



Agenda

Board of Trustees

Regular Meeting

Location: District Office Board Room

Video Livestream: <https://www.youtube.com/watch?v=cjmxS5MzPZo>

August 22, 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. Receipt of legal advice Latent Roof Defects at Chapin High School
 - d. Legal update on contractual matter regarding the Irmo High School east wing addition
 - e. Contractual matter regarding Professional Development Services (Exhibit C)
4. Call to order and convene regular meeting at 7:00 p.m.
5. Welcoming remarks – Jan Hammond, Board Chair
6. Invocation – Ken Loveless, Board of Trustees
7. Pledge of Allegiance – Ken Loveless, Board of Trustees
8. School Board Spotlight
9. Superintendent's Report
 - a. Superintendent's Entry Plan Update – 08/22/22
 - Data Literacy
 - Grading Practices
 - College & Career Readiness
 - Facility Maintenance Planning
10. Approval of the minutes of the August 8, 2022 board meeting
11. Public Participation*

www.lexrich5.org

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

"We Love and Grow Our Students!"

ACTION AGENDA

12. Action as Necessary or Appropriate on Matters Discussed in Executive Session
13. Approval to Reinstate Board Policy JFABB "Admission of Foreign Exchange Students" (Exhibit D)

DISCUSSION AGENDA

14. Discussion and First Reading of Proposed Revisions to Board Policy GCC "Professional Staff Leaves and Absences" (Exhibit E)
15. Discussion and First Reading of Proposed Revisions to Board Policy GDC "Support Staff Contracts and Compensation" (Exhibit F)
16. Discussion and First Reading of Proposed Revisions to Board Policy GCB "Professional Staff Contracts and Compensation" (Exhibit G)
17. Discussion and First Reading of Proposed Revisions to Board Policy GBGBA "Weapons" (Exhibit H)
18. Adjourn

INFORMATION AGENDA

19. Reinstate Administrative Rule JFABB-R "Admission of Foreign Exchange Students" (Exhibit I)
20. The next regular scheduled board meeting will be September 12, 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 and must remain on either the topic noted on your sign-in form or a listed agenda item. Questions asked during public participation will be handled in accordance with board policy BEDH.



Minutes/August 8, 2022

The Board of Trustees of School District Five of Lexington and Richland Counties met at the School District Five District Office with the following members present:

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

The following staff were in attendance:

Mr. Michael Harris, Chief Student Services and Planning Officer
Mrs. Anna Miller, Chief of Academics and Administration
Ms. Maddison Paul, Chief Financial Officer
Mrs. Amanda Taylor, Director of Communications
Dr. Tamara Turner, Chief Human Resources Officer
Mr. Dave Weissman, Executive Director of Operations

A livestream video link was provided to the public as a viewing option for the August 8, 2022, board meeting.

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

Cathy Huddle, Board of Trustees, gave the Invocation and Pledge of Allegiance.

During the Superintendent's Report, Mrs. Connie Frick, Director of Finance, presented the Monthly Financials Reports (Exhibit E) and an ESSER Update (Exhibit F); Dr. Ross presented updates on Back to School, Good News Ambassadors (Exhibit G), and Potential Bond Referendum to Finance Facilities Improvement and Replacement.

During the public participation, Candice Lively, Chuck Bland, J.P. Hornick, and Jonathan Hornick spoke about Chapin Baseball; and Mary Higginbotham spoke about security at schools.

The Board presented for discussion:

- CMTA update regarding Dutch Fork Elementary and Irmo High School
- Report from the Procurement Committee's August 1, 2022 meeting
- Report from the Facilities Committee's August 3, 2022 meeting.

Agreement with Addiction Treatment Technologies, LLC DBA Care Solace was presented as information (Exhibit I).

