

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

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APPEAL FROM THE SOUTH CAROLINA
Administrative Law Court

SC Court of Appeals

The Honorable Deborah B. Durden, Administrative Law Judge

Appellate Case No.: 2019-000947

Richland County School District One Board of Commissioners.....Appellant

v.

The Charter Institute at Erskine and Clear Dot Charter School Columbia..... Respondents

**RESPONDENTS' JOINT RESPONSE TO APPELLANT'S
PETITION FOR WRIT OF SUPERSEDEAS**

Respondents, Clear Dot Charter School Columbia ("CDCSC" or the "School") and the Charter Institute at Erskine ("the Institute"), by and through their undersigned counsel, hereby submit their joint response to Appellant's Petition for Writ for Supersedeas filed on June 27, 2019.

I. INTRODUCTION

On May 7, 2019, the Administrative Law Court ("ALC") granted Respondents' Joint Motion to Dismiss Appellant's Notice of Appeal of CDCSC's charter approval for lack of subject matter jurisdiction based upon Appellant's untimely appeal pursuant to S.C. Code Ann. § 1-23-380. Thereafter, on June 6, 2019, Appellant filed a Notice of Appeal of the ALC's Order of Dismissal with this Court, and subsequently submitted its Petition for Writ of Supersedeas with the ALC on June 7, 2019. On June 27, 2019, and before the ALC issued a ruling on Appellant's

Writ of Supersedeas, Appellant also filed a Petition for Writ of Supersedeas with this Court.

Rule 241 of the South Carolina Appellate Court Rules provides that an order or decision is automatically stayed by the service of a notice of appeal in a civil matter pending appeal of the final order, subject to certain exceptions, including an appeal from an administrative tribunal as provided in S.C. Code Ann. § 1-23-380(A)(2). Absent extraordinary circumstances, this petition must first be made in the lower court that issued the order. Rule 241(d)(1), SCACR. In considering a Petition for Writ of Supersedeas, the issuing court must consider whether an Order of Supersedeas “is necessary to preserve jurisdiction of the appeal or to prevent a contested issue from becoming moot.” Rule 241(c)(2), SCACR. The Court must also consider if the petitioning party (1) would suffer irreparable harm, (2) would succeed on the merits of the claim, and (3) would have no other adequate remedy at law without the issuance of the stay. S.C. Code Ann. § 1-23-380(2); Rule 65, SCRCR.

Issuing a Writ of Supersedeas in this case would be improper. As an initial matter, no extraordinary circumstances exist that would support this Court circumventing the ALC’s opportunity to rule on the Petition. Additionally, Appellant cannot demonstrate that the Writ is necessary to prevent the merits of its claim from becoming moot or to preserve jurisdiction through appeal. Further, Appellant is unlikely to succeed on the merits of its claims as Appellant failed to timely appeal the Institute’s final decision to the ALC as required under S.C. Code Ann. § 1-23-380; thus, the Court correctly dismissed the appeal holding it did not have subject matter jurisdiction to consider the appeal. Moreover, Appellant failed to raise any concerns regarding CDCSC’s charter prior to filing its appeal with the ALC; therefore, these concerns are not preserved on the record and cannot be considered on appeal. Moreover, Appellant has not demonstrated it will suffer irreparable harm, but instead, has merely made vague assertions that unspecified harms could occur.

Accordingly, it would be improper to grant a Writ of Supersedeas before the ALC has had

the opportunity to rule on the petition and when Appellant cannot demonstrate it will suffer the harms the Writ is intended to prevent, it would succeed on the merits, or it would have no adequate remedy at law absent the issuance of a stay. As such, the Petition should be denied.

II. PROCEDURAL AND FACTUAL BACKGROUND

CDCSC is a nonprofit corporation and public charter school that is authorized by the Institute. The vision of the CDCSC founding committee is to provide students with a community-based, environmentally-conscientious facility where the focus is on the three (3) dimensions of global competency: knowledge and understanding; communication skills; and attitudes and values.

In February 2018, CDCSC submitted its charter application to the Institute, a statewide charter school authorizer, as defined by the South Carolina Charter Schools Act of 1996, as amended (“the Act”) §§ 59-40-10 et seq. In its charter application, CDCSC states that its intention is to serve as a commuter school to families who live, conduct business, work, and/or attend school in downtown Columbia. As required by statute and indicated in its application, representatives of CDCSC met with numerous community leaders, including Dr. Craig Witherspoon, Superintendent of Richland County School District One (“Richland One”), and requested meetings with the Richland County School District One Board of Commissioners.

