



Minutes/ February 11, 2013

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

Mr. Robert Gantt, Chairman
Mrs. Beth Burn Watson, Vice Chairman
Mrs. Ellen Baumgardner, Secretary
Mrs. Jondy Loveless
Mrs. Kim Murphy
Mr. Jim Turner
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 Gantt called the meeting to order and gave welcoming remarks.

The Invocation was given by Mark Bounds. The Pledge of Allegiance was led by Rayne Norris and Olivia Calhoun, students at Ballentine Elementary School.

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

The welcome and brief overview of Ballentine Elementary School was given by Robin Bright, principal.

During the superintendent's report, Tim Anderson, Elizabeth Perla and Susan Aplin gave a presentation on the SAT Program.

No one Spoke during public participation.

Dr. Karl Fulmer presented proposed revisions to board policy DFAB "Reserve Funds" (Exhibit H).

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

SCHOOL DISTRICT FIVE
OF
LEXINGTON AND RICHLAND COUNTIES

Meeting of February 11, 2013

		B A U M G A R D N E R	G A N T T	L O V E L E S S	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. Baumgardner S. Turner Enter executive session to consider the following: a) selected employment items (Exhibit A)	X	X	X	X	X	A	A
2.	M. Watson S. Baumgardner Approve the agenda	X	X	X	X	X	X	A
3.	M. Watson S. Loveless Approve the selected employment items (Exhibit A)	X	X	X	X	X	X	A
4.	M. Murphy S. I move to defer approval of the project until the superintendent provides all pertinent financial data and information required in board policy FB Bondings/Establishment of Capital Improvements Committee (attached) such as the total cost of the proposed project, an estimate of any future annual operating cost associated with the project, a complete description of the proposed project, a statement of justification of the project and a proposed plan of financing the plan. M. Watson S. Baumgardner Give approval of the renovations to the warehouse facility as shown in Exhibit B at a cost not greater than \$700,000 to be financed by previously approved capital budget funds							
	M. Watson S. Baumgardner Give approval of the renovations to the warehouse facility as shown in Exhibit B at a cost not greater than \$700,000 to be financed by previously approved capital budget funds	X	X	X	No	X	X	A
5.	M. Watson S. Loveless Second reading approval of proposed revisions to "I" policies: replace current board policy IDDF "Special Education" and Administrative Rule IDDF-R "Special Education Placement Procedures" with new policy IHBA "Special Education/Programs for Disabled Students", replace current policy IEK "Instruction at Place Other Than School" with new policy IHBG "Homeschooling", replace current Administrative Rule IEK-							

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<p>R "Instruction at Place Other Than School" with new Administrative Rule IHBG-R "Homeschooling", replace current policy ICF "Charter Schools" with new policy IHBH "Charter Schools", add new policy IHBIB "Primary/Pre-Primary Education (Child Development)", add new Administrative Rule IHBIB-R "Primary/Pre-Primary Education (Child Development)", replace current policy IFBGA(3) "Use of District Email Resources" with new policy IJNDB(3) "Use of District Email Resources", replace current policy IHAA "Final Examinations" with new policy IKAA "Tests and Examinations", replace current policy IKA "Teaching Methods" and IHAB "Report Cards" with new policy IKAB "Report Cards/Progress Reports", replace current policy IHAD "Parent-Student-Teacher Conferences" with new policy IKACA "Parent Conferences", and replace current policy IHAE "Placement of Non-Accredited Private and Home School Secondary Students" with new policy IKACC "Placement of Non-Accredited Private and Homeschool Secondary Students" (Exhibit C)</p> <p>M. Watson S. Murphy</p>							
<p>Amend policy IHBA "Special Education/Programs for Students with Disabilities" to add to the end of paragraph two the following sentence "Placement will be made in the least restrictive environment in which the student can function appropriately." And add the word "school-age" to the first sentence after the word all</p> <p>M. Murphy S. Turner</p>	X	X	X	X	X	X	A
<p>I move that we hold out from approval all policies related to homeschooling and charter schools until language in the recently approved state law 59-63-100 is inserted and/or cited in them and the policies are reviewed and updated appropriately. Those policies are IHBG, IHBG-R, ICF, IKACC</p>	X	X	X	X	X	X	A
<p>Vote on original motion (replace current board policy IDDF "Special Education" and Administrative Rule IDDF-R "Special Education Placement Procedures" with new policy IHBA "Special Education/Programs for Disabled</p>	X	X	X	X	X	X	A

