



JOHN  
DE LA  
HOWE  
SCHOOL

Presentation to the Legislative Oversight Committee

DR. JAMES A. FRANKLIN, SR.

Interim Superintendent







**JOHN  
DE LA  
HOWE  
SCHOOL**

*"Providing a Safe Haven for Children  
to heal, grow and make a lasting change"*



**Dr. James A. Franklin,  
Sr.  
Interim  
Superintendent**

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October 30, 2017

Representative James E. Smith  
South Carolina House of Representatives  
Post Office Box 11867  
Columbia, SC 29211

Dear Representative Smith:

This communication is a response to your request of October 20, 2017.

Should you need additional information, please let me know. We are looking forward to seeing you on November 6, 2017, at 10:00 a.m., in Room 321.

Sincerely yours,

Dr. James A. Franklin, Sr.

jaf/tlb

## GENERAL

### 1) *What other schools or organizations in SC serve children with similar needs to the students of John de la Howe?*

As far as we know, the following schools/ organizations serve children with similar needs to the students of John de la Howe School. They are:

- ~ Winwood Farms – Charleston County
- ~ Carolina Youth Development – Charleston
- ~ Palmetto Behavioral Health – Charleston
- ~ Connie Maxwell Children’s Home – Greenwood
- ~ Camden Military Academy – Camden
- ~ Wingate Wilderness Therapy – Several locations within the state
- ~ Will Lou Gray - Columbia
- ~ Palmetto Youth Challenge - Eastover
- ~ Fair Play Wilderness – Fair Play
- ~ Brookland Boys Plantation - Orangeburg
- ~ Job Corp - Bamberg

### 2) *How does John de la Howe determine which students to accept?*

The Admissions Department has specific guidelines for automatic disqualifiers and they are students with the following problems/conditions:

- ~ multiple mental health placements
- ~ autism
- ~ homicidal/suicidal problems
- ~ arson
- ~ drug usage (anything stronger than marijuana)
- ~ pregnant students
- ~ students with predatory behaviors/abuse of animals

We are a **Level II – Residential or Foster Care Facility**. We accept children who are able to function within a structured but non-clinical family setting. These children need trained and well-supported foster care or licensed residential facilities. They will project mild adjustment difficulties that require intervention but not necessarily from mental health professionals and may have a single mental health diagnosis of Adjustment D/O only, or mild ADHD. These minor emotional and/or behavioral problems will occur in one or more settings; home, school and/or community and are usually of a situational and temporary nature. Treatment for these educational, psychological, emotional and medical problems will usually require short term or intermittent interventions. Childcare staff and/or foster parents of these children may have a minimal level of training and experience, along with clinical support and supervision. This will give opportunity for successful care of these children in order for them to reach their optimal level of functioning.

### *Describe your recruitment activities to attract students?*

The Agency sent letters to all school district superintendents in the State of South Carolina. The Agency sent letters to all County Department of Social Services in the State of South Carolina. The Agency sent letters to all homeless shelters, known to the Agency, in the State of South Carolina. The Director of the Greenville Homeless Shelter visited the campus during the spring of 2017. Staff of the Department of Student and Children’s Services visited the schools and school districts to recruit students. School districts visited, to date, include: Greenwood, Abbeville, Dorchester, Charleston, and Berkeley. Flyers, the Agency Bulletin, and the website have also been used in recruitment efforts.

**Please see Appendix 1**

*Do you all have any proposals for stabilizing enrollment?*

Yes. To hold open houses, to set start and end dates, rather than to have “open enrollment.” To appear at PTA meetings. To invite the parents of prospective students to visit our campus (and to possibly stay in the Family Life Center overnight). To provide more extra curricula activities for students.

**Please see Appendix 1**

*How do you estimate the number of children potentially served in any given year?*

Our Agency is licensed for ten cottages with 10 beds. We can serve 100 students in any given year in those cottages. We have four camp sites in the Wilderness Program which can server ten students in each camp site for a total of 40 students in any year. Our grand total for any given year would be 140 students.

- 3) *As it relates to the museum project and the public records that it may house, will the facility comply with public records storage regulations in SC Code of Regulations §12-1000 et. seq.?*

The planned museum will house only artifacts and no public records. A dig was done in cooperation with the Diachronic Research Foundation, Inc., 400 Timberland Drive, Columbia, SC, in the early 1990's. Artifacts from the dig and others which have been collected since that time, will be housed in the museum. There are no plans to house public records in the museum. Our public records are stored in another location.

- 4) *For John de la Howe students that have attended McCormick public schools and then transferred back to a home school in the last three years, please obtain data from McCormick public schools on how those students are progressing academically and behaviorally.*

**Please see Appendix 2**

- 5) *What is John de la Howe's proposal for tracking academic and behavioral progress of students who attend either LS Brice or McCormick High School, after they return to their home schools?*

We created an In Care SUNS Report to track our students' time at the John de la Howe School. The procedure is as follows:

- Our Administrative Support Staff works with the Admissions office to record the students' placement and discharge dates for the fiscal year.
- The school the student is transferring to will request records. The request will serve as the student's placement for the upcoming year.
- The student data for the current fiscal year will be compiled on a spreadsheet titled, In Care SUNS Report.

In the future we will also incorporate social media to track our student after placement progress.

**Please see Appendix 3**



## DELIVERABLES

- 6) *What revenue generating activities are currently conducted on school property? How much revenue was generated in 2016-17? Why was there an increase in revenue generation from 14-15 to 15-16? Is there potential for more revenue production?*

Current revenue generating activities at John de la Howe include: Tuition and Student Fees, Sale of Timber, Sale of Farm & Nursery Products, Sale of Meals, Rent- Residence, Rent – State owned property, Investment Earnings, and Grants. In fiscal year 2016 -17 the amount of revenue generated was \$583,678.49.

The increase revenue generated from FY15 to FY16 was attributed to the following: 1) tuition was \$18K more; 2) refund prior year expenditure \$55K more; and 3) federal grant subcontract to state agencies was \$60K more. There is potential for more revenue production at the agency and can be obtained by: 1) increase farm operations; 2) increase rentals of state owned properties, i.e., barn, auditorium, market field trips for timber, ecology and equine-horseback riding; 3) charge fees to vendors that participate in festivals 4; hosting conferences and or training programs at the agency; 5) charge application fee processing fee; and 6) establish admission fee for planned museum.

## GOVERNING BODY

- 7) *Does the board have policies related to how it should carry out its duties? If so, may we have a copy of those policies?*

Yes. **A copy is enclosed. Please see Appendix 4**

- 8) *How does the board measure its effectiveness?*

The Board monitors the progress of the Agency and of its decisions affecting the Agency at each of its meetings. The Board reviews financial reports, school reports, human resources reports, and facility reports at each of its meetings. The Board makes policies to improve the services of the Agency, and updates those policies as deemed necessary with the assistance of the South Carolina School Boards Association. Strategic planning is an important part of the functions of the Board. This five year planning process helps the Board to determine what is effective and what needs to be changed, or improved upon. The Board also reviews studies/ assessments provided by agencies external to the Board to judge its effectiveness, i.e., SC Education Oversight Committee Reports, Office of the Inspector General, and reports provided by the SC Department of Education.

**Note:** The Strategic Planning Process has been suspended, pending the outcome of the Feasibility Study.

- 9) *Is there any type of training required or offered for board members on the operations of the agency and/or individual member fiduciary duties?*

All newly elected Board members attend the new board member orientation and training provided by the South Carolina School Boards Association. Attendance at special training provided by the Association continues to be a priority by members of the John de la Howe Board. Recently, the Board sent a representative to the School Law Conference on August 19th and 20th, which was sponsored by the SC School Boards Association.

## INTERNAL AUDIT

- 10) As described, it appears that the people performing audit duties report to a person who may have decision-making authority in the audited areas. How does this meet the independence standards normal to internal audit departments?*

Independent audits are performed under the agreed upon management of JDLH and the Office of the State Auditor and information is reported to the agency head as well as the board of trustees and the South Carolina Office of the State Auditor. When conducting their review, the state auditors have access to records and personnel as necessary and are allowed to conduct probing techniques without any impediments. We are a small agency with limited staff in the business area as it relates to conducting our own auditing, however, there is an open door policy to the agency head to which employee could report concerns as well as the posted Inspector General information to which an employee could report issues of concerns.

- 11) Is there a risk assessment process that informs decisions on what to audit?*

Currently no risk assessment process on what to audit is in place for the agency. However, if any areas of concerned are identified by the contracting certified public accountants under contract with the South Carolina Office of the State Auditor, the agency will address those issues and make necessary changes. All staff members are aware that spot check audits can occur unannounced. Finally, quarterly reports are conducted and submitted to adhere to Procurement Codes.

- 12) What was the result of the Peer Review Self-Assessment that was performed on April 18, 2016?*

The result of the Peer Review Self-Assessment of April 18, 2016 reflected three findings: 1) A transaction did not have proper support documentation (This area has been strengthened with better procedures); 2) Annual inventory of personal property was not completed (New finance director had the inventory completed within one month of being hired in fiscal year 2017); and 3) Reporting packages to the Office of the Comptroller General were not submitted in a timely manner (The agency implemented steps to ensure timely submission and now that finance director is in place, reporting packages to the Comptroller's General have been submitted on time).

## HUMAN RESOURCES

- 13) Is there a continuing education requirement to ensure employees remain current on agency standards and practices?*

According to SC Code for DSS §20-7-2250; 114-590(C)(2)(f)(i-vii) Training- requires all staff who work directly with children must have a minimum of fourteen (14) hours of training related to child care annually. Those training topics may include but not be limited to: crisis management protocol, identifying and reporting child abuse and neglect, mandated reporter training, communication skills, group dynamics, fire safety, youth suicide prevention training, First Aid/AED and CPR training. Documentation of the completed training is maintained on the agency's Training Manager Software and provided for review at the time of relicensing annually.



***14) Does the agency provide any type of management training for employees who are promoted to a position in which they supervise other employees?***

The agency utilizes the Department of Administration- Division of State Human Resources Supervisory Skills Training for all employees who are promoted or hired into a supervisory role.

***15) How do employees communicate their improvement ideas?***

Employees are encouraged to take charge of their career development. As such, they verbally and in writing, communicate their improvement ideas via the EPMS planning stage each year. Throughout the year both the employee and their supervisor may revisit the planning stage to tweak the document as needed.

