Appendix 9

BOE Agenda Item Executive Summary
Date: August 28, 2023

Topic: Proposed Policy Revisions

Current Policy	Proposed	Title	Notes
1213	NA	Closing of Attendance Centers	Update to conform with state statute.
5116	NA	Emergency Safety Interventions	Update to conform with state statute.
7170	NA	Disposal of Surplus Real Property	Update to conform with state statute.

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P1213 CLOSING OF ATTENDANCE CENTERS

BOARD POLICY:

The Board, following requirements set forth at K.S.A. 72-1431, may close any school building at any time the Board determines that the building should be closed to improve the school system of the District.

Administrative Implemental Procedures:

1. The Board of Education may close more than one school building in one resolution.

2. Prior to adopting a resolution closing any school building, the Board of Education shall call and hold a hearing on the proposal.

3. The notice of hearing shall include the reasons for the proposed closing, the name of any affected building and the name of any school building to which the affected students will be reassigned. The notice will also include the time, date and place of the public hearing to be held on the proposal.

4. The notice shall be published at least once each week for two consecutive weeks in a newspaper of general circulation in the District. The last publication shall be at least 10 but not more than 20 days prior to the date of the hearing.

5. At the hearing the Board shall hear testimony as to the advisability of the proposed closing, and a representative of the Board shall present the Board's proposal for the closing.

6. Following the public hearing, or any continuation of the hearing, and after considering all of the testimony and evidence presented or submitted at the public hearing, the Board shall determine whether the school building should be closed to improve the school system of the District, and the Board shall adopt a resolution to close the school building if the Board determines that a school building should be closed.

7. **If a valid request is made not later than 45 days after the adoption of a resolution to close a school building or buildings, the state board of education shall conduct an administrative review of the resolution and issue an advisory determination, not later than 45 days after receipt of the request, to the school district that states whether the school district's resolution is reasonable under the totality of the circumstances.**

8. **Upon receipt of an advisory determination, including any advisory determination that the resolution is reasonable, the board of education of such school district shall reconsider such resolution. In reconsidering such resolution, the board of education shall hold a public hearing as provided in current law and may approve, modify, and approve, or rescind such resolution upon the conclusion of such hearing. No resolution adopted regarding a school closing shall be effective until, at minimum, the 45-day period has elapsed without a request for administrative review.**

Administrative Responsibility: Superintendent

Latest Revision Date: ~~July 2016~~ **August 2023**
Previous Revision Date: ~~February 2006~~ **July 2016** P1213

Updated administratively for alignment purposes: November 2020

P5116 EMERGENCY SAFETY INTERVENTIONS

BOARD POLICY:

~~**Seclusion or physical restraint (Emergency Safety Interventions (ESI)) of any student may be employed only when the student presents a reasonable and immediate danger of physical harm to self or others or engages in violent action that is destructive of property. ESI should be used only after less restrictive or invasive alternatives have been considered and deemed infeasible. Certain modes of restraint are prohibited and any restraint utilized must be consistent with this policy. Restraint or seclusion will not be used as punishment or discipline, as a means of coercion or retaliation, or as a convenience for a school employee.**~~

The board of education is committed to limiting the use of Emergency Safety Intervention ("ESI"), such as seclusion and restraint, with all students. Seclusion and restraint shall be used only when a student's conduct necessitates the use of an emergency safety intervention as defined below. The board of education encourages all employees to utilize other behavioral management tools, including prevention techniques, de-escalation techniques, and positive behavioral intervention strategies.

This policy shall be made available on the district website with links to the policy available on any individual school sites. In addition, each school shall include this policy in at least one of the following: the school's code of conduct, school safety plan, or student handbook. Notice of the online availability of this policy shall be provided to parents during enrollment each year.

Administrative Implemental Procedures:

1. Definitions:

~~a. "Administrative review" means review by the state board upon request of a parent.~~

a. "Area of purposeful isolation" means any separate space, regardless of any other use of that space, other than an open hallway or similarly open environment.

b. "Campus police officer" means a school security officer designated by the board of education of any school district pursuant to K.S.A. 72-6146, and amendments thereto.

c. "Chemical Restraint" means the use of medication to control a student's violent physical behavior or restrict a student's freedom of movement.

