

## UNEXPIRED TERM FULFILLMENT/VACANCIES

Code **BBBE** Issued **1/21**

---

**Purpose:** To establish the basic structure for filling vacancies prior to the end of a term.

If for any reason a vacancy occurs on the board, the board will appoint a successor to fill such vacancy for the remainder of the unexpired term.

The process for selecting a successor will include:

1. Posting the opening through normal public channels such as district website and other District communication methods.
2. Collecting completed Statement of Intention of Candidacy application and resume.
3. Verifying candidate qualifications through the Spartanburg County Board of Elections.
4. During a called board meeting, either regular or special, provide a platform to interact with candidates.
5. Meeting in executive session to confidentially discuss candidates.
6. In open session, voting to fill the vacancy.

In the event another method for filling vacancies on the board is prescribed by law after the adoption of this policy, the board will utilize such method as is in effect on the date a vacancy occurs.

Adopted 1/25/93; Revised 5/7/02, 4/26/10, 3/26/12, 1/25/2021

---

**Legal references:**

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

1. Section - 59-19-60 - Removal of trustees; vacancies.

**B. S.C. Acts and Joint Resolutions:**

1. 1984 Act 612 - Provides for election of trustees; terms; conduct of election; reappointment of trustees.
2. 1988 Act 792 - Amends 1984 Act 612, as amended, relating to method of conducting an election for trustees so as to authorize the county board of education to fill vacancies.
3. 1994 Act 610 - Abolishes county board of education and devolves powers and duties upon the seven district boards: oversight committee established, etc.
4. 1995 Act 189 - Repeals 1994 Act 610 relating to abolition of county board; provides for fiscal autonomy for seven local boards; except for powers listed, all other powers of county board are devolved upon seven district boards.
5. 1998 Act 499 - Establishes Spartanburg County Oversight Committee; abolishes county board of education.

# STATEMENT OF INTENTION OF CANDIDACY

## District Five Schools Board of Trustees

• **APPLICATION DEADLINE:**

- This application must be completed by a candidate seeking appointment to the Board of Trustees of Spartanburg District Five Schools who currently resides in the district in which the vacancy exists.
- The S.C. Constitution prohibits a person who has been convicted of a felony from filing for public office for 15 years after the completion of the sentence, including probation and parole time, unless previously pardoned.

<b>Name:</b>		<b>DOB:</b>	
<b>Address:</b>		<b>City:</b>	<b>Zip:</b>
<b>Email Address:</b>		<b>Telephone:</b>	
<b>Voter Registration No:</b>			
<b>Date:</b>	<b>Candidate Signature:</b>		
<b>Seat Applying For: (check one)</b>	<input type="checkbox"/> 5-1	<input type="checkbox"/> 5-2	<input type="checkbox"/> 5-3

**List any personal or professional involvement you have with District Five Schools, Athletics, or Fine Arts programs (past or present):** \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**Briefly list the reasons you are interested in serving on the Board of Trustees for Spartanburg District Five Schools:** \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

For questions regarding vacancy, please contact Melissa Robinette at [melissa.robinette@spart5.net](mailto:melissa.robinette@spart5.net) or 949-2350. Eligible applicants will be asked to attend a Board of Trustees meeting and address the Board for 3-5 minutes on why they wish to serve.

**Candidates must submit completed application and current professional resume to:**  
 April Peel at [april.peel@spart5.net](mailto:april.peel@spart5.net) or deliver to 100 N. Danzler Road, Duncan, SC 29334.

To be Completed by District Five Schools	
<b>Date Received:</b>	<b>Received By:</b>

## **BOARD MEMBER CONDUCT**

*Code* **BC** *Issued* **1/21**

---

**Purpose:** To establish the basic structure for board member conduct as individuals and while sitting as a board.

**Public office** is a trust created by the confidence in which the public places the integrity of its public officers. To preserve this confidence, it is the desire of the board to operate under the highest ethical standards.

**It is the responsibility of each board member to do the following.**

- **Become familiar with district policies, rules and regulations, state and federal school laws, and regulations of the state department of education.**
- **Have a general knowledge of educational aims and objectives of the district.**
- **Work harmoniously with other board members without trying either to dominate the board or neglect one's share of the work.**
- **Vote and act in the board meetings impartially for the good of the district.**
- **Accept the will of the majority vote in all cases and give wholehearted support to the resulting policy.**
- **Represent the board and district to the public in such a way as to promote both interest and support.**
- **Refer complaints to the proper school authorities and abstain from individual counsel and action.**
- **Maintain the confidentiality of all matters discussed in executive session.**

**This policy is to be reviewed and signed annually in January by each board member. The signed policy will be filed at the District Office by the Superintendent's secretary.**

**Adopted prior to 1974; Revised 1/25/93, 3/26/12, 1/25/21**

## **BOARD MEMBER CODE OF ETHICS**

Code **BCA** Issued **1/21**

---

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

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

**A board member should honor the high responsibility that his/her membership demands by doing the following.**

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

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

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



## PAGE 2 - BCA - BOARD MEMBER CODE OF ETHICS

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

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

This policy is to be reviewed and signed annually in January by each board member. The signed policy will be filed at the District Office by the Superintendent's secretary.

