district five
OF LEXINGTON & RICHLAND COUNTIES

AGENDA
BOARD OF TRUSTEES
LAKE MURRAY ELEMENTARY SCHOOL'S DOCKSIDE THEATER
FEBRUARY 8, 2010

1. Call to order at 6 p.m.

2. Motion to enter executive session in the Art Room to consider the following:

   a. Contractual matter: property

   b. Legal briefing: policy matter

   c. Selected employment items (Exhibit A)

3. Welcoming remarks at 7 p.m.

4. Invocation – Reverend Philip Vaughn, retired minister and school improvement council member of Lake Murray Elementary School

5. Pledge of Allegiance – Zachary Lindler, student council president at Lake Murray Elementary School

6. School Board Spotlight

7. Welcome and brief overview of Lake Murray Elementary School by Claire Thompson, principal, and Chris McMeekin, school improvement council chairperson

8. Approval of the agenda

9. Superintendent's report

   a. Superintendent

   b. Community Services

c. Financial Services

1. Food Service presentation

d. Human Resources

e. Instructional Services

f. Technology Services

10. Public participation*

NEW DESIGN AND CONSTRUCTION AGENDA

11. DISCUSSION

1. Monthly update (Exhibit B)

CONSENT AGENDA

12. Approval of the minutes of the January 25, 2010 meeting and the special-called meeting of January 27, 2010

13. Second reading approval of 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 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 C)

ACTION AGENDA

14. Items considered in executive session

15. Request from Chapin United Methodist Church Men to use the Alternative Academy gymnasium (Exhibit D)

16. Strategic Plan/SACS Accreditation (Exhibit E)

DISCUSSION AGENDA

17. Resolution related to the reimbursement of expenditures prior to the issuance of qualified school construction bonds (Exhibit F)

18. Proposed revisions to board policies JA add as new "Student Goals And Priority Objectives", JCA "Assignment Of Students To Schools" replaces JBCCA "Assignment to Schools", JFABD "Admissions Of Homeless Students" replaces part of JBC "School Admissions", JFABD-R add as new rule, JFABD (E-1) add as new form "Dispute Resolution Procedures", JFABD (E-2) add as new form "Written Notification of Enrollment Decision", (Denial of Enrollment Request), JFABD (E-3) add as new form "Written Notification of Enrollment Decision", (Dispute), JFBA "Intra-District Transfer And Withdrawal" replaces part of JBCD "Intra-District Transfer And Withdrawal" (Exhibit G)

19. Process for attendance line adjustments for new schools (Exhibit H)

20. Adjourn

FOR YOUR INFORMATION

21. The next regular scheduled board meeting will be on February 22, 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/ January 25, 2010

The Board of Trustees of School District Five of Lexington and Richland Counties met at the District Administration Building 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
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 Officer
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 Barry Russell, Eastlake Community Church. The Pledge of Allegiance was led by Lydia James, a fifth grade student at Harbison West Elementary School.

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

During the superintendent's report, Karl Fulmer presented financial reports for December 2009 (Exhibit B); Missy Wall-Mitchell presented an AYP Report.

During the public participation, Kim Murphy spoke regarding Chapin High School's renovation project, a property matter listed on the meeting agenda and student rezoning; Peter Lauzon spoke regarding school board appreciation.

Karl Fulmer presented a request from Chapin United Methodist Church Men to use the Alternative Academy gymnasium (Exhibit D).

Barbara Turner gave a presentation on the Strategic Plan/SACS Accreditation (Exhibit E).

Buddy Price presented information on the process for attendance line adjustments for new schools (Exhibit F).

SCHOOL DISTRICT FIVE
OF
LEXINGTON AND RICHLAND COUNTIES

Meeting of January 25, 2010

	BAUMGARDNER	HUTCHISON	FERRELL	GANTT	HAMMOND	SLOOP	WHITE
1. M. Hammond S. Sloop Enter executive session in the lounge to consider the following: 2a) selected employment items (Exhibit A); 2b) property matter: legal update	X	A	X	X	X	X	A
2. M. Ferrell S. Hammond Approve the minutes of the January 11, 2010 board meeting and approve changing the March 8, 2010 board meeting to March 10, 2010	X	X	X	X	X	X	A
3. M. Hutchison S. Hammond Approve the agenda	X	X	X	X	X	X	A
4. M. Hutchison S. Hammond First reading approval of 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 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)	X	X	X	X	X	X	A
5. M. Ferrell S. Baumgardner Amend the agenda to add action on items considered in executive session	X	X	X	X	X	X	A
6. M. Ferrell S. Hammond Approve the selected employment items (Exhibit A)	X	X	X	X	X	X	A

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

SCHOOL DISTRICT FIVE
OF
LEXINGTON AND RICHLAND COUNTIES

Meeting of January 25, 2010

	BAUMGARDNER	HUTCHISON	FERRELL	GANTT	HAMMOND	SLOOP	WHITE
7. M. Baumgardner S. Ferrell Adjourn at 9:30 p.m.	X	X	X	X	X	X	A

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

SCHOOL DISTRICT FIVE
OF
LEXINGTON AND RICHLAND COUNTIES

Meeting of January 27, 2010

	BAUMGARDNER	HUTCHISON	FERRELL	GANTT	HAMMOND	SLOOP	WHITE
1. M. Ferrell S. Baumgardner Call to order at 12 noon	X	A	X	X	A	A	X
2. M. Ferrell S. Baumgardner Approve the agenda	X	A	X	X	A	A	X
3. M. Ferrell S. Baumgardner Authorize the superintendent to offer an employment contract to Mr. Dean for the Director of Secondary Education	X	A	X	X	A	A	X
4. M. Baumgardner S. Ferrell Adjourn at 12:15 p.m.	X	A	X	X	A	A	X

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

Exhibit B

district five
OF LEXINGTON & RICHLAND COUNTIES

District Five of Lexington & Richland Counties Monthly Update February 8, 2010

CUMMING | SMG

building value through expertise

EXHIBIT B

Chapin Elementary School

Project Manager:	**Chris Whitley**
Completion:	**August 2010**
Architectural Firm:	**CJMW**
Contractor:	**Core Construction**
Total Project Budget:	**$10,199,051.00**
Construction Budget:	**$7,426,430.00**
Committed Const. Cost:	**$4,834,445.00**

Project Description:
Construct new kindergarten addition, interior renovations and improved student drop-off.

Status

- The new Kindergarten building has been approved by OSF for occupancy.
- Ribbon cutting for new Kindergarten wing has been held and the building is being utilized by CES
- Phase 2 Renovation is underway
- Scheduling meeting was held on February 1, 2010 to coordinate and expedite the Phase 2 work.

Achievements/Key Issues

- The Kindergarten wing has been completed and is being occupied.
- The project was approximately $3.2 million under budget on bid day.

Schedule/Budget Issues

- The unsuitable soils issue and weather delays have caused the project to fall behind schedule. Every effort is being made to regain the last time with a goal to complete the project in August 2010 per the original schedule.
- The District has requested the addition of 3 year old kindergarten classrooms. This will result in additional design fees and construction costs. This will also further delay the Phase 2 construction.

