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7.1 FISCAL YEAR

EFFECTIVE: June 14, 2004

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

Legal Reference: A.C.A. § 6-20-410

History BOE: 6/14/04

7.2 ANNUAL OPERATING BUDGET

EFFECTIVE: July 1, 2010

- A. 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.
- B. 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.
- C. 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.
- D. Line item changes may be made to the budget at any time during the fiscal year upon the approval of the Board. Any changes made shall be in accordance with District policy and state law.

Legal References: A.C.A. § 6-17-914, A.C.A. § 6-13-701 (c) (3), A.C.A. § 6-20-2202

History BOE: 6/14/04, Revised 8/8/05, 4/12/10

7.3 MILLAGE RATE

EFFECTIVE: June 14, 2004

- A. The Board shall publish, 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

History BOE: 6/14/04

7.4 GRANTS AND SPECIAL FUNDING

EFFECTIVE: June 14, 2004

- A. The Superintendent or his/her designee may apply for grants or special funding for the District. Any grants or special funding that require matching District resources shall receive Board approval prior to the filing of the grant's or special resource's application.

History BOE: 6/14/04

7.5 PURCHASES OF COMMODITIES

EFFECTIVE: July 1, 2010

- A. 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.
- B. "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.
- C. "Specifications" means a technical description or other description of the physical and/or functional characteristics of a commodity.
- D. Purchases of commodities with a purchase price of more than ten thousand dollars (\$10,000) require prior Board approval; unless an emergency exists in which case the Superintendent may waive this requirement.
- E. 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.
- F. The district will not solicit bids or otherwise contract for a sum greater than \$25,000 with vendors that are on the "excluded parties list" if the contract is to be paid from federal grants funds. (Names of vendors on the excluded parties list can be found at <http://www.epls.gov>)

- G. All purchases of commodities in which the estimated purchase price 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.
- H. 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 shall be attached to the bid. Bidders submitting written bids shall be notified in writing of the bid award.
- I. 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 this statement is attached to the purchase order:
- Commodities in instances of an unforeseen and unavoidable emergency;
 - Commodities available only from the federal government;
 - Utility services;
 - Used equipment and machinery; and
 - Commodities available only from a single source.
- J. 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.
- K. Any award of a contract shall be subject to revocation for ten working days or, if an appeal is received, after resolution of the appeal. This shall give 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 calendar days following the initial and revocable award of the contract.
- L. 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:
1. that the contract award has been halted pending resolution of the appeal and could be revoked;
 2. the reasons for the appeal;
 3. that the recipient of the letter may respond to the protested issues identified in the appeal;
 4. date the decision on the appeal will be made and notification sent;
 5. that if the appeal is upheld, the bidding process will start all over again;
 6. 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.

- M. 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.
- N. Definitions
1. Used school buses, over two years old as defined in A.C.A. § 6-21-306(a), are exempt from bidding requirements.
 2. A "sole source justification document" should be attached to the purchase order and maintained in the audit file for all commodities purchased as such. ADE stipulates the following seven criteria which the justification must meet.
 - a. Why the service or product is needed;
 - b. The methods used to determine that a lack of responsible/responsive competition exists for the service or product;
 - c. How it was determined that the provider possesses exclusive capabilities;
 - d. Why the service or product is unique;
 - e. Whether or not there are patent or property rights which make the required service or product unavailable from other sources;
 - f. What the district would do if the provider/service product were no longer available;
 - g. Any program considerations which make the use of a "sole source" critical to the successful completion of the district's task.
- O. The Superintendent shall establish a system to provide all employees with the procedures and forms necessary for the normal requisition and purchase of supplies needed for the operation of the schools. This system shall provide an orderly and systematic method for obtaining supplies by a school employee.
- P. All expenditures incurred by the school district shall have the approval of the Superintendent of Schools. Any obligation assumed without this approval shall become the personal responsibility of the person making the purchase.
- Q. No purchasing official shall parcel or split any item or items with the intent or purpose to enable the purchase to be made under a less restrictive procedure.
- R. Any commodities purchased by the district through TAPS program satisfy the bidding requirements.

Legal References: A.C.A. § 6-21-301, 303, 304, 305, 306(b), A.C.A. § 6-24-101 et seq.

