



Minutes
Board Meeting – August 10, 2020

The Board of Trustees of School District Five of Lexington and Richland Counties conducted an in-person meeting at Spring Hill High School with the following members present:

- Mr. Michael Cates, Chairman
- Ms. Beth Hutchison, Vice Chairman (via video/phone conference call)
- Mr. Robert Gantt, Secretary (via video/phone conference call)
- Mrs. Nikki Gardner
- Mrs. Jan Hammond
- Mr. Ken Loveless
- Mr. Ed White
- Dr. Christina Melton, District Superintendent

The following staff members attended in person or virtually via video/phone conference call:

- 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

A livestream video link was provided to the public for the meeting.

Chairman Cates called the meeting to order at 7:01 p.m. to convene the public hearing on the 2020-2021 General Fund Budget.

Mr. Len Richardson presented the 2020-2021 budget overview.

During public participation regarding the 2020-2021 budget proposal, Catherine Huddle spoke regarding ESSER/CARES Act Funding.

The public hearing was adjourned at 7:24 p.m.

Chairman Cates called the regular board meeting to order at 7:24 p.m. and offered welcoming remarks.

Beth Hutchison, Vice Chairman of the Board of Trustees, gave the Invocation and led the Pledge of Allegiance.

During the Superintendent's Report, Dr. Christina Melton provided an update entitled: Reentry Plan Overview: Part III, which highlighted the progress of the District's reentry plan for the 2020-2021 school year. Dr. Melton also celebrated two recent awards received by the district: the PEBA Partners Award, presented to the Office of Human Resources; and, the Ready By 5 Award, presented to the Office of Planning and Administration.

During public participation, April Alsup spoke regarding communication about school reentry and Gene Washington spoke regarding disinfectants used in district facilities.

ACTION AGENDA

Mr. Len Richardson presented the second reading of the FY2020-2021 General Fund Budget (Exhibit C).

Board policies to waive, suspend, or modify due to the COVID-19 mandated closure were presented in Exhibit D (IHBIB-R "Primary/Pre-Primary Education (Child Development)", IJNDAA "Distance, Online and Virtual Education", and ECB "Buildings and Grounds Maintenance").

Board policies to adopt due to the COVID-19 mandated closure were presented in Exhibit E (GBAB "Title IX – Employees", JIA "Title IX – Students", and ADD "Face Covering").

DISCUSSION AGENDA

New Administrative Rules were presented for review in Exhibit F (IHA-R "Opt-Out of Onsite Instruction", IHA-E "Onsite Instruction Opt-Out Form", JE-R "Student Attendance", KI-R "Visitors to School Facilities", KI-E "Notice", EBC-R (1) "Remote Work", and EBC-R (2) "Remote Instruction").

The meeting was adjourned at 11:04 p.m.

INFORMATION AGENDA

The next regular scheduled board meeting will be held on August 24, 2020 at a location to be determined.

Record of Voting



**School District Five
of
Lexington and Richland Counties**

Meeting of August 10, 2020

		Cates	Gantt	Gardner	Hammond	Hutchison	Loveless	White
1.	M. Hammond S. Gardner Approve the agenda	X	X	X	X	X	x	A
2.	M. Loveless S. Gantt Enter Executive Session to consider items (a) and (b) shown in Exhibit A and Exhibit B	X	X	X	X	X	X	A
3.	M. Cates S. -- Call to order to convene public hearing for the FY 2020-2021 General Fund Budget	-	-	-	-	-	-	-
4.	M. Hammond S. Loveless Adjourn the public hearing at 7:24 p.m.	X	X	X	X	X	X	X
5.	M. Cates S. -- Call to order to convene regular board meeting at 7:24 p.m.	-	-	-	-	-	-	-
6.	M. White S. Hammond Approval of the minutes from the July 13, 2020 board meeting	X	X	X	X	X	X	X
7.	M. Hammond S. Hutchison Approval of the minutes from the July 23, 2020 special-called board meeting	X	X	X	X	X	X	X
8.	M. Loveless S. Hammond Action as necessary on appropriate matters discussed in Executive Session	X	X	X	X	X	X	X
9.	M. Hutchison S. Hammond Second Reading approval of the FY 2020-2021 General Fund Budget	X	X	X	X	X	X	X

