



Minutes/ September 24, 2012

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

Mr. Robert Gantt, Chairman
Mrs. Beth Burn Watson, Vice Chairman
Mrs. Ellen Baumgardner, Secretary
Mrs. Jan Hammond
Mrs. Kim Murphy
Mr. Jim Turner
Mr. Ed White (via telephone)
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. Mark Bounds, Public Information Officer

Chairman Robert Gantt called the meeting to order.

An employee grievance was conducted.

Chairman Robert Gantt gave welcoming remarks.

The Invocation was given by Mark Bounds. The Pledge of Allegiance was led by Andrew Talkish, a member of the student government at Oak Pointe Elementary School.

During the superintendent's report, Dr. Stephen Hefner gave a brief presentation on SAT scores; Mike Gallagher gave a report on the bond sale; Dr. Karl Fulmer gave a report on the monthly financial reports (Exhibit B), the 8% capital projects (Exhibit C), and a bond referendum expenditure summary (Exhibit D); and Chris Whitley gave a construction report (Exhibit E).

During the public participation, Ed Yates spoke regarding various topics; and Danny Brabham spoke regarding written and verbal abuse of the superintendent and personnel by board members and the public.

Helen Anderson presented proposed revisions to "I" policies: add new Administrative Rule ADF-R "School Wellness", changes/revisions to JJE "Student Fundraising Activities", changes/revision to policy JJE-R "Student Fundraising Activities" (Exhibit G).

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

SCHOOL DISTRICT FIVE
OF
LEXINGTON AND RICHLAND COUNTIES

Meeting of September 24, 2012

		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. Watson Enter executive session to consider the following: a) selected employment items (Exhibit A)	A	X	X	A	X	X	A
2.	M. Hammond S. Baumgardner Approve the agenda	X	X	X	X	X	X	A
3.	M. Watson S. Baumgardner Approve the selected employment items (Exhibit A)	X	X	X	X	X	X	X
4.	M. Watson S. Baumgardner In the grievance matter that we heard in open session earlier this evening, I move that we uphold the administration's decision	X	X	X	No	X	X	X
5.	M. Hammond S. Baumgardner Approve choosing the delegation (Exhibit F)	X	X	X	No	X	X	X
6.	M. Watson S. Baumgardner Approve the minutes of the September 10, 2012 board meeting	X	X	X	No	X	X	X
7.	M. Baumgardner S. Watson Adjourn at 9:30 p.m.	X	X	X	X	X	X	A

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



Kim Murphy <movingmountainskwm@gmail.com>

Capital Budget Report and Bond Referendum Expenditure Summary

Karl Fulmer <kefulmer@lexrich5.org>

Mon, Sep 24, 2012 at 9:44 AM

To: Kim Murphy <movingmountainskwm@gmail.com>

Cc: Karl Fulmer <kefulmer@lex5.k12.sc.us>, Superintendent Steve Hefner <swhefner@gmail.com>, Stephen Hefner <shefner@lexrich5.org>, "Gantt, Robert" <ganttrw@bellsouth.net>, Robert Gantt <rgantt@lex5.k12.sc.us>, Beth Hutchison <EFH@sc.rr.com>, Beth Watson <bhwatson@lex5.k12.sc.us>, "bhwatson@lexrich5.org" <bhwatson@lexrich5.org>, "ebaumgar@lexrich5.org" <ebaumgar@lexrich5.org>, Ellen Baumgardner <Ebaumgar@lex5.k12.sc.us>, Ellen Baumgardner <ebaumgardner@sc.rr.com>, Ed White <ekw@sc.rr.com>, Ed White <EWhite@lex5.k12.sc.us>, "ewhite@lexrich5.org" <ewhite@lexrich5.org>, Jan Hammond <jhammond@lex5.k12.sc.us>, JanH08 <janh08@aol.com>, Jim Turner <jturner@lex5.k12.sc.us>, jimturnjr <jimturnjr@gmail.com>, Kim Murphy <kwmurphy@lex5.k12.sc.us>

Mrs. Murphy,

The Capital Budget Report included as Exhibit C is provided by project rather than by school account number.

