



**2018 - 2019**

**District Fiscal  
Policies**

| <b>District Fiscal Policies</b>                              | <b>2018 - 2019</b> |
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| 7.36P Bid Protests   | No Revision        |

## 7.2 Annual Operating Budget

The Superintendent and CFO shall be responsible for the preparation of the annual operating budget for the District. The Board directs the Superintendent to prepare a budget showing the actual revenue from each and every source during the past year and the estimated revenue from each and every source for the ensuing year. The budget will reflect actual expenditures for the past year and estimated expenditures for the current year. The Superintendent and CFO shall present the budget to the Board for its review, modification, and approval in September.

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

No warrant issued after October 1 of a current fiscal year against the funds of the District will be valid unless the budget has been submitted to the State Board of Education for approval.

The District's budget serves as the control to direct and limit expenditures. Responsibility for this control rests with the Superintendent who will direct the Chief Financial Officer to establish the procedures for budget control and reporting throughout the District.

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

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

The Board will retain control of the budget, once adopted, and all personnel subject to the Board in implementation of the budget will adhere to Board policies. Items in the budget may be changed upon the approval of the Board at any time during the fiscal year provided that any revision in the budget does not cause estimated expenditures to exceed estimated income or actual revenue and such changes are consistent with statute

The CFO shall present monthly reconciliation reports and a statement on the general financial condition of the District monthly to the Board. Line item changes within the same program or functional area that do not increase the total budgeted expenditures without an equal increase in the program revenue may be made at any time during the fiscal year with the approval of the appropriate program director or administrator. Line item changes that cross programs or functional areas that do not increase total budgeted expenditures without an equal increase in program revenue may be made at any time during the fiscal year with the approval of the Superintendent. Line item changes that decrease the budgeted legal balance (teacher salary, operating and debt services funds) may be made at any time during the fiscal year upon the approval of the Board. Any changes made shall be in accordance with District policy and state law.

Legal References:

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

Adopted: 10/10/72  
Revised: 1/11/83  
Revised: 9/11/84  
Revised: 2/8/11  
Revised: 4/9/13  
Revised: 2/1/18  
Last Revised: 6/26/19

## 7.5 Purchases and Procurement

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

The Director of Purchasing, under the supervision of the Chief Financial Officer, will be responsible for implementing centralized purchasing through procedures set forth in a Regulations and Procedures Manual approved by the Chief Financial Officer, Superintendent and the Board.

The Board's authority for the purchase of materials, equipment, supplies and services is extended to the District administration through the detailed listing of such items compiled as part of the budget making process and approved by the Board through its adoption of the budget. The purchase of items and services on such lists requires no further Board approval except when must be put to bid by law or Board policy.

### Definitions

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

"micro-purchases" are purchases with a value of less than three thousand five hundred dollars (\$3,500) when purchased with Federal funds.

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

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

### Commodities

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

Purchases of commodities with a purchase price of more than \$20,000 require prior Board approval; however, if an emergency exists, the Superintendent may waive this requirement.

The district shall notify in writing all actual or prospective bidders, offerors, or contractors who make a written request to the district for notification of opportunities to bid. The notification shall be made in sufficient time to allow actual or prospective bidders, offerors, or contractors to submit a bid or other appropriate response. The board shall accept bids submitted

electronically by email or fax for any and all district purchases, unless specified to be submitted by other means or methods, and except those bids which have been specified to have a designated date upon which the bids shall be opened. The superintendent shall be responsible for ensuring submitted bids, whether written, faxed, or emailed, are retained in accordance with policy

The district will not solicit bids or otherwise contract for a sum greater than twenty-five thousand dollars (\$25,000) with vendors that are on the "excluded parties list" if the contract is to be paid from federal funds.

All purchases for a Federal program with an estimated purchase price between ten thousand dollars (\$10,000) and twenty thousand nine hundred ten dollars (\$20,910) and all purchases of commodities with an estimated purchase price that equals or exceeds twenty thousand nine hundred ten dollars (\$20,910) shall be procured by soliciting bids. Specifications shall be devised for all commodities to be bid that are specific enough to ensure uniformity of the bid and yet not so restrictive that it would prevent competitive bidding. The bid specifications shall not include the name or identity of any specific vendor. The Board reserves the right to reject all bids and to purchase the commodity by negotiating a contract. In such an instance, each responsible bidder who submitted a bid shall be notified and given a reasonable opportunity to negotiate.

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

Whenever possible, a preference will be given to certified small and minority business. Women's business enterprises; and labor surplus area firms pursuant to State Procurement law §R1:19-11-231:3. The following procedure will be included to insure Minority participation when possible.

