



GOVERNING BOARD AGENDA ITEM  
AMPHITHEATER UNIFIED SCHOOL DISTRICT NO. 10

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DATE OF MEETING: September 25, 2018

TITLE: Approval Governing Board Policies BCB (Board Member Conflict of Interest) and its accompanying Exhibit BCB-E; BE (School Board Meetings); BEDF (Voting Method); Policy Regulation BEDG-R (Minutes); DIE (Audits/Financial Monitoring); DJ (Purchasing); DJE (Bidding/Purchasing Procedures); DKA (Payroll Procedures/Schedules); DN (School Properties Disposition); FCB (Retirement of Facilities), and FEA (Educational Specifications for Construction). Approval of Proposed Governing Board Policy DICA (Budget Format).

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**BACKGROUND:**

On September 11<sup>th</sup>, the Governing Board reviewed proposed revisions to/adoption of the above-named policy documents.

As the Board directed at that time, policy BEDF has been further revised. These Policies, Regulation and Exhibit are now presented for the Board's approval and approval of new Policy DICA.

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**RECOMMENDATION:**

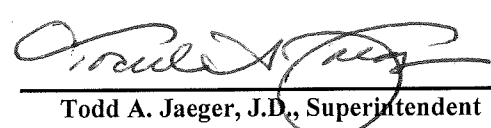
The Administration recommends that the Board approve the attached policy documents.

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**INITIATED BY:**

  
Michelle H. Tong, J.D.,  
Associate to the Superintendent and General Counsel

Date: September 13, 2018

  
Todd A. Jaeger, J.D., Superintendent

## BCB ©

### BOARD MEMBER CONFLICT OF INTEREST

#### **Voting Restrictions**

Notwithstanding any other provision of law, a Governing Board member shall be eligible to vote on any budgetary, personnel, or other question that comes before the Board, except that it shall be unlawful for a member to vote on a specific item that concerns the appointment, employment, or remuneration of such member or any person related to such member as a dependent as defined in A.R.S. 43-1001. [LEGAL REF.: A.R.S. 15-323]

#### **Employment Limitation**

No dependent, as defined in Section 43-1001, of a Governing Board member may be employed in the District, except by consent of the Board. [LEGAL REF.: A.R.S. 15-502]  
No employee of the District or the spouse of such employee may hold membership on the Governing Board of the District. [LEGAL REF.: A.R.S. 15-421]

#### **Conflict of Interest**

Any Board member or employee of the District who has, or whose relative has, a substantial interest in any contract, sale, purchase, or service to the District shall make known that interest in the official records of the District and shall refrain from voting upon or otherwise participating in any manner as a Board member or employee in such contract, sale, or purchase. [LEGAL REF.: A.R.S. 38-503]

Any Board member or employee who has, or whose relative has, a substantial interest in any decision of the District shall make known such interest in the official records of the District and shall refrain from participating in any manner as a Board member or employee in such a decision. [LEGAL REF.: A.R.S. 38-503]

“Refrain from participating in any manner” means more than just refraining from making a final decision. It means participating in any way in the process leading up to a decision. An employee with a conflict of interest must not make recommendations, give advice, or otherwise communicate in any manner with anyone involved in the decision-making process.

#### **Purchases from Governing Board Members for Districts with 3,000 or More Students**

School district procurement rules are required for all purchases of service from Governing Board members, regardless of the dollar amount. Purchases for services may only be made after public competitive bidding. Purchases of supplies, materials, and equipment from Board members are subject to the following:

- A. Purchases for goods or services are limited to three hundred dollars (\$300) per transaction;
- B. Total purchases within any twelve (12) month period are limited to one thousand dollars (\$1,000);
- C. The purchases comply with the Uniform System of Financial Records (USFR) guidelines for oral and written quotations.
- D. The Board has, by majority vote, adopted or reconfirmed a policy authorizing such purchases within the preceding twelve (12) month period.

