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## **7.1—FISCAL YEAR**

The District's fiscal year shall begin July 1 and end on the following June 30.

Legal Reference:       A.C.A. § 6-20-410

Other Reference:       ASBA Model Policies

Date Adopted:

Last Revised:

## **7.2—ANNUAL OPERATING BUDGET**

The Superintendent shall be responsible for the preparation of the annual operating budget for the District. The Superintendent shall present the budget to the Board for its review, modification, and approval.

The budget shall be prepared in the electronic format as prescribed by the State Board of Education and filed with the Arkansas Department of Education no later than September 30 of each year.

The approved budget shall provide for expenditures that are within anticipated revenues and reserves. The District Treasurer shall present monthly reconciliation reports and a statement on the general financial condition of the District monthly to the Board.

Any changes made to the budget shall be in accordance with District Policy and state law.

Legal References:      A.C.A. § 6-13-701(e)(3)  
                                  A.C.A. § 6-20-2202

Other Reference:      ASBA Model Policies

Date Adopted:

Last Revised:

### **7.3—MILLAGE RATE**

The Board shall publish one time in some newspaper published in the county in which the District lies, at least sixty (60) days in advance of the school election at which the annual ad valorem property tax for the District is decided by the electors, the District's proposed budget, together with a millage rate sufficient to provide the funds necessary for the District's operation.

Legal References:       A.C.A. § 6-13-622  
                              Arkansas Constitution: Article 14 Section 3 (c) as amended by Amendment 74

Other Reference:       ASBA Model Policies

Date Adopted:  
Last Revised:

**7.4—RESERVED**

## **7.5—PURCHASES AND PROCUREMENT**

Purchases shall be made in accordance with State laws and procurement procedures governing school purchases that are deemed to be in the best interest of the District and are the result of fair and open competition between qualified bidders and suppliers. No bids shall be taken for professional services.

### **DEFINITIONS**

“Commodities” are all supplies, goods, material, equipment, computers, software, machinery, facilities, personal property, and services, other than personal and professional services, purchased on behalf of the District.

“Micro-purchases” are purchases with a value of less than Ten Thousand Dollars (\$10,000) when purchased with Federal funds.

“Professional services” are legal, financial advisory, architectural, engineering, construction management, and land surveying professional consultant services.

“Specifications” means a technical description or other description of the physical and/or functional characteristics of a commodity.

### **Commodities**

The Superintendent shall develop procedures for the procurement of micro-purchases that provide for the distribution of purchases between eligible vendors to the extent possible.

Purchases of commodities requiring a competitive bid shall require prior approval of the Superintendent or the Superintendent’s designee.

The District shall notify in writing all actual or prospective bidders, offerors, or contractors who make a written request to the District for notification of opportunities to bid. The notification shall be made in sufficient time to allow actual or prospective bidders, offerors, or contractors to submit a bid or other appropriate response. The Board shall accept bids submitted electronically by email or fax for any and all District purchases, unless specified to be submitted by other means or methods, and except those bids which have been specified to have a designated date upon which the bids shall be opened. The Superintendent shall be responsible for ensuring submitted bids, whether written, faxed, or emailed, are retained in accordance with Policy 7.15—RECORD RETENTION AND DESTRUCTION.

The District will not solicit bids or otherwise contract for a sum greater than Twenty-Five Thousand Dollars (\$25,000) with vendors that are on the “excluded parties list” if the contract is to be paid from federal grant funds.

All purchases for a Federal program with an estimated purchase greater than Ten Thousand Dollars (\$10,000) and all purchases of commodities with an estimated purchase price that equals or exceeds Ten Thousand Dollars (\$10,000) shall be procured by soliciting bids. Specifications shall be devised for all commodities to be bid that are specific enough to ensure uniformity of the bid and yet not so restrictive that it would prevent competitive bidding. The bid specifications shall not include the name or identity of any specific vendor. The Board reserves the right to reject all bids and to purchase the commodity by negotiating a contract. In such an instance, each responsible bidder who submitted a bid shall be notified and given a reasonable opportunity to negotiate.

Bids shall be awarded after careful examination of the details of the bid to determine the best overall value to the District. In instances where the low bid was not accepted, a statement of the reasons the low bid was not accepted shall be attached to the bid. Bidders submitting written bids shall be notified in writing of the bid award.

The following commodities may be purchased without soliciting bids provided that the purchasing official determines in writing that it is not practicable to use other than the required or designated commodity or service, and a copy of the written determination is attached to the purchase order:

1. Commodities in instances of an unforeseen and unavoidable emergency;
2. Commodities available only from the federal government;
3. Utility services;
4. Used equipment and machinery; and
5. Commodities available only from a single source.

The District may purchase a new motor vehicle, other than a school bus, without soliciting bids if, at the time of the purchase, the:

1. Purchase is from a motor vehicle dealer licensed in Arkansas;
2. Purchase price of the motor vehicle does not exceed the fleet price awarded by the Office of State Procurement; and
3. Motor vehicle to be purchased is the same make and model motor vehicle as the make and model the fleet price was awarded for by the Office of State Procurement.

Prospective bidders, offerors, or contractors may appeal to the District's Superintendent if they believe the District failed to follow District bidding and purchasing Policy or state law.

Any award of a contract shall be subject to revocation for ten (10) working days from:

- The initial awarding of the contract; or
- If an appeal is received, resolution of the appeal.

The intent is to provide prospective bidders, offerors, or contractors the opportunity to appeal the bid award if they believe the facts warrant an appeal. Any appeal shall be **in writing by certified mail** and received by the District office, "attention to the Superintendent" within seven (7) calendar days following the initial and revocable award of the contract.

