Minutes/December 11, 2023

The Board of Trustees of School District Five of Lexington and Richland Counties met at the Center for Advanced Technical Studies with the following members present:

Mrs. Elizabeth Barnhardt
Mrs. Rebecca Blackburn Hines, Chair
Mr. Matt Hogan, Vice Chair
Mrs. Catherine Huddle
Mike Satterfield
Kevin Scully
Kimberly Snipes, Secretary
Dr. Akil E. Ross, Sr., Superintendent

The following staff were in attendance:

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

A livestream video link was provided to the public as a viewing option for the December 11, 2023, board meeting.

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

Mike Satterfield, Board of Trustees, gave the Invocation and Pledge of Allegiance.

The Board conducted the School Board Spotlight.

During the Superintendent's report, Dr. Ross, provided an update on the District FOCUS Strategic Plan for the years 2022-2023 to 2026-2027. The Chief Financial Officer, Mrs. Maddison Wilkerson, presented a monthly financial update for September (Exhibit D). Additionally, Mr. Julius Scott, Community Support Services Coordinator, presented an update on Community Support Services.

During public participation Logan Ray spoke about policy/approval on trans student names; Janet Howell spoke about appropriate books; Lisa Kejr spoke about appropriate school materials; and Tricia Kling spoke about appropriate school materials.

The Board presented for discussion:

- Lexington County Ordinance Plan No. 23-15 (Exhibit J)
- FY 2023 Annual Comprehensive Financial Report (Exhibit K)
- Five-Year Master Facilities Plan Financing Update

Record of Voting

SCHOOL DISTRICT FIVE
OF
LEXINGTON AND RICHLAND COUNTIES

Meeting of December 11, 2023

		BARNHARDT	BLACKBURN HINES	HOGAN	HUDDLE	SATTERFIELD	SCULLY	SNIPES
1.	M. Hogan S. Snipes Approve the agenda. M. Huddle S. Barnhardt I move that we amend the agenda, item #22, to change the wording to say: An Intent to Award was issued to Edcon, Inc. for Irmo High School East Wing after a competitive bid on November 30, 2023. Three bids were received, and Edcon, Inc. was the lowest qualified bidder. (Exhibit L) VOTE ON ORIGINAL MOTION	X X	X X	X X	X X	X X	N X	X X
2.	M. Hogan S. Snipes I make the motion to enter executive session to consider the following: a.) Selected employment items (Exhibit A) (Action); b.) Selected employment items (Exhibit B) (Information Only); c.) Receipt of legal advice regarding Board Policy GBEB (Exhibit C).	X	X	X	X	X	X	X
3.	M. Hogan S. Snipes I move that we approve the minutes of the November 13, 2023, board meeting.	X	X	X	X	X	X	X
4.	M. Hogan S. Snipes I move that the Board 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 December 11, 2023

		BARNHARDT	BLACKBURN HINES	HOGAN	HUDDLE	SATTERFIELD	SCULLY	SNIPES
5.	M. Huddle S. Barnhardt I move that we support the complainant and remove *A Court of Mist and Fury* book from all of our libraries as well as all of the other books in the *Court of Thornes and Roses* series. (Exhibit E)							
	M. Scully S. Snipes I move to amend the motion to only make the subject book available only to students 18 & older, and that we only consider the book at issue tonight.	N	N	N	N	AB	X	X
	VOTE ON ORIGINAL MOTION	X	X	X	X	N	X	N
6.	M. Snipes S. Hogan I move that we approve the second and final reading of proposed revisions to Board Policy AE "Accountability/Commitment to Accomplishment." (Exhibit F)	X	X	X	X	X	A	X
7.	M. Snipes S. Hogan I move that we support the administration's recommendation of Option B for the 2024-2025 Year-Round Modified Academic Calendar. (Exhibit G)	X	N	X	X	X	X	X
8.	M. Hogan S. Snipes I move that we approve the first reading approval of proposed revisions to Board Policy IKE "Promotion and Retention of Students. (Exhibit H)	A	X	X	X	X	X	X

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N = No
X = Yes
R = Recuse

SCHOOL DISTRICT FIVE
OF
LEXINGTON AND RICHLAND COUNTIES

Meeting of December 11, 2023

	BARNHARDT	BLACKBURN HINES	HOGAN	HUDDLE	SATTERFIELD	SCULLY	SNIPES
9. M. Hogan S. Snipes I move that we approve the renewal of the District Five Foundation for Education Excellence Inc. Memorandum of Understanding and Agreement.	AB	X	X	A	X	X	X
10. M. Hogan S. Barnhardt Adjourn at 9:50 p.m.	X	X	X	X	X	X	X

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N = No
X = Yes
R = Recuse

Information Related to Item 22 on the 12/11/23 Agenda
Requested to be added to the minutes by Trustee Huddle

The administration has indicated that it has no intention of presenting the construction contract for the IHS East Wing to the board for approval with the words "when the contract is finalized, we will share it with the board", citing the procurement code as the reason they do not need board approval.

Board policy FEC Selection of Professionals in Facilities Construction requires board approval for all contracts for facilities expansion: "The committee will submit its recommendation to the administration, who will begin contract negotiations with the selected professional(s). The administration will submit its recommendation and proposed contract to the board. The board will consider the recommendation and contract and approve as appropriate."

The policy is not specific to the procurement method. It applies to ALL facility expansion contracts.

The portion of the policy requiring board approval is exactly the same as it was in March 2014 when the board approved the same procurement type for Chapin Middle School construction.

Board approval is important for many reasons including:

- It is policy
- Facilities is a major responsibility of the school board
- Contract review helps protect the district from costly future issues

The latter is extremely important and this district has previously experienced major costly construction issues at Chapin High School, Oak Pointe Elementary and other schools where resolution was

Attachment #1 pg. 1 is included with the minutes of the meeting, at the request of Board member [signature] 12-11-23
pursuant to South Carolina Code Ann. Section 30-4-90(a)(4) and Board Policy BEDG. The Board majority did not approve, disapprove or [illegible]

hampered as a result of issues with the original contract. The McMilkan Pazden Smith report just received is indicative of the types of problems even in our newest structures have which can occur without deliberate board review, scrutiny and oversight.