Chapin Elementary

district five
OF LEXINGTON & RICHLAND COUNTIES





Chapin Elementary

district five
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Chapin Elementary

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OF LEXINGTON & RICHLAND COUNTIES





Leaphart Elementary School

Project Manager:	**Ed Strack**
Completion:	**December 2010**
Architectural Firm:	**LPA Group**
Contractor:	**Rodgers Builders, Inc.**
Total Project Budget:	**$13,172,063.00**
Construction Budget:	**$9,059,583.00**
Committed Const. Cost:	**$7,925,647.00**

Project Description:
Construct new kindergarten addition, interior renovations, improved student drop-off and improved parking.

Status

- Construction progress throughout October, November and December has been hampered by abnormal rain conditions
- A total of ten days time extension has been granted to date for weather delays.
- The exterior load bearing walls are installed up to roof bearing height with bar joist and metal deck installation complete.
- A pre-bid meeting for the asbestos abatement was held on January 21, 2010.
- A pre-roofing conference was held on January 26, 2010. Roofing is now in progress for the new classroom addition.

Achievements/Key Issues

- A bid date has been set for asbestos abatement for February 4, 2010. The pre-bid date was January 21, 2010.

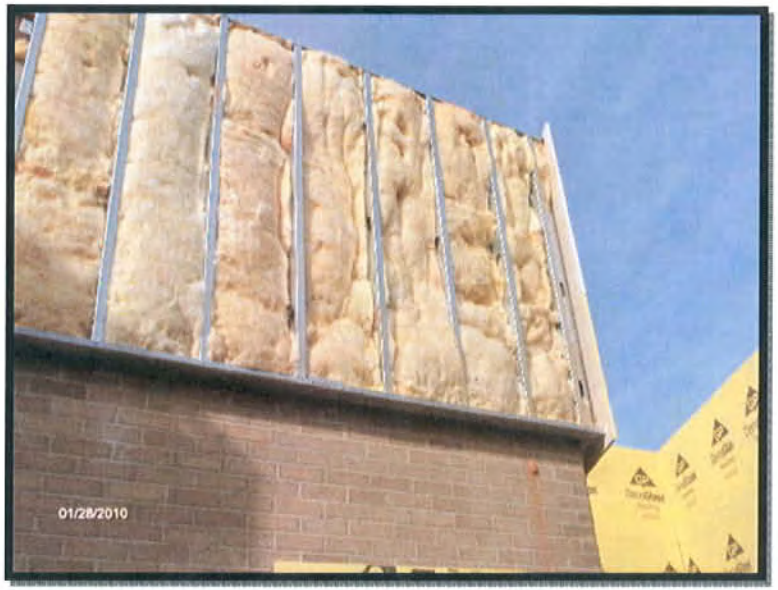
Schedule/Budget Issues

- The current updated schedule indicates the project to be five weeks behind schedule. Fifteen days of this time is attributed to weather delays. The contractor is committed to making up the time that they are responsible for. The project finish date remains December 2010.
- There are no budget issues at this time.

Leaphart Elementary

district five
OF LEXINGTON & RICHLAND COUNTIES





Leaphart Elementary





Leaphart Elementary





Chapin ES

- Addition of 3 yr old
- Additional Fees

Leaphart ES

- Playgrounds

Seven Oaks ES

- Davis Bacon

Irmo ES

- Site Work
- Fields
- Mobiles/Phasing

HS / CATE

- Architect Fees
- Schematics

district five
OF LEXINGTON & RICHLAND COUNTIES

Deferred Maintenance Accomplished

Bond Referendum

FY2008-2013

district five
OF LEXINGTON & RICHLAND COUNTIES

Chapin ES

- Deferred Maintenance Accomplished
  - Clock System (FY10): $20,000
  - Fire Alarm (FY14): $263,000
  - Hardware Systems (FY10): $199,000
  - HVAC (FY13): $448,000
  - PA/Intercom (FY11): $80,000
  - Interior Finishes (Carpet/Paint/Ceilings): $434,000

  Total: $1,444,000

Note: (Fiscal years indicate original time planned for replacement)

district five
OF LEXINGTON & RICHLAND COUNTIES

Leaphart ES

- Deferred Maintenance Accomplished
  - Clock System (FY10): $20,000
  - Fire Alarm (FY15): $261,000
  - Hardware Systems (FY14): $20,000
  - HVAC (FY13): $1,980,000
  - PA/Intercom (FY10): $131,000
  - Roofing (FY08): $45,000
  - Interior Finishes (Carpet/Paint/Ceilings): $577,000

  Total: $3,034,000

district five
OF LEXINGTON & RICHLAND COUNTIES

Seven Oaks ES

- Deferred Maintenance Accomplished
  - Fire Alarm (FY13): $261,000
  - Hardware Systems (FY11): $32,000
  - HVAC (FY11-20): $1,557,000
  - Roofing (FY14/16): $543,000
  - Interior Finishes (Carpet/Paint/Ceilings): $529,000

  Total: $2,922,000

Irmo ES

- Deferred Maintenance Accomplished
  - Clock System (FY10): $20,000
  - Fire Alarm (FY11): $222,000
  - Hardware Systems (FY10): $55,000
  - HVAC (FY11-20): $2,070,000
  - PA/Intercom (FY10): $64,000
  - Roofing (FY19): $434,000
  - Interior Finishes (Carpet/Paint/Ceilings): $239,000

  Total: $3,104,000

Chapin HS

- Deferred Maintenance Accomplished
  - Clock System (FY12): $20,000
  - Fire Alarm (FY13): $503,000
  - Hardware Systems (FY16): $100,000
  - HVAC (FY11-20): $3,496,000
  - PA/Intercom (FY11): $145,000
  - Roofing (FY11/12): $446,000
  - Interior Finishes (Carpet/Paint/Ceilings): $554,000

  Total: $5,264,000

Chapin HS

- Wetlands
- Add/Alts
- Capacity
- Options

district five
OF LEXINGTON & RICHLAND COUNTIES

SUMMARY

- Deferred Maintenance Accomplished
  - Chapin ES: $1,444,000
  - Leaphart ES: $3,034,000
  - Seven Oaks ES: $2,922,000
  - Irmo ES: $3,104,000
  - Chapin HS: $5,264,000

  Grand Total: $15,768,000

Exhibit C

EXHIBIT C

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: February 1, 2010

Re: Board Policies – Section G

Issue: Second reading approval of proposed board policies:
-Policy GCO and GCO -R - *Evaluation of Professional Staff*
-Policy GDJ and GDJ -R - *Support Staff Assignments and Transfers*
-New Policy 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- *Professional Personnel Reduction in Force (replaces Policy GBKA)*
-Policy GDQA - *Support 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 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 state department of education that the system is complying with all laws and regulations governing the evaluation of principals.

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.

Issued ^

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.

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

 (see next page)

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 ^

New Policy- 2nd reading item February 8, 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.

New Policy- 2nd reading item February 8, 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 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 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.

New Policy- 2nd reading item February 8, 2010
Replaces Policy GBI and Administrative Rule (Issued 9/96)

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. 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.

New Policy- 2nd reading item February 8, 2010
Replaces Policy GBKA (Issued 1/03)

PROFESSIONAL PERSONNEL REDUCTION IN FORCE

Code **GCQA/GCQB** *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 in no particular order.

