district five
OF LEXINGTON & RICHLAND COUNTIES

AGENDA
BOARD OF TRUSTEES
H. E. CORLEY ELEMENTARY SCHOOL'S THEATRE
OCTOBER 11, 2010

1. Call to order at 6 p.m.

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

   a. Update on legal matter

3. Welcoming remarks at 7 p.m.

4. Invocation – Reverend Lindsey Lylerly, First Baptist Church of Lexington

5. Pledge of Allegiance – Javian Bellamy, a fifth grade student at H. E. Corley Elementary School

6. School Board Spotlight

7. Welcome and brief overview of H. E. Corley Elementary School by Judith Franchini, principal

8. Superintendent's report

   a. Superintendent

      1. Legal update

   b. Community Services

      1. Update on meeting with elected officials

   c. Financial Services

      1. Clarification of differences between general fund budget and capital projects budget

d. Human Resources

e. Instructional Services

f. Technology Services

9. Public participation*

NEW DESIGN AND CONSTRUCTION AGENDA

10. **DISCUSSION**

a. Monthly update

CONSENT AGENDA

11. Approval of the minutes of the special-called board meeting of September 23, 2010 and the September 27, 2010 board meeting

ACTION AGENDA

12 Items considered in executive session

13. First reading approval of proposed revisions to Board J Policies: JIC "Student Conduct" replaces JCD "Student Conduct", JK "Student Discipline" replaces JD "Student Discipline", JKA delete "Corporal Punishment", JDA delete "Corporal Punishment", JDA-E delete "Corporal Punishment", JKB "Detention of Students" replaces JDB "Detention", JKD "Suspension of Students" replaces JDD "Suspension", JKD-R ADD as "Administrative Rule", JKD-E "Suspension Instructions" replaces JDD-E "Suspension Instructions", JKE "Expulsion of Students" replaces JDE "Expulsion", JKE-R "Expulsion of Students" replaces JDE-R "Student Expulsions", and JKE-E "Expulsion Instructions" replaces JDE-R "Expulsion Instructions" (Exhibit A)

FOR YOUR INFORMATION

14. Annual Report of Sole Source, Emergency and Minority Business Procurement Activity (Exhibit B)

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

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

district five
OF LEXINGTON & RICHLAND COUNTIES

Minutes/September 23, 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
Mrs. Jan Hammond
Mrs. Beth Hutchison-Watson
Mr. Ed White

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

SCHOOL DISTRICT FIVE
OF
LEXINGTON AND RICHLAND COUNTIES

Meeting of September 23, 2010

	BAUMGARDNER	FERRELL	GANTT	HAMMOND	SLOOP	WATSON	WHITE
1. M. Baumgardner S. Hammond Approve the agenda	X	X	X	X	X	X	X
2. M. Hammond S. Baumgardner Enter executive session to consider the following: 2a) personnel matter: superintendent search; 2b) contractual matter: superintendent search	X	X	X	X	X	X	X
3. M. Watson S. Ferrell Adjourn	X	X	X	X	X	X	X

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district five
OF LEXINGTON & RICHLAND COUNTIES

Minutes/ September 27, 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
Mrs. Jan Hammond
Mrs. Beth Hutchison-Watson
Dr. Herbert Berg, District Superintendent

The following staff was 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. Kari Fulmer, Chief Financial Services Officer
Mr. Keith McAlister, Director, New Design and Construction
Mr. Buddy Price, Director, Office of Community Services

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

Reverend Bill Mitchell, Chapin Fellowship Church, gave the invocation. Hilary Suber, vice president of the House at Chapin High School, led the Pledge of Allegiance.

Carol Sloop and Herbert Berg led the School Board Spotlight.

During the superintendent's report, Dr. Fulmer presented the financial reports for July and August 2010 (Exhibit B) and information regarding the budget planning for 2011-2012; Dr. Bain presented an annual staffing update (Exhibit C); and Gary Black presented an update on technology.

During the public participation time, Kim Murphy spoke regarding taxes.

Buddy Price presented the proposed 2011-12 district calendar (Exhibit J).

Helen Anderson presented proposed revisions to Proposed revisions to Board J policies: JIC"Student Conduct", JK "Student Discipline", JKB "Detention of Students", JKD "Suspension of Students", JKD-R "Administrative Rule", JKD-E "Suspension Instructions:, JKE "Expulsion of Students", JKE-R "Expulsion of Students", and JKE-E "Expulsion Instructions" (Exhibit K).