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9.	M. Watson S. Baumgardner First reading approval of the proposed revisions to JICDA-R "Code of Conduct" (Exhibit G)	X	X	X	X	X	X	A
10.	M. Watson S. Loveless Approval of the minutes of the January 28, 2013 board meeting M. Murphy S. I move to reconsider the motion to approve the new middle school so that the Board's action is clear to all stakeholders Vote on original motion							
		X	X	X	No	X	X	A
11.	M. Watson S. Baumgardner Adjourn at 9:50 p.m.	X	X	X	X	X	X	A

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Kim Murphy

February 11, 2013

On the Record

Warehouse Renovation to Offices

I move to defer approval of the project until the superintendent provides all pertinent financial data and information required in Board Policy FB Bondings/Establishment of Capital Improvements Committee (attached) such as the total cost of the proposed project, an estimate of any future annual operating cost associated with the project, a complete description of the proposed project, a statement of justification of the project and a proposed plan of financing the plan. (The motion failed)

The only information in our board packet was an architects' rendering and no financial information.

Policy FB Bonding/Establishment of Capital Improvements Committee

A capital improvements review committee will be established to recommend priorities for the funding of capital projects in School District Five of Lexington and Richland Counties. The committee will consist of administrators appointed by the district superintendent to serve for a period of one fiscal year.

The Capital Improvements Review Committee

The committee will review all pending capital improvement projects, establish priorities, and make recommendations to the Board.

The committee is charged with the following.

To study the amount and nature of existing bond obligations and the capability of the district to fulfill such obligations based on current and projected revenues.

To estimate the impact of proposed bond issues on debt service requirements.

To consult with bond counsel to gain in-depth knowledge of capital management in order to make recommendations to the school board.

New Projects

To assist School District Five of Lexington and Richland Counties in carrying out its responsibilities, the district superintendent, when requesting any funds for use in the financing of any permanent improvement project, shall provide to the Board, after review by the Capital Improvement Committee the following:

- A complete description of the proposed project.
- A statement of justification for the project.
- The estimated total cost of the project.
- An estimate of any future annual operating cost associated with the project.
- A proposed plan of financing the project.

Attachment 2 is included with the minutes of the 2-11-13 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.

The proceeds of any issue of bonds shall be used in School District Five of Lexington and Richland Counties for, but not limited to, the following purposes:

The purchase of real property for school purposes

The construction of new school buildings

The repair or improvement of existing school buildings

Fixed and movable equipment for schools operated by the school district

Fixed equipment - such as boilers, chillers, pumps, etc., i.e., equipment that becomes a fixed part of the building

movable equipment - any item which is non-consumable, non-expendable in nature such as classroom furniture and office equipment

Adopted 8/23/82

SCHOOL DISTRICT FIVE OF LEXINGTON AND RICHLAND COUNTIES

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

Kim Murphy

On the Record - 4-Yr old Program - Tuition Based

Whether or not this is a fantastic project, the board should be aware, in advance, of voting on a program, initiative or project of any financial impact to the taxpayers.

This sounds like a wonderful program, but if the taxpayers are subsidizing this program, I need to know how much it's costing them. There is a financial impact and we need to know it in advance of voting. Without this, I can not support it.

Kim Murphy On the Record
Middle School-Clarification of
motion by Board shown in the minutes
so that the public can see the Board's
action

Bond Referendum \$248,655,000

Bond Ref monies
Committed to

8 of the 10 Bond Ref \$240,747,452

~~Part~~ Projects
Balance of Funds Avail. \$21,907,548

Funding

Vision 2015

Motion to Reconsider (Failed):
I move to reconsider the
motion to approve the
new middle school so that
the Board's action is
clear to all stakeholders
(Original motion by Beth Bum
was ~~to~~ approve the proposed
construction of new middle
school.)