1. Placing qualified small, minority businesses and women's business enterprises on the solicitations list;
2. Assuring that certified small, minority businesses and women's business enterprises are solicited whenever they are potential sources;
3. Dividing total requirements, when economically feasible into smaller tasks or quantities to permit maximum participation by small, minority businesses and women's business enterprises;
4. Establishing delivery schedules, where the requirement permits, which encourages participation by certified small, minority businesses and women's business enterprises;
5. Using services and assistance, as appropriate, such as organizations as the Small Business Administration and the Minority Business Development Agency of the Department of Commerce; and
6. Requiring the prime contractor, if subcontracts are to be let, to take the affirmative steps listed in paragraphs (1) through (5) above.

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

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

Commodity purchases with Federal funds may be purchased without soliciting bids 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 appropriate unit of the Division of Elementary and Secondary Education expressly authorizes the noncompetitive purchase in response to a written request from the District ; or
4. After solicitation of a number of sources, competition is determined inadequate.

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

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

Prospective bidders, offerors, or contractors may appeal to the district's superintendent if they believe the district failed to follow district bidding and purchasing policy or state law.

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

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

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

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

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

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

Except when prohibited by law the District reserves the right to extend or renew a contract that was previously awarded under the process governed by this policy and law, provided the extension or renewal meets the following criteria:

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

Any commodities purchased by the district through the TAPS program satisfies the state bidding requirements; however, for purchases with Federal funds, districts are required to demonstrate that an effort was made to determine that the taps purchase price is the best price. The verification effort may be demonstrated through an email, fax, letter, or written documentation of a telephone call.

#### Professional Services

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

1. Select three (3) qualified firms;
2. Determine the most qualified firm by considering, at a minimum, the:
  - Specialized experience and technical competence of the firm with respect to the type of professional services required;
  - Capacity and capability of the firm to perform the work in question, including specialized services, within the time limitations fixed for the completion of the project;



- Past record of performance of the firm with respect to such factors as control of costs, quality of work, and ability to meet schedules and deadlines; and
  - Firm's proximity to and familiarity with the area in which the project is located;
1. Negotiate a contract for the project with the most qualified firm.

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

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

#### Sole Source

A "sole source justification document" should be attached to the purchase order and maintained in the audit file for all commodities purchased as such. DESE stipulates the following seven (7) criteria that the justification must meet:

- 1) Why the service or product is needed;
- 2) The methods used to determine that a lack of responsible/responsive competition exists for the service or product;
- 3) How it was determined that the provider possesses exclusive capabilities;
- 4) Why the service or product is unique;
- 5) Whether or not there are patent or property rights which make the required service or product unavailable from other sources;
- 6) What the district would do if the provider/service product were no longer available;
- 7) Any program considerations which make the use of a "sole source" critical to the successful completion of the district's task.

#### Legal References:

A.C.A. § 6-21-301, 303, 304, 305, 306, 307  
 A.C.A. § 6-24-101 et seq.  
 A.C.A. § 19-11-801 et seq.  
 A.C.A. §15-4-1301 et seq.  
 A.C.A §18-44-503  
 A.C.A §19-11-231  
 A.C.A §19-11-259  
 2 C.F.R. § 200.67  
 2 C.F.R. § 200.319

2 C.F.R. § 200.320  
2 C.F.R. § 200.321  
2 C.F.R. § 200.324  
48 C.F.R. § 2.101

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| Revised:      | 09/09/14 |
| Revised:      | 07/14/15 |
| Revised:      | 09/08/15 |
| Revised:      | 11/14/17 |
| Revised:      | 10/09/18 |
| Last Revised: | 6/26/19  |

## 7.6 Activity Account

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

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

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

### Gate Receipts and Admissions

The Board directs that admissions receipts of school events be adequately controlled. Each school principal will be responsible for the proper collection, supervision, disbursement and remittance of the charges for activities at his school. Admission to those school events for which an admission is charged ordinarily will be by tickets or special passes only. Adequate records will be maintained for accounting purposes. The Board will determine the admission prices for athletic events based on the recommendations of the Superintendent.

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| Legal References: | A.C.A. § 6-13-701(g)<br>A.C.A. § 6-20-417 |
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| Date Adopted: | 1/11/83 |
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| Revised: | 11/14/17 |
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| Last Revised: | 6/26/19 |
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## 7.15 Record Retention and Destruction

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

### Definitions

"Directly or directly interested" (hereinafter individual's household from the person, business, or entity contracting with the District.

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

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

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

The superintendent shall be responsible for establishing a schedule for the routine destruction of district records that accommodates the needs of the district. The schedule shall specify the length of retention for any records not specifically delineated by this policy and be distributed to staff on a need-to-know basis according to their respective employment duties and responsibilities. The schedule should accommodate the need for records to be stored as a blend of printed, bound and electronically recorded (e.g., audio tape, video tape, microfiche, computer disk) material. The

superintendent or designee shall ensure the effective and efficient securing, cataloging, storing, and appropriate scheduled destruction of all records.

