



**BOARD OF TRUSTEES MEETING**  
**January 15, 2015, 2pm**  
**The Brown Building, State House Grounds, Columbia, Room 252**

**A g e n d a**

1. Call to Order/Quorum Call
2. Welcome/Introductions
3. Approval of Minutes of December 4, 2014 Board meeting
4. Chairman's Report – *Ken Wingate*
  - A. Board Committee Assignments
  - B. First Steps Study Committee
  - C. Annual Meeting 2015 per Act 287 (ACTION) *Proposed: December 3, 2015*
5. Director's Report – *Susan DeVenny*
  - A. Featured Public Highlight: The 2013 Reauthorization of the Child Care Development Block Grants and What it Means for SC's Children – *Amber Gillum*
  - B. Featured Private Highlight: SC Montessori Alliance – *Roger Pryor*
  - C. School Readiness Assessment: mClass Circle FALL 2014
  - D. Ten State Kindergarten Entry Assessment Consortia
  - E. South Carolina House Legislative Oversight Committee
6. Board Orientation – Roy Laney and Leslie Anderson  
*"Developing a High Performance Governance Culture"*
7. Committee Reports:
  - A. Finance and Administration – *Judith Aughtry, Chair*
    - a. Finance Report (Information Only)
    - b. County Partnership Waivers (ACTION)
    - c. Adoption of By-Laws (state and local board) to support Act 287 (ACTION)
  - B. Program and Grants – *Julia-Ellen Davis, Chair*
    - a. County Partnership FY15 Conditional Approvals (Information Only)
  - C. Strategic Planning and Evaluation – *Lisa Van Riper, Chair*
    - a. External Evaluation (Information Only)
8. Executive Session
9. Closing Remarks- *Ken Wingate*
10. Other Business

**Next Meeting: 2 pm, March 19, 2015 (Board of Trustees, following by SC Early Childhood Advisory Council meeting)**



**South Carolina First Steps to School Readiness  
Board of Trustees Meeting**

December 4, 2014, 3 pm, Room 252, The Brown Building, Columbia, SC

**Minutes**

**Trustees present:**

Ken Wingate, Chairman (Designee for Governor Nikki R. Haley)  
Mellanie Jinnette (Designee for Supt. Mick Zais)  
Senator Mike Fair  
Senator Joel Lourie (via phone)  
Representative Jerry Govan  
Lisa Van Riper, Secretary  
Judith Aughtry  
Julia-Ellen Davis  
Mary Lynn Diggs  
Walter Fleming  
Beverly Buscemi  
Timothy Holt  
Julie Hussey  
Tracy Lamb (via phone)  
Evelyn Patterson (via phone)  
Jennifer McConnell  
Rick Noble  
Roger Pryor  
Sue Williams  
Reece Yandle

**Trustees absent:**

Representative Rita Allison (excused)  
Alexia Newman (excused)  
Catherine Templeton  
Amber Gillum (excused)

**Others Present:**

Karama Bailey, DSS  
Bryan Kost, DHEC  
Rosemary Wilson, DHEC  
Roy Laney, Riley Pope and Laney  
Sarah Heinemeier, Compass Group  
Anne D'Agostino, Compass Group  
Leslie Anderson, Leslie Anderson Consulting  
Jim Riddle, Lexington County First Steps  
LaMyra Sanders, Orangeburg County First Steps  
James Ella Collins, Charleston County First Steps  
Darnell McPherson, Darlington County First Steps  
Centuria Watson, Chester County First Steps  
Dave Wilson, McAlister Communications  
Susan DeVenny, SC First Steps  
Dan Wuori, SC First Steps

Debbie Robertson, SC First Steps  
Betty Gardiner, SC First Steps  
Linda Leonard, SC First Steps  
Mary Anne Mathews, SC First Steps  
Russell Brown, SC First Steps  
Samantha Ingram, SC First Steps  
Ginger Ryall, SC First Steps  
Martha Strickland, SC First Steps

Mr. Ken Wingate welcomed the board and called the meeting to order. Mr. Wingate declared a quorum present.

Mr. Wingate asked for a motion to approve the minutes of the October 16 meeting. Mr. Walt Fleming made a motion to approve the minutes from the October 16 meeting and with a second from Ms. Julie Hussey, the minutes from the October 16 were approved.

Mr. Wingate asked for a motion to approve the minutes of the June 26, 2014 meeting, carried over from October 16. Mr. Reece Yandle made a motion to approve the minutes from the June 26 meeting and with a second from Ms. Tracy Lamb, the minutes of the June 26 meeting were approved.

Mr. Wingate called on Susan DeVenny to review the agenda for the day. Ms. DeVenny introduced Mr. Roy Laney and Ms. Leslie Anderson, to review board obligations pursuant to the new law. Mr. Laney reviewed the statute, Ms. Anderson asked the group to think about any challenges present due to the changes in board composition. Ms. DeVenny noted that board development would continue at the next several meetings.

Mr. Wingate asked each board member to consider which standing committee of the board they could best contribute, and asked trustees to notify him and Ms. DeVenny of this interest. Mr. Wingate then called for committee reports.

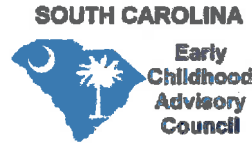
Ms. Judith Aughtry, Chair, Finance and Administration, provided the FY15 YTD Financial Report with the trustees. Mr. Russ Brown gave a brief overview of the report, explaining each line item and funding source. The board discussed expenditures, cost allocation, and administrative costs across the state and received a copy of the FY16 Budget Request.

Ms. Aughtry called on attorney Laney to brief the board on draft bylaw revisions. Mr. Laney reviewed the draft, noting revisions were due to changes in the state law. The group was asked to provide feedback to the state office regarding these revisions by Dec. 15. County Partnership Executive Directors were asked to provide feedback to Ms. Debbie Robertson by Dec. 19.

Ms. Julia-Ellen Davis, Chair, Program and Grants Committee, discussed the Ready Five Year Old Benchmarks and Evidence-Based Programs List, both requirements of the board in the new law. Ms. Davis noted that both the board and local partnerships, as well as the business community, would be involved in the development of these documents. Ms. Davis noted that First Steps should hear about both federal early childhood grants on December 10, 2014.

Ms. Lisa Van Riper, Chair, Strategic Planning and Evaluation Committee, introduced Sarah Heinemeier, Compass, who presented highlights of the 2014 First Steps External Evaluation to the group. The evaluation team thanked the staff at state and local levels for their assistance in data collection. Ms. VanRiper asked trustees were asked to send suggested points of clarification or elaboration on any topics presented on external evaluation slides to Dr. Wuori, who serves as the staff point of contact for the team.

Mr. Wingate reminded trustees to send input and to indicate committee preferences, and thanked all for their participation. With no further business, the meeting was adjourned.



**2015**  
**Board of Trustees and**  
**Early Childhood Advisory Council**  
**Meeting Dates**

*All meetings will be held at 2 p.m.  
Locations will be announced*

**JANUARY 15, 2015**

**BOARD OF TRUSTEES**

**MARCH 19, 2015**

**BOARD OF TRUSTEES**  
**EARLY CHILDHOOD ADVISORY COUNCIL**  
(ECAC will immediately follow the board meeting)

**JUNE 18, 2015**

**BOARD OF TRUSTEES**

**AUGUST 20, 2015**

**BOARD OF TRUSTEES**

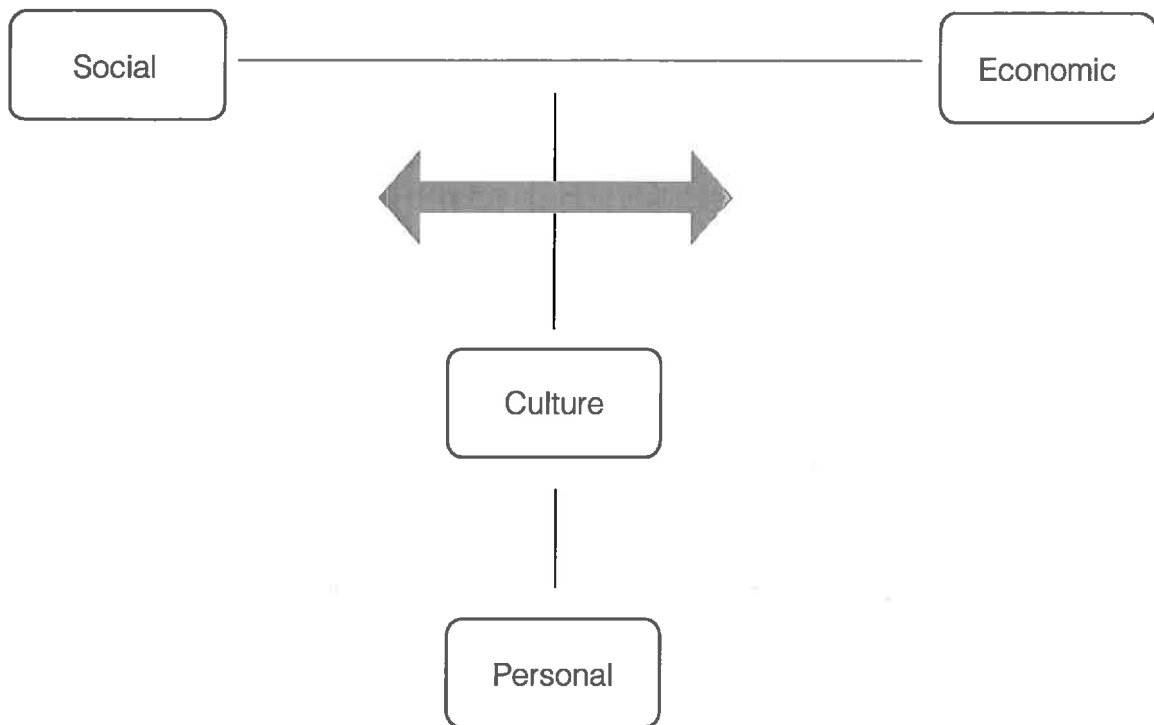
**OCTOBER 15, 2015**

**BOARD OF TRUSTEES**  
**EARLY CHILDHOOD ADVISORY COUNCIL**  
(ECAC will immediately follow the board meeting)

**DECEMBER 3, 2015**

**BOARD OF TRUSTEES**  
*(Proposed Annual Meeting)*

# Education Discussion Framework



How would you define education?

How would you define the purpose of school / education?

What is the difference between Public and Private school / education?

What evidence would you use to support your answers to the questions above?

Sir Ken Robinson [Q and A | Sir Ken Robinson](#) - NCSL

[The National Conference of State Legislatures \(NCSL\)](#)

Noam Chomsky [Education For Whom and For What?](#) [The Purpose of Education](#)



## **mCLASS CIRCLE: SOUTH CAROLINA'S EARLY LITERACY ASSESSMENT FIRST STEPS 4K BASELINE DATA (BEGINNING OF THE YEAR) - 2014-2015**

*mClass Circle* is a **computer-based early literacy assessment** administered to all publicly-funded **4- and 5-year-old kindergartners** in South Carolina. Enabled by the South Carolina Read to Succeed Act in June 2014, the instrument was procured by the SC Department of Education via competitive bid in August 2014.

First Steps administered the Circle to **1,818 students enrolled in its private, four-year-old kindergarten programs** in September and October 2014, successfully assessing **more than 99% of enrolled students** within the required 45-day testing window. The *baseline data* below reflects **student competencies at the time of enrollment**.

### **Letter Naming**



This timed test assesses the number of upper/lower case letters the child can identify. Baseline proficiency in 4K reflects an ability to correctly name at least 9 (for children 4.0-4.5 years of age) or 11 (4.5+ years of age) letters shown in 60 seconds.

### **Vocabulary**



In this timed test students are shown pictures of objects and asked to provide the names of each. Baseline proficiency reflects an ability to correctly name 17 (for children 4.0-4.5 years of age) or 21 (4.5+ years of age) items in 60 seconds.

### **Phonological Awareness Composite**



“Phonological awareness” is a set of listening skills related to the child’s ability to distinguish and manipulate the component sounds of spoken language. Circle’s phonological awareness composite summarizes the results of seven individual subtests (below), each of which measures a distinct aspect of this important and reliable predictor of reading success. Baseline proficiency in 4K reflects the accumulation of at least 11 (4.0-4.5 years of age) or 14 (4.5+ years of age) points across these seven subtests.

### **Phonemic Awareness: Listening**

54% Emerging

46% Proficient

The listening subtest assesses the child's ability to selectively focus on an individual sound. (Teacher speaks two words, child determines whether the words are "the same" – e.g. one word repeated twice or two different words.) Baseline proficiency in 4K reflects an ability to respond correctly to 5 of 5 items.

### **Phonemic Awareness: Rhyming 1**

66% Emerging

34% Proficient

This untimed subtest assesses the child's ability to determine whether two words spoken words rhyme. Baseline proficiency in 4K reflects an ability to correctly distinguish on at least 7 of 9 questions.

### **Phonemic Awareness: Rhyming 2**

78% Emerging

22% Proficient

This untimed subtest assesses the child's ability to independently provide a word that rhymes with a prompt. Baseline proficiency in 4K reflects an ability correctly identify at least 3 rhyming words given five prompts.

### **Phonemic Awareness: Alliteration**

80% Emerging

20% Proficient

This untimed subtest assesses the child's ability to identify whether two spoken words begin with the same sound. Baseline proficiency in 4K reflects an ability to correctly distinguish on at least 6 of 7 items.

### **Phonemic Awareness: Words in a Sentence**

62% Emerging

38% Proficient

This untimed subtest assesses the child's ability identify the number of words in a short sentence. Students use counting toys, sliding one item forward for each word spoken. Baseline proficiency in 4K reflects an ability correctly identify the number of words in at least 4 of 5 sentences.

### **Phonemic Awareness: Syllabication**

65% Emerging

35% Proficient

This untimed subtest assesses the child's ability to separate a spoken word into syllables. Baseline proficiency in 4K reflects an ability to correctly clap/count syllables in at least 6 of 7 words provided.

### **Phonemic Awareness: Onset-Rime**

62% Emerging

38% Proficient

This untimed subtest assesses the child's ability to blend two parts of a word together when provided by the teacher. (e.g. "mmmm" + "om" = mom) Baseline proficiency in 4K reflects an ability to correctly blend at least 3 of 5 examples provided.

## Kindergarten Entry Assessment Consortia: South Carolina

South Carolina is proud to serve as a collaborating member of a ten-state consortium - led by the North Carolina Department of Education and research partners SRI International, Child Trends, and the BUILD Initiative – recently awarded a \$6.1M grant from the US Department of Education to develop a Kindergarten Entry Assessment (KEA). The KEA will:

- Measure essential indicators of what *children should know or be able to do upon entering kindergarten, across all major domains of development: language and literacy, cognition and general knowledge, approaches toward learning, physical well-being and motor development, and social and emotional development*;
- Have the significant input of South Carolina stakeholders in its design and implementation, including parents, classroom teachers, administrators, early learning providers, higher education faculty and state agency personnel;
- Provide appropriate accommodations and supports for children with disabilities or developmental delays and English learners;
- Incorporate technology in the collection of student data;
- Be cost-effective to administer;
- Be consistent with nationally recognized professional and technical standards for assessment;
- Produce information that can guide individualized instruction for children throughout the kindergarten year;
- Be reported and easily understood and used by various stakeholders, including families, teachers, administrators, early learning providers, and policy makers; and
- Be incorporated into South Carolina's longitudinal data systems.

The KEA ***will not***:

- Be used to prevent children's entry into kindergarten.

### **What are the Benefits to South Carolina from the National KEA Consortia?**

South Carolina's policymakers want a Kindergarten Entry Assessment for South Carolina, as evidenced by significant legislative sponsorship and support for the **Read to Succeed Act** (S.516, H. 3994, H. 3926) and the **South Carolina First Steps to Readiness Reauthorization Act** (S.291, H.3428), both of which call for the implementation of a comprehensive assessment at kindergarten entry. No such assessment is currently in use within the state's public schools; therefore, to implement the above legislation would require the state to develop its own assessment or contract with one or more assessment vendors, at significant expense to taxpayers.

By entering into this KEA multi-state consortium, ***South Carolina can complete the assessment development, field testing, training and implementation process at a substantial cost savings compared to working as a single state.*** As an unfunded partner in the consortia, South Carolina is responsible for the costs of participating in stakeholder meetings and, if desired, the costs for field testing the assessment in South Carolina. Moreover, the resulting KEA will reflect the collective experience and expertise of early childhood and K-12 stakeholders from across the country.

