



**AGENDA
BOARD OF TRUSTEES
THE CENTER FOR ADVANCED TECHNICAL STUDIES
JULY 15, 2013**

1. Call to order at 5:30 p.m.
2. Enter executive session to consider the following:
 - a. Legal briefing – Freedom from Religion Foundation v. School District Five of Lexington and Richland Counties
 - b. Legal briefing – Kim Murphy v. School District Five of Lexington and Richland Counties
 - c. Contractual matter: regarding construction at Chapin High School and Irmo High School
 - d. Selected employment items (Exhibit A)
3. Welcoming remarks at 7 p.m.
4. Invocation – Mark Bounds
5. Pledge of Allegiance – Robert Gantt
6. Approval of the agenda
7. Approval of the minutes of the June 17, 2013 board meeting
8. Superintendent's report
 - a. Presentation: Liberty Institute – Prayer in School
 - b. New Design and Construction
 - (1) Monthly update (Exhibit B)
9. Public participation*

ACTION AGENDA

10. Items considered in executive session
11. First reading approval of proposed revisions to BE "School Board Meetings" (Exhibit C)
12. First reading approval of proposed revisions to IMD "School Ceremonies and Observations" (Exhibit D)
13. First reading approval of proposed revisions to "G" policies (Exhibit E):
 - a. Update GCC "Professional Staff Leaves and Absences"
 - b. Update GDC "Support Staff Leaves and Absences"
 - c. Update GCQE "Retirement of Professional Staff"
 - d. Update GDQC "Retirement of Support Staff"

DISCUSSION AGENDA

14. Proposed revisions to "F" policies (Exhibit F):
 - a. Add FF "Naming Facilities"
 - b. Add FF-R "Naming Facilities"
15. Proposed revisions to "K" policies (Exhibit G):
 - a. Add KB "Parent Involvement in Education"
 - b. Add KBB "Parent Rights and Responsibilities"
 - c. Add KDD "Media Relations"
 - d. Add KDDA "Press Releases, Conferences and Interviews"
 - e. Add KE "Public Concerns and Complaints"
 - f. Replace KA "Goals and Objectives" and LC "School-Business-Community Partnerships" with KA "School-Parent-Community Relations Goals/Priority Objectives"
 - g. Replace KHE "Gifts to Schools" with KCD "Public Gifts/Donations to Schools"
 - h. Replace KB "Public Information Program" with KD "Public Information and Communication"
 - i. Replace KBA "Public's Right to Know" and KBA-E "Code of Laws of South Carolina 1976 Annotated" with KDB "Public's Right to Know/Freedom of Information"
 - j. Replace KBA-R "Request to Inspect and/or Receive Copies of Public Records" with "KDB-R "Public's Right to Know/Freedom of Information"
16. Adjourn by 9:30 p.m. **

****Any items to be submitted by board members for the record must be turned in within 15 minutes of the adjournment.**

FOR YOUR INFORMATION

17. Title I and Title II 2013-14 Program Proposals (Exhibit H)
18. The next regular scheduled board meeting will be August 12, 2013 at The Center for Advanced Technical Studies.

*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/ June 17, 2013

The Board of Trustees of School District Five of Lexington and Richland Counties met at the Center for Advanced Technical Studies with the following members present:

Mr. Robert Gantt, Chairman
Mrs. Beth Burn Watson, Vice Chairman
Mrs. Ellen Baumgardner, Secretary
Mrs. Jondy Loveless
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. Mark Bounds, Public Information Officer

Chairman Gantt called the meeting to order and conducted the public hearing on the 2013-2014 general fund budget.

Dr. Karl Fulmer presented the 2013-2014 budget overview.

During the public participation, Kim Murphy spoke regarding the budget; Frank Kelley, Meesh Hays, Michelle Beatty, Vincent Goggins and Troy Crump spoke regarding SROs; and Herman Knopf spoke regarding the 4K program.

The public hearing was adjourned and Chairman Gantt called the regular meeting to order.

The Invocation was given by Mark Bounds. The Pledge of Allegiance was led by Robert Gantt.

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

During the Superintendent's report, Dr. Christina Melton gave a report on the 4K program (Exhibit B); Dr. Karl Fulmer presented the monthly financial report (Exhibit C); and Chris Whitley presented the monthly update (Exhibit D).

During the public participation, Kim Murphy spoke regarding the budget.

SCHOOL DISTRICT FIVE
OF
LEXINGTON AND RICHLAND COUNTIES

Meeting of June 17, 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		T U R N E R	W A T S O N	W H I T E
1.	M. Watson S. Baumgardner Enter executive session to consider the following: a) legal briefing: Freedom from Religion Foundation versus District Five; and b) selected employment items (Exhibit A)	X	X	X		X	X	X
2.	M. Watson S. Baumgardner Approve the agenda	X	X	X		X	X	X
3.	M. Watson S. Loveless Approve the minutes of the May 20, 2013 board meeting and the May 29, 2013 special-called meeting	X	X	X		X	X	X
4.	M. Watson S. Baumgardner Approve the selected employment items (Exhibit A)	X	X	X		X	X	X
5.	M. Watson S. Loveless Approve second reading of proposed revisions to board policy JLCD "Assisting Students with Medications" (Exhibit E)	X	X	X		X	X	X
6.	M. Watson S. Baumgardner Approve second reading of proposed revisions to board policies I: replace part of current policy IKC "Teaching About Religion" with new policy IHAL "Teaching About Religion"; add new policy IJNDAA "Distance Online and Virtual Education"; replace current policies IFBGA(1) "Use of Internet Resources" and IFBGA(2) "Use of District Technology Resources" with new policy IJNDB(2) "Use of District Technology Resources"; replace current policy IHA "Grading Systems", IHA-E "State Grade Point Conversion Table" and IHC "Class Rankings" with new policy IKA "Grading/Assessment Systems"; replace current administrative rule IHC-R "Class Rankings" with new administrative rule IKA-R "Grading/Assessment Systems"; replace current policy IHD "Honor Rolls" with	X	X	X		X	X	X

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

SCHOOL DISTRICT FIVE
OF
LEXINGTON AND RICHLAND COUNTIES

Meeting of June 17, 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		T U R N E R	W A T S O N	W H I T E
new policy IKD "Honor Rolls"; replace current policies IHE "Promotion and Retention" and IDDB "Academic Assistance Programs" with new policy IKE "Promotion and Retention of Students"; replace current policy IKB "Contemporary Issues" with new policy IMB "Teaching About Controversial/Sensitive Issues"; add new policy IMDB "Flag Displays"; and add new policy IMDC "Religious Observances and Displays" (Exhibit F)							
7. M. Watson S. Loveless Give second and final reading of the FY 2013-2014 general fund budget in the amount of \$158,457,021 and that the general fund operating millage be set at 229.27 mills for FY 2013-2014 (Exhibit G)							
M. Turner S. Baumgardner I move to amend the current motion to read as follows: that we approve the proposed budget that includes the addition of SROs, as well as an expanded 4K program, and that we exclude from the proposed budget any money that was included to increase board members' pay and that we pass this budget without a tax increase	X	No	No		X	No	No
M. White S. Watson Amend that we set the annual board stipend at \$9,600 with an automatic CPI adjustment each year	No	X	X		No	X	X
Vote on original motion	X	X	X		No	X	X
8. M. Watson S. Loveless Approve adding attorneys to the approved attorney list (Exhibit H)							
M. Baumgardner S. Watson Amend Exhibit H as follows: The Liberty Institute, Legal Counsel be added to the Board approved attorneys list	X	X	X		X	X	X

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SCHOOL DISTRICT FIVE
OF
LEXINGTON AND RICHLAND COUNTIES

Meeting of June 17, 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		T U R N E R	W A T S O N	W H I T E
and that the following statement be added to the Board approved attorneys list – with prior approval of the board chair, the district superintendent may consult and retain attorneys not on the above list for the purpose of resolving specialized and/or time-sensitive legal issues							
Vote on original motion	X	X	X		X	X	X
9. M. Baumgardner S. Turner	X	X	X		X	X	X
Adjourn at 10:18 p.m.							

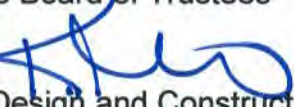
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MEMORANDUM

July 15, 2013

To: Members of the Board of Trustees

From: Keith McAllister 
Director, New Design and Construction

Re: Monthly Update

ADMINISTRATION CONSIDERATION

Administration provides information in reference to the monthly update for New Design & Construction.

RECOMMENDATION

Information is received for review.

ATTACHMENT

Exhibit



District Five of Lexington & Richland Counties Construction Update July 15, 2013

Chapin High School

Project Manager:	Forrest L. King
Completion:	December 2014
Architectural Firm:	Stevens & Wilkinson
Contractor:	China Construction America of S.C., Inc.
Construction Budget (Incl. Contingency):	\$48,855,188.00
Committed Construction Cost:	\$46,285,234.00
Capital Renewal Incorporated in Project:	\$5,264,000.00

Project Description:

Construct a new classroom addition and bring the student capacity to 1,700 students. Construct new gymnasium with stage. Expand the cafeteria and media center. Site upgrades to include new practice fields and an end zone athletic facility. Improve parking and traffic flow.

Status:

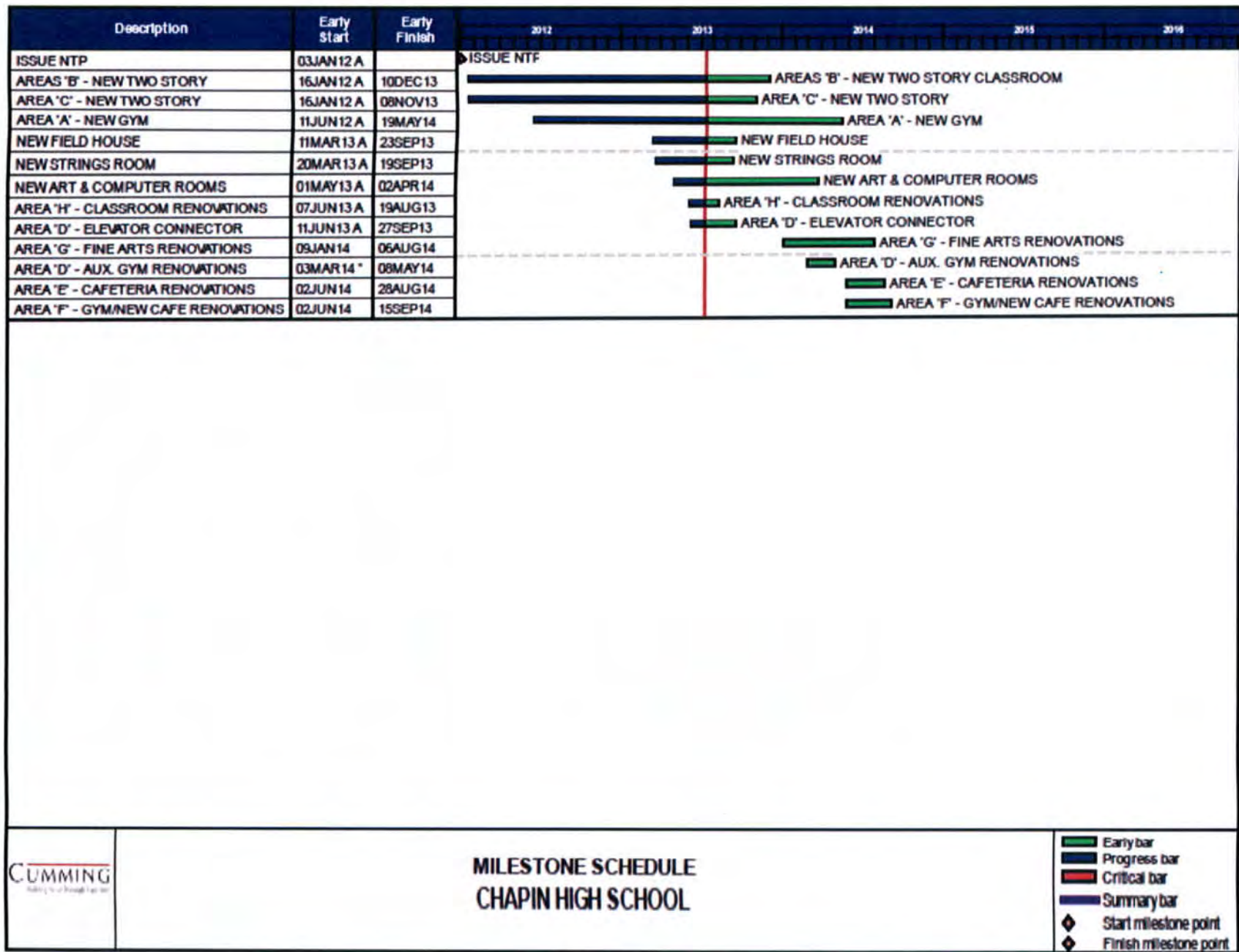
- Steel bar joists, decking, brick and overhead rough-in are in progress for the strings area.
- Steel bar joists are being set at the new gym along with decking.
- Concrete pours and masonry are in progress at the gym area 'A'.
- The Roof is dried in and the precast is set for the roof at the two story classroom addition Areas 'B' and 'C'.
- The roof is being dried in on the Field House and the footings are being dug for the exterior plaza area.
- The demolition has been completed on the ramp from the cafeteria to 'H' and the new footings and masonry for the connector are in progress.
- The demolition on both floors of the classrooms of area 'H' has been completed; new ductwork, sprinkler lines and masonry walls are in progress.
- Overhead spray fireproofing is in progress for area 'H'.
- The grinding of the floors, sealing for moisture and patching for the terrazzo installation is in progress for the office area 'I'.
- The sprigging at the practice football and soccer fields is growing extremely well.
- Site grassing and landscaping is in progress across the project.
- Curbing and grading for the rear driveways is in progress.

Achievements/Key Issues:

- The capital renewal accomplished as part of this project includes: clock system, fire alarm, hardware systems, HVAC, PA/intercom, roofing and interior finishes.

Schedule/Budget Issues:

- Due to continuous delays, the final completion date of the project will be December 2014.
- A wet winter and spring has impacted the project schedule. Project Team is working to make up time wherever possible.
- It should be noted that it has rained 7.8" from June 1st through July 2nd.



Chapin High School



Chapin High School



Chapin High School



Spring Hill High School

Project Manager:	Forrest L. King
Completion:	August 2013
Architectural Firm:	McMillan Smith & Partners
High School #4 Contractor:	Edcon, Inc.
Construction Budget (Incl. Contingency):	\$63,718,266.00
Committed Const. Cost (Incl. CATE & Site):	\$62,744,640.00

Project Description:

Construct a new 267,000 square foot high school with a capacity of 1,700 students.

Status:

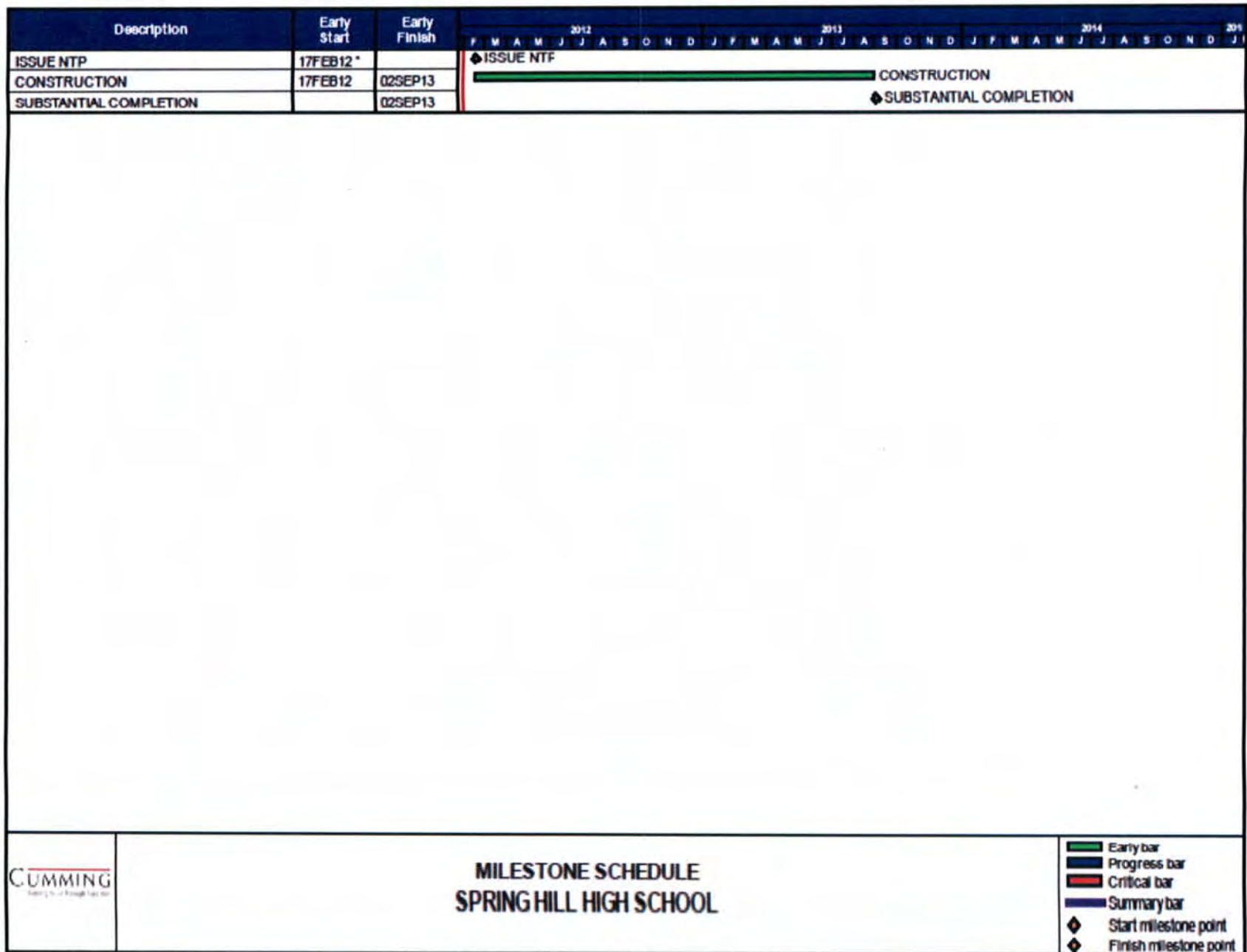
- Ceiling tile is being installed in all areas of the building.
- Kitchen Equipment and Serving Lines are in place in the Kitchen Area.
- Exterior sidewalks, paving and canopies around the high school are in progress.
- Epoxy flooring in the Science Labs is being installed. Estrie Tile has been installed in all classrooms and is being installed in the hallways.
- The basketball goals, scoreboards, wood flooring and bleachers are installed in the main gym.
- The basketball goals, scoreboards, wood flooring are installed in the auxiliary gym.
- The corridor lockers and the locker room lockers have been installed.
- Window frame installation and glass installation continues.
- Overhead rough-in has been completed in the Multi-Purpose Room and the space is ready for flooring.
- Lab casework and regular classroom casework installation is in progress.
- The Elevator has been installed and painting is in progress.
- Scheduling the OSF Final Inspection for August 1st.

