district five
OF LEXINGTON & RICHLAND COUNTIES

AGENDA
BOARD OF TRUSTEES
HARBISON WEST ELEMENTARY SCHOOL'S THEATER
JANUARY 11, 2010

1. Call to order at 6 p.m.

2. Motion to enter executive session in Music Room #151 to consider the following:

   a. Selected employment items (Exhibit A)

   b. Contractual matter: Dutch Fork High School project (Exhibit B)

   c. Legal matter: Davis-Bacon Act (Exhibit C)

   d. Personnel matter

3. Welcoming remarks at 7 p.m.

4. Invocation – Reverend Michael Buckson, Ebenezer Baptist Church

5. Pledge of Allegiance – Turner Ragland, a fifth grader at Harbison West Elementary School

6. School Board Spotlight

7. Welcome and overview of Harbison West Elementary School by Barbara Brockhard, principal, and Reverend Michael Buckson, school improvement council chair

8. Approval of the agenda

9. Superintendent's report

   a. Superintendent

1. Annual Report

b. Community Services

c. Financial Services

1. Presentation: Excellence in Athletics
2. Davis-Bacon Act

d. Human Resources

e. Instructional Services

f. Technology Services

10. Public participation*

NEW DESIGN AND CONSTRUCTION AGENDA

11a. **DISCUSSION**

1. Monthly update

11b. **ACTION**

1. Chapin High School's construction documents (6th viewing) (Exhibit D)

CONSENT AGENDA

12. Approval of the minutes of the December 14, 2009 regular board meeting

ACTION AGENDA

13. Items considered in executive session

DISCUSSION AGENDA

14. Proposed new policy and Admin Rule GCO and GCO -R "Evaluation of Professional Staff", new policy and Admin Rule GDJ and GDJ -R "Support Staff Assignments and Transfers", new policy and Admin Rule GDQC "Retirement of Support Staff", policy GCK "Professional Staff Assignments and Transfers" (replaces Policy GBM & Rule GBM-R), policy GCOA "Evaluation of Instructional Staff" (replaces Policy and rule GBI & R), policy GCQA, GCQB, GDQA "Personnel Reduction in Force" (replaces Policy GBKA), policy GCQE "Retirement of Professional Staff" (replaces

Policy GBO), new language for Policy GDBC & Rule GDBC-R "Support Staff Supplementary Pay/Overtime" (replaces Policy GDBC & Rule GDBC-R) (Exhibit E)

15. Process for attendance line adjustments for new schools (Exhibit F)

FOR YOUR INFORMATION

16. The next regular scheduled board meeting will be on January 25, 2010 at the District Administration Building.

*The Board welcomes and encourages public participation and includes an opportunity during its meetings for the public to do so. We respectfully ask that you adhere to the procedures and the decorum provided in board policy BEDH "Public Participation at Meetings". We ask that you sign-up to speak before the meeting begins and that you provide us your name, address and topic of input. Your comments should be limited to three minutes. Questions asked during public participation and placed in writing will receive a written response in a timely manner. Comments, questions and opinions are appreciated but should always be presented in a manner that reflects the respect and dignity expected by our community. Personal attacks on members of the community, the Board, or the staff of the school system will not be allowed.

district five
OF LEXINGTON & RICHLAND COUNTIES

Minutes/ December 14, 2009

The Board of Trustees of School District Five of Lexington and Richland Counties met at Dutch Fork Elementary School with the following members present:

Mr. Robert Gantt, Chairman
Mrs. Roberta Ferrell, Vice Chairman
Mrs. Carol Sloop, Secretary
Mrs. Ellen Baumgardner
Ms. Beth Hutchison
Mrs. Jan Hammond
Mr. Ed White
Dr. Herbert Berg, District Superintendent

The following staff were in attendance:

Ms. Helen Anderson, Chief Instructional Services Officer
Dr. Angela Bain, Chief Human Resource Services Officer
Mr. Gary Black, Chief Technology Services
Dr. Karl Fulmer, Chief Financial Services Officer
Mr. Keith McAlister, Director, New Design and Construction
Mr. Buddy Price, Director, Office of Community Services

Mr. Gantt called the meeting to order and gave welcoming remarks.

The Invocation was given by Justin Smith, associate pastor, Christian Life. The Pledge of Allegiance was led by Erica Monroe, a fifth grade student at Dutch Fork Elementary School.

Robert Gantt, Roberta Ferrell and Buddy Price presented the School Board Spotlight.

A welcome and overview of Dutch Fork Elementary School was given by June Lominack, principal, Leigh Ann Monroe, school improvement council chair, and Gordon Farley, World Language teacher at Dutch Fork Elementary School.

During the superintendent's report, Buddy Price presented a Rising Star Award; Karl Fulmer presented the financial reports for November 2009 (Exhibit D) and the budget calendar timeline 2010-2011 (Exhibit E); Don Lawrimore, Helen Anderson and Keith McAlister gave a CATE presentation (Exhibit F); Jerry McKibben presented an enrollment report (Exhibit G).

During the public participation, Peter Lauzon spoke regarding budget concerns and school board policies; Kim Murphy spoke regarding Chapin High School.

Stevens and Wilkinson presented construction documents for Chapin High School (5th viewing).

SCHOOL DISTRICT FIVE
OF
LEXINGTON AND RICHLAND COUNTIES

Meeting of December 14, 2009

		BAUMGARDNER	HUTCHISON	FERRELL	GANTT	HAMMOND	SLOOP	WHITE
1.	M. Ferrell S. Sloop Enter executive session in the conference room to consider the following: 2a) selected employment items (Exhibit A); 2b) contractual matter: Dutch Fork High School project (Exhibit B); and 2c) approval of instruction at a place other than school (Exhibit C)	A	X	X	X	X	X	A
2.	M. Hammond S. Hutchison Extend Dr. Berg's contract until June 30, 2012	X	X	X	X	X	X	X
3.	M. Ferrell S. Sloop Approve the agenda	X	X	X	X	X	X	X
4.	M. Ferrell S. Hammond Approve the consent agenda which includes the approval of the minutes of the November 9, 2009 regular board meeting and the approval of alignment of board policies BCB"Board Member Conflict of Interest" and GBEA "Staff Ethics/Conflict of Interest" (Exhibit I)	X	X	X	X	X	X	A
5.	M. Ferrell S. Baumgardner Approve the selected employment items (Exhibit A)	X	X	X	X	X	X	A
6.	M. Hutchison S. Sloop Approve the request for instruction at a place other than school (Exhibit C)	X	X	X	X	X	X	A
7.	M. Sloop S. Hutchison Approve second reading of proposed board policies JB "Equal Educational Opportunity/Non-Discrimination" new policy; JE "Student Attendance" replaces JB "Attendance", JB(R) "Attendance" and JBA "Compulsory Attendance Ages"; JEB "Entrance Age" replaces JBB "Entrance Age; JEB(E) "Form To Elect Non-Attendance in Compulsory Kindergarten" replaces JBA(E) "Form To Elect Non-	X	X	X	X	X	X	X

A = Absent
AB = Abstain
N = No
X = Yes

SCHOOL DISTRICT FIVE
OF
LEXINGTON AND RICHLAND COUNTIES

Meeting of December 14, 2009

	BAUMGARDNER	HUTCHISON	FERRELL	GANTT	HAMMOND	SLOOP	WHITE
Attendance in Compulsory Kindergarten" (Exhibit L)							
8. M. Hutchison S. Baumgardner Second reading approval of proposed board policies GCI "Professional Staff Development" replaces policy GAD "Professional Development Opportunities"; GCMD "Instructional Staff Extra Duty" replaces policies GBRD and GBRE "Certified Personnel Staff Meetings" and "Certified Personnel Extra Duty"; GCQC/GCQD "Resignation of Instructional Staff/Administrative Staff" replaces GBO "Certified Personnel Resignation"; new policies GCNA "Supervision of Instructional Staff"; GCR "Non-school Employment of Professional Staff"; GCRD "Tutoring for Pay"; GDO "Evaluation of Support Staff"; GDQB "Resignation of Support Staff"; GDQD "Discipline, Suspension and Dismissal of Support Staff"; GDR "Non-school Employment of Support Staff" (Exhibit M)	X	X	X	X	X	X	X
9. M. Ferrell S. Baumgardner Approve Seven Oaks Elementary School's construction documents (6th viewing) (Exhibit J)	X	X	X	X	X	X	X
10. M. Ferrell S. Hutchison Approve Irmo Elementary School's design development (4th viewing) (Exhibit K)	X	X	X	X	X	X	X
11. M. Baumgardner S. Ferrell Approve the Comprehensive Health Education Advisory Committee (Exhibit N)	X	X	X	X	X	X	X
12. M. Sloop S. Hammond Approve the resolution for lease purchase of two activity buses (Exhibit O)	X	X	X	X	X	X	X
13. M. Ferrell S. Sloop Adjourn at 10:10 p.m.	X	X	X	X	X	X	X

A = Absent
AB = Abstain
N = No
X = Yes

Exhibit D

EXHIBIT D

district five
OF LEXINGTON & RICHLAND COUNTIES

MEMORANDUM

January 11, 2010

To: Members of the Board of Trustees

From: Keith McAlister
Director, New Design and Construction

Re: Chapin High School Construction Documents (6th Viewing)

ADMINISTRATION CONSIDERATION

Administration seeks approval of Chapin High School construction documents (6th viewing).

RECOMMENDATION

Administration seeks approval to proceed Chapin High School construction documents.

ATTACHMENT

Chapin High School construction documents
Exhibit

Exhibit E

EXHIBIT E

district five
OF LEXINGTON & RICHLAND COUNTIES

Memorandum

To: Members of the Board of Trustees

Through: Dr. Herbert M. Berg
Superintendent

From: Dr. Angela H. Bain AHB
Chief Human Resource Services Officer

Date: January 5, 2010

Re: Board Policies – Section G

Issue:
-New policy and Admin Rule GCO and GCO -R - *Evaluation of Professional Staff*
-New policy and Admin Rule GDJ and GDJ -R - *Support Staff Assignments and Transfers*
-New policy and Admin Rule GDQC - *Retirement of Support Staff*
-Policy GCK - *Professional Staff Assignments and Transfers (replaces Policy GBM & Rule GBM-R)*
-Policy GCOA - *Evaluation of Instructional Staff (replaces Policy and rule GBI & R)*
-Policy GCQA, GCQB, GDQA - *Personnel Reduction in Force (replaces Policy GBKA)*
-Policy GCQE - *Retirement of Professional Staff(replaces Policy GBO)*
-New language for Policy GDBC & Rule GDBC-R- *Support Staff Supplementary Pay/Overtime (replaces Policy GDBC & Rule GDBC-R)*

Background: Attached for your consideration are the recommended new policies.

Recommendation: Request Board of Trustees approval.

AHB/rfl

Attachments: Recommended New Policies

EVALUATION OF PROFESSIONAL STAFF

Code **GCO** *Issued* **DRAFT/2010**

Purpose: To establish the basic structure for evaluation of administrators in the district to ensure accountability.

The appropriate personnel will evaluate the performance of every administrator fairly and on a periodic basis in an effort to improve the quality of all work performance.

The superintendent will enforce the rules, regulations and procedures necessary for conducting an efficient, effective program of evaluation in accordance with state laws and regulations.

The elements of the performance evaluation program are as follows.

- Every administrator is informed of the criteria by which his/her performance is evaluated.
- Every administrator has the right to receive the results of his/her performance evaluation in writing.

Principals

At a minimum, the district will use statewide standards and procedures adopted by the state board of education to evaluate all principals at least once every three years. The superintendent may add standards and criteria as established by the board and/or by the principal and superintendent in collaboration.

The district will establish a professional development plan based on the principal's strengths and weaknesses and taking into consideration the school's strategic plan for the purpose of improving the principal's performance.

Any principal whose performance on an evaluation is rated unsatisfactory, if employed as a principal in the subsequent year, will be evaluated again during that school year. A satisfactory determination on the evaluation is only one of several criteria for overall performance evaluation and will not suffice for reemployment as a principal within the district.

Annually, the superintendent or his/her designee will provide feedback to a principal regarding his/her job performance.

Adopted 11/17/81; Revised 9/6/83, 2/6/89, ^

Legal references:

A. S. C. Code, 1976, as amended:
   1. Section 59-24-40 - Evaluation of and performance standards for school principals.

B. State Board of Education Regulations:
   1. R-43-165.1 - Program for Assisting, Developing and Evaluating Principal Performance.

