district five
OF LEXINGTON & RICHLAND COUNTIES

AGENDA
BOARD OF TRUSTEES
DISTRICT ADMINISTRATION BUILDING'S BOARD ROOM
MARCH 10, 2010

1. SACS report at 3 p.m.
2. Welcoming remarks at 4 p.m.
3. Invocation – Buddy Price
4. Pledge of Allegiance – Robert Gantt
5. Approval of the agenda
6. Superintendent's report
7. Public participation*

NEW DESIGN AND CONSTRUCTION AGENDA

8. **DISCUSSION**
9. **ACTION**
   a. Approval of schematic design for new CATE center (second viewing) (Exhibit A)

CONSENT AGENDA

10. Approval of the minutes of the February 22, 2010 board meeting

ACTION AGENDA

11. Second reading approval of 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 B)

12. Approval of school board resolution regarding state funding crisis (Exhibit C)

DISCUSSION AGENDA

13. Resolution for issuance and sale of bonds (Exhibit D)

14. Capital budget (Exhibit E)

15. Enter executive session at 5:30 p.m. in the lounge to consider the following:

    a. Selected employment items (Exhibit F)
    b. Property contractual matter

16. Action on items discussed in executive session

17. Adjourn

FOR YOUR INFORMATION

18. The next regular school board meeting will be on March 22, 2010 at Leaphart Elementary School.

*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/ February 22, 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
Mr. Ed White
Dr. Herbert Berg, District Superintendent

The following staff were in attendance:

Ms. Helen Anderson, Chief Instructional Services Officer
Dr. Angela Bain, Chief Human Resource Services Officer
Mr. Gary Black, Chief Technology Services 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 Pastor Kenneth Gilikin, Mt. Horeb Lutheran Church. The Pledge of Allegiance was led by Riley Norris, vice president of the student council at Lake Murray Elementary School.

The School Board Spotlight was presented by Robert Gantt and Ellen Baumgardner.

During the superintendent's report, Paula Hite gave an update on the District 5 Foundation for Educational Excellence; students from Chapin High School presented the CHS Love Green; Karl Fulmer presented the financial reports for January 2010 (Exhibit B); Missy Wall-Mitchell presented the PASS test results (Exhibit C); Gary Black, Linda Bonvillain and Teresa Richardson gave a technology update.

During the public participation, Kim Murphy spoke regarding Chapin High School.

Keith McAlister presented the schematic design for the new CATE center (first viewing) (Exhibit D) and the add alternates for Chapin High School (Exhibit E).

Buddy Price presented information on the process for attendance line adjustments (Exhibit I).

SCHOOL DISTRICT FIVE
OF
LEXINGTON AND RICHLAND COUNTIES

Meeting of February 22, 2010

	BAUMGARDNER	HUTCHISON	FERRELL	GANTT	HAMMOND	SLOOP	WHITE
1. M. Hammond S. Baumgardner Enter executive session in the lounge to consider the following: a) selected employment items (Exhibit A); and b) property contractual matter	X	X	X	X	X	X	A
2. M. Ferrell S. Hammond Approve the agenda	X	X	X	X	X	A	X
3. M. Ferrell S. Hutchison Approve the consent agenda (item12 approval of the February 8, 2010 board meeting minutes and item 13 approval of the resolution related to the reimbursement of expenditures prior to the issuance of qualified school construction bonds (Exhibit F)	X	X	X	X	X	A	AB
4. M. Ferrell S. Hutchison Approve the selected employment items (Exhibit A)	X	X	X	X	X	A	X
5. M. Ferrell S. Hammond Approve second reading 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 G)	X	X	X	X	X	A	X
6. M. Hutchison S. Hammond Approve first reading of proposed revisions to board	X	X	X	X	X	A	X

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

SCHOOL DISTRICT FIVE
OF
LEXINGTON AND RICHLAND COUNTIES

Meeting of February 22, 2010

			BAUMGARDNER	HUTCHISON	FERRELL	GANTT	HAMMOND	SLOOP	WHITE
	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 H)							
7.	M. Ferrell	S. Hammond	X	X	X	X	X	A	X
	Return to executive session								
8.	M. Hammond	S. Baumgardner	X	X	X	A	X	A	A
	Adjourn at 10:30 p.m.								

