



May 11, 2017

Liesha Huffstetler
861 Amicks Ferry Road
Chapin, South Carolina 29036

Dear Ms. Huffstetler:

I am writing in response to the FOIA request you submitted to School District Five of Lexington and Richland Counties via electronic mail on May 2, 2017. Your request asks that the District provide you access to all documents related to “meetings, minutes, sign in sheets, and notes and attendance records and emails notifying of the meetings and the addresses that the notices was sent to, for all those attending the District 5 Realtor Advisory committee meetings.”

In considering your request, it is first necessary to determine whether the District 5 Realtor Advisory Committee is a “public body” as defined under the SC Freedom of Information Act. S. C. Code § 30-4-20(a) defines a public body, in pertinent part, as “any public or governmental body or political subdivision of the State, including counties, municipalities, townships, school districts, and special purpose districts, or any organization, corporation, or agency supported in whole or in part by public funds or expending public funds, including committees, subcommittees, advisory committees, and the like of any such body by whatever name known....” Because the Realtor Advisory Committee is not a governmental body or a political subdivision of the State, the question that must be answered is whether the Committee is an “advisory committee” to the School District Five Board of Trustees.

I have determined that, prior to Dr. Hefner becoming District Superintendent in January 2011, the District had formed an advisory group comprised of realtors. During the 2012-13 school year, Dr. Hefner began scheduling twice yearly “Superintendent’s Realtor Advisory Committee” meetings for the purpose of sharing information about the District and receiving questions from those in attendance. During these meetings, which are open to realtors working in Richland and Lexington Counties, the Administration has shared information on topics such as the District’s rankings, test scores, magnet/choice options (such as Irmo High School Center for

the Arts and Dutch Fork Elementary School Environmental Science Academy), new schools (such as the Center for Advanced Technical Studies and Spring Hill High School), and changes brought on by the creation of Chapin Intermediate School to serve 5th and 6th grade students in the Chapin geographical area .

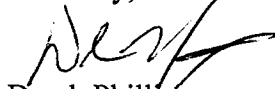
Significantly, members of the Superintendent's Realtor Advisory Committee do not make recommendations regarding the expenditure of public funds to either the Administration or to the Board. The Committee's meetings are for the purpose of information sharing, rather than for the purpose of providing advice to the Board regarding where new programs should be added, where or if new schools should be built and related matters.

Based on the Committee's purpose and function, the District does not believe that the Superintendent's Realtor Advisory Committee is a public body pursuant to FOIA. Accordingly, the District is not obligated to provide the information that you have requested.

Because the District believes in transparency, however, you previously were provided information regarding the Committee's meetings, including the sign-in list of attendees for the March 10, 2017 meeting. Because the Superintendent's Realtor Advisory Committee is not a public body, and is thus not subject to the disclosure of documents regarding its operations and membership, the District is declining to provide you with the remaining information you have requested, specifically the addresses of any realtors to whom the District has sent emails. I also would note, that because the Superintendent's Realtor Advisory Committee is not a public body subject to FOIA, there are no minutes taken at those meetings.

Thank you for your interest in School District Five.

Sincerely,



Derek Phillips
Public Information Specialist

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