~~b. "Complaint" means a written document that a parent files with the board of education.~~

~~c. "District" means a school district organized under the laws of this state that is maintaining a public school for a school term pursuant to K.S.A. 72-3115, and amendments thereto. This term shall include the governing body of any accredited nonpublic school.~~

d. "Emergency Safety ~~Interventions" means~~**Intervention" is** the use of seclusion or physical restraint **but does not include physical escort or the use of time-out**.

e. "Incident" means each occurrence of the use of an emergency safety intervention.

~~"Parent" means: (1) A natural parent; (2) an adoptive parent; (3) a person acting as a parent as defined in K.S.A. 72-3122, and amendments thereto; (4) a legal guardian; (5) an education advocate for a student with an exceptionality; (6) a foster parent, unless the student is a child with an exceptionality; or (7) a student who has reached the age of majority or is an emancipated minor.~~

~~d. "Physical escort" means the temporary touching or holding of the hand, wrist, arm, shoulder, or back of a student who is acting out, for the purpose of inducing the student to walk to a safe location. Physical escort is not an ESI.~~

~~e. "Physical Restraint" means bodily force used to substantially limit a student's movement, except that consensual, solicited or unintentional contact and contact to provide comfort, assistance or instruction shall not be deemed to be physical restraint.~~

~~f. "Mechanical Restraint" means any device or object used to limit a student's movement and includes, but is not limited to, the use of handcuffs.~~

f. ~~"Police~~ ~~means~~ **"Law enforcement** officer**" and "police officer" mean** a full-time or part-time salaried officer or employee of the state, a county, or a city, whose duties include the prevention or detection of crime and the enforcement of criminal or traffic ~~laws~~**law** of this state or ~~of~~ any Kansas municipality**. This term includes a campus police officer.**

~~"School~~**g. "Legitimate law enforcement purpose" means a goal within the lawful authority of an officer that is to be achieved through methods or conduct condoned by the officer's appointing authority.**

h. "Mechanical Restraint" means any **device or object used to limit a student's movement.**

i. "Parent" means:

- **a natural parent;**
- **an adoptive parent;**
- **a person acting as a parent as defined in K.S.A. 72-3122(d)(2), and amendments thereto;**
- **a legal guardian;**
- **an education advocate for a student with an exceptionality;**
- **a foster parent, unless the student is a child with an exceptionality; or**
- **a student who has reached the age of majority or is an emancipated minor.**

j. "Physical Escort" means the temporary touching or holding the hand, wrist, arm, shoulder, or back of a student who is acting out for the purpose of inducing the student to walk to a safe location.

k. "Physical Restraint" means bodily force used to substantially limit a student's movement, except that consensual, solicited, or unintentional contact and contact to provide comfort, assistance, or instruction shall not be deemed to be physical restraint.

l. "Purposefully isolate" when used regarding a student, means that school personnel are not meaningfully engaging with the student to provide instruction and any one of the following occurs:

1) **Removal of the student from the** learning environment~~, including any non-profit institutional day or residential school or accredited nonpublic~~ **by** school **personnel;**~~, that receives public funding or which is subject to the regulatory authority of the state board of education.~~
2) **Separation of the student from all or most peers and adults in the learning environment by school personnel; or**
3) **Placement of the student within an area of purposeful isolation by school personnel.**

m. "School resource officer" means a **law enforcement officer or** police officer employed by a local law enforcement agency who is assigned to a district through an agreement between the local law enforcement agency and the district.

n. "School security officer" means a person who is employed by a board of education of any school district for the purpose of aiding and supplementing state and local law enforcement

agencies in which the school district is located~~,~~ but is not a law enforcement officer or police officer.

o. "Seclusion" means placement of a student **for any reason other than for in-school suspension, detention, or any other appropriate disciplinary measure** in a location where ~~all~~**both of** the following conditions are met:

~~1) The student is placed in an enclosed area by school personnel.~~

- ~~The student is~~ **School** personnel purposefully ~~isolated from adults~~ **isolate the student;** and ~~peers.~~
- ~~The~~**the** student is prevented from leaving~~, or the student reasonably believes~~ **or has reason to believe** that ~~such~~**the** student will be prevented from leaving~~,~~ the ~~enclosed~~ area~~.~~ **of purposeful isolation.**

~~Seclusion does not include a time-out.~~ **p.** "Time-out" means a behavioral intervention in which a student is temporarily removed from a learning activity without being ~~confined~~**secluded.**