Achievements/Key Issues:

- The City of Columbia redefined the first phase of the City Capital Improvement Project to run the 24" water line from the Waterfall Subdivision to the CATE Center.

Schedule/Budget Issues:

- The final completion date for the New High School has been impacted by permitting and other delays.
- It should be noted that it has rained 7.8" from June 1st through July 2nd.



Spring Hill High School



Spring Hill High School



Spring Hill High School



Dutch Fork High School

Project Manager:	Joe Huggins
Completion:	August 2014
Architectural Firm:	Stevens & Wilkinson
Contractor:	Contract Construction
Construction Budget (Incl. Contingency):	\$15,347,815.00
Committed Const. Cost:	\$14,618,557.00

Project Description:

Construct a new health science building and a new visitor's concessions/restroom facility. Construct a new middle/high connector road to improve traffic flow along with additional parking. Various other athletic improvements.

Status:

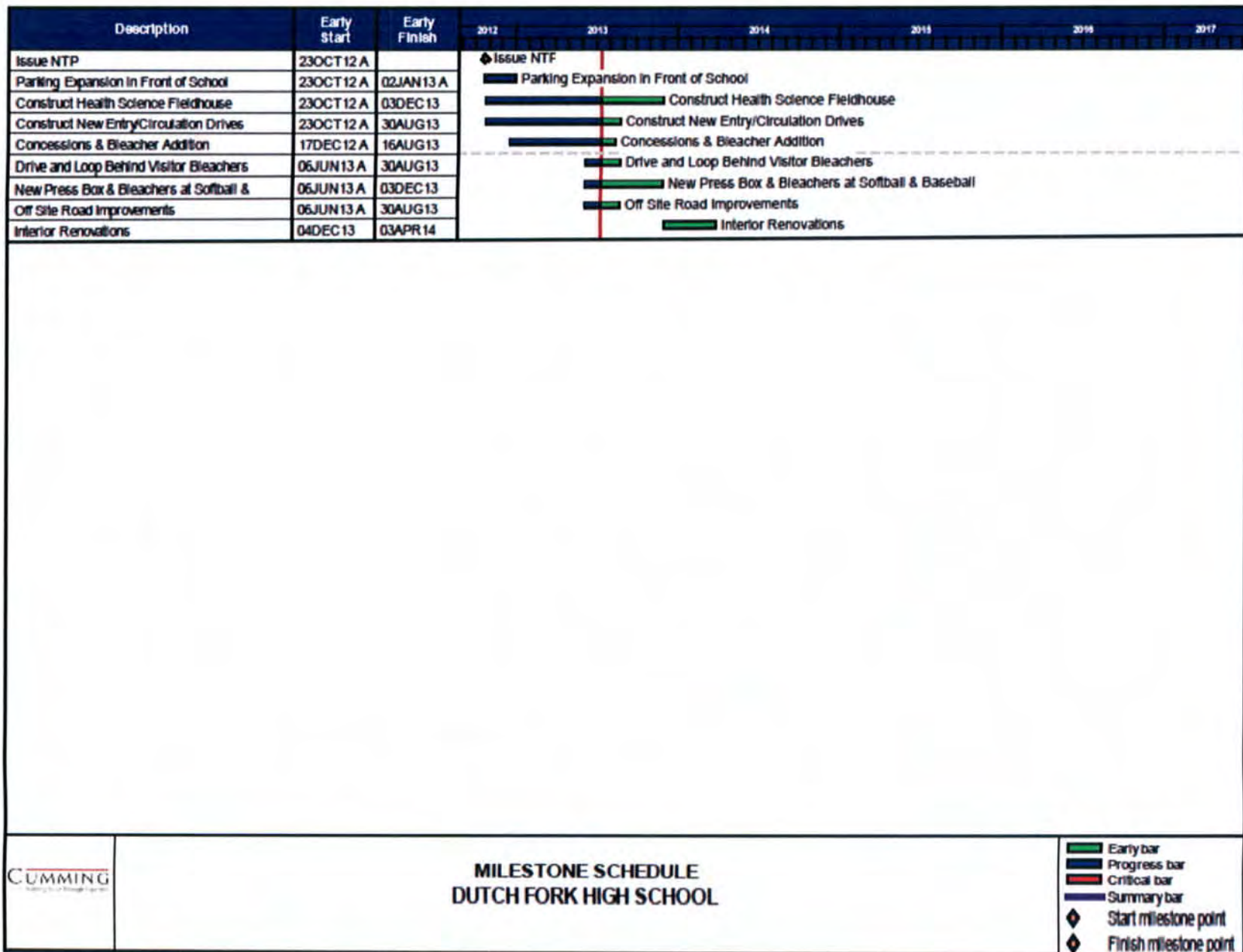
- Health Science wall placement continues and the second floor slab on deck is complete.
- Health Science masonry and MEP rough in continues.
- Storm and sewer lines are being installed. The force main is complete and is being inspected for service.
- The bridge arch is set and backfill will begin soon. The middle school entry road curbing is being installed.
- At the football visitor's side, the concession stand brick and roofing are 90% complete and finishes are underway.
- The off site road widening is underway.

Achievements/Key Issues:

- The bridge has been set

Schedule/Budget Issues:

- Project was delayed due to permitting.
- A wet winter and spring has impacted the project schedule. Project Team is working to make up time wherever possible.
- Heavy rains during this past month have had a negative impact on all site work activities.



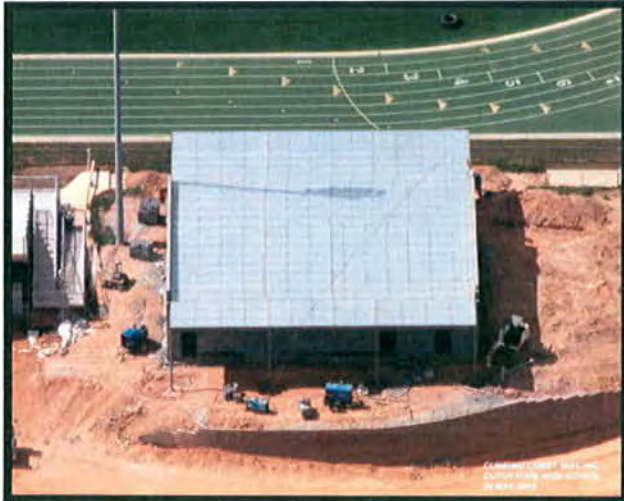
Dutch Fork High School



Dutch Fork High School



Dutch Fork High School



Irmo High School

Project Manager:	Joe Huggins	
Completion:		August 2014
Architectural Firm:		Stevens & Wilkinson
High School #4 Contractor:		China Construction America of S.C., Inc.
Total Construction Budget (Incl. Contingency):		\$24,639,240.00
Committed Const. Cost (Incl. Site):	\$23,773,600.00	

Project Description:

Construct a new 600 seat auditorium and a new field house. Interior renovations to allow for removal of portable classrooms.

Status:

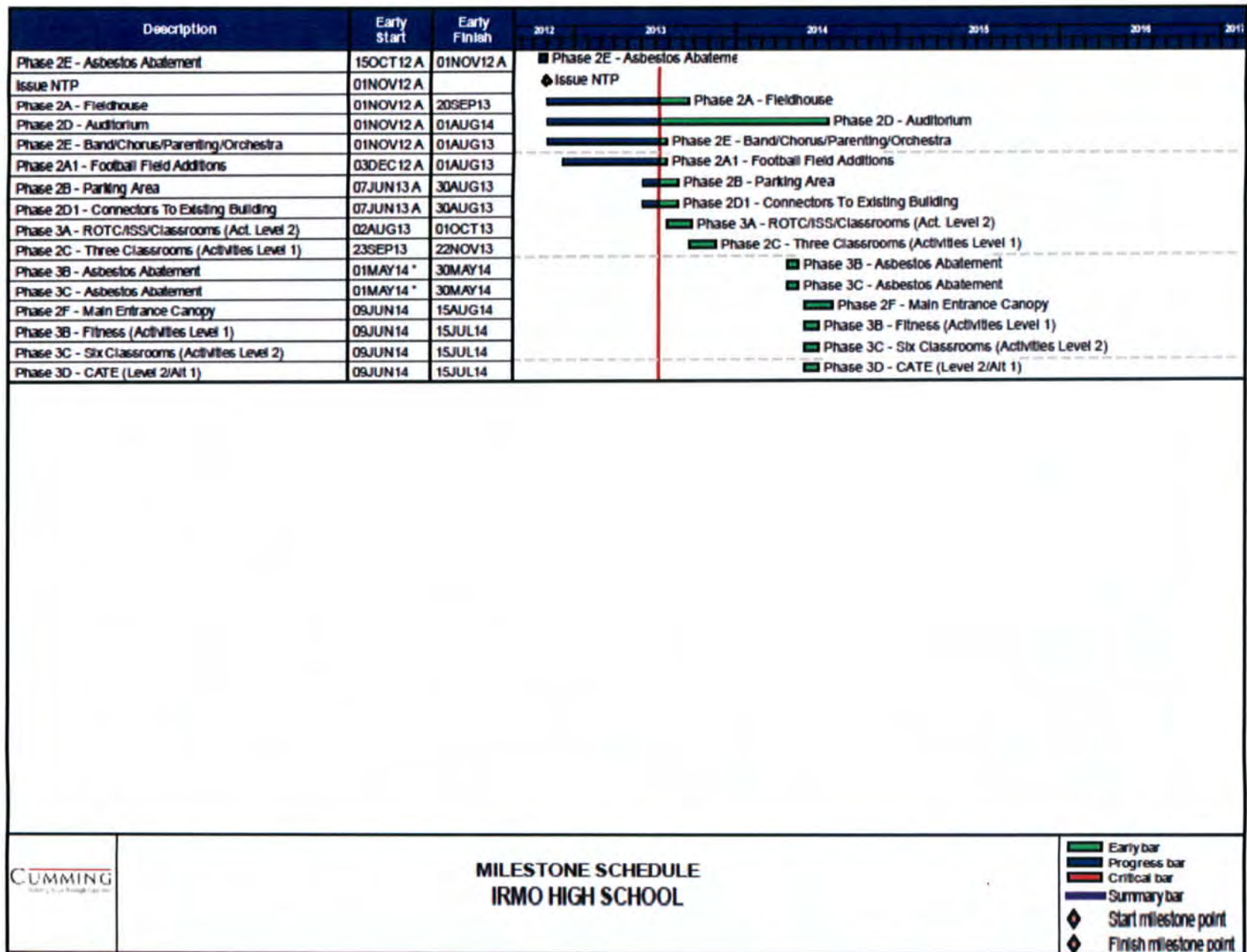
- Face Masonry and MEP rough in is ongoing at the field house.
- Roofing is ongoing at the field house.
- Punch list items are being corrected at CATE 1 and CATE 2 areas.
- MEP rough in is ongoing in the Engineering/ROTC area.
- Building pad placement, foundations and underground rough in is ongoing at the Auditorium.
- Stadium upgrades are ongoing.

Achievements/Key Issues:

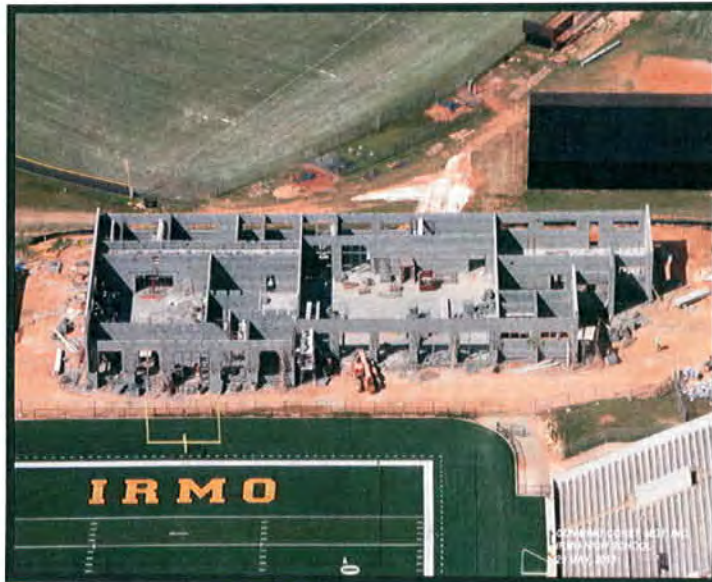
- The OSF overhead inspection at CATE 1 and CATE 2 passed successfully.

Schedule/Budget Issues:

- Project was delayed due to unforeseen site conditions. This includes a large debris pile that was buried at the Auditorium area.
- A wet winter and spring has impacted the project schedule. 6.7 inches of rain on site in the last week. Project Team is working to make up time wherever possible.



Irmo High School



Irmo High School



Irmo High School





Memorandum

To: Members of the Board of Trustees

Through: Dr. Stephen W. Hefner
Superintendent

From: Mark A. Bounds
Chief Information Officer

Date: July 11, 2013

Re: Board Policy – Section B

Issue: Proposed revisions to Board Policy – Section B

Background: Attached for your consideration are the recommended revisions to the following policy:

- Revisions to BE "School Board Meetings"

Recommendation: Administration recommends that the Board give first reading approval to the proposed revisions to selected "B" policy.

MB/aw

Attachment - Recommended Revisions
Board Policy BE "School Board Meetings"

SCHOOL BOARD MEETINGS

Code **BE** Issued **04/06**

Purpose: To establish the basic structure for the conduct of board meetings.

All board meetings will be conducted in accordance with the South Carolina Freedom of Information Act. All board meetings, except for periods in which the board is in executive sessions, are open to the public.

Annual meeting

The board will hold its annual organizational meeting in November after the date of the November election. The board will swear in new members, elect officers and swear in those officers at the annual meeting.

Regular board meetings

The board will meet twice monthly, usually on the second and fourth Mondays. These regular meeting days may be changed only by a majority vote of the board. The first meeting of the month generally will be held in various district schools in order to provide board members an opportunity to visit the schools and to allow the public more direct access to board meetings. The second meeting of the month will be held in the district administration building. During the summer all meetings will be held at the district administration building.

In unusual circumstances, the superintendent may change the time and place of the regular meeting, or any regular meeting, upon approval of the board officers.

Work sessions

From time to time the board may meet in work sessions. The purpose of these sessions will be for the board to have opportunities for planning and discussion without formal action. Topics for discussion will be announced publicly, and sessions will be conducted in accordance with state law.

Special meetings

The chairman of the board or a majority of members of the board may call a special meeting of the full board. The superintendent should give at least 24 hours notice to all members of the board and the public except when emergency conditions make such notice impossible. The board will not transact any business other than that which is stated in the notice.

Except in emergencies, any special meetings will be announced at regular meetings of the board. The public will be informed through the news media in compliance with the Freedom of Information Act.

Public hearings

The board may conduct public hearings from time to time in order for the public to express their views regarding a specific issue. The board will conduct such meetings in an orderly manner in accordance with board policy and regulation.

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Attendance

Only in unusual circumstances will board members be allowed to participate in board meetings via electronic means. Such participation must be approved by the board chairman.

Parliamentary procedure

The latest edition of Robert's Rules of Order will govern all matters not covered by the rules of the board.

Board Invocation

The board is a deliberative public body and will open its regular and specially called public meetings with a public invocation complying with S.C. Code §6-1-160 of the Code of laws of South Carolina.

The public invocation will be non-sectarian and will not proselytize for or advance any one, or disparage any other, faith or belief. The public invocation is for the benefit of the board, but no member of the board, or any other person attending the meeting, will be required to participate in the public invocation. The purposes of the public invocation are to express thankfulness for the right of self-government, solemnize the board's legislative tasks, dignify and confirm the seriousness of board meetings, encourage respect and appreciation for all board members, seek to unite and not divide the board, and to contribute to the wisdom and soundness of decisions by the board.

The public invocation will be offered on a voluntary basis by a member of the board, rotating from meeting to meeting, in alphabetical order, or other objective method of rotation, among all members of the board. A board member may offer a moment of silence for silent prayer or reflection in addition to or in lieu of the public invocation.

Legal references:

S.C. Code, 1976, as amended:

Sections 30-4-10 through 30-4-110 - South Carolina Freedom of Information Act.

Section 59-1-340 - Meetings of boards of trustees and boards of education.

Section 59-19-90(4) - Calling meetings of electors for consultations.

Section 59-19-110 - Board rule-making power includes right to conduct any hearing.

Section 6-1-160 – Invocation to open public meeting of deliberative public body



EXHIBIT D

Memorandum

To: Members of the Board of Trustees

Through: Dr. Stephen W. Hefner
Superintendent

From: Mark A. Bounds
Chief Information Officer

Date: July 11, 2013

Re: Board Policy – Section I

Issue: Proposed revisions to Board Policy – Section I

Background: Attached for your consideration are the recommended revisions to the following policy:

- Revisions to IMD “School Ceremonies and Observations”

Recommendation: Administration recommends that the Board give first reading approval to the proposed revisions to selected “I” policy.

MB/aw

Attachment - Recommended Revisions
Board Policy IMD “ School Ceremonies and Observations”

SCHOOL CEREMONIES AND OBSERVATIONS

Code **IMD** Issued **12/11**

Purpose: To establish the board's vision for school ceremonies and observances.

Pledge of Allegiance

State law requires that all students say the Pledge of Allegiance at a specific time during each school day. Each school will designate this time.

Any person who does not wish to say the Pledge of Allegiance does not have to participate. The district will not penalize him/her for failing to participate.

Any person who does not wish to participate may leave the classroom or remain in his/her seat. The person may express his/her non-participation in any form that does not materially infringe upon the rights of others or disrupt school activities.

