie units but will be factored into the student's GPA as a 61.

Retaking courses

Students in grades nine through 12 may retake a course at the same level of difficulty if they earned a D or F in that course. The student's record will reflect all courses taken and the grades earned.

The student may retake the course either during the current school year or during the next school year but no later

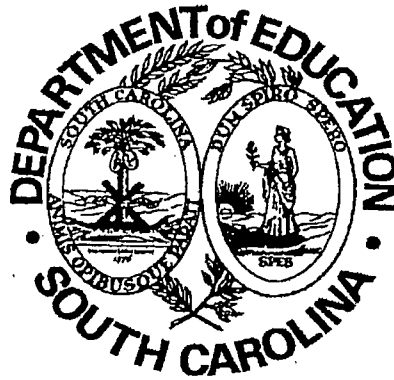
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than that second year. In addition, the student must retake the course before he/she has enrolled in the next sequential course (unless granted approval by the school administration to do so).

A student who has taken a course for a Carnegie unit prior to his/her ninth grade year may retake that course regardless of the grade earned. In this case, only the retake grade will be used in figuring the student's GPR and only the retake attempt will show on the transcript. This rule will apply whether the retake grade is higher or lower than the grade previously earned by the student.

South Carolina Uniform Grading Policy



**Issued by the
South Carolina Department of Education**

**Inez Moore Tenenbaum
State Superintendent of Education**

January 9, 2007

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The Legislative Mandate

S.C. Code Ann. § 59-5-68 (2004) reads as follows:

The General Assembly finds that given the fact the State provides substantial financial academic assistance to students of the State based on cumulative grade point averages and districts currently use a variety of grading scales, it is in the best interest of the students of South Carolina for a uniform grading scale to be developed and adopted by the State Board of Education to be implemented in all public schools of the State. Therefore, the State Board of Education is directed to establish a task force comprised of superintendents, principals, teachers, and representatives of school boards and higher education no later than June 30, 1999. The task force shall make recommendations to the board including, but not limited to, the following: consistent numerical breaks for letter grades; consideration of standards to define an honors course; appropriate weighting of courses; and determination of courses and weightings to be used in the calculation of class rank. The task force shall report its findings to the State Board of Education no later than December 1, 1999. The State Board of Education shall then adopt and school districts of the State shall begin using the adopted grading scale no later than the 2000-2001 school year.

The State Board of Education adopted a uniform grading policy for South Carolina's public schools in December 1999. That policy, which applied to all students who first enrolled in the ninth grade in the 2000-01 school year, has now been revised. The particulars of the state's revised uniform grading policy are set forth in the pages that follow here.

The new uniform grading scale and the system for calculating grade point averages (GPAs) and class rank will be effective for all students in the 2007-08 school year. Recalculations will be limited to the use of the three-decimal-place conversion factors specified in the South Carolina uniform grading policy's grade point conversion chart. Increased quality points for dual credit courses and full credit for dual credit courses will not be figured into recalculations.

Grade Point Conversion Chart

South Carolina Uniform Grading Scale Conversions				
Numerical Average	Letter Grade	College Prep	Honors	AP/IB/ Dual Credit
100	A	4.875	5.375	5.875
99	A	4.750	5.250	5.750
98	A	4.625	5.125	5.625
97	A	4.500	5.000	5.500
96	A	4.375	4.875	5.375
95	A	4.250	4.750	5.250
94	A	4.125	4.625	5.125
93	A	4.000	4.500	5.000
92	B	3.875	4.375	4.875
91	B	3.750	4.250	4.750
90	B	3.625	4.125	4.625
89	B	3.500	4.000	4.500
88	B	3.375	3.875	4.375
87	B	3.250	3.750	4.250
86	B	3.125	3.625	4.125
85	B	3.000	3.500	4.000
84	C	2.875	3.375	3.875
83	C	2.750	3.250	3.750
82	C	2.625	3.125	3.625
81	C	2.500	3.000	3.500
80	C	2.375	2.875	3.375
79	C	2.250	2.750	3.250
78	C	2.125	2.625	3.125
77	C	2.000	2.500	3.000
76	D	1.875	2.375	2.875
75	D	1.750	2.250	2.750
74	D	1.625	2.125	2.625
73	D	1.500	2.000	2.500
72	D	1.375	1.875	2.375
71	D	1.250	1.750	2.250
70	D	1.125	1.625	2.125
69	F	1.000	1.500	2.000
68	F	0.875	1.375	1.875
67	F	0.750	1.250	1.750
66	F	0.625	1.125	1.625
65	F	0.500	1.000	1.500
64	F	0.375	0.875	1.375
63	F	0.250	0.750	1.250
62	F	0.125	0.625	1.125
0-61	F	0.000	0.000	0.000
61	FA	0.000	0.000	0.000
61	WF	0.000	0.000	0.000
—	WP	0.000	0.000	0.000

Courses Carrying Carnegie Units

The uniform grading scale and the system for calculating GPAs and class rank will apply to all courses carrying Carnegie units, including units earned at the middle or junior high school level.

All report cards and transcripts will use numerical grades for courses carrying Carnegie units. Transcripts and report cards will specify the course title and the level or type of course the student has taken (e.g., English 1, Algebra 2 honors, AP U.S. History). The grading scale must be printed on the report card.

Honors Courses

Honors courses, which extend and deepen the opportunities provided by courses at the high school level, are designed for students exhibiting superior abilities in the particular content area. The honors curriculum places emphasis on critical and analytical thinking, rational decision making, and inductive and deductive reasoning.

School districts may designate honors courses and give the assigned weighting under the following conditions:

- A. An honors course must have a published syllabus that verifies rigor sufficiently beyond the College Preparatory (CP) requirements.
- B. Textbooks and other course materials must be differentiated and more rigorous than those used in CP courses.
- C. Honors courses may be offered in English, mathematics, science, and social studies. Honors weighting may be designated in other content areas for the third and fourth level of the courses, provided that the two above standards are met. Honors weighting may not be designated in any physical education courses.

One half of a quality point (.5) is added to the CP weighting for honors courses that meet the three criteria listed above. These criteria apply to all courses, including those offered online and in other nontraditional settings and those recorded on a transcript from an out-state-school that is accredited under the regulations of the board of education of that state or the appropriate regional accrediting agency: the New England Association of Colleges and Schools, the Middle States Association of Colleges and Schools, the Southern Association of Colleges and Schools, the North Central Association of Colleges and Schools, the Western Association of Colleges and Schools, or the Northwest Association of Colleges and School (as specified in State Board Regulation 43-273, Transfers and Withdrawals).

Dual Credit Courses

Dual credit courses—whether they are taken at the school where the student is enrolled or at a postsecondary institution—are those courses for which the student has been granted permission by his or her home school to earn both Carnegie units and college credit for those particular courses.

One quality point is added to the CP weighting for dual credit courses that are applicable to baccalaureate degrees or to associate degrees offered by accredited institutions (see State Board of Education Regulation 43-234, Defined Program, Grades 9–12, and Regulation 43-259, Graduation Requirements).

College orientation courses offered by postsecondary institutions carry CP weighting and do not receive honors or dual credit quality points.

Advanced Placement and International Baccalaureate Courses

The following criteria apply to the College Board's Advanced Placement (AP) courses and to International Baccalaureate (IB) courses—including those offered online and in other nontraditional settings and those recorded on a transcript from an out-state-school that is accredited under the regulations of the board of education of that state or the appropriate regional accrediting agency: the New England Association of Colleges and Schools, the Middle States Association of Colleges and Schools, the Southern Association of Colleges and Schools, the North Central Association of Colleges and Schools, the Western Association of Colleges and Schools, or the Northwest Association of Colleges and Schools (as specified in State Board Regulation 43-273, Transfers and Withdrawals).

- Only AP or IB courses can be awarded a full quality point above the CP weighting. Seminar or support courses for AP or IB may be weighted as honors but not as AP or IB courses.
- An AP course can carry only *one* quality point.
- A standard-level (SL) IB course can carry only *one* quality point. However, two quality points of IB credit can be granted for higher-level (HL) courses in the IB program that require a minimum of 240 hours of instruction.

End-of-Course Examination Program (EOCEP) Courses and the Credit Recovery Option

Students who are enrolled in courses requiring state end-of-course examinations must take the examinations and fulfill all requirements outlined in Regulation 43-262.4. Students will be allowed to take the examination only *once*, at the end of the regular course duration and not at the end of an extended period granted through the credit recovery option. Students who repeat the course must be treated as though they are taking the course for the first time, and all requirements will apply.

Computing Grade Point Averages

GPA's already earned by students will be recalculated on the basis of the revised policy's three-decimal-point scale.

All South Carolina public schools will use the following formula to compute all GPA's:

$$\text{GPA} = \frac{\text{sum (quality points x units)}}{\text{sum of units attempted}}$$

STUDENT EXAMPLE

Course Taken	Numerical Average	Quality Points	Unit
English 1	91	3.750	1
Algebra 1	87	3.250	1
Physical Science	94	4.125	1
World Geography, Honors	83	3.250	1
Physical Education	92	3.875	.5
French 1	84	2.875	1

COMPUTATION

Quality Points	Units	=	Quality Points
3.750	x 1.0	=	3.750
3.250	x 1.0	=	3.250
4.125	x 1.0	=	4.125
3.250	x 1.0	=	3.250
3.875	x .5	=	1.9375
2.875	x 1.0	=	2.875
sum of units attempted →	5.5		19.1875 ← sum of quality points x units

$$\frac{\text{sum of quality points x units}}{\text{divided by sum of units attempted}} \rightarrow 19.1875 \div 5.5 = 3.488636 \rightarrow \text{student's GPA}$$

Computations will not be rounded to a higher number.

The establishment of criteria for determining honors graduates, including the valedictorian or salutatorian, is a local decision. Local boards may establish earlier cutoffs (e.g., the seventh semester of high school, the third nine weeks of the senior year) when ranking students for any local purpose. However, class rank for LIFE Scholarships is determined at the conclusion of the spring semester of the senior year.

Converting Grades on Transcripts

When transcripts are received from accredited out-of-state schools (or in state from accredited sources other than the public schools) and numerical averages are provided, those averages must be used in transferring the grades to the student's record. If letter grades with no numerical averages are provided, this conversion will apply: A = 96, B = 88, C = 80, D = 73, F = 61. If the transcript indicates that the student has earned a passing grade in any course in which he or she had a numerical average lower than 70, that average will be converted to a 73 numerical grade on the new scale. See State Board of Education Regulation 43-273 for complete information on transfers and withdrawals. The criteria for accepting transcripts from homeschools are a local decision.