**Adopted 1/25/93; Revised 3/22/93, 3/26/12, 1/25/21**

---

### **Legal references:**

#### **A. S.C. Code, 1976, as amended:**

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

Such rules include, but are not limited to, the following.

#### **School board members**

- a. May not use their position or office for personal financial gain (Section 8-13-700).
- b. May not receive compensation to influence action (Section 8-13-705).
- c. May not receive additional money as payment for advice or assistance given in the course of their employment as a public official (Section 8-13-720).
- d. May not use or disclose confidential information gained in the course of their responsibility as a public official (Section 8-13-725).
- e. May not serve as a member or employee of a governmental regulatory commission that regulates any business with which they are associated (Section 8-13-730).
- f. May not appear before the Public Service Commission or the S.C. Department of Insurance in rate or price-fixing matters (Section 8-13-740).

## **PAGE 3 - BCA - BOARD MEMBER CODE OF ETHICS**

- g. May not enter into contract with a governmental agency or department which is to be paid in whole or in part out of governmental funds, unless the contract has been awarded through a process of public notice and competitive bidding and no official function regarding the contract has been performed (Section 8-13-775).**
- h. May not offer or give gifts or promises to members or employees of a governmental regulatory agency or department that regulates a business they are associated with (Section 8-13-705).**
- i. In cases where a potential conflict of interest exists, individuals shall take such steps as the Ethics Commission shall prescribe to remove oneself from the potential conflict of interest (Section 8-13-700).**

**No elected public official, regardless of compensation, and no appointed public official, regardless of compensation, shall hold office unless he/she has filed a statement of economic interest with the State Ethics Commission (even if a negative report). (Section 8-13-1110, S.C. Code.)**

- 2. Section 8-13-100(15) - Family member means an individual who is the spouse, parent, brother, sister, child, mother-in-law, father-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, grandparent or grandchild or a member of the individual's immediate family.**
- 3. Section 8-13-100(18) - Definition of immediate family.**
- 4. Section 59-19-300 - Prohibits receiving pay as teacher in same district where serving on board.**
- 5. Section 59-25-10 - Prohibits board from employing members of immediate family as a teacher, with exceptions.**

## BOARD MEETINGS

Code **BE** Issued **1/21**

---

**Purpose:** To establish the basic structure for the conduct of board meetings.

All board meetings will be conducted in accordance with the South Carolina Freedom of Information Act. All board meetings, except for periods in which the board is in executive sessions, are open to the public.

### **Annual meeting**

The board holds its annual organizational meeting in January of each even-numbered year. The board elects officers at the annual meeting.

### **Regular board meetings**

The board holds its regular meeting ~~of the board~~ on the fourth Monday of each month, with the exception of July and December. Unless otherwise specified on the public agenda, all meetings will be held in the district administrative building. at 100 N. Danzler Road. The regularly scheduled time will be at 6:30 p.m. The board reserves the right to schedule additional meetings as needed.

~~In unusual circumstances, the board may change the time and place of the regular meeting upon a majority vote of the board.~~

### **Work sessions**

From time to time the board may meet in work sessions. The purpose of these sessions will be for the board to have opportunities for planning and discussion without formal action. Topics for discussion will be announced publicly, and sessions will be conducted in accordance with state law.

### **Special meetings**

The chairman of the board or a majority of members of the board may call a special meeting of the full board. The superintendent should give at least 24 hours notice to all members of the board and the public except when emergency conditions make such notice impossible. The board will not transact any business other than that which is stated in the notice.

### **Remote Access to Meetings**

Board members are expected to attend meetings in person. However, in rare instances, remote access may be needed. The board and committees may meet remotely if the chairman of the board and superintendent determine that is the best meeting format. Board members may join meetings remotely and participate as fully as technology allows, including speaking and voting, if needed for personal circumstances. As remote participation should be rare and infrequent, the board chair will authorize a member to participate in consecutive meetings. The public will have access to any remote meetings or participation.

## **PAGE 2 - BE - SCHOOL BOARD MEETINGS**

### **Public hearings**

The board may conduct public hearings from time to time in order for the public to express their views regarding a specific issue. The board will conduct such meetings in an orderly manner in accordance with board policy and regulation.

