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**FOREWORD**

Contained herein are the policy statements formulated by the Putnam|Northern Westchester Board of Cooperative Educational Services.

Policy is defined as a basic plan of action. It establishes limits within which freedom of judgment can be exercised.

Policy is a governing principle of management. It is a statement which has an effect on the interests of those who come under its jurisdiction. A policy may originate from the Constitution, from statute, from local determinations and/or from customary patterns of formal behavior.

Policy should accomplish the following:

a) State a position taken by the Supervisory District;

b) Grant the authority to act;

c) Be sufficiently detailed to give adequate direction;

d) Be achievable within the real environment of the school and community;

e) Provide for impartial procedures.

In addition to the adopted policies, the operation of the Board of Cooperative Educational Services is governed by and subject to all applicable Laws, Regulations of the Commissioner of Education, Civil Service requirements, Board Resolutions, School Administrative Regulations and Contracts of Agreement.

If any part of this manual is made invalid by judicial decision or legislative or administrative enactment, all other parts shall remain in full effect unless and until they are amended or repealed by the Board. The official record of the adoption, amendment, or repeal of the by-laws and policies of the Putnam|Northern Westchester BOCES shall be the minutes of the meetings of the Board.
PHILOSOPHY STATEMENT

In preparing individuals to develop their fullest potential for living in the society of today and tomorrow, the Board of Education and the staff of the Putnam|Northern Westchester BOCES:

I. Recognize their responsibility to help meet the physical, intellectual and emotional needs of students; particularly the needs to inquire, learn, think, and create; to establish aesthetic, moral and ethical values; and to relate satisfactorily to others in social situations involving family, work, government and recreation.

II. Accept primary responsibility for giving students a mastery of the basic skills of learning, thinking and problem-solving; for teaching them to use the various media of self-expression; for instilling in them a knowledge of the social and natural sciences; for acquainting them with the richness of our heritage; and for stimulating them to productive work in the various areas of human endeavor.

III. Acknowledge the importance of their supplemental role to the home and other social agencies in developing habits and attitudes which make for effective personal living, the maintenance of optimum physical and mental health, and the establishment of sound moral, ethical, and aesthetic values.

Realizing that education, as here defined, is a lifelong process, the Putnam|Northern Westchester BOCES seeks to orient its graduates toward various types of post-secondary education and further formal training and study of many types; and to provide educational opportunities particularly suited to the needs of adults, both as individuals and as citizens in a democracy.
Putnam|Northern Westchester BOCES

BY-LAWS

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OTHER

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SUBJECT: ORGANIZATION AND AUTHORITY

As a corporate body created under the Education Law of New York State, the Putnam Northern Westchester BOCES Board has full authority, within the limitations of federal and state laws and the Regulations of the Commissioner of Education and interpretations of them, to carry out its duties in matters of education.

In all cases where laws or regulations of the State Commissioner of Education do not provide, permit, or prohibit, the Board shall consider itself the agent responsible for establishing and evaluating the BOCES programs.

All authority rests with the Board as a whole and not with any individual member or any group of members in any committee. Committee members may act on an individual basis only when specifically delegated with the authority by the Board. All final policy decisions are placed in the hands of the BOCES Board.

Education Law Section 1950

Adopted: 1/29/04
Revised: 11/29/05
SUBJECT: NUMBER OF MEMBERS AND TERM OF OFFICE

The Putnam|Northern Westchester Board of Cooperative Educational Services shall consist of seven (7) members elected to represent the eighteen (18) component districts within the BOCES area.

Members of the Putnam|Northern Westchester BOCES Board shall serve on the Board for a term of three (3) years, commencing July 1 following election.

Education Law Section 1950(2)

Adopted: 1/29/04
SUBJECT: BOARD MEMBERS: QUALIFICATIONS

A Board member of the Putnam-Northern Westchester BOCES must meet the following qualifications:

a) A citizen of the United States;

b) Eighteen (18) years of age or older;

c) Able to read and write;

d) A legal resident of a component district for a continuous and uninterrupted period of at least one (1) year prior to the election;

e) Cannot be an employee of the BOCES or any of the BOCES’ component districts;

f) The only member of his/her family (that is, cannot be a member of the same household) on the BOCES Board;

g) May not simultaneously hold another incompatible public office;

h) Must not have been removed from a school district office within (1) year preceding the date of appointment or election to the Board;

i) No more than one Board member may reside in a given component district unless otherwise permitted in accordance with law.

Education Law Sections 1804(1), 1950(9), 1950(2-a), 2101, 2102, 2103, 2103-a, 2130(1), and 2502(7)
Public Officers Law Section 3
SUBJECT: NOMINATION AND ELECTION OF BOARD MEMBERS

The component boards shall be notified by February 1 of each year of vacancies on the Board to be filled at the Annual Election.

Nominations will occur by resolution of the board of education of one or more component school districts and shall be transmitted in writing to the Clerk of the BOCES at least thirty (30) days prior to the date designated by the President of the Putnam|Northern Westchester Board of Cooperative Educational Services for the election.

Election of the Cooperative Board members will occur on a date selected by the President of the Cooperative Board that is on or after April sixteenth and on or before April thirtieth. No component district may have more than one member on the Cooperative Board unless otherwise permitted in accordance with law. It shall be the duty of the BOCES to encourage candidates from components not currently represented on the Board. The ballot will be prepared by the Clerk of the BOCES and mailed to each component district no later than fourteen (14) days prior to the date designated as the day of the election by the President of the Board of Cooperative Educational Services.

Each component district is entitled to cast one vote for each vacant Board position. A component board may not cast more than one vote for any individual candidate.

The candidates receiving a plurality of the votes cast are elected. Any tie vote will be broken by a runoff to be held within twenty (20) days of the initial vote.

Board members are elected for terms as indicated in Policy #1120 -- Number of Members and Term of Office.

Education Law Section 1950(2-a)

Adopted: 1/29/04
SUBJECT: VACANCIES ON THE BOARD

Should a vacancy in the membership of the Board of Cooperative Educational Services occur (as, for example, through the death, resignation, or removal from office of a member, or under such other circumstances in which the office would otherwise be deemed vacant under applicable law), the following procedures shall be followed to fill the vacancy:

a) If the vacancy occurs on or after January 1 and prior to the fifth day preceding the date designated for submission of nominations of candidates, the Board of Cooperative Educational Services may fill such vacancy by appointment. Such position may be filled only by majority vote of the full Board membership. The individual so appointed shall hold office until the next annual election.

b) If the vacancy occurs at any other time, the vacancy shall be filled by special election, no later than 45 days after the date the vacancy occurred.

A member of the BOCES who refuses or neglects to attend three successive meetings of the BOCES of which he/she is duly notified, without rendering a good and valid excuse to the other members of the BOCES, vacates his/her office by refusal to serve.

Board Member Resignations/Removal from Office

Resignations

A member who resigns shall file a resignation with the District Superintendent who shall file same with the Clerk of the Board.

Removal

A Board member or officer may be removed from office by the Commissioner of Education and/or under specific conditions as enumerated in law or regulation.

Education Law Section 1950(2-a)(f)
Public Officers Law Section 30

Adopted: 1/29/04
Revised: 5/20/08
SUBJECT: POWER AND DUTIES OF BOARD MEMBERS

The powers and duties of the Board include the following:

a) Appoint a District Superintendent and, at its discretion, provide for payment of supplementary salary to the District Superintendent by the BOCES;

b) Prepare and adopt its final administrative, capital and program budgets for the Board programs (after presentation to component school districts in accordance with law) for the ensuing year no later than May 15 of each year. (Refer to Policy #4210 – Budget Development and Adoption.

c) Upon the recommendation of the District Superintendent employ such assistants, teachers, supervisors, clerical help and other personnel necessary to carry out the program;

d) Provide oversight for suitable classrooms, offices and other facilities necessary to carry out the programs and services;

e) Establish policies which provide the framework for the day to day operations;

f) Such other powers and duties as are prescribed by law.

Education Law Sections 1701 and 1950(4)

Refer also to Policy 5334

Adopted: 1/29/04
Revised: 5/20/08
Revised: 5/13/14
SUBJECT: DUTIES OF THE PRESIDENT

The President shall be a member of the Board and be elected by the Board at its Annual Organizational Meeting. The term of office for President shall be one year. The duties of the President are to:

a) Preside at all meetings of the Board;
b) Call special meetings of the Board when necessary or on request;
c) In conjunction with the Vice President and District Superintendent set Board meeting agenda;
d) Act as an ex-officio member of all committees;
e) Execute documents on behalf of the Board;
f) Perform the usual and ordinary duties of the office of President.

Education Law Section 1950(4)(j)

Adopted: 1/29/04
Revised: 5/20/08
Revised: 5/13/14
SUBJECT: DUTIES OF THE VICE PRESIDENT

The Vice President shall be a member of the Board and be elected by the Board at its Annual Organizational Meeting. The term of office for Vice President shall be one year. The duties of the Vice President are to:

a) Perform duties as the President or the Board may prescribe:
b) Preside at all meetings of the Board in the absence of the President:
c) Shall oversee the orientation of new Board members;
d) In conjunction with the President and District Superintendent set Board meeting agenda;
e) In case of vacancy in the Office of the President, the Vice President shall act as the President until the President is elected;
f) Perform the usual and ordinary duties of the office of the Vice President.

Education Law Section 1950(4)(1)
Education Law Section 1701

Adopted: 1/29/04
Revised: 5/20/08
Revised: 5/13/14
SUBJECT: METHODS OF OPERATION

The Board of Cooperative Educational Services operates at the policy-making level, leaving the administration of that policy to its District Superintendent, administrators and supervisors, thus freeing itself for major considerations and decisions.

Board policies are statements which set forth the purposes and prescribe in general terms, the organization and program of a school system. They create a framework within which the District Superintendent and other staff can discharge their assigned duties.

Specific direction, however, giving precise details of how, by whom, where, and when things are to be done, are rules and regulations.

This distinction between policy and rules and regulations does not imply that policy should deal only with abstract expressions of theory and philosophy. On the contrary, statements of policy should spell out clearly what the Board intends. The clearer the statement of the policy the clearer the directions to be taken by the administration.

Education Law Section 1709

Adopted: 1/29/04
SUBJECT: BOARD COMMUNICATIONS WITH COMPONENT DISTRICTS

Members of the Board of the Putnam|Northern Westchester Board of Cooperative Educational Services are expected to facilitate communication with component school districts. That communication may include, but is not necessarily limited to, visits to components’ Board meetings, written reports (electronic or otherwise), responses to individual questions and so forth. Much of that communication is through the District Superintendent and other BOCES staff.

The Board may establish and attend meetings that seek to engage the component districts.

Adopted: 1/29/04
Revised: 11/29/05
Revised: 9/12/11
Revised: 5/13/14
SUBJECT: DUTIES OF THE CLERK OF THE BOARD

a) The Clerk of the Board of Cooperative Educational Services shall be appointed by the Board at its Annual Organizational Meeting and shall perform the duties prescribed by Education Law and the Regulations of the Commissioner of Education.

b) All official records and proceedings of the Board of Cooperative Educational Services shall be recorded and kept by the Clerk of the Board.

c) The Clerk shall, in addition:

1. Attend all meetings of the Board;
2. Be responsible for full and accurate minutes of the meetings of the Board;
3. Give notice of all special meetings of the Board;
4. Make arrangements for and be responsible for the details of the Annual Meeting;
5. Conduct the Organizational Meeting until a President is sworn in.

The Clerk of the Board shall serve for a period of one year.

Education Law Sections 1950(4)(j) and 2130
Public Officers Law Section 104

Adopted: 1/29/04
SUBJECT: DUTIES OF THE BOCES TREASURER

The Treasurer is appointed by the Board at the Annual Organizational Meeting and will be covered by a faithful performance bond. This role is currently held by Mona Kelly. In addition to the routine duties of accounting, filing, posting and preparing reports and statements concerning BOCES finances, the BOCES Treasurer shall perform other specific tasks as follows:

a) Acts as custodian of all moneys belonging to the BOCES and lawfully deposits these moneys in the depositories designated by the Board;

b) Pays all authorized obligations of the BOCES as directed;

c) Maintains proper records and files of all checks and approved payment of bills and salaries;

d) Makes all such entries and posts all such financial ledgers, records and reports as may be properly required to afford the BOCES an acceptable and comprehensive financial accounting of the use of its moneys and financial transactions;

e) Signs all checks drawn on BOCES fund accounts provided that the BOCES Claims Auditor has attested to the authority to issue the check based upon proper evidence of a charge against the BOCES funds;

f) Safeguards either his/her electronic signature and/or the check-signing machine and signature plate, personally overseeing all preparation of checks;

g) Gives monthly account of money received and disbursed;

h) Assumes other duties customary to the office.

Duties:
Education Law Sections 2122 and 2523
Bond:
Education Law Section 2130, Part 5
8 New York Code of Rules and Regulations (NYCRR) Sections 170.2(o) and 170.2(p)

Adopted: 1/29/04
Revised: 11/29/05
Revised: 6/26/07
Revised: 5/20/08
Revised: 5/13/14
Revised: 1/17/17
SUBJECT: APPOINTMENT AND DUTIES OF THE CLAIMS AUDITOR

The Board may appoint a Claims Auditor who shall hold the position subject to the pleasure of the Board and report directly to the Board on the results of audits of claims.

Qualifications

The Claims Auditor must have the necessary knowledge and skills to effectively audit claims including experience with purchasing, bidding and claims. The Claims Auditor must be bonded prior to assuming his/her duties.

No person shall be eligible for appointment to the Office of Claims Auditor who shall be:

a) A member of the Board;
b) The Clerk or Treasurer of the Board;
c) The District Superintendent or official of the BOCES responsible for business management;
d) The Purchasing Agent;
e) Clerical personnel directly involved in accounting and purchasing functions of the BOCES or under the direct supervision of the District Superintendent;
f) The individual or entity responsible for the internal audit function (the Internal Auditor);
g) The External (Independent) Auditor responsible for the external audit of the financial statements;
h) A close or immediate family member of an employee, officer, or contractor providing services to the BOCES. A “close family member” is defined as a parent, sibling or nondependent child; an “immediate family member” is a spouse, spouse equivalent, or dependent (whether or not related).

Valid claims against the BOCES shall be paid by the Treasurer only upon the approval of the Claims Auditor. The Claims Auditor shall certify that each claim listed on the warrant was audited and payment was authorized. The Claims Auditor shall:

a) Examine all claim forms with respect to adequacy of evidence to support the BOCES expenditure;
b) Meet such other requirements as may be established by the Regulations of the Commissioner of Education and/or the Comptroller of the State of New York.

Education Law Sections 1604(35), 1709(20-a), 2526 And 2554(2-a), 8 New York Code of Rules and Regulations (NYCRR) Section 170.12(c)

Adopted: 1/29/04
Revised: 11/29/05
Revised: 6/26/07
Revised: 5/20/08
Revised: 6/23/09
SUBJECT:  DUTIES OF THE SCHOOL ATTORNEY

The school attorney shall be appointed annually by the Board.

An RFP for legal services will be required at least once every five years. The attorney selected shall advise the Board and District Superintendent in all matters of a legal or technical nature relating to the interpretation of statutes and case law.

Adopted: 1/29/04
Revised: 6/26/07
Revised: 9/12/11
SUBJECT: DUTIES OF THE PURCHASING AGENT

a) The Board of Cooperative Educational Services shall appoint at its Annual Organizational Meeting a person to serve the BOCES as Purchasing Agent for the purpose of transacting BOCES purchases. The Purchasing Agent shall serve for a period of one year.

b) The Board shall also appoint a person to serve in the absence of the Purchasing Agent.

c) The function of the Purchasing Agent shall be to serve the educational program by providing supplies, equipment and services deemed essential by the responsible Program Director or Administrator.

d) The Purchasing Agent shall:

1. Comply with all applicable laws and regulations;
2. Without prejudice, seek to obtain the maximum value for every expenditure;
3. Determine that adequate funds are available prior to committing the BOCES to purchases.

Adopted: 1/29/04
Revised: 11/29/05
Revised: 6/26/07
SUBJECT: RECORDS OFFICERS

Records Access Officer

The Records Access Officer shall be responsible for handling all requests of official records of the Board of Cooperative Educational Services in accordance with established law, rules and regulations. (Refer also to Policies #2310 -- Public Access to Records and #6320 -- Student Records: Access and Challenge.)

Records Management Officer

A Records Management Officer shall be appointed by the Board, and shall be responsible for providing information in accordance with state regulations. (Refer also to Policy #4570 -- Records Management.)

The Records Management Officer shall also be responsible for the retention and disposition of records in accordance with state regulations.

Adopted: 1/29/04
Revised: 6/26/07
SUBJECT: THE EXTERNAL (INDEPENDENT) AUDITOR

The Board by law shall obtain an annual audit of its records by an independent certified public accountant (CPA) or an independent public accountant (PA). The audit shall also include all extraclassroom activity funds. The independent accountant shall present the report of the annual audit to the Board. The Board shall adopt a resolution accepting the audit report and file a copy of the resolution with the Commissioner. The BOCES will also file the audit report with the Commissioner for a specific school year by October 15 of the following school year. In addition to the annual audit, the BOCES shall be subject to State audits conducted by the State Comptroller.

In accordance with law, no audit engagement shall be for a term longer than five (5) consecutive years. The BOCES may, however, permit an independent auditor engaged under an existing contract for such services to submit a proposal for such services in response to a request for competitive proposals or be awarded a contract to provide such services under a request for proposal process.

The independent auditor must conduct the audit in accordance with Generally Accepted Government Auditing Standards (GAGAS) issued by the Comptroller General of the United States. Standards of GAGAS are organized as general, fieldwork, and reporting.

The auditor in preparing the audit shall meet the following standards; however, they should not be considered all-inclusive or a substitute for the auditor’s professional judgment.

a) Independence: The auditor must document that he/she is independent of the BOCES and free of personal and external impairments. The auditor must establish an internal quality control system to identify any personal and external impairment and assure compliance with GAGAS independence requirements.

b) Internal Quality Control System: The auditor must document that his/her internal quality control processes adequately demonstrate compliance with government auditing standards. He/she must establish an organizational structure, policies and procedures to provide reasonable assurance of complying with applicable standards governing audits.

c) Internal Controls: The auditor must obtain a sufficient understanding of the BOCES internal controls and document such understanding covering the five interrelated components; the control environment, risk assessment, control activities, information and communication, and monitoring.

d) Planning and Supervision: The auditor’s work is to be properly planned and supervised and consider materiality in order to provide reasonable assurance of detecting misstatements resulting from direct and material illegal acts and material irregularities to financial statements. The auditor should also be aware of the possibility that indirect illegal acts may have occurred.

(Continued)
e) Audit Documentation: In order to meet the GAGAS requirements, the audit documentation should provide a clear understanding of its purpose, the source, and the conclusions the auditor reached. It should be organized to provide a clear link to the finding, conclusions, and recommendations contained in the audit report.

f) Reporting on Internal Controls and Compliance: The auditor must report on and present the results of his/her testing of the BOCES’ compliance with laws and regulations and its internal controls over financial reports in light of irregularities, illegal acts, other material noncompliance, significant deficiencies, and material weaknesses in internal controls.

Generally Accepted Government Auditing Standards (GAGAS) Sections 3.50-3.54, 4.03, 4.19-4.24, and 5.07-5.20
Education Law Section 1709 (20-a) and 2116-a
General Municipal Law Sections 33 and 104-b
8 New York Code of Rules and Regulations (NYCRR) Sections 170.2, 170.3 and 170.12

Adopted: 6/26/07
Revised: 9/12/11
Revised: 5/13/14
SUBJECT: DUTIES OF THE EXTRACLASSROOM ACTIVITIES FUNDS TREASURER

The Extraclassroom Activities Funds Treasurer is appointed by the Board and is responsible for the supervision of the extraclassroom activities funds.

The Treasurer’s duties include the following:

a) Countersigns all checks disbursing funds from the Extraclassroom Activities Account;

b) Provides direct supervision to ensure that all receipts are deposited and that disbursements are made by check only;

c) Maintains records of all receipts and expenditures;

d) Submits records and reports to the Board as required;

e) Assumes other duties customary to the position.

8 New York Code of Rules and Regulations (NYCRR) Part 172

Adopted: 11/29/05
Revised: 6/26/07
SUBJECT: DUTIES OF THE INTERNAL AUDITOR

The Internal Auditor reports directly to the Board. An RFP for Internal Auditor will be required at least once every five years.

The BOCES may use inter-municipal cooperative agreements or independent contractors to serve as Internal Auditor. The Internal Auditor must follow generally accepted auditing standards, be independent of BOCES business operations, and have the requisite knowledge and skills to complete the work.

The Internal Auditor is responsible for performing the internal audit function for the Board which includes at a minimum:

a) Development of a risk assessment of BOCES operations, including but not limited to, a review of financial policies, procedures and practices;

b) An annual review and update of such risk assessment;

c) Annual testing and evaluation of one or more areas of the BOCES internal controls, taking into account risk, control weakness, size, and complexity of operations;

d) Preparation of reports, at least annually or more frequently as the Board may direct, which:

   1. Analyze significant risk assessment findings;
   2. Recommend changes for strengthening controls and reducing identified risks; and
   3. Specify timeframes for implementation of such recommendations.

   Education Law Sections 1950, 2116-b and 2116-c
   8 New York Code of Rules and Regulations
   (NYCRR) Section 170.12(d)

Adopted: 6/26/07
Revised: 9/12/11
SUBJECT: RESPONSIBILITIES OF THE PNW BOCES MEDICAL DIRECTOR

The Medical Director shall be appointed by the Board of Education. The duties of the medical director shall include, but are limited to the following:

Student Physicals and General Care

a) To provide professional medical services in the examination and care of students and to ensure examinations provided by students private physician are adequate.
b) To provide physical examinations for student working papers.
c) To conduct physical examinations for all bus drivers and food service workers as required by law.
d) To act as liaison between the BOCES and the District and or student’s personal physician(s).
e) To review recommendations for the exclusion or readmission of pupils in connection with any infections or contagious disease and physical defect.
f) To assist the administration in implementation of mandated accommodations for children with bona fide medical needs, such as one-on-one monitors, door-to-door transportation, home instruction, chronic school absenteeism, school refusal, or behavioral and mental health concerns that pose a threat to a student or school community, etc.
g) To conduct medical evaluations on any employee at the request of the Board of Education.

Preventative Guidance

a) To survey sanitary and safety aspects of building and grounds at the request of the BOCES.
b) To serve as a consultant for service training in first aid, hygiene, and food handling at the request of the BOCES.
c) To provide consultative services in matters of health education, public health law and related medical problems, and emergency treatment procedures.

Health Services Personnel

a) To be accessible by nursing staff during school hours for medical supervision and oversight.
b) To review and provide guidance to the nursing staff with a Health Practice and Procedures Manual, with standing orders updated and signed annually.

(Continued)
SUBJECT: RESPONSIBILITIES OF THE PNW BOCES MEDICAL DIRECTOR (Cont’d.)

Public Health

To develop the program of health services in accordance with policies approved by the Board and as directed by the District Superintendent or designee. This includes but is not limited to:

a) providing timely oversight to issues of public health concern.
b) advising crisis management team on topics such as pandemic planning, emergency sheltering or evacuation of students with special health care needs.
c) assisting the administration with nursing staff development programs and policy development on matters pertaining to health and safety.
d) advising on an Exposure Control Program for blood borne pathogens.
e) reporting to the Board on any school health services issue.

8 NYCRR Section 136.5
Education Law Sections 902, 913 and 6902

Adopted: 8/13/14
SUBJECT: FORMULATION AND ADOPTION OF POLICY

The Board of Cooperative Educational Services is solely responsible for the adoption of policy. In its development of policy the Board operates as the legislative body of the Supervisory District and its resolutions have the force of the law.

All policy considerations shall be placed on the agenda of regular Board meetings and shall be adopted only by majority vote of the Board membership. Amendments to Board policy shall be considered in the same manner. All policy and amendments to policy shall be placed under “new business” on a Board agenda for discussion, and will be voted on at the following meeting. Under unusual circumstances, the Board may vote on proposed policies at the initial meeting.

The formal adoption of written Board policy shall be recorded in the official minutes of the Board. Such written Board policy shall govern the conduct and affairs of the BOCES and shall be binding upon the members of the educational community in the BOCES.

It shall be the Board’s responsibility to keep its written policies up-to-date so that they may be used consistently as a basis for Board action and administrative decision. The Board will revise the entire Policy Manual on a three year cycle.

The District Superintendent or designee(s) is given the continuing commission of calling to the Board’s attention all policies that are out-of-date or for other reasons appear to need revision.

Adopted: 1/29/04
Revised: 5/20/08
Revised: 9/12/11
Revised: 5/13/14
SUBJECT: EXECUTION OF POLICY: ADMINISTRATIVE REGULATIONS

The Board delegates to the District Superintendent the function of specifying required actions and designing the detailed arrangements under which the BOCES will be operated. These rules and these detailed arrangements shall constitute the administrative regulations governing the BOCES. They must be in every respect consistent with the policies adopted by the Board.

Adopted: 1/29/04
Revised: 5/13/14
SUBJECT:  REGULAR MEETINGS OF THE BOARD OF COOPERATIVE EDUCATIONAL SERVICES

All Board meetings must be open to the public except those portions of the meetings which qualify as executive sessions. A “meeting” is defined as an official convening of a public body for the purpose of conducting public business and a “public body” is defined as an entity of two (2) or more persons which requires a quorum to conduct business, including committees and subcommittees.

Whenever such a meeting is to take place, there must be at least seventy-two (72) hours advance notice in accordance with the provisions of the Open Meetings Law. Notice of other meetings shall be given as soon as is practicable in accordance with law.

Regular meetings of the Board shall take place on the day and time designated by the Board at the Annual Organization Meeting, except as modified at subsequent meetings of the Board. Food may be provided at Board meetings if they occur during regular meal times.

The Clerk of the Board shall notify the members of the Board in advance of each regular meeting. Such notice, in writing, shall include an agenda and the time of the meeting.

In the event that a meeting date falls on a legal holiday, interferes with other area meetings, or there is an inability to attend the meeting by Board members to the extent that a quorum would not be present, the Board shall select a date for a postponed meeting at the previous regular meeting, and shall direct the Clerk to notify all members.

Any meeting of the Board may be adjourned to a given future date and hour if voted by a majority of the Board present. Notwithstanding the foregoing, the Board shall in no event meet less than once each quarter.

The District Superintendent and members of his/her staff at the District Superintendent’s discretion shall attend all meetings of the Board. The District Superintendent shall attend all executive session meetings of the Board except those that concern his/her evaluation and salary determination. The Board may request the attendance of such additional persons as it desires.

Agenda

It is the responsibility of the District Superintendent to prepare the agenda and review it with the Board President and Vice President for each meeting of the Board. The agenda for each meeting shall be prepared during the week prior to the meeting. The agenda shall be distributed to Board members no later than the Friday before such regular meeting. Whenever the President or other members of the Board wish to bring a matter to the attention of the Board, such request should be made to the District Superintendent or the Board President. Whenever individuals or groups wish to bring a matter to the attention of the Board, such request shall be addressed in writing to the District Superintendent. The District Superintendent shall present such matter to the Board.

District records subject to release under FOIL, as well as any proposed rule, regulation, policy or

(Continued)
SUBJECT: REGULAR MEETINGS OF THE BOARD OF COOPERATIVE EDUCATIONAL SERVICES (Cont’d.)

amendment, that are on the Board agenda and scheduled to be discussed at a Board meeting, shall be made available upon request, to the extent practicable, prior to the meeting. Copies of such records may be made available for a reasonable fee. These records may be posted on the website to the extent practicable, prior to the meeting. The BOCES may, but is not required to expend additional funds to provide such records. The District Superintendent or designee shall establish a reasonable cost for providing copies; the cost shall be paid by the person requesting such records.

Public Expression at Meetings

Public expression at such meetings shall be encouraged and a specific portion of the agenda shall provide for this privilege of the floor. At its discretion, the Board may invite visitors to its meetings to participate in the Board’s discussion of matters on the agenda.

Quorum

The quorum for any meeting of the Board of Cooperative Educational Services shall be four (4) members. No formal action shall be taken at any meeting at which a quorum is not present. A duly called meeting may be adjourned by less than a quorum if a quorum is not present within twenty (20) minutes after the time set for commencement of the meeting. In the event a meeting is adjourned, the President shall set the date, time and place of the reconvening of the adjourned meeting, with reasonable notice being given by the Clerk to all Board members.

If only a quorum exists (4 members), final action on resolutions cannot be taken except by unanimous votes. A resolution may be adopted only if passed unanimously by the four (4) members.

Education Law requires two-thirds vote by the Board to initially hire a teacher who is related to a Board member by blood or by marriage.

Use of Parliamentary Procedure

The business of the Board of Cooperative Educational Services shall be conducted in accordance with the authoritative principles of parliamentary procedure as found in the latest edition of Robert’s Rules of Order.

Public Officers Law Article 7
Education Law Section 1708
General Construction Law Section 41
Commissioner’s Decision Numbers 8018 and 8873
General Construction Law Section 41

Adopted: 1/29/04
Revised: 11/29/05
Revised: 9/12/11
Revised: 5/13/14
SUBJECT: ORDER OF BUSINESS AT REGULAR BOARD MEETINGS

Regular Meetings

At all regular meetings of the Board, the order of business shall be generally as follows, unless a change in such order shall be consented to by a majority of the Board:

a) Call to order;
b) Pledge of Allegiance;
c) Approval of Minutes of the Preceding Meeting;
d) Comments and Questions from Audience on Agenda Items;
e) Acknowledgement of Treasurer’s Report;
f) Consent Agenda;
g) New Business;
h) Old Business;
i) Administrators’ Update
j) Final Comments from the Audience
k) Final Comments from the Board
l) Adjournment

With the consent of a majority of Board members, the President, for a stated reason, may alter the order of business.

Adopted: 1/29/04
Revised: 5/20/08
Revised: 5/13/14
Revised: 9/9/15
SUBJECT:  EXECUTIVE SESSIONS OF THE BOARD

The Board of Cooperative Educational Services may hold executive sessions where only members of the Board, the District Superintendent and other persons invited by the Board shall be present.

Upon a majority vote of its total membership, taken in an open meeting pursuant to a motion identifying the general area or areas of the subject or subjects to be considered, the Board may conduct an executive session for discussion of the below enumerated purposes only, provided, however, that no action by formal vote shall be taken except on a 3020-a probable cause finding. For all other purposes, the action by formal vote shall be taken in open meeting and properly recorded in the minutes of the meeting. Attendance at an executive session shall be permitted to any Board member and any persons authorized or requested to attend by the Board.

a) Matters which will imperil the public safety if disclosed;
b) Any matter which may disclose the identity of a law enforcement agent or informer;
c) Information relating to current or future investigation or prosecution of a criminal offense which would imperil effective law enforcement, if disclosed;
d) Discussions regarding proposed, pending or current litigation;
e) Collective negotiations pursuant to Article 14 of the Civil Service Law;
f) The medical, financial, credit or employment history of any particular person or corporation, or matters leading to the appointment, employment, promotion, demotion, discipline, suspension, dismissal or removal of any particular person or corporation;
g) The preparation, grading or administration of examinations;
h) The proposed acquisition, sale or lease of real property or the proposed acquisition of securities, or sale or exchange of securities held by such public body, but only when publicity would substantially affect the value thereof.

Motions for executive sessions should state the subject or subjects to be discussed in executive session. It is insufficient to merely recite statutory language.

Matters discussed in executive sessions must be treated as confidential, that is, never discussed outside of that executive session.

Public Officers Law Sections 105 and 106(2)(3)
Education Law Section 3020-a

Adopted: 1/29/04
Revised: 6/17/13
Revised: 5/13/14
SUBJECT:  MINUTES

The minutes are a legal record of the activities of the Board as a public corporation having the specified legal purpose of maintaining public schools. The minutes of all meetings shall be kept by the District Superintendent or his/her designee. The minutes shall be complete and accurate and stored in a minutes file.

The minutes of each meeting of the Board of Cooperative Educational Services shall state:

a)  The type of meeting;

b)  The date, time of convening, and adjournment;

c)  Board members present and absent;

d)  Board members’ arrival and departure time, if different from opening or adjournment times;

e)  All action taken by the Board, with evidence of those voting in the affirmative and the negative, and those abstaining;

f)  The nature of events that transpire, in general terms of reference.

Communications and other documents that are too long and bulky to be included in the minutes shall be referred to in the minutes and shall be filed in the District Office.

All Board minutes shall be signed by the Clerk of the Board when submitted and shall be kept in a permanent safe place. Minutes of the meeting shall be provided to each Board member as soon as possible after the meeting. Unless otherwise provided by law, minutes shall be available to the public within two (2) weeks following the date of a meeting; draft copies, so marked, are acceptable, subject to correction.

Minutes of Executive Sessions

Minutes shall be taken at executive sessions of any action that is taken by formal vote. The minutes shall consist of a record or summary of the final determination of such action, the date and the vote. However, such summary need not include any matter which is not required to be made public by the Freedom of Information Law (FOIL).

If action is taken by a formal vote in executive session, minutes shall be available to the public within one (1) week of the date of the executive session.

Education Law Section 2121
Public Officers Law Section 106

Adopted:  1/29/04
Revised:  11/29/05
Revised:  9/12/11
SUBJECT: SPECIAL MEETINGS OF THE BOARD

Special meetings of the Board of Cooperative Educational Services shall be held on call by any member of the Board and shall also be called at the request of the District Superintendent. A reasonable and good faith effort shall be made by the District Superintendent or the Board President, as the case may be, to give every member of the Board twenty-four hours’ notice of the time, place and purpose of the meeting. All special meetings shall be held at a regular meeting place of the Board. No business, other than that specified in the notice, shall be transacted.

In an emergency, the twenty-four hour notice may be waived by unanimous consent of all Board members. When this occurs, it is advisable for the members to sign waiver-of-notice forms.

Public notice of the time and place shall be given, to the extent practicable, to the news media and shall be conspicuously posted in one or more designated public locations at a reasonable time prior to the meeting.

Special meetings shall be conducted according to the procedures specified for regular meetings. Special meetings shall be open to the public in the same manner as are regular meetings.

Special meetings shall be called for specific purposes, occasioned by matters of urgency, and shall not usurp the place of the regular, publicly designated Board of Cooperative Educational Services Meeting.

Order of Business

The order of business of special meetings of the Board shall be as follows:

a) Call to Order, Roll Call, Determination of Quorum;

b) Item or items of business as set forth in the notice of the meeting;

c) Adjournment.

Work Sessions

At the discretion of the President, special meetings of the Board may be periodically held for review of the instructional program, for consideration of policies and for analysis of ways and means by which the Board of Cooperative Educational Services programs may be improved.

When practical, members of the staff and knowledgeable citizens shall be invited to attend such meetings, to participate in the discussions and to present to the Board recommendations for improvement of the services rendered by the Board of Cooperative Educational Services.

Education Law Section 1606
Public Officers Law Section 104

Adopted: 1/29/04
SUBJECT: ANNUAL MEETING

The Annual Meeting shall be held during the month of April, on or before April 15, at such place and time as the Board President shall designate.

The meeting shall provide for:

a) Introduction of candidates for election to the Board; and,

b) Presentation of the tentative administrative, capital and program budgets.

The Clerk of the BOCES shall provide a notice of the date, time and place of the Annual Meeting to each of the members of the boards of education, chief school administrators and clerks of each of the component school districts by mail addressed to the last known address of such persons at least fourteen (14) days prior to the meeting.

The Clerk of the BOCES shall also provide public notice by publishing notice in two (2) newspapers in general circulation in the BOCES area, over each week within the two (2) weeks preceding the meeting, with the first publication at least fourteen (14) days prior to the meeting.

Education Law Section 1950(4)(b)(4) and (4)(o)

Adopted: 1/29/04
SUBJECT: ORGANIZATIONAL MEETING

The Board shall hold its Annual Organizational Meeting at any time during the first fifteen (15) days of July at a date set at the convenience of the Board no later than the month of June. The Clerk of the Board shall serve as temporary chairperson, who shall open the meeting, lead the Pledge of Allegiance, conduct the election of the President, and administer the Oath of Office to the President. The President shall assume office immediately, and shall conduct the remainder of the Board’s business.

Agenda

1. Election of Vice President (Administration of Oath to Vice President)

2. Appointment of Officers:
   A. Clerk of the Board
   B. Treasurer
   C. Internal Claims Auditor
   D. Deputy Internal Claims Auditor
   E. Deputy Treasurer

3. Administration of Oaths to Appointed Officers who are present; oaths to others to be administered prior to initiating duties.

4. Other appointments:
   A. Purchasing Agent
   B. Deputy Purchasing Agent
   C. Clerk of the Board Pro Tempore
   D. Acting Principals for the Purpose of Suspension of Students
   E. ADA Compliance Officer
   F. Title IX Compliance Officer
   G. Section 504 Compliance Officer
   H. AHERA Officer
   I. Privacy Official
   J. Designated Education Official
   K. Storm Water Management Program Coordinator
   L. Records Management Officer
   M. Records Access Officer
   N. Sexual Harassment Compliance Officer
   O. Extra Classroom Activity Fund Treasurer
   P. Board Audit Committee
   Q. Board Policy Committee
   R. Board Facilities Committee
   S. Dignity Act BOCES-wide Coordinator
   T. Dignity Act Coordinator (one per building)

(Continued)
SUBJECT: ORGANIZATIONAL MEETING (Cont’d.)

5. Designations:
   A. Official Bank Depositories
   B. Official Newspaper
   C. Medical Services
   D. Attorney
   E. Bond Counsel
   F. Independent Auditor
   G. Unemployment Administrator
   H. Worker’s Compensation Administrator

6. Authorizations:
   A. Transfer of Funds
   B. Establishment of Petty Cash Fund
   C. District Superintendent to approve temporary and part-time personnel at previously approved Board salary/wage rates
   D. Federal Projects
   E. Liability Insurance
   F. Appointment of Staff on an Interim Basis
   G. Signing of Contracts
   H. Acceptance of Bids
   I. Mileage Reimbursement
   J. Medical Examinations
   K. Attendance at Conferences by BOCES Staff

7. Readoption of all existing Board policies, regulations, codes and plans

8. Conference Attendance
   A. Board
   B. District Superintendent

9. Association Memberships

   Public Officers Law Article 7

Adopted: 1/29/04
Revised: 11/29/05
Revised: 1/22/08
Revised: 5/20/08
Revised: 9/12/11
Revised: 7/3/12
SUBJECT: NON-DISCRIMINATION

The BOCES shall not discriminate on the basis of age, race, creed, color, national origin, political affiliation, sex, sexual orientation, military status, veteran status, disability, predisposing genetic characteristics, marital status, use of guide, hearing or service dog, or domestic violence victim status in the educational programs or activities which it operates, or against any employee or applicant seeking a position of employment. The BOCES will be in full compliance with all applicable rules and regulations pertaining to civil rights for students and employees (e.g., Title IX of the Educational Amendments of 1972, Section 504 of the Rehabilitation Act of 1973, and the Americans with Disabilities Act of 1990).

The BOCES shall not discriminate against students on the basis of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sex, sexual orientation, or gender (including gender identity and expression).

Appropriate procedures shall be developed to insure the implementation of these rules and regulations concerning civil rights. The Board shall appoint Title VI, VII and IX, ADA, and Section 504 Compliance Officers to handle civil rights activities applicable to the BOCES.

The Title VI, VII and IX, ADA, and Section 504 Compliance Officers shall be appointed by the Board and shall be responsible for providing information, including complaint procedures, and for handling complaints relative to civil rights (e.g., Title VI, VII and IX of the Educational Amendments of 1972, Section 504 of the Rehabilitation Act of 1973, and the Americans with Disabilities Act of 1990) for any student, parent/guardian/person in parental relation, employee or employment applicant.

Any individual who believes that he or she has been discriminated against is encouraged to inform the appropriate official designated by the BOCES to hear such complaints of alleged discrimination. The designated official shall provide the complainant with information regarding the BOCES’ policy prohibiting discrimination and the grievance/complaint procedures available to such individual.