***16) What are examples of changes the agency has made over the years based on input received from employees?***

One example of a major change the agency has made based on input from the employees is the way the agency administers its annual training. Prior to 2016, the agency would conduct a week long training session the first full week of August on various topics. In 2015, after our HR department visited the Whitten Center in Clinton SC to study how they conduct their annual training fair, we decided that this would be a feasibly effective way to train our staff going forward. We have had two successful annual training fairs in 2016 and 2017 with plans already in the works for 2018 training fair.

Another example, would be the newly implemented meal tickets for employees and visitors to purchase a meal in our dining hall. This idea was implemented by the new CFO of our agency upon his arrival in September 2016. This has help to generate some funds for agency all the while, allowing our Food Service staff not to have to be involved with handling money while serving food.

There have been some other improvements over the past few years. Perhaps most notable has been the farming additions, many suggested by the farming staff. Hogs and chickens have been added. The cattle herd has been improved and increased. The greenhouse has been repaired and operational.

***17) What process does the agency utilize to evaluate employee satisfaction?***

The agency uses the State's EPMS system to evaluate employee satisfaction. The agency has a universal review date of May 20<sup>th</sup> each year for completion of the evaluations. Managers and Supervisors are encouraged to meet with their employees throughout the year.

***18) What is the agency's policy on promotions and bonuses?***

The agency follows the State Human Resources Regulations as it relates to promotions (19-704.3) and bonuses (19-705.07(G)).

***19) What other ways does the agency recognize employees for good performance?***

The agency has in the past recognized employees by having an appreciation day for the employees (2013) and appreciation banquet (2015).

( 20) *What impact would inclusion of John de la Howe in SC Code §8-11-270 (6) and §8-11-271 have on the school's ability to recruit and retain instructional personnel?*

This would give the agency the ability to recruit and retain instructional personnel. The instructional personnel of the agency were unclassified until the RIF 10/31/2016; of which, they were not a part of the classification and compensation plan.

21) *What type of succession planning does the agency have in place to ensure there are well qualified and experienced employees at the agency?*

The agency does not have a succession plan in place currently.



# Appendix 1

## Question 2:

*Describe your recruitment activities to attract students?*

*Do you all have any proposals for stabilizing enrollment?*

JOHN DE LA HOWE SCHOOL  
MEETING: RECRUITMENT AND RETENTION OF STUDENT POPULATION  
FAMILY CENTER CONFERENCE ROOM

JULY 21, 2017: 10:00 A.M.

AGENDA

I. RECRUITMENT OF STUDENT POPULATION

A. Current Strategies

- i. Formal Letters to School Districts and State DSS offices
- ii. Face-to-Face Meetings with School Administrators
  - 1. Brochures
  - 2. Admissions Application
  - 3. Who we are
  - 4. Programs offered
    - a. Who qualifies
    - b. Informational discussion

B. What other Strategies can we implement?

- i. Day student population
  - a. Abbeville Alternative Population
  - b. McCormick Alternative Population
- ii. Email/Mail Correspondence to Schools across the State
  - 1. Brochures
  - 2. Informational Packet (similar to that discussed in person)
- iii. Ideas:
  - 1. Advertising: Billboard, Commercial (Radio/TV), Newspaper
  - 2. Testimonials on website & brochures
  - 3. Add JDLHS DVD to correspondence: Mailed and In-person visits
  - 4. Skype/Facetime interviews with entities that are too far for day travel: reduction in travel expenses

II. RETENTION OF CURRENT POPULATION (Ensure that Students Remain Until Successful Completion of Program)

A. Supervision as a plan to prevention

- i. The better our supervision of the children in all facets of their day, the less likely bullying will be apt to occur



1. Students should never be left unattended
- ii. Supervisors should be checking in on their staff periodically (at least via telephone or radio during the evening through bedtime)
- iii. Camera Systems
  1. Will be a helpful tool for supervision purposes
- iv. Ideas:
  1. Anti-bullying classes as part of academia for students: Ensure that students are receiving same messages from all programmatic components
  2. Ms. Jackson and Mrs. Blakely look into former practices
  3. Ms. Jackson: Contact Issac Wilson: would like to come speak with the boys and staff about anti-bullying: Has book also: geared towards males

## B. Training

- i. More concurrent trainings in MindSet and Think Kids
  1. Build confidence and competence of Staff to manage behaviors
- ii. Ideas on other training opportunities that would empower staff and enable them to better manage their cottage/camp populations:
  1. Reiteration of Mission: Have employees know and understand the Mission holistically
  2. Team building trainings
  3. Staff development meetings: What's working? What isn't? How can we change or improve?: Monthly
  4. Sensitivity Training: How to best approach the children we serve without inadvertently escalating situation/emotions
  5. Cross Training opportunities: ensure that all personnel understand protocols and procedures in managing student behavior and activities

## C. Communication

- i. Supervisors should be communicating with Families weekly (minimally)
  1. All communications should be documented in the students' files both hard copy and on Best Notes
  2. Critical incident reports should result in documented communication to families
    - a. Communication and justification of non-communication should be documented on every Incident Report
- ii. Supervisors should be communicating with staff regularly to convey pertinent information
  1. Should have periodic staff meetings to discuss concerns, progress, ideas, etc.

iii. Ideas on effective communication:

1. Would it be beneficial to have an intranet?

a. Has been mentioned before: no progress was ever made;

Mr. Coleman/Ms. Dear

iv. Document all conversations with families to ensure accuracy of

Information: Share with appropriate parties: File in student's file and BN

D. Counseling

i. Groups

1. Group discussions should be the cornerstone of all that we do.
2. Groups provide a period of time to plan, discuss, and process information.
3. We all should observe etiquette and be models of the behaviors we want the children to exhibit.

ii. For more sensitive issues and mental health concerns refer student to CT by way of the supervisor

1. Suicidal thoughts or ideation
2. Ideation of self-harm
3. Mental Health concerns
4. Issues pertaining to sex or sexuality
5. Other issues that would require more intensive counseling

iii. All pertinent information should be communicated to the appropriate personnel so that we can offer the children their best chances at success

1. Keep in mind confidentiality/HIPPA

iv. Ideas on counseling:

1. CT duty phone should be monitored and answered in the event that a student has a more pressing need after normal business hours. Addressed with Ms. Tutt: Expectation to answer after hours on a rotating basis

2. Suicide prevention Hotline: At what point is it appropriate to use?

a. Should CT have opportunity to address student prior to use?

i. CT should be involved prior to student utilizing hotline if at all possible.

3. One-on-one academic training/tutoring: Afterschool program

4. Direct care staff should be relatively informed of students' academic deficits so that homework/study time can be best utilized to help correct those deficits: Will build student confidence in academics

III. Any other ideas that may help build and maintain our student population while maintaining a safe and nurturing environment:

A. Mentoring Program: entities outside the agency



B. Job Shadowing Program

- i. Could be within agency especially with potential changes

C. Career days/fairs

D. Develop activity schedule related to students' interests in conjunction with therapeutic and programmatic objectives and goals

E. Student Council

F. Volunteers

G. Get students involved in Habitat for Humanity

H. Have Homework center be outside of the cottage and in a small group setting

I. Continue to develop the Level/Step system: give students and staff a clearer picture of student progress through program. Build student confidence as they develop skills and competencies.

J. Sunday Service/Bible Study/Devotional in Chapel

- i. Mrs. Morton knows of volunteers to provide services.

- ii. Ms. Leverette would volunteer one Sunday per month

IV. Future Meeting to Draft a Written Plan for Recruitment and Retention

A. Wednesday, July 26, 2017 @ 1400: Will confirm via email

\*\*\* No highlight represents initial meeting

\*\*\*Yellow Highlight represents July 21<sup>st</sup> meeting notes

\*\*\*Blue Highlight represents July 26<sup>th</sup> meeting notes

# Appendix 2

## Question 4:

*For John de la Howe students that have attended McCormick public schools and then transferred back to a home school in the last three years, please obtain data from McCormick public schools on how those students are progressing academically and behaviorally.*



The response to this question contains personally identifiable information about students which may be disclosed, for limited purposes, under the Family Educational Rights and Privacy Act (FERPA).

# Appendix 3

## Question 5:

*What is John de la Howe's proposal for tracking academic and behavioral progress of students who attend either LS Brice or McCormick High School, after they return to their home schools?*



SURVEY OF STUDENT WHO FORMERLY ATTENDED THE  
JOHN de la HOWE SCHOOL

192 Getty's Road, McCormick, S. C. 29835, Telephone: 864-391-0414

## Sixty Day Follow-up Report

The following student was discharged from the John de la Howe School on  
\_\_\_\_\_, \_\_\_\_\_, 20\_\_\_\_\_.

Name of Student \_\_\_\_\_

Name of School now Attending \_\_\_\_\_

Address of School now Attending \_\_\_\_\_ Current Grade \_\_\_\_\_

Grade of Student upon leaving John de la Howe \_\_\_\_\_

Address of Student \_\_\_\_\_

Student Identification Number \_\_\_\_\_

Name of Parent(s) \_\_\_\_\_

Telephone Contact \_\_\_\_\_

How has the student performed since leaving John de la Howe?

