



Top Stories of 2019, No. 8: Michael Kelly and New Hanover schools

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The guilty plea of Michael Earl Kelly and ensuing lawsuit against New Hanover County schools by his victims has yet to be resolved

WILMINGTON -- Michael Kelly pleaded guilty to 59 charges related to child sexual abuse on June 25, yet closure on his time with New Hanover County Schools remains far from over.

Kelly, 50, was arrested in February 2018 following a joint investigation by the New Hanover County Sheriff's Office and the FBI. Investigators found that Kelly, then a science teacher at Isaac Bear Early College High School, had abused nearly 20 victims during his years as a teacher.

In June, Connie Jordan of the District Attorney's Office said the evidence dated to 2003, when Kelly was a teacher at Laney High School. Kelly had been employed by the district since 1992. He was among three dozen teachers named "Teacher of the Year" in 2016-2017.

During Kelly's sentencing, at which he received a 17-year minimum sentence, Jordan said that Kelly had told the FBI that the school district was aware of an allegation that he had

exposed himself to a student in 2006. Kelly claimed that the district conducted an investigation and cleared him. The district disputed that claim.

New Hanover District Attorney Ben David and Sheriff Ed McMahon jointly requested the assistance of the State Bureau of Investigation to conduct an investigation of the New Hanover County Schools administration's handling of recent sexual offense claims.

Less than a week later, deputy superintendent Rick Holliday announced his retirement after 37 years with the district. Holliday also served for years as the district's Title IX coordinator, responsible for handling allegations of sexual abuse within NHCS. His resignation came hours before a scheduled Board of Education closed meeting, after which members announced they would open an internal investigation into the district's handling of Kelly's allegations.

A lawsuit was filed against NHCS on July 23 by attorneys from both the Lea/Schultz and Rhine law firms, representing the victims of sexual assaults by Kelly. The class action complaint is against the NHCS Board of Education, Kelly, Holliday and Superintendent Tim Markley, among others. By filing a class action suit, additional plaintiffs can sign on.

Three additional victims, ranging in ages from 17 to 23, joined the lawsuit a week later, bringing the number to six total. They allege Kelly engaged in sexually inappropriate discussions and conduct with them, including one with whom Kelly performed a sexual act while videotaping it.

WHAT'S NEW: Jarelle Lewis was introduced as the county schools' new Title IX director in August, and his committee has been reviewing county policy and procedure, as well as implementing new options to assist students. This includes an

initiative called “Say Something,” which encourages students to report complaints and concerns at any level, while remaining anonymous if they desire. At its November meeting, committee members said that “tip line” has included students sharing Snapchat threats against Williston Middle School.

WHAT’S NEXT: A new law went into effect this month that could impact on the Kelly case in 2020. Governor Roy Cooper signed Senate Bill 199 into law in November, making North Carolina the latest state to extend statutes of limitations in cases involving childhood sexually assault, among other things.

In a release sent to the StarNews from Rhine Law Firm after Cooper signed the law, attorney Joel Rhine said this means that all of Kelly’s victims should now be able to sue for their injuries. Rhine said the defendants who have answered the plaintiffs’ complaint -- Holliday, Markley and the BOE -- have alleged the statute of limitations as a defense in the case.

“They have been hiding behind a legal ‘loophole’ to avoid protecting our children. This new law allows all these victims to have their day in court,” Rhine said.

Martin Ramey, another attorney with Rhine Law representing the victims, said the law not only extends the statute of limitations from 21 years of age to 28, it also allows for the revival of stale claims, regardless of when the assault occurred.

“For victims of institutional sexual abuse, this is huge,” Ramey said. “The legislation will enable them to go after the abusers and possibly institutions that permitted the abuse even though they previously have been told by lawyers they have no case.”

More information on this litigation is available at www.nhcssexualabuselawsuit.com.