If the District receives an appeal of a bid award, they shall notify, in writing, those prospective bidders, offerors, or contractors who have made a written request to the District for notification of opportunities to bid that an appeal has been submitted. The notification shall state:

- that the contract award has been halted pending resolution of the appeal and could be revoked;
- the reasons for the appeal;
- that the recipient of the letter may respond to the protested issues identified in the appeal;
- the date the decision on the appeal will be made and notification sent;
- that if the appeal is upheld, the bidding process will be re-opened; and
- that if the bidding is re-opened, changes will be made to the request for bids as necessary to satisfy the reasons for upholding the appeal.



The sole authority to resolve any appeal made relating to this Policy shall rest with the Superintendent. The Superintendent's decision shall be final and conclusive. In the event the District upholds an appeal, the sole responsibility of the District to the aggrieved bidder(s) shall be the re-opening of the bidding process.

The District reserves the right to extend or renew a contract that was previously awarded under the process governed by this Policy and law, provided the extension or renewal meet the following criteria:

1. The equipment and services provided under the extended or renewed contract meets or exceeds the specifications of the original bid.
2. The extended or renewed contract agreement complies with the state of Arkansas's documentation requirements.
3. The cost of the extended or renewed contract is the same or less than the original contract.
4. The extension or renewal is approved by the local school Board.

**Professional Services**

The District does not use a bidding process when procuring professional services. Instead, when the District needs to procure professional services, the District shall:

1. Request information and/or qualifications from interested providers.
2. Determine the most qualified firm by considering, at a minimum, the:
  - Specialized experience and technical competence of the firm with respect to the type of professional services required;
  - Capacity and capability of the firm to perform the work in question, including specialized services, within the time limitations fixed for the completion of the project;
  - Past record of performance of the firm with respect to such factors as control of costs, quality of work, and ability to meet schedules and deadlines; and
  - Firm's proximity to and familiarity with the area in which the project is located.
3. Negotiate a contract for the project with the most qualified firm.

When negotiating a contract, the District and the selected firm shall jointly prepare a detailed, written description of the scope of the proposed services. If the District is unable to negotiate a satisfactory contract with the firm selected, negotiations with that firm shall be terminated and the District shall negotiate a contract with the next most qualified firm. In the event the District is unable to negotiate a contract with any of the original selected firms, the District shall reevaluate the necessary professional services, including the scope and reasonable fee requirements, and return to step one.

The District encourages firms who provide professional services to submit annual statements of qualifications and performance data to the District. The District shall request any additional information as needed for a particular public project.

- Legal References:       A.C.A. §§ 6-21-301, 303, 304, 305, 306, 307  
                                  A.C.A. §§ 6-24-101 *et seq.*  
                                  A.C.A. §§ 19-11-801 *et seq.*  
                                  2 C.F.R. § 200.67  
                                  2 C.F.R. § 200.319  
                                  2 C.F.R. § 200.320  
                                  2 C.F.R. § 200.321  
                                  2 C.F.R. § 200.324

48 C.F.R. § 2.101

Other Reference: ASBA Model Policies

Date Adopted:

Last Revised:

## **7.6—ACTIVITY ACCOUNT**

The District shall maintain an account of activity funds. The funds for the account are those revenues derived from the sale of tickets to athletic contests or other school sponsored activities; the sale of food other than that sold in the cafeteria; the sale of soft drinks, school supplies, and books; and fees charged by clubs and organizations.

Activity funds are considered “school funds” and as such may only be spent for school related purposes.

The Superintendent shall be the custodian of all activity funds and shall be responsible and accountable for the funds. The Superintendent may appoint a co-custodian for each school in the District who shall also be responsible for the activity funds he/she maintains.

Legal Reference:       A.C.A. § 6-13-701(g)

Other Reference:       ASBA Model Policies

Date Adopted:

Last Revised:

## **7.7—CASH IN CLASSROOMS**

No cash or checks are to be left in any classroom overnight. However, cash or checks collected after school hours can be secured at the school until the next school day. Staff, other than staff designated by the Chief Financial Officer, who collect funds in the course of their employment should deposit the funds daily with the Financial Secretary. Financial Secretaries should deposit daily, unless otherwise directed by the Superintendent or Chief Financial Officer. Either the Superintendent or Chief Financial Officer may establish a small dollar exemption to this Policy.

Reference: ASBA Model Policies

Date Adopted:

Last Revised:

### **7.7.1—IMPREST ACCOUNTS**

The Superintendent shall establish imprest checking accounts for each site location. These accounts shall be used exclusively for small purchases not to exceed \$100 per purchase. Procedures shall be established by the Chief Financial Officer regarding uses, reconciliations and reimbursements of these accounts.

The Superintendent shall establish reimbursement checking accounts and credit card collection checking accounts. These accounts shall be used for reimbursements and transfers of funds. Procedures shall be established by the Chief Financial Officer regarding uses, reconciliations and reimbursements of these accounts.

The checking accounts established by this Policy shall not require the signature and authorization of the District Board of Directors' Disbursing Officer, but instead, staff designated by the Chief Financial Officer.

Date Adopted:

Last Revised:

## **7.8—PERSONAL PROPERTY**

To avoid confusion and the potential for misunderstandings, District staff who bring personal property to school to use in the performance of their jobs should label the items with their names. Any such items should be removed from the school at the close of school each year. The District assumes no responsibility for damage to, or the loss of, personal property brought to District facilities by District staff.

Reference: ASBA Model Policies

Date Adopted:

Last Revised:

## **7.9—PROPERTY INSURANCE**

The Superintendent shall be responsible, with approval of the Board, for maintaining adequate insurance coverage for all District properties. At a minimum, the District will purchase insurance coverage sufficient to meet the requirements by the Arkansas Commission for Public School Academic Facilities and Transportation.