SCHOOL DISTRICT FIVE
OF
LEXINGTON AND RICHLAND COUNTIES

Meeting of September 27, 2010

	BAUMGARDNER	FERRELL	GANTT	HAMMOND	SLOOP	WATSON	WHITE
1. M. Baumgardner S. Watson Enter executive session to consider the following: 2a) selected employment items (Exhibit A)	X	X	X	X	X	X	A
2. M. Hammond S. Sloop Approve the agenda	X	X	X	X	X	X	A
3. M. Ferrell S. Watson Approve the construction documents for the new high school and CATE Center (6th viewing) (Exhibit D)	X	X	X	AB	X	X	A
4. M. Ferrell S. Watson Approve the consent agenda (approval of the minutes of the September 13, 2010 board meeting and the special-called meetings of September 15, 2010 and September 20, 2010; second reading approval of proposed revisions to board policy GBAA "Sexual Discrimination and Harassment" "and GBAA-R "Administrative Rule" (Exhibit E); second reading of replacement of board policy JC "Student Rights and Responsibilities" and JC-R "Administrative Rule" with JI "Student Rights and Responsibilities" and JI-R "Administrative Rule" (Exhibit F); approval of request from Refuge Church/use of Lake Murray Elementary School (Exhibit G); and approval of request from D.A.Y. to use Seven Oaks Elementary School (Exhibit H))	X	X	X	X	X	X	A
5. M. Ferrell S. Baumgardner Approve the selected employment items (Exhibit A)	X	X	X	X	X	X	A
6. M. Ferrell S. Baumgardner Approve second reading of new board policy GBEBDA "Criminal Record Checks" (Exhibit I)	X	X	X	X	X	X	A
7. M. Ferrell S. Hammond Enter executive session regarding a personnel matter	X	X	X	X	X	X	A

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SCHOOL DISTRICT FIVE
OF
LEXINGTON AND RICHLAND COUNTIES

Meeting of September 27, 2010

	BAUMGARDNER	FERRELL	GANTT	HAMMOND	SLOOP	WATSON	WHITE
8. M. Ferrell S. Sloop On behalf of the Board of School District Five of Lexington and Richland Counties, I am pleased to announce that, at our meeting on September 27, 2010, the Board named Dr. Stephen Hefner as Interim Superintendent of the District effective January 1, 2011. Dr. Hefner will be paid a monthly salary of $15,500, effective January 1, 2011, and he will receive a per diem commensurate with his monthly salary for any work he is asked to do prior to January 1, 2011. The Board is extremely appreciative of the outstanding leadership Dr. Herb Berg has provided to our District during these past two years. We are confident, that by naming an Interim Superintendent with such an outstanding record in South Carolina and on a national level, that the District may continue its progress and provide a seamless transition between two excellent leaders. As a result of our decision to name an Interim Superintendent, the Board will place any plans for its search for a Superintendent on hold, and we will revisit our search plans later in the year.	X	X	X	X	X	X	A
9. M. Ferrell S. Baumgardner Adjourn	X	X	X	X	X	X	A

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Exhibit A

EXHIBIT A

district five
OF LEXINGTON & RICHLAND COUNTIES

MEMORANDUM

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

FROM: Ms. Helen Anderson
Chief Instructional Services Officer

DATE: October 4, 2010

RE: October 11, 2010 Board Meeting, First Reading Approval.
"Proposed Revisions to Board J Policies"

JIC "Student Conduct" replaces JCD "Student Conduct"
JK "Student Discipline" replaces JD "Student Discipline"
JKA delete "Corporal Punishment"
JDA delete "Corporal Punishment"
JDA-E delete "Corporal Punishment"
JKB "Detention of Students" replaces JDB "Detention"
JKD "Suspension of Students" replaces JDD "Suspension"
JKD-R ADD as "Administrative Rule"
JKD-E "Suspension Instructions" replaces JDD-E "Suspension Instructions"
JKE "Expulsion of Students" replaces JDE "Expulsion"
JKE-R "Expulsion of Students" replaces JDE-R "Student Expulsions"
JKE-E "Expulsion Instructions" replaces JDE-R "Expulsion Instructions"

Recommendation:
The administration recommends the proposed revisions to the above J Policies for Board approval.

