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EMPLOYMENT OF PROFESSIONAL STAFF

The School Board recognizes that it is vital to the successful operation of the Corporation that positions created by the Board be filled with highly qualified and competent personnel.

The Board shall approve the employment, and also, when not covered by the terms of a negotiated agreement, fix the compensation and establish the term of employment for each professional staff member employed by this Corporation.

Individuals employed in the following categories shall be considered members of the professional staff:

- A. Assistant Superintendent
- B. Principal
- C. Assistant Principal
- D. Vice Principal
- E. Classroom Teachers
- F. Special Education Employees; i.e. speech and hearing personnel, psychologists, and social workers

Such approval shall be given only to those candidates for employment recommended by the Superintendent.

When any recommended candidate has been rejected by the Board, the Superintendent shall make a substitute recommendation.

All applications for employment shall be referred to the Director of Human Resources.

Relatives of Board members may be employed by the Board, provided the member of the Board involved does not participate in any way in the discussion or vote on the employment.

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Should the Board choose to employ a family member as herein defined, both the family member and the Board member must file a conflict of interest statement.

Relatives of staff members may be employed by the Board, provided the staff member being employed is not placed in a position in which s/he would be supervised directly by the relative staff member.

Any professional staff member's intentional misstatement of fact or omission material to qualifications for employment or the determination of salary shall be considered by this Board to constitute grounds for dismissal.

The employment of professional staff members prior to approval by the Board is authorized when their employment is required to maintain continuity in the educational program. Employment shall be recommended to the Board at the next regular meeting.

Wherever possible, positions shall be filled by properly-licensed professionals.

No candidate for employment as a professional staff member shall receive recommendation for such employment without having proffered visual evidence of his/her certification or pending application for certification. Such certification must indicate all of the areas in which the candidate has been certified. No deletions are acceptable.

The Corporation shall review, in accordance with any applicable terms of the negotiated agreement, a candidate's previous teaching experience at a college, university, or certified nonpublic school in determining his/her position on the salary schedule.

The Superintendent shall prepare administrative guidelines for the recruitment and selection of all professional staff.

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VOLUNTEER FIREFIGHTERS

If a staff member is a volunteer firefighter and has notified the School Corporation in writing that s/he is a volunteer firefighter, the School Corporation may not discipline the staff member for:

- A. being absent from duty by reason of responding to a fire or emergency call that was received prior to the time the staff member was to report to duty.
- B. leaving his/her duty station to respond to a fire or an emergency call if s/he has prior authorization from his/her supervisor to leave duty in response to a call received after s/he has reported to work.

However, when an emergency call is received while the staff member is on duty, the staff member should notify the principal before leaving so coverage for his/her class can be arranged.

- C. an injury or being absent from work because of an injury that occurs while the staff member is engaged in emergency firefighting or other emergency response, provided the staff member's absence from work due to each instance of emergency firefighting activity or other emergency response does not exceed six (6) months from the date of injury.

The Corporation shall require that the staff member present a written statement from the officer in charge of the volunteer fire department at the time of the absence indicating the staff member was engaged in an emergency call at the time of his/her absence.

The Corporation shall require that the staff member who was injured while engaged in emergency firefighting or other emergency response provide evidence from a physician or other medical authority showing treatment for the injury and the employee's emergency response activities. Any such evidence shall be retained in a separate medical file created for the staff member and treated as a confidential medical record.

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REQUIREMENTS FOR TITLE I TEACHERS

All teachers newly hired for a Title I supported program must be “highly qualified.”

“Highly Qualified” means:

- A. full State certification as a teacher or passed State teacher licensing exam and holds current license to teach; certification or license requirements may not be waived on emergency, temporary, or provisional basis;
- B. for elementary teachers new to the profession, this also requires:
 - 1. at least a bachelor’s degree;
 - 2. passing a rigorous State test on subject knowledge and teaching skills in reading, writing, math, and other areas of elementary curriculum (State certification test may suffice);
- C. for secondary or middle school teachers new to the profession this also requires:
 - 1. at least a bachelor’s degree, and
 - 2. passing a rigorous State test in each of the subject areas s/he will teach (State certification test may suffice), or
 - 3. for each academic subject taught, having an academic major, course work equivalent to an undergraduate major, a graduate degree, or advanced certification or credentialing;

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- D. for elementary, middle, or secondary school teachers with prior experience, this also requires:
1. at least a bachelor's degree, and
 2. meets standards for new teachers (above), or
 3. demonstrates competence in all academic subjects s/he teaches based on a uniform State standard of evaluation (standard for academic subject matter and teaching skills set by the State).

REQUIREMENTS FOR TEACHERS IN CORPORATIONS RECEIVING TITLE I FUNDING

All teachers in a Corporation receiving Title I funds shall be "highly qualified" as described above. The Corporation must have a plan and show annual progress towards meeting these teacher qualification requirements.

I.C. 20-26-5-4, 35-44-1-4, 36-8-12-10.5
20 U.S.C. 6319 & 7801

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EMPLOYMENT OF SUBSTITUTES

The Board recognizes the need to procure the services of substitute teachers in order to continue the operation of the schools as a result of the absence of regular personnel.

The Superintendent shall employ substitute teachers as services are required to replace temporarily-absent regular staff members. Such assignment of substitute teachers may be terminated when their services are no longer required. The Corporation shall not employ persons holding a substitute teacher permit/license when licensed teachers are available.

Substitute teachers must possess a valid Indiana substitute teacher permit/license kept on file in the Office of the Superintendent or hold a valid Indiana initial practitioner, proficient practitioner, or accomplished practitioner license, emergency permit, visiting teacher permit, or transition to teaching permit, which shall be kept on file in the office of the Superintendent.