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

Presentation to Board of Trustees

January 14, 2013

Bond Referendum
Monies committed to
8 of 10 Bond Ref Projects
New Middle School

\$240,747,452
~~28,542,516~~

Over budget (before new
elementary school 10th
project has started)

\$269,289,968
248,655,000 Bond Ref
\$25,634,968

Attachment 4 is included with
the minutes of the 2-11-13
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.

Funds Available From Referendum

Total Bonds Sold To Date	\$243,155,000
Bid Premiums On Bonds	11,779,228
Interest Earned Through 2012	624,724
Underwriter Discount on Bonds	(1,430,687)
Issuance Costs	(957,813)
Bonds Remaining To Be Sold	<u>500,000</u>
Total Funds Available	\$253,670,452

Attachment 5 is included with the minutes of the 2-11-13 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.

Handwritten notes on the left side of the page, including "2012" and "2013" written vertically, and other illegible scribbles.

Handwritten note: "or 2" with an arrow pointing to the "2012" entry in the table.

Large handwritten watermark: "Murphy" written diagonally across the center of the page.

Handwritten notes on the right side of the page, including "2012" and "2013" written vertically, and other illegible scribbles.

Handwritten notes at the bottom of the page, including "2012" and "2013" written vertically, and other illegible scribbles.

Sources of Other Funds

No Increase In Millage for Debt Service

Attachment is included with the minutes of the 2-9-13 meeting, at the request of Board member Kim Murphy pursuant to S.C. Code Ann. § 60-4-90(a)(4) and Board Policy BEDG. The Board majority did not approve, disapprove, or otherwise act upon the contents of this attachment.

Use Unallocated 8% Funds 2012	\$ 1,762,707
Use Part of 8% Funds 2013-14	1,500,000
Use Part of 8% Funds 2014-15	1,500,000
Use Part of 8% Funds 2015-16	1,500,000
Defer Some Maintenance 2014-15	4,000,000
Use Part of General Fund Balance	5,000,000
Other Miscellaneous Sources	<u>356,809</u>
Total Other Funds	\$15,619,516

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

Bond Referendum Funds Available for New Middle School

Attachment 7 is included with the minutes of the 5-11-13 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.

Total Bond Funds Available \$253,670,452

Total Bond Funds Allocated (240,747,452)

Remaining Bond Funds Available \$ 12,923,000

Projected Cost of New M. S. \$ 28,542,516

Bond Funds Available (12,923,000)

Funds Needed From Other Sources \$ 15,619,516

243,655,000

240,747,452

\$2,907,548 Bond Referendum Funds

10,015,452

15,619,516



MEMORANDUM

January 28, 2013

Attachment 8 is included with
 the minutes of the 2-11-13
 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.

To: Members of the Board of Trustees

From: Keith McAister
 Director, New Design and Construction

Re: New Middle School


ADMINISTRATION CONSIDERATION

Administration seeks approval of the Superintendent's recommendation to construct a New Middle School.

RECOMMENDATION

Administration seeks approval to proceed with construction of the New Middle School.

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

 NEW MIDDLE SCHOOL	PROJECT BUDGET	
	Funding Source:	
	8% Bond Funds:	\$0
	2008 Bond Ref. Funds:	\$35,238,558
	Reallocated Funds:	-\$22,315,558
	Total Budget:	\$12,923,000
Construction Contract Award Price (CCAP):	BUDGET CODE	AMOUNT
General Construction - New Construction		\$16,909,900
General Construction - Renovation		
General Construction - Canopies		
Site Improvements		\$3,623,550
SUBTOTAL:		\$20,533,450
Design Consultant:		
General Design & Reimbursables		\$1,026,673
Educational Planning		\$10,000
Constructability Reviews		\$10,000
SUBTOTAL:		\$1,046,673
Miscellaneous Expense:		
Management Expense "In House" (See Below)		\$269,194
Construction Management Fees (See Below)		\$1,135,341
Professional Services (Geotech, Survey, ULS, etc.)		\$650,000
Misc. Applications/Fees		\$130,000
Utility Costs		\$20,000
Materials Testing/Insp.		\$510,000
Misc. Construction Exp. (Inc. Mobiles)		
Asbestos Abatement/Environmental		
Commissioning		
Contingency & Escalation - 7.5%		\$1,540,009
SUBTOTAL:		\$4,254,544
Furniture, Fixtures & Equipment		\$1,207,850
Technology (Computers, Smart Boards, etc.)		\$1,500,000
SUBTOTAL:		\$2,707,850
Land Acquisition		
New		
SUBTOTAL:		
Total Project Budget:		\$28,542,516
Transfer in House Management Expense to Management Budget		\$269,194
Transfer Construction Management Fees to Management Budget		\$1,135,341
TOTAL ADJUSTED PROJECT BUDGET		\$27,137,981