2. Prohibited Types of Restraint:

All staff members are prohibited from engaging in the following actions with all students:

- **Using face-down (prone) physical restraint;**
- **Using face-up (supine) physical restraint;**
- **Using physical restraint that obstructs the student's airway;**
- **Using physical restraint that impacts a student's primary mode of communication;**
- **Using chemical restraint, except as prescribed treatments for a student's medical or psychiatric condition by a person appropriately licensed to issue such treatments; or**
- **Use of mechanical restraint, except:**
  - **Protective or stabilizing devices required by law or used in accordance with an order from a person appropriately licensed to issue the order for the device;**
  - **Any device used by a certified law enforcement officer to carry out law enforcement duties; or**
  - **Seatbelts and other safety equipment when used to secure students during transportation.**

3. Use of Emergency Safety Interventions:

a. Emergency Safety Interventions shall be used only when a student presents a reasonable and immediate danger of physical harm to such student or others with the present ability to effect ~~such~~ physical harm or engages in violent action that is destructive of property. Less restrictive alternatives to ESI, such as proactive prevention techniques, de-escalation techniques, positive behavior interventions and supports, shall be deemed inappropriate or ineffective under the circumstances by the school employee witnessing the student's behavior prior to the use of any ESI. The use of ESI shall cease as soon as the immediate danger of physical harm ceases to exist. Use of an ESI for purposes of discipline, punishment or for the convenience of a school employee shall not meet the standard of immediate danger of physical harm.

~~a. Prohibited Types of Restraint:~~

~~2) The use of prone, or face-down, physical restraint; supine, or face-up physical restraint; physical restraint that obstructs the airway of a student; or any physical restraint that impacts a student's primary mode of communication;~~

~~3) The use of chemical restraint, except as prescribed treatments for a student's medical or psychiatric condition by a person appropriately licensed to issue these treatments;~~

~~4) The use of mechanical restraint, except those protective or stabilizing devices either ordered by a person appropriately licensed to issue the order for the device or required by law, any device used by a law enforcement officer in carrying out law enforcement duties, and seatbelts and any other safety equipment when used to secure students during transportation.~~

~~g. Seclusion Restrictions:~~

~~1) When a student is placed in seclusion, a school employee shall be able to see and hear the student at all times.~~

~~2) All seclusion rooms equipped with a locking door shall be designed to ensure that the lock automatically disengages when the school employee viewing the student walks away from the seclusion room, or in case of emergency, such as fire or severe weather.~~

~~3) A seclusion room shall be a safe place with proportional and similar characteristics as other rooms where students frequent. Such room shall be free of any condition that could be a danger to the student and shall be well-ventilated and sufficiently lighted.~~

~~h. Emergency Safety Intervention Restrictions:~~

b. A student shall not be subjected to an ESI if the student is known to have a medical condition that could put the student in mental or physical danger as a result of the ESI. The existence of such medical condition ~~must~~**shall** be indicated in a written statement from the student's licensed health care provider, a copy of which has been provided to the school and placed in the student's file. Such written statement shall include an explanation of the student's diagnosis, a list of any reasons why an ESI would put the student in mental or physical danger and any suggested alternatives to the use of ESI. ~~However~~**Notwithstanding,** a student may still be subjected to an ESI if not subjecting the student to an ESI would result in significant physical harm to the student or others.

~~1) School resource officers and police officers are exempt from the requirements of the ESI regulations. School security officers are not exempt and so may not use prohibited restraints, including handcuffs.~~

4. Use of Seclusion:

a. When a student is placed in seclusion, a school employee shall see and hear the student at all times. The presence of another person in the area of purposeful isolation or observing the student from outside the area of purposeful isolation shall not create an exemption from otherwise reporting the incident as seclusion. When a student is placed in or otherwise directed to an area of purposeful isolation, the student shall have reason to believe that the student is prevented from leaving.

b. If the area of purposeful isolation is equipped with a locking door designed to prevent a student from leaving the area of purposeful isolation, the door shall be designed to ensure that the lock automatically disengages when the school employee viewing the student walks away from the area of purposeful isolation, or in case of emergency, such as fire or severe weather.

c. An area of purposeful isolation shall be a safe place with proportional and similar characteristics as those of other rooms where students frequent. Such area shall be well-ventilated and lit, and free of dangerous conditions.