Attachments: Recommended New Polices

Mr. Michael Harris will be available to answer any questions at the October 11th meeting.

Replaces Policy JCD – Student Conduct

STUDENT CONDUCT

Code **JIC** *Issued* **Final**

Purpose: To establish the board's vision for student conduct.

The board expects students to conduct themselves in an orderly, courteous, dignified and respectful manner. This requirement refers to their actions toward other students and teachers, their language, their dress and their manners. The board believes self-discipline is an interpersonal goal of public education.

Students have a responsibility to know and respect the policies, rules and regulations of the school and district. Violations of such policies, rules and regulations will result in disciplinary actions.

The board directs the administration to establish rules and regulations necessary to create and preserve conditions essential to orderly operation of the schools. The board authorizes its school authorities to employ probation and suspension and to recommend expulsion, if necessary, to enforce this policy (see policies JKD and JKE).

For more specific information on student conduct, the board directs students to policy JICDA and the student handbook for their individual school.

Adopted 8/19/74; Revised 8/15/82, 9/12/94, ^

Legal references:

A. S. C. Code, 1976, as amended:
   1. Section 59-5-65 - Minimum standards for student conduct, attendance and scholastic achievement; enforcement.
   2. Section 59-19-90(3) - General powers and duties of school trustees - regulation of student conduct.
   3. Section 59-63-210 - Grounds for which trustees may expel, suspend or transfer pupils; petition for readmission.
   4. Section 59-63-220 - Suspension of pupils by administrators.
   5. Section 59-63-230 - Notices of suspensions, conferences with parents or guardian.
   6. Section 59-63-240 - Expulsion for remainder of years; hearings.
   7. Section 59-63-250 - Transfer of pupils.
   8. Section 59-63-260 - Corporal punishment.
   9. Section 59-63-270 - Regulation or prohibition of clubs or like activities.
   10. Section 59-67-240 - Other duties of driver; discipline of pupils for misconduct.

Replaces Policy JD – Student Discipline

STUDENT DISCIPLINE

Code **JK** *Issued* **Final**

Purpose: To establish the board's vision for student discipline.

The school is a community. It is responsible for educating those children who attend and, therefore, it must establish and enforce guidelines and procedures that provide for reasonable order and an atmosphere where learning can take place.

In keeping with the philosophy that discipline is a means of teaching and that most effective teaching is done in a positive manner, disciplinary efforts are to be as positive as possible. Positive means of working with students include individual discussion and counseling, involvement of students in defining acceptable behavioral standards and involvement of parents/legal guardians.

Under the direction of the superintendent, school personnel will establish, periodically review and, if necessary, revise procedures for disciplining students.

All procedures and guidelines will be fair, just, flexible and in the best interest of the individual students and the school community. In addition, all procedures and guidelines will comply with the appropriate statutes and constitutional provisions.

Adopted 2/21/72; Revised 11/10/81, ^

Legal references:

A. S.C. Code, 1976, as amended:
   1. Section 59-19-90(3) - Gives district trustees authority to prescribe rules of pupil conduct including provisions for suspension or dismissal of those failing to comply with such rules.
   2. Section 59-63-210 - Grounds for suspension, expulsion or transfer.
   3. Section 59-63-220 - Suspension by administrators.
   4. Section 59-63-230 - Notice of suspension, conferences with parents.
   5. Section 59-63-240 - Expulsion hearings.

ELIMINATE New Policy (JKA) and Old Policy (JDA and JDA-E) – Corporal Punishment

CORPORAL PUNISHMENT

Code **JKA** *Issued* **Final**

Purpose: To establish the basic structure for the administering of corporal punishment.

The final decision to administer corporal punishment rests with the school principal. The principal may administer fair and impartial corporal punishment in accordance with state law. Board policy permits reasonable and moderate corporal punishment. Principals may not administer corporal punishment maliciously or for the purpose of revenge. They must use the punishment as a disciplinary measure to preserve an effective educational environment free from disruption and conducive to furthering the board's explicit educational mission.

The principal will have written parental documentation on file in the principal's office if he/she is not to administer corporal punishment to a student.

The school principal, assistant principal or the principal's designee will administer the corporal punishment. The principal will administer the punishment in private and at least one certificated employee will be a witness.

In administering the corporal punishment, the principal must consider the following.

