The Board of School Trustees of the School City of Hobart met in regular session on January 19, 2017, in the Board Room at Hobart High School, 2211 East Tenth Street, Hobart, Indiana.

ROLL CALL: President Terry Butler asked Board Members to log in. The following Board Members and Administrators were present or absent as noted:

**Board Members Present:**
- Terry D. Butler
- Rikki A. Guthrie
- Michael J. Rogers
- Dave Bigler
- Donald H. Rogers
- Karen J. Robbins
- Stuart B. Schultz
- Lillian Burnett, HHS student representative
- Katelyn Knudson, HHS student representative

**Administrators Present:**
- Peggy Buffington
- Ted Zembala
- Christopher N. King
- William J. Longer
- Jonathan Mock

EXECUTIVE SESSION: President Butler indicated that the Board met in a work session and Board of Finance meeting prior to the regular session and said no executive session meeting was held.

CALL TO ORDER: Terry Butler, President, called the meeting to order around 6:58 p.m. He explained that a couple of the Key Club members have another commitment so even though the meeting was called to order prior to 7:00 p.m., the Board would not conduct any business items until after that time.

AUDIENCE: The following were present in the audience:

- Elena Polizotto, high school student and Key Club member, her father, Brett, and her grandmother, Kay Marcus
- Lily Kollross, high school student and Key Club member
- Alexa Ray, high school student and Key Club member

PRESENTATION AND RECOGNITION: Hobart High School Key Club Students: Dr. Buffington, Superintendent, welcomed Key Club members, Elena Polizotto, Lily Kollross, Alexa Ray, Kate Knudson, to the meeting. Dr. Buffington was told that Heidi Polizotto, high school teacher and Key Club sponsor, would not able to attend the meeting. Dr. Buffington told the Board that last November, Key Club members attended a Kiwanis state leadership conference at Camp Tecumseh. After the conference, Mrs. Polizotto requested some of the Key Club members who attended the conference make a presentation at a Board meeting so they could share some of their experiences and express their appreciation to the School City of Hobart Educational Foundation Grant who awarded them a grant to attend the conference.

The club members indicated there were 80 Key Club leaders from throughout the state at the conference. They learned skills to help them be better leaders and did such things as ice breakers, had small group and large group sessions, made presentations in front of everyone, physical activities where they depended upon one another, kept journals, extended compliments to one another both verbally and by written key grams, and had a lot of interaction with one another. They felt it was an outstanding experience, and they would be able to use those skills at school and in the community. Dr. Buffington asked what one thing were they able to bring back to Hobart, and they indicated, “No service project is too small.” Doing small projects helps to inspire themselves, and they show how to be kind to others. Some of the larger service projects are helping with the annual Kiwanis food drive for the Hobart Food Pantry, Spring Fest, Pack Away Hunger, and so forth. Dr. Buffington asked how they recruit members for Key Club, and she was told by word of mouth and an announcement/flyer. Dr. Buffington suggested that they should make a video presentation speaking about their organization, its goals, its service projects, and so forth. On behalf of the Board and Dr. Buffington, certificates of recognition for their leadership were presented to each of them.
The Board extended their congratulations to them and thanked them for their presentation. Dave Bigler mentioned the Key Club membership realized years ago that it would benefit their membership to have a Builders Club at the middle school level. He said the Key Club members spoke to the middle school students about what the Key Club was, what it does, and encouraged the students to join the new Builders Club. The Kiwanis Club embraced their idea and willingly sponsored both clubs.

President Butler thanked the Key Club members for their presentation and excused anyone who needed to leave. No one remained in the audience.

**PLEDGE OF ALLEGIANCE:** President Butler led everyone present in reciting the Pledge of Allegiance.

**APPROVAL OF MINUTES:** Michael Rogers moved that the Board approve the work session and regular session minutes of January 12, 2017. Stuart Schultz seconded. Vote on the motion: Aye – Robbins, D. Rogers, Bigler, Schultz, M. Rogers, and Butler. Nay – No one. Abstain – Guthrie. Motion carried 6-0 with one abstention.

**FINANCIAL REPORTS:** Ted Zembala, Business Manager, presented the following for the Board's consideration and recommended approval:

► **Vouchers for January 19, 2017** – Lillian Burnett and Katelyn Knudson, HHS student representatives, shared reading the accounts payable voucher summary as follows:

- General Fund $928,788.16
- Debt Service Fund $156,798.96
- Exempt Debt Service $3,490,500.00
- Capital Projects $98,467.97
- Transportation Operating Fund $60,517.91
- Construction Fund 701 $77,637.80
- School Lunch $88,657.90
- Textbook Rental Fund $4,225.90
- Self-Insurance Fund $380,749.69
- Gifts and Donations $100.00
- Legacy Foundation, Inc. $2,899.50
- Hobart Educational Foundation $1,033.95
- Building Brickies 2014-2015 $54.62
- High Ability SY $2016/17 $2,301.80
- LCSAC Lake County Substance Abuse $1,408.00
- Technology Fund $3,822.00
- Title I SY 2016/2017 $6,682.90
- Title II Part A FY 2015/17 $518.44
- Clearing Accounts $361,142.57
- Self-Insurance Clearing $63,382.54
- Clearing/Flexible Benefits AF $28,302.49
- Credit Card Clearing Fee $1,217.71

for a total of $5,759,210.81 with transfers totaling $1,432,533.00 (Debt Service Fund $395,911.00, Capital Projects Fund $524,747.00, Transportation Operating Fund $405,517.00, and School Bus Replacement Fund $106,378.00) for a grand total of $7,191,763.81. The 2016 December payroll distribution by the school corporation's treasurer was $1,387,617.23.

Dave Bigler moved that the Board approve payment of the Vouchers for January 19, 2017. Seconded Karen Robbins. Vote on motion: Aye – Robbins, D. Rogers, Bigler, Schultz, M. Rogers, Guthrie, and Butler. Motion carried 7-0 in favor.

In addition, the Board received copies of the following monthly budget reports, dated, December 31, 2016, in their electronic Board packet: Analysis by Object, Estimated Revenue by Account, Summary of Balances by Account-Object, and Summary of Receipts and Expenditures.

**COMMENTS ON AGENDA ITEMS:** There were no comments from the audience on the listed agenda items.
PERSONNEL REPORT: Jonathan Mock, Director of Human Resources and Compliance, presented the Personnel Report and Personnel Report Addendum for the Board's consideration:

Homebound Teaching Contract –
December 13/22, 2016: Angelica LaHart, all subjects, 4 hours total for all subjects, $40.49 per hour

Requests for Leave of Absence –
Joanna Backe Montemayor, Joan Martin School, teacher, FMLA, May 23 through June 1, 2017, tentatively
Grace Kellett, Early Learning Center at George Earle School/teacher, FMLA, April 7 through June 1, 2017, tentatively
Stephanie Kucsera, Liberty School/teacher, FMLA, April 25 through June 1, 2017, tentatively

Transfer of Assignment –
Kellie Meyers
From: Transportation Department/bus aide
To: Custodial Department/Class I custodian at Joan Martin School & Early Learning Center, effective January 16, 2017, $13.19 per hour with a 90 day probation period

Retainer Agreement –
William J. Longer, School Board Attorney, 2017 calendar year, base retainer, $19,200.00 plus $125 per hour for administrative and employee discipline and discharge proceedings and $150 per hour for litigation matters

Contract for Extracurricular Services (Club Duties) –
August 17, 2016/May 31, 2017: Lauren Teykl, Hobart Middle School/Club: Ukulele, 15 hours, $375.00

Service Agreements –
Jill MacDonald, Hobart High School/Extended Day-Zero Hour, 75.65 hours, $3,948.93
Helen Schmidt, Hobart High School/Special Education Department Chair, $1,367.00

New Employee –
Stephen Wells, Service Center/mechanic, effective January 23, 2017, $21.08 per hour with 90-day probation period

Mr. Mock recommended approval and requested Board action.

Rikki Guthrie moved that the Board approve the Personnel Reports as presented. Michael Rogers seconded.

In the discussion, President Butler inquired whether there was an escalator clause in Mr. Longer’s retainer agreement for increases when administrators receive them. Dr. Buffington indicated that in 2015, a comparison was made and the agreement was updated. She noted the administrators are on a salary schedule instead of receiving percentage increases. Mr. Butler asked Dr. Buffington to have the contract information reviewed to make sure Mr. Longer was not shorted.

Vote on motion: Aye – Robbins, D. Rogers, Bigler, Schultz, M. Rogers, Guthrie, and Butler. Motion carried 7-0 in favor.

RESOLUTION: School Counselor Appreciation Day: Dr. Peggy Buffington, Superintendent, presented Resolution No. 2017-1 for the Board's consideration. The resolution pertains to National School Counseling Week and designated February 8 as “School Counselor Appreciation Day”. President Butler advised Secretary Rogers that he only needed to read the title of the resolution since no one was in the audience, the resolution was displayed on the Board Room screens, and Board members received a copy in their electronic meeting packet.

Secretary Rogers read the title of the resolution aloud:
Resolution No. 2017-1
National School Counselor Appreciation Day

President Butler called for a motion and a roll call vote.

Stuart Schultz moved that the Board adopt Resolution No. 2017-1 designating February 8 as School Counselor Appreciation Day. Seconded by Rikki Guthrie. Vote on motion: Secretary Michael Rogers called roll on the vote, as follows: Aye – Robbins, D. Rogers, Bigler, Schultz, M. Rogers, Guthrie, and Butler. Nay – No one. Motion carried 7-0 in favor.

In the discussion, Mr. Butler noted that a token of appreciation would be sent to the counselors, and Dr. Buffington indicated they were getting the same treat the Board received.

Resolution No. 2017-1 as presented to the Board is as follows:

Resolution No. 2017-1
National School Counselor Appreciation Day

Whereas, National School Counseling Week has been designated as February 6 through 10, 2017; and

Whereas, school counselors are employed in public and private schools to help students reach their full potential; and

Whereas, school counselors are actively committed to helping students explore their abilities, strengths, interests, and talents as these traits relate to career awareness and development; and

Whereas, school counselors help parents focus on ways to further their educational, personal and social growth of their children; and

Whereas, school counselors work with teachers and other educators to help students explore their potential and set realistic goals for themselves; and

Whereas, school counselors seek to identify and utilize community resources that can enhance and complement comprehensive school counseling programs and help students become productive members of society; and

Whereas, comprehensive developmental school counseling programs are considered an integral part of the educational process that enables all students to achieve success in school;

Now, Therefore, Be It Resolved, that February 8, 2017, is designated as School Counselor Appreciation Day.

SCHOOL CITY OF HOBART
BOARD OF SCHOOL TRUSTEES

____________________________
Terry D. Butler, President

ATTEST:

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Michael J. Rogers, Secretary

BOARD POLICY CONSIDERATION: First Reading of Resolution Adopting Updates for Hobart School Board Policy: William Longer, School Board Attorney, presented Resolution No. 2017-2 for NEOLA updates to Board policy for the Board's consideration. He explained the changes and adoption process of changes in the comprehensive document entitled "Bylaws and Policies of the School City of Hobart." He indicated that Exhibits 1 through 10 were included as attachments to the resolution and were discussed at a work session with the Board except Exhibit 9. Since Exhibit 9 was not able to be discussed at this evening's work session meeting, Mr. Longer highlighted the proposed
verbiage changes and rationale with the Board so the exhibit could be included for first reading, as follows:

**Exhibit 9 – Food Services (Revised), Wellness (Revised), Free and Reduced-Price Meals (Revised), Review and Second Audit of Free and Reduced Lunch Applications (Rescind), and Vending Machines (Revised)**

Amendments to 8500, 8510, 8531, 8540 to conform to federal law and regulations – Composition of Wellness committee in 8510 changed to include nutritionist or certified dietician; Accounting and auditing procedures for free and reduced in 8531; Rescind 8531.01; Amendments to 8540 make it less restrictive between after school and midnight; and some discussion of options needed.

In addition, Attorney Longer highlighted the changes made in the other nine exhibits, as follows:

**Exhibit 1 – Powers and Philosophy (Revised)**

Amendments to 0122 and 0123 – with more detailed description of home rule powers in 0122 and minor changes in 0123

**Exhibit 2 – Conflict of Interest (Revised)**

Amendments to 0144.3, 1130, 3113, and 4113 – changes reflect current federal regulations, substantive change in 0144.3 (for participation of board member in discussion of conflict of interest or contract was permissive, now mandatory. Board is capable of taking any conflict of interest into consideration in weight given that Board member’s comments.), other sections – language clarifies that requirements apply to all employees, officers, and agents.

**Exhibit 3 – College and University Programs (Revised), Career and Technical Education Program (Revised), Graduation Requirements (Revised) and Credit for Courses Complete Before Students Enter Grade 9 (New/Revised)**

Amendments reflect changes in state law regarding instructor’s qualifications; and New 5461 reflects current state law and regulations regarding classes taken before grade 9 for high school credit.

**Exhibit 4 – Attendance (Revised)**

Amendment 5200 does not change current board policy because we implemented the changes last year. Restates current policy. No objection

**Exhibit 5 – The Schools and Governmental Agencies (Revised)**

Amendment to 5540 to delete reference to a repealed statute, pertaining to interrogation of students. No substantive change.

**Exhibit 6 – Policy Criminal Organizations and Criminal Organizations Activity (Revised)**

Amends 5840 to conform to current state law by replacing criminal “gang” with criminal “organization”.

**Exhibit 7 – Grant Funds (Uniform Grant Guidance (Revised), Internal Control Standards and Procedures (New), Cash Management of Grants (New), Cost Principles – Spending Federal Funds (New), Time & Effort Reporting (New), Purchasing (Revised), Procurement – Federal Grants/Funds (New), Conflicts of Interest and Vendor Relations (Revised), and Travel Payment Reimbursement (Revised)**

Internal Controls – Amendments to 6110, 6320, 6460, and 6550 and New 6111, 6112, 6114, 6116, 6325 – Establishes internal controls and record keeping required when federal funds are awarded; Includes required disclosure to federal agency of any conflict of interest; Materiality threshold of $500 for funds and $1,000 for property is used. (These limits were already established in board policy last year.); Changes
required to be eligible for federal funds; New 6325 establishes purchasing procedures when federal funds are used: List of prequalified vendors must be updated at least annually; Procedures based on aggregate dollar amount of purchase of supplies and services with micro purchases under $3,500, quotes for purchases up to $150,000, and bids over $150,000; and Noncompetitive proposals permitted only when criteria in policy are met.; 6460 Amended to make changes in conflict of interest procedure with vendors – consistent with Exhibit 2; Amendment to 6550 regarding travel and reimbursement to comply with federal regulations. All travel is arranged through central office.

Exhibit 8 – Disposition of Real Property (Revised), Disposition of Surplus Property (Revised), and Property Inventory (Revised)

Amendments to 7300, 7310, 7450 to conform policy regarding inventory and disposition of property to federal regulations

Exhibit 10 – Bus Drivers and Cellular Telephones (New)

New 8606 prohibiting use of cell phones by drivers of school vehicles transporting students

Mr. Longer indicated this was the first reading for the proposed changes and said the second reading and possible adoption would be an agenda item at the February 2 Board meeting. In addition, it was noted that the exhibits contained the current Board policy language with the language being deleted in red strikeout and new language additions noted in blue. The resolution and exhibits were included in the electronic meeting packet. Attorney Longer noted the Board policy updates were recommended for approval by the district administration and school board attorney, and he recommended that the Board adopt Resolution No. 2017-2.

Secretary Rogers was advised that he only needed to read the title of the resolution since no one was in the audience, the resolution was displayed on the Board Room screens, and Board members received a copy in their electronic meeting packet.

Secretary Michael Rogers read the title of Resolution No. 2017-2, as follows:

School City of Hobart
Board of School Trustees
Resolution 2017-2

(A copy of Resolution 2017-2 as presented to the Board is attached to the minutes of this meeting.)

President Butler called for a motion and roll call vote.

Rikki Guthrie moved that the Board adopt Resolution No. 2017-2 for the bylaws and policies changes in the comprehensive document entitled "Bylaws and Policies of the School City of Hobart" and move the second reading and possible adoption to the February 2 Board meeting. Seconded by Donald Rogers. Vote on motion: Secretary Michael Rogers called roll on the vote as follows: Aye – Robbins, D. Rogers, Bigler, Schultz, M. Rogers, Guthrie, and Butler. Nay – No one. Motion carried 7-0 in favor.

UPDATES/ANNOUNCEMENTS/REPORTS: The Board received the following information:

- School Information – weekly agendas from all schools and January newsletters from the middle school and Liberty School.

- Upcoming Activities/Events – the latest list of upcoming activities/events. Dr. Buffington noted the following activities/events as follows:

  January 25 – Hobart High School Second Annual Wellness Fair and American Red Cross Blood Drive, Door 18, 4-6 p.m. /// Family Fun – Free activities and booths for all ages, Raffle Gift Baskets, Zumba Lesson, Health Screenings
January 31 – Hobart High School PSAT Score Night for Parents, HHS
6:00 p.m.

February 2 – Showcase of Preschools, Early Learning Center at George Earle,
5-7:00 p.m.

February 15 – Hobart Middle School PSAT Score Night for Parents, HMS,
6:00 p.m.

February 27 – Wake Up Call Special Presentation – Stairway to Heroin
Educational Series, “Teen Bedrooms can hide the signs of Drug &
Alcohol Use”, Hobart High School, 6:30-8:30 p.m., Free for adults only
(21 years of age and over) Dr. Buffington said this program would assist
parents/guardians on what to be looking for if they suspect their child of
abusing drugs and/or alcohol.

In addition, there were the ongoing senior citizen activities such as Brickie Cove Book
Club, Blood Pressure Screening, Walking the Field House track, and athletic passes.

COMMENTS: From the administration, Peggy Buffington noted that it has only been a week since
the last meeting. She told the Board that she attended a college board advisory meeting in Indianapolis
yesterday and said there are around ten other superintendents’ on the advisory board. She said that
Hobart hosted a Khan Academy workshop through Ready NWI. Our staff did a great job, and she
extended her thanks and appreciation to them. She said Hobart is the #1 user of the Khan Academy
in Indiana. Teachers are hoping their student readiness scores go up on the SAT testing. Tomorrow is
parent/teacher conferences at the elementary schools and the middle school, and she was hoping for
good parent engagement. Ted Zembala enjoyed hearing about the leadership experiences that the Key
Club members had at Camp Tecumseh. He thought it was good for them to practice being out of
their comfort level and allowed them to reach out and network. Those are skills they would be able
use throughout their lives. Chris King said he is beginning to “feel like a rocket starting to take off to
the end of the school year.” He said the Indiana Readiness Test went very well today. He said the
Chromebooks were great, and he was hoping the actual testing goes just as well. Bill Longer spoke
about an editorial that was in today’s Times. It pertained to mandating schools from starting before
Labor Day but did not mention the impact this would have on education, only the tourism dollars. Jon
Mock told the Board about the substitute Job Fair that was held yesterday at the high school. He said
there was a good turnout of around fourteen people and was just a good number for them to process
in the time they had. He extended his appreciation to Beth Black, Chris Duggan, Yvette Sutherland,
and Becky Rosenbaum. He warned the Board that more Board policy updates were coming and asked
them not to “kill the messenger.” Dr. Buffington indicated that they had reviewed technology updates
today, and they made a bunch of post it notes for their meeting with Mr. Longer.

From the Board, Karen Robbins appreciated the Key Club presentation and hearing their enthusiasm
with the leadership skills they learned and liked the community service component. She noted that she
met a former Gary student of Don Rogers at a Kiwanis meeting, and he credited with him with
changing his life. Mr. Rogers indicated that he loaned him $100 to pay his initial college application
fee. He extended his congratulations to the wrestling team for being first in the conference. Dave
Bigler credited the Key Club for realizing it was in their best interest to have a Builders Club at the
middle school level and for making it a reality. Student leadership opportunities should be encouraged
and supported. Katelyn Knudson indicated the Key Club Leadership Conference was outstanding,
and she learned several new leadership skills. She made several new friends that she kept in touch with.
Lillian Burnett told the Board that she participated in the DECA competition this past weekend and
said she would be going to the state conference in March. She was asked what she competed in, and
she indicated Marketing Management. Mike Rogers indicated his comments were the same as last
week. Rikki Guthrie apologized for missing last week's meeting and said her son went back to school
today. She was looking forward to the parent/teacher conferences tomorrow. She extended
compliments to the Key Club members for their presentation and noted they were “very well spoken.”
She extended her appreciation to the Hobart Educational Foundation for funding their trip. Jon Mock
noted that he was at the DECA district competition that was held at Hobart High School, and Hobart
students pointed out to some of the visitors who did not properly dispose of trash items that was not
how they treat their school. He was pleased to see the pride they have in their building. Terry Butler
noted Key Club was similar to the Jaycees, a community service organization, that he was a member
for a number of years. Members were taught leadership skills and community service was emphasized.
Mr. Butler indicated that he was in Indianapolis yesterday at a food service seminar and learned some
interesting facts. Mr. Butler told the student representatives to get a good college education and not
necessarily worry about their career path. He noted he has four children, and only one of them is
working in the same career path they studied in college. His oldest son was in accounting and now
works for a federal government agency, his second son majored in biology and now is a fundraiser, his daughter is an educator, which was her major, and his youngest son was a trader and is now an ironworker. Katelyn Knudson said that she had started job shadowing with Mr. Longer, and she was enjoying the experience. Mr. Butler asked her if she had been in court, and she said she had. Don Rogers told the Board that he recently saw the “Singing Hoosiers” at an area school corporation and noted their theatre sound system does not compare to the one at our high school.

Since no one was in the audience, there were no comments from the audience.

ADJOURNMENT: There being no further business to come before the Board, President Butler adjourned the meeting around 8:08 p.m.

NEXT MEETING: The next regular session meeting is February 2, 2017.

BOARD OF SCHOOL TRUSTEES
SCHOOL CITY OF HOBART

________________________________
Terry D. Butler, President

ATTEST:

____________________________________
Michael J. Rogers, Secretary

Submitted for Approval: February 2, 2017
School City of Hobart  
Board of School Trustees

Resolution 2017-2

A Resolution Approving Amendments to the Bylaws and Policies of the Board of School Trustees of the School City of Hobart

The Board of School Trustees having reviewed recommended changes and additions to its Bylaws and Policies from NEOLA, and having received and reviewed the recommendations of Board Counsel and the Superintendent, does hereby find that it is in the best interest of the School City of Hobart to amend the Code of Bylaws and Policies of the School City of Hobart as reflected in Exhibits 1 through 10 attached hereto and incorporated herein by reference.

