



### ***Agenda***

Board of Trustees

Regular Meeting

Location: Center for Advanced Technical Studies

Video Livestream <https://lexrich5.rev.vbrick.com/#/webcasts/boardmeeting>

March 14, 2022

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) (Action)
  - b. Selected employment items (Exhibit B) (Information Only)
  - c. Legal advice regarding force main relocation on Amicks Ferry Road
  - d. Legal advice regarding retaining wall at Harbison West Elementary
4. Call to order at 7:00 p.m.
5. Welcoming remarks – Jan Hammond, Board Chair
6. Invocation – Matt Hogan, Board of Trustees
7. Pledge of Allegiance – Matt Hogan, Board of Trustees
8. School Board Spotlight
9. Superintendent's Report
  - a. COVID-19 Mitigations Update
  - b. Mental Health in LR5 and School Clinical Counseling
  - c. How are the Children? – Literacy Update
  - d. Education Funding Reform
    - i. Debbie Elmore, SCSBA Director of Governmental Relations- Report on Current Legislation
    - ii. Marty Rawls, Chief Finance Officer - New Education Funding Model Impact (Exhibit C)
11. Approval of the minutes of the February 28, 2022 board meeting
12. Public Participation\*

### **ACTION AGENDA**

13. Action as Necessary or Appropriate on Matters Discussed in Executive Session
14. Recommendation on Approved Attorney List
15. Second and Final Reading of Proposed Revisions to Board Policy GCB "Professional Staff Contracts and Compensation" (Exhibit D)
16. Second and Final Reading of Proposed Revisions to Board Policy GDB "Support Staff Compensation" (Exhibit E)

### **DISCUSSION AGENDA**

17. Discussion and First Reading of Bond Resolution for Spring Bond Issuance (Exhibit F)
18. Discussion on Guiding Principles on School Facilities (Exhibit G)
19. Discussion and First Reading of Proposed New Board Policy DD "Funding Proposals, Grants, and Special Projects" (Exhibit H)
20. Discussion and First Reading of Proposed New Board Policy BC "Board Member Conduct and Commitment" (Exhibit I)
21. Discussion and First Reading of Proposed Revisions to Board Policy BCA "Board Member Code of Ethics" (Exhibit J)
22. Discussion and First Reading of Proposed Revisions to Board Policy BCB "Board Member Conflict of Interest" (Exhibit K)
23. Adjourn

### **INFORMATION AGENDA**

24. The next regular scheduled board meeting will be March 28, 2022, at the Center for Advanced Technical Studies.

\* The Board welcomes and encourages public participation. However, the privilege of addressing the Board does not include the ability to make personal attacks on any Board Member, district employee, or other member of the public. 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.

**COVID-19 NOTICE:** Due to state social distancing guidelines, seating capacity at our school board meeting will be limited. Mask use is encouraged. The district will live stream board meetings to provide virtual viewing options.



## Minutes/February 28, 2022

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:

Mrs. Rebecca Blackburn Hines  
Mrs. Nikki Gardner, Secretary  
Mrs. Jan Hammond, Chair  
Mr. Matt Hogan  
Mrs. Catherine Huddle  
Mr. Ken Loveless, Vice Chair  
Mrs. Tifani Moore  
Dr. Akil Ross, Interim Superintendent

The following staff were in attendance:

Mr. Todd Bedenbaugh, Executive Director of Operations  
Dr. Michael Harris, Chief Student Services and Planning Officer  
Mrs. Anna Miller, Chief of Academics and Administration  
Mrs. Marty Rawls, Chief Finance Officer  
Mrs. Amanda Taylor, Director of Communications  
Dr. Tamara Turner, Chief Human Resources Officer

A livestream video link was provided to the public as a viewing option for the February 28, 2022, board meeting.

Chair Hammond called the meeting to order and gave welcoming remarks.

Jan Hammond, Board Chair of the Board of Trustees, gave the Invocation and Pledge of Allegiance.

The Board conducted the School Board Spotlight.

During the Superintendent's Report, Dr. Ross presented updates on Safety and Security in our Schools, and Public Concerns and Complaints About Instructional Resources. Also, during the Superintendent's Report, Mr. Vann Holden presented an update on the COVID-19 Dashboard; and Mrs. Marty Rawls presented Monthly Financial Reports (Exhibit G).

During the public participation Todd Grosh spoke about communication between Superintendent Spearman and our District, books/materials and breaking laws.

The Board presented for discussion:

- Spring Bond Issuance (Exhibit H)
- Discussion of Potential Salary Study (Exhibit K)
- Discussion and First Reading of Proposed Revisions of Board Policy GCB "Professional Staff Contacts and Compensation" (Exhibit M)

- Discussion and First Reading of Proposed Revisions to Board Policy GDB "Support Staff Compensation" (Exhibit N)

---

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



**Record of Voting**

**SCHOOL DISTRICT FIVE  
OF  
LEXINGTON AND RICHLAND COUNTIES**

Meeting of February 28, 2022

	B L A C K B U R N  H I N E S	G A R D N E R	H A M M O N D	H O G A N	H U D D L E	L O V E L E S S	M O R E
1. M. Huddle S. Loveless  Approve the agenda.  M. Loveless S. Huddle  I make the motion that the Board deletes Executive Session Item 5(c.) (Legal advice regarding implications of Board Policy BC "Board Member Code of Conduct") from tonight's agenda.  Vote on original motion.							
	X	X	X	X	X	X	X
	X	X	X	X	X	X	X
2. M. Loveless S. Gardner  I make the motion to enter executive session to consider the following: a.) Selected employment items (Exhibit A) (Action); b.) Selected employment items (Exhibit B) (Information Only); c.) Receipt of legal advice regarding latent roof defects; d.) Contractual matter regarding the purchase of property (Exhibit C); e.) Receipt of confidential real estate appraisal information on the District Office property (Exhibit D); f.) Contractual matter regarding third-party inspections at Piney Woods Elementary School (Exhibit E); and g.) Contractual matter regarding the construction of Chapin High School stadium (Exhibit F).	X	X	X	X	X	X	X
3. M. Gardner S. Huddle  I move that we send the following letter to Governor Henry McMaster and Superintendent Molly Spearman regarding a letter Superintendent Spearman sent to Trustee Blackburn	N	X	X	N	X	X	N

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

**SCHOOL DISTRICT FIVE  
OF  
LEXINGTON AND RICHLAND COUNTIES**

Meeting of February 28, 2022

B L A C K B U R N  H I N E S	G A R D N E R	H A M M O N D	H O G A N	H U D D L E	L O V E L E S	M O O R E
<p>Hines on February 8, 2022 in response to a request Mrs. Blackburn Hines sent on School Board letterhead to Governor McMaster and Superintendent Spearman on February 4, 2022.</p> <p style="text-align: center;">***</p> <p>Dear Ms. Spearman,</p> <p>We have received a copy of the attached letter that Trustee Blackburn Hines sent you on February 4, 2022 on our Board of Trustees letterhead and signed as "In Service to the District 5 Community, Rebecca Blackburn Hines, Board Trustee". We are also in receipt of the attached response from you to Ms. Blackburn Hines dated February 8, 2022.</p> <p><u>The letter from Ms. Blackburn Hines was never discussed nor agreed to by this board. In fact, most board members and our board chair were completely unaware that she was sending the letter and only became aware of her letter after your response was received.</u></p> <p>Per our board policies BB "All powers of the board lie in its action as a body. Board members acting as individuals have no authority over personnel or school affairs." and BDD board members will "function only as a board and not as individuals". In addition, the SCSBA Code of Ethics, to which all Trustees have agreed, states "As a school board member in South Carolina, I pledge my efforts to improve public education in my community and will solemnly try to take no individual action which would compromise the integrity of the board or administration". In addition, South Carolina law does not vest any authority in individual Trustees to act on their own on behalf of a school district.</p> <p>Ms. Blackburn Hines misrepresented our Superintendent's comments regarding this matter. During discussion at our 1/24/22 board meeting Dr. Ross referenced the Island Trees School District v. Pico case and the need to follow our policy for review of library materials. This meeting occurred the day before the 1/25/22 memorandum regarding best practices model policy for SBE Library Materials from Katie Nilges. In the Irmo News on 2/4/22 Dr. Ross</p>						

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

**SCHOOL DISTRICT FIVE  
OF  
LEXINGTON AND RICHLAND COUNTIES**

Meeting of February 28, 2022

BLACKBURN HINES	GARDNER	HAMMOND	HOGAN	HUDDELE	LOVELESS	MOORE
<p>stated "The graphic sexual content caused me to ask the book to be pulled, but it was not. It was not supposed to be. The Supreme Court decided in 1982, in the Island Trees School District v. Pico case, that local school boards may not remove books from school libraries simply because they dislike the ideas contained in the book. <b>However, books can be removed when two review committees review the book and determine it is not educationally suitable for students.</b>" (<a href="https://thenewirmonews.com/in-our-schools/">https://thenewirmonews.com/in-our-schools/</a>). Ms. Blackburn-Hines omitted this sentence in her letter to you.</p> <p>To-date the only objection our superintendent has received from Mrs. Blackburn Hines was made during November 2021. It referenced a textbook which is also not in use in our district. She did not inform the rest of the board as to her objections. She took the liberty to demand the removal all on her own. Textbook approval, of course, is a completely different matter from that of a library book and by law, the board, not an individual board member, has responsibility for textbook approval.</p> <p>It is disappointing that erroneous assertions by one board member led you to conclude that "Based on the timeline of events and the information provided to districts, it is clear District Five's Board and administration failed to do its job by properly vetting the obscene materials in question even after the state very publicly encouraged them to do so". We hope that by the timeline and facts presented in this letter, you now know that our board and administration followed our policy (one very similar to the model policy proposed on 1/25/22) and the book questioned by Governor McMaster was never in our libraries and was not mentioned by parents at the 1/24/22 board meeting.</p> <p>Our administration, exactly like the one before it, followed our policies ILJ and KEC. Our administration also followed the legal advice of our attorneys regarding district policy and Island Trees School District v. Pico. As such, our board and administration have properly followed policy and we have done our job. You are always welcome to contact our Board Chair, Jan Hammond, and we are sure Superintendent Ross also would welcome questions.</p>						

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

**SCHOOL DISTRICT FIVE  
OF  
LEXINGTON AND RICHLAND COUNTIES**

Meeting of February 28, 2022

	B L A C K B U R N  H I N E S	G A R D N E R	H A M M O N D	H O G A N	H U D D L E	L O V E L E S S	M O R E
<p>Our board does not support inappropriate content in our libraries; but we also recognize the need to follow policy and the law. We will certainly review our current policies in light of SCDOE's 1/25/22 memorandum and recommended model policy. As previously noted, our current policies are already substantially similar to our the model policy your department has proposed, including requiring a complaint form and committee review.</p> <p>In summary, our board fully supports the handling of this matter by our superintendent and administration.</p> <p>Sincerely,</p> <p>The Trustees of School District Five of Lexington and Richland Counties via a motion adopted by the board at its regular meeting on February 28, 2022.</p>							
<p>4. M. Loveless S. Huddle</p> <p>I make the motion that we approve the minutes of the February 7, 2022 board meeting.</p>	X	X	X	X	X	X	X
<p>5. M. Huddle S. Gardner</p> <p>I move that we accept the selected employment items per Exhibit A.</p>	X	X	X	X	X	X	X
<p>6. M. Hogan S. Huddle</p> <p>I make a motion that the Board approve the contract with Edcon and execute the contract with Edcon for renovations of the stadium at Chapin High School.</p>	X	X	X	X	X	X	X
<p>7. M. Huddle S. Gardner</p> <p>I move that we have the Superintendent move to gain access</p>	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 February 28, 2022

	B L A C K B U R N  H I N E S	G A R D N E R	H A M M O N D	H O G A N	H U D D L E	L O V E L E S S	M O O R E
via thoroughfare to S-40-80 / a/k/a Shady Grove Road from the proposed new District Office site including required access and improvements for the District Office to utilize.							
<p>8. M. Huddle S. Loveless</p> <p>I move to censure Trustee Rebecca Blackburn Hines. Board Policy BE states "Roberts Rules of Order will govern all matters not covered by the rules of the Board." Per chapter 72 of Roberts Rules of Order "A deliberative assembly has the inherent right to make and enforce its own laws and punish an offender," Further, SC law 59-19-60, as interpreted by our Attorney General, provides school boards the ability to censure a trustee.</p> <p>As such, I move that we censure Trustee Blackburn Hines for violation of: 1) Board Policy BB "School Board Legal Status" which states "All powers of the board lie in its actions as a body. Board members acting as individuals have no authority over personnel or school affairs"; 2) Board Policy BDD "Board-Superintendent Relationship" which states board members will "function only as a board and not as individuals"; 3) The SCSBA Code of Ethics which states "As a school board member in South Carolina, I pledge my efforts to improve public education in my community and will solemnly try to take no individual action which would compromise the integrity of the board or administration"; 4) Board Policy BCA "Board Member Code of Ethics," which states "A board member should honor the critical responsibilities that his/her membership demands by doing the following: refusing to play politics in either the traditional partisan or any petty sense."</p> <p>Specifically, Ms. Blackburn Hines, violated the SCSBA Code of Ethics and the above noted board policies through the following actions: At the 1/24/22 board meeting she stated</p>	N	X	N	N	X	X	N

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

**SCHOOL DISTRICT FIVE  
OF  
LEXINGTON AND RICHLAND COUNTIES**

Meeting of February 28, 2022

	B L A C K B U R N  H I N E S	G A R D N E R	H A M M O N D	H O G A N	H U D D L E	L O V E L E S S	M O O R E
<p>"Dr. Ross we had a conversation this weekend and I expressed concern that there was a book in Irmo High School". Her intent became clear when, in the same meeting, she reprimanded him in public session for not following her demands to remove a book from the library with the words "you said it would be addressed first thing this morning and it's still in the Irmo High School library". She unilaterally directed the superintendent to act and encouraged him to violate board policy KEC. On 2/4/22 she sent a letter to the SC Superintendent, on board letterhead, critical of our superintendent without the knowledge, advice or consent of other board members and signed the letter as a trustee. This letter initiated an uninformed reply critical of our administration which was published on the front page of a local newspaper.</p> <p>Through her actions, Ms. Blackburn Hines has caused irreparable harm to the school district and its superintendent. In addition to this public reprimand, Mrs. Blackburn Hines shall be barred from serving as a committee chair or an executive officer of the board.</p> <p>If we don't acknowledge and censure a board member who disregards the trust placed in them by our superintendent, staff, students, and fellow board members, future boards will not be trusted by our community and other board members will be free to similarly disregard board policies.</p>							
<p>9. M. Gardner S. Moore</p> <p>I move that we approve the revised draft of the 2022-2023 School Calendar (Exhibit I).</p>	X	X	X	X	X	X	X
<p>10. M. Loveless S. Hogan</p> <p>I would like to make a motion that we approve the 2022-2023 Board Meeting Schedule as shown in Exhibit J.</p>	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 February 28, 2022

	B L A C K B U R N  H I N E S	G A R D N E R	H A M M O N D	H O G A N	H U D D L E	L O V E L E S S	M O R E
11. M. Loveless S. Huddle  I would like to make a motion that we direct administration to proceed with an RFP for a Potential Salary Study, and that the administration brings the results back to the Board for approval (Exhibit K).	X	X	X	X	X	X	X
12. M. Loveless S. Huddle  I move that we defer agenda items #21 and #24 to our next scheduled board meeting (Exhibit L & Exhibit O).	X	X	X	X	X	X	X
13. M. Gardner S. Huddle  I move that we approve First Reading proposed revisions to Board Policy GCB "Professional Staff Contracts and Compensation" as shown in (Exhibit M).	X	X	X	X	X	X	X
14. M. Gardner S. Huddle  I move that we approve First Reading of proposed revisions to Board Policy GDB "Support Staff Compensation" as shown in (Exhibit N).	X	X	X	X	X	X	X
15. M. Hogan S. Blackburn Hines  Adjourn at 9:59 p.m.	X	X	X	X	X	X	X

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





February 18, 2022

The Honorable Molly Spearman  
South Carolina Department of Education  
1429 Senate Street  
Columbia, South Carolina 29201

#1  
Attachment \_\_\_\_\_ is included with  
the minutes of the 2-28-22  
meeting, at the request of Board member  
Cathy Huddle  
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.

Dear Superintendent Spearman:

I am writing in response to your letter dated February 8, 2022, addressed to Rebecca Blackburn Hines, a member of the School District Five of Lexington and Richland Counties Board of Trustees. Though your letter directly criticizes my actions as Superintendent as the result of your apparent misunderstanding about how this District has handled public complaints about books contained in District Five media centers, you did not copy me on your letter.

I specifically directed principals to determine whether the book that was the subject of Governor McMaster's November 10, 2021, letter was in any of our schools. A second verification of the book in question, *Gender Queer: A Memoir* authored by Maia Kobabe found that the book is not and has never been in a District Five Library. I have a statement from our Coordinator of Instructional Technology, Instructional Technology Specialist, and Lead Librarians for both Secondary and Elementary levels verifying this book was never in circulation in our district. Significantly and contrary to your assertion, the book *Gender Queer: A Memoir* was not discussed during the January 24th, 2022, School District Five Board of Trustees meeting.

Please be advised that, following my receipt of the information provided by the Department in November 2021, I immediately began discussing the issue of controversial materials in school libraries with the District's building principals and District administrators.

As part of those meetings in November and December 2021, I also reviewed with principals the process outlined in District Five Board Policy KEC and Administrative Rule KEC-R for parents and/or District Five citizens to file a complaint about a specific book. I have enclosed a copy of that Policy and Administrative Rule, which has been in place since 2013, as well as the agendas of those meetings for your information.

A District Five of Lexington and Richland Counties Board meeting was held on January 24, 2022. During the public participation portion of that meeting, several District Five citizens read from sexually explicit portions of a book, *All Boys Aren't Blue*, authored by George Johnson. As I understand from my investigation into the matter, this book was on the shelf at one school, photographed by one student, and returned in less than one minute on January 24<sup>th</sup>. This book was never "checked out" of the library.

[www.lexrich5.org](http://www.lexrich5.org)

1020 Dutch Fork Road • Irmo, South Carolina 29063 • (803) 476-8000  
"Pursuing Excellence for Tomorrow's Challenges"

The Honorable Molly Spearman  
February 18, 2022  
Page 2

On January 25, 2022, I was contacted by a citizen via email who requested that the following books be removed from the District Five libraries:

1. All Boys Aren't Blue - George Johnson
2. Eleanor & Park - Rainbow Rowell
3. Monday's Not Coming - Tiffany D. Jackson
4. Me and Earl and the Dying Girl - Jesse Andrews
5. Dreaming in Cuban - Christina Garcia

I informed the citizen of Board Policy KEC "Public Concerns and Complaints about Instructional Resources" and provided the Complaint Form that must be used to file a formal complaint about instructional resources. I followed the same steps with a second citizen who emailed me requesting that I remove the same five books on February 1, 2022. To date, I have not received a complaint form for any book. Consequently and in accordance with Board Policy/Administrative Rule KEC/KEC-R, the books are currently in the library. If any book is ultimately determined "educationally unsuitable" for students as the result of a formal complaint and the two-step review process, the book may be removed. Our two-step review process is in line with the Model Policy for Library/Media Center Materials and Reconsideration Process your office released in the January 25th, 2022 Memoranda.

I explained our two-step process to the School District Five Board of Trustees via email on January 25th, 2022, and to the community in the Irmo News and Lake Murray News on Feb 2, 2022. As a result, I was surprised to read the February 4th, 2022, letter from Mrs. Blackburn Hines to you and Governor Henry McMaster which stated, "In a recent local media article, our Superintendent asserted the books in question were appropriately allowed to remain in our school libraries pursuant to U.S. Supreme Court case, Island Trees School District v. Pico." If I was provided the most basic form of due process, I could have shared that Mrs. Blackburn Hines' letter omitted the next sentence in the article which stated, "However, books can be removed when two review committees review the book and determine it is not educationally suitable for students."

Based on the above information, I am requesting you withdraw your letter to Ms. Blackburn Hines as it contains clearly erroneous information and has caused damage to both my reputation and the reputation of School District Five. I appreciate and look forward to your immediate attention to this matter.

Sincerely,



Dr. Akil E. Ross, Sr.  
Superintendent

Attachment #2 is included with  
the minutes of the 2-28-22  
meeting, at the request of Board member  
Cathy Haddix  
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.



The Honorable Molly Spearman  
February 18, 2022  
Page 3

c: Mrs. Jan Hammond, Board Chair  
Mr. Ken Loveless, Board Vice-Chair  
Mrs. Nikki Gardner, Board Secretary  
Mrs. Rebecca Blackburn Hines, Board Member  
Mr. Matt Hogan, Board Member  
Mrs. Cathy Huddle, Board Member  
Mrs. Tifani Moore, Board Member

Enclosures: Board Policy KEC "Public Concerns And Complaints About Instructional Resources"  
Administrative Rule KEC-R "Public Concerns And Complaints About Instructional Resources"  
Form KEC-E "Citizen's Request for Review of Education Materials" -  
November 17, 2021 Principals and Directors Meeting Agenda  
December 1, 2021 Principals and Directors Meeting Agenda  
February 2, 2022 Principals and Directors Meeting Agenda  
The *Irmo News* Article

Attachment #3 is included with  
the minutes of the 2-28-22  
meeting, at the request of Board member  
Cathy Huddle  
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 KEC Public Concerns And Complaints About Instructional Resources

Issued 9/13

**Purpose:** To establish the basic structure for receiving and handling public concerns and complaints about instructional resources.

The board recognizes its responsibility in the matter of selection and provision of instructional materials. Any parent/legal guardian or citizen who resides within the district's boundaries may lodge a complaint against any books or instructional materials being used in the school system.

The complainant must submit criticism of books or other instructional materials in writing to the superintendent using the "Citizens Request for Review of Educational Materials" form [KEC-E](#). Committees will review all complaints (building level and district level) in accordance with approved administrative rule [KEC-R](#).

The board directs that any challenged materials remain in the school pending final action upon the complaint. However, the school may observe the request of a parent/legal guardian that his/her own child not be assigned a specific book or instructional resources.

The superintendent will inform the board of all complaints about instructional materials.

Adopted 3/17/75; Revised 6/7/82, 4/16/90, 9/23/13

### Legal references:

S.C. Code, 1976, as amended:

[Section 59-19-90\(7\)](#) - The board of trustees shall control the educational interests of the district.

### Case Law:

[Board of Education v. Pico](#), 457 U.S. 853 (1982).

School District Five of Lexington and Richland Counties

Attachment #4 is included with  
the minutes of the 2-28-22  
meeting, at the request of Board member  
Cathy Stubble  
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.



## AR KEC-R Public Concerns And Complaints About Instructional Resources

Issued 9/13

Two committees will review all complaints about instructional materials. The principal will name a school level committee. The superintendent will name a district level committee.

The superintendent will submit the written complaint to the appropriate building principal for review by a school level committee. The school level review committee will meet within 10 school days of the receipt of a completed book action request form to consider the complaint. The committee will review the complaint and formulate a recommendation and the principal will send the recommendation to the district level review committee within three days of the school level review committee's decision.

The superintendent will appoint the district level review committee annually. The district level review committee will meet to consider all school level review committee recommendations within 10 school days of their receipt of the school committee's recommendation. As a part of the review process, the committee may invite the complainant to appear before it to discuss the nature of the complaints. Following their review, the district committee will forward a recommendation to the superintendent for review and transmittal to the complainant. The superintendent will have five school days to respond.

The complainant may appeal the committee's decisions in writing through the superintendent to the board. Following notification, the board must respond no later than five school days after the second board meeting.

### Instructions to evaluating committees

The board directs the evaluating committees to bear in mind the principles of the freedom to learn and to read. The committees must base their decisions on these principles rather than on defense of individual materials. Freedom of inquiry is vital to education in a democracy.

The committee should study all materials thoroughly and read available reviews. The committee should check the general acceptance of the materials by consulting standard evaluation aids and local holdings in other schools.

The committee must not pull passages or parts out of context. The committee must weigh values and faults against each other and base its opinions on the material as a whole.

Should a committee recommend the removal of a book, the committee's final report must demonstrate that its decision was not intended to remove books to deny students' access to ideas which committee members find to be repugnant. Such an intention would violate Constitutional standards. The committee must further demonstrate that the books in question are not educationally suitable.

The committee report, reflecting the majority opinion, will be given to the complainant at the conclusion of the committee's discussion on the questioned materials. Dissenting committee members must not publically challenge/attack the consensus decision of the entire committee.

The following is the suggested format or outline for report from evaluating committee.

- list of committee members and their positions
- statement ensuring that each committee member read the material in its entirety
- list of review source(s) consulted
- statement of majority opinion

Attachment 25 is included with the minutes of the 2-18-22 meeting, at the request of Board member Cathy Huddle 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.

- committee's final decision

Issued 6/7/82; Revised 8/15/82, 4/16/90, 9/23/13

School District Five of Lexington and Richland Counties

Attachment # 6 is included with  
the minutes of the 8-28-22  
meeting, at the request of Board member  
Cathy Huddle  
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.

