



Minutes/December 12, 2011

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

Mr. Robert Gantt, Chairman  
Mrs. Beth Hutchison-Watson, Vice Chairman  
Mrs. Ellen Baumgardner, Secretary  
Mrs. Jan Hammond  
Mrs. Kim Murphy  
Mr. Jim Turner  
Mr. Ed White  
Dr. Stephen Hefner, District Superintendent

The following staff were in attendance:

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

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

The Invocation was given by Reverend Lester Drayton, Greater Saint Paul African Methodist Episcopal Church. The Pledge of Allegiance was led by Emily Dale, a fifth grade student at Dutch Fork Elementary School.

The School Board Spotlight was led by Ellen Baumgardner, Beth Watson, Robert Gantt and Jan Hammond.

A welcome and overview of Dutch Fork Elementary School was given by Julius Scott, principal.

During the superintendent's report, Dr. Hefner presented an update on Vision 2015; a legal briefing on renovations and expansion of Chapin High School was given by Pam Baker; a legal briefing on the SCEA lawsuit was given by Ken Childs; Dr. Fulmer presented an update on the cost of legal appeals at Chapin High School (Exhibit B) along with Paul Moscati; Dr. Fulmer presented financial reports (Exhibit C); and Traci Hogan presented a report on Special Education.

During the public participation, Robin Bellow spoke regarding Irmo High School's student leadership class; Toshia Addison spoke regarding Irmo High School; and Michael Cummins spoke regarding property tax requirements of county residents.

Helen Anderson presented the proposed staffing for the Center for Advanced Technical Studies.

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

SCHOOL DISTRICT FIVE  
OF  
LEXINGTON AND RICHLAND COUNTIES

Meeting of December 12, 2011

	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. Hammond S. Baumgardner  Enter executive session to consider the following: a) selected employment items (Exhibit A) and b) legal update: regarding SCEA lawsuit	X	X	X	X	X	X	X
2. M. Baumgardner S. Watson  Approve the agenda	X	X	X	X	X	X	X
3. M. Murphy S. Turner  Because the bond referendum plan changed so significantly, I move that the School Board, before opening bids for construction of a fourth high school, hold a series of public hearings to let citizens hear about the revised bond referendum plan and to receive feedback from the community and that these meetings be held at Seven Oaks Park, Ballentine Park and Crooked Creek Park	No	No	X	X	X	No	No
4. M. White S. Baumgardner  I move we authorize the Superintendent, in consultation with the District's legal counsel, to make proper arrangements for the District to file an amicus brief in the South Carolina Court of Appeals case of <u>Margaret Stroud, et al. v. Kim Murphy</u> solely for the purpose of protecting the interest of School District Five of Lexington and Richland Counties and the taxpayers who support our District, noting that to date lawsuits brought by Kim Murphy against the interest of School District Five, have resulted in total costs to our District and District taxpayers approximating \$14 million considering the legal and consultant fees, the increased bid cost for the project, and the lost interest subsidy under the Build America Bond program	X	X	X	AB	X	X	X
5. M. Baumgardner S. Watson  End the meeting at 10 p.m.	X	X	X	X	X	X	X

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6. M. Watson S. Hammond  Approve the selected employment items (Exhibit A)	X	X	X	X	X	X	X
7. M. Baumgardner S. Watson  I move that we authorize the District's Chief Financial Officer, Dr. Karl Fulmer, to redirect appropriate funds to accomplish the terms of the settlement agreement between the District and the South Carolina Education Association regarding a pending lawsuit	X	X	X	X	X	X	X
8. M. Baumgardner S. Hammond  Approve second reading of proposed revisions to Board J Policies: a. JLD "Guidance And Counseling" replaces JE and IG "Guidance Program", b. Add JLDDB "Self-Esteem Promotion/Suicide Prevention", c. JLF "Student Welfare" replaces JG "Student Welfare – Reporting Cases of Child Abuse/Neglect", JG-R "Student Welfare – Reporting Cases of Child Abuse/Neglect", and JG-E "District Pupil Release Form", d. JLIB "Student Dismissal Precautions" replaces JBF "Released Time", e. JQ "Student Fees, Fines And Charges" replaces JS and JS-R "Student Fees, Fines and Charges", f. JRA "Student Records" replaces JR "Student Records", g. JRA-R "Student Records" replaces JR-R "Student Records/Fingerprinting", JR-E-1 and 2 "Student Records/Fingerprinting", JR-E-3 "Request Acknowledgment", JR-E-4 "Student Records/Fingerprinting" (Exhibit D)	X	A	X	X	X	X	X
9. M. Baumgardner S. Murphy  Approve the proposed amendment to board policy IMD "School Ceremonies and Observations" (Exhibit E)	X	A	X	X	X	X	X
10. M. Baumgardner S. White  Approve the proposed 2012-2013 and 2013-2014 district calendars (Exhibit F)	X	X	X	X	X	X	X

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11. M. Baumgardner                      S. Gantt  Approve the minutes of the November 14, 2011 school board meeting	X	X	X	X	X	X	X
12. M. Hammond                      S. Baumgardner  Add 15 minutes to the agenda for item 16) proposed staffing for the Center for Advanced Technical Studies	X	X	X	X	X	X	X
13. M. Hammond                      S. Baumgardner  Adjourn at 10:15 p.m.	X	X	X	X	X	X	X

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Proposed floor resolution  
Lexington-Richland Five School District  
*Board Member Lawsuits*

7/12/11

**Board member legal actions**

**Resolution:** SCSBA supports legislation prohibiting a school board member from instituting in his or her capacity as a citizen, taxpayer, a school board member, any legal proceeding before any court or governmental agency opposing or challenging any action taken by the school board of which he or she is a member. This prohibition does not affect a school board member's right in his or her capacity as a private individual to seek redress for a personal grievance resulting from board action.

**Rationale:** A school board's power lies in its action as a group, and individual board members exercise their authority over district affairs only as they vote to take action at a legal meeting of the board. Further, the policy-making function of a school board involves the interaction of competing ideas that eventually resolve themselves in a decision that may not satisfy all of the board's members. This is the essence of the legislative process and should not be compromised by ready access to the courts or some other forum for dissenting members who are disappointed in the outcome, which could present a significant public policy concern. Finally, board members in general enjoy qualified immunity from legal liability for their actions taken in their role as a school board member; this means, however, that a school board has no legal remedy against a fellow board member who files a lawsuit in his or her official capacity challenging board actions that may cause economic damage to the district. On the other hand, when acting as a private individual pursuing a personal grievance against the school board, a school board member has no such immunity.

A board member must, however, be able to seek a remedy for injuries to his or her private, individual, personal rights or property – even if the wrong for which he or she seeks remedy occurred as a result of an action taken by the school board on which he or she is a member.

Adopted by vote of 209-30

Delegate Assembly  
SCSBA  
December 3, 2011

Attachment 1 is included with  
the minutes of the 12-12-11  
meeting, at the request of Board member  
Beth Watson  
pursuant to S.C. Code Ann. § 30-4-90(a)(4)  
and Board Policy BEDG. The Board majority  
did not approve, disapprove, or otherwise  
act upon the contents of this attachment.