THE STATE OF SOUTH CAROLINA
In the Court of Appeals

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SC Court of Appeals

APPEAL FROM THE ADMINISTRATIVE LAW COURT

S. Phillip Lenski, Administrative Law Judge

Case No. 2020-000950

Dr. Agnes Slayman .... Appellant

v.

South Carolina Department of Education .... Respondents.

FINAL REPLY BRIEF OF APPELLANT

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ARGUMENT[1]

I. The Hearing Officer's Report recommended no discipline.

The only fact finder to hear the evidence in this case is Malane Pike, the Hearing Officer selected by the SCDE who presided over five lengthy days of testimony. After considering the evidence presented and the testimony of the parties and witnesses, the Hearing Officer recommended that the State Board dismiss the action against Dr. Slayman's educator certificate. The State Board did not hear the testimony, did not read the materials, heard only about six minutes of abbreviated introductions from the parties not the Hearing Officer, and then it made an arbitrary and capricious decision to ignore the Hearing Officer's findings and issue discipline to Dr. Slayman.

Dr. Slayman, the former Superintendent of the Chester County School District, was subjected to a planned mutiny by five senior staff members of the Chester County School District. The majority of the Chester County School Board saw through the sham grievance filed by the five senior staff members. These staff members met in secret and planned to oust Dr. Slayman. They did so with personal motives related to, in summary, retaliation for discipline and being held accountable to the standards of the District, retaliation for Dr. Slayman's participation in the Board's decision to change school security from the Sheriff's officers to private security, personal career motivations with two of the grievants seeking Dr. Slayman's job, and the list continues as to why they planned this mutiny together. Such motives were carefully considered by the Hearing Officer and found to be persuasive. Appellant respectfully requests the Court carefully read the Hearing Officer's Report and Recommendation issued on April 19, 2019 and the Hearing Officer's Response to the SCDE's Objections issued on May 29, 2019. (R. pp. 1881-1910); (R. pp. 1871-

[1] Appellant does not abandon any of her previous arguments, and she expressly maintains her previous arguments on brief, not addressed herein the Reply Brief.

1879). Both of those documents are two of the most important documents in the record on appeal before this Court.

The Chester County School Board took no action on the grievance filed by the five senior staff and Dr. Slayman remained in her job until she **voluntarily resigned**. Nonetheless, the five senior staff grievants knew that when they acted as a group to oust Dr. Slayman, they would achieve their goal regardless of how the Chester County School Board acted upon their grievance. In reality, there is no practical way that Dr. Slayman could have continued to lead the District successfully with a mutiny from five of her senior staff. If she managed or disciplined them in any way, the first response from any of the grievants would have been to assert that Dr. Slayman was retaliating against them. Furthermore, these grievants had proven that they would undermine Dr. Slayman in any way available to them. There is no way that Dr. Slayman could have succeeded as Superintendent with five senior staff members planning her career destruction. Dr. Slayman understood that the needs of the School District exceeded her own. Dr. Slayman had already proven that she was an excellent Superintendent (see R. pp. 1884-1885), and she continued to prove that by making the difficult decision to voluntarily resign. That decision was in the best interests of the Chester County School District and the children that it served. That the SCDE, two and a half years after the end of these events, resurrected these false accusations against Dr. Slayman, and then zealously pursued them, thereby supporting the mutiny by the senior staff, is a travesty of justice.

II. The complaint made by Dr. Callicutt should not have prompted an investigation; or, after investigation, it should not have prompted a disciplinary hearing.

The Court should apply the plain meaning of State Board Regulation 43-58.1 ("R43-58.1"). In relevant part, R43-58.1 states that a complaint against a certified educator is "based on allegations of misconduct including, but not limited to, misconduct involving drugs, sexual

misconduct, the commission of a crime, immorality, moral turpitude, or dishonesty, that is reasonably believed by the district superintendent to constitute grounds for revocation or suspension of the certificate issued to the educator by the State Board." Misconduct is not fully defined within R43-58.1, but the clear intent of the drafters was for this reporting regulation to pertain to misconduct that would amount to conduct so egregious that it would result in the suspension or revocation of an educator's certificate. Here, Dr. Slayman's license was not suspended or revoked, only a Public Reprimand was recommended and issued by the SCDE. Thus, the allegations against Dr. Slayman are not within the context of those intended by R43-58.1.

