

MEMBERSHIP

0141 **Number**

The Board shall consist of eight (8) members.

0142 **Election/Appointment**

Members shall be qualified and elected in accordance with the Corporation's Reorganization Plan adopted in April 28, 1970. (I.C. 20-33-4.27 or 4.35) In accordance with I.C. 20-26-4-11, if an employee is elected or appointed to the Board, s/he must resign from employment with 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)

Before August 1st of each year, the Executive Director shall file with the State Superintendent of Public Instruction a listing of the:

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

Should a change occur in Board membership during the term of one or more members of the Board, the 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 1/8/15

0142.1 **Term**

The term of each Board member shall be one (1) year as appointed by the Board of each participating Corporation.

0142.3 **Vacancies**

The membership of a Board member shall become vacant immediately 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. 20-26-4-4.5(c))
- B. a member is convicted of a felony
- C. a member is removed from office by action of the Circuit Court pursuant to I.C. 5-8-1-35
- D. 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
- E. 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)
- F. 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)

A vacancy shall be filled by the "Participating Corporation" within thirty (30) days.

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

Revised 1/8/15

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. a copy of the Board policy manual
- B. a copy of the Executive Director's administrative guidelines
- C. a copy of each current negotiated agreement
- D. the current budget statement, audit report, and related fiscal materials
- E. miscellaneous meeting and contact information

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 President, Executive Director, and 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.

0143 **Board Member Authority**

Individual members of the Board do not possess the powers that reside in the Board, but no member of the Board shall be denied documents or information to which s/he is legally entitled and which are required in the performance of his/her duties as a Board member.

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

- A. Examination of school employee personnel records by the Board shall be conducted only at executive sessions of the Board. Any Board member may request that the Executive Director 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 Executive Director 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

0143.1

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.

Sometimes the statements imply, or the readers (listeners) infer, that the opinions expressed or statements made are the official positions of the Board. The misunderstandings that can result from these incidents can embarrass both the member and the Board. Therefore, 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 Executive Director 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 President.

0144 **Operations**

0144.1 **Compensation**

Board members shall not receive compensation for serving on the Governing Board. 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. Expenses will be reimbursed only for activities authorized by the Board.
- B. Reimbursement for mileage will not exceed the current rate established for Corporation employees.
- C. When attending a Board-approved conference, all fees, parking, mileage, meals, and lodging will be reimbursed.
- D. 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.
- E. When the Board attends a community or school-related event as a Board function, or if a Board member attends as the designated representative of the Board, any incurred expenses, including mileage, will be reimbursed by the Board. If a Board member attends such events as a private citizen, any incurred expenses are to be paid by the Board member.
- F. No entertainment expenses or purchases of alcoholic beverages are reimbursable.
- G. A voucher detailing the amount and nature of each expense must be submitted to the Board for approval within thirty (30) days after the expenses have been incurred.

0144.2

Board Member Ethics

A 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 Board member is "policy-making" and not "administrative", and by accepting the responsibility of learning to discriminate intelligently between these two 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;
- 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 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 Board member should maintain desirable relations with the Executive Director 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 Executive Director 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 Executive Director in matters of employment or dismissal of school personnel;
- D. having the Executive Director 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 Executive Director 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 Executive Director.

A 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 communities represented;
- 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 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 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.~~

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.

**GOVERNING BOARD
CENTRAL NINE CAREER CENTER**

BYLAWS

0140/page 10 of 13

The Board member **shall not** 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 Executive Director 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. 35-44-1-3

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 1/8/15](#)

0144.4

Indemnification

The Board will pay all costs and fees incurred by or on behalf of any Board Member of the Corporation in defense of any suit arising out of the performance of duties for the Corporation, except in the case of a civil rights suit as discussed below, provided the Board by resolution determines that such action was taken in good faith. The Corporation shall, subject to the provisions of statute, also pay any judgment, compromise, or settlement of the claim, or suit when the Board determines that it is in the best interest of the Corporation, the act or omission causing the loss is within the scope of the member's duties, and the member did not act in bad faith or with malfeasance in office. The intent is to save any such member harmless from any liability, cost, or damage in connection therewith, including but not limited to the payment of any legal fees, except where such liability, cost, or damage is predicated on, or arises out of, the bad faith of such member or is a claim or judgment based on his/her malfeasance in office.