[LEGAL REF.: A.R.S. 38-503; 15-323; A.G.O. 184-012; 106-002]

### **Filing of Disclosures**

The District shall maintain for public inspection in a special file all documents necessary to memorialize all disclosures of substantial interest made known pursuant to the statutory conflict-of-interest provisions. [LEGAL REF.: A.R.S. 38-509]

Adopted: September 25, 2018

LEGAL REF.: A.R.S. 15-213  
15-323  
15-421  
15-502  
38-481  
38-503  
38-509  
43-1001  
A.G.O. 184-012  
188-013  
106-002

CROSS REF.: BBBA - Board Member Qualifications  
DJE - Bidding/Purchasing Procedures

BCB-E ©

EXHIBIT

**BOARD MEMBER CONFLICT OF INTEREST**

I, \_\_\_\_\_, do hereby indicate:

- 1. That I am presently an officer/employee of the Amphitheater Unified School District;
- 2. That I (or my relative[s]: \_\_\_\_\_) have a substantial interest in the contract, sale, purchase, decision, investigation, or other matter by the Amphitheater Unified School District No. 10 Governing Board as described below.

Identify the contract, sale, purchase, service, decision, investigation, or other matter in which you or your relative may have a "substantial interest" under A.R.S. §§ 38-501 to 511. (Use as much space as necessary).

Describe the "substantial interest referred to above. (Use as much space as necessary.)

**STATEMENT OF DISQUALIFICATION**

**To be completed if you have a conflict as identified above.**

To avoid any possible conflict of interest under A.R.S. §§ 38-501 to -511, I will refrain from participating in any manner in the matter identified above.

\_\_\_\_\_

Date

\_\_\_\_\_

Signature

**STATEMENT OF NO CONFLICT**

**To be completed if you do not or your relative does not have a conflict as identified above.**

I, \_\_\_\_\_, do hereby indicate that I do not have, and none of my relatives has, a substantial interest in any contract, sale, purchase, service, decision, investigation or other matter of the Amphitheater School District.

\_\_\_\_\_

Date

\_\_\_\_\_

Signature

## BE ©

### SCHOOL BOARD MEETINGS

The Board shall transact all business at official meetings of the Board. These may be either regular or special meetings, defined as follows:

- Regular meeting - the usual official legal-action meeting, scheduled and held regularly.
- Special meeting - an official legal-action meeting called between scheduled regular meetings to consider only specifically identified topics.

Every meeting of the Board, regular or special, shall be open to the public except for an executive session that is held in accordance with state law. A "meeting" is defined as the gathering, in person or through technological devices, of a quorum of members of a public body to discuss, propose or take legal action, including any deliberations with respect to such action, that has been properly noticed, pursuant to Arizona Revised Statutes.

A meeting includes a one-way electronic communication by one member of a public body that is sent to a quorum of the members of a public body and that proposes legal action.

A meeting also includes an exchange of electronic communications among a quorum of the members of a public body that involves a discussion, deliberation or the taking of legal action by the public body concerning a matter likely to come before the public body for action.

Notice of all Governing Board meetings, regular and special, shall be posted in compliance with the requirements prescribed by A.R.S. 38-431.02 and described in Board Policy BEDA.

#### **Regular Board Meetings**

The Governing Board shall hold a regular meeting at least once each month during the regular school year and may hold other meetings as often as called. If action has been taken and documents approved at a meeting, they may be signed subsequently by individual Board members.

The second (2nd) and fourth (4th) Tuesday of each calendar month are designated as the regular Board meeting dates. The first meeting of each month during the regular school year is designated as the regular Board meeting date. The Board may hold other meetings as often as called.

A regular meeting may be rescheduled or canceled:

- By majority vote of the Board when noticed as a meeting agenda item.
- By declaration of the Board President, or if the President is unavailable another member of the Board, in consultation with the Superintendent, when a significant event beyond the Board's control renders attendance at the meeting unsafe or unreasonable in light of the circumstance, such as:
  - Significantly inclement weather conditions, or
  - A local, state, or national emergency of a magnitude it intervenes to the extent that convening of the meeting is inadvisable.
- When the absence of a quorum of the Board will render the meeting impermissible.