**CITIZEN'S REQUEST FOR REVIEW OF EDUCATION MATERIALS**

Author \_\_\_\_\_ Type of material \_\_\_\_\_

Title \_\_\_\_\_

Publisher or producer \_\_\_\_\_

Request initiated by \_\_\_\_\_

Telephone \_\_\_\_\_ Address \_\_\_\_\_

City and state \_\_\_\_\_ ZIP code \_\_\_\_\_

Do you represent      Yourself \_\_\_\_ An organization (name) \_\_\_\_\_

Other group (name) \_\_\_\_\_

1. To what in the work do you object? Please be specific. List pages. \_\_\_\_\_

2. What of value is there in this work? \_\_\_\_\_

3. What do you feel might be the result of using this material? \_\_\_\_\_

4. If you did not examine the entire body of this work, why not? \_\_\_\_\_

5. Are you aware of the judgements of this work by literary critics? \_\_\_\_\_

6. If the material was obtained from the media center as a result of a class assignment, are you aware of the teacher's purpose for using it? \_\_\_\_\_

Attachment #7 is included with  
the minutes of the meeting, at the request of Board member  
Cathy Nudd  
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.



7. What do you believe is the theme or purpose of this work? \_\_\_\_\_

---

---

8. What do you prefer the school to do about this material?

\_\_\_\_\_ Do not assign/lend it to my child.

\_\_\_\_\_ Re-evaluate this material.

\_\_\_\_\_ Withdraw it from the use of all students.

Other (Explain) \_\_\_\_\_

---

---

9. In its place, what work would you recommend that would convey as valuable a picture and perspective of the subject treated?

---

---

---

Attachment 8 is included with  
the minutes of the 2-28-22  
meeting, at the request of Board member

Cathy Huddle  
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.



Principals and Directors Meeting  
November 17, 2021  
1:00pm - 3:00pm  
In-Person: The Center - MPR

## Agenda American Education Week

### Interim Superintendent's Office:

Dr. Ross

1. Welcome
2. Flowchart
  - a. Vision, Mission, **Outcomes**, Feedback
3. Board Meeting Update
4. 1st Jobs Initiative
5. Teachers Support Pilot Expectation Coaches

### Academics and Administration Office:

Mrs. Miller

1. Forces Impacting Students 11/3 Results: [Table Discussion 11/3 results](#)
  - a. What can we do to **limit** the forces that push down against students? [Google Form](#)
2. Instructional/Library/Supplemental Materials and Resources
  - a. SCDE Memo: [Virtual Public Review for Instructional Materials](#)
  - b. [Policy IJL Library/Media Center Materials Selection and Adoption](#)
  - c. [Policy IJK Supplementary Materials Selection and Adoption](#)
  - d. [Policy IJJ Textbook Selection and Adoption](#)
  - e. [Policy KEC Public Concerns and Complaints about Instructional Resources](#)

### Communications Office:

Mrs. Taylor

1. D5 Celebrations
2. American Education Week
3. District-Wide Weekly Newsletter

### Finance Office:

Mrs. Rawls

1. 2021-2022 Budget
2. 2022-2023 Staffing/Budget Meetings with Principals (Finance & HR)

### Human Resources Office:

Dr. Turner

1. Substitute Data

*#9*  
Attachment *2-28-22* is included with  
the minutes of the *2-28-22*  
meeting, at the request of Board member  
*Cathy Kiddle*  
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.

**Operations Office:**

**Mr. Bedenbaugh**

1. Dec 1- Deadline for all safety meetings. Please utilize the attached template. Please send safety notes to Carli Rollins. [Safety Minutes Template](#)

**Student Services and Planning Office**

**Dr. Harris**

1. Mandatory Drills Reminder

**Around the Room**

**Mrs. Miller**

Attachment #10 is included with  
the minutes of the 2-28-22  
meeting, at the request of Board member  
Cathy Huddle  
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.



Principals and Directors Meeting

December 1, 2021

1:00pm - 3:00pm

In-Person: The Center - MPR

## Agenda

### Academics and Administration Office:

Mrs. Miller

1. Welcome
2. [TED Talk from Principal Linda Cliatt-Wayman](#)
  - a. Table Discussion: Which slogan was your favorite and why? What resonated most with you and how will it influence your leadership?
  - b. [Strategic Plan action steps to counter factors that push down against students](#)
3. [Board Policy IB - Academic Freedom](#)
  - a. [AR IB-R Academic Freedom](#)
  - b. Table Discussion: What is important to share with faculty and staff? How and when will you do that?
4. Concerts, Field Trips, and the Covid Dashboard

### Communications Office:

Mrs. Taylor

1. D5 Celebrations
  - a. Dutch Fork Football at Benedict on Saturday at 5pm

### Finance Office:

Mrs. Rawls

1. 2022-2023 Budget Meetings

### Human Resources Office:

Dr. Turner

1. [Policy GDBC Daily Time Records for Support Staff](#)
2. [AR GDBC-R Support Staff Overtime Hours](#)

### Operations Office:

Mr. Bedenbaugh

1. Fire Inspections
2. Furniture

### Student Services and Planning Office

Dr. Harris

1. [D5 Virtual Calming Room](#)

### Around the Room

Attachment #11 is included with the minutes of the 2-28-22 meeting, at the request of Board member Cathy Haddix 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.

Mrs. Miller





Principals and Directors Meeting  
February 2, 2022  
1:00pm - 3:00pm  
Google Meet

## Agenda

### Superintendent's Office:

Dr. Ross

1. Welcome
2. Flowchart
  - a. Vision, Mission, **Outcomes**, Feedback
3. Board Meeting Update
  - a. Budget Philosophy
  - b. Legislative Update
  - c. [Parents as Primary Stakeholders Resolution](#)
  - d. Board Policy KEC ["Public Concerns and Complaints about Instructional Resources"](#)
  - e. Board Policy KB ["Parent Involvement in Education"](#)
  - f. Dr. Ross' #1 Priority

### Academics and Administration Office:

Mrs. Miller

1. Supply Chain (Crayola/Dixon)
2. School level review committee (KEC)
3. Academic Trends in District and School
4. Special Education Child Count Data
5. Magnet & Choice Application Info and Awards
6. School Spotlight
  - a. Master Schedule Ideas (Huckabee)
  - b. Admin Show and Recruiting (Norman)
7. Table Talks
  - a. Thoughts on Spotlight Items
  - b. [Ideas for Summit and Nuts and Bolts](#)

Angie Slatton  
Sara Wheeler

### Communications Office:

Mrs. Taylor

1. Celebrations
2. *Island Trees School District v. Pico Case*

Attachment #12 is included with the minutes of the 2-28-22 meeting, at the request of Board member Cathy Haddix 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.

**Finance Office:**

**Mrs. Rawls**

1. \$50 Fridays - leave - accountability/certification
2. Budgets/Purchase Orders/End of Year Spending

**Human Resources Office:**

**Dr. Turner**

1. Recruitment and Retention

**Operations Office:**

**Mr. Bedenbaugh**

1. Operation Assessments
2. Chromebooks and Smart Board Replacements (Jenny Garris)

**Student Services and Planning Office**

**Dr. Harris**

1. Update on CDC Foundation staff - Contact Tracers
2. Let's Talk! (Social Media Awareness for Students and Parents)

**Around the Room**

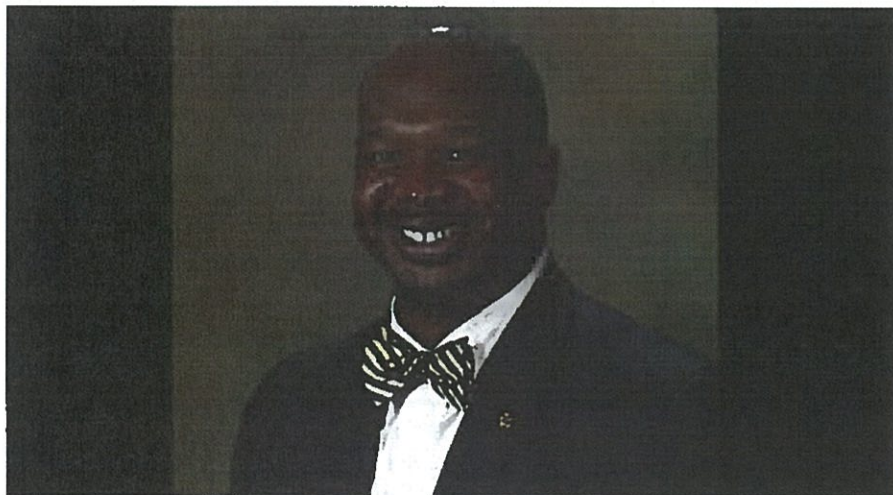
**Mrs. Miller**

Attachment #13 is included with  
the minutes of the 3-22-22  
meeting, at the request of Board member  
Cathy Hudelle  
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.

[About Us](#)[Advertise](#)[Privacy Policy](#)[Terms and Conditions](#)

THE NEW  
**IRMO NEWS**

Your Community News... Online

[HOME](#)[LATEST NEWS](#)[MORE DEPARTMENTS ▾](#)[OPINION ▾](#)[OBITUARY](#)[PRINT EDITION](#)

Type Search Term ...



## LATEST POSTS

**In Our Schools**

ON: FEBRUARY 2, 2022 / IN: COLUMNS, EDUCATION

**Akil E. Ross, Sr, Ed.D.**  
**Superintendent**

Attachment #14 is included with the minutes of the 2-28-22 meeting, at the request of Board member Carly Haddix 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.

I am honored to be named superintendent of School District Five of Lexington and Richland Counties. The tradition of excellence of the schools is a direct reflection of the amazing support our community provides to the schools. As a result, I intend to use this platform to engage our

- Gail Lancaster recognized as IPD pillar of the community
- IPD welcomes new officer
- Silver Fox Grill is Business of the month
- The South Carolina Philharmonic presents the inaugural performance of its new Chamber Crawl Series tomorrow night.



community in the process of educating the over 17,000 students we serve from Piney Woods in Chapin to Seven Oaks in Irmo.

During public participation at the January 24 Board meeting, five parents and community members shared their objections to certain books in our school libraries. Most notably was the reading of sexually explicit language from the book All Boys Aren't Blue by George M. Johnson, located in one of our schools. The reading of passages from this book led many to ask the question, How did this material get into our schools?

The graphic sexual content caused me to ask the book to be pulled, but it was not. It was not supposed to be. The Supreme Court decided in 1982, in the *Island Trees School District v. Pico* case, that local school boards may not remove books from school libraries simply because they dislike the ideas contained in the book. However, books can be removed when two review committees review the book and determine it is not educationally suitable for students.

A tremendous amount of District Five resources were spent investigating one copy of a book, in one school, checked out by one student for less than one minute. Meanwhile, there are 55 students in jeopardy of not graduating on time in the same school. The average reading level of these seniors is 6.2 (6th grade, 2nd month) and the book in question is leveled 6.8 (6th grade 8 month).

- Sheriff: Thieves still interested in what's under your car

LIKE US ON FACEBOOK



**IRMO NEWS**  
The New Irmo News  
on Wednesday

The Irmo Police Department recently recognized a former Lancaster resident for her 34 years of service to the department. Ms. Gail is the longest serving female Irmo employee and a great asset to the department. As of today, she has been promoted to chief of police at the Irmo Police Department.

[https://thenewirmonews.com/gail-gail-recognized-as-ip-...](https://thenewirmonews.com/gail-gail-recognized-as-ip-.../)



THE NEW IRMO NEWS.COM  
**Gail Lancaster recognize**  
The Irmo Police Department re

3	Comment	Sha
---	---------	-----

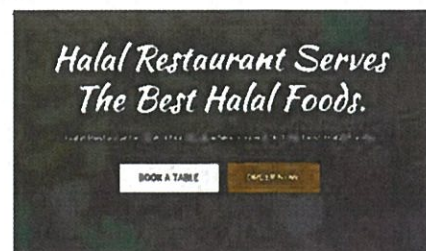
**The New Irmo News**  
on Wednesday

The Irmo Police Department was included with officer recently as Chief of Police and summer officer Jeff Thruin. This

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.

This was eye-opening. The majority of the 12th graders struggling to graduate would struggle to read the book in question. The larger problem, spreading faster than COVID-19, is the growing number of students not able to read to proficiency in our schools. Globally, one billion people are not able to understand or produce written information. A longitudinal study of 4,000 participants by the Casey Foundation found that students not reading to proficiency at the end of the 3rd grade are 4x less likely to graduate on time. In our schools, 59.8% of 2nd through 5th graders are not on track to meet literacy expectations and 62.9% of 6th through 8th graders are not on track to meet literacy expectations. Literacy is so important that being able to read and write is often linked to life expectancy. Literacy is the foundation upon which all learning stands. As superintendent, I am committed to the goal of improving literacy rates in our community by focusing on strategies to get all children at or above grade-level reading proficiency.

There is good news. The 2,600 employees of School District 5 are committed to the vision of making sure every child feels loved and is able to grow academically, socially, and emotionally. In our schools, teachers and staff are working together to provide all of our children the tools to be successful readers. In 1987, Researchers William Nagy and Patricia Herman found that children who read 20 minutes a day gained 1.8 million words per year and scored in the 90th



Attachment #16 is included with the minutes of the 2-28-22 meeting, at the request of Board member Cathy Huddle 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.



percentile on standardized tests whereas children reading 1 minute a day gained 8,000 words and scored in the 10th percentile.

We need your help! There are 180 days of the school year, which leaves 185 days a year that students are not in school. If you work with children in our homes, ball fields, churches, gymnasiums, youth groups and/or playgrounds, help us encourage children to read at least 20 minutes a day, every day.

The future of our community depends on the present education of our children.



Previous Post: Branham to Run for Richland County Council in District 1

Next Post: Residents upset with proposed zoning change

Attachment #17 is included with the minutes of the 2-28-22 meeting, at the request of Board member Cathy Studdie 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.

SEND US YOUR NEWS IDEAS

THE NEW  
**IRMO NEWS**

Your Community News... Online

Irmo • Dutch Fork • Rockledge • Seven Oaks • St. Andrews

Do you have a story idea or news that you would like to

LATEST POSTS

Gail Lancaster recognized as IPD pillar of the community

ON:  
FEBRUARY  
16, 2022

GET IN TOUCH



**Call Us**

We'd love to hear from you. We can be reached at

share? We welcome all content  
ideas and Letters to the Editor.



**IPD  
welcomes  
new  
officer**

803.772.7506. You can email  
us: [irmonews@aol.com](mailto:irmonews@aol.com)

**LEARN MORE ABOUT US**

ON:  
FEBRUARY  
16, 2022  
/ IN:  
PUBLIC  
SAFETY

**Silver Fox  
Grill is  
Business  
of the  
month**

ON:  
FEBRUARY  
16, 2022  
/ IN:  
BUSINESS

Attachment #18 is included with  
the minutes of the 2-28-22  
meeting, at the request of Board member  
Cathy Howard  
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.

*I move to Trustee*

Censure of Rebecca Blackburn Hines

Board policy BE states "Roberts Rules of Order will govern all matters not covered by the rules of the board". Per chapter 72 of Roberts Rules of Order "A deliberative assembly has the inherent right to make and enforce its own laws and punish an offender." Further, SC law 59-19-60, as interpreted by our Attorney General, provides school boards the ability to censure a trustee.

As such, I move that we censure Trustee Blackburn Hines for violation of

- 1) Board policy BB School Board Legal Status which states "All powers of the board lie in its actions as a body. Board members acting as individuals have no authority over personnel or school affairs"
- 2) Board policy BDD Board-Superintendent Relationship which states board members will "function only as a board and not as individuals"
- 3) The SCSBA Code of Ethics which states "As a school board member in South Carolina, I pledge my efforts to improve public education in my community and will solemnly try to take no individual action which would compromise the integrity of the board or administration"
- 4) Board policy BCA Board Member Code of Ethics, which states "A board member should honor the critical responsibilities that his/her membership demands by doing the following: refusing to play politics in either the traditional partisan or any petty sense"

Specifically, Ms. Blackburn Hines, violated the SCSBA Code of Ethics and the above noted board policies through the following actions:

At the 1/24/22 board meeting she stated "Dr. Ross we had a conversation this weekend and I expressed concern that there was a book in Irmo High School". Her intent became clear when, in the same meeting, she reprimanded him in public session for not following her demands to remove a book from the library with the words "you said it would be addressed first thing this morning and it's still in the Irmo High School library". She unilaterally directed the superintendent to act and encouraged him to violate board policy KEC.

On 2/4/22 she sent a letter to the SC Superintendent, on board letterhead, critical of our superintendent without the knowledge, advice or consent of other board members and signed the letter as a trustee. This letter initiated an uninformed reply critical of our administration which was published on the front page of a local newspaper.

Through her actions, Ms. Blackburn Hines has caused irreparable harm to the school district and its superintendent.

In addition to this public reprimand, Ms. Blackburn Hines shall be barred from serving as a committee chair or an executive officer of the board.

If we don't acknowledge and censure a board member who disregards the trust placed in them by our superintendent, staff, students, and fellow board members, future boards will not be trusted by our community and other board members will be free to similarly disregard board policies.



It is truly unfortunate that we must spend any time at all addressing matters like this during board meetings.

The good news is that this administration and board have not and will not allow items like this (newspaper article titled "Spearman: LR5 didn't do its job") to distract from the many good things we are doing in our district like this (1<sup>st</sup> Jobs Recruitment Fair flyer).

While it might be uncomfortable to deal with a board member's actions, the foundational structure of this district is policy. Board policy BA School Board Operational Goals, list 5 goals, including "to govern the school system in accordance with policy". We cannot act for the betterment of our district if one board member is allowed to break policy by privately using board letterhead to contact state officials to throw our superintendent under the bus.

A misleading letter sent on board letterhead without the board's knowledge or approval served to discredit Dr. Ross' and our administration's integrity with the state department of education and with our community. In my 30+ years in business I have never seen anyone work as hard as Dr. Ross and his team have and get so much accomplished in such a short period of time. I am flat out appalled this has happened to him and this administration.

As expressed by one state's Ethics Reminders, "The use of agency letterhead for anything other than official agency business creates the false impression that the correspondence was written under the agency's authority and carries that agency's endorsement." Sending a letter on board letterhead, signed as a board trustee, without the approval, let alone the knowledge, of the entire board, falsely created the impression that the board endorsed the contents of the letter -and that action compromised the integrity of the board.

I serve on the board of a life insurance company. If I were to use that company's letterhead to write the state insurance commissioner and misrepresent the words of our CEO, I have no doubt that I would be removed from that board.

This board, as a whole, has sent several letters to government officials on board letterhead. In each and every case, **ALL** of the trustees had the opportunity to read and either sign or vote on the letter before it was sent.

Do board members have a right to contact state authorities on their own email or stationery? Absolutely! Do members have the right to communicate with their constituents? Absolutely! In fact, the SCSBA Code of Ethics also states that we will pledge our efforts "to seek regular communications between the board and students, staff and all segments of the community". I, like many school board trustees in our state, maintain a Facebook page where I regularly post happenings in our district and my personal recaps of board meetings for those were unable to attend. The key difference is those communications are clearly framed as being from an individual board member.

#30  
Attachment 2-28-20 is included with  
the minutes of the 2-28-20  
meeting, at the request of Board member  
Cathy Hallie  
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.

Tonight, we are faced with a decision on whether, or not, our policies matter. If they matter, we must act. If they don't matter, we might as well scrap all board policies for board members. If they don't matter, we send a message to staff and students that the board is above policy, but they are not. If policies don't matter, this board can't act the next time a board member breaks policy. The trust will be broken.

By Trustee Catherine Huddle

Attachment #21 is included with  
the minutes of the 2-28-22  
meeting, at the request of Board member  
Cathy Huddle  
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.



February 28, 2022

The thing that I find most troubling about Ms. Hines conduct is the lack of personal responsibility for her actions and total absence of regard for what her actions have done to the reputations of our board, superintendent, and the district.

Her actions were as a single member of this board. According to Board Policy BB she knew or should have known that she does not speak for the district or the board. She wrote letters to the governor and the superintendent of education seeking "guidance" about a policy after disrespectfully questioning the district superintendent to the point of just short of interrogation at the board meeting on January 24. The letters were sent on district letterhead which Mrs. Hines signed as trustee. Her letters written on February 4 were not copied to the rest of the members as Board Policy BEDGA requires.

Neither did Mrs. Hines request advice on the appropriateness of personally writing the state education superintendent and the governor using district letterhead and her title. Is this legal? I don't know. If so, is it appropriate? Not to me. But it certainly begs the question why Mrs. Hines didn't ask before acting.

In fact, a full accounting of her actions remained hidden until a private citizen sent an email on February 15. On February 15, eleven days after her initial action, Mrs. Hines provided a letter of response penned on February 8 from State Superintendent Spearman. The letter included a scathing condemnation of our district superintendent and board. The letter criticized us for a factually incorrect lack of action about an item Mrs. Hines had concealed for 8 full days. As it turns out, Board Policy KEC in place for years is very similar to the state's recommended policy.

This board set up a committee to discuss items related to board policies. At the conclusion of each board committee meeting, the chairs of each committee have asked members for future agenda items. Mrs. Hines has attended committee meetings sparingly. There is no record of her asking any "guidance" at any policy committee meeting or board meeting. Why did Mrs. Hines not make other board members aware of her concerns before going to Superintendent Spearman? And, most troubling, what was the point of going to the governor at all?

Mrs. Hines should at the very least, own up to what she has done, stop making excuses, live up to the fact that any repercussions from this will be on her personally and not the board, apologize to all involved and then pledge to unite the district in her future actions.

Life is an adventure. It does not have to be filled with negativity, gloom and doom.

Let's finish this chapter and move forward.

Respectfully submitted,

  
Kenneth B. Loveless, Trustee

#22  
Attachment is included with  
the minutes of the 2-28-22  
meeting, at the request of Board member  
Ken Loveless  
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.

Comment for Feb 28th, 2022's Full Board Meeting regarding agenda item pertaining to Censure of Rebecca Blackburn-Hines:

It is fundamentally important for any organization to develop policy. **Policies** provide guidance, consistency, accountability, efficiency, and clarity on how an organization operates.

Our board policy BBA Board Powers and Duties states that "The board is responsible for the adoption of policy. The policies will be put in written form and continually re-evaluated in terms of the changing needs and functions of public education."

Board policy BCA Board Member Code of Ethics says that we as board members should understand "that the basic function of a school board is policymaking."

Therefore, each of us board members was elected by popular vote in our local elections to be policymakers first and foremost.

When we have an issue that becomes important to us or important to the public, our first place to look for confirmation of our procedure or for change, we must look to our policies first. We must first make sure that our policies are being followed as they are written. If there needs to be a change, then we must first look to change the policy, not direct the school district to disregard the policy as individual board members.

The reason we have had to talk about this censure of one of our board members is because one of us has lost their way and should be thanking our Superintendent Dr. Ross for following our policy first and foremost. Instead, this board member has become upset about our policy and has decided instead to slander our district's name and our Superintendent to get political gain. She has decided to ignore our policies and board procedure and the basic ethics of working on a school board.

Our board policy BA School Board Operational Goals says that one of our board goals is "to govern the school system in accordance with board policy."

We currently have a policy committee that meets once a month to talk about pressing issues that need our immediate attention. This board member has never asked to have our policies KEC and ILJ that deal with materials in our libraries to be brought before this committee to discuss. She has decided to circumvent our main role as a board member to update policy to get political gain.

If this board member truly wanted to make a difference in how our school district and our Superintendent operates with inappropriate instructional resources, she would have started the policy change process. Writing unofficial and secret letters behind the rest of the board's back in order to accomplish a change is underhanded, illegal, unethical, and frankly, should end in censure.

Attachment #23 is included with  
the minutes of the 2-28-22  
meeting, at the request of Board member  
Rebecca Blackburn-Hines  
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



I would like to remind all board members including myself, that we are here to ensure that the school district's policies are being followed by the school district. These policies protect us as a board and the will of the public. We have these policies to ensure that we have the ability to locally direct education. We cannot circumvent these policies, but work together to change them.

Dr. Ross, our new and current beloved Superintendent did and has continued to follow our policy when it came to these inappropriate library books in our schools. The fault for these books falls squarely on our shoulders as a board, since we are the policymaking body and it is our responsibility to discuss and change these policies. I am in support of this censure to remind each of us on this board, that our political aspirations are not as important as our job as policymakers and that we should point the finger to ourselves to lay blame before we damage reputations that can affect each of our beloved District 5 staff and students.

In light of pointing fingers at our ourselves, I would like to officially apologize for the mistakes and unintended consequences of my own words that have been spoken or written that may have damaged a reputation. My actions were my own and I realize that stating my opinions and repeating rumors can be detrimental to individuals, schools, and ultimately the students in those schools. We need to work together not tear each other down, and I apologize for my insensitivity. I hope we can move forward, apologize where we need to, and change the policy that has caused all of this discord.

Nikki Gardner  
1 of 7 Trustees  
School District 5 of Lexington & Richland Counties.

Attachment #24 is included with  
the minutes of the 2-28-22  
meeting, at the request of Board member  
N. K. Gardner  
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.



Rebecca Hines &lt;rhines@lexrich5.org&gt;

## Board of Trustees Letterhead

1 message

Erin Strange <estrane@lexrich5.org>  
 To: Erin Strange <estrane@lexrich5.org>  
 Bcc: d5-board-members@lexrich5.org

Thu, Jan 14, 2021 at 3:15 PM

***Please be advised this email is being blind copied and shared with all members of the Board of Trustees***

Good afternoon -

Attached for your use as needed is a letterhead template with the Board of Trustees District logo.