~~Benedictions and/or invocations at graduations and athletic events~~

~~Benedictions and/or invocations at high school graduations and athletic events are permissible on the following basis:~~

- ~~• The use of an invocation and/or benediction at a high school graduation exercise will be determined by a majority vote of the graduating senior class with the advice and counsel of the principal.~~
- ~~• The use of an invocation and/or benediction at high school varsity athletic events will rest within the discretion of participating athletes, cheerleaders, band members and other student participants with the advice and counsel of the principal.~~
- ~~• The invocation and/or benediction, if used, will be given by a student volunteer.~~
- ~~• Consistent with the principle of equal liberty of conscience, the invocation and/or benediction will be nonsectarian and nonproselytizing in nature.~~

Student-led messages

The district will permit student-led messages at graduation and athletic events according to the following.

- The school will choose a student from the graduating class to deliver a brief opening or closing message, or both, at graduation exercises based on objective criteria, such as academic standing and/or student office or position. Each school shall establish, in writing, its own objective criteria for selecting these speakers.**
- For high school athletic events, only the captain of an athletic team or his/her student designee or a student designated by the members of a particular athletic team may deliver the brief opening or closing message.**
- The message may be an opening or closing message, or both, and will be two minutes in length or less.**

Page 2 - SCHOOL CEREMONIES AND OBSERVATIONS

- The student will prepare or select the content of the message.
- Neither the board nor any employee of the district will recommend, review, monitor, or censor the student-led message.
- The district will not discipline or reprimand any student for the content of any message unless it is obscene, profane and/or vulgar.

These restrictions do not apply to more lengthy, extensive graduation speeches by students such as the valedictorian or salutatorian, or other students chosen by the school for featured graduation speeches.

Legal references:

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

Section 59-1-455 - Time for Pledge of Allegiance required.

Section 59-1-320 - Head of public school to display U.S. and S.C. Flags.

Sections 59-1-441 and 59-1-442 - South Carolina Student-Led Messages Act.

Section 59-1-443 - Schools shall provide minute of mandatory silence at beginning of each school day.

~~United States Supreme Court:~~

~~West Virginia State Board of Education v. Barnette, 319 U.S. 624 (1943).~~

~~Elk Grove Unified School District v. Newdow 124 S. Ct. 2301 (2004).~~

~~Morse v. Frederick, 127 S. Ct. 2618 (2007).~~

~~Court cases:~~

~~Myers v. Loudoun County Public Schools, 418 F.3d 395 (4th Cir. 2005)~~



Memorandum

To: Members of the Board of Trustees

To: Stephen W. Hefner, Ed.D., Superintendent

From: Angela H. Bain, Ph.D. *AHB*
Chief Human Resource Services Officer

Date: July 11, 2013

Re: Policy Revisions Recommendations

Issue: First reading approval of revised board

Background: Attached for your consideration are the recommended policy revisions from the South Carolina School Boards Association for the following policies.

GCC - Professional Staff Leaves and Absences
GDC - Support Staff Leaves and Absences
GCQE – Retirement of Professional Staff
GDQC - Retirement of Support Staff

Recommendation: Request Board of Trustees approval.

AHB

Attachments: Current policies
Recommended policy revisions

Policy GCC Professional Staff Leaves and Absences

Issued 5/07

Purpose: To establish the basic structure for all types of professional staff leaves and absences.

Introduction

In order to equitably provide a leave policy for all School District Five of Lexington and Richland Counties employees that is consistent with applicable law, including the provisions set forth in the Act to Provide Leave for Full-Time Public School Employees ([S.C. Code 59-1-400](#)), the following provisions are hereby established.

The continuous presence of employees promotes excellence in the instructional program by ensuring the following.

- the uninterrupted continuity of education
- greater teacher-student contact time
- appropriate role-model emulation
- consistent classroom discipline
- reduced costs

Therefore, the board expects employees to be present at work every day. The board recognizes, however, that certain employee absences are unavoidable. At such times, employees may take leave time in accordance with this policy and the procedures set forth in the accompanying administrative rule.

Sick leave

The district will grant sick leave to all full-time employees in accordance with [S.C. Code 59-1-400](#), and as set forth in administrative rule GCC-R. Leave days may be used for personal illness or family illness as designated by employees and outlined in administrative rule GCC-R.

Sick leave verification

An employee's use of sick leave is subject to verification. The district reserves the right to require an employee to submit a physician's statement verifying a personal illness (or the illness of a family member), along with an employee absence report form, whenever the administration believes that is necessary based on the circumstances.

Reduction of accumulated leave days

In 1996, the district adopted changes for determining payment due an employee for accumulated leave days upon retirement or separation from the district. Since that time, the district has maintained records which differentiate payment for "pre-amendment leave days (days accumulated prior to 1996)" and "post-amendment leave days (days accumulated between July 1, 1996 and June 30, 2000)." In order to preserve employees' vested interest in the value of those leave days accumulated prior to July 1, 2000, the district will use a "last-earned first-used" accounting method to calculate the reduction of an employee's accumulated sick leave and personal leave days in accordance with this policy.

Part-time certified employees

- For the purpose of this policy, "part-time certified employee" is defined as an individual employed in the district who works a minimum of .5 full time equivalent (FTE) to a .8 FTE per week for a school year.

These employees will earn one half of the leave of which full-time certified employees earn. For these employees, one leave day is defined as the equivalent to the amount of time an employee is scheduled to work each day.

Payment for unused leave days

Full-time employees may accumulate a maximum of 90 days of combined sick and personal leave days. Those employees who earn, but do not use, earned days in excess of 90 will be paid at the end of each fiscal year (June 30) for each such day at the established rate of substitute pay for their individual job classification. All 240-day employees are paid on July 15. In those cases where no rate of substitute pay has been established for a job classification, certified employees will be paid at the established rate of non-certified substitute pay and non-certified employees will be paid the hourly wage rate established by the district based on their regularly scheduled work day.

Upon an employee's official retirement in accordance with the procedures established by the state retirement system, the district will pay a one-time lump sum for up to a maximum of 45 days accumulated but unused annual leave time, calculated at the employee's average daily rate, plus a maximum of 45 days accumulated but unused sick leave time, calculated at the appropriate substitute daily rate of pay.

Those employees who retire from employment in the district and who have a balance of pre-amendment accrued leave upon such retirement will be paid for such pre-amendment accrued leave days in accordance with the provisions of former policy GBRI (6/24/91). Post-amendment leave days accrued by such employees will be paid in accordance with former policy GBRI (8/12/96).

Employees who entered the South Carolina Retirement System's Teacher and Employee Retention Incentive (TERI) program on or **after** July 1, 2005, will be paid for unused leave days only one time, which will occur at the conclusion of the TERI program period.

Employees who entered the South Carolina Retirement System's TERI program **before** July 1, 2005, were paid retirement leave bonus before they entered the TERI program, reducing their leave (and vacation) days to zero. During their TERI period, employees have been allowed to earn leave days (and vacation days if applicable) under the same guidelines as regular employees (see chart in GCC-R).

Employees who entered the South Carolina Retirement System's TERI program **before** July 1, 2005, who leave the district can transfer all current leave days and all accumulated leave days to another school district or to the department of education or any state agency that accepts these days.

Employees who entered the South Carolina Retirement System's TERI program **before** July 1, 2005, who are rehired in the district at the end of their TERI as a working retiree will retain any unused leave days earned during the TERI program. The employee may use these days as outlined in this policy and corresponding administrative rule.

Retired employees who return to full-time employment in the district under a letter of agreement will accrue sick leave and personal leave days in accordance with this policy. Any unused leave days will not carry over from year to year for those employees, and will not be paid as a lump-sum at any time.

Those employees who separate from employment with the district for reasons other than retirement, and who have worked for the district for four consecutive years prior to separation, will be paid for their pre-amendment accumulated leave days in accordance with the provisions of former policy GBRI (6/24/91) and for their post-amendment leave days in accordance with the provisions of former policy GBRI (8/12/96).

Transfer of accumulated leave

Adjustments in pay

Sick leave bank

Emergency leave

Termination for misuse of leave/excessive absenteeism

Any employee who is absent beyond the 12-week period authorized by the FMLA will be required to reimburse the district for all health insurance premiums, unless the employee has: 1) been granted extended leave; and, 2) accumulated leave days to cover the absences, in which case the employee will only be required to pay his/her share.

Family and Medical Leave Act (FMLA)

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In order to be eligible for FMLA leave, an employee must have been employed by the district for a minimum of 12 months and have worked for at least 1,250 hours during the 12-month period immediately preceding the period that the FMLA leave will commence. During the 12-week FMLA leave, the district will continue to pay the district's share of the employee's health benefits. In addition, the district will restore the employee to the same or a similar position upon the termination of FMLA leave, unless the employee is considered a key employee under the FMLA. For further information on FMLA leave, see administrative rule GCC-R.

Jury duty/lawfully-issued job related subpoenas

Any employee who is summoned for jury duty, or who is lawfully subpoenaed to appear in court or for a deposition in connection with a work-related matter, is entitled to a leave of absence without loss of pay and without being required to use his/her leave days. Whenever a prospective juror is dismissed before the end of the working day, or a subpoenaed employee is released from the subpoena before the end of the working day, the employee is expected to return to work.

Military leave

Leave for employees who are enlisted in the U.S. military reserves will be treated in accordance with applicable state and federal law.

Vacation

All 12-month certified personnel will earn vacation days at the rate of one day for every 24 working days, for a maximum of 10 vacation days per year. These vacation days are in addition to those periods when school is in recess as indicated by the district calendar.

An employee is expected to use vacation days during the fiscal year in which they are earned, but in any case no later than the end of the following fiscal year. Employees will be compensated for up to 20 unused vacation days at separation.

District approved professional leave

The board believes that it is desirable to provide professional leave in order to attract and retain staff who will grow professionally and enhance their service to the schools of the district. The district may grant professional leave to an employee for the purpose of attending activities designed to enhance competency or to improve the instructional or other programs offered by the district. Such leave will be handled in accordance with the guidelines set forth in administrative rule GCC-R.

Sabbaticals/Academic leave

The board is committed to the principle of providing opportunities for the professional growth of the district's certified staff. Therefore, an unpaid sabbatical leave of absence may, in the district's discretion, be granted pursuant to the guidelines set forth in administrative rule GCC-R.

Adopted 9/16/76; Revised 9/15/77, 7/17/80, 7/30/81, 11/18/82, 10/18/84, 4/23/87, 2/15/90, 6/24/91, 6/4/92, 2/17/94, 11/21/95, 8/12/96, 7/15/97, 4/20/00, 11/28/00, 8/1/02, 2/19/04, 3/17/05, 11/17/05, 2/21/06, 5/29/07

Legal references:

United States Code:

P.L.103-3 and 29 CFR Part 825 - The Family and Medical Leave Act of 1993.

Title 38 U.S. Code, Chapter 43, Sections 4301-4333, Public Law 103-353 - The Uniformed

Services Employment and Reemployment Act of 1994 (USERRA).

S.C. Code, 1976, as amended:

Section 8-7-20 - Requires granting of military leave, without pay, up to five years.

Section 8-7-90 - Requires 15 days per year of leave with pay for members of National Guard and Reserve Units of the various Armed Forces. Also grants an additional 30 days of leave with pay in emergency situations.

Section 8-11-65 - Organ donor leave.

Section 8-11-620 - Leave and lump-sum payment permitted upon termination of employment, death or retirement of employee.

Section 9-1-2210 - Teacher and Employee Retention Incentive Program.

Section 14-1-190 - Compensation received for jury duty deemed to be expense money.

Section 14-7-845 - Relating to optional postponement of jury service for students and employees.

Section 25-1-2250 - Employees entitled to leave with pay when serving in National Guard.

Section 59-1-400 - Sick leave for public school district employees.

SCHOOL DISTRICT FIVE OF LEXINGTON AND RICHLAND COUNTIES

PROFESSIONAL STAFF LEAVES AND ABSENCES

Code **GCC** Issued **DRAFT/13**

Purpose: To establish the basic structure for all types of professional staff leaves and absences.

Introduction

In order to equitably provide a leave policy for all School District Five of Lexington and Richland Counties' employees that is consistent with applicable law, including the provisions set forth in the Act to Provide Leave for Full-Time Public School Employees (**S.C. Code 59-1-400**), the following provisions are hereby established.

The continuous presence of employees promotes excellence in the instructional program by ensuring the following.

- the uninterrupted continuity of education
- greater teacher-student contact time
- appropriate role-model emulation
- consistent classroom discipline
- reduced cost

Therefore, the board expects employees to be present at work every day. The board recognizes, however, that certain employee absences are unavoidable. At such times, employees should take leave time in accordance with this policy and the procedures set forth in the accompanying administrative rule.

Absent employees must comply with procedures set out in the administrative rule which accompanies this policy.

Sick leave

The District will grant sick leave to all full-time employees in accordance with **S.C. Code § 59-1-400**, and as set forth in Administrative Rule GCC-R. Leave days may be used for personal illness or family illness as designated by employees and outlined in Administrative Rule GCC-R.

Sick leave verification

An employee's use of sick leave is subject to verification. The District reserves the right to require an employee to submit a physician's statement verifying a personal illness (or the illness of a family member), along with an employee absence report form, whenever the administration believes that is necessary based on the circumstances.

Reduction of accumulated leave days

PAGE 2 - GCC - PROFESSIONAL STAFF LEAVES AND ABSENCES

In 1996, the District adopted changes for determining payment due an employee for accumulated leave days upon retirement or separation from the district. Since that time, the district has maintained records, which differentiate payment for “pre-amendment leave days (days accumulated prior to 1996)” and “post-amendment leave days (days accumulated between July 1, 1996 and June 30, 2000).” In order to preserve employees’ vested interest in the value of those leave days accumulated prior to July 1, 2000, the District will use a “last-earned first-used” accounting method to calculate the reduction of an employee’s accumulated sick leave and personal leave days in accordance with this policy.

Part-time certified employees

For the purpose of this policy, “part-time certified employee” is defined as an individual employed in the district who works a minimum of .5 full time equivalent (FTE) to a .8 FTE per week for a school year. These employees will earn one half of the leave of which full-time certified employees earn. For these employees, one leave day is defined as the equivalent to the amount of time an employee is scheduled to work each day.

Payment for unused leave days

Full-time employees may accumulate a maximum of 90 days of combined sick and personal leave days. Those employees who earn but do not use earned days in excess of 90 will be paid at the end of each fiscal year (June 30) for each such day at the established rate of substitute pay for their individual job classification. All 240-day employees are paid on July 15. In those cases where no rate of substitute pay has been established for a job classification, certified employees will be paid at the established rate of non-certified substitute pay and non-certified employees will be paid the hourly wage rate established by the district based on their regularly scheduled work day.

Upon an employee’s official retirement in accordance with the procedures established by the state retirement system, the district will pay a one-time lump sum for up to a maximum of 45 days accumulated but unused annual leave time, calculated at the employee’s average daily rate, plus a maximum of 45 days accumulated but unused sick leave time, calculated at the appropriate substitute daily rate of pay.

Those employees who retire from employment in the district and who have a balance of pre-amendment accrued leave upon such retirement will be paid for such pre-amendment accrued leave days in accordance with the provisions of former Policy GBRI (6/24/91). Post-amendment leave days accrued by such employees shall be paid in accordance with former Policy GBRI (8/12/96).

Employees who entered the South Carolina Retirement System’s TERI (Teacher and Employee Retention Incentive) program on or **after** July 1, 2005, will be paid for unused leave days only one time, which will occur at the conclusion of the TERI program period.

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Employees who entered the South Carolina Retirement System's TERI (Teacher and Employee Retention Incentive) program **before** July 1, 2005, were paid retirement leave bonus before they entered the TERI program, reducing their leave (and vacation) days to zero. During their TERI period, the employee has been allowed to earn leave days (and vacation days if applicable) under the same guidelines as regular employees (see chart in GCC-R).

Employees who entered the South Carolina Retirement System's TERI (Teacher and Employee Retention Incentive) program **before** July 1, 2005 who leave the district can transfer all current leave days and all accumulated leave days to another school district or to the department of education or any state agency that accepts these days.

Employees who entered the South Carolina Retirement System's TERI (Teacher and Employee Retention Incentive) program **before** July 1, 2005, who are rehired in the district at the end of their TERI as a working retiree will retain any unused leave days earned during the TERI program. The employee may use these days as outlined in this policy and corresponding administrative rule.

Retired employees who return to full-time employment in the district under a letter of agreement will accrue sick leave and personal leave days in accordance with this policy. Any unused leave days will not carry over from year to year for those employees, and will not be paid as a lump-sum at any time.

Those employees who separate from employment with the District for reasons other than retirement, and who have worked for the district for four consecutive years prior to separation, shall be paid for their pre-amendment accumulated leave days in accordance with the provisions of former Policy GBRI (6/24/91) and for their post-amendment leave days in accordance with the provisions of former Policy GBRI (8/12/96).

Transfer of accumulated leave

Any employee who separates from employment with the district for any reason other than official retirement in accordance with the procedures established by the state retirement system can transfer all current earned leave days and all accumulated leave days to another school district or to the department of education or any state agency that accepts these days.

Adjustments in pay

Any employee who is absent from work for any reason and who does not have any leave days available will have his/her salary adjusted to reflect a deduction in annual salary computed at the employee's daily rate. Such adjustment will be made in the pay period in which the absence occurs, or in the next pay period, at the district's discretion.

Sick leave bank

The District establishes a Sick Leave Bank that will operate in accordance with the guidelines set forth in Administrative Rule GCC-R.

Emergency leave

School District Five of Lexington and Richland Counties

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Up to 10 days of emergency leave may be taken each school year only for the illness or medically related condition of the employee upon written recommendation of the employee's physician. Emergency leave may be taken only after the employee has used his/her current leave allocation as well as any cumulative leave. Emergency leave may be taken with the stipulation that the substitute's daily rate of pay will be deducted from the employee's salary for each day used. Emergency leave days will be non-cumulative. The employee must make the request in writing to the human resource office. The request should include the physician's statement. The human resource office will respond in writing regarding the decision to grant emergency leave.

Termination for misuse of leave/excessive absenteeism

The District may terminate the employment of any employee who fails to comply with the requirements of this policy and accompanying administrative rule, who fails to report to work at the expiration of an authorized leave, or who fails or is unable to return to work at the end of a period of approved leave. Any employee who makes misrepresentations regarding a leave also may be terminated.