Respondent relies on *Wade v. State* in support of its rebuttal arguments about the interpretation of R43-58.1. *Wade v. State*, 348 S.C. 255, 559 S.E. 2d 843 (2002). The Supreme Court's holding in *Wade* supports Appellant's arguments rather than Respondent's arguments. *Wade* is a case of first impression in which the Supreme Court denied the State's argument to extend the Inmate Litigation Act to encompass post-conviction relief ("PCR") proceedings. *Id.* During a PCR hearing, the petitioner claimed he was coerced into pleading guilty because his attorney instructed him to do so to receive the plea. *Id.* The State moved to revoke the petitioner's prison credits on the basis that he testified falsely. *Id.* The trial court held that S.C. Code Ann. § 24-27-200 applied to PCR hearings and the petitioner appealed. *Id.* The Supreme Court held that the trial court erred because applying the statute would lead to absurd and disparate results not intended by the legislature. *Id.* Thus, the Supreme Court essentially rejected the State's attempt to extend the language of the Inmate Litigation Act to include PCR hearings. *Id.* Similarly here, this Court should reject the SCDE's attempt to extend the language of R43-58.1 because the SCDE's application of the regulation leads to absurd and disparate results against the educators of South Carolina.

The Court must look at the construction of the regulation for the scope of the standards and rights available to all educators who face a complaint against their educator's certificate. The result sought by the State in *Wade* was unjust, and the result sought by the SCDE in this case is likewise unjust. In *Wade*, the petitioner's freedom from imprisonment was at issue. Here, Dr. Slayman's freedom to practice her profession unencumbered by a Constitutionally faulty complaint, investigation, and discipline are at issue.

R43-58.1 is not intended to give the SCDE carte blanche to pick and choose which complaints it accepts and which complaints it investigates and pursues. Every educator's livelihood is at stake in such a scenario. R43-58.1 guides the scope and application of the SCDE's complaint and investigation process. As argued in Appellant's Brief, the Complaint by Dr. Callicutt was improper under R43-58.1. Dr. Callicutt was not employed by the Chester County School District during the time of any of the events that are purportedly the basis of his complaint to the SCDE and he would have no reasonable belief to file the Complaint for matters he knows nothing about and that he did not even discuss it with the Chester County School Board prior to making a complaint about matters to which he had no personal knowledge. Thus, no one with personal knowledge of the allegations were the complaining parties to the SCDE.

The SCDE does not control who files a complaint against an educator in South Carolina, but it solely controls whether such complaints are investigated and pursued. The complaint against Dr. Slayman should not have been accepted by the SCDE. Dr. Slayman was not fired from her position as Superintendent of Chester County School District. Dr. Slayman was not found by the Chester County School Board body to have engaged in the conduct alleged in the grievance, and the Chester County School District contractually agreed to that on September 30, 2015. Furthermore, Dr. Slayman continued employment with Chester County School District as a

consultant for the time period of September 24, 2015 through June 20, 2016. Yet, during that time, on October 14, 2015, Dr. Callicutt, the Interim Superintendent with no personal knowledge of what he was complaining about, intentionally acted expressly contradictory to the District's contractual commitments and factual findings by falsely alleging that Dr. Slayman had engaged in conduct requiring a report per R43-58.1.

III. The SCDE violated Dr. Slayman's due process rights.

Dr. Slayman's due process rights were violated by the SCDE. The due process violations alleged by Dr. Slayman are a matter of first impression, as asserted and supported by case law in Appellant's Brief. The SCDE engaged in notice and investigation failures and additional violations of R43-58.1 and the BCAF procedures.