In order to obtain proper licensure for substitute teaching, the Superintendent shall submit, on a yearly basis, to the Indiana Department of Education a substitute plan consisting of the following elements, at a minimum:

- A. the Corporation's requirements for a substitute permit;
- B. the minimum of a high school diploma earned from an accredited school;
- C. plan for reciprocity with other Indiana corporations providing for their utilization of substitute teachers who were licensed by the Corporation submitting the plan, if applicable;
- D. training and mentoring procedures for first year substitute teachers; and
- E. any additional documentation, as may be required by the Indiana Department of Education.

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An individual who holds a professional license, provisional license, limited license, or an equivalent license issued by the Indiana Department of Education and serves as an occasional substitute teacher shall be compensated on the Corporation's substitute teacher pay schedule. Provided, however, that an individual who holds a professional license or provisional license and serves as a substitute teacher in the same teaching position for more than fifteen (15) consecutive school days shall be compensated on the regular pay schedule for Corporation teachers.

A substitute teacher may be employed without a written contract.

I.C. 20-18-2-22, 20-28-5-2, 20-28-5-3, 20-28-9-6

I.C. 20-28-9-7, 20-28-9-8

511 I.A.C. 5-1-1, 511 I.A.C. 5-1-2, 511 I.A.C. 5-1-3, 511 I.A.C. 5-1-4

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EMPLOYMENT OF PERSONNEL FOR EXTRACURRICULAR ACTIVITIES

The School Board may find it necessary to employ on a part-time basis, coaches or activity sponsors who are not members of the professional staff. Such part-time employees may be members of the Corporation's support staff or individuals from the community or nearby areas.

The Board authorizes the Superintendent to recommend candidates for employment by the Board.

All part-time employees selected as coaches or activity sponsors who are not members of the professional staff are "at-will" employees. Their employment can be terminated with or without cause at any time. No other representative of the Corporation has the authority to enter into any agreement for employment for any specified period of time with such an employee.

All coaches and athletic activity sponsors shall receive training on concussions and sudden cardiac arrest. All football coaches shall also complete a certified coaching education course that is a sport specific; contains player safety content on concussion awareness, equipment fitting, heat emergency preparedness, and proper techniques; requires the football coach to complete a test demonstrating comprehension of the content of the course; and awards a certificate of completion to a football coach who successfully completes the course. The certification course must be completed prior to coaching. The course must be approved by the Indiana Department of Education, and each football coach must complete a course not less than once during a two (2) year period. However, each football coach must complete instruction and successfully complete a test if s/he receives notice that new information has been added to the course prior to the end of the two (2) year period. All coaches and athletic activity sponsors, other than football coaches, shall be required to complete a coaching education course that should contain player safety content on concussion awareness, equipment fitting, heat emergency preparedness, and proper technique. The course must be completed prior to coaching or serving as an athletic activity sponsor. Each coach and athletic activity sponsor must complete a course not less than once during a two (2) year period.

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The Superintendent shall establish administrative guidelines to ensure that each person employed as a coach or activity sponsor has the appropriate qualifications, has been properly interviewed, has cleared a criminal background check, and has received the required training. The guidelines shall also provide the conditions of employment and compensation.

I.C. 20-34-7
I.C. 20-34-8

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EMPLOYEE ASSISTANCE PROGRAM (EAP)

The School Board believes that early recognition and treatment of alcohol or drug abuse is important for successful rehabilitation, return to productive work, and reduced personal, family, and social disruption.

The Corporation encourages the earliest possible diagnosis and treatment for alcoholism and drug abuse and supports sound treatment efforts. Whenever feasible, and subject to the limitations described here, the Corporation will assist staff members in overcoming their alcohol or drug abuse problems. However, the decision to seek diagnosis and accept treatment for alcohol or drug abuse is primarily the individual staff member's responsibility.

Self-Referral

Staff members with personal alcohol or drug abuse problems should request assistance from the Director of Human Resources (coordinator of the assistance program or administrator). Assistance will be provided on a confidential basis, and each staff member will be referred to the appropriate treatment and counseling services. Staff members who, in dealing with alcohol or drug abuse problems, voluntarily request assistance through the EAP may do so without jeopardizing their continued employment with the Corporation.

Corporation Referral

Staff members who test positive for alcohol and/or drug use/abuse and who are referred, at Corporation request, for counseling or treatment will be limited to one (1) opportunity for counseling or treatment to cease the use of alcohol and or drugs.

A second (2nd) positive test for the use of illegal drugs will result in immediate termination.

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Special Considerations

All Corporation-requested staff member treatment and counseling will require, at a minimum, that the staff member immediately cease any alcohol and drug use/abuse and that the staff member be subject to periodic unannounced testing for a twelve (12) month period following enrollment in the program.

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GROUP HEALTH PLANS

The School Board shall have discretion to establish and maintain group health plans for the benefit of eligible employees. These group health plans may provide health benefits through insurance or otherwise as permitted by law.

Notice of Health Insurance Marketplace

A Corporation employee may buy health insurance coverage on the Health Insurance Marketplace; however, if the Corporation offers health insurance that is affordable and provides minimum value under the Affordable Care Act, the employee will not be entitled to premium tax credits or subsidies through the Health Insurance Marketplace.

Notification Requirements

The Board shall notify all employees of health insurance coverage options through the Health Insurance Marketplace on the date the requirement took effect; thereafter, new employees shall be notified of this policy within fourteen (14) days of an employee's employment start date.