EVALUATION OF PROFESSIONAL STAFF

Code **GCO-R** *Issued* **DRAFT/2010**

First year principals

First-year principals must participate in an induction program as provided by the state board of education. The superintendent or his/her designee will observe, collect relevant data and consult with a first-year principal on a regular and consistent basis. Further, the superintendent or his/her designee will provide written and oral feedback to the first-year principal on each state-adopted standard and criterion.

Experienced principals

Annually, the superintendent or his/her designee will provide informal feedback to experienced principals on their job performance. At least once every three years, the superintendent or his/her designee will conduct a formal evaluation of experienced principals. The formal evaluation must address the nine state-adopted standards and their accompanying criteria. The district may use an evaluation instrument as provided by the state department of education or may use an evaluation instrument as provided by the state department of education or may adopt an evaluation instrument it deems as appropriate.

The formal evaluation will consist of formative and summative phases. The formative phase will begin with an initial review of the evaluation instrument. Regular conferences will be held between the superintendent or his/her designee and the principal to discuss the principal's progress. The conferences will include an analysis of the data collected during the year.

The summative phase will provide evaluative conclusions based on the data collected and will include the completion of the written evaluation. The evaluator must complete the principal evaluation instrument, discuss the results with the principal and go over the degree to which the standards and criteria for the evaluation have been met.

After reviewing the overall evaluation, the evaluator and principal will discuss identified strengths and weaknesses, the school's renewal plan and the areas of concentration for improved performance. Both will sign the evaluation instrument at the conclusion of the summative phase and a written copy of the signed evaluation must be given to the principal.

Each principal may respond in writing to his/her formal evaluation; however, the written response must be submitted to the evaluator within 10 working days of the summative conference.

Annually, or as required by state law, the district will provide assurance to the stat department of education that the system is complying with all laws and regulations governing the evaluation of principals.

Issued ^

Policy GCO Evaluation of Administrators

NOTE: This policy is part of newly revised Section G Personnel

Issued 7/03

Purpose: To establish the basic structure for evaluation of administrators in the district to ensure accountability.

The appropriate personnel will evaluate the performance of every administrator fairly and on a periodic basis.

The superintendent will enforce the rules, regulations and procedures necessary for conducting an efficient, effective program of principal evaluation in accordance with state laws and state board of education regulations.

The elements of the performance evaluation program are as follows.

Every administrator is informed of the criteria by which his/her performance is evaluated.

Every administrator has the right to receive the results of his/her performance evaluation in writing.

Principals

At a minimum, the district will use standards and procedures adopted by the state board of education to evaluate all principals at least once every three years. The superintendent may add standards and criteria as established by the board and/or by the principal and superintendent in collaboration. The district will establish a professional development plan based on the principal's strengths and weaknesses and will take into consideration the school's strategic plan for the purpose of improving the principal's performance.

Any principal whose performance on an evaluation is rated unsatisfactory, if employed as a principal in the subsequent year, will be evaluated again during that school year. A satisfactory determination on the evaluation is only one of several criteria for overall performance evaluation and will not suffice for reemployment as a principal within the district.

Annually, the superintendent or his/her designee will provide feedback to a principal regarding his/her job performance.

Adopted 10/1/72; Revised 10/83, 5/85, 7/15/03

Legal references:

S.C. Code, 1976, as amended:

Section 59-24-40 - Evaluation of and performance standards for school principals.

State Board of Education Regulations:

R-43-165.1 - Program for Assisting, Developing and Evaluating Principal Performance.

Lexington District One Schools

Administrative Rule GCO-R Evaluation of Administrators

NOTE: This administrative rule is part of newly revised Section G Personnel

Issued 7/03

First-year principals

First-year principals must participate in an induction program as provided by the state board of education. The superintendent or his/her designee will observe, collect relevant data and consult with a first-year principal on a regular and consistent basis. Further, the superintendent or his/her designee will provide written and oral feedback to the first-year principal on each state-adopted standard and criterion.

Experienced principals

Annually, the superintendent or his/her designee will provide informal feedback to experienced principals on their job performance. At least once every three years, the superintendent or his/her designee will conduct a formal evaluation of experienced principals. The formal evaluation must address the nine state-adopted standards and their accompanying criteria. The district may use an evaluation instrument as provided by the state department of education or may adopt an evaluation instruction it deems as appropriate.

The formal evaluation will consist of formative and summative phases. The formative phase will begin with an initial review of the evaluation instrument. Regular conferences will be held between the superintendent or his/her designee and the principal to discuss the principal's progress. The conferences will include an analysis of the data collected during the year.

The summative phase will provide evaluative conclusions based on the data collected and will include the completion of the written evaluation. The evaluator must complete the principal evaluation instrument, discuss the results with the principal, and go over the degree to which the standards and criteria for the evaluation have been met.

After reviewing the overall evaluation, the evaluator and principal will discuss identified strengths and weaknesses, the school's renewal plan, and the areas of concentration for improved performance. Both will sign the evaluation instrument at the conclusion of the summative phase, and a written copy of the signed evaluation must be given to the principal.

Each principal may respond in writing to his/her formal evaluation; however, the written response must be submitted to the evaluator within 10 working days of the summative conference.

Appeal of evaluation

A principal who is dissatisfied with any aspect of his/her evaluation may ask for reconsideration of the evaluation, or in the event the evaluation is performed by anyone other than the superintendent, the principal may appeal his/her **final** evaluation to the superintendent after asking for reconsideration by the administrator performing the evaluation. The evaluation conclusions of the superintendent are final.

Training

The district will ensure that principals receive mandated awareness training and the superintendent and his/her designee are trained as evaluators of principals.

Either the superintendent or his/her designee will be designated as the district coordinator for the program for assisting, developing and evaluating principal performance.

Assurances

Annually, or as required by state law, the district will provide assurance to the state department of education that the system is complying with all laws and regulations governing the evaluation of principals.

Other administrators

The superintendent or his/her designee will establish and maintain an evaluation program designed to evaluate periodically the job performance of administrators other than principals, e.g. assistant principals, executive directors, assistant superintendents, etc.

Issued 7/15/03

Lexington District One Schools

SUPPORT STAFF ASSIGNMENTS AND TRANSFERS

Code **GDJ** *Issued* **DRAFT/2010**

Purpose: To establish the basic structure for the assignment and transfer of support staff in the district.

Assignment

All personnel are employed by the district, not a particular school.

The basic consideration in the assignment of support personnel in the schools is the well-being of the instructional program. The appropriateness of the assignments for individuals will have a significant impact on the morale of the staff and on the effectiveness of the total educational program. Support personnel, therefore, will be assigned on the basis of their qualifications, the needs of the district and the expressed desires of the individuals affected.

The superintendent or his/her designee is authorized to reassign all personnel in the best interest of the district.

Transfer

Personnel transfers within the district may be affected on a voluntary or involuntary basis. Voluntary transfer occurs as a result of an individual's request for assignment to another school. Involuntary transfer may be required when a school's enrollment changes, programs are eliminated, modified or added, or a school opens or closes.

With regard to both voluntary and involuntary transfers, personnel will be assigned first in accordance with the needs of the school district, second where the administration believes that the employee is best qualified to serve, and third as to the expressed preference of the employee. All other considerations being equal, the preferences of employees will be granted in order of their seniority in the district subject to the approval of the principals involved. Seniority will be determined by length of continuous service in Lexington School District Five. Academic or long-term disability leave will not be construed as an interruption of continuous service; however, this leave time will not be included in the calculation of length of service to the district.

Adopted 9/25/06; Revised ^

SUPPORT STAFF ASSIGNMENTS AND TRANSFERS

Code **GDJ-R** *Issued* **DRAFT/2010**

Personnel transfers within the district may be affected on a voluntary or involuntary basis. The superintendent or his/her designee may make personnel assignments within the district on a voluntary or involuntary basis. The district will use the following procedures in making assignments.

Voluntary transfer

Voluntary transfer occurs as a result of an individual's request for assignment to another school. Whenever vacancies develop in new or existing positions, consideration will be given to qualified applicants among current staff members. If an employee would like to be considered for a lateral transfer, the following procedure will be used.

- The person desiring a transfer for the next academic year must discuss it with his/her principal/director (if in a school) or with his/her immediate supervisor (if on the district level).

- The person must then complete a request for transfer form. Request for transfer forms are issued in January with a deadline for submission to the chief human resource services officer.

When a vacancy for which the person qualifies exists in the school to which the transfer is requested, the person's name will be referred to the principal who will schedule an interview with him/her. Transfer requests will not be made after May 15 in order to ensure stability in school staff for the coming year.

Based upon the recommendation of the site supervisor (and/or other immediate supervisors involved), the normal hiring process will occur.

Involuntary transfer/reassignment

Involuntary transfers may be required when a school's enrollment changes, programs are eliminated, modified or added, or a school opens or closes. If, in the opinion of the superintendent, an involuntary transfer would be in the best interest of the district, the following procedure(s) will be used.

- The superintendent or his/her designee will discuss the need for the reassignment with the employee's current site supervisor and with the site supervisor of the position and/or school to which reassignment is being contemplated and the qualifications possessed by a person filling the vacancy.

- The superintendent or his/her designee will then discuss with the employee to be transferred the reasons why the transfer is being considered. If, after the conference, the superintendent continues to believe that the transfer should go forward, the employee will be so notified in writing. Refusal to comply with the reassignment may be grounds for dismissal. vacancy exists, as well as the qualifications of the person needed to fill that vacancy.

 (see next page)

PAGE 2 - GDJ-R - SUPPORT STAFF ASSIGNMENTS AND TRANSFERS

In the event that student enrollment increases or programs are replaced or reinstated for the next academic year at a school from which a person was involuntarily transferred, he/she will be given priority consideration if he/she wishes to return to the original school. In that case, the person will follow procedures as specified for request for transfer.

Transfers will not be used as a means of disciplinary action. Transfers for promotion may be exempt from this policy.

Issued 9/25/06; Revised ^

Policy GDJ Support Staff Assignments and Transfers

NOTE: This policy is part of newly revised Section G Personnel

Issued 9/03

Purpose: To establish the basic structure for the transfer and assignment of support staff in the district.

The board believes that the basic consideration in the assignment of support staff is the well-being of the instructional program and the best interests of the district.

The superintendent is authorized to assign and transfer support staff in the best interests of the district.

Placement of support staff at the school level is at the discretion of the principal.

Adopted 9/16/03

Lexington District One Schools

Administrative Rule GDJ-R Support Staff Assignments and Transfers
NOTE: This administrative rule is part of newly revised Section G Personnel

Issued 9/03

The superintendent may make personnel transfers within the district on a voluntary or involuntary basis. The district will use the following procedure in making transfers.

Voluntary transfer

An employee must have been employed in his/her present position for three school years to be eligible to request a transfer.

An employee who wants to transfer for the next academic year must discuss the desire with his/her principal (if in a school) or immediate supervisor (if on the district level).

The employee should write a letter of request to his/her principal and attach PD-47b no later than the last day of school, stating his/her reason for requesting a transfer for the following school year and providing the position and/or name of the school or schools to which the transfer is desired.

Upon receipt of the request, the principal will sign and forward PD-47b to the assistant superintendent for human resources, who will determine the eligibility of the employee and inform all parties.

Principals and supervisors will consider all transfer requests, along with applications from non-employees, and recommend to the assistant superintendent for human resources the applicant he/she feels is best qualified to serve in the vacant position in accordance with standard district procedures.

Upon consultation with the two principals or other immediate supervisors involved, the superintendent or his/her designee will give written notice to the employee requesting the transfer that the request has been either approved or disapproved. The supervisor or principal of the position and/or school to which the employee desires a transfer must be in agreement with the voluntary transfer or it will not be approved.

If special circumstances warrant a request to waive the provisions of this regulation, a written request by the principal/department supervisor should be submitted to the office of human resources. The request will be reviewed with the superintendent and acted upon based on its merit. There will be no appeal to this determination.

Involuntary transfer

If, in the opinion of the superintendent, an involuntary transfer would be in the best interest of the district, the following procedure(s) will be used.

The superintendent or his/her designee will discuss the need for the transfer with the employee's current principal (if in a school) or with the immediate supervisor (if on the district level).

The superintendent or his/her designee will discuss the reassignment with the supervisor or principal of the position and/or school to which the transfer is being contemplated.