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

	Cates	Gantt	Gardner	Hammond	Hutchison	Loveless	White
10. M. Loveless S. Hammond Approve item 18a in its entirety as shown in Exhibit D	X	X	X	X	X	X	X
11. M. Loveless S. Hammond Accept all items shown in 18b for adoption							
M. Hutchison S. White Amend policy ADD "Face Covering" to add "including the classrooms" under <i>Student</i> section	X	X	N	N	X	N	X
M. Gardner S. Hammond Amend policy ADD "Face Covering" to add fourth bullet under exceptions "When seated at workspaces and social distancing permits, at the discretion of the Superintendent of his/her designee"	X	N	X	X	N	X	N
Original motion as amended	X	X	X	X	X	X	X
12. M. Loveless S. Hammond Adjourn at 11:04 p.m.	X	X	X	X	X	X	X

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8/10/2020 for the Record

I am not opposed to the reentry plan. I appreciate and support the hard work of Dr. Melton and her staff.

What I am opposed to is the process by which the plan was reached in relation to the board's role and the board's opportunity for input from the beginning.

There was no discussion with the entire board, nor any data from teachers or parents provided to us prior to the decision being made and presented to the public.

This has been my frustration in the past. It is my frustration tonight.

The board leadership excludes certain members from the decision process.

Respectfully
Jan R. Hammond

Attachment #1 is included with the minutes of the meeting, at the request of Board member

8/10/2020
Jan Hammond
pursuant to South Carolina Code Ann. Section 30-4-90(a)(4) and Board Policy BEDG. The Board majority did not approve, disapprove, or otherwise act upon the contents of this attachment.

Ed White

From: Edward White <ewhite@lexrich5.org>
Sent: Monday, July 13, 2020 12:49 PM
To: Ed White
Subject: Fwd: Attachments to my letter Dr. Melton dated 3/24/20

Attachment #2, pg. 1 is included with
the minutes of the 8/10/2020
meeting, at the request of Board member
Ed White
pursuant to South Carolina Code
Ann. Section 30-4-90(a)(4)
and Board Policy BEDG. The Board majority
did not approve, disapprove, or otherwise
act upon the contents of this attachment.

◀External Email▶ - From: ewhite@lexrich5.org

----- Forwarded message -----

From: **Edward White** <ewhite@lexrich5.org>
Date: Mon, Jul 13, 2020 at 12:47 PM
Subject: Fwd: Attachments to my letter Dr. Melton dated 3/24/20
To: Beth Hutchison <bhutchison@lexrich5.org>, Christina Melton <csmelton@lexrich5.org>, Janis Hammond <jhammond@lexrich5.org>, Kenneth Loveless <kloveless@lexrich5.org>, Michael Cates <michaelcates@lexrich5.org>, Nikki Gardner <ngardner@lexrich5.org>, Robert Gantt <rgantt@lexrich5.org>

Michael,

As you are aware, state law allows me to put any information on the record to be included in the minutes of our meeting.

Ken Childs assisted us in the creation of the current policy years ago, including the requirement that the information be stamped with a disclaimer by the district, and the policy was designed to comply with state law.

My submission at the last meeting is the complete submission not to be amended or supplemented by another board member.

When an item is on the agenda, I have the right, as a board member, to ask any relevant questions I chose germane to the topic. When the Superintendent requested that I wait and pursue my questioning at a later date, when the presenters could be better prepared, I acquiesced.

I have many questions yet to ask on the subject of the work product of Contract Construction and the accusations of Ken Loveless in his letter and I look forward to this topic being put on our agenda again in the near future.

To be clear, if I am interested in an exhibit or attachment to Ken's letter I will ask for it.

Finally, I take issue with Ken Loveless accusing you and Dr. Melton of conspiring or doing anything with me asking these questions. I did not consult with anyone before raising my questions or putting the documents on the record. I think it is interesting that Ken is accusing the two of you of censorship when it appears that what he really wants is to limit my ability to speak, ask questions or put information of my choosing in the minutes of our meeting.