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

Exhibit A

EXHIBIT A

district five
OF LEXINGTON & RICHLAND COUNTIES

MEMORANDUM

March 10, 2010

To: Members of the Board of Trustees

From: Keith McAlister
Director, New Design and Construction

Re: Schematic Design for new CATE center (2nd Viewing)

ADMINISTRATION CONSIDERATION

Administration seeks approval of schematic design for new CATE center (2nd Viewing).

RECOMMENDATION

Administration seeks approval to proceed with schematic design for new CATE center.

ATTACHMENT

New CATE Center Schematic Design Documents
Exhibit

Exhibit B

EXHIBIT A

district five
OF LEXINGTON & RICHLAND COUNTIES

MEMORANDUM

TO: Members of the Board of Trustees

THRU: Dr. Herbert Berg, Superintendent

FROM: Ms. Helen Anderson HAA
Chief Instructional Services Officer

DATE: February 24, 2010

RE: March 10, 2010 Board Meeting, Second Reading.
"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 Second Reading approval.

Mr. Michael Harris will be available to answer any questions at the March 10th 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).

C. Individuals with Disabilities Education Improvement Act, 2004.

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.

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)

PAGE 2 - JFABD-R - ADMISSION OF HOMELESS STUDENTS

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 ^

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.

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.

PAGE 2 - JFBA - INTRA-DISTRICT TRANSFER AND WITHDRAWAL

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, ^

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: Buddy Price
Director of Community Services

Date: March 4, 2010

Re: Proposed School Board Resolution: Fiscal Crisis

Attached is a proposed resolution for the board's consideration regarding the fiscal crisis facing our school district, and all school district's in South Carolina. This resolution has been drafted jointly by the South Carolina School Boards Association and the South Carolina Association of School Administrators.

School boards are being asked to adopt this resolution and to communicate its contents to staff and community.

To ensure the resolution reaches lawmakers in a timely fashion, we are asking for the board to give its consideration for approval at the March 10 meeting.

Please let me know if you have any questions.

BP/aw

Attachment - Board Resolution Regarding State Funding Crisis

district five
OF LEXINGTON & RICHLAND COUNTIES

A RESOLUTION OF THE SCHOOL DISTRICT BOARD OF TRUSTEES

WHEREAS, South Carolina is experiencing a severe economic crisis that is significantly impacting state revenue; and

WHEREAS, over the past two fiscal years South Carolina K–12 public schools have received General Fund budget cuts totaling $484 million which equates to more than a 20 percent reduction; and

WHEREAS, these budget cuts have reduced the base student cost to $1,764 per student, reflecting 1996–1997 funding levels; and

WHEREAS, Education Improvement Act funds have been reduced $112 million over that same two-year period; and

WHEREAS, the most recent figures for the proposed 2010-2011 state budget include additional EIA cuts of $9 million, and EFA cuts of $85 million, reflecting a base student cost of $1,630 (1995 funding level); and

WHEREAS, further cuts in revenue will harm the education of every child in South Carolina, threatening the State's decades-long effort to raise the levels of educational achievement and personal income of the people of our State; and

WHEREAS, the negative impacts to educational achievement and personal income will significantly impair economic development efforts in our State; and

WHEREAS, Act 388 (property tax relief act of 2006) has severely hampered school districts' ability to raise local revenue to offset state funding shortfalls, and has had consequences that will, unless addressed legislatively, cause unintended shifts in the distribution of EFA funds; and

WHEREAS, the General Assembly continues to give favorable consideration to legislation such as H.3272, the point-of-sale bill, and H.4243, the charter school bill, that will negatively impact local school district revenue; and

WHEREAS, it is apparent to this Board that the K-12 educational system is at risk of significant damage due to the failure to take any action, either immediate or long-term, to address our State's fiscal crisis.

NOW, THEREFORE, BE IT RESOLVED THAT THE SCHOOL DISTRICT FIVE OF LEXINGTON & RICHLAND COUNTIES BOARD OF TRUSTEES, DOES HEREBY STRONGLY URGE the South Carolina General Assembly to support public schools during this economic crisis and prevent the loss of more teacher jobs by providing new revenue streams such as removing tax exemptions, enforcing online sales tax collections, and increasing the State's lowest-in-the-nation cigarette tax to the national average while directing a portion of the proceeds collected from the increase in the cigarette tax to K-12 public education.

