



**AGENDA  
BOARD OF TRUSTEES  
OAK POINTE ELEMENTARY SCHOOL'S THEATER  
JANUARY 10, 2011**

1. Call to order at 6 p.m.
2. Enter executive session in the conference room to consider the following:
  - a. Selected employment items (Exhibit A)
  - b. Student expulsion appeal (Exhibit B)
3. Welcoming remarks at 7 p.m.
4. Invocation – Reverend Jacob Helsley, Pine View Baptist Church
5. Pledge of Allegiance – Eliza Hiller, student government representative
6. School Board Spotlight
7. Approve the agenda
8. Approve the minutes of the December 13, 2010 school board meeting
9. Welcome and brief overview of Oak Pointe Elementary School by Jim Stephens, principal, and Patrick Cobb, school improvement council chairman
10. Superintendent's report
  - a. Superintendent
    1. Looking to the Future in District Five
    2. Update on the cost of the Chapin High School's wetlands lawsuit (Exhibit C)
  - b. Community Services

- c. Financial Services
    - 1. Format for upcoming budget workshop session
  - d. Human Resources
  - e. Instructional Services
  - f. Technology Services
11. Public participation\*

### **NEW DESIGN AND CONSTRUCTION AGENDA**

12. **DISCUSSION**

- 1. Monthly construction update

13. **ACTION**

- a. Approval of roof replacement at Leaphart Elementary School (Exhibit D)
- b. Approval of the administration area and kitchen renovations, and address the theater lighting at Chapin Elementary School (Exhibit E)

### **ACTION AGENDA**

- 14. Items considered in executive session
- 15. Any motions related to the Chapin High School's renovation project and the legal appeal
- 16. Select a date for a board workshop

### **DISCUSSION AGENDA**

- 17. Proposed revisions to Board J Policies: (Exhibit F)  
JIB add "Student Involvement In Decision Making"  
JICEA "School Related Student Publications" replaces JHCC "Student Publications"  
JICG "Tobacco Use By Students" replaces JCDA "Tobacco Free Facilities/Possession and Use of Tobacco"

JICG-R "Tobacco Use By Students" replaces AR-JCDAA-R "Tobacco Free Facilities/Possession and Use of Tobacco"  
JICH "Drug And Alcohol Use By Students" replaces JCDAB/JCDAC "Alcohol/Drug Use"

18. Cost estimates related to video streaming of school board meetings
19. The 2011 South Carolina School Boards Association's Annual Convention will be held February 24-27, 2011
20. Adjourn

**FOR YOUR INFORMATION**

21. The next regular scheduled board meeting will be on January 24, 2011 at the District Administration Building. There will be a budget workshop session on January 18, 2011 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.



Minutes/ December 13, 2010

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

Mr. Robert Gantt, Chairman  
Mrs. Beth Hutchison-Watson, Vice Chairman  
Mrs. Ellen Baumgardner, Secretary  
Mrs. Jan Hammond  
Mrs. Kim Murphy  
Mr. Jim Turner  
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

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

Reverend Sean Brown, Palmetto Church of Christ, gave the Invocation. Corey Davis, a fifth grader at Nursery Road Elementary School, led the Pledge of Allegiance.

Robert Gantt, Jan Hammond and Kim Murphy presented the School Board Spotlight.

A welcome and brief overview of Nursery Road Elementary School was given by Christina Melton, principal, and Debra Phipps, SIC member.

During the superintendent's report, an update on the Chapin High School's renovation project and legal appeal was given by Pam Baker, McNair Law Firm; an update on the cost of Chapin High School's wetlands lawsuit (Exhibit C) was given by Karl Fulmer; the financial reports for October and November 2010 (Exhibit D) were presented by Karl Fulmer; and the school and district state report card ratings were presented by Helen Anderson (Exhibit E).

During the public participation, Albert Bueno spoke regarding Chapin High School; Susan Baker spoke regarding the Chapin High School lawsuit; Dr. Michael Green and Dennis Shedd spoke regarding the Health Science Building at Dutch Fork High School; and Michael Quinn spoke regarding the property for the new elementary school.