    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
    - Quality of instruction
    - attendance record
    - principal or supervisor's recommendation
    - extracurricular needs of the schools
    - 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.

SUPPORT PERSONNEL REDUCTION IN FORCE

Code **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
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- 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 in no particular order.

    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.

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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.

PAGE 4 - SUPPORT PERSONNEL REDUCTION IN FORCE

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.

New Policy- 2nd reading item February 8, 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.

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 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)

PAGE 2 - SUPPORT STAFF SUPPLEMENTARY PAY/OVERTIME IN FORCE

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.

PAGE 3 - SUPPORT STAFF SUPPLEMENTARY PAY/OVERTIME IN FORCE

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.

PAGE 5 - SUPPORT STAFF SUPPLEMENTARY PAY/OVERTIME IN FORCE

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 ^

Exhibit D

EXHIBIT D

district five
OF LEXINGTON & RICHLAND COUNTIES

February 8, 2010

TO: Members of the Board of Trustees
Dr. Herbert M. Berg, Superintendent

FROM: Karl E. Fulmer, Ed.D.
Chief Financial Services Officer

RE: Request to Use Alternative Academy

At the January 25 meeting, the Board reviewed a request from Chapin United Methodist Church Men to use the gymnasium at the Alternative Academy to play basketball on Sunday evenings from January to May. Jennifer Powlas, Director of the Alternative Academy, has requested that the Board waive the usage fee as requested by the group.

RECOMMENDATION:

The administration recommends that the Board approve the request for Chapin United Methodist Church Men to use the gymnasium at the Alternative Academy from January to May.

KEF:ll

Attachment

REQUEST FOR USE OF SCHOOL FACILITIES

File: KG-E(3)

Please supply all requested information. If approved, one copy will be returned to you for your records.

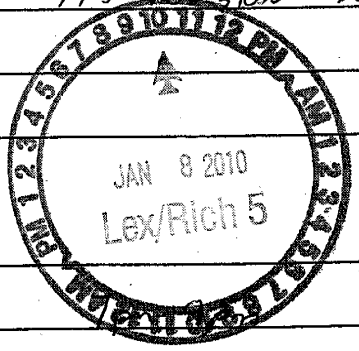
ORGANIZATION MAKING REQUEST

Name DAVID EDWARDS / BEN COSBY Chapin United Methodist Church new

Mailing Address PO Box 237 Chapin SC 29036 415 Lexington Ave

Telephone 345-2301 DAVID CELL 600-2314

Responsible Officer DAVID EDWARDS / BEN COSBY



FACILITIES REQUESTED

School Alternative Academy

Date(s) of Use (Inclusive) Sunday nights - Jan - 1st of May 7-Pp.m.

Type of Facility	Number Requested	Rate	Total
Classroom/Lab/Unit			
Gymnasium	Sundays -	Pls Waive Fee !	
Cafeteria			
Multi-Purpose			
Stadium Facilities			
Baseball Facilities			
Track/Soccer/Practice Facilities			
Additional Expenses Incurred			
Grand Total			*

CUSTODIANS N/A

_____ custodian(s) for _____ hours @ _____ per hour = _____**

If this request is approved, the using organization agrees to abide by all provisions of School District Five Board Policy KG (Use of School Facilities) including accepting responsibility and agreeing to pay for any damage that may occur from use of this facility.

Charles David Edwards
Organization Representative

1/6/10
Date of Official Request

Approved/Disapproved
Principal/Director

1/6/10
Date

Approved/Disapproved
District (if necessary)

1-8-10
Date

*All checks are to be paid in advance. Check(s) should be made payable to School District Five of Lexington and Richland Counties. Organizations using facilities on a continuing basis are to mail checks to the district administration building by the 10th of each month.

**Check(s) should be made payable directly to custodian(s). ($30 minimum per individual).

Revised 10/24/83, 8/12/96

For Office Use Only

Date Paid _____

Check Number _____

Receipt Number _____

Exhibit E

EXHIBIT E

district five
OF LEXINGTON & RICHLAND COUNTIES

MEMORANDUM

To: Members
Board of Trustees

Through: Dr. Herbert M. Berg

From: Helen Anderson
Chief Instructional Services Officer

Date: February 3, 2010

Re: **Strategic Plan/SACS Accreditation**

Monday night we will be asking you to approve the district strategic plan as was presented on January 25, 2009.

Barbara Turner and I will be available to answer any questions you may have at the Board Meeting.

Exhibit F

EXHIBIT F

district five
OF LEXINGTON & RICHLAND COUNTIES

February 8, 2010

TO: Members of the Board of Trustees
Dr. Herbert M. Berg, Superintendent

FROM: Karl E. Fulmer, Ed.D.
Chief Financial Services Officer

RE: Resolution Related to the Reimbursement of Expenditures Prior to the Issuance of Qualified School Construction Bonds

In order to reimburse expenditures issued for a project related to the use of Qualified School Construction Bonds prior to the issuance of the bonds, the governing body must make known their intent to reimburse those expenditures.

RECOMMENDATION:

The administration recommends that the Board approve the attached resolution providing for reimbursement of associated expenditures with Qualified School Construction Bonds prior to the sale of the bonds related to Seven Oaks Elementary School.

KEF:ll

Attachment

RESOLUTION

A RESOLUTION RELATING TO THE DECLARATION OF INTENT BY SCHOOL DISTRICT NO. 5 OF LEXINGTON COUNTY AND RICHLAND COUNTY, SOUTH CAROLINA, TO REIMBURSE CERTAIN EXPENDITURES PRIOR TO THE ISSUANCE BY THE SCHOOL DISTRICT OF ITS QUALIFIED SCHOOL CONSTRUCTION BOND.

WHEREAS, Section 54A(d) of the Internal Revenue Code of 1986, as amended (the "Code") provides that available project proceeds shall be treated as spent for a qualified purpose if such proceeds are used to reimburse the issuer for amounts paid for a qualified purpose after the date that the Secretary makes an allocation of the bond limitation with respect to such issue if (1) prior to the payment of the original expenditure, the issuer declared its intent to reimburse such expenditure with the proceeds of qualified school construction bonds; (2) not later than 60 days after payment of the original expenditure, the issuer adopts an official intent to reimburse the original expenditure with such proceeds; and (3) the reimbursement is made not later than 18 months after the date the original expenditure is paid; and

WHEREAS, the Internal Revenue Service and U.S. Treasury Department have promulgated Section 1.150-2 of the Treasury Regulations (the "Regulations") that provides a procedure whereby the issuer may declare its official intent to reimburse itself for expenditures made with respect to Project prior to the issuance of obligations for such Project; and

WHEREAS, School District No. 5 of Lexington County and Richland County, South Carolina (the "School District") has been informed that it has been allocated up to $10,000,000 of the bond limitation allocation for qualified school construction bonds ("QSCBs"); and

WHEREAS, the School District anticipates incurring certain expenditures (the "Expenditures") with respect to the Seven Oaks Elementary School renovation project (the "Project") prior to the School District's issuance of QSCBs in the amount not to exceed $10,000,000.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF TRUSTEES OF SCHOOL DISTRICT NO. 5 OF LEXINGTON COUNTY AND RICHLAND COUNTY, SOUTH CAROLINA, AS FOLLOWS:

Section 1. In accordance with Section 54A(d) of the Code, the School District hereby declares its intent to reimburse itself for original expenditures made after the date of adoption of this Resolution from the proceeds of QSCBs issued by the School District.