BE IT FURTHER RESOLVED that the South Carolina General Assembly place an immediate moratorium on the passage of any further laws that will grant additional tax exemptions, or increase school district financial obligations at the local level without adequate and recurring state funding.

BE IT FURTHER RESOLVED that the School District Five of Lexington & Richland Counties Board of Trustees supports the immediate enactment by the General Assembly of maximum financial flexibility for local school districts.

BE IT FURTHER RESOLVED that the School District Five of Lexington & Richland Counties Board of Trustees supports Legislative action this year to hold temporarily (for one year only) the Index of Taxpaying Ability published in February 2009 and use it for funding fiscal year 2010–2011.

BE IT FURTHER RESOLVED that copies of this resolution be furnished to our members of the Legislative Delegation and communicated to our parents, businesses and school supporters.

APPROVED by the School District Five of Lexington & Richland Counties Board of Trustees at its March 10, 2010 Board Meeting.

Robert Gantt, Chair	Roberta Ferrell, Vice Chair
Carol Sloop, Secretary	Ellen Baumgardner
Jan Hammond	Beth Hutchison
Ed White	Herbert Berg, Superintendent

Exhibit D

EXHIBIT D

district five
OF LEXINGTON & RICHLAND COUNTIES

March 10, 2010

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

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

RE: Approval of Resolution for Issuance and Sale of Bonds

Attached is a resolution authorizing the sale of $10,000,000 in obligation bonds; authorizing the superintendent or his designee to determine certain matters relating to the bonds; providing for the payment of the bonds and the disposition of the proceeds thereof; and other matters relating thereto.

A representative from the McNair Law Firm will be at the meeting to present the resolution.

RECOMMENDATION:

The administration recommends approval of this resolution.

KEF:ll

Attachment

A RESOLUTION

AUTHORIZING THE ISSUANCE AND SALE OF NOT EXCEEDING $10,000,000 GENERAL OBLIGATION BONDS, SERIES 2010A, OR SUCH OTHER APPROPRIATE SERIES DESIGNATION, OF SCHOOL DISTRICT NO. 5 OF LEXINGTON COUNTY AND RICHLAND COUNTY, SOUTH CAROLINA; DELEGATING TO THE SUPERINTENDENT OR HIS LAWFULLY AUTHORIZED DESIGNEE THE AUTHORITY TO DETERMINE CERTAIN MATTERS RELATING TO THE BONDS; PROVIDING FOR THE PAYMENT OF THE BONDS AND THE DISPOSITION OF THE PROCEEDS THEREOF; AND OTHER MATTERS RELATING THERETO.

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

Section 1. Findings and Determinations. The Board of Trustees (the "Board") of School District No. 5 of Lexington County and Richland County, South Carolina (the "School District"), hereby finds and determines.

(a) The School District was organized by action of the Lexington County Board of Education in 1951 and the Richland County Board of Education in 1952. The School District is also known as Richland-Lexington School District No. 5. The Board is the governing body of the School District.

(b) Article X, Section 15, of the Constitution of the State of South Carolina, 1895, as amended (the "Constitution"), provides that after November 30, 1982, the governing body of any school district may incur general obligation debt in an amount not exceeding eight percent (8%) of the assessed value of all taxable property of such school district and upon such terms and conditions as the General Assembly may prescribe.

(c) Title 59, Chapter 71, Article 1, Code of Laws of South Carolina 1976, as amended (the "School Bond Act") provides that the board of trustees of any school district may issue general obligation bonds of such school district for the purpose of defraying the cost of "capital improvements" (as defined therein) to any amount not exceeding the constitutional debt limitation applicable to such school district.

(d) Section 11-27-50(2) of the Code of Laws of South Carolina, 1976 as amended (the "S.C. Code"), further provides that if an election be prescribed by the provisions of the School Bond Act but is not required by the provisions of Article X of the Constitution, then in every such instance, no election need be held and the remaining provisions of the School Bond Act shall constitute a full and complete authorization to issue bonds in accordance with such remaining provisions. Section 11-27-90 of the S.C. Code further provides that any school district of the State may issue bonds in fully registered form.