History BOE: 6/14/04, Revised 8/8/05, 3/12/07, 7/14/08, 4/12/10

7.6 ACTIVITY ACCOUNT

EFFECTIVE: June 14, 2004

- A. 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.
- B. Activity funds shall be maintained and accounted for according to guidelines and procedures established by the General Education Division of the Department of Education.
- C. 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 (e)

History BOE: 6/14/04

7.7 CASH IN CLASSROOMS

EFFECTIVE: June 14, 2004

- A. Teachers shall deposit daily to the principal's office all activity funds collected in their classrooms. No cash or checks are to be left in any classroom overnight.

History BOE: 6/14/04

7.8 PERSONAL PROPERTY

EFFECTIVE: June 14, 2004

- A. To avoid confusion and the potential for misunderstandings, District staff that brings 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.

History BOE: 6/14/04

7.9 PROPERTY INSURANCE

EFFECTIVE: June 14, 2004

- A. The Superintendent shall be responsible, with approval of the Board, for maintaining adequate insurance coverage for all District properties.

History BOE: 6/14/04

7.10 PUBLIC USE OF SCHOOL BUILDINGS

EFFECTIVE: June 14, 2004

- A. 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. 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.
- B. The District shall establish a fee schedule for the use of school facilities. Charges made for the use of school facilities shall reflect the actual costs (e.g. labor, utility, and materials) incurred by the District.
- C. 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.

Legal Reference: A.C.A. § 6-21-101, A.C.A. § 5-73-120

History BOE: 6/14/04

7.11 USE OF SCHOOL FUNDS FOR NON-SCHOOL RELATED PURPOSES

EFFECTIVE: July 14, 2008

- A. School funds shall not be used for political, charitable, or humanitarian purposes.

- B. 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 which is renting a school facility for a political purpose.

Legal Reference: Arkansas Constitution Article 14 § 2

History BOE: 6/14/04, Revised 7/14/08

7.12 EXPENSE REIMBURSEMENT

EFFECTIVE: September 10, 2007

- A. 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. No cash advances shall be made for travel. 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.
- B. 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.
- C. 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.
- D. **Reimbursable Expenses**
1. 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 and time, place, and purpose of the travel. Mileage shall be reimbursed at the rate of .32 cents per mile and shall be based on the shortest, most reasonable, route available. In no event, shall mileage reimbursement exceed the amount based upon travel between Morrilton and the conference location.
 2. Meals may be reimbursed for travel which necessitates 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. Meals shall be reimbursed for the actual expense to the extent that they are not lavish and are reasonable based on circumstances. Except as otherwise specified by this policy,

meals are only reimbursable in conjunction with travel requiring an overnight stay. Meals shall be reimbursed for the actual expense incurred up to a daily limit of \$34.00 or the rate allowed by the IRS for the location of the meal expense.

3. 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.
4. 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.

E. Expenses not covered

1. 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;
 - Optional or supplementary insurance obtained by the employee for the period covered during the travel; and
 - Tips, other than those required by the source of the expense, (e.g. a restaurant which adds a tip to the bill for all groups of six or more).

D. 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.

E. 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. 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. The district shall not reimburse for any kind of rental car supplemental insurance.

Notes: The following IRS publications were used in the development of this policy. 15-A, 15-B, 463, 535, 1542, and the Fringe Benefit Training Guide

¹ If the Board wishes to list any stipulations on reimbursement for travel made by the superintendent or other administrative personnel, specify the stipulations in this policy. Examples could be that administrators would be reimbursed for reasonable expenses incurred in the performance of their jobs which benefit the district and that had

been pre-approved by their immediate supervisor(s). Superintendents could be contractually pre-cleared for reimbursement for specified travel purposes (actions required in the performance of their role as district leader and/or spokesperson and which benefit the district), mileage for their personal vehicle driven on district business, etc. If they felt the need, the Board could also periodically review the reimbursement records regarding the Superintendent to verify that they are in line with its intentions. Keep in mind that reimbursable expenses must not be lavish but reasonable based on the circumstances of the expenditure. Reimbursed expenses which exceed this threshold are considered income and must be reported as such to the IRS.

² You are not required to use either the state or the IRS rate, but by referring to a “going rate” it will make changing the rate a non-policy issue. If you choose to retain the previous language, insert the rate your district chooses. It should be no more than the current rate recognized by the IRS. To find the current rate recognized by the IRS go to www.irs.gov and type in “mileage reimbursement” in the search box. To access the current reimbursement rate for state employees, go to www.arkansas.gov/dfa/accounting.