It is Therefore Resolved, that the Bylaws and Policies of the School City of Hobart are hereby amended by adding the language in bold and deleting the stricken language, to amend existing Sections, or by adopting new policies, as set forth in said Exhibits.

Be it Further Resolved, that Board Counsel is hereby directed to cause the foregoing amendments and additions to be incorporated in the codification of Bylaws and Policies previously adopted.

Passed on first reading this 19th day of January, 2017.

Adopted this 19th day of January, 2017.

SCHOOL CITY OF HOBART  
BOARD OF SCHOOL TRUSTEES

By Terry D. Butler, President

ATTEST:

Michael J. Rogers, Secretary

Resolution No. 2017-2- Board Policy Updates – First Reading
Policy 0120 (0122 & 0123) - Powers and Philosophy (Revised)
POWERS AND PHILOSOPHY

0121 Board Authority

The supervision of this Corporation shall be conducted by the School Board, hereinafter sometimes referred to as the "Board", which is constituted and is governed by the laws of the State of Indiana.

0122 Board Powers

The School Board—Corporation shall be a body corporate, and, as such, capable of suing and being sued, contracting and being contracted with, acquiring, holding, possessing and disposing of real and personal property, and taking and holding in trust for the use and benefit of the Corporation, any grant or devise of land and any donation or bequest of money or other personal property.

The power of this Board extends to those matters expressly granted by statute or those matters which may be necessarily implied from such powers specifically delegated as being necessary to carry them out. The Board shall exercise all powers expressly granted to the Corporation by statute or through rules adopted by the State Board of Education and those powers necessary or desirable in the conduct of the Corporation's affairs, even if the power is not granted by statute or rule. The Board may exercise any power the Corporation possesses to the extent that the power is not expressly denied by the State Constitution, statute, or State Board rule and is not expressly granted to another entity.

The Board shall retain the power to act, through written policies, in situations in which there is no action required by statute nor by statutory prohibition to act. The Board shall retain the power to act, through written policies, in situations in which there is no Constitutional or statutory provision requiring a specific manner for the Corporation to exercise a power and no Constitutional or statutory prohibition to the exercise of that power.

The School Board shall have the management and control of all facilities and programs in the Corporation and the employees, students, and other persons entering upon its premises.

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0123

Philosophy of the Board

A School Board-Corporation is a legal entity for providing a system of public education within a geographic area of the State of Indiana. The system was created by, and is governed by, State statutes.

The School Board has the dual responsibility for implementing the Corporation's legal requirements—obligations pertaining to public education and for meeting the desires of the citizens. While the Board has an obligation to determine and assess citizen desires, it is understood that when individuals are elected or appointed to represent citizens in the conduct of specified educational programs, they, at the same time, are endowed with the authority to exercise their best judgment in determining policies, making decisions, and approving procedures for carrying out the responsibility.

The Board declares and, thereby, reaffirms its intent to:

A. Maintain two-way communications with citizens of the Corporation. The Board shall keep them informed of the progress and problems of the School-Corporation, and the citizens shall be urged to bring their aspirations and concerns about the Corporation and its schools to the Board’s attention of this body.

B. Establish policies and make decisions on the basis of declared educational philosophy and goals.

C. Act as a truly representative body for citizens in all matters related to programs and operations. The Board recognizes that ultimate responsibility for public education rests with the State, but the School Board has been assigned specific authority through statute, and the Board shall not relinquish or fail to exercise that authority.
Policy 0144.3 – Conflict of Interest (Revised)
Policy 1130 – Conflict of Interest (Revised)
Policy 3113 – Conflict of Interest (Revised)
Policy 4113 – Conflict of Interest (Revised)
MEMBERSHIP

0141

Number

The School Board shall consist of seven (7) members.

0141.1

Student-Body Representatives

The Board shall select one (1) representative and one (1) alternate from the high school student body selected by a committee of two (2) members of the Board, the Superintendent, and a high school administrator selected by the Superintendent.

Each representative shall be allowed to participate in all Board discussions and attend committee meetings to which they may be assigned or invited. The student-body representative shall not be allowed to vote or participate in closed sessions.

The student-body representative shall be responsible for communicating Board questions or decisions pertaining to students to the student body.

0142

Election/Appointment of Members and Eligibility to Serve

Members of the Board shall be qualified and elected in accordance with the Corporation's organization plan on file with the State Board of Education. In accordance with I.C. 20-26-4-11, if a teacher or a noncertified employee (as defined in I.C. 20-29-2-11) of the Board is elected or appointed to the Board, the employee must resign from employment by the Board before serving on the Board.

No person otherwise eligible to assume office as a member of the Board shall be disqualified on the basis of age if s/he is at least twenty-one (21) years of age (I.C. 20-26-4-9); and ownership of property shall not be a qualification to serve as a Board member (I.C. 20-26-4-11).
Before August 1st of each school year (July 1 to June 30), the Superintendent shall file with the State Superintendent of Public Instruction a listing of the:

A. names and addresses of members of the Board;
B. names and addresses of the Board's officers;
C. expiration dates of the terms of the Board members and officers.

Should a change occur in Board membership during the term of one or more members of the Board, the School Corporation shall file the change with the State Superintendent of Public Instruction within thirty (30) days after the change occurs. (I.C. 20-23-8-22)

Revised 3/15/12

0142.1 Term

The term of each Board member shall be four (4) years.

0142.2 Oath of Office

In addition to the oath requirement under I.C. 20-5-3-1.5, each member of the Board of School Trustees shall, before assuming the duties of office, take an oath before a person qualified to administer such oaths, that s/he possesses all qualifications required by the Plan; and that s/he will honestly and faithfully perform the duties of office as a member of the Board of School Trustees.

The oath must be signed by the Board member and the person who administers it and filed in the circuit court clerk's office of Lake County. (I.C. 20-26-4-2; I.C. 5-4-1-4)
0142.3 **Vacancies**

The position of a Board member shall become vacant upon the occurrence of any one (1) of the following events:

A. death of the member is certified by the clerk of the circuit court (I.C. 5-8-6 and I.C. 20-26-4-4.5c))

B. failure of a sufficient number of petitions for candidates for Board membership being filed for an election (I.C. 20-26-4-4(c))

C. a member submits a written resignation from the Board to the President of the Board and the clerk of the circuit court pursuant to I.C. 5-8-3.5-1(a)(4)

D. a member is convicted of a felony

E. a member’s election or appointment is declared void by a competent tribunal

F. the winner of an election fails to take the oath of office required by I.C. 20-26-4-3-2

G. a member ceases to possess the legal qualifications for continuing to hold office

H. a member ceases to be a resident of the Corporation (I.C. 20-23-4-30(e))

I. a member is removed from office by action of the Circuit Court pursuant to I.C. 5-8-1-35

J. a court enters an order removing a member from office based upon a conviction for bribery or official misconduct under I.C. 35-50-5-1.1
K. a member is convicted of any crime against the laws of the United States where the sentence imposed exceeds six (6) months, (evading the Selective Service Act), engaging in conspiracy or an attempt to defraud the government of the United States, or seditious utterances in violation of the laws of the United States (I.C. 5-8-3-1)

L. a member voluntarily became intoxicated within the business hours of the Board, or is in the habit of becoming intoxicated by the use of intoxicating liquors and is removed from office under I.C. 34-17 (I.C. 5-8-2-1)

I.C. 5-8-1-35, 5-8-3.5-1
I.C. 20-23-4-30

**Filling a Board Vacancy**

A vacancy shall be filled by the remaining members of the Board within thirty (30) days after the vacancy occurs. If a tie vote occurs among the remaining members of the Board or between candidates for the Board under I.C. 3-12-9-4, or the remaining members of the remaining Board members fail to fill a vacancy on the Board within thirty (30) days after any vacancy occurs, the judge of the circuit court shall make an appointment to fill the vacancy. (I.C. 20-23-4-30(d)(1) & (2))

A. The Board shall seek qualified and interested candidates from the community through the news media, word of mouth, and contacts with appropriate organizations.

B. All applicants are to submit a notice of their interest, in writing, to the Board President.
C. The Board shall review the applications of all interested candidates to ascertain their qualifications, and may conduct interviews of qualified applicants (which shall be held in public meetings).

D. Appointment by the Board to fill a vacancy shall be by majority vote of the full Board.

Revised 1/20/11
Revised 2/5/15

0142.4

**Board Member Leave of Absence for Military Service**

A Board member who elects to take a leave of absence because s/he has been called into active duty in the Armed Forces of the United States or the National Guard and is therefore unable to perform the duties of boardmanship is entitled to a leave of absence for the period of time of the active duty. A Board member’s salary will be prorated to reflect the period of active duty.

The Board member shall give written notice to the Board President and Clerk of the Circuit Court stating that s/he has been called into active duty and will be temporarily unable to perform the duties of school Board member.

During the Board member’s leave of absence the position on the Board must be filled in the same manner as filling other vacancies on the Board. The person selected or appointed serves until the date the Board member’s leave of absence ends or the term of his/her office expires.

The person selected or appointed to the Board assumes the rights and duties of boardmembership and receives the adopted compensation established for the office for the time of the temporary appointment.
In the event the Board member's term of office expires during such a leave of absence, the office shall be filled as provided by law. Except as provided by a Federal law or regulation, a Board member who is on such a leave of absence is entitled to become a candidate for and be elected to the office from which s/he has taken a leave of absence.

I.C. 5-9-4

0142.5  Orientation

The Board believes that the preparation of each Board member for the performance of Board duties is essential to the effective functioning of the Board. The Board shall encourage each new Board member to understand the functions of the Board, acquire knowledge of matters related to the operation of the Corporation, and learn Board procedures. Accordingly, the Board shall give to each new Board member no later than his/her first regular meeting as a Board member for his/her use and possession during the term on the Board the following items:

A. Board policy manual
B. Superintendent's administrative guidelines
C. current negotiated agreement
D. the current budget statement, audit report, and related fiscal materials

The Board will provide and maintain a library of publications and reference materials for the use of Board members.

Each new Board member shall be invited to meet with the Board attorney, Superintendent, and/or Business Manager to discuss Board functions, policies, and procedures.

The Board shall encourage the attendance of each new Board member at orientation and training meetings.
Board Member Authority

Individual members of the Board do not possess the powers that reside in the School Board.

Access to Corporation personnel records shall be subject to the following guidelines:

A. Examination of school employee personnel records by the School Board shall be conducted only at executive sessions of the Board. Any Board member may request that the Superintendent bring the personnel records of a designated employee(s) to an executive meeting of the Board.

B. Personnel records shall, in their entirety, be returned to the custody of the Superintendent at the conclusion of the executive session of the Board.

C. Information obtained from employee personnel records by members of the Board shall be used only for the purpose of aiding the members in fulfilling their legal responsibilities in making decisions in matters such as appointments, assignments, promotions and demotions, remuneration, discipline, and dismissal or to aid the development and implementation of personnel policies, or for such other uses as are necessary to enable the Board to carry out its legal responsibilities.

I.C. 20-26-5-4

Public Expressions of Board Members

The Board President functions as the official spokesperson for the Board.

From time-to-time, however, individual Board members make public statements on school matters:

A. to local media;

B. to local officials and/or State officials.
Board members should, when writing or speaking on school matters to the media, legislators, and other officials, make it clear that their views do not necessarily reflect the views of the Board or of their colleagues on the Board.

A. This bylaw shall apply to all statements and/or writings by individual Board members not explicitly sanctioned by a majority of its members, except as follows:

1. correspondence, such as legislative proposals, when the Board member has received official guidance from the Board on the matters discussed in the letter

2. routine, not for publication, correspondence of the Superintendent and other Board employees

3. routine "thank you" letters of the President of the Board

4. statements by Board members on nonschool matters (providing the statements do not identify the author as a member of the Board)

5. personal statements not intended for publication

B. Copies of this bylaw shall be sent to local media by the Board annually with the notice of regular scheduled meetings.

0144

Operations

0144.1

Compensation

Board members shall receive each year a basic compensation of $2,000 per annum as well as a per diem in an amount stipulated by a Board resolution acted upon at the annual organizational meeting. Expenses of a Board member shall be reimbursed when incurred in the performance of his/her duties or in the performance of functions authorized by the Board and duly vouchered.

I.C. 20-26-4-7
The following guidelines have been established by the Board to ensure appropriate and proper reimbursement of expenses for Board members.

A. When attending an ISBA, NSBA, or other Board-approved conference or workshop, all fees, parking, mileage, meals, and lodging will be reimbursed.

B. Purchase of any printed or other materials relating to Boardmanship will be reimbursed if prepurchase approval is given by the Board. If such approval is not possible or feasible, a voucher must be submitted to the Board for approval.

C. No entertainment expenses or purchases of alcoholic beverages are reimbursable.

D. A voucher detailing the amount and nature of each expense must be submitted to the Board for approval within fourteen (14) days after the expenses have been incurred.

**Board Member Ethics**

A School Board member should honor the high responsibility which his/her membership demands by:

A. thinking always in terms of "children first";

B. understanding that the basic function of the School Board member is "policy-making" and not "administrative", and by accepting the responsibility of learning to discriminate intelligently between these two (2) functions;

C. accepting the responsibility along with his/her fellow Board members of seeing that the maximum of facilities and resources is provided for the proper functioning of schools;

D. refusing to "play politics" in either the traditional partisan, or in any petty sense;
bylaw

E. representing at all times the entire school community;

F. accepting the responsibility of becoming well informed concerning the duties of Board members, and the proper functions of public schools;

G. recognizing responsibility as a State official to seek the improvement of education throughout the State.

A School Board member should respect his/her relationships with other members of the Board by:

A. recognizing that authority rests only with the Board in official meetings, and that the individual member has no legal status to bind the Board outside of such meetings;

B. recognizing the integrity of his/her predecessor and associates and the merit of their work;

C. refusing to make statements or promises as to how s/he will vote on any matter which should properly come before the Board as a whole;

D. making decisions only after all facts bearing on a question have been presented and discussed;

E. respecting the opinion of others and by graciously conforming to the principle of "majority rule";

F. refusing to participate in irregular meetings such as "secret" or "star chamber" meetings, which are not official and which all members do not have the opportunity to attend;

G. attempting to fairly appraise both the present and future educational needs of the community.
A School Board member should maintain desirable relations with the Superintendent of Schools and his/her staff by:

A. striving to procure, when the vacancy exists, the best professional leader available for the head administrative post;

B. giving the Superintendent full administrative authority for properly discharging his/her professional duties, and also by holding him/her responsible for acceptable results;

C. acting only upon the recommendation of the Superintendent in matters of employment or dismissal of school personnel;

D. having the Superintendent present at all meetings of the Board except when his/her contract and salary are under consideration;

E. referring all complaints to the proper administrative office and by discussing them only at a regular meeting after failure of administrative solution;

F. striving to provide adequate safeguards around the Superintendent and other staff members to the end that they can live happily and comfortably in the community and discharge their educational functions on a thoroughly professional basis;

G. presenting personal criticisms of any employee directly to the Superintendent.

A School Board member should meet his/her responsibilities to his/her community by:

A. attempting to appraise fairly both the present and future educational needs of the community;

B. regarding it as a major responsibility of the Board to interpret the aims and the methods of the schools of the community;

C. insisting that all school business transactions be on an open, ethical, and above-board basis;
D. vigorously seeking adequate financial support for the schools;

E. refusing to use his/her position on a School Board in any way whatsoever for personal gain or personal prestige;

F. refusing to discuss personnel matters or any other confidential business of the Board in his/her home, on the street, or in his/her office;

G. winning the community's confidence that all is being done in the best interests of school children.

Indiana School Boards Association

0144.3

Conflict of Interest

Board members shall utilize the authority of their position solely for the benefit of the school community. To this end:

A. Conflict of Interest Disclosure

If a Board member or a spouse or dependent has a pecuniary interest as defined in I.C. 35-44-1-3 (g) and (h) in a contract or purchase to be approved by the Board, or a Board member or a spouse or dependent will profit from a contract or purchase to be approved by the Board, the Board member shall submit a written Conflict of Interest disclosure on State Board of Accounts Form 236. The disclosure shall be submitted for approval by the Board before the Board considers approval of the contract or purchase addressed in the disclosure. The Board member may participate in the discussion or vote on the acceptance of his/her disclosure or approval of the contract or purchase, and the role played by this Board member shall be described in the minutes of the meeting.

If a Board member or a spouse or dependent has a pecuniary interest in a contract or purchase to be approved by the Board, or a Board member or a spouse or dependent will profit from a contract or purchase to be approved by the Board, the Board member shall submit a written Conflicts of Interest disclosure on State Board of Accounts Form 236.
When a Board member makes a Conflicts of Interest disclosure as provided above, the disclosure shall be submitted for approval by the Board before the Board considers approval of the contract or purchase addressed in the disclosure, provided the contract or purchase will be funded entirely by funds other than those received from a Federal grant or award.

The Board member (X) shall participate in the discussion or vote on the acceptance of his/her disclosure or approval of the contract or purchase, and the role played by this Board member shall be described in the minutes of the meeting.

A written conflict of interest disclosure on State Board of Accounts Form 236 that is approved by the Board shall be filed by the Superintendent with the State Board of Accounts and the Clerk of the Circuit Court within fifteen (15) calendar days after approval by the Board. I.C. 35-44.1-1-4
B. Profiteering From Public Service

For one (1) year after leaving the Board, a member of the Board shall not obtain a pecuniary interest in any contract or purchase which was approved by the Board during his/her Board service unless the former member:

1. was screened from any participation in the contract or purchase

2. has not and will not receive a part of any profit from the contract or purchase by the Board; and

3. promptly gives notice to the Board of his/her interest in the contract or purchase.

This limitation does not apply if the Board member receives less than $250.00 of the profits from the contract or purchase.

I.C. 35-44.1-1-4
I.C. 35-44.1-1-5
2 C.F.R. 200.112, 200.113, 200.318

Revised 7/21/11
Revised 2/5/15
Revised 6/18/15

0144.4

Defense and Indemnification of Board Members

This bylaw is applicable to all types of civil claims under law including tort claims, civil rights claims, and contract claims. The Board will pay all costs and fees incurred by or on behalf of any Board member in the defense of any claim under law if the Board by resolution determines that the Board member's actions upon which the claim is based arise out of the performance of the member's duties as a Board member, and were taken in good faith.
The Board shall, subject to the provisions of Indiana law, also pay any judgment, compromise, or settlement of a claim, or suit when the Board determines by resolution that it is in the best interest of the Corporation to do so, the act or omission upon which the claim is based occurred within the scope of the Board member's duties as a Board member, and the member did not act in bad faith, or with malfeasance in office. The intent of this bylaw is to hold the Board member harmless from any liability, cost, or damages in connection such a claim, including but not limited to the payment of legal fees and court costs, except where the liability, cost, damage, or fees are predicated on, or arises out of, the bad faith of the Board member or the claim or judgment is based on the member's malfeasance in office.

If a present or former Board member is or could be subject to personal civil liability for a loss occurring because of a noncriminal act or omission within the scope of the member's duties which violates the civil rights laws of the United States, the Board shall, subject to the limitations established by Indiana law pay the judgment, compromise, or settlement of the claim or suit if the Board determines by resolution that paying the judgment, compromise or settlement is in the best interests of the Corporation. The Board shall also pay all costs and fees incurred by or on behalf of Board member in defense of any such claim or suit.

I.C. 20-26-5-4(17)
I.C. 34-13-2
I.C. 34-13-3-5
I.C. 34-13-3-20
I.C. 34-13-4-1
I.C. 35-44-1.1-4

Revised 7/21/11
Revised 6/18/15
0144.5  

**Gifts and Gratuities**

A Board member or a Corporation employee making a recommendation to the Board on a matter to be considered by the Board shall not accept any gift or gratuity from a person or entity having a substantial personal or pecuniary interest in the Board's decision on the matter.

A Board member who has accepted a gift or gratuity from a person or entity having a substantial personal or pecuniary interest in the Board's decision may return the gift or gratuity or its value to the source and thereafter participate in the process of consideration of the matter, and the Board vote on the matter.

If a Board member taking part in evaluating a proposal to be considered by the Board, or a dependent of that Board member, has accepted a gift or gratuity from a person or entity having a substantial personal or pecuniary interest in the Board's decision, the Board member shall abstain from all involvement in the formulation of a recommendation to the Board, Board discussion on the matter, and the Board vote on the matter.

I.C. 35-44.1-1-1
I.C. 35-44.1-1-2

Revised 8/15/13
Revised 6/18/15

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CONFLICT OF INTEREST

A. The maintenance of unusually high standards of honesty, integrity, impartiality, and professional conduct by School Corporation employees, officers, and agents is essential to ensure the proper performance of school business as well as to earn and keep public confidence in the Corporation.

To accomplish this, the School Board has adopted the following guidelines which apply to all Corporation employees, officers (that is, all members of the Board), and agents, including Trustees, to assure that conflicts of interest do not occur. These guidelines are not intended to be all inclusive; nor are they intended to substitute for good judgment.

A Corporation employee, officer, or agent making a recommendation to the Board on a matter to be considered by the Board shall not accept any gift or gratuity from a person or entity having a substantial personal or pecuniary interest in the Board’s decision on the matter.

1. No employee, officer, or agent shall engage in or have a financial interest in, directly or indirectly, any activity that conflicts or raises a reasonable question of conflict with his/her Corporation responsibilities.

2. Employees, officers (that is, any member of the Board), and agents shall not engage in business, private practice of their profession, the rendering of services, or the sale of goods of any type where advantage is taken of any professional relationship they may have with any student, client, or parents of such students or clients in the course of their employment or professional relationship with the Corporation.

Included, by way of illustration rather than limitation are the following:

a. the provision of any private lessons or services for a fee
the use, sale, or improper divulging of any privileged information about a student or client gained in the course of the employee's employment or professional relationship with the Corporation through his/her access to Corporation records

c. the referral of any student or client for lessons or services to any private business or professional practitioner; if there is any expectation of reciprocal referrals, sharing of fees, or other remuneration for such referrals

d. the requirement of students or clients to purchase any private goods or services provided by an employee, officer (that is, any member of the Board), or agent or any business or professional practitioner with whom any employee, officer (that is, any member of the Board), or agent has a financial relationship, as a condition of receiving any grades, credits, promotions, approvals, or recommendations

3. Employees, officers (that is, any member of the Board), and agents shall not make use of materials, equipment, or facilities of the Corporation in private practice. Examples would be the use of facilities before, during, or after regular business hours for service to private practice clients, or the checking out of items from an instructional materials center for private practice.