Title VII of the Civil Rights Act of 1964,
42 United States Code (USC)
Section 2000-e, et seq. – Prohibits
discrimination on the basis of race,
color, religion, sex or national origin.

Title VI of the Civil Rights Act of 1964,
42 United States Code (USC)
Section 2000-d, et seq. – Prohibits
discrimination on the basis of race, color
or national origin.

(Continued)
SUBJECT: NON-DISCRIMINATION (Cont’d.)

Section 504 of the Rehabilitation Act of 1973, 29 United States Code (USC) Section 794 et seq.;

The Americans with Disabilities Act, 42 United States Code (USC) Section 12101 et seq. – Prohibits discrimination on the basis of disability.

Title IX of the Education Amendments of 1972, 20 United States Code (USC) Section 1681 et seq. – Prohibits discrimination on the basis of sex.

New York State Executive Law Section 290 et seq. (Human Rights Law) – Prohibits discrimination on the basis of age, race, creed, color, national origin, sex, disability or marital status.

Age Discrimination in Employment Act, 29 United States Code (USC) Section 621 et seq.

Genetic Information Nondiscrimination Act of 2008 P.L.110-233

New York State Military Law Sections 242 and 243

Refer also to Policies 5120, 5121, 5170, 6440, 6460, 6461, 7120, and 7130

Adopted: 1/29/04
Revised: 11/29/05
Revised: 4/13/10
Revised: 8/13/14
SUBJECT: ATTENDANCE BY BOARD MEMBERS AT CONFERENCES, CONVENTIONS AND WORKSHOPS

The Board encourages the participation of all members at appropriate school Board conferences, workshops and conventions. However, in order to control both the investment of time and funds, necessary to implement this policy, the Board establishes the following principles.

a) A calendar of school Board conferences, conventions and workshops shall be maintained by the Board Clerk. The Board will periodically decide which meetings appear to be most promising in terms of producing direct and indirect benefits to the BOCES.

b) Funds for participation at such meetings will be budgeted for on an annual basis. When funds are limited, the Board will designate which of its members would be the most appropriate to participate at a given meeting.

c) Reimbursement to Board members for their travel expenses will be in accordance with the regulations established by the Board for travel reimbursements.

d) When a conference, convention or workshop is not attended by the full Board, those who do participate will be requested to share information, recommendations, and materials acquired at the meeting.

e) Authorization for attendance at out-of-state conferences will be by resolution at a regular meeting.

General Municipal Law Section 77-b and 77-c
Education Law Section 2118

Adopted: 1/29/04
Revised: 5/20/08
Revised: 9/12/11
SUBJECT:  MEMBERSHIP IN ASSOCIATIONS

Membership in the following associations or organizations may be maintained annually:

a)  New York State School Boards Association;

b)  National School Boards Association;

c)  Westchester Putnam School Board Association;

The Board may maintain membership in these organizations as authorized under Section 77-b of the General Municipal Law. Membership in other organizations may be approved.

Comptroller’s Opinion 81-255

Adopted: 1/29/04
SUBJECT: BOARD SELF-EVALUATION

The Board shall review the effectiveness of its governance of the BOCES at least once annually.

The District Superintendent and others who work regularly with the Board may be asked to participate in this review and to suggest ways by which the Board can improve its functioning as a legislative body.

Adopted: 1/29/04
Revised: 5/20/08
SUBJECT: ORIENTATION OF NEW BOARD MEMBERS

The Board and its staff shall assist each new member-elect in understanding the Board’s functions, policies, and procedures before he/she takes office. It shall be the responsibility of the Vice President to perform the following duties or to arrange for them to be carried out by the District Superintendent, Clerk of the Board or other staff:

1. A letter of introduction and welcome from the Board will be sent to the electee inviting him/her to attend Board meetings prior to taking office;

2. The electee shall be given selected material relevant to the job of being a Board member. Such material may be obtained from the New York State School Boards Association, the National School Boards Association and/or other professional organizations such as Westchester/Putnam School Boards Association. Representative titles may include:
   - *Becoming a Better Board Member* (NSBA)
   - *Getting There from Here* (New England School Development Council)
   - *The School Board Member Handbook*

3. The electee shall also be provided a copy of:
   - *School Law* (NYSSBA)
   - *The Sunshine Laws* (NYSSBA) or “Your Right to Know” (NY Department of State Committee on Open Government)

4. The Vice President shall serve as a mentor to the electee to explain Board process and work, including the election of Board officers and the procedures for the organization meeting.

5. The following documents will be available to the electee:
   - Board Policy Manual
   - Budget
   - All staff employment contracts
   - BOCES Services Guide
   - Copies of Board Minutes from the current year
   - Copy of most recent auditor’s report
   - Superintendent evaluation form
   - Board goals for the current year
   - Directory of Board members and BOCES staff
   - Schedule of all meetings, calendar of BOCES events
   - Mission and vision statement

6. The electee will be introduced to and invited to meet with the District Superintendent.

7. New Board members are encouraged to participate in the Board’s annual tour of BOCES facilities.

8. New Board members are encouraged to attend the NYSSBA and Westchester/Putnam School Boards Association workshops for new school Board members.

Revised: 1/22/08
Revised: 5/20/08
SUBJECT: BOARD MEMBER TRAINING

Two types of training are required for new Board members in their first year.

Training on Financial Oversight, Accountability and Fiduciary Responsibilities

Within the first year of election or appointment, each Board member must complete a minimum of six (6) hours of training on the financial oversight, accountability and fiduciary responsibilities of a school board member.

Re-elected Board members are not required to repeat this training. Additionally, re-training is not required if the Board member has previously fulfilled this requirement as a first-term member of a component school district.

Training on Powers, Functions and Duties of Board Members and Other Authorities

During the first year of a Board member’s first term, he/she shall be required to complete a training course acquainting him/her with the powers, functions and duties of Boards of Education, as well as the powers and duties of other governing and administrative authorities affecting public education.

Re-elected Board members shall not be required to repeat this training.

Upon completing the required training, the Board member shall file with the Board Clerk a certificate of completion issued by the provider of the training. Actual and necessary expenses incurred by a Board member in complying with these requirements are a lawful charge to the BOCES.

Adopted: 6/26/07
Revised: 9/12/11
SUBJECT: COMPENSATION AND EXPENSES

Remuneration and Reimbursement

Each Board member serves the public in a trustee relationship, is elected by the component Board members, and serves without pay.

Each Board member is entitled to be reimbursed for all necessary expenses incurred in the official performance of his/her duties.

Travel Reimbursement

Members of the Board, approved for travel by Board action, shall be reimbursed for all necessary expenses incurred while on business for BOCES. If travel approval by the Board is not possible due to time constraints, the Board President or his/her designee shall be authorized to grant approval.

Requests for reimbursement must be submitted following the Board member’s return and must be accompanied by appropriate receipts. Sales tax exemption certificates should be used when appropriate within New York State.

Expenses that may be reimbursed for travel and related expenses for BOCES purposes may include, but are not limited to, attendance at Board meetings, conferences and meetings approved by the Board; parking; tolls; mileage at the BOCES approved rate for the use of one’s private vehicle in traveling on official BOCES business; car rental; cab, bus, rail and/or air transportation; actual cost of meals (exclusive of alcohol); actual cost of lodging; and other necessary expenses which are proper in the performance of a member's official duties. Upon presentation of itemized receipts, meals will be reimbursed to a maximum of $60/day for breakfast, lunch and dinner inclusive of tax and tips. Tips on meals will be reimbursed up to 20% of the pretax bill.

Adopted 1/29/04
Revised: 5/20/08
Revised: 9/12/11
Revised: 5/13/14
SUBJECT: COMMITTEES OF THE BOARD

The Board may establish committees for the purpose of undertaking a specific task in connection with Board activity. These committees, however, cannot make legal decisions for the entire Board. All committee appointments shall expire at the Organization Meeting each year.

The Board shall appoint temporary committees consisting of less than a quorum of the full membership for special purposes. These committees shall be discharged on the completion of their assignment. The President of the Board shall be an ex-officio member of such committees.

The Board recognizes that it may be necessary from time to time to authorize advisory committees for the purpose of enlisting opinions and counsel of the general public. Such committees shall be appointed by the Board. The Board has the right to accept, reject or modify all or any part of a committee recommendation.

Audit Committee

The Board shall appoint at its Organizational Meeting each year members of an audit committee to oversee and report to the Board on the annual audit of the BOCES.

Policy Committee

The Board shall appoint a Policy Committee which shall follow a three-year cycle for review of existing policies; and add or update policies as needed.

Facilities Committee

The Board shall appoint at its Organizational Meeting each year members of a facilities committee to oversee and report to the Board on the capital projects.

Education Law Sections 1708, 2116-c and 4601

Refer also to Policy 4740

Adopted: 1/29/04
Revised: 6/26/07
Revised: 5/20/08
Revised: 8/13/14
SUBJECT: ADVISORY COMMITTEES

Ad Hoc Committees

The Board may appoint ad hoc committees to serve as advisory bodies. These committees shall be temporary and shall be dissolved upon the accomplishment of the purpose for which they were established. The charge to each advisory committee shall be specified at the time of its creation.

Career Education Advisory Committee

The Advisory Committee for Career Education in New York is required by Education Law and the Commissioner’s Regulations. It shall be the duty of such Advisory Committee for Career Education to advise the Board of Cooperative Educational Services on the development of and policy matters arising in the administration of career education, including the preparation of long range and annual program plans submitted to the Commissioner of Education, and to assist with an annual evaluation of career educational programs, services and activities provided by the Board of Cooperative Educational services.

The chairperson shall be recommended by the District Superintendent and appointed by the Board for a one year term.

Consultant committees for occupations may be appointed by the Advisory Committee. These committees assist in planning, development of new programs, and the evaluation and revision of existing programs.

Education Law Section 4601
8 New York Code of Rules and Regulations (NYCRR) Section 141.1

School Library System Advisory Council

The School Library System Advisory Council is responsible for development of a plan of service. Following approval of the plan by the Commissioner of Education, the Committee is responsible to monitor implementation of the plan and to keep other librarians informed of school library system policies, procedures, activities and services.

Health & Safety Committee

A Health & Safety Committee shall meet regularly and make recommendations for safe and economical utilization of buildings, grounds and equipment. The committee will also review BOCES activities and make recommendations for the purpose of reducing accident experience throughout the entire organization.

Adopted: 1/29/04
Revised: 11/29/05
Revised: 9/12/11
SUBJECT: DEFENSE AND INDEMNIFICATION OF BOARD MEMBERS AND EMPLOYEES

Liability Protection Pursuant to Education Law

The Board recognizes its statutory obligation to indemnify BOCES employees (and in certain circumstances, Board members and volunteers) pursuant to the provisions of Sections 3023, 3028 and 3811 of the Education Law. For the purposes of this policy, the term “employee” shall be as defined in the applicable statute(s).

BOCES shall not be subject to the duty to defend unless the employee, within the time prescribed by statute, delivers appropriate notice of the claim to the Board.

a) For purposes of Education Law Section 3811, the employee must give written notice within five (5) days after service of process upon him/her. The statute mandates only written notice of the claim to the Board; however, submission of relevant legal documents by the employee to the Board is also encouraged.

b) For purposes of Education Law Sections 3023 and 3028, the employee must deliver the original or a copy of the relevant legal documents to the Board within ten (10) days after service of process upon him/her.

BOCES will provide legal defense and/or indemnification for all damages, costs, and reasonable expenses incurred in the defense of an action or proceeding if authorized pursuant to statute and provided that the alleged action or omission which occurred or allegedly occurred is covered by the appropriate statute(s). Furthermore, BOCES will not be required to provide indemnification protection and/or legal defense unless the employee was, at the time of the alleged incident, acting in the discharge of his/her duties within the scope of his/her employment or authorized volunteer duties and/or under the direction of the Board.

Public Officers Law Section 18

The Board hereby also confers the benefits of Section 18 of the New York State Public Officers Law upon the “employees” of BOCES, as defined in Section 18 of the Public Officers Law; and BOCES assumes the liability for the costs incurred in accordance with the provisions of Section 18. The benefits accorded to BOCES employees under Section 18 of the Public Officers Law shall supplement and be available in addition to defense or indemnification protection conferred by other enactments or provisions of law.

(Continued)
SUBJECT: DEFENSE AND INDEMNIFICATION OF BOARD MEMBERS AND EMPLOYEES (Cont’d.)

The term “employees” shall include members of the Board; the District Superintendent; BOCES officers; BOCES employees; volunteers expressly authorized to participate in a BOCES sponsored volunteer program; or any other person holding a position by election, appointment or employment in the service of BOCES, whether or not compensated. The term “employee” shall also include a former employee, his/her estate or judicially appointed representative.

Pursuant to the provisions of Section 18 of the Public Officers Law, and upon compliance by the employee with the requirements of this statute, BOCES shall provide for the defense of the employee in any civil action or proceeding, state or federal, arising out of any alleged act or omission which occurred or allegedly occurred while the employee was acting within the scope of his/her public employment or duties. Furthermore, BOCES shall indemnify and save harmless its employees in the amount of any judgment obtained against such employees in a state or federal court, or in the amount of any settlement of a claim, provided that the act or omission from which such judgment or claim arose occurred while the employee was acting within the scope of his/her public employment or duties. However, in the case of a settlement, the duty to indemnify and save harmless shall be conditioned upon the approval of the amount of the settlement by the Board.

The duty to defend and/or indemnify and save harmless, in accordance with Section 18 of the Public Officers Law, shall be conditioned upon the delivery by the employee to the BOCES attorney or to the District Superintendent a written request to provide for his/her defense, together with the original or a copy of any summons, complaint, process, notice, demand or pleading within ten (10) days after he/she is served with such document. Pursuant to Section 18, the full cooperation of the employee in the defense of such action or proceeding and in the defense of any action or proceeding against BOCES based upon the same act or omission, and in the prosecution of any appeal, shall also be required as a condition for BOCES duty to defend and/or indemnify and save harmless to exist.

Exceptions to Liability Coverage

Indemnification coverage and/or provision of legal defense by BOCES will not apply unless the actionable claim is of the type covered by the statute(s) and/or is not otherwise exempt from coverage pursuant to law. Additionally, indemnification coverage and/or the duty to provide a defense shall not arise where such action or proceeding is brought by or on behalf of BOCES.

Refer also to Policy 5334

Public Officers Law Section 18
Education Law Sections 1709(26) and (34-b), 2560, 3023, 3028, and 3811
General Municipal Law Sections 6-n and 52

Adopted: 6/26/07
Putnam|Northern Westchester BOCES

COMMUNITY RELATIONS

(Section 2000)

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SUBJECT: BOCES/PUBLIC RELATIONS AND COMMUNICATIONS

The Board of Cooperative Educational Services shall support the following goals of community relations:

a) To develop and maintain the confidence of the community in the BOCES and its staff;
b) To stimulate public interest in the schools and public understanding of BOCES Programs;
c) To discover what people think and what they want to know about BOCES.
d) To correct erroneous impressions and supply information;
e) To develop the most effective means of communication with the various publics of the BOCES component school districts, and community.

Communication with Component Districts

It is essential that the Board and the BOCES staff keep component boards of education informed as to policies and programs that might affect their educational processes. As much as possible, the BOCES staff and the Board should attempt to provide written, electronic and/or oral communication to the Superintendents and board members of component districts on any matter that might affect them, including agendas and minutes of the BOCES meetings.

Communication with Board Members

The Putnam|Northern Westchester BOCES staff members shall make every effort to provide Board members with written and/or electronic communications regarding significant items prior to the Board meetings. Communications shall be forwarded via the District Superintendent.

Communication with the Community

The Board of Cooperative Educational Services and staff shall keep the various communities informed of school activities.

Adopted: 1/29/04
Revised: 9/12/11
Revised: 7/2/14
SUBJECT: PRINT AND ELECTRONIC MATERIALS

The Board shall encourage wide distribution of printed and electronic materials, including, but not limited to, newsletters, news releases, budget statements and brochures.

Publications

The Board encourages the development of appropriate materials and publications that are of direct use in the educational process in component school districts which inform the public, component districts, BOCES personnel, and the teaching profession concerning policies, activities, and accomplishments of Putnam|Northern Westchester BOCES and which aid and promote the improvement of education.

Media Relations

The responsibility for maintaining relationships with the media, releasing news and serving as the BOCES spokesperson lies with the Director of School Communications. For issues of sensitivity, the District Superintendent or designee shall be consulted before release.

Social Media

The Board encourages a variety of social media tools to disseminate information. The Director of School Communications shall develop guidelines for appropriate use and content of social media.

Copyright

The use of the copyright law for selected materials produced through the Putnam|Northern Westchester BOCES will be implemented for specific classes of items when recommended to the Board by the District Superintendent. All published materials will have copyright identification protected under common law literary property.

All publications, in any form, which are developed by staff at Putnam|Northern Westchester BOCES or persons/agencies under contract to Putnam|Northern Westchester BOCES are the property of Putnam|Northern Westchester BOCES.

Adopted: 1/29/04
Revised: 11/29/05
Revised: 5/20/08
Revised: 7/2/14
SUBJECT:  CRISIS MANAGEMENT COMMUNICATIONS

When a crisis arises, immediate, effective and responsible management and communication are essential to manage the crisis. Therefore, the Putnam|Northern Westchester BOCES shall develop and maintain a unified position by:

a) Identifying a crisis response team to develop a plan and maintain a strong, ongoing communications program in each building.

b) Identifying a media spokesperson who will be briefed on all details. The spokesperson shall be the District Superintendent or designee. In most instances the designee shall be the Director of School Communications. Only these spokespersons shall talk to and maintain a timely flow of information to the media.

The District Superintendent/designee shall be responsible for informing staff of the crisis plan which is to be developed by both administration and the crisis response team.

Adopted: 1/29/04
Revised: 5/20/08
Revised: 7/2/14
SUBJECT:  UNANTICIPATED BOCES FACILITIES CLOSINGS

In the event it is necessary to close school for the day due to inclement weather or other reasons, announcement shall be made to staff and parents/guardians/persons in parental relation/students by automated telephone messaging, BOCES website, social media, and over local radio and television stations.

When school is closed, all related activities will ordinarily be suspended for that day and evening.

The attendance of personnel shall be governed by their respective agreements.

Adopted:  1/29/04
Revised:  11/29/05
Revised:  5/20/08
Revised:  9/12/11
Revised:  7/2/14
Revised:  1/13/15
SUBJECT: FLAG DISPLAY

In keeping with State Education Law and Executive Law, the Board accepts its duty to display the United States flag upon or near each public school building during school hours, weather permitting, and such other times as the statutes may require or the Board may direct.

When ordered by the President, Governor, or local official, to commemorate a tragic event or the death of an outstanding individual, the flag shall be flown at half-staff. The District Superintendent’s approval shall be required for the flag to be flown at half-staff upon any other occasion. Regulations for seeking such approval shall be established in the Administrative Manual of the BOCES.

The flag shall be displayed in every assembly room (i.e., the auditorium) including the room where the Board meetings are conducted, as well as displayed in all rooms used for instruction.

Education Law Sections 418 and 419
Executive Law Sections 402 and 403
8 New York Code of Rules and Regulations (NYCRR)
Sections 108.1-108.3

Adopted: 1/29/04
Revised: 11/29/05
Revised: 5/20/08
SUBJECT: PROVISION OF REFRESHMENTS AND MEALS

The Putnam/Northern Westchester BOCES is a central and logical hub of meeting activity for the school districts that participate in its programs and services. Groups gather for the purposes of exchanging information, solving common problems, sharing the wealth of expertise from both outside and within our boundaries, and providing guidance and advice for the improvement of BOCES programs and services.

For those conferences, workshops, meetings of various advisory groups and councils, and other group sessions related to the educational purposes that are conducted at BOCES, BOCES may provide refreshments (beverages and snacks) or meals (breakfast, lunch, or dinner) if the following conditions are met:

a) The meeting is of one hour or more in duration;
b) The meeting is scheduled during such time that would normally include a meal;
c) The meal time is a part of the meeting;
d) The cost per participant is reasonable.

Adopted: 1/29/04
SUBJECT: VISITS TO BOCES FACILITIES, SCHOOLS AND PROGRAMS

The Putnam|Northern Westchester Board of Cooperative Educational Services and staff encourage public visits to facilities, schools and programs within the limits placed by the requirements of the educational program. In order to visit a BOCES program, an individual or group must request permission and arrange the visit through the program Director or designee. When visiting a school, visitors must sign in at the appropriate office, will be issued an identification badge that must be worn at all times in a highly visible manner and surrendered when leaving, and will be escorted by BOCES employees in buildings that house students.

Educational Law Section 2801
Penal Law Sections 140.10 and 240.35

Refer also to Policy 5425

Adopted: 1/29/04
Revised: 5/20/08
Revised: 7/2/14
SUBJECT: PARTICIPATION BY THE PUBLIC AT BOARD MEETINGS

The public is invited to participate in public meetings of the Board at the appropriate time. The Board reserves the right to determine the date and duration of such appearance. The Board reserves the right to exclude subjects or speakers with respect to matters for which executive sessions are usually held.

Refer also to Policy 1432

Adopted: 1/29/04
Revised: 7/2/14
SUBJECT: USE OF SERVICE ANIMALS

The Board of Education allows the use of service animals on school grounds by individuals with disabilities, subject to restrictions permitted by federal and/or state law; and procedures established by the District Superintendent or designee.

For the purpose of this policy, a service animal is defined as any dog that is individually trained to do work or perform tasks for the benefit of an individual with a disability, including a physical, sensory, psychiatric, intellectual, or other mental disability. Other species of animals, whether wild or domestic, trained or untrained, will not be considered services animals.

The work or tasks performed by a service animal must be directly related to the individual’s disability. The crime deterrent effects of an animal’s presence and the provision of emotional support, well-being, comfort, or companionship do not constitute work or tasks for the purposes of this definition.

Where reasonable, the Board of Education also allows the use of miniature horses on school grounds by individuals with disabilities. Such use will only be permitted where a miniature horse has been individually trained to do work or perform tasks to benefit an individual with a disability. The use of miniature horses by individuals with disabilities will be subject to the considerations and restrictions permitted by federal and/or state law.

The District Superintendent or designee may create regulations and/or building-specific rules regarding the use of service animals and miniature horses on school grounds by individuals with disabilities.

28 CFR Sections 35.104, 35.136, 35.139

Adopted: 5/13/14
SUBJECT: USE OF BOCES FACILITIES, MATERIALS AND EQUIPMENT

BOCES Facilities

It is the policy of the Board to encourage the greatest possible use of BOCES facilities for community wide activities. This is meant to include those uses permitted by New York State Law. Groups wishing to use the BOCES facilities must secure written permission from the Board of Education or designee and abide by the rules and regulations established for such use including restrictions on alcohol, tobacco and drug use.

The BOCES reserves the right to charge a fee for the use of its facilities in a manner consistent with law, and on terms specified in regulation or by agreement with such organizations.

Materials and Equipment

Except when used in connection with or rented under provisions of Education Law Section 414, BOCES-owned materials or equipment may be used for school related purposes only. Private and/or personal use of BOCES-owned materials and equipment is strictly prohibited. The loan of equipment and materials for public purposes that serve the welfare of the community is allowed, as long as the equipment is not needed at that time for school purposes and that the proposed use will not disrupt normal school operations.

The Board will permit BOCES materials and equipment to be lent to staff members when such use is directly or peripherally related to their employment, and to students when the material and equipment is to be used in connection with their studies or extracurricular activities. Community members will be allowed to use BOCES-owned materials and equipment only for educational purposes that relate to school operations. The Board will also allow the loan of equipment to local governments and other entities that benefit the welfare of the surrounding community. The Board supports such inter-municipal cooperation as it saves taxpayer monies and is a more efficient use of scarce or costly equipment and resources.

BOCES facilities shall be available for the community within the limits of the law and when such usage does not conflict with the instructional programs of Putnam|Northern Westchester BOCES. The BOCES has a legal responsibility to conform with the State Education Law concerning “use of public school buildings.”

The Board delegates to the District Superintendent the responsibility and authority to approve or deny applications for the use of BOCES facilities when such use would not conflict or interfere with BOCES programs and is permitted and/or authorized by law. A basic room use charge, if any, will be determined by the District Superintendent who also maintains the authority to waive fees where appropriate. Additional charges for custodial services or other costs is at the discretion of the District Superintendent.

(Continued)
SUBJECT: USE OF BOCES FACILITIES, MATERIALS AND EQUIPMENT (Cont’d.)

Any organization using the BOCES facilities will furnish, at its own expense, comprehensive general liability insurance if not otherwise covered though the BOCES insurance umbrella. A certificate of such insurance with the Putnam|Northern Westchester BOCES named as an additional insured must be submitted prior to final approval and use of facilities. In high risk situations, the BOCES may require additional insurance.

Organizations using BOCES facilities are responsible for the proper care of the buildings, grounds and equipment, and will be assessed for any damages.

Observation of rules and regulations normally required of students and adults using the facilities will also be expected of outside organizations including restrictions on alcohol, tobacco and drug use. Any modification to these rules must be approved by the District Superintendent or his/her designee.

Administrative regulations will be developed by the District Superintendent concerning the application and approval process for use of BOCES facilities.

Adopted: 1/29/04
Revised: 11/29/05
Revised: 5/13/14
SUBJECT: USE OF FACILITIES BY THE BOY SCOUTS OF AMERICA AND PATRIOTIC YOUTH GROUPS

To the extent the BOCES receives funds made available through the United States Department of Education and maintains a “designated open forum” or a “limited public forum,” as those terms are defined in federal regulation, it will not deny any group officially affiliated with the Boy Scouts of America or any other patriotic youth group listed in Title 36 of the United States Code equal access or a fair opportunity to meet. Likewise, the BOCES will not discriminate against any such group that requests to conduct a meeting within the BOCES’ designated open forum or limited public forum, including denying such access or opportunity or discriminating for reasons based on the group’s membership or leadership criteria or oath of allegiance to God and country.

The BOCES will provide groups officially affiliated with the Boy Scouts of America or other Title 36 patriotic youth group access to facilities and the ability to communicate using school-related means of communication on terms that are no less favorable than the most favorable terms provided to other outside youth or community groups.

The BOCES is not required to sponsor any group officially affiliated with the Boys Scouts or any other Title 36 patriotic youth group.

Refer also to Policy #2230 – Use of BOCES Facilities, Materials and Equipment

Adopted: 5/13/14
SUBJECT: VOLUNTEERS

The Board recognizes the need to develop a volunteer program to support BOCES programs and activities.

Volunteers are persons who are willing to donate their time and energies to assist BOCES personnel in implementing various phases of BOCES programs. Volunteers shall serve in that capacity without compensation or employee benefits except for liability protection under the BOCES insurance program.

Administrative regulations will be developed to implement the terms of this policy and to periodically inform the Board of the progress of the volunteer program.

Volunteer Protection Act of 1997, 42 United States Code (USC) Section 14501 et seq.
Education Law Sections 3023 and 3028
Public Officers Law Section 18

Refer also to Policy 5334 and 5425

Adopted: 1/29/04
Revised: 7/2/14
SUBJECT: PUBLIC COMPLAINTS

Complaints by citizens and staff regarding any facet of the BOCES operation can be handled most satisfactorily by the administrative officer in charge of the unit closest to the source of the complaint. Therefore, complaints should first be discussed with the teacher or other BOCES employee directly involved. If the matter cannot be resolved at this level, the complaint shall be forwarded to the appropriate program supervisor, director or assistant.

If the complaint and related concerns are not resolved at this level to the satisfaction of the complainant, the complaint may be carried to the District Superintendent and/or one of his/her assistants. Unresolved complaints at the program level must be reported to the District Superintendent or designee by the director. The District Superintendent or designee may require the statement of the complainant in writing.

If the complaint and related concerns are not resolved at the District Superintendent level to the satisfaction of the complainant, the complaint may be carried to the Board. Unresolved complaints at the District Superintendent level must be reported to the Board by the District Superintendent. The Board reserves the right to require prior written reports from appropriate parties.

Adopted: 1/29/04
Revised: 7/2/14
SUBJECT: SOLICITATION OF CHARITABLE DONATIONS FROM SCHOOL CHILDREN

Direct solicitation of charitable donations from children in the BOCES program on school property during regular school hours shall not be permitted.

However, this policy does not prevent the following types of fund raising activities:

a) Fund raising activities which take place off BOCES premises, or outside of regular school hours during before-school or after-school extracurricular periods;

b) Arms-length transactions, where the purchaser receives a consideration for his/her donation. For example, the sale of goods or tickets for concerts or social events, where the proceeds go to charity, shall not be prohibited as the purchaser will receive consideration – the concert or social event – for the funds expended;

c) Indirect forms of charitable solicitation on BOCES premises that do not involve coercion, such as placing a bin or collection box in a hallway or other common area for the donation of food, clothing, other goods or money.

The District Superintendent or designee shall decide which organizations, groups, etc. can solicit charitable donations and for what purposes, as long as the activities comply with the terms of this policy and the Rules of the Board of Regents.

Regulations shall be developed by the administration to implement this policy.

8 New York Code of Rules and Regulations
(NYCRR) Section 19.6
New York State Constitution Article VIII, Section 1
Education Law Section 414

Adopted: 1/29/04
Revised: 7/2/14
SUBJECT: PUBLIC ACCESS TO RECORDS

Access to records of the BOCES shall be consistent with the rules and regulations established by the State Committee on Open Government and shall comply with all the requirements of the New York State Public Officers Law Sections 87 and 89.

A Records Access Officer shall be designated by the District Superintendent, subject to the approval of the Board of Education, who shall have the duty of coordinating the BOCES’ response to public request for access to records.

The BOCES shall provide copies of records in the format and on the medium requested by the person filing the Freedom of Information Law (FOIL) request if the BOCES can reasonably do so regardless of burden, volume or cost of the request. The District Superintendent shall establish a reasonable cost for providing such copies; the cost shall be paid by the person requesting such records.

Regulations and procedures pertaining to accessing and providing BOCES records shall be as indicated in the BOCES Administrative Manual.

Requests for Records via E-mail

If the BOCES has the capability to retrieve electronic records, it must provide such records electronically upon request. The BOCES shall accept requests for records submitted in the form of electronic mail and respond to such requests by electronic mail using the forms supplied by the BOCES. This information shall be posted on the BOCES website, clearly designating the e-mail address for purposes of receiving requests for records via this format.

When the BOCES maintains requested records electronically, the response shall inform the requester that the records are accessible via the internet and in printed form either on paper or other information storage medium.

Board of Education Meetings and Records

BOCES records subject to release under the FOIL, as well as any proposed rule, regulation, policy or amendment, that are on the Board agenda and scheduled to be discussed at a Board meeting, shall be made available upon request, to the extent practicable, prior to the meeting. Copies of such records may be made available for a reasonable fee. If the BOCES maintains a regularly updated website, such records may be posted on the Web site to the extent practicable, prior to the meeting. The BOCES may, but is not required to expend additional funds to provide such records.

Education Law Section 2116
Public Officers Law Sections 87 and 89
21 NYCRR Parts 1401 and 9760

Adopted: 1/29/04
Revised: 1/22/08
Revised: 6/23/09
Revised: 7/2/14
SUBJECT: CONFIDENTIALITY OF COMPUTERIZED INFORMATION

The development of centralized educational data gives rise to the question of the maintenance of confidentiality of such data while still conforming to the New York State Freedom of Information Law. The safeguarding of confidential data from inappropriate use is essential to the success of the BOCES operation. Access to confidential computerized data shall be limited only to authorized personnel of the BOCES.

It shall be a violation of the BOCES policy to release confidential computerized data to any unauthorized person or agency. Any employee who releases or otherwise makes improper use of such computerized data shall be subject to disciplinary action.

However, if the computerized information sought is available under the Freedom of Information Law and can be retrieved by means of existing computer programs, the BOCES is required to disclose such information.

Public Officers Law Sections 84 et seq.

Adopted: 1/29/04
Revised: 5/20/08
Revised: 7/2/14
SUBJECT:  CODE OF CONDUCT ON BOCES PROPERTY

The BOCES has developed and will amend, as appropriate, a written Code of Conduct for the Maintenance of Order on School Property, including school functions, which shall govern the conduct of students, teachers, other school personnel, as well as visitors and/or vendors. The Board shall further provide for the enforcement of such Code of Conduct.

For purposes of this policy, and the implemented Code of Conduct, school property means in or within any building, structure, athletic playing field, playground, parking lot or land contained within the real property boundary line of the BOCES's elementary or secondary schools, or in or on a school bus; and a school function shall mean a school-sponsored extracurricular event or activity regardless of where such event or activity takes place, including those that take place in another state.

The BOCES Code of Conduct has been developed in collaboration with student, teacher, administrator, and parent organizations, school safety personnel and other personnel.

The Code of Conduct shall include, at a minimum, the following:

a) Provisions requiring conduct, dress and language deemed appropriate and acceptable on school property and at school functions, and conduct, dress and language deemed unacceptable and inappropriate on school property; provisions regarding acceptable civil and respectful treatment of teachers, school administrators, other school personnel, students and visitors on school property and at school functions; the appropriate range of disciplinary measures which may be imposed for violation of such Code; and the roles of teachers, administrators, other school personnel, the Board and parents/guardians/persons in parental relation to the student;

b) Provisions prohibiting discrimination and harassment against any student, by employees or students on school property or at a school function, that creates a hostile environment by conduct, with or without physical contact and/or verbal threats, intimidations or abuse, of such a severe nature that:

1. Has or would have the effect of unreasonably and substantially interfering with a student's education performance, opportunities or benefits, or mental, emotional and/or physical well-being; or

2. Reasonably causes or would reasonably be expected to cause a student to fear for his/her physical safety.

Such conduct shall include, but is not limited to, threats, intimidation, or abuse based on a person's actual or perceived race, color, weight, national origin, ethnic group, religion, religious practices, disability, sexual orientation, gender as defined in Education Law Section 11(6), or sex; provided that nothing in this subdivision shall be construed to prohibit a denial of admission into, or exclusion from, a course of instruction based on a person's gender that would be permissible under Education Law Sections 3201-a or 2854 (2) (a) and Title IX of the Education Amendments of 1972 (20 USC Section 1681), et seq.), or to prohibit, as discrimination based on disability, actions that would be permissible

(Continued)
SUBJECT:  CODE OF CONDUCT ON BOCES PROPERTY (Cont'd.)

under 504 of the Rehabilitation Act of 1973;

c) Standards and procedures to assure security and safety of students and school personnel;

d) Provisions for the removal from the classroom and from school property, including a school function, of students and other persons who violate the Code;

e) Provisions prescribing the period for which a disruptive student may be removed from the classroom for each incident, provided that no such student shall return to the classroom until the Principal (or his/her designated School BOCES administrator) makes a final determination pursuant to Education Law Section 3214(3-a)(c) or the period of removal expires, whichever is less;

f) Disciplinary measures to be taken for incidents on school property or at school functions involving the use of tobacco, the possession or use of illegal substances or weapons, the use of physical force, vandalism, violation of another student's civil rights, harassment and threats of violence;

g) Provisions for responding to acts of discrimination and harassment against students by employees or students on school property or at a school function pursuant to clause (b) of this subparagraph;

h) Provisions for detention, suspension and removal from the classroom of students, consistent with Education Law Section 3214 and other applicable federal, state and local laws, including provisions for school authorities to establish procedures to ensure the provision of continued educational programming and activities for students removed from the classroom, placed in detention, or suspended from school, which shall include alternative educational programs appropriate to individual student needs;

i) Procedures by which violations are reported and determined, and the disciplinary measures imposed and carried out;

j) Provisions ensuring the Code of Conduct and its enforcement are in compliance with state and federal laws relating to students with disabilities;

k) Provisions setting forth the procedures by which local law enforcement agencies shall be notified of Code violations which constitute a crime;

l) Provisions setting forth the circumstances under and procedures by which parents/guardians/persons in parental relation to the student shall be notified of Code violations;

m) Provisions setting forth the circumstances under and procedures by which a complaint in criminal court, a juvenile delinquency petition or person in need of supervision ("PINS") petition as defined in Articles 3 and 7 of the Family Court Act will be filed;

(Continued)
SUBJECT:  CODE OF CONDUCT ON BOCES PROPERTY (Cont'd.)

n) Circumstances under and procedures by which referral to appropriate human service agencies shall be made;

o) A minimum suspension period for students who repeatedly are substantially disruptive of the educational process or substantially interfere with the teacher's authority over the classroom, provided that the suspending authority may reduce such period on a case-by-case basis to be consistent with any other state and federal law. For purposes of this requirement, as defined in Commissioner's Regulations, "repeatedly is substantially disruptive of the educational process or substantially interferes with the teacher's authority over the classroom" shall mean engaging in conduct which results in the removal of the student from the classroom by teacher(s) pursuant to the provisions of Education Law Section 3214(3-a) and the provisions set forth in the Code of Conduct on four (4) or more occasions during a semester, or three (3) or more occasions during a trimester, as applicable;

p) A minimum suspension period for acts that would qualify the student to be defined as a violent student pursuant to Education Law Section 3214(2-a)(a). However, the suspending authority may reduce the suspension period on a case-by-case basis consistent with any other state and federal law;

q) A Bill of Rights and Responsibilities of Students which focuses upon positive student behavior and a safe and supportive school climate, which shall be written in plain-language, publicized and explained in an age-appropriate manner to all students on an annual basis; and

r) Guidelines and programs for in-service education programs for all BOCES staff members to ensure effective implementation of school policy on school conduct and discipline, including but not limited to, guidelines on promoting a safe and supportive school climate while discouraging, among other things, discrimination or harassment against students by students and/or school employees; and including safe and supportive school climate concepts in the curriculum and classroom management.

The BOCES Code of Conduct will be adopted by the Board of Education only after at least one (1) public hearing that provided for the participation of BOCES personnel, parents/guardians/persons in parental relation, students, and any other interested parties.

The BOCES Code of Conduct shall be reviewed on an annual basis, and updated as necessary in accordance with law. The BOCES may establish a committee pursuant to Education Law Section 2801(5)(a) to facilitate review of its Code of Conduct and the BOCES response to Code of Conduct violations. The Board shall reapprove any updated Code of Conduct or adopt revisions only after at least one (1) public hearing that provides for the participation of BOCES personnel,
SUBJECT:  CODE OF CONDUCT ON BOCES PROPERTY (Cont'd.)

parents/guardians/persons in parental relation, students, and any other interested parties. The BOCES shall file a copy of its Code of Conduct and any amendments with the Commissioner, in a manner prescribed by the Commissioner, not later than thirty (30) days after their respective adoptions.

The Board of Education shall ensure community awareness of its Code of Conduct by:

a) Posting the complete Code of Conduct on the Internet website, if any, including any annual updates and other amendments to the Code;

b) Providing copies of a summary of the Code of Conduct to all students in an age-appropriate version, written in plain language, at the beginning of each school year;

c) Providing a plain language summary of the Code of Conduct to all parents/guardians/persons in parental relation to students before the beginning of each school year and making the summary available thereafter upon request;

d) Providing each existing teacher with a copy of the complete Code of Conduct and a copy of any amendments to the Code as soon as practicable following initial adoption or amendment of the Code. New teachers shall be provided a complete copy of the current Code upon their employment; and

e) Making complete copies available for review by students, parents/guardians/persons in parental relation to students, other school staff and other community members.

Education Law Sections 2801 and 3214
Family Court Act Articles 3 and 7
Vehicle and Traffic Law Section 142
8 New York Code of Rules and Regulations (NYCRR) Section 100.2(l)(2)

Refer also to Policy 6210

Adopted:  1/29/04
Revised:  11/29/05
Revised:  6/26/07
Revised:  5/20/08
Revised:  5/15/12
SUBJECT:  PROHIBITION OF WEAPONS ON SCHOOL GROUNDS

With the exception of law enforcement officers, as permitted by law, and individuals who have the express written permission of the Board of Education or its designee, no person may have in his/her possession any weapon on school grounds, in any BOCES building, on a school bus or BOCES vehicle, or at any BOCES sponsored activity or setting under the control and supervision of the BOCES. This prohibition shall include, but not be limited to: any of the objects or instruments referred to in Section 265.01 of the New York State Penal Law; any air-gun, spring-gun or other instrument or weapon in which the propelling force is a spring, air, piston or CO2 cartridge; and any object that could be considered a reasonable facsimile of a weapon.