A total of \$15.1M in federal, one-time competitive Enhanced Assessment Grant (EAG) funding has been awarded to three states by the US Department of Education. In addition to North Carolina, Maryland and Texas have also received grant awards. Other states included in the North Carolina-led consortia include Arizona, Delaware, Iowa, Maine, North Dakota, Oregon, Rhode Island, and Washington, D.C. Nine states will share a federal grant of \$6.1M over four years to complete the assessment design, field testing, and training phases. South Carolina will not receive federal funds. The EAG program is administered by the Office of Elementary and Secondary Education. For additional information on the program and these new awards, visit <http://www.ed.gov/programs/eag>.

### **What is the cost to South Carolina?**

The US Department of Education will fund the work of the consortium over a four-year period, including the cost of assessment development, stakeholder input, field testing and initial training, all of which South Carolina stakeholders will be participating in. The resulting product will be a free license for the state to use the KEA assessment instrument and the technological tools with which to collect and analyze results.

Because South Carolina declined to receive grant funds, the state is **not** obligated to adopt the resulting KEA as a condition of participation in the consortia.



### **Duty of Care**

***A Board member is expected to act as would an ordinary, prudent person in similar circumstances. This requires diligent, attentive, informed participation, i.e., reasonable care when making decisions in stewardship of the organization.***

The duty of care is evident in the following activities:

- The Board holds regularly scheduled meetings
- Board members have received and read applicable laws, bylaws and policies
- Information is provided to the Board in a timely manner and in advance of meetings
- Board members arrive at meetings prepared, having read advance material
- Financial reports are provided in advance and reviewed with the Board at their regularly scheduled meetings
- The Board makes informed decisions based on information provided
- Minutes accurately reflect Board attendance, votes and decisions, including dissent and abstention

### **Duty of Loyalty**

***A Board member is expected to act in good faith, giving undivided allegiance to the organization, when making decisions that affect it, and should not operate for personal gain against the best interests of the organization.***

When a conflict arises between the interests of a Board member and the well-being of the organization, the Board member should immediately disclose the matter, and recuse from both the discussion and the decision-making. If the matter proceeds, the terms of any transaction with a Board member must be at least as favorable to the organization as that which could be obtained from a party with no ties to the organization.

Board members should observe confidentiality regarding the Board's deliberations and decision-making. Each member must respect and adhere to all Board decisions, regardless of whether they voted in favor of the motion. Only designated spokespersons (usually the President) may speak publicly on behalf of the organization.

### **Duty of Obedience**

**A Board member is expected to act in a manner to ensure that the organization operates in keeping with its mission and bylaws, and in accordance with the laws and regulations governing the organization's formation and status.**

In order to maintain the public's trust as a nonprofit organization, Board members must be conversant and compliant with the organization's statutes, mission, bylaws, policies and programs. Board members ensure that the organization's policies, programs, resources and activities are executed in accordance with the mission.

December 4, 2014

Adapted from Association of Junior Leagues International, Inc., 2007.

### Setting Organizational Direction

**Determine the organization's mission, vision, and values.** The Board must create a statement of mission and purpose to clearly articulate the organization's goals, means, and primary constituents. Each individual Board member should fully understand and support the organization's mission, vision, and values.

**Ensure effective organizational planning.** As stewards of the organization, the Board must actively participate with the staff in an overall planning process, setting strategic priorities and assisting in implementation of the plan.

### Ensuring Necessary Resources

**Ensure adequate funding.** One of the Board's foremost responsibilities is to provide adequate funding for the organization to fulfill its mission. The Board should work in partnership with the chief executive to raise funds from appropriate sources.

**Support the chief executive and ensure appropriate staffing.** The Board must support the chief executive by setting policy direction and key deliverables and by working with the executive to achieve them. Staff resources should be adequate and roles should be clearly delineated and tied to the organization's goals.

**Build or enhance the organization's public image and standing.** Effectively articulating the organization's goals, mission, and accomplishments to the public, as well as garnering support from members of the community, are all elements of the organization's marketing and communication strategy. Both the Board and staff are key organizational links to the public and must present messages, data, results, and needs consistently and uniformly.

**Orient and train Board members.** The Board and staff must orient new members to their responsibilities and the organization's history, needs, and challenges. Board member skills, experience, interests, and other considerations should determine ongoing training and development opportunities for the Board.

### Providing Oversight

**Ensure legal and ethical integrity and that statutory requirements are met.** The Board is responsible for ensuring adherence to legal standards and ethical norms. The Board must ensure statutory requirements of the organization are implemented. The Board must adhere to provisions of the organization's bylaws and articles of incorporation and establish pertinent policies, including personnel policies. Execution of policies are the responsibility of the CEO and staff.

**Provide financial oversight and maintain accountability.** To remain accountable to donors, the public, and to safeguard the organization's tax-exempt status, the Board must be involved in developing the annual budget, reviewing audits and evaluations, and ensuring that proper financial controls are in place.

**Determine, monitor, and strengthen the organization's programs and services.** The Board's role is to determine which programs are consistent with the organization's mission, goals, and statutory requirements, to encourage cooperation and collaboration, and to monitor program results.

**Support the chief executive and assess his or her performance.** The Board should ensure that the chief executive has the moral and professional support he or she needs to further the goals of the organization. The chief executive, in partnership with the entire Board, should decide upon a periodic evaluation of his or her performance.

**Assess Board performance.** The Board should establish duties, principles of behavior, outcomes, and governance standards for itself, and assess the Board's performance against these elements on an ongoing basis.

December 4, 2014

Adapted from *Ten Basic Responsibilities of Nonprofit Boards* by Richard T. Ingram (BoardSource, Revised edition 2003) and *Culture of Inquiry* by Nancy Axelrod (BoardSource, 2007).



To: South Carolina First Steps Board of Trustees  
From: Judith Aughtry, Chair, Finance and Administration Committee  
Date: January 14, 2015  
RE: Finance and Administration Committee Recommendations

The Finance and Administration Committee of the First Steps Board of Trustees met on Wednesday, January 14, 2015 at 3pm to review the following:

- YTD Finance Report
- FY14 Administrative and Match Waiver Requests from Local Partnerships
- Final Drafts -Board Bylaws Revised for Act 287
  - SC First Steps to School Readiness Board of Trustees
  - First Steps County Partnership Bylaws

**The committee brings forward two action items for the Board's consideration.**

- 1) **County Partnership Waiver Requests** – First Steps enabling legislation specifies that each local partnership must a) raise 15% in matching funds annually, and b) maintain administrative overhead at 8% or less of its total budget. In each case there is an opportunity for partnerships to seek waivers of these requirements due to extenuating circumstances.

**Today the committee recommends:**

- Waiver of Marion County's failure to meet the 15% match requirement in FY14, contingent upon the partnership's receipt of focused technical assistance during FY15 to include quarterly targets for in-kind documentation.
  - Waiver of the 8% administrative cap in FY14 for 20 counties, 9 of whom have minimum total budgets of \$138,000. These counties are: Abbeville, Aiken, Allendale, Bamberg, Calhoun, Chester, Chesterfield, Clarendon, Colleton, Dillon, Fairfield, Florence, Georgetown, Greenwood, Jasper, Kershaw, Lee, Marlboro, Union and Williamsburg.
- 2) **State and Local Bylaws** – The committee also recommends approval of the attached revisions to First Steps' state and local bylaws. These revisions, recommended by agency counsel are designed to reflect requirements of the reauthorization language in Act 287.

Minutes of the meeting are attached.



To: South Carolina First Steps to School Readiness Board of Trustees  
From: Mark Barnes, Chief Finance/Operations Officer  
Date: January 15, 2015

RE: Governor Haley Budget Recommendations Overview

The Governor released her budget recommendations this week. The following is a preliminary summary.

#### 1. Education

Includes additional funding for:

- a. \$60 per student in funding, brings total to \$2,200 per student
- b. Doubling of the Reading Coach Budget \$6.4 M
- c. Professional Development funds for Teachers \$3.5 M
- d. Technology Needs \$29.3 M
- e. Technology Professional Development \$4 M
- f. Charter Schools \$11.8 M

Rural Teacher retention and recruitment Initiative

- Includes funding for tuition reimbursement, loan repayments for teachers and students who commit to working in school districts where the turnover rate is greater than 12%

#### 2. Social Services Reform

Includes additional funding for:

- a. 200 additional caseworkers \$3.9 M
- b. 60 additional caseworker assistants \$1.4 M
- c. 10% increase for workers \$1.8 M
- d. Establishes local fatality advisory committees

#### 3. Safe Communities

Includes additional funding for range of law enforcement organizations including Probation and Parole, SLED and Attorney General, etc.

#### 4. Health Outcomes

Includes additional funding for:

- a. Medicaid
- b. DMH Includes inpatient services and children's mental health funding
- c. DDSN: COLA increases for DDSN providers, 1,600 disability waiver service slots, and Autism Spectrum Disorder services, transfer plan for DDSN match by Oct 2015

5. In addition, \$61 M for DOT from Motor Vehicle Sales Tax

6. SC First Steps to School Readiness was funded at the same level as the 2014-15 appropriations bill. Detailed First Steps summary attached.

Attachment/

cc: Susan DeVenny, Director  
Dan Wuori, Deputy Director

1300 Sumter Street • Concord Bldg., Suite 100 • Columbia, South Carolina 29201  
Phone 803-734-0479 • Fax 803-734-1431 • Web site [www.scfirststeps.org](http://www.scfirststeps.org)



## FY16 EXECUTIVE BUDGET SUMMARY: FIRST STEPS

1. **FULLY FUNDS SC FIRST STEPS AT ITS FY15 LEVELS** – The Governor’s budget recommends First Steps’ state funding at FY15 level (\$26,200,285.) As in FY15, the Governor recommends First Steps funding be derived from Education Improvement Act revenue.
  
2. **DOES NOT INCLUDE REQUESTED INCREASES FOR:**
  - a. **LOCAL PARTNERSHIPS**– During FY15, First Steps’ local partnerships are receiving \$1.4million in one-time funding. Without additional funds from the General Assembly, the Board will be unable to maintain this level of funding for FY16, resulting in decreased service to up to 2,400 children and families.
  - b. **BABYNET** - First Steps requested 23 new FTE positions and \$1.12 million to increase staff at intake offices so as to be compliant with Federal law. The existing staff (inherited by proviso in FY12 from SC DHEC) is inadequate to process more than 10,000 referrals per year within the required 45 day federal timeframe.
  - c. **BABYNET/ AUTISM THERAPY** –FY15 budget proviso provided \$437K and required First Steps to use these funds to increase the BabyNet autism therapy rate to \$13.58 per hour (the same rate used by DDSN for older children receiving autism services). As of January 1, BabyNet has expended 94% of these funds. First Steps has requested an additional \$376K be added to this line to meet the trends in early identification of autism.
  
3. **INCREASES FIRST STEPS’ SPENDING AUTHORITY** – The Governor’s Budget recommends additional spending authority due to:
  - 1) First Steps’ Early Head Start –Child Care Partnership Grant (\$3.5million) and
  - 2) Projected increases in BabyNet Medicaid revenue (First Steps’ earmarked Medicaid funds are increased to \$1.47million from \$679K in FY14).
  
4. **PROVISO ACTIONS:**
  - **Concurs with request to DELETE Proviso 1.62** (obsolete) relating to the completion of the 2014 Compass Report.
  - **Concurs with request to DELETE Proviso 117.103** (obsolete) relating to the temporary reauthorization of First Steps
  - **Partially concurs with request to amend Proviso 1A.67**, related to the state’s new early literacy assessment. The Governor’s recommendation concurs with the deletion of outdated proviso language, but does not address (1) requested language requiring the early literacy assessment be aligned with primary grade math standards or (2) request to all private pay students in First Steps classrooms to participate in the readiness assessment.

**Finance and Administration Committee  
First Steps Board of Trustees  
January 14, 2015**

**Meeting Minutes**

**Members Present:**

Judith Aughtry  
Walter Flemming  
Mellanie Jinnette  
Julie Hussey  
Tim Holt

**Others Present:**

Susan DeVenny  
Dan Wuori  
Mark Barnes  
Russell Brown  
Debbie Robertson

Ms. Aughtry welcomed the group and called the meeting to order, calling upon Mr. Brown to review the monthly finance report (attached). Following review of the report, Ms. DeVenny, Mr. Brown and Ms. Robertson led the committee in discussion of local partnership waiver requests.

First Steps' enabling legislation specifies that each local partnership must a) raise 15% in matching funds annually, and b) maintain administrative overhead at 8% or less of its total budget. In each case there is an opportunity for partnerships to seek waivers of these requirements due to extenuating circumstances.

The committee discussed the request of Marion County to waive its documentation of 15% match. Noting that FY14 is the third consecutive year that Marion has sought this request, the committee voted, upon a motion by Mr. Flemming and a second by Ms. Aughtry, to recommend approval of this request contingent upon the partnership's receipt of focused technical assistance during FY15 to include quarterly targets for in-kind documentation.

The committee then reviewed requests by Abbeville, Aiken, Allendale, Bamberg, Calhoun, Chester, Chesterfield, Clarendon, Colleton, Dillon, Fairfield, Florence, Georgetown, Greenwood, Jasper, Kershaw, Lee, Marlboro, Union and Williamsburg County First Steps to waive the 8% administrative cap for FY14. Mr. Brown reviewed a matrix describing the reasons for these requests, noting that 9 of the 20 are partnerships with minimum total budgets of \$138,000. After discussion the committee voted unanimously to recommend these waivers to the full Board.

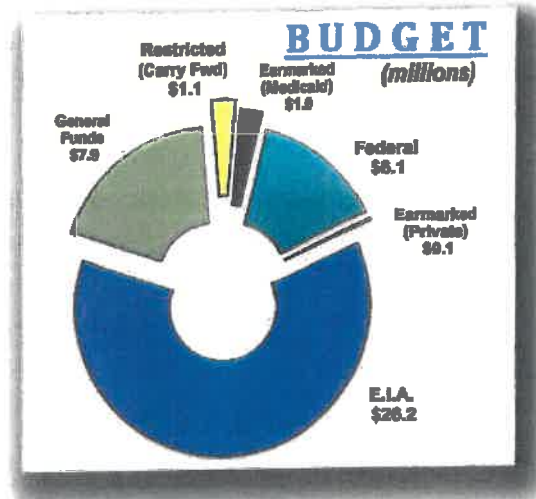
Ms. Robertson then reviewed proposed changes to First Steps' state and local bylaws. The changes, recommended by agency counsel, reflect changes in First Steps' enabling legislation under Act 287. After discussion the committee voted unanimously to advance the proposed changes for approval by the State Board.

Mrs. DeVenny closed the meeting by reviewing committee responsibilities for the benefit of new members. There being no further business the meeting was adjourned.