On April 20, 2018, the Institute Board of Directors (“Institute Board”) voted to conditionally approve CDCSC’s charter application to open for the 2019-2020 school year so long as the School kept the Institute Board apprised of its student enrollment projections and facility search. When the School learned in November 2018 that developing its selected permanent facility would take longer than expected, Dr. Lindsey Ott, Director of CDCSC, informed the Institute that it planned to obtain a temporary facility to ensure the School would open for the 2019-2020 academic year. Given the change to a temporary facility, Dr. Ott sent notice to the Institute that the anticipated enrollment at CDCSC for the 2019-2020 school year ranged between 125-300 students.

On December 11, 2018, the Institute held a public hearing at its Board of Directors meeting, during which it considered the charter application of CDCSC. (December 11, 2018 Agenda and Meeting Minutes, attached as **Exhibits A and B**, respectively.) The December 11, 2018 meeting agenda was properly noticed in accordance with the South Carolina Freedom of Information Act (“FOIA”) and posted on the Institute’s website at least twenty-four hours before the meeting. This meeting was held by conference call and the public was given an access code to participate in the meeting. As reflected in the Institute’s minutes and recording for that Board Meeting, the Board of Directors for the Institute received a presentation on the application from representatives of CDCSC as well Vamshi Rudrapati, Director for the Institute, and the Board of Directors then questioned those representatives on a series of points about CDCSC’s charter application. The Board of Directors for the Institute then publicly voted and unanimously voted to grant the full approval of CDCSC’s charter application.

This public and oral decision made on the record constituted the Institute Board’s final decision on the matter. Representatives of Appellant did not present any evidence of an adverse impact CDCSC may have on students in Richland One to the Institute Board at this December 11, 2018, meeting or at any of the three prior publicly noticed meetings since CDCSC was conditionally approved.

An appeal by any party of the Institute Board’s final decision needed to be filed by January 10, 2019. Appellant filed a Notice of Appeal with the ALC on February 15, 2019, approximately five weeks after the deadline to file an appeal of the Institute Board’s decision. Consequently, the ALC dismissed Appellant’s untimely appeal, with prejudice, for lack of subject matter jurisdiction on May 7, 2019. On June 6, 2019, Appellant appealed the ALC’s Order dismissing the action to this Court and subsequently filed its Petition for Writ of Supersedeas with the ALC on June 7, 2019. Thereafter, the ALC granted Respondents a 15-day extension in which to file its response

to Appellant’s petition, making the response due on July 8, 2019. On June 27, 2019, Appellant filed a Petition for Writ of Supersedeas with this Court claiming extraordinary circumstances.

To date, CDCSC has enrolled approximately 170 students for the 2019-2020 school year, and the School’s temporary facility maximum capacity is for 200 students. In contrast, Richland One serves approximately 23,782 students.

III. STANDARD OF REVIEW

Upon motion by any party, an administrative law judge may stay his or her final order upon appropriate terms. SCALC Rule 29.E. Section 1-23-380(A)(2) of the South Carolina Code of Laws grants the authority for a reviewing court to issue a stay and provides, “[t]he agency may grant, or the reviewing court may order, a stay upon appropriate terms, upon the filing of a petition under Rule 65 of the South Carolina Rules of Civil Procedure.” Rule 65, SCRCF, requires a party to demonstrate that it would suffer irreparable harm, it is likely to succeed on the merits of its claims, and there is no adequate remedy at law. *AJG Holdings, LLC v. Dunn*, 382 S.C. 43, 51, 674 S.E.2d 505, 508 (Ct. App. 2009) (citing *Scratch Golf Co. v. Dunes W. Residential Golf Props., Inc.*, 361 S.C. 117, 121, 603 S.E.2d 905, 908 (2004)).

Because appeals from administrative tribunals are not automatically stayed pending appeal, a party seeking a stay of the order must move for an order imposing a supersedeas after serving notice of the appeal. Rule 241(c)(1), SCACR. The moving party must show that an Order of Supersedeas “is necessary to preserve jurisdiction of the appeal or to prevent a contested issue from becoming moot.” Rule 241(c)(2), SCACR.