The format of the report was developed following discussion with the Board about how the information could be best used and understood. If the Board wishes for the staff to change from the current format being used, we will be happy to consider the Board's request and adjust the report to the extent possible within the limitations of the District's financial reporting software.

The estimated cost for completing each bond referendum project now under construction is the budgeted cost shown in the bond project report as approved by the Board. Please note that the only projects currently over budget are the Irmo Elementary School Project and the Chapin High School Project.

The Irmo Elementary School Project was expected to be over budget. Mr. McAlister has, on numerous occasions, updated the Board on this project pointing out that we expected it to be over budget. In fact, when the District elected to construct the current new facility, the decision was made knowing that the project would likely be over budget. If the Board wishes, Mr. Whitley can address this project in more detail at the Board Meeting on Monday night during the monthly update.

The Chapin High School Project is over budget because of a delay in awarding the bids due to the wetlands, waste water and storm water litigation. Had this project been awarded on time, the cost of the project would have been within budget. If the Board wishes, Mr. Whitley can address this project in more detail at the Board Meeting on Monday night during the monthly update.

Capital Budget Reports and Bond Referendum Expenditure Reports are presented on a quarterly basis as requested by the Board. In addition to the quarterly reports, a monthly update is given. The leadership is providing reports to the Board as directed.

With regard to your question about remaining referendum dollars that are unspent, please keep in mind that the Board has additional projects pending approval.

On Fri, Sep 21, 2012 at 1:40 PM, Kim Murphy <movingmountainskwm@gmail.com> wrote:

Dear Mr. Gantt, Ms. Watson, Ms. Baumgardner, Dr. Fulmer and Dr. Hefner,

I have begun to review out board packet that was received last night. Can you please provide the Capital Budget Report shown in Exhibit C in order by school account number, so the board can see the work that is taking place at each school?

Also, Mr. tTurner and I have requested from you on numerous occasions the construction manager's estimated cost of completing each bond referendum project now under construction... as they stand now. Are we

Item "For The Record" requested by Kim Murphy for attachment to the Minutes.

over-budget or under-budget on them? We should have a monthly update on this. I don't understand why the leadership has refused to provide this important financial information to the board members.

X According to the information shown in Exhibit D, as of 8/31/12, there is \$55 million remaining in referendum dollars that is unspent and potentially available to spend on the currently under construction referendum projects. It is important to know where we stand... whether we have enough funds to complete the projects that we have started. It is also important that the board be informed if it is anticipated that there will be referendum dollars remaining unspent, once the projects under construction are completed.

It would be helpful to have this information today, so that I can review it before the board meeting.

Thanks...

Kim

--
Kim Murphy 446-6565
154 Old Laurel Lane
Chapin, SC 29036

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Karl E. Fulmer, Ed.D.
Chief Financial Services Officer
Office: 803-476-8130
Cell: 803-603-5864
Fax: 803-476-8237

Attachment 2 is included with
the minutes of the 9-24-12
meeting, at the request of Board member
Kim Murphy
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.

Item "For The Record" requested by **Kim Murphy** for attachment to the Minutes.

Kim Murphy
Agenda Item #12 "For the Record"

Approval of Delegates for the
School Board Association Delegate
Assembly - Myrtle Beach

I am opposing this because
I do not believe we should
be using taxpayer funds
that should be directed into
the classrooms instead of
for Board members' trips
to the beach.

Any information can be given
via video conferencing or
seminars conducted locally.

It might be a fun opportunity
for Board members to be
wined and dined by architects
and construction managers,
but it's a poor use of
taxpayer resources.

Item "For The Record" requested by **Kim Murphy** for attachment to the Minutes.

Attachment 3 is included with
the minutes of the 9-11-12
meeting, at the request of Board member
Kim Murphy
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.



Homeschooled student fights to join JROTC

Posted: Aug 21, 2012 9:41 PM EDT Updated: Aug 31, 2012 9:41 PM EDT



Attachment 4 is included with the minutes of the 9-24-12 meeting, at the request of Board member Kim Murphy 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.