The Court should scrutinize the Respondent's Brief for the undisputed fact that SCDE has not followed R43-58.1 and the BCAF Procedures published to the educators of South Carolina. Alarmingly, the SCDE asserts that it has been following unpublished modifications to the regulations and procedures for years. (See i.e. Respondent's Brief, p. 20). The lackluster rationalizations for why it has not followed its own published regulations and procedures deprives Dr. Slayman[2] of her substantive and procedural due process rights.

Appellant's Brief applied the due process analysis in *State v. Lee*, 360 S.C. 530, 602 S.E.2d 113 (Ct. App. 2004), aff'd, 375 S.C. 394, 653 S.E.2d 259 (2007) and *State v. Brazell,* 325 S.C. 65, 72, 480 S.E.2d 64, 68 (1997) to the due process issues in this case. Dr. Slayman has shown that the 896-day time span between Dr. Callicutt's Complaint and the SCDE's written notice to Dr. Slayman caused substantial actual prejudice to her right to a fair hearing.

The SCDE also engaged in communications in violation of R43-58.1, which states that "no

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[2] And seemingly all educators in South Carolina for the last couple of years.

preliminary information gathered by the State Department of Education concerning misconduct reasonably believed to constitute grounds for revocation or suspension of a certificate, including the name and certificate number of the certified educator, shall be disclosed to any third party." Thus, even if the SCDE had reasonable belief that Dr. Slayman engaged in unprofessional misconduct for revocation or suspension of her certificate (which it did not), there should have been no mention of it.[3] Thus, the SCDE further prejudiced Dr. Slayman's substantial rights by disclosing that an investigation was occurring, thus violating R43-58.1, compounded by the egregious nature of failing to formally notify Dr. Slayman of the complaint, or any investigation related thereto, for 896 days. There can be no clearer proof of the harm to Dr. Slayman's rights than the SCDE failing to timely investigate and yet disclosing a purported investigation to the media rather than to the person about whom there was a complaint. Public disclosure taints the well, thus the very reason why R43-58.1 prohibits the SCDE from publicly disclosing preliminary information. Here, the disclosure was not merely inadvertent, it was intentionally provided to the media in violation of R43-58.1.

SCDE has provided no legitimate justification for waiting 896 days to pursue the complaint against Dr. Slayman. Furthermore, during the investigation, the SCDE did not consult the decisionmakers, the Chester County School Board. Even though it had 896 days to do so, the SCDE did not even communicate with the Chester County School Board about why Dr. Slayman was no longer employed, even though it was the sole body with knowledge of why Dr. Slayman's

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[3] *State Department of Education Investigating Slayman*, The News & Reporter, January 14, 2016. https://www.onlinechester.com/content/state-department-education-investigating-slayman. "The News & Reporter has learned former Chester County School District Superintendent Dr. Agnes Slayman is under investigation by the S.C. Department of Education. According to the information, the investigation was begun on the strength of the report prepared for the school district by educational consultant Betty Bagley."

employment ended voluntarily. This was affirmed by the multiple Chester County School Board members who testified under oath in support of Dr. Slayman during the hearing before the Hearing Officer. Thus, the SCDE violated fundamental concepts of justice, fair play, and decency.

IV. The State Board Hearing violated Dr. Slayman's due process rights.

The hearing process violated the State Board's procedural standards set forth in their rules. Most importantly, the State Board disregarded the Hearing Officer. BCAF IV(K) includes mandatory language that requires the Hearing Officer to present her finalized report to the Board. *See* BCAF IV(K) ("[T]he hearing officer *will* formulate a written report stating his or her findings of fact and recommended action and *will* present the report to the Board for consideration.") (emphasis added).