Every regular meeting of the Board shall be open to the public, and the Board shall meet at the most convenient public facility in the District. (If a public facility is not available within the District, the Board may meet at any available public facility convenient to all Board members, regardless of the county or school district in which the facility is located.)

### **Special Board Meetings**

Special meetings may be called whenever deemed necessary. Written or telephoned notice of all special meetings shall be given to the members of the Board at least twenty-four (24) hours prior to the time stated for the meeting to convene. Said notice shall indicate the purpose of the special meeting. No business other than the matters specified in the notice shall be transacted at such meeting.

Adopted: September 25, 2018

LEGAL REF.: A.R.S. 15-321  
 15-843  
 38-431 *et seq.*  
 38-431.01  
 A.G.O. 179-45

CROSS REF.: BEC - Executive Sessions/Open Meetings  
 BEDA - Notification of Board Meetings  
 BEDB - Agenda  
 BEDC - Quorum  
 BEDF - Voting Method  
 BEDG - Minutes

## BEDF ©

### VOTING METHOD

Votes on all motions and resolutions shall be by *ayes and nays*. *No secret ballots shall be used.*

At the discretion of the Board President or on the request of a member, a show-of-hands or voice vote shall be made and the vote of members shall be recorded. On a show-of-hands or voice vote, an indication of how each member voted, the names of the members who propose each motion and the names of the persons, as given, who make statements or present material to the public body and a reference to the legal action about which they made statements or presented material shall be recorded.

All motions shall be carried by a majority of the members who vote, or as otherwise required by law.

Adopted: September 25, 2018

LEGAL REF.: A.R.S. 1-216  
15-321  
38-431  
A.G.O. 178-237

CROSS REF.: BEDC - Quorum  
BEDD - Rules of Order  
BEDG - Minutes

## BEDG-R ©

### REGULATION

### MINUTES

#### **(Minutes of Open Session Governing Board Meetings, Board Subcommittees and Advisory Committees)**

For meetings other than executive sessions, minutes are to contain *at least* the following information:

- A. Date, time, and place of meeting.
- B. Members of the Governing Board recorded as either present or absent.
- C. General description of the matter considered.
- D. A record of how each member voted.
- E. An accurate description of all legal actions proposed, discussed or taken, and the name of the Board member who proposed each motion.
- F. Names of the persons, as given, making statements or presenting material to the Governing Board and a reference to the legal action about which they made statements or presented material.

*A meeting*, for the purposes of the open meeting statutes, is the gathering of a quorum of Governing Board members at which they discuss, propose or take legal action, including any deliberations by a quorum with respect to such action. [38-431]

It is therefore necessary to remember that:

- A. the coming together of a quorum of Governing Board members:
  - 1. in person or by technological devices such as speakerphone, Internet, or other device,
  - 2. including study sessions, work sessions, and retreats,
  - 3. regardless of whether or not any voting is scheduled to occur,
- B. or of a subcommittee or advisory committee appointed by or at the direction of the Board, or which is to report to the Board,
  - 1. is a "meeting" and, therefore,
  - 2. minutes must be taken and processed as required by statute and specified above.



## DICA © BUDGET FORMAT

The District shall utilize the budget format prepared and prescribed by the Superintendent of Public Instruction in conjunction with the auditor general. The budget format is designed to allow school districts to plan and provide in detail for the use of available funds.

The District shall prominently post on its website home page a copy of its profile pages that displays the percentage of every dollar spent in the classroom by that school district from the most recent status report issued by the auditor general.

The District may want to include the additional categories of Instructional Support and Student Support alongside the dollars in the classroom number as the intention of the report is to give a more accurate picture of the percentage of district dollars spent that directly impact teaching and student learning

The budget format, in addition to other requirements specified in statute, shall also contain the following information. The School District shall prominently post on its website home page, separately from its budget, Items A through F below:

- A. A statement identifying proposed pupil-teacher ratios and pupil-staff ratios relating to the provision of special education services for the budget year.
- B. A statement identifying the number of full-time equivalent certificated employees.
- C. The prominent display of the average salary of all teachers employed by the School district for the current year.
- D. The prominent display of the average salary of all teachers employed by the School District for the previous year.
- E. The prominent display of the dollar increase in the average salary of all teachers employed by the School District for the current year.
- F. The prominent display of the percentage increase in the average salary of all teachers employed by the School District for the current year.