The refusal of the superintendent to obtain board approval is curious at best. Why would he not want the board to review and approve the contract?

If school administrations are going to disregard policy and make such large financial commitments without the approval of the school board it begs the question why even have a school board? Any elected official allowing this to occur is abdicating their fiscal responsibility.

I have asked our board chair to add approval of this contract to our next meeting to include executive session legal advice from the board's attorney, Ward Bradley. I have also asked her for a written opinion from the SCSBA since they represent SC school boards and they likely drafted the applicable policy language in our current policy.

Attachment #1 pg. 2 is included with the minutes of the 12-11-23 meeting, at the request of Board member Cathy Hudkins 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.

Agenda

Board of Trustees
Regular Meeting
Location: Center for Advanced Technical Studies
Video Livestream: https://www.youtube.com/watch?v=uATSGo1kGgg

December 11, 2023

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 regarding Board Policy GBEB (Exhibit C)

4. Call to order and convene regular meeting at 7:00 p.m.

5. Welcoming remarks – Rebecca Blackburn Hines, Board Chair

6. Invocation – Mike Satterfield, Board of Trustees

7. Pledge of Allegiance – Mike Satterfield, Board of Trustees

8. School Board Spotlight

9. Superintendent's Report
   a. District FOCUS: Strategic Plan Update for 2022-2023 to 2026-2027
   b. Monthly Financial Update (September) (Exhibit D)
   c. Community Support Services Update

10. Approval of the minutes of the November 13, 2023, board meeting.

11. Public Participation*

Attachment #1.09.3 is included with the minutes of the 12.11.23 meeting, at the request of Board member Cathy Haddle 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.

ACTION AGENDA

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

13. Appeal of District Review Committee Decision Pursuit to Board Policy KEC "Library/Media Center Materials Selection and Reconsideration Process (Exhibit E)

14. Second and Final Reading Approval of Proposed Revisions to Board Policy AE "Accountability/Commitment to Accomplishment" (Exhibit F)

15. Approval of Proposed 2024-2025 School Calendar (Exhibit G)

16. First Reading Approval of Proposed Revisions to Board Policy IKE "Promotion and Retention of Students (Exhibit H)

17. Renewal of District 5 Foundation of Educational Excellence, Inc. Memorandum of Understanding and Agreement (Exhibit I)

Attachment #1.29.4 is included with the minutes of the meeting, at the request of Board member Cindy Huddle pursuant to South Carolina Code Ann. Section 30-4-90(a)(4) and Board Policy BEDG. The Board majority did not approve, disapprove, or otherwise act upon the contents of this attachment. 12.11.23

DISCUSSION AGENDA

18. Lexington County Ordinance Plan No. 23-15 (Exhibit J)

19. FY 2023 Annual Comprehensive Financial Report (Exhibit K)

20. Five-Year Master Facilities Plan Financing Update

21. Adjourn

INFORMATION AGENDA

22. Edcon, Inc. was awarded the contract for Irmo High School East Wing after a competitive bid on November 30, 2023. Three bids were received, and Edcon, Inc. was the lowest qualified bidder. (Exhibit L)

23. Five-Year Master Facilities Plan Workshop: January 8, 2024, at the Center for Advanced Technical Studies.

24. The next regular scheduled board meeting will be January 8, 2024, at the Center for Advanced Technical Studies.

* The Board welcomes and encourages public participation. We respectfully ask that you adhere to the procedures 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.

14. Exhibit K.pdf

15. Five-Year Master Facilities - Financing Pla...

16. Exhibit L.pdf

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Amee S. White
Executive Administrative Assistant to the Superintendent and Board of Trustees
School District Five of Lexington & Richland Counties
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www.lexrich5.org

"We love and grow our students!"

Attachment #1, pg 5 is included with the minutes of the _____ meeting, at the request of Board member _____ pursuant to South Carolina Code Ann. Section 30-4-90(a)(4) and Board Policy BEDG. The Board majority did not approve, disapprove, or otherwise act upon the contents of this attachment.

Cathy Huddle <chuddle@lexrich5.org> Sat, Dec 9, 2023 at 9:33 PM
To: Akil Ross <aross@lexrich5.org>
Bcc: Rebecca Hines <rhines@lexrich5.org>, Matt Hogan <mhogan@lexrich5.org>, Kimberly Snipes <ksnipes@lexrich5.org>, Elizabeth Barnhardt <ebarnhardt@lexrich5.org>, Michael Satterfield <msatterf@lexrich5.org>, Kevin Scully <kscully@lexrich5.org>

→ attached

Dr. Ross, Note that I have blind copied all board members.

I notice that the agenda states that the contract for the new IHS wing has been awarded. However, per Policy FEC: "The committee will submit its recommendation to the administration, who will begin contract negotiations with the selected professional(s). The administration will submit its recommendation and proposed contract to the board. The board will consider the recommendation and contract and approve as appropriate."

As such, the administration does not have the authority to enter into a contract for facilities expansion without board approval. Any contract which has been signed by the administration may be invalid since it would violate policy. Since the administration is stating that a contract has been signed I think this would qualify as an emergency which would allow us to add it to the agenda.

I respectfully request that the agenda be amended to add this item to the Executive Session agenda so that we can obtain legal advice on this matter. In the meantime, please send all board members the contract the administration is recommending, including a copy of anything that has been signed on behalf of the district.

Thank you,
Cathy Huddle

[Quoted text hidden]
--
Catherine Huddle
Lexington Richland Five School Board Trustee

Akil Ross <aross@lexrich5.org> Sun, Dec 10, 2023 at 5:03 PM
To: Cathy Huddle <chuddle@lexrich5.org>
Cc: Maddison Wilkerson <mpaul@lexrich5.org>, Amee White <awhite@lexrich5.org>

Mrs. Huddle,

The board policy you reference is regarding an RFQ process, which is different from the invitation to bid process required by the design-bid-build model.