Record of Voting

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

Meeting of August 8, 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
1. M. Loveless S. Hogan Approve the agenda.	X	X	X	X	X	X	X
2. M. Loveless S. Hogan 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.) Contractual Matter regarding Legal Services (Exhibit C); d.) Legal advice regarding C.A. No. 2021-CP-40-03694; e.) Legal advice regarding C.A. No. 2021-CP-32-03699; f.) Legal advice on actions to be taken pursuant to the findings of the detailed procurement audit; g.) Legal advice regarding the Town of Chapin Memorandum of Understanding (Exhibit D); h.) Evaluation of Superintendent for 2021-2022	X	X	X	X	X	X	X
3. M. Huddle S. Blackburn Hines I move that we approve the minutes of the July 11, 2022 board meeting.	X	X	X	X	X	X	X
4. M. Loveless S. Moore I move that we approve the selected employment items as shown in Exhibit A for action.	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 August 8, 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
5. M. Loveless S. Huddle I make the motion that under item 8(d) of the Superintendent's Report from tonight's meeting that CC#924 1.0 FTE allocated to the FIVE Program be repurposed to fund the Good New Ambassador Supplements at each of our schools. The Administration has already announced reduction in the overall FIVE Program. Student Nutrition and Transportation will also be represented by a Good News Ambassador, and one District Office employee will receive this supplement for training and monitoring the school ambassadors. The FTE was budgeted for \$69,307; therefore, it will be sufficient to cover each \$1,500.00 supplement.	X	X	X	X	X	X	N
6. M. Hogan S. Blackburn Hines I would like to make a motion that the Board directs their attorney to dismiss C.A. No. 2021-CP-32-03699.	X	N	N	X	N	N	X
7. M. Huddle S. Loveless I move that we schedule a special-called meeting on September 19, 2022 at 7:00 p.m. to discuss legal actions to be taken pursuant to the findings of the detailed procurement audit.	X	X	X	X	X	X	X
8. M. Loveless S. Huddle Madame Chair, after considering the Board members' comments regarding Dr. Ross' performance, I move that we conclude as a Board that Dr. Ross receive an overall exceptional evaluation for the 2021-22 school year.	X	X	X	X	X	X	X

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

Meeting of August 8, 2022

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

STATEMENT

At our Board meetings on July 11, and this evening, the Board met to evaluate Dr. Ross' performance during the past school year, and we met with Dr. Ross to discuss his evaluation. The Board evaluated Dr. Ross' performance in five primary areas, including Governance and Board Relations; Community Relations; Staff Relations; Business and Finance; and Instructional Leadership.

We wish to commend Dr. Ross on his overall exceptional evaluation for the 2021-22 school year. We appreciate the leadership he has provided to the District during this past year. One of the first things that impressed us about Dr. Ross is that he is accessible. He has handled all matters with grace. He came in at an exceedingly difficult time, humbly accepted the tasks ahead of him and went to work. Dr. Ross' leadership is inspiring. He has brought many innovative ideas to the District, which have proven valuable.

As a result of Dr. Ross' exceptional evaluation, we voted to extend his contract one year, through June 30, 2026.

We greatly appreciate Dr. Ross' exceptional leadership and commitment to our District and the leadership he will continue to provide to our District.

Attachment #1 is included with
the minutes of the 8-8-2022
meeting, at the request of Board member
Jan Hammond
pursuant to South Carolina Code
Ann. Section 30-4-90(a)(4)
and Board Policy BEDG. The Board majority
did not approve, disapprove, or otherwise
act upon the contents of this attachment.

August 8, 2022

Each year the Board is tasked with evaluating the superintendent's job performance. We have chosen to evaluate based on factors intended to measure efficiency and effectiveness. Our Board believes that to do our job properly that feedback must be given in an open and honest forum in an environment of learning and growth. In executive session, the Board was able to objectively rate Dr. Ross' performance on 20 goals. Rating was made each on four categories for each goal allowing a total of 80 possible points. Each board member was allowed to cite reasons in private for each goal rating. There was also opportunity for board members to discuss ratings with the superintendent present and opportunity to make statements in public session.

Dr. Ross received an exceptional composite score of 89 which is 71.2 out a possible 80 points.

One of the first things one is immediately impressed with Dr. Ross is that he is accessible. You can talk with him. He has handled all matters whether it is the pandemic, school safety, student, and parental unease with grace.