Adopted: September 25, 2018

LEGAL REF.: A.R.S. 15-271  
15-302  
15-903  
15-977  
15-991

CROSS REF.: CM - School District Annual Report  
DBC-R – Budget Planning, Preparation and Schedules  
DIC – Financial Reports and Statements

**DIE ©**  
**AUDITS / FINANCIAL MONITORING**

The Governing Board directs the Superintendent to implement procedures that assure District compliance with all state and federal requirements for financial monitoring and audits. Contingent upon prescribed qualifying criteria, such requirements may include, but are not limited to, procedural reviews by the Office of the Auditor General and the federal Single Audit Act Amendments and Office of Management and Budget (OMB) Compliance Supplement June 2016.

The procurement of the necessary services shall be consistent with the District's policy on bidding and purchasing procedures. Any allocation of costs for the services shall conform to the requirements of the Uniform System of Financial Records (USFR).

The following statutory limitations regarding the auditor or auditing firm shall be followed:

- A. The District may not hire the same auditor or auditing firm for more than three (3) consecutive years.
- B. An auditor or auditing firm hired by a school district may not also receive consulting fees from that school district.

A final report of each separate fiscal management review shall be presented to the Board for examination and discussion. After a report has been presented to the Board, it will become a matter of public record, and its distribution will not be limited. Copies of a final report shall be filed with appropriate state and other authorities.

The District shall prominently post on its website home page a copy of its profile pages that displays the percentage of every dollar spent in the classroom by that school district from the most recent status report issued by the auditor general.

Adopted: September 25, 2018  
LEGAL REF.: A.R.S. 15-213  
15-239  
15-914  
15-2111  
41-1279.03  
41-1279.04  
41-1279.05  
41-1279.07  
41-1279.21  
41-1279.22  
A.A.C. R7-2-902  
USFR - Audit Requirements  
2 CFR Part 200 Appendix XI, Compliance Supplement

CROSS REF.: DICA – Budget Format

## **DJ © PURCHASING**

### **(Purchasing Ethics Policy)**

The District's Governing Board members and employees shall not use their offices or positions to receive any valuable things or benefits that would not ordinarily accrue to them in the performance of duties if the things or benefits are of such value or character as to manifest a substantial and improper influence upon the performance of their duties.

A person who supervises or participates in contracts, purchases, payments, claims or other financial transactions, or a person who supervises or participates in the planning, recommending, selecting or contracting for materials, services, goods, construction, or construction services of a school district or school purchasing cooperative is guilty of a Class 6 felony if the person solicits, accepts or agrees to accept any personal gift or benefit with a value of three hundred dollars (\$300) or more from a person or vendor that has secured or has taken steps to secure a contract, purchase, payment, claim or financial transaction with the school district or school purchasing cooperative. Soliciting, accepting or agreeing to accept any personal gift or benefit with a value of less than three hundred dollars (\$300) is a Class 1 misdemeanor.

Any person or vendor that has secured or has taken steps to secure a contract, purchase, payment, claim or financial transaction with a school district or school purchasing cooperative that offers or agrees to offer any personal gift or benefit with a value of three hundred dollars (\$300) or more on a person who supervises or participates in contracts, purchases, payments, claims or other financial transactions, or on a person who supervises or participates in planning, recommending, selecting or contracting for materials, services, goods, construction or construction services of a school district or school purchasing cooperative, is guilty of a Class 6 felony. Offering, conferring or agreeing to confer any personal gift or benefit with a value of less than three hundred dollars (\$300) is a Class 1 misdemeanor.