Respectfully,  
 Erin



**Erin Strange**

*Executive Administrative Assistant*

*Board of Trustees and Superintendent*

School District Five of Lexington & Richland Counties

1020 Dutch Fork Road, Irmo, SC 29063

office: 803.476.8169

estrane@lexrich5.org

www.lexrich5.org



*Pursuing Excellence for Tomorrow's Challenges*



**Board Letterhead 2021.doc**

170K

Attachment #25 is included with  
 the minutes of the 2-28-22  
 meeting, at the request of Board member

Rebecca Blackman Hines  
 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.



Rebecca Hines &lt;rhines@lexrich5.org&gt;

---

## Ltr from Supt Spearman re: Concerns Regarding Obscenity in Schools

---

Rebecca Hines &lt;rhines@lexrich5.org&gt;

Tue, Feb 8, 2022 at 5:12 PM

To: Janis Hammond &lt;jhammond@lexrich5.org&gt;, Akil Ross &lt;aross@lexrich5.org&gt;








Chairwoman Hammond,

After the January 24th, 2022 meeting in which controversial books were discussed, I sent a letter (on my personal behalf, not the behalf of the board) to Governor McMaster and Superintendent Spearman to ask for guidance and clarification as to what constitutes "obscenity" in schools. The State Superintendent sent a response to me today. I have attached her response and accompanying documents, and my original letter to this email for your review. Thank you.

Kind regards,  
Rebecca Blackburn Hines  
[Quoted text hidden]

---

### 7 attachments

-  **Reconsideration of Library Media Center Materials Form.pdf**  
118K
-  **2021-11-10 Gov. McMaster to Sup't Spearman re Inappropriate Materials in School Libraries.pdf**  
204K
-  **Best Practices Model Policy for SBE Library Materials.pdf**  
114K
-  **District and SBE Public Review Memo-Nov. 9 2021.pdf**  
133K
-  **Model Policy for Library Materials and Reconsideration Form Memo Jan. 25 2022.pdf**  
131K
-  **RebeccaHinesResponseLtr 2.8.22.pdf**  
73K
-  **Letter to Gov. McMaster & Sup. Spearman\_2.4.22.pdf**  
164K

#26  
Attachment Rebecca Blackburn Hines is included with  
the minutes of the 2-28-22  
meeting, at the request of Board member  
Rebecca Blackburn Hines  
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.





Rebecca Hines &lt;rhines@lexrich5.org&gt;

---

**Ltr from Supt Spearman re: Concerns Regarding Obscenity in Schools**

---

Traywick, Laurie &lt;ltraywick@ed.sc.gov&gt;

Tue, Feb 8, 2022 at 4:37 PM

To: Rebecca Hines &lt;rhines@lexrich5.org&gt;

Cc: "governormcmaster@governor.sc.gov" &lt;governormcmaster@governor.sc.gov&gt;

Ms. Hines,

Please find attached a letter from Superintendent Spearman regarding your concerns related to obscenity in schools. There are additional attachments that include supporting documentation. Thank you.

Sincerely,

Laurie Traywick

Office of the Superintendent

SC Department of Education

Attachment #27 is included with  
the minutes of the 2-28-22  
meeting, at the request of Board member  
Rebecca Blackburn Hines  
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.

**From:** Rebecca Hines <rhines@lexrich5.org>**Sent:** Friday, February 4, 2022 1:45 PM**To:** SC Superintendent; GovernorMcMaster@governor.sc.gov**Subject:** Concerns Regarding Obscenity in Schools

Governor McMaster and Superintendent Spearman,

Please find attached correspondence regarding my concerns both as a Trustee and as a parent with the issue of obscenity in public schools. I am aware of current board policies and state-level education policies relating to library materials selection; however, I would appreciate your consideration in providing specific guidance relating to obscene and explicit materials.

Kind regards,

Rebecca Blackburn Hines

--

Kind regards,



Rebecca Blackburn Hines







Board Trustee

School District Five of Lexington and Richland Counties

The information contained in this transmission is intended only for the use of the person(s) named above. If you are not the intended recipient, please contact the sender by reply email. The South Carolina Department of Education is neither liable for the proper and complete transmission of the information contained in this communication nor for any delay in its receipt. Communications to and from the South Carolina Department of Education are subject to the South Carolina Freedom of Information Act, unless otherwise exempt by state or federal law.

---

**6 attachments**

-  **Reconsideration of Library Media Center Materials Form.pdf**  
118K
-  **2021-11-10 Gov. McMaster to Sup't Spearman re Inappropriate Materials in School Libraries.pdf**  
204K
-  **Best Practices Model Policy for SBE Library Materials.pdf**  
114K
-  **District and SBE Public Review Memo-Nov. 9 2021.pdf**  
133K
-  **Model Policy for Library Materials and Reconsideration Form Memo Jan. 25 2022.pdf**  
131K
-  **RebeccaHinesResponseLtr 2.8.22.pdf**  
73K

Attachment #28 is included with  
the minutes of the 2-28-22  
meeting, at the request of Board member  
Rebecca Blackburn Hines  
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.



February 4, 2022

The Honorable Henry McMaster  
South Carolina State House  
1100 Gervais Street  
Columbia, South Carolina 29201

The Honorable Molly Spearman  
South Carolina Department of Education  
1429 Senate Street  
Columbia, South Carolina 29201

Re: Obscenity in Public Schools

Dear Governor McMaster and Superintendent Spearman:

At a recent school board meeting for School District 5 of Lexington and Richland Counties, several parents spoke during public participation expressing concerns about library books containing sexually explicit and obscene material. These parents read passages taken from books confirmed to be within District 5's high school libraries so offensive that our Superintendent asked the Board of Trustees to redact the audio before publishing the meeting video online. In fact, the District disclosed to parents that YouTube would not allow the audio to be published because it did not comply with their community guidelines for an educational entity in which "sexually explicit language or narratives" is prohibited. Understandably, many parents have expressed their frustration over the contradictions between allowing obscene material in school libraries that are not allowed to be presented at school board meetings.

In a recent local media article, our Superintendent asserted the books in question were appropriately allowed to remain in our school libraries pursuant to U.S. Supreme Court case, *Island Trees School District v. Pico*. The *Pico* case held that local school boards may not remove books from school libraries because they simply "dislike the ideas contained in those books." However, the case also recognized that school boards could remove books that were "pervasively vulgar" or lacked "educational suitability." This ambiguity has raised questions about what constitutes "obscenity" within the resources provided in our public schools.

As one Board Trustee for School District 5 of Lexington and Richland Counties, and as a parent of two elementary school students, I am asking for your guidance on this issue at a state level. I am not in favor of "banning books" solely due to moral or political differences and other matters of opinion, because it is imperative that we encourage a student's ability to develop critical thinking skills. Literacy proficiency is a crucial area of need in our public schools; our students need access to a variety of literary resources. Nevertheless, parents strongly believe that materials containing obscenity require a different standard. As such,

[www.lexrich5.org](http://www.lexrich5.org)

1020 Dutch Fork Road • Irmo, South Carolina 29063 • (803) 476-8000

**"Pursuing Excellence for Tomorrow's Challenges"**

Attachment #29 is included with  
the minutes of the 2-28-22  
meeting, at the request of Board member  
Rebecca Blackman  
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.

I am asking for you to provide guidance and clarification on these issues mentioned above so that parents, teachers and administrators can resolve this conflict and move forward with educating the students in South Carolina.

Thank you for your consideration.

In Service to the District 5 Community,

*/s Rebecca Blackburn Hines*

Rebecca Blackburn Hines  
Board Trustee

Attachment #30 is included with  
the minutes of the 2-28-02  
meeting, at the request of Board member  
Rebecca Blackburn Hines  
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.





STATE OF SOUTH CAROLINA  
DEPARTMENT OF EDUCATION

MOLLY M. SPEARMAN  
STATE SUPERINTENDENT OF EDUCATION

February 8, 2022

Ms. Rebecca Blackburn Hines  
Board of Trustees Member  
School District Five of Lexington and Richland Counties  
1020 Dutch Fork Road  
Irmo, SC 29063

Dear Ms. Blackburn Hines:

Thank you for your service on School District 5 of Lexington and Richland Counties (District Five) Board of Trustees and your advocacy as both a parent and a board member on educational issues in your community and our state.

On November 4, 2021, district superintendents, including the District Five interim superintendent, attended a statewide meeting where the topic of library materials was discussed. Specifically, a book that would become the subject of a widely publicized November 10, 2021 letter from Governor McMaster was brought to the attention of every district. I asked each district to review their library materials and ensure that the book in question was not on their shelves. This is the same book that I have come to understand was brought up by concerned parents in the January 24, 2022 District Five School Board meeting.

In a November 9, 2021 memorandum, I again requested “each district to review their own purchased texts including those used in classrooms, libraries, and media centers to ensure they are age and content appropriate”.

At the request of Governor McMaster and at the direction of the State Board of Education, the South Carolina Department of Education (SCDE) developed and the State Board of Education adopted a “Model Policy for Library/Media Center Materials Selection and Reconsideration Process” and “Reconsideration of Library/Media Center Materials Form”. The model policy and

Attachment #31 is included with the minutes of the 2-28-22 meeting at the request of Board member Rebecca Blackburn Hines 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.



Ms. Blackburn Hines

Page 2

February 8, 2022

form were created with the input of parents, school and district administrators, and representatives from the South Carolina Association of School Librarians. On January 25, 2022, the policy and form were distributed statewide to district superintendents, district supervisors of library services, school librarians, and school board members.

Ultimately, local school boards are responsible for vetting, adopting, and financing local library materials. School boards and the school and district personnel they charge with overseeing this process must be deliberate and comprehensive in deciding which materials are appropriate for the students they serve. Local leaders should not rely solely on publishers or clearinghouses to make selections for them.

Once proper vetting has taken place and materials are purchased and placed on shelves, students, parents, and community members must have a transparent process and procedure for the review and removal they believe to be educationally unsuitable. The model policy and form developed by the SCDE provide this without interfering with state and federal laws so long as the books are being challenged and subsequently removed for a nondiscriminatory reason.

Based on the timeline of events and the information provided to districts, it is clear District Five's Board and administration failed to do its job by properly vetting the obscene materials in question even after the state very publicly encouraged them to do so. I again strongly recommend your district to adopt and follow the model policy, remove the inappropriate texts, and ensure that students in your community are no longer subjected to obscene and pornographic depictions.

Sincerely,



Molly M. Spearman  
State Superintendent of Education

Enclosures

Attachment #32 is included with  
the minutes of the 2-28-22 meeting, at the request of Board member  
Rebecca Blackburn Hines  
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.



**STATE OF SOUTH CAROLINA**  
**DEPARTMENT OF EDUCATION**

**MOLLY M. SPEARMAN**  
*STATE SUPERINTENDENT OF EDUCATION*

**MEMORANDUM**

**TO:** District Superintendents  
State Board of Education  
District Instructional Materials Coordinators

**FROM:** Molly M. Spearman  
State Superintendent of Education

**DATE:** November 9, 2021

**RE:** Virtual Public Review for Instructional Materials

Attachment #33 is included with the minutes of the 8-28-22 meeting, at the request of Board member R. Bruce Blackmon 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.

The Instructional Materials Review Panels have finalized their instructional materials recommendations for the 2021 adoption cycle. The student editions of each of the recommended programs will be on display from November 9 through December 9, 2021, at 15 review locations across the state and available virtually using publisher-provided links. A report of the Review Panel recommendations with citizen comments from the public review will be submitted to the State Board of Education on December 14, 2021. Upon approval of the panel recommendations, districts and schools will receive notification of the newly adopted materials.

We would like to invite you and members of your district and community to participate in the public review. The following [press release](#) provides the link to the South Carolina Department of Education's website to access information on the virtual public review. Please assist us by distributing this information to appropriate persons in your district and schools.

This is a fitting time for each district to review their own purchased texts including those used in classrooms, libraries, and media centers to ensure they are age and content appropriate. Schools and districts should not rely solely on publishers' vetting. We must work alongside students, families, and educators for this process to be successful.





HENRY McMASTER  
GOVERNOR

November 10, 2021

The Honorable Molly Spearman  
Superintendent of Education  
South Carolina Department of Education  
1429 Senate Street  
Columbia, South Carolina 29201

Attachment #34 is included with  
the minutes of the 2-28-22  
meeting, at the request of Board member  
Rebecca Blackburn Ames  
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.

Dear Superintendent Spearman:

It has come to my attention that public schools in South Carolina may be providing students with access—whether in school libraries, electronic databases, or both—to completely inappropriate books and materials, including sexually explicit and obscene images or depictions. After learning of this issue from understandably outraged parents and reviewing the examples provided of such obscene and pornographic depictions, I was shocked and disappointed. Although my staff previously contacted the Department of Education regarding this issue, I write to bring this matter to your immediate attention and to request both a comprehensive investigation and a detailed explanation of how these materials were allowed to be introduced in our State's schools.

By way of example, it is my understanding that concerned parents were recently required to petition the Fort Mill School District to remove a book from a school's physical or digital library, titled *Gender Queer: A Memoir*, by Maia Kobabe. If school personnel had performed even a cursory review in this particular instance, it would have revealed that the book contains sexually explicit and pornographic depictions, which easily meet or exceed the statutory definition of obscenity. Thus, I am concerned that further examination may identify additional instances in which inappropriate materials have been introduced into our State's public schools.

For sexually explicit materials of this nature to have ever been introduced or allowed in South Carolina's schools, it is obvious that there is or was either a lack of, or a breakdown in, any existing oversight processes or the absence of appropriate screening standards. Therefore, I respectfully request that the Department of Education promptly investigate this matter, on a statewide basis, and identify whether any systemic policy or procedural deficiencies exist at the state or local levels, or both. Upon completion of this investigation, pursuant to article IV, section 17 of the South Carolina Constitution and sections 1-1-840 and 1-3-10 of the South Carolina Code of Laws, please provide me with a detailed explanation of how such materials were allowed to be

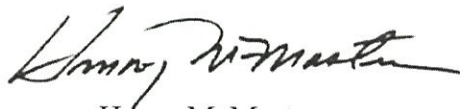
introduced into our State's schools and what measures the Department of Education intends to take to address this matter.

In the interim, I call on the Department of Education or the State Board of Education, as appropriate, to promulgate statewide standards and directives to prevent pornography and other obscene content from entering our State's public schools and libraries and to identify any such materials that may already be available to children. Additionally, the Department of Education should develop—or, if existing, obviously improve upon—a transparent statewide process and procedure to review and approve the books and other materials that are available to students. In doing so, the Department of Education should also advise parents of this process and ensure that they, as well as the public at large, have a formal mechanism by which to notify the Department of Education and local school districts in the event they identify obscene or otherwise inappropriate material in schools or school libraries.

I trust you agree that pornography and obscenity have no place in our State's public schools, much less in their libraries. Aside from being deeply disturbing and manifestly inappropriate, it is likely illegal under South Carolina law. Accordingly, by copy of this letter, I am notifying the South Carolina Law Enforcement Division of this matter for further evaluation.

Thank you in advance for your prompt attention to this important matter. I look forward to hearing from you.

Yours very truly,



Henry McMaster

cc: Chief Mark Keel  
South Carolina Law Enforcement Division

Attachment #35 is included with the minutes of the 2-28-22 meeting, at the request of Board member Rebecca Blackman Hines 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.





**STATE OF SOUTH CAROLINA**  
**DEPARTMENT OF EDUCATION**

**MOLLY M. SPEARMAN**  
*STATE SUPERINTENDENT OF EDUCATION*

**MEMORANDUM**

**TO:** District Superintendents  
District Supervisors of Library Services  
School Librarians  
School Board Members

**FROM:** Katie Nilges  
Director, Office of Governmental Affairs

**DATE:** January 25, 2022

**RE:** Model Policy for Library/Media Center Materials and Reconsideration Process

Attachment #36 is included with the minutes of the 2-28-22 meeting, at the request of Board member Rebecca Blackman Hines 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.

The purpose of this memorandum is to inform districts of the recent model policy adopted by the State Board of Education (SBE) on January 11, 2022, regarding the selection and reconsideration of library materials.

Districts are encouraged to use the Best Practices Model Policy for SBE Library Materials adopted by the SBE to review current policies and amend accordingly. Additionally, districts shall consider adopting the Reconsideration of Library Media Center Materials Form for use when a material is challenged.

For questions, please contact Katie Nilges, Director of Governmental Affairs at [Knilges@ed.sc.gov](mailto:Knilges@ed.sc.gov).

## Model Policy for Library/Media Center Materials Selection and Reconsideration Process

### **Purpose.**

To establish the local board's direction for selection and use of library/media center materials and the basic structure of handling questioned or challenged library/media center materials.

### **Role of the School Library/Media Center Professionals.**

The function of the school library/media center is to support and enrich the instructional program and recreational reading needs of the school and must provide a broad range of materials.

The local board has the legal responsibility for the approval of all instructional materials. The selection and ordering of library books, audiovisuals, electronic resources, and other materials for the library/media centers are the responsibility of the school librarian in accordance with this adopted policy.

The school librarian will identify, order and organize materials that will implement, enrich and support the educational program of the school district. Principals, teachers, supervisors, students, and members of the community may give suggestions, recommendations and other assistance.

### **Materials Selection Criteria.**

Materials should be consistent with the district's general educational goals and the educational goals and objectives of each individual school. Consideration should be given for purchase based on the work as a whole and on the basis of the following:

1. educational significance;
2. appropriateness for students in each school, such as grade and age level;
3. needs of the school and value to the collection;
4. reputation and significance of author and producer;
5. clarity, adequacy, and scope of text;
6. validity, accuracy, objectivity, currency, and appropriateness of text;
7. organization and presentation of contents;
8. high degree of readability and/or comprehensibility;
9. high artistic quality and/or literary style; and
10. value commensurate with cost.

The school librarian shall use their professional training and expertise to evaluate the existing collection and consult reputable, unbiased, professionally prepared selection aides when selecting materials for the library/media centers.

### **Procedures for Handling Questioned or Challenged Library/Media Center Materials.**

Any individual residing within the attendance area of the school district or who has a child who attends a school in the school district may lodge a complaint against any material used in the

Attachment #37 is included with the minutes of the 2-28-23 meeting, at the request of Board member Rebecca Blum due to her request 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 document.



school library/media center within the district. Prior to lodging the complaint, the complainant shall read the material in full. A student who objects to or finds offensive any material located in the library/media center should be provided alternatives. If the complaint cannot be resolved satisfactorily during an informal conference with the principal and school librarian or teacher concerned, then the following procedure will be used:

A materials challenge shall be filed by completing and returning to the principal of the school in which the material is being used a form entitled "Reconsideration of Library/Media Center Materials Form". (See attached for sample form.) A separate form must be completed for each material being requested for reconsideration. This form shall be attached to this policy, posted prominently on the district website, and available upon request at schools.

To evaluate the challenged resource(s), the Superintendent shall annually appoint a review committee composed of an odd number of individuals. Depending on the membership size of the district, there may be a school level and/or district level committee established. An example of an appropriate composition for the committee(s) is the following:

1. The district supervisor of library media services (if applicable);
2. At least one school library media specialist within the district/school;
3. At least one teacher within the district/school;
4. At least one parent representing a school family other than complainant;
5. At least one principal within the district/school; and
6. At least one member of a School Improvement Council within the district/school.

Members of the committee shall read the materials referred to them in its entirety. Pending review by the committee, the challenged books or materials shall be withdrawn for use throughout the district.

The committee shall complete its review and issue a report within fifteen (15) business days after receipt of the complaint. A copy in writing shall be sent to the complainant, the district Superintendent, and the local board.

If the materials are deemed to be inappropriate, the district must ensure no other copies exist in circulation within the district for the school level(s) in which it is found to be inappropriate. If the materials are deemed to be acceptable and appropriate, the district must immediately place such materials back into circulation.

The local board shall be responsible for determining an appeals process. Such process shall not extend longer than 15 business days, effective from the date the appeal is requested.

The committee's decision, and if applicable, the local board's review, regarding the appropriateness of a book or reading material cannot be challenged again until the expiration of five years from the original challenge date.

Local board policies shall list all relevant policies connected to library/media centers to this policy. Local boards shall periodically review and update this policy.

the minutes of the 3-27-22 meeting, at the request of Board member Kathleen Blufford-Hines 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.

## Reconsideration of Library/Media Center Materials Form

School in which the material is being used: \_\_\_\_\_

Your Name (please print and sign): \_\_\_\_\_

Date: \_\_\_\_\_

Do you currently reside within the attendance area of the school district? **(Yes/No)**

Telephone #: \_\_\_\_\_

Address: \_\_\_\_\_

Do you have a student who attends the school listed above? **(Yes/No)**

Please check the type of material in question:

— Book  
— Magazine  
— Pamphlet

— Video  
— Audio  
— Software

— Kit  
— Other

Title of material: \_\_\_\_\_

Author/Distributor: \_\_\_\_\_

Copyright Year: \_\_\_\_\_

*The following questions are to be answered after the complainant has read, viewed, or listened to the material. If sufficient space is not provided, attach additional sheets. (Please sign your name to each additional attachment.)*

1. Did you read, view, or listen to the material in its entirety? If not, why?

\_\_\_\_\_

2. Are students required to use the material? (Yes/No/Unsure)

3. Have you read reviews of this material by reputable sources? If so, please list sources.

\_\_\_\_\_

4. To what do you object? (Please be specific. Cite pages or particular sequences of material.)

Attachment #39 is included with  
the minutes of the 2-28-22  
meeting, at the request of Board member  
Rebecca Black and Hines  
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.

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



5. What do you believe is the theme or purpose of this material?

---

---

6. What do you feel might be the result of a student using this material?

---

---

7. Would you recommend this material for a different age group? If so, which age group?

---

8. What other materials of the same subject and format would you recommend?

---

---

9. What is your request in regard to this material?

- Do not assign/lend this material to my student
- Refer to an official committee to re-evaluate material for use by all students

Attachment #40 is included with  
the minutes of the 2-28-22  
meeting, at the request of Board member  
Rebecca Blackburn Hines  
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.



In today's paper  
**SPORTS:** USC baseball  
pitching coach  
Justin Parker is a  
'superstar' in the  
making. 1B

VOLUME 112, No. 1  
STAY CONNECTED THESTATE.COM

FACEBOOK.COM/THETATENEWS  
TWITTER.COM/THETATE

KEEPING YOU  
CONNECTED

SUNDAY FEBRUARY 20 2022

\$3.99

# The State

## SC could see major investment in electric car industry

BY LUCAS DAPRILE  
ldaprile@thestate.com

The electric car industry is set to take off in 2022, but will South Carolina get a piece of the manufacturing pie?

According to experts, South Carolina is a prime candidate to see investment for making either electric cars or the batteries that power them.

In some ways, electric vehicle and battery manufacturers are

already coming to South Carolina. In December, Proterra announced a \$76 million investment in an electric vehicle battery production plant in Greer. BMW has already promised to build electric vehicles in its South Carolina plant in Greer, according to Forbes. Volvo, which has a manufacturing facility in Berkeley County, also plans to produce an all-electric SUV in South Carolina, according to CNBC.

It's possible even more electric vehicle or battery companies could be coming to the Palmetto State. The market for electric cars is growing faster than companies can produce the batteries, said Bernard Swiecki of the Center for Automotive Research, an international, non-profit group that seeks to boost the competitiveness of the U.S. automotive industry.

"It's a bit of a land rush," Swiecki said.

Last month, Vietnamese car maker VinFast told Reuters it plans to assemble and eventually build batteries at a U.S. location. The company CEO told Reuters it had narrowed down its U.S. locations to three possible places, but did not name the locations.

It's unclear whether more investment in electric vehicle or battery plants could be in South Carolina's near future, S.C.

SEE ELECTRIC CAR, 11A

## Spearman: LR5 didn't 'do its job' on banned book

BY BRISTOW MARCHANT  
Bmarchant@thestate.com

South Carolina's state education superintendent said a local school district "failed to do its job" after the Department of Education warned schools earlier this school year to check for certain controversial books on library shelves.

Superintendent Molly Spearman gave that assessment in response to a letter from a Lexington-Richland 5 school board member asking for guidance on handling controversial books that include sexually explicit material. The books had drawn complaints from some parents.

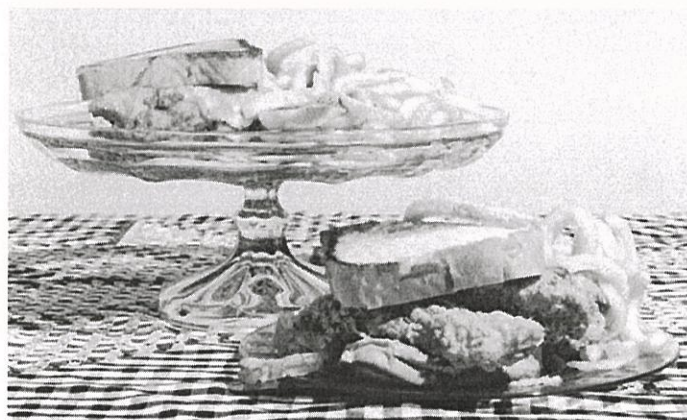
Spearman notes in her Feb. 8 letter that her department warned school districts to check their libraries for specific books in November after concerns were raised by Gov. Henry McMaster and others about books the governor called "obscene and pornographic."

McMaster asked Spearman in a public letter to ensure books in public schools were age appropriate and educationally oriented.

The department met with district superintendents Nov. 4 to ask them to review specific library books on their shelves. Some of those same books were brought up by parents at a Jan. 24 meeting of the Lexington-Richland 5 school board who had found them in district libraries.