(e) The American Recovery and Reinvestment Act of 2009 (the "ARRA"), Pub.L. 111-5, Feb. 17, 2009, 123 Stat. 115, amends the Internal Revenue Code of 1986 (the "Code") to provide for the issuance of qualified school construction bonds if (a) 100 percent of the available project proceeds of such obligation are to be used for the 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 issue; (b) the obligation is issued by a State or local government within the jurisdiction of which such

school is located; (c) the issuer designates such obligation for purposes of Section 54F of the Code; and (d) the aggregate face amount of bonds issued during the calendar year which are designated under Section 54F of the Code by the School District does not exceed the limitation amount allocated under Section 54F(d) of the Code for such calendar year to the School District.

(f) Legislation currently pending in the United States Congress, if finalized and adopted, would allow the School District to make an irrevocable election to issue its qualified school construction bonds as bonds paying taxable interest rates and to receive an annual direct payment of an interest payment subsidy under Section 6431 of the Code.

(g) In a referendum (the "Referendum") held in the School District on November 4, 2008, the following question was submitted to the qualified electors of the School District:

> Shall the Board of Trustees of School District No. 5 of Lexington County and Richland County, South Carolina (the "School District") be empowered to issue, at one time or from time to time, general obligation bonds of the School District, in the principal amount of not exceeding $243,665,000, the proceeds of which shall be used to finance the costs (including architectural, engineering, legal and related fees) of acquiring land, constructing, improving, equipping, expanding, renovating and repairing school facilities within the School District as follows:
>
> ***Constructing and equipping (including technology) the following schools***:
>
> A new high school, a new career and technical education facility, a new middle school and a new elementary school
>
> ***Additions, renovations, improvements and modifications, including technology and other equipment for the following schools***:
>
> Leaphart Elementary School, Seven Oaks Elementary School, Irmo Elementary School, Chapin Elementary School, Irmo High School, Dutch Fork High School and Chapin High School?

The Referendum was duly conducted and a majority of the qualified electors of the School District voted in favor of the issuance of the general obligation bonds.

(h) On or about November 6, 2009, the School District received from the South Carolina Department of Education an allocation of $10,000,000 in qualified school construction bonds, the proceeds of which will be used for a major renovation at Seven Oaks Elementary School and to pay costs of issuance of the bonds. On or about February 23, 2010, the School District was granted an extension of time from the South Carolina Department of Education within which to issue its qualified school construction bonds.

(i) It is in the best interest of the School District for the Board to provide for the issuance and sale of general obligation bonds of the School District in the principal amount of not to exceed $10,000,000, for the purposes set forth in paragraph 1(h) above.

Section 2. Authorization and Details of Bonds. Pursuant to the aforesaid provisions of the Constitution and laws of the State of South Carolina, there is hereby authorized to be issued general obligation bonds of the School District in one or more series, with appropriate series designations, in the

amount of not to exceed $10,000,000 to obtain funds for one or more of the purposes stated in Section 1(h) above and designated as "$[amount issued] General Obligation Bonds (Qualified School Construction Bonds), Taxable (Appropriate Series Designation), of School District No. 5 of Lexington County and Richland County, South Carolina (the "Bonds" or "QSCBS").

The Bonds shall be issued as fully-registered bonds; shall be dated their date of delivery; shall be in the denomination of $5,000 or any integral multiple thereof not exceeding the principal amount of the Bonds maturing in each year; shall be numbered from R-1 upward; shall be book-entry bonds; shall bear interest at such times as hereafter designated by the Superintendent of the School District or her lawfully authorized designee at such rate or rates as may be determined at the time of the sale thereof; and shall mature serially in successive annual installments as determined by the Superintendent of the School District or her lawfully authorized designee.

Both the principal of and interest on the Bonds shall be payable in any coin or currency of the United States of America which is, at the time of payment, legal tender for public and private debts. Within twenty-four (24) hours after the receipt of bids, the School District will designate the registrar and paying agent (the "Registrar/Paying Agent") for the Bonds. The Registrar/ Paying Agent shall be a bank, trust company, depository or transfer agent located either within or without the State of South Carolina.