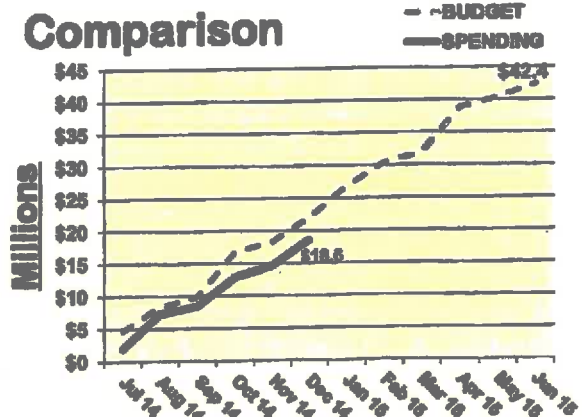
# FY 2015 Financial Status Report

As of  
December 31, 2014



PROGRAMS / OPERATIONS		BUDGET	EXPENDITURES		BALANCE	
Description	Source	Total	Actual	%	Amount	%
LOCAL PARTNERSHIPS (LP)	E.I.A.	\$ 12,693,265	\$ 8,265,473	65%	\$ 4,427,792	35%
LP CENTRAL OPERATING	Gen. Fund	\$ 608,879	\$ 416,094	51%	\$ 392,785	49%
PRIVATE 4-K	E.I.A. / Gen. Fund	\$ 16,767,864	\$ 5,052,843	30%	\$ 11,715,221	70%
BABYNET	Federal / E.I.A. / GF / Medicaid	\$ 10,602,400	\$ 4,250,815	39%	\$ 6,551,585	61%
Community Advisory Board Dev. NURSE FAMILY PARTNERSHIP	Private	\$ 20,000	\$ 15,000	75%	\$ 5,000	25%
COUNTDOWN TO KINDERGARTEN	E.I.A.	\$ 65,000	\$ -	0%	\$ 65,000	100%
POLICY & ACCOUNTABILITY	E.I.A. / GF / Private	\$ 1,203,661	\$ 626,864	52%	\$ 576,817	48%
<b>GRAND TOTAL:</b>		<b>\$ 42,361,089</b>	<b>\$ 18,626,889</b>	<b>44%</b>	<b>\$ 23,734,200</b>	<b>56%</b>

<b>Spending Rates:</b>	
Projected	52%
Actual	44%
<b>Spending is UNDER Budget</b>	



**NOTES:**

- Local Partnerships:
  - Funding sources: Education Improvement Act (EIA) funds
  - Formula allocation cash advances are disbursed on a quarterly basis
  - Expenditures reflect disbursements from SC First Steps (state-level)
  - Does not include local-level actual expenses to staff and vendors
- Federal grant programs are multi-year and cross State Fiscal Years



# ADMINISTRATIVE MATRIX

Reasons County Partnerships Exceeded the 8.0% Administrative Limit

FY 14

Data extracted from County Partnerships Request for Waiver Letters/Memos

County	INFORMATION ON		Not Enough Budget	Necessary Admin. Cost	Increase In Admin. Expenses	Less Overall or Program Spending	Additional Employee Benefits	Loss of CDEPP 4-K	Decreased Private Donations	Running In-House Programs	In-kind Not Received or Submitted
	Repeat From FY 13	Minimum Budget Allocation									
1 Abbeville	●	★	◇								
2 Aiken						◇					
3 Allendale	●	★	◇				◇				
4 Bamberg	●	★	◇				◇				
5 Calhoun	●	★	◇		◇						
6 Chester	●		◇								
7 Chesterfield	●		◇								
8 Clarendon	●		◇								
9 Colleton	●		◇								
10 Dillon	●		◇								
11 Fairfield	●	★	◇								
12 Florence	●		◇								
13 Georgetown	●		◇		◇						
14 Greenwood	●		◇		◇				◇		
15 Jasper	●	★	◇							◇	
16 Kershaw	●		◇							◇	
17 Lee	●	★	◇								
18 Marlboro	●	★	◇								◇
19 Union	●	★	◇								
20 Williamsburg	●		◇								◇

**NOTES:**

- 1) 22 Local Partnerships exceeded the 8% Administrative Limit in FY 13
- 2) 15 Local Partnerships repeated from FY 13
- 3) 1 Did not repeat from FY 13 (Barnwell, Beaufort, Charleston, Cherokes, Hampton, Horry and Orangeburg)

## MATCH MATRIX

Reasons County Partnerships Did Not Obtain at least 15.0% Match  
Includes: State-level private, Local-level private, Federal and In-kind

All invoices and in-kind documentation are due to the Regional Finance Managers (RFM) no later than July 31st.

County	Repeat From FY 12	Repeat From FY 13	Loss Implement Parenting Program	Loss Implement Childcare Program
1 Marion	●	●	◇	◇

**NOTE:**

- 1) 1 Local Partnerships did not achieve the 15% Match Limit in FY 13

SC First Steps Legislation:  
Section 69 152 130 (A) Local partnerships shall provide an annual match of at least fifteen percent, to include private donations, grant funds, and in kind donated resources, or any combination of them. The South Carolina First Steps to School Readiness Board of Trustees may decrease this percentage requirement for a partnership based on their capacity to provide that match.



**FIRST STEPS LEGISLATION (Excerpt)**

Re.: 8% overhead

**SECTION 59-152-70. First Steps Partnership Board; powers and duties.**

(B) Each County First Steps Partnership may, in the performance of its duties, employ or acquire administrative, clerical, stenographic, and other personnel as may be necessary to effectuate the provisions of this section. However, overhead costs of the partnership's operations may not exceed eight percent of its implementation/management grant allocation unless prior approval is received from the First Steps to School Readiness Board of Trustees.

**County Partnership tasks as defined by the BOT on January 13, 2004 meeting**

**Administrative tasks:**

- Public awareness of the First Steps Initiative
- Fundraising
- Professional training of First Steps staff and board
- Preparing applications, grants and plans
- Developing agreements/contracts with vendors/other agencies
- Preparing reports and other documents
- Financial management (budgets, invoices, checks, reports, audit, etc.)
- Supervising/managing partnership staff
- Board preparation/meetings
- Office operations (rent, utilities, office equipment, office supplies, etc.)

**Programmatic tasks:**

- Planning, developing and designing programs
- Monitoring program activities (contract and in-house)
- Evaluating programs
- Data collection
- Travel costs related to overseeing programs
- Public education

**NOTE: Budget and expenses are distributed across programs (including in-house/county run programs) based on percentage allocation determined by county partnerships. There is a 25% minimum (per cost element) allocation to administration.**

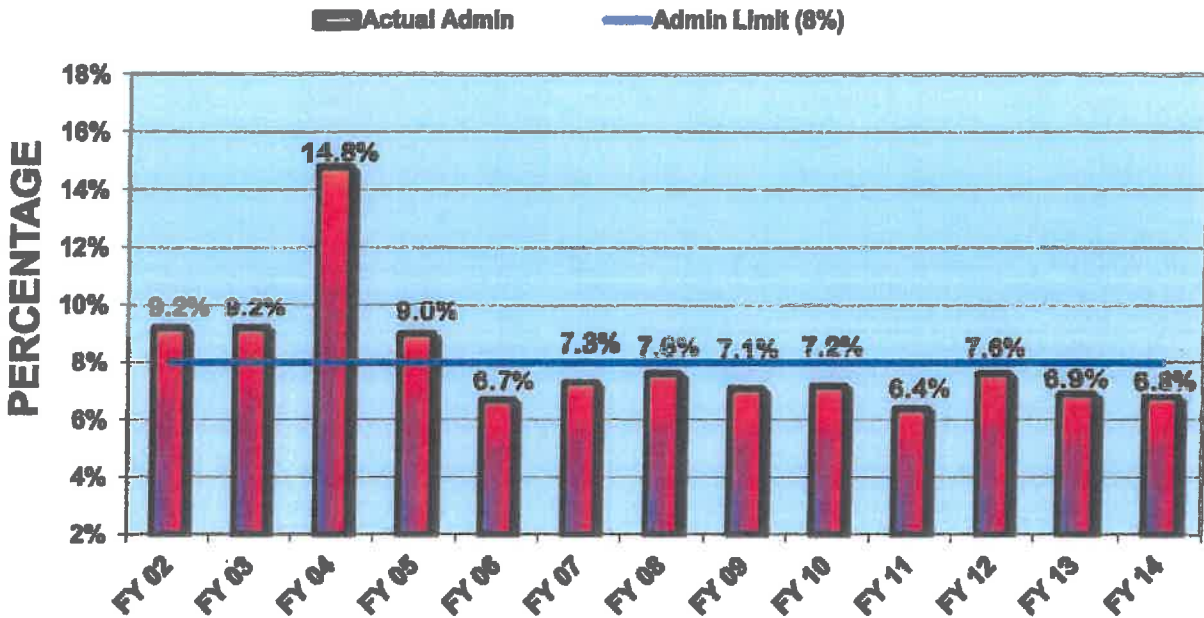


# County Partnerships

## ADMINISTRATIVE PERCENTAGES

### Statewide

AVERAGE 8.1% All Years



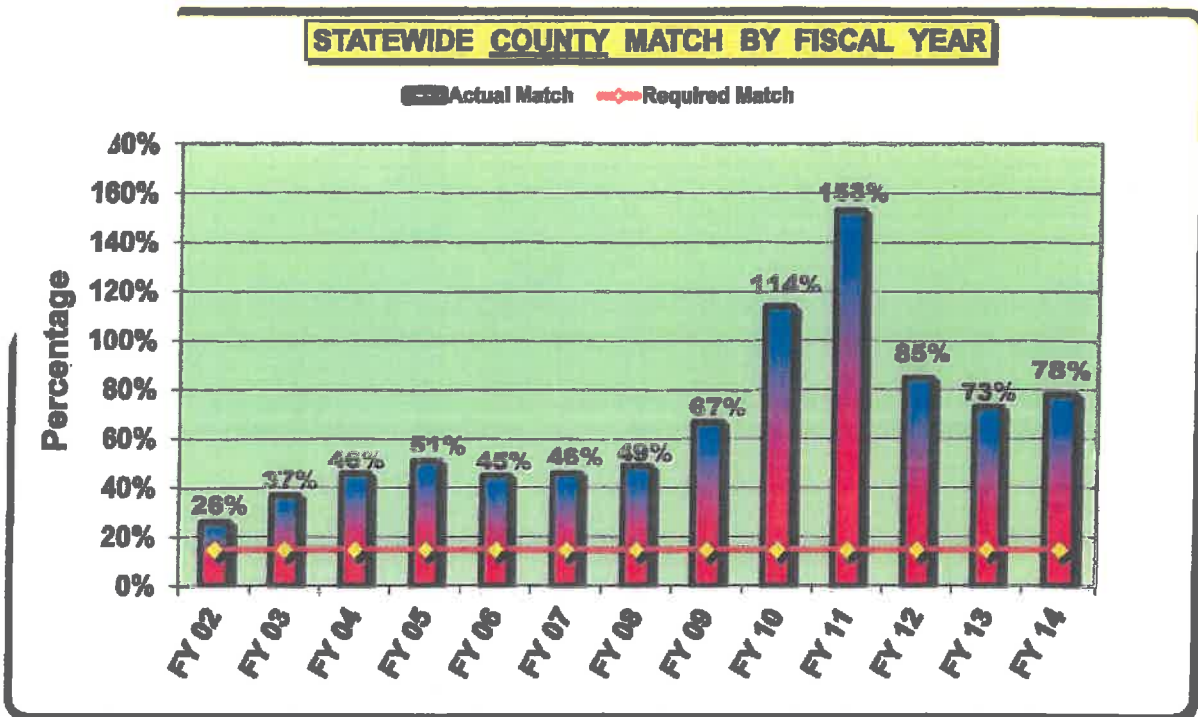
**NOTE(s)**

- 1) Percentages are based on actual expenditures
- 2) First Steps State Board of Trustees has the legislative authority to waive the 8.0% limit each year
- 3) FY 04: Rate higher due to fewer available state appropriated dollars
- 4) FY 05: Some counties were able to use non-state dollars which were not used in the admin calculation
- 5) From inception through FY 2005: Admin percent was based on state appropriated expenditures only. Starting FY 2006, the calculation is based on all funding expenditures.
- 6) FYs 11 & 13: Total expenditures increased while admin. expenditures decreased causing the admin rate to decrease

# County Partnerships

## REQUIRED MATCH

AVERAGE  
67%



**NOTE(s)**

- 1) Percentages are based on actual expenditures
- 2) Required match is 15% of state appropriated expenditures (i.e., 100% + 15% = 115%)
- 3) Dramatic increase during FY 10 & FY 11 due to reduction of state appropriated dollars and replaced with federal TANF dollars
- 4) Implementation of NFP increased match (identified as local private cash)
- 5) FYs 09-12: Federal TANF dollars do not count as match as they were provided to counties within the formula allocation
- 6) FYs 09-11: Introduction of federal TANF dollars into formula allocation lowered the overall state appropriated/general fund base in which the calculation is made; along with the introduction of NFP local private dollars that increase match

**BYLAWS**  
**OF**  
**SOUTH CAROLINA FIRST STEPS TO SCHOOL READINESS**  
**BOARD OF TRUSTEES, A SOUTH CAROLINA**  
**ELEEMOSYNARYNONPROFIT CORPORATION**

Revised January, 2015 ~~April 15, 2010~~

**BYLAWS  
OF  
SOUTH CAROLINA FIRST STEPS TO SCHOOL READINESS  
BOARD OF TRUSTEES, A SOUTH CAROLINA  
NONPROFIT CORPORATION**

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**BYLAWS  
OF  
SOUTH CAROLINA FIRST STEPS TO SCHOOL READINESS  
BOARD OF TRUSTEES, A SOUTH CAROLINA  
~~ELEEMOSYNARY NONPROFIT~~ CORPORATION**

**ARTICLE I  
NAME**

The name of this corporation is South Carolina First Steps to School Readiness Board of Trustees, a South Carolina ~~Eleemosynary Nonprofit~~ Corporation (hereinafter referred to as the "Corporation").

**ARTICLE II  
OFFICE**

The principal office of the Corporation shall be in the County of Richland, State of South Carolina. The Corporation may have such other offices, within or without the State of South Carolina, as the Board may designate and as the activities of the Corporation may require from time to time.

**ARTICLE III  
GENERAL**

**Section III(a). Organization.** The Corporation is a non-profit organization (i) established and operating in accordance with the provisions of 26 U.S.C. ("Internal Revenue Code") §§ 501(c)(3) and 509(a)(1), (2) or (3) and the regulations thereunder, and §§ ~~12-20-110 7-415, 12-7-430(h), and 63-11-1710 20-7-9700~~, Code of Laws of South Carolina, 1976 ("South Carolina Code" or "S.C. Code"), as amended; and (ii) incorporated under the South Carolina Nonprofit Corporation Act of 1994 (Chapter 31, Title 33, S.C.

Code (the "Nonprofit Act")). The Corporation is an independent and autonomous organization.

**Section III(b). Fiscal Year.** The Corporation shall operate on a fiscal ("accounting" or "program") year basis, beginning July 1 and ending June 30. The Corporation's period of duration shall be perpetual unless terminated in accordance with Article XII of these Bylaws.

**Section III(c). Terminology.** When used in these Bylaws, any male noun or pronoun refers to persons of either sex, and the term "person" means any individual, trust, estate, partnership, association, foundation, company or corporation.

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**ARTICLE IV**  
**PURPOSES, POWERS AND POLICIES**

**Section IV(a). General Purpose.** The Corporation is organized and shall operate for the purposes set forth in S.C. Code §§ 59-152-10, et seq. and §§ 63-11-1720 et seq. ( the "Enabling Act"), exclusively for charitable, educational and/or scientific purposes within the meaning of § 501(c)(3) of the Internal Revenue Code of 1986, as amended (or the corresponding provisions of any future United States Internal Revenue Law); no part of the net earnings of the Corporation shall inure to the benefit of any private shareholder or individual; no substantial part of the activities of the Corporation shall consist of carrying on propaganda, or otherwise attempting to influence legislation; and the Corporation shall not participate in or intervene in (including the publishing or distributing of statements) any political campaign on behalf of a candidate for public office. Notwithstanding any other provisions of these Bylaws, the Corporation shall not carry on any activities not permitted to be carried on (i) by an organization described in 26 U.S.C. §§ 501(c)(3) and 509(a)(1), (2) or (3), or (ii) by an organization contributions to which are deductible under the provisions of 26 U.S.C. § 170(c)(2) or any other corresponding provision of any future United States Internal Revenue Law.

**Section IV(b). Specific Purposes.** The Corporation is organized for the purpose of overseeing and being accountable for the South Carolina First Steps to School Readiness initiative and such other purposes as set forth in the Enabling Act. ~~carrying out the objectives of The South Carolina First Steps to School Readiness Act, 1999 Act No. 99 (the "Enabling Act") and lessening the burdens of government by overseeing the South Carolina First Steps to School Readiness initiative for improving early childhood development.~~

In connection with the aforesaid purposes, the Corporation may engage in any and all lawful activities within its powers necessary or incident to the foregoing purposes.

**Section IV(c). Powers.** The Corporation shall have such powers as are now or may hereafter be granted corporations under the Nonprofit Act, except as may be limited by the Enabling Act or the Corporation's Articles of Incorporation or Bylaws.

**Section IV(d). Operating Policies, Procedures and Guidelines.** The Board may adopt, amend, or restate Operating Policies, Procedures and Guidelines from time to time in order to implement the purposes of the Corporation within the guidelines of the Enabling Act.

**ARTICLE V**

## MEMBERS AND MEMBERSHIP

As provided in the Corporation's Articles of Incorporation pursuant to S. C. Code § 33 - 3 1 -603, the Corporation does not have members within the meaning of S.C. Code § 33-31-140(23). Any use of "member" or "membership" in these Bylaws should be understood in its immediate context, and not to refer to "members" within such statutory definition.