³Per diem reimbursement rates are established by the IRS and for the purposes of this policy you may use them as either a guide or the gospel for meals, lodging, or both. We have chosen not to stipulate expenditures remain within the per diem rates because so many conferences are at hotels that simply do not fit IRS’s rates. If you choose to limit meal reimbursement to the per diem rates, substitute the following sentence for the one included in the policy. “Meals shall be reimbursed for the actual expense up to the IRS per diem limits.” You can further choose to specify that your reimbursement will be “x” percent per meal (breakfast, lunch and dinner) of the per diem rate. Please note that reimbursed expenditures which are lavish based on the circumstances of the expenditure are considered wages to the extent they are excessive. The language in the policy allows reimbursements for actual expenses (hotel or food) to **not** be taxable income so long as they are not “lavish.” An example of lavish would be if the employee chose to stay in a suite instead of a non-suite room. In the context of conference based travel, the conferences usually have a block of rooms at a special rate. If that option is available and the employee chooses a higher cost room, it would be “lavish.” The following information is provided for your convenience if you choose to limit expenditures to the per diem rates.

Reimbursement rates vary and can be determined by going to www.irs.gov and downloading PDF file “Publication 1542.” The per diem rates for all of Arkansas, except Hot Springs and Little Rock, are \$77.00 for motel and \$46.00 for food. The rates for Hot Springs are \$101.00 for motel and \$46.00 for food. Little Rock’s rates are \$88.00 for motel and \$61.00 for food. Publication 1542 contains the rates for cities in states other than Arkansas. Rates are subject to change with the Federal fiscal year which runs from October 1 through September 30.

⁴ Act 715 of 2007 allows state employees to be reimbursed for tips for amounts up to 15% of the bill. Page 5 of IRS Publication 463 specifies tips the IRS deems acceptable for certain expenses, but state law can be more restrictive than what IRS permits. Unless and until the potential discrepancy between Act 715 and the IRS rules is cleared up by an Attorney General’s Opinion, we have chosen to write the policy in line with currently acceptable practice.

Cross References: 3.20—CERTIFIED PERSONNEL REIMBURSEMENT OF TRAVEL EXPENSES, 8.14—NONCERTIFIED PERSONNEL REIMBURSEMENT OF TRAVEL EXPENSES

History BOE: 6/14/04, Revised 8/8/05, 5/8/06, 9/10/07, 3/14/11

7.13 MANAGEMENT AND DISPOSAL OF DISTRICT PROPERTY

EFFECTIVE: July 1, 2010

- A. Definitions - For the purposes of this policy, the following definitions apply:
1. **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 year and an acquisition cost of \$1,000 or more per unit.
 2. **Surplus commodities** are those commodities that are no longer needed, obsolete, irreparable, or worn out.

3. **Real property** is land and whatever is erected or affixed to land, such as structures or buildings.
 4. **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.
- B. The District's purchases of commodities shall be in accordance with Policy 7.5—PURCHASES OF COMMODITIES 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.
1. Labeling all commodities¹;
 2. Establishing adequate controls to account for their location, custody, and security;
 3. 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.
 4. Disposing of surplus commodities and surplus real property, whether purchased in whole or in part with federal grant funds or with local funds.
- C. Disposal of Surplus Commodities
1. The Board of Directors recognizes that commodities sometime become of no use to the District and thus meet this policy's definition of surplus commodities.
 2. The Superintendent or designee(s) will determine the objective fair market value of surplus commodities. The District will strive to dispose of surplus commodities at or near their fair market value.²
 3. The Superintendent may declare surplus any commodity with a fair market value of less than \$1000. Surplus commodities with a fair market value of less than \$1000 will be periodically sold by the most efficient, cost effective means that is likely to result in sales at or near fair market value.
 4. The Superintendent may submit a list of surplus commodities deemed to have a fair market value of \$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 fair market value of \$1,000 or greater will be sold by the most efficient, cost effective means that is likely to result in sales at or near fair market value. 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 the fair market value 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.
 5. 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.

D. Disposal of Surplus Real Property

1. 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.
2. 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. The Superintendent or designee(s) shall be responsible for getting a determination of the objective fair market value of surplus real property³. The district will strive to dispose of surplus items at or near their fair market value. 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.
3. 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 the fair market value 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.
4. 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 or not-for-profit organizations in accordance with the provisions of state law.⁴

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

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

Notes: ¹ Due to federal monitoring and disposal requirements, we suggest differentiating the labeling of items purchased with federal funds from non-federal fund items.