COLUMBIA, SC (WIS) -

One Midlands school believes a new state law does not apply to them and that has a local family up in arms.

The family says the district told their homeschooled son he could not be a part of the JROTC program because it is a credited course and not an extracurricular activity.

Edgar Brown is a classroom of one, although it doesn't feel that way.

"I'm so involved in volunteering in my community that I get exhausted from just being around people," Brown said.

Brown believes Junior ROTC would add to his studies, something only available at public school out of reach until Gov. Nikki Haley's signature yesterday.

"It was a great landmark, a great feeling to know that they were actually opening up opportunities that have been closed for so long," said Brown.

Not so fast, according to Lexington District-five.

"Because Aerospace science is one is a credit bearing course offered by district five, the course is not an extra-circular activity," Brown said, reading the note from the district.

"Basically, that's final, you have no chance and unless you want to leave homeschooling, which you're family has determined it's best for you as a student."

Brown's not alone though.

"We've had two students that have asked us about Junior ROTC and in both cases we've looked at it closely and denied those requests," said Mark Bounds, a representative of Lexington-Richland 5.

Denied, despite the new state law that overrides the district policy requiring students enroll in at least eight classes to take credited courses.

"We're excited about students participating in arts clubs, book clubs, bowling, broadcasting, chess clubs, character ed, dance, frisbee clubs," Bounds said. "I could go on."

Those don't interest Brown, who's not just fighting for himself.

"In the long run, I see all these generations after me benefiting," Brown said.

Brown's not ready to close the book, just yet, and will likely end up in a courtroom -- what could be the most valuable lesson of all.

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Kim Murphy
Agenda Item #13
Approval of Minutes
Mr. Bant removed my
previous "for the record"
document. These are being
submitted for this meeting.

Homeschooled student admitted to Irmo JROTC

Posted: Sep 11, 2012 5:43 PM EDT Updated: Sep 21, 2012 5:44 PM EDT



IRMO, SC (WIS) -

Attachment 5 is included with the minutes of the 9-24-12 meeting, at the request of Board member Kim Murphy 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.

Who says persistence doesn't pay? It did for home school student Edgar Brown, who's finally been allowed to join the JROTC program at Irmo High School.

It's a victory, but not for the new Equal Access to Interscholastic Activities Act. In a letter we obtained, Lexington-Richland District 5 still denied Brown access regardless of the new law. It was a loophole that got him in, much to the dismay of State Superintendent Mick Zais.

"The education establishment has resisted this law in South Carolina for 19 years," Zais said.

While Brown's now included, the Palmetto Family Council is working with others who've struggled with academic requests. It's a struggle that continues.

"The mindset that would exclude a child because they're home schooled, I just don't understand that whole mindset," Zais said.

Molly Spearman, executive director at the South Carolina Association of School Administrators, admits they weren't in favor of this legislation, but now that it's law they're working with school administrators.

It's not easy, says Spearman, because districts get no funding for these new part-time students.

We went to Attorney General Alan Wilson for his opinion, and he says, "We believe that the law should be read broadly, permitting home school, Governor's School and charter school student participation in the widest extent."

His interpretation includes credited courses like JROTC and band.

"It seems like you would open your arms and embrace them and say come be a part of our family, oh and by the way you might have a good experience here in this school and become a full-time student in our school. What they're doing it makes no sense whatsoever," Zais said.

The Palmetto Family Council hopes those districts who've put up resistance will start following the law. They're not looking for a favor from district, they're looking for compliance.

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The school board and the tape recorder



By Jay Bender
SCPA Attorney

This is a story demonstrating how one member of a board or council — armed with a tape recorder — can make government more open.

Several years ago the Lexington-Richland School District 5 sued Kim Murphy to enjoin her from recording the public meetings of a committee of which she was a member. A circuit judge granted the injunction which was quickly vacated by the S.C. Court of Appeals because the FOIA provides that any meeting of a public body may be recorded by any person in attendance.