4. Employees, officers (that is, any member of the Board), and agents shall not solicit gifts, travel packages, and other incentives from prospective contractors.
5. Employees, officers (that is, any member of the Board), and agents shall not participate in the selection, award and administration of any contract to an entity in which they have a pecuniary interest or from which they derive a profit or in which a dependent of the employee, officer (that is, any member of the Board), or agent has a pecuniary interest or from which the dependent derives a profit. "Dependent" includes the employee’s spouse; unemancipated child, stepchild or adopted child under the age of eighteen (18); or individual for whom the employee, officer (that is, any member of the Board), or agent provides more than one-half (1/2) of the individual’s support during a year. A "pecuniary interest" means an interest in a contract or purchase that will result or is intended to result in an ascertainable increase in the income or net worth of the employee, officer (that is, any member of the Board), or agent or the employee’s, officer’s (that is, any member of the Board), or agent’s dependent who is under the direct or indirect administrative control of the employee or who receives a contract or purchase order that is reviewed, approved, or directly or indirectly administered by the employee, officer (that is, any member of the Board), or agent.

B. No conflict of interest will be deemed to be present if the Corporation employee’s, officer’s (that is, any member of the Board), or agent’s interest in the contract or purchase and all other contracts and purchases made by the Corporation during the twelve (12) months before the date of the contract or purchase was $250 or less.

C. Should exceptions to this policy be necessary in order to provide services to students or clients of the School Corporation, all such exceptions will be made known to the employee’s supervisor, or to the School Board if there is no supervisor, and will be disclosed to the Superintendent before entering into any private relationship.

D. Violation of this Board Policy by a Corporation employee will result in disciplinary action being taken against the Corporation employee, up to and including termination of employment. To the extent that the Corporation has a parent, affiliate or subsidiary organization that is not a State, local government or Indian tribe, the Corporation may not conduct a procurement action involving the parent, affiliate or subsidiary organization if the
E. Employees, officers and agents must disclose any potential conflict of interest which may lead to a violation of this policy to the Corporation. Upon discovery of any potential conflict of interest, the Corporation will disclose, in writing, the potential conflict of interest to the appropriate Federal awarding agency or, if applicable, the pass-through entity.

The Corporation also will disclose, in a timely manner, all violations of Federal criminal law involving fraud, bribery or gratuity that affect a Federal award to the appropriate Federal awarding agency or, if applicable, the pass-through entity.

F. Employees, officers and agents found to be in violation of this conflict of interest policy will be subject to disciplinary action up to and including termination, as permitted by applicable Board policy.

I.C. 20-26-3-4
I.C. 20-26-5-4
I.C. 35-44.1-1-1, 35-44.1-1-2, 35-44.1-1-4, 35-44.1-1-5
2 C.F.R. 200.112, 200.113, 200.318
2 C.F.R. 200.318
7 C.F.R. 3016.36(b)(3) and 3019.42

Revised 6/18/15

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A. The maintenance of unusually high standards of honesty, integrity, impartiality, and professional conduct by School Corporation employees, officers (that is, all members of the School Board), and agents is essential to ensure the proper performance of school business as well as to earn and keep public confidence in the Corporation.

To accomplish this, the School Board has adopted the following guidelines which apply to all Corporation employees, officers (that is, all members of the School Board), and agents, to assure that conflicts of interest do not occur. These guidelines are not intended to be all inclusive; nor are they intended to substitute for good judgment.

A Corporation employee, officer (that is, any member of the Board), or agent making a recommendation to the Board on a matter to be considered by the Board shall not accept any gift or gratuity from a person or entity having a substantial personal or pecuniary interest in the Board's decision on the matter.

1. No employee, officer (that is, any member of the Board), or agent shall engage in or have a financial interest in, directly or indirectly, any activity that conflicts or raises a reasonable question of conflict with his/her Corporation responsibilities.

2. Employees, officers (that is, any member of the Board), or agents shall not engage in business, private practice of their profession, the rendering of services, or the sale of goods of any type where advantage is taken of any professional relationship they may have with any student, client, or parents of such students or clients in the course of their employment or professional relationship with the Corporation.

Included, by way of illustration rather than limitation are the following:

a. the provision of any private lessons or services for a fee
b. the use, sale, or improper divulging of any privileged information about a student or client gained in the course of the employee's employment or through his/her access to Corporation records.

c. the referral of any student or client for lessons or services to any private business or professional practitioner if there is any expectation of reciprocal referrals, sharing of fees, or other remuneration for such referrals.

d. the requirement of students or clients to purchase any private goods or services provided by an employee, officer (that is, any member of the Board), or agent or any business or professional practitioner with whom any employee, officer (that is, any member of the Board), or agent has a financial relationship, as a condition of receiving any grades, credits, promotions, approvals, or recommendations.

3. Employees, officers (that is, any member of the Board), or agents shall not make use of materials, equipment, or facilities of the Corporation in private practice. Examples would be the use of facilities before, during, or after regular business hours for service to private practice clients, or the checking out of items from an instructional materials center for private practice.

4. Employees, officers (that is, any member of the Board), or agents shall not solicit gifts, travel packages, and other incentives from prospective contractors.
5. Employees, officers (that is, any member of the Board), or agents shall not participate in the selection, award and administration of any contract to an entity in which they have a pecuniary interest or from which they derive a profit or in which a dependent of the employee, officer (that is, any member of the Board), or agent has a pecuniary interest or from which the dependent derives a profit. “Dependent” includes the employee’s spouse; unemancipated child, stepchild or adopted child under the age of eighteen (18); or individual for whom the employee, officer (that is, any member of the Board), or agent provides more than one-half (1/2) of the individual’s support during a year. A “pecuniary interest” means an interest in a contract or purchase that will result or is intended to result in an ascertainable increase in the income or net worth of the employee, officer (that is, any member of the Board), or agent or the employee’s, officer’s (that is, any member of the Board), or agent’s dependent who is under the direct or indirect administrative control of the employee, officer (that is, any member of the Board), or agent or who receives a contract or purchase order that is reviewed, approved, or directly or indirectly administered by the employee, officer (that is, any member of the Board), or agent.

B. No conflict of interest will be deemed to be present if the Corporation employee’s, officer’s (that is, any member of the Board), or agent’s interest in the contract or purchase and all other contracts and purchases made by the Corporation during the twelve (12) months before the date of the contract or purchase was $250 or less.

C. Should exceptions to this policy be necessary in order to provide mandatory services to students or clients of the Corporation, all such exceptions will be made known to the employee’s supervisor, or to the School Board if there is no supervisor, and will be disclosed to the Superintendent before entering into any private relationship.
D. Violation of this Board Policy by a Corporation employee will result in disciplinary action being taken against the Corporation employee, up to and including termination of employment. To the extent that the Corporation has a parent, affiliate or subsidiary organization that is not a State, local government or Indian tribe, the Corporation may not conduct a procurement action involving the parent, affiliate or subsidiary organization if the Corporation is unable, or appears to be unable, to be impartial.

E. Employees, officers and agents must disclose any potential conflict of interest which may lead to a violation of this policy to the Corporation. Upon discovery of any potential conflict of interest, the Corporation will disclose, in writing, the potential conflict of interest to the appropriate Federal awarding agency or, if applicable, the pass-through entity.

The Corporation also will disclose, in a timely manner, all violations of Federal criminal law involving fraud, bribery or gratuity that affect a Federal award to the appropriate Federal awarding agency or, if applicable, the pass-through entity.

F. Employees, officers and agents found to be in violation of this conflict of interest policy will be subject to disciplinary action up to and including termination, as permitted by applicable Board policy.

I.C. 20-26-3-4
I.C. 20-26-5-4
I.C. 35-44.1-1-1, 35-44.1-1-2, 35-44.1-1-4, 35-44.1-1-5
2 C.F.R. 200.112, 200.113, 200.318
2 C.F.R. 200.318
7 C.F.R. 3016.36(b)(3) and 3019.42

Adopted 6/18/15
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To accomplish this, the School Board has adopted the following guidelines which apply to all Corporation employees, officers (that is, any member of the Board), or agents to assure that conflicts of interest do not occur. These guidelines are not intended to be all inclusive; nor are they intended to substitute for good judgment.

A Corporation employee, officer (that is, any member of the Board), or agent making a recommendation to the Board on a matter to be considered by the Board shall not accept any gift or gratuity from a person or entity having a substantial personal or pecuniary interest in the Board’s decision on the matter.

1. No employee, officer (that is, any member of the Board), or agent shall engage in or have a financial interest in, directly or indirectly, any activity that conflicts or raises a reasonable question of conflict with his/her Corporation responsibilities.

2. Employees, officers (that is, any member of the Board), or agents shall not engage in business, private practice of their profession, the rendering of services, or the sale of goods of any type where advantage is taken of any professional relationship they may have with any student, client, or parents of such students or clients in the course of their employment or professional relationship with the Corporation.

Included, by way of illustration rather than limitation are the following:

a. the provision of any private lessons or services for a fee
b. the use, sale, or improper divulging of any privileged information about a student or client gained in the course of the employee's employment or professional relationship with the Corporation through his/her access to Corporation records.

c. the referral of any student or client for lessons or services to any private business or professional practitioner if there is any expectation of reciprocal referrals, sharing of fees, or other remuneration for such referrals.

d. the requirement of students or clients to purchase any private goods or services provided by an employee, officer (that is, any member of the Board), or agent or any business or professional practitioner with whom any employee, officer (that is, any member of the Board), or agent has a financial relationship, as a condition of receiving any grades, credits, promotions, approvals, or recommendations.

3. Employees, officers (that is, any member of the Board), or agents shall not make use of materials, equipment, or facilities of the Corporation in private practice. Examples would be the use of facilities before, during, or after regular business hours for service to private practice clients, or the checking out of items from an instructional materials center for private practice.

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5. Employees, officers (that is, any member of the Board), or agents shall not participate in the selection, award and administration of any contract to an entity in which they have a pecuniary interest or from which they derive a profit or in which a dependent of the employee, officer (that is, any member of the Board), or agent has a pecuniary interest or from which the dependent derives a profit. "Dependent" includes the employee's spouse; unemancipated child, stepchild or adopted child under the age of eighteen (18); or individual for whom the employee, officer (that is, any member of the Board), or agent provides more than one-half (1/2) of the individual's support during a year. A "pecuniary interest" means an interest in a contract or purchase that will result or is intended to result in an ascertainable increase in the income or net worth of the employee, officer (that is, any member of the Board), or agent or the employee's, officer's (that is, any member of the Board), or agent's dependent who is under the direct or indirect administrative control of the employee, officer (that is, any member of the Board), or agent or who receives a contract or purchase order that is reviewed, approved, or directly or indirectly administered by the employee, officer (that is, any member of the Board), or agent.

B. No conflict of interest will be deemed to be present if the Corporation employee's, officer's (that is, any member of the Board), or agent's interest in the contract or purchase and all other contracts and purchases made by the Corporation during the twelve (12) months before the date of the contract or purchase was $250 or less.

C. Should exceptions to this policy be necessary in order to provide mandatory services to students or clients of the Corporation, all such exceptions will be made known to the employee's supervisor, or to the School Board if there is no supervisor, and will be disclosed to the Superintendent before entering into any private relationship.
D. Violation of this Board Policy by a Corporation employee will result in disciplinary action being taken against the Corporation employee, up to and including termination of employment. To the extent that the Corporation has a parent, affiliate or subsidiary organization that is not a State, local government or Indian tribe, the Corporation may not conduct a procurement action involving the parent, affiliate or subsidiary organization if the Corporation is unable, or appears to be unable, to be impartial.

E. Employees, officers and agents must disclose any potential conflict of interest which may lead to a violation of this policy to the Corporation. Upon discovery of any potential conflict of interest, the Corporation will disclose, in writing, the potential conflict of interest to the appropriate Federal awarding agency or, if applicable, the pass-through entity.

The Corporation also will disclose, in a timely manner, all violations of Federal criminal law involving fraud, bribery or gratuity that affect a Federal award to the appropriate Federal awarding agency or, if applicable, the pass-through entity.

F. Employees, officers and agents found to be in violation of this conflict of interest policy will be subject to disciplinary action up to and including termination, as permitted by applicable Board policy.

I.C. 20-26-3-4
I.C. 20-26-5-4
I.C. 35-44.1-1-1, 35-44.1-1-2, 35-44.1-1-4, 35-44.1-1-5
2 C.F.R. 200.112, 200.113, 200.318
2 C.F.R. 200.318
7 C.F.R. 3016.36(b)(3) and 3019.42

Adopted 6/18/15
Policy 2271 – College and University Programs (Revised)

Policy 2421 – Career and Technical Education Program (Revised)

Policy 5460 – Graduation Requirements (Revised)

Policy 5461 – Credit for Courses Completed Before Students Enter Grade 9 (New/Revised)
COLLEGE AND UNIVERSITY PROGRAMS

The Board recognizes the value to students and to the Corporation for students to participate in programs offered by accredited colleges and universities in Indiana.

The Board will allow students in grades 11 and 12 may allow students who meet the criteria to enroll in approved postsecondary programs while in attendance in the Corporation. Students will be eligible to receive dual credit or be provided dual enrollment programs that meet the educational objectives of the School Corporation and are offered by State educational institutions as defined in I.C. 20-12-0.5-1.

No student may participate, however, without the written consent of the high school principal or if such participation would delay his/her graduation from high school.

Definitions:

"Dual credit course" means a course taught by a high school faculty member, a college faculty member, or a college adjunct faculty member that a high school student may take to earn both high school and college credits. Dual credit courses may include any of the following:

A. A concurrent enrollment college course that is taught:

1. in a high school classroom;

2. by a regular high school faculty member who is approved by an eligible institution; and

3. to high school students who earn high school credit for the course and may also earn college credit through an agreement between an eligible institution and a school corporation under I.C. 21-43-4-3.5.
B. An on-campus course, that:

1. is taught:
   a. on the campus of an eligible institution;
   b. by a faculty member of the eligible institution; and
   c. as a regular course offering to postsecondary students attending the eligible institution in which a high school student enrolls and attends; and

2. is approved by the high school that the high school student attends for secondary credit requirements.

C. A college course, that is taught:

1. in a high school classroom;
2. by a faculty member of an eligible institution; and
3. to high school students who may earn both secondary and postsecondary credits.

D. An online college course, that:

1. is taught:
   a. by a faculty member of an eligible institution; and
   b. as a regular course offering to postsecondary students attending the eligible institution in which a high school student enrolls and attends; and

2. is approved by the high school that the high school student attends for secondary credit requirements.
"Early college" means an academic program consisting of a series of dual credit courses or concurrent enrollment courses, or both, which allow high school students to earn both a high school diploma and:

A. an associate degree that has been approved by the commission for higher education; or

B. up to two (2) years of academic credit toward a baccalaureate degree.

"Eligible institution: means an accredited public or private:

A. college; or

B. university;

located in Indiana that grants a baccalaureate or an associate degree and offers postsecondary enrollment opportunities.

"Postsecondary credit" means credit toward:

A. an associate degree;

B. a baccalaureate degree; or

C. a career and technical education certification;

that is granted by an eligible institution upon the successful completion of a course taken in a high school setting under a postsecondary enrollment opportunity.

"Postsecondary enrollment opportunity" refers to programs established under I.C. 21-43-4, including dual credit courses, concurrent enrollment courses, and early college programs.

"Program" means a postsecondary enrollment program authorized by the Board in which an eligible student participates.

"Secondary credit" means credit toward graduation requirements granted by the Corporation upon the successful completion of a course taken under the program.
Postsecondary Enrollment Opportunities:

The Board authorizes the Superintendent to collaborate with eligible institutions to offer the following postsecondary enrollment programs:

- [X] early college programs
- [X] college courses taught by faculty members of eligible institutions
- [X] concurrent enrollment college courses

that meet the educational objectives of the Corporation and are offered by eligible institutions in secondary school locations.

Students enrolled in such programs will be eligible to receive secondary credit in addition to any postsecondary credit earned for the successful completion of the course. All instructors shall meet the requirements established by State law and the Higher Learning Commission for teaching a course for which graduation credit is awarded.

A student is eligible to participate in a postsecondary enrollment program if they meet the criteria set by the eligible institution and:

- [X] participation will not delay the student's progress toward high school graduation;
- [X] participation will not result in the cancellation of the same course offered by the student's school due to low enrollment;

The criteria for determining the courses approved for secondary credit are as follows:

A. the eligible institution and the Corporation, through its Superintendent, shall determine the terms and conditions under which the Corporation will award credit, if any, for a specified course successfully completed by a student through the Corporation;
B. the eligible institution shall determine the terms and conditions under which the Corporation will award secondary credit, if any, for a specific course successfully completed through the eligible institution; and

C. secondary credit also will be awarded for the successful completion of the following courses:

(X) a course that is approved by the principal of the high school that the student attends for secondary credit requirements.

(X) a course that is a dual credit course or concurrent enrollment college course which is listed by an eligible institution in the statewide core transfer library under the principles set forth in IC 21-42-5-4.

Before February 1 of each year, the Corporation shall provide each student in grades 8, 9, 10, and 11 with information concerning postsecondary enrollment opportunities.

A student who intends to enroll in an eligible institution shall notify the principal of the school in which the student is enrolled.

A Corporation representative, by agreement with an eligible institution and using information that may be provided by the eligible institution, shall meet with each student who intends to participate in a postsecondary enrollment opportunity to offer counseling at which the following are discussed:

A. the courses in which the student may enroll, including prerequisites needed for completion.

B. the postsecondary credit the student earns upon successful completion of a course.

C. the consequences of the student's failure to successfully complete a course.

D. notice of the course and schedule.
E. the financial obligations of the student and the school under the postsecondary enrollment opportunity.

F. the responsibilities of the student, the student's parent, and the school under the postsecondary enrollment opportunity.

G. other matters concerning the postsecondary enrollment opportunity.

If a student enrolls in a concurrent enrollment college course, a postsecondary course taught by a faculty member of the eligible institution at the high school, or an early college program offered by an eligible institution, the eligible institution and the Corporation shall enter into a contract for the postsecondary enrollment opportunity. The contract must establish the terms and conditions under which:

A. the eligible institution will award credit for specified classes successfully completed by students in the Corporation; and

B. the Corporation will award credit for specified classes successfully completed by students at the eligible institution.

With respect to a course taught in a high school setting, a student must achieve at least the equivalent of a 2.0 on a 4.0 unweighted grading scale, as established by the eligible institution, in order for the student to enroll in subsequent related dual credit course work in the same subject area.

**High School Fast Track Program**
**Postsecondary Credit**

A State educational institution may establish a high school fast track to college programs that offer qualified students an opportunity to earn a high school diploma while earning credits for a degree. To be eligible to earn a high school diploma under this program, the student must be either:

A. at least nineteen (19) years of age and not enrolled in a school corporation or;

B. at least seventeen (17) years of age and have consent from the principal of the high school most recently attended.

All instructors shall meet the requirements established by State law and the Higher Learning Commission for teaching a course for which graduation credit is awarded.

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To complete the requirements for a high school diploma, an individual participating in the High School Fast Track program must have:

A. passed:

1. the graduation examination given under I.C. 20-32-4;

2. an examination for a general educational development diploma;

3. an examination equivalent to the graduation examination:
   a. administered by the state educational institution; and
   b. approved by the department of education; or

4. an examination that demonstrates the student is ready for college level work:
   a. administered by the state educational institution; and
   b. approved by the department of education; and

B. completed the course work necessary to meet:

1. the minimum high school course requirements established by the Indiana state board of education; and

2. the requirements of the state educational institution.

The Superintendent will establish the necessary administrative guidelines to ensure that eligibility criteria are clearly defined and properly communicated to both the students and the institutions offering such programs to students of this Corporation. The Superintendent will also establish guidelines and procedures for the awarding of credit and the proper entry on a student's transcript and other records of his/her participation in a postsecondary program.

511 IAC 6-10-4
511 IAC 6-7.1-1, 511 IAC 6-7.1-6, 511 IAC 6-7.1-7, 511 IAC 6-10-1, 511 IAC 6-10-4
Higher Learning Commission's Qualified Faculty Requirements

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CAREER AND TECHNICAL EDUCATION PROGRAM

The School Board supports an education program designed to provide students with learning experiences to develop knowledge and skills to enter the labor force or career and technical post-secondary programs.

For purposes of this policy, "career and technical education" shall be defined as a program designed to provide educational experiences, work experiences, and guidance for students to plan and prepare for a future:

A. in the labor market as employable individuals immediately after graduation with productive, saleable skills;

B. in education beyond high school with the opportunity to gain a marketable job skill(s) that will assist them in achieving career goals;

C. in the world of work while continuing their education in order to help offset higher education expenses.

The Board shall provide, in cooperation with the Porter County Career and Technical Education Cooperative, a career and technical education program which may include the following subject areas:

A. Agricultural Education

B. Business, Marketing, and Information Technology Education

C. Engineering and Technology Education

D. Family and Consumer Science

E. Health Science Education

F. Trade and Industrial Education

G. Work Based Learning

H. Career and Technical Education Pilot Programs (non-standard course waiver required)
Specific courses in each subject area are to conform to the prescribed courses outlined in the Indiana Department of Education State Approved Course Titles and Descriptions. All instructors shall meet the requirements established by State law for teaching a course for which graduation credit is awarded.

Students may receive dual credit for any course in the career and technical education program that has been approved for such credit and is in compliance with Indiana Statutes-law and Policy 2271.

The Board directs that any efforts to recruit students to participate in a particular career and technical education program must include literature and comparable recruitment efforts for disabled students in a format and context in which they can communicate.

The vocational career and technical education program may include:

A. a shared-time program outside of school;

B. a work-study program involving the employment of qualified students.

The work-study programs are available to students without regard for race, color, national origin, gender, age, or disability. The Superintendent is to ensure that application forms for work-study programs contain a notice of nondiscrimination and that each employer associated with a work-study program has provided an assurance of nondiscrimination on the basis of race, color, national origin, gender, age, and disability prior to the time the students are selected and/or assigned.

