

IN THE SUPREME COURT OF MISSISSIPPI

SMITH COUNTY SCHOOL DISTRICT

APPELLANT

VS.

CAUSE NO. 2008-CA-00830

LARRY CAMPBELL

APPELLEE

REPLY BRIEF OF APPELLANT

APPEAL OF THE FINAL JUDGMENT OF THE
SMITH COUNTY CHANCERY COURT
OVERTURNING THE SMITH COUNTY SCHOOL BOARD'S
NON-RENEWAL OF A PART TIME EMPLOYEE CONTRACT

ORAL ARGUMENT IS NOT REQUESTED

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ARGUMENT

The 2005 opinion of this Court in Amite County School District v. Floyd, 935 So. 2d 1034 (Miss. App. 2005) clearly sets forth the law of this State in relation to a School Board's decision regarding termination or non-renewal of a licensed employee. The Mississippi Supreme Court has held that if there is substantial, credible evidence supporting the board's findings of fact, a reviewing court may not disturb those on appeal. (Id. at 1039). Given that the Board wanted a full time employee at Taylorsville High School and that the District had no other such part time employees, then the Board's action was clearly supporting by substantial evidence and not arbitrary or capricious. (H. T. at 15, 20, 27, and 29).

At the time of his non-renewal, Appellee was the only part time lead teacher/coach in the District. On page four (4) of his brief, Appellee contends that this is incorrect because the District had a part time Deputy Superintendent and a part time music teacher. Appellee's point is lost completely in that neither of these positions noted by him are those of a lead teacher or coach. The District never contended that it had no other part time employees but only that there were no other part time lead teachers or coaches. (H. T. 15) The record is clear and accurate as presented by Appellant.

Appellee further on page nineteen of his briefs unfairly raises the issue of race by implying that because Appellee is black that he was non-renewed. The Court should recognize that the Board was of the same racial make up when Appellee was first hired as a part time employee; and further, that for most of the over thirty (30) years Appellee was employed by the District, the School Board consisted of all white members. Further, following Appellee's non-renewal, the District employed a full time black coach and a full time black assistant principal at

Taylorsville High School. Appellee's race had absolutely nothing to do with the Board's decision and for him to raise such an issue is a feeble attempt to divert attention from the real issue.

In the case at bar, the Chancery Court very simply substituted his wishes for the lawful and sound judgment of the School Board; and for such, the lower Court's decision should be reversed and rendered in the School District's favor.

CONCLUSION

Appellant Smith County School Districts seeks the reversal of the Chancery Court's Final Judgment overturning the School Board's nonrenewal of Mr. Campbell's part time contract and the issuance of a Judgment affirming the School Board's decision to nonrenew Mr. Campbell's part time contract.

Respectfully submitted,

**SMITH COUNTY SCHOOL DISTRICT,
APPELLANT**



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CERTIFICATE OF SERVICE

The undersigned counsel of record for Appellant does hereby certify that I have this day mailed via first class mail, postage prepaid, a true and correct copy of Appellant's Reply Brief to the following:

Honorable J. Larry Buffington
Chancery Court Judge
Post Office Box 924
Collins, Mississippi 39428-0924

Mr. Tim Hancock
Attorney for Appellee
Post Office Box 963
Jackson, Mississippi 39205

This the 25th day of March, 2009.



G. DAVID GARNER