During the new design and construction agenda, Keith McAllister presented information on several building renovation projects: Irmo High School (Exhibit F), Dutch Fork High School (Exhibit G), Chapin Elementary School (Exhibit H) and Leaphart Elementary School (Exhibit I).

Karl Fulmer presented the timeline for the 2011-2012 general fund budget (Exhibit N).

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

SCHOOL DISTRICT FIVE  
OF  
LEXINGTON AND RICHLAND COUNTIES

Meeting of December 13, 2010

		B A U M G A R D N E R	G A N T T	H A M M O N D	M U R P H Y	T U R N E R	W A T S O N	W H I T E
1.	M. Watson                      S. Hammond  Enter executive session to consider the following: 2a) personnel issues; 2b) property matter; 2c) selected employment items (Exhibit A); and 2d) request for student expulsion appeal hearing (Exhibit B)	X	X	X	X	X	X	A
2.	M. Baumgardner              S. Watson  Approve the agenda  M. Murphy                      S.  Amend to include an update on the Oak Pointe Elementary School traffic issue  M. Murphy                      S.  Amend to add live streaming during the action agenda  M. Hammond                  S. Baumgardner  Amend to place the item on the discussion agenda  Vote on the original motion							
		X	X	X	X	X	X	X
		X	X	X	X	X	X	X
3.	M. Watson                      S. White  Approve the consent agenda (13 approval of the minutes of the November 8, 2010 board meeting and the minutes of the special-called November 19, 2010 board meeting; 14 second reading of new board policy GCE "Professional Staff Recruitment" (Exhibit K); second reading of new Administrative Rule GCF-R "Professional Staff Hiring" (Exhibit L); and second reading of new Administrative Rule GCK-R "Professional Staff Assignments and Transfers" (Exhibit M)							

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Meeting of December 13, 2010

		B A U M G A R D N E R	G A N T T	H A M M O N D	M U R P H Y	T U R N E R	W A T S O N	W H I T E
M. Murphy	S. Watson	X	X	X	X	X	X	X
Amend to withdraw the minutes of the November 19, 2010 special-called meeting								
M. Watson	S. Baumgardner							
Approve the minutes of the November 19, 2010 special-called meeting								
Motion withdrawn								
M. Baumgardner	S. White							
Approve the minutes of the November 19, 2010 special-called meeting								
M. Murphy	S. Hammond	No	No	X	X	X	No	No
Amend that we go back and not approve until we have listened to the tapes								
Vote on the motion		X	X	No	No	No	X	X
4. M. Watson	S. Baumgardner	X	X	X	X	X	X	X
The Board not grant the request of an employee to be heard by the Board in connection with a grievance								
5. M. Watson	S. White	X	X	AB	No	No	X	X
Approve the request of the sellers of the property, and in consideration of the options before the District pursuant to the Amendment to the Contract to purchase the property, I move that the School District bring a condemnation action to obtain the remaining 2.67 acres known as Parcel E of the Derrick Pond Road property								

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Meeting of December 13, 2010

		B A U M G A R D N E R	G A N T	H A M M O N D	M U R P H Y	T U R N E R	W A T S O N	W H I T E
6.	M. Baumgardner							
	S. Watson							
	Approve the selected employment items (Exhibit A)	X	X	X	X	X	X	X
7.	M. Watson							
	S. Hammond							
	Grant the request of the student and his family to appear before the Board for an appeal hearing (Exhibit B)	X	X	X	X	X	X	X
8.	M. White							
	S. Baumgardner							
	Approve to proceed with site adaptation for the new elementary school (Exhibit J)	X	X	No	No	No	X	X
9.	M. White							
	S. Watson							
	The District adopt the recommendation of the Corp of Engineers in it's letter dated March 22, 2010 to the District and we separately permit the academic buildings and athletic fields at Chapin High School so that we can proceed with the renovations to Chapin High School	No	No	No	X	No	No	No
10.	M. White							
	S. Watson							
	Adopt a Resolution, The Board of Trustees of District Five of Lexington and Richland Counties disapproves of the lawsuit brought by Mrs. Kim Murphy, Murphy vs. School District Five of Lexington and Richland Counties and DHEC, which has cost the school district in excess of \$1.4 million dollars as of December 14, 2010, and is delaying the renovations to Chapin High School and denying students the timely use of much needed facilities. The Board requests that Mrs. Murphy abide by the vote of the majority of the Board of Trustees to proceed with the renovations at Chapin High School	X	X	X	No	X	X	X
11.	M. Hammond							
	S. Baumgardner							
	Schedule a budget workshop session on January 18, 2011, at 6 p.m. at the District Administration Building	X	X	X	X	X	X	X

