P3412 BOND COMPLIANCE

BOARD POLICY:

It is the District's policy to comply with all laws, regulations, and contracts applicable to its general obligation bonds including but not limited to municipal bonds, Build America Bonds, and Qualified School Construction Bonds.

1. Bond proceeds shall only be disbursed for bond issuance costs, accrued interest, ~~and~~ project costs authorized by the bond referendum, or to refund previously issued debt of the District.

2. To be an eligible project, the property being financed must be owned by USD 259.

3. The Chief Financial Officer with the assistance of the Financial Advisor and Bond Counsel will ensure that Build America Bond (BABs) are not issued with more than a *de minimis* amount of premium, as required by Section 54AA(d)(2)(C) of the Code.

4. Proceeds will be used for costs of issuance only to the extent permitted by the Federal Tax Certificate executed in connection with a series of bonds.

5. Costs that were paid prior to the issuance of the bonds are limited to costs paid subsequent to, or not more than 60 days prior to, the date a "declaration of intent" to reimburse the costs was adopted by the Board.

6. At the time that bonds are issued it must be intended and expected that the project will commit 5% of net sale proceeds within 6 months, ~~and~~ that at least be 85% of the proceeds will be spent on the project ~~completed~~ within three years of issuance, and that 100% expended within 5 years of issuance. Additionally, Qualified School Construction Bonds (QSCB's) will have 10% of net sale proceeds committed within 6 months and 100% of net bond sale proceeds expended within 3 years.

7. None of the proceeds of the bond issue may be used for private business purposes unless permitted by the federal tax certificate executed in connection with the issuance of a given series of bonds, and such use may only occur if in accordance with tax certificate provisions and in compliance with applicable federal law.

8. A proposed change, such as sale of an asset, leases or special use agreements, operation or service agreements, or other legal rights to the financed assets of a bond-financed project's use, must be reported to the Chief Financial Officer prior to the implementation of the proposed change to ensure compliance with applicable regulations.

9. The District must comply with any state and federal investment type and yield restrictions and with federal arbitrage requirements. Arbitrage rebate payments, if required, will be made no later than 60 days after (a) each fifth anniversary of the date of issuance and (b) the final retirement of the issue. The Chief Financial Officer will be responsible for obtaining the required arbitrage rebate calculations from bond counsel or the district's auditing firm and for retaining records of the calculation.

10. All proceeds of bond issues will be deposited and maintained in a separate account or accounts not comingled with operating funds. Bond proceed investment rates will be tracked by the district Controller for the purpose of calculating any arbitrage rebate owed.

11. The Chief Financial Officer will file applicable IRS forms by the filing deadlines including but not limited to the 8038-CPs.

12. ~~The Chief Financial Officer~~ The District will comply with disclosure undertakings entered into with the issuance of bonds, including having the Chief Financial Officer annually submit the audited ~~Comprehensive~~ Annual Comprehensive Financial Report to the appropriate depository, currently EMMA. Notification of any material event, such as a bond call, will also be filed timely with EMMA.

13. The District records relating to tax-exempt bonds shall be maintained in paper or electronic format for the entire term of the bond issue plus three years, or, in the case of an issue refunded by one or more subsequent issues, for the combined term of the issues plus three years.

14. Bond transcripts will be retained for each issue for the life of the bond and all related refundings plus three years.

15. The Chief Financial Officer shall be responsible for identifying any violations of federal tax requirements relating to general obligation bonds including but not limited to traditional tax-exempt bonds, Build America Bonds, and Qualified School Construction Bonds and shall consult with legal counsel as to best method for the timely correction of any identified violations.

16. Chief Financial Officer will make final allocation of bond proceeds after expenditure of all proceeds – i.e., written document which identifies assets financed and quantifies the cost of the assets financed – based on actual facts, not initial estimates.

Administrative Responsibility: Financial Services
Latest Revision Date: N/A
New Policy: February 2011 P3412

Updated administratively for alignment purposes: March 2014

P3705 ALCOHOL AND SUBSTANCE ABUSE

BOARD POLICY:

USD 259 will strive to maintain an alcohol and drug-free work place and environment. Employees and students have the right to work in such an environment and to work with persons free from the effects of alcohol and drugs. All students and patrons have a right to expect an alcohol and drug-free educational environment. The unlawful manufacture, distribution, dispensing, possession, or use of any controlled substance and/or alcohol is prohibited in the district. A medical exam including substance abuse testing for illegal drugs shall be required of all persons offered employment that are to be assigned in benefitted positions.