Less than average \_\_\_\_\_ Average \_\_\_\_\_ Above Average \_\_\_\_\_ Excellent \_\_\_\_\_

Please Explain \_\_\_\_\_

Since returning to school, his/her behavior:

Has Not Improved \_\_\_\_\_ Remains the Same \_\_\_\_\_ Has Improved \_\_\_\_\_

Please Explain \_\_\_\_\_

Name of Person Completing this Form \_\_\_\_\_

Title of Person Completing this Form \_\_\_\_\_

Date \_\_\_\_\_

# Appendix 4

## Question 7:

*Does the board have policies related to how it should carry out its duties? If so, may we have a copy of those policies?*





**JOHN DE LA HOWE SCHOOL**  
**BOARD OF TRUSTEES**  
**GOVERNANCE and OPERATIONS**

**Adopted September 16, 2004**

## **B - BOARD GOVERNANCE AND OPERATIONS**

- BA** Board operational goals
- BB** Board legal status
  - BBA** Board powers and duties
  - BBAA** Board member authority and responsibilities
  - BBAB** Board member qualifications
  - BBAC** Board member resignation
  - BBAD** Board member removal from office
  - BBAE** Unexpired term fulfillment/vacancies
- BC** Board member conduct
  - BCA** Board member code of ethics
  - BCB** Board member conflict of interest
- BD** Organization of the board
  - BDA** Board officers
  - BDB** Board-superintendent relationship
  - BDC** Board committees
  - BDD** Board consultants/staff assistants
- BE** Board meetings
  - BEA** Executive sessions/open meetings
  - BEB** Board meeting notification
  - BEC** Board meeting agenda
  - BED** Rules of order
  - BEE** Voting method at board meetings
  - BEF** Minutes of board meetings
  - BEG** Public participation at meetings
  - BEH** News media services at board meetings
  - BEI** Public hearings at board meetings
  - BEJ** Special meetings of the board
- BF** Board policy process
  - BFA** Policy revision and review/Board review of administrative rules
  - BFB** Suspension of policy
- BG** Board member services
  - BGA** New member orientation/Board member development opportunities
  - BGB** Attendance at professional meetings by board members
  - BGC** Board membership in professional associations
  - BGD** Board member compensation and expenses
  - BGE** Board member insurance/liability

## **C - GENERAL AGENCY ADMINISTRATION**

- CA** Administration goals/priority objectives
- CB** Agency Director (Superintendent)
  - CBA** Qualifications of superintendent
  - CBB** Superintendent powers and responsibilities
  - CBC** Superintendent's appointment
  - CBD** Evaluation of superintendent
- CC** Board/Superintendent relations
- CD** Development of administrative rules/Board requirements

## **BOARD OPERATIONAL GOALS**

*Code BA*

Adopted: September 16, 2004

**Purpose:** To establish the basic structure for Board operations.

The Board of Trustees is responsible for the establishment and maintenance of a state-supported residential group child-care agency serving children of South Carolina. The Board will make all necessary rules and regulations for the governance and conduct of the agency consistent with the laws of the state.

The Board views its oversight role as falling into four major categories. The categories are: vision, basic structure, accountability, and advocacy.

### **Vision**

The Board sets the long-range vision for the agency. Functions which must be carried out to achieve a viable long-range vision include strategic planning, budget planning, other planning activities such as facilities planning, creating programs for promoting inclusion of community groups, and maintaining a proactive stance for the special kinds of educational enhancement that are at the center of the agency's mission.

### **Basic structure**

The Board establishes the basic structure for governance and operation of the agency as the fundamental basis for realizing its vision. Basic elements of structure include personnel, quality of staffing and staffing patterns, budget development, curriculum and instruction, appropriate environment such as facilities and behaviors, performance management and agency operations.

### **Accountability**

The Board ensures accountability for the agency and its operations by supporting and overseeing the development of appropriate accountability processes and documents on an ongoing basis. These include the annual budget; routinely required reports on student performance; annual accountability reports; legislative and fiscal audits; management of personnel and maintenance of all processes associated thereby; processes for assuring that minimum standards are maintained with respect to physical plant; processes for assuring that all legal requirements are met; and annual evaluation of the Superintendent as the chief operating officer of the agency. The Board holds the Superintendent primarily responsible for assuring accountability in all relevant areas of agency operations.

### **Advocacy**

The Board is an advocate for its vision. It strives to realize its vision by working with elected and appointed officials; through cooperation with other agencies serving students; by being advocates for its students in legislative and educational forums as appropriate; and by promoting the value of its unique educational offerings with the general public, business, alumni, retired persons and other relevant groups.



## BOARD LEGAL STATUS

Code BB

Adopted: September 16, 2004

**Purpose: To establish the legal foundation for Board operations.**

The John de la Howe School is under the management and control of a board of nine trustees, all of whom must be appointed by the Governor and confirmed by the Senate of the General Assembly. The trustees so appointed must be citizens of the state who are interested in the aims and ambitions of the agency. Members of the Board will serve for terms of five years, remaining in their positions at the end of their terms until successors are appointed.

The Board's powers are derived from the State Constitution and Acts of the General Assembly. Consequently, the Board may perform only those acts for which some authority exists. This authority may be expressly stated or implied either in state law or in rules and regulations of the State Board of Education. The Board's authority to exercise permissive powers within the framework of state laws and regulations allows for freedom of action.

All powers of the Board lie in its action as a body. Board members, including the Chairman, acting as individuals have no authority over personnel or agency affairs unless so authorized by a vote of the Board.

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### Legal references:

- A. S. C. Code Ann. § 59-49-20 – Trustees of School; appointment; terms; vacancies.
- B. Opinion S.C. Atty. Gen., 1960-61, No. 1092 (April 21, 1961) – Any action by board of trustees of school must be taken at a regularly called and assembled meeting with a quorum present.
- C. S.C. Code Ann. § 59-49-20 – Trustees of School; appointment; terms; vacancies.
- D. S.C. Code Ann. § 59-49-70 – School declared a body corporate; powers.

## **BOARD POWERS AND DUTIES**

Code 88A

Adopted: September 16, 2004

**Purpose:** To establish the basic structure in which the Board operates.

The Board of Trustees is a body politic, under the name and style of the John de la Howe School. It will have a seal, which it may change at its discretion, and in its name it may contract for, purchase and hold property for the purposes provided for in this chapter. It may take any property or money given or conveyed by deed, devised or bequeathed to the agency and hold it for its benefit and use. The conditions of the gifts or conveyances in no case may be inconsistent with the purposes of the agency, and the Board may not by the acceptance thereof incur any obligation on the part of the State. The Board of Trustees will securely invest all funds and keep all property that may come into its possession. It may sue and be sued in its name and may do all things necessary to carry out the provisions of this chapter.

The Board will establish the general policies of the John de la Howe School. Annually at its June meeting, the Board will approve the budget for the fiscal year beginning on July 1. The Chairman of the Board of Trustees will convene a special meeting of the Board in July or August (budget submission timeframe established by the Budget and Control Board) to approve the John de la Howe School budget request for the next succeeding fiscal year's appropriations. Approval shall be based upon review and approval of the agency's long-range goals.

The Board will select and appoint a Superintendent to work at the will of the Board and will assign his/her duties. The Board will also approve the hiring, terms of employment, salary, and dismissal for all senior management staff.

### **Legal references:**

- A.
  - 1. S. C. Code Ann. § 59-49-10 – Establishment of John de la Howe School.
  - 2. S. C. Code Ann. § 59-49-20 – Trustees of School; appointment; terms; vacancies.
  - 3. S.C. Code Ann. § 59-49-70 – School declared a body corporate; powers.
  - 4. S.C. Code Ann. § 59-49-100- Purpose of School.
- B. S.C. Code Ann. § 59-49-140- Rules and Regulations.
- C. S.C. Code Ann. § 59-49-80- Superintendent; employees.

## BOARD MEMBER AUTHORITY AND RESPONSIBILITIES

Code BBAA

Adopted: September 16, 2004

**Purpose:** To establish the basic structure of the authority and responsibilities of the Board and its members.

Because all powers of the Board of Trustees lie in its actions as a group, individual Board members exercise their authority over agency affairs only as they vote to take action at a legal meeting of the Board.

In other instances, an individual Board member, including the Chairman, will have power only when the Board, by vote, has delegated authority to him/her. The Board will not be bound in any way by any action or statement on the part of any individual Board member not delegated by the Board. The Board will make its members, the agency staff and the public aware through its actions and policies that only the Board acting as a whole has authority to take official action.

The Board and its members will deal with administrative services through the Superintendent and will not give orders to any subordinates of the Superintendent either publicly or privately, but may make suggestions and recommendations in appropriate forums such as Board or Board committee meetings.

The members of the Board of Trustees are officers of the State. Constitutional provisions that apply to officers apply to Board members.

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### Legal references:

- A. S. C. Constitution:
  - 1. Article II, Sections 3 & 4 - Definition of qualified electors.
  - 2. Article XVII, Sections 1 & 1A-Qualifications for office and prohibition against dual office holding.
- B.
  - 1. S. C. Code Ann. § 59-49-20 – Trustees of School; appointment; terms; vacancies.
  - 2. S. C. Code Ann. § 59-49-90 – Oath of trustees; oath and bond of superintendent.
  - 3. S.C. Code Ann. § 59-49-70 – School declared a body corporate; powers.
  - 4. Title 8 – Public Officers and Employees
- C. Opinion S.C. Atty. Gen., 1960-61, No. 1092 (April 21, 1961) – Any action by board of trustees of school must be taken at a regularly called and assembled meeting with a quorum present.



## **BOARD MEMBER QUALIFICATIONS**

Code BBAB

Adopted: September 18, 2004

**Purpose: To establish the basic structure for qualifying for Board service.**

Constitutional and statutory provisions require that all officers of the State and its subdivisions be qualified electors; that is, registered to vote in their resident precincts. The South Carolina Constitution prohibits any person convicted of a felony under State or federal law or other crimes related to elections and voting from being elected to and serving in an office in this state or its political subdivisions.

There is a provision in the South Carolina Constitution that prohibits dual office-holding, except in instances when an officer is given ex-officio status by statute. Any office-holder who is elected to a second office must vacate the first office. Thus, a Board member may not hold another office. Under this provision, "office-holding" means being elected or appointed to an office of the State or its subdivisions.

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### **Legal references:**

- A. S.C. Constitution:
  - 1. Article II, Sections 3 & 4 - Definition of qualified electors.
  - 2. Article II, Section 7-Disqualifications by reason of mental incompetence or conviction of crime.
  - 3. Article VI, Section 3 - Prohibits dual office-holding.
  - 5. Article VI, Section 1 - Prohibits persons convicted of certain crimes from election to office (with some exceptions).
  - 5. Article XVII, Sections 1 & 1A-Qualification for office and prohibition against dual office-holding.
- B. S.C. Code, 1976, as amended:
  - 1. Section 7-5-120 - Qualifications for voter registration.

## **BOARD MEMBER RESIGNATION**

*Code BBAC*

Adopted: September 16, 2004

**Purpose:** To establish the basic structure for Board member resignation.

Whenever a Board member finds it impossible to complete his/her term of office, he/she will announce his/her desire to quit the Board and submit a letter of resignation to the Governor and the Chairman of the Board.

## **BOARD MEMBER REMOVAL FROM OFFICE**

**Code BBAD**

**Adopted: September 16, 2004**

**Purpose: To establish the basic structure for removal of a Board member from office.**

The Board considers any member of the John de la Howe School Board of Trustees who has three (3) consecutive unexcused absences from regularly scheduled meetings held by the Board as removed from the Board and a vacancy created. The Chairman of the Board will immediately notify the Governor of the member's absences and of the resulting vacancy.