² The fair market value (FMV) of items must be established prior to their disposal. The determination of the surplus commodity's value will determine whether the superintendent has to submit it to the board. You need to document how you reached FMV; Digital photos can be very useful, particularly if you decide FMV seems low. The disposal of items purchased with federal grant funds is governed by the following requirements which are located at 34 CFR 80.32(e). Disposition. When original or replacement equipment acquired under a grant or subgrant is no longer needed for the original project or program or for other activities currently or previously supported by a Federal agency, disposition of the equipment will be made as follows:

(1) Items of equipment with a current per-unit fair market value of less than \$5,000 may be retained, sold or otherwise disposed of with no further obligation to the awarding agency.

(2) Items of equipment with a current per unit fair market value in excess of \$5,000 may be retained or sold and the awarding agency shall have a right to an amount calculated by multiplying the current market value or proceeds from sale by the awarding agency's share of the equipment.

³ The fair market value (FMV) of items must be established prior to their disposal. In the case of real property, this should be established by means of a survey and real estate appraisal by a licensed surveyor and appraiser performed within the preceding six months. The disposal of real property purchased with federal grant funds is governed by the requirements contained in 34 CFR 80.31 which states in part: (c) Disposition. When real property is no longer needed for the originally authorized purpose, the grantee or subgrantee will request disposition instructions from the awarding agency. The instructions will provide for one of the following alternatives:

(1) Retention of title. Retain title after compensating the awarding agency. The amount paid to the awarding agency will be computed by applying the awarding agency's percentage of participation in the cost of the original

purchase to the fair market value of the property. However, in those situations where a grantee or subgrantee is disposing of real property acquired with grant funds and acquiring replacement real property under the same program, the net proceeds from the disposition may be used as an offset to the cost of the replacement property.

(2) Sale of property. Sell the property and compensate the awarding agency. The amount due to the awarding agency will be calculated by applying the awarding agency's percentage of participation in the cost of the original purchase to the proceeds of the sale after deduction of any actual and reasonable selling and fixing-up expenses. If the grant is still active, the net proceeds from sale may be offset against the original cost of the property. When a grantee or subgrantee is directed to sell property, sales procedures shall be followed that provide for competition to the extent practicable and result in the highest possible return.

(3) Transfer of title. Transfer title to the awarding agency or to a third-party designated/approved by the awarding agency. The grantee or subgrantee shall be paid an amount calculated by applying the grantee or subgrantee's percentage of participation in the purchase of the real property to the current fair market value of the property.

⁴ A.C.A. § 6-13-111 and A.C.A. § 6-21-108 are the statutes that cover donating District property. Please keep in mind that selling below Fair Market Value has the same legal connotation as donating.

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. § 6-24-101-107, 34 CFR § 80.3 – 80.52, 34 CFR § 80.31, 34 CFR § 80.32(d)(e)

History BOE: Adopted 4/12/10

7.14 USE OF DISTRICT CELL PHONES AND COMPUTERS

EFFECTIVE: May 11, 2009

- A. 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 phone and/or computer for non-school purposes, except as permitted by the district's Internet/computer use policy, shall be subject to discipline, up to and including termination. Students who use a school issued cell phone and/or computer 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.
- B. All employees are forbidden from using cell phones while driving any district owned vehicle at any time. Violation may result in disciplinary action up to and including termination.

Cross References: 3.34—CERTIFIED PERSONNEL CELL PHONE USE, 4.47— POSSESSION AND USE OF CELL PHONES, BEEPERS, ETC., 8.25— NONCERTIFIED PERSONNEL CELL PHONE USE

Legal References: IRC § 132(d), IRC § 274(d), IRC § 280F(d)(4)

History BOE: Adopted 7/14/08, Revised 5/11/09

7.15 RECORD RETENTION AND DESTRUCTION

EFFECTIVE: July 14, 2008

- A. 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 receives 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.
- B. “Record” is defined for the purposes of this policy, as an item or items, whether electronic or material, employees receive or generate and purposefully retain in the course of their employment. Examples include, any kind of correspondence, calendars, computer files and documents (which may include drafts), telephone logs, expense records, and other types of data.
- C. 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.
- D. The following records categories shall be retained for the time specified.
1. Board of Education Minutes – forever
 2. Personnel files – forever
 3. Student files – until the student receives a high school diploma or its equivalent, or is beyond the age of compulsory school attendance¹
 4. Student records of attendance/graduation – forever²
 5. Financial Records – five years³
 6. Transactions between the district and members of its board of education, administration, or employees⁴ - forever
 7. Expenditures made with federal grant monies⁵ – governed by the terms of each grant
 8. Video Surveillance Recordings – the timeline established in Policy 4.48—VIDEO SURVEILLANCE
 9. Emails – whatever the district’s policy is on this subject⁶
- E. The Superintendent or designee shall be responsible for determining when there is a need to interrupt the routine destruction of records.⁷ 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.⁸

- F. The records' storage system devised by the Superintendent and designee 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.⁹ The system shall be communicated to employees in a manner that enables them to understand and follow the system's requirements.
- G. In retaining and destroying records, no employee shall:
1. 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.
 2. 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.
 3. Retaliate or discriminate against an employee who refuses to violate this policy or to coerce or threaten an employee to violate this policy.
- H. 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.