5. Training:

~~i.~~ **a.** All ~~district personnel will annually review and acknowledge BOE P5116 Emergency Safety Interventions.~~

~~j.~~a. ~~Annual~~**staff members shall be trained regarding the use of positive behavioral intervention strategies, de-escalation techniques, and prevention techniques. Such** training **shall be** consistent with nationally recognized **training** programs **on ESI. The intensity of the training provided will depend upon the employee's position. Administrators, licensed staff members, and other staff deemed most likely to need to restrain a student** will be provided ~~to school personnel. Training will emphasize that prevention techniques, de-escalation techniques, positive behavioral interventions and positive behavioral supports are preferred strategies which should be applied, if feasible, prior to use of an ESI. Training will meet the needs of personnel as appropriate to their roles, duties and potential need for emergency safety interventions.~~**more intense training than staff who do not work directly with students in the classroom.** District and~~/or~~ building ~~administrators will~~**administration shall** determine ~~which personnel requires training in the most restrictive behavioral intervention techniques, i.e. restraint and seclusion.~~ **the intensity of training required by each position.**

~~Written~~**b. Each school building shall maintain written** or electronic documentation ~~will be maintained on~~**regarding** the training **that was** provided and **a list of participants, which shall be made available for inspection by** the ~~persons participating.~~ **state board of education upon request.**

6. Notification and Documentation~~ and Notification~~:

~~k. All schools are responsible for maintaining documentation for each use of an ESI, which must include:~~

~~1) date and time of~~**a. The principal or designee shall notify** the ~~intervention;~~

~~2) type of intervention used (seclusion or restraint);~~

~~3) length of time (in minutes)~~**parent** the ~~intervention was used;~~

~~4) a description of the behavior precipitating the ESI and alternative behavioral interventions considered;~~

~~5) the school personnel who participated in or supervised the intervention;~~

~~6) whether the student had~~**same day as** an ~~individualized education program (IEP) at the time of the incident; and~~

~~7) whether the student had a section 504 plan at the time of the~~ incident.

~~l. Documentation maintained by a school on the use of ESI must be compiled and submitted, at least quarterly, to the Division of Student Support Services.~~

~~m. The Division of Student Support Services will provide quarterly reports of all incidents of ESI to the Kansas State Department of Education (KSDE), by the dates and in the format required by KSDE. In addition, documentation of the district's use~~**The same-day notification requirement** of ~~ESI will~~**this subsection shall** be ~~provided to KSDE upon written request of KSDE.~~

~~n. At least annually,~~**deemed satisfied if** the ~~principal of each~~ school ~~shall review ESI documentation to determine the appropriateness of the use of ESI. At least annually, the Division of Student Support Services will review ESI documentation regarding the~~

~~proper administration of ESI in the district and its impact upon the content of training for district employees.~~

~~Parents shall be notified the same day an emergency safety intervention is used with their student by the principal or their designee. If the principal or designee is unable to contact the parent, they will attempt to contact the parent using~~**attempts** at least two methods **of contacting the parent.** A parent may designate a preferred method of contact to receive the same-day notification. A parent may **also** agree~~,~~ in writing~~,~~ to receive only one same-day notification from the school for multiple incidents occurring on the same day. ~~The principal or designee will document notification and notification attempts in the Student Information System. Written documentation of the ESI used shall be completed and provided to the parent no later than the school day following the day on which the ESI was used. Written documentation will include:~~

~~The~~**b. Documentation of the ESI used shall be completed and provided to the student's parents no later than the school day following the day of the incident. Such written documentation shall include:**

- **the** events leading up to the incident;
- student behaviors that necessitated the ESI;
- steps taken to transition the student back into the educational setting;
- the date and time the incident occurred, the type of ESI used, the duration of the ESI**,** and the school personnel who used or supervised the ESI;
- **space or** an ~~option~~**additional form** for parents to provide feedback or comments to the school regarding the incident;
- a statement that invites and strongly encourages parents to schedule a meeting to discuss the incident and how to prevent future ~~use of ESI~~**incidents**; and
- email and phone information for the parent to contact the school to schedule the ESI meeting. Schools may group incidents together ~~which occur on the same day~~ when documenting **the** items ~~1), 2), and 3)~~**in in the first three bullet points** if the triggering issue necessitating the ~~ESI~~**ESIs** is the same.