If the transcript shows that the student has earned a grade of P (passing), that grade will be converted to a numerical designation on the basis of information secured from the sending institution as to the appropriate numerical value of the P. If no numerical average can be obtained from the sending institution, the student's cumulative transfer GPA will be calculated and the corresponding number equivalent will be assigned to replace the P. (For example, if a student transfers with a cumulative GPA of 3.5 on the CP scale, the grade of P would be converted to an 89. A grade of P, in other words, will neither positively nor negatively impact the student's transfer GPA.)

Withdrawing from a Course

With the first day of enrollment in the course as the baseline, students who withdraw from a course within three days in a 45-day course, five days in a 90-day course, or ten days in a 180-day course will do so without penalty.

Students who withdraw from a course after the specified time of three days in a 45-day course, five days in a 90-day course, or ten days in a 180-day course shall be assigned a WF, and the F (as a 61) will be calculated in the student's overall grade point average.

The three-, five-, and ten-day limitations for withdrawing from a course without penalty do not apply to course or course-level changes approved by the administration of a school. Withdrawal limitations for distance learning courses will be established by local districts.

Students who drop out of school or are expelled after the allowed period for withdrawal but before the end of the grading period will be assigned grades in accordance with the following policies:

- The student will receive a WP if he or she was passing the course. The grade of WP will carry no Carnegie units and no quality points to be factored into the student's GPA.
- The student will receive a WF if he or she was failing the course. The grade of WF will carry no Carnegie units but will be factored into the student's GPA as a 61.

If a student fails a course due to excessive absences, an FA will be recorded on his or her transcript. The grade of FA will carry no Carnegie units but will be factored into the student's GPA as a 61.

Retaking a Course

Students in grades nine through twelve may retake a course at the same level of difficulty if they have earned a D or an F in that course. The student's record will reflect all courses he or she has taken and the grades he or she has earned.

The student may retake the course either during the current school year or during the next school year but no later than that second year. In addition, the student must retake the course before he or she has enrolled in the next sequential course (unless the student is granted approval by school administration to do so).

A student who has taken a course for a Carnegie unit prior to his or her ninth-grade year may retake that course regardless of the grade he or she has earned. In such a case, only the retake grade will be used in figuring the student's GPA, and only the retake attempt will show on the transcript. This rule will apply whether the retake grade is higher or lower than the grade the student previously earned.

STATE BOARD OF EDUCATION
SYNOPSIS AGENDA/EXECUTIVE SUMMARY

CODE:	55-03
COMMITTEE:	Curriculum & Instruction
DATE:	January 9, 2007

SUBJECT/TITLE

Revision to the 2006 South Carolina Uniform Grading Policy (First Reading)

PURPOSE OF REPORT/REGULATION/ITEM

Revisions to this policy require approval by the State Board of Education.

CRITICAL FACTS

In September, the State Board of Education approved the revised uniform grading policy to ensure its alignment with recommendations in the Report of the South Carolina High School Redesign (March 2006) and the Education and Economic Development Act (2006). Following the November 8, 2006, State Board of Education study session on the revised policy, the State Department of Education has determined that additional revisions are needed. Under *The Legislative Mandate*, third paragraph, page 55-03-01, we are proposing to add the following sentences: Recalculations will be limited to the three-decimal-place conversion factors specified in the South Carolina uniform grading policy's grade point conversion chart. Increased quality points for dual credit courses and full credit for dual credit courses will not be figured into recalculations. On page 55-03-4, please add the following sentence: College orientation courses for dual credit will be weighted as College Prep. On page 55-03-5, we are recommending the addition of this sentence: Computations will not be rounded to a higher number.

TIMELINE/REVIEW PROCESS

- September 2005 A committee of 27 school and district representatives statewide was formed to review the 1999–2000 version of the uniform grading policy and determine if revisions were needed. The committee included assistant superintendents of instruction, guidance counselors, Commission on Higher Education members, curriculum coordinators, and SDE personnel.
- October 2005–
January 2006 The committee continued to meet to revise the policy. Input was sought from instructional leaders throughout the state.

- January 2006–
March 2006 The policy was distributed via the Web for public input.
- April 2006 The revised draft was presented to technology coordinators at a statewide meeting for input.
- June 2006 The revised draft was presented at two sessions at the 2006 Summer Leadership Institute for principals, assistant superintendents, and superintendents for input. The final revised draft incorporates statewide input.
- August 9, 2006 The State Board of Education received the policy for first reading.
- September 13, 2006 The State Board of Education considered and approved the policy on second reading.
- November 8, 2006 The State Board of Education conducted a study session on the revised policy.
- January 9, 2007 The State Board of Education is receiving the policy for approval on first reading concerning revisions recommended by the State Department of Education.
- February 2006–
May 2007 Districts will communicate new policy and incorporate changes.
- August 2007 The new policy will be effective for all students.

ECONOMIC IMPACT

COST:	None
FUND/SOURCE:	

RECOMMENDATION

The State Department of Education recommends that the State Board of Education approve the 2006 South Carolina uniform grading policy, as revised, for first reading.

ACTION REQUEST

FOR APPROVAL:

FOR INFORMATION ONLY:

REVIEW REQUIRED BY EDITOR: Yes No

Signature of Editor (If Required)

Date

APPROVED BY:

Signature of Deputy Superintendent

Date

*Signature of General Counsel

Date

**Signature of State Superintendent of Education

Date

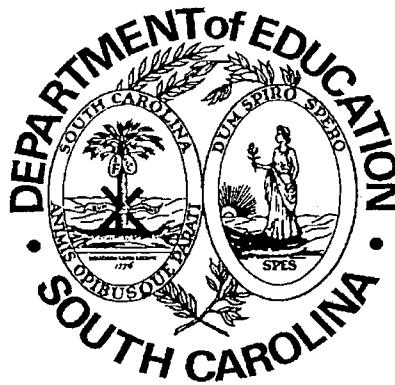
ATTACHMENT:

*The Office of General Counsel must approve any action that requires the promulgation, amendment, or repeal of State Board of Education regulations.

**The State Superintendent of Education must approve all item(s) *before* the item(s) is placed on the State Board of Education agenda.

When signature is not required, please put N/A in Signature block

South Carolina Uniform Grading Policy



**Issued by the
South Carolina Department of Education**

**Inez Moore Tenenbaum
State Superintendent of Education**

January 9, 2007

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The Legislative Mandate

S.C. Code Ann. § 59-5-68 (2004) reads as follows:

The General Assembly finds that given the fact the State provides substantial financial academic assistance to students of the State based on cumulative grade point averages and districts currently use a variety of grading scales, it is in the best interest of the students of South Carolina for a uniform grading scale to be developed and adopted by the State Board of Education to be implemented in all public schools of the State. Therefore, the State Board of Education is directed to establish a task force comprised of superintendents, principals, teachers, and representatives of school boards and higher education no later than June 30, 1999. The task force shall make recommendations to the board including, but not limited to, the following: consistent numerical breaks for letter grades; consideration of standards to define an honors course; appropriate weighting of courses; and determination of courses and weightings to be used in the calculation of class rank. The task force shall report its findings to the State Board of Education no later than December 1, 1999. The State Board of Education shall then adopt and school districts of the State shall begin using the adopted grading scale no later than the 2000-2001 school year.

The State Board of Education adopted a uniform grading policy for South Carolina's public schools in December 1999. That policy, which applied to all students who first enrolled in the ninth grade in the 2000-01 school year, has now been revised. The particulars of the state's revised uniform grading policy are set forth in the pages that follow here.

The new uniform grading scale and the system for calculating grade point averages (GPAs) and class rank will be effective for all students in the 2007-08 school year. Recalculations will be limited to the use of the three-decimal-place conversion factors specified in the South Carolina uniform grading policy's grade point conversion chart. Increased quality points for dual credit courses and full credit for dual credit courses will not be figured into recalculations.

Grade Point Conversion Chart

South Carolina Uniform Grading Scale Conversions				
Numerical Average	Letter Grade	College Prep	Honors	AP/IB/ Dual Credit
100	A	4.875	5.375	5.875
99	A	4.750	5.250	5.750
98	A	4.625	5.125	5.625
97	A	4.500	5.000	5.500
96	A	4.375	4.875	5.375
95	A	4.250	4.750	5.250
94	A	4.125	4.625	5.125
93	A	4.000	4.500	5.000
92	B	3.875	4.375	4.875
91	B	3.750	4.250	4.750
90	B	3.625	4.125	4.625
89	B	3.500	4.000	4.500
88	B	3.375	3.875	4.375
87	B	3.250	3.750	4.250
86	B	3.125	3.625	4.125
85	B	3.000	3.500	4.000
84	C	2.875	3.375	3.875
83	C	2.750	3.250	3.750
82	C	2.625	3.125	3.625
81	C	2.500	3.000	3.500
80	C	2.375	2.875	3.375
79	C	2.250	2.750	3.250
78	C	2.125	2.625	3.125
77	C	2.000	2.500	3.000
76	D	1.875	2.375	2.875
75	D	1.750	2.250	2.750
74	D	1.625	2.125	2.625
73	D	1.500	2.000	2.500
72	D	1.375	1.875	2.375
71	D	1.250	1.750	2.250
70	D	1.125	1.625	2.125
69	F	1.000	1.500	2.000
68	F	0.875	1.375	1.875
67	F	0.750	1.250	1.750
66	F	0.625	1.125	1.625
65	F	0.500	1.000	1.500
64	F	0.375	0.875	1.375
63	F	0.250	0.750	1.250
62	F	0.125	0.625	1.125
0-61	F	0.000	0.000	0.000
61	FA	0.000	0.000	0.000
61	WF	0.000	0.000	0.000
—	WP	0.000	0.000	0.000

Courses Carrying Carnegie Units

The uniform grading scale and the system for calculating GPAs and class rank will apply to all courses carrying Carnegie units, including units earned at the middle or junior high school level.

All report cards and transcripts will use numerical grades for courses carrying Carnegie units. Transcripts and report cards will specify the course title and the level or type of course the student has taken (e.g., English 1, Algebra 2 honors, AP U.S. History). The grading scale must be printed on the report card.

Honors Courses

Honors courses, which extend and deepen the opportunities provided by courses at the high school level, are designed for students exhibiting superior abilities in the particular content area. The honors curriculum places emphasis on critical and analytical thinking, rational decision making, and inductive and deductive reasoning.

School districts may designate honors courses and give the assigned weighting under the following conditions:

- A. An honors course must have a published syllabus that verifies rigor sufficiently beyond the College Preparatory (CP) requirements.
- B. Textbooks and other course materials must be differentiated and more rigorous than those used in CP courses.
- C. Honors courses may be offered in English, mathematics, science, and social studies. Honors weighting may be designated in other content areas for the third and fourth level of the courses, provided that the two above standards are met. Honors weighting may not be designated in any physical education courses.