If a present or former Board Member of the Corporation is or could be subject to personal civil liability for a loss occurring because of a noncriminal act or omission within the scope of his/her duties which violates the civil rights laws of the United States, the Board shall, subject to the provisions of statute, pay any judgment, compromise, or settlement of the claim or suit when the Board determines that paying the judgment, compromise or settlement is in the best interest of the Corporation. The Corporation shall also pay all costs and fees incurred by or on behalf of any such member in defense of any such claim or suit.

I.C. 20-26-5-4
I.C. 34-13-2-1
I.C. 34-13-3-5
I.C. 34-13-3-20
I.C. 34-13-4-1

0144.5

Gifts and Gratuities

A Board member or a Career Center employee making a recommendation to the Board on a matter to be considered by the Board shall not accept a gift or gratuity from a person or entity having a substantial personal or pecuniary interest in the Board's decision on the matter in accordance with the restrictions and provisions of I.C. 35-44.1-1-2.

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

I.C. 35-44.1-1-2

Revised 3/13/14

Adopted 10/8/09

CONFLICT OF INTEREST

- A. The maintenance of unusually high standards of honesty, integrity, impartiality, and professional conduct by Career Center 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 Career Center.

To accomplish this, the Governing Board has adopted the following guidelines which apply to all Career Center employees, officers, 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.

An employee, officer, or agent of the Career Center making a recommendation to the Board on a matter to be considered by the Board shall not accept a gift or gratuity from a person or entity having a substantial personal or pecuniary interest in the Board's decision on the matter in accordance with the restrictions and provisions of I.C. 35-44.1-1-4.

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

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 Career Center through his/her access to Career Center 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 Career Center 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, officer, 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 Career Center 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 Career Center 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 Career Center, all such exceptions will be made known to the employee's supervisor, or to the Governing Board if there is no supervisor, and will be disclosed to the ~~Superintendent~~ Director before entering into any private relationship.

policy

GOVERNING BOARD CENTRAL NINE CAREER CENTER

ADMINISTRATION
1130/page 4 of 5

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

The Career Center 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.

policy

**GOVERNING BOARD
CENTRAL NINE CAREER CENTER**

ADMINISTRATION
1130/page 5 of 5

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 10/8/09

Revised 9/10/15

© NEOLA ~~2015~~2016

CONFLICT OF INTEREST

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

To accomplish this, the Governing Board has adopted the following guidelines which apply to all Career Center employees, officers (that is, all members of the 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.

An employee, officer (that is, any member of the Board), or agent of the Career Center making a recommendation to the Board on a matter to be considered by the Board shall not accept a gift or gratuity from a person or entity having a substantial personal or pecuniary interest in the Board's decision on the matter in accordance with the restrictions and provisions of I.C. 35-44.1-1-4.

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

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 Career Center through his/her access to Career Center 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, all members of the Board), or agents shall not make use of materials, equipment, or facilities of the Career Center 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, all members of the Board), and agents shall not solicit gifts, travel packages, and other incentives from prospective contractors.

5. Employees, officers (that is, all members 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, 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 Career Center 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 Career Center during the twelve (12) months before the date of the contract or purchase was \$250 or less.

policy

GOVERNING BOARD CENTRAL NINE CAREER CENTER

PROFESSIONAL STAFF
3113/page 4 of 5

- C. Should exceptions to this policy be necessary in order to provide mandatory services to students or clients of the Career Center, all such exceptions will be made known to the employee's supervisor, or to the Governing Board if there is no supervisor, and will be disclosed to the Executive Director before entering into any private relationship.
- D. ~~Violation of this Board Policy by a Career Center employee will result in disciplinary action being taken against the Career Center employee, up to and including termination of employment.~~ To the extent that the Career Center has a parent, affiliate or subsidiary organization that is not a State, local government or Indian tribe, the Career Center may not conduct a procurement action involving the parent, affiliate or subsidiary organization if the Career Center 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 Career Center. Upon discovery of any potential conflict of interest, the Career Center will disclose, in writing, the potential conflict of interest to the appropriate Federal awarding agency or, if applicable, the pass-through entity.

The Career Center 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.

policy

**GOVERNING BOARD
CENTRAL NINE CAREER CENTER**

PROFESSIONAL STAFF
3113/page 5 of 5

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 9/10/15

© NEOLA ~~2015~~2016

CONFLICT OF INTEREST

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

To accomplish this, the Board has adopted the following guidelines which apply to all Career Center employees, officers (that is, all members of the 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.