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

- a. Board of Education Minutes – forever
- b. Personnel files – forever
- c. Student files – until the student receives a high school diploma or its equivalent, or is beyond the age of compulsory school attendance
- d. Student records of attendance/graduation – forever
- e. Financial Records – five (5) years
- f. Documentation, including letters of approval, related to transactions or contracts for services covered by this policy and Arkansas statutes for Board members or members of their families or for waivers granted to District employees - thirteen years
- g. Documentation relating to payments or reimbursements made by a vendor on behalf of a board member, administrator, or employee for travel, lodging, food, registration, entertainment, or other expenses – Three (3) years
- h. Employment applications, including applicant lists, applicant interview evaluations, documentation in response to requests for reasons for a failure to be interviewed and/or hired, and hiring determinations - five (5) years
- i. Expenditures made with federal grant monies – governed by the terms of each grant
- j. Video Surveillance Recordings – the timeline established in Policy 4.48—Video Surveillance and Other Student Monitoring
- k. Emails – whatever the district’s policy is on this subject
- l. Documents filed with the IRS, including those required in Policy 7.23-Health Care Coverage and the Affordable Care Act – four (4) years
- m. Statewide assessment security agreement - (3) Three years

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

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

In retaining and destroying records, no employee shall:

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

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

Cross References:

Policy 3.19—Licensed Personnel Employment  
Policy 8.13—Classified Employment

Legal References:

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

Date Adopted:

10/10/72

Revised:

1/11/83

**Revised:**

**8/16/18**

**Last Revised:**

**6/26/19**

## 7.16 Information Technology Security

The superintendent shall be responsible for ensuring the district has the necessary components in place to meet the district's needs and the state's requirements for information technology (IT) security. To aid the superintendent in creating, monitoring, and updating the District's IT Security system, the superintendent shall appoint an information security officer (ISO). The ISO shall be responsible for:

- a) Overseeing the District-wide IT security system;
- b) Development of District IT policies and procedures;
- c) Development and leading of employee training on the IT Security requirements;
- d) Ensuring compliance with the adherence to the Division of Elementary and Secondary Education (DESE) IT Security standards.

The ISO shall work with other IT staff, the superintendent, and district management appointed by the superintendent to develop a District IT Security system necessary to meet the requirements of this policy and DESE's standards. The IT security system shall contain the necessary components designed to accomplish the following:

1. The District IT security system shall contain mechanisms, policies, procedures, and technologies necessary to prevent disclosure, modification, or denial of sensitive information.

For the purposes of the IT Security system, "sensitive data" is any and all student and employee data that is either personally identifiable information (PII) or any non PII information that, if assembled together, would allow a reasonable person to identify an individual. Sensitive data includes, but is not limited to:

- Student personally identifiable information, except as allowed by the Family Educational Rights and Privacy Act (FERPA); and
- Employee personally identifiable information, except as required by Ark. Code Ann. § 6-11-129.

All District employees having access to sensitive information shall receive annual IT security training, which shall emphasize the employee's personal responsibility for protecting student and employee information.

2. Physical access to computer facilities, data rooms, systems, networks and data will be limited to those authorized personnel who require access to perform assigned duties.

User workstations shall not be left unattended when logged into sensitive systems or data that includes student or employee information. Workstation settings shall be set for automatic log off and require a password for the system to restore from screensavers.

All equipment that contains sensitive information shall be secured to deter theft. No sensitive data shall be retained on laptops and/or remote devices (home computer, thumb drives, cell phones, CDs, etc.) unless it is encrypted in accordance with the Arkansas State Security Office's Best Practices.



Server rooms and telecommunication rooms/closets shall be protected by appropriate access control. The rooms shall be segregated from general school or District office areas to restrict access. Server room access control shall be enforced using a secure badge to allow unescorted access only to IT or management staff who require the access to perform their job functions.

3. Network perimeter controls will be implemented to regulate traffic moving between trusted internal (District) resources and external, untrusted (internet) entities. All network transmission of sensitive data shall enforce encryption where technologically feasible.

All wireless access shall require authentication. The DISTRICT wireless networks will deploy network authentication and encryption in compliance with the Arkansas State Security Office's Best Practices. Scans for rogue wireless devices will be conducted at a minimum monthly. Any Rogue wireless device shall be disabled.

Remote access with connectivity to the District internal network shall be achieved using encryption.

Appropriate WARNING BANNERS shall be implemented for all access points to the District internal network.

4. System and application access will be granted based upon the least amount of access to data and programs required by the user in accordance with a business need-to-have requirement.

The District shall enforce strong password management for:

- Employees and contractors as specified in Arkansas State Security Office Password Management Standard.
- Students as specified in Arkansas State Security Office K-12 Student Password Management Best Practice.

User access shall be limited to only those specific access requirements necessary for an employee to perform his/her job functions. Where possible, segregation of duties shall be utilized to control authorization access.

User access shall be granted and terminated upon timely receipt of a documented access request/termination. All access requests shall require approval by the ISO or designee. Ongoing access shall be reviewed for all users at a minimum annually.