- the seriousness of the offense
- the attitude and past behavior of the student
- the nature and severity of the punishment
- the age and physical condition of the student
- the availability of less severe but equally effective means of discipline
- the teacher's motivation

A person who is the same sex as the child being punished will administer or witness the punishment.

The principal will keep a disciplinary record. The record will contain the name of the student, the type of misconduct, any previous disciplinary actions, the type of corporal punishment administered, the name of the person administering the punishment, the names of the witnesses present and the date and time of the punishment. This information will be available to the parent/legal guardian who requests information concerning the corporal punishment of his/her child.

Adopted 1/28/80; Revised 7/10/89, ^

Legal references:

A. S. C. Code, 1976, as amended:
   1. Section 59-63-260 - Corporal punishment.

B. Judicial Decisions:
   1. Ingraham v. Wright, 430 U.S. 651, 51 L. Ed. 2d 711 (1977).
   2. Ware v. Estes, 328 F. Supp. 657 (1970), aff'd 458 F. 2d 1360 (5th cir. 1971).
   3. Johnson v. Horace Mann, 241 So. 2d 588 (La. 1970).
   4. Suits v. Glover, 71 So. 2d 49 (Ala. 1954).

Policy »JDA « Corporal Punishment

Reasonable Corporal Punishment Permitted

As a matter of board policy, reasonable corporal punishment of a student is permitted as a disciplinary measure in order to preserve an effective educational environment which is free from disruption and is conducive to furthering the board's explicit educational mission.

Parental Permission Required

Parental permission shall be obtained prior to the administration of corporal punishment.

Persons Authorized to Administer Corporal Punishment: Certificated

Corporal punishment shall be administered in an administrative office by either a teacher not directly involved, the principal/director or assistant principal. Only females will administer corporal punishment to female students. At least one certificated employee* shall witness the administration of the punishment.

Reasonable and Moderate Under Existing Circumstances

Any corporal punishment shall be reasonable and moderate and may not be administered maliciously or for the purpose of revenge. in administering corporal punishment one should consider (1) seriousness of the offense, (2) attitude and past behavior of the student, (3) nature and severity of the punishment, (4) age and physical condition of the student, (5) availability of less severe but equally effective means of discipline and (6) the teacher's motivation.

Disciplinary Record

A disciplinary record shall be maintained, and shall contain the name of the student, the type of misconduct, any previous disciplinary misconduct, the type of corporal punishment administered, the name of the person administering the punishment, the names of witnesses present and the date and time of punishment. This information shall be made available to a parent who requests information concerning the corporal punishment of his or her child.

* Excluding the person administering the disciplinary measure.

Adopted 1/28/80; Revised 7/10/89

Constitutional and Statutory Provision:

S.C. Code, 1976, as amended:

Section 59-63-260 - Corporal Punishment

Judicial Decisions:

Ingraham v. Wright, 430 U.S. 651, 51 L. Ed. 2d 711 (1977).

Ware v. Estes, 328 F. Supp. 657 (1970), aff'd 458 F. 2d

Johnson v. Horace Mann, 241 So. 2d 588 (La. 1970).

Suits v. Glover, 71 So. 2d 49 (Ala. 1954).

File: JDA-E Corporal Punishment

School

Student's Name

Student's Address

Name of Student's Parents/Guardian

Address of Student's Parents/Guardians
(if different from student's)

Type of Misconduct	Date Misconduct Occurred	Previous Disciplinary Action	Type of Corporal Punishment Administered	Date/Time of Punishment	Name of Disciplinarian	Name of Witness/ Witnesses

SCHOOL DISTRICT FIVE OF LEXINGTON AND RICHLAND COUNTIES

Replaces Policy (JDB) - Detention

DETENTION OF STUDENTS

Code **JKB** *Issued* **Final**

Purpose: To establish the basic structure for the detention of students.

School administrators or teachers may assign detention after school hours to students with undesirable patterns of attendance, conduct, or academic performance.

Staff members will assure that students have one day's notice before the assigned detention period so that parents may be informed and may provide for transportation.

Based on practice and adopted 1973; Revised ^

ADD as Administrative Rule

SUSPENSION OF STUDENTS

Code **JKD-R** *Issued* **Final**

The board has conferred the authority on the school principal/director or his/her designee to suspend a student from a teacher's class or from school. By law, such suspension will not be for more than 10 days for any one offense and for not more than 30 days in any one school year. However, no administrator may suspend a student from school during the last 10 days of a year without approval of the school board if the suspension will make the student ineligible to receive credit for the school year. The exception to board approval is if the presence of the student constitutes an actual threat to a class or a school or a hearing is granted within 24 hours of the suspension.