### ARTICLE VI

#### BOARD OF DIRECTORS

**Section VI(a). General.** The South Carolina First Steps to School Readiness Board of Trustees created by the Enabling Act is the Board of Directors (the "Board") of the Corporation within the meaning of the Nonprofit Act, ~~§ 33-31-801~~, and accordingly has all powers and duties of a board of directors under the Nonprofit Act. The members of the South Carolina First Steps to School Readiness Board of Trustees are referred to in these Bylaws as Directors. The standard of care applicable to the Directors is that provided in the Nonprofit Act, S.C. Code §§ 33-31-830 through 834. All corporate powers shall be exercised and all affairs of the Corporation shall be managed under the authority and direction of the Board.

**Section VI(b). Composition.** The Board shall consist of two classes, voting and non-voting, of the as- followings:

(1) ~~Voting;~~

~~(A) Two (2) persons who serve ex officio Directors by virtue of their holding the respective office of:~~

- (i) Governor of South Carolina or his or her designee, who shall serve as Chairperson; and
- (ii) State Superintendent of Education, or his or her designee.

~~(2B) The Governor shall appoint one (1) Director from each of the following sectors: Ten (10) persons appointed by the Governor as follows:~~

- (i) ~~Two (2) persons each of whom is the parents of one or more young children;~~
- (ii) ~~Two (2) persons each of whom is a member of the business community;~~
- (iii) ~~Two (2) persons each of whom is an early childhood educator;~~
- (iv) medical providers; Two (2) persons each of whom is a medical or child-care and development provider; and

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(v) child care and development providers; and

(vi) Two (2) persons each of whom is a member of the General Assembly, to-wit:

- a member of the Senate; and
- a member of the House of Representatives.

~~(3C)~~ ~~Four (4) persons appointed by the~~ President Pro Tempore of the Senate shall appoint one (1) Director from each of the following sectors:

- (i) ~~One (1) who is the~~ parent~~s~~ of ~~one or more~~ young children;
- (ii) ~~One (1) who is a member of the~~ business community;
- (iii) ~~One (1) who is an~~ early childhood educator~~s~~; and
- (iv) ~~One (1) who is a~~ medical or child care ~~and~~ development ~~provider~~.

~~(4D)~~ ~~Four (4) persons appointed by the~~ Speaker of the House of Representatives shall appoint one (1) Director from each of the following sectors; as follows:

- (i) ~~One (1) who is the~~ parent~~s~~ of ~~one or more~~ young children;
- (ii) ~~One (1) who is a member of the~~ business community;
- (iii) ~~One (1) who is an~~ early childhood educator~~s~~; and
- (iv) ~~One (1) who is a~~ medical or child care ~~and~~ development ~~provider~~.

~~(5E)~~ The Chairman of the Senate Education Committee, or his designee.

~~(6F)~~ The Chairman of the House Education and Public Works Committee, or his designee.

~~(2)~~

(7) The chief executive officer of each of the following shall serve as an Ex officio voting Director:

- (i) Department of Social Services;
- (ii) Department of Health and Environmental Control;
- (iii) Department of Health and Human Services;
- (iv) Department of Disabilities and Special Needs;
- (v) State Head Start Collaboration Officer; and
- (vi) Children's Trust of South Carolina.

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(8) In making the appointments specified in subsections (2), (3) and (4) above, the Governor, President Pro-Tempore of the Senate and the Speaker of the House of Representatives shall seek to ensure diverse geographical representation on the Board by appointing individuals from each congressional district as possible.

**Non-Voting:**

- ~~(A) Eight (8) persons (or their respective designees) who serve *ex officio* by virtue of their holding the office of Chief Executive Officer of the following entities:
  - ~~(i) Department of Social Services;~~
  - ~~(ii) Department of Health and Environmental Control;~~
  - ~~(iii) Department of Health and Human Services;~~
  - ~~(iv) Department of Mental Health;~~
  - ~~(v) Department of Disabilities and Special Needs;~~
  - ~~(vi) Department of Alcohol and Other Drug Abuse Services;~~
  - ~~(vii) Department of Transportation; and~~
  - ~~(viii) Budget and Control Board, Division of Research and Statistics.~~~~
- ~~(B) Three (3) persons (or their respective designees) who serve *ex officio* by virtue of their respective membership in and designation by the following organizations:
  - ~~(i) South Carolina State Library;~~
  - ~~(ii) Transportation Association of South Carolina; and~~
  - ~~(iii) State Advisory Committee on the Regulation of Child Day Care Facilities.~~~~
- ~~(C) Five (5) persons from the following organizations who serve *ex officio* by virtue of the organization's similar mission to that of the First Steps initiative:
  - ~~(i) S.C. United Way/Success by 6;~~
  - ~~(ii) S.C. School Boards Association;~~
  - ~~(iii) S.C. Education Oversight Committee;~~
  - ~~(iv) SC Interagency Council; and~~
  - ~~(v) S.C. Head Start Collaboration Office~~~~

~~(D) When the Board is operating as the SC Early Childhood Advisory Council, per Executive Order #2010-06, all voting and non-voting members shall have voting status.~~

**Section VI(c). Terms, Resignation, Removal and Vacancies.**

(1) **Terms.** ~~The terms of the Directors are for four (4) years and until their successors are appointed and qualify. The appointments of the Directors from the General Assembly shall be coterminous with their terms of office. Vacancies for any reason must be filled in the manner of the original appointment for the unexpired term. A Director may not serve more than two (2) terms or eight (8) years, whichever is longer.~~

~~The terms of service of *ex officio* Directors (including designees) shall be coterminous with such Directors' respective tenures in the office from which their directorship derives.~~

~~Except in case of earlier resignation, removal, death or other inability to serve, the term of service of each appointed Director shall expire at the later of four years from such Director's date of appointment or the appointment and qualification of such Director's successor; provided, however, each of the Governor, the President Pro Tempore of the Senate and the Speaker of the House of Representatives shall designate one half of their initial appointees to serve two-year terms, after the expiration of which all appointed Directors shall be appointed to terms as already described.~~

~~Appointed Directors may serve consecutive terms, but may serve no more than the longer of two terms or eight years.~~

(2) **Resignation.** Any appointed Director or any designee may resign at any time by delivering written notice to the Board, the Chairman of the Board, the Executive Director or the Secretary. A resignation is effective at the earlier of when notice is received, five days after deposit in the US. Mail correctly addressed and with first class postage attached, or otherwise as provided in the Nonprofit Act, ~~§ 33-3-1-141(d).~~

(3) **Removal and Replacement.** ~~A Director, who is not an *Ex officio* Director or a Director who serves by virtue of his or her office, -Appointed Directors who miss es more than three (3) consecutive meetings without excuse or a Director who resigns shall be removed and must be replaced in the same manner as his predecessor.~~

~~-shall be removed.~~

*Ex officio* Directors may be removed by an amendment to the Enabling Act deleting or changing their designation. Where such Directors serve as designees, they may be removed with or without cause by the designating officer holder, ~~or, in the case of designees of the South Carolina State~~

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~~Library, the Transportation Association of South Carolina and the State Advisory Committee on the Regulation of Child Day Care Facilities, by the designating organization.~~

Appointed members may be removed with or without cause by the appointing person for so long as such person holds the office with the appointment power. The person removing an appointed Director will do so by giving written notice of the removal to the removed Director and to the Chairman of the Board and either the Executive Director or Secretary.

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Notice of removal is effective at the earlier of when notice is received, five days after deposit in the US. Mail correctly addressed and with first class postage attached, or otherwise as provided in the Nonprofit Act, ~~§ 33-31-141(d).~~

(4) **Vacancies.** Vacancies shall be filled in the manner of original appointment and will be for the unexpired portion of the term of the vacancy.

**Section VI(d). Chairman and Vice Chairman of the Board.** The Governor of South Carolina in office ~~or his or her designee~~ shall serve as Chairman of the Board. The Chairman shall preside at all meetings of the Board, and shall have those powers and duties assigned in these Bylaws as well as those incident to the office.

From among the ~~voting~~ Directors, the Chairman shall appoint a Vice Chairman of the Board who shall perform the duties of the Chairman in the Chairman's absence.

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**Section VI(e). Regular Meetings.** Regular Meetings of the Board shall be held at least two (2) times during the fiscal year on such date and at a time and place as the Executive Director determines.

**Section VI(f). Special Meetings.** Special meetings of the Board shall be held on the call of the Chairman or the Executive Director or on the call in writing of any ten ~~voting~~ Directors. The Executive Director shall determine the date, time and place of special meetings.

**Section VI(g). Notice, Waiver of Notice of Meetings.** The Corporation shall give written notice of each meeting of the Board stating the date, time and place of the meeting, and, in the case of a special meeting, the purpose(s) for which the meeting is called.

Notice of meetings shall be given in writing to all Directors not less than two nor more than ten business days prior to each meeting. Notice of meetings is effective at the earlier of when received or five days after being sent by email to address provided by the respective board member or placed in the US. Mail and addressed to an address provided by the respective board member with first class postage attached, or otherwise as provided in the Nonprofit Act, ~~§ 33-31-141(d).~~

Directors may waive notice before or after a meeting by a signed writing filed with the minutes of the Corporation.

Attendance at a meeting constitutes waiver of notice unless the Director attends the meeting to object to lack of notice either of the meeting or of business to be addressed, presents his objection immediately upon arriving at the meeting, and does not thereafter vote for or assent to the complained-of action.

**Section VI(h). Quorum, Manner of Acting, Voting.** The Board may conduct any business at regular meetings. At special meetings it may conduct only that business described in the notice of meeting. The following apply in matters of voting on the organization's business during all meetings:

~~(1) Non-voting Directors shall have voice but no vote at meetings, except when the Board is operating as the SC Early Childhood Advisory Council, when all voting and non-voting Directors shall have equal vote;~~

(12) At any meeting of the Board, a majority of the number of ~~voting~~ Directors in office immediately before the meeting constitutes a quorum;

(23) Each ~~voting~~ Director has one vote;

(34) Voting by proxy is not permitted;

(45) If a quorum is present when a vote is taken, the affirmative vote of a majority of the ~~voting~~ Directors present is the act of the Board; and

(56) A ~~voting~~ Director who is present at a meeting of the Board or a Committee of the

Board when corporate action is taken is deemed to have assented to the action taken unless: (a) he objects, at the beginning of the meeting or promptly upon his arrival, to holding the meeting or transacting specified affairs at the meeting; or (b) he votes against or abstains from the action taken.

**Section VI(i). Presence at/Participation in Meetings.** Directors may attend any Board or Committee meeting through the use of conference telephone or other means of communication by which all Directors participating in the meeting may hear each other simultaneously during the meeting, and participation by such means shall constitute presence in person at that meeting.

**Section VI(j). Committees and Offices.**

(1) **General.** The Board may from time to time create one or more Committees of the Board (the "Committees") and hereby delegates to the Chairman the authority to select and remove Committee members, to appoint Committee chairs, and to determine their terms of service in accordance with the provisions of S.C. Code § 33 - 3 1 -825. Committees may be of any size and composition, *provided, however,* each Committee shall include at least two ~~voting~~ Directors. Each Director shall be appointed to serve on at least one Committee.

~~Non-voting Directors who are members of Committees shall have voice but no vote on Committees.~~

The Board may specify each Committee's authority. The Board may delegate to a Committee its authority to act without any further requirement of ratification by the full Board, *provided, however*, Committees may not be authorized to approve or recommend extraordinary corporate acts, appoint or remove Directors or members of Committees, adopt, amend or repeal the Corporation's articles or Bylaws, or otherwise act in contravention of either the Nonprofit Act § 33-31-825 or the Freedom of Information Act, S.C. Code §§ 30-40- 10, et seq..

Each Committee may establish its own governing procedures.

(2) **Executive Committee.** The Board shall create an Executive Committee. The Chairman shall chair such Committee. Its Members shall be: the Chairman, ~~or, in the Chairman's absence,~~ the Vice Chairman; ~~the Secretary and all Committee chairpersons and three Directors each of whom has been appointed to the Board respectively by the Governor, the President Pro Tempore of the Senate, and the Speaker of the House of Representatives, and has been designated by the respective appointing officer to serve as a member of the Executive Committee at the pleasure of the appointing officer.~~

The purpose of the Executive Committee shall be to organize and coordinate activities of the Board and act in the place of the Board at times when assembling the entire Board pursuant to Section VI(f) ~~would be impracticable, inconvenient, and the composition of the Executive Committee should be determined with this purpose in mind.~~

The Executive Committee shall be empowered to exercise all of the authority of the Board without ratification, so that its actions are the actions of the full Board, with those exceptions usual to Committees and any further exceptions as shall be determined by the Board

The minutes of each meeting of the Executive Committee shall be distributed to each Director as soon as possible after such meeting.

(3) **Office of South Carolina First Steps to School Readiness.** The Office of First Steps to School Readiness (the "Office of First Steps"), established by the Enabling Act within the Board of Directors of the Corporation, shall operate in accordance with the Enabling Act and under the direction and supervision of the Board. In accordance with the Enabling Act, the Board shall appoint a Director of the Office of First Steps who shall serve at the pleasure of the Board.

**Section VI(k). Accounting, Books and Records.** The Corporation shall maintain appropriate corporate and accounting records and shall have its accounts audited at the end of each fiscal year. The

Corporation's books and records shall be maintained as provided in this Section and in Section VI(m) of these Bylaws. A complete report of the activities of the Corporation shall be made annually to the General Assembly and the State Auditor.

(1) **Financial Reports.** The Corporation shall maintain at its principal office its financial reports as of the end of the most recent fiscal year, including at a minimum a balance sheet and a statement of operations of such year, accompanied by the report of the certifying accountant.

(2) **Corporate Records.** The Corporation shall maintain at its principal office the following written corporate records: articles of incorporation and all amendments in effect; Bylaws and all amendments in effect; minutes of all Board meetings, Committee meetings and action taken for the past three years; and a current list of Directors and officers and their addresses of record; IRS Forms 990, 1023, and such additional tax information as may be required under § 6104 of the Internal Revenue Code.

The Corporation shall maintain in writing or in a format convertible into writing the minutes of all other Board and Committee meetings and action.

(3) **Inspection Rights of Directors.** Each Director shall have the right to inspect and copy (at the Director's expense) during regular business hours the corporate records and financial reports described in subparagraphs (1) and (2) of this Section.

**Section VI(l). Service Without Compensation.** The Directors shall serve without compensation. Each Director may be paid per diem, mileage, and subsistence incidental to meetings of the Corporation, in accordance with the Operating Policies, Procedures and Guidelines of the Corporation, not to exceed standards provided by law for boards, committees, and commissions. Nothing in this Section shall prohibit the payment of reasonable compensation to an officer or other employee of the Corporation, in his capacity as officer or employee, even though such individual may also be serving as a Director, provided such compensation is determined in the manner provided in Section VII( a)( 4) of these Bylaws.

**Section VI(m). Compliance with Freedom of Information Act and IRS Disclosure Requirements.** Business meetings of the Board and Committees of the Board shall be conducted in accordance with the South Carolina Freedom of Information Act, S.C. Code §§ 30-4-10, et seq. (the "FOIA"). Records of the Corporation shall be maintained and provided in accordance with the FOIA and ~~§-6104-of~~ the Internal Revenue Code. The Operating Policies, Procedures and Guidelines of the Corporation shall contain such provisions, including language addressing conduct of meetings and

disclosure of records, as to ensure the Corporation's compliance with the FOIA and IRS disclosure regulations.<sup>3</sup>

**Section VI(n). Conflicts of Interest.** Conflict of interest transactions, as defined in the Nonprofit Act § 33 - 3-1--83-1, are voidable as therein described. In addition to all other remedies, effects or liability provided by law, any Director not disclosing any conflict of interest transaction (as above described) in advance to the Board shall be removed from the Board forthwith.

## ARTICLE VII OFFICERS

### **Section VII(a). General.**

(1) **Authority**. The officers of the Corporation shall be vested with authority to administer and implement duties, responsibilities and directives in conformity with their respective offices.

(2) **Composition.** The officers shall be an Executive Director, a Secretary, and such other officers as the Board may designate from time to time.

(3) **Election, Terms, Removal, Resignation and Vacancy.**

(A) **Election, Terms, Removal.** The Executive Director and all other officers shall be elected by majority vote of and serve at the pleasure of the Board. An officer may be removed with or without cause by majority vote of the Board.