"Based on the timeline of events and the information provided to districts, it is clear District Five's Board and administration failed to do its job by properly vetting the obscene materials in question even after the state very publicly encouraged them to do so," Spearman said in her letter. "I again strongly recommend your district to adopt and follow the model policy, remove the inappropriate texts, and ensure that students in your community are no longer subjected to obscene and pornographic depictions."

SEE SPEARMAN, 5A



Two chicken strip sandwiches, both made at Hooters, but one marketed under the Hootie's Chicken Tenders brand on delivery apps. While both items look very similar, the sandwich from Hootie's Chicken Tenders was \$7.69 and the sandwich from Hooter's was \$5.22.

## Your delivery app order might come from a 'ghost kitchen'

BY SARAH ELLIS  
sellis@thestate.com

COLUMBIA, S.C.

Tender Shack, a national "online only" chicken restaurant brand, announced last fall it was expanding delivery to more than a dozen cities across South Carolina, including Columbia. In its unveiling, the "dang good chicken" brand didn't mention that its meals

actually are cooked inside Outback Steakhouse restaurants.

Similarly, some folks who frequent food delivery apps in the Columbia and Lexington areas have been surprised to learn their MyBurger Burger orders are coming out of a Ruby Tuesday's kitchen.

Scrolling DoorDash and thinking about Pasqually's Pizza for dinner? Your meal is coming from Chuck E. Cheese.

Wings from It's Just Wings? Chili's.

A sandwich from Chicken Sammy's? Red Robin.

Dozens of kitchen crossovers like these are popping up on food delivery apps in and around Columbia. They've left some delivery customers feeling duped or, at the very least, confused about where their food is coming from, as a rising concept known as "ghost kitchens" trickles down to the local

market.

In some cases, independent companies are joining forces to crank meals out of one kitchen and funnel them through the delivery app pipeline. In other cases, singular companies are spinning off new online brands of their own but capitalizing on the kitchens in their already well-known restaurants. But in almost every case, these ghost

SEE GHOST KITCHEN, 7A

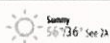
Attachment #41 is included with the minutes of the 2-28-22 meeting at the request of Board member Rebecca Clark West Hines pursuant to South Carolina Code Ann. Section 30-4-90(a)(4) and Board Policy B1EDG. The Board majority did not approve, disapprove, or otherwise act upon the contents of this attachment.



Subscribers get 30+ extra pages free in our daily digital edition. A one-time activation is the key. Scan the code at left with the camera on your mobile phone or go to [thestate.com/digitalaccess](http://thestate.com/digitalaccess)

CUSTOMER SERVICE  
800-858-3566

We're committed to providing the essential journalism you need. Find the content important to you inside



HILTON HEAD ISLAND  
**WINE & FOOD FESTIVAL**  
PRESENTED BY Publix.  
travel. toast. taste.  
MARCH 20-26, 2022  
HILTONHEADWINEANDFOOD.COM









Rebecca Hines &lt;rhines@lexrich5.org&gt;

---

**Sociology Book Concerns**

2 messages

---

**Rebecca Hines** <rhines@lexrich5.org>

Fri, Nov 12, 2021 at 11:38 AM

To: Akil Ross &lt;aross@lexrich5.org&gt;

Dr. Ross,

I have had several constituents reach out to me concerned about a book that was apparently approved by the SC Dept. of Education for Sociology grades 9-12 entitled "The Real World" 7th Edition, by W.W. Norton & Company, Inc.

The information in this book is entirely inappropriate. Can you confirm that it is not currently being used in District 5?  
Thank you!

Kind regards,  
Rebecca

--

Kind regards,  
Rebecca Blackburn Hines  
Board Trustee  
School District Five of Lexington and Richland Counties

---

**Akil Ross** <aross@lexrich5.org>

Sun, Nov 14, 2021 at 9:40 AM

To: Rebecca Hines &lt;rhines@lexrich5.org&gt;

We do not use that text.

We use Sociology, The Study of Human Relationships from Holt McDougal

[Quoted text hidden]

--

Dr. Akil E. Ross, Sr.  
Interim Superintendent  
District 5 of Lexington & Richland Counties

Attachment #43 is included with  
the minutes of the 2-28-22  
meeting, at the request of Board member  
Rebecca Blackburn Hines  
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.

3:37



Rebecca Blackburn Hines

Jan 14, 2021 · 🌐



from Rep. Chip Huggins and Rep. Nathan Ballentine that legislation to reinstate step increases made it through the Ways & Means Committee today and is headed to the full House of Representatives. I encourage everyone to continue to reach out to your legislators to express how important this legislation is for our teachers. I know I will.



January 14, 2021

The Honorable Henry McMaster  
South Carolina State House  
1100 Carolina Street  
Columbia, South Carolina 29201

W. Marshall Taylor, Jr.  
S.C. Department of Health and Environmental Control  
2400 Bull Street  
Columbia, South Carolina 29201

Re: Phase 1b - Priority for Educator & Education Support Staff Vaccinations

Dear Governor McMaster and Director Taylor:

As you are well aware, it is critical to the educational success of the students in South Carolina that our public schools are able to properly operate on a full 180-day year-to-year schedule in every school district. For this point, the Centers for Disease Control's Prevention Advisory Committee on Immunization Practices and South Carolina's COVID-19 Vaccine Committee have identified educators and education support staff as frontline essential workers eligible to receive the COVID-19 vaccine in Phase 1b of the vaccination distribution schedule.

I would ask that you prioritize the vaccination of educators and support staff at the beginning of Phase 1b and work with the South Carolina Department of Education and our school districts to swiftly and efficiently carry out the vaccination process as soon as possible.

As a Board Member for School District 5 of Lexington and Richland Counties, I have observed first-hand how difficult it can be to maintain operations of a school when educators and support staff are on schedule due to positive cases and quarantines related to COVID-19. This disruption to instructional models is negatively impacting our students and causing upheaval in our community. With the hope of a vaccine that restores accessibility to our essential school personnel, we may alleviate some of the corresponding factors caused by this virus and return to a more consistent schedule for our students, staff, and community.

cc: Yia Lacinetic Mail  
The Honorable Greg Hembree, Senate Education Committee Chairman  
The Honorable Rita Allison, House Education & Public Works Chairman  
The Honorable Ronnie Comer, Senate District 18  
The Honorable Richard A. Hargett, Senate District 29  
The Honorable Nathan Ballentine, House District 71  
The Honorable Chip Huggins, House District 45



Like



Comment



Share



Mike Blackburn and 84 others

2 Shares

View previous comments...



Jan Hammond

True 👍

1y Like Reply

1 👍



Write a comment...



Home



Watch



Groups



News

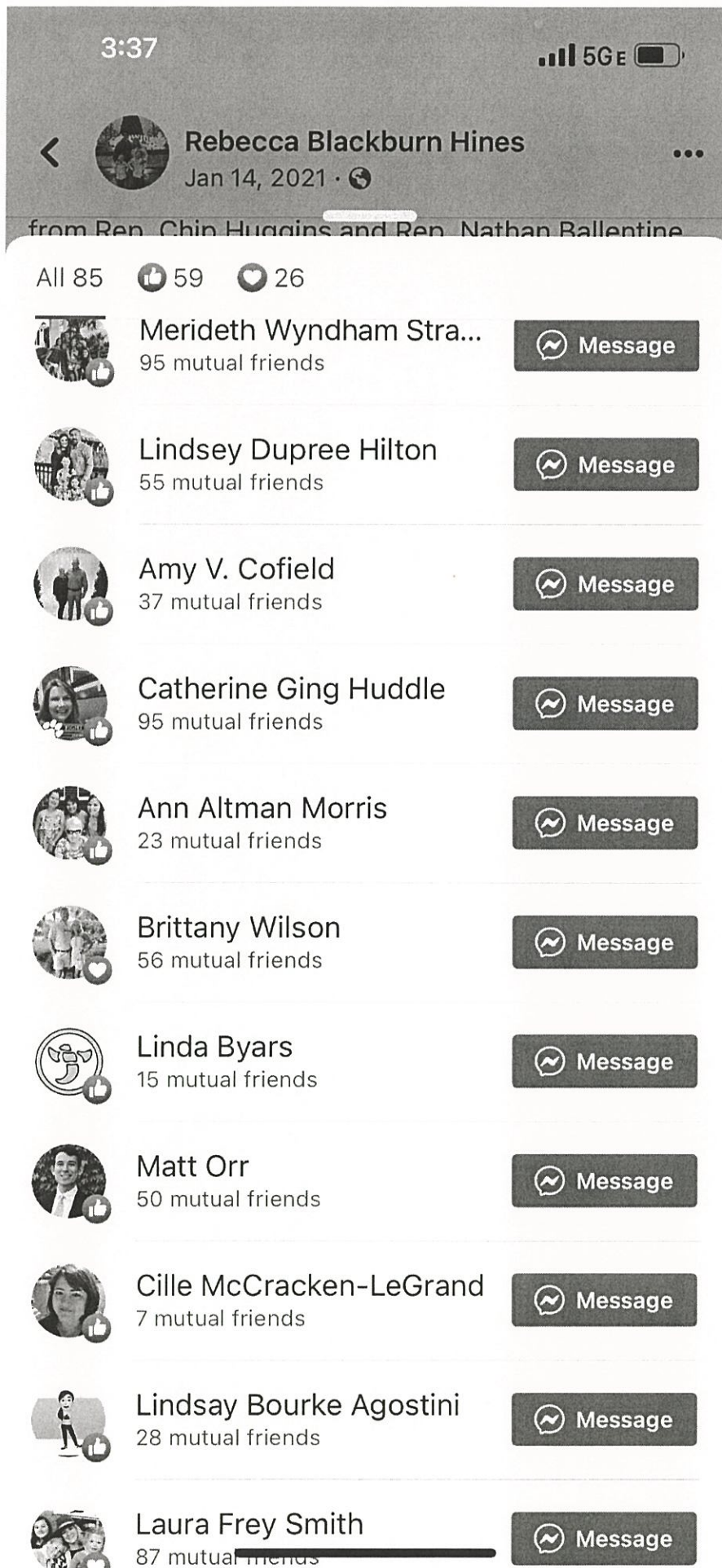


Notifications



Menu

Attachment #44 is included with the minutes of the meeting at the request of Board member Rebecca Blackburn Hines 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.



Attachment #45  
the minutes of the meeting at the request of Board member  
Ann Altman Morris is included with  
pursuant to South Carolina Code  
and Board Policy BEDG. The Board majority  
did not approve, disapprove, or otherwise  
act upon the contents of this attachment.





## Rebecca Blackburn Hines

Jan 14, 2021 · 🌐

The reality is that we need our kids in school. We need to be able to effectively and safely staff our schools. We need consistency. Our educators need access to the vaccine, should they desire. I have heard (from reliable sources) that there are those that do not believe teachers and support staff should be a priority for vaccinations und... See More



January 14<sup>th</sup>, 2021

The Honorable Henry McMaster  
South Carolina State House  
1100 Gervais Street  
Columbia, South Carolina 29201

W. Marshall Taylor, Jr.  
S.C. Department of Health and Environmental Control  
2600 Bull Street  
Columbia, South Carolina 29201

Re: Phase 1b – Priority for Educator & Education Support Staff Vaccinations

Dear Governor McMaster and Director Taylor:

As you are well aware, it is critical to the educational success of the students in South Carolina that our public schools are able to properly operate on a full five-day face to face schedule in every school district. To this point, the Centers for Disease Control's Prevention Advisory Committee on Immunization Practices and South Carolina's COVID-19 Vaccine Committee have identified educators and education support staff as frontline essential workers eligible to receive the COVID-19 vaccine in Phase 1b of the vaccination distribution schedule.

I would ask that you prioritize the vaccination of educators and support staff at the beginning of Phase 1b and work with the South Carolina Department of Education and our school districts to swiftly and efficiently carry out the vaccination process as soon as possible.

As a Board Trustee for School District 5 of Lexington and Richland Counties, I have observed first-hand how difficult it can be to maintain operations of a school when educators and support staff are unavailable due to positive cases and quarantines related to COVID-19. This disruption to instructional models is negatively impacting our students and causing upheaval in our community. With the hope of a vaccine that prioritizes accessibility to our essential school personnel, we may alleviate some of the compounding factors caused by this virus and return to a more consistent schedule for our students, staff, and community.

cc: Via Electronic Mail

The Honorable Greg Hembree, Senate Education Committee Chairman  
The Honorable Rita Allison, House Education & Public Works Chairwoman  
The Honorable Ronnie Cromer, Senate District 18  
The Honorable Richard A. Harpootlian, Senate District 20  
The Honorable Nathan Ballentine, House District 71  
The Honorable Chip Huggins, House District 85

*Attachment #46 is included with the minutes of the 2-28-22 meeting at the request of Board member Rebecca Blackburn Hines 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.*



85

25 Comments 2 Shares



Like



Comment



Share

3:37

**Rebecca Blackburn Hines**

Jan 14, 2021 · 🌐



ASAP would be a positive step towards more stability for our students and educators!

1y Like Reply

1

**Ashlyn Marie**

You're the best!

1y Like Reply

**Allison Gasque Parler**

Thank you for working so diligently for our teachers and students!

1y Like Reply

**Jondy Loveless**

I know Ken has been in contact with Ronnie Cromer, Nathan Ballentine, Katrina Shealy and others.

1y Like Reply

**Lisa Li Moye**

Teachers are saying the overcrowding & the miscalculation of students to teachers to what is unbearable right now. One teacher told me they calculate admin, support staff, janitor as part of the student/teacher ratio.

1y Like Reply



Write a comment...



Home



Watch



Groups



News



Notifications



Menu

Attachment #47 is included with the minutes of the meeting, at the request of Board member Rebecca Blackburn Hines 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.



3:38



Rebecca Blackburn Hines

Jan 19, 2021 · 🌐

Tomorrow morning, the SC House Education K-12 Subcommittee will consider legislation that will mandate standardized, high stakes testing of all students for the 2020-2021 academic school year (SC READY, SC PASS and EOC testing). These assessments would place an unreasonable level of stress on both students and teachers, while also taking important time away from instruction in a year where there have already been countless disruptions. I have sent a letter to the subcommittee asking them to vote against this bill, as I believe it places students and teachers at a disadvantage due to the inconsistency of instructional models used throughout South Carolina during the COVID-19 pandemic.



January 19, 2021

Via Electronic Mail

The Honorable Raye Felder  
House Education K12 Subcommittee Chair  
116 Mary Mack Lane  
Fort Mill, South Carolina 29715

Re: Opposition to H3618 Relating to Certain Student Assessments

Dear Representative Felder and K-12 Subcommittee Members:

As a Board Trustee of School District 5 of Lexington and Richland Counties, I strongly urge you to vote against House Bill 3618 which would require students to take federal and state mandated assessments for the 2020 – 2021 school year. Due to the variability of school schedules and instructional models (i.e. virtual, hybrid, and/or in-person) utilized in South Carolina this academic year in response to COVID-19, exacerbated by the fact that a significant number of students may have been affected by mandatory quarantines of family members, teachers, or themselves, it would prove difficult to gather meaningful, valid and reliable data from high-stakes assessments administered by the South Carolina Department of Education. Such assessments do not provide an equitable measure of student and educator performance because of the inconsistency in instructional models; all of our South Carolina students and teachers are not on a level playing field.

As you are aware, the South Carolina Department of Education and several members of our South Carolina federal legislative delegation have submitted a request to the U.S. Department of Education to waive all federal

Attachment #48 is included with the minutes of the meeting at the request of Board member Rebecca Blackburn Hines 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.



Write a comment...



Home



Watch



Groups



News



Notifications



Menu



Attachment #44 is included with the minutes of the 2-28-22 meeting, at the request of Board member Rebecca Blackburn Hines 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.

## Public Statement Regarding Censure – 2/28/2022

### Rebecca Blackburn Hines

I was elected to represent the constituents of District 5. As such, I have an obligation to listen, to learn, and to ask questions when necessary. While we have policies that guide the pathway to working as a collective board, we are also bound by the responsibility as elected officials to independently seek and research information; and to form our own opinions.

Only when we take a vote, are we bound by “majority rule” or following the “will of the board.” Policy BB identifies “all powers of the board lie in its action as a body” and that “board members acting as individuals have no authority over personnel or school affairs.” In fact, Policy BJ clearly states that “board members will keep themselves informed of pending legislation and actively communicate board positions and concerns to elected representatives...”

Yes, I wrote a letter to Governor McMaster and Superintendent Spearman. I had (and still have) concerns regarding the situation that has presented itself regarding obscene materials in our schools. I asked for guidance and clarification of an issue at a state level, as ONE Board Trustee and as a parent of two little girls in our schools. In my view, I did not misrepresent anything in my letter. I did not speak on behalf of the board. I do not and will not apologize for seeking information to best represent the families and students in District 5.

It seems that there is an issue over the use of district letterhead. Early on in my tenure, the board was sent letterhead for our “use as needed” by the superintendent’s secretary. It was represented to me that if we were advocating or asking questions as “a trustee,” that it was acceptable to use letterhead as long as we did not “speak on behalf of the board.” In fact, I have sent several letters to other elected and state officials on letterhead, speaking as one trustee. I have not had to “ask permission.” A few of these letters, which I am putting on the record, have been posted on social media, and other board members have “liked” or commented on these in the past, raising no concern about the use of letterhead. It was an intentional decision to quietly send a letter to ask for guidance, without the use of social media or news media. I cannot control the response to the letter. Once it was received, as I will submit to the record, the response was immediately forwarded to the chair and the superintendent. It is most concerning that the conversation is about letterhead and not the contents of the response.

It is also clear that several false and potentially defamatory statements are being made against me to attack my reputation and deflect the true situation at hand. I have never demanded books to be removed or spoken on behalf of the board. I will submit an email written back in November 2021, expressing constituents concerns about inappropriate textbooks and asking for confirmation that they were not in District 5 schools. Dr. Ross promptly confirmed they were not in our schools and the conversation ended. Again, asking for confirmation that a book is not in a school is not demanding its removal.

I am inclined to believe that discussing the specifics of the January 24<sup>th</sup> Board Meeting, the letter in the New Irmo News, the February 7<sup>th</sup> Board Meeting, and the response from Superintendent Spearman in this format at this meeting, because of a potential censure, is not appropriate and

will only serve to hurt our district and our administration even further, which is not my intention. However, I will say that several statements included in the letter submitted by motion of this board tonight are false and it is very disappointing that we continue down this path.

The irony of this censure is not lost on me. This is a sad example of leadership for the students in our district. I could list out examples of hypocrisy, but ultimately, it's not worth it. The only thing left to say is that District 5 has made it clear that if you disagree with the status quo, you will be attacked or shut down. We are teaching our children, for the second time via the threat of censure, that if you speak your truth and act in good faith, you will be bullied and publicly reprimanded. So, I will say to my girls, and every student in District 5, never apologize for doing what you think is right. If I am censured tonight, I will wear it like a badge of honor. I can look my little girls in the eyes and say that I did what I thought was right.

Attachment #50 is included with  
the minutes of the 2-28-22  
meeting, at the request of Board member  
Rebecca Blank Hines  
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.



Kenneth B. Loveless  
228 Lookout Pointes Drive  
Chapin, SC 29036  
February 29, 2022

Mrs. Janis Hammond  
Chairperson of the Board of Trustees  
School District Five of Lexington-Richland Counties  
1020 Dutch Fork Road  
Irmo, South Carolina 29063

Re: Recusal of Kenneth B. Loveless

Dear Mrs. Hammond:

As you know, on February 8, 2021 I submitted a statement regarding my affiliation with Contract Construction Inc. as a result of the company by which I am employed and of which I am a stockholder Loveless Commercial Contracting Inc., was operating as a subcontractor on the S.C. Law Enforcement Division Forensic Lab project, Columbia, SC. On that date, I recused myself from any and all votes, deliberations, and other actions on any matter that comes before the Board of Trustees relating to Contract Construction Inc.

Since that time and as a result of consultation with ethical and legal experts, I intend to terminate my recusal effective at the next Board meeting, currently scheduled for March 14, 2022. At the beginning of the next Board meeting, I will submit a statement setting forth the reason my recusal has terminated, and I will participate fully in any matter involving Contract Construction after today's meeting.

However, in recognition that there was no prior notice my recusal was ending, I am not going to participate in anything related to Contract Construction during this meeting, so the Board members and the public will be aware that my recusal will conclude when this meeting is adjourned. I will step out of the room for any discussion or vote on anything involving Contract Construction this evening.

Sincerely yours,

  
Kenneth B. Loveless

Vice Chairman of the Board of Trustees  
Board Member

Attachment #51 is included with the minutes of the meeting at the request of Board member Janis 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.



# New Education Funding Model Impact

March 14, 2022

*No action is recommended based on information in this presentation.*



# House Ways & Means Budget Changes

- New State Minimum Salary Schedule for Teacher
  - Increases the starting salary for a Bachelor degree with 0 years of experience to \$40,000
    - Requires Districts to pay a minimum of \$40,000 starting salary
    - Currently, the Proviso requires maintaining the local percentage paid in prior years
    - Districts are not required to pay the \$4,000 increase if their current starting salary is over \$40,000
    - Recruitment and Retention issues are a concern if the \$4,000 increase is not provided to the entire schedule regardless of current starting salary
- 5% increase to State Bus Driver Salary Schedule
  - Challenges filling current positions with competition in the market
    - Minimum starting salary in the Districts to attract employees must be at least \$15 per hour
    - Some Districts are paying as much as \$17.50 per hour
    - This is much higher than the State Bus Driver Salary Schedule – additional funded through local funds

# House Ways & Means Budget Changes (cont'd)

- Weighting changes for Weighted Pupil Units (WPU)
  - Removed weighted add-on for Dual Credit Enrollment
  - Removed additional weighting for Pre Career & Technology Student
  - Reduced weighted add-on for Limited English Proficiency
  - Averaged weighting for Individuals for with Disabilities
  - Increased weighted add-on for Pupils in Poverty
  - **The overall effect reduced Lexington Richland District 5's % of the State's WPU from 2.2% to 1.99%**

**Net Overall State Revenue impact is a loss of \$4,923,311**

**Prior to the 1 year Hold Harmless Provision**

**\$550,603 increase after the Hold Harmless Provision**



# Current Budget Implications

- Cost Estimate of \$4,000 increase to all employees (approximately 1,500) paid on the Teacher Salary Schedule (including Retirement & FICA)

**\$7,920,000**

- Cost Estimate of salary increase for Bus Drivers (including Retirement & FICA)

**\$237,600**

- Unencumbered time requirement for Elementary School Teachers will require additional staff for monitoring students during lunch/recess (proposed legislation)

**?????**

- Increased supply costs, utility costs, and contracted services costs based on inflation and demand availability

**?????**

# Current Budget Implications

- 1% increase for Employer Retirement Contributions & proposed 18.1% increase in Employer Health Costs
- This does not include any salary increases for school support staff (teacher's assistants, administrative assistants, maintenance mechanics, food service workers, or custodians) who are instrumental in keeping the buildings safe, clean, and maintaining an environment conducive for learning.
- To cover a loss this large with local funds would be challenging for our District. The current year's mill cap is estimated at 13.4 mills with an estimated \$285,000 per operating mill providing \$3,819,000 in additional local revenue. This would come at cost to investment property owners of \$80 per \$100,000 of property assessed value.
- Look back mills are available, but this would further increase property taxes for the investment property owners.

# Summary

- New State Money = **\$550,603**
- **Estimated** Cost of \$4,000 increase to staff on the teacher salary schedule (including Retirement & FICA) = **\$7,639,000**
- **Estimated** Cost of Step (ALL employees), \$4K & local increase for teachers, 2% increase in utilities, Health Insurance Increase, & Retirement 1% Increase = **\$20,339,000**
- Results for District 5 will be higher property taxes, larger class sizes, less individual supports for students due to less staff, less employees completing more tasks as reporting requirements continue to increase



# New Education Funding Model Impact

March 14, 2022



## Policy GCB Professional Staff Contracts and Compensation

EXHIBIT D

Issued 2/17

Purpose: To establish the basic structure for professional staff contracts and compensation.

### Compensation

The board will attempt to pay its professional employees at a level that will attract and hold (retain) personnel dedicated to education.

The compensation of certificated personnel is based on the state salary schedule with local supplements as approved by the board. The schedule takes into consideration the levels of professional training and years of service in the district. The district may uniformly negotiate salaries below the salary schedule for non-TERI retired teachers and administrators.

The effective date for annual salary changes as determined by the salary schedule or by action of the board is July 1 unless extenuating circumstances prohibit this decision until after July 1.

### Contracts

Upon recommendation of the superintendent, the board will notify teachers in writing of their employment status before May 1 for the following school year. Personnel must give written acceptance of their contracts to the superintendent or his/her designee before May 11. Failure to give such notification constitutes contract rejection.

The district reserves the right to conclude that any certificated personnel who has not accepted his/her contract by signing and returning it by the required date has rejected the district's offer of employment, in which case the district may declare the position vacant. Notice of the superintendent's recommendation not to renew an employment contract must be given in writing before May 1.

The board will award administrative contracts on the recommendation of the superintendent.

### Teacher and Employee Retention Incentive Program (TERI) Participants

Should a mid-year vacancy occur in a contract position held by a TERI employee, the board authorizes the superintendent or his/her designee to fill such vacancy for the remainder of the school year in which the vacancy occurs through a letter of agreement. This letter of agreement will state that the employee has no right to or expectation of continuing employment beyond the period specified in the letter of agreement.

