

Section 5-6.2. Educational technology; definitions; establishment of foundation permitted; purchases of educational technology. — A. As used in this section:

- (i) “Educational technology” means any software, hardware, or other equipment or infrastructure or technical assistance or instruction in the use of software, hardware or other equipment or infrastructure which may be required to implement Suffolk Public School’s approved plan for educational technology or the Board of Education’s Six Year Plan for Educational Technology.
- (ii) “Educational technology foundation” means a non-stock, non-profit corporation, established for the express purpose of implementing a public/private partnership to expand access to and improve the quality of educational technology in Suffolk Public Schools.
- (iii) “Public school foundation” means a non-stock, non-profit corporation, established for the express purpose of implementing a public/private partnership to implement public school improvement projects approved by the School Board.

B. The School Board supports the establishment of educational technology and public foundations either directly, or with other organizations or persons, or through a contract with a non-profit, non-stock corporation, in order to expand access to and improve the quality of educational technology in Suffolk Public Schools. The School Board may also establish public school foundations for the express purpose of implementing a public/private partnership to implement public school improvement projects approved by the School Board. Such foundations may be established directly by the School Board or by the School Board and other organizations or persons, on behalf of the school board by a third party, or through a contract with a corporation as defined by Va. Code § 2.2-212.2:2. The foundations may be established as a cooperative regional effort with other school boards.

Upon establishing or contracting with a corporation, whether or not other organizations, school boards, or persons are involved, the school board shall:

1. Review and approve the articles of incorporation and bylaws
2. Establish a system of accounting to protect public funds
3. Establish agreement that, upon dissolution of the corporation, any assets remaining after payment of just debts shall be transferred to and become the property of the school board or, if a regional effort, the procedure by which the property may be divided among the school boards
4. Require, in any instance in which the school board advances, contributes or loans funds to the corporation, that such contract shall provide for the posting of a bond with surety by the officers of the corporation conditioned to protect the rights of the school board
5. Establish terms for the allocation of any profits or revenues between the school board and the corporation
6. Take such other steps as may be necessary to comply with applicable law

C. The School Board may also make purchases through its public school foundation or purchases of educational technology through its educational technology foundation, and such purchases shall be exempt from the provisions of the Virginia Public Procurement Act as provided for by law. (Adopted November 11, 1999; Ordinance Number 99/00-16)

Legal Authority - Virginia Code §11-35 (1950), as amended.