Legal References:       A.C.A. § 6-21-114(d)  
Arkansas Commission for Public School Academic Facilities and Transportation Rules  
Governing Property Insurance Requirements

Other Reference:       ASBA Model Policies

Date Adopted:

Last Revised:

## **7.10—PUBLIC USE OF SCHOOL BUILDINGS**

It is the Policy of the Board that District school buildings may be used by citizens of the District to conduct lawful meetings for social, civic, or recreational purposes provided such meetings do not interfere with the regular school work and proper protection is afforded the District against the potential costs of such use. The Superintendent shall be responsible, with Board approval, for establishing procedures governing such use of school buildings. The governing procedures shall be viewpoint neutral. Building principals shall be consulted to determine if there exists any conflict with planned school activities prior to other groups being allowed to use school facilities.

The District shall establish a fee schedule for the school facilities the District intends to make available for public use. The fee schedule shall be based on a formula that allows the District to reclaim the actual costs incurred by the District from the use of the facility.

School facilities that do not appear on the District's fee schedule shall not be available to the public.

The District shall also require any non-school related group using a District facility to provide proof of having purchased sufficient active and current general liability insurance to cover the damage to, or the cost to entirely replace, the structure(s) and furnishing(s), if necessary due to the loss of, or damage to, District property.

Organizations using school facilities assume full and complete responsibility for the conduct of all persons, regardless of age, associated with their use of the facility while they are in or about the facility. Smoking or the use of tobacco or products containing tobacco in any form or the use of drugs or intoxicants is prohibited. Firearms of any kind are not allowed on school property unless the person carrying the firearm is permitted to do so by law as defined in A.C.A. § 5-73-120 or the individual has a valid conceal carry license and leaves the concealed handgun in the individual's locked vehicle.

Legal References:       A.C.A. § 5-73-119  
                              A.C.A. § 5-73-120  
                              A.C.A. § 6-10-132  
                              A.C.A. § 6-21-101  
                              Arkansas Constitution Article 14, § 2

Other Reference:       ASBA Model Policies

Date Adopted:

Last Revised:



## **7.11—USE OF SCHOOL FUNDS FOR NON-SCHOOL RELATED PURPOSES**

No employee of the District shall use school time, school property, school personnel, or school equipment for the purpose of furthering the interests of any political party, the campaign of any political candidate or the advocacy of any political issue or ballot issue whether partisan or non-partisan. School employees may participate as part of a community organization that is renting a school facility for a political purpose so long as the event is not during school time or the employee takes personal or vacation leave, with prior approval of his/her supervisor, for the time the employee is attending the event.

Any school employee found guilty, or who pleads guilty or nolo contendere, to the use of District funds to support any ballot measure shall be immediately suspended, and recommended for termination by the Superintendent.

The Board of Directors is not prohibited from expressing an opinion on a ballot measure through the passage of resolution or proclamation. School employees are allowed to verbally express their views on a ballot measure other than in an attempt to persuade a student to the employee's point of view.

District employees and members of the Board of Directors may incur incidental expenditure of District funds for travel costs when speaking at an event in which a ballot measure is discussed if the subject matter of the speaking engagement is within the scope of the person's official duties and responsibilities.

District funds may be used to disseminate public information at a public speaking engagement. The incidental use of District resources may be used to prepare an analysis of the public information if such information is within the scope of the person's official duties and responsibilities.

Legal References:       A.C.A. § 7-1-103  
                                  A.C.A. § 7-1-111  
                                  A.C.A. § 21-8-402  
                                  Arkansas Constitution Article 14, § 2

Other Reference:       ASBA Model Policies

Date Adopted:

Last Revised:

## **7.12—EXPENSE REIMBURSEMENT**

The requirements of this Policy shall govern reimbursement for expenses related to travel and/or attendance at conferences and professional development activities incurred by District employees and/or members of the Board of Directors on behalf of the District. Employees are only eligible for reimbursement for travel expenses for travel which has been approved in advance. Original receipts must accompany all requests for reimbursement to the extent that such receipts are customarily available. For a receipt to be valid it should contain the name of the issuing company, the date, and the amount. Mileage, lodging, and meal expenses will not be reimbursed when incurred for the personal convenience of the employee and not required by the reason for the travel. Reimbursement for travel shall be for the lesser of the cost between travel by air or by car with some consideration allowed for length of time of the method of travel.

To the extent practicable, employees shall have the District pay initial conference and professional development registration fees and associated necessary materials. In the occasional circumstances where this is not practical, the District shall reimburse the employee for such fees if they were authorized in advance and are supported with proper receipts.

The District will not reimburse expenses of any non-school Board member or non-employee who accompanies the school Board member or employee during his/her school related travel.

### **Reimbursable Expenses**

Mileage that is driven for a District sanctioned purpose in an employee's personal vehicle shall be reimbursed provided appropriate documentation is submitted establishing the date, place, and purpose of the travel. Mileage shall be reimbursed at the current rate authorized by the Superintendent or designee and shall be based on the shortest, most reasonable, route available.

Meals may be reimbursed for travel which necessitates student supervision or an overnight stay when submitted according to the dictates of this Policy. Reimbursement shall be prorated based on the percent of a day the employee is away on travel. For example, if an employee returns from his/her travel in the afternoon, he/she is only eligible for reimbursement for breakfast and lunch expenditures. Except as otherwise specified by this Policy, meals are only reimbursable in conjunction with travel requiring an overnight stay. Per diem meal rates shall be reimbursed at the current rate authorized by the Superintendent or designee.

Tips paid by a school employee for meals associated with travel as defined in this Policy are reimbursable for up to 20% of the cost of the meal provided the employee submits a receipt for the meal as part of an "accountable plan" for reimbursement. Tips are not allowed if an employee is reimbursed using a "per diem" plan.

