

NOTIFICATION LETTER

(Date)

Dear Board Members, Administrators and Employees:

A.C.A. § 6-24-101 et seq. requires full open disclosure and approval before a school district board member, administrator or employee may enter into contracts or other transactions with the school district where he/she serves or is employed.

A.C.A. § 6-24-101 et seq. does not apply to reimbursements paid for proper work-related expenses. However, in the case of hiring family members of administrators and/or board members, the district must meet all requirements set forth in A.C.A. § 6-24-101 et seq.

A.C.A. § 6-24-101 et seq. applies when the board member, administrator or school employee is “financially interested” or “directly interested” in the transaction. “Financially interested” means ownership or more than 5% interest; holding a position of officer, director, trustee, partner, or top level management; and/or the employee’s compensation is based in whole or in part on transactions with the public education entity. For board members and administrators, restrictions may also apply to family members. “Directly interested” means receiving compensation or other benefits personally or to an individual’s household from the person, business, or entity contracting with the public educational entity.

Therefore, board members, administrators and employees of this district have an affirmative obligation under A.C.A. § 6-24-101 et seq. to disclose relationships with vendors before the district enters into the contract or before services are performed. Disclosure is to be made to the superintendent of the district. Forms for this purpose will be provided by the district.

All transactions involving the purchase, lease, acquisition, or other use of computers, software, copiers, or other electronic devices from family members of an employee responsible for establishing specifications or approving purchases of such equipment shall be approved according to the requirements of Arkansas law regarding the purchase from an employee with a direct interest in the transaction.

A.C.A. § 6-24-101 et seq. requires proper disclosure and approval of the transaction at an open board meeting. In certain instances, approval by the Commissioner of the Department of Education is required.

Therefore, every district board member, administrator or employee will be required to disclose any potential vendor relationship by completing a disclosure form provided by the district. Failure to fully disclose could result in criminal charges being brought against the board member, administrator or employee. A copy of A.C.A. § 6-24-101 et seq. is available in the central office if you wish to review it. The law may also be viewed at www.arkleg.state.ar.us.

Sincerely,

Superintendent

Please sign below to acknowledge receipt of this notification.

Board Member, Administrator or Employee

Date

CONTRACT DISCLOSURE FORM

Name of Public Educational Entity: _____

Name of Person Disclosing Transaction: _____

***Note: Fully complete this form and return to the administration office.
NO TRANSACTION OR SERVICE MAY BE RENDERED UNTIL THIS
FORM HAS BEEN COMPLETED AND APPROVED. A.C.A. § 6-24-101 et
seq. requires FULL and COMPLETE DISCLOSURE of transactions with
public educational entities. KNOWINGLY FAILING to FULLY DISCLOSE
pertinent information relating to a transaction could result in criminal charges.***

I am a (an) ☐ Board Member ☐ Administrator ☐ Employee

Note: "Board member" means any board member, director, or other member of a governing body of a public educational entity.

"Administrator" means any superintendent or assistant superintendent or his or her equivalent, open-enrollment public charter school director, school district treasurer, business manager, or other individual directly responsible for entity-wide purchasing.

"Employee" means a full-time employee or part-time employee of a public educational entity.

Mailing Address _____	City _____	State _____	Zip _____
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Home Telephone: _____ Work Telephone: _____

Nature of transaction subject to disclosure and approval: _____

Estimated dollar amount of transactions with public educational entity for entire school year:

Total dollar amount of transactions to date for current fiscal year: _____

Check One:

- ☐ I have an interest in the transaction with the public educational entity.
- ☐ A family member has an interest in the transaction with the public educational entity.
- ☐ Both a family member and I have an interest in the transaction with the public educational entity.

Nature of financial interest: (State how you and/or family members are financially interested in the transaction): _____

Justification for Approval: (State reason why you believe the transactions are in the best interest of the public educational entity. State the unusual and limited circumstances involved.)

- ☐ Check here if Emergency Transaction as defined by A.C.A. § 6-24-101(9) and Ark. Code Ann. § 6-24-109.

PLEASE ATTACH ANY OTHER ADDITIONAL INFORMATION OR DOCUMENTS YOU BELIEVE ARE NECESSARY FOR A FULL, COMPLETE, AND ACCURATE DISCLOSURE OF THE FACTS AND CIRCUMSTANCES OF THE TRANSACTIONS.

SIGNATURE: _____

DATE: _____

FOR OFFICE USE ONLY:

Date completed form received by district: _____

School Official's Signature

Telephone Number

FAX Number

Local Board Action:

☐ APPROVED

☐ DISAPPROVED

Date Presented to Board: _____

Board President's Signature: _____

Required to be presented to the Commissioner of the Department of Education for written approval: ☐ YES ☐ NO

Written Adopted Resolution Attached: ☐ YES ☐ NO

Required Additional Documentation: _____

Date Certified to ADE: _____

Date Commissioner's Written Approval received by district: _____

Effective Date: _____

Please return by certified mail to: Office of the Commissioner
Arkansas Dept. of Education
#4 Capitol Mall, Room 304-A
Little Rock, AR 72201

RESOLUTION
A.C.A. § 6-24-101 et seq.

Whereas the _____ School District Board of Directors met in a (regular/special), open, and properly-called board meeting on (MM/DD/YY), in (location).

Whereas (Number) members were present, a quorum was declared by the chair.

Whereas the Board of Directors received a recommendation to adopt a resolution to enter into a contract with _____

Full disclosure of all relationships and interest as required by A.C.A. § 6-24-101 et seq. that are relevant to proposed contract:

Specific facts and reasons for justifying the contract were:

The unusual and limited circumstances necessitating the contract were:

List of relevant data enclosed supporting the unusual and limited circumstances:

Note: For employment contracts, the following information may be necessary to support a finding of unusual and limited circumstances:

- *A copy of the job vacancy announcement or posting;*
- *A description of how/where the job vacancy announcement was posted;*
- *Copies of applications received;*
- *A list of those applicants who were interviewed;*
- *Interview/Applicant score sheets kept by the interviewer or hiring committee;*
- *A copy of the interviewer's or hiring committee's recommendation(s); and*
- *Specific justification of why the selected applicant is the best qualified candidate.*

For contracts and transactions other than employment contracts, the following information may be necessary to support a finding of unusual and limited circumstances:

- *Request for bids (if bids were required);*
- *Copies of bids submitted by interested vendors (if bids were required);*
- *Price lists or quotes by interested vendors;*
- *Number of bidders or interested vendors with names and addresses; and*
- *A list of those vendors offering similar services in the area.*

Whereas _____, board member(s) having declared an interest in the proposed contract, left the meeting prior to the discussion of the contract and did not return to the meeting room until the voting on the contract had been concluded.

Whereas the Board, after serious consideration, moved to approve the contract with:

Whereas the contract was approved with the following restrictions and/or limitations:

Whereas the period of the contract shall be from _____ to _____.

Therefore, due to the specific reasons cited above, it is hereby declared to be the intent of the _____ School District Board of Directors to award this contract to

As is required by A.C.A. § 6-24-101 et seq., the contract is contingent upon approval by the Commissioner of the Arkansas Department of Education, if required. If approval is denied, this contract approved by the Board would be null and void.

Superintendent

Board President

Date

Date