One half of a quality point (.5) is added to the CP weighting for honors courses that meet the three criteria listed above. These criteria apply to all courses, including those offered online and in other nontraditional settings and those recorded on a transcript from an out-state-school that is accredited under the regulations of the board of education of that state or the appropriate regional accrediting agency: the New England Association of Colleges and Schools, the Middle States Association of Colleges and Schools, the Southern Association of Colleges and Schools, the North Central Association of Colleges and Schools, the Western Association of Colleges and Schools, or the Northwest Association of Colleges and School (as specified in State Board Regulation 43-273, Transfers and Withdrawals).

Dual Credit Courses

Dual credit courses—whether they are taken at the school where the student is enrolled or at a postsecondary institution—are those courses for which the student has been granted permission by his or her home school to earn both Carnegie units and college credit for those particular courses.

One quality point is added to the CP weighting for dual credit courses that are applicable to baccalaureate degrees or to associate degrees offered by accredited institutions (see State Board of Education Regulation 43-234, Defined Program, Grades 9–12, and Regulation 43-259, Graduation Requirements).

College orientation courses offered by postsecondary institutions carry CP weighting and do not receive honors or dual credit quality points.

Advanced Placement and International Baccalaureate Courses

The following criteria apply to the College Board's Advanced Placement (AP) courses and to International Baccalaureate (IB) courses—including those offered online and in other nontraditional settings and those recorded on a transcript from an out-state-school that is accredited under the regulations of the board of education of that state or the appropriate regional accrediting agency: the New England Association of Colleges and Schools, the Middle States Association of Colleges and Schools, the Southern Association of Colleges and Schools, the North Central Association of Colleges and Schools, the Western Association of Colleges and Schools, or the Northwest Association of Colleges and School (as specified in State Board Regulation 43-273, Transfers and Withdrawals).

- Only AP or IB courses can be awarded a full quality point above the CP weighting. Seminar or support courses for AP or IB may be weighted as honors but not as AP or IB courses.
- An AP course can carry only *one* quality point.
- A standard-level (SL) IB course can carry only *one* quality point. However, two quality points of IB credit can be granted for higher-level (HL) courses in the IB program that require a minimum of 240 hours of instruction.

End-of-Course Examination Program (EOCEP) Courses and the Credit Recovery Option

Students who are enrolled in courses requiring state end-of-course examinations must take the examinations and fulfill all requirements outlined in Regulation 43-262.4. Students will be allowed to take the examination only *once*, at the end of the regular course duration and not at the end of an extended period granted through the credit recovery option. Students who repeat the course must be treated as though they are taking the course for the first time, and all requirements will apply.

Computing Grade Point Averages

GPA's already earned by students will be recalculated on the basis of the revised policy's three-decimal-point scale.

All South Carolina public schools will use the following formula to compute all GPA's:

$$\text{GPA} = \frac{\text{sum (quality points x units)}}{\text{sum of units attempted}}$$

STUDENT EXAMPLE

Course Taken	Numerical Average	Quality Points	Unit
English 1	91	3.750	1
Algebra 1	87	3.250	1
Physical Science	94	4.125	1
World Geography, Honors	83	3.250	1
Physical Education	92	3.875	.5
French 1	84	2.875	1

COMPUTATION

Quality Points	Units	=	Quality Points
3.750	x 1.0	=	3.750
3.250	x 1.0	=	3.250
4.125	x 1.0	=	4.125
3.250	x 1.0	=	3.250
3.875	x .5	=	1.9375
2.875	x 1.0	=	2.875
sum of units attempted →	5.5		19.1875 ← sum of quality points x units

$\frac{\text{sum of quality points x units}}{\text{divided by sum of units attempted}} \rightarrow 19.1875 \div 5.5 = 3.488636 \rightarrow \text{student's GPA}$

Computations will not be rounded to a higher number.

The establishment of criteria for determining honors graduates, including the valedictorian or salutatorian, is a local decision. Local boards may establish earlier cutoffs (e.g., the seventh semester of high school, the third nine weeks of the senior year) when ranking students for any local purpose. However, class rank for LIFE Scholarships is determined at the conclusion of the spring semester of the senior year.

Converting Grades on Transcripts

When transcripts are received from accredited out-of-state schools (or in state from accredited sources other than the public schools) and numerical averages are provided, those averages must be used in transferring the grades to the student's record. If letter grades with no numerical averages are provided, this conversion will apply: A = 96, B = 88, C = 80, D = 73, F = 61. If the transcript indicates that the student has earned a passing grade in any course in which he or she had a numerical average lower than 70, that average will be converted to a 73 numerical grade on the new scale. See State Board of Education Regulation 43-273 for complete information on transfers and withdrawals. The criteria for accepting transcripts from homeschools are a local decision.

If the transcript shows that the student has earned a grade of P (passing), that grade will be converted to a numerical designation on the basis of information secured from the sending institution as to the appropriate numerical value of the P. If no numerical average can be obtained from the sending institution, the student's cumulative transfer GPA will be calculated and the corresponding number equivalent will be assigned to replace the P. (For example, if a student transfers with a cumulative GPA of 3.5 on the CP scale, the grade of P would be converted to an 89. A grade of P, in other words, will neither positively nor negatively impact the student's transfer GPA.)

Withdrawing from a Course

With the first day of enrollment in the course as the baseline, students who withdraw from a course within three days in a 45-day course, five days in a 90-day course, or ten days in a 180-day course will do so without penalty.

Students who withdraw from a course after the specified time of three days in a 45-day course, five days in a 90-day course, or ten days in a 180-day course shall be assigned a WF, and the F (as a 61) will be calculated in the student's overall grade point average.

The three-, five-, and ten-day limitations for withdrawing from a course without penalty do not apply to course or course-level changes approved by the administration of a school. Withdrawal limitations for distance learning courses will be established by local districts.

Students who drop out of school or are expelled after the allowed period for withdrawal but before the end of the grading period will be assigned grades in accordance with the following policies:

- The student will receive a WP if he or she was passing the course. The grade of WP will carry no Carnegie units and no quality points to be factored into the student's GPA.
- The student will receive a WF if he or she was failing the course. The grade of WF will carry no Carnegie units but will be factored into the student's GPA as a 61.

If a student fails a course due to excessive absences, an FA will be recorded on his or her transcript. The grade of FA will carry no Carnegie units but will be factored into the student's GPA as a 61.

Retaking a Course

Students in grades nine through twelve may retake a course at the same level of difficulty if they have earned a D or an F in that course. The student's record will reflect all courses he or she has taken and the grades he or she has earned.

The student may retake the course either during the current school year or during the next school year but no later than that second year. In addition, the student must retake the course before he or she has enrolled in the next sequential course (unless the student is granted approval by school administration to do so).

A student who has taken a course for a Carnegie unit prior to his or her ninth-grade year may retake that course regardless of the grade he or she has earned. In such a case, only the retake grade will be used in figuring the student's GPA, and only the retake attempt will show on the transcript. This rule will apply whether the retake grade is higher or lower than the grade the student previously earned.

Brooks, Carlos

From: Susan S [REDACTED]
Sent: Thursday, October 04, 2012 8:45 AM
To: Brooks, Carlos; Berman, Leigh; Henderson, Dyanmond [REDACTED]
Subject: Grading Policy for Riverside Military Academy

Mr Brooks, Ms. Berman and Ms. Henderson,

I just go off the phone with a delightful guidance counselor at Riverside Military Academy in Gainesville, GA, Corwynn Sylvester.

She confirmed a grading policy that C [REDACTED] who transferred to Southside as a Junior, has mentioned to our son.

Currently all AP and Honors course grades at Riverside Military are given a 5 point bump - so if a student makes a 93 at the end of the grading period their grade is bumped to a 98.

In the year 2010/2011 (for that year only) all honors courses received a 5 point bump and all AP courses received a 10 point bump.

Ms. Sylvester says that on the right hand side of the transcript from Riverside Military it should list the 5 and 10 point "bumps"

This is their way of weighting advanced courses.

So, when [REDACTED] transferred into Southside, his already weighted courses got another "weighting" since we weight ours a different way.

I do not believe that [REDACTED]'s GPA is accurately reflected because it seems he has been double-bumped.

Our son, [REDACTED] has NO IDEA we are looking into this grading issue and would be horrified to find out. We do not want him involved in this discussion in any way and we would prefer that we remain anonymous as well. Please keep this communication in utmost confidentiality.

[REDACTED] and I would like to know what can be done to "level the playing field."

Thanks you!

Susan S [REDACTED]
[REDACTED]

Brooks, Carlos

From: Brooks, Carlos
Sent: Thursday, October 04, 2012 3:40 PM
To: Washington, Dee Dee
Cc: Rhodes, Rob
Subject: FW: Grading Policy for Riverside Military Academy

Dr. Washington,

Please read the email below. We have contacted Rob Rhodes, but he is in Columbia today and tomorrow. Although we have reservations as to the methods the parent used, we are still following up on her concerns. Our questions are:

- If a transcript is received, we can only input the data as it appears on the transcript?
- If the grade was inflated at the previous school, we cannot make changes or verify the authenticity of the scores (other than contacting the school to make sure the transcript is accurate)?

Respectfully,

Carlos Brooks
Principal,
Southside High School
An International Baccalaureate High School
Celebrating diversity. United in Learning.



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From: Susan S. [REDACTED]
Sent: Thursday, October 04, 2012 8:45 AM
To: Brooks, Carlos; Berman, Leigh; Henderson, Dyanmond; [REDACTED]
Subject: Grading Policy for Riverside Military Academy

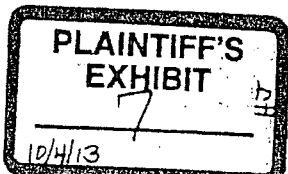
Mr Brooks, Ms. Berman and Ms. Henderson,

I just go off the phone with a delightful guidance counselor at Riverside Military Academy in Gainesville, GA, Corwynn Sylvester.

She confirmed a grading policy that C. [REDACTED] P. [REDACTED], who transferred to Southside as a Junior, has mentioned to our son. Currently all AP and Honors course grades at Riverside Military are given a 5 point bump - so if a student makes a 93 at the end of the grading period their grade is bumped to a 98.

In the year 2010/2011 (for that year only) all honors courses received a 5 point bump and all AP courses received a 10 point bump.

Ms. Sylvester says that on the right hand side of the transcript from Riverside Military it should list the 5 and 10 point "bumps"



This is their way of weighting advanced courses.

So, when [REDACTED] transferred into Southside, his already weighted courses got another "weighting" since we weight ours a different way.

I do not believe that [REDACTED]'s GPA is accurately reflected because it seems he has been double-bumped.

Our son, [REDACTED], has NO IDEA we are looking into this grading issue and would be horrified to find out. We do not want him involved in this discussion in any way and we would prefer that we remain anonymous as well. Please keep this communication in utmost confidentiality.