We are following the purcement policy for Design-Bid-Build projects. The State Code outlines that the administration, who conducted the sealed bidding process, award the project to the lowest responsive and responsible bidder whose bid meets the requirements set forth in the invitation. At this stage in the process, the solicitation was for an invitation to bid for the 4 pre-qualified contractors. Edcon was the lowest responsive and responsible bidder. The District issued an intent to award the contract to Edcon and will award the contract after the protest period is complete, unless you have compelling reason to reject the bid by regulation.

Please see the below procurement code section regarding the design-bid-build process:

SECTION 3015. Source selection methods assigned to project delivery methods. (S.C. Code § 11-35-3015)

(1) Scope. This section specifies the source selection methods applicable to procurements for the project delivery methods identified in Section 3005 (Project delivery methods authorized), except as provided in Sections 1550 (Small Purchases), 1560 (Sole Source Procurement), 1570 (Emergency Procurements), 3230 (Exception for small architect-engineer, and land surveying services contract), 3310 (Indefinite quantity contracts for architectural-engineering, and land surveying services), and 3320 (Indefinite quantity contracts for construction).

(2) Design-bid-build:

(a) Design. Architect-engineer, construction management, and land surveying services. The qualifications based selection process in Section 3220 (Qualifications Based Selection Procedures) must be used to procure architect-engineer, construction management, and land surveying services, unless those services are acquired in conjunction with construction using one of the project delivery methods provided in Section 3015 (3), (5), (6), (7), and (8).

(b) Construction. Competitive sealed bidding, as provided in Section 1520 (Competitive Sealed Bidding), must be used to procure construction in design-bid-build procurements.

SECTION 3020. Additional bidding procedures for construction procurement. (S.C. Code § 11-35-3020)

Exceptions in Competitive Sealed Bidding Procedures. The process of competitive sealed bidding as required by Section 3015(2)(b) must be performed in accordance with the procedures outlined in Article 5 of this code subject to the following exceptions:

(a) Invitation for Bids. The District is responsible for developing a formal invitation for bids for each construction project. The invitation must include, but not be limited to, all contractual terms and conditions applicable to the procurement. A copy of each invitation for bids must be advertised formally in South Carolina Business Opportunities.

(b) Bid Acceptance. Instead of Section 1520(6), the following provision applies. Bids must be accepted unconditionally without alteration or correction, except as otherwise authorized in this code. The District's invitation for bids must set forth all requirements of the bid including, but not limited to:

(i) The District, in consultation with the architect-engineer assigned to the project, shall identify by license classification or subclassification in the invitation for bids all subcontractors who are expected to perform work for the prime contractor to or about the construction when those subcontractors' contracts are each expected to exceed three percent of the prime contractor's total base bid. In addition, the District, in consultation with the architect-engineer assigned to the project, may identify by license classification or subclassification in the invitation for bids a subcontractor who is expected to perform work which is vital to the project. The determination of which subcontractors are included in the list provided in the invitation for bids is not protestable pursuant to Section 4210 or another provision of this code. A bidder in response to an invitation for bids shall clearly identify in his bid only those subcontractors to perform the work as identified in the invitation for bids. If the bidder determines to use his own employees to perform a portion of the work for which he would otherwise be required to list a subcontractor and if the bidder is qualified to perform that work under the terms of the invitation for bids, the bidder shall list himself in the appropriate place in his bid and not subcontract that work except with the approval of the District for good cause shown.

(ii) Failure to complete the list provided in the invitation for bids renders the bidder's bid unresponsive.

(iii) The District shall send all responsive bidders a copy of the bid tabulation within ten working days following the bid opening.

(c) Instead of Section 1520(10), the following provisions apply:

(i) Unless there is a compelling reason to reject bids as prescribed by regulation, notice of an intended award of a contract to the lowest responsive and responsible bidder whose bid meets the requirements set forth in the invitation for bids must be given by posting the notice at a location that is specified in the invitation for bids. The invitation for bids and the posted notice must contain a statement of the bidder's right to protest pursuant to Section 4210(1) and the

Attachment #1; pg. 6 is included with the minutes of the 12.11.23 meeting, at the request of Board member Cathy Tuddles 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.

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date and location of posting must be announced at bid opening. In addition to posting notice, the District promptly shall send all responsive bidders a copy of the notice of intended award and of the bid tabulation. The mailed notice must indicate the posting date and must contain a statement of the bidder's right to protest pursuant to Section 4210(1).

I have blind copied all trustees on this email to avoid quorum conversations. I have also copied our CFO, Mrs. Wilkerson.

Please let me know if you have any questions.

[Quoted text hidden]

--

Dr. Akil E. Ross, Sr.
Superintendent
School District Five of Lexington & Richland Counties
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www.lexrich5.org

"We love and grow our students!"

Attachment #1 to the minutes of the 12.11.23 meeting, at the request of Board member Cathy Huddle is included with 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.

Cathy Huddle <chuddle@lexrich5.org> Sun, Dec 10, 2023 at 9:38 PM
To: Akil Ross <aross@lexrich5.org>

The policy does not specify the type of contract and policy and the procurement code are not mutually exclusive - we must follow both. You will recall this was discussed extensively when we approved the revised procurement code and discussed putting additional requirements in policy so the code would get approved by the state as matching their boilerplate.

I will prepare a more thorough response to your assertion for the entire board.

In the meantime, as I requested, please send a copy of whatever was signed with Edcon, including all attachments and referenced documents to all board members.

Thank you,
Cathy

[Quoted text hidden]

Cathy Huddle <chuddle@lexrich5.org> Mon, Dec 11, 2023 at 1:00 AM
To: Akil Ross <aross@lexrich5.org>, Rebecca Hines <rhines@lexrich5.org>

Dr. Ross, In your reply you stated "The District issued an intent to award the contract to Edcon and **will award the contract**", which is different from the agenda for this meeting, which states "Edcon Inc. **was awarded** the contract". I am not suggesting we reject the bid. I am only pointing out that per policy FEC the board should vote to approve the contract before it is signed.