IV. ARGUMENT

A. The Administrative Law Court Should Be Allowed To Rule On The Petition Because It Has Not Unnecessarily Delayed Ruling On Appellant’s Petition And This Court Will Have No More Time Than The Administrative Law Court In Which To Issue A Ruling.

Appellant’s argument that the Administrative Law Court unnecessarily delayed ruling on Appellant’s petition by granting Respondents a 15-day extension to file their reply is erroneous.

Rule 241(d)(1), SCACR, requires a Petition for Writ of Supersedeas to first be made to the lower court that entered the order, unless “extraordinary circumstances make it impracticable.” “Extraordinary circumstances” include issuing an ex parte order or an unnecessary delay by the lower court in ruling on the petition. *Id.*

It is within the court’s discretion to grant an extension of time for filing a response to a motion. Rule 240(e), SCACR (“The court may in its discretion enlarge or limit the time for filing the return.”). Further, the Rules of Procedure for the Administrative Law Court allow judges to extend or shorten the time to file a response to a motion. SCALC Rule 19.A. (“Any party may file a written response to the motion within ten (10) days of the service of the motion unless the time is extended or shortened by the administrative law judge.”). By this authority, the administrative law judge had full discretion to grant Respondents an extension of time to file their response to Appellant’s petition in that court.

Moreover, the granting of a 15-day extension by the ALC did not result in an unnecessary delay because adequate time still exists for the ALC to issue a ruling on Appellant’s petition. Respondents’ response to Appellant’s petition is due in the ALC on July 8, 2019. CDCSC’s first day of classes is not until August 21, 2019. This timing allows over six weeks for the ALC to rule on Appellant’s petition.

Importantly, this Court will not have any more time than the ALC in which to rule on Appellant’s petition. Appellant filed its Petition for Writ of Supersedeas with this Court on June 27, 2019. Respondents’ response, therefore, will be due on July 8, 2019, the same day Respondents’ response is due in the ALC. Respondents can receive a ruling from this Court no sooner than it could from the ALC. For these reasons, the opportunity to rule on Appellant’s petition should remain with the ALC.

B. This Court Should Deny Appellant's Petition For Writ Of Supersedeas As Appellant Is Unlikely To Succeed On The Merits Of Its Claims On Appeal Considering (1) Appellant Failed To Timely File Its Appeal Of The Institute Board's Approval Of The School's Charter And (2) Appellant Did Not Otherwise Preserve Its Issues With CDCSC's Charter Application For Review On Appeal.

1. Appellant Failed To Timely File Its Appeal Of The Institute Board's Approval Of The School's Charter.

As an initial matter, Appellant did not timely file its notice of appeal within the statutory time limits, and therefore, the ALC correctly ruled that it lacked subject matter jurisdiction to hear the appeal. The Administrative Procedures Act requires an appeal of an agency decision to be filed within thirty days of the agency's final decision. S.C. Code Ann. § 1-23-380(1) (1976, as amended). "A final decision or order adverse to a party in a contested case shall be in writing or stated on the record." S.C. Code Ann. § 1-23-350 (1976, as amended). In compliance with the South Carolina Freedom of Information Act ("FOIA"), the Institute publicly posted the agenda for its December 11, 2018, Board meeting, which showed that the Institute Board would consider CDCSC's charter application. After hearing CDCSC's presentation, the Institute Board voted publicly and on the record to fully approve CDCSC's charter application. This oral and public vote on the record constituted the Institute's final decision. Because this vote constituted the Institute's final decision, Appellant was statutorily required to file its appeal by January 10, 2019, yet Appellant did not file its Notice of Appeal with the ALC until February 15, 2019, five weeks after the deadline to file the appeal. Since Appellant failed to file a timely appeal, as required by S.C. Code § 1-23-380, the ALC correctly dismissed the appeal for lack of subject matter jurisdiction. *See Allendale Cnty. Sch. Dist. v. S.C. Pub. Charter Sch. Dist.*, Case No. 11-ALJ-30-0404-AP, at 2 (S.C. Admin. L. Ct. Nov. 4, 2011) (dismissing a case for lack of subject matter jurisdiction when the Notice of Appeal was filed merely one week after the statutory deadline).