The highlights of the board evaluation conversations were that Dr. Ross came in at an exceedingly difficult time, humbly accepted the tasks ahead of him and went to work. The training he received was on the job training with no warmup session. His innovative methods were impressive. In citing those think as examples of the much-improved COVID Dashboard, the First Jobs Initiative, the Nest, and the \$50 Friday's Incentive plan. He has had to build his management team as the situation arose. While doing these tasks he has answered the bell with teacher staffing in this crisis and has done a superlative job in retaining and hiring for the upcoming school year.

The Board has grown with Dr. Ross. It continued its newly minted public committee meetings which has helped him understand the depth of leadership, understanding and discussion the board expects. He embraced the committee meetings taking the opportunity to let us learn his philosophy and style of leadership.

We also look forward to growth in areas of delegation, holding those in positions of trust to be accountable and enforcing superintendent's decisions with more firmness.

All in all, we look forward to another year of growth through experience.



Attachment #2 is included with the minutes of the 8-8-2022 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.



MEMORANDUM

To: Members of the Board of Trustees

Through: Dr. Akil E. Ross Sr.
Superintendent

From: Dr. Michael R. Harris 

Date: August 18, 2022

Re: August 22, 2022 Board Meeting,
Discussion Item
Reinstate Board Policy JFABB "Admission of Foreign Exchange Students"

Item: Request to Reinstate the Suspended Policy.

Background: The Admission of Foreign Exchange Students Policy and its accompanying Administrative Rule (JFBB and AR JFABB-R) establishes a basic structure for a one-year admission of foreign exchange students. To date, School District Five has recognized the cultural benefits of having foreign exchange student programs and has accepted up to five exchange students at Chapin High School; Dutch Fork High School and Irmo High School.

Recommendation: The administration recommends reinstatement of the Foreign Exchange Policy (JFBB), effective for the 2022-2023 school year.

Attachments: JFABB "Admission of Foreign Exchange Students"

Policy JFABB Admission of Foreign Exchange Students

Issued 10/09

Purpose: To establish the basic structure for the admission of foreign exchange students.

Recognizing the cultural benefits of having foreign exchange student programs, the board authorizes the district to accept foreign exchange students into its schools.

The admission and tuition responsibilities of foreign exchange students will be in accordance with the procedures established in JFABB-R.

Adopted 9/11/00; Revised 10/26/09

School District Five of Lexington and Richland Counties



Memorandum

To: Members of the Board of Trustees

From: Dr. Tamara Turner
Chief Human Resources Officer

Date: August 17, 2022

Re: August 22, 2022 Board Meeting
Discussion Item
Discussion and First Reading of Proposed Revisions to Board Policy GCC "Professional Staff Leaves and Absences"

Item: Discussion and First Reading of Proposed Revisions to Board Policy GCC "Professional Staff Leaves and Absences"

Background: The Teacher and Employee Retention Incentive Program (TERI) was designed for employees who retired from the South Carolina Retirement Systems but wanted to continue employment with the agency and retain the same position they held prior to entering the program. TERI was repealed in 2012, and that repeal took effect on July 1, 2018. Therefore, all sections of board policies that reference the TERI program may be removed.

Recommendation: The administration recommends that the board approve the first reading of the proposed revisions to board policy GCC "Professional Staff Leave and Absences," which removes the sections that reference the TERI program.

A copy of the proposed revision is attached for your review. I will be present to answer any questions you may have regarding the recommendation.

Attachments - Proposed Revisions to Board Policy GCC "Professional Staff Leaves and Absences"

Policy GCC Professional Staff Leaves and Absences

Issued 5/07

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

Introduction

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

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

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

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

Sick leave

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

Sick leave verification

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

Reduction of accumulated leave days

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

Part-time certified employees

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

Payment for unused leave days

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

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

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

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

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

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

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

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

Those employees who separate from employment with the district for reasons other than retirement, and who have worked for the district for four consecutive years prior to separation, will be paid for their
GCC

pre-amendment accumulated leave days in accordance with the provisions of former policy GBRI (6/24/91) and for their post-amendment leave days in accordance with the provisions of former policy GBRI (8/12/96).