Penal Law Sections 265.01-265.06, 265.20

Refer also to Policy 6241

Adopted: 1/29/04
Revised: 5/20/08
Revised: 1/13/15
SUBJECT: THREATS OF VIOLENCE IN SCHOOL

The BOCES is committed to the prevention of violence against any individual or property in the schools or at school activities whether such acts and/or threats of violence are made by students, staff, or others. Threats of violence against students, school personnel and/or school property will not be tolerated whether or not such threats occur on school grounds or during the school day.

Any acts and/or threats of violence, including bomb threats, whether made orally, in writing, or by e-mail, shall be subject to appropriate discipline in accordance with applicable law, BOCES policies and regulations, as well as the Code of Conduct and collective bargaining agreements, as may be necessary.

All staff who are made aware of physical acts and/or threats of violence directed against students, staff or property are to report such incidents to the program administrator, who shall report such occurrences to the District Superintendent or designee. Additionally, the program administrator will also report occurrences of violence, whether involving an actual confrontation or threat of potential violence, to the school psychologist and/or Director of Special Education if applicable. Local law enforcement agencies may be called as necessary upon the determination of the District Superintendent or designee.

Students are to report all acts and/or threats of violence, including threats of suicide, of which they are aware to a faculty member or the program administrator.

The BOCES reserves the right to seek restitution, in accordance with law, from the parent/guardian/person in parental relation and/or student for any costs or damages which had been incurred by the BOCES as a result of the threats or acts of violence in the schools.

This policy will be enforced in accordance with applicable laws and regulations, as well as collective bargaining agreements and the Code of Conduct as may be necessary. Additionally, this policy will be disseminated, as appropriate, to students, staff, and parents/guardians/persons in parental relation and will be available to the general public upon request.

Adopted: 1/29/04
Revised: 11/29/05
Revised: 5/20/08
Revised: 7/2/14
SUBJECT: NON-DISCRIMINATION AND ANTI-HARASSMENT IN THE BOCES

The Board is committed to providing an environment free from discrimination and harassment. Accordingly, the Board prohibits discrimination and harassment on the basis of race, color, religion, national origin, sex, sexual orientation, age, disability or other legally protected category. Such actions and occurrences are prohibited regardless of whether they take place on BOCES premises or at BOCES-sponsored events, programs, or activities held at other locations.

Prohibited Conduct

Determinations as to whether conduct or occurrences constitute discrimination or harassment for the purposes of this policy and its implementing Administrative Regulations will be made consistent with applicable law. Such determinations may depend upon a number of factors, including but not limited to: the particular conduct or occurrence at issue, the ages of the parties involved, the context in which the conduct or occurrence takes place, the relationship of the parties to one another, the category or characteristic that is alleged to have been the basis for the action or occurrence, and other considerations as are necessary and consistent with law. The characterizations and examples below are intended to serve as a general guide for individuals in determining whether to file a complaint of discrimination or harassment, and should not be construed to add or limit the rights individuals and entities possess as a matter of law.

Discrimination is generally, the practice of conferring or denying privileges on the basis of membership in a legally protected class. Discriminatory actions may include, but are not limited to: refusing to promote or hire an individual on the basis of his/her membership in a protected class, denying an individual access to facilities or educational benefits on the basis of his/her membership in a protected class, or impermissibly instituting policies or practices that disproportionately and adversely impact members of a protected class.

Harassment generally consists of subjecting an individual, on the basis of his/her membership in a protected class, to conduct and/or communications that are sufficiently severe, pervasive, or persistent as to have the purpose or effect of: creating an intimidating, hostile, or offensive environment; substantially or unreasonably interfering with an individual’s work or a student’s educational performance, opportunities, benefits, or well-being; or otherwise adversely affecting an individual’s employment or educational opportunities.

Harassment can include unwelcome verbal, written, or physical conduct which offends, denigrates, or belittles an individual because of his/her membership in a protected class. Such conduct includes, but is not limited to: derogatory remarks, jokes, demeaning comments or behavior, slurs, mimicking, name calling, graffiti, innuendo, gestures, physical contact, stalking, threatening, bullying, extorting, or the display of circulation of written materials or pictures.

(Continued)
SUBJECT: NON-DISCRIMINATION AND ANTI-HARASSMENT IN THE BOCES (Cont’d.)

Civil Rights Compliance Officer

The BOCES will designate one or more individuals to serve as Civil Rights Compliance Officer. The Civil Rights Compliance Officer will be responsible for coordinating the BOCES’ efforts to comply with and carry out its responsibilities regarding non-discrimination and anti-harassment, including investigations of complaints alleging discrimination, harassment, or the failure of the BOCES to comply with its obligations under relevant non-discrimination and anti-harassment laws and regulations (e.g., the Americans with Disabilities Act, Title IX of the Education Amendments of 1972, and Section 504 of the Rehabilitation Act of 1973).

Prior to the beginning of each school year, the BOCES shall issue an appropriate public announcement or publication which advises students, parents/guardians, employees and other relevant individuals of the BOCES established grievance procedures for resolving complaints of discrimination and harassment. Included in such announcement or publication will be the name, address, telephone number, and email address of the Civil Rights Compliance Officer(s).

Investigation of Complaints and Grievances

The BOCES will act to promptly, thoroughly, and equitably investigate all complaints, whether verbal or written, of discrimination and/or harassment based on any of the characteristics described above, and will promptly take appropriate action to protect the individuals for further discrimination or harassment. In the event an anonymous complaint is filed, the BOCES will respond to the extent possible.

It is essential that any individual who is aware of a possible occurrence of discrimination or harassment immediately report such occurrence. All reports will be directed or forwarded to the BOCES designated Civil Rights Compliance Officer(s). Such complaints are recommended to be in writing, although verbal complaints of discrimination or harassment will also be promptly investigated in accordance with applicable law and BOCES policy and procedure. In the event the Civil Rights Compliance Officer is the alleged offender, the report will be directed to another Civil Rights Compliance Officer, if the BOCES has designated another individual to serve in such a capacity, or to the District Superintendent.

To the extent possible, all complaints will be treated as confidential. Disclosure may, however, be necessary to complete a thorough investigation of the charges and/or notify law enforcement officials.

If an investigation reveals that discrimination or harassment has occurred, the BOCES will take immediate corrective action as warranted. Such action will be taken in accordance with applicable laws and regulations, as well as any and all relevant codes of conduct. BOCES policies and administrative regulations, collective bargaining agreements, and/or third-party contracts.
Finding That Harassment Did Not Occur

At any level/stage of investigation of alleged harassment, if a determination is made that harassment did not occur, the Complaint Officer will notify the complainant, the alleged offender and the District Superintendent of this determination. Such a finding does not preclude the complainant from filing an appeal pursuant to BOCES policy or regulation and/or pursuing other legal avenues of recourse.

However, even if a determination is made that harassment did not occur, the District Superintendent/designee reserves the right to initiate staff awareness and training, as applicable, to help ensure that the school community is not conducive to fostering harassment in the workplace.

In all cases, the District Superintendent will inform the Board of the results of each investigation involving a finding that harassment did not occur.

Knowingly Makes False Accusations

Employees or student who knowingly makes false accusations against another individual as to allegations of discrimination or harassment will face appropriate disciplinary action.

Prohibition of Retaliatory Behavior

The Board prohibits any retaliatory behavior directed against complainants, victims, witnesses, and/or any other individuals who participated in the investigation of a complaint of discrimination and/or harassment. Complaints of retaliation may be directed to the Civil Rights Compliance Officer. In the event the Civil Rights Compliance Officer is the alleged offender, the report will be directed to another Civil Rights Compliance Officer, if the BOCES has designated another individual to serve in such a capacity, or to the District Superintendent.

Where appropriate, follow-up inquiries will be made to ensure that discrimination and/or harassment has not resumed and that those involved in the investigation have not suffered retaliation.

Additional Provisions

Regulations will be developed for reporting, investigating, and remedying allegations of discrimination and/or harassment.

In order to promote familiarity with issues pertaining to discrimination and harassment in the BOCES, and to help reduce incidents of prohibited conduct, the BOCES will provide appropriate information and/or training to staff and students. As may be necessary, special training will be provided for individuals involved in the investigation of discrimination and/or harassment complaints.

(Continued)
A copy of this policy and its accompanying regulations will be available upon request and will be posted and/or published in appropriate locations and/or school publications.

This policy should not be read to abrogate other BOCES policies and/or regulations or the BOCES Code of Conduct prohibiting other forms of unlawful discrimination, harassment, and/or inappropriate behavior within the BOCES. It is the intention of the BOCES that all such policies and/or regulations be read consistently to provide protection from unlawful discrimination and harassment. However, different treatment of any individual which has a legitimate, legal, and nondiscriminatory reason shall not be considered a violation of BOCES policy.

Age Discrimination in Employment Act, 29 USC Section 621
Americans with Disabilities Act, 42 USC Section 12101 et seq.
Section 504 of the Rehabilitation Act of 1973, 29 USC Section 794 et seq.
Title VI of the Civil Rights Act of 1964, 42 USC Section 2000d et seq.
Title VII of the Civil Rights Act of 1964, 42 USC Section 2000e et seq.
Title IX of the Education Amendments of 1972, 20 USC Section 1681 et seq.
Education Law Section 2801(1)
Executive Law Section 290 et seq.

Refer also to Policies 5121, 6440, 6460 and 6461

Adopted: 1/29/04
Revised: 11/29/05
Revised: 6/26/07
Revised: 5/20/08
Revised: 6/23/09
Revised: 4/13/10
Revised: 8/13/14
Revised: 4/22/15
SUBJECT: UNIFORM VIOLENT AND DISRUPTIVE INCIDENT SYSTEM

In compliance with the Uniform Violent and Disruptive Incident System, the BOCES will record each violent incident that occurs on BOCES property or at a school function. School property shall mean in or within any building, structure, athletic playing field, playground, parking lot or land contained within the real property boundary line of a public elementary or secondary school; or in or on a school bus as defined in Vehicle and Traffic Law Section 142. A school function shall mean a school-sponsored or school-authorized extracurricular event or activity regardless of where such event or activity takes place, including any event or activity that takes place in another state.

In accordance with the manner prescribed, the BOCES will submit an annual report of violent and disruptive incidents (on the *Summary of Violent and Disruptive Incidents* form) from the previous school year to the Commissioner of Education.

The BOCES will collect information identified on the *Individual Violent Disruptive Incident Report* form for the reporting of individual incidents by each building and/or program under its jurisdiction and for the tally count of incidents into the Summary Form. Copies of all source data will be retained for the time prescribed by the Commissioner in the applicable records retention schedule. These reports will be available for inspection by the State Education Department upon request.

All personally identifiable information included in a violent or disruptive incident report will be confidential and will not be disclosed to any person for any purpose other than that specified in Section 2802 of the Education Law, except as otherwise authorized by law.

Education Law Sections 2801(1) and 2802
8 New York Code of Rules and Regulations
(NYCCR) Section 100.2 (gg)

Adopted: 6/26/07
ADMINISTRATION

ADMINISTRATIVE PERSONNEL

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SUBJECT: DISTRICT SUPERINTENDENT

The District Superintendent shall act as the executive officer of the Board, possess the powers and discharge the duties defined in Education Law and be responsible for executing all policies, decisions and orders of the Board of Education.

The District Superintendent shall report to the Board upon the operation of the policies adopted by the Board and may present for consideration such changes and amendments as he/she believes to be desirable or necessary. In the absence of a Board Policy, the District Superintendent shall have the power to take administrative action.

The general administration of all programs shall be under the District Superintendent’s direction and supervision. He/she or his/her designee shall attend all meetings of the Board of Education and shall act in an advisory capacity on all matters. In all emergency situations not specifically designated herein, the District Superintendent shall have the power to act in accordance with his/her best judgment. In the absence of the District Superintendent, the Assistant Superintendents, Directors, Supervisors, and Program Administrators, in that order, shall assume responsibility for administrative decisions.

Adopted: 1/29/04
Revised: 11/29/05
Revised: 4/13/10
SUBJECT: DIRECTORS

Definition

Directors are those BOCES employees officially designated by Board of Education action as responsible for the leadership and direction of Putnam-Northern Westchester BOCES operations, as defined in the official job description covering the individual’s area of responsibility.

The Directors shall meet all certification and/or Civil Service requirements as outlined in New York State Education Law, New York State Civil Service Law and the Rules and Regulations promulgated by the Commissioner of Education of New York State. The Directors shall be obligated to meet or to be eligible to meet these requirements at the time of employment.

The obligations, duties and responsibilities of all Directors shall be set forth in job descriptions for each position designated as a Director’s position by the Board of Education upon the recommendation of the District Superintendent. Job descriptions for each position will be issued by the District Superintendent or his/her designee.

Terms of Employment

All personnel designated as Directors will be appointed to their positions for a probationary period as specified in the appropriate Civil Service or State Education Law. Upon the completion of their probationary appointment, if their performance is deemed satisfactory by the District Superintendent or his/her designee and the Board, tenure or permanent status will be awarded in accordance with state law.

Each Director shall be employed for a full 12-month period, with the employment year beginning on July 1 and concluding on June 30 of the subsequent calendar year.

Directors’ Compensation

Assignment of an individual to a Directorship and placement at a salary shall be the prerogative of the Board of Education, upon the recommendation of the District Superintendent. Directors’ compensation rates will be established annually by the BOCES Board upon the recommendation of the District Superintendent.
SUBJECT: DIRECTORS (Cont’d.)

Conference Attendance, Work-Assigned Travel, Reimbursement for Travel Expenses

a) Conference Attendance

Conference attendance for Directors is covered by the general conference attendance policy. (See Policy #3130)

b) Work-Assigned Travel

Work-assigned travel will be defined as travel involved in the completion of the assigned Director’s tasks. Approval is not required for work-assigned travel which involves the activities within the local area. Other work-assigned travel will follow the guidelines established for conference attendance, i.e., travel requests must be filed for approval of work-assigned travel beyond the local area.
SUBJECT: ADMINISTRATIVE AND SUPERVISORY PERSONNEL

Personnel shall include two groups of employees of the Putnam|Northern Westchester BOCES who are responsible to the Board and are placed under the direct supervision of the District Superintendent and the Assistant Superintendents.

1. Non-Represented certificated and classified supervisory personnel including the Directors, Assistant Directors, Managers and Coordinators.

2. Administrators of instructional programs who are members of the recognized administrative bargaining unit including Principals, Assistant Principals, Supervisors and Program Coordinators.

These employees shall meet all certification requirements, as outlined in New York State Education Law and the Rules and Regulations promulgated by the Commissioner of New York State. The administrative and supervisory personnel shall be obligated to meet these requirements at the time of employment or be eligible to meet these requirements at the time of employment.

The obligations, duties and responsibilities of all administrative and supervisory personnel shall be set forth in a job description for each position as authorized by the Board, upon the recommendation of the District Superintendent.

Education Law Sections 2204, 2212, 3006, 3007, 3008, 3009, 3010, 3014, 3031, 3019-a and 3020-a
Civil Service Law Sections 35(g), 50-59 and 60-65

Adopted: 1/29/04
Revised: 11/29/05
Revised: 5/20/08
Revised: 4/13/10
Revised: 7/2/14
Revised: 11/12/14
SUBJECT: NON-REPRESENTED EMPLOYEES: SALARY AND BENEFITS AND CONDITIONS OF EMPLOYMENT

The BOCES Board of Education will annually review and modify (as necessary) the Terms and Conditions (Salaries and Benefits) documents for those employees who are not members of collective bargaining units, formerly known as “Off Schedule Employees”. Employees who have individual employment contracts with the Board of Education are not included in this policy.

The different groupings of Non-Represented Employees are listed below.

The Terms and Conditions document will be retained by the Human Resources and Professional Development Department. This document will be distributed to Non-Represented Employees upon hire and annually thereafter if changes are made.

Terms and Conditions of Retirees

For Non-Represented Employees who retired prior to July 1, 2014, their terms and conditions of employment that used to reside in Board Policy will now be on file in the Department of Human Resources and Professional Development. All Non-Represented Employees who retire on or after July 1, 2014, will also have their terms and conditions at the point in time of retirement on file in the Department of Human Resources and Professional Development.

Recognition

The following groupings are considered Non-Represented Employees positions:

- Assistant Superintendents
- Certificated Supervisory 12 and 11 month employees
- Classified Supervisory Employees
- Classified Non-Supervisory Employees
- Adult Education Instructors
- Food Service Manager
- Food Service Workers
- Recreational Assistants

Adopted: 7/2/14
SUBJECT: EVALUATION OF THE DISTRICT SUPERINTENDENT AND OTHER ADMINISTRATIVE STAFF

The Board shall conduct an annual evaluation of the performance of the District Superintendent, using procedures agreed to by the District Superintendent and the Board. Such procedures shall be filed in the District Office, and be available for review by any individual. The evaluation report shall be maintained as a confidential document. The District Superintendent shall be granted the opportunity to respond to the evaluation.

All other administrative personnel shall be evaluated by the District Superintendent, the Assistant Superintendents or other administrator to whom they report.

8 New York Code of Rules and Regulations
Section 100.2(o)
SUBJECT: CONFERENCE AND STATE-WIDE MEETING ATTENDANCE BY ADMINISTRATORS AND PROGRAM STAFF

The administrative staff and program staff are encouraged to affiliate with professional organizations and actively participate in educational activities designed to improve their professional competencies. Conferences are an opportunity for administrators to keep abreast of current developments in education. State-wide meetings, such as those conducted by the state-wide BOCES Business officials, the Staff and Curriculum Development Network, the Association of Career and Technical Education Administration of New York State and the Association of Special Education Administrators of New York State provide BOCES staff with the information and skills necessary to provide leadership and support to our districts. Therefore, administrators are encouraged to undertake participation in such appropriate educational proceedings.

Conference participation and meeting attendance shall be governed by available resources and approved by the District Superintendent or designee.

Adopted: 1/29/04
Revised: 11/29/05
Revised: 7/2/14
SUBJECT: ADMINISTRATIVE INTERNS

The BOCES recognizes the value of and need for administrative internships to further develop skills of persons desiring to become full time administrators. To that end, this Board encourages the use of interns from duly accredited colleges and universities.

Adopted: 1/29/04
SUBJECT: CONSULTANTS

The administrative and supervisory staff of the BOCES shall encourage the use of professional consultants from the State Education Department, colleges, universities, and other resource persons, when such consultative services will be helpful in the improvement of the instructional program of BOCES and schools of the component districts. All consultants shall be approved by the District Superintendent or his/her designee prior to the invitation and arrangement for visitation by such person or persons to the area.

Consultants shall be employed according to agreed-upon hourly and/or daily rates commensurate with their standard fees and those paid for such services in the immediate area. Additional expenses for travel, meals and lodging shall be allowed, if applicable and with prior approval. Itemized receipts are required for reimbursement.

Consultants will be employed for purposes such as meetings, planning services, surveys, seminars and workshops. Other purposes may be determined at the discretion of the District Superintendent.

Directors shall submit in writing to the District Superintendent or designee each proposal to use such consultant. Any proposal shall state the name of the consultant(s), area of expertise, the reason for selection, the purpose of presence, the duration of stay, the expected outcomes of participation, and the total cost for the visit.

Adopted: 1/29/04
Revised: 6/26/07
Revised: 7/2/14
SUBJECT: ADMINISTRATIVE LATITUDE IN THE ABSENCE OF BOARD POLICY

From time to time problems and new questions arise for which no specific policy has been prepared. Members of the administrative staff shall act in a manner consistent with the existing policies of the BOCES and shall alert the District Superintendent to the possible need for additional policy development.

Adopted: 1/29/04
SUBJECT: ADMINISTRATIVE ORGANIZATION AND OPERATION

The basic principles of Administrative Organization and Operation are:

a) The Board of Cooperative Educational Services shall formulate and legislate educational policy.

b) Administrative regulations shall be developed by the District Superintendent or designee in cooperation with affected or interested staff members or lay persons.

c) The central office staff shall provide overall leadership and assistance in planning and research.

d) A reasonable limit shall be placed upon the number of persons with whom an administrator shall be expected to work effectively.

e) Areas of responsibility for each individual shall be clearly defined.

f) There shall be full opportunity for complete freedom of communication between all levels in the BOCES staff.

Adopted: 1/29/04
Revised: 7/2/14
PUTNAM/NORTHERN WESTCHESTER
BOARD OF COOPERATIVE EDUCATIONAL SERVICES

District Superintendent
Executive Officer

Claims Auditor

District Clerk
Treasurer*

Executive Director of Human Resources

Assistant Superintendent

Assistant Superintendent for Business

Director of Regional Partnership Center

Director of School Communications

Director of Curriculum and Instructional Services

Director of School Business Administrator

Director of Health Benefits Consortium

Director of School Facilities, Operations & Maintenance

Director of Information Technology

Director of Career & Technical Education, Adult & Continuing Education

Coordinator of Special Education

Coordinator of Regional Partnership Center

Center for Educational Leadership

Asst. Director Curriculum & Instructional Services

School Business Administrator

Health Benefits Consortium

Director of School Facilities, Operations & Maintenance

Director of Information Technology

Director of Career & Technical Education, Adult & Continuing Education

Coordinator of Special Education

Adopted: 01/29/04
Revised: 11/29/05
Revised: 01/22/08
Revised: 05/20/08
Revised: 04/13/10
Revised: 07/01/14
Revised: 09/05/14
Revised: 09/08/15
Revised: 02/06/17
Revised: 08/15/17
Revised: 09/10/18
Revised: 08/22/19
Revised: 07/21/20

*An indirect line of authority exists between the Assistant Superintendent of Business Affairs and the Treasurer
SUBJECT: ADMINISTRATIVE COUNCILS, CABINETS AND COMMITTEES

The Board authorizes the District Superintendent to establish such permanent or temporary councils, cabinets, and committees as are necessary for proper administration of Board policies and for the improvement of the total BOCES program.

All councils, cabinets, and committees created by the District Superintendent shall be for the purpose of obtaining to a maximum degree the advice and counsel of administrative, supervisory and other personnel and to aid in communication. Functioning in an advisory capacity, such groups may make recommendations for submission to the Board through the District Superintendent. Such groups shall exercise no inherent authority. Authority for establishing policy remains with the Board and authority for implementing policy remains with the District Superintendent.

The membership, composition, and responsibilities of administrative councils, cabinets, and committees shall be defined by the District Superintendent and may be changed at his/her discretion.

Refer also to Policy 3221

Adopted: 1/29/04
SUBJECT: CHIEF SCHOOL ADMINISTRATORS’ association

The District Superintendent may establish a Chief School Administrators’ association to provide a means for appropriate and necessary communication to occur between and among the BOCES and the component school districts.

This association may be used to ascertain needs of school districts, discuss proposals for meeting such needs, provide information concerning legal requirements of school districts, communicate information from the Commissioner and the State Education Department and other topics deemed appropriate by the District Superintendent.

It is the intent of this association to maintain and develop close cooperation among and between component school districts and to facilitate the communication process within the BOCES area.

Membership in the Chief School Administrators’ association is limited to the officially appointed Chief School Administrators of the component school districts who shall meet at such times and places as designated by the District Superintendent.

Other personnel of the component school districts and BOCES may be requested to attend regularly or at specific meetings by the District Superintendent to facilitate the matters under consideration.

Adopted: 1/29/04
Revised: 5/20/08
Revised: 7/2/14
SUBJECT: IN-SERVICE COURSE INSTRUCTORS

Qualified instructors may be retained from time to time by the District Superintendent, or designee, for the purpose of teaching in-service courses in furtherance of the program of BOCES and in accord with the policies of the Board.

In determining the fee payable as compensation to such instructor, the District Superintendent, or designee, may consider the instructor’s qualifications and experience, potential contribution to the BOCES program, and the availability of funds.

Either regular employees of the Board or qualified persons who are not regular employees of the Board may be recommended for such employment.

No administrative or supervisory employee of the Board may be compensated for teaching an in-service course that is scheduled for earlier than 6:00 p.m. Such employee may be compensated for teaching a course scheduled for 6:00 p.m. or later with the approval of the District Superintendent, or designee.

Adopted: 1/29/04
Revised: 7/2/14
SUBJECT: MEMBERSHIPS IN PROFESSIONAL ORGANIZATIONS

Membership in professional organizations enables the administrative staff to maintain and enhance their knowledge in areas of their professional responsibilities. Such knowledge contributes to the quality of BOCES programs and functions.

Therefore, the Board authorizes the District Superintendent to approve membership(s) for the Assistant Superintendents, Directors, and other administrators within an amount authorized annually in the budget.

Adopted: 1/29/04
Revised: 11/29/05
Revised: 7/2/14
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2020 4000
Non-Instructional/Business Operations

Putnam|Northern Westchester BOCES

NON-INSTRUCTIONAL/BUSINESS OPERATIONS

(Section 4000)
NON-INSTRUCTIONAL/BUSINESS OPERATIONS (Cont’d.)

Section 4000

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SUBJECT:  BUDGET PLANNING AND PREPARATION

The budget of the BOCES shall be prepared annually for the Board under the supervision of the District Superintendent. On or about September 30 of each year the District Superintendent shall develop a timetable and work plan for the use of the component school districts and BOCES administrators to compile budget data.

The budget calendar shall provide dates for the following:

a) Budget assumptions and guidelines including budget estimates required for CO-SER preparation.

b) Estimates of service costs provided to component districts for their planning purposes.

c) Tentative budget of expenditures for the program costs, a tentative budget for capital costs, and a tentative budget for the administrative costs for Board review.

d) A presentation of the tentative budgets at the Annual Meeting as well as all attachments as mandated by law and/or regulation including but not limited to the BOCES Report Card.

e) Final budget for Board review and adoption after the tentative budgets have been reviewed and the tentative administrative budget has been voted on by the component school boards in accordance with law.

Education Law Section 1950(2-a) and (4)(b)

Refer also to Policy 4120

Adopted:  1/29/04
Revised:  11/29/05
Revised:  6/26/07
Revised:  5/15/12
Revised:  7/2/14
SUBJECT: BUDGET DEVELOPMENT AND ADOPTION

Authorization of the budgetary commitment of a component school district to participate in programs and services provided by Putnam Northern Westchester BOCES rests with the component school board and is executed by the superintendent of the school district. A preliminary service request is due on or about February 1 of each year, with the final request due on or about May 1, in accordance with Section 1950 of Education Law.

The Putnam Northern Westchester Board of Cooperative Educational Services shall prepare separate tentative budgets for its administrative, capital and program costs as delineated in accordance with law and/or regulation. All three tentative budgets will be formally presented to the component districts at the Annual Meeting held on or before April 15.

The BOCES administrative budget shall include, but is not limited to, central administrative expenses; traveling expenses; salaries and benefits of supervisors and administrative personnel necessary to carry out the central administrative duties of the Supervisory District; all expenditures associated with the Board, the office of the District Superintendent, general administration, central support services, all retiree benefits and all other administrative activities. The BOCES capital budget shall include, but is not limited to, facility construction or acquisition; capital projects; and annual rental and lease payments for all facilities rented by the BOCES. The capital budget also includes expenditures resulting from court judgments and orders from administrative bodies or officers. The program budgets shall include all costs related to program delivery in compliance with Co-Ser guidelines.

The Board must attach to the administrative budget a detailed statement of the total compensation to be paid to the District Superintendent, delineating the salary, annualized cost of benefits and any in-kind or other form of remuneration to be paid.

The three tentative budgets and attachments shall be provided to each component school board at least 10 days prior to the Annual Meeting. The board of each component school district shall adopt a public resolution approving or disapproving such tentative administrative budget at a regular or special meeting held on the same date designated for election of members of the Putnam Northern Westchester Board of Cooperative Educational Services. Each component board is entitled to one vote on the proposed administrative budget. Approval of the tentative administrative budget requires the approval of a majority of the total number of component school boards actually voting. If a majority of the components actually voting turns down the administrative budget or if there is a tie vote, the Cooperative Board will adopt and prepare a contingency administrative budget which may not exceed the previous year’s budget except for increases to supplemental retirement allowances. If the majority of component districts actually voting approves the tentative administrative budget, the Cooperative Board may adopt the administrative budget without modification.

(Continued)
SUBJECT: BUDGET DEVELOPMENT AND ADOPTION (Cont’d.)

While the BOCES capital and program budgets are presented to the component districts for their review, the adoption of those budgets is the sole responsibility of the Putnam|Northern Westchester Board of Cooperative Educational Services. The law requires that the Board adopt its final administrative, capital and program budgets by May 15.

After this date, requests for changes in a district's level of participation, either increases or decreases, shall be made in writing by the component school superintendent or his/her designee to the District Superintendent or his/her designee.

Requests from component school districts for services not available from Putnam|Northern Westchester BOCES must be made in writing to the District Superintendent or his/her designee who may authorize the issuance of a cross contract with another BOCES.

Education Law Section 1950(2-a), and (4)(b)
8 New York Code of Rules and Regulations
(NYCRR) Section 170.3

Refer also to Policy 4110
SUBJECT:  ADMINISTRATION OF BUDGET

The District Superintendent is responsible to the Putnam|Northern Westchester Board of Cooperative Educational Services for the administration of the budget.

a) The District Superintendent/designee shall acquaint BOCES employees with the final provisions of the program budget and guide them in planning to operate efficiently and economically within these provisions. The Board will adopt a budget for the following fiscal year by May 15. Function and object appropriations for line items shall be determined by July 1.

b) Under the District Superintendent's direction, the Director of Business Affairs shall maintain such records of accounting control as are required by the New York State Uniform System of Accounts, the Board of Cooperative Educational Services, and such other procedures as are deemed necessary, and shall keep the various administrative units informed as to the status of their individual budgets, on a service and object basis. The Business Office shall bring to the attention of the administrative units and the District Superintendent any deviations from original requests.

c) Department Directors are responsible to the District Superintendent for the operation of their units within budgetary limits.

d) The District Superintendent shall require the Director of Business Affairs to render a summary report by program or major function beginning in December each year, and then monthly for the remainder of the year, that specifies by Co-Ser changes to the budget.

Budget Transfers

The District Superintendent, in compliance with the Commissioner’s Regulations, shall be authorized to approve the transfer of funds between/within budget functions as stipulated at the Board’s annual organizational meeting.

8 New York Code of Rules and Regulations
(NYCRR) Section 170.2

Adopted:  1/29/04
Revised:  11/29/05
Revised:  6/26/07
SUBJECT: INVESTMENTS

Scope

The Putnam|Northern Westchester BOCES Investment Program as authorized by Putnam|Northern Westchester Board of Cooperative Educational Services applies to all monies and other financial resources available for investment on its own behalf or on behalf of any other entity or individual.

Objectives

The primary objectives of the BOCES investment activities are, in priority order,

a) To conform with all applicable federal, state and other legal requirements (legal);
b) To adequately safeguard principal (safety);
c) To provide sufficient liquidity to meet all operating requirements (liquidity); and
d) To obtain a reasonable rate of return (yield).

Delegation of Authority

The Board of Cooperative Educational Services’ responsibility for administration of the investment program is delegated to the Treasurer/Deputy Treasurer of the Board, who shall establish written procedures for the operation of the investment program consistent with these investment guidelines. Such procedures shall include an adequate internal control structure to provide a satisfactory level of accountability based on a data base or records incorporating description and amounts of investments, transaction dates, and other relevant information and to regulate the activities of subordinate employees.

Prudence

All participants in the investment process shall seek to act responsibly as custodians of the public trust.

Investments shall be made with judgment and care, under circumstances then prevailing, not for speculation, but for investment, considering the safety of the principal as well as the probable income to be derived.

Diversification

It is the policy of the Putnam|Northern Westchester BOCES to diversify its deposits and investments by financial institution, by investment instrument, and by maturity scheduling. For the Workers Compensation and PNW Health Consortium funds, the Treasurer may utilize an asset management firm to maximize return on investments.

(Continued)
SUBJECT: INVESTMENTS (Cont’d.)

Designation of Depositaries

The banks and trust companies authorized for the deposit of monies are reviewed and approved by the Board at its annual reorganization meeting.

Collateralizing of Deposits

In accordance with the provisions of General Municipal Law, Section 10, all deposits of Putnam|Northern Westchester BOCES, including certificates of deposit and special time deposits, in excess of the amount insured under the provisions of the Federal Deposit Insurance Act shall be secured:

a) By a pledge of “eligible securities” with an aggregate “market value” of 102% of the aggregate amount of deposits from the following categories:

1. Obligations issued or fully insured or guaranteed as to the payment of principal and interest by the United States of America, an agency thereof or a United States government sponsored corporation.

2. Obligations partially insured or guaranteed by any agency of the United States of America, at a proportion of the market value of the obligation that represents the amount of the insurance or guaranty.

3. Obligations issued or fully insured or guaranteed by the State of New York, obligations issued by a municipal corporation, school district or district corporation of such state or obligations of any public benefit corporation which under a specific state statute may be accepted as security for deposit of public monies.

4. Such other instruments of securities as may, from time to time, be legally permissible collateral for deposit of both New York State District and municipal corporation monies.

(Continued)
SUBJECT: INVESTMENTS (Cont’d.)

Safekeeping and Collateralization

Eligible securities used for collateralizing deposits shall be held by the third party bank or trust company subject to security and custodial agreements.

The security agreement shall provide that eligible securities are being pledged to secure Putnam|Northern Westchester BOCES deposits together with agreed upon interest, if any, and any costs or expenses arising out of the collections of such deposits upon default. It shall also provide the conditions under which the securities may be sold, presented for payment, substituted or released and the events which will enable the Putnam|Northern Westchester BOCES to exercise its rights against the pledged securities. In the event that the securities are not registered or inscribed in the name of the Putnam|Northern Westchester, such securities shall be delivered in a form suitable for transfer or with an assignment to the Putnam|Northern Westchester BOCES or its custodial bank.

The custodial agreement shall provide that securities held by the bank or trust company, or agent of and custodian for, the BOCES, will be kept separate and apart from the general assets of the custodial bank or trust company and will not, in any circumstances, be commingled with or become part of the backing for any other deposit or other liabilities. The agreement should also describe how the custodian shall confirm the receipt, substitution or release of the securities. The agreement shall provide for the frequency of revaluation of eligible securities and for the substitution of securities when a change in the rating of a security may cause ineligibility. Such agreement shall include all provisions necessary to provide the BOCES a perfected interest in the securities.

Permitted Investments

As authorized by General Municipal Law, Section 11, the Putnam|Northern Westchester BOCES authorizes the Treasurer/Deputy Treasurer to invest moneys not required for immediate expenditure for terms not to exceed its projected cash flow needs in the following types of investments:

a) Special time deposit accounts;
b) Certificates of deposit;
c) Obligations of the United States of America;
d) Obligations guaranteed by agencies of the United States of America where the payment of principal and interest are guaranteed by the United States of America;
e) Obligations of the State of New York;
f) Obligations issued pursuant to LFL Section 24.00 or 25.00 (with approval of the State Comptroller) by any municipality, school district or district operation other than the Putnam|Northern Westchester BOCES;

(Continued)
SUBJECT: INVESTMENTS (Cont’d.)

g) Obligations of this BOCES, but only with any moneys in a reserve fund established pursuant to General Municipal Law Sections 6-c, 6-d, 6-e, 6-g, 6-h, 6-j, 6-k, 6-l, 6-m, or 6-n.

h) Repurchase transaction (Repos) guaranteed by obligations of the United States or the State of New York;

i) Such other investments as may, from time to time, be legally permissible investments for both school districts and municipal corporations in New York.

All investment obligations shall be payable or redeemable at the option of the Putnam|Northern Westchester BOCES within such times as the proceeds will be needed to meet expenditures for purposes for which the monies were provided and, in the case of obligations purchased with the proceeds of bonds or notes, shall be payable or redeemable at the option of the Putnam|Northern Westchester BOCES within two (2) years of the date of purchase.

Authorized Financial Institutions and Dealers

The Putnam|Northern Westchester BOCES shall maintain a list of financial institutions and dealers approved for investment purposes and establish appropriate limits to the amount of investments which can be made with each financial institution or dealer. All financial institutions with which the BOCES conducts business must be credit worthy. Banks shall provide their most recent Consolidated Report of Condition (Call Report) at the request of the Putnam|Northern Westchester BOCES. Security dealers not affiliated with a bank shall be required to be classified as reporting dealers affiliated with the New York Federal Reserve Bank, as primary dealers. The Treasurer/Deputy Treasurer is responsible for evaluating the financial position and maintaining a listing of proposed depositaries, trading partners and custodians. Such listing shall be evaluated at least annually by the Treasurer and approved by the Board.

Purchase of Investments

The Treasurer/Deputy Treasurer is authorized to contract for the purchase of investments:

a) Directly, including through a repurchase agreement, from an authorized trading partner.

b) By participation (including participation as the lead, managing, or agent participant) in a cooperative investment program with other authorized governmental entities pursuant to Opinion No. 88-46, (e.g. the Cooperative Liquid Assets Security System or CLASS).

c) By utilizing an ongoing investment program with an authorized trading partner pursuant to a contract authorized by the Board.

(Continued)
SUBJECT: INVESTMENTS (Cont’d.)

All purchased obligations, unless registered or inscribed in the name of the BOCES, shall be purchased through, delivered to and held in the custody of a bank or trust company. Such obligations shall be purchased, sold or presented for redemption or payment by such bank or trust company only in accordance with prior authorization from the officer authorized to make the investment. All such transactions shall be confirmed in writing to the Putnam|Northern Westchester BOCES by the bank or trust company. Any obligation held in the custody of a bank or trust company shall be held pursuant to a written custodial agreement as described in General Municipal Law, Section 10.

Repurchase Agreements

Repurchase agreements are authorized subject to the following restrictions:

a) All repurchase agreements must be entered into subject to a Master Repurchase Agreement.

b) Trading partners are limited to banks or trust companies authorized to do business in New York State and primary reporting dealers.

c) Obligations shall be limited to obligations of the United States of America and obligations guaranteed by agencies of the United States of America.

d) No substitution of securities will be allowed.

e) The custodian shall be a party other than the trading partner.

Adopted: 1/29/04
Revised: 6/26/07
Revised: 6/23/09
Revised: 5/15/12
SUBJECT: APPLICATIONS FOR STATE AND FEDERAL FUNDS

The District Superintendent or a designee shall seek State and Federal aid and/or other funds to the greatest extent possible in financing BOCES programs, provided such funds are not to be used for partisan political purposes such as lobbying activities, the production of publications, or the production of any other materials intended for influencing legislation. Successful program awards shall be reported to the Board on a quarterly basis.

Compliance Supplement for Single Audit of State and Local Governments (revised September 1990) supplementing OMB Circular A-128

Adopted: 1/29/04
Revised: 11/29/05
SUBJECT: ACCEPTANCE OF GIFTS, GRANTS AND BEQUESTS TO BOCES

The Board may accept gifts, grants and/or bequests of money, real or personal property, as well as other merchandise which, in view of the Board, add to the overall welfare of BOCES, provided that such acceptance is in accordance with existing laws and BOCES policy. However, the Board is not required to accept any gift, grant or bequest and does so at its discretion, basing its judgment on the best interest of BOCES. Furthermore, the Board will not accept any gift, grant or bequest which constitutes a conflict of interest and/or gives an appearance of impropriety.

At the same time, the Board will safeguard the BOCES, the staff and students from commercial exploitation, from special interest groups, and the like.

The Board will not accept any gifts or grants which will place unreasonable encumbrances on future Boards, or result in unreasonable additional or hidden costs to BOCES.

The Board will not consider formally the acceptance of gifts or grants until and unless it receives the offer in writing from the donor/grantor. For any scholarship fund connected to BOCES, a statement of intent with regard to the specific disposition of the monies should be included as well as detailed criteria for the award of scholarship funds. Any such gifts or grants donated to the Board and accepted on behalf of BOCES must be by official action and resolution passed by Board majority. The Board would prefer the gift or grant to be a general offer rather than a specific one. Consequently, the Board would suggest that the donor/grantor work first with BOCES administrators in determining the nature of the gift or grant prior to formal consideration for acceptance by the Board. However, the Board, in its discretion, may direct the District Superintendent to apply such gift or grant for the benefit of a specific school program or service.