An unexcused absence occurs whenever a member fails to notify the Chairman of the Board or Superintendent either verbally or in writing of illness or reasonable personal or business conflict in advance of a Board meeting. The Board will make the decision whether to grant an excused absence at that meeting.

Following two unexcused absences within a twelve-month period, the Chairman will write the Board member to inform him/her of his status.

Active and ongoing involvement by all Board members is needed and expected. Even if absences are excused, the Board through its Chairman may request that a member resign if a pattern of absences persists, regardless of the cause.

This section does not apply to an ex-officio member of a State Board or to a designee of an ex-officio member.

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### **Legal references:**

- A. S.C. Code Ann. § 59-49-30 – Removal of trustees; failure to attend meetings as resignation.  
[note apparent discrepancies between this section and the current policy under this section]



## **UNEXPIRED TERM FULFILLMENT/VACANCIES**

*Code BBAE*

Adopted: September 16, 2004

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

In case a vacancy occurs on the Board among the appointed members for any reason other than expiration of a term when the General Assembly is not in session, the Governor may fill it by appointment until the next session of the General Assembly at which time the Senate must confirm the new member for the remainder of the unexpired term.

Appointments to fill vacancies that are caused for any reason other than expiration of a term may be made as the vacancies occur.

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### **Legal references:**

- A. S.C. Code Ann. § 59-49-20 – Trustees of School; appointment; terms; vacancies.

## **BOARD MEMBER CONDUCT**

Code BC  
Adopted: September 16, 2004

**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 which the public places in 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 agency policies and rules, pertinent State and federal laws, and pertinent regulations of the State Department of Education.

Have a general knowledge of mission, aims and objectives of the agency.

Work harmoniously with other Board members without trying either to dominate the Board or neglect one's share of the work.

Support the policies and actions of the Board.

Represent the Board and agency to the public in such a way as to promote both interest and support.

Refrain on all occasions from discussing with the public, members of the staff, or other elected officials any concerns they may present, referring all such matters to the Superintendent or the Chairman of the Board.

The Board will seek removal of any member whose actions repeatedly violate the spirit of this policy. The same procedures for removal because of habitual absence (see BBAD) will be invoked for infractions of conduct policy.

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## **BOARD MEMBER CODE OF ETHICS**

Code BCA

Adopted: September 16, 2004

**Purpose: To establish guidelines for ethical conduct by Board members.**

Special agencies such as the John de la Howe School play an important role in the State's educational program. Therefore, board membership for such an agency represents a challenging responsibility. This code of ethics is adopted by the Board as a guide for its members as they strive to render effective and efficient service.

**A Board member should honor the high responsibility which his/her membership demands by doing the following:**

Act in the best interest of the students of John de la Howe School.

Confine behavior to policy making, not administration, and learn to discriminate intelligently between these two functions.

Assure, in concert with other members of the Board, that optimal resources are provided to the agency.

Accept the responsibility of becoming well informed concerning the duties of Board members and the proper administration of agencies of this kind.

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:**

Recognize that authority rests only with the Board in official meetings and that the individual member has no legal status to bind the Board outside of such meetings.

Recognize the integrity and the merit of the work of predecessors and associates on the Board.

Maintain the confidentiality of matters discussed in executive session.

Recognize and support the principle that the rule of the majority must prevail.

**A Board member should maintain desirable relations with the Superintendent and his/her staff by honoring the following principles and/or guidelines:**

Give the Superintendent full administrative authority for properly discharging his/her professional duties and hold him/her responsible for acceptable results.

Act upon the recommendation of the Superintendent in matters of employment or dismissal of agency personnel.

Have the Superintendent present at all meetings of the Board except when his/her employment and salary are under consideration

Refer all complaints to the Superintendent, discussing them at a regular meeting after any administrative solution has failed.

Present personal criticisms of any employee directly to the Superintendent and defer to him/her for appropriate action.

The Board will seek removal of any member whose actions repeatedly violate the spirit of this policy. The same procedures for removal because of habitual absence (see BBAD) will be invoked for infractions of conduct policy.

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**Legal references:**

- A. School board members are under the jurisdiction of the State Ethics Act, S.C. Code Ann. § 8-13-100, S.C. Code Ann. § 8-13-700 et. Seq., S.C. Code of Laws, and are subject to the rules of conduct of the statute.

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

**School board members:**

1. S.C. Code Ann. § 8-13-700 (A): May not use their position or office for personal financial gain.
2. S.C. Code Ann. § 8-13-705 (B): May not receive compensation to influence action.
3. S.C. Code Ann. § 8-13-720: May not receive additional money as payment for advice or assistance given in the course of their employment.
4. S.C. Code Ann. § 8-13-725: May not use or disclose confidential information gained in the course of their employment.
5. S.C. Code Ann. § 8-13-730: May not serve as a member or employee of a governmental regulatory commission that regulated any business with which they are associated.
6. The "price-fixing" provision does not appear to exist in the revised Ethics Act.
7. S.C. Code Ann. § 8-13-775: May not enter into contract with a governmental agency or department which is to be paid in part or in whole out of government funds, unless the contract has been awarded through a process of public notice and competitive bidding.
8. S.C. Code Ann. § 8-13-705(A)(1): May not offer or give gifts or promises to members or employees of a governmental regulatory agency or department with the intent to influence that person's discharge of their official duties.
9. S.C. Code Ann. § 8-13-705(B)(5): In cases where a potential conflict of interest exists, a public member should prepare a written statement providing details of the potential conflict and furnish a copy to the presiding officer of the board on which he serves, who shall cause the statement to be printed in the minutes and shall require that the member be excused from any votes, deliberations, and other actions on the matter on which the potential conflict of interest exists and shall cause such disqualification and the reasons for it to be noted in the minutes.

S.C. Code Ann. § 8-13-1110 Person required to file a statement of economic interests.

## BOARD MEMBER CONFLICT OF INTEREST

Code BCB

Adopted: September 16, 2004

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

A Board member may provide services or sell products to the agency for which he/she is a Board member provided that all transactions are in accordance with the State Ethics Act.

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

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

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

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

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### Legal references:

- A. S.C. Constitution:
  - 1. Article XVII, Section 1A - Dual office holding prohibited.
- B. S.C. Code Ann. § 8-13-100, § 8-13-700 et seq. State Ethics Act, 8-13-700(B) -Use of official position or office for financial gain; disclosure of potential conflict of interest.
  - 2. Section 59-19-300 – Prohibits receiving pay as teacher in same district where serving on board.
  - 3. Section 59-25-10 – Prohibits board from employing members of immediate family, with exceptions.
  - 4. Section 59-31-590 – Prohibits service as agent of schoolbook publisher.
  - 5. Section 59-69-260 – Authorizes board member to provide services or sell products to the district...so long as these transactions are in accordance with state ethical provision of law.

## ORGANIZATION OF THE BOARD

Coda BD

Adopted: September 16, 2004

**Purpose:** To establish the basic structure for Board organization.

The officers of the Board of Trustees are Chairman, Vice-Chairman and Secretary. The Governor, who serves ex officio, will be the ex officio Chairman of the Board.

The officers will be elected by written ballot by a majority of the Board at the June board meeting in each even-numbered year to serve for a term of two years. New officers will take office at the first meeting after July 1.

A simple majority of the Board constitutes a quorum, and as such has power to transact business. The determination of a majority at any meeting shall be based on the number of appointed members serving on the Board at the time of the meeting.

The Board will fill vacancies in accordance with Policy BB.

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### Legal references:

- A. S.C. Code Ann. § 59-49-20 - Trustees of School; appointment; terms; vacancies.

## **BOARD OFFICERS**

Code BDA  
Adopted: September 16, 2004

**Purpose:** To establish the basic structure for the duties of the Board officers.

### **Duties of the Chairman**

The Chairman presides at all meetings of the Board and performs other duties as directed by law, State Department of Education regulations and by the Board. In carrying out these responsibilities, the Chairman will do the following.

Sign the instruments, acts and orders necessary to carry out State requirements and the will of the Board.

Consult with the Superintendent in the planning of the Board's meeting agendas.

Confer with the Superintendent on crucial matters that may occur between Board meetings.

Appoint Board committees and serve as Chairman of the Executive Committee.

Call special meetings of the Board as necessary.

Act as the public spokesperson for the Board at all times except as this responsibility is specifically delegated to others.

As presiding officer at all meetings of the Board, the Chairman will do the following.

Call the meeting to order at the appointed time.

Be responsible for the orderly conduct of all Board meetings.

Announce the business to come before the Board in its proper order.

Enforce the Board's policies relating to the order of business and the conduct of meetings.

Recognize persons who desire to speak and protect the speaker who has the floor from disturbance or interference.

Explain what the effect of a motion would be if it is not clear to every member.

Restrict discussion to the question when a motion is before the Board.

Answer all parliamentary inquiries.

Put motions to a vote, stating definitely and clearly the vote and result thereof.

The Chairman has the right, as other Board members have, to offer resolutions, discuss questions and vote on all matters coming under the purview of the Board.

### **Duties of the Vice-Chairman**

The Vice-Chairman will preside at meetings of the Board and will have the powers and duties of the Governor and the Chairman in his/her absence or during his/her disability. The Vice-Chairman will be a member of the Executive Committee and will perform such other duties and functions as the Board may from time to time determine.

### **Duties of the Secretary**

The Secretary attends all Board meetings and assures that the proceedings are recorded. The Secretary will be a member of the Executive Committee. The Secretary will also supply records and other information which the Board may require or need. Among his/her duties will be the following.

Assure that a permanent record of all proceedings of the Board is kept in accordance with the procedures outlined in Policy BEF.

Prepare such reports and perform such duties as may be prescribed by statutes or directions of the Chairman of the Board.

Assure that notice of all meetings of the Board is provided in accordance with the Freedom of Information Act (FOIA).

Certify that the minutes of each meeting have been properly prepared.

Act as the official custodian of all Board records.

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### **Legal References:**

- A. S.C. Code Ann. § 30-4-10, et seq. - Freedom of Information Act.



## **BOARD-SUPERINTENDENT RELATIONS**

**Code BDB**

**Adopted: September 16, 2004**

**Purpose: To establish the basic structure for the Board's legislation of policies and the execution of those policies by the Superintendent and staff.**

The chief function of the Board of the John de la Howe School is the development and/or approval of policies that are to be administered by the Superintendent. Any concern a Board member has concerning the agency and its operations will be directed to him/her.