Section 3. Delegation of Authority to Determine Certain Matters Relating to the Bonds. The Board hereby delegates to the Superintendent the authority, upon the advice of the School District's bond counsel and the School District's financial advisor, to determine: (a) the maturity dates of the Bonds and the respective principal amounts maturing on such dates; (b) the interest payment dates of the Bonds; (c) the redemption provisions, if any, for the Bonds; (d) the date and time of sale of the Bonds; (e) the Registrar/Paying Agent for the Bonds; (f) the Escrow Agent for the Bonds, if any; (g) award the sale of the Bonds to the lowest bidder therefor in accordance with the terms of the Notice of Sale for the Bonds, provided it reflects the lowest cost of borrowing to the School District; (h) determine whether the tax credit shall be provided as a credit to the bondholders or as a direct payment to the School District; (i) make such irrevocable election as shall be required under the Code; and (j) authorize payment of a supplemental coupon on the Bonds in an amount not to exceed three and one-half percent (3.5%).

In addition to the authority delegated above, upon the advice of Bond Counsel, the Superintendent is hereby authorized to approve such changes in the structure of the Bonds as may necessary to effectuate the issuance of the Bonds in the manner most cost effective to the School District. This delegation will include , but not be limited to, the authority to make such elections, to execute such certificates, and to execute such other documents as may be necessary or appropriate to achieve the purposes of this resolution. The execution of the Bonds and documents associated therewith shall constitute conclusive evidence of approval of the final structure of the Bonds.

After the sale of the Bonds, the Superintendent or his lawfully authorized designee shall submit a written report to the Board setting forth the results of the sale of the Bonds.

Section 4. Commitments related to Qualified School Construction Bonds. In connection with the issuance of the QSCBS, the Board hereby acknowledges and agrees that: (a) 100% of the QSCB must 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 QSCB issue, or such other purposes as allowed by guidance from the U.S. Department of Treasury, Internal Revenue Service; (b) the maximum maturity and the credit rate of the QSCB, as well as the yields of any sinking fund, will comply with requirements of the U.S. Department of Treasurer, Bureau of Public Debt;

(c) the School District will comply with applicable provisions of the ARRA, including labor standards in section 1601 and 1606 (i.e. Davis Bacon prevailing wage requirements); (d) the QSCB will be issued within the extension granted by the State Superintendent of Education (the "State Superintendent"). If not, then the State Superintendent may redirect the allocation to another school district and project; and (e) the QSCB must comply with the provisions of the Code, which require in part (and subject o other provisions of that Code) that within six (6) months of issuance at least ten percent (10%) of the QSCB proceeds be under a binding spending commitment with a third party; that 100% be spent on a qualifying project within three (3) years; and (f) that the School District will comply with the reporting, arbitrage and conflict of interest rules in Code Section 54A(d) and/or such other provisions of the Code as shall apply.

Section 5. Registration, Transfer and Exchange of Bonds. The School District shall cause books (herein referred to as the "registry books") to be kept at the offices of the Registrar/Paying Agent, for the registration and transfer of the Bonds. Upon presentation at its office for such purpose the Registrar/Paying Agent shall register or transfer, or cause to be registered or transferred, on such registry books, the Bonds under such reasonable regulations as the Registrar/Paying Agent may prescribe.

Each Bond shall be transferable only upon the registry books of the School District, which shall be kept for such purpose at the principal office of the Registrar/Paying Agent, by the registered owner thereof in person or by his duly authorized attorney upon surrender thereof together with a written instrument of transfer satisfactory to the Registrar/Paying Agent duly executed by the registered owner or his duly authorized attorney. Upon the transfer of any such Bond, the Registrar/Paying Agent on behalf of the School District shall issue in the name of the transferee a new fully-registered Bond or Bonds of the same aggregate principal amount, interest rate and maturity as the surrendered Bond. Any Bond surrendered in exchange for a new registered Bond pursuant to this Section shall be canceled by the Registrar/Paying Agent.

The School District and the Registrar/Paying Agent may deem or treat the person in whose name any fully-registered Bond shall be registered upon the registry books as the absolute owner of such Bond, whether such Bond shall be overdue or not, for the purpose of receiving payment of the principal of and interest on such Bond and for all other purposes and all such payments so made to any such registered owner or upon his order shall be valid and effectual to satisfy and discharge the liability upon such Bond to the extent of the sum or sums so paid, and neither the School District nor the Registrar/Paying Agent shall be affected by any notice to the contrary. In all cases in which the privilege of transferring Bonds is exercised, the School District shall execute and the Registrar/Paying Agent shall authenticate and deliver Bonds in accordance with the provisions of this Resolution. Neither the School District nor the Registrar/Paying Agent shall be obliged to make any such transfer of Bonds during the fifteen (15) days preceding an interest payment date on such Bonds.

