



A South Carolina Public Charter High School
A TransformSC School

BOARD GOVERNANCE POLICIES

Bylaws

SECTION 1. Members:

SECTION 1.1. The Midlands Middle College Board of Directors will consist of nine (9) members;

- Of the nine (9) members,
 - five (5) shall be individuals who have a background in K-12 education or in business.
 - Two (2) members will represent Midlands Technical College. Specifically, these positions will be 1) the President of MTC or designee and 2) the Vice-Provost for Academic Affairs, Chief Academic Officer or designee.
 - One (1) member shall be a current parent.
 - The final member can represent any community partner organization.

SECTION 1.2. All members must be residents of the state of South Carolina;

SECTION 1.3. Qualifications and Selection Process:

- A person who has been convicted of a felony must not be elected to the board. ● Five (5) members of the board will be elected by the parents, students and staff of MMC. The other four (4) will be appointed by the board of directors.
- Elections will be held biennially with members elected by a plurality of the votes cast. ● The timeline for the election will be published and provided to all families of students enrolled in MMC by the last school day of January of each election year. All Board candidates (new and incumbent) will be required to notify the school leader of intent to run for a board seat by 4:00 pm on March 20 or the next day should March 20 not be a business day.
- All employees of MMC and all parents or guardians of students enrolled in MMC are eligible to participate in the election. Parents or guardians of students shall have one vote for each of their students enrolled in MMC.
- New Board members will take office at 12:01 am on July 1 of each election year. ● No employees of the corporation shall be seated on the Board in accordance with the current South Carolina Charter School Law.
- A tie for the last seat on the Board will be determined by a toss of a coin. ● All newly seated Board members will complete the required state orientation training within the first year of their tenure.

SECTION 1.4. Member removal or resignation:

- Any member may resign at any time by sending a signed letter of resignation to the Board Chairman. This letter may be received in person, via mail, or email.
- Members of the Board may be removed by the Governor per newly adopted state law.

Members may also be removed by the Board Chair for lack of meeting attendance, breach of ethics or other egregious acts.

SECTION 1.5. Filling vacancies:

- In the event of a vacancy, i.e. the death or resignation of a member of the Board, the Board has the option to appoint an individual to fill said vacancy for the remainder of the unexpired term. The appointed replacement will have the option to run for the seat at the next scheduled election.

SECTION 1.6 Term limits:

- Members of the Board shall be elected for two-year terms in accordance with South Carolina Charter Law.
- Members may be elected to additional two-year terms.

SECTION 1.7. Board members are subject to the Freedom of Information Act;

SECTION 1.8. Board members are subject to the ethics requirements for public employees as contained in Chapter 13, Title8;

SECTION 1.9 Board members cannot be employed by the school within one year of serving;

SECTION 1.10 Board members are prohibited from dual office holding in accordance with Article XVII, Section 1A of the South Carolina Constitution.

SECTION 1.11 Amendments to the Bylaws will occur at a regularly scheduled Board meeting after written prior notice and discussion at a minimum of one meeting where a quorum is present. Bylaws will be reviewed at least once every three years and shall be documented as to the date of review. Bylaws may be adopted, amended or repealed by a majority vote of the Board.

SECTION 2. Officers:

SECTION 2.1. Titles of officers

- The officers of the MMC Board of Directors shall be President, Vice-President, Secretary and Treasurer. Only members of the Board may occupy these positions.
- These officers shall constitute the Executive Committee of the Board.

SECTION 2.2. Duties

- The officers shall perform such duties as usually pertain to the offices which they hold or as may be assigned to them by the Board.

- The President shall be the Chairperson of the Board.

SECTION 2.3. Election of Officers

- The officers shall be elected biennially at the first regularly scheduled Board meeting after the new Board is seated by a plurality of the votes cast and at the first regularly scheduled Board meeting of the second year of the Board's two-year term. ● Officers may succeed themselves in office.
- Each person elected as an officer shall continue after his/her election until the next Board officer election or until his/her earlier death or resignation in accordance with the Bylaws. ● Vacancies of officers caused by death, resignation, or decrease in the number of officers may be filled by a majority vote of the Board at a special meeting called for that purpose or at any regular scheduled meeting.

SECTION 3. Meetings

SECTION 3.1. Location and number to be held

- The MMC Board will meet 6 times per year (every other month) in the months of July, September, November, January, March, and May on the second Wednesday of the month at 7:30 am.
- Meeting will be held at MMC in the Springdale Hall Conference Room.
- Meetings will be open to the public and will be live streamed virtually.

SECTION 3.2. Special called meetings

Special meetings of the Board shall be called at any time by the Secretary upon the written request of either the President or three members of the Board.