Meal expenses incurred by the Superintendent or other administrators as necessary, in the performance of their duties when meeting with state officials or consultants, may be reimbursed on a prorated, per person basis in line with the mandates of this Policy. Such expenses shall only be reimbursed when the expenditure is likely to result in a tangible benefit to the District.

Travel necessitating overnight lodging shall be reimbursed to the extent that it is not lavish and is reasonable based on circumstances of the expenditure. Proper documentation establishing the date and time, place, and purpose of the travel must be submitted along with a receipt for the overnight accommodations. To the extent

practicable, employees shall receive assistance from administrators or their designee in arranging travel plans to help keep expenses to a minimum.

**Expenses not covered**

The District shall not reimburse the following items/categories of expenses:

- Alcoholic beverages;
- Entertainment expenses – including sports or sporting events; pay per view or game expenses at motels;
- Replacement due to loss or theft;
- Discretionary expenses for items such as clothing or gifts;
- Medical expenses incurred while on route to or from or at the destination of the reason for the travel; or
- Optional or supplementary insurance obtained by the employee for the period covered during the travel.

**Credit Cards**

Only those employees specifically issued credit cards to be used in the performance of their jobs to purchase goods, services, or supplies on behalf of the District shall be allowed to use such cards. Employees who incur reimbursable expenses as defined in this Policy are expected to pay for them initially by any means they choose and then submit their request for reimbursement. The District assumes no responsibility for the payment of any personal credit card charges incurred by a District employee.

**Airport Associated Expenses**

Receipts for airport associated expenses are required for reimbursement. All airline flights shall be by coach/economy class. Upon arrival at their destination, employees are expected to take the less expensive option between a taxi and an airport shuttle service to his/her hotel or meeting site. Exceptions are allowed, but must be fully explained and documented. When circumstances dictate that a rental car is necessary and/or the most economical approach to the travel requirements, the least expensive car that will accomplish the job should be rented.

Reference: ASBA Model Policies

Date Adopted:

Last Revised:

## **7.13—MANAGEMENT AND DISPOSAL OF DISTRICT PROPERTY**

### **Definitions**

For the purposes of this Policy, the following definitions apply:

“Commodities” are all supplies, goods, material, computers, software, machinery and other equipment purchased on behalf of the District having a useful life of more than one (1) year and an acquisition cost of One Thousand Dollars (\$1,000) or more per unit.

“Fair market value” means the amount a reasonable buyer would be willing to pay for a particular piece of property based on an objective set of criteria, which may include, but are not limited to: any improvements or damage to the property; the demand for similar property; the selling price for the property by the producer of the property or re-sale outlets; and the value of the property as determined by an independent appraiser.

“Real property” is land and whatever is erected or affixed to land, such as structures or buildings.

“Surplus commodities” are those commodities that are no longer needed, obsolete, irreparable, or worn out.

“Surplus real property” is real property that is not presently needed or foreseen to be needed by the District, and that has been authorized for sale as surplus real property by vote of the School Board. Surplus real property may include unused or underutilized facilities.

“Trash” is an item that would otherwise belong to another category of goods or property defined in this Policy, but which, due to the property’s age or an act of God, has less value than it would cost to repair the item. Examples could include, but are not limited to, fire damage, vehicle accidents, extreme age, and/or decline in value of the item.

“Unused or underutilized facility” means a school facility or other real property that:

- As a whole or in a significant portion, is not being used for a public educational, academic, extracurricular, or administrative purpose and the nonuse or underutilization threatens the integrity or purpose of the school facility or other real property as a public education facility; and
- Is not subject to either a lease to a third party for fair market value or an executed offer to purchase by a third party for fair market value as of July 30, 2017.

### **General Policy**

The District’s purchases of commodities shall be in accordance with Policy 7.5—PURCHASES AND PROCUREMENT and, to the extent applicable, the procurement requirements of any granting source of funding used to purchase the commodity. The Superintendent shall develop procedures governing the use, management, and dispersal of commodities. At a minimum, the procedures will cover the following topics:

- labeling all commodities.
- establishing adequate controls to account for their location, custody, and security.
- annually auditing the inventory of commodities and updating a listing of such commodities to reconcile the audit with the District’s inventory records. The audit will be documented and account for any transfer and/or disposal of a commodity.
- Disposing of surplus commodities and surplus real property, whether purchased in whole or in part with federal grant funds or with local funds.

The disposal of school property must be for the benefit of the school District and consistent with good business principles.

### **Disposal of Surplus Commodities**

The Board of Directors recognizes that commodities sometimes become of no use to the District and thus meet this Policy's definition of surplus commodities.

The Superintendent or designee(s) will determine the objective fair market value (FMV) of surplus commodities. The District will strive to dispose of surplus commodities at or near their FMV.

The Superintendent may declare surplus any commodity with an FMV of less than One Thousand Dollars (\$1,000). Surplus commodities with a FMV of less than One Thousand Dollars (\$1,000) will be periodically sold by the most efficient, cost effective means that is likely to result in sales at or near FMV.

The Superintendent may submit a list of surplus commodities deemed to have a FMV of One Thousand Dollars (\$1,000) or greater to the Board of Directors for authorization to sell such surplus commodities. Once the Board of Directors has authorized the sale of such surplus commodities, the Superintendent or designee(s) may sell that surplus commodity as the need arises. Items with a FMV of One Thousand Dollars (\$1,000) or greater will be sold by the most efficient, cost effective means that is likely to result in sales at or near FMV. If the Superintendent chooses to dispose of the surplus items by bid, the Superintendent or designee may set a minimum or reserve price on any item, and may reject all bids. The Superintendent or designee is authorized to accept the high bid provided the high bid is at or near FMV without further Board action unless the high bid comes under the jurisdiction of Arkansas ethics legislation, in which case the provisions of A.C.A. §§ 6-24-101–107 would apply.