Audit and log files shall be generated and maintained for at least ninety (90) days for all critical security-relevant events, including but not limited to:

- Invalid logon attempts;
- Changes to the security policy/procedures; and
- Failed attempts to access objects by unauthorized users.

IT administrator privileges for operating system(s), database(s), and applications shall be limited to the minimum number of staff required to perform these sensitive duties.

5. Application development and maintenance for in-house developed student or financial applications will adhere to industry processes for segregating programs and deploying software only after appropriate testing and management approvals.

Any custom-built student or financial applications or supporting applications that interface, integrate with, or provide queries and reporting to/from student or financial systems shall be developed using a system development life cycle approach that incorporates at a minimum:

- a) Planning, requirements, and design;
- b) User acceptance testing (UAT);
- c) Code reviews; and
- d) Controlled migration to production.

Any changes to core or supporting applications that provide student or financial processing or reporting shall be implemented in a controlled manner that includes at a minimum:

- Documentation of any change, including changes to both infrastructure and application;
- Management approval of all changes; and
- Controlled migration to production, including testing as appropriate.

6. Monitoring and responding to IT related incidents will be designed to provide early notification of events and rapid response and recovery from internal or external network or system attacks.

The District shall develop and maintain an incident response plan to be used in the event of system compromise that shall include:

- a) Emergency contacts;
- b) Incident containment procedures; and
- c) Incident response and escalation procedures.

7. To ensure continuous critical IT services, the District ISO will develop a business continuity/disaster recovery plan appropriate for the size and complexity of the District IT operations.

The district-wide business continuity plan shall include at a minimum:

- Procedures for performing routine backups at least weekly and the storage of backup media at a secured location other than the server room or adjacent facilities. Backup media shall be stored off-site a reasonably safe distance from the primary server room and retained in a fire resistant receptacle.
- A secondary backup processing location, such as another School or District building, shall be identified.
- A documented calling tree with emergency actions to include:
  - Recovery of backup data;
  - Restoration of processing at the secondary location; and
  - Generation of student and employee listings to ensure an accurate head count.

8. Server and workstation protection software will be deployed to identify and eradicate malicious software attacks such as viruses, spyware, and malware.

Spyware and virus protection software shall be installed, distributed, and maintained on all production platforms, including:

- a) File/print servers;
- b) Workstations;
- c) Email servers;
- d) Web servers; and
- e) Application and database servers.

Malicious software protection shall include:

- Weekly update downloads;
- Weekly scanning;
- The malicious software protection to be in active state (real-time) on all operating servers/workstations.

All security-relevant software patches shall be applied within thirty (30) days and critical patches shall be applied as soon as possible.

Legal References:

Commissioner's Memo RT-15-010  
A.C.A. § 4-110-101 et seq.

Date Adopted:

11/14/17

Revised:

6/26/19

## 7.19-P1: Service Animals in District Facilities

### GENERAL INFORMATION

The Pulaski County Special School District (hereafter, the District) acknowledges its responsibility to permit students and adults with disabilities to be accompanied by a “service animal” in its buildings, classrooms, and at school-related functions, as required by the Americans with Disabilities Act (ADA), as amended. Service animals may also be permitted in particular circumstances under the Individuals with Disabilities Education Act (IDEA) and Section 504 of the Rehabilitation Act (§504).

### DISTRICT POLICY

1. The District will comply with all applicable federal and state laws and regulations concerning the use of service animals on District property and in connection with District services. The District will develop procedures to implement this policy and permit the use of service animals by individuals with disabilities, taking into consideration the individual circumstances of the request, its impact on others and in accordance with existing District policies.
2. It is the responsibility of the handler or the individual assisted by a service animal to ensure that the animal is properly controlled and functioning as a service animal, to supervise the animal at all times while on District property, and to be liable and pay for any damage caused by the animal to the same extent any individual would be charged for such damages.
3. No individual shall intentionally interfere with the use or assistance of a service animal by harassing or obstructing the service animal or its user.

### SERVICE ANIMAL DEFINED

1. A “service animal” must be a dog or, in limited specific circumstances, a miniature horse. No other species of animal, whether wild or domestic, trained or untrained, will be permitted as a service animal (ADA, Final Regulations). There are no size or weight limitations on a service animal.
1. Miniature Horses: The District will make reasonable modifications in policies, practices and procedures to permit the use of a miniature horse by an individual with a disability if the miniature horse has been individually trained to do work or perform tasks for the benefit of the individual with a disability. In determining whether reasonable modifications in policies, practice or procedures can be made to allow a miniature horse into a specific facility, the school must consider the following factors:
  1. The type, size, and weight of the miniature horse and whether the facility can accommodate these features;
  2. Whether the handler has sufficient control of the miniature horse;
  3. Whether the miniature horse is housebroken; and
  4. Whether the miniature horse’s presence in a specific facility compromises legitimate safety requirements that are necessary for safe operation.