Administrative Implemental Procedures:

Applicants Offered Employment:

1. Applicant Drug and Alcohol Testing
   All applicants who are offered employment in a position requiring a drug test shall, prior to commencing employment and at school district expense, submit to an established test for illegal drugs. Alcohol testing will be required for all applicants offered employment in a position which requires driving a commercial motor vehicle for USD 259 as defined under the Omnibus Transportation Employee Testing Act of 1991.
   - Positive Results: An applicant whose results of drug testing indicate that the applicant has used an illegal drug(s) or tests positive for alcohol shall be disqualified from employment.
   - Impure Sample: If the testing laboratory and the Medical Review Officer determine that the sample of an applicant has been tainted by the applicant, the applicant shall be deemed to have refused drug testing and shall be disqualified from employment.
2. All employment offerees who are required to take a substance abuse test for alcohol or illegal drugs will be required to sign a *Release and Consent to Testing* form. Any employment offeree who refuses to sign the *Release and Consent to Testing* form or refuses to take the test will not be hired.

Employees:

3. The Superintendent or designee may, based upon objective factors giving rise to a reasonable suspicion of possible substance abuse, direct any employee to submit to drug and alcohol testing, which may include a medical examination. The testing shall be at district expense. The employee may be required to release other medical information from their physician to the Board physician and will be required to sign such release and to sign the *Release and Consent to Testing* form. Any employee who refuses to take a substance test when directed to do so by the Superintendent or designee will be deemed to have tested positive and will be considered as insubordinate, resulting in termination.
   - Positive Results: An employee whose results of drug testing indicate that the applicant has used an illegal drug(s) or tests positive for alcohol shall be terminated if they fail to disclose drug or alcohol use prior to testing. The district will rely on the opinion of the laboratory which performed this test in determining whether the positive test result was produced by a legal medication.

- Impure Sample: If the testing laboratory and the Medical Review Officer determine that the sample of an employee has been tainted by the employee, the employee shall be deemed to have refused drug testing and shall be terminated.

4. Employees required to submit to a medical examination or those who voluntarily seek professional medical assistance due to substance abuse shall have their absences charged, for a period not to exceed 180 calendar days, to their accumulated temporary leave, the district's self-funded disability program, or a combination of both in accordance with established procedures. Such employees will have only one 180 calendar day period, if warranted, for the above use. Such employees will not be allowed to return to work and again seek professional medical treatment for the same purpose within the same fiscal year.
5. Any employee whose behavior creates a reasonable suspicion that the employee's job performance is affected by alcohol/substance abuse and who may have this substance at their work site may, at the direction of the Superintendent or designee, have their work area searched for possible proof with at least one witness present during such search. This action may warrant the notification and involvement of the Police Department, Sheriff's Department, Board Attorney, Employee Benefits and Insurance Management, or District Attorney, and may result in suspension and/or dismissal.
6. In determining reasonable suspicion, the Procedure for Reasonable Suspicion will be followed, the "Reasonable Suspicion Observation Documentation Form" will be completed, and the steps outlined therein will be followed.
7. Reporting to duty when suspected substance abuse causes the employee to behave abnormally, ignore safety precautions, or impair job performance, will require the supervisor's immediate attention and could lead to suspension and/or possible dismissal.
8. Any employee who is arrested and/or charged for a criminal statutory drug related violation must notify the Superintendent or designee of the arrest or charge within five days, so the Board can take appropriate action which may include professional medical assistance as set forth above.
9. Random alcohol and drug testing will be required at least once annually for all employees who are assigned to drive a district vehicle or who are required to drive a district vehicle as part of their job assignment, and who are not covered by Department of Transportation regulations.
10. Employees required by job to operate a commercial motor vehicle and perform safety sensitive functions will be given substance abuse and alcohol testing in accordance with the Omnibus Transportation Employment Testing Act of 1991 and applicable Department of Transportation of regulations.
11. All post ~~injury~~ accident drug and alcohol testing of employees shall be conducted in accordance with the procedure set forth in the Kansas Workers Compensation Act, ~~and the~~ Kansas Employment Security Law, the Federal Motor Carrier Safety Administration (FMCSA), and the Department of Transportation (DOT).

Administrative Responsibility: Human Resources – Employee Benefits & Insurance Mgmt.
Latest Revision Date: May 2019
Previous Revision Date: March 2012 P3705

Updated administratively for alignment purposes: December 2020

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