Sample form notices are available from the U.S. Department of Labor at:
<http://www.dol.gov/ebsa/healthreform/regulations/coverageoptionsnotice.html>

P.I. 111-148, Section 1512

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EMPLOYMENT OF SUPPORT STAFF

The School Board recognizes that it is vital to the successful operation of the Corporation that positions created by the Board be filled with qualified and competent staff.

The Board shall approve the employment and establish the term of employment for each support staff member employed by this Corporation.

All support staff employees not covered by the terms of a negotiated agreement are "at-will" employees. Their employment can be terminated with or without cause at any time. No other representative of the Corporation has the authority to enter into any agreement for employment for any specified period of time with a support staff employee.

Individuals employed in the following categories shall be considered members of the support staff:

- A. clerical
- B. transportation
- C. maintenance/custodial
- D. paraprofessional
- E. nurses
- F. technology
- G. coordinators
- H. security

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- I. office aides
- J. community aides
- K. Title I parent liaisons

All applications for employment shall be referred to the Director of Human Resources.

Relatives of Board members may be employed by the Board, provided the member of the Board involved does not participate in any way in the discussion or vote on the employment.

Should the Board choose to employ a family member as herein defined, both the family member and the Board member must file a conflict of interest statement.

Any support staff member's intentional misstatement of fact material to his/her qualifications for employment or the determination of salary shall be considered by this Board to constitute grounds for dismissal.

Relatives of staff members may be employed by the Board, provided the staff member being employed is not placed in a position in which s/he would be supervised by the relative staff member.

When appropriate, no candidate for employment as a support staff member shall receive recommendation for such employment without having proffered visual evidence of his/her certification or pending application for certification.

The Superintendent shall prepare administrative guidelines for the recruitment and selection of all support staff.

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VOLUNTEER FIREFIGHTERS

If a staff member is a volunteer firefighter and has notified the School Corporation in writing that s/he is a volunteer firefighter, the School Corporation may not discipline the staff member for:

- A. being absent from duty by reason of responding to a fire or emergency call that was received prior to the time the staff member was to report to duty.
- B. leaving his/her duty station to respond to a fire or an emergency call if s/he has prior authorization from his/her supervisor to leave duty in response to a call received after s/he has reported to work.

However, when an emergency call is received while the staff member is on duty, the staff member should notify the principal before leaving so coverage for his/her class can be arranged.

- C. an injury or being absent from work because of an injury that occurs while the staff member is engaged in emergency firefighting or other emergency response, provided the staff member's absence from work due to each instance of emergency firefighting activity or other emergency response does not exceed six (6) months from date of injury.

The School Corporation shall require that the staff member present a written statement from the officer in charge of the volunteer fire department at the time of the absence indicating the staff member was engaged in an emergency call at the time of his/her absence.

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REQUIREMENTS FOR TITLE I PARAPROFESSIONALS

Newly hired paraprofessionals – All paraprofessionals hired for a Title I supported program must have a secondary school diploma or its recognized equivalent and one of the following:

- A. Completed two (2) years study and earned sixty (60) hours of credit at an institution of higher education; or
- B. Obtained at least an associates degree; or
- C. Met a rigorous standard of quality and demonstrate through formal State or local academic assessment:
 - 1. knowledge of and the ability to assist in instructing, reading, writing, and mathematics; or
 - 2. knowledge of and the ability to assist in instructing, reading readiness, writing readiness, and mathematics readiness, as appropriate.

Exceptions – These requirements do not apply to a paraprofessional:

- A. who is proficient in English and a second language and serves as a translator primarily to enhance the participation of children in Title I programs; or
- B. whose duties consist solely of conducting parental involvement activities.

Paraprofessional duties – Paraprofessionals working for a Title I supported program may be assigned to:

- A. provide one-on-one tutoring for eligible students during times when the teacher would not otherwise be instructing the student;
- B. assist with classroom management, such as organizing instructional and other materials;

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- C. provide assistance in a computer laboratory;
- D. provide support in a library or media center;
- E. conduct parental involvement activities;
- F. act as a translator;
- G. provide instructional services to students, if working under the direct supervision of a teacher;
- H. perform limited duties beyond classroom instruction or that do not benefit program participants, so long as those duties are also assigned to non-Title I paraprofessionals. Title I paraprofessionals *may not be assigned to more of these duties, proportional to their total work time, than the amount assigned to similar non-Title I paraprofessionals in the same school.*

I.C. 20-26-5-4, 20-26-9-12, 35-44-1-3, 36-8-12-10.5
20 U.S.C. 6319

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EMPLOYMENT OF PERSONNEL FOR EXTRACURRICULAR ACTIVITIES

The School Board may find it necessary to employ on a part-time basis, coaches or activity sponsors who are not members of the professional staff. Such part-time employees may be member of the Corporation's classified staff, support staff of individuals from the community or nearby areas.

The Board authorizes the Superintendent to recommend candidates for employment by the Board.

All part-time employees selected as coaches or activity sponsors who are not members of the professional staff are "at-will" employees. Their employment can be terminated with or without cause at any time. No other representative of the Corporation has the authority to enter into any agreement for employment for any specified period of time with such an employee.

All coaches and athletic activity sponsors shall receive training about concussions and sudden cardiac arrest. All football coaches shall also complete a certified coaching education course that is sport specific; contains player safety content on concussion awareness, equipment fitting, heat emergency preparedness, and proper technique; requires the football coach to complete a test demonstrating comprehension of the content of the course; and awards a certificate of completion to a football coach who successfully completes the course. The certification course must be completed prior to coaching. The course must be approved by the Indiana Department of Education, and each football coach must complete a course not less than once during a two (2) year period. However, each football coach must complete instruction and successfully complete a test if s/he receives notice that new information has been added to the course prior to the end of the two (2) year period.