Section 6. Record Date. The School District hereby establishes a record date for the payment of interest or for the giving of notice of any proposed redemption of Bonds, and such record date shall be the fifteenth (15th) day (whether or not a business day) preceding an interest payment date on such Bond or, in the case of any proposed redemption of Bonds, such record date shall be the fifteenth (15th) day (whether or not a business day) prior to the mailing of notice of redemption of Bonds.

Section 7. Mutilation, Loss, Theft or Destruction of Bonds. In case any Bond shall at any time become mutilated in whole or in part, or be lost, stolen or destroyed, or be so defaced as to impair the value thereof to the owner, the School District shall execute and the Registrar shall authenticate and deliver at the principal office of the Registrar, or send by registered mail to the owner thereof at his

request, risk and expense a new Bond of the same series, interest rate and maturity and of like tenor and effect in exchange or substitution for and upon the surrender for cancellation of such defaced, mutilated or partly destroyed Bond, or in lieu of or in substitution for such lost, stolen or destroyed Bond. In any such event the applicant for the issuance of a substitute Bond shall furnish the School District and the Registrar evidence or proof satisfactory to the School District and the Registrar of the loss, destruction, mutilation, defacement or theft of the original Bond, and of the ownership thereof, and also such security and indemnity as may be required by the laws of the State of South Carolina or such greater amount as may be required by the School District and the Registrar. Any duplicate Bond issued under the provisions of this Section in exchange and substitution for any defaced, mutilated or partly destroyed Bond or in substitution for any allegedly lost, stolen or wholly-destroyed Bond shall be entitled to the identical benefits under this Resolution as was the original Bond in lieu of which such duplicate Bond is issued, and shall be entitled to equal and proportionate benefits with all the other Bonds of the same series issued hereunder.

All expenses necessary for the providing of any duplicate Bond shall be borne by the applicant therefor.

Section 8. Execution of Bonds. The Bonds shall be executed in the name of the School District with the manual or facsimile signature of the Chair of the Board attested by the manual or facsimile signature of the Secretary of the Board under the seal of the School District which shall be impressed, imprinted or reproduced thereon. The Bonds shall not be valid or become obligatory for any purpose unless there shall have been endorsed thereon a certificate of authentication. The Bonds shall bear a certificate of authentication manually executed by the Registrar in the substantially the form set forth herein.

Section 9. Form of Bonds. The Bonds shall be in the appropriate form required for the type of bonds to be issued as determined by the Superintendent.

Section 10. Eligible Securities. The Bonds initially issued (the "Initial Bonds") may be eligible securities for the purposes of the book-entry system of transfer maintained by The Depository Trust Company, New York, New York ("DTC"), and if issued in book-entry form (the "Book-Entry Bonds"), transfers of beneficial ownership of the Book-Entry Bonds shall be made only through DTC and its participants in accordance with rules specified by DTC. Such beneficial ownership must be of $5,000 principal amount of Bonds of the same maturity or any integral multiple of $5,000.

The Book-Entry Bonds shall be issued in fully-registered form, one Bond for each of the maturities of the Bonds, in the name of Cede & Co., as the nominee of DTC. When any principal of or interest on the Book-Entry Bonds becomes due, the School District shall transmit to DTC an amount equal to such installment of principal and interest. DTC shall remit such payments to the beneficial owners of the Bonds or their nominees in accordance with its rules and regulations.

Notices of redemption of the Book-Entry Bonds or any portion thereof shall be sent to DTC in accordance with the provisions of the Resolution.

If (a) DTC determines not to continue to act as securities depository for the Bonds, or (b) the School District has advised DTC of its determination that DTC is incapable of discharging its duties, the School District shall attempt to retain another qualified securities depository to replace DTC. Upon receipt by the School District of the Book-Entry Bonds together with an assignment duly executed by DTC, the School District shall execute and deliver to the successor securities depository Bonds of the same principal amount, interest rate and maturity registered in the name of such successor.

