

## BOARD AGENDA ITEM

October 9, 2012

### SUBJECT:

Proposed changes to Policy AAA – *Legal Status of Area Advisory Councils and Administrative Areas*

### BACKGROUND:

The Board's migration to a Tribunal model for primary disciplinary hearings, along with its reorganization of the administrative staff to provide for academic officers for the three levels and to eliminate the Area Assistant Superintendent positions has created the need for this policy to be consistent with those changes.

### ADMINISTRATIVE CONSIDERATION:

The administration drafted changes to this policy with the initial recommendations to the Board for Tribunal implementation. Those were not presented, however since the administrative reorganization came after that and would likely involve other necessary changes, which it did. Additionally, at the Board's request we attempted to get a portion of the legislation changed to in order to get rid of an impediment to the appointment of two members to the Area 4 Advisory Council. Thus far that effort has not been successful, but it needs to be changed. These amendments will add a method for those appointments to be made in default of any candidate following the existing "advisory election" process. (That process probably has not been utilized in three decades.) Finally, the Advisory Council Committee studied the role of these groups and reduced their work to a proposal that was recently approved by the Board. Those recommendations are incorporated into these changes in all substantive measures.

### RECOMMENDATION:

Approve the proposed changes and amendments to Policy AAA on first reading.

### ATTACHMENT:

Proposed changes to Policy AAA

### PREPARED BY:

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## Policy AAA\* Legal Status of Area Advisory Councils and Administrative Area

Issued ~~10/01-xx/xx~~

Purpose: To establish the basic structure for area advisory councils and for the duties of liaison officer assigned to each such advisory council

The Aiken County Board of Education is authorized to appoint area advisory councils for each of the five administrative areas in the county. The board will consider appointments annually at its May meeting with newly appointed members taking office on July 1 following their appointments. Unexpected vacancies will be filled as soon as possible, but in all cases within 60 days. Act 503 specifies the manner of appointment and provides for their election as follows.

The board of education is authorized to appoint for each administrative area an Area Advisory Council composed of seven members in each area, whose terms of office shall be three years; ~~provided, that initially three members shall be appointed for a term of three years, two for a term of two years, and two for a term of one year. The length of the terms of the members initially appointed shall be determined by lot. In Administrative Area No. 4 two members of the Area Advisory Council shall be residents of that portion of Saluda County formerly designated as Ridge Spring School District No. 2 of Saluda and shall be appointed as provided in Act 244 of 1959 (formerly designated as Section 21-3954, Code of Laws of South Carolina, 1962); provided, however that the length of the term shall be three years rather than four and staggered terms are set as provided elsewhere in this or other acts. that in the event there are no candidates filing for the advisory election prior to appointment, as set forth in the 1962 Code section herein mentioned, then the two members otherwise anticipated shall be appointed in accordance with the procedures for all other area advisory members throughout the school district, except that at least one member of the advisory council shall reside in that portion of Saluda County formerly known as Ridge Springs School District No. 2, and at least one member appointed shall be a resident of the Aiken County portion of the Ridge Springs or Monetta areas, or their surrounds.~~

### How appointed

Board members in those districts that represent a significant portion of an administrative area will make nominations for citizens to serve on the five area advisory councils. All nominations will be submitted to the board in writing. The method by which the nominations are derived rests with the board members involved. In administrative areas where two or more board members are participating in the nominating process, nominations may be rotated, made by mutual agreement or made by majority opinion. Board members will participate in the nomination process on the following basis.

#### ADMINISTRATIVE AREA 1

Board members in Districts: 7, 8 & 9

#### ADMINISTRATIVE AREA 2

Board members in Districts: 4 & 5

C-2

Attachment

ADMINISTRATIVE AREA 3

Board members in Districts: 3 & 6

ADMINISTRATIVE AREA 4

Board member in District: 1

ADMINISTRATIVE AREA 5

Board member in District: 2

In those cases where districts overlap into administrative areas, other than those described above, board members in overlapping districts may act in an advisory capacity for nominations to the appropriate councils.

**Authority**

The area advisory councils ~~will~~may determine local administrative rules in their respective administrative areas, provided such rules are consistent with the policies set forth by the county board of education. The county board of education may delegate additional authority to the area advisory councils to the extent necessary for the effective operation of the public schools in the county.

~~**Area assistant superintendents**~~

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~~Each of the administrative areas will have an area assistant superintendent appointed by the county board of education upon recommendation of the district superintendent. Each area assistant superintendent will be responsible to the district superintendent for the operation of the schools within his/her area and the annual preparation of a proposed budget for the area. The area assistant superintendent will have supervisory control over the expenditure of funds allocated to his/her area. Each area assistant superintendent will recommend to the district superintendent for nomination to the county board all candidates for employment.~~

The Aiken County Board of Education recognizes that the area advisory councils are a key organizational link in the formulation and development of procedures and programs for their respective administrative areas. Area advisory councils should also recommend to the county board policies for countywide application. Policies in regard to the relationship between area advisory councils and the Aiken County Board of Education are as follows.

Budget

In consultation with their assigned Academic Officer ~~area assistant superintendent~~, the area advisory council considers the projected capital needs items.

Local funds

All funds, revenues, fees, including accrued interest, etc., originating within the administrative area, are to be expended for the exclusive use of the schools and the students within the administrative area. Such expenditures must be approved by the area advisory council and so recorded in the official minutes of the meetings of the council. The area council establishes procedures to govern such expenditures within the guidelines of district fiscal policies. ~~The area assistant superintendent~~ assigned Academic Officer is responsible for the expenditure and/or investment of all funds that are available in the area. All dollars invested by the Area Council in conjunction with assigned Academic Officer ~~area assistant superintendent~~ must be in secured investment accounts.