Notes: ¹ These are the records required to be maintained during a student's attendance at your district and must be aligned with Policy 4.38—PERMANENT RECORDS. ² This is limited to the dates a student attended school in your district and if the student earned a diploma. This is information students and adults need from time to time to prove they lived somewhere or to enroll in a college, for security clearances, or for background checks.³ This is a suggested length of time. The minimum time your district must keep financial records (specifically original receipts of district expenditures) is until the records have been audited. In setting up your retention schedule, you might consider the warranty and/or depreciation schedule of the items purchased and keep all financial records until, at a minimum, the warranty has expired or the item has been fully depreciated. As with all other retention schedules, relevant data must be retained if there is pending litigation or the likelihood of litigation until the matter is resolved. ⁴ A.C.A. § 6-24-105(d), 106(c)(6), 107(c), and 109(c) which restrict financial transactions in the areas mentioned currently have no time limits for how long the records must be kept. ⁵ We suggest making this determination on a case-by-case basis using the latest of: the terms required by the grant, any related litigation is concluded, the records have been audited, or the 5 year statute of limitations for contracts. ⁶ **Routine** deletion of records, email or other records, is not a problem **so long as** prompt action is taken to stop the deletion relating to matters that common sense and/or previous experience indicates could result in legal and/or disciplinary action. In districts that have routine deletion settings for electronic devices, the person responsible for halting the routine destruction of district records will need to inform the district's Network Administrator (or equivalent) when events trigger the need to retain information that would otherwise be routinely deleted. ⁷ Due to the potential adverse repercussions for the failure to cease the destruction of such records, the person responsible for making a "cessation" decision should be close to the source of the cause precipitating the cessation. When an incident occurs that common sense and/or previous experience indicate could result in legal and/or disciplinary action, the routine destruction of district records relating to the incident must be suspended until such time as the legal or disciplinary action, or the likelihood of such action, has concluded. The Federal Rules of Civil Procedure (FCRP) as amended in December of 2006 specifically require litigants to be able to produce pertinent electronically stored information (ESI). FCRP's Rule 37(f) specifically acknowledges the need for routine deletion of records. The issue becomes one of a "good faith" effort to stop record destruction when necessary. The committee's (responsible for developing the rules) notes on this matter state, "*When a party is under a duty to preserve information because of pending or reasonably anticipated litigation, intervention in the routine operation of an information system is one aspect of what is often called a 'litigation hold.'* Among the factors that bear on a party's good faith in the routine operation of an information system are the steps the party took to comply with a court order in the case or party agreement requiring preservation of specific electronically stored information." Records which cannot be produced in a timely manner and/or have

been destroyed when common sense and/or previous experience indicated legal and/or disciplinary action could result can cause the district unnecessary and expensive trouble. Besides the inevitable bad public relations of having destroyed records that, the press will be sure to point out, obviously should have been retained, there can also be significant financial costs and/or penalties for the process of attempting to retrieve the records. ASBA would like to stress that deleting electronic records doesn't really get rid of them until they have been overwritten several times by new entries. The process of getting to the supposedly deleted ESI can be a costly one.⁸ If there is any doubt concerning the need to retain, prudence would dictate retention. ⁹While there is a need and/or a place for different formats of document storage/retention (paper, audio tape, video tape, micro-fiche, computer disk), the space required for records storage quickly tilts the equation in favor of electronic methods to the maximum extent possible. The vast majority of documents can be transferred electronically (if created electronically) or scanned into a digital format (if created on paper) and stored on external hard drives, firewalls, servers, tape drives, CDs or DVDs. While this method/process is not free, it can be relatively inexpensive and quite possibly save the district money in the long run when stored records are needed.