Policy FEC applies regardless of the procurement method. The language at the end of the policy regarding board approval is identical to the language in place in Feb 2014 (before the board updated the policy in 2021 and 2022). In keeping with the policy, on 3/24/2014 the board voted to award the contract for Chapin Middle School. That was a design, bid, build contract.

Especially considering the construction issues we have had with some of our schools, including OPES, that go back to contracting, I would think you would WANT board approval of the contract.

In keeping with policy and trustee responsibilities, I am asking that the board review the contract with legal advice and vote on the award. If the contract exactly matches the bid documents and there are no negotiated items this should be a very straightforward process.

PS 8

I am copying Ms. Hines to keep her in the loop and because I intend to raise this question at Monday's meeting.

Thank-you,
Cathy

On Sun, Dec 10, 2023 at 5:04 PM Akil Ross <aross@lexrich5.org> wrote:
[Quoted text hidden]
[Quoted text hidden]

Attachment #1, pg. 8 is included with the minutes of the 12.11.23 meeting, at the request of Board member Cathy Huddle pursuant to South Carolina Code Ann. Section 30-4-90(a)(4) and Board Policy BEDG. The Board majority did not approve, disapprove, or otherwise act upon the contents of this attachment.

Rebecca Hines <rhines@lexrich5.org> Mon, Dec 11, 2023 at 8:50 AM
To: Akil Ross <aross@lexrich5.org>, Amee White <awhite@lexrich5.org>
Cc: Cathy Huddle <chuddle@lexrich5.org>

Dr. Ross,

It is my understanding that Attorney Riser is involved with the IHS project on the district's behalf. It may be best for him to provide advice to the board regarding Ms. Huddle's questions relating to policy and state law with procurement. We do not have the time to amend the agenda (nor the time during this meeting) to discuss this issue; however, I understand it may be time sensitive. If he is able, we may want him to advise the board via email prior to tonight's meeting. I know our next meeting is on January 8th, and if the board needs to vote, I don't want to hold up the project any longer than necessary. Just my thoughts.

I am blind copying the entire board so they are aware of this exchange. Thanks.

-Rebecca
[Quoted text hidden]

Cathy Huddle <chuddle@lexrich5.org> Mon, Dec 11, 2023 at 9:41 AM
To: Rebecca Hines <rhines@lexrich5.org>

Thank you very much for requesting this. While the contract is a construction project, my concern is following policy, which is a concern of the entire board. As such, please also consult with Mr. Bradley. It would also be good to get a written advisement from the SCSBA since I believe they wrote the majority of the policy, including the applicable portion.

I am very concerned that not following FEC would allow the administration to negotiate terms of a multimillion dollar project without board approval. I don't think that's correct and I don't think that's what the people who elected us to represent them expect.

Thanks,
Cathy
[Quoted text hidden]

Akil Ross <aross@lexrich5.org> Mon, Dec 11, 2023 at 12:32 PM
To: Rebecca Hines <rhines@lexrich5.org>
Cc: Amee White <awhite@lexrich5.org>, Cathy Huddle <chuddle@lexrich5.org>, Maddison Wilkerson <mpaul@lexrich5.org>

Trustees,

There is no action needed for the Irmo High School East Wing replacement for tonight's meeting. There is no completed construction contract at this time.
The protest period does not end until Wednesday and the contract will not be ready until it is prepared by Attorney Riser. We intend to follow the current State Procurement Code, SECTION 3015. Source selection methods assigned to project delivery methods. (S.C. Code § 11-35-3015) and SECTION 3020. Additional bidding procedures for construction procurement. (S.C. Code § 11-35-3020).

As a result, the administration issued an Intent to Award Notice to Edcon on Dec. 4th. The information agenda for the December 11th Board meeting was to inform you that Edcon won the competitive sealed bidding process.

When the contract is finalized, we will share it with the board.

I have blind copied all trustees to avoid a quorum conversation.

Policy FEC Selection of Professionals in Facilities Construction

Issued **5/22**

Purpose: To establish the basic structure for the selection of professionals by the district.

The board believes it is appropriate and necessary to secure the services of professionals in the area of facilities construction to manage and supervise the construction of new schools and additions and renovations to existing schools. This helps assure the district maintains adequate facilities to support excellence in education.

1. Members of the Board of Trustees be barred from voting or ad Hoc membership on professional selection committees;
2. Candidates for voting or ad hoc membership of the selection committees be vetted to determine apparent or actual conflicts of interest and conflicts of interest are determined, that candidates must withdraw their name from consideration;
3. Voting or ad hoc members of selection committees be required to sign and adhere to the Districts' Confidentially and Conflict of Interest Policy.

The board will begin the selection process by instructing the administration to establish a selection committee. The administration will do the following.

- Identify committee members (typically three to five members).
- Identify a committee chairman.
- Establish a selection timeline.
- Identify the project(s) for inclusion in building program.
- Develop a description for the proposed project(s).

Attachment #1, pg 9 is included with the minutes of the 12.11.23 meeting, at the request of Board member Cathy Hudlett pursuant to South Carolina Code Ann. Section 30-4-90(a)(4) and Board Policy BEDG. The Board majority did not approve, disapprove, or otherwise act upon the contents of this attachment.

The committee will make a recommendation based on the proposed project to the administration regarding the needed qualifications for the required professional(s). The administration will develop an RFQ (Request for Qualifications), to include the following.

- purpose of the request
- request for information regarding professional(s), experience, proposed services, proposed staffing, resumes and references
- description of proposed project(s)
- other desired information as appropriate

The committee will evaluate the RFQs received by the administration. Their evaluation should include the following.

- establishment of the selection criteria and an appropriate ranking system
- review and ranking of submitted proposals
- establish of the "short list" of professionals for interview (typically no more than five)

The committee will interview the "short list" of professionals and upon completion of the interviews, the committee will do the following.