The Superintendent of the John de la Howe School serves as the chief executive officer of the agency and is charged with the duty to carry out the general policies approved by the Board of Trustees. He/she submits to the Board, or its appropriate committees, recommendations and information concerning any phase of the John de la Howe School's policies or administration as may seem proper in the promotion and development of the John de la Howe School.

## **BOARD COMMITTEES**

Code BDC  
Adopted: September 16, 2004

**Purpose:** To establish the basic structure for the Board's use of committees composed of Board members.

### **Standing committees**

There will be three standing committees of the Board of Trustees.

Executive Committee  
Policy and Procedures Committee  
Evaluation Committee

Members of standing committees, with the exception of the Executive Committee, will be appointed by the Chairman and will serve at his/her pleasure. The chairman of each committee, with the exception of the Executive Committee, may also be appointed by the Chairman of the Board. The Chairman of the Board will serve as Chairman of the Executive Committee. Ad hoc committees may be appointed at the pleasure of the Chairman of the Board.

The Superintendent and the Chairman of the Board will serve as ex-officio members of all standing committees of the Board, with full right to deliberate with the committees but without the right to vote on any matter.

### **Board committee duties**

The Board committees will be charged with the following responsibilities.

#### **Executive Committee**

Performs such duties as will be specifically assigned.

Reports in writing to the Board all actions taken or authorized by it in the preceding interim since the last Board meeting.

Acts until the Board meets whenever necessary.

Discusses and assists the Board chairman in setting the annual agenda.

Makes recommendations to other committees or the full Board.

#### **Policy and Procedures Committee**

Monitors the efficacy of current policies and performs annual review of the policy manual to keep policies current.

Directs policy development by establishing a process to develop, update, review and approve policy.

Reviews new policies developed.

Ensures policies have received review by appropriate State agencies or entities (e.g., Office of Human Resources, Attorney General's Office, etc).

Develops policies or instructs Superintendent and/or staff to develop policies.

Directs the annual review of all policies.

Assists the Superintendent in keeping the agency in accord with the policies of the Office of Human Resources, the U. S. Department of Labor, the South Carolina Human Affairs Commission, etc.

## **Evaluation Committee**

Assures that an appropriate Agency Head Performance Evaluation planner is prepared at the beginning of each evaluation year for the Superintendent.

Monitors performance objective measures and recommends measures as necessary. Assures that such measures are integrated into the Agency Head Performance Evaluation planner for the Superintendent.

Develops and maintains procedures for carrying out a yearly and mid-year performance review and evaluation of the superintendent in accordance with the requirements of the Agency Head Salary Commission and directed by the Office of Human Resources of the Budget and Control Board.

## **Ad hoc Committees**

The Chairman may appoint special committees when the need arises. The function of special committees will be fact-finding, deliberative and advisory, but never legislative or administrative. Such committees will serve until they have accomplished their purpose and/or until they are discharged.

Every special committee will render its report when due and when called for by the Chairman.

All committee meetings will be open to the public. All committees will make reasonable and timely efforts to give notice of their meetings in accordance with applicable provisions of the South Carolina Freedom of Information Act, as amended.

## **Legal references:**

A. S. C. code, 1976, as amended:

1. Section 30-4-20 (a) - Defines public body.
2. Section 30-4-60 - Meetings of public bodies will be open.

Section 30-4-70 - Meetings that may be closed.

Section 59-19-110 - Board may designate members to investigate matters under its control.

## BOARD CONSULTANTS/STAFF ASSISTANTS

Code BDD

Adopted: September 16, 2004

**Purpose:** To establish the basic structure for the Board's need for and relationship with consultants and staff assistants.

The Board or the Administration may enlist the services of consultants to provide specialized advice or assistance to the agency. These services may concern educational, management or administrative matters. The Board will ensure compliance with State Procurement Laws and that funding for the services is available and appropriate.

The Board will outline the contractual agreement with consultants and ensure that the fee for services is reasonable.

Consultants will have no authority over the work of the employees, of the agency, or the Board of Trustees. They will act only as advisors in the field in which they are qualified to offer assistance.

The Board will have final approval of all suggestions made by such consultants.

The Board will display respect of the supervisory responsibility of John de la Howe School staff members by supporting the chain of command and will request staff assistance from the Superintendent.

No Board member will direct an employee to provide staff support. The Board member in need of support will request assistance from the Superintendent.

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- A. S.C. Code Ann. § 59-19-93 – Adoption of procurement code by school district; suspension of distribution of funds for noncompliance.  
S.C. Code Ann. § 11-35-10, et seq.  
South Carolina Consolidated Procurement Code

## **BOARD MEETINGS**

Code BE  
Adopted: September 16, 2004

**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 June of each year. At this time officers will be elected when necessary, committee assignments will be renewed or changed.

### **Regular Board meetings**

The Board holds its regular meeting at the John de la Howe School on the second Thursday every quarter beginning in January or at such time and place as the Chairman of the Board shall determine, with the exception that the meeting which would fall in July shall occur in June for organizational purposes and required budget and performance evaluation reviews.

The Board may change the time and place of any regular meeting upon a majority vote of the Board.

### **Special meetings**

The Chairman of the Board or a majority of the Board may call a special meeting of the full Board. At least 24 hours' notice must be given to all members of the Board and the public except when emergency conditions make such notice impossible.

### **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. By custom, work session meetings are typically held on the day immediately preceding a scheduled Board meeting.

### **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 regulations (see BEB).

### **Legal references:**

- A. S.C. Code, 1976, as amended:
  - 1. Sections 30-4-10 through 30-4-110 - South Carolina Freedom of Information Act.
- Section 59-1-340 - Meetings of boards of trustees and boards of education.
- Section 59-19-90(4) - Calling meetings of electors for consultation.
- Section 59-19-110 - Board rule-making power includes right to conduct any hearing.



## EXECUTIVE SESSIONS/OPEN MEETINGS

Code BEA  
Adopted: September 16, 2004

**Purpose:** To establish the basic structure for conducting executive sessions.

The Board, by majority vote, may go into executive session for reasons provided for by law. Only upon request of the Board may persons other than Board members be present during executive sessions.

Before going into executive session, the Chairman of the Board will put the question of whether to meet in executive session to a vote. If such vote is favorable, the Chairman will then announce the specific purpose of the executive session, *i.e.*, identify the matters to be considered in executive session.

As permitted by law, executive session matters may involve the following:

Individual staff and student personnel actions (unless the individual requests a public meeting), including the review of the Superintendent's performance.

Discussion of negotiations incident to proposed contractual arrangements.

Acquisition or sale of property.

Receipt of legal advice, including settlement of a claim.

Discussion regarding the development of security personnel or devices.

Investigative proceedings regarding allegations of criminal misconduct.

The Board will not take any formal action in executive session. Formal action means a recorded vote committing the Board to a specific course of action. A vote may be taken on any action discussed in executive session only after the Board returns to open session.

Board members and other persons attending the executive session are duty-bound not to disclose matters discussed in executive session.

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### Legal References:

- A. S.C. Code Ann. § 30-4-70 -- Meetings that may be closed.

## **BOARD MEETING NOTIFICATION**

Code BEB

Adopted: September 16, 2004

**Purpose:** To establish the basic structure for Board and public notification of Board meetings.

The Board will provide dates of regular meetings in annual announcements that are made available in printed form to the news media and public.

### **Notification to Board members**

The Superintendent will distribute notice of each regular meeting of the Board with agenda and supporting materials to Board members at least one week in advance of the meeting, if possible, to permit them to give items of business careful consideration.

The Superintendent will give notice of all special meetings to the members of the Board at least 24 hours prior to the time for the meeting. The notice will indicate the purpose of the special meeting.

### **Public notice**

The Superintendent will see that written notice of regular Board meetings is made public annually at the beginning of each calendar year. The notice will include the dates, times and places of regular Board meetings. The Superintendent will send the notice to local news media, on the John de la Howe School website, and post it at the Board meeting place.

The Superintendent will post an agenda for regularly scheduled meetings at least twenty-four (24) hours prior to the meeting. The Superintendent will post notice of any called, special or rescheduled meetings in the same place as the notice for a regular meeting. The notice for called, special or rescheduled meetings will include the agenda, date, time and place of the meeting. The Superintendent will post notice for any special meetings at least twenty-four (24) hours prior to the meeting time. However, this will not apply to emergency meetings.

The Superintendent will notify persons or organizations, local news media, or such other news media as may request notification of the times, dates, places and agenda of all public meetings, regular, special, called or rescheduled. The Secretary will note the efforts to comply with this policy in the minutes of the meeting.

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### **Legal references:**

S. C. Code, 1976, as amended:

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

Section 59-19-80 - Requirements as to purchases and teacher employment.

## **BOARD MEETING AGENDA**

Code BEC

Adopted: September 16, 2004

**Purpose:** To establish the basic structure for Board preparation of and adherence to its meeting agenda.

The Superintendent, in cooperation with the Chairman of the Board, will prepare the agenda for the regular meetings. The agenda will include references to the Board's policies, where appropriate.

Items of business may be suggested by Board members, staff members or citizens of the State. The Superintendent and Chairman of the Board may decide whether or not to include those items. The agenda will, however, allow time for the remarks of persons who have requested to appear before the Board.

The Board will follow the order of business set by the agenda, unless the order is altered by a majority vote of the members present. Items of business not on the agenda may be discussed and acted upon if a majority of the Board agrees to consider them.

The Superintendent will distribute the agenda and supporting materials to the Board, along with the notice of the meeting and agenda. The materials will include minutes of the past regular meeting, any past special meetings, and reports and proposals to be considered by the Board.

Materials distributed to the Board which reflect staff recommendations in their final form are open to the public unless exempt from disclosure by law or are of a personal nature such that public disclosure thereof would constitute unreasonable invasion of personal privacy.

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### **Legal references:**

- A. S.C. Code, 1976, as amended:
  - 1. Section 30-4-80 - Posting of agendas.

## **RULES OF ORDER**

Code BED  
Adopted: September 16, 2004

**Purpose:** To establish the basic structure for rules of order for the conduct of Board meetings.

### **Parliamentary procedure**

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

### **Addressing the Board**

No person, including members or employees of the Board, will address the Board without permission of the Board. Those persons will make such oral communications only in the regular order of business, except by suspension of the rules.

### **Decorum**

When a member speaks to any question, he/she will address him/herself to the chairman, confine his/her remarks strictly to the point at issue, and refrain from discussing personalities.

### **Motions**

No motion will be subject to debate until it has been announced by the chairman. The mover will put the motion in writing at the request of any member. When a motion has been made and seconded, it may be withdrawn by the person making the motion at any time prior to taking the vote.