Consult with your district's technology person to devise the system that will best meet your district's needs, but here are a few points to consider. 1) When scanning, store the documents as PDFs which uses little memory space. If you do the scanning in an Optical Character Recognition (OCR) format, the final documents can be stored in a data base and searched which can save you many hours and much frustration when you need to retrieve something (which is, after all, the reason for the storage). 2) Make multiple copies of the stored documents on separate external storage devices and store the duplicate devices at separate locations to ensure the survival of at least one copy if there is a fire or natural disaster that destroys one of the storage sites. This should be included as part of the district's Disaster Recovery Plan. 3) It is important to remember that technology gets old and obsolete. This necessitates that you establish a schedule or a trigger for the updating of the stored data/documents that are to be retained for more than 10 years. For example, 5" floppies are nearly extinct. If you had stored any such floppies, it would be necessary to convert them to a more modern storage device. In short, you need to include file format update/upgrades as part of your district's technology plans.

Legal Reference: *Federal Rules of Civil Procedure Numbers 16, 26, 33, 34, 37, and 45*

History BOE: Adopted 7/14/08

7.16 INFORMATION TECHNOLOGY SECURITY

EFFECTIVE: May 11, 2009

- A. The superintendent shall be responsible for ensuring the district has the necessary components in place to meet the district's needs and the state's requirements for information technology (IT) security. The district shall appoint an information technology security officer (ISO) who, along with other IT staff, the superintendent and district management appointed by the superintendent shall develop the necessary procedures to create a district-wide information technology security system meeting the requirements of this policy and the standards prescribed by the Arkansas Department of Education.
- B. The IT security system shall contain the necessary components designed to accomplish the following.
1. Sensitive information shall be protected from improper denial, disclosure, or modification.
 2. Physical access to computer facilities, data rooms, systems, networks and data will be limited to those authorized personnel who require access to perform assigned duties.
 3. Traffic between internal (district) resources and external (Internet) entities will be regulated by network perimeter controls. To the extent technologically feasible, network transmission of sensitive data should enforce encryption.
 4. User access to the district's technology system and its applications shall be based on the least amount of access to data and programs necessary to perform the user's job duties.
 5. Student or financial applications software developed for or by the district will be tested prior to implementation to ensure data security through proper segregation of programs.

6. Monitoring of internal and external networks and systems will be designed to provide early notification of events and rapid response and recovery from IT related incidents and/or attacks.
7. Continuity of critical IT services will be ensured through the development of a disaster recovery plan appropriate for the size and complexity of the district's IT operations.
8. Software protection of servers and workstations will be deployed to identify and eradicate malicious software attacks such as viruses, spyware, and malware.

Legal Reference: Commissioner's Memo RT 09-008

History BOE: Adopted 5/11/09

7.17 RESERVED FOR FUTURE USE

EFFECTIVE:

History BOE:

7.18 DISPOSAL OF NON-NEGOTIATED CHECKS OR UNCLAIMED PROPERTY

EFFECTIVE: July 1, 2010

- A. 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.
- B. 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 weeks¹ 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.
- C. The district is under no obligation to retain an abandoned, perishable item left on district property.

Notes: The first paragraph of this policy is short, but it has great importance especially if your district has not been submitting reports as the law requires. Checks are considered to be non-negotiated when they have not been paid by the bank from the school district's checking account and shown as cleared on the school district's bank statement. Funds are considered "unclaimed" after a check has been issued and mailed, but is not presented for payment at the bank or appear on the bank statement in the 12 month period after it has been issued. Districts are required to file annual reports by October 31.

The state auditor's website <http://www.auditorjimwood.org/index.html> has a section that does a good job of explaining the requirements. Additionally, because the code listed as legal references for this policy are not in the new law book, they are available on our policy update website.

¹ You may choose the time period that works for your district. Enforcing the time limit may depend on the item that has been left behind and possible circumstances surrounding how the item was left at the district.

History BOE: Adopted 4/12/10

7.19 SERVICE ANIMALS IN DISTRICT FACILITIES

EFFECTIVE: March 14, 2011

The South Conway County School District acknowledges its responsibility to permit students and/or adults with disabilities to be accompanied by a “service animal” in its school buildings, in classrooms, and at school functions, as required by the Americans with Disabilities Act, 28 C.F.R. Part 35, subject to the following:

- A. All requests for an individual with a disability to be accompanied by a service animal must be addressed in writing to the Superintendent of Schools at 100 Baramore St., Morrilton, AR 72110 and must contain required documentation of vaccinations. This written request must be delivered to the Superintendent of Schools’ Office at least ten business days prior to bringing the service animal to school or a school function.
- B. Owners of a service dog must provide annual proof of the following vaccinations: DHLPPC (Distemper, Hepatitis, Leptospirosis, Parvovirus, Coronavirus), Bordetella, and Rabies.
- C. Owners of service miniature horses must provide annual proof of the following vaccinations: Equine Infectious Anemia (Coggins Test), Rabies, Tetanus, Encephelomyelitis, Rhinoneumonitis, Influenza, Strangles.
- D. All service dogs must be spayed or neutered.
- E. All service animals must be treated for, and kept free of, fleas and ticks.
- F. All service animals must be kept clean and groomed to avoid shedding and dander.
- G. Owners of service animals are liable for any harm or injury caused by the animal to other students, staff, visitors, and/or property.
- H. The animal must be a dog or, in specific circumstances, a miniature horse. No other species of animal, whether wild or domestic, will be permitted in schools as a “service animal.”
- I. The animal must be “required” for the individual with a disability. 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.

- J. 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.
- K. 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.
- L. Special Provisions/Miniature Horses: Requests to permit a miniature horse to accompany a student or adult with a disability in school buildings, in classrooms, or at school functions, will be handled on a case-by-case basis, considering:
1. The type, size, and weight of the miniature horse and whether the facility can accommodate these features;
 2. Whether the handler has sufficient control of the miniature horse;
 3. Whether the miniature horse is housebroken; and
 4. Whether the miniature horse's presence in a specific facility compromises legitimate safety requirements that are necessary for safe operation.
- M. Removal of a Service Animal: A school administrator may ask an individual with a disability or his/her parents to remove a service animal from a school building, a classroom, or from a school function if any one of the following circumstances occurs:
1. The animal is out of control and the animal's handler does not take effective action to control it; or
 2. The animal is not housebroken; or
 3. The animal's presence would "fundamentally alter" the nature of the service, program, or activity.
- If an animal is properly excluded. If a public entity properly excludes a service animal under Sec. 35.136(b), it 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. 28 C.F.R. Sec. 35.136(c).
- N. A service animal must 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.
- O. The school system is not responsible for the care or supervision of a service animal, including walking the animal or responding to the animal's need to relieve itself.
1. The School District is not responsible for providing a staff member to walk the service animal or to provide any other care or assistance to the animal.

2. Students with service animals are expected to care and supervise their animal. In the case of a young child or a student with disabilities who is unable to care for or supervise his or her service animal, the parent is responsible for providing care and supervision of the animal. Issues related to the care and supervision of service animals will be addressed on a case-by-case basis in the discretion of the building administrator.

Legal Reference: ADA Regulations, 28 C.F.R. Part 35 (as amended, 2010).

History: BOE: Adopted 3/14/11

7.20 ADMISSIONS, GATE RECEIPTS AND CONCESSIONS REVENUES

EFFECTIVE: June 14, 2004

- A. The Board of Education maintains that activities for which an admission fee is charged shall be kept to a minimum. The admission charges shall be fixed at amounts permitting the maximum number of pupils to attend, commensurate with the cost of providing such activities. Uniform admission costs shall be set by the appropriate authority.
- B. Concession sales at school activities shall be operated by student groups or parent groups as approved by the principal.
- C. All income from school activities and concession sales shall be deposited in the appropriate amount and shall be disbursed in accordance with Board Policy, laws of the State, and State Department of Education regulations.

History BOE: 6/14/04

7.21 PROPERTY AND EQUIPMENT SALES - REVENUES

EFFECTIVE: June 14, 2004

- A. The Board of Education is authorized to sell real property no longer used for school sites for an adequate consideration, where such action is in the best interest of the School District. These sales are to be in accordance with State law. Bids for the sale of any property may be taken as the Board directs.
- B. Equipment which is no longer used by the district may be sold in the same manner as described above.

History BOE: 6/14/04

7.22 INVENTORIES – ACCOUNTING AND REPORTING

EFFECTIVE: June 14, 2004

- A. The Board of Education directs that all fixed assets of the school district be inventoried and an up-to-date record maintained in the central office and each building principal's office. An inventory audit shall be made annually and shall be as comprehensive as deemed necessary to assure that all fixed assets are properly accounted for.

History BOE: 6/14/04

7.23 PAYDAY SCHEDULES

EFFECTIVE: June 14, 2004

- A. All personnel employed regularly, either full or part-time, will be paid according to a specific schedule determined annually.
- B. If an emergency prevents regular pay distribution, checks will be distributed as soon as possible.
- C. Personnel receiving extra compensation as sponsors of continuing special activities will receive this extra pay at the end of the school year; those with extra jobs paid through the athletic fund will be paid for these jobs at the end of the particular athletic season.
- D. When an employee is separated from employment before the end of a contractual period, terminal pay will be computed and prorated on a per diem basis.