2. All additional requirements outlined in this policy which apply to service animals shall apply to miniature horses. Requests to permit a miniature horse to accompany a student or adult with a disability on school property and/or facilities and/or at school functions will be handled on a case-by-case basis.
3. A service animal must be “required” for the individual with a disability. The service animal must be individually trained to do work or perform tasks for the benefit of an individual with a disability, including a physical, sensory, psychiatric, intellectual or other mental disability. The service animal’s performance of such work or tasks must be directly related to the functional limitation of the individual’s disability. These tasks may include, but are not limited to, guiding an individual who is visually impaired or blind (a “guide dog”), alerting or assisting a person who has seizures or impaired hearing (a “signal dog”), retrieving objects, preventing or interrupting impulsive or destructive behavior by persons with psychiatric and neurological disabilities, pulling a wheelchair or performing other special tasks (a “service dog”).
4. Animals whose sole function is to provide entertainment, emotional support, comfort, companionship, therapeutic benefits, or to promote emotional well-being are considered pets or comfort animals and do not fall within the ADA’s definition of service animal. Service animals are working animals and are not pets. However, other statutes (specifically §504 and the IDEA) might provide more rights or encompass more animals as a matter of providing a “free appropriate public education (FAPE)” to a student with disabilities. Such decisions must be considered by the appropriate §504 Services Plan Committee or IDEA Individualized Education Program (IEP) Committee for a given student with disabilities.
5. If it is obvious what service the animal provides to the individual with a disability, then staff should not make any further inquiries regarding the tasks performed by the service animal (i.e., a guide dog for an individual with impaired vision). Only limited inquiries are allowed by District staff to determine if a dog is a service animal when it is not obvious what service the dog provides, and staff may ask only the following two questions:
  1. Is the service animal required because of a disability?
  2. What work or task has the service animal been trained to perform?
6. Staff cannot ask about the individual’s disability, require medical documentation, require a special identification card or training documentation for the service animal, require the service animal to wear an identifying vest, or ask that the service animal demonstrate its ability to perform the work or task.
7. Service animals are not considered pets, classroom animals, or curriculum aids. Their access to the District’s facilities is governed by federal and state law as well as District policies and procedures. In general, “therapy,” “comfort,” or “companion” animals are not service animals and issues regarding these animals are addressed as Non-Service Animals at School.
8. Dogs that are trained to provide aggressive protection, such as “attack dogs”, can be excluded. However, the commentary specifies that breeds of dog that are “perceived to be aggressive because of breed reputation, stereotype, or the history or experience the observer may have with other dogs” cannot be excluded from schools unless:
  1. The dog is out of control and the animal’s handler does not take effective action to control it;

2. The dog is not housebroken; or
3. The presence of the dog constitutes a “fundamental alteration” in the nature of the service, program or activity.
9. The ADA Code of Federal Regulations does not allow local animal ordinances to impose greater requirements or conflicting requirements than those under the federal disability law. By way of example, school districts cannot exclude a specific breed regardless of city or county codes that impose bans on specific breeds such as pit bulls. Further, exclusions based on local animal ordinances that require animal registration or tags/markings indicating that the animal is a service dog are also not allowed.

## SAFETY

When on the District’s property:

1. A service animal shall be under the control of its handler at all times.
2. The service animal shall have a harness, leash or other tether, unless doing so interferes with the service animal’s safe, effective performance of work or tasks.
3. If a leash or tether is not used, the service animal must be under the voice or signal control of the handler.

## SERVICE DOGS IN TRAINING

Experienced trainers of service animals may be accompanied on school property by a dog that is in training to become a service animal. The dog must be at least six months of age. Trainers must wear a jacket identifying the organization to which they belong. Persons conducting continuing training of a service animal may be accompanied by a service animal while on school property for the purpose of school business. Persons who are part of a three-unit service dog team may be accompanied by a service dog while on school property provided that person is conducting continuing training of a service dog. A three-unit service dog team consists of a trained service dog, a disabled person, and a person who is an adult and who has been trained to handle the service dog. The dogs may accompany these persons while on school property for school purposes.

1. Use of Harnesses, leash, etc. A dog that is in training to become a guide dog or a currently trained guide dog that is undergoing continuing training must be in a harness, on a leash, etc.
2. A dog that is in training to become a signal dog or a currently trained signal dog that is undergoing continuing training must be on a blaze orange leash.
3. The training cannot disrupt or interfere with a school’s educational process. It is expected that training would not normally take place in the classroom during instructional time.
4. All requirements of this policy which apply to service animals, such as health certificates, annual written requests, and supervision, care and damages also apply to dogs in training.

## SERVICE ANIMAL ACCESS IN PCSSD CLASSROOMS & FACILITIES

Service animals are permitted to accompany visitors at activities or events held in the District's schools or facilities, with the exception of some areas that may be restricted access. The building principal or the Compliance/EEO Office should be contacted in advance of the visit in case special arrangements are needed.