The Board is prohibited, in accordance with the New York State Constitution, from making gifts/charitable contributions with BOCES funds.

Gifts and/or grants of money to BOCES shall be annually accounted for under the trust and agency account in the bank designated by the Board.

All gifts, grants and/or bequests shall become BOCES property. A letter of appreciation, signed by the President of the Board and/or the District Superintendent, may be sent to a donor/grantor in recognition of his/her contribution to BOCES.

Gifts of money not required for immediate expenditure, must be invested pursuant to General Municipal Law Section 11.

Gifts exceeding fifty dollars ($50) given to BOCES employees will be returned or donated to BOCES.

New York State Constitution 8, Section I
Education Law Sections 1709(12) and (12-a) and 1718(2)
General Municipal Law Section 805-a(1)

Refer also to Policy 4320

Adopted: 1/29/04
Revised: 6/26/07
Revised: 4/25/12
SUBJECT: CORPORATE SPONSORSHIPS

The Board recognizes the benefits that may be obtained by entering into agreements with a “corporate sponsor.” A “corporate sponsor” for the purposes of this policy, is defined in accordance with Commissioner Regulations as “the sponsorship of the underwriting of an activity on school premises which does not involve the commercial promotion of a particular product or service.”

Corporate sponsorships may be recommended by the District Superintendent and, depending on the dollar value of the corporate contribution, may be subject to approval of the Board in accordance with the BOCES procurement policy. Corporate sponsorships are evaluated on a case by case basis in accordance with the principles established by the Board.

The Board will carefully consider whether the commercial aspects of a corporate sponsorship are an acceptable influence on students. The Board recognizes and understands its fiduciary responsibility to weigh all considerations and decide whether such arrangements are in the best interest of the children it is obligated to educate, nurture and protect.

Any agreement entered into by the BOCES and a corporate sponsor should be in accordance with the following principles:

a) Consistency with academic standards and goals.

b) Consistency with non-discrimination policies and age-appropriateness.

c) No corporate support or activity will be permitted in the BOCES that:

1) Promotes gambling, illicit drugs, alcohol, tobacco, or firearms;

2) Promotes hostility, disorder or violence;

3) Attacks or demeans any ethnic, racial, religious group or sexual orientation;

4) Is libelous;

5) Contains adult content, including nudity, sexual terms and/or images of people in positions or activities that are excessively suggestive or sexual, or provocative images in violation of community standards.

6) Promotes a specific religion;

7) Promotes or opposes any political candidate or ballot proposition;

8) Inhibits the functioning of any school; or

9) Any other item deemed to be inappropriate for students.

(Continued)
SUBJECT: CORPORATE SPONSORSHIPS (Cont’d.)

d) Students shall not be required to view commercial promotional activity.

e) In accordance with Family Educational Rights and Privacy Act (FERPA), the collection of personal information from students by corporate sponsors is prohibited.

f) Sponsorship permitted pursuant to this policy shall not be considered as an endorsement or approval by the Board of any particular group, organization or company, nor of any purposes, programs, activities, products or services of any such group.

8 New York Code of Rules and Regulations (NYCRR) Section 23

Adopted: 9/12/11
Revised: 5/15/12
Revised: 1/13/15
SUBJECT: PURCHASING

a) It is the policy of the Board that a purchasing system be developed and maintained which provides safe, reliable products, materials and services which benefit the educational program. The Board declares its intention to purchase competitively without prejudice and to seek maximum educational value for every dollar expended.

b) Specifications shall be developed with the involvement of staff who use the purchased goods and services and are therefore in a position to effectively recommend acceptable levels of quality required for each program. Quality levels shall provide for accomplishment of program objectives.

c) The Board shall appoint a Purchasing Agent for the BOCES based upon the recommendation of the District Superintendent. The Purchasing Agent shall be responsible for the development and supervision of the purchasing system for the BOCES. This role is currently held by Melissa Kansky.

d) The acquisition of services, equipment, and supplies is centralized in the purchasing department, which functions under the supervision of the Purchasing Agent, and through whose office all purchasing transactions are conducted.

e) Competitive bids or quotations shall be solicited in connection with all purchasing in accordance with applicable State Laws and Regulations of the Commissioner of Education. Competitive bids from other municipal and governmental agencies may also be utilized when such purchases are in the best interest of BOCES. Purchase order contracts shall be awarded to the lowest responsible bidder complying with specifications and with other stipulated bidding conditions. Documented reasons for the low bids not meeting specifications shall be the sole basis for rejection and submitted with bid tabulations and evaluation. The Board may choose to reject any bid for good and sufficient cause.

f) The Purchasing Agent is authorized to issue purchase orders without prior approval of the Board where formal bidding procedures are not required by law, and when budget appropriations are adequate to cover such obligations. Informal quotations will be sought whenever practical.

g) All purchase contracts for materials, supplies or equipment shall be governed by the prevailing regulations contained in New York State General Municipal Law, Section 103. When required, the purchasing agent (or the designated person) is authorized to open sealed bids and record the same pursuant to law.

h) All purchase contracts which require public advertising and competitive bidding shall be awarded by resolution of the Board. Recommendations for the award of all such contracts shall be submitted to the Board by the Purchasing Agent.

(Continued)
SUBJECT: PURCHASING (Cont'd.)

i) Residence or place of business of local bidders may be a consideration only in cases where identical bids have been submitted.

j) Purchases shall be made through available State contracts of the Office of General Services, whenever such purchases are in the best interest of the BOCES.

k) Items commonly used in the various schools or units thereof shall be grouped into standard specifications whenever consistent with educational goals and in the interest of efficiency or economy through volume purchasing.

l) The purchasing procedures employed shall comply with all applicable laws and regulations of the State and Commissioner of Education.

m) A statement of “General Conditions” shall be included with all specifications submitted to suppliers for their bids. These general conditions shall be binding in all contracts, where applicable, which are awarded for the purchase of materials, equipment and supplies. The conditions shall include items regarding delivery, service and duration of the bid and the penalties of non-compliance.

n) Opportunity shall be provided to all responsible suppliers to do business with the BOCES. To this end the Purchasing Agent shall develop and maintain lists of potential bidders for the various types of materials, equipment and supplies. Such bidder lists shall be used in the development of a mailing list for distribution of specifications and invitations to bid. Any supplier may be included in the list upon request.

The Board reserves the right to disqualify bidders/vendors whose service is deemed unsatisfactory or who provide unsatisfactory or inferior material, equipment or products.

o) The District Superintendent shall be authorized to arrange for emergency service or purchase in the event of an occurrence which endangers the health and safety of students and staff. The Board shall be notified when such action is taken by the District Superintendent.
SUBJECT: PURCHASING (Cont'd.)

p) The Purchasing Agent may require bid security on all bids in excess of $20,000, on all contracts for service, and on all contracts which allow product delivery over a period of six months or more.

q) Upon the adoption of a resolution by a vote of at least three-fifths (3/5) of all Board members stating that for reason of efficiency and economy there is a need for standardization, purchase contracts for a particular type or kind of equipment, materials or supplies if more than twenty thousand ($20,000) dollars may be awarded by the Board to the lowest responsible bidder furnishing the requested security after advertisement for sealed bids in the manner provided by law.

r) The District Superintendent is authorized to enter into cooperative bidding for various needs of the BOCES.

General Municipal Law Article 5-A
Education Law Section 305(14)
8 New York Code of Rules and Regulations (NYCRR)
Section 170.2

Adopted: 1/29/04
Revised: 11/29/05
Revised: 6/26/07
Revised: 9/12/11
Revised: 5/15/12
Revised: 5/13/14
Revised: 1/13/15
Revised: 12/11/18
SUBJECT: PROCUREMENT OF GOODS AND SERVICES

The Board recognizes its responsibility to ensure the development of procedures for the procurement of goods and services not required by law to be made pursuant to competitive bidding requirements. These goods and services must be procured in a manner so as to:

a) Assure the prudent and economical use of public monies to seek maximum education value;

b) Facilitate the acquisition of goods and services of maximum quality at the lowest possible cost under the circumstances; and

c) Guard against favoritism, improvidence, extravagance, fraud and corruption.

These procedures shall contain, at a minimum, provisions which:

a) Prescribe a process for determining whether a procurement of goods and services is subject to competitive bidding and if it is not, documenting the basis for such determination;

b) With certain exceptions (purchases pursuant to General Municipal Law, Section 186; State Finance Law, Section 175-a and 175-b; State Correction Law, Section 184; or those circumstances or types of procurements set forth in (f) of this section), provide that alternative proposals or quotations for goods and services shall be secured by use of written request for proposals, written quotations, verbal quotations or any other method of procurement which furthers the purposes of Section 104-b of General Municipal Law;

c) Set forth when each method of procurement will be utilized;

d) Require adequate documentation of actions taken with each method of procurement;

e) Require justification and documentation of any contract awarded to other than the lowest responsible bidder, stating the reasons; and

f) Set forth any circumstances when, or the types of procurement for which, the solicitation of alternative proposals or quotations will not be in the best interest of the BOCES.

Any unintentional failure to fully comply with these provisions shall not be grounds to void action taken or give rise to a cause of action against the BOCES or any BOCES employee.

The Board shall solicit comments concerning the District’s policies and procedures from those employees involved in the procurement process. All policies and procedures regarding the procurement of goods and services shall be reviewed annually by the Board.

(Continued)
SUBJECT: PROCUREMENT OF GOODS AND SERVICES (Cont’d.)

Preference in the purchase of instructional materials will be given to vendors who agree to provide materials in a usable alternative format (i.e., any medium or format, other than a traditional print textbook, for presentation of instructional materials that is needed as an accommodation for each student with a disability, including students requiring Section 504 Accommodation Plans, enrolled in the BOCES). Alternative formats include, but are not limited to, Braille, large print, open and closed captioned, audio, or an electronic file in an approved format as defined in Commissioner’s Regulations.

The BOCES will ensure that all instructional materials to be used in the BOCES are available in a usable alternative format for each student with a disability, including students requiring Section 504 Accommodation Plans, in accordance with his or her educational needs and course selection, at the same time as such instructional materials are available to non-disabled students. The established procedures shall include those provisions mandated by Education Law and Commissioner’s Regulations.

Environmentally Sensitive Cleaning and Maintenance Products

In accordance with Commissioner’s Regulations, State Finance Law and Education Law, effective with the 2006-2007 school year, the BOCES shall follow guidelines, specifications and sample lists when purchasing cleaning and maintenance products for use in its facilities. Such facilities include any building or facility used for instructional purposes and the surrounding grounds or other sites used for playgrounds, athletics or other instruction.

Environmentally sensitive cleaning and maintenance products are those which minimize adverse impacts on health and the environment. Such products reduce as much as possible exposures of children and school staff to potentially harmful chemicals and substances used in the cleaning and maintenance of school facilities. The BOCES shall identify and procure environmentally sensitive cleaning and maintenance products which are available in the form, function and utility generally used. Coordinated procurement of such products as specified by the Office of General Services (OGS) may be done through central state purchasing contracts to ensure that the BOCES can procure these products on a competitive basis.

General Municipal Law, Sections 103(1)(5) and 104-b

Adopted: 1/29/04
Revised: 11/29/05
Revised: 6/26/07
Revised: 1/22/08
Revised: 6/23/09
SUBJECT: WESTCHESTER COUNTY MUNICIPAL PURCHASING PROGRAM

The Westchester County Purchasing Agent will act as Purchasing Agent for commodities requested for the Board of Cooperative Educational Services, Sole Supervisory District of Putnam and Westchester Counties, under the provisions of the Westchester County Municipal Purchasing Program.

The following employees of the Putnam|Northern Westchester Board of Cooperative Educational Services are authorized to sign appropriate requisitions:

- District Superintendent
- Assistant Superintendent for Administration
- Director of Business Affairs
- Purchasing Agent

The following Putnam|Northern Westchester BOCES officials are authorized to audit and pay County bills for the cost of County services within thirty (30) days after receipt of said bill:

- Claims Auditor
- Treasurer
- Deputy Treasurer

Adopted: 1/29/04
Revised: 11/29/05
Revised: 6/26/07
SUBJECT:  BOCES PERSONAL PROPERTY ACCOUNTABILITY

Definition of Personal Property

a) Personal property shall mean all tangible personal property of the Board of Cooperative Educational Services (BOCES) that is not consumable and has a useful life of one year or more including, but not limited to equipment, supplies, parts, vehicles and materials, provided that such terms shall not include buildings or other real property or equipment which is permanently affixed to real property, or leases, notes or other written instruments.

b) Valuable personal property shall mean personal property which has a unit resale value of $500 or more, and equipment, supplies, parts or materials which are disposed of in lots having an aggregate resale value of $500 or more.

c) Surplus personal property shall mean personal property which has no known immediate or currently foreseeable use to the Board of Cooperative Educational Services.

Purchasing

The Board views purchasing as serving the educational program by providing necessary supplies, equipment and related services. Purchasing will be centralized in the business office under the general supervision of the Purchasing Agent designated by the Board.

It is the goal of the Board to purchase competitively, without prejudice or favoritism, and to maximize the value for every dollar expended. Competitive bids or quotations shall be solicited in connection with purchases pursuant to law. The General Municipal Law requires that purchase contracts for materials, equipment and supplies involving an estimated annual expenditure exceeding $20,000 and public work contracts involving an expenditure of more than $35,000 will be awarded only after responsible bids have been received in response to a public advertisement soliciting formal bids. Similar procurements to be made in a fiscal year will be grouped together for the purpose of determining whether a particular item must be bid.

Goods and services which are not required by law to be procured by the Board through competitive bidding will be procured in a manner so as to ensure the prudent and economical use of public monies, in the best interests of the taxpayers, to facilitate the acquisition of goods and services of maximum quality at the lowest possible cost under the circumstances, and to guard against favoritism, improvidence, extravagance, fraud and corruption.

Alternative proposals or quotations will be secured by requests for proposals, written or verbal quotations or any other appropriate method of procurement, except for procurements:

a) under a county contract;
b) under a State contract;
c) of articles manufactured in State correctional institutions; or
d) from agencies for the blind and severely disabled.

(Continued)
SUBJECT: BOCES PERSONAL PROPERTY ACCOUNTABILITY (Cont’d.)

The Board’s purchasing activity will strive to meet the following objectives:

a) To effectively supply all administrative units in the school system with needed materials, supplies, and contracted services;

b) To obtain materials, supplies and contracted services at the lowest prices possible consistent with the quality and standards needed as determined by the Purchasing Agent in cooperation with the requisitioning authority. The educational welfare of the students is the foremost consideration in making any purchase;

c) To ensure that all purchases fall within the framework of budgetary limitations and that they are consistent with the educational goals and programs of BOCES;

d) To maintain an appropriate and comprehensive accounting and reporting system to record and document all purchasing transactions; and

e) To ensure, through the use of proper internal controls, that loss or diversion of district property is prevented.

Opportunities shall be provided to all responsible suppliers to do business with BOCES. Suppliers whose place of business is situated within the 18 component districts within Putnam/Northern Westchester BOCES may be given preferential consideration only when bids or quotations on an item or service are identical as to price, quality and other factors. Purchases will be made through available cooperative BOCES bids, State contracts of the Office of General Services or county contracts whenever such purchases are in the best interests of BOCES. In addition, the BOCES will make purchases from correctional institutions and severely disabled persons through charitable or non-profit making agencies, as provided by law.

BOCES will provide justification and documentation of any contract awarded to a bidder other than the lowest responsible bidder, setting forth the reasons why such award is in the best interest of BOCES and otherwise furthers the purposes of section 104-b of the General Municipal Law.

The Purchasing Agent will not be required to secure alternative proposals of quotations for:

a) Emergencies where time is a crucial factor;

b) Procurements for which there is no possibility of competition (sole source items);

c) Procurements of professional services, which, because of the confidential nature of the services, do not lend themselves to procurement through solicitation; or

d) Very small procurements when solicitations of competition would not be cost-effective.

(Continued)
SUBJECT:  BOCES PERSONAL PROPERTY ACCOUNTABILITY (Cont’d.)

The District Superintendent, with the assistance of the Purchasing Agent, shall be responsible for the establishment and implementation of the procedures and standard forms for use in all purchasing and related activities in BOCES. Such procedures shall comply with all applicable laws and regulations of the State and the Commissioner of Education.

No Board member, officer or employee of BOCES shall have an interest in any contract entered into by the Board, as provided in Article 18 of the General Municipal Law.

The BOCES shall submit its amended policy, within 30 days of its adoption, to the Commissioner of Education for approval.

Any complaint concerning an alleged violation of this policy shall be submitted to the District Superintendent on an appropriate form prescribed by the District Superintendent. The District Superintendent shall cause an investigation to be conducted and a report shall be filed in his/her office at the completion of the investigation. The District Superintendent is responsible for and shall take such action as is necessary for the enforcement of this policy.

The unintentional failure to fully comply with the provisions of section 104-b of the General Municipal Law of BOCES policies regarding procurement will not be grounds to void action taken or give rise to a cause of action against BOCES or any officer or employee of BOCES.

Prohibition Regarding BOCES Property

New York State Constitution, Article XIII Section 1, provides that BOCES is prohibited from giving or lending any of its property in aid of an individual.

No BOCES employee or official shall use the school premises or property either directly or indirectly to further such employee’s or official’s personal interest.

No school property other than those items necessary for employees to fulfill their professional responsibilities (e.g. textbooks, cell phones) shall be removed from a school building or a facility without the written permission of the individual in charge of such building or facility. The written permission shall describe the item taken, the purpose and when such item is to be returned. A copy of this permission slip shall be filed with the District Superintendent and shall be available for public inspection.

Refer also to Policy 4490

Adopted: 1/29/04
Revised: 11/29/05
Revised: 6/26/07
Revised: 4/25/12

(All revisions to this policy must be sent to SED – Office of Ed Management/BOCES)
SUBJECT:  FIXED ASSET INVENTORIES, ACCOUNTING AND TRACKING

The District Superintendent or his/her designee will maintain a continuous and accurate inventory of fixed assets owned by the BOCES in accordance with applicable rules, standards, procedures, and best practices. Fixed assets are, generally, long-term, tangible resources intended to be continuously held or used, and may include land, buildings, improvements, machinery, and equipment.

All fixed assets purchased and received by the BOCES will be checked, logged, and stored through an established procedure.

The Business Official will account for assets on an annual basis according to applicable rules, standards, procedures, and best practices. These accounts will serve to:

a) Maintain an inventory of assets;
b) Establish accountability;
c) Determine replacement costs; and
d) Determine and provide appropriate insurance coverage.

The Board will establish a dollar threshold as a basis for considering which fixed assets are to be depreciated. This threshold will ensure that at least (80%) of the value of these assets is reported. The threshold will not be greater than ($5000). Standard methods and averaging conventions will be used in assessing, capitalizing, and depreciating fixed assets.

Fixed assets will be recorded at initial cost or, if not available, at estimated initial cost; gifts of fixed assets will be recorded at estimated fair value at the time of the gift. A property record will be maintained for each fixed asset and will contain, where possible, the following information.

a) Date of acquisition;
b) Description;
c) Serial or other identification number;
d) Any funding source and percentage contributed by the source;
e) Vendor;
f) Cost or value;
g) Location and use;
h) Asset type;
i) Condition and estimated useful life;
j) Replacement cost;
k) Current value;
l) Salvage value;
m) Sale price and date and method of disposition; and
n) Responsible official.

(Continued)
All fixed assets will be labeled. Any discrepancies between an inventory and the BOCES property records should be traced, explained, and documented.

The Director of Business Affairs shall arrange for a full capital asset inventory and appraisal of BOCES property, equipment and material by a qualified third party vendor at least once every five years. Any discrepancies between an inventory and the BOCES property records on file should be traced and explained.

Management of Assets Acquired Under a Federal Government Grant or Subgrant

Inventories will be maintained for assets acquired with funds obtained through federal grant programs. A separate inventory will be maintained for each program. Each inventory will record assets in the same manner as the BOCES fixed asset inventory. Assets will be labeled to specify the source of funds used to purchase the item. All Title I assets will include “Title I” on the label. These inventories will track assets for at least five years from the date of receipt.

When original or replacement assets acquired under a federal grant or subgrant are no longer needed for the original project or for other activities currently or previously supported by a federal agency, the BOCES will dispose of the assets as follows:

a) Assets with a current per-unit fair market value of less than $5,000 may be retained, sold, or otherwise disposed of with no further obligation to the awarding agency.

b) Assets with a current per-unit fair market value of greater than $5,000 may be retained or sold and the awarding agency will have a right to an amount calculated by multiplying the current market value or proceeds from the sale by the awarding agency’s share of the assets.

c) No federal approval is necessary to dispose of an asset costing over $5,000 but approval from the New York State Education Department (SED) is necessary. Once SED has determined that it has no other need for the use of the asset, the BOCES may proceed with selling it.

The BOCES will comply with the U.S. Department of Education regulations governing the use, management, and disposition of all equipment required through a federal government grant.

Equipment Purchased with Extraclassroom Funds

Title to all equipment acquired with extraclassroom activity funds will reside with the BOCES and be carried as an insurable asset on its list of insurable values. This equipment will be tagged as BOCES property, but is available for exclusive use by the extraclassroom activity club acquiring it.

(Continued)
SUBJECT: FIXED ASSET INVENTORIES, ACCOUNTING AND TRACKING (Cont'd.)

34 CFR Parts 74-99, 200
SED Finance Pamphlet, The Safeguarding, Accounting and Auditing of Extraclassroom Activity Funds, 2015
Uniform System of Accounts for School Districts (Fiscal Section)

Refer also to Policy 4320

Adopted: 1/17/17
SUBJECT: APPROVAL OF CONTRACTS

The Board authorizes the District Superintendent or his designee to approve all contracts, including contracts with consultants, under $20,000. The Board will be provided with a listing of all contracts as part of the monthly check register report. Contracts of 20,000 or more must be approved by the Board as part of a Board agenda.

Adopted: 5/20/08
Revised: 1/21/16
SUBJECT: CONTRACTING FOR PROFESSIONAL SERVICES

The Board will make certain that professional services are secured in a manner that protects the integrity of the process, ensures the prudent use of taxpayer dollars and provides a high quality standard of service, in accordance with law and regulation. Professional services are defined as services requiring special skill and/or training, including but not limited to legal services, medical services, auditing services, property appraisals, architectural services and insurance.

Purchasing professional services does not require competitive bidding. The Board directs the District Superintendent to take measures to ensure that a highly qualified professional is secured through the prudent and economical use of public money, which may include:

1. reviewing trade journals;
2. checking professional listings; and/or
3. inquiring of other districts or other appropriate sources.

The designated BOCES staff will prepare a comprehensive written request for proposal (RFP), which will contain critical details of the services sought. The RFP will specify that the proposal include the structure of the relationship between the BOCES and the provider, including, if applicable, the terms of the retainer, the hourly fees and other associated costs.

In reviewing the RFPs, the BOCES will consider at a minimum, the following factors:
1. the suitability of the individual/firm for the BOCES’ needs;
2. the special knowledge or expertise of the individual/firm;
3. the credentials and applicable certification of the individual/firm;
4. the quality of the service provided by the individual/firm;
5. cost;
6. the staffing available from the firm or the time available from the individual;

The BOCES will periodically, but not less frequently than every five years, issue professional service RFPs and may conduct interviews as part of the RFP process. The written proposals submitted by applicants shall be maintained for at least six years.

The District Superintendent, after a thorough review of the proposals, will recommend the professional service provider best suited to the BOCES to the Board for its approval.

Regardless of when during the year the professional service provider was engaged by the Board, at the annual organizational meeting the Board will appoint the attorney, physician, external auditor, or other professional, as applicable. Professional service providers selected and appointed in this manner will not be considered employees of the district.

The District Superintendent is charged with developing administrative procedures to implement this policy.

General Municipal Law §104-b
2 NYCRR §§315.2, 315.3
Trane Co. v Broome County, 76 A.D.2d1015
Appeal of Lombardo, 38 Educ. Dept. Rep. 730
Opn. St. Comp. 92-33

Adopted: 7/2/08
Revised: 3/10/15
SUBJECT: AUTHORIZED SIGNATURES

The Board authorizes the signature on checks issued against all accounts of the BOCES to be that of the Treasurer or, in his/her absence, the Deputy Treasurer.

The Board authorizes wire transfers between BOCES accounts and from BOCES accounts to designated depositories (e.g. credit union, tax sheltered plan administrator) to be made by the Treasurer, Deputy Treasurer or Director of Business Affairs.

Extra-classroom activity fund checks shall be signed by the Student Treasurer of each extra-classroom activity account and the Board-appointed Faculty Advisor.

Contracts authorized by Board resolution shall be signed by the Board President or in his/her absence the Vice President, unless a different signatory is identified in Board resolution.

Ref: §§1720, 1724 Education Law
8-A NYCRR §172

Adopted: 11/29/05
Revised: 3/10/15
SUBJECT: APPROVAL OF EXPENDITURES

Funds expended for all budgeted school functions except payroll and benefits shall be subject to approval by the Claims Auditor. Certification of payroll and benefits shall be completed by the Director of Human Resources and Professional Development who will serve as the Payroll Certification Officer.

Adopted: 1/29/04
Revised: 11/29/05
Revised: 6/26/07
Revised: 3/10/15
SUBJECT: ORDERING GOODS

Purchase Orders are required for all goods or services purchased for BOCES. Any employee purchasing goods or services without a purchase order does so at his/her own risk, and BOCES is not liable.

Items or services are not to be ordered without prior approval of the Purchasing Agent. Goods purchased for the Board of Cooperative Educational Services shall not be used for personal purposes.

Purchases of personal items using a BOCES purchase order will not be permitted.

The Purchasing Agent or Deputy Purchasing Agent will be the only employees authorized to enter into purchase agreements for services, goods, equipment or supplies.

Adopted: 1/29/04
Revised: 6/26/07
Revised: 4/25/12
SUBJECT: DISPOSAL OF BOCES PROPERTY

Equipment

BOCES equipment that is obsolete, surplus, or unusable by BOCES shall be disposed of in such a manner that is advantageous to BOCES, with the approval of the Board.

The District Superintendent or his/her designee will be responsible for selling the equipment in such a way so as to maximize the net proceeds of sale which may include a bona fide public sale preceded by adequate public notice.

If it is determined that reasonable attempts to dispose of the equipment have been made and such attempts have not produced an adequate return, the District Superintendent or his/her designee may dispose of the equipment in any manner which he/she deems appropriate. Such disposition will be reported to the Board in a timely fashion.

Textbooks

Textbooks and/or supplies may lose their value to the educational program because of changes in the curriculum or they contain outdated material and/or are in poor condition.

If no longer useful or usable, the procedures for disposal shall adhere to the following order of preference:

a) Sale of textbooks. If reasonable attempts to dispose of surplus textbooks fail to produce monetary return to the BOCES; then

b) Donation to charitable organizations; or

c) Disposal as trash.

Disposition of Personal Property

All surplus or obsolete equipment, supplies or materials must be sold to only the highest bidder. All items which may have value shall be accumulated and sold at a public or private bid, as directed by the Board. The proceeds shall be added to the general fund. All sales shall be documented, indicating the item sold, the date, the name of the purchaser, whether the purchaser was a BOCES employee, and the sale price. Such information shall be filed in the Office of the District Superintendent and shall be available for public inspection.

(Continued)
SUBJECT: DISPOSAL OF BOCES PROPERTY (Cont’d.)

Any property whose market value would classify it as valuable personal property, but which is determined not to be marketable because it is damaged or in poor condition and has not been marketable after at least one prior attempt at competitive bidding, may be disposed of by the BOCES. No property of BOCES shall be declared worthless without the written statement by the District Superintendent or designee that the property is worthless and can be disposed of. Such written statement shall be filed with the District Superintendent’s office, shall describe the property, the method of disposal, if anyone received the property, the name of the individual, if such an individual is an employee, the date of disposal. Such form shall be available for public inspection.

General Municipal Law Sections 51 and 800 et seq.

Refer also to Policy 4320

Adopted: 1/29/04
Revised: 11/29/05
SUBJECT: SUPPLIES AND EQUIPMENT PURCHASED FOR ITINERANT STAFF MEMBERS

All supplies and equipment purchased by BOCES become the property of BOCES. In the event an employee of BOCES is transferred from a component school district, it is the decision of that employee’s immediate BOCES administrator of a local school building program whether the BOCES-owned items remain at the former location. Generally, the only items that will remain are those that could be utilized by a replacement BOCES employee. If the BOCES employee is not to be replaced, the BOCES-owned items will be relocated at the discretion of the BOCES administrator.

Adopted: 1/29/04
Revised: 6/23/09
Revised: 4/25/12
SUBJECT:  CELLULAR TELEPHONE AND OTHER COMMUNICATION EQUIPMENT USAGE

Putnam|Northern Westchester BOCES owned or leased cellular phones may be made available for official use by the BOCES personnel upon approval of the District Superintendent or designee.

Cellular phones may be provided by the BOCES for the following reasons:

   a)  For staff who are assigned to multiple sites and must be immediately accessible.

   b)  For use by Administrators and staff for official business that cannot be conducted by use of a standard phone.

   c)  For employees in the Operations and Maintenance Department and the Information Technology Department, as identified by the Director of those departments, to ensure effective communication and efficient operation.

   d)  For managing emergency situations.

Cellular phones are intended for business related use. If, however, employees use the cellular phone for personal reasons, the individual will reimburse BOCES for all personal charges.

The Director of Operations & Maintenance will provide a yearly inventory and status of all BOCES owned and/or leased cellular telephones to the District Superintendent or designee for review and approval.

Adopted:  1/29/04
Revised:  11/29/05
Revised:  6/26/07
Revised:  3/10/15
SUBJECT: ACCOUNTING FOR FUNDS

Accountability for BOCES funds is necessary for the following reasons:

a) To insure that funds are not susceptible to loss, theft, waste, or misuse;
b) To provide necessary data for state reports;
c) To show compliance with legal mandates;
d) To provide information that is necessary in policy formulation;
e) To provide information necessary to the public and the school;
f) To promote budgetary control.

Accounting of Funds

Accounting and reporting procedures shall be developed to facilitate analysis and evaluation of the BOCES’ financial status and fixed assets. The BOCES will use the Uniform System of Accounts for BOCES.

Books and records of the BOCES shall be maintained in accordance with statutory requirements.

Provision shall be made for the adequate storage, security, and disposition of all financial and inventory records.

Online Banking

The Board has entered into a written agreement with designated banks and trust companies for online banking and electronic or wire transfers, which includes the implementation of a security procedure for all transactions. The BOCES Treasurer, with a separate established user name and password, will have the authority to process online banking transactions. The Director of Business Affairs or Deputy Treasurer, with a separate established user name and password, will be responsible for online banking transactions in the event the BOCES Treasurer is not available.

Electronic or Wire Transfers

Procedures will be implemented specifying who is authorized to initiate, approve, transmit, record, review and reconcile electronic transactions. At least two individuals will be involved in each transaction. Authorization and transmitting functions will be segregated and whenever possible the recording function will be delegated to a third individual.

(Continued)
SUBJECT: ACCOUNTING FOR FUNDS (Cont’d.)

The BOCES will enter into written wire transfer security agreements for BOCES bank accounts which will include established procedures for authenticating wire transfer orders.

All wire transfers must be authorized by the BOCES Treasurer, Deputy Treasurer, or Director of Business Affairs. Dual approval controls will be established for non-routine wire transfer orders.

The Internal Auditor and Claims Auditor will periodically confirm that wire transfers have appropriate signatures, verifications and authorization of proper personnel.

Federal and State Funds

The BOCES shall account for each project separately and shall expend such funds only as authorized by the approved project application.

Trust and Agency Funds

The BOCES Trust and Agency Account shall account for all monies collected from employees for taxes and miscellaneous withholdings and BOCES share of taxes.

Unemployment Insurance will be accounted for in the Internal Services Fund.

Education Law Section 2116(a)

Adopted: 1/29/04
Revised: 11/29/05
Revised: 6/26/07
Revised: 9/12/11
Revised: 3/10/15
SUBJECT: EXTRACLASSROOM ACTIVITY FUNDS

The Putnam|Northern Westchester Board of Cooperative Educational Services recognizes the value of student extracurricular activity programs and is aware of the experience to be gained by student participants in such organizations.

Extracurricular activity funds shall be designated as those raised other than by charges of the Board for, by, or in the name of the student body, or any sub-division thereof.

The Building Principal shall maintain an up-to-date register of all extracurricular activities that are approved or discontinued. Each extracurricular activity shall have a faculty advisor appointed by the Building Principal. A Central Treasurer and a Faculty Advisor shall oversee all financial aspects of extracurricular activities. The annual BOCES audit will include all extracurricular activity funds.

All extracurricular activity funds shall be handled in accordance with the financial procedures illustrated by Finance Pamphlet No. 2, the Safeguarding, Accounting and Auditing of Extracurricular Activity Funds, 2008, published by the New York State Education Department. All commitments and contracts shall be the sole responsibility of the extracurricular activity club giving rise to the transaction, regardless of a change in advisors, membership or officers.

Student funds shall be deemed to include, but not be limited to, money collected from students for the purchase of supplies and materials, fees for organizations and social events. Such funds shall be handled in accordance with procedures set by the State Education Department of Audit and Control and the regulations set forth by the Board of Cooperative Educational Services. In all cases which involve the student funds, an employee of the Board of Cooperative Educational Services must be assigned the ultimate responsibility for control of the funds and must use appropriate accounting procedures for the safeguarding of the funds against loss, misuse or misapplication.

Proper books will be kept and all monies deposited in appropriate accounts as set up by the Board. These accounts shall be subject to audit. All transactions involving extracurricular funds shall be on a cash basis and no accounts shall remain unpaid at the end of the school year. Funds shall be invested in accordance with the Board’s Fiscal Management Policy on the “Investment of District Funds”.

The extracurricular activities of the BOCES are not included in the exemption granted to the BOCES from New York State sales tax. Without exception, clubs and activities are prohibited from using the school’s tax exemption.

If an extracurricular activity is discontinued and has remaining funds, those funds shall be transferred to the General Fund.

Activities of students carried on in part or in full as part of a course curriculum during regular classroom hours are considered a BOCES activity and do not constitute a student activity. Revenues generated as a result of these activities are to be BOCES property and are to be given promptly to the BOCES Treasurer for depositing to the General Fund.

8 New York Code of Rules and Regulations (NYCRR) Part 172

Adopted: 1/29/04
Revised: 9/12/11
Revised: 3/10/15
SUBJECT: CASH IN SCHOOL BUILDINGS AND PETTY CASH FUNDS

Cash in School Buildings

Directors and building administrators will establish procedures, in cooperation with the Business Office to safeguard all cash received in the buildings. Building administrators are to make arrangements which shall minimize the amount of cash retained in the buildings. It shall be his/her responsibility to make sure that any small sums of money retained in a building are securely locked. The BOCES is not responsible for funds left unprotected.

Petty Cash Funds

The Board hereby authorizes the establishment of petty cash funds not to exceed $100 to be maintained in the Business Office and each program office.

The funds are to be used for the payment of properly itemized bills for materials, supplies or services under conditions calling for immediate payment. At the time of reimbursement, substantiating receipts shall be submitted.

Petty cash custodians are to be designated by the Board at its annual organizational meeting.

Education Law Section 1709(29)
8 New York Code of Rules and Regulations (NYCRR) Section 170.4

Adopted: 1/29/04
Revised: 11/29/05
SUBJECT: SPECIAL PROJECTS CONTRACTS

Special Projects Contracts are agreements between the Putnam|Northern Westchester BOCES and persons who can provide services of a specialized, unique or immediate nature which may not otherwise be provided by regular staff.

Special Projects Contracts shall be used to facilitate the delivery of services to divisions within BOCES and agencies served by BOCES in cases where temporary assistance is needed.

All Special Projects Contracts must receive approval by the District Superintendent or his/her designee before they are initiated. Expenses connected with the service must be included in the total sum to be specified in the contract.

Types of services must be classified in the following Temporary Support Service categories:

a) Consulting - Provides advice, guidance, planning assistance, etc.;

b) In-Service Workshop - Provides instructional services at workshops or courses provided by Putnam|Northern Westchester BOCES;

c) Curriculum Development - Provides assistance in providing new curriculum programs and materials;

d) In the case of a need to obtain other temporary services which do not fall in the above categories, a rationale shall be presented to the District Superintendent or designee indicating why it is appropriate to temporarily obtain the service.

Adopted: 1/29/04
Revised: 3/10/15
SUBJECT: REVENUES -- ESTABLISHMENT OF FEES

The District Superintendent shall recommend to the Board tuitions, service charges, and special fees to adequately provide for all approved programs and services. The Board shall approve fees prior to their collection. The fees shall be established on an equitable basis for all participating districts in accordance with the law and Commissioner’s Regulations. The uniform methodology for determining the cost of BOCES shared services shall be approved annually by at least three-quarters of the participating component school districts after consultation by local school officials with their respective boards of education.

Billings For Services

The District Superintendent, as permitted by the Commissioner’s Regulations, shall recommend to the Board an acceptable plan for billing services to the component districts. The Board shall determine the time, method of payment, and amount of charge for all services.

Education Law Section 1950(4)(d)

Adopted: 1/29/04
SUBJECT: SALE OF SUPPLIES AND MATERIALS

Customers

School districts, government agencies, BOCES departments and the general public are encouraged to subscribe to the services provided through the Career and Technical Education Program and the Adult and Continuing Education Program where it is to the benefit of the student to gain actual experiences. In these cases, supplies and materials may be purchased to complete the task. When such purchases occur, the cost of the purchase will be identified with the project or service performed and charged to individual customers. Individuals are prohibited from using BOCES credit or accounts to purchase supplies and materials other than for BOCES projects. No service will be performed by BOCES for personal gain, for the purpose of competing with private industry or for the purpose of making a profit.

An accurate and timely method of collecting such revenues will be established in accordance with accepted accounting practices and in accordance with statute and Commissioner’s Regulations.

Students

The District Superintendent may permit the sale of supplies and materials to students at cost. Sale of supplies and materials shall be permitted only in cases where the supplies and materials are essential to the instructional program and/or unique to a specific student.

Purchasing -- Restrictions For Individuals

Except as permitted by law or regulations, employees of BOCES and other individuals shall be prohibited from purchasing any equipment, materials, or supplies under the name of BOCES that are to be used for personal purposes.

Adopted: 1/29/04
SUBJECT: USE OF CREDIT CARDS

The BOCES may issue a credit card or cards in its name. The credit card will be in the name of Putnam|Northern Westchester BOCES and the Director of Business Affairs, and will be kept in the BOCES safe. The maximum credit limit on the card will be $25,000. The credit card may be used only for emergency or other compelling situations in which a purchase order is not an effective means of procuring the goods or services. Expenses incurred on the credit card shall be paid in such a manner as to avoid interest charges.

BOCES will issue gasoline credit cards to employees assigned BOCES vehicles including the District Superintendent and the Director of Facilities. A card may be assigned to the Operation & Maintenance Department in the control of the Maintenance Foreman for such emergencies as power outages when the gas pump is inoperable. Additional gasoline cards may be available for employees who utilize BOCES vehicles for approved work related travel (e.g., a Tech Center teacher bringing students to a state competition). Such cards will be kept in the Business Office safe and will be under the control of the Treasurer.

Gasoline credit cards may only be used for the purchase of gasoline; they may not be used for vehicle repair or other purchases. Any BOCES employee authorized to use a gasoline credit card must submit receipts to the Business Office.

Adopted: 1/29/04
Revised: 11/29/05
Revised: 6/26/07
Revised: 4/13/10
Revised: 3/10/15
SUBJECT: AUTHORIZED USE OF BOCES-OWNED MATERIALS, EQUIPMENT AND SERVICES

The Putnam|Northern Westchester BOCES authorizes the use of materials, equipment and services for school/work related purposes only. Employees are prohibited from using materials, supplies, equipment or services owned or paid for by BOCES for other than uses which are work related, and meet the legitimate educational and support needs of the agency.

It is prohibited for any employee to use in any manner or for any purpose that is political, personal, commercial, or otherwise not expressly permitted by law any materials, supplies, equipment, or services that are owned, leased, rented or otherwise procured or held by BOCES. The use by BOCES employees of materials, supplies, equipment and services required for satisfactory performance of duties as educators, administrators or support staff is appropriate.