- Review and rank interviewed professional(s).
- Prepare written notification of the results (to "short list" of professionals - minimum of 10 days notice is recommended)

The committee will submit its recommendation to the administration, who will begin contract negotiations with the selected professional(s). The administration will submit its recommendation and proposed contract to the board.

The board will consider the recommendation and contract and approve as appropriate.

Adopted 5/19/03; Revised 2/24/14, 9/27/21, 5/9/22

Legal References:

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

Section 59-23-210 - Construction, improvement, and renovation of public schools; compliance with the South Carolina School Facilities Planning and Construction Guide; committee members; submission of plans.

School District Five of Lexington and Richland Counties

Attachment #1; pg. 10 is included with the minutes of the 12.11.23 meeting, at the request of Board member Cathy Haddle pursuant to South Carolina Code Ann. Section 30-4-90(a)(4) and Board Policy BEDG. The Board majority did not approve, disapprove, or otherwise act upon the contents of this attachment.

Attachment #1, pg. 1 is included with the minutes of the 10.11.23 meeting, at the request of ~~Board member~~ Karena Phelps pursuant to South Carolina Code Ann. Section 30-4-90(a)(4) and Board Policy BEDG. The Board may or did not approve, disapprove, or otherwise act upon the contents of this attachment.

Hello I am Karena

Thank you for the opportunity to appeal the decision of the review committee on the book A Court of Mist and Fury. I realized my unfamiliarity with the submission exposed gaps in my initial submission. I will utilize my time with you to provide context in the hope my appeal could inspire this board to reconsider the decision of the Review Committee. My objective is to show that the material is sexually explicit and not age appropriate for our district libraries, and that this finding is shared by other school districts.

I had not read A Court of Mist and Fury prior to my initial submission. I had seen a video from a LexRich-2 Board Meeting detailing, sexually explicit portions out-of-context from the book. I found the passages, on their own, to be well-below the bar for age-appropriate content for the range of ages served by the KEC Library Material Selections. I have since taken the time to listen to the full audiobook, and I am glad I did. I am 100% confident this book is not appropriate for our children and does not meet the recreational reading needs of grades 9-12.

I had read reviews of the book; both public as well as published. Assessing the reviews is confusing. Many reader reviews make note of the presence of explicit content, characterizing it as Adult Content. Published reviewers are also transparent about the presence of sexual content. Age ratings provided are characterized as, "Young Adult" with an age range of "14 and over", others set the starting age at 17. Kirkus Reviews used by Follett rates the book 14+ but states: "While their physical relationship is mutually pleasurable and graphically hot. The erotically charged lead-up to the romantic storyline's climaxes (pun intended) adds stakes to the cliffhanger." A positive review of the book doesn't make the book age appropriate.

Regarding the Review Committee's back-up documentation, I'd like to address a few items that were provided in this packet to the board. In respecting this boards time I can't address all of my concerns.

Multiple sources used the term, "book-ban". I will reference the United States District Court of Missouri. Case C.K.-W vs. Wentzville R-IV School District. August 2022

The district's policy does not ban the district's students from reading the books at issue here. Nor does it ban students from acquiring the books or lending the books to others. Students may borrow the books from the public library or from a friend or neighbor. They likewise are free to purchase the books. The policy does not even ban students from bringing the books at issue to the district's schools. Nor does it ban students from discussing the books at school during their free time or encouraging others to read them. It simply does not ban the books, or anything for that matter. So, the "overwrought rhetoric about book banning has no place" in this case. A school district does not "ban" a book when, "through its authorized school board," it "decides not to continue possessing a book on its own library shelves.".

From The Hub only the headline was submitted by the review committee in regards to a Virginia Beach case that states "Judge in two Virginia book-banning cases has dismissed the lawsuits." The headline leaves out important context to the lawsuit. I would like to submit a headline on the same lawsuit from the NY Times "VA Judge Dismisses Case that sought to limit book sales." Two petitions sought to block Barnes & Noble and independent booksellers from **selling** "Gender Queer" and "A Court of Mist and Fury" to minors in VA because of the books sexual content. This case had nothing to do with a book challenge in the Virginia Beach School District. The omitted portion of the article goes on to inform: the

book, "A Court of Mist and Fury" *was removed* from VA Beach school libraries and Loudon County Public Schools.

Establishment of Sexually explicit material:

Definition of sexually and explicit from Merriam Webster:
Sexually is an adverb to sexual meaning of, relating to or associated with sex or the sexes, having or involving sex.
Explicit defined as fully revealed or expressed without vagueness, implication or ambiguity: leaving no question as to meaning or intent, open depiction of nudity or sexuality

There was a reference made in the Carolina News and Reporter in regards to my specific challenge dated 11/29/23 from a review committee member that Cornell Law School's definition describes sexually explicit material as having dominant sexual themes. The Cornell Law School references 10 USC 2495b and is Military Code for the Armed Forces on the sale or rental of sexually explicit material for Commissaries. The article reports that this was read as a definition of what sexually explicit means to the review committee. If a review committee member is searching US Military Code to find a definition to justify a narrative in keeping this book in the library they are not an unbiased reviewer of the books age appropriateness.

From the Post and Courier article written 11/7/2023 in regards to my book challenge "multiple review committee members concluded that explicit elements of the book were only a small part of the overall story." Multiple review committee members and I agree the book is sexually explicit. As far as it only being a small portion per the documents provided by the review committee Booklist states "At times, this straddles the line between YA fantasy and adult romance-Feyre is almost 20 and her sexual encounters are **many and detailed**. SJL states, "Peppered with titillating scenes."

From the ALA Selection and Reconsideration Policy Toolkit: THE ALA general guidelines for librarians to follow when making selections: These books should be appropriate for the subject area and age, emotional development, ability level, learning styles and social, emotional and intellectual development of the students for whom the material is selected.

From The South Carolina Association of School Librarians

"School libraries serve all the students and do not operate with any agenda, only the desire to offer high quality materials to meet the academic and recreational reading needs of all our students. Parents have the right to set reading parameters and restrictions for their own children. However, no one person or group has the right to make choices for the other children."