An employee, officer (that is, any member of the Board), or agent of the Career Center making a recommendation to the Board on a matter to be considered by the Board shall not accept a gift or gratuity from a person or entity having a substantial personal or pecuniary interest in the Board's decision on the matter in accordance with the restrictions and provisions of I.C. 35-44.1-1-4.

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 Career Center responsibilities.
2. Employees, officers (that is, all members 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 Career Center.

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 Career Center through his/her access to Career Center 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, all members of the Board), and agents shall not make use of materials, equipment, or facilities of the Career Center 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, all members of the Board), and agents shall not solicit gifts, travel packages, and other incentives from prospective contractors.

5. Employees, officers (that is, all members 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, 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 Career Center 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 Career Center during the twelve (12) months before the date of the contract or purchase was \$250 or less.

policy

GOVERNING BOARD CENTRAL NINE CAREER CENTER

SUPPORT STAFF
4113/page 4 of 5

- C. Should exceptions to this policy be necessary in order to provide mandatory services to students or clients of the Career Center, all such exceptions will be made known to the employee's supervisor, or to the Governing Board if there is no supervisor, and will be disclosed to the Executive Director before entering into any private relationship.
- D. ~~Violation of this Board Policy by a Career Center employee will result in disciplinary action being taken against the Career Center employee, up to and including termination of employment.~~ To the extent that the Career Center has a parent, affiliate or subsidiary organization that is not a State, local government or Indian tribe, the Career Center may not conduct a procurement action involving the parent, affiliate or subsidiary organization if the Career Center 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 Career Center. Upon discovery of any potential conflict of interest, the Career Center will disclose, in writing, the potential conflict of interest to the appropriate Federal awarding agency or, if applicable, the pass-through entity.

The Career Center 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.

policy

**GOVERNING BOARD
CENTRAL NINE CAREER CENTER**

SUPPORT STAFF
4113/page 5 of 5

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 9/10/15

© NEOLA ~~2015~~2016

GRANT FUNDS

It is the objective of the Governing Board to provide equal educational opportunities for all Career Center students. Government agencies, as well as foundations, businesses, and individuals, periodically offer both human and material resources to the Career Center that benefit students and the educational program. Therefore, it is the intent of the Governing 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 Director shall review new Federal education legislation and prepare proposals for programs s/he deems would be of aid to the students of this Career Center. The Director 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 Career Center 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 ~~accord~~accordance with Federal regulations and guidelines ~~on discrimination~~.

No Federal funds received by the Career Center 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) Career Center 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

- ~~A.~~ Each grant proposal shall be reviewed and approved by the Director prior to submission to the funding source.
- B. The Director shall present all government-funded proposals, regardless of the amount, to the board for approval.

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~~ Career Center policies and administrative guidelines.
- B. The Director is responsible for the efficient and effective administration of grant awards through the application of sound management practices.
- C. The Director 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 Career Center, 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 Career Center will be used in accordance with the applicable Federal law and regulations and the terms and conditions of the Federal award. The Director shall require that each draw of Federal monies is-be aligned with the Career Center's payment process (whether reimbursement, cash advance, or a 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

**GOVERNING BOARD
CENTRAL NINE CAREER CENTER**

FINANCES
6110/page 3 of 7

supplant or replace existing programming or current funding.

F. The Director is authorized to sign related documents for grant administration, including documents required for submittal of grant proposals.

G. Employee positions established through the use of grant funding shall terminate if and when the related grant funding ceases.

~~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~~ Career Center policies and administrative guidelines.

The ~~Director~~ Career Center shall provide for the following:

- A. Identification, in Career Center 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 or 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 Career Center must adequately safeguard all assets and assure that they are used solely for authorized purposes.
Further, the Career Center must:
 - 1. establish and maintain effective internal control over the Federal award that provides reasonable assurance that the Career Center 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 Career Center'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.
- C.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 Career Center owned property of a similar nature~~ such property owned by the Career Center.

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 Career Center 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 Career Center 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. 200.56, 200.71, 200.77, 200.80, 200.112, 200.302, 200.307

2 C.F.R. 200.309, 200.310, 200.313, 200.318-.320, 200.343(b)&(e)

Adopted 1/14/10

Revised 3/13/14

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 Executive Director shall implement internal controls in the area of cash management.