For the purpose of this policy a "gift or benefit" means a payment, distribution, expenditure, advance, deposit or monies, any intangible personal property, or any kind of tangible personal or real property. A "gift or benefit" does not include food or beverage, expenses or sponsorships related to a special event or function related to individuals identified in this policy, nor does this include an item of nominal value such as a greeting card, T-shirt, mug or pen.

A District employee who has control over personnel actions may not take reprisal against a District employee or that employee's disclosure of information that is a matter of public concern, including a violation of district policy or laws/regulations governing the District.

Adopted:                      September 25, 2018

LEGAL REF.: A.R.S. 15-213  
15-323  
38-503  
38-504

CROSS Ref .: DJE – Bidding/Purchasing Procedures  
GBEAA – Staff Conflict of Interest

**DJE ©**  
**BIDDING / PURCHASING PROCEDURES**

The Superintendent shall be responsible for all purchasing, contracting, competitive bidding, and receiving and processing of all bid protests, in accordance with the Arizona school district procurement rules, including A.A.C. R7-2-1141 *et seq.* A contract shall not be awarded to an entity that does not verify employment eligibility of each employee through the E-verify program in compliance with A.R.S. 23-214 subsection A. Each contract shall contain the warranties required by A.R.S. 41-4401 relative to the E-verify requirements.

The Superintendent shall ensure that all aspects of bidding and purchasing procedures conform to federal and state laws, rules and regulations. Administrative regulations shall be established to assure the District is in full compliance, including contracting with small and minority businesses, women's business enterprises, and labor surplus area firms. (2 C.F.R. 200.321).

**Purchases Not Requiring Bidding**

Purchases of less than ten thousand dollars (\$10,000) may be made at the discretion of the Superintendent. Such procurements are not subject to competitive purchasing requirements, however reasonable judgment should be used to ensure the purchases are advantageous to the District.

Verbal price quotations will be requested from at least three (3) vendors for transactions of at least ten thousand dollars (\$10,000) but less than fifty thousand dollars (\$50,000). The price quotations should be shown on, or attached to, the related requisition form. If three (3) verbal quotations cannot be obtained, documentation showing the vendors contacted that did not offer price quotations, or explaining why price quotations were not obtained, shall be maintained on file in the District office.

Written price quotations will be requested from at least three (3) vendors for transactions of at least fifty thousand dollars (\$50,000) but not more than one hundred thousand dollars (\$100,000). If three (3) written price quotations cannot be obtained, documentation showing the vendors contacted that did not offer written price quotations, or explaining why written price quotations were not obtained, shall be maintained on file in the District office.

The District is not required to engage in competitive bidding in order to place a student in a private school that provides special education services if such placement is prescribed in the student's individualized education program and the private school has been approved by the Department of Education Division of Special Education pursuant to A.R.S. 15-765. The placement is not subject to rules adopted by the State Board of Education before November 24, 2009 pursuant to A.R.S. 15-213.

The District may, without competitive bidding, purchase or contract for any products, materials and services directly from Arizona Industries for the Blind, certified nonprofit agencies that serve individuals with disabilities and Arizona Correctional Industries if the delivery and quality of the goods, materials or services meet the District's reasonable requirements.

Intergovernmental agreements and contracts between school districts or between the District and other governing bodies as provided in A.R.S. 11-952 are exempt from competitive bidding under the procurement rules adopted by the State Board of Education pursuant to A.R.S. 15-213.

The District is not required to engage in competitive bidding to make a decision to participate in insurance programs authorized by A.R.S. 15-382.

The District is not required to obtain bid security for the construction- manager-at-risk method of project delivery.

Unless otherwise provided by law, contracts for materials or services and contracts for job-order-contracting construction services may be entered into if the duration of the contract and the conditions of renewal or extension, if any, are included in the invitation for bids or the request for proposals and if monies are available for the first fiscal period at the time the contract is executed. The duration of contracts for materials or services and contracts for job-order-contracting construction services shall be limited to no more than five (5) years unless the Board determines that a contract of longer duration would be advantageous to the District. Once determined, the decision should be memorialized in meeting minutes and in the contract/bid file. Payment and performance obligations for succeeding fiscal periods are subject to the availability and appropriation of monies. The maximum dollar amount of an individual job order for a job-order-contracting construction service shall be one million dollars (\$1,000,000) or as determined by the Board.

