AGENDA
BOARD OF TRUSTEES
REGULAR MEETING
THE CENTER FOR ADVANCED TECHNICAL STUDIES
JUNE 24, 2019

1. Call to order at 6:00 p.m.

2. Approval of the agenda

3. Enter executive session to consider the following:

   a. Selected employment items (Exhibit A)
   b. Review and receipt of legal advice on the terms of a proposed contract for professional services for Growth Forecasting and Redistricting (Exhibit B)

4. Call to order at 7 p.m.

5. Welcoming remarks

6. Invocation – Nikki Gardner, Board of Trustees

7. Pledge of Allegiance – Nikki Gardner, Board of Trustees

8. School Board Spotlight

9. Approval of the minutes of the June 10, 2019 board meeting

10. Welcome and brief overview of The Center for Advanced Technical Studies by Dr. Al Gates, Director

11. Superintendent's Report (Action as Necessary)

    a. Office of Planning and Administration
       1. Enrollment Lottery Update

b. Office of Finance and Operations
   1. Capital Projects Update (Exhibit C)

12. Public participation*

ACTION AGENDA

13. Action as Necessary or Appropriate on Matters Discussed in Executive Session

14. Approval of a proposed contract for professional services involving Growth Forecasting and Redistricting Services

DISCUSSION AGENDA

15. Adjourn

INFORMATION AGENDA

16. "School Board Policy Process/Board Review of Administrative Rules" BG/BGD and Administrative Rule BG/BGD-R (Exhibit D)

17. The next regular scheduled board meeting will be July 15, 2019 at The Center for Advanced Technical Studies.

*The Board welcomes and encourages public participation. We respectfully ask that you adhere to the procedures and the decorum provided in board policy BEDH "Public Participation at Meetings". Your comments should be limited to three minutes. Questions asked during public participation will be handled in accordance with board policy BEDH.

Minutes/June 10, 2019

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
Ms. Beth Hutchison, Vice Chairman
Mr. Michael Cates, Secretary
Mrs. Nikki Gardner
Mrs. Jan Hammond (via Skype)
Mr. Ken Loveless
Mr. Ed White
Dr. Christina Melton, District Superintendent

The following staff were in attendance:

Mrs. Katrina Goggins, Director, Office of Communications
Mr. Michael Guliano, Chief Instructional Officer
Dr. Michael Harris, Chief Planning and Administrative Officer
Dr. Allison Jacques, Chief Human Resources Officer
Mr. Len Richardson, Chief Finance Officer

Chairman Gantt called the meeting to order.

The Invocation was given by Robert Gantt, Board of Trustees. The Pledge of Allegiance was led by Laura Katherine Perla, a student at Chapin Middle School.

The Board conducted the School Board Spotlight.

During the Superintendent's Report, Dr. Harris presented a Fall Athletics Report.

No one spoke during public participation.

SCHOOL DISTRICT FIVE
OF
LEXINGTON AND RICHLAND COUNTIES

Meeting of June 10, 2019

	CATES	GANTT	GARDNER	HAMMOND	HUTCHISON	LOVELESS	WHITE
1. M. Hutchison S. Cates Approve the agenda	No	No	X	X	No	X	No
M. Loveless S. Hammond Because the inclusion of item 3c from the above agenda is in my opinion is contrary to the SC Code of Laws and case law rulings of the SC Supreme Court, I make the motion that the item 3c be removed from the Executive Session agenda and be moved to the Discussion Agenda of this meeting. See the attachment « South Carolina state code sections authoring executive session (Freedom of Information Act-Section 30-4-70) and FOIA Update : Executive Sessions Municipal Association of South Carolina June 2015 » Vote on original motion	X	X	X	X	X	X	X
2. M. Hutchison S. Cates Enter executive session to consider the following : a) selected employment items (Exhibit A) ; b) receipt of legal advice and discussion of the status of Civil Action No. 2013-CP-40-01897 ; c) receipt of legal advice regarding management of real property inventory owned by the school district ; and d) receipt of legal advice regarding potential professional services contract procurement	X	X	X	X	X	X	X
3. M. Hutchison S. Loveless Approve the minutes of the May 20, 2019 board meeting	X	X	AB	A	X	X	X
4. M. Hutchison S. Loveless Re-enter executive session to consider item 3d) receipt of legal advice regarding potential professional services contract procurement	X	X	X	A	X	X	X
5. M. Cates S. Gardner Approve the selected employment items (Exhibit A)	X	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 10, 2019