(B) **Resignation.** An officer may resign at any time by giving written notice to the Board or to the Executive Director.

(C) **Vacancy.** Any vacancy in an office shall be filled temporarily by the Executive Committee and permanently at the next regular or special meeting of the Board.

(4) **Compensation.** Officers may be paid reasonable compensation for their duties as officers, which compensation shall be determined by the Board or duly authorized Committee as follows: (i) The Board or Committee determining compensation shall be composed of persons who are unrelated to and not subject to the control of the person whose compensation is being determined; (ii) The Board or Committee determining compensation shall contemporaneously obtain and rely upon appropriate data as to the comparability of the compensation package; and (iii) There shall be adequate contemporary documentation for the basis of the Board's or Committee's determination.

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<sup>3</sup> See generally IRS Announcement 99-62, 1999-25 IRB-1.



The Corporation may reimburse officers for such expenses incurred incidental to the conduct of the business and affairs of the Corporation as may be reasonable and authorized by the Board.

**Section VII(b). Duties and Responsibilities.** The duties of the Executive Director and Secretary are as follows:

(1) **Executive Director.** The Director of the Office of First Steps employed pursuant to the Enabling Act shall be the Executive Director. The Executive Director will be the "president" of the Corporation within the meaning of the Nonprofit Act § 33 - 3 1 -840.

The Executive Director is the chief executive officer of the Corporation. The Executive Director shall, subject to the overall direction of the Board, administer, supervise and direct the Corporation's operations and administrative business affairs, and perform the duties normally associated with the office of the chief executive officer, as well as such other duties as may be assigned from time to time by the Board.

The Executive Director, with the approval of the Board, shall hire such staff as is necessary to carry out the provisions of the South Carolina First Steps to Readiness initiative. Support staff may be paid such reasonable compensation and benefits as may be determined by the Executive Director within budgets approved by the Board and in accordance with the compensation guidelines described in Section VII(a)(4) of these Bylaws. The Executive Director shall have overall responsibility for the development, planning and implementation of the Corporation's programs in accordance with the South Carolina First Steps to School Readiness Act and the Operating Policies, Procedures and Guidelines of the Corporation. The Executive Director shall establish staff policies, participate in the preparation of the operational plans and annual budgets, engage the services of outside professionals and otherwise attend to the day-to-day operations of the Corporation and carry out the instructions of the Board. The Executive Director shall call special meetings of the Board as provided in Section VI(f) of these Bylaws.

The Executive Director's signature shall bind the Corporation to contracts and instruments of all kinds in the ordinary course of business of the Corporation, subject to such limitations as the Board may impose from time to time.

(2) **Secretary.** The Secretary shall be responsible for (i) maintaining the records of the Corporation, recording and maintaining in a book provided for that purpose the minutes of all meetings of the Board and any Committees, (ii) coordinating and assuming primary responsibility for the proper procedure in connection with the nomination and appointment of Directors and the election of

officers of the Corporation; (iii) authenticating documents of the corporation and (iv) seeing that all notices of the Corporation are duly given in accordance with the provisions of these Bylaws and as required by law. The Secretary shall be responsible for keeping an accurate list of the Directors and officers of the Corporation, their addresses of record, and the dates of their respective terms and the expiration thereof. The Secretary shall be responsible for keeping the seal of the Corporation and shall perform such other duties as he may be assigned from time to time by the Board.

#### **ARTICLE VIII INDEMNIFICATION**

The Corporation shall indemnify its serving and former Directors and officers to the maximum extent permitted by law in effect.

#### **ARTICLE IX REGULATION**

**Section IX(a). General.** The regulation of the business and conduct of the affairs of the Corporation shall conform to federal and state income tax laws and any other applicable federal and state law, including, but not limited to, the Enabling Act and the Nonprofit Act. In the interpretation of these Bylaws, wherever reference is made to the United States Code (U.S.C.), the United States Internal Revenue Code or Internal Revenue Laws, the Enabling Act, the Nonprofit Act, the South Carolina Code or any other statute, or to any section thereof, such reference shall be construed to mean such Code, Act, Laws, Statutes, or section thereof, and the regulations thereunder, as the case may be, as heretofore or hereafter amended or supplemented or as superseded by laws or regulations covering equivalent subject matter.

**Section IX(b). Governing Law.** These Bylaws are executed and delivered in the State of South Carolina and they shall be governed by, construed and administered in accordance with the laws of the State of South Carolina.

**Section IX (c). Parliamentary Procedure.** The provisions of the latest edition of *Robert's Rules of Order* shall serve as the basic guide to fair and orderly procedure in meetings of the Corporation. In the event that any of the provisions of *Robert's Rules of Order* conflict with the Bylaws, the provisions of the Bylaws prevail.

#### **ARTICLE X**

## AMENDMENTS AND CONFLICTS

**Section X(a). Amendments.** These Bylaws may be amended or restated from time to time in accordance with the provisions of S. C. Code § 33 - 3 1 - 1 020.

**Section X(b). Conflicts.** In the event that any of the provisions of these Bylaws, as amended, conflict with any of the provisions of prior Bylaws, the provisions of the amended Bylaws control.

## ARTICLE XI

### SEAL

The Board may adopt a seal for the Corporation.

## ARTICLE XII

### DISSOLUTION

**Section XII(a). General.** The Corporation may be dissolved and its business and affairs terminated, and such dissolution shall be in accordance with the provisions of Chapter 31, Title 33, S.C. Code and § 1.501Cc)C3)-ICb)C4) of the United States Treasury Regulations.

**Section XII(b). Distribution.** Upon dissolution of the Corporation and after all its debts and expenses have been paid, all of its assets shall be conveyed or distributed in conformity with the Bylaws and the Articles of Incorporation of the Corporation. All monies held by the Corporation which have been appropriated by the General Assembly for the South Carolina First Steps to School Readiness initiative, including any interest thereon, as provided in by applicable law S.C. Code § 20-7-9740(B) and (C), shall be conveyed or distributed to the State of South Carolina. All remaining assets of the Corporation shall be conveyed or distributed to the State of South Carolina, ~~or~~ to such of one or more organizations as may be designated by the Board as long as the designated organization at the time of conveyance or distribution qualifies as an organization described in §§ 501(c)(3) and 170(c)(2) of the Internal Revenue Code or any corresponding provision of any future Federal tax code or as otherwise required by applicable law to be distributed to the applicable grantor.

**BYLAWS**

**OF**

**\*\*\*\*\* COUNTY FIRST STEPS TO SCHOOL  
READINESS PARTNERSHIP, A SOUTH CAROLINA  
NONPROFIT CORPORATION**

Adopted effective as of September 24, 1999;  
Amended effective as of \_\_\_\_\_, 2001; and  
2015

**BYLAWS  
OF  
\*\*\*\*\* COUNTY FIRST STEPS TO SCHOOL  
READINESS PARTNERSHIP, A SOUTH CAROLINA  
NONPROFIT CORPORATION**

**[TO BE UPDATED WHEN REDLINES ARE ACCEPTED]**

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**BYLAWS  
OF  
\*\*\*\*\* COUNTY FIRST STEPS TO SCHOOL  
READINESS PARTNERSHIP, A SOUTH CAROLINA  
NONPROFIT CORPORATION**

**ARTICLE I**

**NAME**

The name of this corporation is \*\*\*\*\* County First Steps to School Readiness Partnership, a South Carolina Nonprofit Corporation (hereinafter referred to as the "Corporation").

**ARTICLE II**

**OFFICE**

The principal office of the Corporation shall be initially in the City of Columbia, the County of Richland, and the State of South Carolina (the "State"). The Corporation may have its principal office and other offices at such other locations within the State as the Board of Directors, as defined in Article VI, may designate and as the activities of the Corporation may require from time to time.

**ARTICLE III**

**GENERAL**

**Section III(a). Organization.** The Corporation is a non-profit organization (i) established and operating in accordance with the provisions of 26 U.S.C. ("Internal Revenue Code") §§ 501(c)(3) and 509(a)(1), (2) or (3) and the regulations thereunder, and §§ ~~12-20-110 7-415, 12-7-430(h), and 59-152-670~~, Code of Laws of South Carolina, 1976 ("South Carolina Code" or "S.C. Code"), as amended; and (ii) incorporated under the South Carolina Nonprofit Corporation Act of 1994 [Chapter 31, Title 33, S.C. Code (the "Nonprofit Act")]. The Corporation is an independent and autonomous organization.

**Section III(b). Fiscal Year.** The Corporation shall operate on a fiscal ("accounting" or "program") year basis, beginning July 1 and ending June 30. The Corporation's period of duration shall be perpetual unless terminated in accordance with Article XII of these Bylaws.

**Section III(c). Terminology.** When used in these Bylaws, any male noun or pronoun refers to persons of either sex, and the term “person” means any individual, trust, estate, partnership, association, foundation, company or corporation.

#### ARTICLE IV PURPOSES, POWERS AND POLICIES

**Section IV(a). General Purposes.** The Corporation is organized and shall operate for the purposes set forth in S.C. Code §§ 59-152-10, et seq. and §§ 63-11-1720 et seq. (the “Enabling Act”), exclusively for charitable, educational and/or scientific purposes within the meaning of § 501(c)(3) of the Internal Revenue Code of 1986, as amended (or the corresponding provisions of any future United States Internal Revenue Law); no part of the net earnings of the Corporation shall inure to the benefit of any private shareholder or individual; no substantial part of the activities of the Corporation shall consist of carrying on propaganda, or otherwise attempting to influence legislation; and the Corporation shall not participate in or intervene in (including the publishing or distributing of statements) any political campaign on behalf of a candidate for public office. Notwithstanding any other provisions of these Bylaws, the Corporation shall not carry on any activities not permitted to be carried on (i) by an organization described in 26 U.S.C. §§ 501(c)(3) and 509(a)(1), (2) or (3), or (ii) by an organization contributions to which are deductible under the provisions of 26 U.S.C. § 170(c)(2) or any other corresponding provision of any future United States Internal Revenue Law.

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**Section IV(b). Specific Purposes.** The Corporation is organized as follows: (i) in accordance with ~~The South Carolina First Steps to School Readiness Act, 1999 Act No. 99~~ (the “Enabling Act”); and (ii) as a supporting organization for the benefit of, to perform the functions of, or to carry out the purposes of South Carolina First Steps to School Readiness Board of Trustees, a South Carolina Nonprofit Corporation (the “State Board”). ~~To this end, the Corporation will lessen the burdens of government by assisting the State and the State Board, by becoming an integral part of larger programs of government responsible for carrying out the purposes of and attaining the goals of the First Steps initiative, as described in the Enabling Act (S.C. Code §§ 59-152-20 and 30), and by maintaining a close interrelationship with and working cooperatively with~~



~~governmental units and their affiliated organizations in order to carry out the aforesaid programs, purposes and initiative.~~

The Corporation may engage in any and all lawful activities within its powers necessary or incident to the foregoing purposes.

**Section IV(c). Powers.** The Corporation shall have such powers as are now or may hereafter be granted corporations under the Nonprofit Act, except as may be limited by the Enabling Act or the Corporation's Articles of Incorporation or Bylaws.

**Section IV(d). Operating Policies, Procedures and Guidelines.** In order to implement the purposes of the Corporation within the guidelines of the Enabling Act, the Board of Directors may adopt, amend, or restate Operating Policies, Procedures and Guidelines as are in compliance with the Freedom of Information Act and are approved by the Office of South Carolina First Steps to School Readiness (the "Office of First Steps").

## ARTICLE V

### MEMBERS AND MEMBERSHIP

As provided in the Corporation's Articles of Incorporation pursuant to S.C. Code § 33-31-603, the Corporation does not have members within the meaning of S.C. Code § 33-31-140(23). Any use of "member" or "membership" in these Bylaws should be understood in its immediate context, and not to refer to "members" within such statutory definition.

## ARTICLE VI

### BOARD OF DIRECTORS

**Section VI(a). Governing Authority, General Powers, Oversight and Accountability.** The Board of Directors of the Corporation is the governing body of the Corporation and is vested with the entire management of the business and affairs of the Corporation. The Board of Directors exercises all such powers of the Corporation and performs all such lawful acts which are now or may hereafter be granted a board of directors under the Nonprofit Act, except as may be limited by the Enabling Act or the Corporation's Articles of Incorporation or Bylaws. The members of the Board of Directors are referred to in these Bylaws as Directors. The standard of care applicable to the Directors is that provided in ~~the Nonprofit Act, S.C. Code §§ 33-31-830 through 834.~~ All

corporate powers shall be exercised and all affairs of the Corporation shall be managed under the authority and direction of the Board of Directors in accordance with the Enabling Act S.C. Code §§ 59-152-50 and 70, et seq., which provides for oversight by and accountability to the State Board and the Office of First Steps.

**Section VI(b). Composition.** The Board of Directors of the Corporation (the "Board") shall be composed of members as described in the Enabling Act (S.C. Code §§ 59-152-60, et seq.). The membership of the Board of Directors shall be ~~divided into three categories and shall be~~ determined as follows:

(1) The Corporation shall maintain a total minimum membership of twelve and a maximum membership of thirty elected, appointed and designated individuals. Elected and appointed Directors shall comprise of a voting majority of the board.

(2) No more than four from any of the following categories may be elected to sit on the Board.

- (a) prekindergarten through primary educator;
- (b) family education, training, and support provider;
- (c) childcare or early childhood development/education provider;
- (d) healthcare provider;
- (e) local government;
- (f) nonprofit organization that provides services to families and children;
- (g) faith community;
- (h) business community;
- (i) philanthropic community; and
- (j) parents of preschool children.

(3) To assure that all areas of the county or multicounty region are adequately represented and reflect the diversity of the coverage area, the county legislative delegation may appoint up to four Directors to the Board. Of these Directors, two are appointed by the Senate members and two by the House of Representatives of the delegation from persons with resources, skills, or knowledge that have specific interests in improving the readiness of young children for school.

~~(4) Each of the following entities located within the Corporation's coverage area shall designate one member to serve as a member of the Board:~~

- ~~(a) county department of social services;~~
- ~~(b) county department of health and environmental control;~~
- ~~(c) Head Start or early Head Start;~~
- ~~(d) county library; and~~
- ~~(e) each of the school districts in the county.~~

~~(1) Category I. Participants in county-wide meetings and forums shall identify or select, to the extent possible from individuals residing or employed within the County, the following persons:~~

~~(A) Not more than two (2) persons from each of the following categories:~~

- ~~(i) Pre-kindergarten through primary educator;~~
- ~~(ii) Family education, training, and support provider;~~
- ~~(iii) Childcare and early childhood development/education provider;~~
- ~~(iv) Healthcare provider;~~
- ~~(v) Transportation provider;~~
- ~~(vi) Non-profit organization that provides services to families and children;~~
- ~~(vii) Faith community; and~~
- ~~(viii) Business community.~~

~~(B) Three (3) persons each of whom is a parent of a pre-school child being served by First Steps programs. After the first year of implementation of the First Steps to School Readiness initiative, each such parent serving on the Board of Directors must have a pre-school child being served by a First Steps program.~~

~~(C) Four (4) persons from early childhood education.~~

~~After individuals have been identified or selected as described in this Subsection VI(b)(1), the State Board shall appoint all such individuals to the initial Board of Directors of the Corporation. Successor Category I Directors shall be elected by majority vote of the members of the Board of Directors of the Corporation, in accordance with the composition described in Subsections VI(b)(1)(A), (B), and (C) herein, and in accordance with Subsection VI(e)(4) herein and the Operating Policies, Procedures and Guidelines of the Corporation.~~

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~~\_\_\_\_\_ (2) Category II. Five (5) or more persons appointed as follows:~~

~~(A) One (1) person appointed by the County Department of Social Services;~~

~~(B) One (1) person appointed by the County Department of Health and Environmental Control;~~

~~(C) One (1) person appointed by the County Head Start Program;~~

~~(D) One (1) person appointed by the County Library; and~~

~~(E) One (1) person appointed by each School District in the County.~~

~~\_\_\_\_\_ (3) Category III. Not more than four (4) persons appointed by the County Legislative Delegation, if the County Legislative Delegation determines that the appointments are necessary to assure that all areas of the County are adequately represented and that the diversity of the County is reflected, which persons will be appointed as follows:~~

~~(A) Two (2) persons appointed by the Senate members of the County Legislative Delegation; and~~

~~(B) Two (2) persons appointed by the House of Representatives members of the County Legislative Delegation.~~

~~\_\_\_\_\_ The four (4) persons appointed by the County Legislative Delegation shall be individuals whose resources, skills or knowledge indicate specific interests in improving the readiness of young children for school.~~

**Section VI(c). Terms, Resignation, Removal and Vacancies.**

(1) **Terms.** Except in case of earlier resignation, removal, death or other inability to serve, the term of service of each Director shall expire ~~four~~ two years from such Director's date of election or appointment. ~~A Director may not serve more than eight consecutive years.~~ A Director elected or appointed to fill a vacancy in a Directorship caused by resignation, removal, death or other inability to serve, shall serve out the unexpired term to which he is elected or appointed. ~~Directors may serve consecutive terms, but may serve no more than six consecutive years.~~

(2) **Resignation.** Any Director may resign at any time by delivering written notice to the Chairman or the Secretary of the Board of Directors. A resignation is effective at the earlier of when notice is received, five days after deposit in the U.S. Mail correctly addressed and with first class postage attached, or otherwise as provided in the Nonprofit Act ~~§ 33-31-141(d).~~

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(3) **Removal.** ~~Category I~~ Directors who miss more than three consecutive meetings without excuse, ~~or six (6) or more meetings in any twelve (12) month period,~~ shall be removed. ~~If a Category II or III Director misses more than three (3) consecutive meetings without excuse or six (6) or more meetings in any twelve (12) month period, the Board of Directors, acting by and through its duly appointed designee, shall notify the appointing body or person and the Office of First Steps. In accordance with Nonprofit Act § 33-31-809, Category II and III (appointed) Directors may be removed with or without cause by the appointing body or person (for so long as such person holds the office with the appointment power). A Category II or III Director may be removed only by the appointing body or person.~~

~~If (The Board person or body removes ing an appointed Director, it will do so by giving written notice of the removal to the removed Director, and to either the Chairman or the Secretary of the Board of Directors. The minutes of the meeting addressing such removal shall reflect the reason or reasons for such removal.~~ Notice of removal is effective at the earlier of when notice is received, five (5) days after deposit in the U.S. Mail correctly addressed and with first class postage attached, or otherwise as provided in the Nonprofit Act, § 33-31-141(d).