### **Online Bidding**

Until such time as the State Board of Education adopts rules for the procurement of goods and information services by school districts and charter schools using electronic, online bidding, the District may procure goods and information services pursuant to A.R.S. 41-2671 through 2673 using the rules adopted by the Department of Administration in implementing 41-2671 through 2673.

### **Purchases Requiring Bidding**

Sealed bids and proposals shall be requested for transactions to purchase construction, materials, or services costing more than one hundred thousand dollars (\$100,000). All transactions must comply with the requirements of the Arizona Administrative Code and the Uniform System of Financial Records.

## Public Inspection and Rationale for Awarding a Contract

The Governing Board shall make available for public inspection, information, bids, proposals and qualifications submitted as permitted by law, and all findings and other information considered in determining whose bid conforms to the District's invitation for bids. Documentation provided will include information regarding the most advantageous, with respect to price, conformity to the specifications, and other factors, or whose proposal for qualifications are to be used to select and award the bid. Included in this information will be the rationale for awarding a contract for any specified professional services, construction, construction service or materials to an entity selected from a qualified select bidders list or through a school purchasing cooperative. The invitation for bids, request for proposals or request for qualifications shall include a notice that all information and bids, proposals and qualifications submitted will be made available for public inspection.

## Registered Sex Offender Prohibition

All purchase orders, agreements to purchase, and contracts for services to be provided by personnel other than District employees must include the following statement on the document:

***Registered Sex Offender Restriction.*** Pursuant to this order, the named vendor agrees by acceptance of this order that no employee or subcontractor of the vendor, who is required to register as a sex offender, pursuant to A.R.S. 13-3821, will perform work on District premises or equipment at any time when District students are, or are reasonably expected to be, present. The vendor further agrees by acceptance of this order that a violation of this condition shall be considered a material breach and may result in a cancellation of the order at the District's discretion.

Adopted: September 25, 2018

LEGAL REF.: A.R.S. 11-952  
15-213  
15-213.01  
15-213.02  
15-239  
15-323  
15-342  
15-382  
15-765  
15-910.02  
23-214  
34-101 *et seq.*  
35-391 *et seq.*  
35-393 *et seq.*  
38-503



38-511  
39-121  
41-2632  
41-2636  
41-4401  
A.A.C. R7-2-1001 *et seq.*  
A.G.O. 183-136  
187-035  
106-002  
USFR: VI-G-8 *et seq.*  
2 C.F.R. 200.321

CROSS REF.:      BCB - Board Member Conflict of Interest  
                      DJ - Purchasing  
                      DJG - Vendor/Contractor Relations  
                      GBEAA - Staff Conflict of Interest  
                      JLIF - Sex Offender Notification

**DKA ©**  
**PAYROLL PROCEDURES / SCHEDULES**

The District will establish two (2) or more days in each month, not more than sixteen (16) days apart, as fixed paydays for payment of wages in accord with Arizona Statute. Employees may choose to have their salaries paid in full upon the last pay date following completion of their assignments or may annualize their pay. Employees who choose to receive payment of wages beyond the period in which the wages were earned (deferred payment) will be subject to Internal Revenue Service (IRS) penalties unless they provide a written election of such deferral prior to the first duty day of the year of deferral. Forms for such deferral shall be made available. Any change to the election must be made prior to the first duty day of the fiscal year of the deferment.

An employee who quits the service of the District shall be paid all wages due on the regular payday for the pay period during which termination occurs. Such wages may be paid by mail if requested.

An employee who is discharged from service of the District shall be paid all wages due within ten (10) calendar days from the date of discharge.