Transfer of accumulated leave

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

Adjustments in pay

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

Sick leave bank

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

Emergency leave

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

Termination for misuse of leave/excessive absenteeism

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

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

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

Family and Medical Leave Act (FMLA)

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

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

Jury duty/lawfully-issued job related subpoenas

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

Military leave

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

Vacation

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

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

District approved professional leave

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

Sabbaticals/Academic leave

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

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

Legal references:

United States Code:

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

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

S.C. Code, 1976, as amended:

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

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

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

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

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

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

[Section 14-7-845](#) - Relating to optional postponement of jury service for students and employees.

[Section 25-1-2250](#) - Employees entitled to leave with pay when serving in National Guard.

[Section 59-1-400](#) - Sick leave for public school district employees.

School District Five of Lexington and Richland Counties

Policy GCC Professional Staff Leaves and Absences

Issued 5/07

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

Introduction

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

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

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

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

Sick leave

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

Sick leave verification

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

Reduction of accumulated leave days

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

Part-time certified employees

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

Payment for unused leave days

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

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

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

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

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

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

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

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

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

Transfer of accumulated leave

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

Adjustments in pay

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

Sick leave bank

The district establishes a sick leave bank that will operate in accordance with the guidelines set forth in administrative rule [GCC-R](#).

Emergency leave

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

Termination for misuse of leave/excessive absenteeism

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

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

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

Family and Medical Leave Act (FMLA)

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

In order to be eligible for FMLA leave, an employee must have been employed by the district for a minimum of 12 months and have worked for at least 1,250 hours during the 12-month period immediately preceding the

period that the FMLA leave will commence. During the 12-week FMLA leave, the district will continue to pay the district's share of the employee's health benefits. In addition, the district will restore the employee to the same or a similar position upon the termination of FMLA leave, unless the employee is considered a key employee under the FMLA. For further information on FMLA leave, see administrative rule GCC-R.

Jury duty/lawfully-issued job related subpoenas

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

Military leave

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

Vacation

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

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

District approved professional leave

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

Sabbaticals/Academic leave

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

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

Legal references:

United States Code:

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

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

S.C. Code, 1976, as amended:

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

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

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

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

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

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

[Section 14-7-845](#) - Relating to optional postponement of jury service for students and employees.

[Section 25-1-2250](#) - Employees entitled to leave with pay when serving in National Guard.

[Section 59-1-400](#) - Sick leave for public school district employees.

School District Five of Lexington and Richland Counties



Memorandum

To: Members of the Board of Trustees

From: Dr. Tamara Turner
Chief Human Resources Officer

Date: August 17, 2022

Re: August 22, 2022 Board Meeting
Discussion Item
Discussion and First Reading of Proposed Revisions to Board Policy GDC "Support Staff Leaves and Absences"

Item: Discussion and First Reading of Proposed Revisions to Board Policy GDC "Support Staff Leaves and Absences"

Background: The Teacher and Employee Retention Incentive Program (TERI) was designed for employees who retired from the South Carolina Retirement Systems but wanted to continue employment with the agency and retain the same position they held prior to entering the program. TERI was repealed in 2012, and that repeal took effect on July 1, 2018. Therefore, all sections of board policies that reference the TERI program may be removed.

Recommendation: The administration recommends that the board approve the first reading of the proposed revisions to board policy GDC "Support Staff Leave and Absences," which removes the sections that reference the TERI program.

A copy of the proposed revision is attached for your review. I will be present to answer any questions you may have regarding the recommendation.

Attachments - Proposed Revisions to Board Policy GDC "Support Staff Leaves and Absences"

Policy GDC Support Staff Leaves and Absences

Issued 5/07

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

Introduction

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

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

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

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

Sick leave

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

Sick leave verification

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

Reduction of accumulated leave days

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

Payment for unused leave days

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

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

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

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

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

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

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

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

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

Transfer of accumulated leave

Any employee who separates from employment with the district for any reason other than official
GDC

retirement in accordance with the procedures established by the state retirement system can transfer all current earned leave days and all accumulated leave days to another school district or to the department of education or any state agency that accepts these days.