All coaches and athletic activity sponsors, other than football coaches, shall be required to complete a coaching education course that should contain player safety content on concussion awareness, equipment fitting, heat emergency preparedness, and proper technique. The course must be completed prior to coaching or serving as an athletic activity sponsor. Each coach and athletic activity sponsor must complete a course not less than once during a two (2) year period.

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The Superintendent shall establish administrative guidelines to ensure that each person employed as a coach or activity sponsor has the appropriate qualifications, has been properly interviewed, has cleared a criminal background check, and has received the required training. The guidelines shall also provide the conditions of employment and compensation.

I.C. 20-34-7

I.C. 20-34-8

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TERMINATION AND RESIGNATION

TERMINATION

A support staff member may be suspended or terminated, upon a majority vote of the School Board, for violation of the policies of the Board or for any reasons not otherwise prohibited by law. In such cases, the Board shall provide the employee any required procedural due process and shall abide by such terms as may be set forth in a negotiated agreement.

RESIGNATION

Pursuant to State law, following submission of a resignation to the Superintendent, the employee may not withdraw or otherwise rescind that resignation. The Superintendent shall inform the Board of the submission of that resignation at its next meeting. The Board may choose to accept that resignation, deny that resignation or take any other appropriate action relating to the termination or suspension of employment of the support staff member submitting the resignation. A resignation, once submitted, may not then be rescinded unless the Board agrees.

I.C. 20-28-7.5-1 et seq., 5-8-4-1

Adopted 4/16/18

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SUBSTANCE ABUSE

The School Board recognizes alcoholism and drug abuse as treatable illnesses.

A staff member having an illness or other problem relating to the use/abuse of alcohol or other drugs will receive the same careful consideration and offer of assistance that is presently extended to staff members having any other illness.

The responsibility to correct unsatisfactory job performance or behavior resulting from a substance abuse problem rests with the staff member. Failure to do so, for whatever reason, will result in appropriate corrective or disciplinary action as determined by the Board.

No staff member will have his/her job security or promotion opportunities jeopardized solely on the basis of his/her request for counseling or referral assistance.

Staff members who suspect they may have an alcohol or other drug abuse problem are encouraged to seek counseling and information on a confidential basis by contacting resources available for such service.

Please refer to Board Policy 4122.01 on Drug-Free Workplace for additional requirements for staff members.

I.C. 20-26-5-4
29 U.S.C. 794

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EMPLOYEE ASSISTANCE PROGRAM (EAP)

The School Board believes that early recognition and treatment of alcohol or drug abuse is important for successful rehabilitation, return to productive work, and reduced personal, family, and social disruption.

The Corporation encourages the earliest possible diagnosis and treatment for alcoholism and drug abuse and supports sound treatment efforts. Whenever feasible, and subject to the limitations described here, the Corporation will assist staff members in overcoming their alcohol or drug abuse problems. However, the decision to seek diagnosis and accept treatment for alcohol or drug abuse is primarily the individual staff member's responsibility.

Self-Referral

Staff members with personal alcohol or drug abuse problems should request assistance from the Director of Human Resources (coordinator of the assistance program or administrator). Assistance will be provided on a confidential basis, and each staff member will be referred to the appropriate treatment and counseling services. Staff members who, in dealing with alcohol or drug abuse problems, voluntarily request assistance through the EAP may do so without jeopardizing their continued employment with the Corporation subject to compliance with Board Policy 4122.01 – Drug-Free Workplace.

Corporation Referral

Staff members who test positive for alcohol and/or drug use/abuse and who are referred, at Corporation request, for counseling or treatment will be limited to one (1) opportunity for counseling or treatment to cease the use of alcohol and or drugs. The counseling or treatment appointments are to be paid by the staff member.

A second positive test for use of illegal drugs will result in immediate termination.

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Special Considerations

All Corporation-requested staff member treatment and counseling will require, at a minimum, that the staff member immediately cease any alcohol and/or drug use/abuse and that the staff member be subject to periodic unannounced testing for a twelve (12) month period following enrollment in the program. Undergoing treatment or counseling for the first time, at the Corporation's request, will normally not jeopardize a staff member's employment. However, the Corporation will be required in certain safety-sensitive situations to remove from certain duties, such as driving a school bus. If other work cannot be found, the staff member's employment will be terminated.

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**BOARD OF SCHOOL TRUSTEES
SCHOOL CITY OF EAST CHICAGO**

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GROUP HEALTH PLANS

The School Board shall have discretion to establish and maintain group health plans for the benefit of eligible employees. These group health plans may provide health benefits through insurance or otherwise as permitted by law.

Notice of Health Insurance Marketplace

A Corporation employee may buy health insurance coverage on the Health Insurance Marketplace; however, if the Corporation offers health insurance that is affordable and provides minimum value under the Affordable Care Act, the employee will not be entitled to premium tax credits or subsidies through the Health Insurance Marketplace.

Notification Requirements

The Board shall notify all employees of health insurance coverage options through the Health Insurance Marketplace on the date the requirement took effect; thereafter, new employees shall be notified of this policy within fourteen (14) days of an employee's employment start date.

Sample form notices are available from the U.S. Department of Labor at:
<http://www.dol.gov/ebsa/healthreform/regulations/coverageoptionsnotice.html>

P.I. 111-148, Section 1512

Revised 4/16/18

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**DETERMINATION OF LEGAL SETTLEMENT AND ELIGIBILITY
FOR ENROLLMENT OF STUDENTS WITHOUT LEGAL SETTLEMENT
IN THE CORPORATION**

The School Board establishes the following residency policy for determining eligibility to attend the schools of this Corporation.