Materials and equipment may be lent to staff members and Board members when the use is related to their work responsibilities, professional development, and to their work with students. Such use must have the prior approval of the employee’s departmental director.

The Board also may allow the loan of equipment to local governments and other entities that benefit the welfare of the surrounding community. The Board supports such inter-municipal cooperation as it saves taxpayer monies and is a more efficient use of scarce or costly equipment and resources.

NYS Constitution Article 8

Refer also to Policy 4320

Adopted: 1/29/04
Revised: 11/29/05
Revised: 6/26/07
Revised: 7/3/12
SUBJECT: FACILITIES PLANNING

The Board is responsible for maintaining a quality education at a reasonable cost and has a fiduciary duty to conserve assets of the BOCES. For this reason, the Board shall concern itself with both short-range and long-range planning as it relates to the properties of the BOCES. The Board shall rely on a comprehensive long-range facilities plan developed by the District Superintendent in accordance with the Commissioner’s Regulations to serve as a guide for capital improvements.

Such plan shall be reevaluated and made current at least annually, and shall include appraisal of the following:

a) The educational mission and long range plan of the BOCES, with resulting administrative organization and program requirements;
b) Present and projected pupil enrollments;
c) Space use and state-rated pupil capacity of existing facilities;
d) Priority of need for maintenance, repair or modernization of existing facilities, including consideration of the obsolescence and retirement of certain facilities; and
e) The provision of additional facilities.

The Board’s building/leasing program shall be designed to provide the highest quality education possible. The building/leasing program shall be based upon specific Board policies which have been and will continue to be modified to conform to changes in the curriculum, availability of funds, changes in student population to be served and changes in enrollments. Whenever possible, parents/guardians/persons in parental relation and other school district representatives, as well as principals, teachers, and central office staff members should be involved in the planning process.

8 New York Code of Rules and Regulation (NYCRR)
Section 155.1
Education Law Section 1950

Adopted: 1/29/04
Revised: 6/26/07
Revised: 6/23/09
Revised: 4/25/12
SUBJECT: FACILITIES: INSPECTION, OPERATION AND MAINTENANCE

Operation and Maintenance

The District Superintendent is charged with the responsibility for administering plant operations in the most efficient and economical manner possible, while placing high priority on health and safety of students and staff and conservation of natural resources.

The Board of Cooperative Educational Services has the responsibility to provide equipment, supplies and contractual services of high quality.

The Board, through the District Superintendent and his/her staff, has the responsibility of protecting the BOCES investment in plant and facilities through a systematic maintenance program.

It is expected that the program shall include periodic preventive maintenance activities, long-range maintenance schedules and emergency repair procedures. It is further expected that all maintenance work will be carried out in a manner that will cause the least interference with the educational program.

Inspections

The administration of the BOCES shall cooperate with officials conducting health, fire, asbestos, bus, and boiler inspections. The administration shall keep the Board informed of the results of such inspections in a timely fashion.

In accordance with law, local school building inspectors may not enter BOCES premises at any time they wish. Only the Fire Safety Inspector conducting the Annual Fire Safety Inspection may enter the BOCES premises for inspections without an appointment.

In addition, per the requirements of the Asbestos Hazard Emergency Response Act (AHERA), the BOCES will at least once each school year inform all employees and building occupants (or their legal guardians) about all asbestos inspections, response actions, post-response action activities, as well as triennial re-inspection activities and surveillance activities that are either planned or in progress. Written notice will be provided in the BOCES newsletter and will be filed in the BOCES asbestos management plan.

(Continued)
SUBJECT: FACILITIES: INSPECTION, OPERATION AND MAINTENANCE (Cont'd.)

Comprehensive Public School Building Safety Program (Rescue)

To ensure that all school facilities are properly maintained and preserved and provide suitable educational settings, the Board requires that all occupied school facilities which are owned, operated or leased by the BOCES comply with the provisions of the Comprehensive Public School Safety Program and the Uniform Code of Public School Building Inspections, Safety Rating and Monitoring as prescribed in Commissioner’s Regulations. For this reason, the BOCES shall develop a Comprehensive Public School Building Safety Program in accordance with Commissioner’s Regulations.

The program shall be reevaluated and made current at least annually, and shall include the following:

a) A five (5) year capital facilities plan which will include a priority listing of current and proposed construction and renovation projects and major repairs and replacement of building systems and their costs.

b) A BOCES-wide building inventory, which will include information pertaining to each building including, but not limited to:

1. Type of building, age of building, size of building;
2. Rated capacity, current enrollment;
3. List of energy sources and major systems (lighting, plumbing, electrical, heating); and
4. Summary of triennial Asbestos Inspection reports.

c) An annual visual inspection of each occupied building and assignment of a safety rating score. The inspection committee must include a state certified code enforcement official, the facility director or designee, and a member of the Health and Safety Committee.

d) A building condition survey shall be conducted for all occupied school buildings once every five (5) years by a team that includes at least one (1) licensed architect or engineer.

e) A BOCES-wide monitoring system which includes:

1. Establishing a Health and Safety Committee;
2. Development of detailed plans and a review process of all inspections;
3. Procedures for a response in writing to all inquiries about building health and safety concerns, a copy of which will be sent to the Health and Safety Committee for oversight, and a copy kept on permanent file.

(Continued)
SUBJECT: FACILITIES: INSPECTION, OPERATION AND MAINTENANCE (Cont’d.)

f) Procedures to ensure the safety of the building occupants while a construction/renovation project is taking place. These procedures will include:

1. Notification to parents/guardian/person in parental relation, staff and the community at least two (2) months in advance of a construction project of $10,000 or more to be conducted in a school building while the building is occupied; provided, however, that in the case of emergency construction projects, such notice shall be provided as far in advance of the start of construction as is practicable;

2. A plan to ensure that all contractors comply with all health and safety issues and regulations, and wear photo ID badges;

3. An opportunity for the Health and Safety Committee to conduct a walk-through inspection of newly renovated or constructed areas to confirm that the area is ready to be reopened for use; and

4. An emergency plan which will address potential concerns with the capital project including, but not limited to, evacuation procedures, fire drills, and structural failures.

Fire Inspection: 8 New York Code of Rules and Regulations (NYCRR) Section 155.4
Health Inspection: Education Law Section 906
Asbestos Inspection: Education Law, Article 9-A
40 Code of Federal Register (CFR) Part 763, Subpart E

Adopted: 1/29/04
Revised: 1/22/08
Revised: 4/25/12
SUBJECT: EVALUATING EXISTING BUILDINGS FOR EDUCATION PURPOSES

All BOCES facilities will be evaluated annually to ensure that school buildings not only meet safety and building code requirements but also operate in such a manner as to achieve the desired educational programming and outcomes.

The District Superintendent or his/her designee will solicit input from building principals regarding facility changes and remodeling plans. Building principals, in turn, will seek staff input as they develop their recommendations. The District Superintendent shall present to the Board, on an annual basis, an updated school facilities priority list reflecting major rehabilitation and remodeling requests.

Education Law Section 408, 409 and 1950
8 New York Code of Rules and Regulations (NYCRR) Section 155.1

Adopted: 1/29/04
Revised: 4/25/12
SUBJECT: SITE SELECTION AND ACQUISITION

The selection of a site for an educational facility shall be determined largely by the nature and scope of the contemplated educational program specifications and the special needs of the particular educational community BOCES serves. The responsibility for identifying each parcel of land as a potential school site shall rest with the District Superintendent, or his/her designated representative. After consultation and inspection of the proposed site or sites with a designated BOCES architect, a written evaluation of each site shall be prepared for consideration by the BOCES Board.

Each parcel of land being considered as a possible site for a BOCES educational facility shall follow the recommendations of the New York State Education Department.

The extensive criteria as recommended by the State Education Department for the selection of adequate school sites shall be adjusted when required to meet the specific needs of BOCES programs. Each proposed site for an educational facility shall be evaluated in confidence by the Board and its representatives with respect to the following criteria. The site should be:

a) Sufficiently large to accommodate the necessary buildings or structures and provide ample space for outdoor instruction, recreation, parking, and desired future expansion.
b) Accessible to those students who will attend the school using public transportation.
c) Located so that water, electricity, gas, sewers, other utilities, and municipal services will be provided at reasonable cost.
d) Selected with due regard to its proximity to educational, cultural, and recreational facilities.
e) Acquired in time to meet anticipated needs by means of a lease, purchase, or gift.
f) Centrally located with respect to the population of students to be served.

8 New York Code of Rules and Regulations (NYCRR)
Section 155
Education Law Sections 401, 402, 408, 416, 1709(6), 1910, 1915 and 1950

Adopted: 1/29/04
Revised: 6/23/09
SUBJECT: LEASING OF FACILITIES

In the leasing of additional instructional, administrative, or other facilities, preferential consideration shall be given to available local school district buildings. Such buildings, if leased, must be suitable for, or economically adaptable to, BOCES needs.

Adopted: 1/29/04
SUBJECT: DEVELOPMENT AND LAND USE

Site development is but a part of the overall process of planning, programming, and designing an educational facility. A BOCES school site should allow for variations in the character of the school districts to be served, the kind, location, and space requirements of the school facility to be built, and the learning activities to be housed in the facility.

To the extent possible, the site for a BOCES facility shall be developed so as to preserve its natural ecological resources and to provide a safe, attractive, and healthful environment for students and staff. Additional criteria for an effective land-use plan which should guide BOCES in the development of a site are:

a) Suitable drainage, adjustment of grades, parking, and horticultural features.

b) Adequate space for safely loading and unloading students transported.

c) Entrances to school grounds which do not require BOCES students to cross main traffic arteries, railroad rights of way, or heavy business and industrial traffic.

Adopted: 1/29/04
SUBJECT: CONSTRUCTION AND REMODELING OF SCHOOL FACILITIES

Plans and specifications for the erection, enlargement, repair or remodeling of facilities of the BOCES shall be submitted to the Commissioner when the contemplated construction costs of such work are $10,000 or more, and for all projects affecting the health and safety of students.

Plans and specifications submitted to the Commissioner shall bear the signature and seal of an architect or engineer licensed to practice in the State of New York. The architect or engineer who sealed the plans and specifications shall also certify that the plans and specifications conform to the standards set forth in the State Uniform Fire Prevention and Building Code (9 NYCRR Parts 600 through 1250) and the State Energy Conservation Construction Code (9 NYCRR Parts 7810 through 7816).

For remodeling or construction projects costing $5,000 or more, the BOCES shall assure compliance with the requirements of the State Uniform Fire Prevention and Building Code (9 NCRR 600 through 1250) and Part 155 of the Commissioner’s Regulations, and shall retain the services of an architect or engineer licensed to practice in New York State.

For remodeling or construction projects costing less than $5,000, the BOCES shall assure compliance with the requirements of the State Uniform Fire Prevention and Building Code (9 NYCRR Parts 600 through 1250) and Part 155 of the Commissioner’s Regulations.

Adopted: 1/29/04
SUBJECT: CLOSING OF FACILITIES

The Board may find it necessary to consider closure of any school facility. At such time, the Board will seek professional advice and provide opportunities for staff and component district involvement.

The Board shall appoint an advisory committee consisting of Board members, administrative staff, component district representatives, an architect(s) and/or other professionals qualified to evaluate facilities. The committee will provide an analysis as to the effect of the proposed school closure and will receive component district comment on any issues relating to such closure.

The committee’s summary shall be provided to the Board and available for review prior to the presentation of such report at a regular Board meeting.

Prior to closing a school building, the Board shall give such notice of the proposed closing as required by law and shall hold a public hearing to evaluate the impact of the proposed closing.

After all essential information has been obtained and evaluated by the Board, the Board will retain the final decision regarding the school closure.

Education Law Sections 1709, 1805, 402a

Adopted: 1/29/04
Revised: 6/26/07
Revised: 4/25/12
SUBJECT: STORM WATER MANAGEMENT

Pursuant to provisions of Phase II of the federal Clean Water Act and regulations of the New York State Department of Environmental Conservation, the Board directs the District Superintendent to ensure the creation and implementation of a Storm Water Management Program that addresses each of the required six minimal control measures: public education and outreach, public involvement and participation, elimination of illicit discharge; construction site storm water runoff controls, post-construction storm water runoff management controls, and pollution prevention and good housekeeping.

Adopted: 6/26/07
SUBJECT: INSURANCE AND EMPLOYEE BONDS

Insurance

The policy of the Board is to provide reasonable insurance protection for property and actions of the BOCES at the most economical cost.

Public Officers Law Section 18
General Municipal Law Sections 6n and 52
Education Law Sections 1709(8) and (26) and (34-b), 3023, 3028, and 3811

Bonding

The BOCES Board shall provide a faithful performance bond to cover all personnel.

Education Law Section 1709(20-a)
Public Officers Law Section 11(2)
8 New York Code of Rules and Regulations (NYCRR) Section 170.2(d)

Adopted: 1/29/04
Revised: 11/29/05
Revised: 6/26/07
Revised: 4/25/12
Revised: 6/16/15
SUBJECT: SAFETY/SECURITY

The BOCES will provide a safe and secure environment to all those persons, students, staff and visitors, who lawfully enter upon BOCES property.

It shall be the responsibility of the District Superintendent to establish and carry out written regulations which will:

a) Identify those staff members who will be responsible for the effective administration of the regulations, required safety drills and inspections;

b) Provide staff time and other necessary resources for the effective administration of the regulations;

c) Establish periodic (at least annually) written review of the activities of the staff to insure compliance with applicable laws and regulations;

d) Provide an on-going mechanism for the effective review of safety and security concerns of the staff, students and affected public;

e) Provide for periodic reports to the Board (at least annually) regarding the significant aspects of safety and security of the Putnam/Northern Westchester BOCES.

Labor Law Section 27-a

Adopted: 1/29/04
Revised: 6/23/09
SUBJECT: HAZARDOUS WASTE AND HANDLING OF TOXIC SUBSTANCES BY EMPLOYEES

The Board of Cooperative Educational Services recognizes the need to protect human health and the environment from damage resulting from the improper handling of hazardous wastes.

The management of hazardous waste from its point of generation to the ultimate disposal is regulated through specific Federal and State laws.

The Board directs the District Superintendent to adopt rules to ensure the implementation of applicable Federal and State laws pertaining to the identification, transportation, treatment, storage, and disposal of hazardous wastes.

Hazard Communication Standard

All personnel shall be provided with applicable training to comply with the New York State “Right-to-Know” Law and the Hazard Communication Standard. Both the “Right to Know” poster and the “Labor Law Information Relating to Public Employees” poster must be posted in common areas informing workers of relevant work hazards and associated rights.

The District Superintendent/designee shall maintain a current record of the name, address and social security number of every employee who handles or uses toxic substances and which substance(s) were handled or used by the employee.

Rules and regulations will be developed to ensure implementation of this policy which shall include awareness information, employee training and record keeping.

Environmental Protection Agency, 40 Code of Federal Regulations (CFR) parts 261 and 262
Occupational Safety and Health Administration (OSHA), 29 Code of Federal Regulations (CFR) Section 1910.1200
Labor Law Sections 875-883
Public Health Law Sections 4800-4808
6 New York Code of Rules and Regulations (NYCRR) Part 371
9 New York Code of Rules and Regulations (NYCRR) Part 1174

Adopted: 1/29/04
Revised: 6/26/07
Revised: 4/13/10
SUBJECT: SCHOOL SAFETY PLANS

The BOCES has developed, and will update by July 1 of each succeeding year, a comprehensive BOCES school safety plan and building-level emergency response plans, as enumerated in Education Law and Commissioner’s Regulations, and in a form as prescribed by the Commissioner of Education. These plans are designed to prevent or minimize the effects of serious violent incidents and emergencies and to facilitate the coordination of schools and the BOCES with local and county resources in the event of such incidents or emergencies.

Each plan shall be reviewed by the appropriate school safety team on at least an annual basis, updated as needed and recommended to the Board for approval. However, BOCES-wide and building-level plans shall be adopted by the Board only after at least one public hearing that provides for the participation of school personnel, parents/guardians/persons in parental relation, students, and any other interested parties. Further, the Board shall make the BOCES-wide and building-level plans available for public comment at least thirty (30) days prior to its adoption, provided that only a summary of each building-level emergency response plan (i.e., building-level school safety plan) shall be made available for public comment.

School Safety Plan

BOCES-wide school safety plan means a comprehensive, multi-hazard school safety plan that covers all school buildings of the BOCES, that addresses prevention and intervention strategies, emergency response and management at the central level and has the contents as prescribed in Education Law and Commissioner’s Regulations. As part of this plan the BOCES will define the chain of command in a manner consistent with the National Incident Management System (NIMS)/Incident Command System (ICS).

The BOCES-wide school safety plan was developed by a BOCES-wide school safety team which included representatives of the Board, student, teacher, administrator, and parent organizations, school safety personnel and other school personnel. An annual review of the school safety plan will be conducted by appropriate district and building level personnel.

Building-Level School Safety Plans

Building-level school safety plan means a building-specific school emergency response plan that addresses prevention and intervention strategies, emergency response and management at the building level and has the contents as prescribed in Education Law and Commissioner’s Regulations. As part of this plan the BOCES will define the chain of command in a manner consistent with the National Incident Management System (NIMS)/Incident Command System (ICS).

The building-level plan is developed and updated by the building-level school safety team. The building-level school safety team means a building-specific team appointed by the program administrator, in accordance with regulations or guidelines prescribed by the District Superintendent.

(Continued)
SUBJECT: SCHOOL SAFETY PLANS (Cont’d.)

Filing/Disclosure Requirements

The BOCES shall file a copy of its comprehensive BOCES-wide school safety plan and any amendments thereto with the Commissioner of Education no later than thirty (30) days after their adoption. A copy of each building-level school safety plan and any amendments thereto shall be filed with the appropriate local law enforcement agency and with the state police within thirty (30) days of its adoption. Building-level emergency response plans shall be confidential and shall not be subject to disclosure under the Freedom of Information Law or any other provision of law.

Education Law Section 2801-a
Public Officers Law Article 6
8 New York Code of Rules and Regulations
(NYCCR) Section 155.17

Adopted: 1/29/04
Revised: 1/22/08
Revised: 6/23/09
Revised: 4/25/12
Revised: 7/1/15
SUBJECT: COMMUNICABLE DISEASES

Whenever, upon investigation and evaluation by the school nurse, a student in the public schools shows symptoms of any communicable or infectious disease reportable under the public health law that imposes a significant risk of infection of others in the school, he/she shall be excluded from the school and sent home immediately, in a safe and proper conveyance. The school nurse shall immediately notify a local public health agency of any disease reportable under the public health law.

Regulations and procedures will be developed for dealing with communicable diseases in ways that protect the health of both students and staff while minimizing the disruption of the education process.

Education Law Section 906
8 New York Code of Rules and Regulations (NYCRR)
Section 136.3(h) and 136.3(i)

Adopted: 1/29/04
Revised: 6/26/07
Revised: 6/23/09
SUBJECT: USE OF DEFIBRILLATORS

The New York State Department of Health authorizes the appropriate use of Public Access Defibrillation (PAD) in community facilities including school districts and BOCES. In an effort to provide for the appropriate intervention for an individual who has experienced sudden cardiac arrest, the Board authorizes the appropriate use of automatic external defibrillators.

The BOCES will acquire and maintain the appropriate automatic external defibrillator equipment and provide appropriate training for BOCES personnel. Only authorized, appropriately trained personnel shall use this equipment.

Administrative regulations will be developed to implement this policy.

Public Health Law Section 3000-b

Adopted: 1/29/04
SUBJECT: USE OF SURVEILLANCE CAMERAS

The Board recognizes its responsibility to maintain and improve discipline, to ensure the safety and welfare of its staff and students, and to provide secure environments for computer and related equipment.

After having carefully considered and balanced the rights of privacy with the BOCES duty to ensure discipline, health, welfare and safety of staff and students, the Board supports the use of video cameras in various locations within the school.

Surveillance cameras may be used to monitor student behavior in such areas as entryways, hallways and computer labs and may be used as evidence in disciplinary actions. Surveillance cameras may not be used in bathrooms and dressing rooms.

The BOCES shall comply with all applicable state and federal laws related to student records when such recordings are considered for retention as part of the student's record.

Video recordings shall be used primarily for the purpose of evidence for disciplining of students. However, the BOCES may use such recordings for any other purpose it deems appropriate.

The District Superintendent will develop regulations governing the use of surveillance cameras in accordance with the provision of law and established Board policies and regulations.

Refer also to Policy 6270

Adopted: 1/29/04
Revised: 1/22/08
SUBJECT: SMOKING/TOBACCO USE

Tobacco use shall not be permitted within any facility on school grounds or at any school sponsored event or activity off school grounds or within one hundred (100) feet of the entrance, exits or outdoor areas of any public or private elementary or secondary schools. However, this shall not apply to smoking in a residence, or within the real property boundary lines of each residential real property. For purposes of this policy, “school grounds” means any building, structure, surrounding outdoor grounds, including entrances or exits and in any BOCES vehicle used to transport children or school personnel contained within Putnam|Northern Westchester BOCES legally defined property boundaries as registered in the County Clerk’s Office.

Tobacco is defined to include lighted or unlighted cigarettes and any other smoking or tobacco products. The use of e-cigarettes, vaporizers and any other products containing nicotine, except for current FDA-approved smoking cessation products, are also prohibited.

Posting/Notification of Policy

In compliance with the New York State Clean Indoor Air Act, Putnam|Northern Westchester BOCES will prominently post its Smoking/Tobacco Use policy in all buildings and supply a copy upon request to any current or prospective employee.

Public Health Law Article 13-E
Education Law Sections 409 and 3020-a

Adopted: 1/29/04
Revised: 6/26/07
Revised: 6/23/09
Revised: 9/12/11
Revised: 6/17/13
Revised: 3/20/18
SUBJECT: EXPOSURE CONTROL PROGRAM

The BOCES shall establish an exposure control program designed to prevent and control exposure to bloodborne pathogens. According to the New York State Department of Labor's Division of Safety and Health and OSHA standards, the program shall consist of:

a) Guidelines for maintaining a safe, healthy school environment to be followed by staff and students alike.

b) Written standard operating procedures for blood/body fluid clean-up.

c) Appropriate staff education/training.

d) Evaluation of training objectives.

e) Documentation of training and any incident of exposure to blood/body fluids.

f) A program of medical management to prevent or reduce the risk of pathogens, specifically hepatitis B and HIV.

g) Written procedures for the disposal of medical waste.

h) Provision of protective materials and equipment for all employees who perform job-related tasks involving exposure or potential exposure to blood, body fluids or tissues.

Occupational Safety and Health Administration (OSHA)
29 Code of Federal Regulations (CFR) 1910.1030

Adopted: 1/29/04
Revised: 8/13/14
SUBJECT: PEST MANAGEMENT AND PESTICIDE USE

The Board is committed to maintaining the integrity of school buildings and grounds while protecting the health and safety of students and staff and maintaining a productive learning environment.

It is therefore the policy of the BOCES to incorporate Integrated Pest Management (IPM) procedures for control of weeds, structural and landscape pests. The objective of this program is to provide necessary pest control while using the least toxic approach to all pests, weeds and infestations.

An IPM Coordinator will be appointed by the District Superintendent. The Coordinator will be responsible for implementing the IPM policy and plan.

Recordkeeping

Records of pesticide use will be maintained on site for three (3) years. Records will be completed on the day of pesticide use. In addition, pest surveillance records will be maintained to help verify the need for pesticide treatments. Annual reports of any applications must be sent to DEC.

Adopted: 4/25/12
SUBJECT: RECORDS MANAGEMENT

A Records Management Officer shall be designated by the District Superintendent, subject to the approval of and appointment by the Board of Education. The Records Management Officer, who reports to the Director of Business Affairs, shall coordinate the development of and oversee a program for the orderly and efficient management of records, including the legal disposition or destruction of obsolete records, and shall be given the authority and responsibility to work with other local officials at all levels in the development and maintenance of the records management program.

The BOCES shall retain records for such a period and dispose of them in the manner described in Records Retention and Disposition Schedule ED-1, established pursuant to Part 185, Title VIII of the Official Compilation of Codes, Rules and Regulations of the State of New York and Article 57-A of the Arts and Cultural Affairs Law.

The Records Management Officer shall have all the necessary powers to carry out the efficient administration, determination of value, use, preservation, storage and disposition of the inactive public records kept, filed or received by the offices and departments of the BOCES.

a) The Records Management Officer shall continually survey and examine records to recommend their classification so as to determine the most suitable methods to be used for the maintaining, storing and servicing of:

1. Obsolete and unnecessary records according to schedule ED-1 and its amendments.
2. Records containing legal, fiscal, historical or educational value which warrant their permanent retention; or
3. Records not subject to disposition according to State Law.

b) Establish guidelines for proper records management in all of BOCES various departments and offices.

c) The Records Management Officer shall oversee the storage, disposition, processing and destruction of all inactive and archival records for Putnam|Northern Westchester BOCES.

The Records Management Officer shall maintain physical custody and official responsibility of all records in his/her possession. Department heads shall retain constructive control and authority over all department records.

No records shall be destroyed or otherwise disposed of by an office or department of BOCES unless approval has been obtained from the Records Management Officer or his/her appointee. No records shall be destroyed or otherwise disposed of by the Records Management Officer or his/her appointee without the written consent of the department head having authority.

Records not listed on a records retention and disposition schedule shall not be disposed of without the approval of the Commissioner of Education.

(Continued)
SUBJECT: RECORDS MANAGEMENT (Cont’d.)

Records that have been damaged by natural or manmade disaster and constitute a human health or safety risk also require the Commissioner’s prior approval before disposition. Pending approval, they shall be secured in a place that will protect the health and safety of personnel and students.

Replacing Original Records with Microforms or Electronic Images

Digital images of public records may be stored on electronic media, and such electronic records may replace paper originals or micrographic copies of these records. To ensure accessibility and intelligibility for the life of these records, the BOCES shall follow the procedures prescribed by the Commissioner of Education.

Retention and Preservation of Electronic Records

The BOCES shall ensure that records retention requirements are incorporated into any plan and process for design, redesign, or substantial enhancement of an information system that stores electronic records.

8 New York Code of Rules and Regulations (NYCRR) Part 185
Public Officers Law Section 65-b
Local Government Records Act of 1987
Arts and Cultural Affairs Law Article 57-A

Refer also to Policy 1346

Adopted: 1/29/04
Revised: 6/23/09
Revised: 4/25/12
SUBJECT: WELLNESS

The Putnam|Northern Westchester BOCES recognizes that all members of the school community benefit from healthy eating and physical activity. The BOCES is committed to providing access to healthful foods and physical activities so that students and staff are able to achieve their academic and/or physical potential, mental growth, and lifelong health and well-being.

The BOCES will establish a wellness committee consisting of representatives from each of the following groups:

1. Parents/Guardians/Persons in Parental Relation
2. Students
3. School Lunch Program
4. BOCES Board
5. Administrators
6. Teachers
7. Registered Nurses
8. Office Support Staff

The BOCES Wellness Committee will assess current activities, programs, and policies available in the BOCES; identify specific areas of need within the BOCES; develop the policy; and provide mechanisms for implementation, evaluation, revision, and updating the policy.

District Wellness Leadership

The following district official is responsible for the implementation and oversight of this BOCES-level wellness policy: Director of Human Resources and Professional Development.

The contact information for this individual is: wellness@pnwboces.org.

Goals to Promote Wellness

Nutrition Education

The BOCES will provide nutrition education as an integral part of the curriculum to foster healthy eating habits and other nutrition-related behaviors conducive to health and well-being.

Our programs will ensure that students in grades K-12 receive nutrition education that provides the knowledge they need to adopt healthy lifestyles. Nutrition education will include instruction that helps students learn more about the importance of various food groups; caloric, sugar, and fat intake; the role of media in marketing and advertising food and beverages; and the relationship of a balanced diet and regular exercise to a healthy lifestyle. Curricula will include instruction on healthy body image, weight management, and eating disorders.

(Continued)
SUBJECT: WELLNESS (Cont’d.)

Nutrition concepts will be reinforced by all school personnel and integrated into various subject areas, such as literature, science, social studies, mathematics, and other subjects as appropriate. This integration will include developmentally appropriate, culturally relevant, and participatory activities, such as contests, promotions, taste testing, farm visits, and school gardens. Health and wellness information will be displayed on various bulletin boards in each school building. Family members will be a critical part of the team responsible for teaching children about health and nutrition.

The BOCES Wellness Committee will provide teacher education materials that can be used to supplement classroom instruction at the elementary, middle, and high school level. Staff primarily responsible for nutrition education will participate in professional development activities that will promote the effective delivery of quality nutrition education.

Physical Activity

The BOCES will provide opportunities for every student to develop the knowledge and skills for specific physical activities, to maintain physical fitness, to regularly participate in physical activity, and to understand the benefits of a physically active and healthy lifestyle.

The purpose of the physical education program is to contribute to each student’s growth and development in the physical, cognitive, and social domains through a movement-based curriculum. This involves delivery of a planned, sequential K-12 instructional program that teaches skills, behaviors, and knowledge. These are necessary to function at an adequate level of competence enabling each student to be an active, physically and mentally fit individual throughout life.

The BOCES wellness program will incorporate activities/programs for staff that includes physical fitness and mental health that are a part of a comprehensive lifestyle and focus on the importance of preventative health measures.

Other School-based Activities that Promote Student Wellness

The BOCES is committed to establishing a school environment that presents consistent wellness messages and is conducive to healthy eating and physical activity for all.

Nutrition Guidelines

The BOCES Wellness Committee will establish and implement the nutrition standards set forth by the Child Nutrition Act for the entire BOCES campus. The goal of the guidelines is to encourage healthy, lifelong eating habits by providing foods that are high in nutrients, low in fat, and of moderate portion size. Schools within the BOCES participate in the following federal Child Nutrition Programs: National School Lunch Program, School Breakfast Program.

(Continued)
SUBJECT: WELLNESS (Cont’d.)

Assurance

Guidelines for reimbursable school meals shall not be less restrictive than applicable federal regulations and guidance issued pursuant to the Child Nutrition Act and the Richard B. Russell National School Lunch Act, as those regulations and guidance apply to schools and BOCES.

Implementation and Evaluation of the Wellness Policy

The Committee will meet at least four times each year to monitor the implementation of the policy and to evaluate its effectiveness. Informal surveys, periodic checks of the nutritional content of food prepared for staff and students and vending machine offerings, and other measures will be used for this purpose. The BOCES Wellness Committee will report annually to the Board on the implementation of this policy.

Adopted: 6/27/06
Revised: 6/26/07
Revised: 4/25/12
Revised: 12/11/18
SUBJECT: INFORMATION SECURITY BREACH AND NOTIFICATION

The BOCES values the protection of private information of individuals in accordance with applicable law and regulations. Further, the BOCES is required to notify affected individuals when there has been or is reasonably believed to have been a compromise of the individual’s private information in compliance with the Information Security Breach and Notification Act and Board policy.

a. “Private Information” shall mean personal information in combination with any one or more of the following data elements, when either the personal information or the data element is not encrypted or encrypted with an encryption key that has also been acquired:

1. Social security number;
2. Driver’s license number or non-driver identification card number; or
3. Account number, credit or debit card number, in combination with any required security code, access code, or password which would permit access to an individual’s financial account.

“Private information” does not include publicly available information that is lawfully made available to the general public from federal, state or local government records.

b. “Personal information” shall mean any information concerning a person which, because of name, number, symbol, mark or other identifier, can be used to identify that person.

c. “Breach of the security system,” shall mean unauthorized acquisition or acquisition without valid authorization of computerized data which compromises the security, confidentiality, or integrity of personal information maintained by the BOCES. Good faith acquisition of personal information by an employee or agent of the BOCES for the purposes of the BOCES is not a breach of the security of the system, provided that private information is not used or subject to unauthorized disclosure.

Examples of Determining Factors

In determining whether information has been acquired, or is reasonably believed to have been acquired, by an unauthorized person or persons without valid authorization, the BOCES may consider the following factors, among others:

a. Indications that the information is in the physical possession and control of an unauthorized person, such as a lost or stolen computer or other device containing information; or
b. Indications that the information has been downloaded or copied; or

(Continued)
SUBJECT: INFORMATION SECURITY BREACH AND NOTIFICATION (Cont’d)

c. Indications that the information was used by an unauthorized person, such as fraudulent accounts opened or instances of identity theft reported.

Notification Requirements

a. For any computerized data owned or licensed by the BOCES that includes private information, the BOCES shall disclose any breach of the security of the system following discovery or notification of the breach to any New York State resident whose private information was, or is reasonably believed to have been, acquired by a person without valid authorization. The disclosure to affected individuals shall be made in the most expeditious time possible and without unreasonable delay, consistent with the legitimate needs of law enforcement, or any measures necessary to determine the scope of the breach and restore the reasonable integrity of the data system. The BOCES shall consult with the State Office of Information Technology Services to determine the scope of the breach and restoration measures.

b. For any computerized data maintained by the BOCES that includes private information which the BOCES does not own, the BOCES shall notify the owner or licensee of the information of any breach of the security of the system immediately following discovery, if the private information was, or is reasonably believed to have been, acquired by a person without valid authorization.

The notification requirement may be delayed if a law enforcement agency determines that such notification impedes a criminal investigation. The required notification shall be made after the law enforcement agency determines that such notification does not compromise the investigation.

Methods of Notification

The required notice shall be directly provided to the affected persons by one of the following methods:

a. Written notice;

b. Electronic notice, provided that the person to whom notice is required has expressly consented to receiving the notice in electronic form; and a log of each such notification is kept by the BOCES when notifying affected persons in electronic form. However, in no case shall the BOCES require a person to consent to accepting such notice in electronic form as a condition of establishing any business relationship or engaging in any transaction;

c. Telephone notification, provided that a log of each such notification is kept by the BOCES when notifying affected persons by phone; or

(Continued)
SUBJECT: INFORMATION SECURITY BREACH AND NOTIFICATION (Cont’d)

d. Substitute notice, if the BOCES demonstrates to the State Attorney General that the cost of providing notice would exceed $250,000, or that the affected class of subject persons to be notified exceeds 500,000, or that the BOCES does not have sufficient contact information. Substitute notice shall consist of all of the following:

1. E-mail notice when the BOCES has an e-mail address for the subject persons;

2. Conspicuous posting of the notice on the BOCES’ website page, if the BOCES maintains one; and

3. Notification to major statewide media.

Regardless of the method by which notice is provided, the notice shall include contact information for the notifying BOCES and a description of the categories of information that were, or are reasonably believed to have been, acquired by a person without a valid authorization, including specification of which of the elements of personal information and private information were, or are reasonably believed to have been, so acquired.

In the event that any New York State residents are to be notified, the BOCES shall notify the State Attorney General (AG), the New York State Department of State, and the New York State Office of Information Technology Services as to the timing, content and distribution of the notices and approximate number of affected persons. Such notice shall be made without delaying notice to affected New York State residents.

In the event that more than 5,000 New York State residents are to be notified at one time, the BOCES shall also notify consumer reporting agencies, as defined pursuant to State Technology Law Section 208, as to the timing, content and distribution of the notices and approximate number of affected persons. Such notice shall be made without delaying notice to affected New York State residents. A list of consumer reporting agencies shall be compiled by the State Attorney General and furnished upon request to school districts required to make a notification in accordance with Section 208(2) of the State Technology Law, regarding notification of breach of security in the system for any computerized data owned or licensed by the BOCES that includes private information.

Producing and Maintaining Documents

The BOCES will develop a notification form for complying with this policy and will maintain a record of all notifications.

State Technology Law Sections 202 and 208

Adopted: 6/26/07
Revised: 4/22/15
SUBJECT: PRIVACY AND SECURITY FOR STUDENT DATA AND TEACHER AND PRINCIPAL DATA

The BOCES is committed to maintaining the privacy and security of student data and teacher and principal data and will follow all applicable laws and regulations for the handling and storage of this data in the BOCES, and when disclosing or releasing it to others, including, but not limited to, third-party contractors. The BOCES adopts this policy to implement the requirements of Education Law Section 2-d and its implementing regulations, as well as to align the BOCES's data privacy and security practices with the National Institute for Standards and Technology Framework for Improving Critical Infrastructure Cybersecurity (Version 1.1).

Definitions

As provided in Education Law Section 2-d and/or its implementing regulations, the following terms, as used in this policy, will mean:

a) "Breach" means the unauthorized acquisition, access, use, or disclosure of student data and/or teacher or principal data by or to a person not authorized to acquire, access, use, or receive the student data and/or teacher or principal data.

b) "Building principal" means a building principal subject to annual performance evaluation review under the provisions of Education Law Section 3012-c or Section 3012-d.

c) "Classroom teacher" means a teacher subject to annual performance evaluation review under the provisions of Education Law Section 3012-c or Section 3012-d.

d) "Commercial or marketing purpose" means the sale of student data; or its use or disclosure for purposes of receiving remuneration, whether directly or indirectly; the use of student data for advertising purposes, or to develop, improve, or market products or services to students.

e) "Contract or other written agreement" means a binding agreement between an educational agency and a third-party, which includes, but is not limited to, an agreement created in electronic form and signed with an electronic or digital signature or a click-wrap agreement that is used with software licenses, downloaded, and/or online applications and transactions for educational technologies and other technologies in which a user must agree to terms and conditions prior to using the product or service.

f) "Disclose" or "disclosure" means to permit access to, or the release, transfer, or other communication of personally identifiable information by any means, including oral, written, or electronic, whether intended or unintended.

g) "Education records" means an education record as defined in the Family Educational Rights and Privacy Act and its implementing regulations, 20 USC Section 1232g and 34 CFR Part 99, respectively.

(Continued)
SUBJECT: PRIVACY AND SECURITY FOR STUDENT DATA AND TEACHER AND PRINCIPAL DATA (Cont'd.)

h) "Educational agency" means a school district, board of cooperative educational services (BOCES), school, or the New York State Education Department (NYSED).

i) "Eligible student" means a student who is eighteen years or older.

j) "Encryption" means methods of rendering personally identifiable information unusable, unreadable, or indecipherable to unauthorized persons through the use of a technology or methodology specified or permitted by the Secretary of the United States Department of Health and Human Services in guidance issued under 42 USC Section 17932(h)(2).

k) "FERPA" means the Family Educational Rights and Privacy Act and its implementing regulations, 20 USC Section 1232g and 34 CFR Part 99, respectively.


m) "Parent" means a parent, legal guardian, or person in parental relation to a student.

n) "Personally identifiable information (PII)," as applied to student data, means personally identifiable information as defined in 34 CFR Section 99.3 implementing the Family Educational Rights and Privacy Act, 20 USC Section 1232g, and, as applied to teacher or principal data, means personally identifying information as this term is defined in Education Law Section 3012-c(10).

o) "Release" has the same meaning as disclosure or disclose.

p) "Student" means any person attending or seeking to enroll in an educational agency.

q) "Student data" means personally identifiable information from the student records of an educational agency.

r) "Teacher or principal data" means personally identifiable information from the records of an educational agency relating to the annual professional performance reviews of classroom teachers or principals that is confidential and not subject to release under the provisions of Education Law Sections 3012-c and 3012-d.

s) "Third-party contractor" means any person or entity, other than an educational agency, that receives student data or teacher or principal data from an educational agency pursuant to a contract or other written agreement for purposes of providing services to the educational (Continued)
agency, including but not limited to data management or storage services, conducting studies for or on behalf of the educational agency, or audit or evaluation of publicly funded programs. This term will include an educational partnership organization that receives student and/or teacher or principal data from a school district or BOCES to carry out its responsibilities pursuant to Education Law Section 211-e and is not an educational agency, and a not-for-profit corporation or other nonprofit organization, other than an educational agency.

t) "Unauthorized disclosure" or "unauthorized release" means any disclosure or release not permitted by federal or state statute or regulation, any lawful contract or written agreement, or that does not respond to a lawful order of a court or tribunal or other lawful order.