Adjustments in pay

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

Emergency leave

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

Sick leave bank

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

Termination for misuse of leave/excessive absenteeism

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

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

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

Family and Medical Leave Act (FMLA)

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

In order to be eligible for FMLA leave, an employee must have been employed by the district for a



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

Jury duty/lawfully-issued job related subpoenas

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

Military leave

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

Vacation

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

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

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

Legal references:

United States Code:

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

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

S.C. Code, 1976, as amended:

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

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

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

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

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

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

[Section 14-7-845](#) - Relating to optional postponement of jury service for students and employees.

[Section 25-1-2250](#) - Employees entitled to leave with pay when serving in National Guard.

[Section 59-1-400](#) - Sick leave for public school district employees.

School District Five of Lexington and Richland Counties

Policy GDC Support Staff Leaves and Absences

Issued 5/07

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

Introduction

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

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

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

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

Sick leave

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

Sick leave verification

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

Reduction of accumulated leave days

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

Payment for unused leave days

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

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

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

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

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

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

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

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

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

Transfer of accumulated leave

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

Adjustments in pay

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

Emergency leave

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

Sick leave bank

The district establishes a sick leave bank that will operate in accordance with the guidelines set forth in administrative rule [GDC-R](#).

Termination for misuse of leave/excessive absenteeism

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

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

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

Family and Medical Leave Act (FMLA)

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

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

Jury duty/lawfully-issued job related subpoenas

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

Military leave

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

Vacation

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

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

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

Legal references:

United States Code:

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

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

S.C. Code, 1976, as amended:

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

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

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

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

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

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

[Section 14-7-845](#) - Relating to optional postponement of jury service for students and employees.

[Section 25-1-2250](#) - Employees entitled to leave with pay when serving in National Guard.

[Section 59-1-400](#) - Sick leave for public school district employees.

School District Five of Lexington and Richland Counties

10



Memorandum

To: Members of the Board of Trustees

From: Dr. Tamara Turner
Chief Human Resources Officer

Date: August 17, 2022

Re: August 22, 2022 Board Meeting
Discussion Item
Discussion and First Reading of Proposed Revisions to Board Policy GCB "Professional Staff Contracts and Compensation"

Item: Discussion and First Reading of Proposed Revisions to Board Policy GCB "Professional Staff Contracts and Compensation"

Background: The Teacher and Employee Retention Incentive Program (TERI) was designed for employees who retired from the South Carolina Retirement Systems but wanted to continue employment with the agency and retain the same position they held prior to entering the program. TERI was repealed in 2012, and that repeal took effect on July 1, 2018. Therefore, all sections of board policies that reference the TERI program may be removed.

Recommendation: The administration recommends that the board approve the first reading of the proposed revisions to board policy GCB "Professional Staff Contracts and Compensation," which removes the section that references the TERI program.

A copy of the proposed revision is attached for your review. I will be present to answer any questions you may have regarding the recommendation.

Attachments - Proposed Revisions to Board Policy GCB "Professional Staff Contracts and Compensation"

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 on 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:

GCB

[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.

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



Memorandum

To: Members of the Board of Trustees

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

Date: August 18, 2022

Re: August 22, 2022 Board Meeting
Discussion Item
Discussion and First Reading of Revisions to Board Policy GBGBA "Weapons"

Item: Revisions to Board Policy GBGBA "Weapons."

Background: In a further effort to prioritize safety in the District, consistent with State law (S.C. Code Section 16-23-420), I am requesting that the Board authorize me in policy to grant express permission to the District's safety officers to possess a firearm on District property. This request is limited to the safety officers employed by the District who are current or former certified class one law enforcement officers and have a concealed weapons permit or equivalent law enforcement credential. The proposed revisions to the policy authorize this action, as well as update the policy to be consistent with State laws regarding weapons on District property.

Recommendation The administration recommends that the Board of Trustees approve the recommended revisions to Board Policy GBGBA "Weapons" and move to Second and Final Reading.

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

AERsr:aw

Attachments - Current Policy & Revisions to Board Policy GBGBA "Weapons"

Policy GBGBA Weapons

Issued 4/09

Purpose: To establish the basic structure for the board's prohibition of employee possession of weapons.

The board believes that the possession, handling, storage or use of a dangerous weapon by employees is detrimental to the safety and welfare of other staff members, students and the general public.