I would like to add context to this sentence as it would relate to my specific challenge.

Parents have the right to set reading parameters and restrictions for their own children when the material is obscene and sexually explicit. However, no one person or group has the right to make choices for other children as to whether they read obscene and sexually explicit material provided by the Lexington Richland 5 school district.

I'd like to share some of the book with you. Please note this is more than a few pages of sexual content due to time I can only read a small portion.

Attachment #1, pg. 2 is included with the minutes of the 12.11.23 meeting, at the request of ~~Board member~~ Barena Phelps 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.

Do you consider what I read to meet the standards of the SC Association of School Librarians agenda to provide high quality materials to meet academic and recreational reading needs of all our students? Can any of you provide the educational significance, appropriateness for students of an in depth description of fingering someone, adding a second finger plunging them in deeper and harder, bringing his fingers to his mouth, sucking on them and tasting someone being made available to children 14 and up in our district libraries. With good reason this book has been removed from school district libraries across the country.

A Court of Mist and Fury doesn't meet the KEC policy for material selection as follows: educational significance, appropriateness for students in each school, such as grade and age level, does not add value to the collection, reputation of author is not significant based on not meeting the first 3 and appropriateness of the text or the SC Dept. of Ed.'s Standards for School Library Resource Collections for age and developmentally appropriate for the students served or the grade definitions High School Standards serving grades 9-12.

The Follett System shows the age rating by the publisher to be 17 and up. Who's rating should we use, the publisher who will sell less books with age limitations or the Follett system that will make a profit from the sale of the book? Goodreads says 17 and up but then lists grade levels 10-12 so the Follett system uses the 10-12 grades rather than the 17 and up. Does the Follett system shop around websites until it gets the age rating it needs to be made available in schools for grades 9-12?

Booklooks age rating 18+, Common Sense Media 17+, Good Reads 17+ and back-up documentation submitted by Margaret Adams and Carol Lunsford of Spring Hill High School from Follett says this book is rated age 17 by the publisher. This book is intended for an adult audience, yet the district has it available to age 14 and up.

In conclusion, the information I have provided for the removal of the book does not violate the First Amendment according to C.K.-W vs. Wentzville R-IV School District. Supreme Court case Pico vs Island Trees Judge Brennan's opinion suggested it would be permissible for school boards to remove books based on "pervasive vulgarity". I have established the material per the Post and Courier from multiple review committee members that the book is sexually explicit and pervasively throughout the book based on the back-up they provided the board. The material is not age appropriate for grades 9-12th due to age ratings and doesn't meet the standards set by the SC Association of School Librarians, the ALA or our District KEC policy.

Thank you.

I would like to request that my written comments be put into the minutes of the meeting.

Attachment #1, pg 3 is included with the minutes of the 12.11.23 meeting, at the request of ~~Board member~~ Barena Phelps pursuant to South Carolina Code Ann. Section 30-4-90(a)(4) and Board Policy BEDG. The Board majority did not approve, disapprove, or otherwise act upon the contents of this attachment.

The story features four pages of consenting oral and penetrative sex between a man and woman who have accepted their "mating bond."

Committee member and Media Specialist Margaret Adams said the sexual content was only a small part of the story. At the meeting, Adams pointed out a Cornell Law School definition that describes sexually explicit material as having "dominant" sexual themes.

"According to this definition ... I don't feel (it's) dominant when you have a 624-page book," Adams said. "A few pages, that would not be dominant."

Carolina News & Reporter
11/29/23

Many members of the review committee noted the complainant had not read the book. Lungsford confirmed that, in her complaint, Phelp wrote that she had not reviewed excerpts of the text and that she does "not read pornographic material."

More questions were asked if the challenged novel is only in high school libraries and if it is assigned reading. It was confirmed the book is not required reading.

"We're adults, and we know what things sometimes stretch our levels of comfort," Adams said. "But as librarians, we are tasked with trying to bridge all of those things when we make selections" for school libraries.

Phelps wrote in her challenge that "the language in this book can't be used verbally by students or worn on clothing but can be made available in the school?"

MONITORING CONTENT

The American Library Association monitors how often books are challenged in the United States and ranks the recently challenged novel at 10 as of 2022. It lists the book as being frequently challenged for being sexually explicit, with 48 challenges.

According to the district policy, materials can be challenged in the Lex-Rich Five district by an individual residing in the area of the school or a parent with a child in the district. It can also be a student who objects to the material.

Lungsford, the supervisor of library media services, explained during the first review meeting the novel would be read in full and would be reviewed based on "educational significance," "appropriateness for students in each school" and "high artistic quality and/or literary style."

Attachment #1, pg. 4 is included with the minutes of the 12.11.23 meeting, at the request of Board member Barbara Phelps 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.

6:01

sexually explicit material

(1) The term "sexually explicit material" means an audio recording, a film or video recording, or a periodical with visual depictions, produced in any medium, the dominant theme of which depicts or describes nudity, including sexual or excretory activities or organs, in a lascivious way.

Source
10 USC § 2495b(e)(1)

Scoping language
In this section

Is this correct?

okay or

not okay

AA law.cornell.edu

Attachment #1, pg 5 is included with the minutes of the 12.11.23 meeting, at the request of ~~Board member~~ Kaleigh Phelps pursuant to South Carolina Code Ann. Section 30-4-90(a)(4) and Board Policy BEDG. The Board majority did not approve, disapprove, or otherwise act upon the contents of this attachment.

Attachment #1 to the minutes of the 12/21/23 meeting, at the request of Board member Sapere Phelps is included with 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.

10 USC 2495b: Sale or rental of sexually explicit material prohibited
Text contains those laws in effect on December 10, 2023

From Title 10-ARMED FORCES
Subtitle A-General Military Law
PART IV-SERVICE, SUPPLY, AND PROPERTY
CHAPTER 147-COMMISSARIES AND EXCHANGES AND OTHER MORALE, WELFARE, AND RECREATION ACTIVITIES
SUBCHAPTER III-MORALE, WELFARE, AND RECREATION PROGRAMS AND NONAPPROPRIATED FUND INSTRUMENTALITIES

Jump To:
Source Credit
Miscellaneous
Amendments
Effective Date

§2495b. Sale or rental of sexually explicit material prohibited

(a) PROHIBITION OF SALE OR RENTAL.-The Secretary of Defense may not permit the sale or rental of sexually explicit material on property under the jurisdiction of the Department of Defense.