When issuing contracts, the district will offer TERI employees working under TERI agreements that will expire during the ensuing school year the same type of contract the participant had the previous year. The contract will specifically contain notice that the contract expires on the date designated in the employee's TERI agreement and will specifically reiterate said expiration date.

### Contract releases

For release of teachers from contracts, see policy [GCQC/GCQD](#).

Adopted 8/1/73; Revised 11/16/81, 4/2/90, 9/28/09, 1/26/15, 2/27/17

Legal references:

S.C. Code, 1976, as amended:

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

[Section 59-19-80](#) - Requirements as to purchases and teacher employment (teacher contracts to be awarded in public).

[Section 59-19-290](#) - Contracts in excess of apportioned funds void.

[Section 59-20-50](#) - Minimum salary schedule.

[Section 59-21-20](#) - Teacher contracts to be based on school term of 190 days.

[Section 59-25-57](#) - Salaries negotiable below schedule for non-TERI retired teachers.

[Section 59-25-410](#) - Notice to teacher of employment status.

[Section 59-25-420](#) - Teacher required to notify board of acceptance; opportunity for hearing if not reemployed.

[Section 59-25-710](#) - Salary complaints.

State Board of Education Regulations:

[R-43-205.1](#) - Assisting, Developing, and Evaluating Professional Teaching (ADEPT).

School District Five of Lexington and Richland Counties



## Policy GCB Professional Staff Contracts and Compensation

Issued 2/17

---

Purpose: To establish the basic structure for professional staff contracts and compensation.

### Compensation

The board will attempt to pay its professional employees at a level that will attract and hold (retain) personnel dedicated to education.

The compensation of certificated personnel is based on the state salary schedule with local supplements as approved by the board. The schedule takes into consideration the levels of professional training and years of service in the district. The district may uniformly negotiate salaries below the salary schedule for non-TERI retired teachers and administrators.

The effective date for annual salary changes as determined by the salary schedule or by action of the board is July 1 unless extenuating circumstances prohibit this decision until after July 1.

### Contracts

Upon recommendation of the superintendent, the board will notify teachers in writing of their employment status before May 1 for the following school year. Personnel must give written acceptance of their contracts to the superintendent or his/her designee before May 11. Failure to give such notification constitutes contract rejection.

The district reserves the right to conclude that any certificated personnel who has not accepted his/her contract by signing and returning it by the required date has rejected the district's offer of employment, in which case the district may declare the position vacant. Notice of the superintendent's recommendation not to renew an employment contract must be given in writing before May 1.

**Certified personnel will be issued one year contracts unless otherwise approved by the board.** The board will award administrative contracts on the recommendation of the superintendent.

### Teacher and Employee Retention Incentive Program (TERI) Participants

Should a mid-year vacancy occur in a contract position held by a TERI employee, the board authorizes the superintendent or his/her designee to fill such vacancy for the remainder of the school year in which the vacancy occurs through a letter of agreement. This letter of agreement will state that the employee has no right to or expectation of continuing employment beyond the period specified in the letter of agreement.

When issuing contracts, the district will offer TERI employees working under TERI agreements that will expire during the ensuing school year the same type of contract the participant had the previous year. The contract will specifically contain notice that the contract expires on the date designated in the employee's TERI agreement and will specifically reiterate said expiration date.

### Contract releases

For release of teachers from contracts, see policy GCQC/GCQD.

Adopted 8/1/73; Revised 11/16/81, 4/2/90, 9/28/09, 1/26/15, 2/27/17

Legal references:

S.C. Code, 1976, as amended:

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

[Section 59-19-80](#) - Requirements as to purchases and teacher employment (teacher contracts to be awarded in public).

[Section 59-19-290](#) - Contracts in excess of apportioned funds void.

[Section 59-20-50](#) - Minimum salary schedule.

[Section 59-21-20](#) - Teacher contracts to be based on school term of 190 days.

[Section 59-25](#)-57 - Salaries negotiable below schedule for non-TERI retired teachers.

[Section 59-25](#)-410 - Notice to teacher of employment status.

[Section 59-25](#)-420 - Teacher required to notify board of acceptance; opportunity for hearing if not reemployed.

[Section 59-25](#)-710 - Salary complaints.

State Board of Education Regulations:

[R-43-205.1](#) - Assisting, Developing, and Evaluating Professional Teaching (ADEPT).

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

## Policy GDB Support Staff Compensation

EXHIBIT E

Issued 2/17

Purpose: To establish the basic structure for support staff compensation.

The board will set the salary of all support staff on the recommendation of the superintendent. The board will set compensation according to the responsibility of the position, the services rendered, the provisions of the district's operational budget, and any applicable state and federal laws.

The effective date for all salary changes is July 1.

Except under unusual circumstances, the district does not issue contracts to support staff. The district considers such staff to be "at-will" employees under the provisions of South Carolina law.

Adopted 2/24/69; Revised 11/16/81, 4/28/08, 2/27/17

Legal references:

S.C. Code, 1976, as amended:

[Section 59-67-470](#) - School bus drivers to be employed by the board of trustees.

[Section 59-67-480](#) - Salaries of school bus drivers to be fixed annually by General Assembly.

School District Five of Lexington and Richland Counties



Policy  
**SECOND AND FINAL READING OF PROPOSED REVISIONS – MARCH 14, 2022**

**Policy GDB Support Staff Compensation**

Issued 2/17

---

Purpose: To establish the basic structure for support staff compensation.

The board will set the salary of all support staff on the recommendation of the superintendent. The board will set compensation according to the responsibility of the position, the services rendered, the provisions of the district's operational budget, and any applicable state and federal laws.

The effective date for all salary changes is July 1.

Except ~~under unusual circumstances, as approved by the board~~ the district does not issue contracts to support staff. The district considers such staff to be "at-will" employees under the provisions of South Carolina law.

Adopted 2/24/69; Revised 11/16/81, 4/28/08, 2/27/17

Legal references:

S.C. Code, 1976, as amended:

[Section 59-67-470](#) - School bus drivers to be employed by the board of trustees.

[Section 59-67-480](#) - Salaries of school bus drivers to be fixed annually by General Assembly.

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

2



**MEMORANDUM**

To: Members of the Board of Trustees

Through: Dr. Akil E. Ross, Sr.  
Superintendent

From: Marty Rawls,  
Chief Finance Officer *Marty Rawls*

Date: March 9, 2022

Re: **Action Item:** First Reading - Spring Bond Issuance

---

Please see attached the Resolution for the 2022 Series A Bond Issuance and a presentation outlining the details.

MR

Attachment

# First Reading Spring Bond Resolution

March 14, 2022





# Proposed Timeline

*October 11, 2021*

*Board approved Capital Projects for 2022-23 and 2023-24*

*February 28, 2022*

*Board Finance Workshop*

*February 28, 2022*

*Discussion of Spring Bond Issuance*

**March 14, 2022**

**First Reading of Proposed Bond Resolution**

March 28, 2022

Second & Final Reading of Proposed Bond Resolution

April – May 2022

Issue Bonds for Capital Improvement Projects (includes Chapin HS Stadium expansion) & Irmo HS East Wing Construction

# 2022 Series A Bond Issuance

- **69.5 mills** – current approved millage rate
- 8% Constitutional debt limit = **\$46,910,641**
- **Annual Maintenance (includes Technology) = \$15,000,000**
- 2022 available resources (**Irmo HS East Wing**) = **\$34,000,000 (net resources)** with payments **over 8 years**
- *Importance of issuing maximum amount available within approved millage and 8% Constitutional debt limit*

# Approved Projects - Annual Maintenance

October 11, 2021 - D5 Board approved \$15,000,000  
2022-2023 Annual Maintenance Capital Improvement Projects

➤ Chapin HS Stadium	\$8,500,000
➤ CrossRoads Intermediate School Roof	\$1,050,000
➤ Dutch Fork HS Track Replacement	\$500,000
➤ Artificial Turf Replacement: DFHS, CHS, IHS	\$1,350,000
➤ Activity Bus	\$200,000
➤ Technology (Replace Firewalls)	\$3,200,000
➤ Contingency	\$200,000



# Current & Future Priority Projects

- ***Irmo High – Academic Wing Replacement – not included in Estimated Cost – separate funding source***
- *Chapin High – Stadium Expansion – not included in Estimated Cost – separate funding source*
- *District Office & Professional Development Center Replacement – not included in Estimated Cost – separate funding source*
- Dutch Fork Middle – 6<sup>th</sup> grade wing addition
- Irmo Middle – 6<sup>th</sup> grade wing addition
- CrossRoads Intermediate – Transition to swing school for Nursery Road Elementary
- Nursery Road Elementary – Renovation: Add walls, HVAC and light in classrooms, FF&E
- Harbison West Elementary – Move to CrossRoads Intermediate location permanently, FF&E
- Dutch Fork Elementary – Land purchase & New Construction
- Alternative Academy & Adult Education – Move to Dutch Fork Elementary location, FF&E
- Dutch Fork High – Renovation: bathrooms, ceiling, lights and HVAC
- Spring Hill High – Athletic Improvements & FF&E
- CATE – Facility Expansion
- Chapin High – Addition: Fine Arts Center
- Irmo High & Dutch Fork High – Stadium Upgrades
- Location TBD – New Transportation Facility



**Estimated  
Cost  
\$130 million**

# First Reading Spring Bond Resolution

March 14, 2022



## A RESOLUTION

AUTHORIZING THE ISSUANCE AND SALE OF NOT EXCEEDING \$49,000,000 GENERAL OBLIGATION BONDS, SERIES 2022, OR SUCH OTHER APPROPRIATE SERIES DESIGNATION, OF SCHOOL DISTRICT NO. 5 OF LEXINGTON COUNTY AND RICHLAND COUNTY, SOUTH CAROLINA; FIXING THE FORM AND DETAILS OF THE BONDS; AUTHORIZING THE SUPERINTENDENT TO DETERMINE CERTAIN MATTERS RELATING TO THE BONDS; PROVIDING FOR THE PAYMENT OF THE BONDS AND THE DISPOSITION OF THE PROCEEDS THEREOF; AND OTHER MATTERS RELATING THERETO.

BE IT RESOLVED BY THE BOARD OF TRUSTEES OF SCHOOL DISTRICT NO. 5 OF LEXINGTON COUNTY AND RICHLAND COUNTY, SOUTH CAROLINA, AS FOLLOWS:

Section 1. Findings and Determinations. The Board of Trustees (the “Board”), as the governing body of School District No. 5 of Lexington County and Richland County, South Carolina (the “School District”), hereby finds and determines:

(a) The School District was organized by action of the Lexington County Board of Education in 1951 and the Richland County Board of Education in 1952. The School District is also known as Richland-Lexington School District No. 5. The Board is the governing body of the School District.

(b) Article X, Section 15 of the Constitution of the State of South Carolina, 1895, as amended (the “Constitution”), provides that after November 30, 1982, the governing body of any school district may incur general obligation debt in an amount not exceeding eight percent of the assessed value of all taxable property of such school district upon such terms and conditions as the General Assembly may prescribe. Such Article further provides that if general obligation debt is authorized by a majority vote of the qualified electors of the school district voting in a referendum authorized by law, there shall be no conditions or restrictions limiting the incurring of such indebtedness except as specified in such Article.

(c) Title 59, Chapter 71, Article 1, Code of Laws of South Carolina 1976, as amended (the “School Bond Act”), provides that the board of trustees of any school district may issue general obligation bonds of such school district for the purpose of defraying the cost of capital improvements to any amount not exceeding the constitutional debt limitation applicable to such school district. The School Bond Act requires the county board of education wherein the School District is located, if there is such, to approve the issuance of such bonds.

(d) Title 11, Chapter 27, Code of Laws of South Carolina 1976, as amended (“Title 11, Chapter 27”), provides that if an election be prescribed by the provisions of the School Bond Act but is not required by the provisions of Article X of the Constitution, then in every such instance, no election need be held and the remaining provisions of the School Bond Act shall constitute a full and complete authorization to issue bonds in accordance with such remaining provisions. Title 11, Chapter 27 further provides that any school district of the state may issue bonds in fully-registered form.

(e) The assessed value of all taxable property in the School District, as of June 30, 2021, is \$586,383,014. Eight (8%) percent of such sum is \$46,910,641. The School District does not have any outstanding general obligation debt subject to the limitation imposed by Article X, Section 15(6) of the Constitution. Thus, the School District may incur \$46,910,641 of general obligation debt within its



applicable constitutional debt limitation. The final par amount of the Bonds will not exceed the School District's constitutional debt limit.

(f) Pursuant to a Resolution adopted by the Board on August 13, 2012, the Board adopted Written Procedures related to Tax-Exempt Debt.

(g) It is now in the best interest of the School District for the Board to provide for the issuance and sale of general obligation bonds of the School District pursuant to the Constitution and laws of the State of South Carolina (the "State") in the principal amount of not exceeding \$49,000,000, the proceeds of which will be used for the purposes of funding annual capital maintenance projects and a portion of the improvements planned at Irmo High School (the "Projects"), paying the costs of issuance of the Bonds (hereinafter defined) and such other lawful purposes as the Board may determine.

Section 2. Authorizations and Details of Bonds. Pursuant to the aforesaid provisions of the Constitution and laws of the State there is hereby authorized to be issued general obligation bonds of the School District in the amount of not exceeding \$49,000,000 to obtain funds for any one or more of the purposes mentioned in Section 1(g) above, including any financial and legal fees relating thereto and other incidental costs of issuing the Bonds. The Bonds shall be designated "\$49,000,000 (or such lesser amount issued) General Obligation Bonds, Series 2022 (or such other appropriate series designation) of School District No. 5 of Lexington County and Richland County, South Carolina" (the "Bonds").

The Bonds shall be issued as fully-registered bonds; shall be dated as of their date of delivery; shall be in denominations of \$5,000 or any integral multiple thereof not exceeding the principal amount of the Bonds maturing in each year; shall be numbered from R-1 upward; shall bear interest at such times as hereafter designated by the Superintendent at such rate or rates as may be determined at the time of the sale thereof; and shall mature serially in successive annual installments as determined by the Superintendent.

Both the principal of and interest on the Bonds shall be payable in any coin or currency of the United States of America which is, at the time of payment, legal tender for public and private debts.

Section 3. Delegation of Authority to Determine Certain Matters Relating to the Bonds. The Board hereby delegates to the Superintendent the authority to determine (a) the par amount of the Bonds; (b) the maturity dates of the Bonds and the respective principal amounts maturing on such dates; (c) the interest payment dates of the Bonds; (d) redemption provisions, if any, for the Bonds; and (e) the date, time and manner of sale of the Bonds. At the time of the sale, the School District reserves the right, in its sole discretion, either to decrease or increase the principal amount of the Bonds maturing in any year (all calculations to be rounded to the nearest \$5,000), provided that any such decrease or increase shall not exceed 15% of the par amount of the Bonds maturing in any year or such other percentage as agreed to by the School District and the winning bidder.

The Board hereby delegates to the Superintendent the authority to receive bids on behalf of the Board and the authority to award the sale of the Bonds to the lowest bidder therefor in accordance with the terms of the Official Notice of Sale for the Bonds, provided the true interest cost of the Bonds does not exceed 2.5%. After the sale of the Bonds, the Superintendent shall submit a written report to the Board setting forth the results of the sale of the Bonds.

In addition to the authority delegated above, the Superintendent has the authority, upon recommendation from the School District's Financial Advisor and Bond Counsel, to sell the Bonds through a bank placement if it is determined to be in the best interest of the School District.

Section 4. Registration, Transfer and Exchange of Bonds. The School District shall cause books (herein referred to as the “registry books”) to be kept at the offices of the Registrar/Paying Agent, for the registration and transfer of the Bonds. Upon presentation at its office for such purpose the Registrar/Paying Agent shall register or transfer, or cause to be registered or transferred, on such registry books, the Bonds under such reasonable regulations as the Registrar/Paying Agent may prescribe.

Each Bond shall be transferable only upon the registry books of the School District, which shall be kept for such purpose at the principal office of the Registrar/Paying Agent, by the registered owner thereof in person or by his duly authorized attorney upon surrender thereof together with a written instrument of transfer satisfactory to the Registrar/Paying Agent duly executed by the registered owner or his or her duly authorized attorney. Upon the transfer of any such Bond, the Registrar/Paying Agent on behalf of the School District shall issue in the name of the transferee a new fully-registered Bond of the same principal amount, interest rate and maturity as the surrendered Bond. Any Bond surrendered in exchange for a new registered Bond pursuant to this Section shall be canceled by the Registrar/Paying Agent.

The School District and the Registrar/Paying Agent may deem or treat the person in whose name any fully-registered Bond shall be registered upon the registry books as the absolute owner of such Bond, whether such Bond shall be overdue or not, for the purpose of receiving payment of the principal of and interest on such Bond and for all other purposes and all such payments so made to any such registered owner or upon his order shall be valid and effectual to satisfy and discharge the liability upon such Bond to the extent of the sum or sums so paid, and neither the School District nor the Registrar/Paying Agent shall be affected by any notice to the contrary. In all cases in which the privilege of transferring Bonds is exercised, the School District shall execute and the Registrar/Paying Agent shall authenticate and deliver Bonds in accordance with the provisions of this Resolution. Neither the School District nor the Registrar/Paying Agent shall be obliged to make any such transfer of Bonds during the fifteen (15) days preceding an interest payment date on such Bonds.

Section 5. Record Date. The School District hereby establishes a record date for the payment of interest or for the giving of notice of any proposed redemption of Bonds, and such record date shall be the fifteenth (15th) day (whether or not a business day) preceding an interest payment date on such Bond or, in the case of any proposed redemption of Bonds, such record date shall be the fifteenth (15th) day (whether or not a business day) prior to the mailing of notice of redemption of Bonds.

Section 6. Mutilation, Loss, Theft or Destruction of Bonds. In case any Bond shall at any time become mutilated in whole or in part, or be lost, stolen or destroyed, or be so defaced as to impair the value thereof to the owner, the School District shall execute and the Registrar shall authenticate and deliver at the principal office of the Registrar, or send by registered mail to the owner thereof at his request, risk and expense a new Bond of the same series, interest rate and maturity and of like tenor and effect in exchange or substitution for and upon the surrender for cancellation of such defaced, mutilated or partly destroyed Bond, or in lieu of or in substitution for such lost, stolen or destroyed Bond. In any such event the applicant for the issuance of a substitute Bond shall furnish the School District and the Registrar evidence or proof satisfactory to the School District and the Registrar of the loss, destruction, mutilation, defacement or theft of the original Bond, and of the ownership thereof, and also such security and indemnity as may be required by the laws of the State or such greater amount as may be required by the School District and the Registrar. Any duplicate Bond issued under the provisions of this Section in exchange and substitution for any defaced, mutilated or partly destroyed Bond or in substitution for any allegedly lost, stolen or wholly-destroyed Bond shall be entitled to the identical benefits under this Resolution as was the original Bond in lieu of which such duplicate Bond is issued, and shall be entitled to equal and proportionate benefits with all the other Bonds of the same series issued hereunder.

All expenses necessary for the providing of any duplicate Bond shall be borne by the applicant therefor.

Section 7. Execution of Bonds. The Bonds shall be executed in the name of the School District with the manual or facsimile signature of the Chair of the Board attested by the manual or facsimile signature of the Secretary of the Board under the seal of the School District which shall be impressed, imprinted or reproduced thereon. The Bonds shall not be valid or become obligatory for any purpose unless there shall have been endorsed thereon a certificate of authentication. Each Bond shall bear a certificate of authentication manually executed by the Registrar/Paying Agent in substantially the form set forth herein.

Section 8. Form of Bonds. The Bonds shall be in substantially the form set forth as Appendix A attached hereto.

Section 9. Eligible Securities. The Bonds initially issued (the "Initial Bonds") will be eligible securities for the purposes of the book-entry system of transfer maintained by The Depository Trust Company, New York, New York ("DTC"), and transfers of beneficial ownership of the Initial Bonds shall be made only through DTC and its participants in accordance with rules specified by DTC. Such beneficial ownership must be of \$5,000 principal amount of Bonds of the same maturity or any integral multiple of \$5,000.

The Initial Bonds shall be issued in fully-registered form, one Bond for each of the maturities of the Bonds, in the name of Cede & Co., as the nominee of DTC. When any principal of or interest on the Initial Bonds becomes due, the School District shall transmit to DTC an amount equal to such installment of principal and interest. DTC shall remit such payments to the beneficial owners of the Bonds or their nominees in accordance with its rules and regulations.

Notices of redemption of the Initial Bonds or any portion thereof shall be sent to DTC in accordance with the provisions of this Resolution.

If (a) DTC determines not to continue to act as securities depository for the Bonds, or (b) the School District has advised DTC of its determination that DTC is incapable of discharging its duties, the School District shall attempt to retain another qualified securities depository to replace DTC. Upon receipt by the School District of the Initial Bonds together with an assignment duly executed by DTC, the School District shall execute and deliver to the successor securities depository Bonds of the same principal amount, interest rate and maturity registered in the name of such successor.

If the School District is unable to retain a qualified successor to DTC or the School District has determined that it is in its best interest not to continue the book-entry system of transfer or that interests of the beneficial owners of the Bonds might be adversely affected if the book-entry system of transfer is continued (the School District undertakes no obligation to make any investigation to determine the occurrence of any events that would permit it to make any such determination), and has made provision to so notify beneficial owners of the Bonds by mailing an appropriate notice to DTC, upon receipt by the School District of the Initial Bonds together with an assignment duly executed by DTC, the School District shall execute, authenticate and deliver to the DTC participants Bonds in fully-registered form, in substantially the form set forth in Section 8 of this Resolution in the denominations of any integral multiple of \$5,000.



Section 10. Security for the Bonds. The full faith, credit, resources and taxing power of the School District are hereby irrevocably pledged for the payment of the principal of and interest on the Bonds as they respectively mature and to create such sinking fund as may be necessary therefor. There shall be levied annually by the Auditors of Lexington County and Richland County (the “Auditors”) and collected by the Treasurers of Lexington County and Richland County (the “Treasurers”) in the same manner as county taxes are levied and collected, a tax, without limit, on all taxable property in the School District sufficient to pay the principal of and interest on the Bonds as they respectively mature and to create such sinking fund as may be necessary therefor.

The Auditors and Treasurers shall be notified as to the delivery of and payment for the Bonds and are hereby directed to levy and collect, respectively, on all taxable property in the School District, a tax, without limit, on all taxable property in the School District sufficient to pay the principal of and interest on the Bonds as they respectively mature and to create such sinking fund as may be necessary therefor.

Section 11. Defeasance. The obligations of the School District under this Resolution and the pledges, covenants and agreements of the School District herein made or provided for, shall be fully discharged and satisfied as to any portion of the Bonds, and such Bond or Bonds shall no longer be deemed to be outstanding hereunder when:

(a) such Bond or Bonds shall have been purchased by the School District and surrendered to the School District for cancellation or otherwise surrendered to the School District or the Paying Agent and is canceled or subject to cancellation by the School District or the Paying Agent; or

(b) payment of the principal of and interest on such Bonds either (i) shall have been made or caused to be made in accordance with the terms thereof, or (ii) shall have been provided for by irrevocably depositing with a corporate trustee in trust and irrevocably set aside exclusively for such payment (1) moneys sufficient to make such payment or (2) Government Obligations (hereinafter defined) maturing as to principal and interest in such amounts and at such times as will ensure the availability of sufficient moneys to make such payment and all necessary and proper fees, compensation and expenses of the corporate trustee. At such time as the Bonds shall no longer be deemed to be outstanding hereunder, such Bonds shall cease to draw interest from the due date thereof and, except for the purposes of any such payment from such moneys or Government Obligations as set forth in (ii) above, shall no longer be secured by or entitled to the benefits of this Resolution.

“Government Obligations” shall mean any of the following:

(i) direct obligations of the United States of America or agencies thereof or obligations, the payment of principal or interest on which, in the opinion of the Attorney General of the United States, is fully and unconditionally guaranteed by the United States of America; and

(ii) non-callable, U.S. Treasury Securities - State and Local Government Series (SLGS).

(c) Such Bond or Bonds shall be defeased as provided in Section 11-14-110 of the S.C. Code as such may be amended from time to time.

Section 12. Exemption from State Taxes. Both the principal of and interest on the Bonds shall be exempt, in accordance with the provisions of Section 12-2-50 of the Code of Laws of South Carolina 1976, as amended, from all State, county, municipal, school district and all other taxes or assessments, except estate or other transfer taxes, direct or indirect, general or special, whether imposed for the purpose of general revenue or otherwise.

Section 13. Sale of Bonds; Form of Notice of Sale. The Bonds shall be sold at public sale. A Notice of Sale shall be distributed to prospective bidders and a summary of such Notice of Sale shall be published in a newspaper having general circulation in the State, not less than seven (7) days prior to the date set for such sale. The Notice of Sale shall be in substantially the form set forth as Appendix B attached hereto.

Section 14. Preliminary and Official Statement. The Board hereby authorizes and directs the Superintendent to prepare, or cause to be prepared, a Preliminary Official Statement to be distributed to prospective purchasers of the Bonds together with the Notice of Sale. The Board authorizes the Superintendent to designate the Preliminary Official Statement as “near final” for purposes of Rule 15c2-12 promulgated by the Securities and Exchange Commission (the “Rule”). The Superintendent is further authorized to see to the completion of the final form of the Official Statement upon the sale of the Bonds so that it may be provided to the purchaser of the Bonds.