Attachment 9 is included with the minutes of the 2-11-13 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.

Attachment 10 is included with the minutes of the 2-11-13 meeting, at the request of Board member Beth Watson pursuant to S.C. Code Ann. § 90-4-90(a)(4) and Board Policy BEDG. The Board majority did not approve, disapprove, or otherwise act upon the contents of this attachment.

BOARD OF TRUSTEES OF) IN RE:
SCHOOL DISTRICT FIVE OF) KIM MURPHY
LEXINGTON AND RICHLAND COUNTIES) RESIDENCY

PRE-HEARING ORDER AND HEARING NOTICE

The Board of Trustees ("Board") of School District Five of Richland and Lexington Counties ("District") requested the undersigned to act as a hearing officer for the benefit of the Board's deliberations over the issue of whether Kim Murphy qualifies by residency to hold the office of Trustee of the District for the Richland County portion of the District. My task is to provide, on behalf of the Board, the appropriate notice and opportunity for a fair hearing meeting due process standards, and then to make recommendations to the Board as to the factual and legal situation, for the Board's disposition as it deems appropriate.

South Carolina Acts 141 of 1969 and 601 of 1994 devolved the powers of the respective county boards of education to the trustees of the school districts in Richland and Lexington counties, respectively. South Carolina law provides that, "School district trustees shall be subject to removal from office for cause by the county boards of education, upon notice and after being given an opportunity to be heard by the county board of education." S.C. Code § 59-19-60. The applicable special legislation requires that, "in Richland-Lexington School District 5 ... three trustees must reside in Richland County and four must reside in Lexington County."

The issues referred to me are straightforward:

- whether Mrs. Murphy's residence is in Richland County; and
- if Mrs. Murphy's residence is not in Richland County, then whether the Board may remove Mrs. Murphy for cause under § 59-16-60; and

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Attachment 11 is included with the minutes of the 2-11-13 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.


- what other remedies may be available to either the Board or Mrs. Murphy

The undersigned met with Mr. Robert Gantt, Board Chairman, and the Board's counsel on February 1, 2013, at the offices of the South Carolina Bar, to establish a procedure to resolve these issues upon due notice and an opportunity to be heard. The following will be used:

- (1) No later than February 13, 2013, the parties will exchange via electronic mail or hand delivery the same date, a copy of any documentary evidence the party intends to submit at the hearing, along with any pre-hearing brief the party wishes to submit. These will be sent to me via electronic mail with a copy to the other party via electronic mail or hand delivery the same date. Materials not submitted by this time may be refused consideration.
- (2) A hearing will be held at 10:00 a.m. on February 15, 2013, at the District 5 Board Room 1020 Dutch Fork Road, Irmo, for the undersigned to receive evidence and hear the legal arguments of the parties. A court reporter will be used to prepare a transcript. This hearing will be open to the public. I will apply generally accepted principles of liberally taking fair and reasonable evidence in an administrative setting, and mean to allow the parties a fair opportunity to present and test any relevant evidence or arguments. The hearing is not, however, an open-ended inquiry, and will not be permitted to stray from the core issues I am charged with hearing.

Following the hearing, the transcript will be expeditiously ordered so that I may produce my Report and Recommendations to the Board as quickly as possible. This report and the record will be filed with the Board with a copy sent to the parties. The Board, and not the undersigned, is charged with making the final determination in this matter.

Issued the 1st day of February, 2013.



 G. Thomas Cooper, Hearing Office

Item "For The Record" requested by **Beth Watson** for attachment to the Minutes.