Thank you,

Ed

----- Forwarded message -----

From: **Kenneth Loveless** <kloveless@lexrich5.org>
Date: Mon, Jul 13, 2020 at 8:27 AM
Subject: Re: Attachments to my letter Dr. Melton dated 3/24/20
To: Michael Cates <michaelcates@lexrich5.org>
CC: Christina Melton <csmelton@lexrich5.org>, Beth Hutchison <bhutchison@lexrich5.org>, Robert Gantt

<RGantt@lexrich5.org>, Jan Hammond <jhammond@lexrich5.org>, Nikki Gardner <ngardner@lexrich5.org>, Ed White <EWhite@lexrich5.org>

Mr. Cates : Mr. White and Mr. Hughes have used as part of their replies as evidence such documents as Terracon report # 37 which is not on the district's website. It has been given to neither me through request to the Superintendent nor the public through FOIA. Neither has the full complement of Terracon reports. My letter cannot be characterized as mere accusations. How could it be? It simply asks questions. I have unwittingly stumbled upon an institutional censorship scheme. You, Mr. Chairman, have just admitted to being part of it. You say below that you don't need my full letter to make your promulgation that my questions are unfounded. I expected more from you but that is OK. What is not OK is that some of the people involved received the entire letter and some did not. What is not OK is that some of the people involved were allowed to see other documents including all those I have requested and some were not. You see, Mr. Chairman, someone other than the people involved got to determine what other important people should be able to see. They were asked to formulate their opinions without all the information. Those people may be more naturally inquisitive and therefore less dogmatic than you. They might have inquiring minds. But, you participated in a scheme to keep them from having the right to make their own decisions. That, Mr. Chairman, is wrong. I reiterate my request that my full letter with attachments, all the documents that I have requested in the body of the letter and all of the Terracon reports be released to the public. Let the public make the determination. Respectfully submitted., Kenneth B. Loveless, Trustee

On Sun, Jul 12, 2020, 1:45 PM Michael Cates <michaelcates@lexrich5.org> wrote:

Mr. Loveless,

First, let me be clear, so you do not have to surmise, speculate, or assume. For the record, I did not involve an attorney in my response.

Second, I received your letter without the corresponding attachments on April 20, 2020, along with the rest of the board. I was not involved in answering your letter and did not need the attachments to understand your accusations and the written response by Dan Neal, Contract Construction, and ADC Engineering. Anyone who was involved in answering your unfounded accusations received the full document. I am sure the response to your letter was at considerable expense to the district.

Third, you attempted to obtain the floor without being recognized and interrupted another board member. It is your responsibility to understand how to obtain the floor and how to raise an objection. I interrupted Mr. White not because he was out of order, but because the presenters did not have the documents he was referencing in front of them. To be very clear, you are wrong. Mr. White's questions were germane to the agenda item. Item 9 was listed as Superintendent's Report, Update on Elementary School 13. As I stated during the meeting, I did not know that Mr. White intended to ask questions regarding the response to your letter.

Please accept this as my final response to this matter.

Michael Cates
School Board Trustee, Board Chair
District Five of Lexington & Richland Counties
803 518-4567
michaelcates@lexrich5.org

Attachment #2 pg. 2 is included with
the minutes of the 8/10/2020
meeting, at the request of Board member
Ed White
pursuant to South Carolina Code
Ann. Section 30-4-90(a)(4)
and Board Policy BEDG. The Board majority
did not approve, disapprove, or otherwise
act upon the contents of this attachment.