### **Parliamentary procedure**

The latest edition of Robert's Rules of Order will govern all matters not covered by the rules of the board.

Adopted 7/28/75; Revised 1/25/93, 2/7/02, 1/25/10, 3/26/12, 1/25/2021

---

### **Legal references:**

#### **A. S.C. Code, 1976, as amended:**

1. Sections 30-4-10 through 30-4-110 - South Carolina Freedom of Information Act.
2. Section 59-1-340 - Meetings of boards of trustees and boards of education.
3. Section 59-19-90(4) - Calling meetings of electors for consultations.
4. Section 59-19-110 - Board rule-making power includes right to conduct any hearing.



## VOTING METHOD AT BOARD MEETINGS

Code **BEDF** Issued **1/21**

---

**Purpose:** To establish the basic structure for voting at board meetings.

The board will conduct votes on all motions and resolutions by the employment of "yes," "no" or abstention. If a board member wishes to abstain, he/she may give reason for his/her action. No secret ballots will be used except as described in policy BD Organization of the Board.

Board members voting on the prevailing side of an issue may move to reconsider an item at the same meeting.

There will be no representation by proxy of any member of the board at any time. All members present are authorized to speak on issues, offer and second motions, and vote. In the event a board member is absent, but is participating remotely, the member will be permitted to participate and vote in board meetings through the use of electronic equipment provided that the meeting has been properly convened.

The presiding officer will have the option of speaking to, offering and seconding motions, and voting on all items of business.

Adopted 1/25/93; Revised 3/26/12, 01/25/2021

## PUBLIC PARTICIPATION AT MEETINGS

Code **BEDH** Issued **1/21**

**Purpose:** To establish the basic structure for public participation in board meetings.

The public is cordially invited to attend board meetings. The board conducts meetings for the purpose of carrying on the official business of the school district. The meetings are not public forum meetings but are meetings held in public. Orderly conduct of a meeting does not permit spontaneous discussion from the audience. Regular, special and emergency meetings are open to the general public, news media and school staff.

All persons who wish to participate must do so through established procedures. These procedures are designed to encourage participation and ensure the orderly management of the meetings. The board is committed to compliance with the South Carolina Freedom of Information Act as well as all other federal and state laws which regulate or affect board actions and policy.

### Agenda Residents' Request to Speak

In order that the board may fairly and adequately discharge its overall responsibility, citizens District Five residents wanting an item to be placed on the agenda to address a topic to the board for a specific board meeting should direct requests to the superintendent or board chairman.

A citizen District Five resident must submit a written request for an item to be placed on the agenda at least five business days prior to a scheduled meeting of the board. That request will state the name of the individual or group submitting the request, the address, the purpose of the request, and the topic to be addressed.

The chairman of the board will introduce speakers who have previously submitted a request to the board at the appropriate time during the agenda and invite them to make comments on agenda topics. Persons addressing the board will be expected to limit their remarks to 10 minutes or less. Speakers may offer objective comments on school operations and programs that concern them. The chairman reserves the right to limit discussion of same topic issues in an effort to provide individuals the opportunity to be heard on a variety of topics. While public comment about board actions will be permitted, the board will not permit in public session any expression of personal complaints about school personnel nor against any person connected with the school system.

A District Five resident who has addressed the board will only be allowed to address the board one time per one calendar year on a specific subject, unless approved by the board chair and district superintendent.

### **Public participation**

The board may allocate time at the outset of each regular meeting for the public to address the board. The chairman reserves the right to limit discussion of same topic issues in an effort to provide individuals the opportunity to be heard on a variety of topics. Public participation will not exceed three five minutes for each individual unless waived by a majority vote of the board. Consideration may be given for a public hearing for gaining input on critical issues.

Speakers may offer objective comments on school operations and programs that concern them. The board will not permit in public session any expression of personal complaints about individual school personnel or any other person connected with the school system.

## **District Five Schools of Spartanburg County**

## **PAGE 2 - BEDH - PUBLIC PARTICIPATION AT MEETINGS**

Adopted 1/25/93; Revised 3/26/12, 1/25/2021

---

### **Legal references:**

#### **A. S.C. Code, 1976, as amended:**

1. Section 30-4-10, et seq. - South Carolina Freedom of Information Act.

## **VIRTUAL BOARD MEETINGS**

*Code* **EBC-R(3)** *Issued* **01/21**

---

To execute the duties of their elected office, it is generally expected that board members will be physically present at board meetings. However, when emergency circumstances exist that make holding a physical board meeting impossible or inadvisable (e.g. natural disaster, local/regional/ national emergency, public health emergency, etc.), the chair, in consultation with the superintendent, may determine it is reasonably necessary and appropriate to hold a virtual board meeting. The board recognizes that virtual meetings are a necessity to continue the business and operation of the district, which requires official decision-making and action by the board.