An administrator who is considering suspending a student must comply with the following.

- The power of suspension is delegated to the principal/director or his/her designee. When suspension of a student is contemplated, this administrator will have a conference with the student as soon after the decision to consider suspension as is practicable. At this conference, the administrator will notify the student of the charges against him/her and, if he/she denies them, will explain the evidence the authorities have and offer the student an opportunity to present his/her side of the story. Once the student has been formally suspended from a class or school, the administrator will notify the student's parent/legal guardian of the action taken, in writing, together with the reason for that action and the effective dates of suspension.

- Within three days of the suspension, the administrator will invite the student's parent/legal guardian for a conference to discuss the suspension. The conference date will be extended beyond the three days only if the parent/legal guardian requests an extension in writing. However, after the second suspension, the parent/legal guardian of the student will be required to attend an administrative conference at the school before the student may return to class.

- Within five days of its assignment, suspension may be appealed as follows.

  - to the principal/director if the decision to suspend was made by a school-level designee
  - to the district hearing officer if the decision to suspend was made by the principal/director

- Suspension from school will be construed to prohibit a student from attending any day or night school functions or riding a school bus and from entering the school or school grounds, except for a prearranged conference with an administrator.

Issued 1/21/85; Revised 2/6/89, 5/3/93, 9/12/94, ^

Replaces (JDD-E) Suspension Instructions

SUSPENSION INSTRUCTIONS

1. The day the student is suspended every **reasonable** effort will be made to contact by telephone the student's parents/legal guardians to notify them of the suspension and to set a conference date within three days.

2. A copy of the letter is to be given to the student on the day of suspension assignment. A copy must also be mailed to the parent/legal guardian on the same day that the suspension is assigned unless the parent/legal guardian comes to school on that date on which case the parent/legal guardian will be given a copy of the letter.

3. The format of the school's letter must conform to the sample letters that were issued by the district hearing officer.

4. A copy of the suspension by an assistant principal is sent to the principal. A copy of the suspension by a principal is sent to the district hearing officer.

5. A copy of the suspension letter must be filed in the student's discipline record folder.

6. A student may not be suspended for more than 10 days for any one offense and for more than 30 days in any one school year.

Replaces Policy (JDE) - Expulsion

EXPULSION OF STUDENTS

Code **JKE** *Issued* **Final**

Purpose: To establish the board's vision for the expulsion of students.

Expulsion is the removal of a student from a school for the remainder of the school year or until readmitted by the board. Authority to expel students from school rests solely with the board.

The board may expel a student for any reason listed in the student behavior code for the commission of any crime, gross immorality or gross misbehavior; for the violation of any of the written rules and regulations established by the board or the State Board of Education; or when the presence of the student is deemed to be detrimental to the best interest of the school. Expulsion means the student cannot attend school or be on the school grounds of any school in the district, cannot attend any program at any school in the daytime or at night, and cannot ride a school bus.

The hearing will be held before the district hearing officer who has been designated by the board to initially hear and decide recommendations for expulsion. The right to appeal the decision of the hearing officer to the board is reserved to either party.

Only a principal or the Alternative Academy director may initiate expulsion procedures. He/She will notify the parent/legal guardian in writing of his/her action, the reason(s) that caused the action and the date, time and place of the hearing.

At the hearing, the parent/legal guardian will have the right to legal counsel and to all other regular legal rights including the right to question all witnesses. All such hearings will be private unless the parent/legal guardian requests in writing that it be public. The hearing will take place within 15 days (excluding holidays) of the written notification of the expulsion procedures and a decision will be rendered within 10 days (excluding holidays) of the hearing.

Students who are assigned to the Alternative Academy or their zoned school on probation are subject to a behavior management plan developed by the director/principal and the district hearing officer. Students assigned to the Alternative Academy for disciplinary reasons cannot be on the school grounds of any school in the district, cannot attend any program at any school in the daytime or at night, and cannot ride a school bus. Students that are assigned to the Alternative Academy on probation will have the right to petition for reassignment to their zoned school for the succeeding school year. Students may be suspended from school and all activities during the time of expulsion procedures.