[REDACTED] and I would like to know what can be done to "level the playing field."

Thanks you!

Susan S. [REDACTED]
[REDACTED]

Rhodes, Rob

From: Henderson, Dyamond
Sent: Thursday, October 04, 2012 11:33 AM
To: Rhodes, Rob
Subject: FW: Grading Policy for Riverside Military Academy

Hey Rob! Please see the below e-mail from one of our parents (regarding another student).

A student transferred from another school and this parent is upset because the school he transferred from weights honors and AP courses and doesn't feel this is fair. I explained to our IB Coordinator that we can't alter transcripts, we only enter what we receive. I called Dr. Childs to see how they would handle this and he agreed. He also stated that other students information is confidential and shouldn't be discussed with other parents.

Mr. Brooks asked that I e-mail you to verify what the district policy is before he responds to the parent.

Thanks,

Dyamond Henderson, M.Ed.
School Counselor-9th-11th (L-Z)
Southside High School
6630 Frontage @ White Horse Road
Greenville, SC 29605
dyhender@greenville.k12.sc.us
Phone: 864-355-8722
E-Fax: 864-355-9791.

"We must not, in trying to think about how we can make a big difference, ignore the small daily differences we can make which, over time, add up to big differences that we often cannot foresee."
-Marian Wright Edelman

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From: Susan S [mailto:]
Sent: Thursday, October 04, 2012 8:45 AM
To: Brooks, Carlos; Berman, Leigh; Henderson, Dyamond; []
Subject: Grading Policy for Riverside Military Academy

Mr Brooks, Ms. Berman and Ms. Henderson,

I just go off the phone with a delightful guidance counselor at Riverside Military Academy in Gainesville, GA, Corwynn Syvetser.

She confirmed a grading policy that [] P [] who transferred to Southside as a Junior, has mentioned to our son.

Brooks, Carlos


From: Brooks, Carlos
Sent: Friday, October 05, 2012 8:05 AM
To: Susan S [REDACTED] NEXUS Center [REDACTED])
Cc: Berman, Leigh; Henderson, Dyamond
Subject: re: Transcripts

Ms. S [REDACTED],

District policy prevents us from discussing the confidential information of other students with you, but our guidance department has followed the uniform grading policy as outlined by the State Department of Education and the District. When a transcript is received, we can only input the data as it appears on the transcript. If we have questions regarding a transcript, our only recourse is to contact the school that student transferred from to verify the authenticity of the scores reported on the transcript.

I hope this information is helpful.

Respectfully,

Carlos Brooks 
Principal,
Southside High School
An International Baccalaureate High School
Celebrating diversity. United in Learning.

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Rhodes, Rob

From: Henderson, Dyamond
Sent: Friday, November 09, 2012 10:10 AM
To: Rhodes, Rob
Cc: Brooks, Carlos
Subject: FW: Voice Mail from 7705326251 (39 seconds)
Attachments: 7705326251 (39 seconds) Voice Mail.mp3

This is the response from Riverside Military Academy. How would like for me to proceed?

Dyamond Henderson, M.Ed.
School Counselor-9th-11th (L-Z)
Southside High School
6630 Frontage @ White Horse Road
Greenville, SC 29605
dyhender@greenville.k12.sc.us
Phone: 864-355-8722
E-Fax: 864-355-9791

We must not, in trying to think about how we can make a big difference, ignore the small daily differences we can make which, over time, add up to big differences that we often cannot foresee."
-Marian Wright Edelman

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From: Microsoft Outlook On Behalf Of 7705326251
Sent: Thursday, November 08, 2012 4:31 PM
To: Henderson, Dyamond
Subject: Voice Mail from 7705326251 (39 seconds)

Voice Mail Preview:

Henderson this is pat when you're riverside I spoke to you on Dr. Robinson who is our call academic being and he is not comfortable changing our transcripts and I'm sorry dellus took a.

██████████ is it is a great student and well -- wish we could do something to assist you but -- you know we just raised a lot of other issues of us -- changing our transcripts and then somebody else tracking five other points and so I'm gonna have to say no but.

Thank you and I'm sorry bye bye.

Created by Microsoft Speech Technology. [Learn More...](#)

You received a voice mail from 7705326251

Caller-Id: [7705326251](#)

Brooks, Carlos

From: Henderson, Dyanmond
Sent: Tuesday, November 27, 2012 2:03 PM
To: Brooks, Carlos
Subject: Riverside Military Academy

Mr. Brooks,

I received the grades that Rob Rhodes asked that I request from Riverside Military. Now that we have the grades I am not sure of how to proceed. As I explained I am very uncomfortable with this situation. This is a sensitive issue and I am certain [REDACTED]'s parents will have questions regarding this situation. I would like to speak to you when you are available for instructions on how to proceed. If at all possible I would like your intervention because this issue has gone above my head. I don't have the authority nor am I comfortable changing a schools final grades regardless of their policy.

Thanks in advance for your help!

Dyanmond Henderson, M.Ed.
School Counselor (K-12) (H 102)
Riverside High School
6630 Frontage Ct White Horse road
Greenville, SC 29605
dyhender@greenville.k12.sc.us
Phone: 864 355-1727
E-Fax: 864-355-0791

"We must not, in trying to think about how we can make a big difference, ignore the small daily differences we can make which, over time, add up to big differences that we often cannot foresee."

Marvin T. Hylton

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Brooks, Carlos

From: Henderson, Dyamond
Sent: Thursday, November 29, 2012 1:32 PM
To: Brooks, Carlos
Subject: FW: Scan from MFP
Attachments: SC Uniform Grading Policy.pdf

Mr. Brooks,

I would like to note my concern as I foresee this as a future issue.

The voice mail I received and forwarded stated that the school was not comfortable changing grades on their transcript. I was then instructed to ask them to send grades without changing their transcript. As you are aware the SC Uniform Grading Policy states when receiving grades from an out of district school and numerical grades are provided, those averages must be used in transferring the grades to the student record (attached). Of course I will do as I have been directed, however I would like to get clarification on the recommendation. I know this is an unusual situation, but this contradicts everything I've been taught and would like to be clear of the request before I made the change.

Also, is there a plan in place for dealing with the student this affects? He has already been given a copy of his transcript and I anticipate his parents questioning the change. Who will notify the student and his parents?

I've contacted Riverside Military Academy again because the grades sent does not include 8th grade year.

Thanks for your help and clarification.

Dyamond Henderson, M.Ed.
School Counselor-9th-11th (L-Z)
Southside High School
6630 Frontage @ White Horse Road
Greenville, SC 29605
dyhender@greenville.k12.sc.us
Phone: 864-355-8722
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-Marian Wright Edelman

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Brooks, Carlos

From: Henderson, Dyanmond
Sent: Tuesday, December 04, 2012 1:24 PM
To: Brooks, Carlos
Subject: RE: Scan from MFP

Mr. Brooks,

When we spoke yesterday you instructed that I enter the grades and notify the parents. I just wanted to provide you with an update. I sent an e-mail on 11/29 to Riverside Military Academy requesting grades from 8th grade. I have not contacted [REDACTED]'s parents yet because I don't have his complete record. If you would like for me to contact them to make them aware now, just let me know.

Thanks.

Dyanmond Henderson, M.Ed.
School Counselor (1111) (L-2)
Southside High School
6580 Frontage @ White Horse Road
Greenville, SC 29605
dyhender@greenville.k12.sc.us
Phone: 864-305-8722
E Fax: 864-305-9791


"We must not, in trying to think about how we can make a big difference, ignore the small daily differences we can make which, over time, add up to big differences that we often cannot foresee."
Marion Wright Edelman

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From: Brooks, Carlos
Sent: Monday, December 03, 2012 2:42 PM
To: Henderson, Dyanmond
Subject: FW: Scan from MFP

FYI

Respectfully,

Carlos Brooks 
Principal,
Southside High School
An International Baccalaureate High School

Brooks, Carlos

From: Henderson, Dyanmond
Sent: Wednesday, January 23, 2013 2:03 PM
To: Brooks, Carlos
Subject: [REDACTED] P [REDACTED]

Mr. Brooks,

I spoke with [REDACTED] P [REDACTED] mother today and she would like to meet with us tomorrow. She is not pleased with the decision to change his grades.

Dyanmond Henderson, M.Ed.
School Counselor (90-1141 st. 2)
Southside High School
6090 Frontage @ White Horse Road
Greenville, SC 29605
dyhender@greenville.k12.sc.us
Phone: 864-255-8722
E-Fax: 864-255-9710

"We must not, in trying to think about how we can make a big difference, ignore the small daily differences we can make which, over time, add up to big differences that we often cannot foresee."

Marlon Riggs & Robinson

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FEB 17 2013

COMMUNICATION

January 30, 2013

Communications Department
The School District of Greenville County
P.O. Box 284
Greenville, SC 29602

Subject: L. [REDACTED] P. [REDACTED], 11th grade Southside High School – Grade conversion, transcripts, SC Uniform Grading and Conversion Policy, grade changes, class ranking, GPA conversion, and initial inquiry.

To whom it may concern,

Pursuant to South Carolina Freedom of Information Act, §30-4-10 et seq., I am requesting an opportunity to inspect or obtain copies of any and all public records, including but not limited to: emails, notes, minutes, letters, transcripts, grade conversion documents, etc. applicable to L. [REDACTED] P. [REDACTED] and/or his transfer from the Riverside Military Academy.

Please include any and all correspondence by and between the School District of Greenville County ("District"), Riverside Military Academy, Southside High School, the S.C. State Department of Education and any other persons or entities with regard to L. [REDACTED] P. [REDACTED] transfer, grades, recordation and/or conversation of grades, or other correspondence regarding class ranking and/or the affect thereto. Moreover, such should include any and all documentation related to correspondence involving Doug Webb, Mr. Brooks and Dyamond Henderson on or around 1/29/13 with relation to the above referenced matters.

This request is not meant to be exclusive of any other records which, though not specifically requested, would have a reasonable relationship to the subject matter of this request.

In the event that access to any of the requested records is denied, please note that the FOIA provides that if only portions of a requested file are exempted from release, the remainder must still be released. I therefore request that I be provided with all non-exempt portions which are reasonably severable. I further request that you describe the deleted material in detail and specify the statutory basis for the denial as well as your reasons for believing that the alleged statutory justification applies in this instance. Please separately state your reasons for not invoking your discretionary powers to release the requested documents in the public interest. Such statements will be helpful in deciding whether to appeal an adverse determination, and in formulating arguments in case an appeal is undertaken. The District's written justification might also help to avoid unnecessary litigation. I of course reserve my right to appeal the withholding or deletion of any information and expect that you will list the office and address were such an appeal can be sent.

If there are any fees for searching or copying these records, please inform me if the cost will exceed \$150. This information is not being sought for commercial purposes.