If attempts at public sales fail to produce any interested buyers or bidders, such remaining unsold commodities may then, at the discretion of the Superintendent, be disposed of as scrap or junk or be donated to appropriate charitable or education related entities. Computer or technology equipment will be cleansed of data prior to disposal.

### **Disposal of Surplus Real Property**

The Board of Directors recognizes that real property it owns sometimes becomes no longer of use to the District and thus meets this Policy's definition of surplus real property.

By February 1 of each year, the District shall submit a report to the Division of Public School Academic Facilities and Transportation ("Division") that identifies all unused or underutilized school facilities in the District and the unused or underutilized school facilities, if any, that are designated in the District's facilities master plan to be re-used, renovated, or demolished as part of a specific committed project or planned new construction project.

If the Division classifies a District facility or District real property as being unused or underutilized, the District may appeal the Divisions determination to the Commission for Public School Academic Facilities and Transportation ("Commission").

The District shall make unused or underutilized public school facilities available for lease for no more than FMV to any open-enrollment public charter school ("Charter") located within the District's geographic boundaries that

makes a request under the Charter's statutory right of access unless the District makes an affirmative showing by a preponderance of the evidence to the Commission that:

1. The school facility, or the property to which the school facility is attached, will be needed by the District to accommodate future growth of the District; or
2. Use of the school facility or other real property by a Charter would have a materially negative impact on the overall educational environment of an educational campus located within five hundred feet (500') of the school facility or other real property sought to be leased by the Charter.

The terms of a lease executed between the District and a Charter shall provide that the lease shall be cancelled and be of no effect if the Charter:

1. Fails to use the facility or other real property for direct student instruction or administrative purposes within two (2) years of the effective date of the lease;
2. Closes, has its charter revoked, or has its charter application denied by the Charter authorizer; or
3. Initially uses the facility or other real property, but then leaves the facility or other real property unused for more than one hundred eighty (180) days.

If requested or agreed to by the Charter, the District may sell the unused or underutilized facility or other real property to the Charter for FMV.

If the District decides to sell, lease, or otherwise transfer ownership of a District facility, a Charter located within the District's geographic boundaries shall have a right of first refusal to purchase or lease the facility for FMV. The Charter's right of first refusal shall continue for two (2) years after the date the District last used the school facility or other real property as an academic facility.

If the District decides to sell or lease a District facility or other real property that has been identified by the Division as an unused or underutilized school facility to a third party that is not a Charter, then the District may not sell or lease the facility until the later of:

- Two (2) years after the date the facility or other real property is identified by the division as an unused or underutilized public school facility, so long as no Charter has claimed a right of access or a right of first refusal; or
- Three (3) years from the date the District facility or other real property has been identified by the Division as an unused or underutilized public school facility if the District designated the facility or other real property to be reused, renovated, or demolished as part of a specific committed project or planned new construction project in the District's facilities master plan.

The District may petition the Division for a waiver of the time restrictions for the sale or lease of a District's unused or underutilized facility. The petition shall include a statement that the District believes that no Charter would be interested in leasing or purchasing the unused or underutilized school facility. If the District receives a waiver, the District may immediately sell, lease, or otherwise dispose of the unused or underutilized facility. The District may appeal the denial by the Division of a waiver to the Commission.

The Superintendent may submit a request to the Board of Directors for authorization to sell surplus real property. Once the Board of Directors has authorized the sale of such surplus real property, the Superintendent or designated individual(s) may sell that surplus real property as the need arises and this Policy allows. The Superintendent or designee(s) shall be responsible for getting a determination of the objective FMV of surplus real property. The District will strive to dispose of surplus items at or near their FMV. The real property may be

listed for sale with a real estate broker, and the Superintendent or designated individual may contract on behalf of the District to pay the usual and customary sales commission for such transactions, upon sale of the property.

If the Superintendent chooses to dispose of the surplus items by bid, the Superintendent or designee(s) may set a minimum or reserve price on any item, and may reject all bids. The Superintendent or designee is authorized to accept the high bid provided the high bid is at or near FMV without further Board action unless the high bid comes under the jurisdiction of Arkansas ethics legislation, in which case the provisions of A.C.A. §§ 6-24-101–107 would apply.

If attempts at public sales fail to produce any interested buyers or bidders, such remaining unsold real property may then, if agreed to by the Superintendent and Board of Directors, be donated to appropriate education related entities, not-for-profit organizations, the county, city, or incorporated town in accordance with the provisions of state law.

Items obtained with federal funds shall be handled in accordance with applicable federal regulations, if any.

The District may not make a part of the disposal of District real property a covenant that prohibits the sale or lease of former District facilities or other real property to a Charter that is located within the District’s geographic boundaries.

### **Disposal of Surplus Real Property After Consolidation**

Except as otherwise prohibited by this Policy, real property of a consolidated school District that is no longer being used for educational purposes and has not been sold, preserved, leased, or donated two (2) years after the effective date of consolidation shall be made available for use by a publicly supported institution of higher education, a technical institute, a community college, a not-for-profit organization, a county, a city, or incorporated town by the Board of Directors for the following purposes:

- Having the real property preserved, improved, upgraded, rehabilitated, or enlarged by the Donee;
- Holding of classes by statutorily authorized education related entities; or
- Providing community programs and beneficial educational services, social enrichment programs, or after-school programs.

### **Trash**

Trash, as defined in this Policy, may be disposed of in the most cost efficient or effective method available to the District.