- A. The Board will educate, tuition free, students who have legal settlement in the Corporation, and students enrolled according to the requirements of I.C. 20-26-11.
- B. Where the legal settlement of a student cannot reasonably be determined and the student is being supported by and living with a person whose residence is within the School Corporation, the student may be enrolled without payment of tuition. If the parents are able to support the student and have placed him/her in the home of another person primarily for the purpose of attending school in this Corporation without establishing legal guardianship as required by Indiana law, tuition will not be charged unless otherwise required by law may be charged according to Board Policy 6150.
- C. A child who is placed in foster care by a court of competent jurisdiction shall be admitted tuition free, without regard to residency, to a school within the Corporation, as selected by the State Department of Human Services or the child placing agency responsible for placement of that child.
- D. Foreign students participating in a foreign-exchange program approved by the Indiana State Board of Education and living with a resident host family will be admitted tuition free.
- E. The Corporation will provide a free education to those students who are considered by Federal law to be illegal aliens, if the student's parent or legal guardian has legal settlement within the Corporation, or considered to be homeless by criteria established by the State (see Policy 5111.01).

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- F. Students who have completed the eleventh grade and have changed legal settlement to another school corporation may complete the twelfth grade in this Corporation.
- G. A married student living with a spouse or an emancipated minor is eligible to attend school without payment of tuition provided s/he resides in the Corporation.

H. Children of Divorced Parents

Children of divorced parents may attend school in this Corporation without the payment of tuition if one (1) parent resides in this Corporation and a timely election is made utilizing the "Custodial Statement and Agreement: Divorce, Separation, or Abandonment" form provided by the Indiana State Board of Education.

Not later than fourteen (14) days before the first student day of the school year for which the parent seeks enrollment, the parent with physical custody of the child must notify the Superintendent of the school corporation in which the parents seek to have the student enrolled of their election to enroll the child in the Corporation school. The election may be made only once a school year.

- I. A student who has been expelled from another school corporation or who is expelled from a nonpublic school or withdraws from a public or a nonpublic school to avoid expulsion may be enrolled in the Corporation during the actual or proposed expulsion if:
 - 1. the student's parent informs the Corporation of the student's expulsion or withdrawal to avoid expulsion;
 - 2. the Corporation consents to the student's enrollment;
 - 3. the student agrees to the terms and conditions of enrollment established by the Corporation.

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Such students will not be charged unless otherwise required by law may be charged tuition according to Board Policy 6150 if they do not have legal settlement in the Corporation.

If a student's parent fails to inform the Corporation of the expulsion or withdrawal to avoid expulsion or the student fails to follow the terms and conditions of enrollment, the Corporation may withdraw consent and prohibit the student's enrollment during the period of the actual or proposed expulsion. Before consent is withdrawn, the student must be given an opportunity for an informal meeting with the principal. At the informal meeting, the student is entitled to:

1. a written or verbal statement of the reasons for the withdrawal of consent;
2. a summary of the evidence against him/her;
3. an opportunity to explain his/her conduct.

Transfer Students

In addition to students with legal settlement in the Corporation, students without legal settlement in the Corporation (hereafter referred to as "transfer students") will be enrolled in compliance with I.C. 20-26-11-32 and the following procedure:

- A. By May 30th of the current school year the Board will establish the number of transfer students that can be accepted in each building and grade level.
- B. The Board will establish a date by which requests to enroll a transfer student must be submitted to the Superintendent. This date shall be submitted to the Indiana Department of Education and published on the Corporation Internet website.
- C. Requests to enroll a student with legal settlement in the Corporation shall not be denied if the student to be transferred:
 1. has been enrolled in the Corporation in the prior school year;

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2. is a member of a household in which any other member of the household is a student in the transferee school; or
 3. has a parent who is an employee of the Corporation.
- D. If the number of requests to enroll in each building and grade level exceeds the number of established by the Board reduced by the number of transfers that may not be denied as described in paragraph (C) above, the students to be enrolled in each building and grade level shall be determined by random selection in which each application submitted on or before the date established by the Board pursuant to paragraph (A) above has an equal chance of being selected.

Pursuant to State law, the Board may deny a student's application to transfer to the Corporation, discontinue enrollment of a transfer student currently attending, rescind approval of a student approved to attend in a subsequent year, or establish terms or conditions for enrollment or for continued enrollment in a subsequent school year,

- A. during the preceding twelve (12) months, the student has been suspended or expelled for:
 1. ten (10) or more school days;
 2. possession of a firearm, deadly weapon, or a destructive device;
 3. causing physical injury to a student, school employee or visitor to the school; or
 4. a violation of the Corporation's drug or alcohol rules.
- B. the student has had a history of unexcused absences, and the Board believes that, based upon the location of the student's residence, attendance would be a problem for the student if the student is enrolled in the Corporation.

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For purposes of computing the number of days of suspension of the student requesting enrollment, student discipline received from a teacher pursuant to the number of school days that a student has been suspended.

Transportation will not be provided by the School Corporation for transfer students accepted for enrollment, unless the transfer student has an Individualized Education Program (IEP) in which transportation is required to be provided as a related service.

No transfer student shall be accepted for enrollment for athletic reasons.

Transfer students will not be charged unless other required by law.