I.C. 20-19-2-17, 20-37-2-1 et seq.
511 IAC 8
511 IAC 6-10

Revised 6/18/15

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GRADUATION REQUIREMENTS

It shall be the policy of the School Board to acknowledge each student's successful completion of the instructional program appropriate to the achievement of Corporation goals and objectives as well as personal proficiency by the awarding of a diploma at fitting graduation ceremonies.

The Board shall award a high school diploma to every student enrolled in this Corporation who meets the requirements of graduation established by this Board as provided by the State. All instructors shall meet the requirements established by State law for teaching a course for which graduation credit is awarded.

The Corporation may award a Core 40 diploma, a Core 40 with Academic Honors diploma, or a Core 40 with Technical Honors diploma. A general diploma may be awarded by the Corporation to students who complete the formal opt-out process.

Students with disabilities who have completed and are ready to exit their programs may participate in graduation activities and shall be awarded, as appropriate, a diploma, certificate of achievement, or certificate of course completion.

The Board shall award a certificate of achievement to a student who is on a nondiploma track as determined by that student's case conference committee and indicated on the student's Individualized Education Program (IEP).

The Board shall award a certificate of course completion to a student who completes the minimum courses required for high school graduation but does not meet the Graduation Qualifying Examination requirement.

The Board shall award a high school equivalency certificate to any individual who meets the criteria established by State law.
Additional Requirements for Students with Disabilities

During the student’s annual case review held when a student with a disability is enrolled in 8th grade, the case conference committee shall review and discuss with the student’s parent (and the student, if appropriate):

A. the types of diplomas available for students to receive in the State of Indiana;

B. the course requirements for each type of diploma; and

C. employment and career options for the student and the type of academic, technical, and vocational preparation necessary to achieve the employment or career.

The student’s IEP must include the type of diploma the student will seek and courses that will allow the student to progress toward the diploma in a timely manner.

Beginning in grade 9 and in addition to the annual case review, the student’s teacher of record shall communicate at least once each grading period with the student’s parent concerning the student’s progress toward the selected diploma. If the parent requests a meeting with the teacher of record to discuss the student’s progress, the teacher must meet with the parent in a timely manner. Such a meeting does not constitute a case conference committee meeting, and a request for such a meeting does not abrogate a parent’s right to call for a meeting of the case conference committee at any time.

Beginning with the class of students who expect to graduate in the 2010–2011 school year, each student is required to meet:

Each student is required to meet:

A. the academic standards tested in the graduation examination;

B. the Core 40 course and credit requirements adopted by the State Department of Education;

C. additional graduation requirements established by the Board of School Trustees.
Upon the request of the student's parents, the student may be exempted from the Core 40 curriculum requirements and be required to complete the general curriculum to graduate as required by State law. Also, school officials may initiate a discussion with the parents about exempting a student from the Core 40 curriculum if the student does not pass at least three (3) courses required under the Core 40 curriculum or if the student scores in the twenty-fifth percentile or lower the first time the student takes the graduation exam. If the parent makes the decision to exempt the student from the Core 40 requirement, the student will be required to complete the general curriculum as required by State law.

Commencement exercises will include those students who are eligible for a diploma, certificate of achievement, or certificate of course completion as certified by the high school principal. No student who has completed the requirements for graduation shall be denied a diploma as a disciplinary measure. A student may be denied participation in the ceremony of graduation when personal conduct so warrants.

NOTE: DENYING PARTICIPATION IN COMMENCEMENT EXERCISES TO SPECIAL EDUCATION STUDENTS WHO HAVE COMPLETED THEIR PROGRAM VIOLATES 511-IAC 7-27-9(b).

I.C. 20-32-4-1 through 10
I.C. 20-35-4-11
511 IAC 6-7.1-4 through 7
I.C. 20-32-4-1 through 11
I.C. 20-35-4-11
511 IAC 5-3-2, 6-7.1-4 through 7

Revised 3/3/16

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CREDIT FOR COURSES COMPLETED
BEFORE STUDENTS ENTER GRADE 9

In order to recognize its responsibility to provide students the opportunity to receive a maximum amount of credit for completion of course work leading to high school credit, the School Board establishes the following policy and criteria regarding the application of credits earned for high school credit prior to the students entering grade 9.

For credit or course-work to be accepted for courses taken prior to entering grade 9 compliance with minimum requirements established by the State must be met.

Credits earned at the (x) middle school are supplemental to those required by Core 40.

Course content must meet the competencies and proficiencies of the corresponding high school course. Corresponding grades are to be recorded on the student's transcripts and included in grade point averages.

Administrators will consider carefully the circumstances under which credit will be awarded for courses taken before students enter grade 9. The physical, intellectual, social, and emotional maturity of students as well as course content should be considered. In addition, the administrator will remind parents and students that there is a direct correlation between SAT and ACT scores and the number of academic courses taken in high school.

Grading policies and practices will be consistent at both the high school and pre-high school levels.

High school credit will only be given for courses which satisfy State proficiencies and Core 40 competencies, where applicable. High school credit will be given only for courses which satisfy State proficiencies and Core 40 competencies, where applicable. All instructors shall meet the requirements established by State law for teaching a course for which graduation credit is awarded.
The requirements for the Academic Honors Diploma may be satisfied with high school credits awarded before students enter grade 9 provided:

A. students earn a grade of "C" or higher for each course;

B. courses are included on high school transcripts;

C. grades are included in high school GPA's.

The following provisions in the Academic Honors Diploma rule apply when a pre-high school student completes algebra Level I or foreign language Level I but does not receive high school credit for the course:

A. If a student has completed a pre-high school curriculum that is equivalent to high school algebra Level I but does not receive high school credit for the pre-high school algebra curriculum and is placed in high school Level II, that student must earn only six (6) high school mathematics credits.

B. If a student has completed a pre-high school curriculum that is equivalent to a Level I high school foreign language but does not receive high school credit for pre-high language curriculum and is placed in a Level II high school foreign language, that student must earn only four (4) credits in that language or two (2) credits in that language and four (4) credits in another foreign language.
Mathematics credits earned prior to entering grade 9 may meet specific course requirements but not the credit requirements for graduation. Such credits are considered elective mathematics credits. The purpose of taking mathematics courses before entering grade 9 is to give the student the opportunity to take an additional mathematics course in high school or take a challenging mathematics course in high school over an extended period of time. If the student completes any of the required mathematics courses before entering high school, the student must complete additional mathematics courses in high school. At a minimum, four (4) mathematics credits must be earned after the student enters high school. With respect to a Core 40 diploma, Core 40 diploma with academic honors, and Core 40 diploma with technical honors, mathematics credits earned prior to entering grade 9 may meet specific course requirements and may count towards the credit requirements for a diploma, but six (6) mathematics credits must be earned while in high school.

511 IAC 6-7.1-1; 511 IAC 6.1-1-2
511 IAC 6.1-1-2; 511 IAC 6.7.1-4; 511 IAC 6-7.1-5;
511 IAC 6-7.1-6; 511 IAC 6-7.1-7
ATTENDANCE

The School Board, as an agency of the State, is required to enforce regular attendance of students. The Board recognizes that the presence in the classroom enables the student to participate in instruction, class discussions, and other related activities. As such, regular attendance and classroom participation are integral to instilling incentives for the student to excel.

Attendance shall mean to be physically present in a school or at another location where the school’s educational program is being conducted during regular school hours on a day in which the educational program in which the student is enrolled is being offered.

Attendance shall be required of all Corporation students, except those exempted under other provisions of State law, during the days and hours that the school is in session or during the attendance sessions to which s/he has been assigned.

Exceptions to compulsory attendance that shall be recognized by the school corporation as provided by state statute are:

A. service as a page or honoree of the general assembly (I.C. 20-33-2-14)

B. service on a precinct election board or helper to a political candidate on the date of an election (I.C. 20-33-2-15)

C. subpoena to appear in court as a witness in a judicial proceeding (I.C. 20-33-2-16)

D. service in active duty with the National Guard for not more than ten (10) days (I.C. 20-33-2-17)

E. participating as a member of the Indiana wing of the civil air patrol for not more than five (5) days (I.C. 20-33-2-17.2)
F. exhibiting or participating in the Indiana State Fair for educational purposes by a student or member of the student's household (I.C. 20-33-2-17.7). The student must be in good academic standing as determined by the Corporation. Parents must request the absence in writing, it must be approved in writing by the principal, and it may not exceed five (5) days.

For any of these exceptions, a student shall not be recorded as absent from school.

The Superintendent shall require, from the parent of each student or from an adult student who has been absent for any reason, a statement of the cause for such absence. The Board reserves the right to verify such statements and to investigate the cause of each absence.

The Board considers the following for excused absences:

A. illness verified by a note from a physician

B. recovery from accident

C. required court attendance

D. professional appointments – Parents are encouraged to schedule medical, dental, legal, and other necessary appointments other than during school hours. When appointments are necessary during the school day, the student shall report back to school immediately after the appointment with a signed statement from the doctor, dentist, lawyer, counselor, etc.

E. death in the immediate family

F. observation or celebration of a bona fide religious holiday in accordance with Policy 5223

G. maternity

H. military connected families’ absences related to deployment and return
participating in an educationally related non-classroom activity which is consistent with and promotes educational philosophy and goals of the school corporation, facilitates the attainment of specific educational objectives, is part of the goals and objectives of an approved course or curriculum, represents a unique educational opportunity, cannot reasonably occur without interrupting the school day, and is approved in advance by the school principal (I.C. 20-33-2-17.5)

J. such other good cause as may be acceptable to the Superintendent or permitted by law

An unexcused absence is any absence not covered under the definition of excused absence or an exception to compulsory attendance. An out of school suspension shall not be considered an unexcused absence.

Repeated instances of unexcused absences may result in disciplinary action up to suspension or expulsion of a student.

Truancy is defined as absence from school without permission of the parent.

The Superintendent or an attendance officer having jurisdiction shall report a child who is habitually absent from school to an intake officer of the juvenile court or the Department of Child Services.

Attendance need not always be within the school facilities, but a student will be considered to be in attendance if present at any place where school is in session by authority of the Board.

The Superintendent shall develop administrative guidelines for the attendance of students which:

A. ensure a school session which is in conformity with the requirements of the law;

B. ensure that students absent for any excusable reason have an opportunity to make up work they missed;
C. govern the keeping of attendance records in accordance with the rules of the State Board;

D. ensure that any student who, due to a specifically identifiable physical or mental impairment, exceeds or may exceed the Corporation’s limit on excused absence is referred for evaluation for eligibility either under the Individuals with Disabilities Education Act (IDEA) or Section 504 of the Rehabilitation Act of 1973.

Such guidelines should provide that a student's grade in any course is based on his/her performance in the instructional setting and is not reduced for reasons of conduct. Such guidelines should also provide that if a student or a member of the student's household is in good academic standing, and has an exhibit at the Indiana State Fair for educational purposes, that student may receive up to five (5) excused absences. If a student violates the attendance or other rules of the school, s/he should be disciplined appropriately for the misconduct, but his/her grades should be based upon what the student can demonstrate s/he has learned.

Such guidelines also shall provide for the reporting to the Bureau of Motor Vehicles those students who have been suspended for the second time during a school year, expelled, or excluded for misconduct.

The Superintendent shall ensure that the administrative guidelines on attendance properly address the matter of truancy by including a process which:

A. identifies the habitual truant, that is, a student who is chronically absent by having unexcused absences from school for more than ten (10) school days in one (1) school year;

B. investigates the cause(s) of his/her truant behavior;

C. considers, when appropriate, modification of his/her educational program to meet particular needs which may be causing the truancy;
D. ensures that truant students are disciplined in accordance with the Corporation's policies and administrative guidelines on student discipline;

E. provides for reporting to the Bureau of Motor Vehicles those students who are habitual truants.

The Superintendent also shall ensure that the Board's policy on attendance and the Corporation's administrative guidelines are made available to all parents and adult students.

I.C. 9-24-2-1, -4
I.C. 20-33-2
511 IAC 1-3-1

Revised 5/17/12
Revised 2/5/15
Revised 3/3/16

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Exhibit 5

Policy 5540 - The Schools and Governmental Agencies (Revised)
THE SCHOOLS AND GOVERNMENTAL AGENCIES

The School Board is committed to protect students from individuals not associated with the School Corporation seeking access to students at school, but also recognizes its responsibility to cooperate with law enforcement agencies and Child Protective Services of the Department of Child Services ("CPS").

When an agency such as CPS requests permission to interrogate a student at school, the principal or designee shall attempt to inform the student's parents, unless directed not to do so by the representative of the agency.

When Child Protective Services states a legitimate purpose for questioning or examining a student while the student is entrusted to the Corporation, the principal or designee shall be present throughout the proceedings, unless ordered not to be present by a representative of the agency or a court of law. The principal or designee shall not interfere with the interview or examination if present during the interview or examination.

Law enforcement agencies shall be discouraged from interviewing students on school property unless they are investigating an alleged crime that occurred on school property. If a law enforcement agent interrogates a student on school property, no school representative shall be present during the interview. Rather, any such interrogation shall be considered a law enforcement issue handled by the law enforcement agency.

Pursuant to State law, if a student is interrogated by a law enforcement officer on school property and regarding an investigation in which the student may be a suspect, the principal or designee must make an effort to immediately notify the student's parent of the interrogation. If immediate notification is not possible, the principal or designee must notify the student's parent not later than twelve (12) hours after the interrogation occurs.

When an agency or law enforcement official removes a student from school, the principal or designee shall notify the student's parent and the Superintendent before the time the student would normally arrive home on that day.

No student shall be released to an agency, other than a law enforcement agency or CPS, without written parental permission, except in the event of emergency or for the protection of life or property as determined by the principal.
As used in this policy, "student" means any person enrolled in classes other than adult education classes, and is not limited to persons under eighteen (18) years of age.

The Superintendent shall prepare guidelines to promote understanding and cooperation between staff members and students and these agencies.

I.C. 31-30.5-1
Ind. R. Evid. 617
I.C. 20-33-14

Revised 6/18/15

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Policy 5840 - Criminal Organizations and Criminal Organization Activity (Revised)
CRIMINAL GANG-ORGANIZATIONS AND CRIMINAL GANG-ORGANIZATION ACTIVITY

The School Corporation adopts this policy pursuant to State law in order to address the detrimental effects of criminal gang—organizations and criminal gang organization activity on its students, demonstrate its commitment to preventing and reducing criminal gang—organization membership and eliminating criminal gang—organization activity, educate Corporation students, employees, and parents about criminal gang—organizations and criminal gang—organization activity, and comply with State and Federal laws and regulations.

The Corporation prohibits criminal gangorganization activity and similar destructive or illegal group behavior on Corporation property, on buses owned by the Corporation or used to transport Corporation students, and at school-sponsored functions. The Corporation prohibits reprisal or retaliation against individuals who report criminal gangorganization activity and similar destructive or illegal group behavior or who are victims, witnesses, bystanders, or others with reliable information about an act of criminal gangorganization activity and similar destructive or illegal group behavior.

Definitions

A. “Criminal gangorganization,” as used in this policy, means a formal or informal group with at least three (3) members that specifically:

1. either:

   a. promotes, sponsors, or assists in, or

   b. participates in, or

   c. Has as one of its goals; or

2. requires as a condition of membership or continued membership

   the commission of a felony or an act that would be a felony if committed by an adult or the offense of battery (I.C. 35-42-2-1).
policy

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B. “Criminal gangorganization activity,” as used in this policy, means to:

1. actively participate in a criminal gangorganization;

2. knowingly or intentionally commit an act:
   a. with the intent to benefit, promote, or further the interests of a criminal gangorganization; or
   b. which is a felony or misdemeanor and would lead a reasonable person to believe results in benefitting, promoting or furthering the interests of a criminal gangorganization; or
   c. for the purpose of increasing the person’s own standing or position within a criminal gangorganization;

3. knowingly or intentionally solicit, recruit, entice, or intimidate another person to join a criminal gangorganization or remain in a criminal gangorganization;

4. Knowingly or intentionally threaten another person because the other person:
   a. refuses to join a criminal gangorganization;
   b. has withdrawn from a criminal gangorganization; or
   c. wishes to withdraw from a criminal gangorganization;

when engaged in by a student who attends a Corporation school.

Procedures for Reporting and Investigating Suspected Criminal GangOrganization Activity

All Corporation employees shall report any incidence of suspected criminal gangorganization activity to the principal and the school safety specialist. As well,
students and parents, who choose to do so, may report an incident of criminal gang organization activity to the principal. The principal and the school safety specialist may take appropriate action to maintain a safe and secure school environment, including providing appropriate intervention services.
A Corporation employee who in good faith reports an incident of suspected criminal gang organization activity in compliance with the procedures of this policy and any Corporation employee, parent, or student who in good faith participates in any judicial or other proceeding resulting from the report or relating to the subject matter of the report is immune from any civil or criminal liability for damages arising from his/her actions.

Each school principal, designee and/or the Director of School Safety shall conduct a thorough and complete investigation of each report of suspected criminal gang organization activity and each report of reprisal or retaliation. The principal, designee and/or Director of School Safety shall initiate the investigation promptly but no later than one (1) instructional day(s) of the report of the alleged incident. The principal may appoint additional staff and the principal or designee may request the assistance of law enforcement to assist in the investigation for the safety of the administration, Corporation staff, or students. The investigation shall be completed and written findings prepared by the principal or designee as soon as possible but no later than five (5) instructional days from the date of the report of the alleged incident.

The principal or designee shall submit the report to the Superintendent within ten (10) instructional days of completing the investigation. The Superintendent shall report the results of each investigation to the Board on a quarterly basis during its scheduled Board meetings.

The Superintendent is authorized to issue guidelines to define the range of ways in which Corporation staff and the principal or designee shall respond once an incident of criminal gang organization activity is confirmed, according to the parameters described in the Corporation’s code of student conduct. The Board recognizes that some acts of criminal gang organization activity may be isolated incidents requiring that the school officials respond appropriately to the individuals committing the acts while other acts may be so serious or involve individuals outside the school that they require a response by local law enforcement officials.
Appropriate consequences and remedial action will be imposed when students are found to have engaged in criminal gangorganization activity, criminal gangorganization intimidation, or criminal gangorganization recruitment on Corporation property, while riding on Corporation buses or buses used to transport Corporation students, and at school-sponsored events or when they are found to have engaged in retaliatory conduct towards a Corporation employee or student who reported an incident of criminal gangorganization activity, according to the severity of the offense and considering both the developmental age of the student offender and the student’s history of inappropriate behavior, per the code of student conduct. Consequences and appropriate remedial action for a student who engages in criminal gangorganization activity may range from positive behavioral interventions up to and including suspension or expulsion. Incidents that result in the expulsion of a student(s) or alternative school placement of a student(s) will be referred to the local law enforcement officials for further investigation. The principal shall proceed in accordance with the code of student conduct, as appropriate, based on the investigation findings and the Superintendent’s guidelines. As appropriate, the principal may provide intervention and/or relevant support services (i.e., refer to counseling, establish training programs to reduce criminal gangorganization activity and enhance school climate, enlist parent cooperation and involvement or take other appropriate action). The principal shall inform the parents of all students involved in alleged incidents as provided below, and, as appropriate, may discuss the availability of counseling and other intervention services.

The principal shall provide the parents of the students who are parties to any investigation with information about the investigation, in accordance with Federal and State laws and regulations. This information includes the nature of the investigation, whether the Corporation found evidence of criminal gangorganization activity, and whether consequences were imposed or services provided to address the activity. This information is to be provided immediately upon completion of the investigation and issuance of written findings by the principal or designee.

**Annual Reporting of Investigations to the State**

Each school principal or designee shall record the number of investigations of criminal gangorganization activity disposed of internally and the number of cases referred to local law enforcement (disaggregated by race, ethnicity, age, and gender) and report this information to the Superintendent before May 15th of each year.
The Superintendent shall submit a written report to the Indiana Department of Education, on forms developed by the Department, before June 2 of each year outlining the activities undertaken as part of the Corporation's compliance with I.C. 20-26-18. This report shall include the number of investigations of criminal gang organization activity disposed of internally and the number of cases referred to local law enforcement for the entire Corporation in the past year, disaggregated by race, ethnicity, age, and gender.

Establishment of Education Programs

In its efforts to address criminal gang organization activity, the Board establishes the following educational programs:

A. An evidence-based educational criminal gang organization awareness program for students, Corporation employees and parents; and

B. A Corporation employee development program to provide training to Corporation employees in the implementation of this policy.

Information about the Types of Services, Including Family Support Services, for a Student Suspected of Participating in Criminal Gang Organization Activity

The Superintendent is authorized to provide information about the supports and services available for students who are “at risk” for and/or suspected of participating in criminal gang organization activity and their families, including:

A. Gang criminal organization awareness education for students, parents, faculty/personnel, law enforcement, and community stakeholders that, at a minimum, shows potential for effectiveness based on research, revised and updated regularly to reflect current trends in gang—criminal organization and gang criminal organization—like activity;

B. Culturally and/or linguistically appropriate services/supports for parents and families;

C. School counseling coupled with mentoring for students and their families;

D. Referral to community organizations and civic groups that offer
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related programs or counseling;

E. viable, sustainable after-school programs developed in collaboration with other stakeholders;

F. related extra-curricular activities;

Recommendations Concerning Criminal GangOrganization Prevention and Intervention Services and Programs for Students that Maximize Community Participation and the Use of Federal Funding

The Superintendent is authorized to seek Federal funding to implement criminal gangorganization prevention and intervention services and programs, including the following:

A. Dissemination of criminal gangorganization awareness information to students and parents. The criminal gangorganization awareness information should be revised and updated regularly to reflect current trends in criminal gangorganization activity.

B. Training for staff and teachers on criminal gangorganization prevention and intervention resources.

C. Creation of collaboration plans between Corporation administration and community-based prevention and intervention providers to address criminal gangorganization prevention and intervention.

D. Coordination of resources and funding opportunities to support criminal gangorganization prevention/intervention activities.

E. Integration of available School Resource Officer Programs.

Publication of the Policy

The Superintendent shall ensure that this policy is posted on the Corporation’s internet website and annually disseminate this policy to all parents who have children enrolled in a school within the Corporation. This may be done through distribution of student handbooks. The Superintendent shall ensure that notice of the Corporation’s policy appears in the student handbooks and all other Corporation publications that set forth the comprehensive rules, procedures, and standards for schools within the Corporation.
Criminal Gang Organization Intervention Program

In order to foster the continuing coordination of criminal gang organization prevention, intervention and suppression efforts, the Board establishes a program to provide criminal gang organization intervention services to students.