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SCHOOL DISTRICT FIVE  
OF  
LEXINGTON AND RICHLAND COUNTIES

Meeting of December 13, 2010

		B A U M G A R D N E R	G A N T T	H A M M O N D	M U R P H Y	T U R N E R	W A T S O N	W H I T E
12. M. Watson	S. Baumgardner	X	X	X	X	X	X	X
Adjourn at 11:45 p.m.								

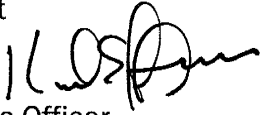
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January 6, 2011

TO: Stephen Hefner, Ed.D.  
Interim Superintendent

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

RE: Updated Estimated Cost of Kim Murphy's Lawsuit Delaying  
Renovations at Chapin High School

Combining all the costs referenced below, the lawsuit by Ms. Kim Murphy has cost the school district in excess of \$1.47 million.

As a result of the protest and subsequent lawsuit the costs associated with the delay of the Chapin High School renovation project continue to increase. A summary of those costs are as follows:

- The school district anticipates that construction costs will continue to increase. The initial delay in the Chapin High School renovations started when Ms. Murphy protested and then appealed the Water Quality Permit. DHEC cleared the project on May 24, 2010. Ms. Murphy subsequently filed her lawsuit further delaying the project. As of today, the resulting delay has increased construction costs by an estimated \$1,020,000.
- To date our retained professional staff estimates they have incurred extra costs due to expenses related to attending meetings and drafting alternative designs at the request of the Corp of Engineers during Ms. Murphy's administrative protest. That estimated amount is \$99,299.
- Attorney fees related to the protests and lawsuit continue to accumulate and currently total \$229,658.
- Architectural fees currently total \$101,470.
- To date, total staff time devoted to the wetlands litigation is approximately 342 hours or \$20,863.
- To date, fees for Tidewater Environmental Services total \$10,607.

Dr. Stephen Hefner

January 6, 2011

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In addition, the project will require the issuance of approximately \$45,000,000 of 20-year General Obligation Bonds. Ms. Murphy's lawsuit will delay the issuance of these bonds, which places the district at risk for increases in interest rates and the potential sunset of the Build America Bonds Program (BAB), which has provided unprecedented subsidies to the district to offset bond interest expense. The district's financial advisors project that the sunset of the BAB program would result in a 100 basis point (1.0%) increase in borrowing costs to the district. A 1% increase in interest costs for \$45,000,000 in bonds would translate into an increase of payments of approximately \$4.5 million over the life of the bonds. The 1% increase would also increase the cost to carry the loan by approximately \$292,000 per year.

With these additional costs, and the expectation of further costs, it is almost certain the Chapin High School renovations project may exceed our budget and require some components of the project to be scaled back.





**MEMORANDUM**

January 10, 2011

To: Members of the Board of Trustees

From: Keith McAlister   
Director, New Design and Construction

Re: Replace Roof at Leaphart Elementary School

**ADMINISTRATION CONSIDERATION**

Administration provides information to replace roof at Leaphart Elementary.

**RECOMMENDATION**

Administration seeks approval to proceed with roof replacement at Leaphart Elementary School.


**ATTACHMENT**

Exhibit



# Memorandum

TO: A. Keith McAlister  
Director of New Design & Construction

FROM: Scott Carlin  
Coordinator of Facilities 

DATE: December 08, 2010

RE: Recommendation to Replace Roof of Main Building, Leaphart Elementary School (LES)

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## SUMMARY

We have evaluated the condition of the built-up roofing system of the existing building at LES, and deem it fit for replacement. The roof is currently 22 years old and out of warranty.