Students who are recommended by the hearing officer for placement into the district's Alternative Academy will be allowed to enroll upon acceptance from the director of the Alternative Academy and notification from the hearing officer. The student's continued enrollment at the Alternative Academy will be contingent upon approval from the board. Students admitted will be on probation and subject to a behavior management plan developed by the director of the Alternative Academy and the hearing officer.

Every expelled student will have the right to petition for readmission for the succeeding school year.

Suspension and expulsion of students with disabilities under the Individuals with Disabilities Education Improvement Act (IDEA 04) or Section 504 of the Rehabilitation Act will be handled in accordance with the District's procedures to ensure compliance with those regulations.

See policy JICI for expulsion relating specifically to weapons (firearms).

 (see next page)

Adopted 5/20/74; Revised 3/8/82, 11/21/83, 5/3/93, 9/12/94, 8/21/95, 4/22/96, 6/25/01, 4/25/05, ^

Legal references:

A. United States Code:
   1. 20 U.S.C. 7151 - Gun-Free Schools.
   2. Education of Individuals with Disabilities, 20 U.S.C. Sec. 1400, et seq.
   3. 29 U.S.C. Section 794, et seq. (Section 504 of the Rehabilitation Act of 1973, as amended).
   4. Code of Federal Regulations, 34 CRF parts 300 and 301.
   5. Code of Federal Regulations, 34 CFR Part 104.

B. S. C. Code, 1976, as amended:
   1. Section 59-19-90(3) - Gives district trustees authority to prescribe rules of pupil conduct, including provisions for suspension or dismissal of those failing to comply with such rules.
   2. Section 59-63-210 - Grounds for suspension, expulsion or transfer
   3. Section 59-63-235 - District must expel student.
   4. Section 59-63-240 - Expulsion hearings - times, procedures, legal rights appeals.

C. S.C. Supreme Court:
   1. Davis v. The School District of Greenville County, 374 S.C. 39, 647 S.E.2d 219 (S.C. 2007).

EXPULSION OF STUDENTS

Investigation and action taken by the principal

If, after an administrator or his/her designee investigates a report of student misbehavior, he/she decides to recommend expulsion, the administrator should suspend the student and, following the notification requirements established by the district's suspension policy, notify the student's parents/legal guardians of their right to meet with the administrator within three school days of the date of the suspension. If, after meeting with the parents/legal guardians (or if the parents/legal guardians have not come in for a meeting by the third school day), the administrator still intends to recommend expulsion, the matter will be referred directly to the district hearing officer. This procedure will be followed in all cases, regardless of the offense charged.

Notice of expulsion recommendation

By the end of the third school day following receipt of an expulsion recommendation, the district hearing officer will notify the student and his/her parents/legal guardians in writing of the following.

- rule infraction(s) alleged to have occurred
- right of the student to request copies of witnesses' statements from the administrator
- right of the student to a hearing before the district hearing officer on the evidence
- time and place of the hearing which must be held within 10 days (excluding holidays) of the date of notification (unless the parents/legal guardians or their representative agree otherwise)
- procedure to be followed at the hearing, including the right to be represented by counsel
- right of the student, the parents/legal guardians or the student's representative to examine the student's records upon request

A response form will be enclosed with the notice on which the parents/legal guardians are asked to advise the district hearing officer whether they intend to appear, whether they will be represented by legal counsel, and whether they wish to waive an evidentiary hearing and merely address the district hearing officer. If the response form is not signed and returned to the district hearing officer within 48 hours of the scheduled date of the hearing, the hearing may proceed as scheduled whether or not the student, the parents/legal guardians or the student's representative are present. The hearing also may be postponed upon agreement with the school and the hearing officer.

Hearing procedure

The administrator, the administrator's representative, the student, the parents/legal guardians and/or the student's representative may be present at the hearing. If the district hearing officer and the parents/legal guardians agree, the student may be dismissed during portions of the hearing. The administrator and the student, or their representatives, will be allowed to testify, present other witnesses or witnesses' statements and, within the discretion of the district hearing officer, cross-examine the other party's witnesses. The district hearing officer may ask the witnesses questions. The parents/legal guardians and/or the student's representative will be given an opportunity to argue their position or express their views on the case. A tape recording of the testimony will be kept on file by the district hearing officer for a period of one year.