### LONG-TERM SERVICE ANIMAL ACCESS

1. Long-term access is defined as daily, extended or repeated access to one or more District classrooms or facilities during the school or work day.
2. Employees, students, contractors or frequent volunteers who require the assistance of a service animal on a consistent basis should work with the building principal to do the following:
  1. Complete Service Animal Long-Term Access Form, available from the principal.
  2. Develop a plan for use of the service animal which will include the following:
    1. Emergency evacuation;
    2. Entry and egress points;
    3. Areas where the animal will urinate/defecate;
    4. Waste removal;
    5. Leash requirements;
    6. Building restrictions;
    7. Fire drill participation;
  8. An alternate accommodation/plan in the event the service animal's primary handler (if not the child) or the service animal is not able to accompany the disabled child to school due to illness, injury or death;
  9. Training for any others who may handle the service animal, other than the primary handler, if necessary; and
10. A school-wide educational program to educate others on how to behave appropriately around the service animal.
3. The service animal is permitted to accompany the child to school and/or school functions while the long-term access process is being completed.
3. SERVICE ANIMAL STANDARDS OF BEHAVIOR
4. The service animal must not disrupt or interfere with the learning or work environment. The behavioral expectations for the service animal include the following:
  1. Animal is clean and does not have a foul odor.
  2. Animal is under control of its handler.
  3. Animal does not urinate or defecate in inappropriate locations.
  4. Animal shall not make unsolicited contact with persons while on school property or on the school bus.
  5. Animal's conduct does not disrupt the normal course of school business.
  6. Animal works without unnecessary vocalization.
  7. Animal shows no aggression toward people or other animals.
  8. Animal does not solicit or steal food or other items from persons while on school property.

9. Animal has been specifically trained to perform its duties in public and is accustomed to being in public.
  10. Animal must be able to lie quietly beside the handler without blocking aisles, doorways, etc.
  11. Animal stays within close proximity of the individual at all times unless the nature of a specific task requires it to be working at a greater distance.
5. RESPONSIBILITY AND LIABILITY FOR A SERVICE ANIMAL
6. The right of an individual with a disability to bring a service animal to school is not absolute, nor does the District provide service animals. The District does not assume responsibility for training, daily care, or healthcare of service animals. It is the responsibility of the individual assisted by a service animal to ensure that the serviced animal is properly leashed or tethered, to supervise and control the animal at all times while on District property, and to pay for any property damage caused by the animal.
  1. All animals must be treated for, and kept free of, fleas and ticks and other pests.
  2. All animals must be kept clean and groomed to avoid shedding and dander.
  3. The owner/handler of the service animal is solely responsible and liable for any damage, harm or injury caused by the animal to other students, staff, visitors and/or property.
  4. The service animal shall have a harness, backpack, leash (blaze orange in color for signal dogs), or other tether, unless either the handler is unable because of a disability to use one of the above, or the use of such would interfere with the service animal's safe, effective performance of work or tasks, in which case the animal must be otherwise under the handler's control.
  5. The District is not responsible for the care or supervision of the service animal, such as walking the animal or responding to the animal's need to relieve itself. The owner/handler of the service animal must always carry equipment sufficient to clean up the animal's waste, immediately remove the waste, and be responsible for the proper disposal of the animal's waste.
  6. Students with service animals are expected to care for and supervise their animal. In the case of a young child or a student with disabilities who is unable to care for or supervise his service animal, the student's parents/guardians are responsible for providing care and supervision of the animal. Issues related to the care and supervision of service animals will be addressed on a case-by-case basis at the discretion of the Principal or designee.
  7. If the request is for a service dog, the person making the request must provide annual proof of the following vaccinations: DHLPPC (Distemper, Hepatitis, Leptospirosis, Parainfluenza, Parvovirus, Coronavirus), Bordetella and Rabies.
  8. All service dogs must be spayed or neutered.
  9. If the request is for a service miniature horse, the person making the request must provide annual proof of the following vaccinations: Equine Infectious Anemia (Coggins Test), Rabies, Tetanus, Encephelomyelitis, Rhinopneumonitis, Influenza, and Strangles.
  10. The owner or handler of a service animal is responsible for the supervision and care of the animal, including any feeding, exercising, and clean up.
7. EXTRA CHARGES
8. The owner or handler of a service animal cannot be required to pay an admission fee or a charge for the animal to attend events for which a fee is charged.



9. **REMOVAL OF SERVICE ANIMALS FROM SCHOOL PROPERTY**

10. A school administrator can require an individual with a disability who brings a service animal to a school property and/or facility and/or school function to remove the service animal if any of the following circumstances occurs:

1. The animal is out of control and the animal's handler does not take effective action to control it;
2. The animal is not housebroken;
3. The presence of a service animal would require a fundamental alteration to the service, program, or activity of the school or its function; and/or
4. The presence of the animal poses a "direct threat" to the health or safety of others. Pursuant to 28 CFR 35.104, a direct threat is defined as "a significant risk to the health or safety of others that cannot be eliminated by a modification of policies, practice or procedures, or by the provision of auxiliary aids or services." If the service animal is removed, the individual with a disability shall be provided with the opportunity to participate in the service, program or activity without the service animal.