~~f. Upon the first occurrence of an incident involving the use of ESI in a school year, the~~**c. The** parent shall be provided the following information ~~in printed form or, upon the parent's written request, by email. If there is a second or subsequent~~**after each** incident during ~~the same school year, the parent shall be provided with a full and direct website address containing this information.~~**each school year:**

- ~~a~~**A** copy of this policy ~~and a copy of the standards~~ which indicates when ESI can be used;
- a flyer on the parent's rights;
  ~~1)~~ information on the parent's right to file a complaint through the ~~district's~~**local** dispute resolution process~~;~~
- **(which is set forth in this policy) and** the complaint process of the state board of education; **and**
- information that will assist the parent in navigating the complaint process, including contact information for Families Together and the Disability Rights Center of Kansas~~; and~~.
  ~~2) a full website address containing this information.~~

~~g.~~ **d. Upon the first occurrence of an incident of ESI during the school year, the foregoing information shall be provided in printed form or, upon the parent's written request, by email. After each subsequent incident, the parent shall be provided with a full and direct website address containing such information.**

7. **Law Enforcement, School Resource, and Campus Security Officers:**
   a. **Campus police officers and school resource officers shall be exempt from the requirements of this policy when engaged in an activity that has a legitimate law enforcement purpose. School security officers shall not be exempt from the requirements of this policy.**
   b. If a school is aware that a ~~police~~**law enforcement** officer or school resource officer has used seclusion, physical restraint, or mechanical restraint on a student, the ~~principal or their designee will~~**school shall** notify the parent the same day using the parent's preferred method of contact. ~~The principal or designee will document notification and notification attempts in the Student Information System. Mechanical~~**A school shall not be required to provide written documentation to a parent, as set forth above, regarding law enforcement use of an emergency safety intervention, or report to the state department of education any law enforcement use of an emergency safety intervention. For purposes of this subsection, mechanical** restraint includes, but is not limited to, the use of handcuffs. ~~Written documentation of the incident is not required.~~

8. **Documentation of ESI Incidents:**
   a. **Except as specified above with regard to law enforcement or school resource officer use of emergency safety interventions, each building shall maintain documentation any time ESI is used with a student. The documentation shall include all of the following:**
      - **date and time of the ESI,**
      - **type of ESI,**
      - **length of time the ESI was used,**
      - **school personnel who participated in or supervised the ESI,**
      - **whether the student had an individualized education program at the time of the incident,**
      - **whether the student had a section 504 plan at the time of the incident, and**
      - **whether the student had a behavior intervention plan at the time of the incident.**
   b. **All such documentation shall be provided to the building principal, who shall be responsible for providing copies of such documentation to the superintendent or the superintendent's designee on at least a biannual basis. At least once per school year, each building principal or designee shall review the documentation of ESI incidents with appropriate staff members to consider the appropriateness of the use of ESI in those instances.**

9. **Reporting Data:**
   District administration shall report ESI data to the state department of education as required.

10. **Parent Right to** Meeting ~~Requirements~~**on ESI Use**:
    a. After each incident, a parent may request a meeting with the school to discuss and debrief the incident. A parent may request such meeting verbally, in writing, or by electronic means. A school shall hold a meeting requested **under this subsection** within 10 school days of the parent's request. The focus of any **such** meeting ~~convened~~ shall be to discuss proactive ways to prevent the need for ~~ESI~~**emergency safety interventions** and to reduce incidents in the future.

b. For a student ~~who has~~**with** an IEP or a Section 504 plan, such student's IEP team or Section 504 **plan** team shall discuss the incident and consider the need to conduct a ~~Functional Behavior Assessment (FBA),~~**functional behavioral assessment,** develop a ~~Behavior Intervention Plan (BIP)~~**behavior intervention plan,** or amend ~~either~~**the behavior intervention plan** if already in existence.

c. For a student with a section 504 plan, such student's section 504 plan team shall discuss and consider the need for ~~an evaluation for special education services.~~ **a special education evaluation. For students who have an individualized education program and are placed in a private school by a parent, a meeting called under this subsection shall include the parent and the private school, who shall consider whether the parent should request an individualized education program team meeting. If the parent requests an individualized education program team meeting, the private school shall help facilitate such meeting.**