An advisory committee shall be established that includes the following members:

A. parents
B. Corporation employees
C. local law enforcement officials
D. the county prosecuting attorney
E. the county public defender
F. a juvenile court judge
G. a school behavioral health or community mental health professional
H. representatives of organizations that have expertise in criminal gang organization education, prevention, or intervention

The Superintendent shall appoint members of the advisory committee.

The advisory committee will collaborate to recommend an appropriate program for students, subject to Board approval.

See also AG-5840A and AG-5840B.
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I.C. 20-18-2-2.8
I.C. 20-19-3-12
I.C. 20-26-18-1 et seq.
I.C. 20-33-9-10.5
I.C. 20-33-9-14
I.C. 35-31.5-2-27.4
I.C. 35-31.5-2-74
I.C. 35-31.5-2-264.5
I.C. 35-45-9-1
I.C. 35-45-9-3
I.C. 35-45-9-4
I.C. 35-45-9-5

Revised 5/19/2016

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Exhibit 7

Policy 6110 – Grant Funds (Uniform Grant Guidance) (Revised)
Policy 6111 – Internal Control Standards and Procedures (New)
Policy 6112 – Cash Management of Grants (New)
Policy 6114 – Cost Principles – Spending Federal Funds (New)
Policy 6116 – Time & Effort Reporting (New)
Policy 6320 – Purchasing (Revised)
Policy 6325 – Procurement – Federal Grants/Funds (New)
Policy 6460 – Conflicts of Interest and Vendor Relations (Revised)
Policy 6550 – Travel Payment Reimbursement (Revised)
GRANT FUNDS

It is the objective of the Board to provide equal educational opportunities for all Corporation students. Government agencies, as well as foundations, businesses, and individuals, periodically offer both human and material resources to the Corporation that benefit students and the educational program. Therefore, it is the intent of the Board to consider grant proposals and applications for their potential to enhance the educational opportunities, the educational environment, and the physical and mental growth for each student.

The Superintendent shall review new Federal education legislation and prepare proposals for programs s/he deems would be of aid to the students of this Corporation. The Superintendent shall approve each such proposal prior to its submission, and the Board shall approve all grants resulting from such proposals.

The Board regards available Federal funds of aid to local school corporations and communities as a public trust. It forbids the use of Federal monies for partisan political activities and for any use that would not be in accordance with Federal regulations on discrimination.

No Federal funds received by the Corporation shall be used to:

A. develop or distribute materials or operate programs or courses of instruction directed at youth that are designed to promote or encourage sexual activity, whether homosexual or heterosexual;

B. distribute or aid in the distribution by any organization of legally obscene materials to minors on school grounds or at school sponsored activities;

C. provide sex education or HIV-prevention education in schools unless that instruction is age appropriate and includes the health benefits of abstinence; or

D. operate a program of contraceptive distribution in schools.

Grant Proposal Development

A. All grant proposals must support at least one (1) Corporation goal or priority.
B. For projects where grant funds will not cover the entire cost of project implementation, additional fund sources must be identified, documented, and approved during the internal review process.

Grant Proposal Internal Review

Each grant proposal shall be reviewed and approved by the Superintendent prior to submission to the funding source.

Grant Administration

A. The administration of grants will adhere to all applicable Federal, State, local, and grantor rules and regulations, including the terms and conditions of the Federal awards, as well as Board Corporation policies and administrative guidelines.

B. The Superintendent is responsible for the efficient and effective administration of grant awards through the application of sound management practices.

C. The Superintendent is responsible for administering grant funds in a manner consistent with underlying agreements, program applicable statutes, regulations, and objectives, and the terms and conditions of the grant award.

D. The Corporation, in recognition of its unique combination of staff, facilities, and experience, shall employ internal controls, including the organizational and management strategies necessary to assure proper and efficient administration of grant awards.

E. All Federal funds received by the Corporation will be used in accordance with the applicable Federal law and regulations and the terms and conditions of the Federal award. The Superintendent shall require that each draw of Federal monies be aligned with the Corporation's payment process (whether reimbursement, cash advance, or combination). If funds are permitted to be drawn in advance, all draws will be as close as administratively feasible to the related program expenditures and that, when restricted, such monies are used to supplement programs and funding and not to supplant or replace existing programming or current funding.

F. The Superintendent is authorized to sign related documents for grant administration, including documents required for submittal of grant proposals.
Fiscal- Financial Management

The financial management of grant funds shall be in compliance with all applicable Federal, State, local, and grantor rules, regulations, and assurances as well as Board-Corporation policies and administrative guidelines.

The Superintendent-Corporation shall provide for the following:

A. Identification, in Corporation accounts, of all grant awards received and expended and the programs under which they were received. For Federal programs and awards, identification shall include the Catalog of Federal Domestic Assistance (CFDA) title and number, Federal award identification number and year, name of the Federal agency and name of the pass-through entity, as applicable.

A.B. Accurate, current, and complete disclosure of the financial results of each Federally-sponsored project Federal award of program in accordance with the reporting requirements of the grant.

B.C. Effective control over and accountability for all funds, property, and other assets in their use solely for authorized purposes. Records that identify adequately the source and application of funds provided for Federally-funded activities. These records must contain information pertaining to Federal awards, authorizations, obligations, unobligated balances, assets, expenditures, income and interest and be supported by source documentation.

D. Effective control over, and accountability for, all funds, property, and other assets. The Corporation must adequately safeguard all assets and assure that they are used solely for authorized purposes.

Further, the Corporation must:

1. establish and maintain effective internal control over the Federal award that provides reasonable assurance that the Corporation is managing the Federal award in compliance with Federal statutes, regulations, and the terms and conditions of the Federal award;

2. comply with Federal statutes, regulations and the terms and conditions of the Federal award;

3. evaluate and monitor the Corporation's compliance with statutes, regulations and the terms and conditions of the Federal award;
4. take prompt action when instances of noncompliance are identified including noncompliance identified in audit findings;

5. take reasonable measures to safeguard protected personally identifiable information and other information the Federal awarding agency or pass-through entity designates as sensitive consistent with applicable Federal, State, local, and tribal laws regarding privacy and obligations of confidentiality.

E. Comparison of expenditures with budget amounts for each Federal award.

G.F. Recordkeeping and written procedures as may be required to the extent required by Federal, State, local, and grantor rules and regulations pertaining to the grant award and accountability, including, but not limited to, the following areas: such provisions as may be applicable as cost sharing and matching requirements, budget revisions, audit requirements, reasonableness, allocability, and allowability of costs, procurement, property management and disposition, and payment/repayment requirements.

1. Cash management
2. allowability
3. conflict of interest
4. procurement
5. equipment management
6. conducting technical evaluations of proposals and selecting recipients
7. compensation and fringe benefits
8. travel

G. Disclosure of any potential conflict of interest and all mandatory violation disclosures potentially affecting the Federal award/grant to the Federal awarding agency or pass through agency in accordance with applicable Federal policy.

D.H. Insurance coverage for real property and equipment, if applicable, equivalent to the coverage obtained for Corporation owned property of a similar nature, such property owned by the Corporation.
Program Income

Program income means gross income earned by a grant recipient that is directly generated by a supported activity or earned as a result of the Federal award during the grant's period of performance.

It includes, but is not limited to, income from fees for services performed, the use or rental of real or personal property acquired under Federal awards, the sale of commodities or items fabricated under a Federal award, license fees and royalties on patents and copyrights, and principal and interest on loans made with Federal award funds. Interest earned on advances of Federal funds is not program income. Except as otherwise provided in Federal statutes, regulations or the terms and conditions of the Federal award, program income does not include rebates, credits, discounts and interest earned on any of them. Additionally, taxes, special assessments, levies, fines and other such revenues raised by a recipient are not program income unless the revenues are specifically identified in the Federal award or Federal awarding agency regulations as program income. Finally, proceeds from the sale of real property, equipment or supplies are not program income.

Unless it has received prior approval to use a different method or the terms and conditions of the grant authorize a different method, the Corporation uses the deduction method of accounting for program income. Under the deduction method, program income is deducted from total allowable costs to determine the net allowable costs. Program income will be used only for current costs unless the Corporation is otherwise directed by the Federal awarding agency or pass-through entity.

I.C. 20-26-5-4
Compliance Supplement for Single Audits of State and Local Governments
20 U.S.C. 7906
Education Department General Administrative Regulations (EDGAR)
34 C.F.R. 75.707, 76.563, 76.565, 76.707
2 C.F.R. 200.309, 200.310, 200.313, 200.318-.320, 200.343(b)&(e)

Revised 8/15/13

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INTERNAL CONTROL STANDARDS AND PROCEDURES

The Superintendent shall establish and maintain effective internal control standards and procedures for all funds received by the School Corporation, including financial grants and awards from Federal or State sources, that provide reasonable assurance that the program and funds are managed in compliance with applicable Federal and State statutes, Federal and State regulations, and the terms and conditions of grants and awards made to the Corporation.

The Corporation shall have a process that provides reasonable assurance regarding the achievement of the following objectives:

A. effectiveness and efficiency of operations;
B. reliability of reporting for internal and external use; and
C. compliance with applicable laws and regulations.

The internal control standards and procedures must provide reasonable assurance that transactions are properly recorded and accounted for in order to permit the preparation of reliable financial statements and Federal and State reports; maintain accountability over assets; and demonstrate compliance with Federal and State statutes, Federal and State regulations, and the terms and conditions of grants and awards.

The internal control standards and procedures also must provide reasonable assurance that these transactions are executed in compliance with Federal and State statutes, Federal and State regulations, and the terms and conditions of grants and awards that could have a direct and material effect on any grant or award, as well as any other Federal and State statutes and regulations that are identified in the Federal Compliance Supplements and/or directives of the State Board of Accounts (SBOA).
Additionally, the Corporation's internal control standards and procedures must provide reasonable assurance that all Federal and State funds, property, and other assets are safeguarded against loss from theft, fraud, unauthorized use, or unauthorized disposition.

Further, erroneous or irregular variances, losses, shortages, or thefts of any amount of Corporation funds or property whose source is a Federal grant or award are considered material and therefore are to be reported immediately to the SBOA as required by Federal and State law.

Other than with respect to Corporation funds or property whose source is a Federal grant or award, any erroneous or irregular variances, losses, shortages, or thefts of Corporation funds or property in excess of:

A. with respect to cash funds:

[CHOICES: Please select one (1) of the following four (4) options that will be the materiality threshold for the Corporation.]

[X] $500 in any fund
[H] ______ percent (___ %) in any fund

[H] ______ in the General Fund,
$______ in the Debt Service Fund,
$______ in the Capital Projects Fund,
$______ in the Transportation Fund,
$______ in the Bus Replacement Fund,
$______ in the Referendum Tax Levy Fund,
$______ in the Rainy Day Fund,
$______ in the Pension Bond Fund,
$______ in the Extracurricular Activity Fund,
$______ in the ______ Fund,
$______ in all other funds

[H] ______ percent (___ %) in the General Fund,
______ percent (___ %) in the Debt Service Fund,
______ percent (___ %) in the Capital Projects Fund,
______ percent (___ %) in the Transportation Fund,
______ percent (___ %) in the Bus Replacement Fund,
___ percent (___%) in the Referendum Tax Levy Fund,
___ percent (___%) in the Rainy Day Fund,
___ percent (___%) in the Pension Bond Fund,
___ percent (___%) in the Extracurricular Activity Fund,
___ percent (___%) in the _______ Fund;
___ percent (___%) in all other funds

[END OF CHOICES]

B. with respect to assets other than cash funds:

[CHOICES: Please select one (1) of the following two (2) options that will be the materiality threshold for the Corporation.]

[X ] any asset valued in excess of $______________ $1,000

[ ] any asset, regardless of value

[END OF CHOICES]

are considered material and therefore are to be reported immediately to the SBOA as required by State law.

The Corporation shall:

A. comply with Federal statutes, regulations, and the terms and conditions of the Federal grants and awards;

B. comply with State statutes and regulations related to the management and control of all funds received by the Corporation;

C. evaluate and monitor its compliance with statutes, regulations, and the terms and conditions of Federal grants and awards and State and local funds received;

D. investigate all variances, losses, shortages, or thefts of Corporation funds or property, document the investigation and its results, and maintain a record of the investigation and its results;

E. take prompt action when instances of noncompliance are identified including noncompliance identified in audit findings;
F. report all misappropriations of Corporation funds or property to the SBOA and the county prosecuting attorney whenever a Corporation employee has actual knowledge of or reasonable cause to believe that a misappropriation has occurred;

G. provide, upon employment and periodically thereafter, training concerning the internal control standards and procedures established for the Corporation for any personnel whose official duties include receiving, processing, depositing, disbursing, or otherwise having access to funds that belong to the Federal government, State government, the Corporation, or other governmental entities; and

H. take reasonable measures to safeguard protected "personally identifiable" information (PII) and other information the State, awarding agency, or pass-through entity designates as sensitive or the Corporation considers sensitive consistent with applicable Federal, State, local, and tribal laws and Corporation policies regarding privacy and obligations of confidentiality.

PII is defined at 2 C.F.R. 200.79 as "information that can be used to distinguish or trace an individual’s identity, either alone or when combined with other personal or identifying information that is linked or linkable to a specific individual."

However, the definition of PII is not anchored to any single category of information or technology. Rather, it requires a case-by-case assessment of the specific risk that an individual can be identified.

[Suggested-resources]

A. Standards for Internal Control in the Federal Government issued by the Comptroller General of the United States;

B. Internal Control Integrated Framework (commonly referred to as the Green Book) issued by the Committee of Sponsoring Organizations of the Treadway Commission;

G. Circular A-110 Compliance Supplement issued by the U.S. Office of Management and Budget;
D. Circular A-133 Compliance Supplement issued by the U.S. Office of Management and Budget; and

E. Internal control guidance issued by the U.S. Department of Education.

I.C. 5-11-1-27
2 C.F.R. 200.61-.62
2 C.F.R. 200.79
2 C.F.R. 200.203
State Examiner Directive 2015-6 (SBOA 11-18-15)

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DRAFTING NOTE: The following resources are suggested as source material for developing the Corporation’s Internal Control Standards and Procedures, which should be retained as confidential material not subject to release pursuant to a public records request.

A. Standards for Internal Control in the Federal Government issued by the Comptroller General of the United States;

B. Internal Control Integrated Framework (commonly referred to as the Green Book) issued by the Committee of Sponsoring Organizations of the Treadway Commission;

C. Circular A-110 Compliance Supplement issued by the U.S. Office of Management and Budget;

D. Circular A-133 Compliance Supplement issued by the U.S. Office of Management and Budget; and

E. Internal control guidance issued by the U.S. Department of Education.
CASH MANAGEMENT OF GRANTS

In order to provide reasonable assurance that all assets, including Federal, State, and local funds, are safeguarded against waste, loss, unauthorized use, or misappropriation, the Superintendent shall implement internal controls in the area of cash management.

The School Corporation’s payments methods shall minimize the time elapsing between the transfer of funds from the United States Treasury or the Indiana Department of Education (IDOE) (pass-through entity) and disbursement by the Corporation, regardless of whether the payment is made by electronic fund transfer, or issuance or redemption of checks, warrants, or payment by other means.

The Corporation shall use forms and procedures required by the grantor agency or pass-through entity to request payment. The Corporation shall request grant funds payments in accordance with the provisions of the grant. Additionally, the Corporation’s financial management systems shall meet the standards for fund control and accountability as established by the awarding agency.

The Superintendent is authorized to submit requests for advance payments and reimbursements at least monthly when electronic fund transfers are not used, and as often as deemed appropriate when electronic fund transfers are used, in accordance with the provisions of the Electronic Fund Transfer Act (15 U.S.C. 1693-1693r).

When the Corporation uses a cash advance payment method, the following standards shall apply:

A. The timing and amount of the advance payment requested shall be as close as is administratively feasible to the actual disbursement for direct program or project costs and the proportionate share of any allowable indirect costs.

B. The Corporation shall make timely payment to contractors in accordance with contract provisions.
C. To the extent available, the Corporation shall disburse funds available from program income (including repayments to a revolving fund), rebates, refunds, contract settlements, audit recoveries, and interest earned on such funds before requesting additional cash payments.

D. The Corporation shall account for the receipt, obligation and expenditure of funds.

E. Advance payments shall be deposited and maintained in insured accounts whenever possible.

F. Advance payments shall be maintained in interest bearing accounts unless the following apply:

1. The Corporation receives less than $120,000 in Federal awards per year.

2. The best reasonably available interest-bearing account would not be expected to earn interest in excess of $500 per year on Federal cash balances.

3. The depository would require an average or minimum balance so high that it would not be feasible within the expected Federal and non-Federal cash resources.

4. A foreign government or banking system prohibits or precludes interest bearing accounts.
G. Pursuant to Federal law and regulations, the Corporation may retain interest earned in an amount up to $500 per year for administrative costs. Any additional interest earned on Federal advance payments deposited in interest-bearing accounts must be remitted annually to the Department of Health and Human Services Payment Management System (PMS) through an electronic medium using either Automated Clearing House (ACH) network or a Fedwire Funds Service payment. Remittances shall include pertinent information of the payee and nature of payment in the memo area (often referred to as “addenda records” by Financial Institutions) as that will assist in the timely posting of interest earned on Federal funds. Pertinent details include the Payee Account Number (PAN) if the payment originated from PMS, or Agency information if the payment originated from ASAP, NSF or another Federal agency payment system.

2 C.F.R. 200.305

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COST PRINCIPLES - SPENDING FEDERAL FUNDS

The Superintendent is responsible for the efficient and effective administration of grant funds through the application of sound management practices. Such funds shall be administered in a manner consistent with all applicable Federal, State and local laws, the associated agreements/assurances, program objectives and the specific terms and conditions of the grant award.

Cost Principles

Except where otherwise authorized by statute, costs shall meet the following general criteria in order to be allowable under Federal awards:

A. Be necessary and reasonable for proper and efficient performance and administration of the Federal award and be allocable thereto under these principles.

To determine whether a cost is reasonable, consideration shall be given to:

1. whether a cost is a type generally recognized as ordinary and necessary for the operation of the School Corporation or the proper and efficient performance of the Federal award;

2. the restraints or requirements imposed by such factors as sound business practices, arm's length bargaining, Federal, State, local, tribal and other laws and regulations;

3. market prices for comparable goods or services for the geographic area;

4. whether the individuals concerned acted with prudence in the circumstances considering their responsibilities; and
5. whether the cost represents any significant deviation from the established practices or School Board policy which may increase the expense.

While Federal regulations do not provide specific descriptions of what satisfies the “necessary” element beyond its inclusion in the reasonableness analysis above, whether a cost is necessary is determined based on the needs of the program. Specifically, the expenditure must be necessary to achieve an important program objective. A key aspect in determining whether a cost is necessary is whether the Corporation can demonstrate that the cost addresses an existing need, and can prove it.

When determining whether a cost is necessary, consideration may be given to whether:

1. the cost is needed for the proper and efficient performance of the grant program;

2. the cost is identified in the approved budget or application;

3. there is an educational benefit associated with the cost;

4. the cost aligns with identified needs based on results and findings from a needs assessment; and

5. the cost addresses program goals and objectives and is based on program data.

A cost is allocable to the Federal award if the goods or services involved are chargeable or assignable to the Federal award in accordance with the relative benefit received.
B. Conform to any limitations or exclusions set forth as cost principles in Part 200 or in the terms and conditions of the Federal award.

C. Be consistent with policies and procedures that apply uniformly to both Federally-financed and other activities of the Corporation.

D. Be afforded consistent treatment. A cost cannot be assigned to a Federal award as a direct cost if any other cost incurred for the same purpose in like circumstances has been assigned as an indirect cost under another award.

E. Be determined in accordance with generally accepted accounting principles.

F. Be representative of actual cost, net of all applicable credits or offsets.

The term “applicable credits” refers to those receipts or reductions of expenditures that operate to offset or reduce expense items allocable to the Federal award. Typical examples of such transactions are: purchase discounts; rebates or allowances; recoveries or indemnities on losses; and adjustments of overpayments or erroneous charges.

To the extent that such credits accruing to or received by the State relate to the Federal award, they shall be credited to the Federal award, either as a cost reduction or a cash refund, as appropriate.

G. Not be included as a match or cost-share, unless the specific Federal program authorizes Federal costs to be treated as such.
H. Be adequately documented:

1. in the case of personal services, the Superintendent shall implement a system for Corporation personnel to account for time and efforts expended on grant funded programs to assure that only permissible personnel expenses are allocated;

2. in the case of other costs, all receipts and other invoice materials shall be retained, along with any documentation identifying the need and purpose for such expenditure if not otherwise clear.

Selected Items of Cost

The Corporation shall follow the rules for selected items of cost at 2 C.F.R. Part 200, Subpart E when charging these specific expenditures to a Federal grant. When applicable, Corporation staff shall check costs against the selected items of cost requirements to ensure the cost is allowable. In addition, State, Corporation and program-specific rules, including the terms and conditions of the award, may deem a cost as unallowable, and Corporation personnel shall follow those rules as well.

Cost Compliance

The Superintendent shall require that grant program funds are expended and are accounted for consistent with the requirements of the specific program and as identified in the grant application. Compliance monitoring includes accounting for direct or indirect costs and reporting them as permitted or required by each grant.
Determining Whether a Cost is Direct or Indirect:

A. Direct costs are those costs that can be identified specifically with a particular final cost objective, such as a Federal award, or other internally or externally funded activity, or that can be directly assigned to such activities relatively easily with a high degree of accuracy.

These costs may include: salaries and fringe benefits of employees working directly on a grant-funded project; purchased services contracted for performance under the grant; travel of employees working directly on a grant-funded project; materials, supplies, and equipment purchased for use on a specific grant; and infrastructure costs directly attributable to the program (such as long distance telephone calls specific to the program, etc.).

B. Indirect costs are those that have been incurred for a common or joint purpose benefitting more than one cost objective and are not readily assignable to the cost objectives specifically benefitted without effort disproportionate to the results achieved. Costs incurred for the same purpose in like circumstances shall be treated consistently as either direct or indirect costs.

These costs may include: general data processing, human resources, utility costs, maintenance, accounting, etc.