11. **SERVICE ANIMAL REQUESTS BY A MEMBER OF THE PUBLIC**

1. All requests for a member of the public to bring a service animal to a school property and/or facility and/or school function must be directed to the building principal, designee, or school site administrator as appropriate. The building principal, designee or school site administrator shall, in accordance with this policy, confirm that the animal is a service animal and shall, upon the request of the individual, provide the individual with a copy of this policy.
2. When practically possible, the member of the public requesting to bring a service animal to a school property and/or facility and/or school function is encouraged to make the request in writing 10 business days prior to the date the member of the public plans to bring the service animal; however, the individual cannot be required to provide this advance written notice in order to bring a service animal to a school property and/or facility and/or school function. The written notice may be provided to the building principal, designee or site facility administrator.

12. **SERVICE ANIMAL REQUESTS ON BEHALF OF A STUDENT**

1. All requests for a student to bring a service animal to a school property and/or facility and/or school function must be made in writing, 10 business days prior to the date the student plans to bring the service animal, to the building principal, designee or site facility administrator.
2. The building principal, designee or site facility administrator shall, in accordance with this policy, confirm that the animal is a service animal and shall provide the student's parent(s)/guardian(s) with a copy of this policy and require the student's parent(s)/guardian(s) to acknowledge in writing that the parent(s)/guardian(s) has received a copy of the policy, the parent(s)/guardian(s) understands the contents of the policy, and the parent(s)/guardian(s) agrees to comply with the policy. As part of the approval process, the student's parent(s)/guardian(s) must provide proof that the service animal has received all required vaccinations.
3. The building principal, designee or site facility administrator shall review and approve or deny a request to bring a service animal to school property and/or facility and/or school function on a case-by-case basis.

4. The building principal, designee or site facility administrator shall give such permission to bring a service animal to school property and/or facility and/or school function only after he/she has provided written notification to all parents/guardians of students in the affected class(es) and staff in the affected class(es), asking them to verify whether their child or if they have any known allergies, asthma, or other health condition(s) that may be aggravated by the service animal's presence.
5. When an individual has provided notification that his/her child or the staff member has an allergy, asthma or other health condition(s) that may be aggravated by the service animal, the building principal, designee or site facility administrator shall take appropriate measures to protect the student or staff member from exposure to the service animal. However, allergies and fear of dogs are not valid reasons for denying access or refusing service to individuals using service animals.
6. When an individual whose health is aggravated by the service animal's presence and an individual who uses a service animal must spend time in the same room or facility, for example, in a school classroom or at a school cafeteria, both individuals should be accommodated by assigning them, if possible, to different locations within the room or different rooms in the facility.
13. SERVICE ANIMAL REQUESTS ON BEHALF OF A STAFF MEMBER
  1. All requests for a staff member to bring a service animal to a school property and/or facility and/or school function must be made in writing, 10 business days prior to the date the staff member plans to bring the service animal, to the building principal, designee or site facility administrator.
  2. The building principal, designee or site facility administrator shall, in accordance with this policy, confirm that the animal is a service animal and shall provide the staff member with a copy of this policy and require the staff member to acknowledge in writing that he/she has received a copy of the policy, he/she understands the contents of the policy, and he/she agrees to comply with the policy. As part of the approval process, the staff member must provide proof that the service animal has received all required vaccinations.
  3. The building principal, designee or site facility administrator shall review and approve or deny a request to bring a service animal by a staff member to school property and/or facility and/or school function on a case-by-case basis. This approval process shall include a meeting comprised of the building principal, designee or site facility administrator; the staff member, and, if requested, by the staff member, an individual representing the interests of the staff member. The purpose of the meeting will be to address any questions or concerns regarding the approval process that either the District and/or staff member may have.
  4. The building principal, designee or site facility administrator shall give such permission to bring a service animal to school property and/or facility and/or school function only after he/she has provided written notification all parents/guardians of students in the affected class(es) and staff in the affected class(es), asking them to verify whether their child or if staff have any known allergies, asthma or other health condition(s) that may be aggravated by the service animal's presence.
  5. When an individual has provided notification that his/her child or staff member has an allergy, asthma or health condition(s) that may be aggravated by the service animal, the

building principal, designee or site facility administrator shall take appropriate measures to protect the student or staff member from exposure to the service animal. However, allergies and fear of dogs are not valid reasons for denying access or refusing service to individuals using service animals.

6. When an individual whose health is aggravated by the service animal's presence and an individual who uses a service animal must spend time in the same room or facility (for example, in a school classroom or at a school cafeteria) both individuals should be accommodated by assigning them, if possible, to different locations within the room or different rooms in the facility.