I.C. 20-18-2-11 (legal settlement defined)

I.C. 20-33-2-12 (transfer to another accredited or non-accredited school)

I.C. 20-33-8-17 (expulsion for lack of legal settlement)

I.C. 20-26-11-1 (residence defined)

I.C. 20-26-11-2.5 (divorced parent election)

I.C. 20-26-11-6(e) (option to not charge transfer tuition)

I.C. 20-26-11-6.5 (children of school employees)

I.C. 20-26-11-6.7 (nonpublic school students)

I.C. 20-26-11-32 (student transfer requests, HEA 1381 – 2013;
SEA 108 - 2017)

I.C. 20-26-11-33 (non-transfer student attending alternative education program)
Plyer v. Doe, 457 U.S. 202 (1982) (State Statute denying free public education to illegal immigrants violated the Equal Protection Clause of the Fourteenth Amendment)

Divorced Parents Agreement:

<http://www.doe.in.gov/sites/default/files/legal/formiii.pdf>

Third Party Agreement:

<http://www.doe.in.gov/sites/default/files/legal/custodialstatementinstructions.pdf>

Revised 8/20/15

Revised 8/29/18

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INTERNAL CONTROL STANDARDS AND PROCEDURES

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

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

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

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

The internal control standards and procedures also must provide reasonable assurance that these transactions are executed in compliance with Federal and State statutes, Federal and State regulations, and the terms and conditions of the award that could have a direct and material effect on any grant or award, as well as any other Federal and State statutes and regulations that are identified in the compliance supplements issued by the U.S. Office of Management and Budget (OMB) and/or directives of the State Board of Accounts (SBOA).

Finally, the Corporation's internal control standards and procedures must provide reasonable assurance that all Federal and State funds, property, and other assets are safeguarded against loss from theft, fraud, or unauthorized use or disposition.

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

Other than with respect to Corporation funds or property whose source is a Federal grant or award, any erroneous or irregular variances, losses, shortages, or thefts of Corporation funds or property in excess of \$100.00 in any fund are considered material and therefore are to be reported immediately to the SBOA as required by State law.

The Corporation shall:

- A. comply with Federal statutes, regulations, and the terms and conditions of the Federal awards, whether the funds are received directly from the Federal government or are distributed through the State Department of Education or another State agency or department;
- B. comply with State statutes and regulations related to the management and control of all funds received by the Corporation from any source;
- C. evaluate and monitor its compliance with statutes, regulations, and the terms and conditions of Federal grants and awards, as well as all other funds received by the Corporation;
- D. investigate all variances, losses, shortages, or thefts of Corporation funds or property, document the investigation and its results, and maintain a record of the investigation and its results;
- E. take prompt action when instances of noncompliance are identified including noncompliance identified in audit findings; and
- F. report all misappropriations of Corporation funds or property to the SBOA and the county prosecuting attorney whenever a Corporation employee has actual knowledge of or reasonable cause to believe that a misappropriate has occurred;

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- G. provide, upon employment and periodically thereafter, training concerning the internal control standards and procedures established for the Corporation for any personnel whose official duties include receiving, processing, depositing, disbursing, or otherwise having access to funds that belong to the Federal government, State government, the Corporation, or other governmental entities; and
- H. take reasonable measures to safeguard protected "personally identifiable" information (PII) and other information the awarding agency or pass-through entity designates as sensitive or the Corporation considers sensitive consistent with applicable Federal, state, local, and tribal laws and Corporation policies regarding privacy and obligations of confidentiality.

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

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

I.C. 5-11-1-27
2 C.F.R. 200.61-.62
2 C.F.R. 200.79
2 C.F.R. 200.203
OMB Circular A-21 Compliance Supplement
OMB Circular A-110 Compliance Supplement
OMB Circular A-133 Compliance Supplement

Adopted 9/12/18

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CASH MANAGEMENT OF GRANTS

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

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

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

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

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

- A. *The timing and amount of the advance payment requested shall be as close as is administratively feasible to the actual disbursement for direct program or project costs and the proportionate share of any allowable indirect costs.*
- B. The Corporation shall make timely payment to contractors in accordance with contract provisions.

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- C. To the extent available, the Corporation shall disburse funds available from program income (including repayments to a revolving fund), rebates, refunds, contract settlements, audit recoveries, and interest earned on such funds before requesting additional cash payments.
- D. The Corporation shall account for the receipt, obligation and expenditure of funds.
- E. Advance payments shall be deposited and maintained in insured accounts whenever possible.
- F. Advance payments shall be maintained in interest bearing accounts unless the following apply:
 - 1. The Corporation receives less than \$120,000 in Federal awards per year.
 - 2. The best reasonably available interest-bearing account would not be expected to earn interest in excess of \$500 per year on Federal cash balances.
 - 3. The depository would require an average or minimum balance so high that it would not be feasible within the expected Federal and non-Federal cash resources.
 - 4. A foreign government or banking system prohibits or precludes interest bearing accounts.

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

2 C.F.R. 200.305

Adopted 9/12/18

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COST PRINCIPLES - SPENDING FEDERAL FUNDS

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

Cost Principles

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

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

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

1. whether a cost is a type generally recognized as ordinary and necessary for the operation of the School Corporation or the proper and efficient performance of the Federal award;
2. the restraints or requirements imposed by such factors as sound business practices, arm's length bargaining, Federal, State, local, tribal and other laws and regulations;
3. market prices for comparable goods or services for the geographic area;
4. whether the individuals concerned acted with prudence in the circumstances considering their responsibilities; and
5. whether the cost represents any significant deviation from the established practices or School Board policy which may increase the expense.

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

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

1. the cost is needed for the proper and efficient performance of the grant program;
2. the cost is identified in the approved budget or application;
3. there is an educational benefit associated with the cost;
4. the cost aligns with identified needs based on results and findings from a needs assessment; and
5. the cost addresses program goals and objectives and is based on program data.