~~o. Parents of students with an IEP who are parentally placed in a private school may request an IEP team meeting.~~

d. For a student ~~who does not have~~**without** an IEP or Section 504 plan, the **school staff and the** parent ~~and school~~ shall discuss **the incident** and consider the appropriateness of a referral for ~~an evaluation for~~**a** special education ~~services~~**evaluation**, the need for a ~~FBA~~**functional behavioral assessment,** or the need for a ~~BIP.~~**behavior intervention plan.** Any such meeting shall include the student's parent, a school administrator for the school ~~where~~ the student attends, one of the student's teachers, a school employee involved in the incident, and any other school employees designated by the school administrator as appropriate for such meeting.

e. The ~~parent of a~~ student ~~younger than 18 shall determine whether~~ **who is** the ~~student~~**subject of such meetings** shall be invited to ~~any~~**attend the** meeting ~~requested by~~**at the discretion of** the parent. The time for calling such a meeting may be extended beyond the 10~~-school~~ -day limit if the parent of the student is unable to attend within that time period. Nothing in this section shall be construed to prohibit the development and implementation of a ~~FBA~~**functional behavior assessment** or a ~~BIP~~**behavior intervention plan** for any student if such student ~~may~~**would** benefit from such measures.

11. Local Dispute Resolution **Process:**

~~p. The Board of Education designates the Chief Human Resources Officer as the complaint investigator to conduct investigations of written parental complaints.~~

a. If a parent believes **that** an ~~ESI~~**emergency safety intervention** has been used **on the parent's child** in violation of ~~this BOE policy and~~ state ~~regulations, then within 30 days from being informed of the use of ESI~~**law or board policy,** the parent may **file a complaint as specified below.**

b. The board of education encourages parents to attempt to resolve issues relating to the use of ESI informally with the building principal and/or the superintendent before filing a formal complaint with the board. Once an informal complaint is received, the administrator handling such complaint shall investigate such matter, as deemed appropriate by the administrator. In the event that the complaint is resolved informally, the administrator must provide a written report of the informal resolution to the superintendent and the parents and retain a copy of the report at the school. The superintendent will share the informal resolution with the board of education and provide a copy to the state department of education.

c. **If the issues are not resolved informally with the building principal and/or the superintendent, the parents may** submit a **formal** written complaint to the ~~Chief Human Resources Officer of the Wichita Public Schools.~~ **board of education by providing a copy of the complaint to the clerk of the board and the superintendent within thirty (30) days after the parent is informed of the incident.**

   ~~c. The Chief Human Resources Officer will complete an investigation and provide to the parent, school, superintendent, Student Support Services and KSDE written findings of fact and, if necessary, corrective action, within 30 days of the filing of a complaint by a parent. The drafting and handling of the investigator's report will conform to the requirements of the Family Educational Rights & Privacy Act (FERPA) and will, to the extent possible, preserve confidentiality of personnel matters. The Chief Human Resources Officer's decision will be a final decision.~~

   ~~d. A parent may file a complaint under the state board of education complaint process within 30 days from the date a final decision is issued by the Chief Human Resources Officer. The request for administrative review must be filed with the Commissioner of Education within 30 days of the local board issuing its final decision or within 60 days from the date the parent filed a complaint with the local board, if the local board did not issue a final decision. Parents may mail this request to the Kansas State Department of Education, Landon State Office Building, 900 SW Jackson Street, Suite 600, Topeka, Kansas 66612.~~

   ~~e. Additional information informing parents of their right to file a written complaint that includes contact information for the Chief Human Resources Officer and state board of education are posted on the district's website.~~

~~2. This district has a policy governing the use of ESI which is made available to parents during annual enrollment. It is also posted on the district's website with a link to the policy on individual school sites. The direct website address is included within the Student Code of Conduct and a printed copy of the policy is available from the student's school and district offices upon request.~~

d. **Upon receipt of a formal written complaint, the board president shall assign an investigator to review the complaint and report findings to the board as a whole. Such investigator may be a board member, a school administrator selected by the board, or a board attorney. Such investigator shall be informed of the obligation to maintain confidentiality of student records and shall report the findings of fact and recommended corrective action, if any, to the board in executive session.**

e. **Any such investigation must be completed within thirty (30) days of receipt of the formal written complaint by the board clerk and superintendent. On or before the 30th day after receipt of the written complaint, the board shall adopt written findings of fact and, if necessary, appropriate corrective action. A copy of the written findings of fact and any corrective action adopted by the board shall only be provided to the parents, the school, and the state department of education and shall be mailed to the parents and the state department within 30 days of the board's receipt of the formal complaint.**