If the School District is unable to retain a qualified successor to DTC or the School District has determined that it is in its best interest not to continue the book-entry system of transfer or that interests of the beneficial owners of the Bonds might be adversely affected if the book-entry system of transfer is continued (the School District undertakes no obligation to make any investigation to determine the occurrence of any events that would permit it to make any such determination), and has made provision to so notify beneficial owners of the Bonds by mailing an appropriate notice to DTC, upon receipt by the School District of the Book-Entry Bonds, together with an assignment duly executed by DTC, the School District shall execute, authenticate and deliver to the DTC participants Bonds in fully-registered form in the denomination of $5,000 or any integral multiple thereof.

Notwithstanding the foregoing, at the request of the purchaser, the Bonds will be issued as one single fully-registered bond and not issued through the book-entry system.

Section 11. Security for the Bonds. The full faith, credit, resources and taxing power of the School District are hereby irrevocably pledged for the payment of the principal and interest on the Bonds as they respectively mature and to create such sinking fund as may be necessary therefor. There shall be levied annually by the Auditors of Lexington County and Richland County (the "County Auditors") and collected by the Treasurers of Lexington County and Richland County (the "County Treasurers") in the same manner as county taxes are levied and collected, a tax, without limit, on all taxable property in the School District sufficient to pay the principal and interest of the Bonds as they respectively mature and to create such sinking fund as may be necessary therefor.

The County Auditors and County Treasurers shall be notified as to the delivery of and payment for the Bonds and are hereby directed to levy and collect, respectively, on all taxable property in the School District, a tax, without limit, on all taxable property in the School District sufficient to pay the principal and interest of the Bonds as they respectively mature and to create such sinking fund as may be necessary therefor.

To the extent allowed by law, the County Auditors and County Treasurers, may consider the amounts available as an annual direct payment to the School District under Section 6431 (or other relevant section) of the Code when levying and collecting the taxes provide for herein, for the Bonds.

Section 12. Defeasance. The obligations of the School District under this Resolution and the pledges, covenants and agreements of the School District therein made or provided for, shall be fully discharged and satisfied as to any portion of the Bonds, and such Bond or Bonds shall no longer be deemed to be outstanding when:

(a) such Bonds shall have been purchased by the School District and surrendered to the School District for cancellation or otherwise surrendered to the School District or the Paying Agent and is canceled or subject to cancellation by the School District or the Paying Agent; or

(b) payment of the principal of and interest on such Bonds either (i) shall have been made or caused to be made in accordance with the terms thereof, or (ii) shall have been provided for by irrevocably depositing with a corporate trustee in trust and irrevocably set aside exclusively for such payment (1) moneys sufficient to make such payment, or (2) Government Obligations (as defined below) maturing as to principal and interest in such amounts and at such times as will ensure the availability of sufficient moneys to make such payment and all necessary and proper fees, compensation and expenses of the corporate trustee. At such time as the Bonds shall no longer be deemed to be outstanding

thereunder, such Bonds shall cease to draw interest from the due date thereof and, except for the purposes of any such payment from such moneys or Government obligations as set forth in (ii) above, shall no longer be secured by or entitled to the benefits of the Resolution.

"Government Obligations" means any of the following:

(a) direct obligations of the United States of America or agencies thereof or obligations, the payment of principal or interest on which, in the opinion of the Attorney General of the United States, is fully and unconditionally guaranteed by the United States of America;

(b) non-callable, U. S. Treasury Securities - State and Local Government Series ("SLGS"); and

(c) general obligation bonds of the State, its institutions, agencies, school districts and political subdivisions.

Section 13. Exemption from State Taxes. Both the principal of and interest on the Bonds shall be exempt, in accordance with the provisions of Section 12-2-50 of the Code of Laws of South Carolina, 1976, as amended, from all State, county, municipal, school district and all other taxes or assessments, except estate or other transfer taxes, direct or indirect, general or special, whether imposed for the purpose of general revenue or otherwise.

Section 14. Sale of Bonds; Form of Notice of Sale. The Bonds shall be sold at public sale. A Notice of Sale in appropriate format for the type of bonds determined by the Superintendent to be issued shall be distributed to prospective bidders and a summary of such Notice of Sale may be published in a newspaper having general circulation in the State, not less than seven (7) days prior to the date set for such sale.

Section 15. Preliminary and Official Statement. The Board hereby authorizes the Superintendent or his lawfully authorized designee to prepare, or cause to be prepared, a Preliminary Official Statement to be distributed to prospective purchasers of the Bonds together with the Notice of Sale. The Board authorizes the Superintendent or his lawfully authorized designee to designate the Preliminary Official Statement as "final" for purposes of Rule 15c2-12 of the Securities Exchange Commission. The Superintendent or his lawfully authorized designee is further authorized to see to the completion of the final form of the Official Statement upon the sale of the Bonds so that it may be provided to the purchaser of the Bonds.