SECTION 3.3 Open Meetings

The MMC Board will comply with the Open Meetings Act. All official actions and all deliberations by a quorum shall take place at a meeting open to the public, except in cases where executive sessions are authorized pursuant to the Freedom of Information Act.

SECTION 3.4 Quorum and voting

At all meetings of the Board, a precedence of a majority of the members shall be necessary and sufficient to constitute a quorum and, except as otherwise provided by law or the Bylaws, the act of a majority of the members present shall be the act of the Board. In the absence of a quorum, no business shall be transacted except to take measures to obtain a quorum, fix a time to adjourn, or to take a recess. No proxy votes will be allowed when members of the Midlands Middle College Board of Directors are absent from regular or called meetings. Members participating via virtual or conference calls may count in the quorum.

Each member of the Board shall have one vote in all voting actions. Members will register their votes by a verbal response of Aye for the affirmative and Nay for the negative.

SECTION 3.5 Robert's Rules of Order

All meetings of the Board shall follow Robert's Rules of Order for Meetings.

Board Roles and Responsibilities

The Board of Midlands Middle College adopts the following policy, effective on the date of adoption by the Board.

This policy will establish the role and responsibilities of the school's Governing Board.

SECTION 1. Board Member Status

SECTION 1.1. The legal status of every individual serving on the school's Board shall be that of "member." The legal status does not authorize an individual of the Governing Board to act or legally bind the Governing Board without a public resolution of a majority of the whole board or unless specifically allowed through the school's by-law provisions. Power vested in the Governing Board is vested as a body.

SECTION 1.2. Board members acting in their official capacity are immune from civil or criminal liability with respect to all activities and shall not be held personally liable for torts inflicted by school employees, pupils, or the general public. Tort immunity does not include acts of willful racial discrimination.

SECTION 2. Powers of the Board

SECTION 2.1. The Board's powers are established and limited by: The South Carolina Charter School Act of 1996, The Constitution of the State of South Carolina, South Carolina State Law, State Board Rules and Policies, and any other decisions promulgated by state and federal courts.

SECTION 3. Responsibilities of the Board

SECTION 3.1. The school's Board shall be the governing body charged with the responsibility for the operation of the public charter school. The most notable responsibilities shall be as follows:

- Create and support a clear mission, vision, and performance objectives
- Review and maintain bylaws
- Establish, interpret and enforce policies consistent with the mission
- Ensure fiscal health of the school including capital assets, operating budgets, fundraising, and endowments
- Adopt the annual financial budget
- Approve monthly General Fund and other reports and approve expenditures as required by Board policy
- Hire, support, manage, and assess the school leader
- Require reports of the school leader concerning the school's progress
- Evaluate itself annually and develop itself through orientation, ongoing

- education, and leadership succession planning
- Attend state mandated board training within 12 months of being elected or appointed to the board
- Establish strategic plans
 - Comply with South Carolina’s Freedom of Information Act by conducting open and public meetings where required, complying with notice provisions, and maintaining full and accurate records of meetings, committees, and policies
- Ensure all members are actively involved in the work of the board and committees
- Assure compliance with federal and state laws, regulations and rules •
- Assist in development of plans and specifications and provide financing school facilities
- Act as a final appeals board for personnel, parent, and student grievances
- Hear communications, either written or oral, from stakeholders related to matters of policy
- Act as charter school advocates and liaisons between the community and school

SECTION 4. Establishment of By-Laws

SECTION 4.1. The Governing Board shall adopt by-laws which set forth the framework for how the school is governed and managed by the board and the school principal respectively, and a statement of policies which reference the collection of policies officially adopted by the school’s board.

SECTION 4.2. Any provision in the board’s by-laws or adopted policies that is in conflict with the laws of the State of South Carolina shall be null and void.

SECTION 4.3. Once the charter application is approved any modifications to the by-laws require Authorizer approval.

SECTION 5. Board Accountability

SECTION 5.1. The school’s board is accountable for upholding all federal, state, and local laws, rules, and regulations as promulgated by the United States Congress, South Carolina State Legislature, federal, state, or local courts, agencies, or municipalities.

SECTION 5.2. The school’s board is accountable for meeting the terms of the charter and attaining established goals and objectives set forth in the charter document. Furthermore, the school’s board is committed to meeting the legislative intent of raising student achievement and shall ensure the school operates in a fiscally responsible manner evidenced by an unqualified audit annually.

Board Orientation

The Board of Midlands Middle College adopts the following policy, effective on the date of adoption by the Board.