An employee who is excessively absent, as determined by the district, may be terminated, other than an employee who is on approved leave pursuant to the FMLA. In accordance with the provisions of [S.C. Code Ann. § 59-1-400](#), the District also will not terminate a full-time employee who is absent with a continuing illness, as documented by a treating physician, for excessive absenteeism so long as the period of absence does not exceed a total of 91 work days.

Any employee who is absent beyond the 12-week period authorized by the FMLA will be required to reimburse the district for all health insurance premiums, unless the employee has 1) been granted extended leave, and 2) accumulated leave days to cover the absences, in which case the employee will only be required to pay his/her share.

Family and Medical Leave Act

The district will provide leave to eligible employees pursuant to the Family and Medical Leave Act of 1993 (FMLA). Eligible employees are entitled to a maximum of 12 weeks of unpaid FMLA leave in a designated 12-month period. The district has designated a rolling 12-month period, defined as one year from the initial date of a leave granted under the FMLA. The District will require employees taking leave pursuant to the FMLA to concurrently use the employee's accumulated leave days.

In order to be eligible for FMLA leave, an employee must have been employed by the district for a minimum of 12 months, and have worked for at least 1,250 hours during the 12-month period immediately preceding the period that the FMLA leave will commence. During the 12-week FMLA leave, the district will continue to pay the district's share of the employee's health benefits. In addition, the district will restore the employee to the same or a similar position upon the termination of FMLA leave, unless the employee is considered a key employee under the FMLA. For further information on FMLA leave, see Administrative Rule GCC-R.

Jury duty/lawfully-issued job related subpoenas

Any employee who is summoned for jury duty, or who is lawfully subpoenaed to appear in court or for a deposition in connection with a work-related matter, is entitled to a leave of absence without loss of pay and without being required to use his/her leave days. Whenever a prospective juror is dismissed before the end of the working day, or a subpoenaed employee is

PAGE 5 - GCC - PROFESSIONAL STAFF LEAVES AND ABSENCES

released from the subpoena before the end of the working day, the employee is expected to return to work.

Military leave

Leave for employees who are enlisted in the U.S. military reserves will be treated in accordance with applicable state and federal law.

Employees may take military leave without loss of pay, seniority or efficiency rating for one or more periods not exceeding a total of 15 workdays in one year. Saturdays, Sundays and state holidays may not be included in this 15 days unless the Saturday, Sunday or holiday is a regularly scheduled workday for the employee.

This leave may be taken when the employee is engaged in training or other duties ordered by the governor, the department of defense, the department of the army, the department of the air force, the department of the navy, the department of the treasury, or any other department or agency of the government of the United States having authority to issue lawful orders requiring military service. This leave applies to employees who are either enlisted or commissioned members of the South Carolina National Guard, the United States Army Reserve, the United States Air Force Reserve, the United States Naval Reserve, the United States Marine Corps Reserve or the United States Coast Guard Reserve.

In the event an employee is called upon to serve during an emergency, he/she will be entitled to such leave of absence for a period not exceeding 30 additional days.

The board expects employees to request their training for a period when school is not in session.

An employee seeking leave for annual active duty training must forward a written request, including the appropriate verifying data, to the superintendent no later than 30 days prior to the pre-arranged military activity.

Extended military leave

Employees who enlist or are called to active duty are eligible for up to five years extended military leave. All provisions of federal law apply to extended military leave (reemployment, benefits, etc.). However, the district is not required to maintain employee benefits for extended leave.

Written substantiation of leave under this policy is required. Falsification of reason for leave may be cause for disciplinary action up to and including termination of employment.

Application and approval for leave under this policy are made on the leave application form.

Vacation

All 12-month certified personnel will earn vacation days at the rate of one day for every 24 working days, for a maximum of 10 vacation days per year. These vacation days are in addition to those periods when school is in recess as indicated by the district calendar.

An employee is expected to use vacation days during the fiscal year in which they are earned, but in any case no later than the end of the following fiscal year. Employees will be compensated for up to 20 unused vacation days at separation.

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District approved professional leave

The Board believes that it is desirable to provide professional leave in order to attract and retain staff who will grow professionally and enhance their service to the schools of the District. The District may grant professional leave to an employee for the purpose of attending activities designed to enhance competency or to improve the instructional or other programs offered by the

Sabbaticals/Academic Leave

The Board is committed to the principle of providing opportunities for the professional growth of the district's certified staff. Therefore, an unpaid sabbatical leave of absence may, in the district's discretion, be granted pursuant to the guidelines set forth in Administrative Rule GCC-R.

Organ donor leave

Employees may take a leave of absence to be an organ donor without loss of pay, time, leave or efficiency rating for one or more periods not exceeding a total of 30 workdays in one fiscal year. Saturdays, Sundays and state holidays may not be included in this 30 days unless the Saturday, Sunday or holiday is a regularly scheduled workday for the employee.

An employee seeking leave to be an organ donor must forward a written request, including the appropriate documentation from the attending physician verifying that the employee is the donor, to the superintendent no later than ten (10) days prior to the leave.

Adopted: 9/16/76; Revised 9/15/77, 7/17/80, 7/30/81, 11/18/82, 10/18/84, 4/23/87, 2/15/90, 6/24/91, 6/4/92, 2/17/94, 11/21/95, 8/12/96, 7/15/97, 4/20/2000, 11/28/00, 8/1/02, 02/19/04, 03/17/05, 11/17/05, 2/21/06, 5/07

Adopted ^

Constitutional and Statutory Provisions:

- A. Family and Medical Leave Act of 1993 (FMLA), 29 USCA §§ 2601
- B. Uniform Services Employment and Re-employment Rights Act (USERRA), 38 USCA § 4301
- C. S.C. Code § 59-1-400 (2004)
- D. S.C. Code § 8-7-20 (2004)
- E. S.C. Code § 8-7-90 (2004)
- F. S.C. Code § 8-11-620 (1976)

Legal references:

- A. United States Code:
 - 1. P.L. 103-3 and 29 CFR Part 825 - The Family and Medical Leave Act of 1993.
 - 2. Title 38 U.S. Code, Chapter 43, Sections 4301-4333, Public Law 103-353 - The Uniformed Services Employment and Reemployment Act of 1994 (USERRA).

PAGE 7 - GCC - PROFESSIONAL STAFF LEAVES AND ABSENCES

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

1. Section 8-7-20 - Requires granting of military leave, without pay, up to five years.
2. Section 8-7-90 - Requires 15 days per year of leave with pay for members of National Guard and Reserve Units of the various Armed Forces. Also grants an additional 30 days of leave with pay in emergency situations.
3. Section 8-11-65 - Organ donor leave.
4. Section 9-1-2210 - Teacher and Employee Retention Incentive Program.
5. Section 14-1-190 - Compensation received for jury duty deemed to be expense money.
6. Section 14-7-845 - Relating to optional postponement of jury service for students and employees.
7. Section 25-1-2250 - Employees entitled to leave with pay when serving in National Guard.
8. Section 59-1-400 - Sick leave for public school district employees

Policy GDC Support Staff Leaves and Absences

Issued 5/07

Purpose: To establish the basic structure for all types of support staff leaves and absences.

Introduction

In order to equitably provide a leave policy for all School District Five of Lexington and Richland Counties employees that is consistent with applicable law, including the provisions set forth in the Act to Provide Leave for Full-Time Public School Employees ([S.C. Code 59-1-400](#)), the following provisions are hereby established.

The continuous presence of employees promotes excellence in the instructional program by ensuring the following.

- the uninterrupted continuity of education
- greater teacher-student contact time
- appropriate role-model emulation
- consistent classroom discipline
- reduced costs

Therefore, the board expects employees to be present at work every day. The board recognizes, however, that certain employee absences are unavoidable. At such times, employees may take leave time in accordance with this policy and the procedures set forth in the accompanying administrative rule.

Sick leave

The district will grant sick leave to all full-time employees in accordance with [S.C. Code 59-1-400](#) and as set forth in administrative rule [GDC-R](#). Leave days may be used for personal illness or family illness as designated by employees and outlined in administrative rule [GDC-R](#).

Sick leave verification

An employee's use of sick leave is subject to verification. The district reserves the right to require an employee to submit a physician's statement verifying a personal illness (or the illness of a family member), along with an employee absence report form, whenever the administration believes that is necessary based on the circumstances.

Reduction of accumulated leave days

In 1996, the district adopted changes for determining payment due an employee for accumulated leave days upon retirement or separation from the district. Since that time, the district has maintained records which differentiate payment for "pre-amendment leave days (days accumulated prior to 1996)" and "post-amendment leave days (days accumulated between July 1, 1996 and June 30, 2000)." In order to preserve employees' vested interest in the value of those leave days accumulated prior to July 1, 2000, the district will use a "last-earned first-used" accounting method to calculate the reduction of an employee's accumulated sick leave and personal leave days in accordance with this policy.

Payment for unused leave days

Full-time employees may accumulate a maximum of 90 days of combined sick and personal leave days.

Those employees who earn but do not use earned days in excess of 90 will be paid at the end of each fiscal year (June 30) for each such day at the established rate of substitute pay for their individual job classification. All 240-day employees are paid on July 15. In those cases where no rate of substitute pay has been established for a job classification, certified employees will be paid at the established rate of non-certified substitute pay and non-certified employees will be paid the hourly wage rate established by the district based on their regularly scheduled work day.

Upon an employee's official retirement in accordance with the procedures established by the state retirement system, the district will pay a one-time lump sum for up to a maximum of 45 days accumulated but unused annual leave time, calculated at the employee's average daily rate, plus a maximum of 45 days accumulated but unused sick leave time, calculated at the appropriate substitute daily rate of pay.

Those employees who retire from employment in the district and who have a balance of pre-amendment accrued leave upon such retirement will be paid for such pre-amendment accrued leave days in accordance with the provisions of former policy GBRI (6/24/91). Post-amendment leave days accrued by such employees will be paid in accordance with former policy GBRI (8/12/96).

Employees who entered the South Carolina Retirement System's Teacher and Employee Retention Incentive (TERI) program on or after July 1, 2005, will be paid for unused leave days only one time, which will occur at the conclusion of the TERI program period.

Employees who entered the South Carolina Retirement System's Teacher and Employee Retention Incentive (TERI) program **before** July 1, 2005, were paid retirement leave bonus before they entered the TERI program, reducing their leave (and vacation) days to zero. During their TERI period, the employee has been allowed to earn leave days (and vacation days if applicable) under the same guidelines as regular employees (see chart in [GDC-R](#)).

Employees who entered the South Carolina Retirement System's Teacher and Employee Retention Incentive (TERI) program **before** July 1, 2005, who leave the district can transfer all current leave days and all accumulated leave days to another school district or to the department of education or any state agency that accepts these days.

Employees who entered the South Carolina Retirement System's Teacher and Employee Retention Incentive (TERI) program **before** July 1, 2005, who are rehired in the district at the end of their TERI as a working retiree will retain any unused leave days earned during the TERI program. The employee may use these days as outlined in this policy and corresponding administrative rule.

Retired employees who return to full-time employment in the district under a Letter of Agreement will accrue sick leave and personal leave days in accordance with this policy. Any unused leave days will not carry over from year to year for those employees, and will not be paid as a lump-sum at any time.

Those employees who separate from employment with the district for reasons other than retirement, and who have worked for the district for four consecutive years prior to separation, will be paid for their pre-amendment accumulated leave days in accordance with the provisions of former policy GBRI (6/24/91) and for their post-amendment leave days in accordance with the provisions of former policy GBRI (8/12/96).

Transfer of accumulated leave

Any employee who separates from employment with the district for any reason other than official retirement in accordance with the procedures established by the state retirement system can transfer all current earned leave days and all accumulated leave days to another school district or to the department of education or any state agency that accepts these days.

Any employee who is absent from work for any reason and who does not have any leave days available will have his/her salary adjusted to reflect a deduction in annual salary computed at the employee's daily rate. Such adjustment will be made in the pay period in which the absence occurs or in the next pay period at the district's discretion.

Up to 10 days of emergency leave may be taken each school year only for the illness or medically related condition of the employee upon written recommendation of the employee's physician. Emergency leave may be taken only after the employee has used his/her current leave allocation as well as any cumulative leave. Emergency leave may be taken with the stipulation that the substitute's daily rate of pay will be deducted from the employee's salary for each day used. Emergency leave days will be non-cumulative. The employee must make the request in writing to the human resource office. The request should include the physician's statement. The human resource services office will respond in writing regarding the decision to grant emergency leave.

The district establishes a sick leave bank that will operate in accordance with the guidelines set forth in administrative rule **GDC-R**.

The district may terminate the employment of any employee who fails to comply with the requirements of this policy and accompanying administrative rule, who fails to report to work at the expiration of an authorized leave or who fails or is unable to return to work at the end of a period of approved leave. Any employee who makes misrepresentations regarding a leave also may be terminated.

Any employee who is absent beyond the 12-week period authorized by the FMLA will be required to reimburse the district for all health insurance premiums, unless the employee has: 1) been granted extended leave; and, 2) accumulated leave days to cover the absences, in which case the employee will only be required to pay his/her share.

The district will provide leave to eligible employees pursuant to the Family and Medical Leave Act of 1993 (FMLA). Eligible employees are entitled to a maximum of 12 weeks of unpaid FMLA leave in a designated 12-month period. The district has designated a rolling 12-month period, defined as one year from the initial date of a leave granted under the FMLA. The district will require employees taking leave pursuant to the FMLA to concurrently use the employee's accumulated leave days.

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the district will restore the employee to the same or a similar position upon the termination of FMLA leave, unless the employee is considered a key employee under the FMLA. For further information on FMLA leave, see administrative rule [GDC-R](#).

Jury duty/lawfully-issued job related subpoenas

Any employee who is summoned for jury duty or who is lawfully subpoenaed to appear in court, or for a deposition in connection with a work-related matter, is entitled to a leave of absence without loss of pay and without being required to use his/her leave days. Whenever a prospective juror is dismissed before the end of the working day, or a subpoenaed employee is released from the subpoena before the end of the working day, the employee is expected to return to work.

Military leave

Leave for employees who are enlisted in the U.S. military reserves will be treated in accordance with applicable state and federal law.

Vacation

All 12-month support personnel will earn vacation days at the rate of one day for every 24 working days, for a maximum of 10 vacation days per year. These vacation days are in addition to those periods when school is in recess as indicated by the district calendar.

An employee is expected to use vacation days during the fiscal year in which they are earned, but in any case no later than the end of the following fiscal year. Employees will be compensated for up to 20 unused vacation days at separation.

Adopted 9/16/76; Revised 9/15/77, 7/17/80, 7/30/81, 11/18/82, 10/18/84, 4/23/87, 2/15/90, 6/24/91, 6/4/92, 2/17/94, 11/21/95, 8/12/96, 7/15/97, 4/20/00, 11/28/00, 8/1/02, 2/19/04, 3/17/05, 11/17/05, 2/21/06, 5/29/07

Legal references:

United States Code:

P.L.103-3 and [29 CFR Part 825](#) - The Family and Medical Leave Act of 1993.

[Title 38 U.S. Code, Chapter 43, Sections 4301-4333](#), Public Law 103-353 - The Uniformed Services Employment and Reemployment Act of 1994 (USERRA).

S.C. Code, 1976, as amended:

[Section 8-7-20](#) - Requires granting of military leave, without pay, up to five years.

[Section 8-7-90](#) - Requires 15 days per year of leave with pay for members of National Guard and Reserve Units of the various Armed Forces. Also grants an additional 30 days of leave with pay in emergency situations.

[Section 8-11-65](#) - Organ donor leave.

[Section 8-11-620](#) - Leave and lump-sum payment permitted upon termination of employment, death or retirement of employee.

[Section 9-1-2210](#) - Teacher and Employee Retention Incentive Program.

[Section 14-1-190](#) - Compensation received for jury duty deemed to be expense money.

Section 59-1-400 - Sick leave for public school district employees.

SCHOOL DISTRICT FIVE OF LEXINGTON AND RICHLAND COUNTIES

SUPPORT STAFF LEAVES AND ABSENCES

Code **GDC** Issued **DRAFT/13**

Purpose: To establish the basic structure for all types of support staff leaves and absences.

Introduction

In order to equitably provide a leave policy for all School District Five of Lexington and Richland Counties' employees that is consistent with applicable law, including the provisions set forth in the Act to Provide Leave for Full-Time Public School Employees (**S.C. Code 59-1-400**), the following provisions are hereby established.

The continuous presence of employees promotes excellence in the instructional program by ensuring the following.

- the uninterrupted continuity of education
- greater teacher-student contact time
- appropriate role-model emulation
- consistent classroom discipline
- reduced costs

Therefore, the board expects employees to be present at work every day. The board recognizes, however, that certain employee absences are unavoidable. At such times, employees should take leave time in accordance with this policy and the procedures set forth in the accompanying administrative rule.

Absent employees must comply with procedures set out in the administrative rule which accompanies this policy.

Sick leave

The District will grant sick leave to all full-time employees in accordance with **S.C. Code § 59-1-400**, and as set forth in Administrative Rule GDC-R. Leave days may be used for personal illness or family illness as designated by employees and outlined in Administrative Rule GDC-R.

Sick leave verification

An employee's use of sick leave is subject to verification. The District reserves the right to require an employee to submit a physician's statement verifying a personal illness (or the illness of a family member), along with an employee absence report form, whenever the administration believes that is necessary based on the circumstances.

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Reduction of accumulated leave days

In 1996, the district adopted changes for determining payment due an employee for accumulated leave days upon retirement or separation from the district. Since that time, the district has maintained records, which differentiate payment for “pre-amendment leave days (days accumulated prior to 1996)” and “post-amendment leave days (days accumulated between July 1, 1996 and June 30, 2000).” In order to preserve employees’ vested interest in the value of those leave days accumulated prior to July 1, 2000, the district will use a “last-earned first-used” accounting method to calculate the reduction of an employee’s accumulated sick leave and personal leave days in accordance with this policy.

Payment for unused leave days

Full-time employees may accumulate a maximum of 90 days of combined sick and personal leave days. Those employees who earn but do not use earned days in excess of 90 will be paid at the end of each fiscal year (June 30) for each such day at the established rate of substitute pay for their individual job classification. All 240-day employees are paid on July 15. In those cases where no rate of substitute pay has been established for a job classification, certified employees will be paid at the established rate of non-certified substitute pay and non-certified employees will be paid the hourly wage rate established by the district based on their regularly scheduled work day.