Section 2. The School District hereby declares that this Resolution shall constitute its declaration of official intent pursuant to Section 1.150-2 of the Regulations and Section 54A(d) of the Code to reimburse the School District from the proceeds of the QSCBs of the School District for Expenditures with respect to the Project. The source of funds for the Expenditures with respect to the Project will be the School District's general reserve funds or other funds on hand.

Section 3. The Board hereby acknowledges and agrees that:

(a) to be eligible for reimbursement of the Expenditures, the reimbursement allocation must be made not later than 18 months after the date on which the Expenditures were paid;

(b) notwithstanding the Project listed on the attached schedule, 100% of the QSCB shall be used for qualified construction, rehabilitation, or repair of a public school facility or for the acquisition of land on which such a facility is to be constructed with part of the proceeds of such QSCBs, or such other purposes as allowed by guidance from the U.S. Department of Treasury, Internal Revenue Service;

(c) notwithstanding the Project listed on the attached schedule, the School District shall not reimburse itself for Expenditures nor use the proceeds of such QSCBs for: (1) the payment of maintenance costs; (2) expenditures allocable to stadiums or other facilities primarily used for athletic contests or exhibitions or other events for which admission is charged to the general public; (3) the purchase or upgrade of vehicles; or (4) expenditures allocable to the improvement of stand-alone facilities whose purpose is not the education of children, including central office administration or operations or logistical support facilities; and

(d) The School District will comply with applicable provisions of the American Recovery & Reinvestment Act of 2009, including labor standards in section 1601 and 1606 (i.e. Davis Bacon prevailing wage requirements) and Buy American provisions in section 1605.

Adopted this ____ day of February, 2010.

SCHOOL DISTRICT NO. 5 OF LEXINGTON COUNTY AND RICHLAND COUNTY,SOUTH CAROLINA

_____

Chair, Board of Trustees

(SEAL)

ATTEST:

_____

Secretary, Board of Trustees

Exhibit G

EXHIBIT G

district five
OF LEXINGTON & RICHLAND COUNTIES

MEMORANDUM

TO: Members of the Board of Trustees

THRU: Dr. Herbert Berg, Superintendent

FROM: Ms. Helen Anderson
Chief Instructional Services Officer

DATE: January 28, 2010

RE: February 8, 2010 Board Meeting, Discussion Item.
"Proposed Revisions to Board J Policies"

JA add as new "Student Goals And Priority Objectives"
JCA "Assignment Of Students To Schools" replaces JBCCA "Assignment to Schools"
JFABD Admissions Of Homeless Students" replaces part of JBC "School Admissions"
JFABD-R add as new rule
JFABD (E-1) add as new form "Dispute Resolution Procedures"
JFABD (E-2) add as new form "Written Notification of Enrollment Decision" (Denial of Enrollment Request)
JFABD (E-3) add as new form "Written Notification of Enrollment Decision" (Dispute)
JFBA "Intra-District Transfer And Withdrawal" replaces part of JBCD "Intra-District Transfer And Withdrawal"

Recommendation: Request Board of Trustees approval.

Attachments: Recommended New Polices (White Paper)
Old Policies (Blue Paper)

Mr. Michael Harris will be available to answer any questions at the February 8th meeting.

NEW Policy

STUDENT GOALS AND PRIORITY OBJECTIVES

Code **JA** *Issued* **Final**

Purpose: To establish the board's vision for the goals and priority objectives of the district's policies pertinent to students.

Through its policies that affect the lives of students, the board seeks to advance the following goals.

- to enhance equal educational opportunity for all students
- to promote faithful attendance as a key factor in student achievement
- to ensure that the constitutional rights of all students as citizens in a democracy have practical meaning and application
- to develop in students a deep sense of personal responsibility for their actions
- to attend vigorously to matters of student safety, health and welfare
- to deal justly and constructively with all students in matters of discipline
- to help all students feel that they are valued as individual persons in the school environment

Adopted ^

ASSIGNMENT OF STUDENTS TO SCHOOLS

Code **JCA** *Issued* **Final**

Purpose: To establish the basic structure for assignment of students to schools.

The district will assign students to attend the school that serves their legal places of residence as determined by the board of trustees for the current school year. The district administration may make special exceptions.

Students with disabilities will attend schools other than their home school if determined necessary by the IEP team.

Bus transportation will be provided for all pupils living more than one and one-half miles from the school to which they are assigned.

Adopted 8/20/79; Revised 11/16/81, ^

Legal references:

A. S. C. Code, 1976, as amended:
   1. Section 59-19-90 (9) - Transfer and assignment authority.
   2. Section 59-63-470 - Transfer of pupils when enrollment of such pupils threatens to disturb peace.
   3. Section 59-63-32(b)(2) - Requirements to enroll child in public school; affidavit; penalties for providing false information.

B. U.S. Supreme Court:
   1. Parents Involved in Community Schools v. Seattle School District No. 1, 127 S. Ct. 2738 (2007).

Descriptor Term:	Descriptor Code:	Issued Date:
ASSIGNMENT TO SCHOOLS	JBCCA	8/15/82
	Rescinds: JBCCA	Issued: 8/20/79

Each student shall attend the school that serves his legal place of residence as determined by the Board of Trustees for the current school year unless special exception is made by the district administration with proper grievance procedures to the Board of Trustees.

Eligible handicapped students will be permitted to attend school in another attendance area if facilities within the attendance areas where they reside do not house requisite special education programs.

Bus transportation will be provided for all pupils living more than one and one-half miles from the school to which they are assigned.

Adopted 8/20/79; revised 11/16/81

Constitutional & Statutory Provisions:

A. S. C. Code, 1976, as amended:
   1) Section 59-19-90 (9) - Transfer and assignment authority.
   2) Section 59-63-470 - Transfer of disruptive students.

ADMISSION OF HOMELESS STUDENTS

Code **JFABD** *Issued* **Final**

Purpose: To establish the basic structure for the admission of homeless students to schools in the district.

Homeless students in the district will have access to the education and other services needed to ensure that an opportunity is available to meet the same academic achievement standards to which all students are held.

A liaison for students in homeless situations will be designated by the district to carry out duties as required by law.

The district will ensure that homeless students are not stigmatized nor segregated on the basis of their status as homeless. A homeless student will be admitted to the district school in the attendance area in which the student is actually living or to the student's school of origin as requested by the parent/guardian and in accordance with the student's best interest. Transportation will be provided to and from the student's school of origin at the request of the parent/guardian, or in the case of an unaccompanied student, the district's liaison for homeless students.

An unaccompanied youth or the parent/guardian of a homeless student may request a state-level review of the district's final decision regarding an enrollment issue. Under no circumstances will the resolution of a dispute delay the enrollment of said student.

The superintendent will develop administrative procedures to implement this policy.