This policy will establish expectations for orienting new Governing Board members to roles and responsibilities, legal duties, as well as best practices in board service.

SECTION 1. Board Orientation

SECTION 1.1. Within 12 months, new members to the school's board shall participate in a formal training session provided by an agency qualified to provide training specific to charter schools and non-profit governance. At a minimum, this training shall include:

- Fiduciary Responsibilities of Boards
- Roles and Responsibilities
- Board Accountability
- Ethics
- Conflict of Interest
- Open Meetings and Open Records
- Policy Development
- Personnel
- Community Relations
- Best Practices in Charter School Governance including instructional programs and school law

SECTION 1.2. Periodically or as required by law, the entire school board shall participate in a review of the topics covered in the orientation and specific topics relevant to efficient and effective board governance.

SECTION 2. Board Orientation Manual

SECTION 2.1. Each new board member shall receive a board orientation manual consisting, at a minimum, of the information listed below.

- Board By-laws
- Board Policies
- Code of Ethics for Board Members
- Conflict-of-Interest Policy
- Organization Chart
- Rules and Responsibilities of the Board
- Job Description of Officers and Other Members
- Committees

- Board Members, Biographies, and Contact Information
- Strategic Plan
- Charter Document including Performance Goals and Objectives
- Board Calendar
- Financials
- Fundraising Plan

Board manuals shall be periodically updated.

Board Member Development Opportunities

The Board of Midlands Middle College adopts the following policy, effective on the date of adoption by the Board.

This policy supports the school board's commitment to continuous growth and development of its board members to effectuate effective governance practices leading to high student achievement outcomes and strong stewardship of public funds.

SECTION 1. Scope of Activities

SECTION 1.1. The board regards the following as the kinds of activities and services appropriate for implementing this policy:

- Participation in conferences, workshops, and conventions held by state and national associations supporting charter schools, non-profits, or other related organizations
- Authorizer-sponsored training sessions provided for or required for board members
- Subscriptions to publications related to topics relevant to governance, charter schools, school reform, or other related topics.
- Speakers addressing topics of interest expressed by the board

SECTION 2. Board Development Requirements

SECTION 2.1. Each board member shall attend professional training annually. The school will require evidence of participation or certificates of completion to demonstrate the requirement has been satisfied.

SECTION 3. Appropriation of Funds

SECTION 3.1. The school's board shall appropriate adequate funds in the school's annual approved budget to support and promote professional development opportunities for each of its board members and to satisfy the provisions of this policy.

Board Member Compensation and Expenses

The Board of Midlands Middle College adopts the following policy, effective on the date of adoption by the Board.

This policy ensures that the school complies with non-profit regulations pertaining to compensation and expenses for board members.

SECTION 1. Compensation

SECTION 1.2. Members of the school's board shall receive no remuneration for service on the board, nor shall any member provide a service or product for which they receive compensation.

SECTION 2. Expenses

SECTION 2.1. Members of the school's board may be reimbursed for reasonable and customary actual expenses incurred during service to the board.

SECTION 2.2. Reasonable and customary expenses may include but not be limited to travel costs, fees for approved professional development opportunities as defined in the school's policy, and other related expenses.

SECTION 2.3. Costs for travel shall be reimbursed according to guidelines set forth by the Internal Revenue Service or other state agency promulgating these guidelines.

SECTION 2.4. Forward funding or reimbursement of expenses shall comply with the school's financial policies and procedures.

SECTION 2.5. All board member expenses should have prior approval.

Board Conduct and Code of Ethics

The Board of Midlands Middle College adopts the following policy, effective on the date of adoption by the Board.

This policy establishes expectations of ethical conduct by members serving on the school's board. The school's board collectively and its members individually shall at all times operate in the most ethical and conscientious manner possible.

SECTION 1. Board Authority Over Individual Authority

SECTION 1.1. Authority of the board rests only with the board as a whole and not with any individual board member unless expressly provided for in the board's

by-laws and/or through board resolution. As such, each member shall act accordingly.

SECTION 1.2. The board vests authority for management of the school in the school principal and in good faith, shall not undermine the authority of the school principal or intrude into responsibilities that appropriately belong in the scope of management, including, but not limited to such functions as hiring, transferring, or dismissing employees.

SECTION 1.3. The board shall make reasonable efforts to keep the school principal informed of concerns or specific recommendations that any member of the board may bring forth to the board as a whole or a committee of the board.

SECTION. 1.4. The board shall honor the established protocol and respective policy related to student, parent, or staff grievances.

SECTION 2. Duties and Responsibilities

SECTION 2.1. Board members agree to communicate on board related correspondence in a timely manner defined as no more than 24 hours.