Federal education programs with supplement not supplant provisions must use a restricted indirect cost rate. In a restricted rate, indirect costs are limited to general management costs. General management costs do not include divisional administration that is limited to one component of the Corporation, the governing body of the Corporation, compensation of the Superintendent, compensation of the chief executive officer of any component of the Corporation, and operation of the immediate offices of these officers.
The salaries of administrative and clerical staff normally should be treated as indirect costs. Direct charging of these costs may be appropriate only if all of the following conditions are met:

1. Administrative or clerical services are integral to a project or activity.

2. Individuals involved can be specifically identified with the project or activity.

3. Such costs are explicitly included in the budget or have the prior written approval of the Federal awarding agency.

4. The costs are not also recovered as indirect costs.

Where a Federal program has a specific cap on the percentage of administrative costs that may be charged to a grant, that cap shall include all direct administrative charges as well as any recovered indirect charges.

Effort should be given to identify costs as direct costs whenever practical, but allocation of indirect costs may be used where not prohibited and where indirect cost allocation is approved ahead of time by the Indiana Department of Education (IDOE) or the pass-through entity (Federal funds subject to 2 C.F.R. Part 200 pertaining to determining indirect cost allocation).

Timely Obligation of Funds

Obligations are orders placed for property and services, contracts and subawards made, and similar transactions during a given period that require payment by the non-Federal entity during the same or a future period.
The following table illustrates when funds are determined to be obligated under the U.S. Department of Education regulations:

If the obligation is for:

A. Acquisition of property - on the date which the Corporation makes a binding written commitment to acquire the property.

B. Personal services by an employee of the Corporation - when the services are performed.

C. Personal services by a contractor who is not an employee of the Corporation - on the date which the Corporation makes a binding written commitment to obtain the services.

D. Public utility services - when the Corporation receives the services.

E. Travel - when the travel is taken.

F. Rental of property - when the Corporation uses the property.

G. A pre-agreement cost that was properly approved by the Secretary under the cost principles in 2 C.F.R. Part 200, Subpart E - Cost Principles - on the first day of the project period.

Period of Performance

All obligations must occur on or between the beginning and ending dates of the grant project. This period of time is known as the period of performance. The period of performance is dictated by statute and will be indicated in the grant award notification ("GAN"). As a general rule, State-administered Federal funds are available for obligation within the year that Congress appropriates the funds for. However, given the unique nature of educational institutions, for many Federal education grants, the period of performance is twenty-seven (27) months. This maximum period includes a fifteen (15) month period of initial availability, plus a twelve (12) month period for carryover. For direct grants, the period of performance is generally identified in the GAN.
In the case of a State-administered grant, obligations under a grant may not be made until the grant funding period begins or all necessary materials are submitted to the granting agency, whichever is later. In the case of a direct grant, obligations may begin when the grant is approved, unless an agreement exists with IDOE or the pass-through entity to reimburse for pre-approval expenses.

For both State-administered and direct grants, regardless of the period of availability, the Corporation shall liquidate all obligations incurred under the award not later than ninety (90) days after the end of the funding period unless an extension is authorized. Any funds not obligated within the period of performance or liquidated within the appropriate timeframe are said to lapse and shall be returned to the awarding agency. Consequently, the Corporation shall closely monitor grant spending throughout the grant cycle.

2 C.F.R. 200.403-.406, 200.413(a)-(c), 200.430(a), 200.431(a), 200.458
2 C.F.R 200.474(b)

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As a recipient of Federal funds, the School Corporation shall comply with the Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards. Section 200.430 of Title 2 of the Code of Federal Regulations requires certification of effort to document salary expenses charged directly or indirectly against Federally-sponsored projects. This process is intended to verify that compensation for employment services, including salaries and wages, is allocable and properly expended, and that any variances from the budget are reconciled.

Compensation for employment services includes all remuneration, paid currently or accrued, for services of employees rendered during the period of performance under the Federal award, including but not necessarily limited to wages and salaries. Compensation for personal services also may include fringe benefits, which are addressed in 2 C.F.R. 200.431 Compensation—fringe benefits. Costs of compensation are allowable to the extent that they satisfy the specific requirements of these regulations, and that the total compensation for individual employees:

A. is reasonable for the services rendered, conforms to the Corporation’s established written policy, and is consistently applied to both Federal and non-Federal activities; and

B. follows an appointment made in accordance with the Corporation’s written policies and meets the requirements of Federal statute, where applicable.

Time and Effort Reports

The reports:

A. are supported by a system of internal controls which provide reasonable assurance that the charges are accurate, allowable, and properly allocated;

B. are incorporated into the official records of the Corporation;
C. reasonably reflect the total activity for which the employee is compensated by the Corporation, not exceeding 100% of the compensated activities;

D. encompass both Federally assisted and other activities compensated by the Corporation on an integrated basis;

E. comply with the Corporation's established accounting policies and practices;

F. support the distribution of the employee’s salary or wages among specific activities or cost objectives if the employee works on more than one (1) Federal award, a Federal award and non-Federal award, an indirect cost activity and a direct cost activity, two or more indirect activities which are allocated using different allocation bases, or an unallowable activity and a direct or indirect cost activity.

The Corporation also shall follow any time and effort requirements imposed by the pass-through entity to the extent that they are more restrictive than the Federal requirements. The Payroll Office is responsible for the distribution, collection, and retention of all employee effort reports. Individually reported data shall be made available only to authorized auditors.

Reconciliations

Budget estimates are not used as support for charges to Federal awards. However, the Corporation may use budget estimates for interim accounting purposes. The system used by the Corporation to establish budget estimates produces reasonable approximations of the activity actually performed. Any significant changes in the corresponding work activity are identified by the Corporation and entered into the Corporation’s records in a timely manner.
The Corporation's internal controls include a process to review after-the-fact interim charges made to a Federal award based on budget estimates and ensure that all necessary adjustments are made so that the final amount charged to the Federal award is accurate, allowable, and properly allocated.

2 C.F.R. 200.430, 200.431

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It is the policy of the School Board that the Superintendent or Business Manager shall act as the purchasing agent for the Board. This policy applies only to purchases that are not paid from Federal funds or School Corporation matching funds. All purchases that are paid from Federal funds or School Corporation matching funds shall be made pursuant to Policy 6325 - Procurements - Federal Grants/Funds.

**Purchases of Supplies**

For purposes of this policy "supplies" means any personal property. The term includes equipment, goods, and materials. The term does not include an interest in real property. For purposes of this policy "purchase" means buy, procure, rent, lease, or otherwise acquire.

The purchasing agent may make open market purchases of supplies totaling no more than $50,000 for a single item or a group of similar items.

The purchasing agent must seek at least three (3) price quotations on purchases of supplies that are more than $50,000 but less than $150,000 except in cases of emergency or where materials are of such nature that price quotations would not result in a savings to the School Corporation.

The purchasing agent shall mail an invitation to quote at least seven (7) days before the time fixed for receiving quotes.

If the purchasing agent receives a satisfactory quote, s/he shall award a contract to the lowest responsible and responsive quoter for each line or class of items required. S/He may reject all quotes.

If the purchasing agent does not receive a quote from a responsible and responsive quoter s/he may purchase the items by following procedures for items costing under $50,000.

When the purchase of, and contract for, single items of supplies is equal to or exceeds the amount stipulated by statute, the Superintendent shall obtain competitive bids.
policy

BOARD OF SCHOOL TRUSTEES
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Bids shall be sealed and shall be opened by a committee designated by the purchasing agent publicly in the presence of one (1) or more witnesses at the time and place fixed by the advertisement for bids. The committee must include at least two (2) Board members or at least two (2) Corporation employees. Bids must be read aloud and tabulated publicly and must be available for inspection. All orders or contracts shall be awarded to the lowest responsive and responsible bidder.

For a bidder or quoter to be considered responsive, the proposal must respond to all bid specifications in all material respects, contain no irregularities or deviations from the bid specifications which would affect the amount of the bid or otherwise provide a competitive advantage, and comply specifically with the solicitation and instructions to bidders or quoters. The purchasing agent or committee also may consider whether the bidder or quoter has complied with all applicable statutes, ordinances, resolutions, or rules pertaining to the award of a public contract.

For a bidder or quoter to be deemed responsible, the Board may request evidence from the bidder or quoter concerning its:

A. the experience (type of product or service being purchased, etc.);

B. financial condition;

C. conduct and performance on previous contracts (with the Corporation or other agencies);

D. facilities;

E. management skills; and

F. ability to execute the contract properly.

The purchasing agent or committee may consider the following factors in determining whether a bidder or quoter is responsible:

A. the ability and character of the bidder or quoter to provide the supplies

B. the integrity, character and reputation of the bidder or quoter

C. the competency and experience of the bidder or quoter
The Board reserves the right to reject any and all bids.

The Board shall be informed of the terms and conditions of all competitive bids. All bids must be entered upon the records of the Board at its next meeting following the bid opening. The Board shall accept or reject bids in a Board meeting open to the public and award contracts as a consequence of such bids.

The president and secretary of the Board are entitled, on behalf of the Board, to sign any contract. These contracts may include, but are not limited to, employment contracts and contracts for goods and services. However, each contract must be approved by a majority of the full Board. In the absence of the president or secretary, the vice president may sign the contract with the officer who is present.

Exceptions to the foregoing requirements may be permitted when purchasing from vendors who have been awarded State contracts or when purchasing from authorized State institutions.

The purchasing agent is authorized to make emergency purchases, without prior approval, of supplies needed to keep the schools in operation.

Such purchases shall be brought to the Board for approval at the next regular meeting.

In order to promote efficiency and economy in the operation of the Corporation, the Board requires that the Superintendent or designee periodically estimate requirements for standard items or classes of items and make quantity purchases on a bid basis to procure the lowest cost consistent with good quality.

Whenever storage facilities or other conditions make it impractical to receive total delivery at any one time, the total quantity to be shipped, but with staggered delivery dates, shall be made a part of the bid specifications.

Before the Superintendent or Business Manager places a purchase order, s/he shall check as to whether the proposed purchase is subject to bid, whether sufficient funds exist in the budget, and whether the material might be available elsewhere in the Corporation. All purchase orders shall be numbered consecutively.
In the interests of economy, fairness, and efficiency in its business dealings, the Board requires that:

A. an opportunity be provided to as many responsible suppliers as possible to do business with the Corporation;

B. a prompt and courteous reception, insofar as conditions permit, be given to all who call on legitimate business matters;

C. where the requisitioner has recommended a supplier, the Superintendent may make alternate suggestions to the requisitioner if, in his/her judgment, better service, delivery, economy, or utility can be achieved by changing the proposed order;

D. upon the placement of a purchase order, the Superintendent shall commit the expenditure against a specific line item to guard against the creation of liabilities in excess of appropriations;

E. unless otherwise permitted by the purchasing agent, no purchase of supplies shall be allowed without a properly-signed purchase order. Employees shall be held personally responsible for anything purchased without a properly signed purchase order.

The Board may acquire by lease, by installment payments, by lease-purchase agreements, or by lease with an option to purchase provided the contract setting forth the terms of such a purchase shall not extend for a period of more than five (5) years.

During the current year provisions may be made in these agreements for renewal for the succeeding year, subject to appropriations being available.
Purchase of Services

For purposes of this policy "services" means the furnishing of labor, time, or effort by a person, not involving the delivery of specific supplies other than printed documents or other items that are merely incidental to the required performance.

The purchasing agent may purchase as follows:

A. For purchases of services anticipated to exceed $150,000 in a single school year:

1. If the purchasing agent has purchased services previously from a vendor, the purchasing agent may continue to purchase services from that vendor as long as the Board is satisfied with the services delivered by the vendor.

2. If a new vendor is sought to provide services, the purchasing agent will issue a request for proposal asking that interested vendors submit proposals to serve as vendors for those specific services. Notice of the request for proposal may be sent directly to potential vendors and/or posted on the Corporation's website. The purchasing agent will interview those vendors who respond to the request for proposal that the purchasing agent believes are able to provide the services sought and will select the vendor from those interviewed. The purchasing agent may seek input from other administrators or Board members in making the selection.

B. For all other purchases of services, the purchasing agent may select the vendor s/he believes is the most appropriate vendor who provides the services sought.
policy

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The Board should be advised, for prior approval, of all purchases of services when the purchase was not contemplated during the budgeting process.

The purchasing agent is authorized to make emergency purchases, without prior approval, of those services needed to keep the schools in operation.

Such purchases shall be brought to the Board for approval at the next regular meeting.

I.C. 5-22-2-21, 5-22-2-30, 5-22-2-38
I.C. 5-22-3-3
I.C. 5-22-6-1 and 5-22-6-2
I.C. 5-22-7-1 et seq.
I.C. 5-22-8-2, 5-22-8-3
I.C. 5-22-10-1 et seq.
I.C. 5-22-16-1, 5-22-16-2
I.C. 20-26-4-6, 20-26-4-8
I.C. 20-26-5-4
Education Department General Administrative Regulations (EDGAR)
34 C.F.R. 80.36

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Revised 6/18/15

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Procurement of all supplies, materials, equipment, and services paid from Federal funds or School Corporation matching funds shall be made in accordance with all applicable Federal, State, and local statutes and/or regulations, the terms and conditions of the Federal grant, and School Board policies and administrative procedures.

The Superintendent shall maintain a procurement and contract administration system in accordance with the USDOE requirements (2 CFR 200.317-.326) for the administration and management of Federal grants and Federally-funded programs. The Corporation shall maintain a contract administration system that requires contractors to perform in accordance with the terms, conditions, and specifications of their contracts or purchase orders. Except as otherwise noted, procurement transactions shall conform to the provisions of the Corporation's documented general purchasing Policy 6320 and AG 6320.

All Corporation employees, officers (that is, Board members), and agents who have purchasing authority shall abide by the standards of conduct covering conflicts of interest and governing the actions of its employees, officers, and agents engaged in the selection, award, and administration of contracts as established in Policy 1130, Policy 3113 and Policy 4113 – Conflict of Interest.

The Corporation shall avoid acquisition of unnecessary or duplicative items. Additionally, consideration shall be given to consolidating or breaking out procurements to obtain a more economical purchase. And, where appropriate, an analysis shall be made of lease versus purchase alternatives and any other appropriate analysis to determine the most economical approach. These considerations are given as part of the process to determine the allowability of each purchase made with Federal funds.

To foster greater economy and efficiency, the Corporation may enter into State and local intergovernmental agreements, where appropriate, for procurement or use of common or shared goods and services.
Competition

All procurement transactions shall be conducted in a manner that encourages full and open competition and is in accordance with good administrative practice and sound business judgement. In order to promote objective contractor performance and eliminate unfair competitive advantage, the Corporation shall exclude any contractor that has developed or drafted specifications, requirements, statements of work, or invitations for bids or requests for proposals from competition for such procurements.

Some of the situations considered to be restrictive of competition include, but are not limited to, the following:

A. unreasonable requirements on firms in order for them to qualify to do business;

B. unnecessary experience and excessive bonding requirements;

C. noncompetitive contracts to consultants that are on retainer contracts;

D. organizational conflicts of interest;

E. specification of only a “brand name” product instead of allowing for an “or equal” product to be offered and describing the performance or other relevant requirements of the procurement; and

F. any arbitrary action in the procurement process.

Further, the Corporation shall not use statutorily or administratively imposed State, local, or tribal geographical preferences in the evaluation of bids or proposals unless 1) an applicable Federal statute expressly mandates or encourages a geographic preference; or 2) the Corporation is contracting for architectural and engineering services, in which case geographic location may be a selection criterion provided its application leaves an appropriate number of qualified firms, given the nature and size of the project, to compete for the contract.
To the extent that the Corporation uses a pre-qualified list of persons, firms or products to acquire goods and services, the pre-qualified list includes enough qualified sources as to ensure maximum open and free competition. The Corporation allows vendors to apply for consideration to be placed on the list [insert frequency, see Drafting Note] not less than annually.

[Drafting Note: The Corporation shall allow vendors not on the pre-qualified list to apply for placement on the list periodically. The Corporation may determine how frequently the pre-qualified list becomes open for new vendors or whether it is open continuously.]

**Solicitation Language**

The Corporation shall require that all solicitations incorporate a clear and accurate description of the technical requirements for the material, product, or service to be procured. Such description shall not, in competitive procurements, contain features which unduly restrict competition. The description may include a statement of the qualitative nature of the material, product or service to be procured and, when necessary, shall set forth those minimum essential characteristics and standards to which it shall conform if it is to satisfy its intended use. Detailed product specifications should be avoided if at all possible.

When it is impractical or uneconomical to make a clear and accurate description of the technical requirements, a “brand name or equivalent” description may be used as a means to define the performance or other salient requirements of procurement. The specific features of the named brand which shall be met by offers shall be clearly stated; and the solicitation shall identify all requirements which the offerors shall fulfill and all other factors to be used in evaluating bids or proposals.

The Board will not approve any expenditure for an unauthorized purchase or contract.
Procurement Methods

The Corporation shall utilize the following methods of procurement:

[X] Micropurchases

Procurement by micropurchase is the acquisition of supplies or services, the aggregate dollar amount of which does not exceed $_________________ [not to exceed $3,500]. To the extent practicable, the Corporation shall distribute micro-purchases equitably among qualified suppliers. Micro-purchases may be made without soliciting competitive quotations if the Purchasing Agent identified in Policy 6320 considers the price to be reasonable. The Corporation maintains evidence of this reasonableness in the records of all purchases made by this method.

[X] Small Purchases

Small purchase procedures provide for relatively simple and informal procurement methods for securing services, supplies, and other property the cost of which exceeds $3,500 but is less than the competitive bid threshold of $_________________ [$150,000 maximum] $150,000. Small purchase procedures require that at least three (3) price or rate quotations shall be obtained from qualified sources.

[X] Sealed Bids

Sealed, competitive bids shall be obtained when the purchase of, and contract for, single items of supplies, materials, or equipment amounts to $_________________ [$150,000 maximum] $150,000 and when the Board determines to build, repair, enlarge, improve, or demolish a school building/facility the cost of which will exceed the amount allowed by Indiana statute.
In order for sealed bidding to be feasible, the following conditions shall be present:

1. a complete, adequate, and realistic specification or purchase description is available;

2. two (2) or more responsible bidders are willing and able to compete effectively for the business; and

3. the procurement lends itself to a firm fixed price contract and the selection of the successful bidder can be made principally on the basis of price.

When sealed bids are used, the following requirements apply:

1. Bids shall be solicited in accordance with the provisions of State law and Policy 6320. Bids shall be solicited from ( ) ______ (X ) an adequate number of qualified suppliers, providing sufficient response time prior to the date set for the opening of bids. The invitation to bid shall be publicly advertised.

2. The invitation for bids shall include product/contract specifications and pertinent attachments and shall define the items and/or services required in order for the bidder to properly respond.

3. All bids shall be opened at the time and place prescribed in the invitation for bids; bids shall be opened publicly.
4. A firm fixed price contract award shall be made in writing to the lowest responsive and responsible bidder. Where specified in bidding documents, factors such as discounts, transportation cost, and life cycle costs shall be considered in determining which bid is lowest. Payment discounts may be used to determine the low bid only when prior experience indicates that such discounts are usually taken.

5. The Board reserves the right to reject any or all bids for sound documented reason.

[ ] Competitive Proposals

Procurement by competitive proposal, normally conducted with more than one source submitting an offer, is generally used when conditions are not appropriate for the use of sealed bids or in the case of a recognized exception to the sealed bid method. Indiana law stipulates a threshold for which sealed bids are required. (See Policy 6320.) [Drafting Note: Like sealed bids, Federal law does not require a competitive proposal unless the procurement is for over $150,000. The State/Corporation may set a lower threshold for sealed bids and competitive proposals.]

If this method is used, the following requirements apply:

1. Requests for proposals shall be publicized and identify all evaluation factors and their relative importance. Any response to the publicized requests for proposals shall be considered to the maximum extent practical.

2. Proposals shall be solicited from an ( ) adequate number of sources.

3. The Corporation shall use its written method for conducting technical evaluations of the proposals received and for selecting recipients.
4. Contracts shall be awarded to the responsible firm whose proposal is most advantageous to the program, with price and other factors considered.

The Corporation may use competitive proposal procedures for qualifications-based procurement of architectural/engineering (A/E) professional services whereby competitors' qualifications are evaluated and the most qualified competitor is selected, subject to negotiation of fair and reasonable compensation. The method, where price is not used as a selection factor, can be used only in procurement of A/E professional services. It cannot be used to purchase other types of services though A/E firms are a potential source to perform the proposed effort.

[X] Noncompetitive Proposals

Procurement by noncompetitive proposals allows for solicitation of a proposal from only one source and may be used only when one or more of the following circumstances apply:

1. the item is available only from a single source
2. the public exigency or emergency for the requirement will not permit a delay resulting from competitive solicitation
3. the Federal awarding agency or pass-through entity expressly authorizes noncompetitive proposals in response to a written request from the Corporation
4. after solicitation of a number of sources, competition is determined to be inadequate
Contract/Price Analysis

The Corporation shall perform a cost or price analysis in connection with every procurement action in excess of $150,000, including contract modifications. A cost analysis generally means evaluating the separate cost elements that make up the total price, while a price analysis means evaluating the total price without looking at the individual cost elements.

The method and degree of analysis is dependent on the facts surrounding the particular procurement situation; however, the Corporation shall come to an independent estimate prior to receiving bids or proposals.

When performing a cost analysis, the Corporation shall negotiate profit as a separate element of the price. To establish a fair and reasonable profit, consideration is given to the complexity of the work to be performed, the risk borne by the contractor, the contractor's investment, the amount of subcontracting, the quality of its record of past performance, and industry profit rates in the surrounding geographical area for similar work.

Time and Materials Contracts

The Corporation uses a time and materials type contract only (1) after a determination that no other contract is suitable; and (2) if the contract includes a ceiling price that the contractor exceeds at its own risk. Time and materials type contract means a contract whose cost to the Corporation is the sum of the actual costs of materials and direct labor hours charged at fixed hourly rates that reflect wages, general and administrative expenses, and profit.

Since this formula generates an open-ended contract price, a time-and-materials contract provides no positive profit incentive to the contractor for cost control or labor efficiency. Therefore, the Corporation sets a ceiling price for each contract that the contractor exceeds at its own risk. Further, the Corporation shall assert a high degree of oversight in order to obtain reasonable assurance that the contractor is using efficient methods and effective cost controls.
Suspension and Debarment

The Corporation shall award contracts only to responsible contractors possessing the ability to perform successfully under the terms and conditions of the proposed procurement. All purchasing decisions shall be made in the best interests of the Corporation and shall seek to obtain the maximum value for each dollar expended. When making a purchasing decision, the Corporation shall consider such factors as (1) contractor integrity; (2) compliance with public policy; (3) record of past performance; and (4) financial and technical resources.