- Legal References:
- A.C.A. § 6-13-111
  - A.C.A. § 6-13-620
  - A.C.A. § 6-21-108
  - A.C.A. § 6-21-110
  - A.C.A. § 6-21-803
  - A.C.A. § 6-21-806
  - A.C.A. § 6-21-815
  - A.C.A. § 6-21-816
  - A.C.A. § 6-24-101–107
  - 2 C.F.R. § 200.311
  - 2 C.F.R. § 200.313

Other Reference: ASBA Model Policies

Date Adopted:

Last Revised:



## **7.14—USE OF DISTRICT CELL PHONES AND COMPUTERS**

Board members, staff, and students shall not be given cell phones or computers for any purpose other than their specific use associated with school business. School employees who use a school issued cell phones and/or computers for non-school purposes, except as permitted by District Policy, shall be subject to discipline, up to and including termination. School employees may be issued District cell phones if their position requires the employee be available at all times for work related emergencies or the employee be available to speak with others on school related business when the employee is away from the office. Employees issued cell phones for such purposes may use the phone for personal use provided that they reimburse the District monthly at such rate as the District may determine.

Students who use school-issued cell phones and/or computers for non-school purposes, except as permitted by the District's Internet/computer use Policy, shall be subject to discipline, up to and including suspension or expulsion.

All employees are forbidden from using school-issued cell phones while driving any vehicle at any time. Violation may result in disciplinary action up to and including termination.

Legal References:       IRC § 132(d)  
                                  IRC § 274(d)  
                                  IRC § 280F(d)(4)  
                                  IRS Publication 15 B

Other Reference:       ASBA Model Policies

Date Adopted:

Last Revised:

## **7.15—RECORD RETENTION AND DESTRUCTION**

It is necessary to maintain District records in a manner that provides for efficient document storage and retrieval and is conducive to eliminating unnecessary record retention. Due to the variety of records that may need to be retained and accessed, the Superintendent shall ensure that all staff receive appropriate training to understand this Policy. Staff shall also understand the possible ramifications to the District and/or themselves for failure to properly maintain records and follow the requirements contained in this Policy.

### **Definitions**

“Directly or directly interested” (hereinafter “directly”) means receiving compensation or other benefits personally or to an individual’s household from the person, business, or entity contracting with the District.

“Indirectly or indirectly interested” (hereinafter “indirectly”) means that a family member, business, or other entity in which the individual or a family member has a financial interest will receive compensation or benefits.

“Record” is defined for the purposes of this Policy, as an item or items, whether electronic or material, that are created by, at the request of, or received by and purposefully retained by a Board member, administrator, or employee in the ordinary course of District business. Examples include, but are not limited to:

- Any kind of correspondence.
- Calendars.
- Computer files and documents (which may include drafts).
- Telephone logs.
- Expense records;
- Audio or video recordings that are created for the purpose of monitoring the security of District property or the safety of District students.
- Documentation related to transactions or contracts for:
  - Services with Board members, administrators, employees, or members of their families covered under the statutorily defined ethical restrictions associated with a contract for services provided for the District involving a Board member, administrator, or employee who “directly or indirectly” benefits from the contract; or
  - An exemption granted by the Arkansas Department of Education (“ADE”) from the statutorily defined ethical restrictions associated with a contract for employment or for services provided for the District that involves a District administrator, Board member, or employee.

The Superintendent shall be responsible for establishing a schedule for the routine destruction of District records that accommodates the needs of the District. The schedule shall specify the length of retention for any records not specifically delineated by this Policy and be distributed to staff on a need-to-know basis according to their respective employment duties and responsibilities. The schedule should accommodate the need for records to be stored as a blend of printed, bound and electronically recorded (e.g., audio tape, video tape, micro-fiche, computer disk) material. The Superintendent or designee shall ensure the effective and efficient securing, cataloging, storing, and appropriate scheduled destruction of all records.

The following records categories shall be retained for the time specified.

- a. Board of Education Minutes – forever
- b. Personnel files – forever

- c. Student files – until the student receives a high school diploma or its equivalent, or is beyond the age of compulsory school attendance
- d. Student records of attendance/graduation – forever
- e. Financial Records – five (5) years
- f. Documentation, including letters of approval, related to transactions or contracts for services covered by this Policy and Arkansas statutes for Board members or members of their families or for waivers granted to District employees - thirteen (13) years
- g. Documentation relating to payments or reimbursements made by a vendor on behalf of a Board member, administrator, or employee for travel, lodging, food, registration, entertainment, or other expenses – three (3) years
- h. Employment applications, including applicant lists, applicant interview evaluations, documentation in response to requests for reasons for a failure to be interviewed and/or hired, and hiring determinations - five (5) years
- i. Expenditures made with federal grant monies – governed by the terms of each grant
- j. Documents filed with the IRS – four (4) years
- k. Statewide assessment security agreement – three (3) years

The Superintendent or designee shall be responsible for determining when there is a need to interrupt the routine destruction of records. When the Superintendent or designee makes the decision to cease the routine disposal of records, staff affected by the decision shall be promptly informed of the decision and of the nature of records that are to be retained. Such records shall be retained until the Superintendent or designee has authorized their destruction. Employee training on the District's records retention schedule shall specifically include information on the records that may need to be retained due to pending disciplinary or legal actions which otherwise are subject to routine disposal. If an employee has doubt about the need to retain any record otherwise scheduled for destruction, he/she shall consult with the Superintendent or designee prior to destroying such records.

The records' storage system devised by the Superintendent and designee(s) shall be organized in a manner that enables the efficient retrieval of data and documents. The District shall have adequate backup of critical data which is stored electronically. The system shall be communicated to employees in a manner that enables them to understand and follow the system's requirements.