Upon an employee’s official retirement in accordance with the procedures established by the state retirement system, the district will pay a one-time lump sum for up to a maximum of 45 days accumulated but unused annual leave time, calculated at the employee’s average daily rate, plus a maximum of 45 days accumulated but unused sick leave time, calculated at the appropriate substitute daily rate of pay.

Those employees who retire from employment in the district and who have a balance of pre-amendment accrued leave upon such retirement will be paid for such pre-amendment accrued leave days in accordance with the provisions of former Policy GBRI (6/24/91). Post-amendment leave days accrued by such employees shall be paid in accordance with former Policy GBRI (8/12/96).

Employees who entered the South Carolina Retirement System’s TERI (Teacher and Employee Retention Incentive) program on or **after** July 1, 2005, will be paid for unused leave days only one time, which will occur at the conclusion of the TERI program period.

Employees who entered the South Carolina Retirement System’s TERI (Teacher and Employee Retention Incentive) program **before** July 1, 2005, were paid retirement leave bonus before they entered the TERI program, reducing their leave (and vacation) days to zero. During their TERI period, the employee has been allowed to earn leave days (and vacation days if applicable) under the same guidelines as regular employees (see chart in GDC-R).

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Employees who entered the South Carolina Retirement System's TERI (Teacher and Employee Retention Incentive) program **before** July 1, 2005 who leave the district can transfer all current leave days and all accumulated leave days to another school district or to the department of education or any state agency that accepts these days.

Employees who entered the South Carolina Retirement System's TERI (Teacher and Employee Retention Incentive) program **before** July 1, 2005, who are rehired in the district at the end of their TERI as a working retiree will retain any unused leave days earned during the TERI program. The employee may use these days as outlined in this policy and corresponding administrative rule.

Retired employees who return to full-time employment in the district under a letter of agreement will accrue sick leave and personal leave days in accordance with this policy. Any unused leave days will not carry over from year to year for those employees, and will not be paid as a lump-sum at any time.

Those employees who separate from employment with the District for reasons other than retirement, and who have worked for the district for four consecutive years prior to separation, shall be paid for their pre-amendment accumulated leave days in accordance with the provisions of former Policy GBRI (6/24/91) and for their post-amendment leave days in accordance with the provisions of former Policy GBRI (8/12/96).

Transfer of accumulated leave

Any employee who separates from employment with the district for any reason other than official retirement in accordance with the procedures established by the state retirement system can transfer all current earned leave days and all accumulated leave days to another school district or to the department of education or any state agency that accepts these days.

Adjustments in pay

Any employee who is absent from work for any reason and who does not have any leave days available will have his/her salary adjusted to reflect a deduction in annual salary computed at the employee's daily rate. Such adjustment will be made in the pay period in which the absence occurs, or in the next pay period, at the district's discretion.

Emergency leave

Up to 10 days of emergency leave may be taken each school year only for the illness or medically related condition of the employee upon written recommendation of the employee's physician. Emergency leave may be taken only after the employee has used his/her current leave allocation as well as any cumulative leave. Emergency leave may be taken with the stipulation that the substitute's daily rate of pay will be deducted from the employee's salary for each day used. Emergency leave days will be non-cumulative. The employee must make the request in writing to the human resource office. The request should include the physician's statement. The human resource office will respond in writing regarding the decision to grant emergency leave.

PAGE 4 - GDC - SUPPORT STAFF LEAVES AND ABSENCES

Sick leave bank

The district establishes a sick leave bank that will operate in accordance with the guidelines set forth in Administrative Rule GDC-R.

Termination for misuse of leave/excessive absenteeism

The District may terminate the employment of any employee who fails to comply with the requirements of this policy and accompanying administrative rule, who fails to report to work at the expiration of an authorized leave, or who fails or is unable to return to work at the end of a period of approved leave. Any employee who makes misrepresentations regarding a leave also may be terminated.

An employee who is excessively absent, as determined by the district, may be terminated, other than an employee who is on approved leave pursuant to the FMLA. In accordance with the provisions of [S.C. Code Ann. § 59-1-400](#), the District also will not terminate a full-time employee who is absent with a continuing illness, as documented by a treating physician, for excessive absenteeism so long as the period of absence does not exceed a total of 91 work days.

Any employee who is absent beyond the 12-week period authorized by the FMLA will be required to reimburse the district for all health insurance premiums, unless the employee has 1) been granted extended leave, and 2) accumulated leave days to cover the absences, in which case the employee will only be required to pay his/her share.

Family and Medical Leave Act

The district will provide leave to eligible employees pursuant to the Family and Medical Leave Act of 1993 (FMLA). Eligible employees are entitled to a maximum of 12 weeks of unpaid FMLA leave in a designated 12-month period. The district has designated a rolling 12-month period, defined as one year from the initial date of a leave granted under the FMLA. The District will require employees taking leave pursuant to the FMLA to concurrently use the employee's accumulated leave days.

In order to be eligible for FMLA leave, an employee must have been employed by the district for a minimum of 12 months, and have worked for at least 1,250 hours during the 12-month period immediately preceding the period that the FMLA leave will commence. During the 12-week FMLA leave, the district will continue to pay the district's share of the employee's health benefits. In addition, the district will restore the employee to the same or a similar position upon the termination of FMLA leave, unless the employee is considered a key employee under the FMLA. For further information on FMLA leave, see Administrative Rule GDC-R.

Jury duty/lawfully-issued job related subpoenas

Any employee who is summoned for jury duty, or who is lawfully subpoenaed to appear in court or for a deposition in connection with a work-related matter, is entitled to a leave of absence without loss of pay and without being required to use his/her leave days. Whenever a prospective juror is dismissed before the end of the working day, or a subpoenaed employee is released from the subpoena before the end of the working day, the employee is expected to return to work.

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Military leave

Leave for employees who are enlisted in the U.S. military reserves will be treated in accordance with applicable state and federal law.

Employees may take military leave without loss of pay, seniority or efficiency rating for one or more periods not exceeding a total of 15 workdays in one year. Saturdays, Sundays and state holidays may not be included in this 15 days unless the Saturday, Sunday or holiday is a regularly scheduled workday for the employee.

This leave may be taken when the employee is engaged in training or other duties ordered by the governor, the department of defense, the department of the army, the department of the air force, the department of the navy, the department of the treasury, or any other department or agency of the government of the United States having authority to issue lawful orders requiring military service. This leave applies to employees who are either enlisted or commissioned members of the South Carolina National Guard, the United States Army Reserve, the United States Air Force Reserve, the United States Naval Reserve, the United States Marine Corps Reserve or the United States Coast Guard Reserve.

In the event an employee is called upon to serve during an emergency, he/she will be entitled to such leave of absence for a period not exceeding 30 additional days.

The board expects employees to request their training for a period when school is not in session.

An employee seeking leave for annual active duty training must forward a written request, including the appropriate verifying data, to the superintendent no later than 30 days prior to the pre-arranged military activity.

Extended military leave

Employees who enlist or are called to active duty are eligible for up to five years extended military leave. All provisions of federal law apply to extended military leave (reemployment, benefits, etc.). However, the district is not required to maintain employee benefits for extended leave.

Written substantiation of leave under this policy is required. Falsification of reason for leave may be cause for disciplinary action up to and including termination of employment.

Application and approval for leave under this policy are made on the leave application form.

Vacation

All 12-month certified personnel will earn vacation days at the rate of one day for every 24 working days, for a maximum of 10 vacation days per year. These vacation days are in addition to those periods when school is in recess as indicated by the district calendar.

An employee is expected to use vacation days during the fiscal year in which they are earned, but in any case no later than the end of the following fiscal year. Employees will be compensated for up to 20 unused vacation days at separation.

PAGE 6 - GDC - SUPPORT STAFF LEAVES AND ABSENCES

Organ donor leave

Employees may take a leave of absence to be an organ donor without loss of pay, time, leave or efficiency rating for one or more periods not exceeding a total of 30 workdays in one fiscal year. Saturdays, Sundays and state holidays may not be included in this 30 days unless the Saturday, Sunday or holiday is a regularly scheduled workday for the employee.

An employee seeking leave to be an organ donor must forward a written request, including the appropriate documentation from the attending physician verifying that the employee is the donor, to the superintendent no later than ten (10) days prior to the leave.

Adopted: 9/16/76; Revised 9/15/77, 7/17/80, 7/30/81, 11/18/82, 10/18/84, 4/23/87, 2/15/90, 6/24/91, 6/4/92, 2/17/94, 11/21/95, 8/12/96, 7/15/97, 4/20/2000, 11/28/00, 8/1/02, 02/19/04, 03/17/05, 11/17/05, 2/21/06, 5/07

Adopted ^

Constitutional and Statutory Provisions:

- A. Family and Medical Leave Act of 1993 (FMLA), 29 USCA §§ 2601
- B. Uniform Services Employment and Re-employment Rights Act (USERRA), 38 USCA § 4301
- C. S.C. Code § 59-1-400 (2004)
- D. S.C. Code § 8-7-20 (2004)
- E. S.C. Code § 8-7-90 (2004)
- F. S.C. Code § 8-11-620 (1976)

Legal references:

- A. United States Code:
 - 1. P.L.103-3 and 29 CFR Part 825 - The Family and Medical Leave Act of 1993.
 - 2. Title 38 U.S. Code, Chapter 43, Sections 4301-4333, Public Law 103-353 - The Uniformed Services Employment and Reemployment Act of 1994 (USERRA).
- B. S. C. Code, 1976, as amended:
 - 1. Section 8-7-20 - Requires granting of military leave, without pay, up to five years.
 - 2. Section 8-7-90 - Requires 15 days per year of leave with pay for members of National Guard and Reserve Units of the various Armed Forces. Also grants an additional 30 days of leave with pay in emergency situations.
 - 3. Section 8-11-65 - Organ donor leave.
 - 4. Section 9-1-2210 - Teacher and Employee Retention Incentive Program.
 - 5. Section 14-1-190 - Compensation received for jury duty deemed to be expense money.
 - 6. Section 14-7-845 - Relating to optional postponement of jury service for students and employees.
 - 7. Section 25-1-2250 - Employees entitled to leave with pay when serving in National Guard.
 - 8. Section 59-1-400 - Sick leave for public school district employees

PAGE 7 - GDC - SUPPORT STAFF LEAVES AND ABSENCES

Legal references:

A. United States Code:

3. P.L.103-3 and 29 CFR Part 825 - The Family and Medical Leave Act of 1993.
4. Title 38 U.S. Code, Chapter 43, Sections 4301-4333, Public Law 103-353 - The Uniformed Services Employment and Reemployment Act of 1994 (USERRA).

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

9. Section 8-7-20 - Requires granting of military leave, without pay, up to five years.
10. Section 8-7-90 - Requires 15 days per year of leave with pay for members of National Guard and Reserve Units of the various Armed Forces. Also grants an additional 30 days of leave with pay in emergency situations.
11. Section 8-11-65 - Organ donor leave.
12. Section 9-1-2210 - Teacher and Employee Retention Incentive Program.
13. Section 14-1-190 - Compensation received for jury duty deemed to be expense money.
14. Section 14-7-845 - Relating to optional postponement of jury service for students and employees.
15. Section 25-1-2250 - Employees entitled to leave with pay when serving in National Guard.
16. Section 59-1-400 - Sick leave for public school district employees.

CURRENT POLICY**Policy GCQE Retirement of Professional Staff**

Issued 2/10

Purpose: To establish the basic structure for the retirement of professional staff in a manner that will have a minimum amount of impact on the district's instructional program.

Any school district employee who is a member of the South Carolina Retirement System may retire with full benefits if the member has reached the age of 65 or has 28 or more years of creditable service. Any member who has reached age 60 may retire with reduced benefits.

Also, the member who has reached the age of 55 and who has at least 25 years of creditable service may elect early retirement with reduced benefits from the retirement system; however, he/she will not be eligible for cost-of-living adjustments for a period of time.

The employee should notify the board in writing of his/her intent to retire as soon as possible, but not later than March 15 of the year in which he/she plans to retire.

An eligible employee wishing to retire during the course of the school year and to continue his/her employment as a retired employee must adhere to the current state statutes at the time of retirement.

Teacher and Employee Retention Incentive (TERI) program

School district employees who desire to participate in the Teacher and Employee Retention Incentive (TERI) program should consult the South Carolina State Retirement System or the district's benefits coordinator in order to ascertain current governing rules and regulations. Employees under TERI are retired for retirement benefit purposes and retain full employment rights and benefits.

Sick leave benefits at the time of TERI retirement may be credited for retirement benefit calculations. Any remaining balance will be brought forward into the TERI term of employment. Any such entitlements are to be determined by reference to the school district's leave policy. TERI participants are eligible for cumulative leave.

Vacation leave benefits are the same as for non-retired employees.

Adopted 8/1/73; Revised 6/7/82, 2/22/10

Legal references:

Federal Law:

29 U.S.C. 621 et seq. - Age Discrimination in Employment Act of 1967.

S.C. Code, 1976, as amended:

Section 9-1-10 - Teachers are members of the state retirement system.

Section 9-1-1510 - Members may retire at age 60 or after 28 years of creditable service.

Section 9-1-1515 - Early retirement.

Section 9-1-1550 - Service retirement allowances.

Section 9-1-2210 - Teacher and Employee Retention Incentive Program.

RETIREMENT OF PROFESSIONAL STAFF

Code **GCQE** Issued **DRAFT/13**

Purpose: To establish the basic structure for the retirement of professional staff in a manner that will have a minimum amount of impact on the district's instructional program.

~~Any school district employee who is a member of the South Carolina Retirement System may retire with full benefits if the member has reached age 65 or has 28 or more years of creditable service. Any member who has reached age 60 may retire with reduced benefits.~~

~~Also the member who has reached the age of 55 and who has at least 25 years of creditable service may elect early retirement with reduced benefits from the retirement system; however, he/she will not be eligible for cost-of-living adjustments for a period of time.~~

Any district employee who is a member of the South Carolina Retirement System prior to June 30, 2012, may retire with full benefits if the member has five or more years of earned service; reached the age of 60 or has 28 or more years of creditable service and separated from service. A member who has reached age 60 may retire with reduced benefits.

Any district employee with an effective date of membership in the South Carolina Retirement System after June 30, 2012, may retire with full benefits if the employee has eight or more years of earned service; reached the age of 60 or satisfied "the rule of ninety" requirement (age plus service years equals ninety) and separated from service.

The employee should notify the board in writing of his/her intent to retire as soon as possible, but not later than March 15 of the year in which he/she plans to retire.

An eligible employee wishing to retire during the course of the school year and to continue his/her employment as a retired employee must adhere to the current state statutes at the time of retirement.

Teacher and Employee Retention Incentive (TERI) program

School district employees who desire to participate in the TERI program should consult the South Carolina State Retirement System or the district's benefits coordinator in order to ascertain current governing rules and regulations. Employees under TERI are retired for retirement benefit purposes and retain full employment rights and benefits.

Sick leave benefits at the time of TERI retirement may be credited for retirement benefit calculations. Any remaining balance will be brought forward into the TERI term of employment. Any such entitlements are to be determined by reference to the school district's leave policy. TERI participants are eligible for cumulative leave.

Vacation leave benefits are the same as for non-retired employees.

Adopted ^

Legal references:

A. Federal Law:

1. 29 U.S.C. 621 et seq. - Age Discrimination in Employment Act of 1967.

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

1. Section 9-1-10 - Teachers are members of the state retirement system.
2. Section 9-1-1510, (A), (B) - Retirement eligibility (Class One or Two member; Class Three member).
3. Section 9-1-1515 - Early retirement.
4. Section 9-1-1550 - Service retirement allowances.
5. Section 9-1-2210 - Teacher and Employee Retention Incentive Program.

Policy GDQC Retirement of Support Staff

Purpose: To establish the basic structure for the retirement of support staff.

Also, the member who has reached the age of 55 and who has at least 25 years of creditable service may elect early retirement with reduced benefits from the retirement system; however, he/she will not be eligible for cost-of-living adjustments for a period of time.

Teacher and Employee Retention Incentive (TERI) program

Sick leave benefits at the time of TERI retirement may be credited for retirement benefit calculations. Any remaining balance will be brought forward into the TERI term of employment. Any such entitlements are to be determined by reference to the school district's leave policy. TERI participants are eligible for cumulative leave.

Adopted 8/1/73; Revised 2/22/10

Legal references:

Federal Law:

29 U.S.C. 621 et seq. - Age Discrimination in Employment Act of 1967.

S.C. Code, 1976, as amended:

Section 9-1-10 - Teachers are members of the state retirement system.

Section 9-1-1510 - Members may retire at age 60 or after 28 years of creditable service.

Section 9-1-1515 - Early retirement.

Section 9-1-1550 - Service retirement allowances.

Section 9-1-2210 - Teacher and Employee Retention Incentive Program.

SCHOOL DISTRICT FIVE OF LEXINGTON AND RICHLAND COUNTIES

RETIREMENT OF SUPPORT STAFF

Code **GDQC** Issued **DRAFT/13**

Purpose: To establish the basic structure for the retirement of support staff.

~~Any employee who is a member of the South Carolina Retirement System may retire with full benefits if the member has reached the age of 65 or has 28 or more years of creditable service. Any member who has reached age 60 may retire with reduced benefits.~~

~~Also, the member who has reached the age of 55 and who has at least 25 years of creditable service may elect early retirement with reduced benefits from the retirement system; however, he/she will not be eligible for cost-of-living adjustments for a period of time.~~

Any district employee who is a member of the South Carolina Retirement System prior to June 30, 2012, may retire with full benefits if the member has five or more years of earned service; reached the age of 60 or has 28 or more years of creditable service and separated from service. A member who has reached age 60 may retire with reduced benefits.

Any district employee with an effective date of membership in the South Carolina Retirement System after June 30, 2012, may retire with full benefits if the employee has eight or more years of earned service; reached the age of 60 or satisfied "the rule of ninety" requirement (age plus service years equals ninety) and separated from service.

The employee should notify the board in writing of his/her intent to retire as soon as possible, but not later than March 15 of the year in which he/she plans to retire.

An eligible employee wishing to retire during the course of the school year and to continue his/her employment as a retired employee must adhere to the current state statutes at the time of retirement.

Teacher and Employee Retention Incentive (TERI) program

School district employees who desire to participate in the TERI program should consult the South Carolina State Retirement System or the district's benefits coordinator in order to ascertain current governing rules and regulations. Employees under TERI are retired for retirement benefit purposes and retain full employment rights and benefits.