SECTION 2.2. Board members shall reflect through action that his or first utmost concern is for the welfare of the students served by the school.

SECTION 2.3. Each member shall work diligently to uphold the mission of the school, to be an ambassador in the community for the school, and support the appropriate and efficient use of resources, including financial and human capital.

SECTION 2.4. Each board member shall uphold and enforce laws, rules, regulations, and other mandates pertaining to public charter schools.

SECTION 3.0 Accountability to Stakeholders and Community Relations

SECTION 3.1. Board members shall at all times maintain transparency in matters protected by law and shall endeavor to provide information in a timely, concise, and relevant manner to all stakeholders.

SECTION 3.2. Each board member shall be a positive ambassador for the school in the community and shall seek partnerships that enhance the school's programs, services, and resources.

SECTION 3.3. Board members shall regularly and systematically communicate information to stakeholders including, but not limited to academic achievement and fiscal health of the school.

SECTION 3.4. Board members shall, in a timely manner, communicate to the board or the principal expressions of public reaction to board policies and school programs.

SECTION 4. Policy Development

SECTION 4.1. Board members shall regularly review and revise policies that improve the programs, services, safety, and practices of the school.

SECTION 4.2. Each board member shall make policy related decisions only after full discussion at publicly held board meetings following an established policy or procedure formally adopted by the board.

SECTION 5. Board Meetings

SECTION 5.1. To ensure proper execution of duties and active engagement in the work of the board, board members shall attend no less than [75%] of all board meetings and functions sponsored by the board.

SECTION 5.2. To ensure proper execution of duties and active engagement in the work of the board, board members shall attend all meetings fully prepared to actively discuss and deliberate on matters requiring board attention or resolution. This extends to fully reviewing all documentation provided in advance of board meetings including meeting agendas, minutes, and attached documentations supporting board discussion or action.

SECTION 5.3. Board members shall work in a spirit of harmony and cooperation in spite of differences of opinion or philosophy that may arise during discussion and resolution of issues.

SECTION 5.4. Each member shall comply with the provisions of the Freedom of Information Act related to participating in executive/closed sessions.

SECTION 5.5. Board members shall maintain confidentiality of all discussions and other matters pertaining to board business during executive sessions of the board or related to matters or information protected by law.

SECTION 5.6. Each member shall in good faith make decisions related to the greater good as opposed to any particular segment or group.

SECTION 5.7. Each board member shall engage fully in discussion prior to casting a board vote and shall vote only on matters where the member has full understanding and adequate and appropriate information to make an informed decision.

SECTION 5.8. After casting a vote on any issue, each member agrees to abide by and support all majority decisions of the board.

SECTION 6. Personnel

Section 6.1. Board members shall only consider employment of personnel after receiving and fully considering the recommendation of the school principal.

SECTION 6.2. Consideration for employment of the school principal shall be made based on the needs and interests of the school. Decisions shall be made based on qualifications, experience, philosophy, verifiable performance, and fiscal feasibility related to compensation. All hiring decisions shall be made in accordance with the Equal Opportunity Employment Act and shall not be made based upon race, gender or national origin or other factors prohibited by law.

SECTION 6.3. Board members shall ensure regular and impartial evaluations of all staff and the appropriate supervisor or supervising body shall provide timely, written feedback related to formal evaluations.

SECTION 7. Financial Governance

SECTION 7.1. Board members shall refrain from and guard against use of any board member for personal or partisan gain or to benefit any person or entity over the interest of the school. Such gain refers to more than nominal or incidental amounts which would tend to impair or hinder independent judgment or action in the performance of official duties.

SECTION 7.2. Each board member shall require and regularly review financial information and shall ensure proper stewardship of public funds related to appropriate, efficient, and responsible use. In addition, each member shall carefully protect and monitor the fiscal health of the school and support actions which ensure sustainability of the school.

SECTION 8. Board Member Conduct

SECTION 8.1. Each board member shall conduct him or herself publicly in a manner befitting a public official and shall remember that personal actions and behavior reflect upon the school.

SECTION 8.2. Members shall communicate with fellow board members, staff, parents, and community members in a respectful, professional manner at all times.

SECTION 8.3. Each member shall refrain from any private action which would

compromise the integrity, honor, function, or reputation of the board or the school.

SECTION 8.4. Every member of the board shall annually file a written statement acknowledging that he or she is in compliance with this Code of Ethics and supports the responsibilities of board service.

SECTION 9. CONFLICTS OF INTEREST

SECTION 9.1. Board members shall annually notify the board in writing of any known potential or actual conflicts of interest.