The superintendent or his/her designee will then discuss with the employee to be transferred the reasons why the transfer is being considered. If after the conference the superintendent continues to believe that the transfer should go forward, the employee will be so notified in writing. Refusal to comply with the reassignment may be grounds for dismissal.

Issued 6/15/76; Revised 9/18/84, 2/19/85, 3/4/87, 7/15/97, 1/15/02, 7/15/03, 9/16/03

Lexington District One Schools

New Policy-Discussion item January 11, 2010

RETIREMENT OF SUPPORT STAFF

Code **GDQC** *Issued* **DRAFT/2010**

Purpose: To establish the basic structure for the retirement of support staff.

Any employee who is a member of the South Carolina Retirement System may retire with full benefits if the member has reached the age of 65 or has 28 or more years of creditable service. Any member who has reached age 60 may retire with reduced benefits.

Also, the member who has reached the age of 55 and who has at least 25 years of creditable service may elect early retirement with reduced benefits from the retirement system; however, he/she will not be eligible for cost-of-living adjustments for a period of time.

The employee should notify the board in writing of his/her intent to retire as soon as possible but not later than March 15 of the year in which he/she plans to retire.

Teacher and Employee Retention Incentive (TERI) program

School district employees who desire to participate in the TERI program should consult the South Carolina State Retirement System or the district's benefits coordinator in order to ascertain current governing rules and regulations. Employees under TERI are retired for retirement benefit purposes and retain full employment rights and benefits.

Sick leave benefits at the time of TERI retirement may be credited for retirement benefit calculations. Any remaining balance will be brought forward into the TERI term of employment. Any such entitlements are to be determined by reference to the school district's leave policy. TERI participants are eligible for cumulative leave.

Vacation leave benefits are the same as for non-retired employees.

Adopted 8/1/73; Revised ^

Legal references:

A. Federal Law:
   1. 29 U.S.C. 621 et seq. - Age Discrimination in Employment Act of 1967.

B. S. C. Code, 1976, as amended:
   1. Section 9-1-10 - Teachers are members of the state retirement system.
   2. Section 9-1-1510 - Members may retire at age 60 or after 28 years of creditable service.
   3. Section 9-1-1515 - Early retirement.
   4. Section 9-1-1550 - Service retirement allowances.
   5. Section 9-1-2210 - Teacher and Employee Retention Incentive Program.

Policy GDQC Retirement of Support Staff

NOTE: This policy is part of newly revised Section G Personnel

Issued 9/03

Purpose: To establish the basic structure for the retirement of support staff.

Any school district employee who is a member of the South Carolina Retirement System may retire with full benefits if the member has reached the age of 65 or has 28 or more years of creditable service. Any member who has reached age 60 may retire with reduced benefits.

Also, the member who has reached the age of 55 and who has at least 25 years of creditable service may elect early retirement with reduced benefits from the retirement system.

The employee should notify the district board in writing of his/her intent to retire as soon as possible, but not later than March 15 of the year in which he/she plans to retire.

Adopted prior to 1972; Revised 2/76, 7/79, 9/84, 5/85, 6/90, 11/90, 12/00, 9/16/03

Legal references:

Federal Law:

29 U.S.C. 621 et seq. - Age Discrimination in Employment Act of 1967.

S.C. Code, 1976, as amended:

Section 9-1-10 - Teachers are members of the state retirement system.

Section 9-1-1510 - Members may retire at age 60 or after 28 years of creditable service.

Section 9-1-1515 - Early retirement.

Section 9-1-1550 - Service retirement allowances.

Lexington District One Schools

New Policy- Discussion item January 11, 2010
Replaces Policy GBM (Issued 9/06)

PROFESSIONAL STAFF ASSIGNMENTS AND TRANSFERS

Code **GCK** *Issued* **DRAFT/2010**

Purpose: To establish the basic structure for the assignment and transfer of professional staff in the district.

Assignment

In order to ensure the highest quality of instruction, the superintendent is responsible for the placement of employees within the district. The superintendent may delegate the responsibility of the placement process to other admininstrators; however, he/she ultimately retains responsibility for staff assignments.

It is the policy of the district to assign instructional personnel to positions based on the needs of the district, qualifications of staff members, and the expressed preferences of personnel. When it is not possible to meet all three of these components, the administration will assign employees in the following order: in accordance with the needs of the district and its students, where the administration believes the employee is most qualified to serve, and the expressed preference of the employee. The superintendent or his/her designee is authorized to reassign all personnel in the best interest of the district.

Placement of personnel at the school level is within the discretion of the building principal.

Transfer

Personnel transfer within the district may be affected on a voluntary or involuntary basis. Voluntary transfer occurs as a result of an individual's request for assignment to another school. Involuntary transfer may be required when a school's enrollment changes, programs are eliminated, modified or added, or a school opens or closes.

With regard to both voluntary and involuntary transfers, personnel will be assigned first in accordance with the needs of the school district, second where the administration believes that the employee is best qualified to serve and third as to the expressed preference of the employee. Academic or long-term disability leave will not be construed as an interruption of continuous service; however, this leave time will not be included in the calculation of length of service to the district.

The superintendent is authorized to transfer personnel in the best interests of the district. Employees may be transferred at any time.

Adopted 5/20/74; Revised 11/16/81, 1/25/88, 6/20/88, 9/25/06

Legal references:

A. S. C. Code, 1976, as amended:
   1. Section 59-25-410 - Teacher to be notified of assignment by August 15th.

"Delete Policy and Replace with GCK"

Policy GBM Certified Personnel Transfer

Issued 9/06

The basic consideration in the assignment of certified personnel in the schools is the well-being of the instructional program. The appropriateness of the assignments for individuals will have a significant impact on the morale of the certified staff and on the effectiveness of the total educational program. Instructional personnel, therefore, will be assigned on the basis of their qualifications, the needs of the district, and the expressed desires of the individuals affected. The superintendent or his/her designee is authorized to reassign all personnel in the best interest of the district.

Personnel transfer within the district may be affected on a voluntary or involuntary basis. Voluntary transfer occurs as a result of an individual's request for assignment to another school. Involuntary transfer may be required when a school's enrollment changes, programs are eliminated, modified or added, or a school opens or closes.

With regard to both voluntary and involuntary transfers, personnel will be assigned first in accordance with the needs of the school district, second where the administration believes that the employee is best qualified to serve and third as to the expressed preference of the employee. All other considerations being equal, the preferences of employees will be granted in order of their seniority in the district subject to the approval of the principals involved. Seniority will be determined by length of continuous service in Lexington School District Five. Academic or long-term disability leave will not be construed as an interruption of continuous service; however, this leave time will not be included in the calculation of length of service to the district.

Adopted 5/20/74; Revised 11/16/81, 6/20/88, 9/25/06

Legal references:

S.C. Code, 1976, as amended:

Section 59-25-410 - Teacher to be notified of assignment by August 15th.

SCHOOL DISTRICT FIVE OF LEXINGTON AND RICHLAND COUNTIES

AR GBM-R Certified Personnel Transfer

Issued 9/06

Personnel transfers within the district may be affected on a voluntary or involuntary basis. The superintendent or his/her designee may make personnel assignments within the district on a voluntary or involuntary basis. The district will use the following procedures in making assignments.

Requests for transfer

Voluntary transfer occurs as a result of an individual's request for assignment to another school. Whenever vacancies develop in new or existing positions, consideration will be given to qualified applicants among current staff members. If an employee would like to be considered for a lateral transfer, the following procedure will be used.

- The person desiring a transfer for the next academic year must discuss it with his/her principal/director (if in a school) or with his/her immediate supervisor (if on the district level).
- The person must then complete a request for transfer form. Request for transfer forms are issued in early spring with a deadline for submission to the chief human resource services officer.

When a vacancy for which the person qualifies exists in the school to which the transfer is requested, the person's name will be referred to the principal who will schedule an interview with him/her. Transfer requests will not be made after May 15 in order to ensure stability in school staff for the coming year.

Based upon the recommendation of the site supervisor (and/or other immediate supervisors involved), the normal hiring process will occur.

Involuntary transfer/reassignment

Seldom will it be necessary to effect transfers of an involuntary nature. They may be required when a school's enrollment changes, programs are eliminated, modified or added, or a school opens or closes. When a transfer of this nature would be in the best interest of the district, the following procedure will be followed.

- The superintendent or his/her designee will discuss the need for the reassignment with the employee's current site supervisor and with the site supervisor of the position and/or school to which reassignment is being contemplated and the qualifications possessed by a person filling the vacancy.
- The chief human resource services officer will identify and list all those on his/her staff who would be eligible for transfer based on the needs of the program in his/her school and in the school where the vacancy exists, as well as the qualifications of the person needed to fill that vacancy. The person to be transferred will be the least senior among those listed as determined by length of continuous service in the district. When equal, the following criteria will be applied in order until the least senior person is identified.
  - number of years of experience as stated on the South Carolina teaching certificate
  - number of years of teaching in the school from which the transfer is to be made
  - number of years in current field, i.e., math teacher; fourth grade teacher; guidance counselor
  - date on which the contract that serves as the basis for continuous service was signed by the person

The principal will meet with the person being transferred to give the reason for the change and establish a date for the transfer.

In the event that student enrollment increases or programs are replaced or reinstated for the next academic year at a school from which a person was involuntarily transferred, he/she will be given priority consideration if he/she wishes to return to the original school. In that case, the person will follow procedures specified for voluntary transfer.

Transfers will not be used as a means of disciplinary action. Transfers for promotion may be exempt from this policy.

Issued 5/20/74; Revised 11/16/81, 6/20/88, 9/25/06

SCHOOL DISTRICT FIVE OF LEXINGTON AND RICHLAND COUNTIES

Policy GCK Professional Staff Assignments and Transfers

Issued 7/06

Purpose: To establish the basic structure for the assignment and transfer of professional staff in the district.

Assignment

In order to ensure the highest quality of instruction, the superintendent is responsible for the placement of employees within the district. The superintendent may delegate the placement process to other administrators; however, he/she ultimately retains responsibility for staff assignments.

It is the policy of the district to assign instructional personnel to positions based on the needs of the district, qualifications of staff members and the expressed preferences of personnel. When it is not possible to meet all three of these components, the administration will assign employees in the following order: in accordance with the needs of the district and its students, where the administration believes the employee is most qualified to serve, and as to expressed preference of the employee.

On or before August 15 of each school year, the superintendent or his/her designee will notify each teacher of his/her tentative assignment for that school year.

Placement of personnel at the school level is within the discretion of the building principal.

Transfer

The transfer of a teacher from one school to another may be initiated by the teacher, by the principal of the school or by the superintendent or his/her designee.

The superintendent is authorized to transfer personnel in the best interests of the district. Employees may be transferred at any time.

Adopted 6/15/76; Revised 9/18/84, 5/85, 7/15/97, 7/15/03, 5/17/05, 7/18/06

Legal references:

S.C. Code, 1976, as amended:

Section 59-24-15 - Rights of certified education personnel employed as administrators.

Section 59-25-410 - Teacher to be notified of assignment by August 15th.

Lexington District One Schools

Administrative Rule GCK-R Professional Staff Assignments and Transfers

Issued 9/08

The superintendent may make personnel assignments within the district on a voluntary or involuntary basis.

Involuntary transfer

If, in the opinion of the superintendent, a transfer would be in the best interest of the district, the superintendent or his/her designee will advise the employee of the transfer and confirm the reassignment in writing to the employee. Refusal to comply with the transfer may be grounds for dismissal.

Voluntary transfer

An employee must have been employed in his/her present position for three years to be eligible to request a transfer.

If an employee would like to be considered for a lateral transfer, the following procedure will be used.

- No later than April 25, the employee will submit to the assistant superintendent for human resources a written request on HR-42 for transfer to another position.
- The employee must obtain the signature of his/her principal or supervisor on form HR-42 prior to submission to the assistant superintendent for human resources.
- The assistant superintendent of human resources or his/her designee will send principals and supervisors written notice of all transfer requests.
- A principal or supervisor will consider all transfer requests and applications and contact those individuals he/she wishes to interview. Should the principal or supervisor believe an eligible employee is best qualified to serve in the vacant position, he/she will notify the assistant superintendent for human resources by signing and submitting form HR-42.

Issued 6/15/76; Revised 9/18/84, 2/19/85, 3/4/87, 7/15/97, 1/15/02, 7/15/03, 5/17/05, 7/18/06, 9/16/08

Lexington District One Schools

Policy

EVALUATION OF INSTRUCTIONAL STAFF

Code **GCOA** *Issued* **DRAFT/2010**

Purpose: To establish the basic structure for the evaluation of the professional instructional staff in the district to ensure accountability.