An estimate of probable cost to replace the existing roof is determined to be \$1,381,000.00.

We are in the process of receiving and evaluating proposals from several roofing consultants to design the roof replacement if approved. We anticipate the professional services fees to be less than 5.5% (\$75,955.00) of the anticipated construction cost.

## REQUEST

The Board approve replacing the roofing system for the main building at LES.





**MEMORANDUM**

January 10, 2011

To: Members of the Board of Trustees

From: Keith McAlister   
Director, New Design and Construction

Re: Chapin Elementary School Renovations and Additions

**ADMINISTRATION CONSIDERATION**

Administration provides information in reference to the administration area, kitchen renovations, theater lighting, and replacement of HVAC at Chapin Elementary School.

**RECOMMENDATION**

Administration recommends board approval to proceed with requested renovations and/or additions at Chapin Elementary School.

**ATTACHMENT**

Exhibit

**EXHIBIT MATERIAL FOR THIS TOPIC WILL BE MADE AVAILABLE AFTER THE SCHOOL BOARD MEETING ON THE WEB SITE. IF THE FILE IS TOO LARGE TO DOWNLOAD IT WILL BE AVAILABLE AT THE DISTRICT OFFICE FOR VIEWING. PLEASE CALL AMEE WHITE AT 476.8118 TO MAKE THOSE ARRANGEMENTS.**





**MEMORANDUM**

TO: Members of the Board of Trustees  
Stephen Hefner, Ed.D., Interim Superintendent

FROM: Ms. Helen Anderson  
Chief Instructional Services Officer

DATE: January 5, 2011

RE: January 10, 2011 Board Meeting, Discussion Item.  
"Proposed Revisions to Board J Policies"

JIB add "Student Involvement In Decision Making"  
JICEA "School Related Student Publications" replaces JHCC "Student Publications"  
JICG "Tobacco Use By Students" replaces JCDA "Tobacco Free Facilities/Possession and Use of Tobacco"  
JICG-R "Tobacco Use By Students" replaces AR-JCDA-R "Tobacco Free Facilities/Possession and Use of Tobacco"  
JICH "Drug And Alcohol Use By Students" replaces JCDAB/JCDAC "Alcohol/Drug Use"

**Recommendation:**

The administration recommends that the proposed revisions to Board J Policies proceeds to First Reading approval.

Attachments: Recommended New Policies

Mr. Michael Harris will be available to answer any questions at the January 10<sup>th</sup> meeting.

## **STUDENT INVOLVEMENT IN DECISION MAKING**

Code **JIB** Issued **Final**

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Purpose: To establish the board's vision for students' involvement in the decisions that affect them.

The board recognizes the value of student participation in decision making for the school district. The board encourages students to attend school board meetings and take part in the public participation periods. Students share with the board, the administration and the faculty the responsibility for developing a climate in the school that is conducive to wholesome learning and living.

The board encourages students to express their opinions in establishing policies in the area of student privileges and other areas of student activities. The board encourages principals to develop procedures for meaningful involvement of students in school government.

In the development of rules, regulations and arrangements for the operation of the school system, the superintendent will include at the planning stage, whenever feasible and appropriate, a representative of those students who will be affected by such provisions.

Adopted ^

## SCHOOL-RELATED STUDENT PUBLICATIONS

Code **JICEA** Issued **Final**

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Purpose: To establish the basic structure for student publications.

The board sanctions student publications as long as students are willing to accept the responsibilities of the freedoms of speech and of the press. The board or its designee will make rules as to time and place for distribution of such publications and any other regulations necessary to assure that student publications do not infringe on the rights of others.

The designated sponsor(s) of any officially recognized school-sanctioned and school-financed publication (e.g., newspaper, yearbook, literary magazine) will assume the initial responsibility of screening and editing all materials earmarked for publication. Although journalism students should be given meaningful editorial latitude, the sponsor(s) retains the inherent obligation to delete any article or comment likely to create substantial disruption of, or significant interference with, school activities.