On Jul 12, 2020, at 10:28 AM, Kenneth Loveless <klloveless@lexrich5.org> wrote:

Mr. Cates, I surmise by your response that an attorney has advised you. If so, which attorney? I have the right to know if an attorney paid by the school district for which I am a trustee was involved. Second, we know that Trustees Gardner and Hammond never received my full letter with attachments. Did you receive the full letter from Dr. Melton prior to the meeting? Did anyone including Mr. Hughes and Mr. Neal receive my full letter prior to the meeting? Third, you as board chair let Mr. White, over my attempted objections, continue his cross examination of his "expert" witness. Mr. White continued. You effectively lost control of the meeting. If we were to have had a discussion of the matter and if the Superintendent had requested such as policy states, then policy requires it to have been on the agenda. Since you and the Superintendent set the agenda, did you know that Mr. White would attempt to discuss and

characterize my work without citing and very possibly without having received my full letter prior to the meeting? Please respond. Respectfully submitted, Kenneth B. Loveless, Trustee

On Sat, Jul 11, 2020, 4:34 PM Michael Cates <michaelcates@lexrich5.org> wrote:

I have not spoken to Dr. Melton, she can respond if she wishes, at a more appropriate time. Since many of your questions are related to board members and board policy I will respond. My response to your questions is found in italics below.

Dr. Melton, in conversation with Trustees Gardner and Hammond and a follow-up review of documents which Trustee White plans to attach to the minutes of the latest board meeting of June, 2020. I noticed the 32 attachments which were part and parcel to my letter were not included.

Mr. White has no obligation to include the attachments.

Further, I noted that contrary to policy BEDH, the 32 attachments to my letter were not forwarded to the other board members. Was a decision made to present my inquires to the full board? If so, I did not receive any notice under policy BEDH of such. Was such a decision sent to others? I have it on good authority that your actions by not publishing my letter in its entirety with the 32 attachments included constitute censorship. Board members Gardner, Hammond and possibly the others were not given the full benefit of the body of the work.

Policy BEDH, Public Participation at meetings, has no bearing on your request. Your letter to Dr. Melton and the response was sent to the full board. Your request was not for information but for an investigation. I am not sure it is covered by policy. Policy BEDGA, Board Records, addresses requests for information from board members. The policy states,

Requests by members of the board

Since the board is ultimately responsible for all district operations, individual board members are extended special consideration in obtaining information. Under normal circumstances, requests to inspect and/or receive copies of records should be made by individual board members to the superintendent who may refer such requests to the Office of Community Services.

These particular requests will be processed whenever possible in a more expeditious manner than otherwise required by law

and at no cost to the individual board members. All board members will be appropriately advised of all requests as well as the responses.

If, on the other hand, the requests are determined by the superintendent to be unusual in nature, by reason of their content, subject matter or volume/size, then they should be referred by the superintendent to the fully seated board. The superintendent will require that such requests be made in writing. Upon affirmative action by the board, all requested information and available written documents once again will be provided board members as expeditiously as possible and at no cost to the individuals involved.

Individual board members may request information as a member of the general public in accordance with the provisions of the Freedom of Information Act.

Dr. Melton chose to answer your questions, and you along with the full board received the response on April 20, 2020. She could have referred your request to the full board for a vote because it was undoubtedly "unusual in nature, by reason of their content, subject matter of volume/size..." To be clear, you have no individual authority to direct the work of the Superintendent. You do not have the individual authority to set deadlines for the Superintendent. Your insistence to act with individual authority is in direct violation of board policy, BB, School Board Legal Status, BBA, Board Powers and Duties BCA, Board Member Code of Ethics, and the Superintendent's contract of employment.

Your allegations appear to be refuted by the district consultant for construction matters, the construction management company, professional engineers, and the third-party inspector hired by the district. I am sure the response was at great expense to the district.

Mr. White had no right to launch into an obviously orchestrated cross examination of his expert witness because I was never given notice of any decision on your part under policy BEDH. Therefore, the opinions and conclusions offered and made could have been formed without important information.

Attachment #1 is included with the minutes of the 6/10/2020 meeting, at the request of Board member Ed White
Pursuant to South Carolina Code Ann. Section 30-4-90(a)(4) and Board Policy BEDG. The Board majority did not approve, disapprove, or otherwise act upon the contents of this attachment.

Policy BEDH has nothing to do with this. I am not sure what notice you require. Mr. White's questions were germane to the agenda item. Your claim that this was orchestrated is false and baseless.