The appropriate personnel will evaluate the performance of every instructional employee fairly and on a periodic basis in an effort to improve the quality of all work performance.

The superintendent will enforce the rules, regulations and procedures necessary for conducting an efficient, effective program of employee performance evaluation.

The elements of the performance evaluation program are as follows.

- Every teacher is informed of the criteria by which his/her performance is evaluated.
- Every teacher has the right to be informed of his/her performance evaluation.

Assisting, Developing, and Evaluating Professional Teaching (ADEPT) System

The district will use the ADEPT System to evaluate all certified teachers employed under induction, annual and continuing contracts. The district will base all evaluations on the ADEPT System Performance Standards.

The district will develop plans and procedures for teacher evaluation based on the following components of ADEPT.

Induction contract teachers

The district will develop or adopt induction programs to provide teachers with comprehensive guidance and assistance throughout the school year. These programs must contain criteria and/or requirements necessary for teachers to complete the induction contract year. No person may be employed as an induction teacher for more than one year.

Annual contract teachers

The district must use a valid and reliable process for evaluating and assisting teachers employed under annual contracts to assess the extent to which teachers typically perform at levels required by state standards (ADEPT Performance Standards). The district is using the SAFE-T instrument to conduct formal evaluations. SAFE-T (Summative ADEPT Formative Evaluation for Classroom Based Teachers) is the state board-approved instrument for South Carolina. locally The process includes components as outlined in the state board of education ADEPT implementation guidelines.

 (see next page)

Continuing contract teachers

The district may conduct formal or informal evaluations of teachers during their continuing contract years. The district will evaluate all continuing contract teachers on a continuous basis. Based on the individual teacher's needs and past performance, this evaluation may be formal or informal.

Teachers consistently performing according to ADEPT Performance Standards should be evaluated informally. The frequency in which a teacher is evaluated is within the sole discretion of the district. If there are concerns about a teacher's performance or if an employment decision needs to be made, the district will use the formal process (SAFE-T).

Teachers employed from out of state or from a nonpublic school setting

A certified teacher from out of state or from a nonpublic-school setting employed by the district is eligible for employment under an induction or annual contract, at the discretion of the district. At the annual contract level, teachers may receive either a diagnostic assistance year or a formal evaluation. Teachers must meet all requirements for the professional certificate, including successful completion of a full formal evaluation at the annual contract level (unless a final portion is waived under certain circumstances), before they are eligible to receive a continuing contract.

General

Regardless of the evaluation tool used, the district will provide appropriate training for all personnel responsible for conducting the evaluation process and for all personnel being evaluated.

Original evaluation results will be maintained in each employee's district file; however, principals or their designees will provide each teacher or other instructional personnel with a copy of his/her written evaluation results. The district must meet all reporting requirements as outlined in law and state board regulation.

Adopted 11/16/81; Revised 9/26/83, 4/2/90, 9/16/96, ^

 (see next page)

Legal references:

A. S.C. Code, 1976, as amended:
   1. Section 59-26-10 through Section 59-26-40 - A system for the training, certification, initial employment, evaluation and continuous professional development of public educators.

B. State Board of Education Regulations:
   1. R-43-205.1 - Assisting, Developing, and Evaluating Professional Teaching (ADEPT).

C. State Board of Education:
   1. Guidelines for Implementation of ADEPT.

"Delete Policy and Replace with GCOA"

Policy GBI Professional Personnel Evaluation

The Board recognizes that the educational process is extremely complex and that appraisal of this process is a difficult function. It also re-cognizes that sound appraisal of performance is critical in achieving the educational goals of the school system. Therefore:

1. Supervisory and administrative personnel will actively assist and encourage staff members to develop their professional competence to an optimum degree.

2. Regular evaluation is required of all certified staff members by administrators/supervisors who hold the proper certification for supervision and/or appropriate supervisory authority.

3. Evaluations shall be conducted in a fair and professional manner and shall be based on written criteria that reflect the requirements of the staff member's particular position.

4. All official evaluations shall be in writing. The evaluator shall review the evaluation report with the staff member concerned. Unfavorable evaluations may be appealed through standard grievance procedures.

5. These written evaluations, once finalized, will become part of the personnel file.

Adopted 11/16/81; Revised 9/26/83

Constitutional and Statutory Provisions:

S.C. Code, 1976, as amended:

Section 59-26-10 et seq. Educator Improvement Act

State Board of Education Regulations:

R-43-205.1 - Evaluation of Annual and Continuing Contract Teachers

R-43-205.2 - Evaluation of Provisional Contract Teachers.

SCHOOL DISTRICT FIVE OF LEXINGTON AND RICHLAND COUNTIES

"Delete Rule and Replace with GCOA-R"

AR GBI-R Procedures for Evaluating Teaching Personnel

Issued 9/96

The major purpose for evaluating teaching personnel is to improve instruction. Toward this end, an evaluation system shall make provisions for the following.

The evaluation shall be based on demonstrated classroom competence and other professional attributes.

All teachers will be observed in their classrooms at least twice annually. in the year of evaluation, at least one such observation must be conducted by the school's principal or designated evaluator. The results of the evaluation will be written and a follow-up conference held by the observer and teacher.

Evaluations shall be completed as follows.

Teachers holding provisional contracts will be evaluated by March 31; the ratings for classroom performance will be based on the results of the state-required assessment system.

Teachers holding annual contracts will be evaluated annually in accordance with the district's approved evaluation process.

Teachers holding continuing contracts will be evaluated at least once every three years in accordance with the district's approved evaluation process.

Teachers holding continuing contracts who are new employees of the district and those returning to the district after an absence of more than one year will be evaluated at least once each consecutive year for two years; an evaluation will be based on at least two documented observations.

The evaluation shall be made by the principal or designated evaluator of the school(s) to which the teacher is assigned.

The results of the evaluation will be reviewed during a conference held by the principal or designated evaluator and teacher concerned.

Provisions shall be made for review of the evaluation results by the appropriate district personnel upon the request of the teacher.

Issued 11/16/81; Revised 9/26/83, 4/2/90, 9/16/96

SCHOOL DISTRICT FIVE OF LEXINGTON AND RICHLAND COUNTIES

Policy GCOA Evaluation of Instructional Staff

Issued 8/08

Purpose: To establish the basic structure for the evaluation of the professional instructional staff in the district to ensure accountability.

The appropriate personnel will evaluate the performance of every instructional employee fairly and on a periodic basis in an effort to improve the quality of all work performance.

The superintendent will enforce the rules, regulations and procedures necessary for conducting an efficient, effective program of employee performance evaluation.

The elements of the performance evaluation program are as follows.

- Every teacher is informed of the criteria by which his/her performance is evaluated.
- Every teacher has the right to receive the results of his/her performance evaluation in writing.

The district will use state department of education guidelines to evaluate teachers. By April 15, the district will inform each teacher, in writing, of his/her employment status for the next school year.

Induction contract teachers

The district will design and maintain an induction program to provide induction teachers with special guidance and assistance. The program will contain criteria and/or requirements necessary for induction level teachers to complete their contract year.

Annual contract teachers

The district will use the TEAM instrument to conduct formal evaluations for teachers employed under an annual contract. The district will also establish criteria or requirements that must be met by teachers to successfully complete an annual contract year to include that annual contract teachers must successfully complete the TEAM evaluation process.

Continuing contract teachers

The district may conduct both formal and informal evaluations of continuing contract teachers; however, continuing contract teachers must be evaluated at least once every three years. The frequency in which a teacher is evaluated is within the sole discretion of the district. The district will determine which continuing contract teachers will be evaluated using a formal process, i.e., the TEAM instrument, and which teachers will be evaluated using an informal process, the Goals Based Evaluation Programs (GBE). If there are concerns about a teacher's performance or if an employment decision needs to be made, the district will use the formal process. The district will notify all continuing contract teachers who are currently employed in the system of their placement on TEAM by May 15 annually. The district will establish criteria or requirements that are to be met by teachers to successfully complete an evaluation at the continuing contract level.

General

Regardless of the evaluation tool used, the district will provide appropriate training for all personnel responsible for conducting the evaluation process and for all personnel being evaluated.

Original evaluation results will be maintained in each employee's district personnel file; however, principals or their designees will provide each teacher or other instructional personnel with a copy of

his/her written evaluation results.

Adopted 9/88; Revised 06/19/90, 12/01/96, 2/17/98, 7/15/03, 8/19/08

Legal references:

S.C. Code, 1976, as amended:

Section 59-26-10 through Section 59-26-40 - A system for the training, certification, initial employment, evaluation and continuous professional development of public educators.

State Board of Education Regulations:

R-43-205.1 - Assisting, Developing, and Evaluating Professional Teaching (ADEPT).

State Board of Education:

Guidelines for Implementation of ADEPT.

Lexington District One Schools

PERSONNEL REDUCTION IN FORCE

Code **GCQA/GCQB/GDQA** *Issued* **DRAFT/2010**

Purpose: To establish the basic structure for any needed reduction in professional and support staff.

General statement of policy

Under South Carolina law, the board is responsible for maintaining good public elementary and secondary schools. The board is also responsible for implementing the educational interests of the state. The board's primary consideration is the maintenance of a sound and balanced educational program that is consistent with the functions and responsibilities of the school district. The board recognizes, however, that in carrying out its responsibility, it may become necessary to eliminate staff positions in certain circumstances. Therefore, the board adopts this policy to provide a fair and orderly process should such reductions in force become necessary.

Reasons for elimination of staff positions

The board has the sole and exclusive prerogative to eliminate staff positions consistent with the provisions of state statutes and laws. This elimination should not result in a failure in its duty to implement the educational interests of the state and to provide good public elementary and secondary schools.

The board may find it necessary to eliminate staff positions because of decreases in student enrollment, changes in curriculum, financial exigency or other circumstances as determined by the board.

Definitions (as used in this policy)

- Days - calendar days
- Certified personnel - any employee of the district who holds a certificate issued by the South Carolina State Department of Education and is employed in a teaching or administrative position below the rank of superintendent
- Supportive personnel - any employee who is not required to hold a certificate issued by the State Department of Education
- Financial exigency - any significant decline in the district's financial resources that is brought about by the decline or anticipated decline in enrollment or by other actions or events that compel a reduction in the schools' current operations budgets
- Change in curriculum - any elimination, curtailment or reorganization of a curriculum offering, program or school operation, or a reorganization or consolidation of two or more individual schools that are unrelated to financial exigency

Procedures

Once the board (after consulting with the superintendent) has determined that a reason for elimination of positions as set forth in this policy exists, the superintendent will, after considering the possibilities set forth in the following procedures, determine which positions

must be eliminated. The superintendent will present his/her recommendations to the board for approval.

- Before it begins action to terminate employment under this procedure, the board will consider its ability to eliminate positions and / or reduce staff through the following.

  - voluntary retirement
  - voluntary resignation
  - transfer of staff members to existing vacancies
  - voluntary leaves of absence
  - salary reductions
  - part-time employment

- In the event further reduction is required, the board will adhere to the following guidelines:

  - Reduction in force will be on a districtwide basis. Therefore, the superintendent is not limited to considering for RIF termination only positions in a particular school, area or program in which the loss of enrollment, program change or financial emergency has occurred.

  - The superintendent will determine the appropriate weight to give to these factors depending on the needs and circumstances of the district. Length of service in the district will be a consideration only where the need arises to choose for termination among employees considered by the administration to be equally competent in their performance.

  - Once the board has approved the elimination of the specified positions or changes to be made in programs, the superintendent will use specific criteria to select employees who are to be considered for nonrenewal. The superintendent will make a recommendation to the board based on the following criteria.

    Certified personnel

    - contract level achieved
    - certification area and/or type
    - total years of administrative, teaching, and/or paraprofessional experience in the district
    - total years of administrative and/or teaching experience
    - degrees earned
    - certification in other areas which may be available
    - qualification and ability as determined by district evaluation procedures
    - attendance record
    - principal or supervisor's recommendation
    - extracurricular needs of the schools
    - any other factor considered appropriate by the superintendent

    Supportive personnel

    - total years in district
    - total years experience in current field
    - education level
    - qualifications for other positions which may be available
    - qualification and ability as determined by district evaluation procedures
    - attendance record
    - principal or supervisor's recommendation
    - any other factor considered appropriate by the superintendent

Notice to individual staff member

If, after considering the superintendent's recommendation, the board acts to terminate employment of a staff member, the board will give written notice of that decision to the "affected employee." The superintendent will send the written notice by certified mail, return receipt requested. The notice will include a statement of the conditions requiring termination of employment.