Any student objecting to a sponsor's exercise of discretion in this regard should bring the objection to the attention of the sponsor in writing. The school principal will hold a conference to discuss the complaints with the complainant(s), the sponsor, and the principal. It is the principal's responsibility to decide the matter in close consultation with the district superintendent and legal counsel.

Adopted 6/21/76; Revised 11/16/81, 2/6/89, ^

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Legal references:

A. U. S. Supreme Court:

1. January 13, 1988, Hazlewood vs. Cathy Kuhlmeir - Gives principals new authority to monitor the content of school publications.
2. Morse v. Frederick, 127 S. Ct. 2618 (2007).

**Policy » JHCC « Student Publications**

Issued 2/89

The board sanctions student publications as long as students are willing to accept the responsibilities of the freedoms of speech and of the press. The board, or its designee, will make rules as to time and place for distribution of such publications and any other regulations necessary to assure that student publications do not infringe on the rights of others.

The designated sponsor(s) of any officially recognized school-sanctioned and school-financed publication (e.g., newspaper, yearbook, literary magazine, et al.) shall assume the initial responsibility of screening and editing all materials earmarked for publication. Although journalism students should be given meaningful editorial latitude, the sponsor(s) retains the inherent obligation to delete any article or comment likely to create substantial disruption, of, or significant interference with, school activities.

Any student objection to a sponsor's exercise of discretion in this regard should be brought to the attention of the sponsor in writing. Within 24 hours, these complaints shall be made the subject of conference with the complainant(s), the sponsor, and the school principal. It shall be the responsibility of the principal to decide the matter, in close consultation with the district superintendent and legal counsel.

Adopted 6/21/76; Revised 11/16/81, 2/6/89

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**SCHOOL DISTRICT FIVE OF LEXINGTON AND RICHLAND COUNTIES**

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## **TOBACCO USE BY STUDENTS**

Code **JICG** Issued **Final**

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Purpose: To establish the basic structure for the board's prohibition of tobacco use by students.

Students are prohibited from using tobacco products in any district building or vehicle or on any district grounds. The superintendent or his/her designee will create the necessary rules and regulations to enforce this policy.

This "tobacco-free" designation applies not only to normal school/office hours but also to any extracurricular, before or after school, or even unscheduled activity or event.

Students are not permitted to use, possess or transfer tobacco products or tobacco paraphernalia while on school grounds; in the school buildings; on buses; or during any other time that students are under the direct administrative/jurisdiction of the school whether on or off the school grounds. Students who violate this policy will be disciplined as provided in administrative rule JICDA-R.

Adopted 8/15/94; Revised 8/21/95, ^

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Legal references:

A. United States Code:

1. 20 U.S.C. 6081 - Pro-Children Act of 1994.

B. S.C. Code, 1976, as amended:

1. Section 16-17-490 - Contributing to the delinquency of a minor (school board rules and regulations may be exempt under certain circumstances).
2. Section 16-17-500 - Supplying minors with tobacco or cigarettes.
3. Section 59-67-150 - Qualifications of bus driver; drinking or smoking on bus.
4. Sections 16-17-500 and 501 - Youth Access to Tobacco Prevention Act of 2006.

**Policy »JCDA « Tobacco-Free Facilities/Possession and Use of Tobacco**

Issued 10/95

All persons--students, faculty/staff members, administrators, visitors or patrons--are prohibited from using tobacco products in any district building or vehicle or on any district grounds. The superintendent or his/her designee shall create the necessary rules and regulations to enforce this policy.

This "tobacco-free" designation applies not only to normal school/office hours but also to any extracurricular, before or after school, or even unscheduled activity or event.

Students are not permitted to use, possess or transfer tobacco products or tobacco paraphernalia while on school grounds; in the school buildings; on buses; or during any other time that students are under the direct administrative/jurisdiction of the school whether on or off the school grounds. Students who violate this policy will be disciplined as provided in administrative rule [JCDA-R](#).