Appellant relies on *Hamm v. South Carolina Public Service Commission*, 287 S.C. 180, 336 S.E.2d 470 (1985), to support its argument that the time to file its Notice of Appeal commences

from the date of the issuance of a final written order. The South Carolina Supreme Court later clarified the *Hamm* Court's decision, stating, "[t]he Court in *Hamm* did not hold that a filing period must begin with receipt of notice of an agency's decision. Rather, the Court read a notice requirement into § 1-23-380(b) to avoid 'an absurd result not possibly intended by the legislature.'" *S.C. Coastal Conservation League v. S.C. Dep't of Health and Environmental Control*, 390 S.C. 418, 427, 702 S.E.2d 246, 251 (2010). The Institute satisfied this notice requirement by publicly posting its December 11, 2018, meeting agenda prior to its meeting and by voting publicly and on the record to approve CDCSC's charter. Appellant, therefore, waived its right to appeal the decision when it did not timely file its appeal by January 10, 2019.

2. Appellant Did Not Otherwise Preserve Its Objections To CDCSC's Charter Application For Review On Appeal.

Further, Appellant did not raise any objections to CDCSC's charter prior to filing a Notice of Appeal with the ALC. A court reviewing a final decision in a contested case is limited to reviewing facts contained in the record. *See, e.g.*, S.C. Code Ann. § 1-23-380(4) ("The review must be conducted by the court and must be confined to the record."); Rule 210(c), SCACR ("The Record shall not, however, include matter which was not presented to the lower court or tribunal."); *S.C. State Highway Dep't v. Meredith*, 241 S.C. 306, 311, 128 S.E.2d 179, 182 (1962) ("This Court will not consider any fact which does not appear in the transcript or record . . ."). As evidenced in CDCSC's charter application filed in February 2018, Richland One's Superintendent, Dr. Witherspoon, was aware of CDCSC's intent to open within the boundaries of Richland One. Additionally, CDCSC representatives tried to coordinate meetings with the Richland One Board of School Commissioners to discuss the School's opening. Despite knowing CDCSC's intent to open and the Institute's publicly noticed board meetings to discuss CDCSC's charter, Richland One failed to raise any concerns about CDCSC opening or its charter application to the Institute Board. Specifically, any concerns regarding the "spirit and intent" of CDCSC's charter application and its alleged deficiencies should have been raised before the Institute Board prior to raising them

before the ALC. Because these concerns were not preserved on the record, they cannot be considered on appeal. *See Hampton Cnty. Sch. Dist. Two v. S.C. Pub. Charter Sch. Dist.*, Case No. 11-ALJ-30-0403-A-AP, at *3 (S.C. Admin. L. Ct. Apr. 25, 2013) (“The District did not present evidence at any hearings prior to the filing of the Notice of Appeal on August 5, 2011, and there is nothing in the Record on Appeal to support its argument that the opening of the Academy will adversely affect students within the district.”).

Regardless, Appellant’s claims that CDCSC’s charter application was deficient and not in compliance with S.C. Code Ann. Regs. § 43-601(III)(L)(2) and that CDCSC failed to meet the terms of its conditional charter are without merit. CDCSC not only satisfied the statutory requirements for its charter application, it also satisfied the requirements imposed by the Institute’s conditional approval as the School was in the process of finalizing and upfitting a permanent facility and had located a temporary facility prior to the Institute’s final and full approval in December 2018.

Finally, Appellant’s assertion that it was deprived a meaningful opportunity to fulfill its “statutory duty” is incorrect. The Act does not require a local school district to investigate the impacts of a charter school on other children in the district. Section 59-40-70(G) states:

If a local school board of trustees has information that an approved application . . . adversely affects the other students in its district, as defined in regulation, or that the approval of the application fails to meet the spirit and intent of this chapter, the local school board of trustees **may** appeal the granting of the charter to the Administrative Law Court.

(emphasis added).

The language of this statute is purely permissive and does not obligate a local school board of trustees to perform an investigation; however, it allows a local school board to present known evidence that a school will adversely affect students or that a school’s charter application violates

the “spirit and intent” of the statute. Appellant has presented no such evidence on which to base its appeal, and therefore, Appellant is unlikely to succeed on the merits of its claim.

C. This Court Should Deny Appellant’s Petition For Writ Of Supersedeas Because Appellant Has Failed To Demonstrate That It Will Suffer Irreparable Harm Without A Stay Of A Final Order.