The district will assume that the staff member's address as it appears on the school district record is the correct address. It is the staff member's responsibility to see that the district has his/her current address on file.

Review of individual terminations

A staff member may request a review of the board action, provided such request is made within 10 calendar days after his/her receipt of the notice of termination. The only purpose of the review will be to determine whether the decision to terminate was arbitrary or capricious or generated by ill will, fraud, collusion or other such motives with respect to that individual.

The request for review must be in writing and addressed to the chairman of the board. The request must clearly state the ground on which the staff member contends the decision was arbitrary or capricious or generated by ill will, fraud, collusion or other such motives. The request must include a short, plain statement of facts that the staff member believes supports the contention.

The board will hold a hearing within 30 calendar days after they receive the request. The board will give the staff member at least a five-day notice of the hearing.

The board will conduct the hearing informally, in public or in private as the staff member may wish. The staff member and the superintendent may each be accompanied by legal counsel. The board will consider only the evidence that is presented at the hearing. The board will only consider the evidence that it considers fair and reliable.

After the presentation of evidence, the board will consider the matter in executive session. The burden is on the staff member to satisfy the board by clear and convincing evidence that the decision to terminate was arbitrary or capricious, or generated by ill will, fraud, collusion or other such motives.

If the board determines that the staff member did not establish his/her contention, it will, by simple unelaborated statement, notify the staff member and the superintendent. Such a determination finally confirms the decision to terminate. If the board determines that the staff member's contention has been established, it will inform him/her and the superintendent by a written notice that states what corrective action must be taken.

Obligations with respect to re-employment or other employment

For two years after the effective date of a termination pursuant to this policy, the board will not replace the staff member whose employment has been terminated without first offering the position to the terminated staff member. The board's designee will make the offer by certified mail, return receipt requested. The board's designee will notify the staff member that he/she must submit written acceptance within 15 calendar days. Failure to make written acceptance within 15 calendar days or rejection of the position eliminates all re-employment rights of the staff member.

If the staff member is recalled within two years, the district will restore any sick leave and unused portion of personal leave he/she had accrued on the effective date of the layoff.

If the staff member whose employment has been terminated requests assistance, the school district will give him/her reasonable assistance in finding other employment.

Exclusive RIF procedure

This RIF procedure is the only procedure that may be used in a reduction in force. Any existing procedure for reconsidering or examining an employee discharge, nonreappointment or grievance is not available for consideration as an issue that arises from reduction in force. Similarly, no other personnel action other than a reduction in force may be considered under this RIF procedure.

Adopted 1/13/03; Revised ^

Legal reference:

A. S.C. Code, 1976, as amended:
   1. Section 59-19-90 - General powers and duties of school trustees.
   2. Section 59-25-415 - Rehiring of employees for economic reasons.

"Delete Policy and Replace with GCQA/GCQB"

Policy GBKA Personnel Reduction In Force

Issued 1/03

General statement of policy

Under South Carolina law, the board is responsible for maintaining good public elementary and secondary schools. The board is also responsible for implementing the educational interests of the state. The board's primary consideration is the maintenance of a sound and balanced educational program that is consistent with the functions and responsibilities of the school district. The board recognizes, however, that in carrying out its responsibility, it may become necessary to eliminate staff positions in certain circumstances. Therefore, the board adopts this policy to provide a fair and orderly process should such reductions in force become necessary.

Reasons for elimination of staff positions

The board has the sole and exclusive prerogative to eliminate staff positions consistent with the provisions of state statutes and laws. This elimination should not result in a failure in its duty to implement the educational interests of the state and to provide good public elementary and secondary schools.

The board may find it necessary to eliminate staff positions because of decreases in student enrollment, changes in curriculum, financial exigency or other circumstances as determined by the board.

Definitions (as used in this policy)

Days - calendar days

Certified personnel - any employee of the district who holds a certificate issued by the South Carolina State Department of Education and is employed in a teaching or administrative position below the rank of superintendent

Supportive personnel - any employee who is not required to hold a certificate issued by the State Department of Education

Financial exigency - any significant decline in the district's financial resources that is brought about by the decline or anticipated decline in enrollment or by other actions or events that compel a reduction in the schools' current operations budgets

Change in curriculum - any elimination, curtailment or reorganization of a curriculum offering, program or school operation, or a reorganization or consolidation of two or more individual schools that are unrelated to financial exigency

Procedures

Once the board (after consulting with the superintendent) has determined that a reason for elimination of positions as set forth in this policy exists, the superintendent will, after considering the possibilities set forth in the following procedures, determine which positions must be eliminated. The superintendent will present his/her recommendations to the board for approval.

Before it begins action to terminate employment under this procedure, the board will consider its ability to eliminate positions and / or reduce staff through the following.

- voluntary retirement

- voluntary resignation
- transfer of staff members to existing vacancies
- voluntary leaves of absence
- salary reductions
- part-time employment

In the event further reduction is required, the board will adhere to the following guidelines:

Reduction in force will be on a districtwide basis. Therefore, the superintendent is not limited to considering for RIF termination only positions in a particular school, area or program in which the loss of enrollment, program change or financial emergency has occurred.

Once the board has approved the elimination of the specified positions or changes to be made in programs, the superintendent will use specific criteria to select employees who are to be considered for nonrenewal. The superintendent will make a recommendation to the board based on the following criteria in priority sequence.

Certified personnel

- contract level achieved
- certification area and/or type
- total years of administrative, teaching, and/or paraprofessional experience in the district
- total years of administrative and/or teaching experience
- degrees earned
- certification in other areas which may be available
- qualification and ability as determined by district evaluation procedures

Supportive personnel

- total years in district
- total years experience in current field
- qualifications for other positions which may be available
- qualification and ability as determined by district evaluation procedures

Notice to individual staff member

If, after considering the superintendent's recommendation, the board acts to terminate employment of a staff member, the board will give written notice of that decision to the "affected employee." The superintendent will send the written notice by certified mail, return receipt requested. The notice will include a statement of the conditions requiring termination of employment.

The district will assume that the staff member's address as it appears on the school district record is the correct address. It is the staff member's responsibility to see that the district has his/her current address on file.

Review of individual terminations

A staff member may request a review of the board action, provided such request is made within 10 calendar days after his/her receipt of the notice of termination. The only purpose of the review will be to determine whether the decision to terminate was arbitrary or capricious or generated by ill will, fraud, collusion or other such motives with respect to that individual.

The request for review must be in writing and addressed to the chairman of the board. The request must clearly state the ground on which the staff member contends the decision was arbitrary or capricious or generated by ill will, fraud, collusion or other such motives. The request must include a short, plain statement of facts that the staff member believes supports the contention.

The board will hold a hearing within 30 calendar days after they receive the request. The board will give the staff member at least a five-day notice of the hearing.

The board will conduct the hearing informally, in public or in private as the staff member may wish. The staff member and the superintendent may each be accompanied by legal counsel. The board will consider only the evidence that is presented at the hearing. The board will only consider the evidence that it considers fair and reliable.

After the presentation of evidence, the board will consider the matter in executive session. The burden is on the staff member to satisfy the board by clear and convincing evidence that the decision to terminate was arbitrary or capricious, or generated by ill will, fraud, collusion or other such motives.

If the board determines that the staff member did not establish his/her contention, it will, by simple unelaborated statement, notify the staff member and the superintendent. Such a determination finally confirms the decision to terminate. If the board determines that the staff member's contention has been established, it will inform him/her and the superintendent by a written notice that states what corrective action must be taken.

Obligations with respect to re-employment or other employment

For two years after the effective date of a termination pursuant to this policy, the board will not replace the staff member whose employment has been terminated without first offering the position to the terminated staff member. The board's designee will make the offer by certified mail, return receipt requested. The board's designee will notify the staff member that he/she must submit written acceptance within 15 calendar days. Failure to make written acceptance within 15 calendar days or rejection of the position eliminates all re-employment rights of the staff member.

If the staff member is recalled within two years, the district will restore any sick leave and unused portion of personal leave he/she had accrued on the effective date of the layoff.

If the staff member whose employment has been terminated requests assistance, the school district will give him/her reasonable assistance in finding other employment.

Exclusive RIF procedure

This RIF procedure is the only procedure that may be used in a reduction in force.

Any existing procedure for reconsidering or examining an employee discharge, nonreappointment or grievance is not available for consideration as an issue that arises from reduction in force. Similarly, no other personnel action other than a reduction in force may be considered under this RIF procedure.

Adopted 1/13/03

Legal Reference:

S.C. Code, 1976, as amended:

Section 59-19-90 - General powers and duties of school trustees.

Section 59-25-415 - Rehiring of employees for economic reasons.

SCHOOL DISTRICT FIVE OF LEXINGTON AND RICHLAND COUNTIES

Policy GCQA/GCQB Instructional Staff/Administrative Staff Reduction in Force

NOTE: This policy is part of newly revised Section G Personnel

Issued 7/03

Purpose: To establish the basic structure for any needed reduction in professional staff.

Recognizing that the board has the responsibility to maintain appropriate public elementary and secondary schools, the board must give primary consideration to the maintenance of a sound and balanced educational program that is consistent with the functions and responsibilities of the district. Further recognizing, however, that it may become necessary for the board to eliminate certificated staff positions due to decreases in student enrollment, changes in curriculum, district reorganization, financial exigency or other circumstances, the board publishes this policy to provide a fair and orderly process should such eliminations become necessary. The following is the only process that may be used in a reduction in force.

Procedure

Once the superintendent has determined that elimination of certificated staff positions is desirable or necessary, the superintendent will determine what position(s) must be eliminated and what individual(s) are to be terminated and will present his/her recommendations to the board for approval.

Prior to commencing action to terminate certificated staff members under this policy, due consideration will be given to the ability to achieve position elimination and/or reduction in staff by voluntary retirement or resignation, transfer, voluntary leaves of absence and part-time employment.

In the event termination of certificated staff is required, the district will adhere to the following guidelines.

Reduction in force terminations will be on a district-wide basis; therefore, the superintendent will not be limited to considering only those employees in the particular school, area or program in which the loss of enrollment, reorganization, curriculum change, financial exigency or other circumstance has occurred.

The recommendation concerning specific employees to be terminated under this policy will be based upon the following considerations.

- professional experience
- area(s) of certification
- education level
- performance evaluation
- attendance record
- experience in other areas of certification
- principal's or supervisor's recommendation
- type of contract
- extracurricular needs of the schools

- any other factor considered appropriate by the superintendent

The superintendent will determine the appropriate weight to give to these factors depending on the needs and circumstances of the district. Length of service in the district will be a consideration only where the need arises to choose for termination from among employees considered by the administration to be equally competent in their performance.

Notice to individual employee

Written notice of board action to terminate pursuant to this policy will be sent to the affected employee (s) by certified mail, return receipt requested, and by regular U.S. Mail. The notice will include a statement of the conditions requiring termination of employment and a general description of the procedures followed in making the decision.

Review of individual termination

Within 10 calendar days after receiving a notice of termination under this policy, an employee may request a hearing on the matter before the board. Any such request will be in writing and addressed to the chairman of the board. The request for review will specify the grounds on which it is contended that the decision to terminate was arbitrary, discriminatory or otherwise improper and must include a short, plain statement of facts that the employee believes supports his/her contention. The hearing will be held within 30 calendar days after the request is received.

The hearing will be conducted in an informal manner as determined by the board. The employee may be accompanied by legal counsel and will be required to satisfy the board by clear and convincing evidence that the decision to terminate was arbitrary, discriminatory, or otherwise improper. The employee will be notified within 10 calendar days following the hearing of the board's decision.

Obligation with respect to reemployment

For two years after the effective date of a termination pursuant to the provisions of this policy, the board will not replace the employee whose employment has been terminated without first giving due consideration towards the re-employment of the terminated employee.

An employee who has been terminated under this procedure, but who is recalled to employment within two years will have restored to him/her all of the annual leave accrued on the effective date of termination.

Adopted 3/18/84; Revised 6/18/02, 7/15/03

Legal references:

S.C. Code, 1976, as amended:

Section 59-25-415 - Rehiring of employees terminated for economic reasons.