History BOE: 6/14/04

7.24 SECURITY – BUILDING AND GROUNDS MANAGEMENT

EFFECTIVE: June 14, 2004

- A. Buildings of the School District constitute one of the greatest investments of the Board of Education. It is in the best interest of the district to protect the investment adequately.
- B. Security should mean not only maintenance of a secure (locked) building but protection from fire hazards and faulty equipment, but also safe practices in the use of electrical, plumbing, and heating equipment. The Board requires and encourages close cooperation with local police, fire, and sheriff's departments and with insurance company inspectors.

- C. Access to school buildings and grounds outside of regular school hours shall be limited to personnel whose work requires it. An adequate key control system shall be established which will limit access to buildings to authorized personnel only and will safeguard against the potential of entrance to buildings by keys in the hands of unauthorized persons.
- D. Records and funds shall be kept in a safe place and under local and key when required.
- E. Protective devices designated to be used as safeguards against illegal entry and vandalism shall be installed when appropriate to the individual situation. Employment of watchmen may be approved in situations where special risks are involved.

History BOE: 6/14/04

7.25 LEASING, RENTING, AND USE OF FACILITIES – BUILDING AND GROUNDS MANAGEMENT **EFFECTIVE: June 14, 2004**

- A. The Board of Education is charged with the responsibility for the care, maintenance and upkeep of all facilities of the School District. Therefore, it shall be the policy of the Board to preserve, in as much as possible, these facilities for use in the educational and related activities. Facilities of the district may be used only for school activities and non-profit purposes which are approved by the Superintendent or a designee. The Board will not lease or rent buildings to profit making enterprises. Care will be taken to ensure that the use of these facilities by school organizations or outside non-profit groups will not in any way disrupt or interfere with school activities.

History BOE: 6/14/04

7.26 EQUIPMENT AND SUPPLIES MANAGEMENT **EFFECTIVE: June 14, 2004**

- A. The district shall require that all maintenance equipment, tools, etc., be inventoried and a periodic check made to assure proper accounting of such equipment. Board of Education equipment shall not be loaned to private individuals or used for private purposes.
- B. All office and janitorial supplies provided by the Board of Education shall be requested in writing, and accurate records of their distribution shall be maintained.

History BOE: 6/14/04

7.27 EQUIPMENT MAINTENANCE

EFFECTIVE: June 14, 2004

- A. The Superintendent shall supervise the development of a regular service schedule to assure proper servicing of all equipment such as air conditioners, motors, filters, vehicles, heating units, etc.
- B. Each school truck, car, tractor, vehicle or item of equipment shall be regularly serviced and a record kept of maintenance service performed. Forms shall be furnished by the district.

History BOE: 6/14/04

7.28 WORKMAN'S COMPENSATIONS – STAFF INSURANCE PROGRAM

EFFECTIVE: June 14, 2004

- A. The school district shall provide worker's compensation coverage for all employees.
- B. The School District may provide workers' compensation coverage either through private carriers, municipal self-funding groups, or one (1) or more self-funding groups.

History BOE: 6/14/04

7.29 ENERGY MANAGEMENT CONSERVATION POLICY

EFFECTIVE: December 13, 2004

- A. As the School Board of the South Conway County Public School District, we believe it to be our responsibility to ensure that every effort is made to conserve energy and natural resources while exercising sound financial management.
- B. The implementation of this policy is the joint responsibility of the board members, administrators, teachers, students and support personnel and its success is based on cooperation at all levels.
- C. The district will maintain accurate records of energy consumption and cost of and will provide information to the local media on the goals and progress of the energy conservation program.
- D. The principal will be accountable for energy management on his/her campus with energy audits being conducted and conservation program outlines being updated. Judicious use of the various energy systems of each campus will be the joint responsibility of the principal and head custodian to ensure that an efficient energy posture is maintained on a daily basis.

- E. To ensure the overall success of the energy management program, the following specific areas of emphasis will be adopted:
1. All district personnel will be expected to contribute to energy efficiency in our district. Every person will be expected to be an “energy saver” as well as an “energy consumer.”
 2. Energy management on his/her campus will be made a part of the principal’s annual evaluation.
 3. Within sixty (60) days, administrative Energy Guidelines will be adopted that will be the “rules of the game” in implementing our energy program.
- F. Further, to maintain a safer and healthier learning environment and to complement the energy management program, the district shall develop and implement a preventive maintenance and monitoring plan for its facilities and systems, including HVAC, building envelope, and moisture management.

History BOE: 12/13/04