The School Career Center'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 Career Center, regardless of whether the payment is made by electronic fund transfer, or issuance or redemption of checks, warrants, or payment by other means.

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

The Executive Director 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 Career Center 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 Career Center shall make timely payment to contractors in accordance with contract provisions.

**GOVERNING BOARD
CENTRAL NINE CAREER CENTER**

FINANCES
6112/page 2 of 3

- C. To the extent available, the Career Center 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 Career Center 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 Career Center 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 Career Center 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 Automated Standard Application for Payment (ASAP), National Science Foundation (NSF) or another Federal agency payment system.

2 C.F.R. 200.305

COST PRINCIPLES - SPENDING FEDERAL FUNDS

The Executive Director 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 Career Center 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 Governing 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 Career Center 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 Career Center.
- 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 Executive Director shall implement a system for Career Center 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 Career Center 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, Career Center staff shall check costs against the selected items of cost requirements to ensure the cost is allowable. In addition, State, Career Center and program-specific rules, including the terms and conditions of the award, may deem a cost as unallowable, and Career Center personnel shall follow those rules as well.

Cost Compliance

The Executive Director 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 Career Center, the governing body of the Career Center, compensation of the Executive Director, compensation of the chief executive officer of any component of the Career Center, 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.

**GOVERNING BOARD
CENTRAL NINE CAREER CENTER**

FINANCES
6114/page 7 of 8

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 Career Center makes a binding written commitment to acquire the property.
- B. Personal services by an employee of the Career Center - when the services are performed.
- C. Personal services by a contractor who is not an employee of the Career Center - on the date which the Career Center makes a binding written commitment to obtain the services.
- D. Public utility services - when the Career Center receives the services.
- E. Travel - when the travel is taken.
- F. Rental of property - when the Career Center 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 Career Center 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 Career Center 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)

TIME AND EFFORT REPORTING

As a recipient of Federal funds, the Career Center 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 Career Center'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 Career Center'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 Career Center;

**GOVERNING BOARD
CENTRAL NINE CAREER CENTER**

FINANCES
6116/page 2 of 3

- C. reasonably reflect the total activity for which the employee is compensated by the Career Center, not exceeding 100% of the compensated activities;
- D. encompass both Federally assisted and other activities compensated by the Career Center on an integrated basis;
- E. comply with the Career Center'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 Career Center 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 Career Center may use budget estimates for interim accounting purposes. The system used by the Career Center to establish budget estimates produces reasonable approximations of the activity actually performed. Any significant changes in the corresponding work activity are identified by the Career Center and entered into the Career Center's records in a timely manner.

**GOVERNING BOARD
CENTRAL NINE CAREER CENTER**

FINANCES
6116/page 3 of 3

The Career Center'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

© **NEOLA 2016**



**GOVERNING BOARD
CENTRAL NINE CAREER CENTER**

FINANCES
6320/page 1 of 7

PURCHASING

It is the policy of the Board that the ~~Treasurer~~ **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 supplies 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 ~~Treasurer~~ Business Manager shall obtain competitive bids.

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. 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.

All specifically identified purchases that are within a program and were originally contemplated in the budgeting process may be made upon authorization of the Executive Director.

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

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 ~~Treasurer~~Business Manager 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 ~~Treasurer~~Business Manager places a purchase order, s/he shall check 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 Executive Director 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 ~~Treasurer~~Business Manager 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.

Procurement – Federal Grants

The Superintendent shall maintain a procurement and contract administration system in accordance with the United States Department of Education (USDOE) requirements (34 C.F.R. 80.36) for the administration and management of Federal grants and Federally-funded programs. The Corporation shall maintain a compliance 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 this policy and administrative guidelines (AG 6320) and comply with 34 C.F.R. 80.36.

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 \$50,000 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.

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

Adopted 1/14/10

Revised 3/13/14

Revised 9/10/15

PROCUREMENT – FEDERAL GRANTS/FUNDS

Procurement of all supplies, materials, equipment, and services paid from Federal funds or Career Center 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 Governing Board policies and administrative procedures.

The Executive Director 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 Career Center 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 Career Center's documented general purchasing Policy 6320 and AG 6320.