		CATES	GANTT	GARDNER	HAMMOND	HUTCHISON	LOVELESS	WHITE
6.	M. Hutchison S. Loveless The Board authorize its legal counsel to continue settlement discussions regarding the District's counterclaims against Kim Murphy in the case Kim Murphy v. Richland Lexington School District 5, consistent with the Board's discussion in executive session	X	X	X	X	X	X	X
7.	M. Gardner S. Cates We authorize the administation to proceed to address the legal issues raised regarding management of the district's real property inventory and report to the Board at such time as the legal questions are resolved	X	X	X	X	X	X	X
8.	M. Hutchison S. Cates Second and final reading of proposed revisions to board policy JHCB « Released Time For Religious Instruction » (Exhibit B)	X	X	X	X	X	X	X
9.	M. Cates S. Loveless Second and final reading of proposed revisions to board policy EBCB "Safety Drills" (Exhibit C)	X	X	X	X	X	X	X
10.	M. White S. Cates Adjourn at 8:41 p.m.	X	X	X	X	X	X	X

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

June 10, 2019

MOTION TO AMEND THE AGENDA TO DELETE ITEM 3c from the Executive Session agenda and place it under Discussion Agenda for this meeting. To be presented before board enters Executive Session.

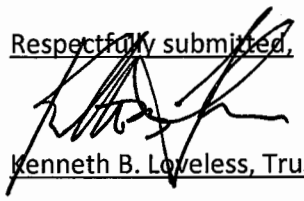
RE: School Board Meeting of June 10, 2019... Agenda **Item 3 c. Receipt of legal advice regarding management of real property inventory owned by the school district**

Mr. Chairman,

I make the following motion:

"Because the inclusion of Item 3c from the above agenda is in my opinion is contrary to the SC Code of Laws and case law rulings of the SC Supreme Court, I make the motion that the item 3c be removed from the Executive Session agenda and be moved to the Discussion Agenda of this meeting. See the attachment "South Carolina state code sections authoring executive session (Freedom of Information Act-Section 30-4-70) and FOIA Update: Executive Sessions Municipal Association of South Carolina June 2015".

Respectfully submitted,



Kenneth B. Loveless, Trustee

South Carolina state code sections authorizing executive session (Freedom of Information Act - *Section 30-4-70)*

SECTION 30-4-70 (a) A public body may hold a meeting closed to the public for one or more of the following reasons:

Section 30-4-70 (a) (1)
Discussion of employment, appointment, compensation, promotion, demotion, discipline, or release of an employee, a student, or a person regulated by a public body or the appointment of a person to a public body; however, if an adversary hearing involving the employee or client is held, the employee or client has the right to demand that the hearing be conducted publicly. Nothing contained in this item shall prevent the public body, in its discretion, from deleting the names of the other employees or clients whose records are submitted for use at the hearing. *(The identity of the individual or entity being discussed is not required to be disclosed)*

Section 30-4-70 (a) (2)
Discussion of negotiations incident to proposed contractual arrangements and proposed sale or purchase of property, the receipt of legal advice where the legal advice relates to a pending, threatened, or potential claim or other matters covered by the attorney-client privilege, settlement of legal claims, or the position of the public agency in other adversary situations involving the assertion against the agency of a claim.

Section 30-4-70 (a) (3)
Discussion regarding the development of security personnel or devices.

Section 30-4-70 (a) (4)
Investigative proceedings regarding allegations of criminal misconduct.

Section 30-4-70 (a) (5)
Discussion of matters relating to the proposed location, expansion, or the provision of services encouraging location or expansion of industries or other businesses in the area served by the public body. *(The identity of the individual or entity being discussed is not required to be disclosed.)*

Section 30-4-70 (b)
Before going into executive session, the public agency shall vote in public on the question and when the vote is favorable, the presiding officer shall announce the specific purpose of the executive session. As used in this subsection, "specific purpose" means a description of the matter to be discussed as identified in items (1) through (5) of subsection (a) of this section. However, when the executive session is held pursuant to Sections 30-4-70(a)(1) or 30-4-70(a)(5), the identity of the individual or entity being discussed is not required to be disclosed to satisfy the requirement that the specific purpose of the executive session be stated. No action may be taken in executive session except to (a) adjourn or (b) return to public session.

FOIA Update: Executive Sessions

(June 2015)

Municipal Association of South Carolina℠

Executive Session Requirements (resulting from *Donohue v City of North Augusta* June 2015)

The South Carolina Supreme Court held in the 2015 case of *Donohue v City of North Augusta* that a public body describing the purpose of an executive session as a "proposed contractual matter" is not specific enough to comply with the Freedom of Information Act when entering executive session pursuant to SC Code Section 30-4-70 (a) (2).