Section 15. Filings with Central Repository. In compliance with Section 11-1-85 of the S.C. Code, if the Bonds are issued as tax-exempt, the School District covenants that it will file or cause to be filed with a central repository for further availability in the secondary bond market when requested: (a) a copy of the annual audit of the School District within thirty (30) days of the School District’s receipt thereof; and (b) within thirty (30) days of the occurrence thereof, relevant information of an event which, in the opinion of the School District, adversely affects more than five percent (5%) of the School District’s revenue or its tax base.

Section 16. Continuing Disclosure. In compliance with the Rule, if the Bonds are publicly-traded, the School District covenants and agrees for the benefit of the holders from time to time of the Bonds to execute and deliver prior to closing, and to thereafter comply with the terms of, a Continuing Disclosure Certificate in substantially the form appearing as Appendix C to this Resolution. In the event of a failure of the School District to comply with any of the provisions of the Continuing Disclosure Certificate, an event of default under this Resolution shall not be deemed to have occurred. In such event, the sole remedy of any bondholder or beneficial owner shall be an action to compel performance by the School District.

Section 17. Deposit and Use of Proceeds. The proceeds shall be deposited with the Lexington County Treasurer in a special fund to the credit of the School District and shall be applied solely to the purposes for which the Bonds have been issued, including payment of costs of issuance.

Section 18. Reimbursement of Certain Expenditures. The Board hereby declares that this Resolution shall constitute its declaration of official intent pursuant to Regulation § 1.150-2 to reimburse the School District from the proceeds of the Bonds for expenditures with respect to the Projects (the “Expenditures”). The School District anticipates incurring Expenditures with respect to the Projects prior to the issuance by the School District of the Bonds for such purposes. To be eligible for reimbursement of the Expenditures, the payment date of such Expenditures must be subsequent to the date occurring sixty (60) days prior to the adoption of this resolution and the reimbursement allocation must be made not later than 18 months after the later of (a) the date on which the Expenditures were paid, or (b) the date the Projects was placed in service, but in no event more than three (3) years after the original Expenditures. The Expenditures are incurred solely to acquire, construct or rehabilitate property having a reasonably expected

economic life of at least one (1) year. The source of funds for the Expenditures with respect to the Projects will be the School District's general reserve funds or other legally-available funds.

Section 19. Tax Covenants. The School District hereby covenants and agrees with the holders of the Bonds that it will not take any action which will, or fail to take any action which failure will, cause interest on the Bonds to become includable in the gross income of the bondholders for federal income tax purposes pursuant to the provisions of the Internal Revenue Code of 1986, as amended (the "Code"), and regulations promulgated thereunder in effect on the date of original issuance of the Bonds. The School District further covenants and agrees with the holders of the Bonds that no use of the proceeds of the Bonds shall be made which, if such use had been reasonably expected on the date of issue of the Bonds would have caused the Bonds to be "arbitrage bonds," as defined in Section 148 of the Code, and to that end the School District hereby shall:

(a) comply with the applicable provisions of Sections 103 and 141 through 150 of the Code and any regulations promulgated thereunder so long as the Bonds are outstanding;

(b) establish such funds, make such calculations and pay such amounts, in the manner and at the times required in order to comply with the requirements of the Code relating to required rebates of certain amounts to the United States; and

(c) make such reports of such information at the time and places required by the Code.

Section 20. Miscellaneous. The Board hereby authorizes the Chair of the Board, the Secretary of the Board, the Superintendent and the Chief Financial Officer (or the equivalent thereto) to execute such documents and instruments as may be necessary to effect the issuance of the Bonds.

The Board hereby authorizes the engagement of Burr & Forman LLP as Bond Counsel in regard to the Bonds. The Superintendent is authorized to execute such contracts, documents or engagement letters as may be necessary and appropriate to effectuate said engagement.

All rules, regulations, resolutions and parts thereof, procedural or otherwise, in conflict herewith or the proceedings authorizing the issuance of the Bonds are, to the extent of such conflict, hereby repealed and this Resolution shall take effect and be in full force from and after its adoption.

Adopted this \_\_\_\_\_ day of \_\_\_\_\_, 2022.

SCHOOL DISTRICT NO. 5 OF LEXINGTON  
COUNTY AND RICHLAND COUNTY,  
SOUTH CAROLINA

\_\_\_\_\_  
Chair, Board of Trustees

(SEAL)

ATTEST:

\_\_\_\_\_  
Secretary, Board of Trustees



**FORM OF BOND**

UNITED STATES OF AMERICA  
 STATE OF SOUTH CAROLINA  
 SCHOOL DISTRICT NO. 5 OF LEXINGTON COUNTY AND RICHLAND COUNTY  
 GENERAL OBLIGATION BONDS, SERIES 2022

No. R-

<u>INTEREST</u> <u>RATE</u>	<u>MATURITY</u> <u>DATE</u>	<u>ORIGINAL</u> <u>ISSUE DATE</u>	<u>CUSIP</u>
%			

REGISTERED HOLDER:

PRINCIPAL AMOUNT: DOLLARS

KNOW ALL MEN BY THESE PRESENTS, that School District No. 5 of Lexington County and Richland County, South Carolina (the "School District"), is justly indebted and, for value received, hereby promises to pay to the registered holder named above, or registered assigns, the principal amount shown above on the maturity date shown above, upon presentation and surrender of this Bond at the principal office of \_\_\_\_\_ in \_\_\_\_\_ (the "Paying Agent"), and to pay interest on such principal sum from the date hereof at the interest rate per annum shown above until this Bond matures. Interest on this Bond is payable \_\_\_\_\_ 1, \_\_\_\_\_ and semiannually thereafter on \_\_\_\_\_ 1 and \_\_\_\_\_ 1 of each year, until this Bond matures, and shall be payable by electronic transfer or check or draft mailed to the person in whose name this Bond is registered on the registration books of the School District maintained by the registrar, presently \_\_\_\_\_ in \_\_\_\_\_ (the "Registrar"), at the close of business on the fifteenth (15th) day of the calendar month preceding each semiannual interest payment date. The principal and interest on this Bond are payable in any coin or currency of the United States of America which is, at the time of payment, legal tender for public and private debts; provided, however, that interest on this fully-registered Bond shall be paid by check or draft as set forth above.

This Bond shall not be entitled to any benefit under the Resolution of the School District authorizing the Bonds, nor become valid or obligatory for any purpose, until the Certificate of Authentication hereon shall have been duly executed by the Registrar.

For the payment of the principal of and interest on this Bond as it respectively matures and for the creation of such sinking fund as may be necessary to provide for the prompt payment thereof, the full faith, credit, resources and taxing power of the School District are hereby irrevocably pledged, and there shall be levied annually by the Auditors of Lexington County and Richland County and collected by the Treasurers of Lexington County and Richland County, in the same manner as county taxes are levied and collected, a tax, without limit, on all taxable property in the School District sufficient to pay the principal of and interest on this Bond as it respectively matures and to create such sinking fund as may be necessary to provide therefor.

The Bonds are being issued by means of a book-entry system with no physical distribution of bond certificates to be made except as provided in the Resolution. One bond certificate with respect to each date on which the Bonds are stated to mature, registered in the name of the securities depository nominee, is being issued and required to be deposited with the securities depository and immobilized in its custody. The book-entry system will evidence positions held in the Bonds by the securities depository's participants, beneficial ownership of the Bonds in the principal amount of any integral multiple of \$5,000 being evidenced in the records of such participants. Transfers of ownership shall be effected on the records of the securities depository and its participants pursuant to rules and procedures established by the securities depository and its participants. The School District and the Registrar/Paying Agent will recognize the securities depository nominee, while the registered owner of this bond, as the owner of this bond for all purposes, including payments of principal of and redemption premium, if any, and interest on this bond, notices and voting. Transfer of principal and interest payments to participants of the securities depository will be the responsibility of the securities depository, and transfer of principal, redemption premium, if any, and interest payments to beneficial owners of the Bonds by participants of the securities depository will be the responsibility of such participants and other nominees of such beneficial owners. The School District will not be responsible or liable for such transfers of payments or for maintaining, supervision or reviewing the records maintained by the securities depository, the securities depository nominee, its participants or persons acting through such participants. While the securities depository nominee is the owner of this bond, notwithstanding, the provision hereinabove contained, payments of principal of, redemption premium, if any, and interest on this bond shall be made in accordance with existing arrangements between the Registrar/Paying Agent or its successors under the Resolution and the securities depository.

This Bond is one of a series of Bonds of like date of original issue, tenor and effect, except as to number, date of maturity, denomination and rate of interest, aggregating \_\_\_\_\_ and no/100 Dollars (\$\_\_\_\_\_), issued pursuant to and in accordance with Article X, Section 15 of the Constitution of the State of South Carolina, 1895, as amended (the "Constitution"); Title 59, Chapter 71, Article 1, Code of Laws of South Carolina 1976, as amended; Title 11, Chapter 27, Code of Laws of South Carolina 1976, as amended; and a Resolution duly adopted by the Board of Trustees of the School District.

The Bonds will not be subject to redemption prior to their stated maturities.

This Bond is transferable as provided in the Resolution, only upon the books of the School District kept for that purpose at the principal office of the Registrar by the registered holder in person or by his duly authorized attorney upon surrender of this Bond together with a written instrument of transfer satisfactory to the Registrar duly executed by the registered holder or his duly authorized attorney. Thereupon a new fully-registered Bond or Bonds of the same aggregate principal amount, interest rate, and maturity shall be issued to the transferee in exchange therefor as provided in the Resolution. The School District, the Registrar and the Paying Agent may deem and treat the person in whose name this Bond is registered as the absolute owner hereof for the purpose of receiving payment of or on account of the principal hereof and interest due hereon and for all other purposes.

Under the laws of the State of South Carolina (the "State"), this Bond and the interest hereon are exempt from all State, county, municipal, school district and other taxes or assessments, except estate or other transfer taxes, direct or indirect, general or special, whether imposed for the purpose of general revenue or otherwise.

It is hereby certified and recited that all acts, conditions and things required by the Constitution and laws of the State to exist, to happen and to be performed precedent to or in the issuance of this Bond exist, have happened and have been performed in regular and due time, form and manner as required by law; that the amount of this Bond, together with all other indebtedness of the School District does not exceed the

applicable limitation of indebtedness under the laws of the State; and, that provision has been made for the levy and collection of a tax, without limit, on all taxable property in the School District sufficient to pay the principal and interest on this Bond as it respectively matures and to create such sinking fund as may be necessary therefor.

IN WITNESS WHEREOF, SCHOOL DISTRICT NO. 5 OF LEXINGTON COUNTY AND RICHLAND COUNTY, SOUTH CAROLINA, has caused this Bond to be signed with the facsimile signature of the Chair of the Board of Trustees of the School District, attested by the facsimile signature of the Secretary of the Board of Trustees of the School District and the seal of the School District impressed, imprinted or reproduced hereon.

SCHOOL DISTRICT NO. 5 OF LEXINGTON  
COUNTY AND RICHLAND COUNTY,  
SOUTH CAROLINA

\_\_\_\_\_  
Chair, Board of Trustees

ATTEST:

\_\_\_\_\_  
Secretary, Board of Trustees

[FORM OF REGISTRAR'S CERTIFICATE OF AUTHENTICATION]

Date of Authentication:

This Bond is one of the Bonds described in the within-mentioned Resolution of School District No. 5 of Lexington County and Richland County, South Carolina.

\_\_\_\_\_,  
as Registrar

By: \_\_\_\_\_  
Authorized Officer

The following abbreviations, when used in the inscription on the face of this Bond, shall be construed as though they were written out in full according to applicable laws or regulations.

TEN COM - as tenants in common

UNIF GIFT MIN ACT -

TEN ENT - as tenants by the  
entireties

\_\_\_\_\_ Custodian \_\_\_\_\_  
(Cust) (Minor)  
under Uniform Gifts to  
Minors Act \_\_\_\_\_  
(state)

JT TEN - as joint tenants with  
right of survivorship  
and not as tenants in  
common

Additional abbreviations may also be used though not in above list.



(FORM OF ASSIGNMENT)

FOR VALUE RECEIVED, the undersigned sells, assigns and transfers unto \_\_\_\_\_ (Name and Address of Transferee)  
\_\_\_\_\_ the within Bond and does hereby irrevocably constitute and appoint  
\_\_\_\_\_ attorney to transfer the within Bond on the books kept for registration  
thereof, with full power of substitution in the premises.

Dated: \_\_\_\_\_

\_\_\_\_\_  
Signature Guaranteed

\_\_\_\_\_  
Notice: Signature(s) must be  
guaranteed by an institution  
which is a participant in the  
Securities Transfer Agents Medallion  
Program ("STAMP") or similar program.

\_\_\_\_\_  
(Authorized Officer)

\_\_\_\_\_  
Notice: The signature to this assignment must  
correspond with the name of the registered  
holder as it appears upon the face  
of the within Bond in every particular,  
without alteration or enlargement or any change  
whatever.

A copy of the final approving legal opinion to be rendered shall accompany each Bond and preceding the same a certificate shall appear, which shall be signed on behalf of the School District with a facsimile signature of the Secretary of the Board of Trustees of the School District. Said certificate shall be in substantially the following form:

IT IS HEREBY CERTIFIED that the following is a true and correct copy of the final legal opinion (except for date and letterhead) of Burr & Forman LLP, Columbia, South Carolina, approving the issue of the Bonds of which the within Bond is one, the original of which opinion was manually executed, dated and issued as of the date of delivery of and payment for the Bonds, and a copy of which is on file with School District No. 5 of Lexington County and Richland County, South Carolina.

SCHOOL DISTRICT NO. 5 OF LEXINGTON  
COUNTY AND RICHLAND COUNTY,  
SOUTH CAROLINA

By: \_\_\_\_\_  
Secretary, Board of Trustees

**FORM OF OFFICIAL NOTICE OF SALE**

\$\_\_\_\_\_ \* GENERAL OBLIGATION BONDS, SERIES 2022,  
SCHOOL DISTRICT NO. 5 OF LEXINGTON COUNTY AND  
RICHLAND COUNTY, SOUTH CAROLINA

Date and Time of Sale: NOTICE IS HEREBY GIVEN that bids for the purchase of \$\_\_\_\_\_ \* General Obligation Bonds, Series 2022 (the “Bonds”), of School District No. 5 of Lexington County and Richland County, South Carolina (the “School District”) will be received by the Superintendent of the School District until \_\_\_\_ a.m. (South Carolina time) on \_\_\_\_\_, \_\_\_\_\_, 2022.

**THE SALE MAY BE CANCELLED OR POSTPONED OR ANY OTHER PROVISION OF THIS OFFICIAL NOTICE OF SALE MAY BE AMENDED BY THE SCHOOL DISTRICT UPON NO LESS THAN TWO HOURS PRIOR NOTICE COMMUNICATED ELECTRONICALLY. IF SUCH A POSTPONEMENT, CHANGE OR AMENDMENT OCCURS, BIDS WILL BE RECEIVED IN ACCORDANCE WITH THIS OFFICIAL NOTICE OF SALE, AS MODIFIED BY SUCH NOTICE.**

Electronic Bids Only: Electronic proposals must be submitted through IHS Markit’s Parity/BidComp Competitive Bidding System (“Parity”). No electronic bids from any other providers of electronic bidding services will be accepted. Information about the electronic bidding services of Parity may be obtained from Parity, 450 West 33rd Street, 5th Floor, New York, New York 10001, Customer Support, telephone (212) 849-5021.

The Bonds: Interest on the Bonds will be payable semiannually on March 1 and September 1 of each year, until the Bonds mature, commencing September 1, 2022. The Bonds will be dated their date of delivery, on or about May \_\_\_, 2022, and will mature serially in annual installments on March 1 in each of the years and in the principal amounts as shown below:

March 1	Principal
<u>(Year)</u>	<u>Amount*</u>

Adjustment of Maturity Amounts: The School District reserves the right, in its sole discretion, to increase or decrease the foregoing principal amounts of the Bonds (all calculations to be rounded up to the nearest \$5,000), provided that any such increase or decrease shall not exceed 15% of the par amount of the Bonds or such other amount as approved by the winning bidder. Such adjustments, if any, shall be made within twenty-four (24) hours of the award of the Bonds.

\*Preliminary, subject to adjustment.

In the event of any adjustments of the maturity amounts of the Bonds as described herein, no rebidding or recalculation of the proposals submitted will be required or permitted. The total purchase price of the Bonds will be increased or decreased in the direct proportion that the total adjustment bears to the aggregate principal amount of the Bonds adjusted as specified herein, and the Bonds of each maturity, as adjusted, will bear interest at the rate specified in the bid of the successful bidder. Such adjustments, if any, will not change the selling compensation per \$1,000 of par amount of the Bonds from the selling compensation per \$1,000 that would have been received based on the purchase price and the initial reoffering prices in the winning bid.

Book-Entry-Only Bonds: The Bonds will be issued in fully-registered form. One Bond will be issued to and registered in the name of Cede & Co., as nominee of The Depository Trust Company, New York, New York ("DTC"), as registered owner of the Bonds and the Bonds will be immobilized in the custody of DTC. DTC will act as securities depository for the Bonds. Individual purchases will be made in book-entry-only form, in the principal amount of \$5,000 or any integral multiple thereof not exceeding the principal amount of the Bonds. Purchasers will not receive physical delivery of certificates representing their interest in the Bonds purchased. The winning bidder, as a condition to delivery of the Bonds, will be required to deposit the Bond certificate with DTC.

Redemption Provisions: The Bonds will not be subject to redemption prior to their stated maturities.

Registrar/Paying Agent: Within twenty-four (24) hours of the sale of the Bonds, the School District shall name the Registrar/Paying Agent for the Bonds. The Registrar/Paying Agent shall be a bank, trust company, depository or transfer agent located either within or without the State of South Carolina.

Bid Requirements: Bidders shall specify the rate of interest per annum which the Bonds are to bear, to be expressed in multiples of 1/20 or 1/8 of 1%. No interest rate for the Bonds can exceed five percent (5%) per annum or be less than four percent (4%) per annum. The TIC (as defined below) shall not exceed 2.5%. A BID FOR LESS THAN ALL THE BONDS OR A BID AT A PRICE LESS THAN PAR WILL NOT BE CONSIDERED.

Award of Bid: The Bonds will be awarded to the bidder offering to purchase the Bonds at the lowest true interest cost to the School District, such cost to be determined in accordance with the true interest cost (TIC) method. The true interest cost will be determined by computing the total dollar interest cost from the date of the Bonds to the respective maturity dates (based on a 360-day year of 12 months of 30 days each) and deducting therefrom the amount of the premium offered, if any, over and above the principal amount. In the event of a tie bid, the winning bid will be awarded by lot. The School District reserves the right to reject any and all bids or to waive irregularities in any bid. Bids will be accepted or rejected no later than 3:00 p.m., South Carolina time, on the date of sale.

Good Faith Deposit: No good faith deposit is required.

Official Statement: Upon the award of the Bonds, the School District will prepare an official statement (the "Official Statement") in substantially the same form as the preliminary official statement (the "Preliminary Official Statement") subject to minor additions, deletions and revisions as required to complete the Official Statement. Within seven (7) business days after the award of the Bonds, the School District will deliver the Official Statement to the successful bidder in sufficient quantity to comply with Rule G-32 of the Municipal Securities Rulemaking Board.

Security: The Bonds shall constitute binding general obligations of the School District, and the full faith, credit, resources and taxing power of the School District are irrevocably pledged for the payment of the principal and interest on the Bonds as they respectively mature and to create such sinking fund as may be necessary therefor. There shall be levied and collected annually upon all taxable property of the School District a tax, without limitation as to rate or amount, sufficient for such purposes.

Continuing Disclosure: In order to assist the bidders in complying with Rule 15c2-12(b)(5) promulgated by the Securities and Exchange Commission, the School District will undertake, pursuant to a resolution and a Continuing Disclosure Certificate to provide certain annual financial information and notices of the occurrence of certain events. A description of this undertaking is set forth in the Preliminary Official Statement and will also be set forth in the Official Statement.

Legal Opinion: The School District shall furnish upon delivery of the Bonds the final approving opinion of Burr & Forman LLP, Columbia, South Carolina, which opinion shall accompany each Bond, together with the usual closing documents, including a certificate that no litigation is pending affecting the Bonds.

Issue Price Certificate: The winning bidder shall assist the School District in establishing the issue price of the Bonds and shall execute and deliver to the School District at delivery an “issue price” certificate setting forth the reasonably expected initial offering price to the public, with such modifications as may be appropriate or necessary, in the reasonable judgment of the winning bidder, the School District and Bond Counsel. A sample copy of the certificate may be obtained from Burr & Forman LLP.

The School District intends that the provisions of Treasury Regulation Section 1.148-1(f)(3)(i) (defining “competitive sale” for purposes of establishing the issue price of the Bonds) will apply to the initial sale of the Bonds (the “Competitive Sale Requirements”) because:

- (1) the School District shall disseminate this Notice of Sale to potential underwriters in a manner that is reasonably designed to reach potential underwriters;
- (2) all bidders shall have an equal opportunity to bid;
- (3) the School District may receive bids from at least three underwriters of municipal bonds who have established industry reputations for underwriting new issuances of municipal bonds; and
- (4) the School District anticipates awarding the sale of the Bonds to the bidder who submits a firm offer to purchase the Bonds at the highest price (or lowest true interest cost), as set forth in this Notice of Sale.

Any bid submitted pursuant to this Notice of Sale shall be considered a firm offer for the purchase of the Bonds, as specified in the bid.

In the event that the Competitive Sale Requirements are not satisfied, the School District shall so advise the winning bidder. The School District may determine to treat the initial offering price to the public as of the sale date of the Bonds as the issue price of the Bonds (the “Hold-the-Offering-Price Rule”). The School District shall promptly advise the winning bidder, at or before the time of award of the Bonds, that the Bonds shall be subject to the Hold-the-Offering-Price Rule. Bids will not be subject to cancellation in the event that the School District determines to apply the Hold-the-Offering-Price Rule



to the Bonds. Bidders should prepare their bids on the assumption that the Bonds will be subject to the Hold-the-Offering-Price Rule in order to establish the issue price of the Bonds.

By submitting a bid, the winning bidder shall (1) confirm that the underwriters have offered or will offer the Bonds to the public on or before the date of award at the offering price (the “Initial Offering Price”), or at the corresponding yield, set forth in the bid submitted by the winning bidder and (2) agree, on behalf of the underwriters participating in the purchase of the Bonds, that the underwriters will neither offer nor sell unsold Bonds to which the Hold-the-Offering-Price Rule shall apply to any person at a price that is higher than the Initial Offering Price to the public during the period starting on the sale date and ending on the earlier of the following:

- (1) the close of the fifth (5<sup>th</sup>) business day after the sale date; or
- (2) the date on which the underwriters have sold at least 10% of the Bonds to the public at a price that is no higher than the Initial Offering Price to the public (the “10% Test”).

The winning bidder will advise the School District promptly after the close of the fifth (5<sup>th</sup>) business day after the sale date whether it has when the underwriters have sold 10% of that maturity of the Bonds to the public at a price that is no higher than the Initial Offering Price to the public.

The School District acknowledges that, in making the representation set forth above, the winning bidder will rely on (1) the agreement of each underwriter to comply with the Hold-the-Offering-Price Rule, as set forth in an agreement among underwriters and the related pricing wires, (2) in the event a selling group has been created in connection with the initial sale of the Bonds to the public, the agreement of each dealer who is a member of the selling group to comply with the Hold-the-Offering-Price Rule, as set forth in a selling group agreement and the related pricing wires, and (3) in the event that an underwriter is a party to a retail distribution agreement that was employed in connection with the initial sale of the Bonds to the public, the agreement of each broker-dealer that is a party to such agreement to comply with the Hold-the-Offering-Price Rule, as set forth in the retail distribution agreement and the related pricing wires. The School District further acknowledges that each underwriter shall be solely liable for its failure to comply with its agreement regarding the Hold-the-Offering-Price Rule and that no underwriter shall be liable for the failure of any other underwriter, or of any dealer who is a member of a selling group, or of any broker-dealer that is a party to a retail distribution agreement to comply with its corresponding agreement regarding the Hold-the-Offering-Price Rule as applicable to the Bonds.

By submitting a bid, each bidder confirms that: (1) any agreement among underwriters, any selling group agreement and each retail distribution agreement (to which the bidder is a party) relating to the initial sale of the Bonds to the public, together with the related pricing wires, contains or will contain language obligating each underwriter, each dealer who is a member of the selling group, and each broker-dealer that is a party to such retail distribution agreement, as applicable, to (a) report the prices at which it sells to the public the unsold Bonds allotted to it until it is notified by the winning bidder that either the 10% Test has been satisfied as to the Bonds or all Bonds have been sold to the public and (b) comply with the Hold-the-Offering-Price Rule, if applicable, in each case if and for so long as directed by the winning bidder and as set forth in the related pricing wires, and (2) any agreement among underwriters relating to the initial sale of the Bonds to the public, together with the related pricing wires, contains or will contain language obligating each underwriter that is a party to a retail distribution agreement to be employed in connection with the initial sale of the Bonds to the public to require each broker-dealer that is a party to such retail distribution agreement to (a) report the prices at which it sells to the public the

unsold Bonds allotted to it until it is notified by the winning bidder or such underwriter that either the 10% Test has been satisfied as to the Bonds or all Bonds have been sold to the public and (b) comply with the Hold-the-Offering-Price Rule, if applicable, in each case if and for so long as directed by the winning bidder or such underwriter and as set forth in the related pricing wires.