Individuals should be aware that under Arkansas law the misrepresentation of an animal as a service animal or a service animal in training to a person or entity operating a public accommodation may subject the individual to a civil penalty.

#### DENIAL OF ACCESS AND GRIEVANCE

If a school official denies a request for access of a service animal or service animal in training, the disabled individual or parent or guardian can file a written grievance with the District's §504 Coordinator.

#### Legal References:

ACA §20-14-304  
ACA §20-14-308  
A.C.A. § 20-14-314  
UNITED STATES CODE, TITLE 20  
Individuals with Disabilities Education Act, (IDEA),  
as amended, 2004, §§1400-1482  
34 C.F.R. Part 300  
UNITED STATES CODE, TITLE 29  
Rehabilitation Act of 1973, §504  
34 C.F.R. Part 104, Subpart D  
UNITED STATES CODED, TITLE 42, Chapter 126  
Americans with Disabilities Act (ADA), as amended,  
2010  
28 C.F.R. Parts 35 & 36

Date Adopted: 7/07/11

Revised: 9/12/16

Last Revised: 6/26/19

## 7.22 Private Sponsorship of Extracurricular Events

The Superintendent, or designee, may negotiate for the private sponsorship of an event to take place during the time allotted for a half-time break of any of the District's interscholastic activities. The amount of time for a half-time break shall not be extended for the event.

The school district shall not discriminate against potential sponsors based on political affiliation, religion, or perceived message. The superintendent, or designee, may decline sponsorship for any of the following reasons:

- The sponsored event would conflict with school or school group presentations;
- The proposed event would be logistically impracticable due to the estimated time, required materials for the event, or for other reasons associated with the implementation of the event;
- The proposed event would make continuation of the interscholastic activity impracticable due to residual mess/trash resulting from the activity; or
- The proposed event would present an unacceptable safety risk to students or viewing audience.

The superintendent's or the superintendent's designee's decision to accept or decline the proposed sponsored event shall be final.

Any potential sponsor shall be required to demonstrate proof of an in force, minimum face value one million dollar (\$1,000,000) general liability insurance policy that would cover the event. The sponsor must also agree to indemnify the school against any damages to school property, school employees, students, or bystanders that arise as a result of the sponsored event as well as from any lawsuits that are filed in response to such damages.

There shall be no live or recorded speech, music, or other media provided by the sponsor used during the sponsored event. A member of the school's administration shall announce the name of the sponsor of the event and shall be present to assist in conducting the event. The school administrator shall be a neutral participant and shall only make content neutral statements during the event. To meet this standard, the administrator shall not promote or act in a manner that creates the appearance, or that could give the impression, that the District sponsors, endorses or otherwise agrees with the product, person/group, or event being promoted by the sponsor. No school employee may act as the representative of a sponsor or wear attire/apparel that is provided by the sponsor or that could be interpreted as promoting the sponsor's interests. Employees or representatives of/affiliated with the sponsor may be present at the event and stand with the member of school administration who is announcing and conducting the event; such employees/representatives of the sponsor may wear clothing identifying them as sponsors of the event.

The superintendent, or designee, shall have the authority to regulate the time, place, and manner of the distribution of promotional materials by the event sponsor. "Promotional materials" includes, but is not limited to, pamphlets, pens/pencils, sports equipment (whether miniature or full sized), or clothing. The event sponsor shall provide the superintendent, or

designee, with a complete list of the types of promotional materials the event sponsor intends to distribute at the event so that the superintendent, or designee, may make an informed decision on the time, place, and manner of distribution that would result in the least amount of disturbance with the interscholastic activity.

The superintendent, or designee, should take the following into account when determining the best time, place, and manner of distribution of promotional materials:

- Whether the promotional materials could be a distraction to participants in the interscholastic activity due to the promotional material emitting light or noise;
- Whether the promotional materials have a high possibility of being able to be used against participants of the interscholastic activity to attempt to alter the outcome of the activity;
- The possibility that the promotional materials would be left by recipients to become litter; and
- The possibility that the promotional materials would divert the attention of the audience from the interscholastic activity.

The superintendent, or designee, shall limit the distribution of promotional materials to audience members when they are entering the school building/arena, during the sponsored half-time event, and/or when they are leaving the school building/arena. The superintendent's or the superintendent's designee's restrictions on the time, place, and manner of promotional materials shall be final.

Any funds received through private sponsorship shall be placed in the District's Activity Account. The superintendent, or designee, should follow the policy for receiving public gifts or donations when negotiating the sponsorship amount, as set forth in policy 6.3—Public Gifts and Donations to the Schools.

Cross Reference: Policy 6.3 —Public Gifts and Donations to the Schools

Legal Reference: DESE Rules Governing Athletic Revenues and Expenditures for Public School Districts

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Revised: 11/17/17

Last Revised: 6/26/19