The Court noted that Section 30-4-70 (a) (2007) allows a public body to hold a closed meeting for any one of five reasons, provided that its "specific purpose" is announced in the open session (see back page).

As provided in Section 30-4-7 (b), "specific purpose" is defined as:

"a description of the matter to be discussed as identified in items (1) through (5) of subsection (a) of this section. However, when the executive session is held pursuant to Sections 30-4-70 (a) (1) or 30-4-70 (a) (5), the identity of the individual or entity being discussed is not required to be disclosed to satisfy the requirement that the specific purpose of the executive session be stated."

The Court observed that, during the council meetings at issue, city council did not invoke either Section 30-4-70 (a) (1) or (a) (5), the two subsections that specifically allow the identity of the individual or entity to be withheld. Rather, in each of the 11 executive sessions challenged by Donohue, the minutes reflect council invoked only Section 30-4-70 (a) (2) and merely stated that the specific purpose of the meeting was to be a "contractual matter." As such, the court determined that council had failed to satisfy the "specific purpose" requirement.

Although the Court's analysis confirms a distinction between what is required when going into closed session pursuant to (a) (1) or (a) (5) as opposed to the requirements when going into closed session pursuant to (a) (2) through (a) (4), it did not provide details regarding what council should include in its announcement before going into executive session under one as opposed to the other.

Due to the fact there are still many questions outstanding after this Court ruling, councils should discuss any questions regarding executive session with their city attorney. The Municipal Association will continue engaging with local government organizations, the SC Press Association, municipal attorneys and attorneys specializing in matters related to the Freedom of Information Act to determine whether more specific guidance is needed.

For additional information, contact Tiger Wells at 803.933.1270/twells@masc.sc

School District 5 of Lexington and Richland Counties
Five (5) Year Capital Budget Plan Proposal
2nd Reading Approval 02.26.2018

	A	B	C	D	E	F	G
		Proposed	Planning	Planning	Planning	Planning	
		FY 2018-19	FY 2019-20	FY 2020-21	FY 2021-22	FY 2022-23	Total
	Projected Revenue	10,000,000.00	10,000,000.00	10,000,000.00	10,000,000.00	10,000,000.00	50,000,000.00
		Maintenance and New Initiatives					
1	**048 Harbison West Elementary**						
2	Replace HVAC Phase I, Ceilings & Lighting			1,901,250			1,901,250
3	Replace HVAC Phase II, Ceilings & Lighting				1,901,250		1,901,250
4	Replace HVAC Phase III, Ceilings & Lighting					1,370,150	1,370,150
5	**052 Lake Murray Elementary**						
6	Replace HVAC Phase III, Ceilings & Lighting	2,115,780					2,115,780
7	**047 Nursery Road Elementary**						
8	Replace HVAC Phase I, Ceilings & Lighting			1,901,250			1,901,250
9	Replace HVAC Phase II, Ceilings & Lighting				1,901,250		1,901,250
10	Replace HVAC Phase III, Ceilings & Lighting					1,370,150	1,370,150
11	**050 Chapin Intermediate**						
12	Replace Roof, Phase II, Original Building	1,191,829					1,191,829
13	**054 Dutch Fork Middle**						
14	Replace HVAC, Phase III, Ceilings & Lighting		2,572,300				2,572,300
15	**040 Irmo Middle**						
16	Replace HVAC, Phase IV, Ceilings & Lighting				1,776,000		1,776,000
17	Replace Roof, Buildings R & M, Phase I					1,326,210	1,326,210
18	**051 Dutch Fork High**						
19	Replace Roof, Phase I, Main Building, Metal Towers	1,330,800					1,330,800
20	Replace Roof, Phase II, Main Building		1,251,700				1,251,700
21	Replace Roof, Phase III, Main Building			1,251,700			1,251,700
22	**039 Irmo High**						
23	Replace HVAC, Fresh Air, 2 Units, West Wing			303,000			303,000
24	Rpl. HVAC, Choral, Arts, Locker Rm., Ceilings & Lighting		1,303,000				1,303,000
25	Replace HVAC, West Wing, Ceilings & Lighting		785,000				785,000
26	Replace HVAC, Phase I Main Bldg., Ceilings & Lighting					1,816,500	1,816,500
27	Construct Softball Pressbox/Concessions	600,612					600,612
28	Remodel Training Room, Activities Building	613,000					613,000
29	**009 District Office**						
30	Replace Roof, District Office				503,750		503,750
31	Replace HVAC, District Office			487,500			487,500
32	**009 District**						
33	Issuance Costs (includes interest expense)	65,000	65,000	65,000	65,000	65,000	325,000