In retaining and destroying records, no employee shall:

- Destroy, alter, mutilate, conceal, cover up, falsify, or make a false entry in any record that may be connected to a disciplinary matter or lawsuit or to a matter within the jurisdiction of a federal or state agency, in violation of federal or state law or regulations.
- Alter, destroy or conceal a document, or attempt to do so, with the intent to impair the document's availability for use in a disciplinary matter, lawsuit or an official proceeding or otherwise obstruct, influence or impede any lawsuit or official proceeding, in violation of federal or state law or regulations.
- Retaliate or discriminate against an employee who refuses to violate this Policy or to coerce or threaten an employee to violate this Policy.

Failure to follow the requirements set forth in this Policy may result in disciplinary action against the employee(s), up to and including termination. The District's Board of directors prohibits and will not tolerate any form of reprisal, retaliation or discrimination against any employee who, in good faith, has attempted to comply with this Policy.

Legal References: A.C.A. § 5-1-109(c)(2), (g)  
A.C.A. § 6-13-619  
A.C.A. § 6-17-104  
A.C.A. § 6-17-2301  
A.C.A. § 6-18-901  
A.C.A. § 6-24-102(8)(15)  
A.C.A. § 6-24-105(d)  
A.C.A. § 6-24-106(c)(6)  
A.C.A. § 6-24-107(c)  
A.C.A. § 6-24-115  
A.C.A. § 21-3-302, 303  
ADE Rules Governing Ethical Guidelines and Prohibitions for Educational Administrators, Employees, Board Members, and Other Parties  
ADE Rules Governing the Arkansas Educational Support and Accountability Act  
26 C.F.R. § 31.6001-1  
34 C.F.R. § 99.2  
Federal Rules of Civil Procedure Numbers 16, 26, 33, 34, 37, and 45

Other Reference: ASBA Model Policies

Date Adopted:

Last Revised:

**7.16—RESERVED**

## **7.17—FOOD SERVICE PREPAYMENT**

### **Meal Charges**

The District provides limited credit to staff and students to charge for standard meals. The District does not provide credit to staff or students to charge for a la carte or other food and beverage items available for purchase in the school food service areas. Meals, a la carte, or other food and beverage items may be purchased by either providing payment for the items at the time of receipt or by having a prepaid account with the District that may be charged for the items. Staff and parents, or students choosing to do so, may pay in advance for meals, a la carte, or other food and beverage items through any of the following methods:

- Submitting cash or check payment at food service location; or
- Depositing funds through the District's online service.

A student's parents will be contacted by authorized District personnel regarding a student's prepaid account balance as the account balance falls below zero.

Legal References:     Commissioner's Memo CNU-17-003  
                              Commissioner's Memo CNU-17-024

Other Reference:     ASBA Model Policies

Date Adopted:  
Last Revised:

## **7.18—DISPOSAL OF NON-NEGOTIATED CHECKS OR UNCLAIMED PROPERTY**

State law specifies how the District is to dispose of retained funds in the form of issued but non-negotiated checks that have been not been presented for payment within one calendar year. The District shall dispose of these retained funds in accordance with the law and remit the amount of all non-negotiated checks to the Unclaimed Property Division of the Arkansas Auditor’s Office.

The District shall make a good faith effort to return physical items that have been left on District property to their rightful owners. When contact information is known for the owner of an item of a non-perishable nature left at the District, the District shall use the information to attempt to contact the owner to inform him/her of the location of the item. Owners of such items shall be given at least three weeks to pick up the item he/she left at the District. If the owner fails to pick up the item within the time allotted, the District may dispose of the item in a manner of its choosing.

The District is under no obligation to retain an abandoned, perishable item left on District property.

Legal References:       A.C.A. § 18-28-201  
                              A.C.A. § 18-28-202(11), (c), (d)  
                              A.C.A. § 18-28-204  
                              A.C.A. § 18-28-206  
                              A.C.A. § 18-28-207  
                              A.C.A. § 18-28-208(a)  
                              A.C.A. § 18-28-210(b)(c)  
                              A.C.A. § 18-28-217  
                              A.C.A. § 18-28-221(a)  
                              A.C.A. § 18-28-224

Other Reference:       ASBA Model Policies

Date Adopted:

Last Revised:

## 7.19—SERVICE ANIMALS IN DISTRICT FACILITIES

In accordance with the provisions of the Americans with Disabilities Act and Arkansas statutes, service animals are permitted for use by individuals with disabilities on District property and in District facilities provided the individuals and their animals meet the requirements and responsibilities covered in this Policy.

When an individual with a disability seeks to bring a service animal into a District facility, the District is entitled to ask the individual if the animal is required because of a disability and what work or task the animal has been trained to perform. The District is not entitled to ask for documentation that the animal has been properly trained, but the individual bringing the animal into a District facility will be held accountable for the animal's behavior.

Any service animal brought into a District facility by an individual with a disability must have been trained to do work or perform tasks for the individual. The work or tasks performed by the service animal must be directly related to the handler's disability. Examples of work or tasks include, but are not limited to, assisting individuals who are blind or have low vision with navigation and other tasks, alerting individuals who are deaf or hard of hearing to the presence of people or sounds, providing non-violent protection, pulling a wheelchair, assisting an individual during a seizure, alerting individuals to the presence of allergens, retrieving items such as medicine, providing physical support and assistance with balance and stability to individuals with mobility disabilities, and helping persons with psychiatric and neurological disabilities by preventing or interrupting impulsive or destructive behaviors.

The crime deterrent effects of an animal's presence and the provision of emotional support, well-being, comfort, or companionship do **not** constitute work or tasks for the purposes of this Policy; no animal brought solely for any of these reasons shall be permitted on school grounds.

Individuals with disabilities shall be permitted to be accompanied by their service animals in all areas of a public entity's facilities where members of the public, participants in services, programs or activities, or invitees, as relevant, are allowed to go.