Sales of any Bonds to any person that is a related party to an underwriter shall not constitute sales to the public for purposes of this Notice of Sale. Further, for purposes of this Notice of Sale:

- (1) “public” means any person other than an underwriter or a related party,
- (2) “underwriter” means (a) any person that agrees pursuant to a written contract with the School District (or with the lead underwriter to form an underwriting syndicate) to participate in the initial sale of the Bonds to the public and (b) any person that agrees pursuant to a written contract directly or indirectly with a person described in clause (a) to participate in the initial sale of the Bonds to the public (including a member of a selling group or a party to a retail distribution agreement participating in the initial sale of the Bonds to the public),
- (3) a purchaser of any of the Bonds is a “related party” to an underwriter if the underwriter and the purchaser are subject, directly or indirectly, to (a) at least 50% common ownership of the voting power or the total value of their stock, if both entities are corporations (including direct ownership by one corporation of another), (b) more than 50% common ownership of their capital interests or profits interests, if both entities are partnerships (including direct ownership by one partnership of another), or (c) more than 50% common ownership of the value of the outstanding stock of the corporation or the capital interests or profit interests of the partnership, as applicable, if one entity is a corporation and the other entity is a partnership (including direct ownership of the applicable stock or interests by one entity of the other), and
- (4) “sale date” means the date that the Bonds are awarded by the School District to the winning bidder.

Financial Advisor: PFM Financial Advisors LLC (“PFM”) is acting as Financial Advisor (the “Financial Advisor”) to the School District in connection with the issuance of the Bonds. PFM, in its capacity as Financial Advisor, has not verified and does not assume any responsibility for the information, covenants and representations contained in any of the legal documents with respect to the federal income tax status of the Bonds, or the possible impact of any present, pending or future actions taken by any legislative or judicial bodies or rating agencies.

Delivery: The Bonds will be delivered on or about May \_\_\_, 2022, in New York, New York, at the expense of the School District, or at such other place as may be agreed upon with the purchasers at the expense of the purchaser. The purchase price then due must be paid in federal funds or other immediately available funds.

CUSIP Numbers: It is anticipated that CUSIP identification numbers will be set forth on the Bonds, but neither the failure to print such numbers on any Bond nor any error with respect thereto shall constitute cause for failure or refusal by the purchaser thereof to accept delivery of and pay for the Bonds in accordance with the terms of its proposal. The Financial Advisor will request the assignment of CUSIP

numbers prior to the sale of the Bonds; however, the CUSIP Service Bureau charge for the assignment of said numbers will be the responsibility of and will be paid for by the successful bidder.

Additional Information: The Preliminary Official Statement with respect to the Bonds is available via the internet at [www.munios.com](http://www.munios.com) and will be furnished to any person interested in bidding for the Bonds. The Preliminary Official Statement shall be reviewed by bidders prior to submitting a bid. Bidders may not rely on this Notice of Sale as to the complete information concerning the Bonds. For additional information relating to or to request a copy of the Preliminary Official Statement, please contact the School District's Bond Counsel, Francenia B. Heizer, Esquire, Burr & Forman LLP, telephone (803) 799-9800, e-mail: [fheizer@burr.com](mailto:fheizer@burr.com) or the Financial Advisor, Elise Lomel or Jay Glover, PFM Financial Advisors LLC, telephone (404) 410-2227 or (407) 406-5760, respectively, e-mail: [loleme@pfm.com](mailto:loleme@pfm.com) or [gloverj@pfm.com](mailto:gloverj@pfm.com), respectively.

School District No. 5 of Lexington County and  
Richland County, South Carolina

## FORM OF CONTINUING DISCLOSURE CERTIFICATE

This Continuing Disclosure Certificate (the “Disclosure Certificate”) is executed and delivered by School District No. 5 of Lexington County and Richland County, South Carolina (the “School District”) in connection with the issuance of \$\_\_\_\_\_ General Obligation Bonds, Series 2022, School District No. 5 of Lexington County and Richland County, South Carolina (the “Bonds”). The Bonds are being issued pursuant to a Resolution adopted by the Board of Trustees of the School District (the “Resolution”). The School District covenants and agrees as follows:

**SECTION 1. Purpose of the Disclosure Certificate.** This Disclosure Certificate is being executed and delivered by the School District for the benefit of the holders of the Bonds and in order to assist the Participating Underwriter (defined below) in complying with the Rule (defined below).

**SECTION 2. Definitions.** The following capitalized terms shall have the following meanings:

“Annual Report” shall mean any Annual Report provided by the School District pursuant to, and as described in, Sections 3 and 4 of this Disclosure Certificate.

“Dissemination Agent” shall mean the School District or any successor Dissemination Agent designated in writing by the School District and which has filed with the School District a written acceptance of such designation.

“Financial Obligation” is defined by the Rule as and for purposes of this Disclosure Certificate shall mean (1) a debt obligation, (2) a derivative instrument entered into in connection with, or pledged as security or a source of payment for, an existing or planned debt obligation, or (3) a guarantee of either of the foregoing; provided, however, that a “Financial Obligation” shall not include municipal securities as to which a final official statement has been provided to the Municipal Securities Rulemaking Board consistent with the Rule.

“Listed Events” shall mean any of the events listed in Section 5(a) of this Disclosure Certificate.

“National Repository” shall mean for purposes of the Rule, the Electronic Municipal Market Access (EMMA) system created by the Municipal Securities Rulemaking Board.

“Repository” shall mean the National Repository and each State Depository, if any.

“Participating Underwriter” shall mean \_\_\_\_\_ and any other original underwriter of the Bonds required to comply with the Rule in connection with offering of the Bonds.

“Rule” shall mean Rule 15c2-12(b)(5) promulgated by the Securities and Exchange Commission under the Securities Exchange Act of 1934, as the same may be amended from time to time.

“State Depository” shall mean any public or private repository or entity designated by the State of South Carolina as a state depository for the purpose of the Rule. As of the date of this Certificate, there is no State Depository.



### SECTION 3. Provision of Annual Reports.

(a) The School District shall, or shall cause the Dissemination Agent to provide, not later than February 1 of each year, commencing in 2023, to the Repository an Annual Report which is consistent with the requirements of Section 4 of this Disclosure Certificate. Not later than fifteen (15) business days prior to such date the School District shall provide the Annual Report to the Dissemination Agent, if other than the School District; provided, that if the audited financial statements required pursuant to Section 4 hereof to be included in the Annual Report are not available for inclusion in the Annual Report as of such date, unaudited financial statements of the School District may be included in such Annual Report in lieu thereof, and the School District shall replace such unaudited financial statements with audited financial statements within fifteen (15) days after such audited financial statements become available for distribution. The Annual Report may be submitted as a single document or as separate documents comprising a package, and may cross-reference other information as provided in Section 4 of this Disclosure Certificate; provided that the audited financial statements of the School District may be submitted separately from the balance of the Annual Report.

(b) If the School District is unable to provide to the Repository an Annual Report by the date required in subsection (a), the School District shall send a notice to the Repository, in substantially the form attached hereto as Exhibit A.

(c) The Dissemination Agent shall:

(1) determine each year prior to the date for providing the Annual Report the name and address of the Repository; and

(2) if the Dissemination Agent is other than the School District, file a report with the School District and (if the Dissemination Agent is not the Registrar) the Registrar certifying whether the Annual Report has been provided pursuant to this Disclosure Certificate, and, if provided, stating the date it was provided, and listing the Repository to which it was provided.

SECTION 4. Content of Annual Reports. The School District's Annual Report shall contain or incorporate by reference the most recent audited financial statements, which shall be prepared in conformity with generally accepted accounting principles (or, if not in such conformity, to be accompanied by a qualitative discussion of the differences in the accounting principles and the impact of the change in the accounting principles on the presentation of the financial information) applicable to governmental entities such as the School District, and shall, in addition, contain or incorporate by reference the following information for the most recently completed fiscal year:

- (a) School District enrollment;
- (b) Total state appropriations subject to withholding under Article X, Sec. 15, South Carolina Constitution;
- (c) Funding under the Education Finance Act, and the Education Improvement Act;
- (d) Outstanding General Obligation Indebtedness of the School District;
- (e) Market Value/Assessment Summary of taxable property in School District;
- (f) Tax rate for School District;
- (g) Tax collections for School District; and
- (h) Ten largest taxpayers (including fee-in-lieu-of-tax) for School District.

Any or all of the items listed above may be incorporated by reference from other documents, including official statements of debt issues with respect to which the School District is an “obligated person” (as defined by the Rule), which have been filed with the Repository or the Securities and Exchange Commission. If the document incorporated by reference is a final official statement, it must be available from the Municipal Securities Rulemaking Board. The School District shall clearly identify each such other document so incorporated by reference.

SECTION 5. Reporting of Significant Events.

(a) Pursuant to the provisions of this Section 5, the School District shall give, or cause to be given, notice of the occurrence of any of the following events (the “Listed Events”):

- (1) Principal and interest payment delinquencies;
- (2) Non-payment related defaults;
- (3) Unscheduled draws on debt service reserves reflecting financial difficulties;
- (4) Unscheduled draws on credit enhancements reflecting financial difficulties;
- (5) Substitution of credit or liquidity providers, or their failure to perform;
- (6) Adverse tax opinions, the issuance by the Internal Revenue Service of proposed or final determinations of taxability, Notices of Proposed Issue (IRS Form 5701-TEB) or other material notices or determinations with respect to the tax status of the security, or other material events affecting the tax status of the security;
- (7) Modifications to rights of security holders;
- (8) Bond calls;
- (9) Tender offers;
- (10) Defeasances;
- (11) Release, substitution, or sale of property securing repayment of the securities;
- (12) Rating changes;
- (13) Bankruptcy, insolvency, receivership or similar event of the School District;
- (14) The consummation of a merger, consolidation, or acquisition involving the School District or the sale of all or substantially all of the assets of the School District other than in the ordinary course of business, the entry into a definitive agreement to undertake such an action or the termination of a definitive agreement relating to any such actions, other than pursuant to its terms;
- (15) Appointment of a successor or additional trustee or the change of name of a trustee.
- (16) Incurrence of a Financial Obligation of the School District; or agreement to covenants, events of default, remedies, priority rights, or other similar terms of a Financial Obligation of the School District, any of which affect security holders;
- (17) Default, event of acceleration, termination event, modification of terms, or other similar events under the terms of a Financial Obligation of the School District, any of which reflect financial difficulties.

(b) Whenever the School District obtains knowledge of the occurrence of a Listed Event described in subsections (a)(2), (7), (8), (11), (14), (15) or (16) above, the School District shall as soon as possible determine if such event would be material under applicable federal securities laws. If the School District determines that knowledge of the occurrence of such event would be material under applicable federal securities laws, the School District shall promptly, and no later than ten business days after the occurrence of the event, file a notice of such occurrence with the Repository.

(c) Whenever the School District obtains knowledge of the occurrence of a Listed Event described in subsections (a)(1), (3), (4), (5), (6), (9), (10), (12), (13) or (17) above, the School District shall promptly, and no later than ten business days after the occurrence of the event, file a notice of such occurrence with the Repository.

(d) Notwithstanding the foregoing, notice of Listed Events described in subsections (a)(8), (9), and (10) above need not be given under this subsection any earlier than the notice (if any) of the underlying event is given to owners of affected Bonds. For the purposes of the event identified in (a)(13) above, the event is considered to occur when any of the following occur: the appointment of a receiver, fiscal agent or similar officer for the School District in a proceeding under the U.S. Bankruptcy Code or in any other proceeding under state or federal law in which a court or governmental authority has assumed jurisdiction over substantially all of the assets or business of the School District, or if such jurisdiction has been assumed by leaving the existing governing body and officials or officers in possession but subject to the supervision and orders of a court or governmental authority, or the entry of an order confirming a plan of reorganization, arrangement or liquidation by a court or governmental authority having supervision or jurisdiction over substantially all of the assets or business of the School District.

**SECTION 6. Termination of Reporting Obligation.** The School District's obligations under this Disclosure Certificate shall terminate upon the defeasance, prior redemption or payment in full of the Bond.

**SECTION 7. Dissemination Agent.** The School District may, from time to time, appoint or engage a Dissemination Agent to assist it in carrying out its obligations under this Disclosure Certificate, and may discharge any such Agent, with or without appointing a successor Dissemination Agent. The initial Dissemination Agent shall be the School District.

**SECTION 8. Amendment; Waiver.** Notwithstanding any other provision of this Disclosure Certificate, the School District may amend this Disclosure Certificate and any provision of this Disclosure Certificate may be waived, if such amendment or waiver is supported by an opinion of counsel expert in federal securities laws acceptable to the School District, to the effect that such amendment or waiver would not, in and of itself, cause the undertakings herein to violate the Rule if such amendment or waiver had been effective on the date hereof but taking into account any subsequent change in or official interpretation of the Rule.

**SECTION 9. Additional Information.** Nothing in this Disclosure Certificate shall be deemed to prevent the School District from disseminating any other information, using the means of dissemination set forth in this Disclosure Certificate or any other means of communication, or including any other information in any Annual Report or notice of occurrence of a Listed Event, in addition to that which is required by this Disclosure Certificate. If the School District chooses to include any information in any Annual Report or notice of occurrence of a Listed Event, in addition to that which is specifically required by this Disclosure Certificate, the School District shall have no obligation under this Certificate to update such information or include it in any future Annual Report or notice of occurrence of a Listed Event.

**SECTION 10. Default.** In the event of a failure of the School District, or the Dissemination Agent to comply with any provision of this Disclosure Certificate, any beneficial owner may take such actions as may be necessary and appropriate, including seeking injunctive relief or specific performance by court order, to cause the School District, or the Dissemination Agent, as the case may be, to comply with its obligations under this Disclosure Certificate. A default under this Disclosure Certificate shall not be deemed an event of default under the Resolution, and the sole remedy under this Disclosure

Certificate in the event of any failure of the School District, or the Dissemination Agent to comply with this Disclosure Certificate shall be an action to compel performance.

SECTION 11. Duties, Immunities and Liabilities of Dissemination Agent. The provisions of this Section 11 shall apply if the School District is not the Dissemination Agent. The Dissemination Agent shall have only such duties as are specifically set forth in this Disclosure Certificate, and the School District agrees to indemnify and save the Dissemination Agent, its officers, directors, employees and agents, harmless against any loss, expense and liabilities which they may incur arising out of or in the exercise or performance of their powers and duties hereunder, including the costs and expenses (including attorneys' fees) of defending against any claim of liability, but excluding liabilities due to the Dissemination Agent's negligence or willful misconduct. The obligations of the School District under this Section shall survive resignation or removal of the Dissemination Agent and payment of the Bond.

SECTION 12. Beneficiaries. This Disclosure Certificate shall inure solely to the benefit of the School District, the Dissemination Agent, the Participating Underwriter, and holders from time to time of the Bonds and shall create no rights in any other person or entity.

SCHOOL DISTRICT NO. 5 OF LEXINGTON  
COUNTY AND RICHLAND COUNTY,  
SOUTH CAROLINA

By: \_\_\_\_\_  
Superintendent

Dated: \_\_\_\_\_, 2022



NOTICE TO REPOSITORY OF FAILURE TO FILE ANNUAL REPORT

Name of School District: School District No. 5 of Lexington County and Richland County,  
South Carolina

Name of Bond Issue: \$\_\_\_\_\_ General Obligation Bonds, Series 2022,  
School District No. 5 of Lexington County and  
Richland County, South Carolina

Date of Issuance: \_\_\_\_\_, 2022

NOTICE IS HEREBY GIVEN that School District No. 5 of Lexington County and Richland County, South Carolina (the "School District") has not provided an Annual Report with respect to the above-named Bonds as required by Sections 3 and 4 of the Continuing Disclosure Certificate executed and delivered by the School District as Dissemination Agent. The School District has notified us in writing that the Annual Report will be filed by \_\_\_\_\_.

Dated: \_\_\_\_\_

SCHOOL DISTRICT NO. 5 OF LEXINGTON  
COUNTY AND RICHLAND COUNTY,  
SOUTH CAROLINA

# Our Mission

## EXHIBIT G

The mission of School District Five of Lexington and Richland Counties, in partnership with our stakeholders, is to prepare all students to be college and career ready by **providing** a challenging curriculum in a safe, secure, diverse, and **equitable learning environment** focused on academic, social, and emotional growth and development.



# Facilities Master Plan Guiding Principles



1. Community Analysis
2. Facilities Need Assessment  
- Key Definitions
3. Enrollment and Projections
4. Instructional Plan Review
5. Plan



# Community Analysis

## Demographic Trend Study

- Professional Demographer

## Economic Trend Study

- Legislative Delegation
- Chamber of Commerce
- Business Advisory







# Facilities Need Assessment

## Facility Rating Chart

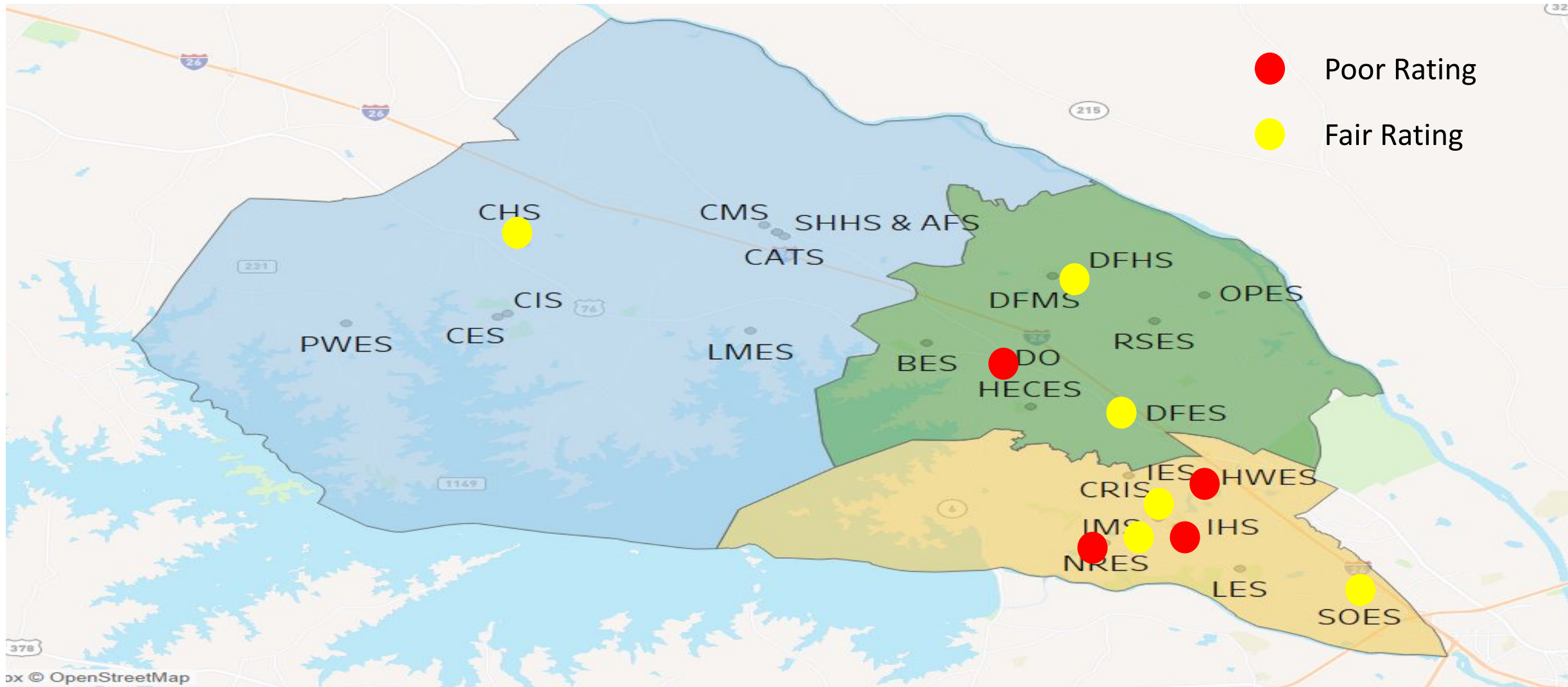
Excellent	4
Good	10
Fair	6
Poor	4
Total	24

2019 District-Wide Facilities Need Assessment by M.B. Kahn Construction Co., Inc. had three (3) goals:

1. To assess the District's current facilities' conditions, uses and maintenance needs
2. To offer options to address school operations issues, such as aging structures
3. To provide construction strategies responsive to future uses and learning methods in light of funding constraints, existing projects and plans, and current facility conditions



# Facilities Need Assessment





# Key Definitions

**Condition of Building** - Excellent, Good, Fair, and Poor - 2019 District-Wide Facilities Need Assessment M.B. Kahn Construction Company.

**Core Capacity** - Includes the use of areas such as media centers, cafeterias, multi-purpose areas, and PE/gymnasiums for student use. Often designed larger than intended to accommodate growth in enrollment. For example: A school may have a current enrollment of (800) students but is designed for an enrollment of (1200) students.

**Program Capacity**- includes the use of regular classroom space intended for instructional purposes. This does not include areas such as computer labs or special education areas, as these areas are not counted in the program capacity.

**Average Daily Attendance** - The attendance rate of the enrolled students over the course of a year.

**Average Daily Membership** - The number of funded students on campus multiplied by weighted pupil unit divided by the number of days (used for funding on 135th day report).

**Enrollment/Headcount** - The number of (funded or unfunded) students.

**Report Dates** - 10th, 45th\*, 90th 135th\*, 180th attendance reports.

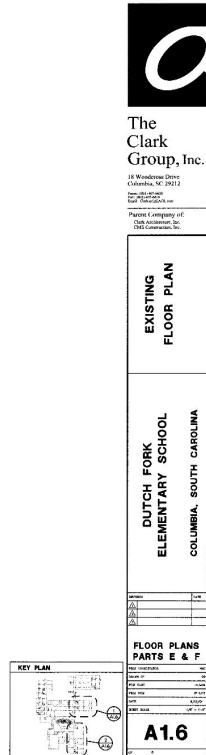
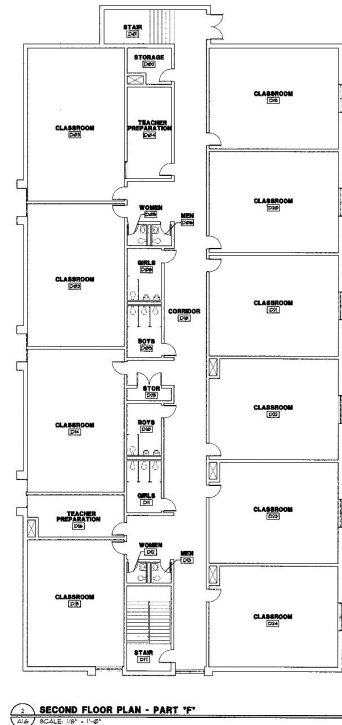
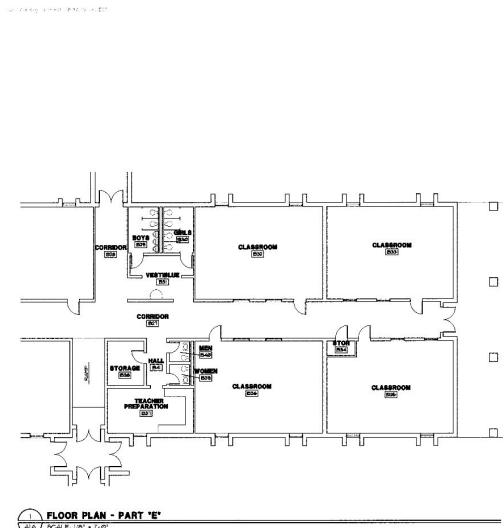
The \*45th determines any adjustments you make in the current year; the \*135th determines the budget for next year