Some lessons are never learned.

Recently the same school board, this time with Kim Murphy as a member, went into executive session in a conference room adjacent to the auditorium where the public portion of the board meeting had been conducted. Nearly 100 persons remained in the

auditorium awaiting the board's return.

At the conclusion of the executive session, one board member indicated that he wanted to talk about a situation that had received some local notoriety, the denial of permission for a home-schooled student to participate in the Junior ROTC program.

The issue wasn't on the board agenda.

The board chair, Robert Gantt, announced that the executive session was over, and directed that the conference room door be opened so the discussion regarding the home-schooled student could be held "in public."

Kim Murphy's tape recorder made an appearance. The board chair said the discussion could not be recorded, but Ms. Murphy, having prevailed previously in the face of school board ignorance was not deterred. When Ms. Murphy remained steadfast in her insistence that the discussion would be recorded, the board chair adjourned the illegal meeting.

South Carolina's FOIA has some weaknesses, but on balance, the law -- if followed -- would provide citizens with greater opportunities to learn and report on the activities of public bodies. The problem isn't with the law. The problem is with a culture that allows public officials to make decisions outside the presence of the public without challenge. The problem is a culture among public officials that convinces them they know what is best for us, and they will tell us what decisions have been made in public business when it suits the public officials.

Ms. Murphy knew the law, and challenged an illegal discussion of an item that wasn't on the agenda. Had the issue of the home-schooled cadet applicant been on the agenda, the discussion would have been lawful only in public. Simply opening the door to the conference room would not have made the discussion public.

If we could find one person on every council, board or commission who would pull out a tape recorder to record illegal discussions, we would have many fewer secret decisions in South Carolina.

Some on the Lexington-Richland School Board don't like Kim Murphy because she has challenged decisions of DHEC with respect to water quality issues in connection with a construction project at Chapin High School, and those same folks are probably unhappy that she wouldn't acquiesce in an impermissible discussion outside of public view. Fortunately for the public Ms. Murphy had the courage and the knowledge to challenge the chair. We need more of that in South Carolina.

And by way of acknowledgement, I am defending Ms. Murphy in a suit brought by a non-profit corporation and a former Chapin student claiming to have suffered financial losses in the millions of dollars personally because she challenged the issuance of a permit to fill the headwaters of a stream so a parking lot for high school students could be built. I also represented her when the school board last sued her to prevent the lawful recording of a meeting. I like courage.

Attachment 6 is included with
the minutes of the 9-24-12
meeting, at the request of Board member
Kim Murphy
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.

Subject: Re: For the Record Request 9 10 12

From: ROBERT W GANTT (ganttrw@bellsouth.net)

To: movingmountainskwm@gmail.com;

Cc: kwmurphy@lex5.k12.sc.us; kwmurphy@lexrich5.org; mbounds@lexrich5.org; bhwatson@lex5.k12.sc.us; bhwatson@lexrich5.org; ebaumgar@lexrich5.org; EWhite@lex5.k12.sc.us; ebaumgardner@sc.rr.com; ewhite@lexrich5.org; jhammond@lex5.k12.sc.us; janh08@aol.com; jturner@lex5.k12.sc.us; jimturnjr@gmail.com; swhefner@gmail.com; shefner@lexrich5.org; ed.white@nelsonmullins.com; EFH@sc.rr.com; ebaumgardner@sc.rr.com;

Bcc: ganttrw@bellsouth.net; sstowers@lexrich5.org;

Date: Monday, September 24, 2012 9:38 AM

Attachment 1 is included with the minutes of the 9-24-12 meeting, at the request of Board member Robert Gantt 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.

Ms. Murphy,

You have taken issue with my decision not to include in your documents to be submitted on your behalf into the Board's public minutes Dr. Hefner's letter to the parents of a student who lives in our District. I told you it would not be included because it was a student's educational record not to be released without written parental consent pursuant to the Family and Educational Rights and Privacy Act (FERPA). You stated in response that I should redact the student's name and address from the letter and that would suffice in meeting any concerns with the FERPA law. I have been advised that deleting the student's name and address does not negate the fact that it would violate FERPA to place the letter in the Board's public minutes or otherwise release it publicly, so I must continue to deny your request.