(4) **Vacancies.** Vacancies shall be filled in the manner of original appointment and will be for the unexpired portion of the term of the vacancy.

~~Vacancies as a result of expiration of terms of Category I Directors appointed pursuant to Section VI(b)(1) shall be filled at the meeting of Directors immediately preceding such terms' expiration, in accordance with the method described in Section VI(b)(1). Vacancies in Category I [Section VI(b)(1)] Directorships caused by resignation, removal, death or other inability to serve shall be filled as soon as possible by a majority vote of the members of the Board at the time in office.~~

~~Any vacancy in a Directorship described in Category II [Section VI(b)(2)] and Category III [Section VI(b)(3)], however occurring, shall be filled in accordance with the composition and method described in those respective Sections.~~

No person may be appointed to fill any vacancy in a Directorship, however occurring, unless such person is qualified to hold such Directorship as described in this Sections ~~above, VI(b)(1), (2) or (3), as the case may be.~~

**Section VI(d). Chairman and Vice Chairman of the Board of Directors.** The Chairman of the Board of Directors shall be elected from among the members of the Board of

Directors by a majority of the members of the Board of Directors. The Chairman shall preside at all meetings of the Board of Directors, shall call special meetings of the Board of Directors as provided in Section VI(f) of these Bylaws, and shall have those powers and duties assigned in these Bylaws as well as those incident to the office. The Vice Chairman of the Board of Directors shall be elected from among the members of the Board of Directors by a majority of the members of the Board of Directors. The Vice Chairman shall perform the duties of the Chairman in the Chairman's absence.

The Chairman shall serve a one-year term; *provided, however*, the Chairman may be elected to subsequent terms not to exceed a total of four (4) consecutive years. The Vice Chairman shall serve a one-year term; *provided, however*, the Vice Chairman may be elected to subsequent terms not to exceed a total of four (4) consecutive years.

**Section VI(e). Regular Meetings.** Regular Meetings of the Board of Directors shall be held periodically, at least once every fiscal quarter, at such date and at a time and place as the Chairman of the Board of Directors determines. A periodic meeting schedule shall be determined by the Chairman and distributed to the members of the Board of Directors.

One Regular Meeting each year, ~~coinciding more or less with the anniversary of the county-wide meeting described in Section VI(b)(1)~~, shall be designated by the Board as the Annual Meeting. Notice of the Annual Meeting shall be given as provided in Section VI(g) and shall also be given to the public which shall be invited to attend. At the Annual Meeting the Board shall report to the public of the County on the Corporation's progress during the past year and its plans for the coming year, in addition to attending to such other business as is prescribed in these Bylaws and as shall otherwise come before the Board.

**Section VI(f). Special Meetings.** Special meetings of the Board of Directors shall be held on the call of the Chairman or on the call in writing of any ten Directors. The Chairman shall determine the date, time and place of special meetings.

**Section VI(g). Notice, Waiver of Notice of Meetings.** The Secretary shall give written notice of each meeting of the Board of Directors stating the date, time and place of the meeting, and, in the case of a special meeting, the purpose(s) for which the meeting is called.

Notice of meetings shall be given in writing to all Directors not less than two nor more than ten business days prior to each meeting. Notice of meetings is effective at the earlier of

when received, five days after being placed in the U.S. mail correctly addressed with first class postage attached, or otherwise as provided in the Nonprofit Act, ~~§ 33-31-141(d)~~.

Directors may waive notice before or after a meeting by a signed writing filed with the minutes of the Corporation.

Attendance at a meeting constitutes waiver of notice unless the Director attends the meeting to object to lack of notice either of the meeting or of business to be addressed, presents his objection immediately upon arriving at the meeting, and does not thereafter vote for or assent to the complained-of action.

**Section VI(h). Quorum, Manner of Acting, Voting.** The Board of Directors may conduct any business at regular meetings. At special meetings it may conduct only that business described in the notice of meeting.

At any meeting of the Board of Directors, a majority of the number of Directors in office immediately before the meeting constitutes a quorum. If a quorum is present when a vote is taken, the affirmative vote of a majority of the Directors present is the act of the Board.

Each Director has one vote. Voting by proxy is not permitted.

A Director who is present at a meeting of the Board or a Committee of the Board when corporate action is taken is deemed to have assented to the action taken unless: (a) he objects, at the beginning of the meeting or promptly upon his arrival, to holding the meeting or transacting specified affairs at the meeting; or (b) he votes against or abstains from the action taken.

**Section VI(i). Presence at/Participation in Meetings.** Directors may attend any Board or Committee meeting through the use of conference telephone or other means of communication by which all Directors participating in the meeting may hear each other simultaneously during the meeting, and participation by such means shall constitute presence in person at that meeting.

**Section VI(j). Conflicts of Interest.** Directors must strive to achieve the greatest objectivity and impartiality possible in the execution of their duties. A director has a conflict of interest when such Director, directly or indirectly, is financially interested in planning, applying for or executing direct service provision, engaging personnel, grant applications, or any other activity involving planning for expenditure of funds or expending funds. Even the appearance of a conflict

of interest is to be avoided. As a general rule, any time a Director is not, or does not appear to be, for any reason, impartial, the Director has a conflict of interest.

Directors with conflicts of interest as to a matter shall recuse themselves from any discussions or decisions by the Board or any committee thereof regarding the provision of funds or awards to any program or entity funded under the same funding category, any discussions or decisions by the Board regarding the provision of funds or awards to that specific program, the continuation of funds or award to any such program or entity funded under the same funding category, participating in the oversight, evaluation, continuation, suspension, or termination of any grant under the same funding category, or voting on any of the foregoing.

Any abstention from voting must be noted in the minutes of the meeting.

Any vote by the Board of Directors in violation of this Section shall be voidable at the discretion of the disinterested Board of Directors, regardless of fairness to the Corporation.

Any Director failing to disclose a conflict of interest to the Board of Directors shall be removed from the Board forthwith.

The provisions of Nonprofit Corporation Act § 33-31-831 shall apply except as to matters directly addressed in this Section. This Section is purposefully more stringent than § 33-31-831, as permitted by such statute.

**Section VI(k). Fiscal Accountability, Books and Records.** The Corporation shall implement such fiscal policies and procedures and maintain such books and records as required by the Office of First Steps and as needed to ensure fiscal accountability of all funds appropriated to the Corporation. The Corporation shall adopt and implement a standard fiscal accountability system as developed and required by the Office of First Steps in accordance with S.C. Code § 59-152-150. The Corporation's books and records shall be maintained in accordance with this Section, Section VI(l) and Section IX(b) of the Bylaws.

(1) **Financial Reports.** The Corporation shall maintain at its principal office its financial reports as of the end of the most recent fiscal year, including at a minimum a balance sheet and a statement of operations of such year, accompanied by the report of the appropriate reviewing body.

(2) **Corporate Records.** The Corporation shall maintain at its principal office the following written corporate records: Articles of Incorporation and all amendments from time to



time in effect; Bylaws and all amendments from time to time in effect; minutes of all Board of Directors' meetings, Committee meetings and action taken without meeting for the past three years; a current list of Directors and Officers and their addresses of record; the approved federal income tax exemption application (IRS Form 1023); the three most recent annual information returns (IRS Form 990), and such additional tax information as may be required under § 6104 of the Internal Revenue Code.

The Corporation shall maintain in writing or in a format convertible into writing the minutes of all Board and Committee meetings and action taken without meeting.

(3) **Inspection Rights of Directors.** Each Director shall have the right to inspect and copy (at the Director's expense) during regular business hours the financial reports and corporate records described in subparagraphs (1) and (2) of this Section.

**Section VI(l). Compliance with Freedom of Information Act and IRS Disclosure Requirements.** Business meetings of the Board of Directors and Committees of the Board shall be conducted in accordance with the South Carolina Freedom of Information Act, S.C. Code §§ 30-4-10, *et seq.* (the "FOIA"), as in effect from time to time, a copy of the current version of which is attached to these Bylaws. Records of the Corporation shall be maintained and provided in accordance with the FOIA and ~~§ 6104 of~~ the Internal Revenue Code. The Operating Policies, Procedures and Guidelines of the Corporation shall contain such provisions, including language addressing conduct of meetings and disclosure of records, as to ensure the Corporation's compliance with the FOIA and IRS disclosure regulations.<sup>†</sup>

**Section VI(m). Committees.**

The Board of Directors may from time to time create one or more Committees of the Board (the "Committees") and hereby delegates to the Chairman the authority to select and remove Committee members and to determine their terms of service in accordance with the provisions of S.C. Code § 33-31-825. Committees may be of any size and composition, *provided, however,* each Committee shall include at least two Directors.

The Board of Directors may specify each Committee's authority; *provided, however,* Committees may not be authorized to approve or recommend extraordinary corporate acts, appoint or remove Directors or members of Committees, adopt, amend or repeal the

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<sup>†</sup> See generally IRS Announcement 99-62, 1999-25 IRB 1.

Corporation's Articles of Incorporation or Bylaws, or otherwise act in contravention of either the Nonprofit Act § 33-31-825 or the ~~FOIA, freedom of Information Act, S.C. Code §§ 30-40-10, et seq.~~

**Section VI(n). Service Without Compensation.** The Directors shall serve without compensation. Nothing in this Section shall prohibit the payment of reasonable compensation to an officer or employee of the Corporation, in his capacity as officer and/or employee, even though such individual may also be serving as a Director, provided such compensation is determined in the manner provided in Section VII(a)(4) of these Bylaws.

## ARTICLE VII OFFICERS

### Section VII(a). General.

(1) **Authority.** The officers of the Corporation shall be vested with authority to administer and implement duties, responsibilities and directives in conformity with their respective offices.

(2) **Composition.** The officers shall be a Secretary and such other officers as the Board of Directors may designate from time to time.

(3) **Election, Terms, Removal, Resignation and Vacancy.**

(A) **Election, Terms, Removal.** The Secretary and all other officers shall be elected by majority vote of and serve at the pleasure of the Board of Directors. An officer may be removed with or without cause by majority vote of the Board of Directors.

(B) **Resignation.** An officer may resign at any time by giving written notice to the Board of Directors.

(C) **Vacancy.** Any vacancy in an office shall be filled temporarily by the Chairman of the Board of Directors and permanently at the next regular or special meeting of the Board of Directors.

(4) **Compensation.** Officers and/or employees may be paid reasonable compensation commensurate with their duties, responsibilities and work, which compensation shall be determined by the Board of Directors or duly authorized Committee thereof as follows: (i) The Board of Directors or Committee determining compensation shall be composed of persons who are unrelated to and not subject to the control of the person whose compensation is being determined;

(ii) The Board of Directors or Committee determining compensation shall contemporaneously obtain and rely upon appropriate data as to the comparability of the compensation package; and (iii) There shall be adequate contemporary documentation for the basis of the Board's or Committee's determination.

The Corporation may reimburse officers and/or employees for such expenses incurred incidental to the conduct of the business and affairs of the Corporation as may be reasonable and authorized by the Board of Directors.

**Section VII(b). Duties and Responsibilities.**

The Secretary shall be responsible for (i) maintaining the records of the Corporation, recording and maintaining in a book provided for that purpose the minutes of all meetings of the Board of Directors and any Committees, (ii) coordinating and assuming primary responsibility for the proper procedure in connection with the selection, designation and appointment of Directors and the election of officers of the Corporation; (iii) authenticating documents of the corporation and (iv) seeing that all notices of the Corporation are duly given in accordance with the provisions of these Bylaws and as required by law. The Secretary shall be responsible for keeping an accurate list of the Directors and officers of the Corporation, their addresses of record, and the dates of their respective terms and the expiration thereof. The Secretary shall be responsible for keeping the seal of the Corporation and shall perform such other duties as he may be assigned from time to time by the Board of Directors.

**ARTICLE VIII  
INDEMNIFICATION**

The Corporation shall indemnify its serving and former Directors and Officers to the maximum extent permitted by law in effect from time to time.

**ARTICLE IX  
REGULATION**

**Section IX(a). General.** The regulation of the business and conduct of the affairs of the Corporation shall conform to federal and state income tax laws and any other applicable federal and state law, including, but not limited to, the Enabling Act and the Nonprofit Act. In the

interpretation of these Bylaws, wherever reference is made to the United States Code (U.S.C.), the United States Internal Revenue Code or Internal Revenue Laws, the Enabling Act, the Nonprofit Act, the South Carolina Code or any other statute, or to any section thereof, such reference shall be construed to mean such Code, Act, Laws, Statutes, or section thereof, and the regulations thereunder, as the case may be, as heretofore or hereafter amended or supplemented or as superseded by laws or regulations covering equivalent subject matter.

**Section IX(b). Oversight and Accountability.** Oversight by and accountability to the State Board and the Office of First Steps will be maintained in accordance with the Enabling Act as in effect from time to time, a copy of the current version of which is attached.

**Section IX(c). Governing Law.** These Bylaws are executed and delivered in the State of South Carolina and they shall be governed by, construed and administered in accordance with the laws of the State of South Carolina.

**Section IX(d). Parliamentary Procedure.** The provisions of the latest edition of *Robert's Rules of Order* shall serve as the basic guide to fair and orderly procedure in meetings of the Corporation. In the event that any of the provisions of *Robert's Rules of Order* conflict with the Bylaws, the provisions of the Bylaws prevail.

## ARTICLE X

### AMENDMENTS AND CONFLICTS

**Section X(a). Amendments.** These Bylaws may be amended or restated from time to time in accordance with the provisions of S.C. Code § 33-31-1020; *provided, however,* any such amendments or restatements must be approved by the State Board prior to adoption by the Board of Directors of the Corporation.

**Section X(b). Conflicts.** In the event that any of the provisions of these Bylaws, as amended, conflict with any of the provisions of prior Bylaws, the provisions of the amended Bylaws control.

## ARTICLE XI

### SEAL

The Board of Directors may adopt a seal for the Corporation.

**ARTICLE XII**  
**DISSOLUTION**

**Section XII(a). General.** The Corporation may be dissolved and its business and affairs terminated, and such dissolution shall be in accordance with the provisions of Chapter 31, Title 33, S.C. Code and § 1.501(c)(3)-1(b)(4) of the United States Treasury Regulations.