000120

The South Carolina Freedom of Information Act requires a response time within 15 business days. If access to the records I am requesting will take longer than this amount of time, please contact me with information about when I might expect copies or the ability to inspect the requested records.

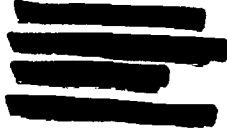
If you deny any or all of this request, please cite each specific exemption you feel justifies the refusal to release the information and notify me of the appeal procedures available to me under the law.

Thank you for considering my request.

Sincerely

A handwritten signature in cursive is written over a large black rectangular redaction box.

Lee C. P [redacted]

Four horizontal black rectangular redaction boxes covering contact information.



Southside High School

An International Baccalaureate High School

6630 Frontage @ White Horse Rd--Greenville, SC 29605-- 864-355-8700

Celebrating Diversity. United in Learning.

Fax 864-355-8798

February 6, 2013


M/M L [REDACTED]
[REDACTED]
[REDACTED]

M/M. J [REDACTED]

Thank you for taking the time to meet with me and Ms. Henderson on Monday, January 28, 2013. This letter will serve as a summary of our meeting. During our meeting you all expressed concerns regarding [REDACTED]'s transcript that was received from Riverside Military Academy. Per Riverside Military's grading policy, extra credit is awarded in the school's system to reflect AP/Honor weighting. In performing the necessary due diligence on the part of Southside High School, [REDACTED]'s authentic grades earned from Riverside Military Academy (minus points added due to weighting) have been entered into PowerSchool. The changes will be reflected in [REDACTED]'s transcript effective as of Friday, February 8, 2013. The authentic grades received from Riverside Military that have been entered in PowerSchool will be weighted based on the SC Uniform Grading Policy.

If you have questions or concerns, please feel free to contact me.

Respectfully,


Carlos Brooks
Principal

Student Name F. L.		
Student ID [REDACTED]	Grade 11	Gender M
State ID [REDACTED]	Date of Birth [REDACTED]/1996	Ethnic Code W
Parent Guardian F. Nello S & F. Lee C [REDACTED] [REDACTED]		

State of South Carolina Standard High School Transcript

Graduation Date:

Class Of: 2014

Diploma Type: State of SC Diploma

School Name/Address Southside High School 6630 Frontage Road Greenville, SC 29605 Tel: 864-355-8700 Fax: 864-355-8798
District Name/Address Greenville County Schools 301 E. Campdown Way Greenville, SC 29601 Tel: (864)355-3100 Fax:(864)355-1088

Crs ID	Course Title	Term	Grd	Mark	Credit	Crs ID	Course Title	Term	Grd	Mark	Credit
09-10 Beck Academy											
301135HW	Eng 1H:Genre Analysis	YR	8	95	0.50						
365107CW	Spanish 1 CP	YR	8	95	0.50						
411103HW	Algebra 1 H	YR	8	95	0.50						
09-10 Riverside Military Academy											
301135hw	Eng 1H:Genre Analysis	YR	8	96	0.50						
350112ch	Art 1	YR	8	99	0.50						
365107cw	Spanish 1 CP	YR	8	100	0.50						
411103hw	Algebra 1 H	YR	8	98	0.50						
510002CH	Keyboarding	YR	8	98	0.50						
10-11 Riverside Military Academy											
	Spanish 2 H	YR	9	98	0.50						
	Spanish 2H	YR	9	97	0.50						
301435HW	Eng 4H:World Lit Analysis	YR	9	97	0.50						
		YR	9	96	0.50						
322103hw	Biology 1 H	YR	9	94	0.50						
		YR	9	91	0.50						
337705aw	AP World History	YR	9	93	0.50						
		YR	9	95	0.50						
379930cw	JROTC Raider Challenge	YR	9	99	0.50						
	1	YR	9	98	0.50						
411203HW	Algebra 2 H	YR	9	97	0.50						
		YR	9	96	0.50						
11-12 Riverside Military Academy											
307105aw	AP Eng Lang/Comp	YR	10	95	0.50						
		YR	10	93	0.50						
323103hw	Chemistry 1 H	YR	10	100	1.00						
332003hw	US History H	YR	10	95	0.50						
		YR	10	97	0.50						
365303hw	Spanish 3 H	YR	10	100	0.50						
		YR	10	99	0.50						
379942cw	JROTC Raider Challenge	YR	10	100	0.50						
	2	YR	10	99	0.50						
413103HW	Pre-Calculus H	YR	10	100	0.50						
		YR	10	98	0.50						
500802CH	ComputerApps1	YR	10	100	0.50						
12-13 Southside High School											
333014HH	US Government H	S1	11	99	0.50						
338G08IH	IB Theory of Knowl 1	S1	11	97	0.50						
Work in Progress											
12-13 Southside High School											
417205AW	AP Calculus BC										
477105AW	AP Computer Science										
307005AW	AP Eng Lit/Comp										
327505AW	AP Physics C Mech										
437105AW	AP Psychology										
335004HH	Economics H										
08660700	HSHomeroomGr11										
365A17IW	IB Spanish 1 SL										
338G08IH	IB Theory of Knowl 1										
333014HH	US Government H										
Mid Year GPA											
GPA Summary									5.048		
Class Rank									6 out of 182		
Date Calculated									February 8, 2013		
Credit Summary											
Total Credit Attempted: 17.50											
Total Credits Earned: 17.50											

To determine the course academic level refer to the seventh character in each course ID.

If graduation date is a future date, current year reflects Work in Progress.

Official Signature _____ Date: _____
Carlos Brooks, Principal or Designee

An official signature and/or seal is required for manually created transcripts.
Information about the South Carolina Uniform Grading Policy can be found at:
http://ed.sc.gov/topics/curriculumstds/sc_ugp.html



The School District of Greenville County

R. Douglas Webb
General Counsel

April 24, 2013

VIA US MAIL & EMAIL

Carl F. Muller, Esquire
607 Pendleton Street
Suite 201
Greenville, SC 29601

RE: L. [REDACTED] P [REDACTED]

Dear Carl:

I enjoyed sitting down with you on Monday to discuss your clients' concerns regarding their son's transcript. The District has thoroughly considered the concerns you shared with me as well as the support you provided for the belief that the transcript received by the District should contain both an inflated numerical grade and an increase in GPA allocation based upon the courses taken by Mr. P [REDACTED]. After considering all relevant considerations and sources of support for these considerations, the District has decided to uphold the decision to treat Mr. P [REDACTED] in the same manner as any similarly situated student enrolled in the District.

By the way of background, it was brought to the District's attention that Mr. P [REDACTED] received a "bump" in his numerical grades while attending Riverside Military Academy. This school-specific increase in his numerical grades was due to him taking advanced placement courses and honors classes while attending Riverside Military Academy. Once notified of this bump in his numerical grades, the District reviewed the student's transcript and contacted Riverside Military Academy to receive his original numerical grades absent any bump. The District then transferred these original numerical grades over to his official transcript with the District. The student was then provided the same GPA bump given to other students in the District who take advanced courses.

The District's decision is supported by both equity and law. First, the District believes that the most just and equitable resolution to this situation is by treating Mr. P [REDACTED] in the same manner as any other student in the District, including those students who have transferred into this school district. The District has no knowledge of any student who has ever received two bumps for taking advanced placement courses. Treating Mr. P [REDACTED] differently than every other student by giving him both a bump for his numerical grades as well as a bump for the GPA associated with the advanced placement courses would not be a fair result. Instead, providing Mr. P [REDACTED] with the same

301 Camperdown Way • P.O. Box 2848 Greenville, South Carolina 29601-2848
864-355-8866 • FAX 864-355-8864

000124

increase of weighted GPA as all other students who take advanced placement courses is the most equitable result.

Second, the law supports the decision reached by the District. South Carolina Regulation 43-273 states in relevant part that "units earned by a student in an accredited high school of this state or in a school of another state which is accredited under the regulations of the board of education of that state, or the appropriate regional accrediting agency, will be accepted under the same value which would apply to students in the school to which they transferred." The District has complied with this regulation. The District believes that a reasonable interpretation of the term "value" means both the number of units awarded for taking a course as well as the grade provided for that course. This interpretation is supported by the fact that there is not a distinction contained in the regulation between the number of units earned by transfer students and the grades earned for these units. Therefore, the District has awarded Mr. F [REDACTED] the same "value" for his courses which would apply to students who attend Southside High School.

The District believes that the intent behind the guidance provided by the State Department of Education in the Uniform Grading Policy, which has also been incorporated in the District's administrative rules, is to treat transfer students in the same manner as students who attend the District. This belief is supported by the Uniform Grading Policy referencing Regulation 43-273, which stands for this principle. The numerical averages actually earned by Mr. F [REDACTED] were provided by Riverside Military Academy and then transferred over to the student's District transcript in accordance with both Regulation 43-273 and the Uniform Grading Policy.

The District has transferred the grades in an equitable, objective and reasonable manner. The District strives to create a level and fair environment as it pertains to student competition, and its actions here have done just that.

I am hopeful that your clients will understand the reasoning behind the District's actions. Please do not hesitate to contact me should you wish to discuss this further.

Sincerely,



Doug Webb



Carl Muller <carl@carlmullerlaw.com>

Fwd: Request for Documents

1 message

Nelle P [REDACTED]

Fri, Sep 27, 2013 at 7:46 PM

To: Carl Muller <carl@carlmullerlaw.com>, "Donna P. Holtz" <donna@carlmullerlaw.com>

FYI

It sounds to me like Mr. Daniels has proven our point. [REDACTED]'s FERPA rights were violated when the school released unofficial grades via email to Southside High School.

Nelle P [REDACTED]

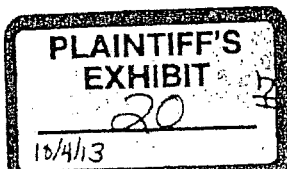
Begin forwarded message:

From: "Daniel; Britt" <bdaniel@riversidemilitary.com>
Date: September 27, 2013 at 6:39:23 PM EDT
To: "tbarlow@childs-halligan.net" <tbarlow@childs-halligan.net>, [REDACTED]
Cc: "Loewen, Emily" <ELoewen@riversidemilitary.com>
Subject: Request for Documents

Mr. Barlow and Mrs. P [REDACTED]

In response to your nearly simultaneous requests for documents in this pending litigation, I am attaching three files:

1. A copy of the Grading Scale and Explanatory Comments that are displayed on the Riverside Military Academy Transcript for L. O [REDACTED] P [REDACTED]
2. A copy of the 2010-2011 edition of the *RMA Faculty Handbook: Policies and Procedures*
 - a. Page 6 indicates that the Syllabus Template contained therein was revised in March of 2011.
 - i. This fact is not relevant to the case.
 - ii. It merely serves to help substantiate that this otherwise undated copy of the Handbook was in effect for the 2010-2011 school year.
 - b. The section labeled "GRADING POLICIES" near the bottom of page 13 addresses Riverside Military Academy's treatment of grades in Honors and AP classes during the 2010-2011 school year.
 - c. The footer on each page reads "Last edited: 9/19/2013." This text is a regrettable function of an auto-text field built into the document.