(b) PROHIBITION OF OFFICIALLY PROVIDED SEXUALLY EXPLICIT MATERIAL.-A member of the armed forces or a civilian officer or employee of the Department of Defense acting in an official capacity may not provide for sale, remuneration, or rental sexually explicit material to another person.

(c) RESALE ACTIVITIES REVIEW BOARD.-(1) The Secretary of Defense shall establish a nine-member board to make recommendations to the Secretary regarding whether material sold or rented, or proposed for sale or rental, on property under the jurisdiction of the Department of Defense is barred from sale or rental by subsection (a).

(2)(A) The Secretary of Defense shall appoint six members of the board to broadly represent the interests of the patron base served by the defense commissary system and the exchange system. The Secretary shall appoint one of the members to serve as the chairman of the board. At least one member appointed under this subparagraph shall be a person with experience managing or advocating for military family programs and who is also an eligible patron of the defense commissary system and the exchange system.

(B) The Secretary of each of the military departments shall appoint one member of the board.

(C) A vacancy on the board shall be filled in the same manner as the original appointment.

(3) The Secretary of Defense may detail persons to serve as staff for the board. At a minimum, the Secretary shall ensure that the board is assisted at meetings by military resale and legal advisors.

(4) The recommendations made by the board under paragraph (1) shall be made available to the public. The Secretary of Defense shall publicize the availability of such recommendations by such means as the Secretary considers appropriate.

(5) Members of the board shall be allowed travel expense, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5 while away from their homes or regular places of business in the performance of services for the board.

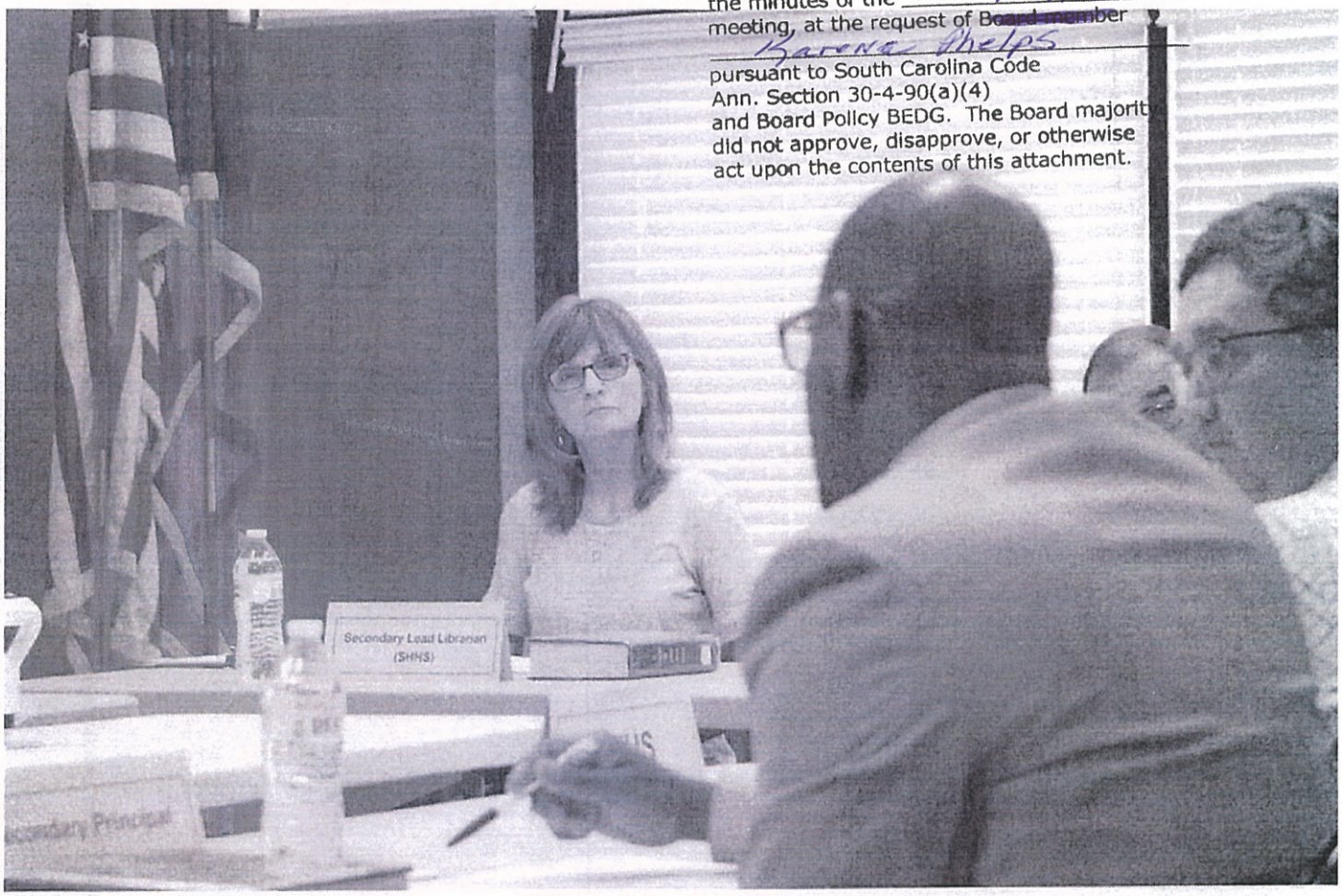
(d) REGULATIONS.-The Secretary of Defense shall prescribe regulations to implement this section.

https://www.postandcourier.com/columbia/education/maas-novel-challenged-school-library-lexington-richland-5-columbia-sc/article_2c3a4d72-78f8-11ee-b968-e3a82486fbe4.html

Challenged book back on shelves after Columbia-area schools panel deems it appropriate

BY IAN GRENIER IGRENIER@POSTANDCOURIER.COM
NOV 7, 2023

Attachment #1, pg. 9 is included with the minutes of the 12.11.23 meeting, at the request of Board member Karena Phelps 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.