Adopted:                    September 25, 2018

LEGAL REF.:            A.R.S. 15-502  
                                 23-351  
                                 23-353

CROSS REF.:            GCQF - Discipline, Suspension, and Dismissal of Professional Staff  
                                 Members  
                                 GDQD - Discipline, Suspension, and Dismissal of Support Staff  
                                 Members

## **SCHOOL PROPERTIES DISPOSITION**

### **Sale or Lease of Property**

The Board may sell or lease to the state, a county, a city, another school district or a tribal government agency any school property required for public purpose provided the sale or lease of the property will not affect the normal operation of a school within the District and the District is in compliance with Policy FCB, Retirement of Facilities, and A.R.S. 15-189.

### **Disposition of Surplus Materials**

The School District shall determine the fair market value of excess and surplus property. Except as provided in A.R.S. 15-342, surplus materials, regardless of value, shall be offered through competitive sealed bids, public auction, established markets, trade-in, posted prices, or state surplus property. If unusual circumstances render the above methods impractical, the District may employ other disposition methods, including appraisal or barter, provided the District makes a determination that such procedure is advantageous to the District. Only United States Postal Money Orders, certified checks, cashier's checks, or cash shall be accepted for sales of surplus property unless otherwise approved by the District or for sales of less than one hundred dollars (\$100).

### **Exceptions for Disposition of Learning Materials and Equipment**

The Board authorizes the Superintendent to establish regulations for the disposal of surplus or outdated learning materials to nonprofit community organizations when it has been determined that the cost of selling such materials equals or exceeds estimated market value of the learning materials.

The Board may sell used equipment to a charter school or private school before attempting to sell or dispose of the equipment by other means.

### **Competitive Sealed Bidding**

Notice of the sale bids shall be publicly available from the District at least ten (10) days before the date set for opening bids. Notice of the sale bids shall be mailed to prospective bidders, including those on lists maintained by the District pursuant to A.A.C. R7-2-1023. The notice of the sale bids shall list the materials offered for sale; their location; availability for inspection; the terms and conditions of sale; and instructions to bidders, including the place, date, and time set for bid opening. Bids shall be opened publicly pursuant to the requirements of A.A.C. R7-2-1029.

The award shall be made, in accordance with the provisions of the notice of the sale bids, to the highest responsive and responsible bidder, provided that the price offered by such

bidder is acceptable to the District. If the District determines that the bid is not advantageous to the District, the District may reject the bids in whole or in part and may resolicit bids, or the District may negotiate the sale, provided that the negotiated sale price is higher than the highest responsive and responsible bidder's price.

Auctions shall be advertised at least two (2) times prior to the auction date in a newspaper of the county as defined in A.R.S. 11-255. Advertisements must be at least seven (7) days apart. All of the terms and conditions of any sale shall be available to the public at least twenty-four (24) hours prior to the auction date.

Before surplus materials are disposed of by trade-in to a vendor for credit on an acquisition, the District shall approve such disposal. The District shall base this determination on whether the trade-in value is expected to exceed the value realized through the sale or other disposition of such materials.

An employee of the District or a Governing Board member shall not directly or indirectly purchase or agree with another person to purchase surplus property if said employee or Board member is, or has been, directly or indirectly involved in the purchase, disposal, maintenance, or preparation for sale of the surplus material.

### **State Surplus Property Manager**

Except as provided in A.R.S. 15-342, the District may enter into an agreement with the State Surplus Property Manager for the disposition of property pursuant to Article 8 of the Arizona Procurement Code [A.R.S. 41-2601 *et seq.*] and the rules promulgated thereunder.

### **Donation of Surplus**

The Board may donate surplus or outdated learning materials, educational equipment and furnishings to nonprofit community organizations where the Board determines the anticipated cost of selling the learning materials, educational equipment or furnishings equals or exceeds the estimated market value of the materials.

### **Offer to Sell**

The Board may offer to sell outdated learning materials, educational equipment or furnishings at a posted price commensurate with the value of the item to pupils who are currently enrolled in the District before those materials are offered for public sale.

### **Obsolete Equipment**

From time to time the Superintendent shall furnish the Governing Board with detailed lists of obsolete equipment determined to be of no value in the operation of the schools. Upon approval, said equipment shall be sold for the highest salvageable value.