I have been advised that under FERPA, the District is prohibited from releasing personally identifiable information derived from or contained in a student's education records, subject to certain exceptions, without the written consent of parents. "Personally identifiable information" includes, among other things, "other information that, alone or in combination, is linked or linkable to a specific student that would allow a reasonable person in the school community, who does not have personal knowledge of the relevant circumstances, to identify the student with reasonable certainty; or information requested by a person who the educational agency ... reasonably believes knows the identity of the student to whom the education record relates." 34 C.F.R. §99.3.

In this case, if the Board were to make this letter public, even with the student's name and address redacted, given the public attention that has already been brought to the matter, the letter could still be linked to the student by a reasonable person in the community. For these reasons, its public release would violate FERPA. Thus, it certainly would not be appropriate for the content of student educational records or personally identifiable information regarding a student to be discussed publicly by the Board or placed in the Board's minutes available to the public.

I trust that you will understand that the Federal Law (FERPA) was put in place for a reason to protect students and must be followed.

Robert Gantt

Item "For The Record" requested by **Robert Gantt** for attachment to the Minutes.

From: Kim Murphy <movingmountainskwm@gmail.com>
To: ROBERT W GANTT <ganttrw@bellsouth.net>

Cc: Kim Murphy <kwmmurphy@lex5.k12.sc.us>; Kim Murphy <kwmmurphy@lexrich5.org>; Mark Bounds <mrbounds@lexrich5.org>; Beth Watson <bhwatson@lex5.k12.sc.us>; ""bhwatson@lexrich5.org"" <bhwatson@lexrich5.org>; ""ebaumgar@lexrich5.org"" <ebaumgar@lexrich5.org>; Ed White <EWhite@lex5.k12.sc.us>; Ellen Baumgardner <ebaumgardner@sc.rr.com>; ""ewhite@lexrich5.org"" <ewhite@lexrich5.org>; Jan Hammond <jhammond@lex5.k12.sc.us>; JanH08 <janh08@aol.com>; Jim Turner <jturner@lex5.k12.sc.us>; jimturnjr <jimturnjr@gmail.com>; Superintendent Steve Hefner <swhefner@gmail.com>; Stephen Hefner <shefner@lexrich5.org>
Sent: Friday, September 21, 2012 6:32 PM
Subject: Re: For the Record Request 9 10 12

Dear Mr. Gantt,

Against the law per SC Appeals Court 6/2012

I would like the Superintendent's letter dated August 16, 2012, denying the student access to JROTC, recorded in the record of the minutes of September 10, 2012 as page 10 of 10. This is clearly a policy issue that must be addressed and one that should have been brought before us in our legal update on August 13, 2012 for our consideration, especially since the "Tebow" law (Act 203 of 2012) was signed into law by the Governor on June 7, 2012. It is unfortunate that the student's family had to hire an attorney in order for their child to participate in a program that is afforded to him by law. Here is a link to the law: http://www.scstatehouse.gov/sess119_2011-2012/bills/149.htm

Permission
 You may redact the student's name and address from the Superintendent's denial letter and that will suffice in meeting any concerns with the FERPA law.

I have attached the denial letter for other board members to examine, as well as the Attorney General's opinion stating that denying the homeschooled student the right to participate in the JROTC program or other interscholastic opportunities violates the intent of the legislature.

If you would like to make the change in the minutes and resubmit them to us before the board meeting that will alleviate the need for a motion to occur at the board meeting.

Regards,

Kim Murphy

SC FOIA Violation requested / to be requested to amend a published Agenda as rule by the South Carolina Court of Appeals June 2012. This would be a violation of SC FOIA if allowed.

On Fri, Sep 21, 2012 at 2:03 PM, ROBERT W GANTT <ganttrw@bellsouth.net> wrote:

Ms. Murphy,

Attachment 8 is included with the minutes of the 9-24-12 meeting, at the request of Board member

Robert Gantt
 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.