I printed the document on 9/19/2013. I did not edit it. I could probably remove the field, but I thought it best not to alter the file in any way.

3. A copy of the RMA FACULTY HANDBOOK 2011-2012 POLICIES AND PROCEDURES

- a. The first sentence on page 14 addresses Riverside Military Academy's treatment of grades in Honors and AP classes during the 2011-2012 school year.
- b. The footer on each page is accurate. I found an old hard copy and did not have to reprint this document.

While Mr. Barlow requested "weighted and pre-weighted end of semester and end of course grades," I am not providing that information here. I believe both parties already have that information as it is routine for schools to require transcripts from previous schools. I also believe that FERPA prevents me from disclosing actual grades, weighted or un-weighted, to Mr. Barlow without a "judicial order or lawfully issued subpoena." If both parties have a copy of the transcript, and I believe they do, the Grading Scale and Explanatory Comments on the transcript indicate which courses received an additional 5 or 10 points.

For what it is worth, Mr. P [REDACTED] transcript from Riverside Military Academy is transparent and seemingly not at issue in this case. While I am happy to answer whatever questions I can about our transcript, I am wholly unqualified to speak to Greenville County's own rules or policies or the application of those rules or policies as they relate to the interpretation of our transcript.

If I may be of further assistance to either party, please let me know.

Very respectfully,

Britt Daniel, J.D.

Academic Dean

Riverside Military Academy

678.696.2085 (Office)

678.291.3377 (Fax)

bdaniel@riversidemilitary.com

Watch our Academy video.

RMA Virtual Tour.

Marion Wright Edelman

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From: Ware, Pat [mailto:PWare@riversidemilitary.com]
Sent: Monday, November 12, 2012 1:42 PM
To: Henderson, Dyanmond
Subject: RE: [REDACTED] P [REDACTED]

Hi. Here are his grades before any points were added.

First Semester	Second Semester
US History 95	97.4
Spanish III H 99	99.6
Math III Acc 98.2	99.6
AP Language 93.4	95
Chem H 100	100
Comp Sci II 100	
Military Science 99.6	99

Hope this helps resolve things!

Good luck and you are most welcome.

Pat

From: Henderson, Dyanmond [mailto:dyhender@greenville.k12.sc.us]
Sent: Monday, November 12, 2012 9:53 AM
To: Ware, Pat
Subject: [REDACTED] P [REDACTED]

Good Morning Mrs. Ware! I appreciate your help with our request regarding [REDACTED] P [REDACTED]. I left you a message on Friday and just wanted to follow up. Is it possible to provide authentic grades that he earned prior to their weighting factor was added?

Again I greatly appreciate your assistance.

Dyanmond Henderson

Dyanmond Henderson, M.Ed.
School Counselor-9th-11th (L-2)
Southside High School
6630 Frontage @ White Horse Road
Greenville, SC 29605
dyhender@greenville.k12.sc.us
Phone: 864-355-8722
E-Fax: 864-355-9791

Henderson, Dyamond

From: Ware, Pat <PWare@riversidemilitary.com>
Sent: Monday, November 26, 2012 1:04 PM
To: Henderson, Dyamond
Subject: FW: [REDACTED] - Correction

Hi. Spanish III H was corrected to II H.

Thanks,

From: Ware, Pat
Sent: Monday, November 26, 2012 1:01 PM
To: 'Henderson, Dyamond'
Subject: RE: [REDACTED] F [REDACTED]

Hi. Here are his final grades for the ninth grade before points were added.

First Semester	Second Semester
Spanish IIH 97.6	97.4
Bio H 91	93.8
AP W. His. 93.4	94.5
Math II Acc 97	95.8
Multi Lit H 96.8	95.6
Military Sci I 98.4	98.5

Thank you,

Pat

From: Henderson, Dyamond [mailto:dyhender@greenville.k12.sc.us]
Sent: Monday, November 12, 2012 1:48 PM
To: Ware, Pat
Subject: RE: [REDACTED] P [REDACTED]

It does help! Thanks. Are grades available from previous years?

Dyamond Henderson, M.Ed.
School Counselor-9th 11th (L 2)
Southside High School
6630 Frontage @ White Horse Road
Greenville, SC 29605
dyhender@greenville.k12.sc.us
Phone: 864-355-3723
E-Fax: 864-355-9791

"We must not, in trying to think about how we can make a big difference, ignore the small daily differences we can make which, over time, add up to big differences that we often cannot foresee."

NUMERICAL AVERAGE GRADES FROM RIVERSIDE MILITARY
FOR HONORS/AP CLASSES BEFORE EXTRA POINTS ADDED

2011-2012	
First Semester	Second Semester
Spanish III H 99	99.6
AP Language 93.4	95
Chem H 100	100

2010-2011	
First Semester	Second Semester
Multicultural Lit H 96.8	95.6
AP World History 93.4	94.5
Spanish II H 97.6	97.4
Bio H 91	93.8

Title of Regulation:

Regulation No.: R 43-273

TRANSFERS AND WITHDRAWALS

Effective Date: 12/26/03

Constitutional and Statutory Provisions:

Section(s):

59-19-90(10).	General powers and duties of school trustees.
59-63-30.	Qualifications for attendance.
59-63-420.	Effect of transfer on enrollment lists.
59-63-470.	Transfer of pupils when enrollment of such pupil threatens to disturb peace.
59-63-480.	Attendance in schools in adjacent county.
59-63-490.	Transfer to adjoining school district.
59-63-500.	Transfer without consent of school district of residence.
59-63-510.	County board of education authorized to order transfer.
59-63-520.	Consent required for transfer.
59-63-530.	Credit on tuition for taxes paid.
59-65-30.	Exceptions [to Compulsory Attendance].
59-65-90.	Rules and regulations

Code of Laws of South Carolina, 1976.

20 U.S.C. 7165

No Child Left Behind Act (NCLB)

U. S. Code of Laws

State Board Regulation:

Transfers and Withdrawals.

Kindergarten; Grades 1-6; 7-8:

Transfer of Students

Each student transferring shall be given a transfer form showing name, date of birth, grade placement, and attendance record to present to the principal of the school where he or she is enrolling. Appropriate additional data shall be furnished by the school on request.

School must transfer a student's disciplinary record of suspensions and expulsions to the public or private school to which the student is transferring.

Grades 9-12:

Transfer of Students

1. Accurate accounting records shall be developed and maintained for student transfers and withdrawals. Comprehensive transcripts shall be submitted directly to the receiving school. A permanent record of the transferred student shall be retained in the school from which the student is transferred. School must transfer a student's disciplinary record of suspensions and expulsions to the public or private school to which the student is transferring.

2. Units earned by a student in an accredited high school of this state or in a school of another state which is accredited under the regulations of the board of education of that state, or the appropriate regional accrediting agency (New England Association of Colleges and Schools, Middle States Association of Colleges and Schools, Southern Association of Colleges and Schools, North Central Association of Colleges and Schools, Western Association of Colleges and Schools, and the Northwest Association of Colleges and Schools), will be accepted under the same value which would apply to students in the school to which they transferred.

3. If a student transfers from a school, which is not accredited, he or she shall be given tests to evaluate prior academic work and/or be given a tentative assignment in classes for a probationary period.

§ 16-13-15. Falsifying or altering transcript or diploma; fraudulent..., SC ST § 16-13-15

Code of Laws of South Carolina 1976 Annotated

Title 16. Crimes and Offenses

Chapter 13. Forgery, Larceny, Embezzlement, False Pretenses and Cheats

Article 1. Miscellaneous Offenses

Code 1976 § 16-13-15

§ 16-13-15. Falsifying or altering transcript or diploma; fraudulent use of falsified or altered transcript or diploma; penalty.

Currentness

(A) It is unlawful for any person to falsify or alter a transcript, a diploma, or the high school equivalency diploma known as the GED from any high school, college, university, or technical college of this State, from the South Carolina Department of Education, or from any other transcript or diploma issuing entity.

(B) It is also unlawful for any person to use in this State a falsified or altered transcript, diploma, or high school equivalency diploma known as the GED from the South Carolina Department of Education, or from any in-state or out-of-state high school, college, university, or technical school, or from any other transcript or diploma issuing entity with the intent to defraud or mislead another person.

(C) Any person who violates the provisions of this section is guilty of a misdemeanor and, upon conviction, must be fined not more than one thousand dollars or imprisoned for not more than one year, or both.

Credits

HISTORY: 1982 Act No. 295; 2002 Act No. 219, § 1, eff April 22, 2002.

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Code 1976 § 16-13-15, SC ST § 16-13-15

Current through End of 2013 Reg. Sess.

End of Document

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§ 99.30

(c) The hearing may be conducted by any individual, including an official of the educational agency or institution, who does not have a direct interest in the outcome of the hearing.

(d) The educational agency or institution shall give the parent or eligible student a full and fair opportunity to present evidence relevant to the issues raised under § 99.21. The parent or eligible student may, at their own expense, be assisted or represented by one or more individuals of his or her own choice, including an attorney.

(e) The educational agency or institution shall make its decision in writing within a reasonable period of time after the hearing.

(f) The decision must be based solely on the evidence presented at the hearing, and must include a summary of the evidence and the reasons for the decision.

(Authority: 20 U.S.C. 1232g(a)(2))

Subpart D—May an Educational Agency or Institution Disclose Personally Identifiable Information From Education Records?

§ 99.30 Under what conditions is prior consent required to disclose information?

(a) The parent or eligible student shall provide a signed and dated written consent before an educational agency or institution discloses personally identifiable information from the student's education records, except as provided in § 99.31.

(b) The written consent must:
(1) Specify the records that may be disclosed;

(2) State the purpose of the disclosure; and

(3) Identify the party or class of parties to whom the disclosure may be made.

(c) When a disclosure is made under paragraph (a) of this section:

(1) If a parent or eligible student so requests, the educational agency or institution shall provide him or her with a copy of the records disclosed; and

(2) If the parent of a student who is not an eligible student so requests, the agency or institution shall provide the

34 CFR Subtitle A (7-1-11 Edition)

student with a copy of the records disclosed.

(d) Signed and dated written consent under this part may include a record and signature in electronic form that—

(1) Identifies and authenticates a particular person as the source of the electronic consent; and

(2) Indicates such person's approval of the information contained in the electronic consent.

(Authority: 20 U.S.C. 1232g (b)(1) and (b)(2)(A))

(53 FR 11943, Apr. 11, 1988, as amended at 58 FR 3189, Jan. 7, 1993; 69 FR 21671, Apr. 21, 2004)

§ 99.31 Under what conditions is prior consent not required to disclose information?

