

THE STATE OF SOUTH CAROLINA  
In the Court of Appeals

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APPEAL FROM THE ADMINISTRATIVE LAW COURT **SC Court of Appeals**

S. Phillip Lenski, Administrative Law Judge

Case No. 2020-000950

Dr. Agnes Slayman .....Appellant


v.

South Carolina Department of Education .....Respondent.

**PROOF OF SERVICE**

I certify that I, the undersigned employee of Cromer Babb Porter & Hicks, LLC, caused to have served **Appellant's Final Brief** and **Appellant's Final Reply Brief** on counsel for by emailing and mailing a copy of same in the on November 24, 2020, addressed to the following:

V. Henry Gunter, Jr., Esquire  
Office of General Counsel  
Division of Legal Affairs  
1429 Senate Street, Suite 1015  
Columbia, South Carolina 29201

BY:   
Kate M. Hesik, Litigation Paralegal

**MALANE S. PIKE**

Attorney at Law

Post Office Box 729 White Rock, South Carolina 29177 (803) 622-1495

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**VIA EMAIL**

May 29, 2019

Ms. Del-Gratia Jones, Chair  
State Board of Education  
1429 Senate Street  
Columbia, SC 29201

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**SC Court of Appeals**

RE: In the Matter of Agnes M. Slayman  
Educator Certificate #134958

Dear Ms. Jones:

I am in receipt of the Office of General Counsel's (OGC) exceptions to my report in the above referenced matter. I would like to first state that I commend the OGC for providing its exceptions directly to the State Board in that it now allows us to air these issues prior to the State Board making its decision. Although I do not agree with the exceptions cited by the OGC, I certainly respect their position in that reasonable minds can differ. I have responded to the OGC's exceptions in the paragraphs below. I am also issuing an amended report to address the OGC's comments, however, my recommendation remains the same. Because of the wide disparity between the OGC's view of the evidence in this case and my view of the evidence in this case, I would strongly encourage the Board members to read the transcript and the exhibits before making a decision.

I was greatly troubled by this case and I spent many weeks analyzing all of the evidence provided at the hearing. The OGC presented the testimony of five grievants whose complaints against Dr. Slayman (Slayman) centered around several general themes common to all five. The OGC's sixth witness was Jeanne Ligon (Ligon). Ligon did not witness any of the behavior described by the grievants but did claim to have seen Brooke Clinton (Clinton) and Anna Stroud (Stroud) upset at various times, and Shawn Williams (Williams) upset on one occasion. Ligon testified that these people did not always discuss why they were upset but she understood it to be work related. She also observed Jeff Gardner (Gardner) when he appeared to be "visibly shaken or upset". However, she did not testify that this was linked to Slayman or was work related. When asked about her relationship with Slayman, she testified that she had a positive working relationship with Slayman and that she felt supported in the position that she held.

Ligon related one incident with Slayman in which she felt intimidated. That incident involved Slayman asking questions of Ligon relating to a previous IEP student who was about to graduate from college and needed a letter to address a purported disability which would have exempted him

from the foreign language requirement of that college. The student had not been assessed for that disability while attending school in the District and Ligon testified that there was nothing that the District could now do with regard to this. However, Slayman continued to discuss this matter with her but phrased her comments in different ways. Slayman ultimately mentioned that the student's family may hire an attorney regarding this. Ligon testified that she felt pressured by this statement to do something she felt would be unethical. However, when Ligon's conversation with Slayman ended, Ligon testified that Slayman did not express any displeasure.

Slayman testified that she did not pressure her or coerce her, but was trying to make sure that the District was covered.