A cost is allocable to the Federal award if the goods or services involved are chargeable or assignable to the Federal award in accordance with the relative benefit received.

- B. Conform to any limitations or exclusions set forth as cost principles in Part 200 or in the terms and conditions of the Federal award.
- C. Be consistent with policies and procedures that apply uniformly to both Federally-financed and other activities of the Corporation.

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- D. Be afforded consistent treatment. A cost cannot be assigned to a Federal award as a direct cost if any other cost incurred for the same purpose in like circumstances has been assigned as an indirect cost under another award.
- E. Be determined in accordance with generally accepted accounting principles.
- F. Be representative of actual cost, net of all applicable credits or offsets.

The term "applicable credits" refers to those receipts or reductions of expenditures that operate to offset or reduce expense items allocable to the Federal award. Typical examples of such transactions are: purchase discounts; rebates or allowances; recoveries or indemnities on losses; and adjustments of overpayments or erroneous charges. To the extent that such credits accruing to or received by the State relate to the Federal award, they shall be credited to the Federal award, either as a cost reduction or a cash refund, as appropriate.

- G. Not be included as a match or cost-share, unless the specific Federal program authorizes Federal costs to be treated as such.
- H. Be adequately documented:
 - 1. in the case of personal services, the Superintendent shall implement a system for Corporation personnel to account for time and efforts expended on grant funded programs to assure that only permissible personnel expenses are allocated;
 - 2. in the case of other costs, all receipts and other invoice materials shall be retained, along with any documentation identifying the need and purpose for such expenditure if not otherwise clear.

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Selected Items of Cost

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

Cost Compliance

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

Determining Whether a Cost is Direct or Indirect:

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

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

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

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

Federal education programs with supplement not supplant provisions must use a restricted indirect cost rate. In a restricted rate, indirect costs are limited to general management costs. General management costs do not include divisional administration that is limited to one component of the Corporation, the governing body of the Corporation, compensation of the Superintendent, compensation of the chief executive officer of any component of the Corporation, and operation of the immediate offices of these officers.

The salaries of administrative and clerical staff normally should be treated as indirect costs. Direct charging of these costs may be appropriate only if all of the following conditions are met:

1. Administrative or clerical services are integral to a project or activity.
2. Individuals involved can be specifically identified with the project or activity.
3. Such costs are explicitly included in the budget or have the prior written approval of the Federal awarding agency.
4. The costs are not also recovered as indirect costs.

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

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

Timely Obligation of Funds

Obligations are orders placed for property and services, contracts and subawards made, and similar transactions during a given period that require payment by the non-Federal entity during the same or a future period.

The following table illustrates when funds are determined to be obligated under the U.S. Department of Education regulations:

If the obligation is for:

- A. Acquisition of property - on the date which the Corporation makes a binding written commitment to acquire the property.
- B. Personal services by an employee of the Corporation - when the services are performed.
- C. Personal services by a contractor who is not an employee of the Corporation - on the date which the Corporation makes a binding written commitment to obtain the services.
- D. Public utility services - when the Corporation receives the services.
- E. Travel - when the travel is taken.
- F. Rental of property - when the Corporation uses the property.
- G. A pre-agreement cost that was properly approved by the Secretary under the cost principles in 2 C.F.R. Part 200, Subpart E - Cost Principles - on the first day of the project period.

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Period of Performance

All obligations must occur on or between the beginning and ending dates of the grant project. This period of time is known as the period of performance. The period of performance is dictated by statute and will be indicated in the grant award notification ("GAN"). As a general rule, State-administered Federal funds are available for obligation within the year that Congress appropriates the funds for. However, given the unique nature of educational institutions, for many Federal education grants, the period of performance is twenty-seven (27) months. This maximum period includes a fifteen (15) month period of initial availability, plus a twelve (12) month period for carryover. For direct grants, the period of performance is generally identified in the GAN.

In the case of a State-administered grant, obligations under a grant may not be made until the grant funding period begins or all necessary materials are submitted to the granting agency, whichever is later. In the case of a direct grant, obligations may begin when the grant is approved, unless an agreement exists with IDOE or the pass-through entity to reimburse for pre-approval expenses.

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

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

Adopted 9/12/18

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TIME AND EFFORT REPORTING

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

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

- A. is reasonable for the services rendered, conforms to the Corporation's established written policy, and is consistently applied to both Federal and non-Federal activities; and
- B. follows an appointment made in accordance with the Corporation's written policies and meets the requirements of Federal statute, where applicable.

Time and Effort Reports

The reports:

- A. are supported by a system of internal controls which provide reasonable assurance that the charges are accurate, allowable, and properly allocated;
- B. are incorporated into the official records of the Corporation;

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- C. reasonably reflect the total activity for which the employee is compensated by the Corporation, not exceeding 100% of the compensated activities;
- D. encompass both Federally assisted and other activities compensated by the Corporation on an integrated basis;
- E. comply with the Corporation's established accounting policies and practices;
- F. support the distribution of the employee's salary or wages among specific activities or cost objectives if the employee works on more than one (1) Federal award, a Federal award and non-Federal award, an indirect cost activity and a direct cost activity, two or more indirect activities which are allocated using different allocation bases, or an unallowable activity and a direct or indirect cost activity.

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

Reconciliations

Budget estimates are not used as support for charges to Federal awards. However, the Corporation may use budget estimates for interim accounting purposes. The system used by the Corporation to establish budget estimates produces reasonable approximations of the activity actually performed. Any significant changes in the corresponding work activity are identified by the Corporation and entered into the Corporation's records in a timely manner.