(Also [GAN](#))

Adopted 8/15/94; Revised 8/21/95

Constitutional and Statutory Provisions:

United States Code:

[20 U.S.C. 6081](#) - Pro-Children Act of 1994.

S.C. Code, 1976, as amended:

[Section 16-17-490](#) - Delinquency of minors (school policies exempt in certain circumstances.)

[Section 16-17-500](#) - Unlawful to give or sell tobacco to minors.

[Section 59-19-90\(3\)](#) - Student conduct.

[Section 59-67-150](#) - Smoking on school bus.

[Section 44-95-10](#) - Clean Indoor Act of 1990.

**SCHOOL DISTRICT FIVE OF LEXINGTON AND RICHLAND COUNTIES**

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## TOBACCO USE BY STUDENTS

Code **JICG-R** Issued **Final**

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Although smoking is a personal habit, the district believes the use of tobacco products is detrimental to the health of students and also contrary to the board's objective to teach and model appropriate health habits and values. Therefore, the district will follow certain procedures to bring about tobacco-free schools.

The superintendent's designee is responsible for informing all school administrators of this tobacco-free schools policy. School administrators have the same responsibility for appropriately informing their staffs and the students.

Educational materials related to the harmful effects of tobacco use will be made available to all students by the superintendent's designee and principals, respectively.

The district will work with other agencies to identify tobacco-use cessation seminars and other services for students. (Agencies which may be used include, but are not limited to, The American Lung Association, American Cancer Society, American Heart Association, Alliance for a Smoke-Free South Carolina).

Sanctions will follow the district's student behavior code JICDA-R.

Issued 8/21/95; Revised ^

**AR »JCDAAR Tobacco-Free Facilities/Possession and Use of Tobacco**

Issued 10/95

Although smoking is a personal habit, the district believes the use of tobacco products is detrimental to the health of students and staff, and also contrary to the board's objective to teach and model appropriate health habits and values. Therefore, the district will follow certain procedures to bring about tobacco-free schools.

The superintendent's designee is responsible for informing all district office department heads and administrators of this tobacco-free schools policy. School administrators have the same responsibility for appropriately informing their staffs and the students.

Educational materials related to the harmful effects of tobacco use will be made available to all employees and students by the superintendent's designee and principals, respectively.

The district will work with other agencies to identify tobacco-use cessation seminars and other services for employees and students. (Agencies which may be used include, but are not limited to: The American Lung Association, American Cancer Society, American Heart Association, Alliance for a Smoke-Free South Carolina and Fighting Back).

Based on the severity of policy violation, the system of progressive discipline may be modified so as to permit any sanction deemed appropriate by the district up to and including termination. If the policy is not followed, the following sanctions will be sequentially invoked without consideration for annual cycles.

**Employees**

First offense - Written reprimand and a referral to a tobacco use cessation program. A copy of the reprimand is placed in the employee's personnel file.

Second offense - A second offense is considered insubordination and the employee will have a conference with the Chief Human Resource Services Officer. The employee will also be required to attend a tobacco-use cessation program sponsored by the district.

Subsequent offenses - Will result in other sanctions up to and including a recommendation for termination.

The superintendent or his/her designee reserves the right to impose any disciplinary sanction deemed appropriate, dependent upon the facts and circumstances of an individual violation of this policy.

**Students**

Sanctions will follow the district's student behavior code.

(Also [GAN-R](#))

Adopted 8/21/95

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**SCHOOL DISTRICT FIVE OF LEXINGTON AND RICHLAND COUNTIES**

## **DRUG AND ALCOHOL USE BY STUDENTS**

Code **JICH** Issued **Final**

Purpose: To establish the basic structure for the board's prohibition of student drug and alcohol use.

No student, regardless of age, will possess, use, sell, purchase, barter, distribute, or be under the influence of alcoholic beverages or other controlled substances in the following circumstances.

- on school property (including buildings, grounds, vehicles)
- at any school-sponsored activity, function or event whether on or off school grounds (including any place where an interscholastic athletic contest is taking place)
- during any field trip
- during any trip or activity sponsored by the board or under the supervision of the board or its authorized agents

No student will aid, abet, assist, or conceal the possession, consumption, purchase, or distribution of any alcoholic beverage by any other student or students in any of the circumstances listed above.