The OGC has criticized the fact that I did not give weight to Ligon's testimony. While I found her to be a credible witness, I did not find her testimony to be helpful in determining this matter. With regard to the circumstance where Ligon found Slayman's behavior to be intimidating, the testimony of Ligon and Slayman were both very credible and were not inconsistent. While Ligon may have found this type of questioning intimidating, Slayman was doing her due diligence to determine if there was a way to help the student and to determine if the District had any liability. Slayman's statement regarding the potential of the student's family hiring a lawyer telegraphed her concern about liability. Further, the fact that Slayman expressed no displeasure with Ligon at the conclusion of the conversation is evidence that there was no intent to pressure Ligon into a specified result. I see no evidence of misconduct in this instance. Ligon's testimony with regard to this matter is found at Tr. p. 470-476, L. 24-13. Slayman's testimony with regard to this matter is found at Tr. p. 1290-1292, L. 22-1.

In addition, Ligon's observations of distressed employees was not sufficient to attribute any misconduct to Slayman or, in the instance involving Gardner, to even link Slayman to the incident. However, out of an abundance of caution, I am adding these facts to my report.

Slayman presented the testimony of four consultants (two of which were previous employees under Slayman in Kershaw), two current school board members, two previous school board members, Slayman's administrative assistant, the current Chester School District Superintendent, two others who had dealings with Slayman as the Chester School Superintendent, and Slayman herself. Contrary to the OGC's assertions, all school board members who testified served at some point during Slayman's tenure. To make that point clear, I listed the tenure of each board member and how that member's tenure coincided with Slayman's tenure as superintendent on page 16 of my original report. As Slayman's witnesses began to testify, it became obvious that many of the issues cited by the five grievants were the product of misinformation or inaccuracies.

Of the complaints cited by the grievants, the most troubling was that of the hostile work environment and bullying. Since Slayman had served in supervisory roles in several positions with the Kershaw School District, I looked very carefully at the testimony of John Stiver (Stiver) and Robert Teal (Teal) in that they were former employees of Slayman in Kershaw. Notably, these

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## CROMER BABB PORTER & HICKS, LLC *Attorneys and Counselors at Law*

J. Lewis Cromer \* Julius W. Babb, IV \* J. Paul Porter \* Ryan K. Hicks  
Shannon M. Polvi \* Samantha E. Albrecht \* Elizabeth M. Bowen \* Elizabeth S. Millender

November 24, 2020

**Via E-Mail and U.S. Mail**

Hon. Jenny Abbott Kitchings, Clerk  
South Carolina Court of Appeals  
1220 Senate Street  
Columbia, South Carolina 29201  
ctappfilings@sccourts.org

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**Re: Dr. Agnes Slayman v. South Carolina Department of Education  
Case No.: 2020-000950**

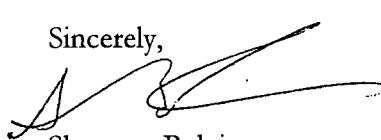
Dear Ms. Kitchings:

Enclosed for filing are the original and one copy of Appellant's Final Brief and Appellant's Final Reply Brief in the above-referenced matter, along with a Proof of Service and Certificate of Counsel. Please return a filed copy to us in the self-addressed, stamped envelope enclosed for your convenience.

Also, during the final briefing process I noted some missing pages. Enclosed are two pages of a document that were inadvertently not included in the filing of the Record on Appeal. These pages belong between page numbers 1871 and 1872 of the Record on Appeal. The two enclosed are the first two pages of the Hearing Officer's submission to the State Board Chair on May 29, 2019. The rest of the document is already in the Record on Appeal, but the first two pages are missing. If my office needs to formally prepare this for filing, please let us know.

I appreciate your assistance in this matter, and please feel free to contact me should you have any questions.

Sincerely,



Shannon Polvi  
*Attorney at Law*

SP/kmh  
*Enclosures*

Cc: V. Henry Gunter, Jr., Esquire (email only)  
Client

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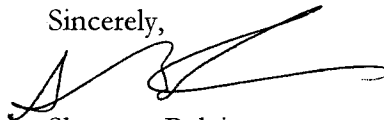
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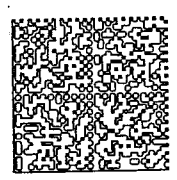


Shannon Polvi  
*Attorney at Law*

SP/kmh  
*Enclosures*

Cc: V. Henry Gunter, Jr., Esquire (email only)  
Client

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