Board members who join virtual meetings are authorized to participate to the same extent as if they were physically present for a meeting, including discussing items of business and making and voting upon motions.

### **\* Noticing Virtual Meetings**

In accordance with the South Carolina Freedom of Information Act (FOIA), public notice, including notification to the media, will be provided for all virtual meetings. An agenda, along with detailed information on how members of the public and the media can access the virtual meeting, will be posted in a prominent location on the district's website and, if feasible, posted at the board's typical physical meeting location.

The agenda will include a statement that the meeting will be conducted as a virtual meeting due to an active emergency situation and identify the nature of the emergency.

### **Convening Virtual Meetings**

The board will utilize Zoom or other pre-determined option to livestream meetings for members of the public. In accordance with the FOIA, the district is required to provide the public audio access to board meetings, but visual access is not mandated.

The superintendent or his/her designee will be responsible for coordinating the technologies utilized for virtual board meetings. This includes confirming that all board members have the appropriate technologies to participate in a virtual meeting and, as necessary, being physically present at a central location to set up and initiate the virtual meeting technology.

At the start of the meeting, the chair will complete a roll call to verify that a quorum has been established.

### **Executive Session**

The superintendent or his/her designee will make certain that technologies employed for virtual meetings include a mechanism for holding a closed portion of the meeting for purposes of executive session, either by creating a separate virtual meeting room or conference line exclusively for the executive session.

Prior to entering executive session, board members will be asked to expressly affirm that appropriate precautions to safeguard the privacy and integrity of the closed session, including, but not limited to, precautions that would reasonably ensure that the closed session is not being recorded without the board's permission and that no unauthorized person can hear or access the discussions or other confidential information. The chair may take the response(s) to the request for such affirmations into account in determining whether to enter into or to potentially postpone the executive session.



## **PAGE 2 - EBC-R(3) - VIRTUAL BOARD MEETINGS**

### **Due Process Hearings**

Due process hearings, whether typically held in open session or closed session, will not take place during a period necessitating virtual meetings unless the board affirmatively votes to permit such hearings and has either obtained the voluntary, written consent of the necessary parties to the hearings or determined that applicable law (including any order or decree issued by national, state, or local government to address the emergency) requires the board to hold such hearings through virtual means.

### **Disconnection/Technological Difficulties**

If at any time during a virtual meeting a quorum of the board is not present, the meeting will not continue until a quorum is reached. If continuing the meeting is not feasible, the meeting will end and be rescheduled with appropriate public notice.

### ***Disconnection of board member***

If a board member is disconnected from the virtual meeting due to technology failure, the chair will call a temporary recess in order to attempt reconnecting the board member. Such recess will be for no longer than five (5) minutes to provide a reasonable opportunity for the board member to reconnect without excessive delay of the meeting.

If the board member's access issues cannot be adequately resolved, but the board member also has not voluntarily withdrawn from the meeting, then the remaining members of the board (provided there is a quorum) will make a determination of whether or not to continue the meeting without the board member, taking into account factors such as the apparent reason(s) for the access issues and the time sensitivity and importance of any of the remaining items of business, including the feasibility of rescheduling some or all of the remaining agenda items of the meeting.

### ***Failure of live-stream/public access***

If the virtual meeting platform fails in such a manner that public access is no longer available, the chair will call a temporary recess in order to attempt to restore public access once the board becomes aware of the technological failure. Such a recess will be for no longer than fifteen (15) minutes. If connection cannot be restored, the meeting will end and be rescheduled with appropriate public notice.

### ***Public Participation***

The board may allocate time at the outset of each regular meeting for the public to address the board. The chairman reserves the right to limit discussion of same topic issues in an effort to provide individuals the opportunity to be heard on a variety of topics. Public participation will not exceed ~~three~~ five minutes for each individual unless waived by a majority vote of the board. Consideration may be given for a public hearing for gaining input on critical issues.

Public comments, by District Five residents, can be submitted up to five (5) business days in advance of a meeting by emailing the board chair or superintendent. The individual submitting the public comment should include his/her full name, physical address, and a contact phone number. Note that written comments should be limited to ~~three~~ five (5) minutes in length. Any content over this limit will not be included. Comments will be read by the board chair or his or her designee.

## **PAGE 3 - EBC-R(3) - VIRTUAL BOARD MEETINGS**

### **Minutes**

Minutes for virtual meetings will be made available in accordance with the FOIA.

### **Recordings**

Virtual meetings will not be recorded as the public has access to view or hear the meeting while it is being conducted.

Issued 01/25/2021