Data Collection Transparency and Restrictions

As part of its commitment to maintaining the privacy and security of student data and teacher and principal data, the BOCES will take steps to minimize its collection, processing, and transmission of PII. Additionally, the BOCES will:

a) Not sell PII nor use or disclose it for any marketing or commercial purpose or facilitate its use or disclosure by any other party for any marketing or commercial purpose or permit another party to do so.

b) Ensure that it has provisions in its contracts with third-party contractors or in separate data sharing and confidentiality agreements that require the confidentiality of shared student data or teacher or principal data be maintained in accordance with law, regulation, and BOCES policy.

Except as required by law or in the case of educational enrollment data, the BOCES will not report to NYSED the following student data elements:

a) Juvenile delinquency records;

b) Criminal records;

c) Medical and health records; and

d) Student biometric information.

Nothing in Education Law Section 2-d or this policy should be construed as limiting the administrative use of student data or teacher or principal data by a person acting exclusively in the person’s capacity as an employee of the BOCES.

(Continued)
SUBJECT: PRIVACY AND SECURITY FOR STUDENT DATA AND TEACHER AND PRINCIPAL DATA (Cont'd.)

Chief Privacy Officer

The Commissioner of Education has appointed a Chief Privacy Officer who will report to the Commissioner on matters affecting privacy and the security of student data and teacher and principal data. Among other functions, the Chief Privacy Officer is authorized to provide assistance to educational agencies within the state on minimum standards and best practices associated with privacy and the security of student data and teacher and principal data.

The BOCES will comply with its obligation to report breaches or unauthorized releases of student data or teacher or principal data to the Chief Privacy Officer in accordance with Education Law Section 2-d, its implementing regulations, and this policy.

The Chief Privacy Officer has the power, among others, to:

a) Access all records, reports, audits, reviews, documents, papers, recommendations, and other materials maintained by the BOCES that relate to student data or teacher or principal data, which includes, but is not limited to, records related to any technology product or service that will be utilized to store and/or process PII; and

b) Based upon a review of these records, require the BOCES to act to ensure that PII is protected in accordance with laws and regulations, including but not limited to requiring the BOCES to perform a privacy impact and security risk assessment.

Data Protection Officer

The BOCES has designated an employee, Dr. Jennifer Harriton-Wilson, to serve as the Data Protection Officer.

The Data Protection Officer is responsible for the implementation and oversight of this policy and any related procedures including those required by Education Law Section 2-d and its implementing regulations, as well as serving as the main point of contact for data privacy and security for the BOCES.

The BOCES will ensure that the Data Protection Officer has the appropriate knowledge, training, and experience to administer these functions. The Data Protection Officer may perform these functions in addition to other job responsibilities.

(Continued)
SUBJECT: PRIVACY AND SECURITY FOR STUDENT DATA AND TEACHER AND PRINCIPAL DATA (Cont'd.)

BOCES Data Privacy and Security Standards

The BOCES will use the National Institute for Standards and Technology Framework for Improving Critical Infrastructure Cybersecurity (Version 1.1) (Framework) as the standard for its data privacy and security program. The Framework is a risk-based approach to managing cybersecurity risk and is composed of three parts: the Framework Core, the Framework Implementation Tiers, and the Framework Profiles. The Framework provides a common taxonomy and mechanism for organizations to:

a) Describe their current cybersecurity posture;
b) Describe their target state for cybersecurity;
c) Identify and prioritize opportunities for improvement within the context of a continuous and repeatable process;
d) Assess progress toward the target state; and
e) Communicate among internal and external stakeholders about cybersecurity risk.

The BOCES will protect the privacy of PII by:

a) Ensuring that every use and disclosure of PII by the BOCES benefits students and the BOCES by considering, among other criteria, whether the use and/or disclosure will:
   1. Improve academic achievement;
   2. Empower parents and students with information; and/or
   3. Advance efficient and effective school operations.

b) Not including PII in public reports or other public documents.

The BOCES affords all protections under FERPA and the Individuals with Disabilities Education Act and their implementing regulations to parents or eligible students, where applicable.

(Continued)
SUBJECT: PRIVACY AND SECURITY FOR STUDENT DATA AND TEACHER AND PRINCIPAL DATA (Cont'd.)

Third-Party Contractors

BOCES Responsibilities

The BOCES will ensure that whenever it enters into a contract or other written agreement with a third-party contractor under which the third-party contractor will receive student data or teacher or principal data from the BOCES, the contract or written agreement will include provisions requiring that confidentiality of shared student data or teacher or principal data be maintained in accordance with law, regulation, and BOCES policy.

In addition, the BOCES will ensure that the contract or written agreement includes the third-party contractor's data privacy and security plan that has been accepted by the BOCES.

The third-party contractor's data privacy and security plan must, at a minimum:

a) Outline how the third-party contractor will implement all state, federal, and local data privacy and security contract requirements over the life of the contract, consistent with BOCES policy;

b) Specify the administrative, operational, and technical safeguards and practices the third-party contractor has in place to protect PII that it will receive under the contract;

c) Demonstrate that the third-party contractor complies with the requirements of 8 NYCRR Section 121.3(c);

d) Specify how officers or employees of the third-party contractor and its assignees who have access to student data or teacher or principal data receive or will receive training on the laws governing confidentiality of this data prior to receiving access;

e) Specify if the third-party contractor will utilize subcontractors and how it will manage those relationships and contracts to ensure PII is protected;

f) Specify how the third-party contractor will manage data privacy and security incidents that implicate PII including specifying any plans to identify breaches and unauthorized disclosures, and to promptly notify the BOCES;

g) Describe whether, how, and when data will be returned to the BOCES, transitioned to a successor contractor, at the BOCES's option and direction, deleted or destroyed by the third-party contractor when the contract is terminated or expires; and

h) Include a signed copy of the Parents' Bill of Rights for Data Privacy and Security.

(Continued)
SUBJECT: PRIVACY AND SECURITY FOR STUDENT DATA AND TEACHER AND PRINCIPAL DATA (Cont'd.)

Third-Party Contractor Responsibilities

Each third-party contractor, that enters into a contract or other written agreement with the BOCES under which the third-party contractor will receive student data or teacher or principal data from the BOCES, is required to:

a) Adopt technologies, safeguards, and practices that align with the NIST Cybersecurity Framework;

b) Comply with BOCES policy and Education Law Section 2-d and its implementing regulations;

c) Limit internal access to PII to only those employees or subcontractors that have legitimate educational interests (i.e., they need access to provide the contracted services);

d) Not use the PII for any purpose not explicitly authorized in its contract;

e) Not disclose any PII to any other party without the prior written consent of the parent or eligible student:

1. Except for authorized representatives of the third-party contractor such as a subcontractor or assignee to the extent they are carrying out the contract and in compliance with law, regulation, and its contract with the BOCES; or

2. Unless required by law or court order and the third-party contractor provides a notice of the disclosure to NYSED, the Board, or the institution that provided the information no later than the time the information is disclosed, unless providing notice of the disclosure is expressly prohibited by law or court order;

f) Maintain reasonable administrative, technical, and physical safeguards to protect the security, confidentiality, and integrity of PII in its custody;

g) Use encryption to protect PII in its custody while in motion or at rest; and

h) Not sell PII nor use or disclose it for any marketing or commercial purpose or facilitate its use or disclosure by any other party for any marketing or commercial purpose or permit another party to do so.

Where a third-party contractor engages a subcontractor to perform its contractual obligations, the data protection obligations imposed on the third-party contractor by law and contract apply to the subcontractor.

(Continued)
Cooperative Educational Services through another BOCES

The Putnam/Northern Westchester BOCES (“PNW BOCES”) may not be required to enter into a separate contract or data sharing and confidentiality agreement with a third-party contractor that will receive student data or teacher or principal data under all circumstances.

For example, the PNW BOCES may not need its own contract or agreement where:

a) It has entered into a cooperative educational service agreement (CoSer) with a BOCES that includes use of a third-party contractor's product or service; and

b) That PNW BOCES has entered into a contract or data sharing and confidentiality agreement with the third-party contractor, pursuant to Education Law Section 2-d and its implementing regulations, that is applicable to this BOCES's use of the product or service under that CoSer.

To meet its obligations whenever student data or teacher or principal data from the PNW BOCES is received by a third-party contractor pursuant to a CoSer, the PNW BOCES will consult with the other BOCES to, among other things:

a) Ensure there is a contract or data sharing and confidentiality agreement pursuant to Education Law Section 2-d and its implementing regulations in place that would specifically govern the PNW BOCES's use of a third-party contractor's product or service under a particular CoSer;

b) Determine procedures for including supplemental information about any applicable contracts or data sharing and confidentiality agreements that another BOCES has entered into with a third-party contractor in its Parents' Bill of Rights for Data Privacy and Security;

c) Ensure appropriate notification is provided to affected parents, eligible students, teachers, and/or principals about any breach or unauthorized release of PII that a third-party contractor has received from the PNW BOCES pursuant to another BOCES contract; and

d) Coordinate reporting to the Chief Privacy Officer to avoid duplication in the event the BOCES receives information directly from a third-party contractor about a breach or unauthorized release of PII that the third-party contractor received from the PNW BOCES pursuant to another BOCES contract.

(Continued)
SUBJECT: PRIVACY AND SECURITY FOR STUDENT DATA AND TEACHER AND PRINCIPAL DATA (Cont'd.)

Click-Wrap Agreements

Periodically, BOCES staff may wish to use software, applications, or other technologies in which the user must "click" a button or box to agree to certain online terms of service prior to using the software, application, or other technology. These are known as "click-wrap agreements" and are considered legally binding "contracts or other written agreements" under Education Law Section 2-d and its implementing regulations.

BOCES staff are prohibited from using software, applications, or other technologies pursuant to a click-wrap agreement in which the third-party contractor receives student data or teacher or principal data from the BOCES unless they have received prior approval from the BOCES's Data Privacy Officer or designee.

The BOCES will develop and implement procedures requiring prior review and approval for staff use of any software, applications, or other technologies pursuant to click-wrap agreements.

Parents' Bill of Rights for Data Privacy and Security

The BOCES will publish its Parents' Bill of Rights for Data Privacy and Security (Bill of Rights) on its website. Additionally, the BOCES will include the Bill of Rights with every contract or other written agreement it enters into with a third-party contractor under which the third-party contractor will receive student data or teacher or principal data from the BOCES.

The BOCES Bill of Rights will state in clear and plain English terms that:

a) A student's PII cannot be sold or released for any commercial purposes;

b) Parents have the right to inspect and review the complete contents of their child's education record;

c) State and federal laws protect the confidentiality of PII, and safeguards associated with industry standards and best practices, including but not limited to encryption, firewalls, and password protection, must be in place when data is stored or transferred;

d) A complete list of all student data elements collected by the state is available for public review at the following website http://www.nysed.gov/student-data-privacy/student-data-inventory or by writing to the Office of Information and Reporting Services, New York State Education Department, Room 865 EBA, 89 Washington Avenue, Albany, New York 12234; and

e) Parents have the right to have complaints about possible breaches of student data addressed. Complaints should be directed in writing to Privacy Complaint, Chief Privacy Officer,

(Continued)
SUBJECT: PRIVACY AND SECURITY FOR STUDENT DATA AND TEACHER AND PRINCIPAL DATA (Cont’d.)

New York State Education Department, 89 Washington Avenue, Albany, New York 12234. Complaints may also be submitted using the form available at the following website http://www.nysed.gov/student-data-privacy/form/report-improper-disclosure.

The Bill of Rights will also include supplemental information for each contract the BOCES enters into with a third-party contractor where the third-party contractor receives student data or teacher or principal data from the BOCES The supplemental information must be developed by the BOCES, and include the following information:

a) The exclusive purposes for which the student data or teacher or principal data will be used by the third-party contractor, as defined in the contract;

b) How the third-party contractor will ensure that the subcontractors, or other authorized persons or entities to whom the third-party contractor will disclose the student data or teacher or principal data, if any, will abide by all applicable data protection and security requirements, including but not limited to those outlined in applicable laws and regulations (e.g., FERPA; Education Law Section 2-d);

c) The duration of the contract, including the contract's expiration date, and a description of what will happen to the student data or teacher or principal data upon expiration of the contract or other written agreement (e.g., whether, when, and in what format it will be returned to the BOCES, and/or whether, when, and how the data will be destroyed);

d) If and how a parent, student, eligible student, teacher, or principal may challenge the accuracy of the student data or teacher or principal data that is collected;

e) Where the student data or teacher or principal data will be stored, described in a manner as to protect data security, and the security protections taken to ensure the data will be protected and data privacy and security risks mitigated; and

f) Address how the data will be protected using encryption while in motion and at rest.

The BOCES will publish on its website the supplement to the Bill of Rights (i.e., the supplemental information described above) for any contract or other written agreement it has entered into with a third-party contractor that will receive PII from the BOCES. The Bill of Rights and supplemental information may be redacted to the extent necessary to safeguard the privacy and/or security of the BOCES's data and/or technology infrastructure.

(Continued)
SUBJECT: PRIVACY AND SECURITY FOR STUDENT DATA AND TEACHER AND PRINCIPAL DATA (Cont'd.)

Right of Parents and Eligible Students to Inspect and Review Students' Education Records

Consistent with the obligations of the BOCES under FERPA, parents and eligible students have the right to inspect and review a student's education record by making a request directly to the BOCES in a manner prescribed by the BOCES.

The BOCES will ensure that only authorized individuals are able to inspect and review student data. To that end, the BOCES will take steps to verify the identity of parents or eligible students who submit requests to inspect and review an education record and verify the individual's authority to do so.

Requests by a parent or eligible student for access to a student's education records must be directed to the BOCES and not to a third-party contractor. The BOCES may require that requests to inspect and review education records be made in writing.

The BOCES will notify parents annually of their right to request to inspect and review their child's education record including any student data stored or maintained by the BOCES through its annual FERPA notice. A notice separate from the BOCES’s annual FERPA notice is not required.

The BOCES will comply with a request for access to records within a reasonable period, but not more than 45 calendar days after receipt of a request.

The BOCES may provide the records to a parent or eligible student electronically, if the parent consents. The BOCES must transmit the PII in a way that complies with laws and regulations. Safeguards associated with industry standards and best practices, including but not limited to encryption and password protection, must be in place when education records requested by a parent or eligible student are electronically transmitted.

Complaints of Breach or Unauthorized Release of Student Data and/or Teacher or Principal Data

The BOCES will inform parents, through its Parents' Bill of Rights for Data Privacy and Security, that they have the right to submit complaints about possible breaches of student data to the Chief Privacy Officer at NYSED. In addition, the BOCES has established the following procedures for parents, eligible students, teachers, principals, and other BOCES staff to file complaints with the BOCES about breaches or unauthorized releases of student data and/or teacher or principal data:

a) All complaints must be submitted to the BOCES.'s Data Protection Officer in writing.

(Continued)
SUBJECT: PRIVACY AND SECURITY FOR STUDENT DATA AND TEACHER AND PRINCIPAL DATA (Cont'd.)

b) Upon receipt of a complaint, the BOCES will promptly acknowledge receipt of the complaint, commence an investigation, and take the necessary precautions to protect PII.

c) Following the investigation of a submitted complaint, the BOCES will provide the individual who filed the complaint with its findings. This will be completed within a reasonable period of time, but no more than 60 calendar days from the receipt of the complaint by the BOCES.

d) If the BOCES requires additional time, or where the response may compromise security or impede a law enforcement investigation, the BOCES will provide the individual who filed the complaint with a written explanation that includes the approximate date when the BOCES anticipates that it will respond to the complaint.

These procedures will be disseminated to parents, eligible students, teachers, principals, and other BOCES staff.

The BOCES will maintain a record of all complaints of breaches or unauthorized releases of student data and their disposition in accordance with applicable data retention policies, including the Records Retention and Disposition Schedule ED-1 (1988; rev. 2004).

Reporting a Breach or Unauthorized Release

The BOCES will report every discovery or report of a breach or unauthorized release of student data or teacher or principal data within the BOCES to the Chief Privacy Officer without unreasonable delay, but no more than ten calendar days after the discovery.

Each third-party contractor that receives student data or teacher or principal data pursuant to a contract or other written agreement entered into with the BOCES will be required to promptly notify the BOCES of any breach of security resulting in an unauthorized release of the data by the third-party contractor or its assignees in violation of applicable laws and regulations, the Parents’ Bill of Rights for Student Data Privacy and Security, BOCES policy, and/or binding contractual obligations relating to data privacy and security, in the most expedient way possible and without unreasonable delay, but no more than seven calendar days after the discovery of the breach.

In the event of notification from a third-party contractor, the BOCES will in turn notify the Chief Privacy Officer of the breach or unauthorized release of student data or teacher or principal data no more than ten calendar days after it receives the third-party contractor's notification using a form or format prescribed by NYSED.

(Continued)
SUBJECT: PRIVACY AND SECURITY FOR STUDENT DATA AND TEACHER AND PRINCIPAL DATA (Cont'd.)

Investigation of Reports of Breach or Unauthorized Release by the Chief Privacy Officer

The Chief Privacy Officer is required to investigate reports of breaches or unauthorized releases of student data or teacher or principal data by third-party contractors. As part of an investigation, the Chief Privacy Officer may require that the parties submit documentation, provide testimony, and may visit, examine, and/or inspect the third-party contractor's facilities and records.

Upon the belief that a breach or unauthorized release constitutes criminal conduct, the Chief Privacy Officer is required to report the breach and unauthorized release to law enforcement in the most expedient way possible and without unreasonable delay.

Third-party contractors are required to cooperate with the BOCES and law enforcement to protect the integrity of investigations into the breach or unauthorized release of PII.

Upon conclusion of an investigation, if the Chief Privacy Officer determines that a third-party contractor has through its actions or omissions caused student data or teacher or principal data to be breached or released to any person or entity not authorized by law to receive this data in violation of applicable laws and regulations, BOCES policy, and/or any binding contractual obligations, the Chief Privacy Officer is required to notify the third-party contractor of the finding and give the third-party contractor no more than 30 days to submit a written response.

If after reviewing the third-party contractor's written response, the Chief Privacy Officer determines the incident to be a violation of Education Law Section 2-d, the Chief Privacy Officer will be authorized to:

a) Order the third-party contractor be precluded from accessing PII from the affected educational agency for a fixed period of up to five years;

b) Order that a third-party contractor or assignee who knowingly or recklessly allowed for the breach or unauthorized release of student data or teacher or principal data be precluded from accessing student data or teacher or principal data from any educational agency in the state for a fixed period of up to five years;

b) Order that a third-party contractor who knowingly or recklessly allowed for the breach or unauthorized release of student data or teacher or principal data will not be deemed a responsible bidder or offeror on any contract with an educational agency that involves the sharing of student data or teacher or principal data, as applicable for purposes of General Municipal Law Section 103 or State Finance Law Section 163(10)(c), as applicable, for a fixed period of up to five years; and/or contractor's expense. This additional training is required to be performed immediately and include a review of laws, rules, and regulations, including Education Law Section 2-d and its implementing regulations.

(Continued)
SUBJECT: PRIVACY AND SECURITY FOR STUDENT DATA AND TEACHER AND PRINCIPAL DATA (Cont’d.)

If the Chief Privacy Officer determines that the breach or unauthorized release of student data or teacher or principal data on the part of the third-party contractor or assignee was inadvertent and done without intent, knowledge, recklessness, or gross negligence, the Chief Privacy Officer may make a recommendation to the Commissioner that no penalty be issued to the third-party contractor.

The Commissioner would then make a final determination as to whether the breach or unauthorized release was inadvertent and done without intent, knowledge, recklessness or gross negligence and whether or not a penalty should be issued.

Notification of a Breach or Unauthorized Release

The BOCES will notify affected parents, eligible students, teachers, and/or principals in the most expedient way possible and without unreasonable delay, but no more than 60 calendar days after the discovery of a breach or unauthorized release of PII by the BOCES or the receipt of a notification of a breach or unauthorized release of PII from a third-party contractor unless that notification would interfere with an ongoing investigation by law enforcement or cause further disclosure of PII by disclosing an unfixed security vulnerability. Where notification is delayed under these circumstances, the BOCES will notify parents, eligible students, teachers, and/or principals within seven calendar days after the security vulnerability has been remedied or the risk of interference with the law enforcement investigation ends.

Notifications will be clear, concise, use language that is plain and easy to understand, and to the extent available, include:

a) A brief description of the breach or unauthorized release, the dates of the incident and the date of discovery, if known;

b) A description of the types of PII affected;

c) An estimate of the number of records affected;

d) A brief description of the BOCES's investigation or plan to investigate; and

e) Contact information for representatives who can assist parents or eligible students that have additional questions.

Notification will be directly provided to the affected parent, eligible student, teacher, or principal by first-class mail to their last known address, by email, or by telephone.

(Continued)
SUBJECT: PRIVACY AND SECURITY FOR STUDENT DATA AND TEACHER AND PRINCIPAL DATA (Cont'd.)

Where a breach or unauthorized release is attributed to a third-party contractor, the third-party contractor is required to pay for or promptly reimburse the BOCES for the full cost of this notification.

Annual Data Privacy and Security Training

The BOCES will annually provide data privacy and security awareness training to its officers and staff with access to PII. This training will include, but not be limited to, training on the applicable laws and regulations that protect PII and how staff can comply with these laws and regulations. The BOCES may deliver this training using online training tools. Additionally, this training may be included as part of the training that the BOCES already offers to its workforce.

Notification of Policy

The BOCES will publish this policy on its website and provide notice of the policy to all its officers and staff.

Education Law § 2-d
8 NYCRR Part 121

Adopted: 6/16/20
SUBJECT: DRUG AND ALCOHOL TESTING FOR SCHOOL BUS DRIVERS AND OTHER SAFETY-SENSITIVE EMPLOYEES

In accordance with federal regulations, all employees whose job requires maintaining a commercial driver’s license (CDL), are subject to random testing for alcohol, marijuana, cocaine, amphetamines, opiates (including heroin), and phencyclidine (PCP). The BOCES shall adhere to federal law and regulations requiring the implementation of a drug and alcohol testing program for employees requiring a CDL.

The BOCES shall establish and manage its own program, either by contract or through a consortium for the provision of alcohol and drug testing of employees in safety-sensitive positions. Safety-sensitive employees (SSE), including school bus drivers who drive a vehicle which is designed to transport 16 or more passengers (including the driver), shall be subject to this requirement.

Federal regulations require that the BOCES test school bus drivers and other SSEs for alcohol and drugs at the following times:

a) Drug testing will be conducted after an offer to hire, but before actually performing safety-sensitive functions for the first time. Such pre-employment testing will also be required when employees transfer to a safety-sensitive position.

b) Safety-sensitive employees are also subject to a random drug and/or alcohol test on an unannounced basis just before, during or just after performance of safety-sensitive functions.

b) In addition, testing will be ordered if a trained supervisor has a “reasonable suspicion” that an employee has engaged in prohibited use of drugs and/or alcohol.

d) There will also be post-accident testing conducted after accidents on employees whose performance could have contributed to the accidents.

e) Finally, return-to-duty and follow-up testing will be conducted when an individual who has violated the prohibited alcohol and/or drug conduct standards returns to performing safety-sensitive duties. Follow-up tests are unannounced and at least 6 tests must be conducted in the first 12 months after an employee returns to duty. Follow-up testing may be extended for up to 60 months following return-to-duty.

f) Should the BOCES receive a dilute test result in which the creatinine concentration is greater than 5mg/dl. in the case of any pre-employment, return-to-duty, follow-up, reasonable suspicion, or random test, it is the policy of the BOCES that the individual will be re-tested and that re-test will become the test of record.

All employee drug and alcohol testing will be kept confidential and shall only be revealed without the driver’s consent to the employer, a substance abuse professional, drug testing laboratory, medical review officer and any other individual designated by law.
SUBJECT: DRUG AND ALCOHOL TESTING FOR SCHOOL BUS DRIVERS AND OTHER SAFETY-SENSITIVE EMPLOYEES (Cont'd.)

The following alcohol and controlled substance-related activities are prohibited by the Federal Highway Administration’s drug use and alcohol misuse rules for drivers of commercial motor vehicles and other SSEs:

a) Reporting for duty or remaining on duty to perform safety-sensitive functions while having an alcohol concentration of 0.02 or greater.

b) Being on duty or operating a commercial motor vehicle (CMV) while the driver possesses alcohol, unless the alcohol is manifested and transported as part of a shipment. This includes the possession of medicines containing alcohol (prescription or over-the-counter), unless the packaging seal is unbroken.

c) Using alcohol or controlled substances while performing safety-sensitive functions.

d) Using alcohol or controlled substances 6 hours or less before duty.

e) No driver shall use alcohol after being involved in an accident in which there was a fatality or in which the driver was cited for a moving violation and a vehicle was towed from the scene or an injury was treated away from the scene until he/she has been tested or 8 hours have passed, whichever occurs first.

f) Refusing to submit to an alcohol or controlled substance test required by post-accident, random, reasonable suspicion or follow-up testing requirements.

g) Reporting for duty or remaining on duty, requiring the performance of safety-sensitive functions, when the SSE uses any controlled substance. This prohibition does not apply when instructed by a physician who has advised the SSE that the substance does not adversely affect the SSE's ability to safely operate a CMV.

h) Reporting for duty, remaining on duty or performing a safety-sensitive function, if the SSE tests positive for controlled substances.

Drivers and other SSEs who are known to have engaged in prohibited behavior with regard to alcohol misuse or use of controlled substances are subject to disciplinary action and penalties pursuant to BOCES policy and collective bargaining agreements, as well as the sanctions provided for in federal law. SSEs who have engaged in such prohibited behavior shall not be allowed to perform safety-sensitive functions until they are:

a) Evaluated by a substance abuse professional (SAP).

(Continued)
SUBJECT: DRUG AND ALCOHOL TESTING FOR SCHOOL BUS DRIVERS AND OTHER SAFETY-SENSITIVE EMPLOYEES (Cont’d.)

b) Complete any requirements for rehabilitation as set by the BOCES and the SAP.

c) Pass a return-to-duty test with the result below 0.02 if the conduct involved alcohol, or a controlled substance test with a verified negative result if the conduct involved controlled substance use.

d) The SSE shall also be subject to unannounced follow-up alcohol and controlled substance testing. The number and frequency of such follow-up testing shall be as directed by the SAP, and consist of at least 6 tests in the first 12 months. Follow-up testing may be extended for up to 60 months following return to duty.

The District Superintendent shall ensure that each SSE receives a copy of BOCES policy, educational materials that explain the requirements of the alcohol and drug testing regulations, and any regulations and/or procedures developed by the BOCES with respect to meeting those requirements. The District Superintendent or his/her designee shall ensure that a copy of these materials is distributed to each SSE, who shall sign for receipt of all of the above documents, as well as other appropriate personnel, prior to the start of alcohol and controlled substance testing as well as at the beginning of each school year or at the time of hire for any safety-sensitive employees. Representatives of applicable collective bargaining units shall be notified of the availability of this information.

The District Superintendent or his/her designee shall arrange for training of all supervisors who may be utilized to determine whether “reasonable suspicion” exists to test a driver for prohibited conduct involving alcohol or controlled substance use/abuse.

Any violation of this policy, administrative regulations and/or procedures, and applicable federal and state laws by a covered employee shall be grounds for disciplinary action including, but not limited to, fines, suspension, and/or discharge in a manner consistent with BOCES policy, collective bargaining agreements and applicable law.

Regulations shall be established as necessary to implement this policy.

Omnibus Transportation Employee Testing Act of 1991 (P.L.102-143)
49 United States Code (USC) Sections 31136, 31306 521(b)
49 Code of Federal Regulations (CFR) Parts 40, 382, 391, 392 and 395.2
Vehicle and Traffic Law Sections 509-g, 509-1, 1192, 1193

Adopted: 1/29/04
Revised: 6/26/07
Revised: 6/16/15
Revised 7/2/19
SUBJECT:  USE OF VEHICLES FOR SCHOOL RELATED TRIPS

Whenever possible, BOCES owned vehicles should be used for transportation for school purposes.

The Operations and Maintenance Department is responsible for the vehicles owned by the Board of Cooperative Educational Services. Hence, use of the vehicles should be cleared with the Director of Operations and Maintenance.

Some vehicles are available to staff for official use providing such use will not impede the timely and orderly carrying out of our primary transportation needs: transportation of pupils, deliveries of educational materials to BOCES locations and component schools, etc. BOCES owned vehicles are not available for the personal use of staff, nor should they be taken home except for practical reasons such as early morning departure or late return on official trips.

Vehicles will be gassed up at the BOCES pump and ready for the trip. The person using a vehicle on a trip should procure a gasoline credit card from the Business Office if refueling will be necessary.

Cars and keys should be returned to the Operations and Maintenance Office unless different arrangements have been made in advance.

Arrangements for vehicles should be made with the Operations and Maintenance office as soon as a need is known, preferably not later than the day preceding the need. Emergency or unanticipated needs will be met if vehicles are available.

Adopted:  1/29/04
Revised:  6/26/07
Revised:  6/23/09
SUBJECT: OWNED OR LEASED VEHICLES

Putnam|Northern Westchester BOCES owned or leased vehicles may be made available for official travel by BOCES personnel upon approval of the District Superintendent or designee.

The District Superintendent or designee may approve reimbursement for travel for professional purposes in a private vehicle at a rate approved by the BOCES or through negotiated contract.

In no case is a BOCES owned vehicle to be approved for personal use unless authorized by the Board of Cooperative Educational Services.

Maintenance of a Vehicle Inventory

The Director of Business Affairs will maintain an inventory of all BOCES owned vehicles.

Adopted: 1/29/04
Revised: 6/26/07
Revised: 6/23/09
SUBJECT: PASSENGER VEHICLES FOR ADMINISTRATIVE USE

To insure the accessibility of transportation for members of the administrative staff whose duties require that they be available at all times to service the needs of the component districts as well as of BOCES, passenger vehicles may be purchased, on state contract or otherwise, for full use by administrative staff to include the District Superintendent and the Director of Operations and Maintenance. Such vehicles will be owned, insured and serviced by BOCES.

Education Law Section 1950

Adopted: 6/26/07
Revised: 4/25/12
SUBJECT: TRANSPORTATION TO SCHOOL SPONSORED EVENTS

Where the BOCES has provided transportation to students enrolled in the BOCES to a school sponsored field trip, extracurricular activity or any other similar event, it shall provide transportation back to either the point of departure or to the appropriate location at the BOCES unless the parent/guardian/person in parental relation of a student participating in such event has provided the BOCES with written notice, consistent with BOCES policy, authorizing an alternative form of return transportation for such student or unless intervening circumstances make such transportation impractical. In cases where intervening circumstances make transportation of a student back to the point of departure or to the appropriate school in the BOCES impractical, a representative of the BOCES shall remain with the student until such student’s parent/guardian/person in parental relation has been contacted and informed of the intervening circumstances which make such transportation impractical; and the student has been delivered to his/her parent/guardian/person in parental relation.

Education Law Sections 1604, 1709, 1804, 1903, 1950, 2503, 2554, and 2590-e

Adopted: 1/29/04
SUBJECT: QUALIFICATIONS OF BUS DRIVERS

A person shall be qualified to operate a bus only if such person:

a) Is at least twenty-one (21) years of age;

b) Has been issued a currently valid operator’s or commercial driver’s license which is valid for the operation of a bus in New York State;

c) Has passed the annual bus driver physical examination administered pursuant to Regulations of the Commissioner of Education and the Commissioner of Motor Vehicles. In no case shall the interval between physical examinations exceed a thirteen-month (13) period;

d) Is not disqualified to drive a motor vehicle under Vehicle and Traffic Law Sections 509-c and 509-cc and any other provisions of Article 19-A;

e) Has on file at least three (3) statements from three (3) different persons who are not related to the driver/applicant pertaining to moral character and to the reliability of such driver/applicant;

f) Has completed, or is scheduled to complete, State Education Department safety programs as required by law;

g) Is in compliance with federal law and regulations, as well as BOCES policy and/or regulations, as it pertains to meeting the standards governing alcohol and controlled substance testing of bus drivers if and when applicable;

h) Has taken and passed a physical performance test at least once every two (2) years and/or following an absence from service of sixty (60) or more consecutive days from his/her scheduled work duties; and

i) Is in compliance with all other laws and regulations for operating a school bus, including licensing and training requirements.

Special Requirements for New Bus Drivers

Before employing a new bus driver, the District Superintendent or his/her designee shall:

a) Require such person to pass a physical examination within four (4) weeks prior to the beginning of service;

(Continued)
SUBJECT: QUALIFICATIONS OF BUS DRIVERS (Cont’d.)

b) Obtain a driving record from the appropriate agency in every state in which the person resided, worked, and/or held a driver’s license or learner’s permit during the preceding three (3) years;

c) Investigate the person’s employment record during the preceding three (3) years;

d) Require such person to submit to the mandated fingerprinting procedures/criminal history background check:

e) Request the Department of Motor Vehicles to initiate a driving record abstract check; and

f) Require that the newly hired bus driver take and pass the physical performance test, as mandated by Commissioner’s Regulations, before they transport students.

Occasional Drivers

Under Commissioner’s Regulations, an occasional driver is defined as a certified teacher employed by a school district or Board of Cooperative Educational Services (BOCES) who is not primarily employed as a school bus driver or substitute bus driver on either a full-time or part-time basis. Occasional drivers used for other than regular routes are not required to fulfill the training required for regular school bus drivers.

Omnibus Transportation Employee Testing Act of 1991, (Public Law 102-143)
49 United States Code (USC) Section 521(b)
Education Law Section 3624
Vehicle and Traffic Law Sections 509-c, 509-cc and Article 19-A
8 New York Code of Rules and Regulations (NYCRR) Section 156.3
15 New York Code of Rules and Regulations (NYCRR) Section 6

Adopted: 1/22/08
Revised: 6/23/09
SUBJECT:  IDLING SCHOOL BUSES ON SCHOOL GROUNDS

The Board recognizes the need to promote the health and safety of BOCES students and staff and to protect the environment from harmful emissions found in bus and vehicle exhaust. In accordance with Education Law and Commissioner’s Regulations, the BOCES will minimize, to the extent practicable, the idling of all school buses and other vehicles owned or leased by the BOCES while such bus or vehicle is parked or standing on school grounds or in front of any school. This policy also applies to contractor owned and operated school buses under contract with the BOCES.

The BOCES shall ensure that each driver of a school bus or other vehicle owned, leased or contracted for by the BOCES turn off the engine of the bus or vehicle while waiting for passengers to load or off load on school grounds, or while such vehicle is parked or standing on school grounds or in front of or adjacent to any school.

Exceptions

Unless otherwise required by State or local law, the idling of a school bus or vehicle engine may be permitted to the extent necessary to achieve the following purposes:

a) For mechanical work; or

b) To maintain an appropriate temperature for passenger comfort; or

c) In emergency evacuations where necessary to operate wheelchair lifts.

Private Vendor Transportation Contracts

All contracts for pupil transportation services between the BOCES and a private vendor that are entered into on or after August 21, 2008 shall include a provision requiring such vendor’s compliance with the provisions of reducing idling in accordance with Commissioner’s Regulations Section 156.3(h).

Education Law Section 3637
Vehicle and Traffic Law Section 142
8 New York Code of Rules and Regulations (NYCRR) Section 156.3(h)

Adopted: 6/23/09
SUBJECT: **FINANCIAL ACCOUNTABILITY**

BOCES must have internal controls in place to ensure that:

a) The goals and objectives of the BOCES are accomplished;
b) Laws, regulations, policies, and good business practices are complied with;
c) Audit recommendations are evaluated;
d) Operations are efficient and effective;
e) Assets are safeguarded; and
f) Accurate, timely and reliable data are maintained.

The Putnam/Northern Westchester BOCES governance and control environment will include the following:

a) The BOCES code of ethics addresses conflict of interest transactions with Board members and employees. Transactions that are less-than-arm’s length are prohibited. Less-than-arm’s length is a relationship between the BOCES and employees or vendors who are related to BOCES officials or Board members.
b) The Board requires corrective action for issues reported in the Certified Public Accountant’s (CPA’s) management letter, audit reports, the Single Audit, and consultant reports.
c) The Board has established the required policies and procedures concerning BOCES operations.
d) The Board routinely receives and discusses the necessary fiscal reports including the:
   1) Treasurer’s cash reports
   2) Profit & Loss report
   3) Quarterly extra-classroom activity fund reports
   4) Short-term fund balance projections (usually starting in January).
   5) Accounts Receivable Aging Report

e) The BOCES has a long-term (three to five years) financial plan for capital projects.
f) The BOCES requires attendance at training programs for Board members, business officials, treasurers, claims auditors, and others to ensure they understand their duties and responsibilities and the data provided to them.
g) The Board has an audit committee to assist in carrying out its fiscal oversight responsibilities.
h) The BOCES’ information systems are economical, efficient, current, and up-to-date.
i) All computer files are secured with passwords or other controls, backed up on a regular basis, and stored at an off-site or in a secure fireproof location.

(Continued)
SUBJECT: FINANCIAL ACCOUNTABILITY (Cont’d.)

j) The BOCES periodically verifies that its controls are working efficiently.
k) The BOCES shall require all staff to take leave time during the fiscal year, during which time another staff member performs the duties of the staff member on leave.

Audit Response

Periodically, the BOCES receives audit reports from the External (Independent) Auditor and/or the Office of New York State Comptroller. The Board will review all audit recommendations in consultation with the Audit Committee, and respond appropriately. Independent and Comptroller audit reports and the accompanying management letters will be made available for public inspection. Notice of the availability of independent and Comptroller audit reports will be published in the BOCES official newspaper or one having general circulation in the BOCES. If there is no newspaper, notice must be placed in ten (10) public places within the BOCES. Additionally, final audit reports from the Office of the NYS Comptroller should be posted on the BOCES website for a period of five (5) years.

8NYCRR Section 170.12
General Municipal Law Section 33(2)(e) and 35(1)(2)
NY Education Law Section 2116-a

Adopted: 8/13/14
Revised: 6/16/15
SUBJECT: ALLEGATIONS OF FRAUD

Reporting and Investigations of Allegations of Fraud

All Board members and officers, BOCES employees and third party consultants are required to abide by the BOCES’ policies, administrative regulations and procedures in the conduct of their duties. Further, all applicable federal and/or state laws and regulations must be adhered to in the course of BOCES operations and practices. Any individual who has reason to believe that financial improprieties or wrongful conduct is occurring within the BOCES is to disclose such information according to the reporting procedures established by the BOCES. The reporting procedures will follow the chain of command as established within the department or school building or as enumerated in the BOCES’ Organizational Chart. In the event that the allegations of financial improprieties/fraud and/or wrongful conduct concern the investigating official, the report shall be made to the next level of supervisory authority. If the chain of supervisory command is not sufficient to ensure impartial, independent investigation, allegations of financial improprieties/fraud and/or wrongful conduct will be reported as applicable, to the Internal Auditor (if available), or the Independent (External) Auditor, or the BOCES Attorney, or the Board. The BOCES’ prohibition of wrongful conduct, including fraud, will be publicized within the BOCES as deemed appropriate; and written notification will be provided to all employees with fiscal accounting/oversight and/or financial duties including the handling of money.

Upon receipt of an allegation of financial improprieties/fraud and/or wrongful conduct, the Board or designated employee(s) will conduct a thorough investigation of the charges. However, even in the absence of a report of suspected wrongful conduct, if the BOCES has knowledge of, or reason to know of, any occurrence of financial improprieties/fraud and/or wrongful conduct, the BOCES will investigate such conduct promptly and thoroughly. To the extent possible, within legal constraints, all reports will be treated as confidentially and privately as possible. However, disclosure may be necessary to complete a thorough investigation of the charges and/or to notify law enforcement officials as warranted, and any disclosure will be provided on a “need to know” basis. Written records of the allegation, and resulting investigation and outcome will be maintained in accordance with law.

Based upon the results of this investigation, if the BOCES determines that an employee, BOCES official, or BOCES officer has engaged in financial improprieties/fraudulent and/or wrongful actions, appropriate disciplinary measures will be applied. Third parties who are found to have engaged in financial improprieties/fraud and/or wrongful conduct will be subject to appropriate sanctions as warranted and in compliance with law. The application of such disciplinary measures by the BOCES does not preclude the filing of civil and/or criminal charges as may be warranted. Rather, when BOCES officials receive a complaint or report of alleged financial improprieties/fraud and/or wrongful conduct that may be criminal in nature, law authorities should be immediately notified.

