

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM RICHLAND COUNTY
Court of Common Pleas

Robert E. Hood, Circuit Court Judge

Appellate Case No. 2019-001624

Nancy Miramonti,

v.

Richland County School District One, a body politic and corporate; and the
Board of Commissioners of Richland County School District One,

RECEIVED
Feb 24 2021
SC Court of Appeals
Respondent,

Appellants.

**MOTION FOR EXPEDITED APPEAL AND
MEMORANDUM IN SUPPORT THEREOF
RESPONDENT, NANCY MIRAMONTI**

Pursuant to Rule 3.2, RPC, Rule 407, SCACR, Respondent Nancy Miramonti, through her undersigned attorneys, hereby moves this Honorable Court to expedite the appeal. This motion is unopposed by Appellants, Richland County School District One (hereinafter, the “**District**”) and the Board of Commissioners of Richland County School District One (hereinafter, the “**Board**”).

Respondent seeks expedited appeal in order to allow best potential for impacted students and families to benefit.

South Carolina Appellate Court Rules do not include any rule governing expedited appeals. However, numerous courts recognize the need for expedited appeals in certain situations. For

example, the Supreme Court of South Carolina recognizes special circumstances warrant expedited review. *See*, S.C.Sup.Ct. Order 2011-10-20-01 dated October 20, 2011 (providing appeals should be expedited for cases involving termination of parental rights, adoptions, and child custody based on the “recognition of the need for stability in children’s lives”). Also, expedited appeals are generally allowed in the federal court system. Notably, the United States Court of Appeals for the Fourth Circuit has a local court rule providing for motions to expedite an appeal as warranted on the court’s own motion or upon a motion of a party. U.S.Ct. of App. 4th Cir. Rule 12(c), 28 U.S.C.A. Moreover, counsel is obligated to “make reasonable efforts to expedite litigation consistent with the interests of the client.” Rule 3.2, RPC, Rule 407, SCACR.

Expedited appeal is appropriate in this case as resolution is needed to avoid further prejudice against Respondent and students/families who stand to benefit from a favorable ruling for Respondent. In the event the Circuit Court is affirmed, the Board would be required to proceed with public discussions to consider amending the Richland County School District One Policy JFBAC (hereinafter the “**Transfer Request Policy**”) to allow certain students to request a transfer to a different school for the 2021-2022 school year. Extended delays could impact the Board’s decision and prejudice students and families as the closer we move to the 2021-2022 school year, the more burdensome it becomes to allow students to request transfers.

As detailed in Respondent’s Brief, the underlying issue that led to the finding of a violation of the South Carolina Freedom of Information Act (hereinafter, “**FOIA**”) in this case is a request by concerned parents for the Board to evaluate the Transfer Request Policy. Specifically, the Board was asked to consider allowing certain English for Speakers of Other Languages students (hereinafter, “**ESOL Students**”) to seek a transfer to a different school. As part of the order in

favor of Respondent, the Circuit Court declared that the Board shall properly consider the request to review the District's Transfer Request Policy at its next regular or special meeting.

Pursuant to the District's Transfer Request Policy, typical transfer requests are only accepted through May 1¹ each year to allow the District to "plan for instructional staff". *See* District Policy AR-JFBACR. Accordingly, delays in resolving this appeal could impact any applicable Board decision on amending the Transfer Request Policy as such decision would likely be toward the end of or outside of the typical transfer application window. In considering whether to amend the Transfer Request Policy, the Board would certainly take into account the administrative burden placed on the District, which is only to be heightened the closer we move to the 2021-2022 school year. In sum, delaying the resolution of this appeal will likely influence the ultimate decision of the Board on the underlying issue and could negatively affect students/families impacted by the FOIA violation being appealed. The appeal should be resolved expeditiously to allow the Board to be able take any applicable action by May 1, or soon thereafter, and limit impact and potential prejudice to applicable ESOL students and families.

Conclusion

Based on the foregoing, the Respondent Nancy Miramonti requests the Court take all steps the Court deems necessary to expedite the appeal.

[Signature page to follow]

¹ Please note, as of the date of filing, per the Richland One website (<https://www.richlandone.org/Page/3387>), transfer requests for the 2021-2022 academic year will be accepted through May 3, 2021.

Respectfully submitted,

s/L. Cody Smith

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