SECTION 9.2. Each member of the board shall publicly announce potential or actual conflicts prior to board discussion or action and shall excuse themselves from deliberation, discussion, or vote. Such announcements shall be recorded in the official board minutes.

SECTION 9.3. Any board member suspecting a potential or actual conflict of interest of self or another member has a duty and obligation to announce the possibility prior to board deliberation, discussion, or resolution.

SECTION 9.4. Each member of the school's board shall comply with conflicts of interest policies of the board, and all laws, rules, regulations, and related requirements established by the State Board of Education, district authorizers, or the Internal Revenue Service.

SECTION 9.5. No member shall vote or otherwise participate in the negotiation or making of any contract or agreement with any business, entity, or individual in which he/she and his/her relative or other close relationship has a financial, either direct or indirect, interest.

SECTION 9.6. Members shall not solicit, accept, or agree to accept gifts, loans, gratuities, discounts, payments, or services from any individual, entity, or business in exchange for information, resolution, or partisan favor.

SECTION 9.7. No member shall have a direct or indirect relationship with individuals, entities, or businesses or have personal interest, directly or indirectly, in school real estate, school textbooks, equipment, buses, school materials, or other supplies or services procured on behalf of the school.

SECTION 9.8. No member of the board shall facilitate, support, or provide access to surplus materials or property of the school to individuals, entities, or businesses.

SECTION 9.9. Members of the school board shall not serve on the governing body of private K-12 institutions or public boards which otherwise compromise the

member's ability to appropriately fulfill duties to the school and serve the best interests of the school foremost.

SECTION 9.10. Members of the board shall not hold public office during service on the board.

SECTION 9.11. School board members shall not be employed by the State Department of Education, the local Board of Education, or serve concurrently as a member of the State Board of Education

SECTION 9.12. Each board member shall be independent of each of the other members and shall not be related by familial, personal, or business connections.

SECTION 9.13. No member of the board may be employed by the board for any position within the school.

SECTION 9.14. No member of the board may be in partnership or sole owner of a business conducting business with the board.

SECTION 9.15. No member of the board may be affiliated in a manner which poses a conflict as described herein with a bank or financial institution doing business with the board.

SECTION 9.16. No member of the board may employ or promote any person who is a relative of any board member unless a public, recorded vote is taken on such employment or promotion as a separate matter from any other personnel matter.

SECTION 9.17. Violation of this conflict of interest policy and disclosure requirements may constitute malfeasance, which is a violation of non-profit regulations. Such action shall be subject to suspension or removal from board service and may require legal action on the part of the school for violation of fiduciary duty.

SECTION 9.18. As used in this policy, "relative" shall mean any individual who is related to the board member as a father, mother, son, daughter, brother, sister, husband, wife, grandmother, grandfather, grandchild, mother-in-law, father-in-law, sister-in-law, brother-in-law, daughter-in-law, son-in-law, any relative living in the household of the board member, a person who is engaged to be married to the board member, an individual who is generally known as the individual intended to marry or with whom the board member intends or actually shares a household, or any other natural person sharing legal residence, either business or personal.

School Board Member Code of Ethics Pledge

The Board of Midlands Middle College adopts the following policy, effective on the date of adoption by the Board.

This policy will establish the role and responsibilities of the school's Governing Board for each member to sign and date the School Board Member Code of Ethics Pledge upon accepting Board membership.

As a school board member in South Carolina, I pledge my efforts to improve public education in my community and will solemnly try:

- to represent the interests of the entire Midlands Middle College when making decisions and to rely on available facts and on my judgment rather than on individuals or special interest groups;
- to understand the proper role of the board to set policies governing the district and to hire the chief administrative officer to carry out these policies;
- to encourage an open exchange of ideas by all board members during the decision-making process;
- to seek regular communications between the board and students, staff and all segments of the community;
- to attend all board meetings, to study issues facing the board and to enact policies and official actions only after full discussion at such meetings;
- to work with other board members in a conscientious and courteous manner befitting the public trust placed in the position of school board trustee;
- to communicate concerns and public reaction to board policies and school programs to the superintendent and other board members in a professional manner;
- to support employment of the persons best qualified for staff positions and to ensure a regular and impartial evaluation of all staff;
- to avoid conflicts of interest and to refrain from using my board position for personal or partisan gain;
- to encourage recognition of the achievements of students and staff and of the involvement of community residents;
- to support legislation and funding which will improve the educational opportunities and environment for students and staff;

- to take no individual action which would compromise the integrity of the board or administration and to respect the confidentiality of information that is privileged under the Freedom of Information Act;
- to study current educational issues and to participate in training programs; and
- to make the educational setting in our district the best possible to encourage all students to achieve and to love learning.