Sick leave benefits at the time of TERI retirement may be credited for retirement benefit calculations. Any remaining balance will be brought forward into the TERI term of employment. Any such entitlements are to be determined by reference to the school district's leave policy. TERI participants are eligible for cumulative leave.

Vacation leave benefits are the same as for non-retired employees.

Adopted ^

Legal references:

A. Federal Law:

1. 29 U.S.C. 621 et seq. - Age Discrimination in Employment Act of 1967.

SCSBA

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

1. Section 9-1-10 - Teachers are members of the state retirement system.
2. Section 9-1-1510, (A), (B) - Retirement eligibility (Class One or Two member; Class Three member).
3. Section 9-1-1515 - Early retirement.
4. Section 9-1-1550 - Service retirement allowances.
5. Section 9-1-2210 - Teacher and Employee Retention Incentive Program.



Memorandum

To: Members of the Board of Trustees

Through: Dr. Stephen W. Hefner
Superintendent

From: Mark A. Bounds 
~~Chief Information Officer~~

Date: July 11, 2013

Re: Board Policies – Section F

Issue: Proposed additions to Board Policies – Section F

Background: Attached for your consideration are the recommended new policies from the South Carolina School Boards Association for the following policies:

- Add FF "Naming Facilities"
- Add FF-R "Naming Facilities"

Recommendation: Administration recommends that the proposed additions to selected "F" policies proceed to First Reading approval.

MB/aw

Attachments - Recommend Policies – Section K

NAMING FACILITIES

Code **FF** Issued **DRAFT/06**

Purpose: To establish the basic structure for the naming of district facilities.

The board is responsible for naming school facilities.

Naming of school facilities is a matter of great importance. It is a matter that deserves thoughtful attention from the board and the administration. Personal prejudice or favoritism, political pressure or temporary popularity should not be an influence in choosing a school name. Generally, the board prefers to name schools for recognized geographical areas.

Under certain circumstances, the board will consider requests from school and community groups to name a portion of a building, a single building on a campus with multiple buildings, or a specific area on the campus in honor of a person who is not living. The proposed name should have special significance. The recommended honoree must have made an outstanding contribution to the school or school system and have been deceased for at least three years. The board will consider the request only after approval of the school administration, appropriate School Improvement Council and district administration.

Additionally, the board may consider requests from businesses, organizations or community members to permanently or temporarily recognize substantial financial contributions to the district by naming a portion of a building, a single building on a campus with multiple buildings, or a specific area on the campus for the donor. Under these circumstances, the requestor and the district will agree on an appropriate fee and time frame for the naming.

The group, organization or individual making the request must agree to bear all cost for signage and any other expenses related to the facility naming. The district will not incur any expense for facilities naming. The board can rescind the facility naming at any time with or without cause.

The superintendent will prepare and the board will approve procedures for the board to follow when naming school properties or portions thereof.

NAMING FACILITIES

Code **FF-R** Issued: **DRAFT**

To name a facility in School District Five of Lexington and Richland Counties, the following guidelines will be used.

Naming New Schools

Where feasible, schools will be named to denote location. Community, street and geographic area will be considered in the selection of a name. Names suggested by the natural setting and habitat of the school location may also be appropriate.

Schools will not generally be named for living persons. However, recommendations or proposals made pursuant to the section entitled "Naming Facilities By Gift." in this rule may give support to such action by the board. In very unusual situations, names of persons who have been deceased for more than three years may be considered in selecting the name for a school.

A committee will be appointed by the superintendent to recommend names to the board for consideration as soon as attendance lines have been finalized. The committee will be composed of the new principal, two administrators from other district schools, a representative from the district office staff, two students (where age appropriate), two parents, and two community members who live within the attendance boundaries of the school.

The committee will accept recommendations from persons living within the new school area, from the school district at large and from school district personnel.

The committee will bring their recommendation(s) to the superintendent. If the superintendent supports the request, he/she will forward to the board for consideration.

Naming Facilities in Honor of Deceased Persons

Facilities will not be named for living persons unless under the provisions specified in the paragraph below "Naming Facilities By Gift."

Requests to name a portion of a building, a single building on a campus with multiple buildings, or a specific area on the campus, for a deceased person must be made in writing to the school principal. The request must provide specific information on the significant contributions made by the proposed honoree, the time of service to the school / district and date the person was deceased. The school principal will take the request to the School Improvement Council (SIC) with his/her recommendation. The SIC will take a public vote to support or deny the request. If approved, the SIC must send a written endorsement of the request to the board. The board must take action on the request within ninety days of receipt of the SIC endorsement.

Naming Facilities By Gift

The board may approve naming opportunities in cases where a significant financial gift has been accepted for the district by the board in exchange for permanent or temporary naming of a facility. The gift can be designated for the construction of a building, part of a building, creation of an outdoor space or other facility or a non-designated gift for naming of an existing facility.

When the naming opportunity concerns new construction or substantial renovation in an existing building or space, the donor(s) generally will be required to provide a minimum of 50 percent of the total cost. A committee may be appointed by the board to recommend naming opportunities, as anticipated under this provision, but the board may also make such determinations through direct negotiations. In all events, such proposals or recommendations will be considered on a case-by-case basis.

General

The district will not incur any expense for the signage or any other items related to the facilities naming. The board can rescind the naming at any time with or without cause. If the board rescinds the naming of a facility that was named by a gift any contractual obligation must be fulfilled.



Memorandum

To: Members of the Board of Trustees

Through: Dr. Stephen W. Hefner
Superintendent

From: Mark A. Bounds 
Chief Information Officer

Date: July 11, 2013

Re: Board Policies – Section K

Issue: Proposed additions and revisions to Board Policies – Section K

Background: Attached for your consideration are the recommended new policies and revisions from the South Carolina School Boards Association for the following policies:

- Add KB "Parent Involvement in Education"
- Add KBB "Parent Rights and Responsibilities"
- Add KDD "Media Relations"
- Add KDDA "Press Releases, Conferences and Interviews"
- Add KE "Public Concerns and Complaints"
- Replace KA "Goals and Objectives" and LC "School-Business-Community Partnerships" with KA "School-Parent-Community Relations Goals/Priority Objectives"
- Replace KHE "Gifts to Schools" with KCD "Public Gifts/Donations to Schools"
- Replace KB "Public Information Program" with KD "Public Information and Communication"
- Replace KBA "Public's Right to Know" and KBA-E "Code of Laws of South Carolina 1976 Annotated" with KDB "Public's Right to Know/Freedom of Information"
- Replace KBA-R "Request to Inspect and/or Receive Copies of Public Records" with "KDB-R "Public's Right to Know/Freedom of Information"

Recommendation: Administration recommends that the proposed additions/revisions to selected "K" policies proceed to First Reading approval.

MB/aw

Attachments - Current Board Policies/Recommended Policies – Section K

PARENT INVOLVEMENT IN EDUCATION

Code **KB** Issued **DRAFT/08**

Purpose: To establish the board's vision for the involvement of parents and families in the education of their children.

The board believes that parent and family involvement must be pursued and supported by homes, schools/colleges/universities, communities, businesses, faith congregations, organizations and government entities by working together in a collaborative effort.

The board believes it can impact student achievement by improving the quality and quantity of parent/family involvement in the education of their children.

Therefore, the board commits to the following.

- Seeing that each school establishes a comprehensive parent involvement program that includes parent education programs and activities that will assist parents and families in supporting classroom learning.
- Providing support and coordination for staff and parents and families to make family involvement in education a priority.
- Establishing effective, two-way communication between all parents and families and schools that respects the diversity and differing needs of families and encourages the development of mutual support between home and school.
- Seeing that each school develops effective school planning/management teams that involve a broad spectrum of families, staff and community representatives in school governance and decision making at the local and statewide level.
- Recognizing that improved student achievement must be an equally shared responsibility and ultimate goal of parents and families, teachers, the school system as a whole and the community at large.

Parent involvement (2000 Parent Involvement in Their Children's Education Act)

Responsibilities of board

In order to heighten awareness of the importance of parent and family involvement in the education of their children throughout their schooling, encourage the establishment and maintenance of parent-friendly school settings, and emphasize parent/school partnerships to assure a child's academic success, the board will do the following.

- Consider joining national organizations that promote and provide technical assistance on various proven parental involvement frameworks and models.
- Incorporate, where possible, proven parental involvement practices into existing policies and efforts.
- Provide parental involvement orientation and training through staff development.

PAGE 2 - KB - PARENT INVOLVEMENT IN EDUCATION

- Provide incentives and formal recognition for schools that significantly increase parental involvement as defined by the state board of education.
- Require an annual report on school and district parental involvement programs including evaluations of the success of the programs.
- Include parental involvement expectations as part of the superintendent's evaluation.

Responsibilities of superintendent

The superintendent will do the following.

- Include parental involvement expectations as part of each principal's evaluation.
- Include information about parental involvement opportunities and participation in the district's annual report.
- Disseminate parental expectations as defined by law to all parents of the district.

The superintendent may also designate staff to serve as parent liaisons for the district, require each school to designate a faculty contact for parental involvement efforts, require each principal to designate a materials and resource space within the school specifically for parents, and encourage principals to adjust class and school schedules to accommodate parent-teacher conferences more conveniently.

Parent involvement (No Child Left Behind Act of 2001)

The board also recognizes the special importance of parental involvement to the success of its Title I, Migrant (MEP), and Limited English Proficiency (LEP) programs. Pursuant to federal law, the district and parents will jointly develop and agree upon a written parental involvement policy that will be distributed to parents participating in any of these programs.

In keeping with these beliefs, it is the intention of the district to cultivate and support active parental involvement and to set and realize goals for parent-supported student learning. The district will do the following.

- Provide activities that will educate parents regarding the intellectual and developmental needs of their children at all age levels. This will include promoting cooperation between the district and other agencies or school/community groups (such as parent-teacher groups, Head Start, First Steps, Ready By Five, etc.) to furnish learning opportunities and disseminate information regarding parenting skills and child/adolescent development.
- Implement strategies to involve parents in the educational process, including the following.
 - keeping families informed of opportunities for involvement and encouraging participation in various programs
 - providing access to educational resources for parents/families to use together with their children
 - keeping families informed of the objectives of district educational programs as well as of their child's participation and progress within these programs.
- Enable families to participate in the education of their children through a variety of roles. For example, family members should be given opportunities to do the following.
 - Provide input into district policies.
 - Volunteer time within the classrooms and school programs.

PAGE 3 - KB - PARENT INVOLVEMENT IN EDUCATION

- Provide professional development opportunities for teachers and staff to enhance their understanding of effective parent involvement strategies.
- Perform regular evaluations of parent involvement at each school and at the district level.
- The school will provide access, to review any instructional material used as part of the educational curriculum.
- If practicable, provide information in a language understandable to parents.

Title I parent involvement

The board recognizes that parent involvement is vital to achieve maximum educational growth for students participating in the district's Title I program. Therefore, in compliance with federal law and state department of education guidelines, the district will meet with parents to provide information regarding their school's participation in the Title I program and its requirements.

The superintendent will ensure equivalence among schools in teachers, administration and other staff and in the provisions of curriculum materials and instructional supplies.

The board directs the superintendent to ensure that each of the district's schools participating in the Title I program meet annually. Parents of participating students will be informed of their right to be involved in the development of the district's parental involvement policy, overall Title I plan and school-parent compact.

The district will, to the extent practicable, provide full opportunities for the participation of parents with limited English proficiency, parents with disabilities, parents of homeless students and parents of migratory students. In cooperation with parents, the district's policy, plan and compact will be reviewed annually and updated periodically to meet the changing needs of parents and the school and distributed to parents of participating students in an understandable and uniform format and, to the extent practicable, in a language the parents can understand.

The superintendent will develop administrative regulations, as necessary, to implement this policy and meet the requirements of law.

Migrant Education Program (MEP) parent involvement

Parents of students in the MEP will be involved in and regularly consulted about the development, implementation, operation and evaluation of the program.

Parents of MEP students will receive instruction regarding their role in improving the academic achievement of their children.

Limited English Proficient (LEP) parent involvement

Pursuant to federal law, parents of LEP students will be provided notification regarding their child's placement in and information about the district's LEP program.

Parents will be notified of their rights regarding program content and participation.

South Carolina Education and Economic Development Act (EEDA)

Parental participation is an integral component of the clusters of study system mandated by the EEDA.

PAGE 4 - KB - PARENT INVOLVEMENT IN EDUCATION

As early as sixth grade and no later than 8th grade and continuing through high school, each school will schedule annual parent counseling conferences to assist parents/legal guardians or individuals appointed by the parents/legal guardians and their children in making career choices and creating individual graduation plans. These conferences must include, but not be limited to, the following.

- assisting the student in identifying career interests and goals
- selecting a cluster of study and an academic focus
- developing an individual graduation plan

A mediation process that includes parent advocates must be developed, explained and made available for conferences upon the request of the parent/legal guardian or the student.

The district may provide guidance and counseling sessions during hours that are not typically part of the workday, such as in the evenings or on Saturday.

Cf. IG, IGCA, IHAK, IHAQ, IHBC, IHCA, IKF, JLD, KBB

Adopted ^

Legal references:

- A. Federal law:
 - 1. No Child Left Behind Act of 2001, P.L. 107-110 - Sections 1111- 1120B.
- B. S.C. Code of Laws, 1976 as amended:
 - 1. Sections 59-28-100 through 59-28-220 - Parental Involvement in Their Children's Education Act.
 - 2. Section 59-139-90 - Strategic plans to include stated goals and objectives for parent involvement.
 - 3. Section 59-59-160 - South Carolina Education and Economic Development Act; parental participation, annual parent counseling conferences.
- C. State Board of Education Regulations:
 - 1. R43-205 - Administrative and professional personnel qualifications, duties and workloads.
 - 2. R43-234 - Defined program, grades 9-12.
- D. South Carolina State Department of Education:
 - 1. South Carolina Education and Economic Development Act Guidelines (2006).

PARENT RIGHTS AND RESPONSIBILITIES

Code **KBB** Issued **DRAFT/08**

Purpose: To establish the board's vision for the rights and responsibilities of the parents of the district's students.

The board has adopted the following statement on the rights and responsibilities of parents/legal guardians to describe the role of the parent/legal guardian and the role of the school in supporting a successful school experience for each child as well as establishing and maintaining a parent-friendly school setting.

For purposes of this policy, the term "parent" refers to custodial and noncustodial parents.

Every parent has the following **rights**.

- to be treated with courtesy by all members of the school staff
- to be respected as an individual regardless of race, creed, national origin, economic status, sex or age
- to secure as much help as is available from the school district to further the progress and improvement of his/her child
- to receive reasonable protection for his/her child from physical harm while under school authority
- to organize and participate in organizations for parents
- to participate in his/her child's school activities (unless prohibited by court order)

Special education

- to be informed of all programs in special education
- to appeal and/or deny the placement, in accordance with established guidelines, of his/her child in a special education class

Receiving information

- to be informed of academic requirements of any school program
- to be informed of school policies and administrative decisions
- to be informed of procedures of seeking changes in school policies and for appealing administrative decisions
- to expect that school personnel will make reasonable attempts to ensure that parents receive important school news and messages
- to be informed of education and cultural programs available to public school children

Conferences

- to participate in meaningful parent-teacher conferences to discuss his/her child's school progress and welfare

Records

- to inspect his/her child's education record in conformity with current guidelines established by state and federal governments

PAGE 2 - KBB- PARENT RIGHTS AND RESPONSIBILITIES

Every parent has the following **responsibilities**.

- to make reasonable efforts to provide for the physical needs of the child
- to strive to prepare the child emotionally and socially to make the child receptive to learning and discipline
- to hold high expectations for academic achievement
- to expect and communicate expectations for success
- to recognize that parental involvement in middle and high school is equally as critical as in elementary school
- to ensure attendance and punctuality
- to attend parent-teacher conferences
- to monitor and check homework
- to communicate with the school teachers
- to build partnerships with teachers to promote successful school experiences
- to attend, when possible, school events
- to model desirable behaviors
- to use encouraging words
- to stimulate thought and curiosity
- to show support for school expectations and efforts to increase student learning
- to encourage appropriate behavior at school and during school-sponsored events
- to report inappropriate behavior of a student, teacher or any district employee

(Cf. KB)

Adopted ^

Legal references:

- A. United States Code, Annotated:
 1. Section 438 of the General Education Provisions Act, as amended - The Family Education Rights and Privacy Act [20 U.S.C. 1232 (g)].
- B. South Carolina Code of Laws, 1976, as amended:
 1. Section 20-7-100 - Parental right to participate in child's school activities unless prohibited by court order.
 2. Sections 59-28-100 through 59-28-220 - Parental Involvement in Their Children's Education Act.
 3. Section 59-59-10, et. seq. - South Carolina Education and Economic Development Act.

MEDIA RELATIONS

Code **KDD** Issued **DRAFT/08**

Purpose: To establish the board's vision for relations with the media.

The district will make every effort practical to assist the press and other communications media to obtain complete and adequate coverage of the programs, problems, planning and activities of the district.

The district will give all representatives of the media equal access to information about the schools. The district will make general releases of interest to the entire district available to all the media simultaneously. There will be no exclusive releases except as media representatives request information on particular programs, plans or problems.

The board chair will be the spokesperson for the full board unless he/she designates another board member to represent the board for a specific board action.

*Must comply with the Freedom of Information Act (See policy KDB).

Adopted ^

PRESS RELEASES, CONFERENCES AND INTERVIEWS

Code **KDDA** Issued **DRAFT/08**

Purpose: To establish the board's vision for press releases, conferences and interviews.

Because the schools are public institutions endeavoring to serve the educational needs of the community, it is important that information be disseminated concerning their activities and problems. In order that district and school news be given the best press coverage, with a minimum of inaccuracies reported, the board desires that the release of official news from the district and school be coordinated as follows.

- The board chairman will be the official spokesman for the board, except as this duty is designated to the superintendent or another member of the board.
- The superintendent or his/her designee has the responsibility for news releases that are of a districtwide nature or pertain to established district policy.
- The principal of the individual school has the responsibility for news releases that are of concern to only one school or to any organization of one school. However, the principal or his/her designee must submit all news releases to the public information office prior to release to the media.
- School staff members must clear any statement to the media with the school principal in advance.
- Employees that are communicating with the media unrelated to their position with the district must not identify themselves in an official capacity with the district.
- Exceptions to this policy may be granted by the public information office.

Adopted ^

Legal references:

- A. S. C. Code, 1976, as amended:
 - 1. Section 30-4-10, et seq. - South Carolina Freedom of Information Act.