Among the requirements of Rule 65, SCRCF, is that a party must demonstrate it will suffer irreparable harm without a stay of a final order. The harm demonstrated must be definite and likely. *See Show Luv, LLC, d/b/a Mr. Lucky’s v. S.C. Dep’t of Revenue*, Case No. 14-ALF-17-0570-CC, at *7 (S.C. Admin. L. Ct. Mar. 19, 2015) (“[A] mere statement that ‘[t]he Court’s Order has the **potential** impact of closing the Appellant’s business and bringing Appellant to financial ruin’ is insufficient to demonstrate that Appellant **would** suffer irreparable harm as required by Rule 65, SCRCF.”) (emphasis in original). Further, the South Carolina regulations pertaining to charter schools require that any adverse impact a local school board demonstrate be “specific.” S.C. Code Ann. Regs. § 43-601.VI.A.

Appellant has only asserted vague references that it could suffer adverse impact without any specific evidence. For example, Appellant states “. . . students . . . **could** be deprived of certain programs for the 2019-2020 academy [sic] school year.” App. at 4 (emphasis added). Moreover, Appellant stated, “If Clear Dot is allowed to open, [Appellant] will suffer **unspecified** adverse impacts” App. at 10 (emphasis added). These references to vague and unspecified harms that may possibly occur are insufficient to support a stay of this Court’s final order.

Furthermore, even if the Court could consider CDCSC’s application and record as a whole, which it should not based on Appellant’s untimely appeal and failure to timely raise its objections, Appellant’s assertions are not supported by any evidence of a specific adverse impact. Instead, it is likely that CDCSC’s opening will have little to no impact on Richland One as a whole. In *Columbia Achievement Center Charter High School, Inc. v. Richland County School District One Board of Commissioners*, Case No. 09-ALJ-30-0450-AP (S.C. Admin. L. Ct. July 23, 2010), the

ALC reversed the school board's decision denying a school's charter application because the decision was not grounded in evidence of a specific adverse impact. In its Order, the ALC noted, "[t]he Board's decision does not explain how the movement of less than four percent of the District's high school students into the charter school is likely to lead to reductions in enrollment in any particular program or school so that any adverse effects would be realized." *Id.* at *6.

Here, CDCSC's current enrollment for the 2019-2020 academic year is 170 students with a maximum possible enrollment of 200 students. In contrast, Richland One currently serves approximately 23,782 students. CDCSC's opening, then, will affect less than 1% of Richland One's total student enrollment. Much like Richland One failed to show an adverse impact in the *Columbia Achievement Academy* case, Appellant has similarly failed to demonstrate how the movement of less than 1% of its student enrollment will result in adverse impacts or articulate with specificity any specific adverse effect. Because Appellant cannot and has not shown any specific irreparable harm that it will suffer due to CDCSC opening, its Petition for Writ of Supersedeas should be denied.

D. The Petition for Writ of Supersedeas Should Be Denied Because Contested Issues Will Remain Justiciable After CDCSC Opens.

Allowing CDCSC to open for the 2019-2020 academic year will not render the merits of Appellant's claims moot. If, assuming *arguendo*, Appellant's appeal was timely and the adverse impact issue was properly preserved by Appellant before the Institute and subsequently considered by a Court, the Court could just as easily determine whether or not Richland One is adversely impacted by the School's opening after the School is opened as it could before the School is opened. Furthermore, even assuming Appellant's claims would be rendered moot, an appellate court may still take jurisdiction over the case if it decides the issues fall into one of three exceptions to the mootness doctrine. *Wachesaw Plantation E. Cmty. Servs. Ass'n, Inc. v. Alexander*, 414 S.C. 355, 359, 778 S.E.2d 898, 900 (2015) (quoting *Curtis v. State*, 345 S.C. 557, 568, 549 S.E.2d 591,

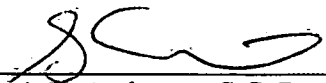
596 (2001)). Therefore, a Writ of Supersedeas is unnecessary to prevent the appeal from becoming moot.

V. CONCLUSION

For the reasons stated above, this Court should deny Appellant's Petition for Writ of Supersedeas and allow CDCSC to open in August for the 2019-2020 academic year, or, in the alternative, dismiss the Petition and allow the ALC an opportunity to rule on the Petition pending before it.