School District 5 of Lexington and Richland Counties
Five (5) Year Capital Budget Plan Proposal
2nd Reading Approval 02.26.2018

	A	B	C	D	E	F	G
		Proposed	Planning	Planning	Planning	Planning	
		FY 2018-19	FY 2019-20	FY 2020-21	FY 2021-22	FY 2022-23	Total
	Projected Revenue	**10,000,000.00**	**10,000,000.00**	**10,000,000.00**	**10,000,000.00**	**10,000,000.00**	**50,000,000.00**
34	Activity Bus Replacement	200,000	200,000	200,000	200,000	200,000	1,000,000
35	Maintenance Equipment & Vehicles	75,000	75,000	75,000	75,000	75,000	375,000
36	School-Identified Needs	307,979	248,000	315,300	77,750	276,990	1,226,019
37	Contingency	500,000	500,000	500,000	500,000	500,000	2,500,000
38	**Sub Total - Maintenance and New Initiatives**	**7,000,000**	**7,000,000**	**7,000,000**	**7,000,000**	**7,000,000**	**35,000,000**
39							
40			**Technology**				
41	**Technology Plan**	3,000,000	3,000,000	3,000,000	3,000,000	3,000,000	15,000,000
42	**Sub Total - Technology**	**3,000,000**	**3,000,000**	**3,000,000**	**3,000,000**	**3,000,000**	**15,000,000**
43							
44	**Grand Total**	**10,000,000**	**10,000,000**	**10,000,000**	**10,000,000**	**10,000,000**	**50,000,000**

LEGEND

- Complete
- In Progress
- Pending

School District 5 of Lexington and Richland Counties
Five (5) Year Capital Budget Plan Proposal
2nd Reading Approval 02.11.2019

	A	B	C	D	E	F	G
		Proposed FY 2019-20	Planning FY 2020-21	Planning FY 2021-22	Planning FY 2022-23	Planning FY 2023-24	Total
	Projected Revenue	**10,000,000**	**10,000,000**	**10,000,000**	**10,000,000**	**10,000,000**	**50,000,000**
	Maintenance and New Initiatives						
1	**048 Harbison West Elementary**						
2	Replace HVAC Phase I, Ceilings & Lighting		2,318,438				2,318,438
3	Replace HVAC Phase II, Ceilings & Lighting			2,316,750			2,316,750
4	Replace HVAC Phase III, Ceilings & Lighting				1,846,950		1,846,950
5	Replace HVAC Phase IV, Ceilings & Lighting					2,121,000	2,121,000
6	**047 Nursery Road Elementary**						
7	Replace HVAC Phase I, Ceilings & Lighting			2,316,750			2,316,750
8	Replace HVAC Phase II, Ceilings & Lighting				2,576,625		2,576,625
9	Replace HVAC Phase III, Ceilings & Lighting					1,967,100	1,967,100
10	**054 Dutch Fork Middle**						
11	Replace HVAC, Phase III (Activities), Ceilings & Lighting	2,681,782					2,681,782
12	**040 Irmo Middle**						
13	Replace Roof, Buildings Bldgs. R & M, Phase I		1,889,487				1,889,487
14	Replace Roof, Buildings Bldgs. R & M, Phase II			1,331,031			1,331,031
15	**051 Dutch Fork High**						
16	Replace Roof, Phase II, Main Building	1,251,700					1,251,700
17	Replace Roof, Phase III, Main Building		1,452,070				1,452,070
18	**039 Irmo High**						
19	Rpl. HVAC, Main 2 Bldg; Rpl. Boiler, Activities Building		359,375				359,375
20	Rpl. HVAC, W Wing, Main Bldg. 1, Ceilings & Lighting	2,088,000					2,088,000
21	Replace HVAC, Phase I Main Bldg., Ceilings & Lighting				1,567,155		1,567,155
22	Replace HVAC, Phase II Main Bldg., Ceilings & Lighting					1,634,640	1,634,640
23	Renovate Restrooms, Main Building					324,360	324,360
24	**009 District**						
25	Issuance Costs (includes interest expense)	65,000	65,000	65,000	65,000	65,000	325,000
26	Activity Bus Replacement	200,000	200,000	200,000	200,000	200,000	1,000,000
27	Maintenance Equipment & Vehicles	75,000	75,000	75,000	75,000	75,000	375,000
28	School-Identified Needs	138,518	140,631	195,469	169,270	112,900	756,788
29	Contingency	500,000	500,000	500,000	500,000	500,000	2,500,000
30	**Sub Total - Maintenance and New Initiatives**	**7,000,000**	**7,000,000**	**7,000,000**	**7,000,000**	**7,000,000**	**35,000,000**
31				**Technology**			
32	**Technology Plan**	3,000,000	3,000,000	3,000,000	3,000,000	3,000,000	15,000,000
33	**Sub Total - Technology**	**3,000,000**	**3,000,000**	**3,000,000**	**3,000,000**	**3,000,000**	**15,000,000**
34							
35	**Grand Total**	**10,000,000**	**10,000,000**	**10,000,000**	**10,000,000**	**10,000,000**	**50,000,000**