### Fees

A schedule of all fees, revenues, use charges, etc. derived locally will be filed with the Aiken County Board of Education at the beginning of each school year (see Policy JQ).

### Audit

There will be an annual audit of the revenues and expenditures of all local funds not later than 120 days after the close of the fiscal year. After review of the audit by the county board of education, a copy is distributed to the area advisory council.

### Property

The area advisory councils will establish local procedures and fee schedules for the non-school use of the school property, subject to Board review and equal access considerations provided by law, and file a copy of these policies with the Aiken County Board of Education.

The board encourages the use of school property for school related and community activities. Each ~~area assistant superintendent~~, principal with the advice of his/her area council, exercises control of ~~the~~ his/her respective area-school campus properties. ~~They~~ The councils will have the authority to establish local rules for non-school use of school property in their respective areas, except for countywide programs, and will file a copy of the rules and appropriate fee schedules with the county board at the beginning of the school year.

The councils will charge appropriate rental fees for all non-school events to which admission is charged. Any net income from such fees will be credited to the area budget.

Advisory councils should attempt to keep charges for rental in line with other area councils and other organizations who rent facilities (see KF-E for an approved contract).

The council will establish adequate charges for all building use to pay custodians at least one-and-one-half time for services rendered and to cover the utility cost even when other fees are waived.

Decisions regarding the waiving of rental fees remain with the area advisory councils, subject to any requirements of Board policy and/or equal access provisions of the law.

#### Annual inspection

Each area advisory council or designated committees thereof will inspect ~~each~~ all of the schools in its administrative area at least annually and will report its findings to the full council and the area assistant superintendent assigned Academic Officer for transmission to the district superintendent and to the county board. If possible, inspections should include visits during the school day in order to observe how the schools function and to report those findings to the full council as part of the report to be forwarded to the District.

#### Administrative review

Each area advisory council will ~~review~~ prepare annually ~~the area assistant superintendent's~~ a report of the effectiveness of the schools in ~~his/her~~ its area with respect to facilities and will submit the report and its comments to the district superintendent for review with the county board.

#### Grievances

Patrons of the schools in each administrative area will present their grievances to their area advisory council through their ~~area assistant superintendent~~ Council's assigned Academic Officer. Appeals may be made to the county board of education. Personnel grievances and personnel issues are the exclusive province of the board of education.

#### Hearings committees

The Aiken County Board of Education designates the five respective area advisory councils, ~~or committees of three or more members of such area advisory councils,~~ to be its designated hearing committees for purposes of considering student transfer appeals, in those instances in which an appeal process is available beyond the level of area assistant superintendent. Each council will have the option to designate the method by which appeals are heard (committee of the whole or subcommittees), and the councils may vary such procedure as circumstances dictate. ~~If a council normally hears matters as a committee of the whole and elects to go to subcommittees on occasion, the minutes of the council's meeting shall reflect such decision and a brief reason why the subcommittee procedure was utilized. If a council chooses to utilize the sub-committee method for hearings as its routine procedure, such committees will be randomly selected and will be rotated no less than once every two months. Whenever a subcommittee comprises a hearing panel, a majority vote of such committee's membership is necessary for a decision and such decision is final. In expulsion cases where further appeals may be pursued, such appeal shall be directly to the Aiken County Board of Education. Area advisory councils will adopt a rule or standing procedure, with regard to disciplinary hearings, which will serve to prevent tie votes. Whenever an even number of council members is present and voting, the chairman or presiding officer for that session will not cast a vote. Whenever an advisory council uses the subcommittee procedure, the subcommittee will either consist of an odd number of persons or else the member presiding over the subcommittee for that session will not vote.~~

“Principals may in their sole discretion include Area Advisory Councils in the discipline loop as non-action interventions for students who have accumulated office referrals and who may be likely headed for more serious disciplinary action soon.”

#### Review of Disciplinary Reports

The area councils shall receive and review at least once each nine weeks a compiled report of the types of disciplinary referrals from their respective area, heard by the District’s tribunal and the nature of disposition being made.

#### Local procedures

Area advisory councils will establish procedures for their respective areas, consistent with state law and county board policies. The councils will meet in centrally convenient locations on a periodic basis, normally once per month.

After approval, the council will mail a copy of the minutes of each area council session to the district superintendent for distribution to the county board of education. ~~The minutes of each area council session are to include a brief summary of each appeal heard and the area council’s decision.~~

“Area Councils should receive communication from the community and provide feedback to the academic officer and the board on topics of local concern and should provide input on the types of characteristics and qualifications they are interested in seeing in candidates for high profile local positions such as principals, athletic directors and coaches.”

Adopted 2/28/78; Revised 5/25/82, 11/22/83, 10/27/87, 2/28/90, 7/14/92, 5/10/94, 1/10/95, 5/22/01, 10/9/01

#### Legal references:

##### S.C. Acts and Joint Resolutions:

1982 Act No. 503 - An act to establish all of the area of Aiken County and a portion of Saluda County as The School District of Aiken County.

1984 Act No. 572 - An act to provide for the appointment of residents of Saluda County to the Area Advisory Council of Administrative Area 4 of the Aiken County School District.

**The School District of Aiken County**