Respectfully submitted,

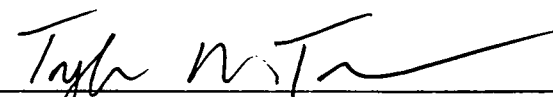
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July 8, 2019

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Columbia, South Carolina
July 8, 2019

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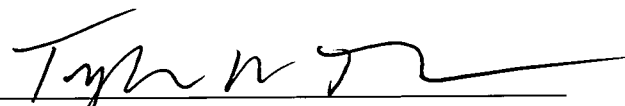
The Charter Institute at Erskine and Clear Dot Charter School Columbia..... Respondents

PROOF OF SERVICE

We hereby certify that we have served the Appellant, Richland County School District One Board of Commissioners, the Respondents' Response to Appellant's Writ of Supersedeas in the above-captioned matter by hand delivery on July 8, 2019 to the below-named party at its address of record:

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Kierra N. Brown, Esq.
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Attorneys for Respondent Clear Dot Charter School
Columbia

Columbia, South Carolina
July 8, 2019

EXHIBIT A



Charter Institute at Erskine

Board Meeting Agenda

Tuesday, December 11, 2018

Chestnut Room, 2 Washington Street, Due West, SC 29639

Location: Conference Call

United States: +1 (563) 999-2298 Access Code: 372993

1. Call to Order at 12:30 PM
2. Invocation
3. Roll Call
4. Approval of the Agenda for December 11, 2018
5. Approval of the Minutes of the November 15, 2018, Board Meeting
6. Action Items
 - a) Clear Dot Charter School Charter Application Status
 - b) Royal Live Oaks Academy Request for Weather Make-Up Days Waiver
 - c) Finance Policies (First Reading)
 - 1) Signature and Requisition Authority Policy and Procedures
 - 2) Accounts Payable Policy
 - 3) Fixed Assets Policy
 - 4) Federal Fixed Assets Policy
 - 5) Payroll Policy
 - 6) Revised Credit Card Policy
7. Executive Session (if needed)
8. Informational Items
 - a) Changes to Fraud Prevention Policy
 - b) Finance Update
9. Institute Updates
10. Public Comments
11. Adjournment

Public Comment Protocol and Procedures

The board welcomes and encourages public participation. We respectfully ask that you adhere to the procedures below:

1. The public will be allotted three minutes to address the Board.
2. Speakers may offer objective criticism of Charter Institute operations and programs. The chair may direct the member of the public to the appropriate means to address concerns brought before the Board; however, the board will not respond with action but will take comments under advisement and direct the comments to the appropriate staff member to address outside of the board meeting.
3. Anyone wishing to speak to the board on specific agenda items or on other topics relevant to board business must complete a Public Comment Request Card and submit it to the Clerk prior to the opening of the meeting.
4. If a group wishes to speak, please designate one spokesperson for the group.
5. Please state your name and the topic you are addressing before you begin.
6. Speakers are asked to direct their questions and comments to the chair.
7. Considering that we need to be a model for students and young adults in the board meetings, defamatory and personal attack on other schools, staff and the board members will not be allowed.

EXHIBIT B

The Charter Institute at Erskine
Board Meeting Minutes
December 11, 2018

The board meeting of the Charter Institute at Erskine was held via conference call at 12:30 p.m. on December 11, 2018. President Dr. Rob Gustafson called the meeting to order and opened with prayer. Board members in attendance were Dr. Rob Gustafson, Dr. Tom Hellams, Mr. Stu Rodman, and Mr. Martin O'Connor. Attendees from the Charter Institute at Erskine included Mr. Cameron Runyan, Mr. Vamshi Rudrapati, Mr. Johnley Li, Mrs. Mary Green Thomasson, Mr. Derek Phillips, Ms. Per'Chea Nunally, and Mrs. Paula Gray. Dr. Lindsey Ott and Kendall Artusi from Clear Dot Charter School also attended via conference call.

The roll was taken by Mrs. Gray and a quorum was present.

Dr. Gustafson called for combined approval of the agenda for the December 11, 2018, and the minutes for November 15, 2018. Dr. Hellams moved for approval of the agenda for the December 11, 2018, and the minutes for November 15, 2018. The motion was seconded by Mr. O'Connor and approved unanimously.

Action Items:

a) Clear Dot Charter School Charter Application Status

Mr. Rudrapati reported that Clear Dot Charter School has requested full approval of their charter application. The recommendation from the Institute team is for full approval of the Clear Dot Charter School application. Dr. Ott and Kendall Artusi answered questions.