# Key Definitions

**Gross Square Footage** - Total heating and cooling space in a school building.

**DFES - 1953**

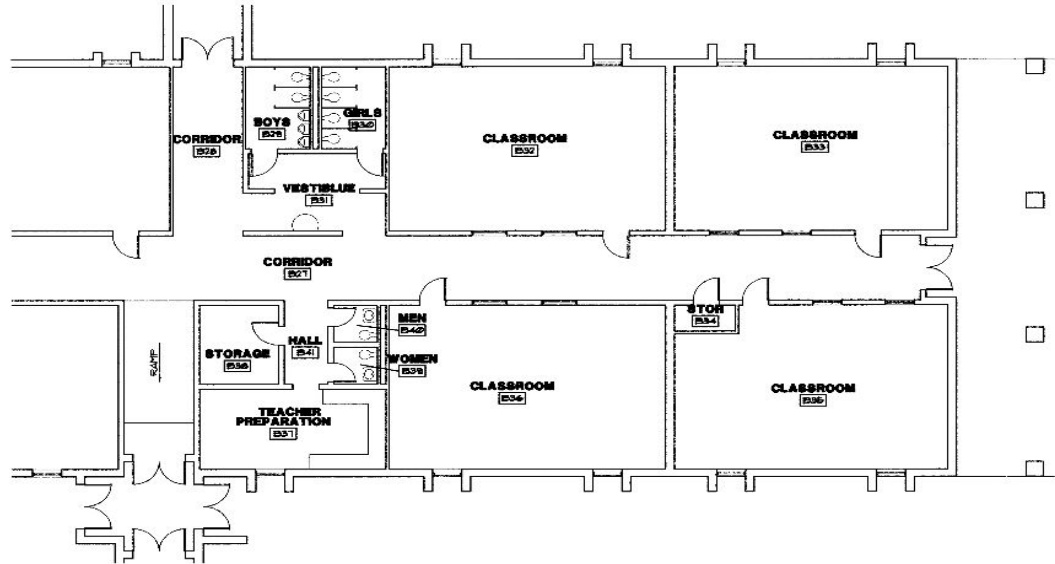


**PWES - 2021**

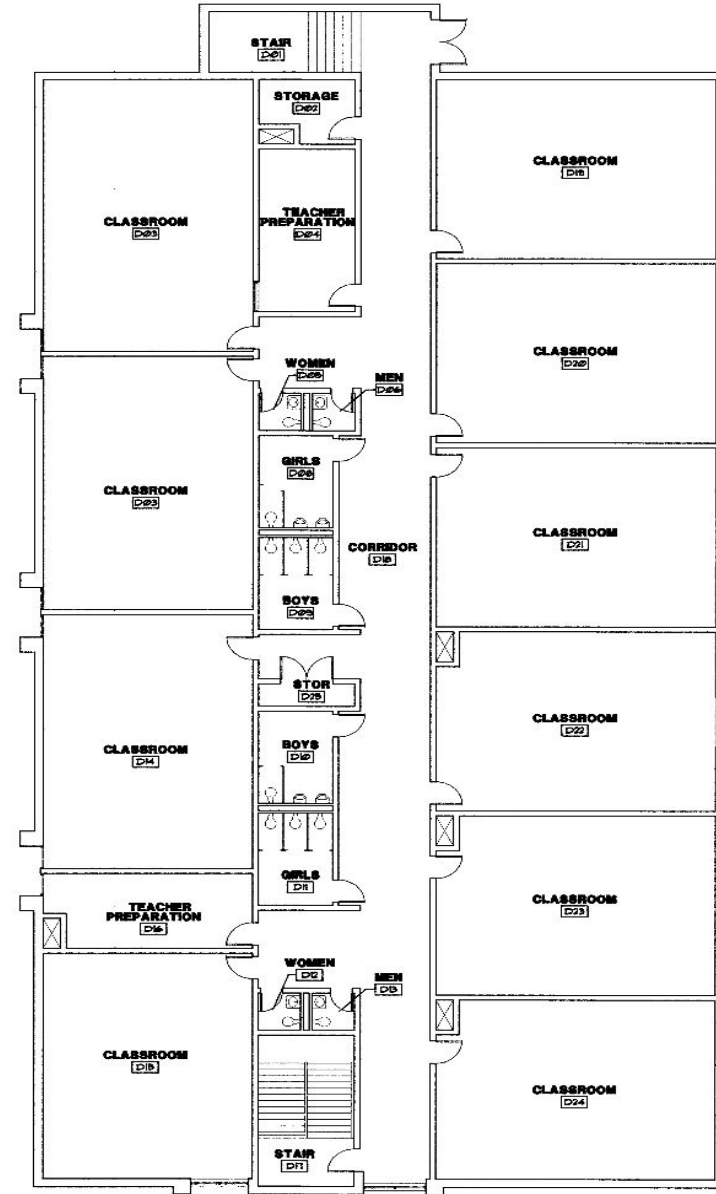




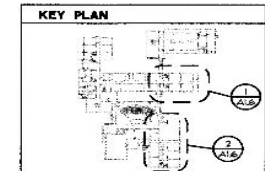
# DFES 1953



1 FLOOR PLAN - PART "E"  
A1.6 SCALE: 1/8" = 1'-0"



2 SECOND FLOOR PLAN - PART "F"  
A1.6 SCALE: 1/8" = 1'-0"



## FLOOR PLANS PARTS E & F

PROJECT NO.	1001-407-0020
DESIGN BY	CLARK ARCHITECTURE, INC.
FILE NAME	1001-407-0020
PROJECT NAME	DFES 1953
DATE	8/12/21
SHEET SCALE	1/8" = 1'-0"

A1.6



The Clark Group, Inc.

18 Woodcrest Drive  
Columbia, SC 29212

Phone: (803) 407-0020  
Fax: (803) 407-0019  
Email: clark@clarkgroup.com

Parent Company of:  
Clark Architecture, Inc.  
CMB Construction, Inc.

EXISTING  
FLOOR PLAN

DUTCH FORK  
ELEMENTARY SCHOOL  
COLUMBIA, SOUTH CAROLINA

# PWES - 2021





# Instructional Plan Review

Instructional Staff will work with advisory groups, Parent Teacher Student Organizations (PTSOs) and School Improvement Councils (SICs) to determine appropriate instructional programs at each school and work with the Operations staff to ensure the facility can successfully operate current and future academic programs.



# The Plan

**Facility Rating Chart**

Excellent	4
Good	10
Fair	6
Poor	4
Total	24

## Guiding Principle #1

No student or staff member will learn or work in a fair or poor facility.



*Policy***DISCUSSION AND FIRST READING OF PROPOSED NEW BOARD POLICY – MARCH 14, 2022****FUNDING PROPOSALS, GRANTS, AND SPECIAL PROJECTS***Code DD Issued MODEL*

In order to offer the best educational opportunities possible for students of the district, the board will seek ~~as many~~ external sources of revenue as possible to supplement the funds provided through local taxation and the basic aid offered by the state.

The superintendent will notify the board of all funding proposals that are accepted.

**Donations from Private Sources**

The district accepts donations of money, securities, property, etc. from private sources for scholarships, staff development, and other educational improvement purposes.

Such gifts will be approved by the board, administered by the superintendent, and used as instructed in the terms of the gift or bequest.

The board will not accept bequests, endowments, or other gifts if the conditions of the gift remove any portion of the public schools from control of the board.

**School and District Grant Awards**

The district will request and accept grants from state, federal, corporate, and private sources. All grants sought by the district will be coordinated through the district grant writer ~~(insert title here)~~, reviewed by the chief ~~administrative and planning officer or designee~~ ~~operations officer~~, and approved by the superintendent ~~or designee~~. The purpose of district-level grants should be to generate resources that advance the priorities of the district strategic plan in attaining the mission of the school district.

All grants sought by schools will be coordinated through the district grant writer, reviewed by the director of elementary education and/or director of secondary education, and approved by the school principal. The purpose of school-level grants should be to generate resources that support the educational mission and priorities of each school, as articulated by the principal and the school's leadership team.

**Crowdfunding**

Crowdfunding is the practice of funding a specific idea or project by raising small donations from a large number of individuals. This typically occurs on the internet through the use of various platforms (e.g. Donors Choose).

All crowdfunding activities will be coordinated through the district grant writer, reviewed by the director of elementary education and/or director of secondary education, and approved by the school principal. The purpose of all school-level crowdfunding activities should be to generate resources to support the educational mission and priorities of each school, as articulated by the principal and the school's leadership team.

## Delegation of Responsibility

The Superintendent or designee shall create administrative procedures to effectuate this policy and provide guidance to school district principals and other school staff on how best to approach fundraising, grants and crowdfunding activities.

Adopted ^

### Legal References:

- A. S.C. Code of Laws, 1976, as amended:
  - 1. Section 59-19-170 - Acceptance and holding of property by trustees.
  - 2. Section 59-69-30 - Investment of funds held for an educational purpose.



**DISCUSSION AND FIRST READING OF PROPOSED SCSBA MODEL POLICY – MARCH 14, 2022****BOARD MEMBER CONDUCT**Code **BC** Issued **DRAFT/19**

Because of the importance of the board's responsibility to make decisions related to the district's educational program while maintaining effective relationships with school administrators, staff, and community members, the board will conduct themselves professionally in accordance with the level of responsibility bestowed upon them by the public.

It is the responsibility of each board member to do the following:

- Remember that the first and greatest concern must be the educational welfare of all students attending public schools.
- Become familiar with district policies, rules, and procedures as well as state and federal school laws and regulations.
- Have a general knowledge of educational goals and objectives of the district.
- Work harmoniously with other board members without trying to dominate the board or neglect one's share of the work.
- Vote and act in board meetings impartially for the good of the district, representing all district constituents honestly and equally.
- Recognize that authority rests only with the board in official meetings and that the individual member has no legal status to bind the board outside of such meetings.
- Refuse to participate in irregular or secret meetings which are not official and which all members or the public do not have the opportunity to attend.
- Accept the will of the majority vote in all cases and support the resulting policy or decision.
- Maintain the confidentiality of all matters discussed in executive session.
- Understand that the basic function of a board is policymaking, not administration, and accept the responsibility of learning to discriminate intelligently between these two functions.
- Strive to procure, when a vacancy exists, the best professional leader available for the superintendency.
- Give the superintendent full administrative authority for properly discharging his/her professional duties and hold him/her responsible for acceptable results.
- Refer suggestions and complaints to the superintendent and abstain from individual counsel and action.
- Participate in the various board training opportunities which are offered locally, regionally, statewide, and nationally.

## PAGE 2 - BC - BOARD MEMBER CONDUCT

- Respond, as appropriate, to the wishes and desires expressed by the community and to educate the public on the district's educational program and policies in such a way as to promote community interest and support.

Adopted ^



## CURRENT POLICY

**Policy BCA Board Member Code of Ethics**

Issued 1/06

Purpose: To establish the basic structure for ethical board conduct.

The public schools play a vital and important role in our state and country by providing the basic foundation for democratic living and for sustaining the American way of life. Therefore, school board membership represents a challenging responsibility. This code of ethics is adopted by the board as a guide to its members as they strive to render effective and efficient service to their community.

A board member should honor the critical responsibilities that his/her membership demands by doing the following:

- thinking always in terms of "children first"
- understanding that the basic function of a school board is policymaking, not administration, and by accepting the responsibility of learning to discriminate intelligently between these two functions
- accepting the responsibility along with his/her fellow board members of ensuring that optimal facilities and resources are provided for the proper functioning of schools
- refusing to play politics in either the traditional partisan or any petty sense
- representing, at all times, the entire school district
- accepting the responsibility of becoming well informed concerning the duties of board members and the proper functions of public schools
- recognizing responsibility as a state official to seek the improvement of education throughout the state

A board member should respect his/her relationships with other members of the board by doing the following:

- recognizing that authority rests only with the board in official meetings and that the individual member has no legal status to bind the board outside of such meetings
- recognizing the integrity of his/her predecessors and associates and the merit of their work
- refusing to make statements or promises as to how he/she will vote on any matter which should properly come before the board as a whole
- making decisions only after all facts bearing on a question have been presented and discussed
- respecting the opinion of others and graciously conforming to the principle of majority rule
- refusing to participate in irregular meetings such as secret or "star chamber" meetings which are not official and which all members do not have the opportunity to attend
- maintaining the confidentiality of matters discussed in executive session

A board member should maintain desirable relations with the superintendent of schools and his/her staff by doing the following:

- striving to procure, when a vacancy exists, the best professional leader available for the head administrative post
- giving the superintendent full administrative authority for properly discharging his/her professional duties and holding him/her responsible for acceptable results
- acting only upon the recommendation of the superintendent in matters of employment or dismissal of school personnel

- having the superintendent present at all meetings of the board except when his/her contract and salary are under consideration
- referring all complaints to the superintendent and discussing them only at a regular meeting if a failure to arrive at an administrative solution occurs
- striving to provide adequate safeguards around the superintendent and other staff members to the end that they can live happily and comfortably in the community and discharge their educational functions on a thoroughly professional basis
- presenting personal criticisms of any employee directly to the superintendent

Adopted 2/24/69; Revised 1/9/06

Legal references:

School board members are under the jurisdiction of the " Ethics, Government Accountability and Campaign Reform Act," [Section 8-13](#)-100, *et seq.*, S.C. Code, and are subject to rules of conduct of the statute.

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

---



## BOARD MEMBER CODE OF ETHICS

Code **BCA** Issued **DRAFT/19**

The board desires to operate in the most ethical manner possible, and in furtherance of that goal, adopts this code of ethics to serve as a guide to its members as they strive to render effective and efficient service.

In carrying out his/her duties, a board member will not do the following:

- perform an official act which directly and substantially confers an economic benefit on a business or other undertaking in which he/she has a substantial financial interest or in which he/she is engaged as a counsel, consultant, representative, or agent
- accept a gift of substantial value, or substantial economic benefit tantamount to a gift of substantial value, as a payment or reward for official action taken or advice and assistance given
- disclose or use confidential information acquired in the course of official duties for personal financial gain, which includes, but is not limited to, economic gain for family members, associates, or business interests
- employ or promote a family member to a position which the board member supervises or manages (i.e. superintendent)
- participate in an action relating to the discipline of a family member
- accept anything of value for speaking before a public or private group as a board member
- neglect to annually submit a statement of economic interest to the South Carolina Ethics Commission

It will not be considered a breach of ethics for a board member to receive the following:

- an occasional non-pecuniary gift which is insignificant in value
- a non-pecuniary award publicly presented in recognition of public service
- payment or reimbursement for actual and necessary expenditures for travel and subsistence for attendance at a speaking engagement, convention, or other meeting at which he/she is scheduled to participate
- a benefit as an indirect consequence of transacting district business

Each board member will be knowledgeable of and comply with these and all other applicable provisions of the S.C. Ethics, Government Accountability, and Campaign Reform Act.

Adopted 2/24/69; Revised 1/9/06, ^

---

### Legal References:

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

1. Section 8-13-100, *et seq.* - Ethics, Government Accountability, and Campaign Reform Act.
2. Section 59-19-300 - Prohibits receiving pay as teacher in same district where serving on board.
3. Section 59-25-10 - Prohibits board members from employing members of immediate family as teachers, with exceptions.

## BCA – BOARD MEMBER CODE OF ETHICS

Issued 1/06

---

Purpose: **The Board and its members will conduct themselves lawfully with integrity and high ethical standards in order to model the behaviors expected of staff and students and to build public confidence and credibility. To establish the basic structure for ethical board conduct. The public schools play a vital and important role in our state and country by providing the basic foundation for democratic living and for sustaining the American way of life. Therefore, school board membership represents a challenging responsibility.** This code of ethics is adopted by the board as a guide to its members as they strive to render effective and efficient service to their community.

A board member should honor the critical responsibilities that his/her membership demands by doing the following:

- thinking always in terms of "children first"
- understanding that the basic function of a school board is policymaking, not administration, and by accepting the responsibility of learning to discriminate intelligently between these two functions
- accepting the responsibility along with his/her fellow board members of ensuring that optimal facilities and resources are provided for the proper functioning of schools
- refusing to play politics in either the traditional partisan or any petty sense
- representing, at all times, the entire school district
- accepting the responsibility of becoming well informed concerning the duties of board members and the proper functions of public schools
- recognizing responsibility as a state official to seek the improvement of education throughout the state

A board member should respect his/her relationships with other members of the board by doing the following:

- recognizing that authority rests only with the board in official meetings and that the individual member has no legal status to bind the board outside of such meetings
- recognizing the integrity of his/her predecessors and associates and the merit of their work
- refusing to make statements or promises as to how he/she will vote on any matter **in which the board is presiding in a quasi-judicial capacity and in which the matter** should properly come before the board as a whole
- making decisions only after all facts bearing on a question have been presented and discussed
- respecting the opinion of others and graciously conforming to the principle of majority rule
- refusing to participate in irregular meetings such as secret or "star chamber" meetings which are not official and which all members do not have the opportunity to attend
- maintaining the confidentiality of matters discussed in executive session

A board member should maintain desirable relations with the superintendent of schools and his/her staff by doing the following:



- striving to procure, when a vacancy exists, the best professional leader available for the head administrative post
- 
- giving the superintendent full administrative authority for properly discharging his/her professional duties and holding him/her responsible for acceptable results
- acting only upon the recommendation of the superintendent in matters of employment or dismissal of school personnel
- having the superintendent or his designee present at all meetings of the board except when his/her contract and salary are under consideration
- referring all complaints to the superintendent and discussing them only at a regular meeting if a failure to arrive at an administrative solution occurs
- striving to provide adequate safeguards around the superintendent and other staff members to the end that they can live happily and comfortably in the community and discharge their educational functions on a thoroughly professional basis
- presenting personal criticisms of any employee directly to the superintendent

Adopted 2/24/69; Revised 1/9/06

Legal references:

School board members are under the jurisdiction of the " Ethics, Government Accountability and Campaign Reform Act," Section 8-13-100, et seq., S.C. Code, and are subject to rules of conduct of the statute.

School District Five of Lexington and Richland Counties

## Policy BCB Board Member Conflict of Interest

Issued 12/09

Purpose: To establish the basic structure for determining board member conflict of interest.

A trustee may provide services or sell products to the district where he/she is a board member provided all transactions are in accordance with the State Ethics Act (see policy BCA).

If, in the discharge of official responsibilities, the board member is required to take an action or make a decision which affects his/her economic interest or the economic interest of a member of his/her immediate family or an individual with whom he/she is associated, the board member must prepare a written statement outlining the conflict and give it to the chairman of the board. The board member must also be excused from deliberating or voting on the matter. The minutes of the meeting should reflect the disqualification and reasons for it.

The board member may vote on matters where he/she has no greater interest than does any other member of the class to which the board member belongs. For example, a board member may vote on a budget that includes salaries of all employees, even if the board member has a family member employed by the district. However, the board member may not vote on the contract of the family member.

The State Ethics Act provides that a public official may not have an economic interest in a contract with the district if the official is authorized to perform an official function relating to the contract. The law defines official function to include accepting bids and awarding contracts.

A board member may not participate in an action relating to the discipline of his/her family member.

A board member may not receive pay as a teacher of a public school that is located in the same school district where such person is a trustee.

A board member will not be employed by the district. This does not apply to a board member's service as a trustee.

### Nepotism

South Carolina law [Section 59-25-10](#) provides that no board member's immediate family member may be employed as a teacher without the written consent of the board of trustees.

No employee who is an immediate family member (spouse, parent, child, sibling) of a board member/superintendent is eligible for position promotion during the tenure of such board member/superintendent.

When a board member's immediate family member is being recommended for any position in the district, the board member will disclose this to the other board members and recuse him/herself from the vote to hire that employee.

An individual who is a candidate for employment in the district will, upon offer of employment, disclose that he/she has an immediate family member who is an employee of the district.

The district will not place an employee in a position wherein an employee will exercise **direct** administrative or supervisory authority over a member of his/her immediate family. Supervisory authority includes principal and assistant principal in a school. Neither a board member nor an employee may participate in an action relating to the discipline of his/her immediate family member.

This rule applies to all levels and categories of certified, administrative and support staff employees in the school district.

This prohibition of employment and/or promotion does not apply to individuals employed and/or promoted prior to the passage of this policy.

Adopted 8/1/73; Revised 11/16/81, 4/6/92, 1/9/06, 12/14/09

Legal references:

S.C. Constitution:

[Article XVII](#), Section 1A - Dual office holding prohibited.

S.C. Code, 1976, as amended:

[Section 8-13](#)-100, *et seq.* - State Ethics Act.

[Section 59-19](#)-300 - Prohibits receiving pay as teacher in same district where serving on board.

[Section 59-25](#)-10 - Prohibits board from employing members of immediate family, with exceptions.

[Section 59-31](#)-590 - Prohibits service as agent of school book publisher.

[Section 59-69](#)-260 - Authorizes board member to provide services or sell products to the district...so long as these transactions are in accordance with state ethical provision of law.

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

---



DISCUSSION AND FIRST READING OF PROPOSED REVISIONS – MARCH 14, 2022

BCB - BOARD MEMBER CONFLICT OF INTEREST

Issued 12/09

---

~~Purpose: To establish the basic structure for determining board member conflict of interest.~~

~~A trustee may provide services or sell products to the district where he/she is a board member provided all transactions are in accordance with the State Ethics Act (see policy BCA).~~

Board members are required to disclose any potential conflict of interest to the board. A board member with a personal or private interest in a matter proposed or pending before the board will disclose such interest to the board, will not deliberate on the matter, will not vote on the matter, and will not attempt to influence other members of the board regarding the matter.

If, in the discharge of official responsibilities, the board member is required to take action or make a decision which affects his/her economic interest or the economic interest of a family member or an individual **or business** with whom he/she is associated, the board member must prepare a written statement outlining the conflict and give it to the chairman of the board. ~~The board member must also be excused from deliberating or voting on the matter.~~ The minutes of the meeting should reflect the ~~disqualification and reasons for it~~ nature of the conflict and the board member's recusal.

The board member may vote on matters where he/she has no greater interest than does any other member of the board. For example, a board member may vote on a budget that includes salaries of all **employees staff members**, even if the board member has a family member employed by the district. However, the board member may not vote on the contract of the family member.

The **S.C. Ethics, Government Accountability, and Campaign Reform Act ("Ethics Act")** provides that a public official may not have an economic interest in a contract with the district if the official is authorized to perform an official function relating to the contract. The law defines official function to include accepting bids and awarding contracts.

**A board member may provide services or sell products to the district in which he/she serves, provided any such all transactions are in compliance accordance with the State Ethics Act and the board member recuses him/herself is excluded from deliberating or voting on the matter.**

A board member may not participate in an action relating to the discipline of his/her family member. ~~A board member may not receive pay as a teacher of a public school that is located in the same school district where such person is a trustee.~~

~~A board member will not be employed by the district. This does not apply to a board member's service as a trustee.~~

Nepotism

~~South Carolina law Section 59-25-10 provides that no board member's immediate family member of a board member will be newly employed as a teacher or as an administrator without the written consent approval of the board.~~



## PAGE 2 - BCB - BOARD MEMBER CONFLICT OF INTEREST

~~No employee who is an immediate family member (spouse, parent, child, sibling) of a board member/superintendent is eligible for position promotion during the tenure of such board member/superintendent.~~

When a board member's **immediate** family member is being recommended for any position in the district, the board member will disclose this to the other board members and recuse him/herself from the vote to hire that employee.

~~An individual who is a candidate for employment in the district will, upon offer of employment, disclose that he/she has an immediate family member who is an employee of the district.~~

~~The district will not place an employee in a position wherein an employee will exercise direct administrative or supervisory authority over a member of his/her immediate family. Supervisory authority includes principal and assistant principal in a school.~~ Neither a board member nor an employee may participate in an action relating to the discipline of his/her **immediate** family member. This rule applies to all levels and categories of certified, administrative and support staff employees in the school district.

~~This prohibition of employment and/or promotion does not apply to individuals employed and/or promoted prior to the passage of this policy.~~

This does not apply to teachers or administrators employed before his/her family member became a member of the board.

"Family Member" for purposes of this policy means an individual who is a spouse, parent, brother, sister, child, mother-in-law, father-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, grandparent or grandchild.

### Employment and Volunteering Prohibited

A board member may not receive pay as a teacher of a public school, or otherwise be employed, in the same district where he/she serves. This includes employment handled through third party entities such as temporary agencies that place substitute teachers. A board member is not permitted to serve in a ~~volunteer~~ position in the district ~~whereas~~ he/she would have responsibility for a curricular, co-curricular, extracurricular program or activity, or students and would report directly to the superintendent, principal, athletic director, or other school administrator.

### Other Conflicts of Interest

In carrying out his/her duties, a board member will not do the following:

- perform an official act which directly and substantially confers an economic benefit on a business or other undertaking in which he/she has a substantial financial interest or in which he/she is engaged as a counsel, consultant, representative, or agent
- accept a gift of substantial value, or substantial economic benefit tantamount to a gift of substantial value, as a payment or reward for official action taken or advice and assistance given
- disclose or use confidential information acquired in the course of official duties for personal financial gain, which includes, but is not limited to, economic gain for family members, associates, or business interests
- employ or promote a family member to a position which the board member supervises or manages (i.e. superintendent)

## PAGE 3 - BCB - BOARD MEMBER CONFLICT OF INTEREST

- participate in an action relating to the discipline of a family member
- accept anything of value for speaking before a public or private group as a board member
- neglect to annually submit a statement of economic interest to the South Carolina Ethics Commission
- special treatment should not be considered for family members of a board member in any school or personnel matter

It will not be considered a breach of ethics for a board member to receive the following:

- an occasional non-pecuniary gift which is insignificant in value
- a non-pecuniary award publicly presented in recognition of public service
- payment or reimbursement for actual and necessary expenditures for travel and subsistence for attendance at a speaking engagement, convention, or other meeting at which he/she is scheduled to participate
- a benefit as an indirect consequence of transacting district business

Each board member will be knowledgeable of and comply with these and all other applicable provisions of the S.C. Ethics, Government Accountability, and Campaign Reform Act.

Adopted 8/1/73; Revised 11/16/81, 4/6/92, 1/9/06, 12/14/09, ^

---

### Legal References:

#### A. S.C. Constitution:

1. Article XVII, Section 1A - Dual office holding prohibited.

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

1. Section 8-13-100, *et seq.* - **Ethics, Government Accountability, and Campaign Reform Act.**
2. Section 59-19-300 - Prohibits receiving pay as teacher in same district where serving on board.
3. Section 59-25-10 - Prohibits board from employing members of immediate family as a teacher, with exceptions.
4. Section 59-31-590 - Prohibits service as agent of school book publisher.
5. Section 59-69-260 - Authorizes board members to provide services or sell products to the district so long as these transactions are in accordance with state ethical provision of law.

#### C. Attorney General's Opinion:

1. **Op. S.C. Att'y Gen., 2016 WL 386066 (January 5, 2016) A master-servant conflict would arise if a board member were to serve as the head or assistant coach, even on a volunteer basis, and as a trustee of the board in the same district.**