I reviewed your 12 page submission of documents you proposed to submit as your "for the record" items in the Board's minutes for the September 10, 2012 Board meeting. All of the documents that you provided for inclusion in the minutes were attached, with one exception. Because the Board's minutes are considered public records, I have excluded the letter that Dr. Hefner wrote to the parents, who are residents in our District, regarding their child, as this letter is considered an educational record of the student that should not be disclosed by the District pursuant to the Family Educational Rights and Privacy Act, 20 U.S.C. § 1232g.

Regardless of how you obtained a copy of the student's education record, I do not believe that it is appropriate for the Board to publish a student's educational record in its public Board minutes.

Protecting student rights, as required by law, is our obligation as Trustees of School District 5.

Robert Gantt

Item "For The Record" requested by **Robert Gantt** for attachment to the Minutes.

Attachment 9 is included with
the minutes of the 9-24-12
meeting, at the request of Board member
Robert Gantt
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.



September 24, 2012

Mr. Jerry Bellune
Lexington Chronicle
PO Box 1500
Lexington, SC 29071

Attachment 10 is included with
the minutes of the 9-24-12
meeting, at the request of Board member
Robert Gantt
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.

Item 13
Approval of
Minutes of
Sept 10, 2012
Meeting

Dear Mr. Bellune:

I am writing in response to your e-mail dated September 20, 2012, in which you offered the District the opportunity to respond to an article written by Jay Bender, the South Carolina Press Association's attorney, and attorney for Kim Murphy, a Board member in School District Five. On behalf of the District, we are most appreciative of your providing the District with the opportunity to tell "the other side of the story."

As best as I understand it, Mr. Bender appears to be referring to a situation at the Board's last meeting on September 10, 2012, in which a Board member asked the Superintendent for an update on a confidential student matter, either near the end of, or at the end of, the Board's executive session meeting. While I do not agree with Mr. Bender's version of the facts, I believe it is essential to address on behalf of the District our fundamental disagreement with the main point of the article that Board discussions about student matters should be conducted in public session. Specifically, Mr. Bender states, "Had the issue of the home-schooled cadet applicant been on the agenda, the discussion would have been lawful only in public." This statement is legally inaccurate.

Pursuant to a federal law referred to as the Family Educational Rights and Privacy Act ("FERPA"), 20 U.S.C. §1232g, the District is generally prohibited from releasing personally identifiable information derived from or contained in a student's education records, subject to certain exceptions, without the prior written consent of parents. "Education records" are defined as those records, files, documents, and other materials which contain information directly related to a student and are maintained by an educational agency. "Personally identifiable information" includes, among other things, "other information that, alone or in combination, is linked or linkable to a specific student that would allow a reasonable person in the school community, who does not have personal knowledge of the relevant circumstances, to identify the student with reasonable certainty; or information requested by a person who the educational agency ... reasonably believes knows the identity of the student to whom the education record relates." 34 C.F.R. §99.3. Thus, it certainly would not be appropriate for the content of student educational records or personally identifiable information regarding a student to be discussed publicly by the Board. District policy JRA/JRA-R (Student Records) clarifies the District's procedures in this regard. This is the case even if a matter has already been discussed publicly by the student or parent.

Item "For The Record" requested by **Robert Gantt** for attachment to the Minutes.

The FOIA specifically excludes from disclosure matters exempted from disclosure by statute or law. S.C. Code Ann. § 30-4-40(a)(4). In this case, the statute would be FERPA. Further, it is well established that a public body can hold a meeting closed to the public for discussion of a matter involving a student. S.C. Code § 30-4-70(a)(1). For these reasons, under the circumstances, Mr. Bender's assertion is incorrect.

Sincerely,



Robert W. Gantt
Chairman, Board of Trustees

C: D5 Board of Trustees

Attachment 11 is included with
the minutes of the 9-24-12
meeting, at the request of Board member
Robert Gantt
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.

Item "For The Record" requested by **Robert Gantt** for attachment to the Minutes.