Possession, handling, storage or use of any weapon on school or district office grounds or in school buildings and in all vehicles parked on school or district office grounds is prohibited at all times, except in those cases where the employee is a deputized law enforcement officer who has been issued a weapon and who has been granted permission by the district superintendent or his/her designee to bring the weapon onto school/district grounds.

Any other district employee who has a current concealed weapons permit and who wishes to carry a weapon onto district property must have prior permission from the district superintendent. In considering whether to grant an employee's request to carry a concealed weapon onto district property, the superintendent will consider whether the employee has presented special circumstances indicating a need to bring the weapon onto district property. The superintendent also will have the authority to place parameters on where the employee may secure the weapon, e.g. in a locked vehicle.

The term "weapon" includes, but is not limited to, all guns, knives having blades longer than two inches, knives of which the blades are opened by the flick of a button or pressure on the handle and other devices having sharp points or edges and explosive or incendiary devices of any kind. The term "dangerous weapon" does not include any tools or equipment properly used in the legitimate course of school business.

The possession or use of a dangerous weapon will result in disciplinary action ranging from reprimand to discharge depending on the nature of the violation. Further, the district may notify the appropriate law enforcement authorities in accordance with South Carolina law.

Adopted 4/26/92; Revised 2/1/93, 5/22/95, 9/22/97, 9/23/02, 4/27/09

Legal references:

United States Code:

[20 U.S.C. 7151](#) - Gun-Free Schools.

U.S. Supreme Court Cases:

[New Jersey v. T.L.O.](#), 469 U.S. 325 (1985.)

S.C. Code, 1976, as amended:

[Section 59-19](#)-90(3), (5) - General powers and duties of trustees.

[Section 59-63](#)-370 - Definition of a weapon.

[Section 16-23](#)-430 -Carrying weapons on school property

School District Five of Lexington and Richland Counties

DISCUSSION AND FIRST READING OF PROPOSED REVISIONS – AUGUST 22, 2022

Policy

WEAPONS

Code GBGBA Issued _____

Purpose: To establish the basic structure for the board's prohibition of employee possession of weapons.

The board believes that the possession, handling, storage or use of a **dangerous** weapon by employees is detrimental to the safety and welfare of other staff members, students and the general public.

Possession, handling, storage or use of any weapon on school or District Office grounds or in school buildings and in all vehicles parked on school or District Office grounds is prohibited at all times, except as set forth in State law or this policy. This policy does not apply to a guard, a law enforcement officer or a member of the armed forces.

Consistent with S.C. Code Section 16-23-420, the Board authorizes the Superintendent to grant express permission to safety officers employed by the District, (who are current or former certified class one law enforcement officers and have a concealed weapons permit or equivalent law enforcement credential, as set forth in State or federal law), to possess a firearm on District property. Such individuals are prohibited from displaying, brandishing or threatening others with a firearm. ~~where the employee is a deputized law enforcement officer who has been issued a weapon and who has been granted permission by the district superintendent or his/her designee to bring the weapon onto school/district grounds.~~

Consistent with Section 16-23-420, this policy does not apply to a District employee who is authorized to carry a concealed weapon pursuant to State law when the weapon remains inside an attended or locked motor vehicle and is secured in a closed glove compartment, closed console, closed trunk, or in a closed container secured by an integral fastener and transported in the luggage compartment of the vehicle.

~~Any other District employee who has a current concealed weapons permit and who wishes to carry a weapon onto District property must have prior permission from the District's Superintendent. In considering whether to grant an employee's request to carry a concealed weapon onto District property, the Superintendent will consider whether the employee has presented special circumstances indicating a need to bring the weapon onto District property. The superintendent also will have the authority to place parameters on where the employee may secure the weapon, e.g. in a locked vehicle.~~

The term "weapon" includes, but is not limited to, all **firearms guns**, knives having blades longer than two inches, knives of which the blades are opened by the flick of a button or pressure on the handle, blackjack, metal pipe or pole, and other devices having sharp points or edges, and explosive or incendiary devices of any kind, or any other type of weapon, device or object which may be used to inflict bodily injury or death. The term "**dangerous** weapon" does not include any tools or equipment properly used in the legitimate course of school business.