A motion was made by Mr. Rodman to fully approve the charter application for Clear Dot Charter School. Dr Hellams seconded the motion which carried unanimously.

b) Royal Live Oaks Academy Request for Weather Make-Up Days Waiver

Mrs. Thomasson reported on the school's instructional days missed at Royal Live Oaks Academy due to recent flooding and answered questions. A motion was made by Mr. Rodman to grant the waiver of two instructional days for Royal Live Oaks Academy seconded by Dr. Hellams. The motion carried unanimously.

c) Finance Policies (First Reading)

Mr. Li reported on the following policies and answered questions.

1) Signature and Requisition Authority Policy and Procedures

A motion was made by Mr. O'Connor to approve the Signature and Requisition Authority Policy and Procedures with the addition to follow up with a phone call after written request. The motion was seconded by Dr. Hellams and approved unanimously.

2) Accounts Payable Policy

Dr. Hellams moved to approve the Accounts Payable Policy as written and waive the second reading. The motion was seconded by Mr. O'Connor and approved unanimously.

Mr. O'Connor moved to amend the previous motion for approval of the Signature and Requisition Authority Policy and Procedures to add waiving second reading which was seconded by Dr. Hellams. The motion to amend carried. The motion to approve the Signature and Requisition Authority Policy and Procedures and waive second reading was then approved unanimously.

3) Fixed Assets Policy

Dr. Hellams moved to approve the Fixed Assets Policy and waive second reading. The motion was seconded by Mr. Rodman and carried.

4) Federal Fixed Assets Policy

Mr. O'Connor moved to approve the Federal Fixed Assets Policy and waive second reading. The motion was seconded by Mr. Rodman and carried.

5) Payroll Policy

Mr. Rodman moved to approve the Payroll Policy and waive second reading. The motion was seconded by Dr. Hellams and carried.

6) Revised Credit Card Policy

Mr. O'Connor moved to approve the Revised Credit Card Policy and waive second reading. The motion was seconded by Dr. Hellams and carried.

Executive Session

No executive session was needed for this meeting.

Informational Items:

a) Changes to Fraud Prevention Policy

Mr. Li presented this item for information. Mr. Runyan thanked the Inspector General and Sarah Anderson, Attorney at Law, for their help with this policy.

b) Finance Update

Mr. Li presented this item for information and reviewed the School Disbursement Summary and Annual Budget Summary and answered questions. Mr. Rodman requested a balance sheet be provided at the next board meeting.

Institute Updates

Mr. Runyan reported on the day-long training held with the school leaders and stated that Dr. Tim Rees unveiled Erskine's scholarship plan during this meeting. A board retreat for the schools' boards was also held with experts presenting, including the Inspector General.

Mr. Rudrapati added that the board retreat was a huge success. He announced the hiring of a new employee for the Institute, Mrs. Ciera Bing, who will serve as school support for federal finance.

Dr. Gustafson stated his appreciation for all of the work done by the Institute staff.

Mr. Runyan answered questions regarding possible new school applications.

Public Comments

There were no public comments for this meeting.

Adjournment

As there was no further business, a motion was made to adjourn by Mr. Rodman, seconded by Dr. Hellams. The motion carried and the meeting adjourned at 1:25 p.m.

July 8, 2019

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SC Court of Appeals

VIA HAND DELIVERY

The Honorable Jenny Abbott Kitchings
South Carolina Court of Appeals
1220 Senate Street
Columbia, SC 29201

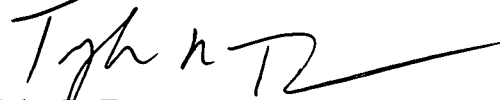
Re: Richland County School District One Board of Commissioners v. Charter
Institute at Erskine and Clear Dot Charter School
Docket No. 2019-000947

Dear Ms. Kitchings:

Our firm represents Clear Dot Charter School in the above-referenced matter. Enclosed for filing please find the original and two (2) copies of Respondents' Joint Response to Appellant's Petition for Writ of Supersedeas. Please stamp and file the original and return the stamped copies with our courier.

By copy of this letter, we are today serving all parties of record with Respondents' Joint Response.

Respectfully,



Tyler R. Turner

tturner@turnercaudell.com

/sws

Enclosures

c : Charles J. Boykin, Esq. (w/enclos.)
Kenneth A. Davis, Esq. (w/enclos.)
Kierra N. Brown, Esq. (w/enclos.)
Sarah R. Anderson, Esq. (w/enclos.)
Mary Allison Caudell, Esq. (w/o enclos.)