All Career Center 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 Career Center 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 Career Center 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 Career Center 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 Career Center 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 Career Center 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 Career Center 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 Career Center allows vendors to apply for consideration to be placed on the list.

Solicitation Language

The Career Center 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 Career Center shall utilize the following methods of procurement:

A. 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 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 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

**GOVERNING BOARD
CENTRAL NINE CAREER CENTER**

FINANCES
6325/page 5 of 10

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.

B. 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/Career Center 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 Career Center 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 Career Center 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.

C. 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 Career Center
4. after solicitation of a number of sources, competition is determined to be inadequate

Contract/Price Analysis

The Career Center 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 Career Center shall come to an independent estimate prior to receiving bids or proposals.

When performing a cost analysis, the Career Center 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 Career Center 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 Career Center 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 Career Center sets a ceiling price for each contract that the contractor exceeds at its own risk. Further, the Career Center 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 Career Center 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 Career Center and shall seek to obtain the maximum value for each dollar expended. When making a purchasing decision, the Career Center 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 Executive Director shall have the authority to suspend or debar a person/Career Center, for cause, from consideration or award of further contracts. The Career Center 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 Career Center 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 Executive Director 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 Career Center shall not subcontract with or award subgrants to any person or company who is debarred or suspended. For contracts over \$25,000, the Career Center 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 Career Center 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 Executive Director within seventy-two (72) hours of the opening of the bids in protest.

Within five (5) days of receipt of a protest, the Executive Director 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 Career Center 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

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 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, Career Center 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.

The Executive Director 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.

A Board member **shall not** participate in the discussion or vote on the acceptance of their disclosure and the vote on the contract or purchase addressed by their disclosure.

A Corporation employee or agent of the Board **shall not** 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.

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 Career Center employees, officers (that is, all members of the Board), or agents of the Board. No written disclosure shall exempt a Career Center 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.

GOVERNING BOARD
CENTRAL NINE CAREER CENTER
Vendor Contacts with the School Community

FINANCES
6460/page 2 of 4

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 Executive Director before contacting any Career Center teacher, student, or employee, other than the employee assigned responsibility for the contract or purchase by the Executive Director.

Selection of Vendors

The Career Center'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 Career Center 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. 36-1-12-4 (10) & (11).

The Board expects its members, Career Center 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 Executive Director. 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, Career Center 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 Executive Director. If the reported conduct relates to the Executive Director, 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)

Adopted 1/14/10
Revised 9/10/15

DISPOSITION OF REAL PROPERTY

The 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 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 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.

The authorized agents of the Board to review all purchase or lease offers pertaining to sale or lease of property shall be the Executive Director and the Board Finance Committee. The Board shall give final approval of all contracts.

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.

I.C. 20-26-5-4

Adopted 1/14/10

DISPOSITION OF SURPLUS PROPERTY

The Board requires the Executive Director 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 described by statute.

Before the Corporation mutilates or otherwise destroys a textbook, it shall provide at no cost and subject to availability one (1) copy of each textbook that is no longer scheduled for use in the Corporation to:

1. the parent of each child who is enrolled and who wishes to receive a copy of the textbook; and
2. if any textbooks remain after such distribution to parents, to any resident who wishes to receive a copy.

If any textbooks remain after such distribution, each school shall store the remainder for at least three (3) months, before disposing of them. A school may sell any of the undistributed texts to another school corporation at any time during the period of storage.

D. Disposition

The Executive Director 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.

**GOVERNING BOARD
CENTRAL NINE CAREER CENTER**

PROPERTY
7310/page 3 of 3

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

Adopted 1/14/10

© **NEOLA 2016**

PROPERTY INVENTORY

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

The Board shall conduct a complete inventory and maintain a continuous inventory of all Corporation-owned equipment annually.

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 \$300.00 as a single unit and does not lose its identity when incorporated into a more complex unit.

It shall be the duty of the Maintenance Supervisor 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 Corporation ~~secretary~~ Secretary shall maintain a system of property records which shall show, as appropriate to the item recorded, description and identification, manufacturer, year of purchase, initial cost, location, condition and depreciation, and/or 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 Federal Award Identification Number (FAIN)), title entity, acquisition date, cost of

**GOVERNING BOARD
CENTRAL NINE CAREER CENTER**

PROPERTY
7450/page 2 of 2

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

© NEOLA 2016

Adopted 1/14/10