Date _____

Board Member _____

Addressing Board Member Violations

The Board of Midlands Middle College adopts the following policy, effective on the date of adoption by the Board.

This policy establishes provisions for addressing board member violations.

The board and each of its members are committed to faithful compliance with the provisions of the board's policies. The board recognizes that its failure to deal with deliberate or continuing violations of its policies risks the loss of confidence in the board's ability to govern effectively. Therefore, in the event of a member's mistaken, willful and/or continuing violation of policy, the board ordinarily will address the issue by the following process:

- conversation in a private setting between the member considered to be in violation and the board chair or other individual member
- discussion in a private session between the member considered to be in violation and the full board
- possible removal by the board from any leadership positions to which the offending member has been appointed or elected
- censure of the offending member of the board as a means of separating the board's focus and intent from those of the offending member

Board Meeting Agendas

The Board of Midlands Middle College adopts the following policy, effective on the date of adoption by the Board.

This policy establishes expectations for formulation of Governing Board agendas for official meetings of the Board.

SECTION 1. Development of Agendas

SECTION 1.1. Agendas shall be developed by the Board Chair, in consultation with the school principal and the Executive Committee.

SECTION 2. Schedule

SECTION 2.1. The following guidelines shall be utilized when creating, distributing

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and posting the agenda. Nothing shall prevent the Board from preparing and publishing an agenda prior to the guidelines established below as long as preparation and publishing falls within the requirements of the Open Meetings Act, S.C. Code Ann. Section 30-4-60, et.al.

a) 7-10 days prior to the board meeting Agenda items requested b) 5-7

days prior to the board meeting Agenda items due

c) 3-5 days prior to the board meeting Agenda ready for review by the Board and the school principal

d) 2-3 days prior to the board meeting Agenda distributed to the Board, school

principal, required to post on the school's website and at the school or location of meeting on a public message board utilized for such purpose

SECTION 3. Agenda Format

SECTION 3.1. The agenda shall contain the following, as appropriate:

- a) Call to order
- b) Mission Statement
- c) Reading and acceptance of minutes from last meeting
- d) Public Comments
- e) Committee reports
- f) Special orders (important business designation for consideration at this meeting)
- g) Note if an item is information or an action item
- h) Unfinished business
- i) New business
- j) Announcements
- k) Open floor (optional)
- l) Adjournment

SECTION 3.2. Some agendas may provide a time allotment next to a speaker's topic of discussion or for the purpose of public comment.

SECTION 3.3 Once an agenda is posted, additional items may be added to the agenda (a) at least 24 hours in advance of the meeting, following the steps outlined in 2.1 (d), or (b) added to the agenda at the meeting in question if approved by a 2/3 vote of the members of the governing body present and voting at that meeting.

SECTION 3.4 In the event that an item proposed to be added to an agenda would

constitute final action on the matter, or if the item is one in which there has not been and will not be an opportunity for public comment with prior public notice given (in accordance item 2.1 (d) and 3.3) prior to final action. Then that item may only be added to the agenda by (a) a 2/3 vote of the members present and voting and (b) a finding by the body that an emergency or an exigent circumstance exists if the item is not added to the agenda.

Electronic Participation in Board Meetings

The Board of Midlands Middle College adopts the following policy, effective on the date of adoption by the Board.

This policy establishes expectations for electronic participation in Board Meetings by members.

Section 1. Electronic Participation in Board Meetings by members.

Section 1.1. The board allows its members to participate by electronic or other means of communication such as telephone or video teleconferencing in the board's meetings, provided such participation is not disruptive to the proceedings.

Section 1.2. Participation includes all discussions and voting. The member participating through electronic means needs to be able to hear and to be heard.

Section 1.3. If the electronic participation becomes disruptive, members of the board can choose to disallow the participation.

Section 1.4. Electronic participation by a board member will be made only in exceptional circumstances that would prevent in-person participation, e.g., medical emergencies, military service, job restraints, travel situations, family emergencies, and/or uncontrollable circumstances.

Board Meeting Minutes

The Board of Midlands Middle College adopts the following policy, effective on the date of adoption by the Board.

This policy establishes expectations for development of official minutes of Governing Board meetings.

SECTION 1. Official Board Minutes

SECTION 1.1. Minutes shall be kept of all public meetings and shall include, but not be limited to the following:

- The date, time and place of the meeting.
- The members of the public body recorded as either present or absent.
- The substance of all matters proposed, discussed or decided and, at the request of any member, a record, by an individual member, of any votes taken.
- Any other information that any member of the public body requests be included or reflected in the minutes.