PUBLIC CONCERNS AND COMPLAINTS

Code **KE** Issued **DRAFT/08**

Purpose: To establish the board's vision for receiving and handling public complaints.

Complaints to one or more board member(s), which in the judgment of the board member(s) hearing the complaint requires investigation or action, will be referred to the superintendent for investigation, appropriate action or recommendations as the situation might justify.

If the matter cannot be resolved satisfactorily by the superintendent, the complainant will register the complaint in writing with the chairman of the board, setting forth the facts on which the complaint is based.

The board, at its next regular meeting or at a special meeting, will then consider the grievance of the complainant and dispose of the matter according to its best judgment.

Adopted ^

Policy KA Goals and Objectives

Issued 11/81

The Board believes that public education can be improved, resulting in increased instructional benefits for students, by establishment of a policy on public relations and school communications. This belief includes the following principles:

The public relations program should be a planned, systematic, two-way process of communication between the school district and its internal/external publics.

The public relations program should be many-faceted and should include a variety of media to efficiently and effectively inform all citizens of the district.

Public relations and communications, to be effective, must include a planned program with involvement and feedback.

Communications must be internal as well as external and must stress the dissemination of factual, objective, and realistic data about the district.

Public relations and communication must be dynamic and sensitive to change as determined by events and evaluation of the program.

Adopted 11/16/81

SCHOOL DISTRICT FIVE OF LEXINGTON AND RICHLAND COUNTIES

Policy LC School-Business-Community Partnerships

Issued 1/85

School District Five of Lexington and Richland Counties supports effective partnerships among schools, parents, community, and business. Because such partnerships contribute greatly to the education of students, the district encourages all schools:

- To strengthen the involvement of parents in the education of their children.

- To increase the participation of business and industry in public schools.

- To broaden community involvement in the schools.

To strengthen the involvement of parents in the education of their children, School District Five of Lexington and Richland Counties expects the following:

- Scheduled parent-teacher conferences in each school.

- Parent opportunities to assist in developing educational programs for their children.

- Appropriate parenting classes and seminars scheduled.

- Opportunities for parents to discuss academic achievement of the schools and to become involved in parent-teacher groups.

To increase the participation of business and industry in our schools, School District Five of Lexington and Richland Counties expects the following:

- School personnel to obtain advice and suggestions from the business community whenever appropriate.

- Schools to establish partnerships with business and industry which are in mutual benefit.

To broaden community involvement in schools, School District Five of Lexington and Richland Counties expects the following:

- Schools to establish volunteer programs.

- Schools to encourage civic and professional organizations to participate in school-business partnership.

- Schools to implement an effective public information program to inform parents and district residents about school and student achievement.

School District Five of Lexington and Richland Counties will officially recognize individuals and firms which contribute to partnerships. The district superintendent will prepare a yearly report to show what partnerships have been established and recommend recognition of individuals and firms providing significant leadership in this area. The report should be presented to the Board of Trustees at one of its meetings in June of each year.

Adopted 1/21/85

Constitutional and Statutory Provisions:

S.C. Code, 1976, as amended:

Section 59-5-65 - State Board of Education authorized to assist school districts in the creation of effective school/business/community partnerships.

SCHOOL DISTRICT FIVE OF LEXINGTON AND RICHLAND COUNTIES

SCHOOL-PARENT-COMMUNITY RELATIONS GOALS/PRIORITY OBJECTIVES

Code **KA** Issued **DRAFT/08**

Purpose: To establish the board's vision for school-parent-community relations.

The district will involve all segments of the community in accomplishing our goals and mission.

The board believes the following.

- The public schools belong to the people who created them by consent and support them by taxation.
- The schools are only as strong as the support afforded them by an intelligent and informed community.
- The support of the people must be based upon their knowledge of, their understanding about and their participation in the aims and efforts of the schools.
- The education of students is best served through the cooperative efforts of students, parents/legal guardians, district staff and community members.

In support of these beliefs, the district will encourage support of effective partnerships among schools, parents/legal guardians, community and business. To increase participation of business and industry in our schools, the district may do the following.

- Recruit business and industry personnel to serve on local school improvement councils and serve as volunteers or mentors.
- Encourage school personnel to obtain advice and suggestions from the business community.
- Work with businesses and civic and professional organizations to establish adopt-a-school programs.

Individual schools may implement an effective public information program to inform citizens about schools and about the achievement of students.

Individual schools may establish awards programs to recognize individuals and firms which contribute to effective partnerships.

Schools must submit all public information and awards programs to the Public Information Office for review prior to implementation.

Adopted 11/16/81; Revised 1/21/85, ^

Legal references:

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

1. Section 59-5-60 - General powers of the board.
2. Section 59-5-65(11), (12), (13) - State board of education authorized to assist school districts in the creation of effective school/business/community partnerships.

Policy KHE Gifts to Schools

Issued 1/88

Major gifts and donations to schools-except those formally sanctioned by recognized liaison/support organizations (e.g., parent-teacher groups, booster clubs, et al.)-shall be accepted after approval by the district administration. Any gifts and donations to schools by the District Five Education Foundation must be approved by the district administration. Any restricted gift or donation shall improve the quality of education in the schools.

Adopted 1/19/76; Revised 11/16/81, 1/25/88

Constitutional and Statutory Provisions:

S.C. Code, 1976, as amended:

Section 59-17-10 - Districts to hold and receive property for school purposes.

Section 59-19-170 - District may use property as it deems best, unless restricted by grant or bequest.

SCHOOL DISTRICT FIVE OF LEXINGTON AND RICHLAND COUNTIES

PUBLIC GIFTS/DONATIONS TO SCHOOLS

Code **KCD** Issued **DRAFT/08**

Purpose: To establish the basic structure for the public donation of items to the schools.

The school board may accept and hold in trust for its particular school district any property granted, devised or bequeathed to the district. The board may use the property in such a manner as in its judgement seems most conducive to the welfare of the schools when not otherwise directed by the terms of the grant, devise, gift or bequest. However, the school board reserves the right to refuse acceptance of any property/gift it determines to be inappropriate or other wise unacceptable.

Gifts to the school districts for public school purposes may be accepted subject to conditions of the gift. Property purchased by school districts may be acquisitioned in fee simple title only.

The superintendent will establish other criteria to be met in acceptance or refusal of gifts and the procedures to be followed in using such gifts.

Adopted 1/19/76; Revised 11/16/81, 1/25/88, ^

Legal references:

- A. S. C. Code 1976, as amended:
 - 1. Section 59-19-170, Acceptance and holding of property by trustees.
 - 2. Section 59-19-180 - Purchase of land by trustees.
 - 3. Section 59-69-30 - Investment of such fund.
- B. S. C. Attorney General's Opinion:
 - 1. 1968-69 Opinion No. 2655, p. 71.

PUBLIC INFORMATION AND COMMUNICATION

Code **KD** Issued **DRAFT/08**

Purpose: To establish the board's vision for the district's public information and communication program.

It will be the policy of the board to keep the community informed of the objectives, achievements, needs and conditions of the school system.

The board of trustees will seek to keep the citizens of the district regularly and thoroughly informed through all the channels of communication.

Therefore, the board will make every attempt to do the following.

- Keep the public informed regarding the policies, administration operation, objectives, educational program and successes or failures of the schools and the needs of the school system.
- Provide the means for furnishing full and accurate information, favorable and unfavorable, together with interpretation and explanation of the school plan and programs.

The superintendent will supervise the public information program of the district. The district office will implement and coordinate the program.

Adopted 11/16/81; Revised ^

Policy KBA Public's Right to Know

Issued 6/93

School District Five of Lexington and Richland Counties clearly recognizes the right of any person, under provisions of the South Carolina Freedom of Information Act, to inspect or receive copies of any public record, as defined by law, in accordance with reasonable rules concerning time and place of access. In this regard, the following policy governs such requests:

Requests by member of the general public

All requests to inspect and/or receive copies of records will be made in writing to the attention of the office of communications.

Within 15 normal working days of receipt of a specific written request from any individual, a written response consistent with legal requirements will be forwarded.

The district will establish and collect fees for the actual staff time expended in obtaining these records and expenses incurred in duplicating the requested material. Every possible effort will be made to minimize these charges. While such fees will be determined by the office of communications, any person requesting such records may appeal to the board of trustees in writing for financial relief should the fees exceed a total of \$50. Fees will not be charged for examination or review to determine if the requested documents are subject to disclosure.

When at all possible, records will be provided in a form that is both convenient and practical.

The following materials are usually exempt from disclosure:

- information of a personal nature where the public disclosure thereof will constitute unreasonable invasion of personal privacy;
- matters specifically exempted from disclosure by statute or law;
- documents incidental to proposed contractual arrangements and proposed sale or purchase of property;
- salaries of employees, except as provided by the South Carolina Freedom of Information Act;
- correspondence or work products of legal counsel for the district and any other material that would violate attorney-client relationships;
- any other matters exempt from disclosure under the South Carolina Freedom of Information Act, 1976 S.C. Code Ann. Section 30-4-10 et seq. as amended.

If any public records contain material having both exempt and non-exempt information, only the non-exempt material will be made available for public examination and scrutiny.

(Cf. BE, JRA, KL)

Adopted 11/16/81; Revised 1/25/88, 5/3/93

Constitutional & Statutory Provisions:

S.C. code, 1976, as amended:

Section 30-4-20 et seq. - Freedom of Information Act.

File KBA-E Code of Laws of South Carolina 1976 Annotated



SC ST s 30-4-30 Page 1

Code 1976 § 30-4-30

TITLE 30. PUBLIC RECORDS

CHAPTER 4. FREEDOM OF INFORMATION ACT

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Current through End of 1999 Reg. Sess. and Extra Session of 1999.

§ 30-4-30. Right to inspect or copy public records; fees; notification as to public availability of records; presumption upon failure to give notice; records to be available when requestor appears in person.

Any person has a right to inspect or copy any public record of a public body, except as otherwise provided by § 30-4-40, in accordance with reasonable rules concerning time and place of access.

The public body may establish and collect fees not to exceed the actual cost of searching for or making copies of records. Fees charged by a public body must be uniform for copies of the same record or document. However, members of the General Assembly may receive copies of records or documents at no charge from public bodies when their request relates to their legislative duties. The records must be furnished at the lowest possible cost to the person requesting the records. Records must be provided in a form that is both convenient and practical for use by the person requesting copies of the records concerned, if it is equally convenient for the public body to provide the records in this form. Documents may be furnished when appropriate without charge or at a reduced charge where the agency determines that waiver or reduction of the fee is in the public interest because furnishing the information can be considered as primarily benefiting the general public. Fees may not be charged for examination and review to determine if the documents are subject to disclosure. Nothing in this chapter prevents the custodian of the public records from charging a reasonable hourly rate for making records available to the public nor requiring a reasonable deposit of these costs before searching for or making copies of the records.

Each public body, upon written request for records made under this chapter, shall within fifteen days (excepting Saturdays, Sundays, and legal public holidays) of the receipt of any such request notify the person making such request of its determination and the reasons therefor. Such a determination shall constitute the final opinion of the public body as to the public availability of the requested public record and, if the request is granted, the record must be furnished or made available for inspection or copying. If written notification of the determination of the public body as to the availability of the requested public record is neither mailed nor personally delivered to the person requesting the document within the fifteen days allowed herein, the request must be considered approved.

The following records of a public body must be made available for public inspection and copying during the hours of operations of the public body without the requestor being required to make a written request to inspect or copy the records when the requestor appears in person:

- minutes of the meetings of the public body for the preceding six months;
- all reports identified in Section 30-4-50(A)(8) for at least the fourteen-day period before the current day; and

- What is "record" within meaning of Privacy Act of 1974 (5 USCA § 552a). 121 ALR Fed 465.

ATTORNEY GENERAL'S OPINIONS

In general

Freedom of Information Act makes no distinction between members of public, candidates for elected public office, members of legislature, or other categories of requestors as to who may be able to inspect or copy records of public body. 1993 Op Atty Gen No. 93-63.

Public body may disclose names, sex, race, title, and dates of employment of all officers and employees of public body subject to any applicable restriction or limitation under Freedom of Information Act. 1993 Op Atty Gen No. 93-63.

Mailing lists of various publications, which would include subscriber's mailing addresses, are disclosable unless an exception restricts public's right to access. 1993 Op Atty Gen No. 93-63.

Freedom of Information Act does not contemplate release of information in appointment matters as to prospective appointees when application period has not closed by end of 15 day response period. Act appears to require that information requested be disclosed as is contemplated by § 30-4-30(c). 1993 Op Atty Gen No. 93-66.

Freedom of Information Act makes no distinction as to who may request information under Act. 1993 Op Atty Gen No. 93-66.

An arrest warrant or bench warrant would generally be disclosable upon its being served upon the person named in the warrant unless the information in the warrant is otherwise exempt under the Freedom of Information Act; the custodian of criminal investigatory records, such as search warrants, has the discretion to disclose such records if he or she deems that it would not harm law enforcement or the investigation. 1989 Op Atty Gen, No. 89-78, p 205.

Whether or not a sheriff's department can release the tape of a 911 conversation or its contents must be determined by that agency; any decision as to nondisclosure would be subject to possible judicial review. 1988 Op Atty Gen, No. 88-28, p. 89.

Out-of-court settlement records maintained by a public agency, where the settlement involves the expenditure of public monies, are ordinarily "public records" subject to disclosure under the Freedom of Information Act unless the information contained in the settlement documents is specifically exempt from disclosure under the Act. Judicial records that contain settlement information are generally accessible by the public; however, a court has an inherent authority to seal the records in an appropriate case. 1988 Op Atty Gen, No. 88- 32, p 103.

The Comptroller General may refer requests for information to the agency housing the original record or information; if that agency refuses to honor the request for material deemed to be disclosable under the Freedom of Information Act, the Comptroller should then make the information available. The Freedom of Information Act itself does not appear to contemplate an exchange of information among or between state agencies. The Freedom of Information Act allows for certain direct and indirect costs to be considered in establishing a fee for searching for or making copies of records. While the Freedom of Information Act does not specifically require that a request for information be made in writing, it would be a protective measure to have such requests in writing to establish the fifteen-day response period. 1987 Op Atty Gen, No. 87-69, p 171.

System of allowing access to official records of Probate Court through staff member and by charging fee appears to comport with provisions of Freedom of Information Act. 1985 Op Atty Gen, No. 85-63, p 173.

Any written request is sufficient under the South Carolina Freedom of Information Act; failure to respond to a written request may be remedied by resort to injunctive relief, so long as sixty (60) days has not elapsed from the expiration of the statutory fifteen (15) day response period; an attorney's work product and any correspondence generated by that attorney for the public body which he represents may be removed from records to be disclosed, along with any other material violative of the attorney-client relationship; that information is sought in furtherance of a civil law suit has no effect on the requirement for disclosure mandated by the Freedom of Information Act; medical records in the possession of a public body should not be disclosed absent consent or a court order; there is no federal legislation prohibiting the disclosure of arrest records and criminal investigation reports. 1981 Op Atty Gen, No. 81-64, p 91.

Under former law

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working documents collected in preparation for conducting an audit and preparing a final audit report. 1976-77 Op Atty Gen, No. 77-133, p 111.

Incident and Supplemental Reports prepared by Sheriff's Officers and submitted for filing in the Records Division of the Police Service Bureau do not constitute public records subject to disclosure under the Freedom of Information Act if it can be shown that the public interest is best served by non-disclosure. Any public record subject to disclosure under the Freedom of Information Act may be viewed in its original form, but records not subject to disclosure could be publicized in summary form. 1976-77 Op Atty Gen, No. 77- 187, p 142.

The South Carolina Freedom of Information Act does not require the public disclosure of law enforcement records of internal investigations into allegations of peace officers' misconduct. 1976-77 Op Atty Gen, No. 77-363, p 288.

Police criminal investigatory files are not subject to inspection and copying under the Freedom of Information Act, since they are most likely not "public records" within the meaning of § 30-3-20 and § 30-3-30. 1976-77 Op Atty Gen. No. 77-193, p 146.

The South Carolina Freedom of Information Act does not require that the public be given access to personnel files and employment applications maintained on employees of the South Carolina House of

Representatives. 1976-77 Op Atty Gen, No. 77-45, p 45.

Under the decision of the South Carolina Supreme Court in *Cooper v. Bales*, the State of South Carolina and its political subdivisions should release only the employee's salary, grade and job description upon request under the FOIA. Any further disclosure could come only if the employee authorizes the release or if a court of competent jurisdiction orders such disclosure. 1976-77 Op Atty Gen, No. 77-243, p 180.

The Freedom of Information Act does not require the disclosure of how each member of a school board voted in executive session; (2) The school board may elect officers in a public meeting by secret ballot, but any written record of the vote by name would be public information after the votes are tabulated. 1976-77 Op Atty Gen, No. 77-279, p 214.

Under the provisions of the Freedom of Information Act, records containing charges against residential homebuilders should be made available for public inspection and copying once a proper disposition has been made of the charge by the Residential Homebuilders' Commission. 1976-77 Op Atty Gen, No. 77-288, p 219.

A county council cannot pass an ordinance or resolution restricting public records from discovery under the Freedom of Information Act. Failing to release the contents of a proposed county ordinance, emergency ordinance or resolution until such item is brought up for a vote would violate the Freedom of Information Act, where such items are prepared and available prior to the meeting. 1976-77 Op Atty Gen, No. 77-164, p 134.

The Greenwood County Hospital Board must comply with the provisions of the Freedom of Information Act, 1962 Code § 1-20, et seq. [1976 Code § 30-3- 10 et seq.], as amended. 1975-76 Op Atty Gen, No. 4477, p 337.

Public agencies may set up reasonable requirements for viewing and copying public records. However, care must be taken to insure that such procedures do not inordinately restrict public access to these public records. 1975-76 Op Atty Gen, No. 4512, p 373.

The Freedom of Information Act compels the Commission of the Blind to allow the inspection of its records used in mailing publications. 1974-75 Op Atty Gen, No. 3985, p 56.

The Freedom of Information Act would require disclosure of employee names at the Medical University, their

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SC ST s 30-4-30 Page 5

position, earnings, and insurance coverage; however, information such as sex, date of birth, marital status, and number of children of the employees relates solely to private matters which do not affect the performance of any public duty. 1974-75 Op Atty Gen, No. 4004, p 73.