**Section XII(b). Distribution.** Upon dissolution of the Corporation and after all its debts and expenses have been paid, all of its assets shall be conveyed or distributed in conformity with the Bylaws and the Articles of Incorporation of the Corporation. All monies held by the Corporation which have been appropriated by the General Assembly for the South Carolina First Steps to School Readiness initiative, including any interest thereon, as provided by applicable law in S.C. Code § 20-7-9740(B) and (C), shall be conveyed or distributed to the State of South Carolina. All remaining assets of the Corporation shall be conveyed or distributed to the State of South Carolina, ~~or~~ to the State Board as long as the State Board at the time of conveyance or distribution qualifies as an organization described in §§ 501(c)(3) and 170(c)(2) of the Internal Revenue Code or any corresponding provision of any future Federal tax code or as otherwise required by applicable law to be distributed to the applicable grantor.

**CERTIFICATION**

I CERTIFY that the Bylaws of \*\*\*\*\* County First Steps to School Readiness Partnership, a South Carolina Nonprofit Corporation were duly amended, effective as of the \_\_\_\_\_ ( ) day of \_\_\_\_\_, 2001, by the Directors of the Corporation at the \_\_\_\_\_, 2001 Meeting of the Board of Directors of the Corporation.

Dated: \_\_\_\_\_, 2001

\_\_\_\_\_  
\_\_\_\_\_, Secretary  
\*\*\*\*\* County First Steps to  
School Readiness Partnership, a South  
Carolina Nonprofit Corporation

(CORPORATE SEAL)

APPROVED:

\_\_\_\_\_  
\_\_\_\_\_, Chairman  
\*\*\*\*\* County First Steps  
to School Readiness Partnership, a  
South Carolina Nonprofit Corporation



To: South Carolina First Steps Board of Trustees  
From: Julia Ellen Davis, Chair, Program and Grants Committee  
Date: January 14, 2015  
RE: Program and Grants Committee Report

The Program and Grants Committee of the First Steps Board of Trustees met on Wednesday, January 14, 2015 at 4:30pm to review committee responsibilities and receive updates from staff.

While no action was taken, the committee brings forward **one information item**, related to Conditional Strategy approvals for FY15. As described in the attached memo from Debbie Robertson, staff continue to monitor those strategies recommended for conditional approval in June 2014. At this time, staff have deemed the following counties in full compliance (as pertains to one or more conditionally approved strategies) as of January 1:

Barnwell, Cherokee, Clarendon, Florence, Greenwood, Marion, Marlboro, Orangeburg, Richland, Union, and Williamsburg.

Staff continue to provide technical assistance related to strategies in Chester, Sumter and York Counties. No additional action is recommended at this time.

Minutes of the meeting are attached.

**Program and Grants Committee  
First Steps Board of Trustees  
January 14, 2015**

**Meeting Minutes**

**Members Present:**

Julia Ellen Davis  
Roger Pryor  
Julie Hussey  
Beverly Buscemi  
Evelyn Patterson  
Sue Williams

**Others Present:**

Susan DeVenny  
Dan Wuori  
Debbie Robertson

Ms. Davis welcomed the group and asked each member to provide a brief introduction focused on his/her work with children. She then called upon Mrs. DeVenny to review committee responsibilities for the benefit of new members.

Ms. Robertson provided an informational update related to partnership compliance with conditional strategy approvals issued by the Board in June of 2014 as a result of one or more concerns related to local strategy performance. At this time, staff have deemed the following counties in full compliance (as pertains to one or more conditionally approved strategies) as of January 1:

Barnwell, Cherokee, Clarendon, Florence, Greenwood, Marion, Marlboro, Orangeburg, Richland, Union, and Williamsburg.

Staff continue to provide technical assistance related to strategies in Chester, Sumter and York Counties. No additional action is recommended at this time.

Dr. Wuori provided a summary of First Steps newly awarded Early Head Start-Child Care Partnership grant, which will serve 336 low-income infants and toddlers in Allendale, Anderson, Berkeley, Dillon, Georgetown, Laurens, Lexington, Newberry, Orangeburg, Saluda and York Counties. Staff will hold an initial conversation with the federal Office of Head Start in the coming days. Dr. Wuori also updated the committee on Circle assessment data, to be shared at the full Board meeting on Thursday, January 15, 2015.

Ms. Davis walked the committee through the requirements of Act 287 (First Steps reauthorization) many of which will require committee work over the coming months. These include creation of descriptions of school readiness and the promulgation of a list of evidence-based strategies for use by local partnerships. There being no other business the meeting was adjourned.





## **Status Report on Local Partnership Conditional Approvals for FY 15 Grant Agreements**

**Prepared by: Debbie Robertson, Chief Partnership Officer**

Beginning in 2008, the First Steps On-Line Data Collection System began collecting client level and detailed program implementation data for those programs of greatest investment. This ability to uniformly track program performance enabled the review of the annual County Partnership Renewal Plans (i.e. grant requests) based on program performance the prior year. Program Standards are adopted by the State Board each year that outline the requirements for quality program implementation. It is the activities outlined in these standards that the data system is designed to track. By 2010, a Renewal Plan review process was established that utilized “Conditional Approval Codes” – allowing the review and approval by program strategy rather than for the County Renewal Plan as a whole. This facilitated approval of Renewal Plans so that successful programs could continue as in prior years and those programs needing further attention and technical assistance could be targeted.

The South Carolina First Steps Partnership and Program Accountability Standards delineate specific performance expectations and requirements for partnerships. As a result of performance deficits during FY14, 14 County Partnerships received “Conditional Approvals” for FY 15. The concerns and a specific set of corrective actions were provided to each partnership as part of the FY 15 Grant Agreement. All of the County Partnerships have submitted corrective action plans. As of the end of the second quarter the following counties are in full compliance with their corrective action plan:

Barnwell	Marlboro
Cherokee	Orangeburg
Clarendon	Richland
Florence	Union
Greenwood	Williamsburg
Marion	

State Technical Assistance staff members are continuing to work with following counties to complete the goals set forth for the corrective action plans they have submitted:

Chester  
Sumter  
York

At this time there are no recommendations for further action on the part of the State Board regarding conditional approvals.



For immediate release  
December 11, 2014

Contact: Dr. Dan Wuori  
803-734-0100

## **First Steps Awarded \$30.5 Million to Expand Early Head Start Services in South Carolina**

South Carolina First Steps to School Readiness and its local partnerships in Charleston and Spartanburg have been awarded a total of \$30.5 million in federal Early Head Start grants to expand early learning services for some of the state's neediest infants and toddlers.

Combined, First Steps' grants mark the 8<sup>th</sup> largest award presented Wednesday morning by President Obama at the White House Summit on Early Learning. South Carolina was competing with other states for a share of \$500 million in Early Head Start grants. With these awards, First Steps at the state and local levels will be able to serve an additional 535 low-income infants and toddlers annually for the next five years.

"We are delighted to bring greater investment to young children in our underserved communities," said Columbia attorney Ken Wingate, Chairman of the SC First Steps to School Readiness Board of Trustees. "The first three years are critical to early brain development and ultimately to the school readiness of South Carolina's children."

Created by the federal government in 1994, Early Head Start is designed to provide comprehensive child development and family support services to low-income infants and toddlers and their families. The recent grant competition was designed to expand the model within private and community-based preschool settings across the nation.

South Carolina First Steps received a state-level award of \$18.5 million over five years to provide extended services in the following counties:

- Allendale
- Anderson
- Bamberg
- Berkeley
- Dillon
- Georgetown
- Laurens
- Lexington
- Newberry
- Orangeburg
- Saluda
- York

"Over fifteen years First Steps has worked together at state and local levels to fill gaps for our state's neediest families," said Dr. Daniel Blue, Jr., Director of Dillon County First Steps, a grant partner. "We look forward to expanding service to low-income infants and toddlers using these new federal funds."

First Steps' Charleston County partner received an award of \$6.5 million, while its Spartanburg County partner was awarded \$5.5 million over that same five year period.

"Research shows that high quality early childhood education can make a lasting difference in a child's school and life success," said SC First Steps Executive Director Susan DeVenny. "Our goal at First Steps is to increase access to quality preschool programs for children across South Carolina, especially during the earliest years when it matters most, so they are ready for success when they enter the classroom.. These grants will benefit hundreds of low-income children and families by increasing access to comprehensive, quality early childhood programs in some of South Carolina's most rural communities."

SC First Steps currently serves more than 1,900 low-income four-year-olds through a network of 150 private preschool providers statewide. Enrollment in First Steps' Early Head Start program is anticipated in early 2015.

###



First Steps 4K Teachers, Assistants, Directors, Executive Directors, Technical Assistants, Staff  
Friday, January 16, 2015, 8:30-4:00 pm  
The Doubletree by Hilton, 2100 Bush River Road, Columbia, SC

**“Be the Change You Wish To See for the World”**  
Healing the Hurt and Building the Future

**AGENDA**

8:30 – 9:20AM **Registration** (sign in tables grouped in counties by 4K Regional Coordinator areas)

9:30 AM Welcome from Susan DeVenny, SC First Steps Director  
Introduction from Martha Strickland, SC First Steps 4K Director

9:30 – 12 Noon **“S/he hit me: Dealing with conflict and healing the need to get even”**  
Jill Molli- Loving Guidance Associate, Conscious Discipline  
DJ Batiste- Conscious Discipline Certified Instructor Intern

*In this session, learn how to:*

- o Use tattling to teach assertiveness, use tantrums to teach self-control, and use aggression to teach helpful communication skills (4K SE 2)
- o Recognize children’s calls for help and/or love (4K SE 3)
- o Develop new skills to transform opposition into cooperation and create teaching moments (4K SE 2)

12- 1pm **Lunch: First Steps’ 4K Circle 2014 Baseline Data Report**  
Dr. Dan Wuori, First Steps Deputy Director

1-3:30 PM **“Seeing the best in children that struggle to handle big emotions”**  
Jill Molli- Loving Guidance Associate, Conscious Discipline  
DJ Batiste- Conscious Discipline Certified Instructor Intern

*In this session, learn how to:*

- o Create an environment in which children can maintain their dignity (4K SE 1)
- o Practice reframing children’s intentions (4K SE 3)
- o Identify structures to add to the home or classroom to help start the healing process (4K SE 2)

3:35- 4:30 PM **Evaluate Literacy Plan for 2014-15 school year and affirm next steps for second semester\***

\*(for 4K Directors, Teachers, and Classroom Assistants)

Martha Strickland, First Steps 4K State Director  
Regional Coordinators- Barbara Black, Anthony Broughton, LaDrica Christian, Kristine Jenkins, Cassandra Johnson, Joy Mazur, and Marley Via

**Objectives for our day:**

As a result of the session on January 16, participants will be able to:

1. Demonstrate an increased understanding of how the Conscious Discipline model supports social emotional regulation in children as a prerequisite to school readiness.
2. Identify explicit connections between Conscious Discipline and the attainment of South Carolina’s early learning standards related to social emotional development.
3. Identify ways to integrate Conscious Discipline techniques in ways that support early literacy development as part of a high quality 4K classroom.
4. Analyze baseline trends in the First Steps’ Circle early literacy data and identify classroom activities designed to ensure continual growth in the essential skills measured.
5. Describe the literacy plans for their classrooms for the second semester of 2014-2015 (for directors, teachers, and assistants).



## YEAR AT A GLANCE

### 1st Q

Governor's Budget  
House Budget  
*Children's Librarian Books of the Year*  
Partnership Standards/Renewal  
Draft Partnership Allocations  
4k Applications and Enrollment  
ICC BabyNet Annual Performance Report Submission

### 2nd Q

Senate Budget/Conference Committee  
*Week of the Young Child*  
*SC Read-In*  
County Renewal and Budget Plans  
Program Data Review  
Contracts (state)  
{ACT 287: readiness descriptions, evidence-based lists, program evaluation cycle}

### 3rd Q

Countdown to Kindergarten  
Contracts (local)  
Summer Professional Development Academy  
*Back to School Media Tips*  
*Statewide Children's Museum Celebration*

### 4th Q

Needs Assessment  
Data Analysis/Annual Report Compilation  
Governor's Budget Submission  
BabyNet Determinations  
Annual Meeting **beginning in 2015**



## ***Consent Agenda***

A consent agenda is a meeting practice which packages routine committee reports, Board meeting minutes, and other non-controversial items not requiring discussion or independent action as one agenda item. This can save precious meeting time by allowing the Board to approve this 'package' of items together in one motion.

Reports and information can be grouped together under a consent agenda only if all Board Directors agree. If only one Director selects a specific item for discussion, it must be removed and placed on the regular Board meeting agenda. Depending upon the organization, a few minutes up to a half hour can be freed up for more substantial discussion on those items requiring strategic thought, decision making or action.

### **What types of items can be found on the consent agenda?**

Typical consent agenda items are routine and should not require any Board discussion. Typically the following things are considered for grouping in consent agenda.

- ★ Board and committee meeting minutes
- ★ Committee and staff reports
- ★ Updates or background reports provided for information only
- ★ Correspondence requiring no action
- ★ Staff appointment requiring Board confirmation
- ★ Final approval of proposals or reports that Directors have been dealing with for some time and are familiar with the implications
- ★ Routine contracts that fall within policies and guidelines.
- ★ Confirmation of documents or items that need no discussion but are required by the bylaws

### **How does a Board begin using a consent agenda?**

The first step in using a consent agenda is to have the Board approve a motion to adopt the consent agenda format for Board meetings. The Board should also craft and approve a policy of what may or may not be included in the consent portion of the agenda.

It is important to make sure that all Directors know what items belong on the consent portion of the agenda, and how to move items to and from this overall consent area.

### **What is the process for using a consent agenda?**

A consent agenda can only work if the reports and items are known in advance and distributed with the agenda package allowing sufficient time to be read by all Directors prior to the meeting. A typical process for developing and using a consent agenda is as follows:

- ★ The President or Chairperson of the Board decides what items will be placed into the consent portion of the agenda.
- ★ The full agenda, including consent items are disseminated prior to the Board meeting along with any documentation or back up information so that Board Directors can do their due diligence before voting.
- ★ As the first item of business, the President/Chairperson asks Directors if any one wishes to remove any item under the consent portion of the agenda to be discussed. They can request to discuss the item, question the item or register a vote against the item.
- ★ If an item is removed from the consent portion, the President/Chairperson will place it on the regular meeting agenda.
- ★ The Chairperson then asks for a motion to accept the consent agenda.

The consent agenda items typically appear very near the beginning of the regular meeting. This allows any item to be removed and placed into the overall agenda for discussion and action late in the meeting. As with all formal Board action, a quorum must be present in order to have action on the consent agenda items that is legitimate and binding.

#### **Sample of a Consent Agenda**

- I. Welcome
  - II. Consent Agenda
    - a. Board meeting minutes
    - b. Contract to retain HR Consultant
    - c. Marketing Committee meeting minutes and report
    - d. Executive Director's report
  - III. Finance Report
  - IV. Discussion Item
    - Change recommendation for XYZ Program
- and so on.....

As a single item on the agenda, the consent agenda is voted on with a single vote - to approve the consent agenda. The key to the Consent Agenda's effectiveness is that there is NO DISCUSSION of that item.

The motion sounds like this:

Dick: I move to approve the consent agenda.

Sue: I'll second that motion.

Chair: There is a motion and a second to approve the consent agenda. All in favor signify by saying "Aye."

Again, because there will be no discussion of these items individually, using a consent agenda requires that Board materials be provided in plenty of time for Directors to read them all. It is a requirement that the Directors read these materials before the meeting.

### **Handling Items That Require Clarification or Discussion**

Sometimes a board member will read the board materials related to the Consent Agenda, and he will have a question he would like answered before he votes. Or he feels the issue still requires discussion before he would feel comfortable voting. Those are two distinct scenarios, and they receive two distinct treatments.

### **Items for Clarification or Questions**

For items that require clarification, or for which a board member has a question, that clarification must be requested before the meeting. An item cannot be pulled from the consent agenda just to have a question answered. That sort of information gathering should happen ONLY before the meeting.

In that way, the person being asked the question has time to gather the information. (There is nothing worse than having an issue tabled for the next meeting, only because a question could not be answered then and there.) In addition, that clarification can then be sent to all board members, so everyone has the same information before the meeting.

This is particularly useful for clarifying the minutes, which often takes absurd amounts of time that could otherwise be spent in more meaningful discussion.