Lexington District One Schools

Policy GDQA Support Staff Reduction in Force

NOTE: This policy is part of newly revised Section G Personnel

Issued 7/03

Purpose: To establish the basic structure for any needed reduction in support staff

Recognizing that it has the responsibility to maintain appropriate public elementary and secondary schools, the board must give primary consideration to the maintenance of a sound and balanced educational program that is consistent with the functions and responsibilities of the district. Further recognizing, however, that it may become necessary for the board to eliminate classified staff positions due to decreases in student enrollment, district reorganization, financial exigency or other circumstances, the board authorizes the administration to develop procedures necessary for its implementation.

Procedure

Once the superintendent has determined that elimination of support staff positions is desirable or necessary, the superintendent will determine what position(s) must be eliminated and what individual(s) are to be terminated. The superintendent will present his/her recommendations to the board for approval.

Prior to commencing action to terminate classified staff members under this policy, due consideration will be given to the ability to achieve position elimination and/or reduction in staff by voluntary retirement or resignation, transfer, voluntary leaves of absence and part-time employment.

In the event termination of classified staff is required, the district will adhere to the following guidelines.

Reduction-in-force terminations will be on a district-wide basis; therefore, the superintendent will not be limited to considering only those employees in the particular school, area or program in which the loss of enrollment, reorganization, financial exigency or other circumstance has occurred.

The recommendation concerning specific employees to be terminated under this policy will be based upon the following considerations.

- years of experience
- education level
- performance evaluation
- attendance record
- principal's or supervisor's recommendation

The superintendent will determine the appropriate weight to give to these factors depending on the needs and circumstances of the district. Length of service in the district will be a consideration only where the need arises to choose for termination among employees considered by the administration to be equally competent in their performance.

Written notice of board action to terminate pursuant to this policy will be sent to the affected employee(s) by certified mail, return receipt requested. The notice will include a statement of the conditions requiring termination of employment and a general description of the procedures followed in making the decision.

Review of individual termination

Within 10 calendar days after receiving a notice of termination under this policy, an employee may request a hearing on the matter before the board. Any such request will be in writing and addressed to the chairperson of the board. The request for review will specify the grounds on which it is contended that the decision to terminate was arbitrary, discriminatory or otherwise improper and must include a short, plain statement of facts that the employee believes supports his/her contention. The hearing will be held within 30 calendar days after the request is received.

The hearing will be conducted in an informal manner as determined by the board. The employee may be accompanied by legal counsel and will be required to satisfy the board by clear and convincing evidence that the decision to terminate was arbitrary, discriminatory or otherwise improper. The employee will be notified within 10 calendar days following the hearing of the board's decision.

Adopted 6/18/02; Revised 7/15/03

Lexington District One Schools

New Policy- Discussion item January 11, 2010
Replaces Policy GBO (Issued 11/81)

RETIREMENT OF PROFESSIONAL STAFF

Code **GCQE** *Issued* **DRAFT/2010**

Purpose: To establish the basic structure for the retirement of professional staff in a manner that will have a minimum amount of impact on the district's instructional program.

Any school district employee who is a member of the South Carolina Retirement System may retire with full benefits if the member has reached the age of 65 or has 28 or more years of creditable service. Any member who has reached age 60 may retire with reduced benefits.

Also, the member who has reached the age of 55 and who has at least 25 years of creditable service may elect early retirement with reduced benefits from the retirement system; however, he/she will not be eligible for cost-of-living adjustments for a period of time.

The employee should notify the board in writing of his/her intent to retire as soon as possible, but not later than March 15 of the year in which he/she plans to retire.

An eligible employee wishing to retire during the course of the school year and to continue his/her employment as a retired employee must adhere to the current state statutes at the time of retirement.

Teacher and Employee Retention Incentive (TERI) program

School district employees who desire to participate in the TERI program should consult the South Carolina State Retirement System or the district's benefits coordinator in order to ascertain current governing rules and regulations. Employees under TERI are retired for retirement benefit purposes and retain full employment rights and benefits.

Sick leave benefits at the time of TERI retirement may be credited for retirement benefit calculations. Any remaining balance will be brought forward into the TERI term of employment. Any such entitlements are to be determined by reference to the school district's leave policy. TERI participants are eligible for cumulative leave.

Vacation leave benefits are the same as for non-retired employees.

Adopted 8/1/73; Revised 6/7/82, ^

Legal references:

A. Federal Law:
   1. 29 U.S.C. 621 et seq. - Age Discrimination in Employment Act of 1967.

B. S. C. Code, 1976, as amended:
   1. Section 9-1-10 - Teachers are members of the state retirement system.
   2. Section 9-1-1510 - Members may retire at age 60 or after 28 years of creditable service.
   3. Section 9-1-1515 - Early retirement.
   4. Section 9-1-1550 - Service retirement allowances.
   5. Section 9-1-2210 - Teacher and Employee Retention Incentive Program.

"Delete Policy and Replace with GCQE"

Policy GBO Certified Personnel Resignation

The resignation of any certified employee wishing to cancel or terminate a contract shall be presented in writing to the superintendent. for such resignation to be effective, it shall be accepted in writing by the superintendent and formally approved by the board.

Adopted 8/1/73; Revised 11/16/81

Constitutional and Statutory Provisions:

S.C. Code of Laws, 1976, as amended:

Section 59-25-150 - State Board of Education may revoke/suspend certificate for just cause.

Section 59-25-160 - "Just cause" for revocation/suspension of certificate by State Board.

Section 59-25-530 - Teacher failing to comply with provisions of contract without written consent of school board deemed guilty of unprofessional conduct and subject to revocation/suspension of certificate for up to one calendar year. Contract with any other school district in South Carolina during same employment period, without consent of first board, is void.

State Board of Education Regulation:

R-43-206 - Professional Personnel Resignation.

SCHOOL DISTRICT FIVE OF LEXINGTON AND RICHLAND COUNTIES

Policy GCQE Retirement of Professional Staff

NOTE: This policy is part of newly revised Section G Personnel

Issued 9/03

Purpose: To establish the basic structure for the retirement of professional staff in a manner that will have a minimum amount of impact on the district's instructional program.

Any district employee who is a member of the South Carolina Retirement System may retire with full benefits if the member has reached the age of 65 or has 28 or more years of creditable service. Any member who has reached age 60 may retire with reduced benefits.

Also, the member who has reached the age of 55 and who has at least 25 years of creditable service may elect early retirement with reduced benefits from the retirement system.

The employee should notify the board in writing of his/her intent to retire as soon as possible, but not later than March 15 of the year in which he/she plans to retire.

Adopted prior to 1972; Revised 2/76, 7/79, 9/84, 5/85, 6/90, 11/90, 12/12/00, 9/16/03

Legal references:

Federal Law:

29 U.S.C. 621 et seq. - Age Discrimination in Employment Act of 1967.

S.C. Code, 1976, as amended:

Section 9-1-10 - Teachers are members of the state retirement system.

Section 9-1-1510 - Members may retire at age 60 or after 28 years of creditable service.

Section 9-1-1515 - Early retirement.

Section 9-1-1550 - Service retirement allowances.

Lexington District One Schools

SUPPORT STAFF SUPPLEMENTARY PAY/OVERTIME

Code **GDBC** *Issued* **DRAFT/2010**

Purpose: To establish the basic structure for district compliance with the Fair Labor Standards Act (FLSA) provisions regarding minimum wage and overtime.

The board recognizes that the district is subject to the provisions of the Fair Labor Standards Act. This Act includes provisions applicable to school districts relating to minimum wage and overtime pay for non-exempt employees.

The district will pay a minimum wage on an hour-by-hour basis to all district employees, either part time or full time, permanent or temporary which is no less than the federal minimum wage, except under designated training and apprenticeship programs exempt under special U.S. Department of Labor certification.

The board recognizes that while its goal is not to have any employee work overtime, it may occasionally be necessary for non-exempt persons to work more than 40 hours during a given workweek. Those non-exempt employees working overtime will be paid paid time-and-a-half (in money or compensatory time off) for each hour of overtime worked. No overtime, as defined by the FLSA, will be required or permitted without prior authorization from the employee's immediate supervisor.

The district requires all employees who are subject to the provisions of the FLSA to complete a daily time record showing actual hours worked. Failure to maintain or falsification of such records may be grounds for disciplinary action.

The administration will maintain records and establish regulations that are consistent with this policy and the requirements of the Fair Labor Standards Act.

Adopted 2/5/96; Revised ^

Legal references:

A. United States Code:
   1. Fair Labor Standards Act, 29 U.S.C. §§ 201-216.

B. Department of Labor Regulations:
   1. 29 C.F.R. Parts 511-800.

C. United States Supreme Court:
   1. Garcia v. San Antonio Metropolitan Transit Authority, 105 S. Ct. 1005 (1985) - Minimum wage and overtime hours provisions of the federal FLSA applied to state and local government employees.

SUPPORT STAFF SUPPLEMENTARY PAY/OVERTIME

Code **GDBC-R** *Issued* **DRAFT/2010**

Minimum wage

The **minimum** wage paid on an hour-by-hour basis to all employees either full or part time, permanent or temporary will be at the approved rate as determined by the federal government, except under designated training and apprenticeship programs exempt under special U.S. Department of Labor certification.

Workweek

A workweek will be a continuous period of 168 hours in the form of seven consecutive 24-hour periods. The district workweek begins at 12:01 a.m. each Monday for all employees and runs for seven consecutive days. Each workweek stands alone for the purpose of determining overtime pay for non-exempt employees.

Hours worked

Hours worked means all hours during which the individual is required to be on duty - generally from the required starting time to normal quitting time. Meal periods do not count as hours worked unless the individual is required to perform work duties during the meal period. Break periods of 20 minutes or longer do not count as work time.

Travel

Ordinary travel time from home to a base location or vice versa is not work time. Official travel that occurs during an individual's regular working hours will be considered hours worked.

Leave

Time taken for annual leave, sick leave, leave without pay or other leave taken for the purpose of jury duty, military assignment or because of death in the family will not be counted as time worked and is therefore not counted as compensable time for the purpose of overtime pay.

Part time in different capacity

If individuals are employed in one capacity but voluntarily work part time in a different capacity on an occasional or sporadic basis, the hours logged in the secondary capacity will not be counted as hours worked for overtime purposes.

Substitution in same capacity

Employees, at their own option but with the approval of the employer, may substitute during scheduled hours for other employees employed in the same capacity. In the case of such substitution, the hours involved are credited to the scheduled employee and not to the substitute employee. The employer need not maintain a record that the substitution has taken place.

 (see next page)

Overtime hours

Overtime hours will be held to a minimum consistent with the needs and requirements of sound and orderly administration. All overtime hours worked by non-exempt employees must be scheduled and duly authorized by the employee's principal, or, at the district level, the employee's immediate supervisor. Overtime hours worked over 40 hours during the workweek must be authorized in writing prior to the time the work is performed. Unauthorized overtime will not be tolerated.

With respect to the payment of overtime in money, or in compensatory time, the district will have the discretion to determine which method of payment to choose. The district reserves the right to require employees taking compensatory time to schedule comp time in minimal increments of four hours. This requirement is subject to change by the district upon written notification to all affected employees.

Where an employee in a single workweek works at two or more different types of work for which different straight-time rates have been established, the employee's regular rate for that week is the weighted average of such rates. (That is, the earnings from all such rates are added together.) This total is then divided by the total number of hours worked at all jobs.

Compensatory time off

Non-exempt employees who work more than 40 hours during any workweek may be awarded compensatory time off ("comp time"). Comp time will be awarded at the rate of one and one-half hours for each hour of overtime worked in any given workweek.

- Comp time may be accrued to a maximum of 48 hours (32 overtime hours). Overtime work beyond this maximum accrual will be monetarily compensated at the rate of one and one-half times the individual's normal hourly rate of pay.

- Every effort will be made to permit the use of comp time at the time mutually agreed upon by the individual and his/her supervisor. However, where the individual's absence would unduly disrupt the district's operations, the district retains the right to postpone comp time usage.

- Time off later for working on an official holiday will not be considered compensatory time off but as a delayed holiday. Employees who are required to work on an announced holiday must be given equal time off within the same fiscal year.

Monetary compensation

Non-exempt employees who work in excess of 40 hours per workweek will be paid at one-and-one-half times their "regular rate" in the event the district has not designated comp time rather than monetary compensation.

Termination

Individuals with unused comp time who are terminated or who terminate their employment will be granted comp time prior to their final date of employment or monetarily paid for unused comp time at one and one-half times their final regular rate of pay. The district will have the discretion to determine which method of payment to choose.