LEGEND

- Complete
- In Progress
- Pending

SCHOOL BOARD POLICY PROCESS/BOARD REVIEW OF ADMINISTRATIVE RULES

Code **BG/BGD** *Issued* **4/06**

Purpose: To establish the basic structure for the development of board policy and board review of administrative rules.

The board considers policy development one of its chief functions. The board will develop written policies to serve as guidelines for its own operations and for the successful and efficient functioning of the public schools. Written policies are guides for the discretionary action of those to whom the board delegates authority and are a source of information and guidance for all those who are interested in and affected by the district schools.

Proposals regarding policies may originate with a member of the board, the superintendent, a staff member, parent/legal guardian, student, consultant, civic group, advisory committee or any resident of the district. The board will use a careful and orderly process in examining such proposals prior to action upon them by the board.

The board will continually study and evaluate the written policies and the reports concerning the execution of those written policies to determine their adequacy and effectiveness. Changes in needs, conditions, purposes and objectives will require revisions, deletions and additions to the policies of present and future boards.

Each proposed policy will require **two** readings at regular meetings of the board. The formal adoption of the policies will be recorded in the minutes of the board. Only those written statements so adopted and so recorded will be regarded as official board policy.

Suspension or repeal of policy

In emergency situations, a majority vote of the board members present at a regular or special meeting may temporarily suspend the operation of any section or sections of board policy which are not established by law or contract. A proposal for such change must be listed on the agenda of the meeting. All members must be notified in writing of such meeting.

The board may also suspend a policy although such change was not listed on the agenda of the meeting if the favorable vote is unanimous.

Review of administrative rules

Often policies of the board are accompanied by rules and exhibits that are referred to as administrative rules. These rules are generally drawn up by the administration to execute the policies of the board.

The board will approve administrative rules when such approval is required by law or otherwise advisable. The superintendent will have freedom, however, to issue additional rules and procedures consistent with board policies.

The board may nullify any administrative rules determined to be inconsistent with the policies adopted by the board.

Adopted 1973; Revised 2/24/69, 11/18/74, 11/16/81, 4/24/06

SCHOOL BOARD POLICY PROCESS/REVIEW OF ADMINISTRATIVE RULES

Code **BG/BGD-R** *Issued* **4/06**

The superintendent or other designated policy manual coordinator has the responsibility for drafting policy proposals, maintaining the board's policy manual, and serving as liaison between the board and the South Carolina School Boards Association's (SCSBA) policy services and other sources of policy research information.

- The superintendent will present a proposed policy in writing to the board at least 30 days prior to possible approval.
- If legalities are involved, the board will not take action until the school district attorney or an attorney from SCSBA reviews and pronounces the proposal as legally defensible and wise.
- After first reading, the superintendent will post one copy of the policy in the district office for public review. The superintendent will distribute a copy to each school to post for review.
- Once the board gives a policy final approval, the superintendent will distribute a copy of the policy to each building administrator and district office administrator. If the policy is to take effect immediately, the superintendent will then route the finished policy to each manual under district control or post the policy online.
- The policy manual coordinator will send the policy to the SCSBA for final printing. SCSBA will prepare the copies and return them to the district or post the policy online.
- In the absence of highly unusual circumstances, the administration must not allow proposal policies to "linger" unresolved and dormant for longer than 60 calendar days after presentation to the board.
- Once a policy is approved by the board and printed in final form by the SCSBA, the superintendent will disseminate copies to all manuals. Appropriate administrators at the local and district level will place policies in the manuals of their respective schools/departments and insert copies in other manuals external to the district. Revised or deleted policies should be removed as a part of this process.
- Without official school board authorization, no administrator is permitted to physically "just remove" a policy from the manual. A policy may be deleted by official board action only.
- The superintendent will supervise a review of each policy manual under district control on a continuing basis. Essential checkpoints will be as follows.
  - currency
  - legality
  - preciseness of language
  - relevancy

  The district may seek the aid of SCSBA policy services in performing this review.
- In preliminary considerations of a policy proposal, the district superintendent will be thoroughly aware of the contents of such proposal and will be involved in any decision as to whether or not a given proposal is to be presented to the board for consideration.