Action following the hearing

Within 10 days (excluding holidays) of the hearing, the district hearing officer will decide whether the student committed the alleged rule(s) violation or misconduct, based upon the evidence presented at the hearing, and the appropriate punishment. If the district hearing officer determines that grounds for expulsion exist, he/she may expel the student for the remainder of the current year or give punishment other than expulsion including, but not limited to, suspension or probation.

Probation means special restrictions have been placed on the student's right to attend school. Violation of these restrictions may result in suspension and a recommendation for expulsion.

The district hearing officer will report his/her decision in writing to the parents/legal guardians and the school. If the district hearing officer determines that grounds for expulsion do not exist, all absences resulting from the suspension will be excused and the student's record cleared. The student will be allowed to make up all missed work.

Permanent expulsion

The board has the sole authority to permanently expel a student from school. The district hearing officer will hear the initial case and make a recommendation to the board.

Appeals

The decision of the district hearing officer may be appealed by the parents/legal guardians of the student or the principal to the board, if a written notice of appeal is made to the superintendent or the board within 15 days (excluding holidays) after receiving notification of the hearing officer's decision. Written notice of appeals should be based on one of the following.

- misinterpretation of the rules by the principal or the hearing officer
- failure to provide due process to the student or parents/legal guardians

The board will not hear cases based on pleas for leniency. In the event that there is a question as to how the appeal letter should be formatted, please contact the office of student services. If the board decides to grant a hearing for appeal, the parents/legal guardians will be notified in writing by the supervisor of student services. An appeal will normally be limited to the established record and no new testimony will be allowed unless the board desires to hear additional testimony. All appeal presentations by the parents/legal guardians of the student or their attorney will be limited to 10 minutes. The board may reverse or alter the decision of the district hearing officer. If the recommendation for expulsion is rejected on appeal, all absences resulting from the suspension will be excused and the student's record cleared. The student will be allowed to make up all missed work.

Petition for readmission

Students who have been expelled for the remainder of the current school year may make a written request to the superintendent or his/her designee for readmission. This request should be made at least 30 calendar days before the beginning of the school year or the second semester, as the case may be. The request must state, in detail, the reasons why the student should be allowed to return.

A readmission conference will be held for the expelled student with the district hearing officer at which time a decision will be made regarding the student's placement for the year. The hearing officer's decision will be based on, but not limited to, the following factors: the student's

 (see next page)

completion of the established requirements for readmission; the student's willingness to make the changes necessary to remain in school; the student's adherence to the conditions of the expulsion during the period of expulsion; and the student's behavior during this period.

If the hearing officer approves a return to school, administrative action will be taken to reinstate the student. All students returning from expulsion will be placed on probation for one year, a condition of which will be that the student and parents/legal guardians will participate in the development of a behavior management plan administered by the hearing officer and satisfactory to the principal. The hearing officer also has the right to make other readmission provisions for an expelled student.

If the hearing officer denies a previously expelled student permission to re-enter the district, the student may appeal the decision to the board. The student has 30 days to submit a written appeal of the decision of the hearing officer to the board.

Issued 8/21/95; Revised 4/22/96, 4/25/05, 12/5/05, ^

Replaces (JDE-E) – Expulsion Instructions

EXPULSION INSTRUCTIONS

1. When a student is suspended and expulsion procedures are initiated, a copy of the letter must be sent to the parents/legal guardians. On the day the suspension is assigned, the administrator will make every reasonable effort to contact the parent/legal guardian by telephone to inform them of the situation and to schedule a conference within three days.

2. The suspension with a recommendation for expulsion letter from the administrator must be given to the student on the day the action is taken.

3. The school must contact the hearing officer and secure a date and time for the expulsion hearing. The reasons for the expulsion recommendation must be given and a copy of the principal's letter is to be faxed or physically delivered to the hearing officer. Sufficient time must be allowed for the hearing officer's letter to reach the parent/legal guardian, so that parents/legal guardians are notified of the proceedings and their rights.

4. The format of the school's letter must conform to the sample letter that was issued by the district hearing officer.

5. A copy of the recommendation for expulsion letter must be filed in the student's permanent school record along with a copy of the decision letter from the hearing officer. The expulsion notation is also to be made on the transcript card.

Exhibit B

EXHIBIT B

district five
OF LEXINGTON & RICHLAND COUNTIES

October 11, 2010

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

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

RE: Annual Report of Sole Source, Emergency and Minority Business Procurement Activity

Attached is a copy of the Annual Report of Sole Source, Emergency and Minority Business Procurement Activity for fiscal year ending June 30, 2010.