S.C. Code Ann. § 59-5-70(B) outlines the procedures for hearings of the State Board of Education and it states: "[t]he board in its discretion may also designate a hearing officer. . . The hearing officer ***shall*** then make a recommendation to the board for final action." S.C. Code Ann. § 59-5-70(B)(emphasis added). "Under the rules of statutory interpretation, use of words such as "shall" or "must" indicates the legislature's intent to enact a mandatory requirement." *Collins v. Doe*, 352 S.C. 462, 470-471, 574 S.E.2d 739, 743 (2002); see e.g., *In re Matthews*, 345 S.C. 638, 550 S.E.2d 311 (2001); *S.C. Police Officers Retirement Sys. v. Spartanburg*, 301 S.C. 188, 391 S.E.2d 239 (1990); *Starnes v. S.C. Dep't. of Public Safety*, 342 S.C. 216, 535 S.E.2d 665 (Ct. App. 2000). Thus, although the statute does not explicitly require that the Board appoint a Hearing Officer, it does require with mandatory language that, once appointed, the Hearing Officer must make a recommendation to the Board. See S.C. Code Ann. § 59-5-70(B).

Respondent argues that the Hearing Officer is not required to personally present the findings or her recommendation. (Respondent's Brief, 18–19). However, Respondent's

interpretation is in violation of the statute that permits it to even designate a Hearing Officer in lieu of the whole State Board presiding over Dr. Slayman's hearing. Furthermore, the actual written rule, BCAF IV (K), explicitly affirms Appellant's position that the SCDE must follow the statute and published procedures. The published rule, not followed by the SCDE, states:

> Following the hearing, the hearing officer will formulate a written report stating his or her findings of fact and recommended action and will present the report to the Board for consideration. Prior to presenting the report to the Board, the hearing officer must serve the parties with a draft of the report and provide the opportunity for each party to file objections to the report. Once the hearing officer has considered the objections and finalized his or her report, *the hearing officer will present the report at the next scheduled board meeting*. The hearing officer will make every effort to present the report to the Board within 30 days of the hearing. *Notice will be given to both parties of the time, date, and place of the hearing officer's presentation to the Board.*

BCAF IV (K) (emphasis added). The BCAF does not lay out specific requirements for the Hearing Officer's presentation, nor does any other provision of law, beyond the mandatory language of it occurring pursuant to S.C. Code Ann. § 59-5-70(B). "Ordinarily, when a term is not defined in a statute, 'the Court must interpret the term in accordance with its usual and customary meaning.'" *Pres. Soc'y of Charleston v. S.C. Dep't of Health & Envtl. Control*, 430 S.C. 200, 212, 845 S.E.2d 481, 487 (2020) (quoting *Travelscape, LLC v. S.C. Dep't of Rev.*, 391 S.C. 89, 99, 705 S.E.2d 28, 33 (2011)). "Courts should consider not merely the language of the particular clause being construed, but the undefined word and its meaning in conjunction with the whole purpose of the statute and the policy of the law." *Id.*

The inclusion of the above underlined phrase in BCAF, "will present the report at", shows the State Board's intent to require the Hearing Officer to be the individual who presents the report. Such interpretation is reasonable within the purpose of S.C. Code Ann. § 59-5-70(B); the Hearing Officer is the person who presided over the hearing and heard the evidence each side presented.

To justify its departure from the rules, Respondent merely asserts that the SCDE has been conducting the hearings in this manner "[f]or over two years[.]" (Respondent's Brief, p. 19). Such justification is not Constitutionally adequate. The written and formalized mode of adopting, amending, and repealing rules is fundamental to the rule of law. *McIntyre v. Sec. Comm'r of S.C.*, 425 S.C. 439, 447, 823 S.E.2d 193, 197 (Ct. App. 2018), reh'g denied (Feb. 19, 2019).