(Cf. EEA, IHBA, JFAA, JH, JRA)

Adopted 8/18/78; Revised 7/6/82, 5/28/84, 4/20/90, 5/3/93, 8/15/94, 10/6/97, 7/24/00, 3/11/02, 1/27/03, 1/12/04, 9/10/07, ^

Legal references:

A. Federal Law:
   1. McKinney-Vento Homeless Education Improvements Act of 2001, P.L. 107-110, 42 U.S.C. Sections 11431-11435.
   2. No Child Left Behind Act of 2001, P.L. 107-110, Section 1115.

B. State Board of Education Regulations:
   1. R43-272.2 - Review process for homeless children and unaccompanied youth.

SCHOOL ADMISSIONS

Code **JBC** *Issued* **1/04**

No student seeking admission to the district will be denied on the basis of race, religion, color, creed, sex, national origin or disabling condition.

Documentation required for admission

New students of legally defined and mandated school age seeking enrollment in the district must enroll in person, not by telephone, on forms provided by the school. The district will require proof of residence, legal guardianship or legal custody before the student will be enrolled.

All students entering kindergarten through grade 12 must present a valid birth certificate to verify their date of birth. Such students must also present immunization documents as required by South Carolina Department of Health and Environmental Control. A copy of the birth certificate and immunization record must be placed in the student's file.

Parents/Legal guardians/Responsible adults will be required to present such documents as are necessary for the district to be certain of their legal responsibility and authority concerning the student seeking admission. A copy of any court order pertaining to custody/guardianship must be placed in the student's file.

When a child with one or more living parents comes under the guardianship of an adult who lives in the district, the child can be enrolled upon written confirmation from an attorney that he/she has been retained by a custodial parent or person to petition the family court for the adult to obtain legal guardianship of the child. The district will then give the student 30 days to present a properly executed court order stating that the adult has been awarded guardianship through the family court. An extension of the time limit must be approved by the superintendent or his/her designee, provided appropriate documentation has been received from the attorney or family court.

In compliance with the McKinney-Vento Act, special consideration will be given regarding the enrollment of any student categorized as homeless. The act defines homeless children or youth (21years of age and younger) as the following.

- Children and youth who lack a fixed, regular and adequate nighttime residence including children and youth who are sharing the housing of another person due to loss of housing, economic hardship or a similar reason (often referred to as doubled-up); are living in motels, hotels, trailer parks or camping grounds due to a lack of alternative adequate accommodations; are living in emergency or transitional shelters; are abandoned in hospitals or are awaiting foster care placement.

- Children and youth who have a primary nighttime residence that is a public or private place not designed for a regular sleeping accommodation for human beings.

- Children who are living in cars, parks, public spaces, abandoned buildings, substandard housing, bus or train stations or similar settings.

- Migratory children who qualify as homeless because they are living in circumstances described above.

As stipulated by the law, the school will immediately enroll a homeless child or youth even if the child is unable to produce records normally required for enrollment.

 (see next page)

Bar to enrollment

When a student seeks to enroll in the district for the first time, the board's designee will determine whether the student meets the district's standards of conduct and behavior. The board's designee will consider non-school records and the student's disciplinary records in any school in which the student was previously enrolled. The board's designee will consider these records as they relate to the adjudication of delinquency in any jurisdiction for violent crimes, unlawful use or possession of weapons, unlawful participation in gang-related activity or unlawful sale of drugs.

If a student is not allowed to enroll based on his/her record, notice will be provided to the student's parent/legal guardian and the student will be entitled to a hearing and other procedural rights in accordance with policy JDE (Expulsion).

The bar to enrollment applies for a maximum of one year if the student otherwise meets the district standards of conduct and behavior. After the bar is lifted, the student may reapply for enrollment and the board will order the student enrolled if he/she otherwise meets enrollment criteria.

Resident students

The district will admit any student who lives in the district provided the student meets the following criteria.

- lives with his/her parents
- lives with his/her legal guardian (testamentary guardian or by judicial appointment)
- lives with a person who has been awarded legal custody by a court of competent jurisdiction
- lives with his/her foster parents
- lives in a residential community-based care facility licensed or operated by the South Carolina Department of Social Services or the South Carolina Department of Juvenile Justice
- is emancipated (18 years of age, married, or declared emancipated by a court of law)

If an adult resident of the district signs an affidavit as required by law, the district will admit a student who fits into one of these situations.

- lives with an adult resident of the district, provided that the child resides with the adult as a result of the following.

  - death, serious illness or incarceration of a parent/legal guardian
  - relinquishment by a parent/legal guardian of the complete control of the child as evidenced by the failure to provide substantial financial support and parental guidance
  - abuse or neglect by a parent/legal guardian
  - physical or mental condition of a parent/legal guardian being such that he/she cannot provide adequate care and supervision of the child
  - is homeless or is a child of a homeless individual, as defined in Public Law 100-77

In all cases the student must do the following.

- maintain a satisfactory scholastic record in accordance with scholastic standards of achievement set by the board of trustees

- not be guilty of violating the rules of conduct and behavior that must be met by all students as a condition to the right to attend the public schools of the district as set by the board of trustees

 (see next page)

Documentation for the adult affidavit is required and will be reviewed periodically by the superintendent or his/her designee for approval of continued enrollment. Because affidavits are usually for temporary situations, they must be renewed each year, with appropriate current documentation provided. Failure to provide such documentation may result in continued enrollment being denied.

Any parent/legal guardian or person who enrolls a student and/or signs an affidavit in support of an enrollment will be required to repay the educational expenses of per student expenditure to the district if the enrollment is based upon false documentation. In such an event, the student will be immediately withdrawn from the district and payment will be due. All records and grades of that student may be held until satisfactory payment is made with the district.

Non-resident students

All non-resident students must provide the district superintendent with an official release duly signed by the district superintendent from their area of residence prior to enrollment.

The district will allow a student whose parent/legal guardian moves outside the geographic confines of the district during the school year to continue enrollment in the school he/she was attending at the time the move occurred for the remainder of that semester. The parent/legal guardian must assume responsibility for transportation and a release must be presented.

The parent/legal guardian of any student not a resident of the district at the time of registration will be required to sign an affidavit stating that all information is correct. Should it be false, the parent/legal guardian will be required to reimburse the district the amount of property taxes spent on a per student basis (see JBC-E).

Conditions for acceptance of non-residents

In the following two cases, the district superintendent or his/her designee will assign the school which the student will attend based on available classroom space in the schools or, for employees, according to the school in which the employee is assigned to work.

- The student owns real estate in the district having an assessed value of $300. The student must present a certificate from the county tax assessor to verify ownership of real estate with the required assessment in his/her name. The student does not have to provide release from the resident district. The district will charge a fee that is equal to the difference between the amount of school taxes paid on the property and the district per student yearly cost according to South Carolina Statute 59-63-45. A student who purchased property prior to September 9, 1996, and whose sibling enrolled with property ownership prior to 1996, but was not enrolled in any district school until after that date, may petition the board of trustees to waive the out-of-district enrollment fee.

- Any child of a district employee has permission for such transfer from the board of trustees of his/her resident district, provided this transfer has the approval of the superintendent of School District Five. The student must provide a release from the resident district. The student will be eligible to attend the employee's school, the appropriate grade level school in the attendance zone of the employee's location or an appropriate grade level school en route to the employee's school or closest to the employee's residence. The district reserves the right to make the school assignment. The employee is responsible for transportation of the children enrolled pursuant to this provision.