Volunteers

A volunteer is defined as an individual who receives no compensation or who is paid expenses, reasonable benefit, or a nominal fee to perform the services for which the individual volunteered

and such services are not the same type of services which the individual is employed to perform for the district. District employees who work as volunteers will not be compensated for the time spent performing volunteer work.

Students

Vocational students performing work as part of a curriculum are students and not workers. Students helping in office capacities for short periods of time are volunteers and not employees.

Exclusions

Executive, administrative and professional employees will be considered exempt if they meet all of the following respective duties tests for exemption from coverage under the law.

Highly compensated employees

Employees who perform office or non-manual work and earn a salary of at least $100,000 per year will be completely exempt from coverage in that they regularly and customarily perform at least one of the duties of an exempt executive, administrative or professional employee. The $100,000 compensation can include bonuses and commissions, but not benefits.

Executive

The employee's primary duty consists of the following.

- Management of the enterprise or of a customarily recognized department or subdivision.
- The employee must customarily and regularly direct the work of at least two or more other employees.
- The employee must have the authority to hire or fire other employees; or whose suggestions and recommendations as to the hiring, firing, advancement, promotion or any other change of status of other employees are given particular weight.

The employee must devote no more than 20 percent of his/her hours worked to activities not directly and closely related to the managerial duties.

The employee must be paid on a salary basis at a rate of at least $455 a week exclusive of board, lodging or other facilities.

Administrative

The employee's primary duty consists of the following.

- performance of office or non-manual work directly related to the management or general business operations of the employer or the employer's customers
- includes the exercise of discretion and independent judgment with respect to matters of significance

The employee must not spend more than 20 percent of the time worked in the workweek on work that is not directly and closely related to the administrative duties discussed above.

The employee must be paid on a salary or fee basis at a rate of not less than $455 a week exclusive of board, lodging or other facilities.

Professional

The employee's primary duty consists of the following.

- work requiring advance knowledge (defined as work which is predominately intellectual in character, and which includes work requiring consistent exercise of discretion and judgment) in a field of science or learning customarily acquired by a prolonged course of specialized intellectual instruction and study
- work requiring invention, imagination, originality or talent in a recognized field of artistic or creative endeavor

The employee must do work that is predominately intellectual and varied as distinguished from routine mental, manual, mechanical or physical duties.

The employee must not spend more than 20 percent of the time worked in the workweek on activities not essentially a part of and necessarily incident to the professional duties.

The employee must be paid on a salary or fee basis at a rate of not less than $455 a week exclusive of board, lodging or other facilities.

Permissible deductions

The district can take deductions from an exempt employee's salary for violations of workplace conduct rules without risking the loss of the exempt employee's status.

Safe harbor rule

The district will lose overtime exemptions if and when it has an actual practice of making improper deductions from an employee's salary. The district may utilize a "safe harbor" to reduce the risk that improper deductions will destroy an exemption by ensuring the following.

- has a clearly communicated policy prohibiting improper deductions and includes a complaint mechanism
- reimburses employees for any improper deductions
- makes a good faith commitment to comply with FLSA regulations in the future

The district will lose the protection of the "safe harbor" if it willfully violates the above provisions and continues to make improper deductions.

Record-keeping

Exempt employees

The following records must be kept for each employee.

- name and identifying number
- home address
- birth date if the employee is under 19
- sex and occupation in which employed

Non-exempt employees

The following records must be kept for each employee.

- name and identifying number
- home address
- sex and occupation in which employed
- time and day on which his/her workweek or work period begins and length of the work period
- regular rate of pay for any workweek or work period
- hours worked each day and each workweek or work period

- total daily, weekly or work period straight-time earnings (includes one time, but not time and one-half pay for overtime)
- overtime excess compensation (the "half time" or more extra compensation for overtime)
- total additions to or deductions from wages paid each pay period
- total wages paid each pay period
- date of payment and the pay period covered by the payment

Retention of records

Preserved for three years

- payroll records
- certificates, agreements, plans, notices, etc. (e.g. contracts, written agreements or memoranda summarizing the terms of oral agreements)
- sales and purchase records

Preserved for two years

- supplementary basic records such as basic employment and earnings records, wage rate tables and work time schedules
- order, shipping and billing records
- records of additions to or deductions from wages paid
- records which explain the basis for payment of any wage differential to employees of the opposite sex in the same establishment (29 C.F.R. Sec 516.6)

Issued 2/5/96; Revised ^

Policy GDBC Support Staff Supplementary Pay/Overtime

Issued 2/96

Purpose: to establish the basic structure for district compliance with the Fair Labor Standards Act (FLSA) provisions regarding minimum wage and overtime.

The board recognizes that the district is subject to the provisions of the Fair Labor Standards Act. This Act includes provisions applicable to school districts relating to minimum wage and overtime pay for non-exempt employees.

The district will compensate all non-exempt employees, either part-time or full-time, permanent or temporary at no less than the federal minimum wage.

The board also recognizes that it may occasionally be necessary for non-exempt persons to work more than 40 hours during a given workweek. Such individuals will be paid time-and-a-half (in money or compensatory time off) for each hour of overtime worked. Except in emergency or with the prior authorization from his/her immediate supervisor, no non-exempt employee may begin work before his/her scheduled starting time nor continue work after his/her scheduled quitting time.

The district requires all non-exempt employees to complete a daily time record showing actual hours worked. Failure to maintain or falsification of such records may be grounds for disciplinary action.

The administration will maintain records and establish guidelines which are consistent with this policy and the requirements of the Fair Labor Standards Act.

Adopted 2/5/96

Legal references:

United States Code:

Fair Labor Standards Act, 29 U.S.C. 201-216.

Department of Labor Regulations:

29 C.F.R. Parts 511-800.

United States Supreme Court:

Garcia v San Antonio Metropolitan Transit Authority, 105 S. Ct. 1005 (1985) - Minimum wage and overtime hours provisions of the federal FLSA applied to state and local government employees.

SCHOOL DISTRICT FIVE OF LEXINGTON AND RICHLAND COUNTIES

AR GDBC-R Support Staff Supplementary Pay/Overtime

Issued 2/96

Minimum wage

The minimum wage is determined by the federal government.

Workweek

A workweek will be a continuous period of 168 hours in the form of seven consecutive 24-hour periods. The district workweek begins at 12:01 a.m. each Monday for all employees and runs for seven consecutive days. Each workweek stands alone for the purpose of determining overtime pay for non-exempt employees.

Hours worked

Hours worked means all hours during which the individual is required to be on duty - generally from the required starting time to normal quitting time. Uninterrupted meal periods of at least 30 minutes do not count as hours worked unless the individual is required to perform work duties during the meal period.

Travel

Ordinary travel time from home to a work location or vice versa is not work time. Official travel that occurs during an individual's regular working hours will be considered hours worked.

Leave

Time taken for annual leave, sick leave, leave without pay or other leave taken for the purpose of jury duty, military assignment or because of death in the family will not be counted as time worked and is, therefore, not counted as compensable time for the purpose of overtime pay.

Part-time in different capacity

If individuals are employed in one capacity but voluntarily work part-time in a different capacity on an occasional or sporadic basis, the hours logged in the secondary capacity will not be counted as hours worked for overtime purposes.

Substitution in same capacity

Employees, at their own option but with the approval of the employer, may substitute during scheduled hours for other employees employed in the same capacity. in the case of such substitution, the hours involved are credited to the scheduled employee and not to the substitute employee. The employer need not maintain a record that the substitution has taken place.

Overtime hours

Overtime hours will be held to a minimum consistent with the needs and requirements of sound and orderly administration. All hours worked by non-exempt employees must be scheduled and duly authorized. Overtime hours worked over 40 hours during the workweek must be authorized in writing prior to the time the work is performed. Unauthorized overtime will not be tolerated.

Where an employee in a single workweek works at two or more different types of work for which different straight-time rates have been established, the employee's regular rate for that week is the weighted average of such rates. The earnings from all such rates are added together. This total is then

divided by the total number of hours worked at all jobs and the employee is paid one-half (not one and one-half) the resulting regular rate for each hour of overtime.

Compensatory time off

Non-exempt employees who work more than 40 hours during any workweek may be awarded compensatory time off ("comp time"). Comp time will be awarded at the rate of one and

one-half hours for each hour of overtime worked. Note: Employees who work in excess of contracted hours up to 40 hours during a workweek may be awarded compensatory time off at an hour for hour rate for each hour of overtime.

Comp time may be accrued up until 240 hours (160 overtime hours). Overtime work beyond this maximum accrual will be monetarily compensated at the rate of one and one-half times the individual's normal hourly rate of pay.

Every effort will be made to permit the use of comp time at the time mutually agreed upon by the individual and his/her supervisor. However, where the individual's absence would unduly disrupt the district's operations, the district retains the right to postpone comp time usage.

Time off later for working on an official holiday will not be considered compensatory time off but as a delayed holiday. Employees who are required to work on an announced holiday must be given equal time off within the same fiscal year.

Monetary compensation

Non-exempt employees who work in excess of 40 hours per workweek will be paid at one and one-half times their "regular rate."

Termination

Non-exempt individuals with unused comp time who are terminated or who terminate their employment will be paid for unused comp time at their final regular rate of pay or for the average regular rate of pay for the final three years of employment, whichever is higher.

Volunteers

A volunteer is defined as an individual who receives no compensation or who is paid expenses, reasonable benefits, or a nominal fee to perform the services for which the individual volunteered and such services are not the same type of services which the individual is employed to perform for the district.

Students

Vocational students performing work as part of a curriculum are students and not employees. Students helping in office or other capacities for short periods of time are volunteers and not employees.

Exclusions

Executive, administrative and professional employees will be considered exempt if they meet all of the following respective tests for exemption from coverage under the law.

Executive

The employee's primary duty must be management of the enterprise or of a customarily recognized department or subdivision.

The employee must customarily and regularly direct the work of at least two or more employees of the enterprise.

The employee must have the authority to hire or fire; or recommend hiring and firing; or whose recommendations on these and other actions affecting employees are given particular weight.

The employee must customarily and regularly exercise discretionary powers.

The employee must devote no more than 20 percent of his/her hours worked to activities not directly and closely related to the managerial duties.

The employee must be paid on a salary basis at a rate of at least $155 a week exclusive of board, lodging or other facilities.

Administrative

The employee's primary duty must be either of the following.

Responsible office or non-manual work directly related to the management, policies or general business operations of the employer of the employer's customers.

Responsible work that is directly related to academic instruction or training carried on in the administration of a school system or educational establishment.

The employee must customarily and regularly exercise discretion and independent judgment, as distinguished from using skills and following procedures, and must have authority to make important decisions.

The employee must do one of the following.

Regularly assist a proprietor or bonafide executive or administrative employee.

Perform work under only general supervision along specialized or technical lines requiring special training, experience or knowledge.

Execute under only general supervision special assignments.

The employee must not spend more than 20 percent of the time worked in the workweek on work that is not directly and closely related to the administrative duties discussed above.

The employee must be paid on a salary or fee basis at a rate of not less than $155 a week exclusive of board, lodging or other facilities. in the case of academic administrative employees in public or private schools, the salary requirement for exemption must be at least $155 a week or one which is at least equal to the entrance salary for teachers in the employing school system or educational establishment or institution.

Professional*

The employee's primary duty must be one of the following.

Work requiring knowledge of an advanced type in a field of science or learning, customarily obtained by a prolonged course of specialized instruction and study.

Work that is original and creative in character in a recognized field of artistic endeavor, the result of which depends primarily on the employee's invention, imagination or talent.

Work as a teacher certified or recognized as such in the school system or educational institution by which he/she is employed.

The employee must consistently exercise discretion and judgement.

The employee must do work that is predominately intellectual and varied as distinguished from routine mental, manual, mechanical or physical duties.

The employee must not spend more than 20 percent of the time worked in the workweek on activities not essentially a part of and necessarily incident to the professional duties.

*All employees of the district are considered as "professionals;" however, for FSLA standards, we use "professional" to define a category of employees exempted from overtime status.

The employee must be paid on a salary or fee basis at a rate of not less than $170 a week exclusive of board, lodging or other facilities. (This salary requirement does not apply to an employee who is the holder of a valid license or certificate permitting the practice of law or medicine and who is actually engaged in such practice; an employee who is the holder of the requisite academic degree for the general practice of medicine and is engaged in an internship or resident program; or an employee employed and engaged as a teacher in a school or educational institution.)