Margaret Adams, a librarian at Spring Hill High School, listens as Lexington-Richland Five's review committee discusses a challenged book on Nov. 7, 2023. Ian Grenier/Staff
BY IAN GRENIER IGRENIER@POSTANDCOURIER.COM

IRMO — High schools in the Lexington-Richland Five school district will return Sarah J. Maas' book "A Court of Mist and Fury" to their library shelves after a district committee's monthlong review found the challenged novel appropriate.

The book was the subject of a Sept. 26 materials challenge form submitted by district resident Karena Phelps, who objected to what she described as "sexually explicit language."

Multiple members of the review committee, which included parents, high school faculty and district staff, concluded that explicit elements of the book were only a small part of the overall story, pointing out that Phelps said on the form she had not read the entire book.

"We're adults, and we know what things sometimes stretch our levels of comfort. But as librarians, we are tasked with trying to bridge all of those things when we make selections," said Margaret Adams, a librarian at Spring Hill High School who served on the review committee.

KIRKUS REVIEWS

A COURT OF MIST AND FURY BY SARAH J. MAAS · RELEASE DATE

MAY 3, 2016 From the Court of Thorns and Roses series , Vol. 2

Hits the spot for fans of dark, lush, sexy fantasy.

After the events of *A Court of Thorns and Roses* (2015), Feyre struggles to pull herself back together while imminent threats loom. In the months after defeating Amarantha and escaping hellish captivity Under the Mountain, Feyre hasn't been doing well. She's drowning in guilt over the prices she paid and unable to escape the feeling that she's trapped. Tamlin is perhaps coping even worse—he's consumed by the fear of failing to protect her and in denial. While their physical relationship is mutually pleasurable—and graphically hot—their happily-ever-after fairy-tale wedding is further derailed by Rhysand, the High Lord of the dreaded Night Court, who demands that Feyre fulfill their bargain by coming with him (one week a month). Rhys believes war is coming, and he needs Feyre for his dangerous scheme to win it. As Feyre travels between courts and explores the consequences of her resurrection, she learns more about Prythian, its history, and peoples (including its darkest sides: misogynistic cultures and tensions between High Fae and lesser faeries). Occasionally the characters fall too neatly into wholly good or completely bad boxes, which at its least subtle comes across as manipulative of readers, but the large cast provides relief from Feyre's deep psychological wounds. The erotically charged lead-up to the romantic storyline's climaxes (pun intended) adds stakes to the cliffhanger.

Hits the spot for fans of dark, lush, sexy fantasy. *(Fantasy. 14 & up)*

Pub Date: May 3, 2016

ISBN: 978-1-61963-446-6

Page Count: 640

Publisher: Bloomsbury

Review Posted Online: March 15, 2016

Kirkus Reviews Issue: April 1, 2016

Categories: TEENS & YOUNG ADULT SCIENCE FICTION & FANTASY | TEENS & YOUNG ADULT ROMANCE | TEENS & YOUNG ADULT FICTION

Attachment #1. pg. 8 is included with the minutes of the 12.11.23 meeting, at the request of ~~Board member~~ Karen Phelps 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.

Welcome, Carol Lunsford — Spring Hill High School (Log Out)

Your Account | Order History | Saved Lists

Shop by Department

court of mist and fury

Search

0 items, $0.00
Current List

Return to: Results for "court of mist and fury"

Item 1 of 6 | Next

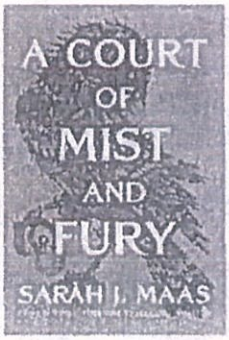
This item meets your "Best of Titlewave" preferences of published 2018+, 2 or more positive reviews.

Help meet your collection development requirements and focus on the materials most relevant to your students.

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Identify, locate, and assess the materials already available to you — whether in the school library or classroom collection.



Preview

A court of mist and fury (Court Of Thorns And Roses, Book 2) (#16821 16)

by Maas, Sarah J.

5 reviews & awards | 5 full-text reviews

FollettBound Glued — Bloomsbury Publishing, 2020

Price: $27.3.

In stock.

Description: 626 pages : map ; 22 cm.

Dewey: -Fic-; Audience: Young Adult

AR 5.9 UG 30 183296EN; RC 6.4 40; LEX HL820L

From the publisher: Age 17

From Booklist: Grades 10-12; Kirkus: Ages 14+; PW: Ages 14-up; SLJ: Gr 10-Up

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Other available formats

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Paperback — Bloomsbury Publishing, 2020

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Attachment #1, 89.9 is included with the minutes of the 12.11.23 meeting, at the request of ~~Board member~~ Karena Phelps 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.

Support Your Learning Objectives

Learning Focus

Dark Fantasy | Fantasy | Mature Themes

Library Classifications

Courts and courtiers Fiction | Fairies Fiction | Fantasy fiction | Fantasy | Good and evil Fiction | Love Fiction | Magic Fiction | Romance fiction

Common Genres & Topics

Fantasy & Magic (Juvenile Fiction) | Juvenile Fiction

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https://www.nytimes.com/2022/08/31/us/virginia-obscenity-book-ban.html

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The New York Times

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TODD SNYDER
NEW YORK

Todd Snyder Menswear
Todd Snyder

Virginia Judge Dismisses Case That Sought to Limit Book Sales

Two petitions sought to block Barnes & Noble and independent booksellers from selling "Gender Queer" and "A Court of Mist and Fury" to minors in Virginia because of the books' sexual content.

Share full article



Attachment #7, pg. 10 is included with the minutes of the 12.11.22 meeting, at the request of Board member Barbara Phelps 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.