SECTION 1.2. The minutes shall be public records and shall be available within a reasonable time after the meeting except where such disclosures would be inconsistent with S.C. Code Section 30-4-70.

SECTION 1.3. Minutes of the meetings for the preceding 6 months shall be made available for review without need of a written request.

Executive (Closed) Session Meetings

The Board of Midlands Middle College adopts the following policy, effective on the date of adoption by the Board.

This policy establishes expectations for conducting executive (closed) session meetings.

SECTION 1. Purpose of Executive (Closed) Session Meetings

SECTION 1.1. The Governing Board acknowledges its responsibility to complying with the provisions of South Carolina's Freedom of Information Act

SECTION 1.2. Pursuant to the exceptions enumerated by the Freedom of Information Act, the board may find it necessary to close a portion of its meeting in order to discuss matters directly related to the exceptions enumerated in law. Executive (closed) sessions shall comply with all laws pertaining to the actions of public policy-making bodies.

SECTION 1.3. Pursuant to South Carolina's Open Meetings Act, the Board may call an executive (closed) session to discuss the following matters in accordance with S.C. Code Ann. SECTION 30-4-70 et. seq.:

1. To review an appeal from a Student Disciplinary Tribunal [Hearing Officer, Panel]; (S.C. Code Ann. Section 59-63-240.)
2. To consider a matter involving the disclosure of personally identifiable information from a student's educational records; (20 USC 1232g.)

3. To discuss contract negotiations; sale or purchase of property; (S.C. Code Ann. SECTION 30-4-70(2))
4. To discuss or deliberate upon the appointment, employment, compensation, hiring, disciplinary action or dismissal, or periodic evaluation or rating of a public officer or employee; (S.C. Code Ann. SECTION 30-4-70(1))
5. To consult and meet with legal counsel pertaining to pending or potential litigation, settlement, claims, administrative proceedings, or other judicial actions brought or to be brought by or against the school district or an officer or employee or in which the officer or employee may be directly involved; (S.C. Code Ann. SECTION 30-4-70(1))

SECTION 2. Executive (Closed) Session Protocol

SECTION 2.1. The specific reasons for closure of a public meeting shall be recorded in the official minutes of the Board.

SECTION 2.2. Meetings shall not be closed to the public except by a majority vote of a quorum present for the meeting.

SECTION 2.3. The minutes shall reflect the names of the members present and the names of those voting for closure

SECTION 2.4. Board resolution shall not be conducted in executive (closed) session. All voting shall be conducted in a public board meeting.

Hearing Procedure Guide

This is not a policy but a simple guide for reference. When conducting hearings, the Board may refer to this outline:

- 1) Both parties may have a brief (and equal) amount of time to state their position and what the evidence will show. The School shall go first.
- 2) Each side shall have the opportunity to call witnesses and question each witness. Each witness shall affirm they will only state the truth. The School shall go first in calling its witnesses. Once the school has called its witnesses, the other party may call its witnesses. The side that called the witness asks questions first, then the other party has a right to question the witness.
- 3) Witnesses should provide information on what the witness personally heard and saw.

- 4) Both parties shall have the opportunity to present appropriate written documentation and evidence relevant to the proceedings.
- 5) Both parties may have a brief (and equal) amount of time to sum up their position and specific request for decision from the School Board.

Adoption, Revision, and Repeal

The Board of Midlands Middle College adopts the following policy, effective on the date of adoption by the Board.

This policy establishes procedures for adopting, revising, and repealing official Governing Board policy.

SECTION 1. Identification

SECTION 1.1. Identification of policies requiring adoption, revision, or repeal shall be made by the school principal or another member of the Governing Board.

SECTION 2. Policy Adoption

SECTION 2.1. The Governing Board or a designated committee of the Board, in consultation with the school principal shall develop a drafted policy and shall present the draft as an item of information at a regularly scheduled Board meeting.

SECTION 2.2. After discussion and input from Governing Board members, drafted policies shall be reviewed by the school's legal counsel.

SECTION 2.3. The legal counsel shall provide suggested revisions to the drafted policy, and this shall be provided for review by the Governing Board at a regularly scheduled Board meeting where the Board shall vote to ratify the policy.

SECTION 3. Policy Revision

SECTION 3.1. The Governing Board or a designated committee of the Board, in consultation with the school principal shall develop a revised policy and shall present the draft as an item of information at a regularly scheduled Board meeting.

SECTION 3.2. After discussion and input from Governing Board members, draft revised policies shall be reviewed by the school's legal counsel.