(a) An educational agency or institution may disclose personally identifiable information from an education record of a student without the consent required by § 99.30 if the disclosure meets one or more of the following conditions:

(i)(i)(A) The disclosure is to other school officials, including teachers, within the agency or institution whom the agency or institution has determined to have legitimate educational interests.

(B) A contractor, consultant, volunteer, or other party to whom an agency or institution has outsourced institutional services or functions may be considered a school official under this paragraph provided that the outside party—

(1) Performs an institutional service or function for which the agency or institution would otherwise use employees;

(2) Is under the direct control of the agency or institution with respect to the use and maintenance of education records; and

(3) Is subject to the requirements of § 99.33(a) governing the use and redisclosure of personally identifiable information from education records.

(ii) An educational agency or institution must use reasonable methods to ensure that school officials obtain access to only those education records in which they have legitimate educational interests. An educational



agency or institution that does not use physical or technological access controls must ensure that its administrative policy for controlling access to education records is effective and that it remains in compliance with the legitimate educational interest requirement in paragraph (a)(1)(i)(A) of this section.

(2) The disclosure is, subject to the requirements of § 99.34, to officials of another school, school system, or institution of postsecondary education where the student seeks or intends to enroll, or where the student is already enrolled so long as the disclosure is for purposes related to the student's enrollment or transfer.

Note: Section 4155(b) of the No Child Left Behind Act of 2001, 20 U.S.C. 7165(b), requires each State to assure the Secretary of Education that it has a procedure in place to facilitate the transfer of disciplinary records with respect to a suspension or expulsion of a student by a local educational agency to any private or public elementary or secondary school in which the student is subsequently enrolled or seeks, intends, or is instructed to enroll.

(3) The disclosure is, subject to the requirements of § 99.35, to authorized representatives of—

- (i) The Comptroller General of the United States;
- (ii) The Attorney General of the United States;
- (iii) The Secretary; or
- (iv) State and local educational authorities.

(4)(i) The disclosure is in connection with financial aid for which the student has applied or which the student has received, if the information is necessary for such purposes as to:

- (A) Determine eligibility for the aid;
- (B) Determine the amount of the aid;
- (C) Determine the conditions for the aid; or
- (D) Enforce the terms and conditions of the aid.

(ii) As used in paragraph (a)(4)(i) of this section, *financial aid* means a payment of funds provided to an individual (or a payment in kind of tangible or intangible property to the individual) that is conditioned on the individual's attendance at an educational agency or institution.

(Authority: 20 U.S.C. 1232g(b)(1)(D))

(5)(i) The disclosure is to State and local officials or authorities to whom this information is specifically—

- (A) Allowed to be reported or disclosed pursuant to State statute adopted before November 19, 1974, if the allowed reporting or disclosure concerns the juvenile justice system and the system's ability to effectively serve the student whose records are released; or
- (B) Allowed to be reported or disclosed pursuant to State statute adopted after November 19, 1974, subject to the requirements of § 99.38.

(ii) Paragraph (a)(5)(i) of this section does not prevent a State from further limiting the number or type of State or local officials to whom disclosures may be made under that paragraph.

(6)(i) The disclosure is to organizations conducting studies for, or on behalf of, educational agencies or institutions to:

- (A) Develop, validate, or administer predictive tests;
- (B) Administer student aid programs; or
- (C) Improve instruction.

(ii) An educational agency or institution may disclose information under paragraph (a)(6)(i) of this section only if—

- (A) The study is conducted in a manner that does not permit personal identification of parents and students by individuals other than representatives of the organization that have legitimate interests in the information;
- (B) The information is destroyed when no longer needed for the purposes for which the study was conducted; and
- (C) The educational agency or institution enters into a written agreement with the organization that—
 - (1) Specifies the purpose, scope, and duration of the study or studies and the information to be disclosed;
 - (2) Requires the organization to use personally identifiable information from education records only to meet the purpose or purposes of the study as stated in the written agreement;
 - (3) Requires the organization to conduct the study in a manner that does not permit personal identification of parents and students, as defined in this part, by anyone other than representatives of the organization with legitimate interests;

§ 99.34

§ 99.34 What conditions apply to disclosure of information to other educational agencies or institutions?

(a) An educational agency or institution that discloses an education record under § 99.31(a)(2) shall:

(1) Make a reasonable attempt to notify the parent or eligible student at the last known address of the parent or eligible student, unless:

(i) The disclosure is initiated by the parent or eligible student; or

(ii) The annual notification of the agency or institution under § 99.6 includes a notice that the agency or institution forwards education records to other agencies or institutions that have requested the records and in which the student seeks or intends to enroll;

(2) Give the parent or eligible student, upon request, a copy of the record that was disclosed; and

(3) Give the parent or eligible student, upon request, an opportunity for a hearing under subpart C.

(b) An educational agency or institution may disclose an education record of a student in attendance to another educational agency or institution if:

(1) The student is enrolled in or receives services from the other agency or institution; and

(2) The disclosure meets the requirements of paragraph (a) of this section.

(Authority: 20 U.S.C. 1232g(b)(1)(B))

[53 FR 11943, Apr. 11, 1988, as amended at 61 FR 59297, Nov. 21, 1996]

§ 99.35 What conditions apply to disclosure of information for Federal or State program purposes?

(a) The officials listed in § 99.31(a)(3) may have access to education records in connection with an audit or evaluation of Federal or State supported education programs, or for the enforcement of or compliance with Federal legal requirements which relate to those programs.

(b) Information that is collected under paragraph (a) of this section must:

(1) Be protected in a manner that does not permit personal identification of individuals by anyone except the officials referred to in paragraph (a) of this section; and

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(2) Be destroyed when no longer needed for the purposes listed in paragraph (a) of this section.

(c) Paragraph (b) of this section does not apply if:

(1) The parent or eligible student has given written consent for the disclosure under § 99.30; or

(2) The collection of personally identifiable information is specifically authorized by Federal law.

(Authority: 20 U.S.C. 1232g(b)(3))

§ 99.36 What conditions apply to disclosure of information in health and safety emergencies?

(a) An educational agency or institution may disclose personally identifiable information from an education record to appropriate parties in connection with an emergency if knowledge of the information is necessary to protect the health or safety of the student or other individuals.

(b) Nothing in this Act or this part shall prevent an educational agency or institution from—

(1) Including in the education records of a student appropriate information concerning disciplinary action taken against the student for conduct that posed a significant risk to the safety or well-being of that student, other students, or other members of the school community;

(2) Disclosing appropriate information maintained under paragraph (b)(1) of this section to teachers and school officials within the agency or institution who the agency or institution has determined have legitimate educational interests in the behavior of the student; or

(3) Disclosing appropriate information maintained under paragraph (b)(1) of this section to teachers and school officials in other schools who have been determined to have legitimate educational interests in the behavior of the student.

(c) Paragraphs (a) and (b) of this section will be strictly construed.

(Authority: 20 U.S.C. 1232g(b)(1)(D) and (h))

[53 FR 11943, Apr. 11, 1988; 53 FR 19368, May 27, 1988, as amended at 61 FR 59297, Nov. 21, 1996]

- [SHS Athletics](#)
- [Clubs](#)
- [Lunch](#)

- [Parents Home](#)
- [PTSA](#)
- [SIC](#)
- [Student Handbook](#)
- [Lunch](#)

SHS PTSA

The President's Message

It seems like it was just yesterday as we celebrated the graduation of another class of Tigers. As we begin a new year, we are excited about the plans that are in place for another banner year.

Southside High School

PTSA

everychild.onevoice.

The PTSA has been busy preparing for a new year and have developed some new programs to make life at Southside even better. This year we hope to exceed the over \$40,000 we gave to support Southside organizations and teachers last year. To keep you even better informed, we are creating a e-mail blast newsletter that will go out every couple of weeks to supplement the news you receive in this newsletter. For even more immediate news, join the newly created Southside High PTSA Facebook page.

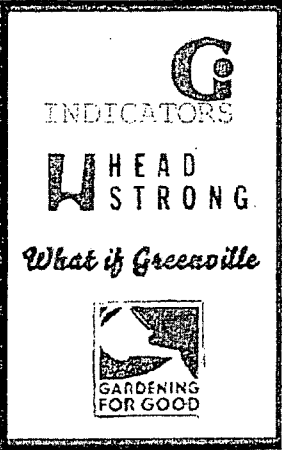
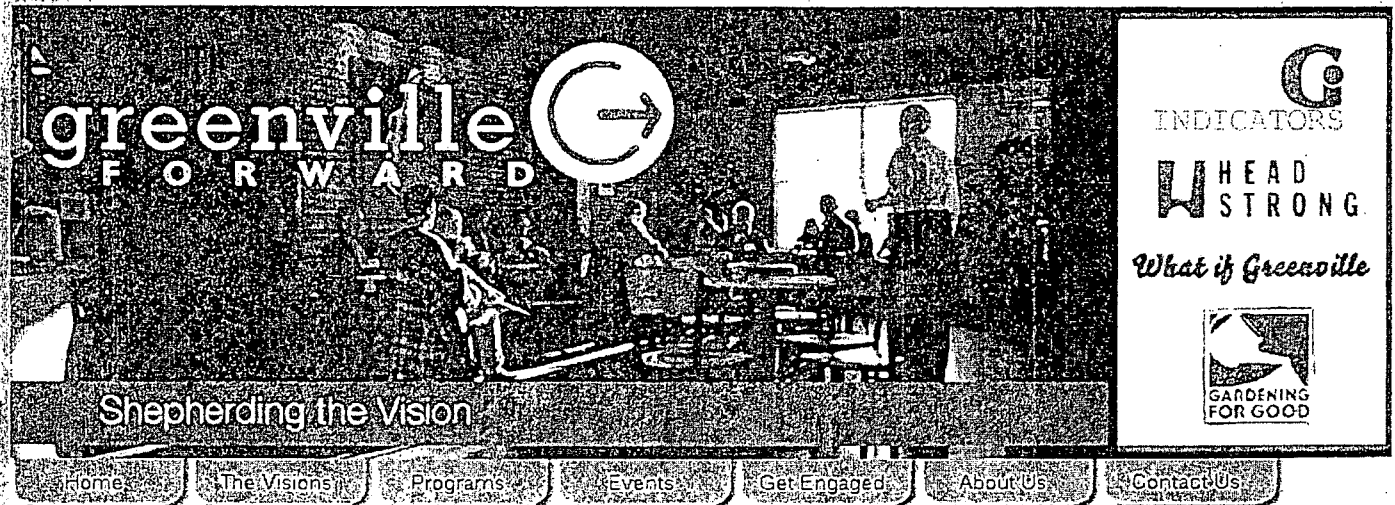
In other programs, the school store is planning to offer even more options. The Health and Wellness Fair promises to be the best ever. We will celebrate at the International Festival and the Miss Southside Pageant, and we will continue to improve our health at the Tiger Pride 5K Challenge. It is certainly a great time to be at Southside!