Should the student not maintain a satisfactory discipline record, permission to remain in the district will be withdrawn and the student must return to the home district. The parent/legal guardian may appeal the principal's decision to the supervisor of student personnel services.

 (see next page)

In the case of a child of any parent/legal guardian who lives out of the district at the time of admission but the parent/legal guardian plans to move into the district within four months of applying for enrollment in the district, temporary admission may be granted under the conditions below. Students in these categories must provide a release of residence from their present district. Upon presentation of the final closure papers and proof of residence, the temporary enrollment status will be lifted.

House under construction

A duly signed contract or purchase agreement will be provided by the contractor/builder stating that it is anticipated that the house will be completed within four months from the date the student is enrolled. In cases in which the parent/legal guardian is the contractor, a notarized statement from the parent/legal guardian, the building permit and a sub-contractor's agreement will be acceptable.

House under repair

A notarized statement will be provided by the person making the repairs indicating that the house will be ready for occupancy within four months from the date the student is admitted.

Newly-purchased home

Whenever an existing home is purchased and occupancy cannot be gained immediately, a duly signed contract or purchase agreement must be provided by the previous owner or the realtor assuring occupancy within four months from the date the student is admitted.

Newly-leased home

Whenever an existing home is leased and occupancy cannot be gained immediately, a duly signed rental agreement must be provided by the owner of the home or the realtor assuring occupancy within four months from the date the student is admitted.

Adopted 8/18/78; Revised 7/6/82, 5/28/84, 4/2/90, 5/3/93, 8/15/94, 10/6/97, 7/24/00, 3/11/02, 1/27/03, 1/12/04

Legal references:

A. Federal Law:
   1. Homeless Assistance Act, Pub.L. No. 100-77, Stat. 483-538 (1987), also known as the McKinney Act.

B. S.C. Code, 1976, as amended:
   1. Section 44-29-180 - Student must show immunization prior to admission.
   2. Section 59-63-390 - Ages of attendance.
   3. Section 59-63-480 and 490 - Attendance of non-resident students.
   4. Section 59-19-90(10) - Power of board to transfer and assign students.
   5. Section 16-1-60 - Violent crimes.
   6. Section 59-63-217 - Board of trustees may consider non-school records and prior school disciplinary records in determining whether a school district may refuse to enroll a student for the first time.

C. State Board of Education Regulations:
   1. R-43-272 - School admission.

D. State Board of Health and Environment Control Regulations:
   1. R-61-8 - Immunization of students.

ADMISSION OF HOMELESS STUDENTS

Code **JFABD-R** *Issued* **Final**

Definitions

Enrollment - attending classes and participating fully in school activities.

School of origin - the school that the student attended when permanently housed or the school where last enrolled.

Homeless student - individual who lacks a fixed, regular and adequate nighttime residence and includes the following.

- Student who is sharing the housing of other persons due to loss of housing, economic hardship or a similar reason; is living in a motel, hotel, trailer park or camping ground due to lack of alternative adequate accommodations; is living in emergency or transitional shelter; is abandoned in a hospital; or is awaiting foster placement.
- Student who has a primary nighttime residence that is a public or private place not designed for or ordinarily used as a regular sleeping accommodation for a human being.
- Student who is living in a car, park, public space, abandoned building, substandard housing, bus or train station or similar setting.
- Migratory student who qualifies as homeless because the student is living in circumstances described above.
- Children who are victims of domestic violence; runaways, throwaways; school-aged single mothers living in homes for unwed mothers because they have no other available living conditions; highly mobile children and youth.

Unaccompanied student - includes a student not in the physical custody of a parent/guardian.

Assignment to school

The district will, according to the student's best interest, continue the student's education in the school of origin for the duration of homelessness, or enroll the student in a school in the attendance area in which the homeless student is actually living on the same basis as other students.

In determining the best interest of the student, the district will do the following.

- To the extent feasible, keep a homeless student in the school of origin, unless doing so is contrary to the wishes of the student's parent/guardian.
- Provide a written explanation, including a statement regarding the right to appeal and to request a state-level review, if the district sends a homeless student to a school other than the school of origin or a school requested by the parent/guardian.
- In the case of an unaccompanied student, ensure that the district's liaison helps in placement or enrollment decisions, considers the views of the student and provides notice of the right to appeal and to request a state-level review.

 (see next page)

Enrollment

The district will immediately enroll the student in the school selected even if the student is unable to produce records normally required for enrollment such as academic records, medical records, proof of residency or other documentation.

The district will immediately contact the school last attended to obtain relevant academic and other records.

If the student needs to obtain immunizations or immunization or medical records, the district will immediately refer the parent/guardian to the district's liaison who will help in obtaining necessary immunizations or records.

Records

Any records ordinarily maintained by the district including immunization or medical records, academic records, birth certificates, guardianship records and evaluations for special services or programs will be maintained so that the records are available, in a timely fashion, when a homeless student enters a new school or district, consistent with state and federal law.

Enrollment disputes

If a dispute arises over school selection or enrollment, the student will be immediately admitted to the school requested pending resolution of the dispute.

The parent/guardian of the student will be provided with a written explanation of the district's decision regarding school selection, including the rights of the parent/guardian or student to appeal the decision.

The student or parent/guardian will be referred to the district's liaison who will ensure the resolution process is carried out as expeditiously as possible. In the case of an unaccompanied student, the district's liaison will ensure the student is immediately enrolled in school pending the resolution of the dispute. That is, during the pendency of any administrative or judicial proceeding regarding an enrollment dispute, the student must continuously be enrolled in school, be provided all relevant services and be allowed to participate fully in all school activities.

When it is determined that a dispute cannot be settled at the district level, the district will do the following in a timely manner.

- Inform the unaccompanied youth or parent/guardian of a homeless child of his/her right to request a South Carolina State Department of Education (SDE) review of the district decision. This request must be made either on the district-supplied request-for-review form or by a telephone interview with the appropriate SDE contact.
- Give the individual a copy of the appropriate form and the SDE contact information.
- Inform the individual that he/she may seek the assistance of advocates or attorneys for the review.

Upon receipt of the submitted request form and any relevant documentation back from the SDE, the district will then send a written response to the SDE and the individual filing the state review request within five business days from receipt of the request-for review form.

See JFABD- E (1-3) for further information regarding the settlement of enrollment disputes.

Services

Each homeless student will be provided services comparable to services offered to other students, including the following.

- transportation services
- education services for which the student is eligible, such as the following.
  - Title 1
  - special education
  - programs for students with limited English proficiency
  - professional technical programs
  - talented and gifted programs
- school nutrition programs

Coordination

The district will coordinate the provision of services to homeless students with local social service agencies and other agencies or programs providing services to homeless students and their families. Services will also be provided in cooperation with other districts on interdistrict issues, such as transportation or transfer of school records, to ensure that homeless students have access to available education and related services.

District liaison

The district's liaison will ensure the following.