Section 16. Filings with Central Repository. In compliance with Section 11-1-85 of the Code of Laws of South Carolina, 1976, as amended, the School District covenants that it will file or cause to be filed with a central repository for availability in the secondary bond market when requested: (a) a copy of the annual audit of the School District within thirty (30) days of the School District's receipt thereof; and (b) within thirty (30) days of the occurrence thereof, relevant information of an event which adversely affects more than five (5%) percent of the revenues of the School District or the School District's tax base.

Section 17. Continuing Disclosure. In compliance with the Securities and Exchange Commission Rule 15c2-12 (the "Rule") the School District covenants and agrees for the benefit of the holders from time to time of the Bonds to execute and deliver prior to closing, and to thereafter comply

with the terms of, a Disclosure Dissemination Agent Agreement in an appropriate format for the type of bonds to be determined by the Superintendent to be issued. In the event of a failure of the School District to comply with any of the provisions of the Continuing Disclosure Certificate, an event of default under this Resolution shall not be deemed to have occurred. In such event, the sole remedy of any bondholder or beneficial owner shall be an action to compel performance by the School District.

Section 18. Deposit and Use of Proceeds. The proceeds shall be deposited with the Treasurer of Lexington County in a special fund to the credit of the School District and shall be applied solely to the purposes for which the Bonds have been issued, including payment of costs of issuance.

Section 19. Tax Covenants. The School District hereby covenants and agrees with the Holders of the Bonds that it will not take any action which will, or fail to take any action which failure will, cause interest on the Bonds to become includable in the gross income of the Bondholders for federal income tax purposes pursuant to the provisions of the Code and regulations promulgated thereunder in effect on the date of original issuance of the Bonds; provided, however, that for purposes of this covenant only, the School District shall not be in violation of this covenant solely because it makes an irrevocable election as provided in the Code with respect to the Bonds. The School District further covenants and agrees with the holders of the Bonds that no use of the proceeds of the Bonds shall be made which, if such use had been reasonably expected on the date of issue of the Bonds would have caused the Bonds to be "arbitrage bonds," as defined in Section 148 of the Code, and to that end the School District hereby shall:

(a) comply with the applicable provisions of Sections 54AA, 103 and 141 through 150 of the Code and any regulations promulgated thereunder so long as the Bonds are outstanding;

(b) establish such funds, make such calculations and pay such amounts, in the manner and at the times required in order to comply with the requirements of the Code relating to required rebates of certain amounts to the United States; and

(c) make such reports of such information at the time and places required by the Code.

Section 22. Miscellaneous. The Board hereby authorizes the Chair, the Secretary of the Board, the Superintendent, the Chief Financial Services Officers to execute such documents and instruments as may be necessary to effect the issuance of the Bonds. The Board hereby retains the law firm of McNair Law Firm, P.A. as bond counsel and Ross, Sinclaire & Associates, LLC as financial advisor in connection with the issuance of the Bonds. The Superintendent is authorized to execute such contracts, documents or engagement letters as may be necessary and appropriate.

All rules, regulations, resolutions and parts thereof, procedural or otherwise, in conflict herewith or the proceedings authorizing the issuance of the Bonds are, to the extent of such conflict, hereby repealed and this Resolution shall take effect and be in full force from and after its adoption.

Adopted this ___ day of March, 2010.

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

_____

Chair, Board of Trustees

(SEAL)

ATTEST:

_____

Secretary, Board of Trustees

Exhibit E

EXHIBIT E

district five
OF LEXINGTON & RICHLAND COUNTIES

March 10, 2010

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

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

RE: Proposed 2010-2011 Capital Budget

Attached is the proposed 2010-2011 Capital Budget for your review. In order to better coordinate the Capital Budget with the district's bond referendum for facilities, we have divided the budget into four categories: On-Going Maintenance; New Initiatives; Equipment; and Alternatives.

As we continue our coordination of On-Going Maintenance and New Initiatives with the district's bond referendum for facilities, a five-year plan will be developed that aligns these programs.

KEF:ll

Attachment