A service animal shall be under the control of its handler. A service animal shall have a harness, leash, or other tether, unless either the handler is unable because of a disability to use a harness, leash, or other tether, or the use of a harness, leash, or other tether would interfere with the service animal's safe, effective performance of work or tasks, in which case the service animal must be otherwise under the handler's control by means of voice control, signals, or other effective means.

A service animal shall be groomed to prevent shedding and dander and shall be kept clean of fleas and ticks.

District staff may ask an individual with a disability to remove a service animal from the premises if:

1. The service animal is out of control and the service animal's handler does not take effective action to control it;
2. The service animal is not housebroken; or
3. Making reasonable accommodations for the service animal's presence would fundamentally alter the nature of the service, program, or activity.



If the District excludes a service animal due to the reasons listed above, the District shall give the individual with a disability the opportunity to participate in the service, program, or activity without having the service animal on the premises.

The District and its staff are not responsible for the care or supervision of a service animal brought onto District property or into District facilities by an individual with a disability. Students with service animals are expected to care for and supervise their animal. In the case of a young child or a student with disabilities who is unable to care for or supervise the service animal, the parent is responsible for providing care and supervision of the animal. Prior to working in the school, any person responsible for providing care and supervision of the animal must go through the same process for background checks as required of all employees of the school system.

The District shall not ask or require an individual with a disability to pay a surcharge, even if people accompanied by pets are required to pay fees, or to comply with other requirements generally not applicable to people without pets.

Legal References:       28 CFR § 35.104  
                              28 CFR § 35.136  
                              28 C.F.R. § 36.302  
                              A.C.A. § 20-14-304  
                              A.C.A. § 20-14-308

Other Reference:       ASBA Model Policies

Date Adopted:  
Last Revised:

## **7.20—ELECTRONIC FUND TRANSFERS**

District funds shall only be disbursed by the District Treasurer upon the receipt of checks or warrants signed by the District Board of Directors' Disbursing Officer and the Superintendent or through the electronic transfer of funds. Any electronic transfer of funds must be initiated by the District and authorized in writing by both the Disbursing Officer of the school District Board of Directors and the Superintendent.

For the purposes of this Policy, "initiated by the District" means the District controls both the timing and the amount of the funds transfer.

The District Treasurer shall maintain evidence of authority for the disbursement in the form of invoices, payrolls that conform with written contracts on file in his/her office, or other appropriate documentation indicating an authority to disburse District funds.

"Other appropriate documentation" includes one-time, signed authorization for recurring transactions. The Board of Directors Disbursing Officer must pre-authorize the electronic transfer of funds for non-recurring transactions which can be accomplished by a signed authorization or an email authorizing such a disbursement of funds.

Legal References:       A.C.A. § 6-13-701(e)  
                                  Commissioner's Memo Com-12-036

Other Reference:       ASBA Model Policies

Date Adopted:  
Last Revised:

**7.21—RESERVED**

**7.22—RESERVED**

**7.23—RESERVED**

## **7.24—ADVERTISING ON SCHOOL BUSES**

Under the authority granted by A.C.A. § 6-19-129 and the Commission for Arkansas Public School Academic Facilities and Transportation Rules Governing Advertising on School Buses, the District has chosen to use the legally provided space on District school buses for communication of District messages with sponsorship logo and tagline (“content”).

The Superintendent shall develop procedures for soliciting proposals for advertising, as well as guidelines for the review and acceptance of content.

Content shall be accepted solely for the purpose of generating revenue for the District transportation program.

All revenue the District receives from advertisements shall only be used for transportation purposes.

District school bus advertising is a nonpublic forum. The following viewpoint neutral guidelines shall be applied:

1. Only commercial speech and government-sponsored public service announcements will be allowed;
2. Political and religious speech are prohibited;
3. Content promoting illegal activity is prohibited;
4. Content with false, deceptive, or misleading commercial speech is prohibited;
5. Language demeaning or disparaging individuals or groups is prohibited; and
6. Content related to alcohol, tobacco, weapons, firearms, casinos, X- and R-rated movies, adult-only venues, violent video games, and of a sexual nature are prohibited.

The District shall also reserve the right to reject any content that is inconsistent with:

1. Federal or State laws and regulations;
2. Commissioner’s memos;
3. The First Amendment;
4. Board Policy;
5. The District’s mission, goals, standards, and curriculum; or
6. Any content the District determines has a reasonable likelihood of exposing the District to controversy, litigation, or disruption.

Acceptance of content on District school buses shall not constitute approval or endorsement of any product; service; issue; organization; activity; or position referenced by the advertiser, nor shall acceptance of content from a vendor determine whether the District will purchase goods or services from the vendor through the District’s procurement process.

Approved content may be placed:

- On the rear quarter-panels of the exterior of the bus;
- At least three inches (3”) behind the rear wheel and not closer than four inches (4”) from the lower edge of the window line;
- At least three inches (3”) from any required letter, lamp, wheel well, reflector, or emergency exit; and
- Within a block no larger than thirty inches (30”) in height and sixty inches (60”) in length.

Any reflective tape between the floorline and beltline of the bus that is covered by an advertisement will be replaced by placing reflective tape either above or below the advertisement. No brackets or hardware shall be applied to the bus to hold advertisements.

Advertisements must be of a durable printed material. In order to not create a handhold or present a danger to pedestrians, the advertisement shall not:

- Intentionally extend from the body; or
- Extend from the body due to damage.

Legal References:       A.C.A. § 6-19-129  
                              A.C.A. § 7-1-111  
                              Commission for Arkansas Public School Academic Facilities and Transportation Rules  
                              Governing Advertising on School Buses  
                              7 C.F.R. § 210.30

Other Reference:       ASBA Model Policies

Date Adopted:

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