- Homeless students are identified.
- Homeless students enroll in and have a full and equal opportunity to succeed in district schools.
- Homeless families and students receive educational services for which they are eligible and referrals to healthcare services, dental services, mental health services and other appropriate services.
- The parent/guardian of a homeless student is informed of the educational and related opportunities available to the student and is provided with meaningful opportunities to participate in the education of his/her child.
- Public notice of the educational rights of homeless students is distributed where such students receive services (e.g., schools, family shelters and soup kitchens).
- Enrollment disputes are mediated.
- The parent/guardian of a homeless student or any unaccompanied student is informed about and assisted in requesting a state-level review of the district's final enrollment decision.
- The parent/guardian of a homeless student, or any unaccompanied student, is fully informed of all transportation services, including transportation to the school of origin, and is assisted in accessing transportation to the school selected.
- School personnel, service providers and advocates working with homeless students and their families are informed of the liaison's duties.

 (see next page)

The district's liaison will coordinate and collaborate with the state coordinator, community and school personnel responsible for the provision of education and related services to homeless students.

Issued ^

NEW FORM JFABD (E-1)

DISPUTE RESOLUTION PROCEDURES

Responsibilities of the school district

When it is determined that a dispute cannot be settled at the district level, the school district must carry out the following responsibilities in a timely manner.

- Inform the unaccompanied youth or the parent/guardian of the homeless child concerning his/her right to request that the State Department of Education review the decision of the school district.
- Inform the unaccompanied youth or the parent/guardian of the homeless child that this request must be made either on the district-supplied request-for-review form or by a telephone interview with the coordinator in the State Department of Education's Office of Coordinator for Education of Homeless Children and Youth (1-888-565-7261).
- Give the unaccompanied youth or the parent/guardian of the homeless child a copy of the State Department of Education's request-for-review form and the contact information for the Office of Coordinator for Education of Homeless Children and Youth.
- Inform the unaccompanied youth or the parent/guardian of the homeless child that he/she may seek the assistance of advocates or attorneys for the review.

Once the Office of Coordinator for Education of Homeless Children and Youth has received either the completed request-for-review form or has conducted a full telephone interview with the youth or the parent/guardian, the coordinator will send a copy of the completed form and any other relevant material to the school district.

The school district must send a written response to the state and to the person filing the state review request within five business days from the date it receives the request-for-review form.

Responsibilities of the youth or the parent/guardian

The unaccompanied youth or the parent/guardian of the homeless child must complete and return the request-for-review form to the address designated on the form or must telephone the State Department of Education coordinator in the Office of Coordinator for Education of Homeless Children and Youth and make an oral report on the circumstances surrounding the request for review (1-888-565-7261).

The youth or the parent/guardian either may attach to the form any additional information he/she thinks is relevant or may telephone the coordinator and provide the information orally.

Responsibilities of the State Department of Education coordinator

The coordinator will conduct all state reviews requested by unaccompanied youths or the parents/guardians of the homeless children.

The coordinator will review all written documents submitted concerning the particular dispute. The coordinator may request additional information from the parties in making his/her determination.

The coordinator will make a final decision within 10 business days of receiving the written response from the school district. The decision of the coordinator is binding and will be effective immediately.

NEW FORM JFABD (E-2)

WRITTEN NOTIFICATION OF ENROLLMENT DECISION
(Denial of Enrollment Request)

To be completed by the receiving school when an enrollment request is denied.

Date: _____ School: _____

Person completing form: _____ Title: _____

In compliance with Section 722(g)(3)(E) of the McKinney-Vento Homeless Education Assistance Act of 2001, this written notification is provided to the following.

Student(s): _____ _____

After reviewing your request to enroll the student(s) listed above, the enrollment request is denied. This determination was based upon the following.

_____

_____

_____

You have the right to appeal this decision by completing form JFABD-E(3) or by contacting the school district's local homeless education coordinator.

Liaison's name: _____ Title: _____

Phone number: _____

In addition:

- The student listed above has the right to immediately enroll in the school of choice pending resolution of the dispute.
- You may provide written or verbal documentation to support your position. You may use form JFABD-E(3) attached to this notification .
- You may complete the appropriate form or contact the state coordinator for homeless education to request a state-level review of the district's final decision regarding an enrollment issue.

  Contact information for the state coordinator.

  State Coordinator
  State Department of Education
  (1-888-565-7261)

- You may seek the assistance of advocates or attorneys.

A copy of our state's enrollment dispute resolution process for students experiencing homelessness is attached.

School District Five of Lexington and Richland Counties

NEW FORM JFABD (E-3)

WRITTEN NOTIFICATION OF ENROLLMENT DECISION (DISPUTE)

This form is to be completed by the parent, guardian, caretaker or unaccompanied youth when a dispute arises. This information may be shared verbally with the local liaison as an alternative to completing this form.

Date submitted: _____ Student: _____

Relation to student: _____

I may be contacted at (phone or e-mail): _____

School: _____

I have been provided with the following.

☐ A written explanation of the school's decision.

☐ Contact information for the local homeless education liaison.

☐ A copy of the state's enrollment dispute resolution process for students experiencing homelessness.

☐ A copy of the state's request-for-review form, if applicable.

You may include a written explanation to support your appeal in this space or provide your explanation verbally.

_____

_____

_____

_____

_____

The school provided me with a copy of this form when submitted. _____(initial)

INTRA-DISTRICT TRANSFER AND WITHDRAWAL

Code **JFBA** *Issued* **Final**

Purpose: To establish the basic structure for the intra-district transfer and withdrawal of students.

Under certain conditions, a student may transfer to a school in another attendance area within the district. To request a special hardship transfer, the parent/legal guardian must make a written request to the district superintendent or his/her designee. A district transfer committee will consider the basis for the request and also will consider space available in the requested school. The decision of the transfer committee is final. A school should not be allowed to become overcrowded because of special transfers. If the one-year transfer is granted, the parent/legal guardian is responsible for the student's transportation and must have the student at school on time and picked up promptly at dismissal. As with all transfers, the student must maintain an acceptable discipline record in order for the transfer to remain in effect. In all student transfer cases, it is the responsibility of the parent/legal guardian to establish eligibility of student participation in activities sponsored by the South Carolina High School League. In order to participate in such activities, a student must meet all league eligibility requirements.

Children of employees

A resident employee of the district (0.6-1.0 FTE) will have the option of enrolling his/her child at the employee's school, the appropriate grade level school in the high school attendance zone (cluster boundary) of the employee's location, or an appropriate grade level school en route to the employee's school. The district reserves the right to make the school assignment and written approval of such transfers must be obtained from the district superintendent. The employee must assume responsibility for transportation of the child to and from the school in which he/she is enrolled.

Special education students

When a student is placed by an IEP team in a school other than his/her home school, the parent will have the option of enrolling their other school age children in that particular school. The parent/legal guardian choosing this option must assume responsibility for the transportation for their children who are not provided special education.

Students who move during the school year

A parent/legal guardian who moves from one attendance area in the district to another attendance area within the district must exercise one of the following two options.

- Transfer the student immediately to a school within the new attendance area.
- Transfer the student at the end of the semester.

If either of the last two options is exercised, a parent/legal guardian must provide transportation to and from school during the time in which his/her child attends a school in their former attendance area. The parent/legal guardian must also insure that the student will arrive at school on time and be picked up promptly upon dismissal. In any event, the student must enroll in the school in his/her attendance area at the beginning of the next school year. High school juniors who move within the district during that school year or during the following summer may elect to complete their senior year at their former school. The parent/legal guardian is responsible for transportation.