Adopted: September 25, 2018

LEGAL REF.: A.R.S. 15-189  
15-341  
15-342  
A.A.C. R7-2-1131  
A.G.O. 180-036  
180-189  
U.S.F.R. Sec. III-J-5(10); App. B(6)

CROSS REF.: BCB - Board Member Conflict of Interest  
FCB – Retirement of Facilities  
GBEAA - Staff Conflict of Interest  
IJJ - Textbook/Supplementary Materials Selection and Adoption

**FCB ©  
RETIREMENT OF FACILITIES**

**(Closing a School Facility)**

If it is determined the Board needs to consider closing a school facility the Board may consult with the Arizona School Facilities Board (SFB) for technical assistance and for information on the impact of closing a school. The information provided from the SFB shall not require the Board to take or not take any action.

The Board recognizes the impact closing a school has on the community, the students who attend the school being considered, the projected impact on other schools in the District, and the District. In response the Board shall discuss and consider a proposed school closing at a scheduled Board meeting. The Superintendent shall present at a Board meeting demographic data related to present and future school facility needs along with information related to a school closing.

Following a decision to sell or lease a vacant and unused building or a vacant and unused portion of a building, the District may not prohibit a charter school or private school from negotiating to buy or lease the property in the same manner as other potential buyers or lessees. The District shall attempt to obtain the highest possible value under current market conditions for the sale or lease of the vacant and unused building or the vacant and unused portion of a building and may not accept an offer from a potential buyer or lessee that is less than an offer from a charter school or private school. This does not require the owner of a building to sell or lease the building or a portion of the building to a charter school, to any other school or to any other prospective buyer or tenant, except that the owner of a building may not withdraw the property from sale or lease solely because a charter school or private school is the highest bidder.

Community members shall be provided an opportunity to address the consideration at the Board meeting.

Adopted: September 25, 2018  
LEGAL REF.: A.R.S. 15-189  
15-341  
38-431.01  
CROSS REF.: DN – School Properties Disposition  
JC - School Attendance Areas

## FEA

### EDUCATIONAL SPECIFICATIONS FOR CONSTRUCTION

The Governing Board may delegate authority in writing to the Superintendent to submit plans for new school facilities to the School Facilities Board for the purpose of certifying that the plans meet the minimum school facility adequacy guidelines prescribed in A.R.S. 15-2011.

#### **Formulating Educational Programs**

Formulating educational programs shall be the general responsibility of the Superintendent and the Superintendent's staff, augmented by recommendations of selected educational program committees.

Planning for new school construction shall incorporate program recommendations, as approved by the Governing Board. Flexibility shall be maintained to accommodate anticipated changes in the educational program.

#### **Developing Educational Specifications**

To ensure that facilities being planned are designed to best implement the educational program, the Superintendent will provide for the establishment of educational specifications to apply when planning and building school facilities.

The educational specifications will include at least the following:

- A. Description of the pupils to be housed (e.g., age level, level of intelligence, physical normality or abnormality).
- B. The kinds of educational activities to be carried on (e.g., vocational, heavy emphasis on typing, or science or rehabilitation).
- C. The kinds and amounts of furniture and equipment needed.
- D. The relationships among areas of plant and site (e.g., band room and library; playing fields and locker rooms; front office and general school control).
- E. Special site considerations of aesthetics, traffic patterns, cooperative community use, and the like.
- F. Any other kinds of unique information that will give guidance to an architect in arriving at a solution.

- G. Number, approximate size, and any special requirements of classrooms and teachers' work stations.
- H. Standards established by the School Facilities Board.

Adopted: September 25, 2018

LEGAL REF.: A.R.S. 15-341  
15-2001 *et seq.*  
15-2011  
34-461  
41-1492 *et seq.*  
20 U.S.C. 1400 *et seq.*, Individuals with Disabilities Education Act  
29 U.S.C. 794, Rehabilitation Act, (Section 504)  
42 U.S.C. 12101 *et seq.*, The Americans with Disabilities Act