An appeal procedure will also be provided, as applicable, to address any unresolved complaints and/or unsatisfactory prior determinations by the applicable investigating officer(s).

(Continued)
SUBJECT: ALLEGATIONS OF FRAUD (Cont’d.)

Protection of BOCES Employees who Report Information Regarding Illegal or Inappropriate Financial Practices

Education Law specifically provides that any employee of the BOCES who has reasonable cause to believe that the fiscal practices or actions of an employee or officer of the BOCES violates a local, state, federal law or rules and regulations relating to the financial practices of the BOCES, and who in good faith reports such information to an official of the BOCES, or to the Office of the State Comptroller, the Commissioner of Education, or to law enforcement authorities, shall have immunity from any civil liability that may arise from the making of such report. Further, neither the BOCES, nor employee or officer thereof, shall take, request, or cause a retaliatory action against any such employee who makes such a report.

The Board also prohibits any retaliatory behavior directed against any witnesses and/or any other individuals who participate in the investigation of an allegation of illegal or inappropriate fiscal practices or actions. Follow-up inquiries shall be made to ensure that no reprisals or retaliatory behavior has occurred to those involved in the investigation. Any act of retaliation is prohibited and subject to appropriate disciplinary action by the BOCES.

Knowingly Makes False Accusations

Any individual who knowingly makes false accusations against another individual as to allegations of financial improprieties/fraud may also face appropriate disciplinary action.

Education Law Section 3028-d

Adopted: 11/29/05
Revised: 6/26/07
SUBJECT: INTERNAL CONTROLS, RESPONSIBILITY FOR INTERNAL CONTROLS, AND STANDARDS FOR INTERNAL CONTROLS

An important part of the Board’s accountability for the safe, secure, and efficient management of BOCES resources is the establishment, implementation, and monitoring of adequate internal controls. Internal control is a broadly defined process designed to provide reasonable assurance regarding the achievement of the following objectives:

- Safeguarding of BOCES assets against loss and unauthorized use or disposition;
- Ensuring the validity, accuracy and reliability of the BOCES’ accounting records and financial reports;
- Promoting adherence to prescribed Policies, Administrative Regulations (regulations), procedures, and state and federal regulatory requirements; and
- Ensuring the effectiveness and efficiency of BOCES operations.

Responsibility for Internal Control

1. BOCES’ administrators and managers are responsible for establishing and maintaining a system of internal controls, and for promoting a positive and supportive attitude toward them at all times by:

   a) Conducting or assigning to a designee required periodic review of departmental operating procedures to ensure that the principles and guidelines of internal control are being followed.

   b) Establishing controls where new types of transactions occur;

   c) Improving upon existing controls if control weaknesses are detected. See 2 below for responding to audit results and recommendations.

Because not all administrative units and departments have sufficient resources to provide optimal control at all times, estimates and judgments must be exercised to assess the costs, benefits, and risks involved. The costs associated with internal control should not exceed the benefits derived.

- The BOCES internal auditor and external auditor are responsible for reviewing the adequacy of internal controls and for reporting their findings to the Board and appropriate administrative levels within the BOCES.

- Administrators and managers are required to take prompt and responsive action on all findings and recommendations made by both internal and external auditors.

(Continued)
SUBJECT:  INTERNAL CONTROLS, RESPONSIBILITY FOR INTERNAL CONTROLS, AND STANDARDS FOR INTERNAL CONTROLS (Cont’d.)

- The audit process is completed only after administrators and managers receive the result of the audit, and action has been taken to (1) correct identified weaknesses, (2) produce improvements, or (3) demonstrate that management action is not warranted.

STANDARDS FOR INTERNAL CONTROLS

Board policy can define minimum levels of quality acceptable for internal control and provide the basis against which internal control is to be evaluated. These standards can be supplemented and applied to all aspects of BOCES operations: programmatic, financial and compliance. However, they are not intended to limit or interfere with duly granted authority related to developing policy, administrative regulation or other discretionary procedures in the BOCES. These standards provide a general framework. In implementing these standards, the administration is responsible for developing the detailed administrative regulations, procedures, and practices to fit the BOCES operations and to ensure that policies, administrative regulations, and procedures are built into an integral part of operations. Each of the standards is presented below in a short, concise statement. Additional information is available to administrators and managers to help them incorporate the standards into their daily operations.

Control Environment

The control environment, as established by the District Superintendent, and senior administrators and managers, sets the tone and influences the control consciousness of employees. Control environment factors include integrity and ethical values, employee competence, leadership philosophy and style, and assignment of authority and responsibility. An administrator can help promote a good control environment by:

- Holding regular team and one-on-one meetings to review policies, regulations, and procedures, and enlist support;
- Periodically evaluating staff training needs and providing for staff development;
- Clearly communicating performance expectations to staff and providing periodic constructive feedback; and
- Clearly articulating positions on ethical issues relating to business so that staff receive a clear, unambiguous message to act in an ethical manner.

(Continued)
SUBJECT:  INTERNAL CONTROLS, RESPONSIBILITY FOR INTERNAL CONTROLS, AND STANDARDS FOR INTERNAL CONTROLS (Cont’d.)

Risk Assessment

- Risk assessment is the identification and analysis of relevant risks to the achievement of the organization’s objectives. It forms the basis for determining how risks should be managed. Every administrator faces risk from external and internal sources that must be assessed. A precondition to risk assessment is the establishment of clear business objectives at all levels that are consistent and relate directly to those of the total organization. This should be a disciplined, documented and on-going process that is communicated to staff members as well as management.

Control Activities

- Control activities are the policies, administrative regulations, and procedures that help ensure management directives are carried out. They help ensure that necessary actions are taken to address the risks to achievement of the organization’s objectives. There are control activities specific for information systems, including security program, data center and client-server operations controls, system software controls, access security, and application system development and maintenance controls.

The control activities are the implementing tools of internal control policy. They include a range of activities as diverse as approvals, authorizations, verifications, reconciliations, reviews of operating procedures, security of assets and segregation of duties. The general guidelines for control activities are outlined below.

Separation of Duties

Individual duties are separated so that one person’s work routinely serves as a complementary check on another person’s work. No one person has complete control over more than one “key” processing function or activity, such as authorizing, approving, certifying, disbursing, receiving or reconciling.

Authorization and Approval

Proposed transactions are authorized when they are proper and consistent with BOCES policy and the organization’s plans. Transactions are approved by the person delegated approval authority. Approval authority is usually conferred on the basis of some special knowledge or competency.

(Continued)
SUBJECT: INTERNAL CONTROLS, RESPONSIBILITY FOR INTERNAL CONTROLS, AND STANDARDS FOR INTERNAL CONTROLS (Cont’d.)

Custodial and Security Arrangements

The responsibility for the physical security (custody) of assets is separated from the related record-keeping (accounting) for those assets. Unauthorized access to assets and accounting records is prevented.

Review and Reconciliation

Departmental accounting records and documents are 1) examined by employees who possess sufficient understanding of the BOCES financial system to verify that recorded transactions actually took place and were made in accordance with prescribed procedures; and 2) compared with uniform financial system reports and financial statements to verify their reasonableness, accuracy and completeness.

Information and Communication

- Information and communication systems enable the organization’s administrators, managers, and employees to capture and exchange the information needed to conduct, manage and control its operations. Pertinent information must be identified, captured and communicated in a form and timeframe that enables a manager and staff to carry out their responsibilities efficiently. Information systems produce reports containing operational, financial and compliance-related information that make it possible to run and control a business or academic unit. Effective communication must also occur in a broader sense, flowing down, across and up the unit. All staff must understand their own role in the internal control system, as well as how individual activities relate to the work of others.

Monitoring

- Internal control systems need to be monitored – a process that assesses the quality of the system’s performance over time. Ongoing monitoring occurs in the course of normal operations and includes regular management and supervisory activities. In addition, separate operational evaluations are conducted based upon the assessment of risks and the effectiveness of ongoing monitoring procedures. Adequate supervision of personnel and monitoring activities are required to ensure the reliability of accounting and/or operational controls by pointing out errors, omissions, exceptions and inconsistencies in the application of procedures.

Adopted: 6/26/07
SUBJECT: INTERNAL AUDIT FUNCTION

The Board recognizes its responsibility to ensure sound fiscal management of the BOCES. To this end, the Board establishes an internal audit function, to be performed by an individual or entity appointed as the “internal auditor.” The internal auditor shall be appointed annually and shall serve at the pleasure of the Board. The internal auditor shall report directly to the Board and shall abide by the policies and regulations regarding conduct of business on the BOCES campus.

The internal auditor shall perform the following tasks as the internal audit function in accordance with generally accepted accounting standards:

1. Develop an annual risk assessment of district fiscal operations which shall include but not be limited to:
   a. review of financial policies and procedures, and
   b. testing and evaluation of the District’s internal controls, taking into account risk, control weaknesses, size and complexity of operations.

2. Review and update such risk assessment annually;

3. Prepare reports, at least annually or more frequently as the Board may direct, which:
   a. Analyze significant risk assessment findings,
   b. Recommend changes for strengthening controls and reducing identified risks, and
   c. Specify time frames for implementation of such recommendations.

To fulfill this function, the BOCES may use inter-municipal cooperative agreements or independent contractors as long as such personnel or entities performing the internal audit function comply with the Commissioner’s Regulations. The BOCES may also use existing personnel to fulfill this function but only if such persons do not have any responsibilities for other business operations of the BOCES while performing such function. The individual or entity engaged as the internal auditor must meet the test of independence as described in the Commissioner’s Regulations.

Education Law 2116-b; 8 NYCRR 170.12

Adopted: 6/27/06
Revised: 6/26/07
SUBJECT: AUDIT COMMITTEE

No later than January 1, 2006, an Audit Committee shall be established by Board resolution. The Audit Committee may consist of:

a) The Board as a whole;

b) A subcommittee of the Board; or

c) An Advisory Committee that may include, or be composed entirely of persons other than Board members, if, in the opinion of the Board, such membership is advisable to provide accounting and auditing expertise.

Persons other than Board members who serve on the advisory committee shall be independent and shall not:

1. Be employed by the BOCES;

2. Be an individual who within the last two years provided, or currently provides, services to the BOCES;

3. Be the owner of or have a direct and material interest in a company providing goods or services to the BOCES; or

4. Be a close or immediate family member of an employee, officer, or contractor providing services to the BOCES. A “close family member” is defined as a parent/guardian/person in parental relation, sibling or nondependent child; and “close family member” is a spouse, spouse equivalent, or dependent (whether or not related).

The Audit Committee shall consist of at least three (3) members who should collectively possess knowledge in accounting, auditing, financial reporting, and BOCES finances. They shall serve without compensation, but shall be reimbursed for any actual and necessary expenditure incurred in relation to attendance at meetings. Employees of the BOCES are prohibited from serving on the Audit Committee. Members of the Audit Committee shall be deemed BOCES Officers, but shall not be required to be residents of the BOCES.

The role of the Audit Committee shall be advisory unless the Audit Committee consists of at least a quorum of Board members, and any recommendations it provides to the Board shall not substitute for any required review and acceptance by the Board.

The Audit Committee shall develop and submit to the Board for approval a formal, written charter which includes, but is not limited to, provisions regarding the committee’s purpose, mission, duties, responsibilities and membership requirements.

The Audit Committee shall hold regularly scheduled meetings and report to the Board on the activities of the Committee on an as needed basis, but not less than annually. The report will address or include at a minimum:

(Continued)
SUBJECT: AUDIT COMMITTEE (Cont’d.)

a. The activities of the Audit Committee;
b. A summary of the minutes of the meeting;
c. Significant findings brought to the attention of the Audit Committee:
d. Any indications of suspected fraud, waste, or abuse;
e. Significant internal control findings; and
f. Activities of the internal audit function.

The responsibilities of the Audit Committee include the following:

a. Provide recommendations regarding the appointment of the External (Independent) Auditor for the BOCES;
b. Meet with the External (Independent) Auditor prior to commencement of the audit;
c. Review and discuss with the External (Independent) Auditor any risk assessment of the BOCES fiscal operations developed as part of the Auditor’s responsibilities under governmental auditing standards for a financial statement audit and federal single audit standards if applicable;
d. Receive and review the draft annual audit report and accompanying draft management letter and, work directly with the External (Independent) Auditor to assist the Board in interpreting such documents;
e. Make a recommendation to the Board on accepting the annual audit report; and
f. Review every corrective action plan developed by the BOCES and assist the Board in its implementation.

Corrective Action Plan

Within ninety days of receipt of the report or management letter, the District Superintendent shall prepare a corrective action plan approved by the Board in response to any findings contained in:

a. The annual external audit report or management letter;
b. A final audit report issued by the BOCES internal auditor;
c. A final report issued by the State Comptroller;

(Continued)
SUBJECT: AUDIT COMMITTEE (Cont’d.)

d. A final audit report issued by the State Education Department; or 

e. A final audit report issued by the United States or an office, agency or department thereof.

The corrective action plan must be filed with the State Education Department, and if appropriate, must include the expected date(s) of implementation. To the extent practicable, implementation of the corrective action plan should begin no later than the end of the next fiscal year.

Additional responsibilities of the Audit Committee include: assisting in the oversight of the Internal Audit Function including, but not limited to, providing recommendations regarding the appointment of the Internal Auditor; reviewing significant findings and recommendations of the Internal Auditor; monitoring the BOCES implementation of such recommendations; and participating in the evaluation of the performance of the Internal Audit Function.

The Audit Committee may conduct an Executive Session pursuant to Public Officers Law Section 105 pertaining to the following matters:

a. To meet with the External (Independent) Auditor prior to commencement of the audit;

b. To review and discuss with the External (Independent) Auditor any risk assessment of the BOCES fiscal operations developed as part of the Auditor’s responsibilities under governmental auditing standards for a financial statement audit and federal single audit standards if applicable; and

c. To receive and review the draft annual audit report and accompanying draft management letter and, working directly with the External (Independent) Auditor, assist the Board in interpreting such documents;

Any board member who is not a member of the Audit committee may be allowed to attend an Audit Committee meeting, including an executive session if authorized by a Board resolution. However, if such Board member’s attendance results in a meeting of a quorum of the full Board, any action taken by formal vote may constitute official Board action.

Education Law Sections 2116-c and 3811-3813
Public Officers Law Sections 105(b), 105(c) and 105(d)
8 New York Code of Rules and Regulations
(NYCRR) Section 170.12(d)

Adopted: 6/26/07
Adopted: 6/23/09
SUBJECT: PAYROLL PROCEDURES

The Board recognizes the importance of the payroll function to the effective administration of the BOCES. The Board is also aware that this is an area at risk of fraud and abuse. The Board directs the District Superintendent to establish procedures to reasonably ensure the accuracy and integrity of the payroll system.

A duly certified payroll is one that has been examined and approved by the individual authorized by the Board at its annual Organization meeting to certify payrolls. It shall be the responsibility of the Director of Business Affairs, and his/her staff to prepare all payrolls.

The District Superintendent will initiate a periodic test to verify the accuracy and appropriateness of the BOCES payroll. This test shall be conducted by the Director of Business Affairs. The test shall confirm that individuals listed on the payroll are currently employed by the BOCES, and that the title, hours worked, and wages listed are correct. The test shall also confirm that individuals listed as employees are employees and not independent contractors. The District Superintendent will evaluate the results of the test and determine if improvements need to be made.

Payroll procedures will also be reviewed periodically by the internal auditor. The internal auditor will report findings and recommendations to the Board. It is the intention of the Board to take reasonable and necessary steps to safeguard the BOCES’ payroll.

Education Law Article 11; §§1604; 1719; 1720; 2116-a
Retirement and Social Security law §34
2 NYCRR §§315.2; 315.3

Adopted: 7/2/08
Revised: 4/25/12
SUBJECT: RESERVE FUNDS

Reserve funds (essentially a legally authorized savings account designated for a specific purpose) are an important component in the BOCES’ financial planning for future projects, acquisitions and other lawful purposes. To this end, the BOCES may establish and maintain reserve funds in accordance with New York State Laws, Commissioner’s Regulations and the rules and/or opinions issued by the Office of the New York State Comptroller, as applicable. The BOCES shall comply with the reporting requirements of Article 3 of the General Municipal Law of the State of New York and the Governmental Accounting Standards Board (GASB) issued GASB Statement Number 54, Fund Balance Reporting and Governmental Fund Type Definitions.

Any and all BOCES reserve funds shall be properly established and maintained to promote the goals of creating an open, transparent and accountable use of public funds. The BOCES may engage independent experts and professionals, including but not limited to, auditors, accountants and other financial and legal counsel, as necessary, to monitor all reserve fund activity and prepare any and all reports that the Board may require.

Periodic Review and Annual Report

The Board will periodically review all reserve funds. The BOCES will also prepare and submit an annual report of all reserve funds to the Board. The annual report shall include the following information for each reserve fund for the current fiscal year:

a) The type and description of the reserve fund;
b) The date the reserve fund was established and the amount of each sum paid into the fund;
c) The interest earned by the reserve fund;
d) Capital gains or losses resulting from the sale of investments of the reserve fund;
e) The total amount and date of each withdrawal from the reserve fund;
f) The total assets of the reserve fund showing cash balance and a schedule of investments; and
g) An analysis of the projected needs for the reserve fund in the upcoming fiscal year and a recommendation regarding those projected needs.

(Continued)
SUBJECT: RESERVE FUNDS (Cont’d.)

The Board will utilize the information in the annual report to make necessary decisions to adequately maintain and manage the BOCES’ reserve fund balances while mindful of its role and responsibility as a fiduciary of the funds.

The District Superintendent shall develop any necessary and/or appropriate regulations to implement the terms of the Board’s policy.

Adopted: 8/13/14
Revised: 6/16/15
SUBJECT: SCHOOL FOOD SERVICE PROGRAM (LUNCH AND BREAKFAST)

School Food Program (Lunch and Breakfast)

The Board has entered into an agreement with the New York State Education Department to participate in the National School Lunch Program, School Breakfast Program and/or Special Milk Program to receive commodities donated by the Department of Agriculture and to accept responsibility for providing free and reduced price meals to elementary and secondary students in the schools of the BOCES.

The District Superintendent or designee shall have the responsibility to carry out the rules of the School Lunch and Breakfast Programs. The determination of which students are eligible is the responsibility of the District Superintendent or designee or the Office of Temporary and Disability Assistance of the Department of Social Services. Appeals regarding eligibility should be submitted to the Hearing Official of the BOCES.

Free or reduced price meals may be allowed for qualifying students attending BOCES schools upon receipt of a written application from the student’s parent/guardian/person in parental relation or a “Direct Certification” letter from the New York State Office of Temporary and Disability Assistance (OTDA). Applications will be provided by the BOCES to all families.

BOCES officials must also determine eligibility for free/reduced meals and milk by using the Direct Certification Matching Process, a dataset supplied by the Office of Temporary and Disability Assistance, and made available by the State Education Department. Any student receiving federal assistance through Supplemental Nutrition Assistance Program (SNAP) or Temporary Assistance to Needy Families (TANF) is automatically eligible for free meals and milk. There is no need for families to complete further applications. BOCES shall notify parents/guardians/persons in parental relation of such eligibility, giving them the opportunity to decline free meals and milk if they so choose.

Procedures for the administration of the free and reduced price meal program of this BOCES will be the same as those prescribed in current state and federal laws and regulations.

Child Nutrition Program/Charging Meals

Although not required by law, because of the BOCES’ participation in the Child Nutrition Program, the Board approves the establishment of a system to allow a student to charge a meal. The Board authorizes the District Superintendent to develop rules which address:

a) What can be charged;

b) The limit on the number of charges per student;

c) The system used for identifying and recording charged meals

d) The system used for collection of repayments; and

e) Ongoing communication of the policy to parents and students.

(Continued)
SUBJECT: SCHOOL FOOD SERVICE PROGRAM (LUNCH AND BREAKFAST) (Cont’d.)

Prohibition Against Adults Charging Meals

Adults should pay for their meals at the time of service or set up pre-paid accounts.

Child Nutrition Act 1966
42 United States Code (USC) Section 1771 et seq
Richard B. Russell National School Lunch Act 1946
42 United States Code (USC) Section 1751 et seq
Section 504 of the Rehabilitation Act of 1973
29 United States Code (USC) Section 794 et seq
Individuals with Disabilities Education Act (IDEA)
20 United States Code (USC) Sections 1400-1485
Education Law Sections 902(b), 915, 918, 1604(28), 1709(22), 1709(23) and 2503(9)(a)
8 New York Code of Rules and Regulations (NYCRR)
Sections 200.2(b)(1) and 200.2(b)(2)

Adopted: 6/26/07
Revised: 6/17/13
Revised: 7/2/14
Revised: 7/1/15
SUBJECT: MEAL CHARGE AND PROHIBITION AGAINST MEAL SHAMING

Purpose

The goal of the Putnam|Northern Westchester BOCES is to provide access to nutritious no-or low-cost meals each school day and to ensure that a pupil whose parent/guardian/person in parental relation has unpaid school meal fees is not shamed or treated differently than a pupil whose parent/guardian/person in parental relation does not have unpaid meal fees.

Unpaid charges, place a large financial burden on our BOCES. The purpose of this policy is to insure compliance with federal requirements for the USDA/Child Nutrition Program and, to provide oversight and accountability for the collection of outstanding student meal balances to ensure that the student is not stigmatized, distressed or embarrassed.

The intent of this policy is to establish procedures to address unpaid meal charges throughout the Putnam|Northern Westchester BOCES in a way that does not stigmatize, distress or embarrass students. The provisions of this policy pertain to regular priced reimbursable school breakfast, lunch and snack meals only. The Putnam|Northern Westchester BOCES provides this policy as a courtesy to those students in the event that they forget or lose their money. Charging of items outside of the reimbursable meals (a la carte items, adult meals, etc.) is expressly prohibited.

Procedure

A. Free Meal Benefit – free eligible students will be allowed to receive a free breakfast and lunch meal of their choice each day. A la carte items or other similar items must be paid/prepaid.

B. Reduced Meal Benefit – reduced eligible students will be allowed to receive a breakfast of their choice for $.25 and lunch of their choice for $.25 each day. The charge meals offered to students will be reimbursable meals available to all students, unless the student’s parent/guardian/person in parental relation has specifically provided written permission to the BOCES to withhold a meal. A la carte items or other similar items must be paid/prepaid.

C. Full Pay Students – students will pay for meals at the published paid meals rate each day. The charge meals offered to students will be reimbursable meals available to all students, unless the student’s parent/guarding/person in parental relation has specifically provided written permission to the BOCES to withhold a meal. A la carte items or other similar items must be paid/prepaid.

Ongoing Staff Training

Staff will be trained annually and throughout the year as needed on the procedures for managing meal charges using the NYSED Webinar or the BOCES training program.

Staff training includes ongoing eligibility certification for free or reduced meal prices.

(Continued)
SUBJECT: MEAL CHARGE AND PROHIBITION AGAINST MEAL SHAMING (Cont’d.)

Parent Notification

Parents/guardians/persons in parental relation will be notified that a student’s meal card or account balance is exhausted and has accrued meal charges within 7 days of the charge and then every 1 week thereafter.

Parent Outreach

BOCES staff will communicate with parents/guardians/persons in parental relation of students with five or more meal charges to determine eligibility for free or reduced price meals.

BOCES staff will make two-documented attempts to reach out to parents/guardians/persons in parental relation to complete a meal application. In addition to the application and instructions provided in the school enrollment packet.

BOCES staff will contact the parent/guardian/person in parental relation to offer assistance with the completion of the meal application to determine if there are other issues within the household causing the child to have insufficient funds, offering any other assistance that is appropriate.

Minimizing Student Distress

BOCES will not publicly identify or stigmatize any student on the line or discuss any outstanding meal debt in the presence of other students.

Students who incur meal charges will not be required to wear a wristband or handstamp, or to do chores or work to pay for meals.

BOCES will not throw away a meal after it has been served because of the student’s inability for the meal or because of previous meal charges.

BOCES will not take any action directed at a pupil to collect unpaid school meal fees.

BOCES will deal directly with parents/guardians/persons in parental relation regarding unpaid school meal fees.

Ongoing Eligibility Certification

BOCES staff will conduct direct certification with NYSSIS or using NYSED Roster Upload to maximize free eligibility. NYSED provides updated direct certification data monthly.

(Continued)
SUBJECT: MEAL CHARGE AND PROHIBITION AGAINST MEAL SHAMING (Cont’d.)

BOCES staff will provide parents/guardians/persons in parental relation with free and reduced price application and instruction at the beginning of each school year in the school enrollment packet.

BOCES using electronic meal application will provide an explanation of the process in the school enrollment packet and instructions on how to request a paper application at no cost.

BOCES will provide at least two additional free and reduced price applications throughout the school year to families identified as owing meal charges.

BOCES will use administrative prerogative judiciously only after using exhaustive efforts to obtain a completed application from the parent/guardian/person in parental relations only with available information on family size and income that falls within approvable guidelines.

BOCES will coordinate with the foster, homeless, migrant, runaway coordinators to certify eligible students. School liaisons required for homeless, foster, and migrant students shall coordinate with the nutrition department to make sure such students receive free school meals, in accordance with federal law.

Students/parents/guardians/persons in parental relation may pay for meals in advance via myschoolbucks.com with a check payable to Putnam|Northern Westchester BOCES. Further details are available on our webpage at pnwboces.org.

Funds should be maintained in accounts to minimize the possibility that a child may be without meal money on any given day. Any remaining funds for a particular student may/will be carried over to the next school year.

Refunds for withdrawn, and graduating students require a written or e-mailed request for a refund of any money remaining in their account. Students who are graduating at the end of the year will be given the option to transfer billing to a sibling’s account with a written request.

Unclaimed funds must be requested within one school year. Unclaimed funds will then become the property of the Putnam|Northern Westchester BOCES Food Service Program.

Adopted: 12/11/18
SUBJECT:  MEDICAID COMPLIANCE

It is the policy of the Putnam|Northern Westchester BOCES that all claims for reimbursement by the New York Medicaid Program for services, supplies or equipment provided through school supportive health services programs (SSHSPs) meet all requirements for federal financial participation established by federal statutes and regulations. Failure to comply with such federal requirements may result in the loss of federal Medicaid financial participation for these services.

All employees, contractors and agents of the BOCES involved in the provision of, or claiming federal Medicaid financial participation for SSHSPs shall conform their conduct to the standards and requirements established by applicable federal and state statutes and regulations designed to prevent fraud, abuse and waste in federal and state health care programs.

The BOCES’ Medicaid Compliance Officer shall develop a comprehensive program to: (1) detect and correct payment and billing mistakes; (2) advise employees, contractors and agents of the BOCES when and how to report suspected noncompliance; and (3) advise employees, contractors and agents of the BOCES of their protection against reprisal for reporting.

New York Social Services Law §363-d
New York Compilation of Codes Rules & Regulations title 18, §521

Adopted:  12/15/09
Revised:  6/16/15
Putnam/Northern Westchester BOCES

PERSONNEL

(Section 5000)

NUMBER

INSTRUCTIONAL AND NON-INSTRUCTIONAL PERSONNEL

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SUBJECT: DEFINITIONS

Non-Represented Employee

A non-represented employee is one whose salary is not determined by a salary schedule adopted as a result of negotiations between the Board and an organization representing any of its employees.

Certificated Employee

The term certificated employee shall mean any individual employed by BOCES in a position for which certification by the New York State Education Department is required.

Full-Time Certificated Employee

A full-time certificated employee is one who is assigned to work five full days per week on a regular 10 or 12 month basis.

Part-Time Certificated Employee

A part-time certificated employee is one who is assigned to work less than five full days per week on a 10 or 12 month basis.

Classified Employee

The term classified employee shall mean any individual employed by the Board in a position for which certification by the New York State Education Department is not required and who qualifies through the Westchester County Department of Human Resources.

Full-Time Classified Employee

A full-time classified employee is one who regularly works 30 hours or more per week on a 10 or 12 month basis.

Adopted: 1/29/04
Revised: 4/25/12
Revised: 11/12/14
SUBJECT:  CODE OF ETHICS FOR ALL BOCES PERSONNEL

Definitions

a) “BOCES” shall mean the Board of Cooperative Educational Services for the Sole Supervisory District of Putnam and Northern Westchester counties.

b) “Municipal Officer or Employee” means a Board member or employee of the BOCES, paid or unpaid, including members of any administrative board, commission, agency, or committee thereof.

c) “Interest” means a direct or indirect pecuniary or material benefit accruing to a BOCES Board member or employee as the result of a contract with the BOCES.

Purpose

a) Pursuant to the authority of Section 806 of the General Municipal Law, the BOCES adopts this code of ethics setting forth for the guidance of its officers and employees, the standards of conduct reasonably expected of them.

b) This code of ethics is in addition to the rules regarding prohibited conflicts of interest contained in Article 18 of the General Municipal Law and the provisions of any other general or special law governing conflicts of interest and/or ethical conduct of municipal officers and employees.

Standards of Conduct

Every officer and employee of the BOCES shall be subject to the following standards of conduct:

a) Gifts - No officer or employee shall directly or indirectly solicit any gift or accept or receive any gift having a value of seventy-five dollars ($75) or more, whether in the form of money, services, loan, travel, entertainment, hospitality, thing or promise, or any other form, under circumstances in which it could reasonably be inferred that the gift was intended to influence the officer or employee, or could reasonably be expected to influence the officer or employee in the performance of his/her official duties or was intended as a reward for any official action on his/her part.

b) Confidential Information - No officer or employee shall disclose confidential information acquired in the course of official duties, except when permitted or required by law, or use such information to further personal interest. Within the framework of collective bargaining, individuals designated as confidential shall not disclose information which would influence the negotiating process.

(Continued)
SUBJECT:  CODE OF ETHICS FOR ALL BOCES PERSONNEL (Cont’d.)

c) Representation before the BOCES - No officer or employee shall receive, or enter into any agreement, express or implied, for compensation for services to be rendered in any matter before the BOCES.

d) Representation before any agency for a contingent fee - No officer or employee shall receive, or enter into any agreement, express or implied, for compensation for services to be rendered in relation to any matter before the BOCES, whereby compensation is to be dependent or contingent upon any action by the BOCES with respect to such matter, provided that this paragraph shall not prohibit the fixing at any time of fees based upon the reasonable value of services rendered.

e) Disclosure of interest in resolution - An officer or employee who participates in the discussion of or gives official opinion to the Board on any resolution before such Board shall publicly disclose in the minutes of a public Board meeting the nature and extent of any direct or indirect financial or other private interest in such resolution.

f) Investments in conflict with official duties - No officer or employee shall invest or hold any investment, directly or indirectly, in any financial, business, or commercial, venture, or other private transaction, which creates a conflict of interest with official duties or work assignments.

g) Private employment - No officer or employee shall engage in, solicit, negotiate for or promise to accept private employment or render services to private interests when such employment or service creates a conflict of interest with or impairs the proper discharge of official duties or work assignments.

h) Future employment - No officer or employee after termination of service or employment with the BOCES, shall appear before any board or agency or committee of the BOCES in relation to any matter in which the officer or employee personally participated during the period of his/her service or employment, or which was under his/her active consideration.

i) Employment of Board Members - No member of the Board shall apply for a position as a paid employee of the BOCES and neither the Board nor any officer or employee of the BOCES shall consider any application from any such Board member unless that Board member shall have resigned as such member prior to the submission thereof.

Nothing herein shall be deemed to bar or prevent the timely filing by a present or former officer of any claim, account, demand, or suit against the BOCES, or any agency thereof on behalf of himself/herself or any member of his/her family arising out of any personal injury or property damage or for any lawful benefit authorized or permitted by law.

(Continued)
SUBJECT:  CODE OF ETHICS FOR ALL BOCES PERSONNEL (Cont’d.)

Distribution/Posting of Code of Ethics

The District Superintendent of the BOCES shall cause a copy of this code of ethics to be distributed to every officer and employee of the BOCES. Each officer and employee elected or appointed thereafter shall be furnished a copy before entering upon the duties of his/her office or employment.

The District Superintendent shall also cause a copy of Article 18 of the General Municipal Law to be kept posted in each building in the BOCES in a place conspicuous to its officers and employees. Failure to distribute any such copy of this code of ethics or failure of any officer or employee to receive such copy, as well as failure to post any such copy of General Municipal Law, Article 18, shall have no effect on the duty of compliance with such code or Article 18, nor with the enforcement of provisions thereof.

Penalties

In addition to any penalty contained in any other provision of law, any person who shall knowingly and intentionally violate any of the provisions of this code may be fined, suspended or removed from office or employment, as the case may be, in the manner provided by law.

General Municipal Law, Article 18

Adopted:  1/29/04
Revised:  6/16/15
SUBJECT:  NON-FRATERNIZATION

Personal relationships between employees of an educational institution and students have the potential to disrupt the student’s life, to confuse students, their parents/guardians/persons in parental relation and the community of the purpose of school, to interfere with the student’s educational program and to threaten or violate a student’s right to personal and physical integrity. For the purpose of this policy, student will be defined as individuals who are in PNW BOCES in primary and secondary educational programs. .

In light of these considerations, all BOCES employees are prohibited from engaging in a personal relationship with any student who attends a BOCES school, or a school of a component district, any private or public school, who is a participant in any educational or other program (including, but not limited to, transportation or similar services not directly educational in nature) which is operated, staffed, or administered by BOCES employees.

The term “personal relationship” includes, but is not limited to, inappropriate personal communication with a student, or romantic or sexual involvement with a student. Any employee who violates this policy will be subject to the appropriate disciplinary proceeding and/or criminal charges, which may result in dismissal from employment.

Adopted:  1/29/04
Revised:  4/13/10
Revised:  6/16/15
SUBJECT:  SCHOOL CONDUCT AND DISCIPLINE

The Board acknowledges its responsibility to protect the educational climate of the BOCES and to promote responsible student behavior. Accordingly, the Board delegates to the District Superintendent the responsibility for assuring the implementation of a Code of Conduct for the Maintenance of Order on School Property, including school functions, which shall govern the conduct of students as well as teachers, other school personnel, and visitors.

School property shall mean in or within a building, structure, athletic playing field, playground, parking lot, or land contained within the real property boundary line of a public elementary or secondary school, or in or on a school bus as defined in Vehicle and Traffic Law Section 142. A school function shall mean a school-sponsored or school-authorized extracurricular event or activity regardless of where such event or activity takes place, including any event or activity that may take place in another state.

The Board shall further provide for the enforcement of such Code of Conduct which shall be developed in collaboration with student, teacher, administrator, and parent organizations, school safety personnel, and other personnel and shall incorporate, at a minimum, those components addressed in law. Specific components may vary as appropriate to student age, building levels, and educational needs.

As part of any investigation of alleged violation of this code, the BOCES has the right to search all school property and equipment including BOCES computers. Rooms, desks, cabinets, lockers, computers, etc. are provided by the BOCES for the use of staff and students, but the users do not have exclusive use of these locations or equipment and should not expect that materials stored within will be private.

Adopted:  5/20/08
Revised:  4/25/12
SUBJECT:  EQUAL EMPLOYMENT OPPORTUNITY

It is the policy of the Putnam|Northern Westchester BOCES to provide equal opportunity in employment for all qualified persons through a positive, continuing program for the Putnam|Northern Westchester BOCES as a whole and for each constituent division of this BOCES.

In hiring, discharging, or recruiting, the BOCES shall not discriminate against an individual on the basis of age, race, creed, color, national origin, political affiliation, sex, sexual orientation, military status, veteran status, disability, predisposing genetic characteristics, marital status, use of guide, hearing or service dog, or domestic violence victim status, or any other basis prohibited by state or federal non-discrimination laws.

All newly hired employees will be required to complete the Employment Eligibility Verification Form (Form I-9) and present documents that establish their identity and eligibility to work in the United States.

The District Superintendent shall establish grievance procedures that provide for the prompt and equitable resolution of complaints alleging discrimination. Those intending to file a grievance due to alleged discrimination must follow the grievance procedure established by the Putnam|Northern Westchester BOCES.

The BOCES shall post, in a place accessible to employees and in a visually conspicuous manner, a copy of Article 23-A of the Correction Law. Article 23-A addresses the licensure and employment of persons previously convicted of one or more criminal offense.

Title VII of the Civil Rights Act of 1964, 42 United States Code Section 2000-e et seq. - Prohibits discrimination on the basis of race, color, religion, sex or national origin.

Title VI of the Civil Rights Act of 1964, 42 United States Code Section 2000-d et seq. - Prohibits discrimination on the basis of race, color or national origin.


(Continued)
SUBJECT: EQUAL EMPLOYMENT OPPORTUNITY (Cont'd.)

Title IX of the Education Amendments of 1972, 20 United States Code Section 1681 et seq. - Prohibits discrimination on the basis of sex.

New York State Executive Law Section 290 et seq. - Prohibits discrimination on the basis of age, race, creed, color, national origin, sex, disability or marital status.

Age Discrimination in Employment Act, 29 United States Code Section 621

Military Law Sections 242 and 243

Refer also to Policy 1440

Adopted: 1/29/04
Revised: 6/23/09
Revised: 4/13/10
Revised: 4/25/12
Revised: 6/16/15
SUBJECT: WORKPLACE SEXUAL HARASSMENT

The BOCES Board recognizes that the harassment of employees (including all staff, applicants for employment, both paid and unpaid interns, exempt and non-exempt status, part-time, seasonal, and temporary workers, regardless of immigration status) and certain “non-employees” (which includes contractors, subcontractors, vendors, consultant and other persons providing services pursuant to a contract, or their employees) on the basis of sex, gender and/or sexual orientation is abusive and illegal behavior that harms targets and negatively impacts the BOCES culture by creating an environment of fear, distrust, intimidation and intolerance. The BOCES Board further recognizes that preventing andremedying such harassment in BOCES is essential to ensure a healthy, nondiscriminatory environment in which employees and “non-employees” can work productively.

Sexual harassment is a form of sex discrimination and is unlawful under federal, state, and (where applicable) local law. Sexual harassment includes harassment on the basis of actual or perceived self-identified sex, sexual orientation, gender identity, gender expression, and transgender status.

Sexual harassment includes unwelcome sexual conduct which is either of a sexual nature, or which is directed at an individual because of that individual’s sex, when:

a. Submission to that conduct is made either explicitly or implicitly a term or condition of an individual’s employment;

b. Submission to or rejection of such conduct is used as a basis for decisions affecting an individual’s employment; or

c. the conduct has the purpose or effect of unreasonably interfering with an employee’s or “non-employee’s” work or creating an intimidating, hostile, or offensive work environment, even if the complaining individual is not the intended target of the sexual harassment.

Sexual harassment can include unwelcome sexual advances, requests for sexual favors, and other verbal, nonverbal, or physical conduct of a sexual nature, or verbal, nonverbal or physical aggression, intimidation or hostility that is based on actual or perceived gender and sexual stereotypes.

The BOCES Board is committed to providing an educational and working environment that promotes respect, dignity, and equity and that is free from all forms of sexual harassment. To this end, the BOCES Board condemns and strictly prohibits all forms of sexual harassment on school grounds, school buses and at all BOCES-sponsored activities, programs and events, including those that take place at locations outside the BOCES, or outside the school setting if the harassment impacts the individual’s employment in a way that violates their legal rights, including when employees and “non-employees” travel on BOCES business, or when harassment is done by electronic means (including on social media). Sexual harassment is considered a form of employee misconduct.

(Continued)
Retaliation against individuals who complain of sexual harassment or who testify or assist in any investigation or proceeding involving sexual harassment is unlawful. Remedial and/or disciplinary action will be taken against all those who engage in sexual harassment, and against supervisory and managerial personnel who knowingly allow such behavior to continue to engage in retaliation. Sexual harassment may subject the BOCES to liability for harm done to targets. Harassers may also be individually subject to civil liability if sued in a court of law or criminal liability if prosecuted.

Under various state and federal laws, employees and “non-employees” have legal protections against sexual harassment in the school environment as described above. Those laws are listed in the references section. Additionally, local laws (e.g., county, city, town, village) may apply to the BOCES. The BOCES’ Code of Conduct also addresses appropriate behavior in the school environment. Sexual harassment can occur between persons of all ages and genders.