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Students planning to move into the district

A parent/legal guardian of a student residing in one attendance area of the district who is in the process of building, buying or leasing a residence in another attendance area of the district into which he/she intends to move during the school year may enroll his/her child in a school of that attendance area if approval is granted by the district superintendent or his/her designee. The parent/legal guardian will present a letter of intent to reside in that attendance area as well as a copy of a building permit or lease in support of his/her request. The parent/legal guardian must assume all transportation and have the student at school on time and picked up promptly at dismissal.

Adopted 11/16/81; Revised 4/28/86, 1/25/88, 7/27/95, 9/8/97, 7/24/00, 6/24/02, 2/24/03, 4/25/05, 7/23/07, ^

INTRA-DISTRICT TRANSFER AND WITHDRAWAL

Code **JBCD** *Issued* **4/05**

Under certain conditions, students may transfer to a school in another attendance area within the district. To request a special hardship transfer, the parent/legal guardian must make a written request to the superintendent or his/her designee. A district transfer committee will consider the basis for the request and also will consider space available in the requested school. The decision of the transfer committee is final. A school should not be allowed to become overcrowded because of special transfers. If the one-year transfer is granted, the parent/legal guardian is responsible for the student's transportation and must have the student at school on time and picked up promptly at dismissal. As with all transfers, the student must maintain an acceptable discipline record in order for the transfer to remain in effect. In all student transfer cases, it is the responsibility of the parent/legal guardian to establish eligibility of student participation in activities sponsored by the South Carolina High School League. In order to participate in such activities, a student must meet all league eligibility requirements.

School choice

A limited school choice plan will be scheduled during a two-week period of time in the spring of each school year. The limited school choice option will provide the opportunity for parents/legal guardians to register their children to attend a school of choice for the following year. The schools selected as choice schools will be based on the availability of student space in the district's schools. Space availability will be assessed through consideration of the school's projected enrollment and the school community's projected growth. The determination of students to be assigned to a school of choice will be based on a lottery system with the date and place of the drawing to be announced to schools and families by school newsletters, the district website and written correspondence from the office of student services. If the same name is drawn for more than one school, the student will be assigned to the first school for which the name is drawn. Families with more than one child will have the opportunity for all children in the family who are within the school's grade range to attend the school of choice when one child's name is drawn. All eligible children's names must be on the form when entered in the choice lottery.

For high school students, rising ninth graders will be eligible to participate in competitive sports according to the High School League rules for each current school year. If rising 10th, 11th and 12th graders choose another high school, they will not be eligible to participate in competitive sports for one year, according to the High School League rules.

Following the district drawing for students to enroll in a school based on limited school choice, parents/legal guardians may continue to request a school transfer in the district until the last school day in April.

When students have been assigned to schools based on the limited school choice plan, the student may continue enrollment in the school through the final grade offered at the school. Assignment to the school with the next grade level in the feeder system would require another school choice lottery request. Upon completion of any district-wide rezoning initiative, all students who have been previously assigned to schools based on the limited school choice plan will be required to participate in the lottery process again.

A student who has been granted a school of choice transfer must maintain an acceptable discipline and attendance record for the transfer to remain in effect throughout the school year. A principal may choose to revoke school of choice privileges for repeated violations. Parents/Legal guardians may appeal this decision to the supervisor of student personnel services.

 (see next page)

PAGE 2 - JBCD - INTRA-DISTRICT TRANSFER AND WITHDRAWAL

Parents/Legal guardians are responsible for transportation to a school out of their attendance zone and must have the student at school on time and picked up promptly at dismissal.

Children of employees

A resident employee of the district (.6-1.0) will have the option of enrolling his/her child at the employee's school, the appropriate grade level school in the high school attendance zone (cluster boundary) of the employee's location, or an appropriate grade level school en route to the employee's school. The district reserves the right to make the school assignment and written approval of such transfers must be obtained from the district superintendent. The employee must assume responsibility for transportation of the child to and from the school in which he/she is enrolled.

Special education students

Parents/Legal guardians of students enrolled in a school housing one of the district's special education programs may enroll their children in that particular school or attendance area if formal written permission is secured from the superintendent. When a parent/legal guardian agrees with the IEP placement of their child in a special education program in a school within an attendance area other than the one where they reside, they will have the option of enrolling their other school age children in that particular school. The parent/legal guardian choosing this option must assume responsibility for transportation for their children who are not enrolled in a special education program.

Students who move during the school year

A parent/legal guardian who moves from one attendance area in the district to another attendance area within the district must exercise one of the following three options.

- Transfer the student immediately to a school within the new attendance area.
- Transfer the student at the end of the semester.
- Transfer the student at the end of the school year.

If either of the last two options is exercised, the parent/legal guardian must provide transportation to and from school during the time in which their student attends a school in their former attendance area. The parent/legal guardian must also insure that the student will arrive at school on time and be picked up promptly upon dismissal. In any event, the student must enroll in the school in his/her attendance area at the beginning of the next school year. High school juniors who move within the district during that school year or during the following summer may elect to complete their senior year at their former school. The parent/legal guardian is responsible for transportation.

Students planning to move into the district

Parents/Legal guardians of students residing in one attendance area of the district who are in the process of building, buying or leasing a residence in another attendance area of the district into which they intend to move during the school year may enroll their child in a school of that attendance area if approval is granted by the superintendent or his/her designee. The parent/legal guardian will present a letter of intent to reside in that attendance area as well as a copy of a contract or statement from the builder, seller or lessor in support of his/her request. The parent/legal guardian must assume all transportation and have the student at school on time and picked up promptly at dismissal.

Adopted 11/16/81; Revised 4/28/86, 1/25/88, 7/27/95, 9/8/97, 7/24/00, 6/24/02, 2/24/03, 4/25/05

Exhibit H

EXHIBIT H

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: February 4, 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 February 8th meeting.

At the meeting, we would like your input on 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 should be drawn simultaneously to populate a new elementary school, a new middle school and a new high school.
- A new high school cluster may be established and every effort made to maintain clean feeder systems.
- Where possible, natural boundaries and major roadways should be used to define attendance lines and neighborhoods should not be split.
- Every attempt should be made to ensure that students attend the school closest to their homes and time on buses should be kept to a minimum.
- Rising 5th graders, rising 8th graders, rising seniors, may be grandfathered into their current schools, if their parents so desire, with parents providing transportation.
- Siblings of grandfathered students may be grandfathered for one year, if their parents so desire, with parents providing transportation.
- Our goal is for new attendance lines to be finalized and a principal named for the new schools no later than one year prior to their scheduled opening.
- Principals of affected schools should be kept informed and have input on proposed adjustments.
- Every effort should be made to adjust attendance lines in a manner that may limit the number of times a student is moved during his/her 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 may be considered when making adjustments, but should not be the prime factor for moving students.
- The primary source of students for the new elementary school should be from Chapin Elementary, Lake Murray Elementary and Ballentine

Elementary schools. Students in other nearby attendance areas may be affected, but it is expected those numbers should be small.

- Our goal is to populate the schools affected within the school size parameters (elementary – 750, middle – 1,000, and high school – 1,700) previously adopted by the school board, leaving room for growth where possible.

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.