The Superintendent shall have the authority to suspend or debar a person/corporation, for cause, from consideration or award of further contracts. The Corporation is subject to and shall abide by the nonprocurement debarment and suspension regulations implementing Executive Orders 12549 and 12689, 2 CFR Part 180.

Suspension is an action taken by the Corporation that immediately prohibits a person from participating in covered transactions and transactions covered under the Federal Acquisition Regulation (48 CFR chapter 1) for a temporary period, pending completion of an agency investigation and any judicial or administrative proceedings that may ensue. A person so excluded is suspended. (2 CFR Part 180 Subpart G)

Debarment is an action taken by the Superintendent to exclude a person from participating in covered transactions and transactions covered under the Federal Acquisition Regulation (48 CFR Chapter 1). A person so excluded is debarred. (2 CFR Part 180 Subpart H)

The Corporation shall not subcontract with or award subgrants to any person or company who is debarred or suspended. For contracts over $25,000, the Corporation shall confirm that the vendor is not debarred or suspended by either checking the Federal government’s System for Award Management, which maintains a list of such debarred or suspended vendors at www.sam.gov; collecting a certification from the vendor; or adding a clause or condition to the covered transaction with that vendor. (2 CFR Part 180 Subpart C)
Bid Protest

The Corporation maintains the following protest procedures to handle and resolve disputes relating to procurements and, in all instances, discloses information regarding the protest to the awarding agency.

A bidder who wishes to file a bid protest shall file such notice and follow procedures prescribed by the Request For Proposals (RFPs) or the individual bid specifications package for resolution. Bid protests shall be filed in writing with the Superintendent within seventy-two (72) hours of the opening of the bids in protest.

Within five (5) days of receipt of a protest, the Superintendent shall review the protest as submitted and render a decision regarding the merits of the protest and any impact on the acceptance and rejection of bids submitted. Notice of the filing of a bid protest shall be communicated to the Board and shall be so noted in any subsequent recommendation for the acceptance of bids and awarding of contracts.

Failure to file a notice of intent to protest or failure to file a formal written protest within the time prescribed shall constitute a waiver of proceedings.
Maintenance of Procurement Records

The Corporation maintains records sufficient to detail the history of all procurements. These records shall include, but are not necessarily limited to the following: rationale for the method of procurement, selection of contract type, contractor selection or rejection, and the basis for the contract price (including a cost or price analysis).

I.C. 5-22-2-21, 5-22-2-30, 5-22-2-38
I.C. 5-22-3-3
I.C. 5-22-6-1 and 5-22-6-2
I.C. 5-22-7-1 et seq.
I.C. 5-22-8-2, 5-22-8-3
I.C. 5-22-10-1 et seq.
I.C. 5-22-16-1, 5-22-16-2
I.C. 20-26-4-6, 20-26-4-8
I.C. 20-26-5-4
2 C.F.R. 200.317 - .326

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CONFLICTS OF INTEREST AND VENDOR RELATIONS

Conflicts of Interest

The Board shall not knowingly approve a contract or purchase using any funds received from a Federal grant or award in which a Board member, employee, or agent of the Board has a pecuniary interest.

The School Board shall not knowingly approve a contract or purchase using funds other than any of those received from a Federal grant or award in which a Board member, Corporation employee, or agent of the Board or their spouse or dependent profits or has a pecuniary interest unless the Board member, employee, or agent with the profit or pecuniary interest makes the written disclosure on State Board of Accounts Form 236 required in I.C. 35-4.1-1-4, and the disclosure is approved by vote of the Board before the Board vote on the contract or purchase.

A Board member may participate in the discussion or vote on the acceptance of their disclosure and the vote on the contract or purchase addressed by their disclosure.

An employee or agent of the Board may be called upon to contribute to or participate in the Board's discussion on the acceptance of their disclosure and the contract or purchase addressed by their disclosure.

The Superintendent shall see that a written disclosure of a conflict of interest on State Board of Accounts Form 236 that is approved by the Board is filed with the State Board of Accounts and the Clerk of the Circuit Court within fifteen (15) calendar days after approval by the Board.

Notwithstanding the above provision, the standards prohibiting conflict of interest in Bylaw 0144.3, Board Policy 1130, Board Policy 3113, and Board Policy 4113 apply to all Corporation employees, officers (that is, all members of the Board), or agents of the Board. No written disclosure shall exempt a Corporation employee from disciplinary action for violation of the conflict of interest provisions in those policies.

For the purpose of this policy the terms "pecuniary interest" and "profit" have the meaning given to those terms in I.C. 35-44.1-1-4.
Vendor Contracts with the School Community

All representatives of vendors proposing to provide goods or services to the Board shall report their intention to propose that the Board approve the use of a product or service to the Superintendent before contacting any Corporation teacher, student, or employee, other than the employee assigned responsibility for the contract or purchase by the Superintendent.

Selection of Vendors

The Corporation’s purchasing agent or committee (see Policy 6320) shall not extend or give preference to any vendor. Each contract, service, product, and vendor recommended favorably to the Board by a Board member or Corporation employee shall be recommended based upon a favorable assessment of the quality, quantity, price, and delivery proposed. Where bidding is required, recommendations shall be based on the lowest bid from a responsive and responsible bidder. Past experience with a provider may be considered in determining if the proposed provider is "responsible" as that term is used in this policy. The terms "responsible" and "responsive" shall have the meaning given them by I.C. 5-22-7-8.

The Board expects its members, Corporation employees, contractors, and contractors’ employees to disclose a personal or spouse or dependent’s pecuniary interest or profit in a contract or purchase approved by the Board and to report possible violations of these Board expectations by others to the Superintendent. Parents, volunteers, contractors and concerned citizens are encouraged to report possible violations of the Board’s expectations, if they believe a violation has occurred.

Reporting Violations and Whistleblower Protection

The Board is committed to protection of persons reporting violations, i.e., “whistleblowers”. Specific protection is addressed for administrators in Policy 1411, for professional staff members (all certificated employees who are not administrators) in Policy 3211, and for support staff in Policy 4211.

Reports by contractors and their employees are protected by this policy.

A contractor or an employee of a contractor, hereafter an “employee/contractor”, who is aware of acts by a Board member, Corporation employee, or another employee/contractor that possibly violates Federal or Indiana law or Board policy shall report this conduct to his/her immediate supervisor. If the employee’s immediate supervisor is not responsive or the supervisor is the person whose behavior is in question, the employee/contractor shall report the possible violation to the Superintendent. If the reported conduct relates to the Superintendent, the report shall be filed directly with the Board President.
If a violation of law or Board policy is reported, the employee/contractor will be directed to put the report in writing. An employee/contractor making such a report in writing and his/her spouse and dependents, shall be protected from retaliation for making a report pursuant to this policy if the employee/contractor had a good faith belief at the time the report was made that the information reported was true.

Sanctions and Debarment of Contractors

Contractors are subject to sanctions, including debarment. As used here, "debarment" means exclusion from eligibility for future consideration for a specific or indeterminate period, or cancellation of the current contract or relationship upon a finding by the Board that the greater weight of the credible information available to the Board demonstrates that the contractor knowingly violated a law, Board policy, or made a false report under this policy. Contractors may also be subject to debarment if they knew of a violation of law or Board policy involving or related to the business of the Board but did not make a report confirmed in writing to a supervisor in accordance with this policy.

I.C. 5-22-7 (competitive bidding)
I.C. 5-22-16-1 (responsibility)
I.C. 5-22-16-2 (responsiveness)
I.C. 22-5-3-3 (employees of contractors)
I.C. 35-44.1-1-4 (conflict of interest)
I.C. 36-1-12-4 (bidding procedure for public works)
I.C. 36-1-12-4(10) (responsive)
I.C. 36-1-12-4(11) (responsible)
2 C.F.R. 200.112, 200.113, 200.318

Revised 7/21/11
Revised 6/18/15

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TRAVEL PAYMENT AND REIMBURSEMENT

Travel expenses incurred for official business travel on behalf of the Corporation shall be limited to those expenses necessarily incurred by the employee in the performance of a public purpose authorized, in advance, in accordance with administrative guidelines.

Employees are expected to exercise the same care incurring travel expenses that a prudent person would exercise if traveling on personal business and expending personal funds. Unauthorized costs and additional expenses incurred for personal preference or convenience will not be reimbursed.

Unauthorized expenses include but are not limited to alcohol, movies, fines for traffic violations, and the entertainment/meals/lodging of spouses or guests.

[ ] Commercial airfare costs in excess of the basic least expensive unrestricted accommodations class offered by commercial airlines are unallowable except when such accommodations would 1) require circuitous routing; 2) require travel during unreasonable hours; 3) excessively prolong travel; 4) result in additional costs that would offset the transportation savings; or 5) offer accommodations not reasonably adequate for the traveler’s medical needs. Instances of commercial airfare costs in excess of the basic least expensive unrestricted accommodations class must be justified and documented on a case-by-case basis.

[ ] Temporary dependent care costs (as dependent is defined in 26 U.S.C. 152) above and beyond regular dependent care that directly results from travel to conferences are allowable provided that (1) the costs are a direct result of the individual’s travel for the Federal award; (2) the costs are consistent with the Corporation’s documented administrative guidelines for all entity travel; and (3) are only temporary during the travel period. Travel costs for dependents are unallowable, except for travel of a duration of six (6) months or more with prior approval of the Federal awarding agency.

Travel payment and reimbursement provided from Federal funds must be authorized in advance and must be reasonable and consistent with the Corporation’s travel policy and administrative guidelines. For travel paid for with Federal funds, the travel authorization must include documentation that demonstrates that (1) the participation in the event by the individual traveling is necessary to the Federal award; and (2) the costs are reasonable and consistent with the Corporation’s travel policy.
All travel shall comply with the travel procedures established in the administrative guidelines. **All costs incurred with Federal funds must meet the cost allowability standards within Board Policy 6110.**

To the extent that the Corporation's policy does not establish the allowability of a particular type of travel cost, the rates and amounts established under 5 U.S.C. 5701-11, ("Travel and Subsistence Expenses; Mileage Allowances"), or by the Administrator of General Services, or by the President (or his/her designee), must apply to travel under Federal awards.

2 C.F.R. 200.474

Adopted 7/21/11
Policy 7300 - Disposition of Real Property (Revised)
Policy 7310 - Disposition of Surplus Property (Revised)
Policy 7450 - Property Inventory (Revised)
DISPOSITION OF REAL PROPERTY

The School Board believes that the efficient administration of the Corporation requires the disposition of property and goods no longer necessary for the maintenance of the educational program or the operation of the School Corporation.

"Real Property" means land, including land improvements, structures and appurtenances thereto, but excludes moveable machinery and equipment.

The Board shall direct the periodic review of all Corporation property and authorize the disposition by sale, donation, trade, or discard of any property not required for school purposes in accordance with the provisions of this policy and Policy 7310 - Disposition of Surplus Property.

All written offers on real property under consideration for disposition shall be presented as an item on the agenda of a public School Board meeting. A preliminary review of offers to purchase or lease shall include: source of offer, date of offer, expiration date of offer, and intended use of property.

All property considered for lease or sale shall be reviewed by the Board prior to solicitation of offers. The solicitation of offers by the Board shall include an expiration date.

In consideration of the best interest of the Corporation and of the residents and taxpayers, the Board reserves the right to reject any and all offers at its sole discretion, regardless of price and terms.

Potential purchasers or lessees shall demonstrate financial capability to meet the terms and conditions of their purchase or lease offer.

Potential purchasers shall demonstrate reasonable likelihood of obtaining necessary city/township approvals and/or compliance with city/township zoning ordinances.

Money derived from the sale or exchange of property that is no longer needed for school purposes shall be placed in any school fund established by law that the Board considers appropriate.

Lease or Sale of Property to Charter School:

[NOTE: The following section does not apply to a school building that on or before July 1, 2011, was leased on loaned by the Corporation to another entity if the entity is not a building corporation or other entity that is related in any way to, or created by, the Corporation or the Board.]

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Except as specified below, before the Board may dispose of real property previously used for instruction, the Board shall make available for lease or purchase to any charter school any school building owned by the Corporation or any other entity that is related in any way to, or created by, the Corporation or the Board, including but not limited to a building corporation, that either is not used in whole or in part for classroom instruction at the time the charter school seeks to lease the building or appears on the list compiled by the State Department of Education (SDOE) of available properties described below in order for the charter school to conduct classroom instruction.

No later than August 1 each calendar year, the Board shall inform the SDOE if a school building that previously was used for classroom instruction is closed, unused, or unoccupied. The SDOE shall maintain a list of such closed, unused, or unoccupied school buildings and make the list available on its Internet website.

A school building that appears for the first time on SDOE's list shall be designated as "Unavailable until (a date two (2) years after the school building first appears on the list)" if the Board indicates to the SDOE, on a form prescribed by the SDOE, that the school building may be reclaimed during that period for classroom instruction. If the Board does not indicate that a school building may be reclaimed, the Board shall designate the school building as "Available" on the SDOE's list. The Board may change the designation of a building from unavailable to available at any time. If a school building that is designated as unavailable on the SDOE's list remains unused for classroom instruction one (1) year after being reclaimed, the Board shall designate the school building as "Available" on the SDOE's list. The Board may reclaim a school building only one (1) time.

Within thirty (30) days after receiving notification from the SDOE that a charter school wishes to use a school building, the Board shall lease the school building to the charter school for one dollar ($1.00) per year for as long as the charter school uses the school building for classroom instruction or for a term at the charter school's discretion, or sell the school building to the charter school for one dollar ($1.00). The charter school must begin to use the school building for classroom instruction not later than two (2) years after acquiring the school building. If the school building is not used for classroom instruction within two (2) years after acquiring the school building, the school building shall be placed on the SDOE's list. If during the term of the lease the charter school closes or ceases using the school building for classroom instruction, the school building shall be placed on the SDOE's list.
If a Corporation school building is sold to a charter school pursuant to this procedure, and the charter school or any entity related to the charter school subsequently sells or transfers the school building to a third party, the charter school or related entity must transfer an amount equal to the gain in the property minus the adjusted basis (including costs of improvements to the school building) to the Corporation. Gain and adjusted basis shall be determined in the manner prescribed by the Internal Revenue Code and the applicable Internal Revenue Service regulations and guidelines.

During the term of a lease under this section, the charter school is responsible for the direct expenses related to the school building leased, including utilities, insurance, maintenance, repairs, and remodeling. The Corporation is responsible for any debt incurred for or liens that attached to the school building before the charter school leased the school building.

Notwithstanding anything to the contrary in this section, and with the sole exception of a waiver referenced below, when a school building is designated as "Available", the school building must remain designated as "Available" and may not be sold or otherwise disposed of for at least two (2) years. When the two (2) year period has elapsed, the Board may sell or otherwise dispose of the school building in accordance with I.C. 36-1-11.

The Board may request from the SDOE a waiver from the requirement to make a school building available to a charter school. In order for the Board to receive a waiver, the Board must apply to the SDOE for the waiver on a form prescribed by the SDOE. The application must include a statement that the Board believes that a charter school would not be interested in leasing or purchasing the vacant or unused school building.

A charter school may submit a written qualified objection to the Board's request for a waiver to the SDOE. In order to be considered a qualified objection, it must include:

A. the name of the charter school that is interested in leasing or purchasing the vacant or unused school building; and

B. a time frame, which may not exceed one (1) year from the date of the objection, in which the charter school intends to begin providing classroom instruction in the vacant or unused school building.

If the SDOE received a qualified objection, the school building will remain on the SDOE's list. If the SDOE does not, it will grant the waiver, and the Board may sell or otherwise dispose of the unused or vacant school building in accordance with I.C. 36-1-11.
I.C. 20-23-6-9
I.C. 20-26-5-4
I.C. 20-26-7-1
I.C. 36-1-11
2 C.F.R. 200.78, 200.85

Revised 3/3/16
DISPOSITION OF SURPLUS PROPERTY

The School Board requires the Superintendent to review the property of the Corporation periodically and to dispose of that material and equipment which is no longer usable in accordance with the terms of this policy.

A. **Instructional Material**

The Corporation shall review instructional materials (i.e. textbooks, library books, manuals, support materials, etc.) periodically to determine the relevance of such materials to the present world and current instructional programs. The following criteria will be used to review instructional materials for redistribution and possible disposal:

1. concepts or content that do not support the current goals of the curriculum
2. information that may not be current
3. worn beyond salvage

B. **Equipment**

The Corporation shall inspect the equipment used in the instructional program periodically, to determine the condition and usability of such equipment in the current educational program. Should the equipment be deemed no longer serviceable or usable, the following criteria will be used to determine possible disposal:

1. repair parts for the equipment no longer readily available
2. repair records indicate equipment has no usable life remaining
3. obsolete and no longer contributing to the educational program
4. some potential for sale at a school auction
5. creates a safety or environmental hazard
C. Textbooks

The Corporation shall dispose of textbooks in accordance with the procedures prescribed by statute.

The Corporation shall dispose of textbooks determined by Corporation officials to no longer be of use in the Corporation pursuant to Section D below.

D. Disposition

The Superintendent is authorized to dispose of obsolete instructional and other property by selling it to the highest bidder, by donation to appropriate parties, or by proper waste disposal. Disposal of surplus property purchased with Federal funds shall be disposed of in accordance with Federal guidelines.

When original or replacement equipment acquired under a Federal award is no longer needed for the original project or program or for other activities currently or previously supported by a Federal awarding agency, the Corporation shall request disposition instructions from the Federal awarding agency if required by the terms and conditions of the Federal award. Disposition of the equipment will be made in accordance with disposition instructions of the Federal awarding agency.

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

Except as provided in §200.312 Federally-owned and exempt property, paragraph (b), or if the Federal awarding agency fails to provide requested disposition instructions within 120 days, items of equipment with a current per-unit fair-market value in excess of $5,000 may be retained by the non-Federal entity or sold. The Federal awarding agency is entitled to an amount calculated by multiplying the current market value or proceeds from sale by the Federal awarding agency's percentage of participation in the cost of the original purchase. If the equipment is sold, the Federal awarding agency may permit the non-Federal entity to deduct and retain from the Federal share $500 or ten percent of the proceeds, whichever is less, for its selling and handling expenses.
The Corporation may transfer title to the property to the Federal Government or to an eligible third party provided that, in such cases, the Corporation shall be entitled to compensation for its attributable percentage of the current fair market value of the property.

2 C.F.R. 200.312, 200.313
I.C. 20-26-5-4
I.C. 36-1-11

Revised 3/3/16
PROPERTY INVENTORY

As steward of the Corporation’s property, the School Board recognizes that efficient management and full replacement upon loss requires accurate inventory and properly maintained property records.

The Board shall maintain a continuous inventory of all Corporation-owned equipment.

For purposes of this policy, "equipment" shall mean a unit of furniture or furnishings, an instrument, a machine, an apparatus, or a set of articles which retains its shape and appearance with use, is non-expendable, costs at least $500.00 to replace and does not lose its identity when incorporated into a more complex unit. When defining supplies for inventory purposes, no items will be counted whose total value is less than $500.

It shall be the duty of the Business Manager to ensure that inventories are recorded systematically and accurately and property records of equipment are updated and adjusted annually by reference to purchase orders and withdrawal reports.

The Business Manager shall maintain a system of property records which shall show, as appropriate to the item recorded:

A. description and identification,
B. manufacturer,
C. year of purchase,
D. initial cost,
E. location,
F. condition and depreciation,
G. evaluation in conformity with insurance requirements.

Equipment acquired under a Federal award will vest upon acquisition to the Corporation, subject to the following conditions:

A. The equipment shall be used for the authorized purposes of the award project during the period of performance or until the equipment is no longer needed for the purposes of the project.
B. The equipment shall not be encumbered without the approval of the Federal awarding agency or the pass-through entity.

C. The equipment may be only used and disposed of in accordance with the provisions of the Federal awarding agency or the pass-through entity and Policy 7300, Policy 7310, and AG 7310.

D. Property records shall be maintained that include a description of the equipment, a serial number or other identification number, the source of funding for the equipment (including the FAIN), title entity, acquisition date, cost of the equipment, percentage of Federal participation in the project costs for the award under which the equipment was acquired, the location, use, and condition of the equipment, and ultimate disposition data, including date of disposal and sale price of the equipment.

E. A physical inventory of the property must be taken and results reconciled with property records at least once every two (2) years.

F. A control system shall be developed to provide adequate safeguards to prevent loss, damage, or theft of the property. Any such loss, damage, or theft shall be investigated.

G. Adequate maintenance procedures shall be implemented to keep the property in good condition.

2 C.F.R. 200.313
Exhibit 9

Policy 8500 - Food Services (Revised)
Policy 8510 - Wellness (Revised)
Policy 8531 - Free and Reduced-Price Meals (Revised)
Policy 8531.01 - Review and Second Audit of Free and Reduced Lunch Applications (Revised)
Policy 8540 - Vending Machines (Revised)
FOOD SERVICES

The School Board will provide cafeteria or serving facilities in all schools where space and facilities permit and food service for the purchase and consumption of lunch for all students.

The Board also will provide a breakfast program in accordance with procedures established by the State Department of Education.

The Board does not discriminate on the basis of race, color, national origin, sex (including sexual orientation or transgender identity), disability, age (except as authorized by law), religion, military status, ancestry, or genetic information (collectively, "Protected Classes") in its educational programs or activities, including the Food Service program. Students and all other members of the School Corporation community and third parties are encouraged to promptly report incidents of unlawful discrimination and/or retaliation related to the Food Service program to a teacher, administrator, supervisor, or other Corporation official so that the Board may address the conduct. See Policy 2260 – Nondiscrimination and Access to Equal Educational Opportunity.

The food-service program will comply with Federal and State regulations pertaining to the selection, preparation, consumption, and disposal of food and beverages, including but not limited to the current USDA school meal pattern requirements and the USDA Smart Snacks in School nutrition standards, as well as to the fiscal management of the program. In addition, as required by law, a food safety program that is based on the principles of the Hazard Analysis and Critical Control Point (HACCP) system shall be implemented with the intent of preventing food-borne illnesses. For added safety and security, access to the facility and the food stored and prepared therein shall be limited to food service program staff and other authorized persons.