I hope you will think about some ways you can get more involved in life at Southside. We need your time and energy. There are opportunities to work in the school store, serve on a committee, or work at one of the many special events and activities. If you would like to become more involved in life at the school, or even if you would like to talk about your experiences at Southside, please call or email me or volunteer coordinator, Jesse Bowens. We will be happy to get you linked in.

I am honored to serve as Southside High's PTSA President for the next two years and would love to hear from you. Please call or e-mail me if I can help you in any way.

Russell S. [REDACTED]
[REDACTED]

The Parent Teacher Student Association



Staff Biographies

About Us



Russell H. S
Executive Director

Russell is a boomerang, one of those people who grew up in Greenville, left, and didn't come back after 16 years because he didn't think Greenville was cool or progressive enough. However, Greenville changed and became a place where Russell wanted his family to grow and transform.

As the founder of Greenville Forward, Russell is an active public speaker and motivator, telling the story of Greenville's transformation from the "Textile Capital of the World" as a "milltown to a willtown" with a diversified economy built through collaborative relationships, community engagement, and creative partnerships. Since starting Greenville Forward, Russell has told this story to over 450 groups and 30,000 people.

Prior to founding Greenville Forward, Russell owned ResearchWorks, a strategic marketing research firm that focused on community development and customer satisfaction research. He has also worked for Mercer Management Consulting/Temple, Barker & Sloane, Coca-Cola USA, and Ralph Lauren Home Furnishings.

Russell has an MBA from Emory University's Goizueta School, and a BA in psychology from Washington and Lee University.

Russell has served on the boards of Warehouse Theatre, St. Francis Hospital Foundation, Metropolitan Arts Council, Greenville Chamber of Commerce, Cancer Society of Greenville County, Project Host Soup Kitchen, Greenville University Center, Friends of the Greenville Zoo, The United Negro College Fund, and Junior League Advisory Council. He is President-Elect of the Rotary Club of Greenville, and serves at Chair of the Rotary Metro Club Presidents' Council.

He has been the volunteer class facilitator for Leadership Greenville for eight years, was named at 2013's Leadership Greenville Alumni of the Year, and has been named as one of Greenville's Most Influential People by Greenville Business Magazine three times.

His sons H. and H. attend Davidson College and the IB program at Southside High School, respectively. His wife, Susan, is even more awesome.



Reece Lyerly
Program Director and Gardening for Good Director

Reece Lyerly is the Program Director at Greenville Forward. He joined the Greenville Forward staff in 2011 as the inaugural Gardening for Good fellow, which introduced him to the great work being done by the organization and solidified his love for Greenville. Through programming, Reece works to further the mission of Greenville Forward by cultivating dialogue, inspiring leadership and tracking progress towards Vision 2025 goals.

Originally from Russell, GA, Reece now considers himself a fellow Greenvillean due to his recent residency in the city after four



TIGER TALES

A Publication of the Southside High School PTSA

Volume 4 | Issue 4

WINTER | 2012

Carlos Brooks, Principal
Susan Stall, PTSA President

Run, Southside, Run! Tiger Pride 5K Challenge and One Mile Fun Run on March 24

It's that time of year again - time to get serious about your fitness resolutions for 2012!

Southside's PTSA has a great way for you to work on the exercise component of your healthy lifestyle commitment for the new year. Mark your calendar for March 24 and start training to run (or walk) in our 5K Challenge.

Our event in 2011 was very successful and we raised \$3,000 for extracurricular programs at Southside and also donated \$315 to the Susan G. Komen for the Cure fund for breast cancer research in honor of two breast cancer survivors, Donna Mathis and Christie Seear.

This year we will race in honor of Juvenile Diabetes, which affects several students at Southside.

We hope you will support the 5K Challenge this year by participating and by volunteering. Please see the shaded box for all the ways you can help organize this

exciting event. Contact Susan Stall at sstall@aol.com or (984)430-0637 to be part of the planning team.

This year's course will be the same as last year's - located on the campuses of Southside and Thomas Kearns Elementary next door. After the race, there will be a celebration inside the school with great food and fun music.

This event is appropriate for the entire family. Bring everyone - including children in strollers - but please leave your pets at home! The entry fee is just \$10 for students and teachers and \$15 for all other people (stroller occupants are free). Scholarships are available. All participants and volunteers will receive a great looking tee shirt the day of the race.

Come out and show us what you've got!

Want to Help with the 5K Challenge?

If you would like to help with the event, we have a job for you! Here is a list of the assistance we know we need:

- Invite your church, business, or neighbors to participate
 - Solicit corporate sponsors (\$1,000 - \$2,500)
 - Solicit \$100 Friends of Southside donors
 - Solicit food and beverage donation
 - Manage registration
 - Publicity at school and in community
 - Tee Shirt - design and printing
 - Post race celebration event planning
 - Race day set up and clean up
 - Race day volunteers - registration tables (4), water table (2), race starter (1), finish line time callers (2), food tables (3), photographers (2)
- To volunteer, send an email to Susan.Stall@atstall@aol.com or call at 430-0637



INTERNATIONAL FESTIVAL

Note from Carlos Brooks Principal

It's a great day to be a Tiger. With exams completed and a new semester starting, it's good to look back at the positives of the fall and the opportunities coming up soon.

We continue to celebrate the success of SHS's Forensic Team, AFJROTC, and the Orange Express. These students along with our student athletes represent Southside well in Greenville and in the region.

Thank you too to everyone who made our International Festival a showcase and celebration of Southside's diversity.



Be sure to check out the calendar of events coming up. Students will soon be registering for classes for next year, so please read the information provided by the Guidance Office included in this newsletter.

Finally, everyone begin training for Southside's own 5K race to be held in April! It's a great time to be at Southside High School.

Carlos Brooks
Principal

Have something for the newsletter?

The newsletter is a publication of the Southside High School PTSA. The deadline for submissions to the April/May issue of Tiger Tales is March 1. If you have some news of interest, send your idea to Carol Wilson, Editor, at wilsoncb@woiford.edu.

Got Pix?

Pictures are needed for the website.

Have you taken any pictures of your classmates that you would like to share on the school website? If so, send them to jbrownin@greenville.k12.sc.us.



TIGER TALES

A Publication of the Southside High School PTSA

Volume 4 | Issue 2

SEPTEMBER/OCTOBER | 2010

Carlos Brooks, Principal
Susan S. [redacted] PTSA President

A PTSA with Vision

We Have a Dream for What This Year Can Be

When you think about PTSA, what do you think? Do you think about selling wrapping paper? Selling food at the school store? Selling donuts and Chick-fil-A biscuits? Selling PTSA Memberships?

When you think about PTSA do you think about selling anything to make money to provide agendas for our students, grants for classroom supplies for our teachers, funding for Southside's amazing extracurricular activities, and goodies to show Southside's staff how much we appreciate them?

PTSA is certainly a resource that can assist with funding the many needs facing the students and staff at Southside High. But, it is so much more than that. At our first full Board meeting in August, your PTSA approved a three-pronged vision for the coming year.

PTSA Vision

- To bridge the gap between home and school through excellent communications so that Southside families are connected to the school and are informed about happenings at school and with PTSA.
- Promoting the health and welfare of the students at Southside as well as their families by providing opportunities for them to:
 - Learn about and experience a healthy lifestyle (nutritional health, physical health, and mental health), and
 - Understand the value of education and pursue academic success.
- Providing financial and human resources to students, teachers, and the school.

This vision will undergird everything that Southside's PTSA does in the coming year. Your PTSA also approved a plan for pursuing this vision in the coming academic year:

Fall and Winter (September-November) Focus on Academic Success and Healthy Eating Habits

- Healthy snack options will be promoted and sold at school store.

- A healthy dinner will be offered at the September Open House including grilled chicken sandwiches from Chick-fil-A.
- The PTSA will host a Health and Wellness Fair for Southside families in November to include food demonstrations, blood pressure screenings, as well as programs on academic success.

Winter/Spring (January-April) Focus on Physical Health and Mental Health

- The PTSA will sponsor the Tiger Pride 5k Challenge. Southside staff, students and families are invited to complete an 8-week training program from February-March that will prepare them for running or walking the 5k (3.2 mile) event in April. This event will honor Christie Seear (Mr. Brooks' Assistant) who is battling breast cancer. Ten per cent of the net proceeds raised will support breast cancer research and the other ninety per cent will fund extracurricular programs for students at Southside.
- The school store will highlight foods and beverages sold at the school store that are good for fueling and hydrating a body before, during and after exercise.
- The PTSA will host a program by Greenville Mental Health provided by Southside's on-site representative.

It is always easier to get somewhere if you have a vision of where you want to go. Your PTSA has a plan and we would love for you to get involved and help us achieve this vision for success.

Please give one of us a call if you want to get plugged in!

Susan S. [redacted] PTSA President



Principal Brooks welcomes students back to Southside

Note from Mr. Brooks

Student activities are gearing up with an exciting schedule of games, performances, fundraisers, and social gatherings. Read through this newsletter to note the dates of events your family will want to support.

Please mark your calendar for September 27 and attend the Open House. On that evening, families may visit students' classes, to hear from faculty about plans for the year. It should be an informative evening offering the opportunity for families to support students' commitments to a school year of achievement and growth.

It's a good time to be at Southside High School. In my third year, I've found this to be the smoothest start to school we've had. Looking ahead we have many opportunities to build on all the success of last year. Become an active member of the Southside community and be a part of all that growth.

Carlos Brooks, Principal

Have something for the newsletter?

The newsletter is a publication of the Southside High School PTSA. The deadline for submissions to the November issue of Tiger Tales is October 21. If you have some news of interest, send your idea to Carol Wilson, Editor, at wilsoncb@wofford.edu.

**THE STATE OF SOUTH CAROLINA
In The Court of Appeals**

**APPEAL FROM GREENVILLE COUNTY
Court of Common Pleas**

The Honorable Edward W. Miller, Circuit Court Judge

C.A. No.: 2013-002232

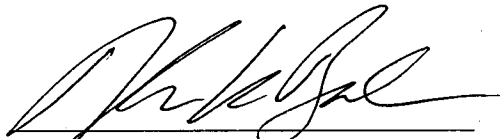
Lee C. P. and Nelle S.P., as Guardians ad Litem for L.P., a minor, Respondents.

v.

The School District of Greenville County, Appellant.

CERTIFICATE OF COUNSEL

The undersigned hereby certifies that the Amended Record On appeal contains all material proposed to be included by any of the parties and not any other material.



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April 1, 2014

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