The BCAF procedures source from the regulations the SCDE must follow. Procedural due process is denied when a state agency fails to follow the requirements for amending regulations. *Id.* To adopt, amend, or repeal a regulation, an agency must publish in the State Register a Notice of Drafting; a Notice of the Proposed Regulation that contains an estimate of the proposed action's economic impact; and, a notice that gives the public an opportunity to comment on the proposal and request a public hearing. The regulation must also be submitted to the General Assembly for Approval. This issue was recently before this Court, and the Court found that the appellants were denied procedural due process based on the Agency's failure to follow the required procedure. *Id.*

In the instant matter, the State Board violated their procedures, and consequently Appellant's procedural due process rights, when the Hearing Officer was not allowed to present her findings. Instead, the Board appointed an attorney from SCDE that had not been involved in the hearing and allowed him to present the Hearing Officer's report "based on [his] review of the report." (Respondent's Brief, p. 19). Additionally, there is evidence in the record that a Board Member, Dr. J.R. Green, was not presented with the report, as he explicitly asked what the report even said. Thus, regardless of whether the Hearing Officer is required to be physically present, there is evidence showing that the Report may not have even been presented to the State Board members. This makes it abundantly clear that presentation of the Hearing Officer's Report is required. Nowhere in the pertinent statute, regulations, or procedures is an alteration to this

requirement permitted; the SCDE merely identified informal and unwritten changes to its practices, but not to the written rules it is required to follow.

V. The SCDE's reliance on a joke, that preceded a complaint by several years, as the basis for discipline is arbitrary and capricious.

The grievants asserted that Dr. Slayman was subjecting them to a hostile work environment. That accusation was proven false through the testimony heard by the Hearing Officer during the five days of testimony and the records put into evidence during the hearing. The SCDE heavily relied on one statement made by Dr. Slayman to Shawn Williams on August 20, 2013. The SCDE's reliance on that statement is inappropriate. The SCDE inaccurately asserts that Dr. Slayman threatened Shawn Williams. That accusation by Shawn Williams ("Williams") against Dr. Slayman is so far out of context and utterly disregarding the facts surrounding the purported threatening statement.

The one circumstance of a grievant every telling Dr. Slayman of any concerns occurred **more than two years prior to the filing of the grievance**. Dr. Slayman's statement to Williams was on August 20, 2013. Yet, Williams did not affix her name to a grievance allegedly based on that statement until September 8, 2015. Williams did not file a grievance for over two years about a matter that allegedly made her feel threatened. (R. p. 476, line 10 – p. 479, line 25). (R. p. 1459, line 12 – p. 1462, line 4). That the statement was so bad that it caused Williams a hostile work environment is proven false by the undisputed facts that Williams worked closely with Dr. Slayman for more than two years on a daily basis after that. Williams was the head of HR and Dr. Slayman was the Superintendent. If this action had merited the Public Reprimand that Dr. Slayman received, Williams would have taken action on it when it occurred. Williams could have filed a grievance then; she did not. Williams could have filed a police report; she did not. Williams could have filed a Charge of Discrimination; she did not. Williams, as the top HR official in the District,

would have personal knowledge about all of the avenues available to her to address the matter, if the conduct were truly as she alleges. Williams took none of these steps, she only filed a grievance against Dr. Slayman as a planned mutiny lead initially by Stroud and Garner, quickly added upon by Dr. King, and then Williams and Clinton were recruited to jump on this planned mutiny to end Dr. Slayman's career.

Williams' own testimony during cross examination confirmed under oath that Dr. Slayman respectfully heard Williams' concerns, Dr. Slayman assured Williams that she would not make statements of the nature that Williams said made her uncomfortable, Dr. Slayman apologized, and Williams confirmed that Dr. Slayman never engaged in making such statements again. (R. p. 476, line 10 – p. 479, line 25); See also Dr. Slayman Testimony, (R. p. 1459, line 12 – p. 1462, line 4).

Williams credibility in alleging Dr. Slayman was treating her with hostility is utterly undermined by the acknowledged facts that for the years leading up to the grievance Dr. Slayman and Williams worked fine together. At Williams' request to have Dr. Slayman as a reference, Dr. Slayman gave Williams a glowing reference. (R. p. 482, lines 7-13). (R. p. 483, lines 6-13). It is shocking to think that such kindness is returned with this attempt to end Dr. Slayman's career.