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The Corporation's internal controls include a process to review after-the-fact interim charges made to a Federal award based on budget estimates and ensure that all necessary adjustments are made so that the final amount charged to the Federal award is accurate, allowable, and properly allocated.

2 C.F.R. 200.430, 200.431

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PROCUREMENT – FEDERAL GRANTS/FUNDS

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

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

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

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

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

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Competition

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

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

- A. unreasonable requirements on firms in order for them to qualify to do business;
- B. unnecessary experience and excessive bonding requirements;
- C. noncompetitive contracts to consultants that are on retainer contracts;
- D. organizational conflicts of interest;
- E. specification of only a "brand name" product instead of allowing for an "*or equal*" product to be offered and describing the performance or other relevant requirements of the procurement; and
- F. any arbitrary action in the procurement process.

Further, the Corporation shall not use statutorily or administratively imposed State, local, or tribal geographical preferences in the evaluation of bids or proposals unless 1) an applicable Federal statute expressly mandates or encourages a geographic preference; or 2) the Corporation is contracting for architectural and engineering services, in which case geographic location may be a selection criterion provided its application leaves an appropriate number of qualified firms, given the nature and size of the project, to compete for the contract.

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To the extent that the Corporation uses a pre-qualified list of persons, firms or products to acquire goods and services, the pre-qualified list includes enough qualified sources as to ensure maximum open and free competition. The Corporation allows vendors to apply for consideration to be placed on the list yearly.

Solicitation Language

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

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

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

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Procurement Methods

The Corporation shall utilize the following methods of procurement:

A. Micro-purchases

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

B. Small Purchases

Small purchase procedures provide for relatively simple and informal procurement methods for securing services, supplies, and other property the cost of which exceeds \$3,500 but is less than the competitive bid threshold of \$25,000. Small purchase procedures require that at least three (3) price or rate quotations shall be obtained from qualified sources.

C. 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.

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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 three (3) an adequate number of qualified suppliers, providing sufficient response time prior to the date set for the opening of bids. The invitation to bid shall be publicly advertised.
2. The invitation for bids shall include product/contract specifications and pertinent attachments and shall define the items and/or services required in order for the bidder to properly respond.
3. All bids shall be opened at the time and place prescribed in the invitation for bids; bids shall be opened publicly.
4. A firm fixed price contract award shall be made in writing to the lowest responsive and responsible bidder. Where specified in bidding documents, factors such as discounts, transportation cost, and life cycle costs shall be considered in determining which bid is lowest. Payment discounts may be used to determine the low bid only when prior experience indicates that such discounts are usually taken.
5. The Board reserves the right to reject any or all bids for sound documented reason.

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D. 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.)

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

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

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E. Noncompetitive Proposals

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

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

Contract/Price Analysis

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

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

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

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Time and Materials Contracts

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

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

Suspension and Debarment

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

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

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

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

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

Bid Protest

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

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

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

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

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Maintenance of Procurement Records

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

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

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PAYROLL DEDUCTIONS

For those employees not covered by the terms of a negotiated agreement, the School Board authorizes that certain deductions may be made from an employee's paycheck upon proper authorization on the appropriate form. Deductions shall be made for:

- A. Federal and State income tax;
- B. Social Security;
- C. State Teachers Retirement Fund or Public Employees Retirement Fund;
- D. County local option income tax;
- E. Section 125 deductions (cafeteria plans);
- F. Section 401(a) deductions;
- G. Section 403(b) deductions;
- H. Section 457 deductions;
- I. U.S. Savings Bonds;
- J. contributions to charitable or nonprofit organizations;
- K. payment of dues to labor or other organizations of which the employee is a member;
- L. payment of group health or life insurance premiums for a plan in which at least ten (10) percent of the Corporation employees participate;
- M. other deductions as permitted by I.C. 22-2-6-2.

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Employees shall notify the Corporation's administrative offices in writing if they wish to participate in this payroll deduction program. Any payroll deduction agreement provided by an employee must otherwise comply with all of the provisions of applicable law and may be terminated as said law provides upon notice given in writing by either party.

To the extent permitted by law, the Board also declares its willingness to enter into an agreement with any of its employees whereby the employee agrees to take a reduction in salary with respect to amounts earned after the effective date of such agreement in return for the Board's agreement to contribute such withheld amounts to an employee benefit plan described in section 403(b) or 457(b) of the Internal Revenue Code, which has been made available by the Corporation ("403 (b) or 457(b) Plan"). Such contributions will be subject to the terms and conditions of the employee's salary reduction agreement and the Corporation's administrative guidelines that are adopted from time to time with respect to the 403(b) or 457(b) including the following:

- A. Amounts withheld at an employee's election for contribution to a 403(b) or 457(b) Plan will only be forwarded to a company/vendor that has been previously approved by the board and continues to remain on the Board's approved list of vendors.
- B. An employee must complete a standard salary reduction agreement that has been pre-approved by the Corporation.
- C. By providing employees with payroll deduction services for contributions to a benefit plan, the Board is not providing any financial advice to employees.

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- D. The Board does not guarantee the return or quality of any tax-sheltered annuity, mutual fund, or other investment selected by an employee, and it is intended that the Board and the Corporation shall have no liability whatsoever for any investment alternative offered by an approved vendor or selected by an employee.
- E. All costs incurred in the administration of the 403(b) or 457(b) Plan and corresponding investment fees shall be paid from the assets of the applicable 403(b) or 457(b) Plan.

I.C. 22-2-6-2
Internal Revenue Service Code Section 403(b)

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