Substitutions to the standard meal requirements shall be made, at no additional charge, for students who are certified by a licensed physician to have a disability that restricts his/her diet, in accordance with the criteria set forth in 7 CFR Part 15b. To qualify for such substitutions the medical certification must identify:

A. the student’s disability and the major life activity affected by the disability;
BOARD OF SCHOOL TRUSTEES
SCHOOL CITY OF HOBART

B. an explanation of why the disability affects the student's diet; and

C. the food(s) to be omitted from the student's diet and the food or choice of foods that must be substituted (e.g., caloric modifications or use of liquid nutritive formula).

For non-disabled students who need a nutritionally equivalent milk substitute, only a signed request by a parent or guardian is required.

Lunches sold by the school may be purchased by students and staff members and community residents in accordance with the procedures established by the Superintendent.

The Superintendent is authorized to develop administrative guidelines governing the creation of meal accounts for students and employees.

It shall be the policy of this District that parents and students shall be informed at the time a meal account is established that account balances are to be cleared within ninety (90) days of the graduation or withdrawal of the student for whom the account was established. Accounts shall be cleared by requesting a refund, requesting account balance transfer to the account of a sibling, or donation to the School Lunch Fund. Failure to request refund or transfer within ninety (90) days shall be deemed intent to donate, and the funds will be transferred to the School Lunch Fund.

The operation and supervision of the food-service program is the responsibility of the Director of Food Services. Food services will be operated on a self-supporting basis with revenue from students, staff, Federal reimbursement, and surplus food. The Board will assist the program by furnishing available space, initial major equipment, and utensils.

A lunch account becomes inactive after ___weeks 90 days with no deposits or withdrawals. An inactive lunch account that has a positive balance of $___[SBOA recommends $10.00] or less less than $5.00 may be receipted back into the __select one of the following options__ (X ) school lunch fund ( )
extra curricular activity fund [END OF OPTION] where the School Lunch Program funds are maintained. An inactive lunch account that has a nominal negative account balance of $___$5.00 or less may be offset against the positive balances in the Fund; provided, however, that if the parent requests and can document entitlement to the positive balance in the account, the parent is entitled to a refund of that amount.

Significant negative lunch account balances shall not be permitted. A significant negative lunch account balance is any balance owed in excess of $____$5.00. Any significant negative lunch account balance should be
In accordance with Federal law, the Director of Food Services will take such actions as are necessary to obtain a minimum of two (2) food safety inspections per school year, which are conducted by the State or local governmental agency responsible for food safety inspections. The report of the most recent inspection will be posted in a publicly visible location, and a copy of the report will be available upon request.

A periodic review of the food-service accounts will be made by the Business Manager. Any surplus funds from the National School Lunch Program will be used to reduce the cost of the service to students or to purchase cafeteria equipment. Surplus funds from a-la-carte foods may accrue to the food service program. Bad debt incurred through the inability to collect lunch payment from students is not an allowable cost chargeable to any Federal program. Any related collection cost, including legal cost, arising from such bad debt after they have been determined to be uncollectable also are unallowable.

With regard to the operation of the school food service program, the Superintendent shall require the:

A. maintenance of sanitary, neat premises free from fire and health hazards;

B. preparation of food that complies with Federal food safety regulations;

C. planning and execution of menus in compliance with USDA requirements;

D. purchase of food and supplies in accordance with State and Federal law, USDA regulations, and Board policy; (see Policy 1130, Policy 1214, Policy 3113, Policy 3214, Policy 4113, Policy 4214, and Policy 6460);

E. compliance with food holds and recalls in accordance with USDA regulations;

F. accounting and disposition of food-service funds pursuant to Federal and State law and USDA regulations;

G. safekeeping and storage of food and food equipment pursuant to State and Federal law and USDA regulations;

H. regular maintenance and replacement of equipment.
I. compliance with the District’s Corporation’s time and effort record-keeping policy by all School—Corporation employees whose salaries are paid from USDA funds or with non-Federal funds used to meet a match or cost share requirement. (See Policy 6116)

No foods or beverages, other than those associated with the Corporation’s food service program, are to be sold during food service hours. The Corporation’s food service program will serve only food items and beverages as determined by the Food Service Department to be in compliance with the current USDA Dietary Guidelines for Americans. Any competitive food items and beverages that are available for sale to students à la carte in the dining area between midnight and thirty (30) minutes following the end of the school day also shall comply with the current USDA Nutrition Standards for the National School Lunch and School Breakfast Programs, and the USDA Smart Snacks in Schools regulations. Foods and beverages unassociated with the food-service program may be vended subject to the rules and regulations set forth in Policy 8540.

The Superintendent will require that the food service program serve foods in the schools of the Corporation that are wholesome and nutritious and reinforce the concepts taught in the classroom.

2 C.F.R. Part 200
USDA Smart Snacks in School Food Guidelines (effective July 1, 2014)
SP 32-2015 Statements Supporting Accommodations for Children with Disabilities in the Child Nutrition Programs

Revised 8/7/14
Revised 2/5/15
Revised 6/18/15
Revised 8/20/15
Revised 3/3/16

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WELLNESS

As required by law, the Board establishes the following wellness policy for the Corporation as a part of a comprehensive wellness initiative.

The Board recognizes that good nutrition and regular physical activity affect the health and well-being of the Corporation's students. Furthermore, research suggests that there is a positive correlation between a student's health and well-being and his/her ability to learn. Moreover, schools can play an important role in the developmental process by which students establish their health and nutrition habits by providing nutritious meals and snacks through the schools' meal programs, by supporting the development of good eating habits, and by promoting increased physical activity both in and out of school.

Schools alone, however, cannot develop in students healthy behaviors and habits with regard to eating and exercise. It will be necessary for not only the staff, but also parents and the public at large to be involved in a community-wide effort to promote, support, and model such healthy behaviors and habits.

The Board sets the following goals in an effort to enable students to establish good health and nutrition habits:

A. With regard to nutrition education:

1. Nutrition education shall be included in the sequential, comprehensive health curriculum in accordance with the curriculum standards and benchmarks established by the State.

2. Nutrition education may include enjoyable, developmentally appropriate and culturally relevant participatory activities, such as contests, promotions, taste testing, and others.

3. Nutrition education shall include opportunities for appropriate student projects related to nutrition, involving, when possible, community agencies and organizations.

4. Nutrition education shall extend beyond the classroom by engaging and involving the school's food service staff.

5. Nutrition education posters, such as the MyPlate Guide, will be displayed.
6. The school cafeteria shall serve as a learning lab by allowing students to apply the knowledge, attitudes, and skills taught in the classroom when making choices at mealtime.

7. Nutrition education shall extend beyond the school by engaging and involving families and the community.

8. Nutrition education shall reinforce lifelong balance by emphasizing the link between caloric intake (eating) and exercise in ways that are age-appropriate.

9. Instruction related to the standards and benchmarks for nutrition education shall be provided by highly qualified teachers.

10. The Corporation shall provide information to parents that is designed to encourage them to reinforce at home the standards and benchmarks being taught in the classroom.

B. With regard to physical activity:

1. Physical Education

   a. A sequential, comprehensive recreation and physical education program shall be provided for students in K-12 in accordance with the physical education academic content standards and benchmarks adopted by the State.

   b. The sequential, comprehensive physical education curriculum shall provide students with opportunities to learn, practice, and be assessed on developmentally appropriate knowledge, attitudes, and skills necessary to engage in lifelong, health-enhancing physical activity.

   c. Planned instruction in physical education shall be sufficient for students to achieve a proficient level with regard to the standards and benchmarks adopted by the State.

   d. Planned instruction in physical education shall promote participation in physical activity outside the regular school day.
e. The physical education curriculum shall provide sequential instruction related to the knowledge, attitudes, and skills necessary to participate in lifelong, health-enhancing physical activity.

f. Physical education classes shall provide students with opportunities to learn, practice, and be assessed on developmentally appropriate knowledge, attitudes, and skills necessary to engage in lifelong, health-enhancing physical activity.

g. The sequential, comprehensive physical education curriculum shall stress the importance of remaining physically active for life.

h. Planned instruction in physical education shall teach cooperation, fair play, and responsible participation.

i. Planned instruction in physical education shall meet the needs of all students, including those who are not athletically gifted.

j. Planned instruction in physical education shall be presented in an environment free of embarrassment, humiliation, shaming, taunting, bullying, or harassment of any kind.

k. Planned instruction in physical education shall include cooperative as well as competitive games.

l. Planned instruction in physical education shall take into account gender and cultural differences.

2. **Physical Activity**

   a. Physical activity and movement shall be integrated, when possible, across the curricula and throughout the school day.

   b. Schools shall encourage families to provide physical activity outside the regular school day, such as outdoor play at home, participation in sports sponsored by community agencies or organizations, and in lifelong physical activities like bowling, swimming, or tennis.
c. The school may provide information to families to encourage and assist them in their efforts to incorporate physical activity into their children's daily lives.

d. The school may encourage families and community organizations to help develop and institute programs that support physical activity of all sorts.

e. Students may have the opportunity to participate in extracurricular activities and intramural programs that emphasize physical activity.

f. All students in grades 6-12 shall have the opportunity to participate in interscholastic sports programs.

C. With regard to other school-based activities the Corporation shall:

1. The schools shall schedule mealtimes so there is minimum disruption by bus schedules, recess, and other special programs or events.

2. The school shall provide attractive, clean environments in which the students eat.

3. Activities, such as tutoring or club meetings, shall not be scheduled during mealtimes, unless students may eat during those meetings.

4. An organized wellness program shall be available to all staff.

5. The schools may demonstrate support for the health of all students by hosting health clinics and screenings and encouraging parents to enroll their eligible children in Medicaid or in other children's health insurance programs for which they may qualify.
6. Schools in our system utilize electronic identification and payment systems, therefore, eliminating any stigma or identification of students eligible to receive free and/or reduced meals.

7. Students are discouraged from sharing their foods or beverages with one another during meal times, given concerns about allergies and other restrictions on some students' diets.

D. With regard to nutrition promotion, the Corporation shall:

1. encourage students to increase their consumption of healthful foods during the school day;

2. create an environment that reinforces the development of healthy eating habits and provides opportunities for students to develop the knowledge and skills for consuming healthful foods.

Furthermore, with the objectives of enhancing student health and well being, and reducing childhood obesity, the following guidelines are established:

A. In accordance with Policy 8500, entitled Food Service, the food service program shall comply with Federal and State regulations pertaining to the selection, preparation, consumption, and disposal of food and beverages as well as to the fiscal management of the program.

B. As set forth in Policy 8531, entitled Free and Reduced Price Meals, the guidelines for reimbursable school meals are not less restrictive than the guidelines issued by the U.S. Department of Agriculture (USDA).

C. The food service program will strive to be financially self-supporting; however, if it is necessary to subsidize the operation, it will not be through the sale of foods with minimal nutritious value.

D. The school food service program may involve students, parents, staff, and school officials in the selection of competitive food items to be sold in the schools.
E. All food items and beverages available for sale to students for consumption on campus between 12:01 am and thirty (30) minutes after the close of the regular school day shall comply with the current USDA’s Dietary Guidelines for Americans and the USDA’s Smart Snacks in Schools regulations, including, but not limited to, competitive foods that are available to students à la carte in the dining area, as well as food items and beverages from vending machines, school stores, or fund-raisers by student clubs and organizations, parent groups, or boosters clubs.

F. All foods available to students in Corporation programs, other than the food service program, shall be served with consideration for promoting student health and well-being.

G. The food service program shall be administered by a director who is properly qualified, certificated, licensed, or credentialed, according to current professional standards.

H. All food service personnel shall receive pre-service training in food service operations.

I. Continuing professional development shall be provided for all staff of the food service program.

The Board designates the Superintendent or designee as the individual charged with operational responsibility for measuring and evaluating the Corporation’s implementation and progress under this policy. The Superintendent shall develop administrative guidelines necessary to implement this policy.

The Superintendent shall appoint the Corporation wellness committee that includes parents, students, representatives of the school food authority, nutritionists or certified dieticians, educational staff (including physical education teachers), school health professionals, the School Board, members of the public, and school administrators, and members of the public to oversee the development, implementation, evaluation, and periodic update, if necessary, of the wellness policy.

The wellness committee shall be an ad hoc committee of the Board with members recruited and appointed annually.

The appointed Corporation wellness committee shall be responsible for accomplishing the following: The wellness committee shall:

A. assess the current environment in each of the Corporation’s schools

B. measure the implementation of the Corporation’s wellness policy in each of the Corporation’s schools
C. review the Corporation’s current wellness policy

D. recommend revision of the policy, as necessary-appropriate and

E. present the wellness policy, with any necessary-recommended revisions, to the Board for approval or re-adoption if revisions are necessary-recommended.

Before the end of each school year the wellness committee shall submit to the Superintendent and Board their report in which they describe the environment in each of the Corporation’s schools and the implementation of the wellness policy in each school, and identify any revisions to the policy the committee deems necessary.

I.C. 20-26-9-18
42 U.S.C. 1751 et seq.
42 U.S.C. 1758b
42 U.S.C. 1771 et seq.
7 C.F.R. Parts 210 and 220
42 U.S.C. 1751 et seq.
42 U.S.C. 1771 et seq.

Revised 3/20/14
Revised 8/7/14
Revised 2/5/15

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FREE AND REDUCED-PRICE MEALS

The School Board recognizes the importance of good nutrition to each student's educational performance.

The Board shall provide needy eligible children with lunch at a reduced rate or at no charge to the student. It shall also shall provide breakfast in accordance with provisions in I.C. 20-26-9-1 et seq. I.C. 20-26-9-3, 4, 6.

Eligibility of students for free or reduced-priced meals Children, eligible for free or reduced-price meals, shall be determined by the criteria established by the Child Nutrition Program.

The Board designates the Superintendent or designee to determine the eligibility of students for free and reduced-price meals in accordance with the criteria issued annually by the Federal government through the State Department of Education.

The schools shall at least annually notify all families of the availability, eligibility requirements, and application procedure for free and reduced-price meals by distributing an application to the family of each student enrolled in the school, and shall seek out and apply for such Federal, State, and local funds as may be applied to the Corporation's program of free and reduced-price meals.

The Corporation shall follow the current Federal and State statutes and regulations governing school lunch programs, including but not limited to those governing the application process, accounting standards, and audit requirements of the Free and Reduced Lunch Program. All employees responsible for the collection and processing or auditing of free and reduced price lunch applications shall be trained in the requirements of the Free and Reduced Lunch Program, including but not limited to the eligibility requirements, accounting standards, and audit requirements.

[X] In addition, applications for students to qualify for free and reduced price lunches shall be audited a second time by a Corporation employee other than the Corporation employee who collects and processes the applications initially. This employee also shall be trained in the requirements of the Free and Reduced Lunch Program, including but not limited to the eligibility requirements, accounting standards, and audit requirements. Applications will be audited a second time as follows:
[X] A review will be completed of 3% of the applications submitted annually.

[END OF OPTIONS]

The Superintendent shall establish whatever administrative guidelines are necessary to ensure the program is conducted in accordance with guidelines established by the U.S. Department of Agriculture and the Indiana Department of Education.

I.C. 20-26-9-1 et seq.
I.C. 20-41-2-1 et seq.
42 U.S.C. 1751 et seq.
42 U.S.C. 1771 et seq.
Review and Second Audit of Free and Reduced Lunch Applications

All schools should process Free and Reduced Lunch applications following the most current USDA and State rules and regulations. The employees processing the applications are to be trained and to understand the requirements of the program and the application process. More than one employee must be involved in the approval process of Free and Reduced Lunch applications. An additional employee should be reviewing the Free and Reduced Lunch applications approval to verify the original approver is correctly and accurately processing the free and reduced applications.

Since the School City of Hobart uses a computer program for the Free and Reduced Lunch applications, a single audit will be performed of all Free and Reduced Lunch applications. The audit will be completed by a school employee other than the original approver. The auditor will review 3% of the applications that are received by the school.
VENDING MACHINES

The School Board recognizes that vending machines can produce revenues which are useful to augment programs and services to students and staff. It will, therefore, authorize their use in Corporation facilities provided that the following conditions are satisfied:

A. The installation, servicing, stocking, and maintenance of each machine is contracted for with a reputable supplier of vending machines and their products.

B. The Corporation’s share of the revenues is managed by the Treasurer in accordance with relevant Board policies and administrative guidelines.

C. No products are vended which would conflict with or contradict information or procedures contained in the Corporation’s educational programs on health and nutrition. No products are vended between 12:00 am midnight and thirty (30) minutes following the end of the school day that would conflict with or contradict information or procedures contained in the Corporation’s educational programs on health and nutrition or with Policy 8510 - Wellness.

D. Food items and beverages available for sale to students in vending machines for consumption on campus between 12:00 am midnight and thirty (30) minutes following the end of the school day shall comply with the current USDA’s Dietary Guidelines for Americans and Smart Snacks for Schools regulations. Food items and beverages available for sale to students in vending machines for consumption on campus from midnight to thirty (30) minutes following the end of the school day shall comply with the current USDA Dietary Guidelines for Americans and USDA’s Smart Snacks in Schools regulations.

The Superintendent shall develop and implement administrative guidelines that require that these conditions are adhered to on a continuing basis and that the proper procedures are established regarding location, operation, and maintenance of the equipment as well as for the dispensing of products.

42 U.S.C. 1779
7 C.F.R. 210.11(a)(5)

Revised 8/7/14
Revised 2/5/15
Exhibit 10

Policy 8606 - Bus Drivers and Cellular Telephones (New)
BUS DRIVERS AND CELLULAR TELEPHONE USE

It is the policy of the School Board to take every step necessary to maintain the safety of its students while riding in school buses that are used to transport School Corporation students. This policy shall be implemented in compliance with Federal and State law and regulations of the Indiana State Board of Education and the State School Bus Committee.

Definitions:

"Electronic device" includes, but is not limited to, a cellular telephone; personal digital assistant; pager; computer; or any other device used to input, write, send, receive, or read text.

"Mobile telephone" means a mobile communication device that falls under or uses any commercial mobile radio service, as defined in regulations of the Federal Communications Commission, 47 CFR 20.3. It does not include two-way or Citizens Band Radio services.

"Telecommunications device" means an electronic or digital telecommunications device. The term includes a:

A. wireless telephone;
B. personal digital assistant;
C. pager; or
D. text messaging device.
The term does not include:

A. amateur radio equipment that is being operated by a person licensed as an amateur radio operator by the Federal Communications Commission under 47 CFR Part 97; or

B. a communications system installed in a commercial motor vehicle weighing more than 10,000 pounds.

"Text message" means a communication in the form of electronic text sent from a telecommunications device.

Federal and State Laws:

Federal and State law prohibit texting, emailing, and using a telecommunications device or hand-held mobile telephone, including a cellular telephone, while driving commercial motor vehicles, including school buses, except in a bona fide emergency.

Federal regulations prohibit operators of commercial motor vehicles from texting while driving. Federal regulations also prohibit operators of commercial motor vehicles from using a hand-held mobile telephone while driving. For purposes of the Federal regulations, "driving" does not include operating a commercial motor vehicle when the driver has moved the vehicle to the side of, or off, a highway and has halted in a location where the vehicle can safely remain stationary.

State law prohibits a person from using a telecommunications device to:

A. type a text message or an electronic mail message;

B. transmit a text message or an electronic mail message; or

C. read a text message or an electronic mail message;

while operating a moving motor vehicle unless the device is used in conjunction with hands free or voice operated technology, or unless the device is used to call 911 to report a bona fide emergency.
Furthermore, it is a serious traffic violation under State law to drive a commercial motor vehicle while using a hand-held device as described in the Federal regulations at 49 CFR 383 through 384 and 49 CFR 390 through 392.

Prohibitions:

In light of the Corporation's policy to protect the safety of its students to the greatest extent possible and the State and Federal laws referenced herein, all Corporation employees and any independent contractors or employees of independent contractors who drive school buses to transport Corporation students are prohibited from:

A. using a cellular telephone, electronic device, mobile telephone or telecommunications device to communicate while driving a school bus to transport students; and

B. using a cellular telephone, electronic device, mobile telephone or telecommunications device to type, transmit or read a text message or an electronic mail message while driving a school bus to transport students

except in the case of a bona fide emergency. In cases of a bona fide emergency, if possible, the driver should move to the side of the road and stop the vehicle before using the cellular telephone, electronic device, mobile telephone or telecommunications device.

Furthermore, all Corporation employees are prohibited from using a cellular telephone, electronic device, mobile telephone or telecommunications device to type, transmit or read a text message or an electronic mail message while operating a motor vehicle other than a school bus to transport Corporation students, except in the case of a bona fide emergency. In cases of a bona fide emergency, if possible, the driver should move to the side of the road and stop the vehicle before using the cellular telephone, electronic device, mobile telephone or telecommunications device.
OPTION (recommended):

[X ] A Corporation employee who operates a motor vehicle other than a school bus to transport Corporation students is prohibited from using a cellular telephone, electronic device, mobile telephone or telecommunications device to communicate while operating a motor vehicle to transport students, except in the case of a bona fide emergency. In cases of a bona fide emergency, if possible, the driver should move to the side of the road and stop the vehicle before using the cellular telephone, electronic device, mobile telephone or telecommunications device.

[END OF OPTION]

A Corporation employee who violates this policy shall be subject to disciplinary action, up to and including termination. The Board directs that any contracts entered into with an independent contractor for bus transportation shall provide that: (1) the Corporation requires compliance by the independent contractor and its employees or subcontractors with this policy as a condition of the contract; and (2) the violation of this policy by an independent contractor or its employees or subcontractors may result in the termination of the contract.

I.C. 9-13-2-31 ("commercial motor vehicle" defined)
I.C. 9-13-2-161 ("school bus" defined)
I.C. 9-13-2-177.3 ("telecommunications device" defined)
I.C. 9-13-2-177.4 and I.C. 9-21-8-0.5 ("text message" defined)
I.C. 9-21-8-59 (prohibition against use of telecommunications device while operating a moving motor vehicle)
I.C. 9-24-6-6(a)(12) (driving a commercial motor vehicle while using a hand-held mobile device)
49 C.F.R. 383.5 (definition of "commercial motor vehicle," “electronic device” and "mobile telephone")
49 C.F.R. 383.51 (disqualification of drivers)
49 C.F.R. 391.15 (disqualification of drivers)
49 C.F.R. 392.80 (prohibition against texting while driving)
49 C.F.R. 392.82 (prohibition against using a hand-held mobile telephone while driving)

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