The topic was presented during a board meeting and was therefore up to you to state that important parts of my inquiry had been deleted and that notice under policy BEDH that a decision to present to the entire board had been made. Any acts that spring from your original action could be additional acts of censorship.

Dr. Melton is a participant in the board meeting by contract and policy. The Superintendent is not responsible for managing the board meeting, which would be the board chair's responsibility. BEDH has no bearing on this matter.

As a way forward, I request that you immediately explain in public your actions to: 1) not forward important portions of my letter to other decision makers and to: 2) not publish any decision to present my inquiry to the full board.

Let me say once again you have no authority to direct the work of the Superintendent. You are welcome to share the attachments with the board. I believe you have shared documents with the board in the past. It is my understanding your letter stands on its own and the attachments were shared with those tasked with answering your inquiry.

Further, I ask that if my letter is to be included in the minutes of the meeting, that the entire letter with all attachments be included. By copy of this communication to Board Chairman Michael Cates, that he by way of his role, direct that my letter in its entirety be included in the minutes. Sincerely, Kenneth B. Loveless, Trustee

It is not up to you to determine what other board members will add to the record. Please review policy BEDG since my explanation of this policy in previous emails appears to be insufficient. Your request to add the attachments to the minutes should have been made the night of the meeting you wish to attach for the record items, they must be germane to the agenda and should be limited to five pages front and back. I have interpreted the five pages to be per item. As an example, I viewed Mr. White's request for the record as three distinct items. Your letter, the response form Contract Construction, and my response to a public participation question. The policy manual can be found at <https://boardpolicyonline.com/?b=lex5>

Michael Cates
School Board Trustee, Board Chair
District Five of Lexington & Richland Counties
803 518-4567
michaelcates@lexrich5.org

Attachment #2, pg. 4 is included with
the minutes of the 07/10/2020
meeting, at the request of Board member
Ed White
pursuant to South Carolina Code
Ann. Section 30-4-90(a)(4)
and Board Policy BEDG. The Board majority
did not approve, disapprove, or otherwise
act upon the contents of this attachment.

On Jul 10, 2020, at 10:53 PM, Kenneth Loveless <kloveless@lexrich5.org> wrote:

Dr. Melton, in conversation with Trustees Gardner and Hammond and a follow-up review of documents which Trustee White plans to attach to the minutes of the latest board meeting of June, 2020. I noticed the 32 attachments which were part and parcel to my letter were not included. Further, I noted that contrary to policy BEDH, the 32 attachments to my letter were not forwarded to the other board members. Was a decision made to present my inquires to the full board? If so, I did not receive any notice under policy BEDH of such. Was such a decision sent to others? I have it on good authority that your actions by not publishing my letter in its entirety with the 32 attachments included constitute censorship. Board members Gardner, Hammond and possibly the others were not given the full benefit of the body of the work. Mr. White had no right to launch into an obviously orchestrated cross examination of his expert witness because I was never given notice of any decision on your part under policy

BEDH. Therefore, the opinions and conclusions offered and made could have been formed without important information. The topic was presented during a board meeting and was therefore up to you to state that important parts if my inquiry had been deleted and that notice under policy BEDH that a decision to present to the entire board had been made. Any acts that spring from your original action could be additional acts of censorship. As a way forward, I request that you immediately explain in public your actions to: 1) not forward important portions of my letter to other decision makers and to: 2) not publish any decision to present my inquiry to the full board. Further, I ask that if my letter is to be included in the minutes of the meeting, that the entire letter with all attachments be included. By copy of this communication to Board Chairman Michael Cates, that he by way of his role, direct that my letter in its entirety be included in the minutes. Sincerely, Kenneth B. Loveless, Trustee

Attachment #2, p. 5 is included with
the minutes of the 8/10/2020
meeting, at the request of Board member
Ed White
pursuant to South Carolina Code
Ann. Section 30-4-90(a)(4)
and Board Policy BEDG. The Board majority
did not approve, disapprove, or otherwise
act upon the contents of this attachment.