The possession or use of a **dangerous** weapon in violation of this policy will result in disciplinary action

PAGE 2 – GBGBA – WEAPONS

ranging from reprimand to discharge depending on the nature of the violation. Further, the District ~~may~~ will notify the appropriate law enforcement authorities, to the extent required by ~~in accordance with~~ South Carolina law.

Adopted 4/26/92; Revised 2/1/93, 5/22/95, 9/22/97, 9/23/02, 4/27/09, __/__/22

Legal references:

- A. United States Code:
 - 1. 20 U.S.C. 7151 – Gun-Free Schools.
- B. U.S. Supreme Court Cases:
 - 1. *New Jersey v. T.L.O.*, 469 U.S. 325 (1985.)
- C. S.C. Code, 1976, as amended:
 - 1. Section 59-19-90(3), (5) - General powers and duties of trustees.
 - 2. Section 59-63-370 - Definition of a weapon.
 - 3. Section 16-23-420 – Possession of firearm on school property
 - 4. Section 16-23-430 -Carrying weapons on school property



MEMORANDUM

To: Members of the Board of Trustees

Through: Dr. Akil E. Ross Sr.
Superintendent

From: Dr. Michael R. Harris 

Date: August 18, 2022

Re: August 22, 2022 Board Meeting,
Information
AR JFABB-R "Admission of Foreign Exchange Students"

Item: Reinstate the Suspended Administrative Rule AR JFABB-R "Admission of Foreign Exchange Students".

Background: The Admission of Foreign Exchange Students Policy and its accompanying Administrative Rule (JFBB and AR JFABB-R) establishes a basic structure for a one-year admission of foreign exchange students. To date, School District Five has recognized the cultural benefits of having foreign exchange student programs and has accepted up to five exchange students at Chapin High School; Dutch Fork High School and Irmo High School.

Attachments: AR JFABB-R "Admission of Foreign Exchange Students"

AR JFABB-R Admission of Foreign Exchange Students

Issued 10/09

Procedures for admission of foreign and exchange students

Foreign exchange students

Only students from United States Information Agency approved student exchange programs may be accepted.

All United States Information Agency regulations must be met prior to approval for enrollment and all policies must be followed after acceptance.

Only high school foreign exchange students may be accepted.

The student must meet the following criteria.

- Be a secondary school student in his/her home country who has not completed more than 11 years of primary and secondary school, exclusive of kindergarten, or be at least 15 years of age but not more than 18 and six months years of age at the time of initial school enrollment.
- Be a person who demonstrates maturity, good character and scholastic aptitude.
- Be a student who has not previously participated in an academic year or semester secondary school student exchange program in the United States.

Contingent upon the availability of space and a school's decision to participate in the foreign exchange program, the number of foreign exchange students will be limited to five students at Irmo High School, five students at Dutch Fork High School and five students at Chapin High School.

The student must be able to speak, write and understand English proficiently.

No foreign exchange student may be enrolled in the English speakers of other languages program.

The student will be awarded course credits, as earned.

No diploma will be issued to a foreign exchange student.

Foreign exchange students will not be classified as seniors nor may they participate in any graduation exercises.

Foreign exchange students must provide a transcript translated into English upon enrollment.

Students who are accepted through exchange programs will be expected to meet all academic, attendance and student discipline requirements as required of students enrolled in the district's high schools, including the requirement that the student cannot be enrolled if he/she has completed high school.

The principal of the school may withdraw attendance approval for a student who commits any severe discipline infraction.

Foreign exchange students may not enroll in a driver's education course.

Foreign exchange students will be allowed to participate in all extracurricular activities including athletics as they are eligible.

Foreign students

The September 1996 Illegal Immigration Reform and Immigration Responsibility Act (IIRIRA), Section 625, contains regulations regarding F-1 visa students.

- F-1 visa students may not attend public elementary schools.
- F-1 visa students may only attend secondary schools and their attendance cannot exceed one year.

Students who have visitor visa status may not enroll in the district schools.

Issued 9/11/00; Revised 4/25/05, 10/26/09

School District Five of Lexington and Richland Counties