Administrative Responsibility: Student Support Services
Latest Revision: ~~July 2016~~ **August 2023, pending BOE approval**

Previous Revision: ~~September 2015~~**July 2016**

P5116

~~Updated administratively for alignment purposes: March 2018~~

P7170 DISPOSAL OF SURPLUS REAL PROPERTY

BOARD POLICY:

Buildings and other district real properties no longer effectively utilized by the school district will be declared surplus by resolution of the Board of Education at a regular meeting. Surplus property will be advertised, utilizing various marketing approaches, with the administration recommending the best offer to the Board for consideration. The property will be disposed of in a manner that complies with all statutes and conforms to such terms and conditions as the Board deems to be in the best interest of the patrons of the school district.

Administrative Implemental Procedures:

1. The Superintendent or designee shall submit recommendations to the Board on what properties should be declared surplus.

2. The Board of Education shall declare, by resolution, which of said properties are surplus.

3. The advice and counsel of the Board Attorney may be sought regarding disposal of properties declared surplus.

4. **Within 30 days after the board of education adopts a resolution to dispose of a school district building, the board shall submit written notice of its intention to dispose of such building to the legislature. Such notice shall be filed with the chief clerk of the house of representatives and the secretary of the senate and shall contain the following: A description of the school district's use of such building immediately prior to the decision to dispose of such building; the reason for such building's disuse and the decision to dispose of such building; the legal description of the real property that is to be disposed; and a copy of the resolution adopted by the board of education.**

5. **Upon receipt of the notice, the legislature may adopt a concurrent resolution state the legislature's intention that the state acquire the school district building in the following manner. If the notice is received by the legislature during a regular legislative session, the legislature shall have 45 days to adopt a concurrent resolution as outlined below. If the notice is received when the legislature is not in regular session, then the legislature shall have 45 days from the commencement of the next regular session to adopt a concurrent resolution as outlined below. If the legislature does not adopt a concurrent resolution as outlined below within the 45-day period, then the school district may proceed with the disposition of such school district building in accordance with state law. Such concurrent resolution shall include: the name of the school district that owns such building; the information contained in the written notice as outlined above; and the state agency that intends to acquire such building and the intended use of such building upon acquisition.**

6. **Upon adoption of a concurrent resolution, the state agency named in such resolution shall have 180 days to complete the acquisition of such school district building and take title to the real property. Upon request of the state agency acquiring the school district building, the legislative coordinating council may extend the 180-day period for a period of not more than 60 days.**

7. **The board shall not sell, gift, lease or otherwise convey such building or any of the real property described in the written notice or take any action or refrain from taking any action that would diminish the value of such property during the 180-day period or any extension thereof. If the state agency does not take title to the property within the 180-day period or any extension thereof, then the school district may proceed with disposition of such school district building in accordance with state law and any written agreements entered between such state agency and the school district.**

8. **For purposes of this policy, the term "state agency" means any state agency, department, authority, institution, division, bureau, or other state governmental entity.**

9. Qualified individuals will be employed to prepare an appraisal of the property(ies) according to the following criteria:
   a. One independent appraisal when a property value is estimated to be between $25,000 and $100,000;
   b. Two independent appraisals if a property value is estimated to exceed $100,000.

10. The administration will actively advertise the surplus property or properties for a period not to exceed 60 days.

11. The administration will entertain offers and present the best offer to the Board for consideration and discussion.

12. A decision regarding the sale will be made by the Board at a regular meeting at least two weeks later.

13. Upon Board approval of the sale of surplus property, the administration will proceed with all necessary action to effect such sale of said property.

14. In the event of no offer, or rejection of an offer by the Board, the administration will proceed in accordance with one or more of the following approaches:
   a. Evaluate marketing approach and pursue alternate form(s) of advertising for an appropriate period of time based on market conditions.
   b. Remove the property from sale for a set period of time.
   c. Other action as requested by the Board.

Administrative Responsibility: Facilities Division
Latest Review Date: ~~October 2018~~ **August 2023**
Previous Revision Date: ~~March 1999~~ **October 2018** P7170