The Hearing Officer heard that evidence and made the conclusion that no discipline was warranted. Dr. Slayman did not engage in the complained of conduct, her actions did not amount to conduct worthy of disciplinary action against her educator certificate, and Dr. Slayman had already expansively suffered because of these events.

VI. The arguments on appeal are preserved.

Appellant's arguments are preserved. "Issue preservation rules are designed to give the trial court a fair opportunity to rule on the issues, and thus provide us with a platform for meaningful appellate review." *Herron v. Century BMW*, 395 S.C. 461, 465, 719 S.E.2d 640, 642 (2011) quoting *Queen's Grant II Horizontal Prop. Regime v. Greenwood Dev. Corp.*, 368 S.C.

342, 373, 628 S.E.2d 902, 919 (Ct. App. 2006). Respondent's preservation arguments are unpersuasive. See *Amisub of S.C., Inc. v. S.C. Dep't of Health & Envtl. Control*, 423 S.C. 50, 813 S.E.2d 719 (2018); *Hill v. S.C. Dep't of Health & Envtl. Control*, 389 S.C. 1, 698 S.E.2d 612 (2010). Here, the State Board designated the Hearing Officer with the authority comparable to a 'trial court', and thereafter only the Hearing Officer heard the evidence in this case during the five days of the hearing. The issues on appeal before this Court were raised in Appellant's motion to dismiss filed before the hearing, in objections during the hearing before the Hearing Officer, and in total were raised before the Administrative Law Court. (See Brief of Appellant filed with the Administrative Law Court on November 27, 2019)(R. pp. 1969-2005); (See also Reply Brief of Appellant filed with the Administrative Law Court on January 10, 2020)(R. pp. 2035-2048).

VII. A motion for rehearing was not necessary to preserve Appellant's arguments for review.

Respondent's argument on this issue was already decided by this Court through the denial of Respondent's Motion to Dismiss Appeal on September 17, 2020. Yet, Respondent realleges several of the same arguments raised in the Motion to Dismiss Appeal. Appellant filed a Return to Motion and she respectfully reasserts those arguments herein this Brief.

A motion for reconsideration was not a prerequisite to Appellant's appeal. Respondent's argument relies heavily on the 2019 amendment to SCALC Rule 40. The amendment deleted the last sentence of the Rule, which stated that a motion for rehearing was not a prerequisite to filing a notice of appeal from the administrative law judge's decision. Respondent argues that the removal of that sentence supports the proposition that a motion for reconsideration is now required to preserve an argument for appellate review. However, such interpretation is inaccurate. It cannot be inferred that by simply deleting a sentence stating a motion is not a prerequisite that the Court now intends to require the motion.

VIII. The Order of Reprimand in the manner issued to Dr. Slayman is not permissible discipline.

The discipline issued to Dr. Slayman is not within the permissible range applicable to Public Reprimands issued to educators in South Carolina, per the State Board of Education Rule BCAF, Procedures for Educator Certification Hearings. A decision may potentially be arbitrary and capricious if it "does not fall within the range of permissible decisions applicable in a particular case." *Okadigwe v. S.C. Dep't of Labor, Licensing, & Regulation*, No. 2017-001339, 2019 WL 2025269, at *1 (S.C. Ct. App. May 8, 2019) quoting *State v. Allen*, 370 S.C. 88, 94, 634 S.E.2d 653, 656 (2006).