As required by Section 2440.1 of the District Procurement Code, we are presenting this report as information to the Board of Trustees.

KEF:ll

Attachment

district five
OF LEXINGTON & RICHLAND COUNTIES

MEMORANDUM

To: Dr. Karl Fulmer
Chief Financial Officer

From: Jeff Patterson
Coordinator of Purchasing

Re: Annual Report of Sole Source, Emergency and Minority Business Procurement Activity

Date: September 24, 2010

Section 2440.1 of the District Procurement Code requires Sole Source and Emergency Procurement activities be submitted to you on an annual basis. The record must contain: 1.1 Each contractor's name; 1.2 The amount and each type of contract; 1.3 A listing of supplies, services, information technology, or construction procured under each contract.

Please find attached a listing of contracts made as sole source, emergency and minority business procurement activity for the period of July 1, 2009 through June 30, 2010.

Attachment

File: jcp

SOLE SOURCE AND EMERGENCY ACTIVITY
July 1, 2009 through June 30, 2010

Method	Vendor	Description/Justification	Total
Sole Source	Professional Solutions	Software package for Family Data, Accounting and Attendance Tracking, This software is currently being used in District Five Schools, so to keep the records consistent the same software must be used in our other schools.	$7,099.00
Sole Source	Sandlapper Sound	Repair sound system at the Irmo High School Football Stadium. The original System was installed by Sandlapper Sound, so to keep the warranties in tack we must utilize the original installer.	$3,250.58
Sole Source	Simplex Grinnell	Materials and labor to disconnect and re-connect fire alarm systems for seven portable classrooms at Seven Oaks Elementary School for renovations project. They are the original installer, so to keep the manufacturer's warranty in tack we must utilize the original authorized installer.	$17,075.00
Sole Source	CSX Transportation	Annual Fee for Railroad Crossing Maintenance and replacement at Irmo High School. CSX owns and maintains the railroad and requires that only they maintain and or replace the railroad crossing.	$4,765.65
Sole Source	Computer Generated Solutions	Software application and licenses for Archiving our current e-mail database to a secure, reliable on-shore server. CGS is the only on-shore firm that has a product that can archive our e-mail database in North America while maintaining the Federal HIPPA and FOIA requirements.	$16,800.00

Method	Vendor	Description/Justification	Total
Sole Source	SADA Systems	Software applications for migrating our current e-mail system user accounts from GroupWise to a G-Mail platform. SADA is the only known vendor that can migrate to Google Apps while maintaining the data on an on-shore secure server.	$26,810.00
Emergency	Walker White	Materials and Labor to replace a main HVAC unit at Irmo Middle School due to the unit failing and being to old to repair. The District HVAC IDC contract was utilized to compete this emergency and Walker White was the low bidder.	$19,879.00
Emergency	Tyler's Restaurant	Clean the District Cafeteria Hoods. Due to the hoods being a fire hazard and to meet DHEC requirements for safety and cleanliness the cleaning of the hoods was declared an emergency.	$7,623.75
Emergency	Waper, Inc.	An issue related to Student and Teacher health safety arose with the H1N1 Virus outbreak, so an emergency was declared and bids were obtained for hand sanitizer. Waper was the lowest priced bidder.	$20,897.64
Emergency	Central Heating and	Replaced the HVAC unit for Dutch Fork High School's weight room. The unit failed and could not be repaired, so an emergency bid was obtained through the District HVAC Mechanical contractors contract and Central Heating was low bid.	$14,590.00

SCHOOL DISTRICT FIVE OF

LEXINGTON AND RICHLAND COUNTIES

REPORT OF MINORITY BUSINESS ACTIVITY

July 1, 2009 – June 30, 2010

VENDOR	DESCRIPTION	TOTAL AMOUNT
Compuworld	Technology Supplies/Equipment	$ 6,711.84
Genesis II	Janitorial Supplies	$ 136.17
I & E Specialties, Inc.	Roofing Contractor	$375,116.17
Lorick Office Products	Office Supplies/Equipment	$ 4,046.57
Major Business Machines	Mailing Equipment	$ 488.45
Midlands Exams & Drug Scre	Alcohol & Drug Screening	$ 13,145.00
Owens Exterminating Services	Pest Control Services	$ 3,124.50
	TOTAL:	$402,768.70