### **Point of order**

No Board member will be interrupted while speaking, except on a point of order. A member thus interrupted will cease to speak until the point is decided.

### **Limit on debate**

The Board may limit debate on any issue to such time as it may deem wise and expedient in the efficient conduct of its business.

### **Suspension of the rules**

Rules may be suspended at any meeting by majority vote of Board members. The order of business may be suspended at any meeting by a majority vote of those present.

## VOTING METHOD AT BOARD MEETINGS

Code BEE

Adopted: September 16, 2004

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

When a question is submitted to vote, every member present will be entitled to vote on it, unless the member has a financial interest in the question or has reason to believe that his/her vote should be disqualified for ethical or personal reasons. A member who has a financial interest in a matter will disqualify him/herself in accordance with South Carolina Code, Section 8-13-700, as amended. In the event of an ethical or personal disqualification, the member will advise the Chairman and decline to vote (see BCB).

No member can vote who is not present when a question is submitted to vote. This provision will include all matters before the Board. Absent Board members may have a statement as to how they would have voted inserted in the minutes as provided below.

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 according to Robert's Rules of Order.

The presiding officer will have the option of speaking to, offering and seconding motions, and voting according to Robert's Rules of Order.

Board members who are absent from a Board meeting may have their position on a question recorded but not counted in the minutes by submitting in writing the following statement to the Secretary of the Board before the agenda of the next regular meeting is closed.

Board Member \_\_\_\_\_, who was absent from the \_\_\_\_\_ meeting of the Board of Trustees, stated that he/she, if present, would have voted on the \_\_\_\_\_ (affirmative/negative) side of the questions dealing with \_\_\_\_\_.

### Legal references:

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

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

Section 59-19-80 - Requirements as to purchases and teacher employment.



## MINUTES OF BOARD MEETINGS

Code BEF  
Adopted: September 16, 2004

**Purpose:** To establish the basic structure for maintaining a record of business conducted at Board meetings.

The Secretary of the Board will keep or cause to be kept complete records of the action of Board meetings. The minutes will include the following.

date, time and place of the meeting

record of members present and members absent

record of efforts made to comply with the notice provisions of the South Carolina Freedom of Information Act

substance of all materials discussed and a record of all actions taken by the Board

resolutions and motions in full and the names of members making and seconding them

record of the disposition of all matters considered but not acted upon by the Board

Copies of the minutes will be mailed to the members of the Board as soon after a meeting as is feasible and no later than one week before the meeting at which they are to be approved. The minutes must be reviewed and certified as correct by the Secretary before they are forwarded to the members. Corrections in the minutes will be made at the meeting at which they are to be approved.

All open Board meetings will be tape recorded. Tapes will be dated and maintained as part of the permanent record.

The minutes will become permanent records of the Board and will be in the custody of the Secretary, who will make them available to citizens, upon request, at reasonable times during the working day, with exceptions as provided by law. The Secretary shall be provided, upon request, a copy of the tape recording of the minutes for any meeting.

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### Legal references:

- A. S.C. Code, 1976 as amended:
1. Section 30-4-10 et seq. - South Carolina Freedom of Information Act.
  2. Section 30-4-80 - Notice of meetings of public bodies.
  3. Section 30-4-90 - Contents of minutes, generally.
  4. Section 59-19-80 - Certain items to be in board minutes.

## PUBLIC PARTICIPATION AT MEETINGS

Code BEG  
Adopted: September  
16, 2004

**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 agency. 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 agency staff. School staff may attend any Board meeting. John de la Howe School supervisors and managers will not interfere with or block attendance by any employee.

In order that the Board may fairly and adequately discharge its overall responsibility, citizens wanting an item to be placed on the agenda for a specific Board meeting should direct requests to the Superintendent or Chairman of the Board.

### Agenda

The Board urges all persons to participate through established procedures. These procedures are designed to encourage participation and ensure the orderly management of the agency. The Board is committed to compliance with the South Carolina Freedom of Information Act as well as all other State laws that regulate or impinge on Board actions and policy.

A citizen must submit a written request for an item to be placed on the agenda to the Chairman of the Board and/or Superintendent no later than 5:00 p.m. on the eighth working day 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, the topic to be addressed and the time needed (a maximum of five minutes). The Board chairman may grant additional time as necessary.

The Chairman of the Board and the Superintendent will review the request and determine if the request can be handled by the administration without requiring a presentation to the Board. If the request can be handled by the administration, the Superintendent will inform the individual making the request that the administration will address the concern.

If a concern cannot be handled by the administration, the Chairman of the Board will review the request to determine if the concern should be presented to the Board. If the Chairman of the Board does not approve the request for presentation, the request will be presented to the Board for consideration. Factors include importance and timeliness of the concern, time requested, etc.

If a request is approved for presentation to the Board, a date will be determined for the presentation. A request to make a presentation to the Board may not necessarily be approved for presentation for the next Board meeting. Factors for selecting a meeting date include number and importance of other agenda items and the number of presentations to the Board. A person approved for a presentation to the Board will be notified in writing of the meeting date, time and location.

These steps may be circumvented only for emergency matters. The Chairman of the Board or the Superintendent may determine a request as an emergency matter and schedule a presentation to the Board. Emergency matters should be submitted in writing, if possible.

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. Speakers may offer objective comments on agency operations and programs that concern them. The Board will not permit in public session any expression of personal complaints about agency personnel nor against any person connected with the agency system.

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### Legal references:

- A. S.C. Code, 1976, as amended:
  - 1. Section 30-4-10, et seq. - South Carolina Freedom of Information Act.

## NEWS MEDIA SERVICES AT BOARD MEETINGS

Code BEH

Adopted: September 16, 2004

**Purpose:** To establish the basic structure for news media notification of and attendance at Board meetings.

The Board believes that one of its paramount responsibilities is to keep the public informed of its actions. Therefore, the press and public are welcome to attend Board meetings.

The Superintendent will send a copy of the agenda in advance of all official Board meetings to members of the working press who request it. In the event that representatives of news media are unable to attend a meeting, upon request they will be provided a summary of important Board actions.

When individual Board members receive requests from news media representatives for information about Board meetings, members will refer the information seekers to the Chairman of the Board. The Chairman will be the official public spokesperson for the Board (except as the Board specifically delegates this responsibility to others).

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### Legal references:

- A. S.C. Code 1976, as amended:
  - 1. Section 30-4-10, et seq. - South Carolina Freedom of Information Act.
  - 2. Section 59-1-340 - Board meetings open to news media.

## **PUBLIC HEARINGS AT BOARD MEETINGS**

Code BEI  
Adopted: September 16, 2004

**Purpose:** To establish a basic structure for public hearings at Board meetings

The Board will offer interested or affected persons an opportunity to be heard informally before the Superintendent. If necessary, the Board may grant a hearing as well.

The Board will follow certain procedures whenever large delegations come before it requesting a hearing regarding a critical issue being decided by the Board:

### ***Position of the Board stated***

After the meeting has been officially opened, the Chairman of the Board will briefly state the position of the Board and give reasons. If the Board has not taken official action on the issue, the Chairman may so state and may summarize briefly the arguments for and against the issue to be decided.

### ***Speakers for and against the issue***

The Secretary of the Board will secure the names of all wishing to be heard before the Board. Those wishing to speak will indicate whether they are for or against the issue involved. The Board will not hear persons who do not respond to the secretary's request.

The Chairman may set a reasonable time limit for each speaker.

### ***Questions from Board members***

After the speakers for and against the issue have been heard, the Chairman may allow Board members to ask questions pertaining directly to the issue involved.

### ***Action by the Board***

After the Chairman closes public discussion, the Board may proceed with its deliberations and take whatever action it deems advisable.

At any hearing, the Board (by a majority vote) may take the issue under advisement. The Board may continue the hearing from time to time, but not for a period of more than sixty (60) days after the date of its next regular meeting.

## **SPECIAL MEETINGS OF THE BOARD**

Code BEJ

Adopted: September 16, 2004

**Purpose:** To establish the basic procedure for calling and conducting special Board meetings.

### **Procedures for Calling a Special Meeting**

The Chairman of the Board or a majority of the Board may call a special meeting of the full Board. In the event of a special meeting 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.

For a special meeting to be called by a majority of the members of the Board, those constituting the majority must request the meeting by directing letters or e-mails to the Chairman calling for the special meeting. These communications must also be sent to all other Board members. At such time as the Chairman has received requests for a special meeting from a majority of the members, he or she must then schedule the meeting and direct the Superintendent to make all necessary arrangements, including giving notice of the meeting to all members of the Board and the public.

If the Chairman fails to comply with the request for a special meeting within 24 hours of receiving the request, then those members constituting the requesting majority may contact the Superintendent directly, who in that instance must proceed as if the Chairman had directed him and make all necessary arrangements, including giving notice of the meeting to all members of the Board and the public.

### **Agenda for Special Meetings**

The Board may consider only those matters specifically enumerated in the proposed agenda for a special meeting.

### **Management of Special Meetings**

The Chairman or presiding officer at any special is bound to follow the order of the agenda for any special meeting.



## **BOARD POLICY PROCESS**

Code BF  
Adopted: September 16, 2004

**Purpose:** To establish the basic structure for the development of Board policy.

The Board considers policy development its chief function.

The Board will develop written policies to serve as guidelines for its own operations and for the successful and efficient functioning of the agency. The Board will ensure that all policies are in compliance with State and Federal laws and regulations. The policy format presented herein shall be the approved format for all agency policies. Every attempt will be made to post all John de la Howe School policies on the agency's website.

Written policies are guides for the discretionary action of those to whom the Board delegates authority and as a source of information and guidance for all those who are interested in and affected by the agency.

Proposals regarding policies may originate with a member of the Board, the Superintendent, a staff member, parent, student, consultant, civic group, advisory committee or any citizen. These proposals should be submitted to the Superintendent or the Chairman of the Board. The Board will use a careful and orderly process in examining such proposals prior to acting upon them.

In formulating policy, the Board will consult with personnel, students, parents or community leaders who may be affected by the policy or who may request input into the development of the policy. The final responsibility for the drafting, developing and adopting of the policy will rest with the policy committee. The policy committee may request staff assistance in the drafting and development of policy.

The policy committee of the Board will review the recommended policies and forward them to the full Board as it sees fit. If requested by the policy committee, a member of the agency's senior leadership will make a presentation explaining the intent of the proposed policy. No policy shall take effect until it has been approved and adopted by the Board, except in situations when an emergency requires immediate implementation of a policy prior to formal approval.