### **Items for Discussion**

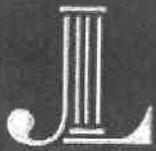
If there is an item about which a board member disagrees, or believes that item requires discussion, then a request is made at the board table to pull that one item from the Consent Agenda, and to add it to the regular agenda as an item to be discussed. The remainder of the Consent Agenda items are voted on and approved, and only that single item is held out for discussion.

“Ms. Chairwoman, I would like to request that the Item ‘c’ be pulled from the Consent Agenda for discussion.”

“All in favor of approving the Consent Agenda, minus Item ‘c,’ signify by saying Aye.”

Item ‘C’ will then be discussed as a regular discussion item.





## SUMMARY

This resource was adapted from *League Governance* and offers clear guidelines on the use of the consent agenda as well as a sample Board agenda that includes a consent agenda.

PUBLISHED  
2014

AUTHOR  
Anne Dalton

## The Consent Agenda

The consent agenda is a single agenda item on the Board's agenda, combining a series of items and appropriate attachments that are non-controversial and most likely do not require discussion, but require ratification by the Board. An item may be non-controversial because it has already been exhaustively discussed by the Board and the Board is ready to take action, or because it is a routine operating matter.

Routine operating matters might include: the approval of the signatories on the League's bank accounts, the approval of committee assignments, or special rules adopted for the conduct of a meeting. In the latter case, the Board would have thoroughly discussed the rules at a prior meeting and now is ready to make a formal decision to present them to the membership for adoption. In all cases, the items are combined into one, the consent agenda, for approval.

## Uses for a Consent Agenda

The consent agenda should be sent in advance of the meeting. All items should be listed and appropriate reports attached for advance reading.

The adoption of the consent agenda is listed as an item on the Board meeting agenda. When the chair is ready to move for the adoption of the consent agenda, she alerts the Board. This gives Board members the opportunity to ask that items be removed and placed on the active agenda.

Requests for removal of items from the consent agenda might be made because new information has come to light or because members might simply not be ready to approve an issue "by consent." Such a request does not require the approval of other Board members. It is important to make clear, though, that an item should not be taken off of the consent agenda simply because a Board member has questions or asks for clarifications, as these requests should have occurred before the meeting, during the discussion and information gathering period.

The consent agenda containing the remaining items then is adopted as a single motion "with the consent" of the Board.

The consent agenda allows for more efficient use of meeting time. It makes time available for the discussion of items of real concern or importance to the organization. It should never be used to avoid discussing important or controversial issues.

## Sample Consent Agenda

### I. Call to Order

### II. Agreement on the Agenda

*The meeting chair asks whether the full agenda is accepted by the attendees or whether any items should be removed from the consent agenda.*



**III. Consent Agenda**

*The entire consent agenda is adopted through a single motion made by the meeting chair.*

1. Approval of the minutes of [previous] meeting
2. Committee reports [List]
3. President's report
4. President-Elect's report
5. Final version of the 20XX Action Plan
6. Proposed agenda for the Annual Meeting

**IV. Active Agenda**

1. Discussion and approval of 20XX-XY operating budget
2. New youth project: Girls and Gadgets
3. Proposed amendment to the bylaws: Suspension of Membership
4. Changes to marketing and communications policy
5. Other business
6. Adjournment

Recommendations of the SC Legislative Audit Council for the BabyNet Early Intervention System, January 15, 2015

Recommendation	Status
<p>1. The General Assembly should appropriate all BabyNet funding directly to First Steps to increase accountability for the lead agency with regard to partner agencies and providers.</p>	<p><b>REQUIRES LEGISLATIVE ACTION</b></p> <p>Consolidation of funds, consistent with this recommendation, was requested by First Steps in FY12 and FY13 legislative sessions. BabyNet funds formerly allocated to DHEC and SC School for the Deaf and the Blind were transferred during FY12, via proviso 89.122, and codified within the FY13 General Appropriations Act.</p> <p>Proviso 89.125 of the FY13 General Appropriations Act charged First Steps with developing a template to provide uniform fiscal reporting across all BabyNet agencies in lieu of a consolidated appropriation. Common fiscal reporting across all state agency BabyNet partners is now underway, with the requirement extended into FY15 via Proviso 117.104.</p> <p>First Steps published BabyNet's first interagency fiscal statement in January 2014 and its second in January 2015. These summaries are the first comprehensive, inter-agency financial statements in the program's history, and will serve as the basis for both the state's federal maintenance of effort and the inter-agency budget request established in §44-7-2570(C).</p> <p><b>ONGOING</b></p>
<p>2. First Steps should comply with §44-7-2570 (C) of the South Carolina Code of Laws.</p> <p><b>South Carolina Code of Laws, Article 21, SECTION 44-7-2570.</b> Fees for services; insurance.</p> <p>(A) Families must not be charged for early intervention services provided pursuant to this article.</p> <p>(B) Nothing in this section relieves public or private insurance programs, or other persons or agencies required by law to provide or pay for early intervention services, from their financial or legal responsibilities.</p> <p>(C) Pursuant to Subchapter VIII, Chapter 33, Title 20, U. S. Code <i>Annnotated</i>, all financial resources from federal, state, local, and private sources must be coordinated to fund early intervention services. A joint funding plan must be submitted by the department to the Joint Legislative Committee on Children on or before August first of each year. The individual components of the plan as they relate to individual agencies must be incorporated annually into each affected agency's budget request.</p>	<p>SC First Steps meets regularly with BabyNet partner agencies for the purpose of reviewing agency expenditure reports, discussing system needs, and discussing the interagency budget request required under §44-7-2570(C). A meeting to review the final FY14 expenditure report was held in January 2015, prior to submission to legislative staff and the Joint Legislative and Citizen's Committee on Children.</p> <p>Per #1 above, the requirement for common, interagency fiscal reporting has been extended into FY15 via Proviso 117.104.</p>

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<p>3. If the General Assembly does not enact recommendation 1 to appropriate all BabyNet funds through First Steps, it should make specific line-item appropriations to state agencies for the BabyNet program.</p>	<p><b>REQUIRES LEGISLATIVE ACTION</b></p> <p>Provisos requiring uniform fiscal reporting by all agency BabyNet partners (FY14 and FY15) will inform budget needs for FY16.</p> <p>First Steps' FY15 budget separates "BabyNet" appropriations into a distinct budget section, which now includes the funding previously allocated directly to the SC School for the Deaf and the Blind and DHEC. The budget of the Department of Disabilities and Special Needs, likewise, contains a distinct "BabyNet" line item.</p> <p>As part of the interagency budget request for FY16, SC First Steps will be requesting that line items be established for the South Carolina Departments of Health and Human Services, and Mental Health.</p>
<p>4. First Steps should develop and annually implement a formal methodology to calculate the extent of its compliance with federal regulation 34 CFR 303.124.</p>	<p><b>ONGOING</b></p> <p>The interagency expenditure reporting established in FY13 and extended into FY15 via proviso 117.104 has codified this process via uniform fiscal submissions from each agency. A common reporting template is in use by the Lead Agency and all BabyNet Participating State Agencies, and a final report for FY14 will be submitted to legislative staff in January 2015 and will be posted to the First Steps website.</p>
<p>5. First Steps should prepare and publish each year a financial statement for the complete BabyNet system, including all expenditures and all sources of revenue.</p>	<p><b>ONGOING</b></p> <p>Proviso 117.104 (FY15) requires uniform fiscal submissions from each partner agency. The BabyNet FY14 interagency financial statement will be published by SC First Steps in January 2015.</p>
<p>6. First Steps should contract with independent accountants to audit its annual financial statements for the BabyNet program. The annual audits should follow generally accepted government auditing standards, including the provision of reasonable assurance that the statements are accurate, that internal controls to prevent fraud and abuse are adequate, and that BabyNet funds have not been spent on non-BabyNet activities.</p>	<p>By agreement with agency partners, the FY14 interagency expenditure report will be independently audited.</p>
<p>7. When drafting contracts between First Steps and BabyNet service</p>	<p><b>ONGOING</b></p>

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<p>providers, First Steps should have them reviewed by procurement and legal staff.</p>	<p>All contracts are reviewed annually by First Steps procurement staff and external legal counsel. <b>ONGOING</b></p>
<p>8. First Steps should review contracts between other state agencies and BabyNet service providers before they are finalized.</p>	<p>All BabyNet state agency partners have been asked for their subcontracts, per LAC recommendation and September 2011 federal regulation. As Lead Agency for BabyNet, South Carolina First Steps continues to work with the BabyNet participating state agencies to ensure fulfillment of this recommendation. <b>COMPLETED</b></p>
<p>9. First Steps should require all invoices submitted by BabyNet service providers to contain the signature of the parent/guardian of the child receiving the services.</p>	<p>This recommendation was implemented in November 2011. All provider invoices now require additional documentation, including parent or guardian signature at the time of service. Service verification is monitored through periodic audit of provider records. <b>COMPLETED</b></p>
<p>10. First Steps should establish a policy of using Medicaid rates for similar services reimbursed with BabyNet early intervention funds.</p>	<p>This recommendation was implemented in September 2011. For like services, the established BabyNet rate does not exceed the Medicaid fee for service rate as established by the SC Department of Health and Human Services. <b>REQUIRES LEGISLATIVE ACTION</b></p>
<p>11. The General Assembly should amend state law to authorize First Steps to charge a sliding fee, based on family income and size, to families with children in the BabyNet program.</p>	<p>Section 44-7-2570 currently prohibits changing families for Part C services. First Steps staff have met with the previous system administrator and Lead Agency staff of other states, who caution sliding fee administration may be costly, potentially offsetting the fiscal benefit of implementing such a system. However, administration of a family cost participation fee is less costly. South Carolina First Steps will continue to monitor the number of children eligible for Medicaid to determine if any potential revenues from use of such a model is cost efficient and make recommendations to the General Assembly accordingly.</p>
<p>12. First Steps should continue the use of federally-funded technical</p>	<p><b>ONGOING</b></p>

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<p>assistance regarding its General Supervision function and increase the use of assistance in other priority areas where improvement is needed.</p>	<p>Beginning in September 2009, the BabyNet and First Steps staff, Interagency Coordinating Council and legislative staff have been in ongoing contact with technical assistants provided via the U.S. Department of Education, whose assistance has been key to the restructuring of the BabyNet General Supervision system cited to First Steps as a longstanding area of need.</p> <p>As a result of this external facilitation and lead agency study, First Steps issued initial findings of non-compliance in October 2011, and state-to-local determinations of performance in June 2012.</p> <p>Additional areas of technical assistance have included re-design of the intake and eligibility process, redesign of the service delivery model, use of implementation science for sustainable change, incorporation of child outcomes in the Individualized Family Service Plan process, development of policies and procedures compliant with current federal regulations, and implementation of fiscal monitoring requirements of recipients and sub-recipients of federal Part C funds. Monthly TA visits are underway to assist the state in addressing the new federal requirements for a State Systemic Improvement Plan as part of OSEP's Results-Driven Accountability process.</p> <p><b>ONGOING</b></p> <p>This recommendation matches an existing federal requirement; implementation was initiated in August 2006. South Carolina continues to rank at or above national averages for child outcomes.</p>
<p>13. First Steps staff should continue to collect child results data and, when appropriate, use it to make program improvement decisions.</p>	<p><b>ONGOING</b></p> <p>A provider audit process has been developed and piloted, in association with Kerr and Company. The process is being refined in collaboration with First Steps staff for use system-wide.</p> <p>South Carolina BabyNet "findings of non-compliance" were first issued to service coordination vendors in October 2011 for FFY 2010 and to Service Coordination vendors beginning with FFY 2013.</p>
<p>14. First Steps should develop and implement a comprehensive plan to regularly monitor BabyNet service provider performance.</p>	<p><b>ONGOING</b></p>
<p>15. First Steps should not renew a BabyNet service provider's contract</p>	<p><b>ONGOING</b></p>

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<p>without first measuring the provider's performance over the course of the current contract.</p>	<p>Modifications to the BabyTrac system in 2011 allow BabyNet to track service delivery compliance by vendor. Initial notice of non-compliance to BabyNet Service Providers (based on a full year of performance) will begin with FFY 2013 data, and findings will be issued annually thereafter.</p> <p><b>ONGOING</b></p>
<p>16. First Steps should review the BabyNet provider performance monitoring processes of other state agencies in South Carolina to ensure consistency with any comprehensive provider performance monitoring plan developed by First Steps.</p>	<p>Sample file review data was pulled and evaluated from state agency partners in November 2011. Additional performance monitoring processes were developed with technical assistance from US Department of Education, National Data Accountability Center, National Early Childhood Technical Assistance Center, and MidSouth Regional Resource Center now includes mechanisms for monitoring of specific federal requirements. The new data system will enable additional review through real-time access to BabyNet electronic educational records, service coordinator and service provider logs, invoicing and payment status, and compliance and results performance indicators.</p> <p><b>COMPLETED</b></p>
<p>17. First Steps should research low-cost methods of creating printed materials as well as radio and TV public service advertisements to increase public awareness about BabyNet.</p>	<p>Enhanced child find materials were developed in July 2011, disseminated through state and local partners, service vendors. In addition, First Steps implemented a new local partnership strategy which adds capacity for child screening and public information. The strategy was implemented by 7 First Steps county partnerships in July 2012 and renewed in July 2013. Public service announcements were developed and finalized in August 2012. These 15- and 30-second public service announcements were developed by Family Connection and released in September 2012:  <a href="http://www.youtube.com/watch?v=9c14dZ1HsAA">http://www.youtube.com/watch?v=9c14dZ1HsAA</a>  <a href="http://www.youtube.com/watch?v=NEFgpeRtZXd4">http://www.youtube.com/watch?v=NEFgpeRtZXd4</a></p> <p><b>ONGOING</b></p>
<p>18. First Steps should contact state pediatric, neo-natal, and other associations to investigate offering training to doctors, nurses, and others regarding the referral of children to BabyNet.</p>	<p><b>ONGOING</b></p> <ul style="list-style-type: none"> <li>-Roadmap to Developmental Screening materials were developed in English and Spanish (in collaboration with South Carolina's ACT Early Team) and distributed to all pediatricians and family practitioners across South Carolina in April 2012;</li> <li>-New public awareness, Child Find, and personnel development materials were developed and distributed in fall 2012 (English and Spanish);</li> <li>-Local outreach and information sharing has been enhanced via First Steps Early</li> </ul>

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<p>19. First Steps should update the BabyNet website to increase its readability and usefulness.</p>	<p>Intervention and Screening strategy (implemented in 7 counties during FY13, renewed in FY14):          - New BabyNet orientation video was developed and made available to families and partners beginning November 2012;          -BabyNet staff have made system and policy presentations to USC Pediatric Residents (February 2013) and Early Childhood Comprehensive Systems (March 2013) groups.</p>
<p>20. First Steps should track and publically report the age in months at which children are referred to the BabyNet program.</p>	<p><b>ONGOING</b>          The BabyNet website has been updated monthly since August 2011. In addition, the 211 system has been connected to website to ease referral and parental self-identification of community level resources, in collaboration with Family Connections.</p>
<p>21. First Steps should track and publically report the age in months of first BabyNet service.</p>	<p><b>ONGOING</b>          This data is now available through the BRIDGES data and electronic record system.</p>
<p>22. First Steps should continue to conduct outreach, training, and technical assistance to increase the number of service providers available in South Carolina.</p>	<p><b>ONGOING</b>          Geographic provider shortages have been identified by system partners. Root cause analysis and proposed solutions are in process with agency and technical assistance partners. Access to provider reports has been developed as part of the contract with SCBCB/DSIT, in order to determine areas where children are waiting for service, and catchment areas of where provider shortages exist.</p>
<p>23. First Steps should develop or obtain a data system that allows for the monitoring of BabyNet children's transition conferences and plans.</p>	<p><b>ONGOING</b>          Pre-release testing of the BRIDGES data and electronic educational record system was completed in summer 2013; training for 1650 system staff began October 2013, and the BRIDGES system was launched in March 2014. Phase two of training was completed in June 2014. BabyNet Service Providers will begin billing of BabyNet Service Funds through BRIDGES in September 2014.</p>



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<p>24. First Steps should develop or obtain a data system that allows for the creation and dissemination of electronic versions of children's Individualized Family Service Plans.</p>	<p><b>ONGOING</b> The BRIDGES data and electronic educational record system includes the Individualized Family Service Plan.</p>
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