No student will market or distribute any substance which is represented to be or is substantially similar in color, shape, size, or markings of a controlled substance in any of the circumstances listed above.

All principals will cooperate fully with law enforcement agencies and will report to them all information that would be considered pertinent or beneficial in their efforts to stop the sale, possession, and use of controlled substances.

Principals will suspend students and may recommend them for expulsion.

Adopted 1973; Revised 3/29/82, 4/28/86, 11/20/90, ^

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Legal references:

I. Alcohol:

A. S.C. Constitution:

1. Article XVII, Section 14 - Must be over 21 to possess distilled liquors.

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

1. Section 16-17-530 - Students who come to school in an intoxicated condition, or conduct themselves in a disorderly or boisterous manner, could be arrested for a misdemeanor.
2. Section 59-67-150 - Drinking alcoholic liquors on a school bus is prohibited.
3. Section 20-7-370 - Must be 21 to possess fermented liquors.

II. Drugs:

A. S.C. Code, 1976, as amended:

1. Section 44-49-80 - Establishment of drug abuse treatment program in public schools.
2. Section 44-53-110, et seq. - Definitions; lists of illicit drugs.
3. Section 44-53-140 - Certain communications and observations shall be privileged.
4. Section 44-53-370 - Prohibited Acts A; penalties.
5. Section 44-53-440 - Distribution to persons under 18.

**Policy »JCDAB «/JCDAC Alcohol/Drug Use**

Issued 11/90

The district prohibits possession, sale, distribution, or use--in any amount--of alcohol, marijuana, hallucinogenic drugs, or any other controlled substance:

- on school grounds;
- in school buildings;
- on buses or other vehicles being used for school-sponsored activities;
- at any school-sponsored event; or,
- during any other time that the student is under the administrative jurisdiction of the school whether on or off the school grounds.

This policy applies as well to students who are found to be under the influence of any amount of alcohol, marijuana, hallucinogenic drugs, or any other controlled substance:

- on school grounds;
- in school buildings;
- on buses or other vehicles being used for school-sponsored activities;
- at any school-sponsored event; or,
- during any other time that the student is under the administrative jurisdiction of the school whether on or off the school grounds.

No student will market or distribute any substance which is represented to be or is substantially similar in color, shape, size or markings of a controlled substance in any of the circumstances listed above.

All principals/directors will suspend any student who violates this policy. The principal/director will recommend to the hearing officer appointed by the board of trustees that the student be expelled for the remainder of that particular school year.

The board instructs all principals/directors to cooperate fully with law enforcement agencies. They must report to law enforcement personnel any and all information that would be considered pertinent or beneficial in an effort to stop the sale, possession and use of illegal drugs, and controlled substances.

(Cf. [LDAJA](#))

Adopted 1973; Revised 3/29/82, 4/28/86, 11/12/90

Constitutional and Statutory Provisions:

Alcohol:

S.C. Constitution:

[Article XVII](#), Section 14 - Must be over 21 to possess distilled liquors.

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

Section 16-17-530 - Students who come to school in an intoxicated condition, or conduct themselves in a disorderly or boisterous manner, could be arrested for a misdemeanor.

Section 59-67-150 - Drinking alcoholic liquors on a school bus is prohibited.

Section 20-7-370 - Must be 21 to possess fermented liquors.

#### Drugs:

S.C. Code, 1976, as amended:

Section 44-53-110 et seq. - Lists of illicit drugs.

Section 44-53-140 - Student addicted or dependent upon a drug may seek counseling concerning treatment or therapy from a guidance counselor or teacher without fear of legal action.

Section 44-53-370 - Unlawful for any person to possess scheduled drug unless obtained by valid prescription.

Section 44-53-440 - Person over 18 who distributes a controlled substance to person under 18 shall be guilty of felony and sentenced to no more than 20 years with no suspension or probation.

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#### SCHOOL DISTRICT FIVE OF LEXINGTON AND RICHLAND COUNTIES

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