The SCDE violated Procedure BCAF(IV)(M), which states that in cases of certificate suspension, revocation, or surrender of educator certificate *only then* will the Office of Educator Certification send notice to all SC School Districts and the NASDTEC Clearinghouse. Comparatively, it states, that the Office of Educator Certification will send notice of a public reprimand to all South Carolina school districts – it does not mention NASDTEC. Yet, the final paragraph of the Public Reprimand issued to Dr. Slayman states, "The public reprimand of Dr. Slayman, certificate 134958, shall be reported to the NASDTEC Clearinghouse…" The SCDE improperly notified the NASDTEC Clearinghouse of the Reprimand issued to Dr. Slayman, which is an action in violation of Procedure BCAF(IV)(M) and not a permissible discipline and thus it violates statutory provisions.

The SCDE's argument attempting to legitimize why it violated Procedure BCAF(IV)(M) was "[f]or a number of years, the SCDE did not report public reprimands to NASDTEC. However, sometime in late 2016, an attorney with the SCDE learned that NASDTEC did require reports of public reprimands. Since early 2017, all orders of public reprimand have included language that the order was reported to the NASDTEC Clearinghouse." (R. pp. 2029-2030). First, the published

BCAF procedures have not been updated to reflect any change to the permissible discipline that can be issued to South Carolina's educators. The BCAF procedures continue to inform all educators in South Carolina that notice of the denial, suspension or revocation of an educator's certificate is sent to all districts in South Carolina and to the NASDTEC Clearinghouse and that notice of a public reprimand is sent only to the school districts in South Carolina. The SCDE is bound by what it has published to all educators in South Carolina, not by some unpublished and unadopted finding by an unidentified attorney employed by the SCDE.

Second, the assertion of the SCDE on brief is proven wrong by a simple search on the NASDTEC's website. It specifically states, "the nature of actions reported to the Clearinghouse varies and **reflects the laws and regulations of the reporting member state or jurisdiction**." NASDTEC Clearinghouse, *Clearinghouse_FAQ*, https://www.nasdtec.net/page/Clearinghouse_FAQ (last visited October 25, 2020) (emphasis added). The SCDE controls what it reports to the NASDTEC, not the inverse. The NASDTEC has no control over what a government entity in South Carolina reports to its database.

The ALC found no error in the State Board and SCDE exceeding the reprimand procedures. (R. pp. 26-27). The ALC also found that Dr. Slayman did not show prejudice from this action. To the contrary, from Dr. Slayman's own testimony, from the other witnesses' testimony, and counsel's arguments on behalf of Dr. Slayman, preserved in the record on appeal, Dr. Slayman's career in education has been ended. "... [T]he license is essentially the last thing that [Dr. Slayman] has from this [] travesty that ended her employment with Chester County School District. Dr. Slayman lost her job, has irreparably lost hundreds of thousands of dollars in income. She can't find a new job. Her husband lost a job. She's had to move. And now she's faced, almost three years later, with [] a reprimand to her license. That woman's been punished enough." (R. p. 1618,

line 9 – p. 1622, line 4). For the SCDE to exceed the discipline allowed under Procedure BCAF(IV)(M) and thereby report the Public Reprimand to the NASDTEC Clearinghouse, the public-school systems in the entire country are notified of the discipline and that prejudice prevents Dr. Slayman from a career in education. Such harm to Dr. Slayman's career has impeded her efforts to continue employment in education, and it continues to the present, up to and including the day of the filing of this Brief.

CONCLUSION

For the foregoing reasons, Appellant asks that the decision of State Board of Education be reversed and vacated accordingly so that the Public Reprimand is retracted, and notification of such retraction is issued to all of the entities informed of the Public Reprimand.

Respectfully Submitted,

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November 24, 2020
Columbia, South Carolina

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THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM THE ADMINISTRATIVE LAW COURT

S. Phillip Lenski, Administrative Law Judge

Case No. 2020-000950

Dr. Agnes Slayman ....Appellant

v.

South Carolina Department of Education ....Respondent.

CERTIFICATION OF COUNSEL

I, the undersigned attorney of Cromer Babb Porter & Hicks, LLC, certify that Appellant's Final Brief and Appellant's Final Reply Brief comply with Rule 211(b), SCACR.

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