SECTION 3.3. The legal counsel shall provide suggested further revisions, and this shall be provided for review by the Governing Board at a regularly scheduled Board meeting where the Board shall vote to ratify the policy with the revisions.

SECTION 4. Policy Repeal

SECTION 4.1. The Governing Board or a designated committee of the Board, in consultation with the school principal shall present the policy for repeal as an item of information at a regularly scheduled Board meeting.

SECTION 4.2. Policies suggested for repeal shall be reviewed by the school's legal counsel.

SECTION 4.3. The legal counsel shall provide a recommendation for repeal of the policy, and this shall be provided for consideration by the Governing Board at a regularly scheduled Board meeting where the Board shall vote to repeal the policy.

SECTION 5. Emergency Policy Adoption, Revision, or Repeal

SECTION 5.1. For matters of unusual urgency, the Governing Board may elect to waive the item of information meeting notice and vote to ratify a policy, policy revision, or repeal a policy at a regularly scheduled public Governing Board meeting.

SECTION 6. Records of Policies

SECTION 6.1. Decisions by the Governing Board to adopt, revise, or repeal a policy shall be made by reference to a part of the minutes of the meeting.

SECTION 6.2. All policies shall be included as part of the policy manual of the school. Policies and amendments to policies shall be effective immediately upon adoption unless a specific effective date is provided in the resolution.

Governing Board Records

The Board of Midlands Middle College adopts the following policy, effective on the date of adoption by the Board.

This policy establishes provisions for maintaining official Governing Board records.

SECTION 1. Custody of Records

SECTION 1.1. All official records of the Governing Board shall be kept and safeguarded by the school principal who shall also be responsible for the safekeeping of all official papers, including titles, contracts, obligations, and other documents which belong to the Board or pertain to its business.

SECTION 2. Records Availability for Inspection

SECTION 2.1. Governing Board records such as official minutes of the Board, its written policies, and its financial records shall be open for the inspection of any member of the community desiring to examine them during school hours.

SECTION 2.2. Records pertaining to individual students or staff members shall not be released for inspection by the public or any unauthorized persons, either by the school principal or other persons responsible for the custody of confidential files.

SECTION 3. Records Retention

SECTION 3.1. Records retention of Governing Board records shall follow the school's records retention schedule, which is compliant with state records retention mandates.

FOIA Fee Schedule

Freedom of Information Act Policy and Fee Schedule

Pursuant to the South Carolina Freedom of Information Act, the Midlands Middle College will provide copies of public records in its custody unless the records are exempt from disclosure under S.C. Code of Laws §30-4-40. All Freedom of Information Act ("FOIA") requests should be mailed to the following address:

1260 Lexington Drive, West Columbia, SC 29170

Upon receipt of a written request for records under FOIA, Midlands Middle College will determine if the records are available. Notification of this determination will be made within 10 business days for records less than two years old, or within 20 business days for records more than two years old. If Midlands Middle College determines that the requested records are available and not exempt from disclosure, the records will be furnished within 30 calendar days of the determination, or within 35 calendar days if the records are more than two years old. In certain cases, particularly FOIA requests in which a large number of records or confidential information is requested, a deposit not exceeding 25% of the total estimated fee will be required prior to commencing the retrieval and production of records; in such cases, the records will be furnished within 30 calendar days of when the deposit is received unless the records are more than two years old, then the records will be furnished within 35 calendar days of when the deposit is received. Reasonable efforts will be made to produce records at the lowest possible cost, and the following fee schedule will apply:

Fee Schedule

S.C. Code of Laws §30-4-30(B) states fulfillment of FOIA requests is subject to fees for search, retrieval, and redaction of records and fees for providing copies of documents.

- Copying costs will be charged at a commercially reasonable rate of \$0.10 per page, and, the fee for non-standard size documents, such as architectural plans or property plats, will be individually determined at the time of copying based on actual copying cost.

- Search, retrieval, and redaction costs of records will be charged at the prorated hourly salary of the lowest paid employee who, in the reasonable discretion of the school, has the necessary skill and training to perform the search, retrieval, and, if appropriate, redaction. The fee rate will vary based on the nature of the records requested. Employee time will be billed in ¼ hour increments.

The fee schedule may vary from time to time as salaries and commercially reasonable copying costs change. Fees will not be charged for examination and review of documents to determine if the documents are subject to disclosure. Additionally, copying costs will not be charged for copies of records that are transmitted in electronic format, although if requested records are not already in electronic format, fees will be charged for staff time required to transfer the documents to electronic format.

*Please note that obtaining or using personal information for commercial solicitation directed to any person in South Carolina is prohibited and is subject to criminal prosecution under S.C. Code of Laws §30-2-50.