Vehicle towing records of a sheriff may be open for public inspection. Employment applications for county employees and some portions of accident reports should not be open to public disclosure. 1974-75 Op Atty Gen, No. 4197, p 246.

There is no distinction between permitting legislator to view file and make notes and his being provided copies of documents from file compiled by Legislative Audit Council relative to sunset review once final review is released, unless documents are accorded confidentiality by specific statute. 1991 Op Atty Gen, No. 91-4, p 21.

The Taylors Fire & Sewer District may set up reasonable requirements for viewing and copying records.

However, what is considered reasonable would require factual determination which this Office cannot resolve by an opinion of this Office. 1992 Op Atty Gen No. 92-40.

CASE NOTE

In General Appeal was obliged to affirm the trial court's denial of the appellants' request to review the files where they In General contained at least some materials exempt from the Act's disclosure requirements, and the record failed to

In an action seeking the review of Department of show that the trial court was asked to review the DSS Social Services (DSS) files pursuant to the Freedom of file and separate exempt and nonexempt material;

Information Act, §§ 30-4-10 et seq., the Court of however, appellants were not precluded from reappearing before the trial court and requesting that it conduct a review to separate the material based on its exempt status. *Beattie v. Aiken County Dept. of Social Services* (S.C. 1995) 319 S.C. 449, 462 S.E.2d 276.

Under § 30-4-30(c), a failure to respond within 15 days means that the disclosure of non-exempt material at the time and place of access which the party requested is deemed approved. *Litchfield Plantation Co., Inc. v. Georgetown County Water and Sewer Dist.* (S.C. 1994) 314 S.C. 30, 443 S.E.2d 574, rehearing denied.

Exemptions from disclosure in § 30-4-40 are absolute despite a public body's failure to respond within 15 days as required by § 30-4-30(c); exemptions in § 30-4-40 cannot be waived. *Litchfield Plantation Co., Inc. v. Georgetown County Water and Sewer Dist.* (S.C. 1994) 314 S.C. 30, 443 S.E.2d 574, rehearing denied.

Section 12-54-190 does not alter the non-disclosure provisions of § 12- 54-240 since the legislature could not reasonably have intended to prevent disclosure of tax commission assessments to local taxing authorities. *South Carolina Tax Com'n v. Gaston Copper Recycling Corp.* (S.C. 1994) 316 S.C. 163, 447 S.E.2d 843.

The purpose of the Freedom of Information Act, § 30-4-10 et seq. is to protect the public from secret government activity. *South Carolina Tax Com'n v. Gaston Copper Recycling Corp.* (S.C. 1994) 316 S.C. 163, 447 S.E.2d 843.

The fact that the tax commission refused to sign a confidentiality agreement with a property owner was sufficient evidence on which to hold that the tax commission did not promise that the information in question would be kept confidential. *South Carolina Tax Com'n v. Gaston Copper Recycling Corp.* (S.C. 1994) 316 S.C. 163, 447 S.E.2d 843.

2.. [Reserved for future use.]

Under former law

Code 1962 §§ 1-20.2 and 1-20.3 [Code 1976 §§ 30-3-30 and 30-3-40] are to be harmoniously construed to preclude disclosure of minutes of executive sessions. *Cooper v. Bales* (S.C. 1977) 268 S.C. 270, 233 S.E.2d 306.

Newspaper was improperly denied access to jail log book and to meetings and minutes of meetings of local building commission. *Florence Morning News v. Building Commission of City and County of Florence* (S.C. 1975) 265 S.C. 389, 218 S.E.2d 881.

Code 1976 § 30-4-30

SC ST § 30-4-30

END OF DOCUMENT

Code 1976 § 30-4-50

CODE OF LAWS OF SOUTH CAROLINA 1976 ANNOTATED

TITLE 30. PUBLIC RECORDS

CHAPTER 4. FREEDOM OF INFORMATION ACT

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Current through End of 1999 Reg. Sess. and Extra Session of 1999.

§ 30-4-50. Certain matters declared public information; use of information for commercial solicitation prohibited.

Without limiting the meaning of other sections of this chapter, the following categories of information are specifically made public information subject to the restrictions and limitations of Sections 30-4-20, 30-4-40, and 30-4-70 of this chapter:

- the names, sex, race, title, and dates of employment of all employees and officers of public bodies;
- administrative staff manuals and instructions to staff that affect a member of the public;
- final opinions, including concurring and dissenting opinions, as well as orders, made in the adjudication of cases;
- those statements of policy and interpretations of policy, statute, and the Constitution which have been adopted by the public body;
- written planning policies and goals and final planning decisions;
- information in or taken from any account, voucher, or contract dealing with the receipt or expenditure of public or other funds by public bodies;
- the minutes of all proceedings of all public bodies and all votes at such proceedings, with the exception of all such minutes and votes taken at meetings closed to the public pursuant to Section 30-4-70;
- reports which disclose the nature, substance, and location of any crime or alleged crime reported as having been committed. Where a report contains information exempt as otherwise provided by law, the law enforcement agency may delete that information from the report.
- statistical and other empirical findings considered by the Legislative Audit Council in the development of an audit report.

No information contained in a police incident report or in an employee salary schedule revealed in response to a request pursuant to this chapter may be utilized for commercial solicitation. Also, the home addresses and home telephone numbers of employees and officers of public bodies revealed in response to a request pursuant to this chapter may not be utilized for commercial solicitation. However, this provision must not be interpreted to restrict access by the public and press to information contained in public records.

HISTORY: 1978 Act No. 593 § 6; 1982 Act No. 370.

HISTORY: 1992 Act No. 269, § 1, eff February 24, 1992; 1993 Act No. 44, § 1, eff May 14, 1993; 1998 Act No. 423, § 7, eff June 12, 1998.

General Materials (GM) - References, Annotations, or Tables

EFFECT OF AMENDMENT--

The 1992 amendment designated the existing text subsection (A), and added subsection (B).

The 1993 amendment in subsection (A) added paragraph (9).

The 1998 amendment, in subsection (A)(8) deleted "incident" preceding "report" in three places and substituted "a" for "an" in the second sentence.

CROSS REFERENCES---

Information available to department pursuant to this section must be made available to county coroner or medical examiner and social services department, to investigate child fatality, see § 20-7-5915.

Documentation regarding accounts funded by forfeited monies and by proceeds of sale of forfeited items, as available to public under this Act, see § 44- 53-530.

RESEARCH AND PRACTICE REFERENCES---

66 Am Jur 2d, Records and Recording Laws §§ 19 et seq. 76 C.J.S., Records § 36.

ANNOTATIONS---

What constitutes preliminary drafts or notes provided by or for state or local governmental agency, or intra-agency memorandums, exempt from disclosure or inspection under state freedom of information acts. 26 ALR4th 639.

ATTORNEY GENERAL'S OPINIONS

Court would probably find that ad hoc citizens committee appointed by Town Council to be public bodies subject to Freedom of Information Act. Working drafts of proposed ordinances should not be disclosed unless or until such drafts are made available to council or otherwise distributed. Court could conclude that working drafts or final drafts of proposed ordinances ready to be submitted to council for consideration may be considered final claiming decisions and thus subject to disclosure. However, Town Council may vote to exclude such records from public disclosure when Council feels that public will best be served by non-disclosure. Confidential information reports, prepared by Town manager for distribution to members of Town Council, could be public records subject to disclosure. However, memorandum could contain information exempt from disclosure, which determination would be made on case-by-case basis. 1984 Op Atty Gen, No. 84-125, p. 281.

Supreme Court decision concludes that each state may enact legislation authorizing disclosure of "rap sheets" to public; SLED's regulation as to particular data to be disseminated is consistent with Court's ruling and present South Carolina law; Supreme Court has concluded that "rap sheets" may continue to be treated as in the past by SLED, in accordance with SLED's regulation; General Assembly could, consistent with Supreme Court ruling, specifically authorize by legislation disclosure of "rap sheets" to public. 1990 Op Atty Gen No. 90-15.

The accessing of home addresses and home telephone numbers of officers and employees of a public

body for use by a non-profit professional organization for membership recruitment and similar activities does not, on its face, appear to fall within the definition of "commercial solicitation." Of course, the public body to whom such a request is presented would ultimately make the determination as to whether a particular activity would constitute "commercial solicitation" or to release any records under the recent amendments to the Freedom of Information Act. 1992 Op Atty Gen No. 92-20.

United States Supreme Court in Reporters Committee case construed federal law relative to criminal history records maintained by Federal Bureau of Investigation. 1990 Op Atty Gen No. 90-15.

Documents at original sources, such as arrest warrants, would not be affected by Supreme Court's ruling and would be available to public. 1990 Op Atty Gen No. 90-15. '1'

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Decision to disclose particular record or document in given instance remains with custodian of document or record; such view constitutes a discussion of the ruling by the United States Supreme Court in Reporters Committee case and is not intended to usurp authority of custodian to determine whether disclosure is appropriate in particular instance. 1990 Op Atty Gen No. 90-15.

Information such as where a state employee was housed while traveling on state business would be information from a voucher and thus subject to disclosure unless exempt for a reason defined under Section 30-4-40. Such a determination must be made on a case-by-case basis. 1987 Op Atty Gen, No. 87- 69, p 171.

Under South Carolina's Freedom of Information Act, final order or opinion issued in disciplinary proceeding by State licensing board or agency is public information. 1984 Op Atty Gen, No. 84-61, p. 150.

Incident reports used by campus police to report activities occurring within Department of Mental Health which may have criminal implications and which contain patient identities are public information, but to extent that it contains confidential information, such information is exempt from disclosure under FOIA. 1984 Op Atty Gen, No. 84-85, p. 205.

A grievance file of the Board of Commissioners on Grievances and Discipline is not public information unless the proceeding has been made public at the request of the respondent attorney or the investigation is predicated upon a conviction of the attorney for a crime or upon public discipline imposed upon the attorney in another jurisdiction. 1981 Op Atty Gen, No. 81-60, p 86.

The Freedom of Information Act would not require the disclosure of: (1) personnel information obtained in a preliminary audit data gathering; (2) a preliminary audit report presented as an administrative briefing; (3) informal working documents collected in preparation for conducting an audit and preparing a final audit report. 1976-77 Op Atty Gen, No. 77-133, p 111.

When the Administrator of Consumer Affairs receives information relating to consumer complaints, pursuant to Code Section 8-800.387 [1976 Code § 37- 6-117] (1962), and the complaint is later determined to be groundless, the Administrator is not required to release such information under the South Carolina Freedom of Information Act. 1976-77 Op Atty Gen, No. 77-132, p 111.

The South Carolina Freedom of Information Act does not require that the public be given access to personnel files and employment applications maintained on employees of the South Carolina House of Representatives. 1976-77 Op Atty Gen, No. 77-45, p 45.

Under the decision of the South Carolina Supreme Court in *Cooper v. Bales*, the State of South Carolina and its political subdivisions should release only the employee's salary, grade and job description upon request under the FOIA. Any further disclosure could come only if the employee authorizes the release or if a court of competent jurisdiction orders such disclosure. 1976-77 Op Atty Gen, No 77-243, p 180.

The Freedom of Information Act does not require the disclosure of how each member of a school board voted in executive session; (2) The school board may elect officers in a public meeting by secret ballot, but any written record of the vote by name would be public information after the votes are tabulated. 1976-77 Op Atty Gen, No. 77-279, p 214.

Under the provisions of the Freedom of Information Act, records containing charges against residential homebuilders should be made available for public inspection and copying once a proper disposition has been made of the charge by the Residential Homebuilders' Commission. 1976-77 Op Atty Gen, No. 77-288, p 219.

Freedom of Information Act makes no distinction between members of public, candidates for elected public office, members of legislature, or other categories of requestors as to who may be able to inspect or copy records of public body. 1993 Op Atty Gen No. 93-63.

Public body may disclose names, sex, race, title, and dates of employment of all officers and employees of public body subject to any applicable restriction or limitation under Freedom of Information Act. 1993 Op Atty Gen No 93-63.

Except for commercial solicitation, the Freedom of Information Act does not limit how a requestor may use public information obtained pursuant to the Act. Consideration should be given to ethic and election laws if information obtained under the Act should be used in a political campaign. 1993 Op Atty Gen No. 93-63.

CASE NOTES

In General

An action for invasion of privacy arising from a publication's reporting of a prison rape which included the victim's name, the controlling law in determining whether the information had been obtained lawfully was not the rape shield law, § 16-3-730, but the South Carolina Freedom of Information Act, §§ 30-40-10. *Doe v. Berkeley Publishers* (S.C.App. 1996) 322 S.C. 307, 471 S.E.2d 731, rehearing denied, certiorari granted, reversed 329 S.C. 412, 496 S.E.2d 636, certiorari denied 119 S.Ct. 406, 525 U.S. 963, 142 L.Ed.2d 330.

Findings of fact and conclusions of law in the final order of the state board of medical examiners, which suspended physician for misconduct, was public information and publication of such findings would not be enjoined. *Ewing v. State Bd. of Medical Examiners of South Carolina* (S.C. 1986) 290 S.C. 89, 348 S.E.2d 361.

Code 1976 § 30-4-50

SC ST § 30-4-50

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SCHOOL DISTRICT FIVE OF LEXINGTON AND RICHLAND COUNTIES

PUBLIC'S RIGHT TO KNOW/FREEDOM OF INFORMATION

Code **KDB** Issued **DRAFT/08**

Purpose: To establish the board's vision for the public's right to know about board and district operations.

The board and district are public servants and therefore are bound by the requirements found in the Freedom of Information Act. The board and district will strictly comply with all aspects of the Freedom of Information Act.

Adopted 11/16/81; Revised 1/25/88, 5/3/93, ^

Legal references:

- A. S. C. Code, 1976, as amended:
 - 1. Section 30-4-10, et seq. - South Carolina Freedom of Information Act.

AR KBA-R Request To Inspect and/or Receive Copies of Public Records

Issued 6/93

Costs of compiling and/or copying public records

When compilation and/or reproduction of public records are requested, these records will be furnished at the lowest possible cost to the person requesting the records. In setting these charges, due consideration will be given to the expense involved in compiling and/or copying the public records, making every effort to match the charges with the actual cost of compiling and/or copying the records.

There will be no charge for a single request for compilation and/or reproduction of up to 10 pages of readily available information. A charge of \$.10 per page will be assessed for a single request for reproduction of 11 to 50 pages of readily available information.

The cost of compiling and/or copying more than 50 pages of readily available information will reasonably include all related costs, including costs of materials and personnel time. Personnel time will be computed at the hourly rate of the personnel involved in searching for and/or copying records. An attempt will be made to use the lowest paid person available.

Costs of materials and personnel time will be assessed for the compilation and/or reproduction of any amount of material that is deemed to require extensive staff time to compile.

A reasonable deposit based on the expected cost will be required prior to searching for and/or copying the requested records.

(Also BE-R)

Adopted 5/3/93

SCHOOL DISTRICT FIVE OF LEXINGTON AND RICHLAND COUNTIES

PUBLIC'S RIGHT TO KNOW/FREEDOM OF INFORMATION

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When compilation and/or reproduction of public records are requested, these records will be furnished at the lowest possible cost to the person requesting the records. In setting these charges, due consideration will be given to the expense involved in compiling and/or copying the public records, making every effort to match the charges with the actual cost of compiling and/or copying the records.

There will be no charge for a single request for compilation and/or reproduction of up to 10 pages of readily available information. The district's standard charge per page will be assessed for a single request for reproduction of 11 to 50 pages of readily available information.

If permissible, the district may charge a reasonable fee for staff time required to adequately respond to the FOI request. The district will not charge any fees in excess of printing cost and staff time required for the response.

A reasonable deposit based on the expected cost will be required prior to searching for and/or copying the requested records.

Adopted 5/3/93; Revised ^



MEMORANDUM

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

FROM: Christina Melton, Ed.D. *CM*
Chief Instructional Services Officer

Date: July 11, 2013

Re: July 15, 2013 Board Meeting
Title I and Title II Program Proposals

Attached to this memo you will find information regarding the following:

- Title I 2013-14 Program Proposal
- Title II 2013-14 Program Proposal

I will be present at the Board Meeting to answer any questions you may have regarding this information.



TITLE I 2013-2014

2013-2014 Program Proposal

FY 13-14 New Grant Funds	\$ 1,303,568
FY 12-13 (<i>Projected</i>) Carryover Funds	<u>100,000</u>
TOTAL 13-14 PROJECTED FUNDS	\$ 1,403,568

Title I Served Schools:

All of the following schools have 40% F/R lunch count, or higher and have conducted a Needs Assessment in their school to make the community decision to go school-wide with Title I funds.

School

Seven Oaks Elementary

Leaphart Elementary

Harbison West Elementary

H. E. Corley Elementary

Dutch Fork Elementary

Nursery Road Elementary

Title I Programs

ELA/Reading Interventionist

Math Interventionist

Academic Instructional Assistant

Reading Interventionist

Math Interventionist

Reading Interventionist

Academic Interventionist

ELA/Reading Interventionist

Math Interventionist

Reading/Writing Interventionist

Math Interventionist

Reading Interventionist

Math Interventionist

Title I funds will be expended for teachers' salaries/benefits, parent involvement needs, Title I Supplemental Educational Services, as required by federal mandate, and Title I School Choice, as required by federal mandate.

Program Purposes:

(As stated in Federal Regulations)

Programs that provide extended learning time for disadvantaged children to assist in the acquisition of performance standards expected for all children. Programs may include extended school year; before- and after-school or summer programs; and, accelerated, high-quality curriculum including applied learning. Programs should minimize removing children from the regular classroom during regular school hours for instruction and should coordinate with and support the regular education program in the classroom. Programs supported by Title I funds may also include counseling, mentoring, and other pupil services; college and career awareness and preparation; services to transition students from school to work; services to assist preschool children; and, professional development opportunities to provide teachers with strategies to use in the classroom and with promoting parental involvement in their children's education.



**Title II, Part A Program
Improving Teacher Quality
No Child Left Behind
2013-2014 Proposed Budget**

2013-2014 PROGRAM PROPOSAL

FY 13-14 (<i>Projected</i>) New Grant Funds	\$ 216,145.10
FY 12-13 (<i>Projected</i>) Carryover Funds	<u>10,000.00</u>
TOTAL 13-14 PROJECTED FUNDS	\$ 226,145.10

Program Purposes:

Per our District's Strategic Plan, Title II monies will be used to support our district initiatives; professional development in the core content areas; paraprofessional training, as needed, to meet 100% HQ mandate; and, recruitment and retention of highly qualified staff.