If immediate implementation of a policy is necessary, the Superintendent will notify the Chairman of the Board of the urgency. The Chairman will provide the Superintendent with temporary approval of the policy provided the Superintendent can support that legal review and/or State review and approval requirements have been met. The Chairman of the Board will then notify other members of the Board of the temporary approval. During the next meeting of the Policy Committee, the Chairman of that committee will present the policy that is under temporary approval for discussion and scrutiny. At the next scheduled Board meeting, the Chairman of the Policy Committee will bring the policy in question before the full Board for its approval.

The Board will continually study and evaluate the written policies to determine their adequacy and effectiveness.

The formal adoption of the policies will be recorded in the minutes of the Board. Only those written statements so adopted and so recorded will be regarded as official Board policy.

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### **Legal references:**

Former regulation 43-150 was entitled: Policy Development  
S.C. CODE REGS. 43-150 repealed January 26, 2001.

## **POLICY REVISION AND REVIEW/BOARD REVIEW OF ADMINISTRATIVE RULES**

*Code BFA*

Adopted: September 16, 2004

**Purpose:** To establish the basic structure for continuous policy review and review of administrative rules by the Board.

In an effort to keep written policies up to date so that they may be used consistently as a basis for Board action and administrative decision, the Board will review all policies annually or on an as-needed basis. In carrying out this function, the Board shall work through its Policy and Procedures Committee (see Policy BDC).

The Board will evaluate how the policies have been executed by the agency staff and weigh the results. It will rely on the agency staff, students and the community for providing evidence of the effect of the policies that it has adopted.

The Superintendent is given the continuing charge of calling to the Board's attention all policies that are out of date or for other reasons appear to need revision. He/she will also have the responsibility of verifying that Board policy changes have been made and incorporated into the manual.

### **Review of administrative rules**

Often policies of the Board are accompanied by rules and exhibits that are referred to as administrative rules. These rules are generally drawn up by the administration to execute the policies of the Board.

The Board will approve administrative rules when such approval is required by law or otherwise advisable. The Superintendent will have freedom, however, to issue additional rules and procedures provided they are in harmony with Board policies.

## **SUSPENSION OF POLICY**

*Code BFB*

Adopted: September 16, 2004

**Purpose: To establish the basic structure for the suspension of Board policy.**

In emergency situations, a majority of the Board members present at a regular or special meeting may temporarily suspend the operation of any section or sections of Board policy which are not established by law or contract. A proposal for such change must be listed on the agenda of the meeting. All members must be notified in writing of such meeting.

The Board may also suspend a policy although such change was not listed on the agenda of the meeting if the favorable vote is unanimous.

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## **NEW MEMBER ORIENTATION/BOARD MEMBER DEVELOPMENT OPPORTUNITIES**

Code BGA  
Adopted: September 18, 2004

**Purpose:** To establish the basic structure for facilitating awareness by Board members of their role and responsibility to ensure their accountability to the public.

The Board and Superintendent, to the best of their ability, will assist each newly elected member to understand the Board's functions, policies and procedures. The Superintendent will provide each newly elected member with materials pertinent to Board operations, including a copy of the Board policy manual.

### **Orientation for new members**

State law requires all new members elected or appointed after July 1, 1997, to successfully complete a state-approved orientation program within one year of taking office. The program will include the powers, duties and responsibilities of Board members as well as other topics.

Board members already serving on July 1, 1997, and continuously reelected or reappointed are exempt from this requirement.

### **Board member development opportunities**

The Board encourages its members to participate in meetings and activities of appropriate professional organizations whose missions and/or activities are related to the work of the John de la Howe School.

The agency budget will include money for travel expenses for individual members to advance their development as Board members as the budget permits and according to annual guidelines approved by the Board. When the full Board does not attend a conference, convention or workshop, those who do participate will be requested to share information, recommendations and materials acquired at the meeting.

Board members desiring to attend a seminar, workshop or conference at Board expense should coordinate with the Superintendent prior to making travel plans. Board members are subject to the reimbursement guidelines set forth by the State's Comptroller General's Office. No Board member may undertake any plan for attending such seminars, workshops, conferences or other meetings without first securing the authorization and approval of the Chairman of the Board.

To help members develop understanding of the education program, the Superintendent will request members of the professional staff to appear before the Board from time to time to present and discuss new developments in various areas of curriculum and instruction.

### **Legal references:**

- A. S.C. Code, 1976, as amended:
  - 1. Section 8-15-60 - Professional development opportunities.
  - 2. Section 59-19-45 - Orientation program for new board members.

## **ATTENDANCE AT PROFESSIONAL MEETINGS BY BOARD MEMBERS**

Code BGB

Adopted: September 16, 2004

**Purpose:** To establish guidelines concerning Board member attendance at professional meetings and reimbursement for such activities

Board members are encouraged to attend seminars, workshops and/or conferences they deem beneficial to their performance as Board members. However, budgetary consideration will not permit the agency to reimburse Board members indiscriminately. Accordingly, each year an amount will be budgeted for Board travel. In July of each year priorities will be determined.

The Superintendent is charged with monitoring the travel amounts and advising the Chairman of the Board biannually of the current status of Board travel. When it is important that the Board be represented at certain events, the Chairman of the Board is the Board's official representative for these events. The Board will review the travel budget and priorities at its June meeting each year.

## **BOARD MEMBERSHIP IN PROFESSIONAL ASSOCIATIONS**

*Code BGC*

Adopted: September 16, 2004

**Purpose:** To establish the basic structure for Board membership in associations.

The Board may maintain a membership in appropriate professional associations whose mission and activities are related to the work of the John de la Howe School. Members of the Board may take an active part in the activities of such associations, both as a group and as individual members if funding is available. All such activities must be approved in advance by the Chairman of the Board.

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### **Legal references:**

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

1. Section 59-19-280 - Trustees may be members of the S.C. School Boards Association.



## **BOARD MEMBER COMPENSATION AND EXPENSES**

Code BGD

Adopted: September 16, 2004

**Purpose:** To establish the basic structure for payment of Board expenses.

Board members receive no compensation for their services but are paid mileage and per diem as allowed by the Budget and Control Board for their expenses for attendance at meetings of the Board or its committees.

The agency will reimburse Board members for all reasonable and necessary expenses incurred in attending a meeting or conference within the state of South Carolina when on official business of the Board or the agency. Such expenses may include the cost of attendance at conferences of school boards associations and other professional meetings/visitations when these costs are within the budget. All such travel must be approved by the Chairman of the Board in advance.

All out-of-state travel must be approved by the Chairman of the Board and coordinated with the Superintendent in accordance with state travel regulations and contingent upon availability of funds.

Board members will complete a reimbursement form following official meetings. The Superintendent and the Office of the Comptroller General will approve travel reimbursement.

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### **Legal references:**

- A.
  - 1. S.C. Code Ann. § 8-15-10 – Compensation of public officials.
  - 2. S.C. Code Ann. § 59-1-350 – Compensation of board members.
  - 3. S.C. Code Ann. § 59-49-60 – Compensation of Trustees.

## **BOARD MEMBER INSURANCE/LIABILITY**

Code BGE

Adopted: September 16, 2004

**Purpose:** To establish the basic structure for maintenance of liability insurance and defense of such claims.

Because they are members of an agency of government whose powers and duties can only be exercised by a decision of the majority of Board membership when the Board is officially in session, the members of the Board and its employees act as agents of the Board. None of these individuals should be placed in a position of personal liability for the performance of their responsibilities.

Therefore, the agency will maintain insurance to protect the agency, Board or members of the Board, Superintendent, department heads, other administrators, teachers or any other group of employees employed by the Board. This insurance will protect these individuals against liability on account of damages or injury to persons and property resulting from any act or omission of such Board or such individual in his/her official capacity as a member or employee of the Board or resulting solely out of his/her membership on or employment by the Board subject to terms and conditions of purchased insurance.

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### **Legal References**

- A. 1. S.C. Code Ann. §59-49-70 – School declared a body corporate; powers.
- 2. S.C. Code Ann. § 59-49-90 –Oath of trustees; oath and bond of superintendent.

## **ADMINISTRATION GOALS/PRIORITY OBJECTIVES**

Code CA

Adopted: September 16, 2004

**Purpose:** To establish the Board's vision for administrative goals and objectives.

The purpose of agency administration is to help create and foster an environment in which students can learn most effectively. All administration duties and functions will be appraised in terms of the contribution that they make towards the mission, vision, and values of John de la Howe School.

The mission of the John de la Howe School, a state-supported residential group child-care agency since 1918, which was founded in 1797 through the Will of Dr. John de la Howe, is to strengthen children and families from South Carolina who are experiencing difficulties to the extent that planned separation is necessary.

The vision of the agency states that it will integrate disciplines in a model of care to develop productive citizens.

The values of the agency include advocacy, excellence/creativity, honesty/integrity/truth, and responsibility/accountability.

The Board will rely on its chief executive officer, the Superintendent, to provide the professional administrative leadership that such a goal demands.

The design of the administrative organization will be such that all departments of the agency are part of a single system, subject to the policies set forth by the Board and implemented through a single administrator, the Superintendent. The administrators of all departments are expected to administer their units in accordance with Board policy and administrative rules. However, the mere execution of directives cannot and could not, by itself, be construed as good administration. Vision, initiative, resourcefulness, leadership and consideration and concern for staff members, students, and parents are essential in effective administration of the agency.

## **AGENCY DIRECTOR (SUPERINTENDENT)**

Code CB

Adopted: September 16, 2004

**Purpose:** To establish the Board's vision for the role of the Superintendent.

The John de la Howe School, a state agency, serves the purposes of the will of Dr. John de la Howe as interpreted by the Supreme Court of South Carolina, *Mars v Gibert*, 93 SC 455. The Board shall instruct the Superintendent of the agency to implement programs which meet the needs of South Carolina's children placed in its care.

The agency director for the agency is the Superintendent and is so designated in all policies and regulations. The Superintendent, employed by an appointed Board of Trustees, provides agency leadership, manages all administrative functions and implements policies and procedures to achieve the mission of the agency as directed by the Board.

John de la Howe School is an equal-opportunity employer.