Record-keeping

Exempt employees

The following records must be kept for each employee.

- name and identifying number
- home address
- birth date if the employee is under 19
- sex and occupation in which employed

Non-exempt employees

The following records must be kept for each employee.

- name and identifying number
- home address
- sex and occupation in which employed
- time and day on which his/her workweek or work period begins and length of the work period
- regular rate of pay for any workweek or work period
- total daily, weekly or work period straight-time earnings (includes one time, but not time and one-half pay for overtime)
- overtime excess compensation (the "half time" or more extra compensation for overtime)
- total additions to or deductions from wages paid each pay period

- total wages paid each pay period
- date of payment and the pay period covered by the payment (29 Code of Federal Register Sec 516.2)

Retention of records

The following records must be preserved at least three years.

- payroll records
- certificates, agreements, plans, notices, etc. (e.g. contracts, written agreements or memoranda summarizing the terms of oral agreements)
- sales and purchase records (29 Code of Federal Register Sec 516.5)

The following records must be preserved at least two years.

- supplementary basic records such as basic employment and earnings records, wage rate tables and work time schedules
- order, shipping and billing records
- records of additions to or deductions from wages paid
- records which explain the basis for payment of any wage differential to employees of the opposite sex in the same establishment (29 Code of Federal Register Sec 516.6)

Issued 2/5/96

SCHOOL DISTRICT FIVE OF LEXINGTON AND RICHLAND COUNTIES

Policy GDBC Support Staff Supplementary Pay/Overtime

NOTE: This policy is part of newly revised Section G Personnel

Issued 7/03

Purpose: To establish the basic structure for district compliance with the Fair Labor Standards Act (FLSA) provisions regarding minimum wage and overtime.

The district is subject to the provisions of the Fair Labor Standards Act (FLSA). This Act includes provisions applicable to school districts relating to minimum wage and overtime pay for non-exempt employees.

The minimum wage paid on an hourly basis to all district employees, either part time or full time, permanent or temporary will be no less than the federal minimum wage, except under authorized training and apprenticeship programs.

The board recognizes that while its goal is not to have any employee work overtime, it may occasionally be necessary for non-exempt persons to work more than 40 hours during a given workweek. Those non-exempt employees working overtime will be paid time-and-a-half (in money or compensatory time off) for each hour of overtime worked. No overtime, as defined by the FLSA, will be suffered or permitted without authorization from the employee's principal, or at the district level, the employee's immediate supervisor.

All employees who are subject to the provisions of the FLSA are required to complete a daily time record showing actual hours worked. Failure to maintain or falsification of such records may be grounds for disciplinary action.

The administration will maintain records and establish regulations that are consistent with this policy and the requirements of the Fair Labor Standards Act.

Adopted 7/15/03

Legal references:

United States Code:

Fair Labor Standards Act, 29 U.S.C. §§ 201-216.

Department of Labor Regulations:

29 C.F.R. Parts 511-800.

United States Supreme Court:

Garcia v. San Antonio Metropolitan Transit Authority, 105 S. Ct. 1005 (1985) - Minimum wage and overtime hours provisions of the federal FLSA applied to state and local government employees.

Lexington District One Schools

Administrative Rule GDBC-R Support Staff Supplementary Pay/Overtime

NOTE: This administrative rule is part of newly revised Section G Personnel

Issued 7/03

Minimum wage

The minimum wage paid on an hourly basis to all employees either full or part time, permanent or temporary, will be no less than the established federal minimum wage, except under authorized training and apprenticeship programs.

Workweek

A workweek will be a continuous period of 168 hours in the form of seven consecutive 24-hour periods. The district workweek begins at 12:01 a.m. each Monday for all employees and runs for seven consecutive days. Each workweek stands alone for the purpose of determining overtime pay for non-exempt employees.

Hours worked

Hours worked means all hours during which the individual is required to be on duty - generally from the required starting time to normal stopping time. Meal periods do not count as hours worked unless the individual is required to perform work duties during the meal period. Break periods of 20 minutes or longer do not count as work time.

Travel

Ordinary travel time from home to a base location or vice versa is not work time. Official travel that occurs during an individual's regular working hours will be considered hours worked.

Leave

Time taken for annual leave, vacation leave, leave without pay or other leave taken for the purpose of jury duty, military assignment or because of death in the family will not be counted as time worked and is therefore not counted as compensable time for the purpose of overtime pay.

Part time in different capacity

If individuals are employed by the district in one capacity but voluntarily work part time in a different capacity on an occasional or sporadic basis, the hours logged in the second capacity will not be counted as hours worked for overtime purposes.

Substitution in same capacity

Employees, at their own option but with the approval of the district, may substitute during scheduled hours for other employees employed in the same capacity. Such substitution must be undertaken voluntarily without direct or implied coercion by the district. In the case of such substitution, the hours involved will not be credited to the substitute employee in the calculation of hours for which the district employee is entitled to overtime compensation. The district will maintain a record that the substitution has taken place.

Overtime hours

Overtime hours for all employees in the district will be held to a minimum consistent with the needs and

requirements of sound and orderly administration. All hours worked by non-exempt employees must be scheduled and duly authorized by the employee's principal, or at the district level, the employee's immediate supervisor. Overtime hours worked over 40 hours during the workweek must be authorized in writing prior to the time the work is performed. Unauthorized overtime will not be tolerated.

Where an employee in a single workweek works at two or more different types of work for which different hourly rates have been established, the employee's regular rate for that week is the weighted average of such rates. In determining a weighted average of rates, the earnings from all such rates are added together and this total is then divided by the total number of hours worked at all jobs.

With respect to the payment of overtime in money or compensatory time off, the district will have the discretion to determine which method of payment to choose.

Compensatory time off

Non-exempt employees who work more than 40 hours during any workweek may be awarded compensatory time off (comp time). Comp time will be awarded at the rate of one and one-half hours for each hour of overtime worked in any given workweek.

Comp time may be accrued to a maximum of 48 hours (32 overtime hours). Overtime work beyond this maximum accrual will be monetarily compensated at the rate of one and one-half times the individual's normal hourly rate of pay.

The district reserves the right to require employees taking comp time to schedule comp time in a minimal increment of two hours. This requirement is subject to change by the district upon written notification to all affected employees.

Every effort will be made to permit the use of comp time at the time mutually agreed upon by the individual and his/her supervisor. However, where the individual's absence would unduly disrupt the district's operations, the district retains the right to postpone comp time usage.

Time off later for working on an official holiday will not be considered compensatory time off but as a delayed holiday. Employees who are required to work on an announced holiday must be given equal time off within the same fiscal year.

Monetary compensation

Non-exempt employees who work in excess of 40 hours per workweek will be paid at one-and-one-half times their regular rate in the event that the district has not designated comp time rather than monetary compensation.

Termination

Individuals with unused comp time who are terminated or who terminate their employment will be granted comp time prior to their final date of employment or monetarily paid for unused comp time at one and one-half times their final regular rate of pay. The district will have the discretion to determine which method of payment to choose.

Volunteers

A volunteer is defined as an individual who receives no compensation or who is paid expenses, reasonable benefits or a nominal fee to perform the services for which the individual volunteered and such services are not the same type of services which the individual is employed to perform for the district. District employees who work as volunteers will not be compensated for the time spent performing volunteer work.

Students

Vocational students performing work as part of a curriculum are students and not workers. Students helping in office capacities for short periods of time are volunteers and not employees.

Record-keeping

Non-exempt employees

The following records must be kept for each employee.

- name and social security number
- home address
- sex and occupation in which employed
- time and day on which his/her workweek or work period begins and length of the work period
- regular rate of pay for any workweek or work period
- hours worked each day and each workweek or work period
- total daily, weekly or work period straight-time earnings
- overtime excess compensation
- total additions to or deductions from wages paid each pay period
- total wages paid each pay period
- date of payment and the pay period covered by the payment

Retention of records

- records to be preserved three years

  - payroll records
  - certificates, agreements, plans, notices, etc.
  - sales and purchase records
  - records to be preserved two years
  - supplementary basic records such as basic employment and earnings records, wage rate tables and work time schedules
  - order, shipping and billing records
  - records of additions to or deductions from wages paid
  - records which explain the basis for payment of any wage differential to employees of the opposite sex in the same establishment

Issued 7/15/03

Exhibit F

EXHIBIT F

district five
OF LEXINGTON & RICHLAND COUNTIES

Memorandum

To: Members of the Board of Trustees

Through: Dr. Herbert M. Berg
Superintendent

From: Buddy Price
Director of Community Services

Date: January 7, 2010

Subject: Process for Attendance Line Adjustments for New Schools

Attached you will find proposed parameters to address attendance line adjustments for the new elementary, middle and high schools. I am requesting that this item be placed on the school board agenda for discussion at the January 11th meeting.

At the meeting, we would like your input on the prioritization of the parameters and any thoughts you may have regarding modifications, additions or deletions. We will bring them back to you at the next meeting for your consideration for adoption.

Also, attached for your information is a communications plan designed to ensure that our community is fully informed all through this process and a listing of key events that, when scheduled, will be our projected timeline.

Thank you.

BP/aw

Attachments:
(1) School Board Parameters for Attendance Line Adjustments
(2) Communications Plan for Attendance Line Adjustments
(3) Key Events for Attendance Line Adjustments

School Board Parameters
for
Attendance Line Adjustments

- Attendance lines will be drawn simultaneously to populate a new elementary school, a new middle school and a new high school.
- A new high school feeder system will be established and clean feeder systems will be maintained.
- Where possible, natural boundaries and major roadways will be used to define attendance lines and neighborhoods will not be split.
- Every attempt will be made to ensure that students attend the school closest to their homes and time on buses will be kept to a minimum.
- Rising 5^{th} graders, rising 8^{th} graders, rising seniors, and their siblings, will be grandfathered into their current schools, if their parents so desire, but parents will be responsible for providing transportation.
- New attendance lines will be finalized and a principal named for the new schools no later than one year prior to their scheduled opening.
- Principals of affected schools will be kept informed and will have input on proposed adjustments.
- It is expected that students affected by these attendance line adjustments will not be moved again during their school career.
- A Communications Plan will be developed and adopted to ensure the community is fully informed about the process and any proposed changes in attendance lines.
- Demographics will be considered when making adjustments, but will not be the prime factor for moving students.
- Probable sources of students for the new elementary school will be from Chapin Elementary, Lake Murray Elementary and Ballentine Elementary schools.

- New elementary school will be populated by 450-500 students, the new middle school with 500-650 students, and the new high school with 1000-1200 students.

- Enrollments in Chapin, Lake Murray and Ballentine Elementary schools will be around 600 students after adjustment.

- Enrollments at Chapin Middle, Dutch Fork Middle and Irmo Middle will be around 900 students after adjustment.

- Enrollment at Chapin High will be around 1600 students and Dutch Fork High and Irmo High will be around 1800 students after adjustment.

Communications Plan for Attendance Line Adjustments

Goal: To communicate clearly and effectively to the entire District Five community the process for adjusting attendance lines, what changes are being proposed, and how to provide input regarding those changes.

Action:

1. All parameters, timelines and proposed changes will be posted on the district website and released to all area media in a timely manner.

2. Two public meetings will be held to explain all proposed changes and to receive input.

3. Regular updates will be provided on the website, to local media and to parent advisory groups and key community leaders.

4. Principals of new schools will meet with parent/community leaders to share their vision and expectations for the new schools and any information available about programs, etc.

5. Maps detailing the proposed changes will be posted on the district web site, as well as affected school's web sites, in local media, and in the schools affected.

6. After new attendance lines have been approved, a public information campaign will target the parents of all students affected, using all available communication tools, to notify them of the changes.

KEY EVENTS
FOR
ATTENDANCE LINE ADJUSTMENTS

After the location of the new elementary school has been finalized and property purchased, the following events will be scheduled and will constitute our formal timeline.

1. Begin drafting attendance line proposals for new elementary, middle and high schools.

2. Hold community meetings for input on proposed attendance lines.

3. Construction begins on new elementary school and new high school/CATE Center.

4. "Planning Principal" named for the new elementary school.

5. Community meetings for final input on attendance lines.

6. Board begins consideration to approve attendance lines for new schools.

7. Board gives final approval to attendance lines.

8. Committees assembled to name new schools.

9. Board gives approval to names of new schools.

10. Construction begins on new middle school.

11. "Planning Principals" named to new middle, high/CATE center.

12. New elementary school opens.

13. New middle, high school/CATE center opens.