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### **Legal Reference:**

- A.
  - 1. S.C. Code Ann. §59-49-80 – Superintendent; employees.
  - 2. S.C. Code Ann. § 59-49-90 –Oath of trustees; oath and bond of superintendent.
  - 3. S.C. Code Ann. §59-49-140–Rules and regulations.
  - 4. Mars v. Gibert, 93 S.C. 455, 77 S.E. 131 (S.C. 1913).

## **QUALIFICATIONS OF SUPERINTENDENT**

Code CBA  
Adopted: September 16, 2004

**Purpose:** To establish the basic structure for qualifications of the Superintendent.

Persons considered for this position should have a master of education degree or master of public administration degree or the equivalent and/or a combination of education and at least 10 years of experience. The job requires the Superintendent to reside on the campus of the John de la Howe School.

Because this is an administrative and leadership position at the highest level, demonstrated competence in these areas is a necessary prerequisite for this position. Additionally, persons considered for this position should have maintained active membership and participated in the professional organizations concerned with educational administration and management at local, state and national levels.

## **SUPERINTENDENT POWERS AND RESPONSIBILITIES**

Code CBB

Adopted: September 16, 2004

**Purpose:** To establish the basic structure for duties of the Superintendent.

The Superintendent will employ all personnel, subject to approval by the Board, and will define their duties. The Superintendent will prescribe the courses of study, make all rules and regulations for the governance of the agency and will be responsible for its operation and management within the limitations of appropriations provided by the General Assembly.

The Superintendent will submit to the Board, or its appropriate committees, recommendations and information concerning any phase of the John de la Howe School policy or administration as may seem proper in the promotion and development of the agency. Subject to the approval of the Board and within the budget limitation of the John de la Howe School, the Superintendent will be authorized to grant such promotions in faculty or administrative staff of the John de la Howe School as may be appropriate.

The Superintendent will also be authorized to terminate any appointments or employment, both in faculty or administrative staff, in keeping with the rules and regulations of the South Carolina Budget and Control Board governing all State employees. The Board must approve the hiring, terms of employment, salary, and termination/dismissal for all senior management staff. The Superintendent will duly report any action at the next meeting of the Board.

The Superintendent will be responsible for submitting to the Board for its consideration a proposed application for budget appropriation during July or August at the special meeting of the Board for the succeeding fiscal year (see BBA).

The Superintendent (or his designee) will sign all diplomas, certificates, contracts, payroll, or instruments authorized or issued by authority of the Board.

The Superintendent will perform such other duties as may be duly assigned to him/her by the Board or may be appropriate to the Superintendent's general duties and responsibilities.

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### **Legal Reference:**

- A. 1. S.C. Code Ann. §59-49-80 – Superintendent; employees.
- 2. S.C. Code Ann. § 59-49-90 –Oath of trustees; oath and bond of superintendent.
- 3. S.C. Code Ann. §59-49-100- Purpose of School

## **SUPERINTENDENT'S APPOINTMENT**

*Code CBC*

Adopted: September 16, 2004

**Purpose:** To establish the basic structure for the relationship between the Board and the Superintendent.

The appointment of a Superintendent is a function of the Board. It may seek the advice and counsel of interested individuals or of an advisory committee, and it may hire consultants to assist in selection. However, final selection will rest with the Board after a thorough consideration of qualified applicants.

The Superintendent will be employed by and will work at the discretion of the Board subject to the rules and regulations of the South Carolina State Budget and Control Board governing all state employees.

### ***Compensation and benefits***

The Superintendent will be entitled to compensation and benefits in accordance with the rules and regulations set forth by the South Carolina State Budget and Control Board through its Office of Human Resources.

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### **Legal Reference:**

S.C. Code Ann. §59-49-80 – Superintendent; employees.



## **EVALUATION OF SUPERINTENDENT**

*Code CBD*

Adopted: September 16, 2004

**Purpose:** To establish the basic structure for Board evaluation of the Superintendent, which ensures Board accountability to the community.

The Board will annually evaluate the Superintendent's performance, acting through and upon the procedures developed by the Board's Evaluation Committee (see Policy BDC). The evaluation process shall include but not necessarily be limited to the following components prescribed by the Agency Head Salary Commission:

### ***Step 1 – planning stage***

Annually in June the Superintendent will submit a written performance proposal of key objectives to be completed in the coming year.

Performance objectives will state success criteria that will exist when a duty or responsibility is satisfactorily performed including the following as far as possible.

specific action  
other appropriate measurements  
cost

The Superintendent and the Board will agree upon all objectives and associated success criteria. Each objective will thereafter serve as a performance commitment to the Board.

The planning stage document will be submitted to the Agency Head Salary Commission through the Office of Human Resources by the date designated by the State.

### ***Step II – interim performance conference***

In January of each year, the Board will conduct an interim performance conference with the Superintendent.

Through discussion during the performance period, the Superintendent will notify the Board of any adverse trends affecting accomplishments of approved objectives.

Any performance commitment may be adjusted whenever, in the judgment of both parties, it has been sufficiently invalidated in whole or in part by intervening events.

Either the Superintendent or the Board may schedule at any time during the annual performance period, on a strictly unofficial and informal basis, such interim pre-appraisal interviews as either party may deem desirable for performance management purposes.

### ***Step III – pre-appraisal interview conference***

The Superintendent will schedule the pre-appraisal interview with the Board at a mutually agreeable time prior to the evaluation due date. In this meeting, the Superintendent will present his/her job performance in relation to the objectives and success criteria outlined in the planning document. The Board will question the Superintendent to obtain the necessary information to complete the evaluation document.

The Superintendent will respond to questions from Board members regarding performance to enable them to acquire all information necessary to complete the appraisal form.

### ***Step IV – evaluation document***

The evaluation document will be prepared based on the pre-appraisal interview for review by the entire Board prior to the June meeting of the Board. The Superintendent will mail the following to the Board members.

planning performance document with the goals for the year  
self-evaluation  
blank copy of the performance evaluation document to be used by each Board member

The evaluation will be conducted by the Board in executive session. Initially, the Superintendent will be present to make a statement and to reply to any Board member's questions. The Superintendent will then be excused and the Board will discuss the documents and conduct the evaluation in private. Each Board member will relate orally the rating he/she gives on each performance characteristic. The overall rating for each characteristic will be an average of the overall ratings. Any other section of the performance evaluation document will be completed in the same manner.

The Board will approve the overall rating on the completed evaluation in open session. The Chairman of the Board will inform the Superintendent of the rating of each performance characteristic.

At a later time, the completed evaluation will be reviewed by the Superintendent and the Chairman of the Board. The Chairman will discuss the rationale for each rating of performance characteristics with the Superintendent.

The approved document will be signed by the Superintendent and the Chairman of the Board.

The completed document will be submitted to the Agency Salary Head Commission through the Office of Human Resources by July 1 of each year.

## **SUPERINTENDENT'S ROLE AS CHIEF ADMINISTRATOR**

*Code CC*

Adopted: September 16, 2004

**Purpose:** To establish the Board's vision for administration of the agency.

The Board holds the Superintendent responsible for the operation of the agency. It is the desire of the Board that the Superintendent hire individuals as administrators who have the management skills necessary to assume the major responsibility for the day-to-day operation of the agency.

Administrators, with assistance of their staffs, are responsible for providing the professional leadership and skills to transform the policies and goals of the agency into meaningful, measurable objectives, the achievement of which will effectively accomplish the mission of the agency.

## **DEVELOPMENT OF ADMINISTRATIVE RULES/BOARD REQUIREMENTS**

Code CD

Adopted: September 16, 2004

**Purpose:** To establish the basic structure for the development and review of administrative rules.

Often policies of the Board are accompanied by regulations and exhibits that are referred to as administrative rules. These administrative rules are generally drawn up by the administration to execute the policies of the Board.

The Board delegates to the Superintendent the function of formulating and designing the detailed arrangements under which the agency operates. These regulations and detailed arrangements are the administrative rules governing the agency. They must be, in every respect, consistent with the policies adopted by the Board.

In the development of rules and procedures for the operation of the agency, the Superintendent will involve, at the planning stage, those who would be affected by such provisions.

The Superintendent will develop, with representatives of professional and non-professional employees, channels for ready intercommunication of ideas and feelings relating to the operation of the agency. He/she will weigh with care the counsel given by representatives of student and community organizations. He/she will inform the Board of such counsel in presenting pertinent reports of administrative action and in presenting recommendations.

The Board will approve administrative rules when such approval is required by law or otherwise advisable. The Superintendent will have freedom, however, to issue additional rules, regulations and procedures provided they are in harmony with Board policies.

The Board reserves the right to review and veto administrative rules should they, in the Board's judgment, be inconsistent with the policies adopted by the Board.

Legal Reference: \_\_\_\_\_

S.C. Code Ann. §59-49-140— Rules and regulations.

## **AMENDING POLICIES AND PROCEDURES OF THE BOARD**

Code BEK

Adopted: September 16, 2004

**Purpose:** To establish the basic procedure for introducing and making amendments to policies and procedures of the Board.

### **Procedures for Amending Policies and Procedures**

Any member may offer a proposal to change any policies and procedures of the Board at a regular meeting of the Board. All such proposals must be offered in writing. Once a proposal has been presented to the Board, it will automatically be referred to the Policies and Procedures Committee for further study.

The Policies and Procedures Committee must rule on the proposed change and must present its recommendation to the Board at the next regular meeting after the proposal was first presented. If the Committee recommends adoption of the proposed change, a simple majority vote by the Board shall suffice. However, if the Committee recommends rejection of the proposal, a two-thirds majority vote of those present at a meeting shall be required to secure adoption of the change.

All approved policy changes shall take effect immediately upon their adoption by the Board.

*References approved by John de la Howe School Board of Trustees June 10, 2004. Policy for Amending Policies and Procedures approved by John de la Howe School Board of Trustees June 10, 2004.*

Policies and Procedures approved by Board of Trustees January 8, 2004. Legal references will be approved after reviewed and approved by the State Attorney General's Office. See excerpt from January 8, 2004 minutes below.

**I. Committee Reports –**

- a. **Policies and Procedures:** Dr. Loftis distributed a copy of the draft of Board policies and procedures drawn up by the committee for Board consideration. After review and discussion, Mr. Seabrook made a motion to adopt the policies and procedures as submitted, omitting the legal references until they can be reviewed and approved by the State Attorney General's Office, and allowing for a section to be added about amending the policies and procedures. Dr. Loftis will have the amending section prepared for presentation at the next meeting. Dr. Loftis seconded Mr. Seabrook's motion and it passed unanimously. Mrs. Lindler thanked the committee for the hard work put into the development of this document.