In order for the BOCES Board to effectively enforce this policy and to take prompt corrective measures, it is essential that all targets of sexual harassment and persons with knowledge of sexual harassment report the harassment immediately. The BOCES will promptly investigate all complaints of sexual harassment, whether formal or informal, verbal or written. To the extent possible, all complaints will be treated in a confidential manner. Limited disclosure may be necessary to complete a thorough investigation. If the complainant reports that they feel unsafe at BOCES due to the nature of the complaint, the BOCES will determine if accommodations need to be made until the issue is resolved.

Complaints will be investigated based upon the totality of circumstances noting that not all unacceptable conduct will rise to the level of sexual harassment. Behaviors must be sufficiently severe, and/or pervasive (and may even be based upon a single severe incident), and objectively offensive in the context of this policy to give rise to findings of sexual harassment.

In order for the Board to effectively enforce this policy, and to take prompt corrective measures it is essential that all targets of sexual harassment and persons with knowledge of sexual harassment report the harassment immediately. The BOCES will promptly investigate all complaints of sexual harassment, whether formal or informal, verbal or written. To the extent possible, all complaints will be treated in a confidential manner. Limited disclosure may be necessary to complete a thorough investigation. If the complainant reports that they feel unsafe at school due to the nature of the complaint, the BOCES will determine if accommodations need to be made until the issue is resolved.

All BOCES administrators are required to report any complaint that they receive, or any harassment that they observe to a Title VII Compliance Officer.

(Continued)
SUBJECT: WORKPLACE SEXUAL HARASSMENT (Cont’d.)

If, after appropriate investigation that should be conducted within a 30 calendar day time period, absent exigent circumstances, the BOCES finds that an employee, “non-employee” or a third party has violated this policy, prompt corrective action will be taken in accordance with the applicable collective bargaining agreement, contract, policy and state law. Individual nondisclosure agreements may only be used as permitted by law, described in the accompanying regulations. Mandatory arbitration clauses are prohibited in all BOCES contracts and agreements.

All complainants and those who participate in sexual harassment complaints or the investigation of a complaint of sexual harassment have the right to be free from retaliation of any kind, when they do so with a good faith belief that sexual harassment has occurred. Such prohibited retaliation can include, but is not limited to, discipline, discrimination, demotion, denial of privileges, or any action that would keep a person from coming forward to make or support a sexual harassment claim. Such actions need not be job- or education-related, or occur in the workplace or educational environment, to constitute unlawful retaliation.

The District Superintendent or designee is directed to develop and implement regulations for reporting, investigating and remedying allegations of sexual harassment. These regulations are to be attached to this policy. In addition, training programs shall be established annually for employees, to raise awareness of the issues surrounding sexual harassment and to implement preventative measure to help reduce incidents of sexual harassment.

This policy shall be posted in a prominent place in each BOCES facility, on the BOCES’ website and shall also be published in staff informational materials, employee handbooks, and other appropriate BOCES publications.

A committee of administrators, teachers, parents and the school community shall be convened periodically to review this policy’s effectiveness and compliance with applicable state and federal laws, and to recommend revisions to the Board.

In addition, targets have the right to register sexual harassment complaints with the U.S. Department of Education’s Office for Civil Rights (OCR). The OCR can be contacted at (800) 421-3841, 400 Maryland Avenue SW, Washington, DC 20202-1100, or at https://www2.ed.gov/about/offices/list/ocr/docs/howto.html.

Employee targets also have the right to register complaints with the federal Equal Employment Opportunity Commission (EEOC) and the New York State Division of Human Rights (DHR). The DHR can be contacted at (888) 392-3644, www.dhr.ny.gov/complaint, or at 1 Fordham Plaza, Fourth Floor, Bronx, NY 10458. The EEOC can be contacted at (800)_669-4000, https://www.eeoc.gov/employees/howtofile.efm, info@eeoc.gov, or at 33 Whitehall Street, 5th Floor, New York, NY 10004 or 300 Pearl Street, Suite 450, Buffalo, NY 14202.

(Continued)
SUBJECT: WORKPLACE SEXUAL HARASSMENT (Cont’d.)

Nothing in these regulations shall be construed to limit the right of the complainant to file a lawsuit in either state or federal court, or to contact law enforcement officials if the sexual harassment involves unwanted physical touching, coerced physical confinement or coerced sex acts, which may constitute a crime. No district contract or collective bargaining agreement entered into after July 11, 2018 may including a binding arbitration clause for sexual harassment requiring arbitration before bringing the matter to court.

Education Amendments of 1972, Title IX, 20 USC §1681 et seq.
Title VII of Civil Rights Act (1964), 42 USC §2000-e; 34 CFR §100 et seq.
Executive Law §296-d (prohibition of sexual harassment of non-employee)
Labor Law §201-g (required sexual harassment policy and training.
Civil Practice Law and Rules §§5003-b (nondisclosure agreements optional); 7515 (mandatory arbitration prohibited)
General Obligations Law §5-336 (non-disclosure agreements optional)
Franklin v. Gwinnett County Public Schools, 503 US 60 (1992)
Office for Civil Rights Revised Sexual Harassment Guidance (January 19, 2001)
Office for Civil Rights, Dear Colleague Letter: Bullying (October 26, 2010)

(Continued)
SUBJECT: WORKPLACE SEXUAL HARASSMENT (Cont’d.)

Adopted: 1/29/04
Revised: 11/29/05
Revised: 6/26/07
Revised: 6/23/09
Revised: 4/25/12
Revised: 4/22/15
Revised: 12/11/18
SUBJECT: PERFORMANCE REVIEW

The administration shall undertake a continuous program of supervision and evaluation of all personnel in Putnam|Northern Westchester BOCES in order to promote improved performance and to make decisions regarding tenure and permanent employment. The primary purposes of this evaluation are:

a) To enhance self-improvement and performance;

b) To encourage and promote self-evaluation by personnel;

c) To provide a basis for evaluative judgments by administrative staff.

BOCES Plan

The District Superintendent, in collaboration with teachers, pupil personnel professionals and administrators, shall develop a professional performance review plan for the BOCES. The plan can be annual or multi-year. Evaluations of employees will be based upon either Board policy, or contractual agreements, or Education Law 3012-c or 100.2 as appropriate for each employee.

APPR Ratings (3012-c only)

The Annual Professional Performance Review (APPR) will result in a single composite effectiveness of score and a rating of "highly effective," "effective," "developing," or "ineffective." The composite score will be determined as follows:

a) 20% - student growth on state assessments or a comparable measure of student achievement growth (increases to 25% upon implementation of a value-added growth model);

b) 20% - locally selected measures of student achievement that are determined to be rigorous and comparable across classrooms (decreases to 15% upon implementation of a value-added growth model); and

c) 60% - other measures of teacher/principal effectiveness.

The ratings scale based on composite scores has been established by the State Education Department (SED):

a) Highly Effective = composite effectiveness score of 91-100

b) Effective = composite effectiveness score of 75-90

c) Developing = composite effectiveness score of 65-74

(Continued)
SUBJECT: PERFORMANCE REVIEW (Cont'd.)

d) Ineffective = composite effectiveness score of 0-64

If a teacher or Principal is rated "developing" or "ineffective" the BOCES will develop and implement a teacher or Principal improvement plan. Tenured teachers and Principals with a pattern of ineffective teaching or performance, defined as two consecutive annual "ineffective" ratings, may be charged with incompetence and considered for termination through an expedited hearing process.

The BOCES will ensure that all evaluators are appropriately trained and that an appeals procedure is established. The Board will approve the plan and make it available on the website for review by September 10 of each school year or within ten (10) days after its approval by the Commissioner, whichever is later.

Disclosure of APPR Data

Consistent with Chapter 68 of the Laws of 2012, which amends Education Law 3012-c, the Commissioner is required to disclose professional performance review data for teachers and Principals on the New York State Education Department (NYSED) website and in any other manner to make such data widely available to the public. However, the release of such aggregate data may not include personally identifiable information for any teacher or Principal. Such public disclosure of final quality ratings and composite effectiveness scores will be suitable for research, analysis and comparison of APPR data for teachers and Principals across the state.

Upon request, the BOCES will release to parents/guardians/persons in parental relation the final quality ratings and composite effectiveness scores for teachers and Principals to which their student is currently assigned. The BOCES obligation to disclose this information is limited to those teachers and Building Principals subject to Education Law 3012-c. The BOCES will provide conspicuous notice to parents/guardians/persons in parental relation of their right to obtain such information and the methods by which the data can be obtained. Upon request, parents will receive an oral or written explanation of the composite effectiveness scoring ranges for final quality ratings and be offered the opportunity to understand such scores in the context of teacher evaluation and student performance. When a request for this information is received, reasonable efforts will be made to verify that it is a bona fide request by a parent/guardian/person in parental relation entitled to review the data.

Annual professional performance reviews of individual teachers and Principals shall not be subject to disclosure under the Freedom of Information Law (FOIL).

8 New York Code of Rules and Regulations
(NYCRR) Sections 80-1.1 and 100.2(o)(2)
Education Law 3012-c

Adopted: 1/29/04
Revised: 6/17/13
Revised: 4.8/14
SUBJECT: TESTING MISCONDUCT AND MANDATORY REPORTING REQUIREMENTS

BOCES employees are expressly prohibited from: engaging in testing misconduct, as that term is described in the Regulations of the Commissioner of Education; assisting in the engagement of, or soliciting another to engage in testing misconduct; and/or the knowing failure to report testing misconduct. When committed by an employee of the BOCES in a position for which a teaching or school leader certificate is required, such actions or inactions will be deemed to raise a reasonable question of moral character under Part 83 of the Commissioner’s Regulations. A BOCES employee in a position for which a teaching or school leader certificate is not required who commits an unlawful act in respect to examination and records will be subject to disciplinary action by the Board of Education in a manner consistent with New York State law and regulation.

BOCES employees will report to the State Education Department any known incident of testing misconduct by a certified educator or any known conduct by a non-certified individual involved in the handling, administration or scoring of state assessments in violation of New York State law. Such report will be made in accordance with directions and procedures established by the Commissioner for the purpose of maintaining the security and confidential integrity of State assessments.

The BOCES will not dismiss or take other disciplinary or adverse action against an employee because he/she submitted a report regarding testing misconduct to the State Education Department. Any such adverse action by an individual holding a teaching or school leader certificate will be deemed to raise a reasonable question of moral character under Part 83 of the Commissioner’s Regulations and may be referred to the Office of School Personnel Review and Accountability at the State Education Department.

8 NYCRR Section 102.4

Adopted: 1/13/15
SUBJECT: HEALTH EXAMINATIONS

The District Superintendent or his/her designee will require a pre-employment physical examination for new employees offered the positions of school bus driver, food service worker, full-time custodial or maintenance worker by a BOCES designated physician or a primary care physician.

All persons employed as school bus drivers, food service workers, and full-time custodial and maintenance workers must be examined by a physician prior to beginning service and for bus drivers and food service workers annually thereafter. For food service workers, such examinations shall be conducted within two weeks prior to the beginning of service in each school year, and the physician’s report utilizing the BOCES designated form shall be immediately filed with the District Superintendent or his/her designee. Continued employment shall be predicated upon a satisfactory report from the examining physician. This examination shall be provided at BOCES’ expense if performed by the BOCES physician.

Upon recommendation of the District Superintendent, the Board may require any person employed by the Board to be examined by a BOCES-designated physician in order to determine the physical and/or mental capacity of such person to perform his/her duties.

In cases where the physician certifies that the employee has a condition which would adversely affect his/her ability to perform the essential functions of the job, the physician will report such condition to the District Superintendent. The District Superintendent or his/her designee shall make a recommendation to the Board as to appropriate procedures to be followed. The recommendation might include a proposed reasonable accommodation to the person’s condition.

Education Law Section 913 Bus Drivers:
8 New York Code of Rules and Regulations (NYCRR)
Section 156.3(2)
Rules and Regulations of the Commissioner
of Motor Vehicles Section 5.09-b
Cafeteria Workers: State Sanitary Code

Adopted: 1/29/04
Revised: 4/25/12
Revised: 6/16/15
SUBJECT:  HUMAN IMMUNODEFICIENCY VIRUS (HIV) RELATED ILLNESSES (PERSONNEL)

An employee who has been diagnosed or identified as having a positive blood test for the antibodies to the Human Immunodeficiency Virus (HIV) shall not be denied the right to continue his/her employment. Under current law and regulations, the disclosure of confidential HIV-related information shall be strictly limited.

The District Superintendent shall also establish protocols for routine sanitary procedures for dealing with the cleaning and handling of body fluids in school, with special emphasis placed on staff awareness.

Confidentiality: Public Health Law, Article 27-F

Refer also to Policy 6451

Adopted: 1/29/04
Revised: 4/25/12
Revised: 6/16/15
SUBJECT: RECRUITMENT, SELECTION AND APPOINTMENT OF PERSONNEL

The Putnam Northern Westchester Board of Cooperative Educational Services encourages employment of the individual best qualified to fill a given position. The Board of Cooperative Educational Services encourages recruitment of a staff with a wide variety of training and education. It shall be our policy to actively seek outstanding personnel.

It shall be the duty of the District Superintendent to see that persons recommended for employment meet all qualifications established by law or by the Board for the position for which recommendation is made.

Instructional and non-instructional personnel shall be appointed by the Putnam Northern Westchester Board of Cooperative Educational Services upon the recommendation of the District Superintendent.

All assignments shall be made in accordance with the provisions of law, Board policies, and the employee’s negotiated agreement.

Certificated Personnel

All professional employees shall be appointed in accordance with Section 3014 of Education Law. Probationary appointments shall be for a period of three years. Teaching personnel who have achieved tenure in a school district in New York State shall be required to serve only a two-year probationary period in accordance with established law.

Certificated personnel shall possess the required certification prior to the assumption of duties. It is the responsibility of the individual to provide proof of certification and to keep all certification information updated in conformance with all rules and regulations. Career and Technical Education teachers, in accordance with rules and regulations established by the Commissioner of Education, may be employed without certification. However, pursuance of certification must be assured and work commenced on achieving certification within the time limits prescribed by the aforementioned rules and regulations.

Education Law Sections 3001, 3001-a, 3004, 3006, 3008, 3013, and 3014
8 New York Code of Rules and Regulations (NYCRR) Parts 30 and 80

(Continued)
SUBJECT: RECRUITMENT, SELECTION AND APPOINTMENT OF PERSONNEL (Cont’d.)

Civil Service Employees

All non-instructional employees are subject to the regulations of the Westchester County Civil Service Commission. A passing grade on the appropriate examination must be obtained in order to qualify for permanent appointment to a competitive position. All non-instructional appointments are probationary for the maximum period established by the local Civil Service Commission from date of appointment from an open competitive list and every original appointment to a position in a non-competitive exempt or labor class.

Civil Service Law Section 63

Continuing Education Instructors

Continuing Education instructors shall be appointed by the Board, based on the recommendations of the District Superintendent for a period of one year. Appointment by the Board constitutes eligibility for assignment but does not mean the individual appointed will automatically be assigned to a class. Compensation rates shall be established by the Board annually.

Adopted: 1/29/04
Revised: 4/25/12
Revised: 5/15/12
Revised: 6/16/15
SUBJECT:  TEMPORARY AND PART-TIME EMPLOYEES

The District Superintendent is authorized to fill vacant positions on a temporary basis when such positions are necessary for the maintenance or continuity of a program or service. Such authority applies to per diem substitutes (certified and classified), Adult Education staff and temporary employees, who work less than 50% of the school year at an hourly or per diem rate established by the Board. All other paid personnel shall be recommended by the District Superintendent for Board approval.

Part-Time Employees

Individuals may be employed on a part-time basis to meet the education needs of the BOCES upon the recommendation of the District Superintendent. They are considered part-time if they work less than full-time and are distinguished from “substitutes” in that they are employed for a specific period of time on a part-time basis.

All regular part-time certificated employees and those regular part-time classified (Civil Service) employees working less than 50% of the regularly scheduled work week for that classification shall not accrue any seniority.

Regular part-time classified (Civil Service) employees working 50% or more per week will accrue seniority.

All part-time employees may participate in the appropriate New York State Retirement System.

Eligibility for Service

Per Commissioner’s Regulations Section 80-5.4, there shall be three (3) categories of substitutes as follows:

a) Substitutes with valid teaching certificates or certificates of qualification. Service may be rendered in any capacity, for any number of days. If employed on more than an “itinerant” basis, such persons will be employed in an area for which they are certified.

b) Substitutes without a valid certificate, but who are completing collegiate study towards certification at the rate of not less than six (6) semester hours per year. Service may be rendered in any capacity, for any number of days, in any number of school districts. If employed on more than an “itinerant” basis, such persons will be employed in the area for which they are seeking certification.

c) Substitutes without a valid certificate and who are not working towards certification. Service may be rendered for no more than forty (40) days per school year.

(Continued)
SUBJECT: TEMPORARY AND PART-TIME EMPLOYEES (Cont’d.)

Regular Substitute Teachers

Regular substitute teachers (temporary teachers) are appointed to fill vacancies created by approved leaves of absence granted to full-time teachers. Such appointments must cover a period of at least one semester, must be a continuous assignment for a specified full-time teacher and will terminate at the end of the school year.

Substitutes may participate in the New York State Teachers’ Retirement System.

Whenever possible, regular substitutes should be certified and prepared by experience and background to fill the position. Non-certified substitutes may be employed under unusual circumstances in accordance with State regulations pertaining to the issuance of a temporary license.

Per Diem Substitute Teachers

Per diem substitutes are employed on a short-term basis and shall be compensated at a per diem rate to be established by the Board. Substitutes are paid only for days worked or on a prorated basis for part-time work. Per diem substitutes are not eligible for fringe benefits, but are eligible to participate in the New York State Teachers’ Retirement System. Whenever possible, substitutes should be certified and prepared by experience and background for the positions they fill. Substitutes with valid teaching certificates or substitutes without a valid certificate but who are completing collegiate study towards certification at the rate of not less than six semester hours per year, may render service for any number of days. Substitutes without a valid certificate and who are not working towards certification may render service no more than 40 days per school year.

Adult Education Teachers

The District Superintendent or his/her designee, shall, subject to the policies of the Board, determine at appropriate times the need for Adult Education teachers.

Either regular employees of the Board or qualified persons who are not regular employees of the Board may be recommended for such employment.

Appointment shall be subject to the availability of funds.
SUBJECT: TEMPORARY AND PART-TIME EMPLOYEES (Cont’d.)

No administrative or supervisory employee of the Board may be compensated for teaching an adult education course that is scheduled for earlier than 6:00 p.m.

Such employee may be compensated for teaching a course scheduled for 6:00 p.m. or later with the approval of the District Superintendent, or his designee.

8 New York Code of Rules and Regulations (NYCRR) Section 80.36
Education Law Section 3023

Adopted: 1/29/04
Revised: 6/26/07
Revised: 8/13/14
SUBJECT:  STUDENT TEACHERS

In recognition of the need for pre-service learning experiences for potential teachers, State certification requirements, and the reciprocal benefits derived by BOCES professional personnel, BOCES encourages the utilization of student teachers.

The BOCES will make reasonable efforts to cooperate with teacher training institutions in the placement of student teachers in order to provide beginning teachers with the best possible student teaching experience.

Schools are required to allow student teachers to videotape themselves providing instruction in a classroom to meet their instruction component for their teaching certificate. The video must remain confidential and is not subject to viewing or disclosure to an individual or entity other than the student teacher applicant and personnel engaged in the determination of that student teacher’s certification. Student teachers are expected to execute a confidentiality agreement indicating their adherence to standards required by BOCES as it relates to the video tape required for certification and agree not to disseminate the video to anyone other than those required to view and/or receive a copy of said tape.

Recognizing that students will appear on the videotape in their personal images and voice prints, prior written parental consent as required by student privacy laws will be secured ahead of the videotaping of the students. No student will be disadvantaged in his or her educational rights as a result of the videotaping process.

Student teachers shall be protected from liability for negligence or other acts resulting in accidental injury to any person by the BOCES, as provided by law.

8 New York Code of Rules and Regulations (NYCRR) Section 80.36 Education Law Section 3023

Adopted:  8/13/14
Revised:  6/16/15
SUBJECT: JOB DESCRIPTIONS

Job descriptions for all BOCES positions shall be developed and maintained by the administration, in compliance with applicable law and regulations, and in accordance with collective bargaining agreements.

Adopted: 1/29/04
SUBJECT: INCIDENTAL TEACHING

The District Superintendent may assign a teacher to teach a subject not covered by such a teacher’s certification or license for a period not to exceed five classroom hours a week, when no certified or qualified teacher is available after extensive and documented recruitment, and provided that approval of the Commissioner of Education is obtained in accordance with the requirements as enumerated in Commissioner’s Regulations.

Not later than twenty (20) business days after such an assignment, the District Superintendent shall submit for approval an application, in a form satisfactory to the Commissioner, containing the following information:

a) Evidence of extensive recruitment of a teacher certified in the appropriate area;

b) The name and certification status of the teacher given such assignment;

c) The subject which the teacher is being assigned to teach on an incidental basis and the total number of classes in such subject being taught on an incidental basis;

d) The qualification of the teacher to teach such subject on an incidental basis;

e) The specific reasons why an incidental assignment is necessary;

f) The anticipated duration of the incidental teaching assignment; and

g) The number of applications, approved or pending, for authorization to make incidental teaching assignments in the same certification area for which the current authorization is being sought.

To be approved, such application shall demonstrate to the satisfaction of the Commissioner that an incidental teaching assignment is necessary, that the teacher assigned is the best qualified to teach the subject on an incidental basis, and that the requirements of the Commissioner’s Regulations have been met.

The Commissioner will issue a determination within twenty (20) business days of receipt of the application.

In the event that the application is disapproved or to obtain renewal of such approval in any subsequent year, the District Superintendent shall comply with enumerated requirements per Commissioner’s Regulations.

8 New York Code of Rules and Regulations (NYCRR) Section 80-5.3

Adopted: 1/29/04
SUBJECT: SUMMER EMPLOYMENT

Staff

Staff members may be employed for the summer by the BOCES upon the recommendation of the District Superintendent. Such staff members will be employed to achieve specific purposes or activities as determined by the Director of the program. These staff members are employed on a temporary basis, and no seniority or tenure rights shall accrue as a result of summer employment.

The administration is to employ the most qualified people available for the work to be accomplished.

Compensation for such employees shall be determined each year by the Board at the recommendation of the District Superintendent or according to current contract language where applicable, depending on the type and length of work involved.

Students

Each year the District Superintendent or his/her designee shall determine the need for summer-month positions for which students can be employed and recommend to the Board the establishment of such positions.

Such positions shall be temporary. Appointment to these positions shall be subject to the availability of funds.

The District Superintendent or his/her designee shall promulgate regulations in regard to the recruitment, selection, and compensation of students to be employed in such summer positions, subject to approval by the Board.

Adopted: 1/29/04
Revised: 4/25/12
Revised: 6/16/15
SUBJECT: EMPLOYMENT OF RELATIVES OF BOARD MEMBERS

The appointment of an employee who is related by bloodline or legal process (including marriage) to any member of the Board shall be subject to the consent of two-thirds of the members of the Board to be determined at a Board meeting and to be entered upon the proceedings of the Board.

This provision shall not apply to any person within such relationship or relationships who has been regularly employed by the Board prior to the taking of office of any member of the Board, or who has been regularly employed by the Board prior to the inception of such relationship or relationships.

Education Law Section 3016
General Municipal Law Sections 800-809

Adopted: 1/29/04
Revised: 4/25/12
SUBJECT:  TEACHER TENURE AREAS

Tenure areas for teachers employed after August 1, 1975, are defined in accordance with Part 30 of the Rules of the Board of Regents as amended on August 1, 1975. The basic principles of Part 30 are also used to confirm common law notions with respect to tenure areas of teachers employed prior to August 1, 1975. All teachers employed on a probationary basis subsequent to the adoption of this policy shall at the time of employment be notified in writing of the tenure area of their position.

Adopted:  1/29/04
SUBJECT:  FINGERPRINTING OF PROSPECTIVE BOCES EMPLOYEES

The BOCES shall not employ or utilize a prospective school employee unless such prospective school employee has been granted a "full" clearance for employment by the State Education Department (SED). The BOCES shall require a prospective school employee who is not in the SED criminal history file to be fingerprinted for purposes of a criminal history record check by authorized personnel of the designated fingerprinting entity. For purposes of this provision of law, the term "criminal history record" shall mean a record of all convictions of crimes and any pending criminal charges maintained on an individual by the New York State Division of Criminal Justice Services (DCJS) and the Federal Bureau of Investigation (FBI). The BOCES shall, however, obtain the applicant’s consent to the criminal history records search.

The BOCES shall utilize SED’s web-based application known as TEACH for instantaneous access to important information about certification and fingerprinting.

Adopted: 6/26/07
Revised: 9/12/11
Revised: 6/16/15
SUBJECT: ASSIGNMENT AND TRANSFER

The assignment of employees and their transfer to positions in the various schools and departments of the BOCES and in the schools of the component districts shall be made by the District Superintendent or his/her designee on the basis of either contract language where applicable or the following criteria:

a) Preference of the component district (if applicable).

b) Contribution toward the goals of the BOCES which the employee could make in the position for which he/she is being considered.

c) Qualifications of the staff member compared to those of outside candidates, both for filling vacancies and for appointments to new positions.

d) Opportunity for professional growth.

e) Desire of the employee regarding assignment or transfer.

f) Length of service of the employee with the BOCES.

Adopted: 1/29/04
Revised: 6/26/07
Revised: 5/15/12
Revised: 6/16/15
SUBJECT: PROFESSIONAL CERTIFICATION: 100 HOURS OF PROFESSIONAL DEVELOPMENT REQUIREMENT

All BOCES employees who hold teaching certificates or Teaching Assistant Level III certification are required to complete professional development hours to maintain the validity of their certificates. Teaching certificate holders, as well as Level III Teaching Assistant certificate holders must complete 100 hours every five (5) years. The five-year professional development period commences on July 1 after the effective date of the triggering certificate, and each subsequent five-year period thereafter. Each professional development year of the five-year cycle of professional development begins on July 1 and ends the following June 30. The professional development requirement may be completed at any time during the five-year professional development period.

Decisions regarding content, delivery, and providers of such professional development are within the purview of the BOCES and shall be made within the context of the BOCES Professional Development Plan. The Professional Development Plan shall describe how the BOCES will provide teachers it employs holding a Professional Certificate with opportunities to maintain such certificates in good standing based upon successfully completing the required professional development every five (5) years in accordance with Commissioner’s Regulations.

If the certificate holder wishes to maintain the validity of his/her New York State Certificate, he/she must satisfy the professional development requirement. If the certificate holder teaches less than ninety (90) days in a given school year for any reason, including an approved leave, the required hours are reduced by ten percent (10%) for each school year during which this is the case.

Certificate Holder Responsibilities

All certificate holders must keep records of all of their approved professional development activities/programs/coursework, regardless of the provider, for at least seven (7) years from the date of completion of the program and shall be available for review by SED. Such records shall include those items enumerated in Commissioner’s Regulations Section 80-3.6(f):

a) The title of the program;
b) The number of hours completed;
c) The sponsor’s name and any identifying number;
d) Attendance verification; and
e) The date and location of the program.

It is recommended that Certificate holders develop their personal professional development plan in consultation with the BOCES and obtain BOCES approval before commencing any professional development activities.

(Continued)
SUBJECT: PROFESSIONAL CERTIFICATION: 100 HOURS OF PROFESSIONAL DEVELOPMENT REQUIREMENT (Cont’d.)

8 New York Code of Rules and Regulations (NYCRR) Subpart 80-3 and Section 100.2 (dd)

Adopted: 5/20/08
Revised: 4/25/12
Revised: 6/16/15
Revised: 12/11/18
SUBJECT: ALCOHOL, DRUGS AND OTHER SUBSTANCES (SCHOOL PERSONNEL)

The Board of Cooperative Educational Services encourages cooperation with other community agencies and groups in preventing drug and alcohol abuse. Provision shall be made for instructing employees and students in alcohol, drug and tobacco abuse and prevention. All laws pertaining to drug and alcohol use and possession shall be honored by BOCES personnel while on BOCES premises or at BOCES-sponsored activities, regardless of the location of the activity.

The Board prohibits the manufacture, distribution, consumption, sharing and/or selling, use and/or possession of illegal drugs, counterfeit, designer and synthetic drugs, or drug paraphernalia, or alcoholic beverages in the workplace, or when the effects of such drugs may impair an employee's job performance. The inappropriate use of prescription and over-the-counter drugs shall also be prohibited.

Information about any drug and alcohol counseling and/or rehabilitation programs shall be made available to employees. Data will also include the range of penalties, (consistent with local, state and federal law), up to and including termination of employment and referral for prosecution that will be imposed on employees who have transgressed the terms of this policy.

Additionally, confidentiality shall be insured as required by state and federal law.

The District Superintendent or his her designee shall biennially review the drug and alcohol abuse prevention program to determine its effectiveness and support appropriate modifications, as needed.

Education Law Sections 913, 1711(5)(e), and 3020-a
Civil Service Law Section 75
Drug-Free Schools and Communities Act
Amendment of 1989 (Public Law 101-226)

Refer also to Policy 6220

Adopted: 1/29/04
Revised: 7/3/12
Revised: 6/16/15
SUBJECT:  DRUG-FREE WORKPLACE

Putnam|Northern Westchester BOCES will work diligently to provide workplaces that are free of controlled substances. “Controlled substance” means a controlled substance in schedules I through V of Section 202 of the Controlled Substances Act (21 USC 812) and as further defined in regulation at 21 Code of Federal Regulations (CFR) 1308.11-1308.15. An acknowledgment form shall be signed by the District Superintendent indicating that the Putnam|Northern Westchester BOCES is in full compliance with the Drug-Free Workplace Act.

The Board directs the administration to develop regulations to comply with this policy and further supports such actions and activities of the administration as shall be required to maintain a drug-free workplace.

Drug-Free Workplace Act of 1988
(DFWA P.L. 100-690)

Adopted:  1/29/04
Revised:  4/25/12
SUBJECT: COMPLAINTS AND GRIEVANCES BY EMPLOYEES

In accordance with Article 15-C of the General Municipal Law and the collective bargaining agreements, all BOCES personnel shall have the opportunity to present their complaints or grievances free from interference, coercion, restraint, discrimination or reprisal. BOCES shall provide at least two procedural stages and an appellate stage for the settlement of any grievance.

Complaints or grievances not covered under employee agreements shall be handled and resolved, whenever possible, as close to their origin as possible. The District Superintendent or designee is responsible for implementing regulations for the redress of complaints or grievances through proper administrative channels.

Civil Rights Compliance Officer

Additionally, the Board shall ensure compliance with Title IX of the Educational Amendments of 1972, Section 504 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act (ADA). The District Superintendent shall designate a BOCES employee as the Title IX/Section 504/ADA Coordinator (i.e., the “Civil Rights Compliance Officer”), and regulations and procedures shall be implemented to resolve complaints of discrimination based on sex or disability.

Prior to the beginning of each school year, the BOCES shall issue an appropriate public announcement which advises students, parents/guardians/persons in parental relation, employees and the general public of BOCES established grievance procedures for resolving complaints of discrimination based on sex or disability. Included in such announcement will be the name, address and telephone number of the Civil Rights Compliance Officer.

The Civil Rights Compliance Officer shall also be responsible for handling complaints and grievances regarding discrimination based on age, race, creed, color, national origin, political affiliation, sex, sexual orientation, military status, veteran status, disability, predisposing genetic characteristics, marital status, use of guide, hearing or service dog, or domestic violence victim status.

Title VII of the Civil Rights Act of 1964, 42 United States Code (USC) Section 2000-e et seq. - Prohibits discrimination on the basis of race, color, religion, sex or national origin.

Title VI of the Civil Rights Act of 1964, 42 United States Code (USC) Section 2003-d et seq. – Prohibits discrimination on the basis of race, color or national origin.

(Continued)
SUBJECT:  COMPLAINTS AND GRIEVANCES BY EMPLOYEES  (Cont'd.)


Title IX of the Education Amendments of 1972, 20 United States Code (USC) Section 1681 et seq. – Prohibits discrimination on the basis of sex.

New York State Executive Law Section 290 et seq. - Prohibits discrimination on the basis of age, race, creed, color, national origin, sex, disability or marital status.

Age Discrimination in Employment Act, 29 United States Code (USC) Section 621

Military Law Sections 242 and 243

Refer also to Policy 1440

Adopted: 1/29/04
Revised: 4/13/10
Revised: 8/13/14
Revised: 4/22/15
SUBJECT: SEPARATION - CERTIFICATED STAFF

The District Superintendent must notify the professional staff member in writing at least 60 days prior to the expiration of the probationary period that an affirmative recommendation for appointment on tenure will not be made. Notice must also be given that the Board will review the failure to recommend tenure at a meeting to be held at least thirty (30) days after the notice is given.

At any time during the probationary period, the Board shall expect any professional staff member desiring to terminate his/her services to provide the Board with a minimum of thirty (30) days’ notice before the effective termination date.

Resignations must be in writing and include the effective date. When possible, a professional staff member shall make every effort to terminate employment at the end of the school year.

Education Law Sections 3019-a and 3031

Adopted: 1/29/04
Revised: 6/26/07
Revised: 4/25/12
SUBJECT: SUSPENSION FROM REGULAR DUTIES

The District Superintendent, or his/her designee, shall have the authority to temporarily relieve from his/her regular duties and transfer a member of the staff for cause pending consideration of the matter by the Board in accordance with law.

Adopted: 1/29/04
Revised: 6/23/09
SUBJECT: THEFT OF SERVICES OR PROPERTY

The theft of services or property from the BOCES by an employee may result in immediate disciplinary action, which can lead to dismissal or other penalty. Such disciplinary action by BOCES may not preclude the filing of criminal or civil charges by the BOCES.

Adopted: 11/29/05
Revised: 6/26/07
Revised: 6/16/15
SUBJECT: PROFESSIONAL GROWTH/STAFF DEVELOPMENT/CONFERENCE ATTENDANCE

The Board believes that staff development through attendance at conferences, training programs, workshops, professional meetings, and other in-service activities is an essential element in the development of quality educational programs and sound personnel practices.

The Board encourages personnel to increase their competencies by continuing their training and experience through graduate study, in-service programs, and other appropriate educational activities.

At the discretion of the District Superintendent/designee, employees of the Board may be authorized to attend conferences and conventions without loss of pay or effect upon leave time. In considering whether to grant such authorization, the District Superintendent/designee, shall take the following factors into account:

a) Nature of the conference or convention.
b) Nature of the employee’s position with the Board.
c) Ultimate benefit to the Board and the component districts.
d) Availability of funds.

All conference travel must have a completed Conference/Workshop Attendance Request or My Learning Plan Registration Form on file which has been approved by the appropriate supervisor. The BOCES District Superintendent/designee also reviews and approves those requests. Such forms are only to be used by BOCES employees.

An employee authorized to attend a conference or convention shall be reimbursed for the necessary expenses that are approved according to established procedures, including meal reimbursement using the annual standard General Services Administration (GSA) per diem rate, lodging, travel and conference fees. With the exception of meals original receipts are required when submitting all conference-related expenses; however “EZ Pass” statements may be submitted with appropriate charges highlighted. Meal reimbursement will apply to meals not provided at conferences/workshops. The current Travel and Expense program, Certify, has the option to do a location based GSA Per-Diem meal rate by selecting Breakfast, Lunch, Dinner or any combination of those meals; Lodging and conference fees will be paid directly to the vendor through a purchase order or check. Lodging will be paid at the prevailing rates of the conference locale, and may include the host hotel for the conference. New York State sales tax for lodging cannot be paid. A sales tax exempt form can be obtained prior to travel.

With approval of the District Superintendent/designee, extension of official school travel for personal reasons will be permitted insofar as no additional cost is incurred by the BOCES.

Adopted: 1/29/04
Revised: 11/29/05
Revised: 6/26/07
Revised: 7/2/19
SUBJECT: MEALS AND REFRESHMENTS

The Board recognizes that from time to time it may be appropriate to provide meals and/or refreshments at BOCES meetings and/or events, which are being held for an educational purpose. Examples of authorized categories of expenditures include but are not limited to refreshments for staff on teacher orientation day at the beginning of each year, staff recognition day, refreshments for Superintendent’s Conference Day, and other meetings at which district business is conducted.

The Board also recognizes that for the many staff development workshops presented by BOCES departments, it may be appropriate to provide light refreshments for half day sessions and, in addition, lunch for full day sessions in order to create a positive atmosphere and an efficient use of time.

Adopted: 11/29/05
SUBJECT:  EMPLOYEE PERSONNEL RECORDS AND RELEASE OF INFORMATION

Personnel Records

  Administrative regulations will be developed to implement the terms of this policy to maintain a personnel file for each teacher, administrator and support staff member employed by the BOCES.

  Regulations and procedures will be developed addressing the inspection by BOCES employees of their personnel files.

Release of Personnel Information

  All steps should be taken to protect the privacy of the employees of the Board of Cooperative Educational Services. To ensure the individual’s privacy, directory or confidential information should not be shared with a third party except in the following situations:

  a) When members of the Board need information from the employee’s personnel record to aid them in performing their legal responsibilities in such matters as appointments, assignments, promotions, demotions, remuneration, discipline, dismissal or to aid in the development and implementation of personnel policies.

  b) When the employee grants permission.

  c) For other legitimate business purposes such as maintenance of the welfare fund operated by United Staff Association or its sub-contractors or affiliates.

  Procedures for obtaining consent for release of records to third parties shall be developed by the administration.

Release of Information Concerning Former Employees

  The BOCES shall not release information concerning the employment records, personnel file or past performance of a former employee, unless such information is required to be disclosed by law. Only the initial and final dates of employment and the position held shall be provided. The former employee may authorize the release of any additional information.

Electronic Information

  Whenever the BOCES maintains electronic information regarding classroom teachers and principals, the same shall be protected in a manner consistent with the requirements of §2-d of the Education Law.
SUBJECT: EMPLOYEE PERSONNEL RECORDS AND RELEASE OF INFORMATION
(Cont’d.)

8 New York Code of Rules and Regulations
(NYCRR), Part 84
Public Officers Law Section 87

Adopted: 1/29/04
Revised: 6/23/09
Revised: 8/13/14
SUBJECT: EMPLOYEE PERSONAL IDENTIFYING INFORMATION

In accordance with Section 203-d of the New York State Labor Law, the BOCES shall restrict the use and access to employee personal identifying information. As enumerated in law, “personal identifying information” shall include social security number, home address or telephone number, personal electronic mail address, Internet identification name or password, parent’s surname prior to marriage, or driver’s license number.

The BOCES shall not unless otherwise required by law;

a) Publicly post or display an employee’s social security number;

b) Visibly print a social security number on any identification badge or card, including any time card;

c) Place a social security number in files with unrestricted access; or

d) Communicate an employee’s personal identifying information to the general public.

A social security number shall not be used as an identification number for purposes of any occupational licensing.

BOCES staff shall have access to this policy, informing them of their rights and responsibilities in accordance with Labor Law Section 203-d. BOCES procedures for safeguarding employee “personal identifying information” shall be evaluated periodically; and employees who have access to such information as part of their job responsibilities shall be advised as to the restrictions on release of such information in accordance with law.

Labor Law Section 203-d

Adopted: 6/23/09
Revised: 6/16/15
SUBJECT: COLLECTIVE BARGAINING

Legal Authority

The legal authority for labor negotiations is the Public Employee’s Fair Employment Law (Taylor Law), Article 14 of the Civil Service Law.

Organizations recognized for the purposes of collective bargaining include:

a) United Staff Association;

b) BOCES Classified Employees Association.

c) Administrators and Supervisors Association of Putnam|Northern Westchester BOCES.

Civil Service Law Article 14

Adopted: 1/29/04
Revised: 6/26/07
Revised: 6/16/15
SUBJECT: PROFESSIONAL STAFF CONSULTING ACTIVITIES/OUTSIDE EMPLOYMENT

The Board acknowledges that a professional employee may be invited to speak, lead a seminar, act as a consultant, or become involved in other professional activities outside of the BOCES. The employee may be excused from his/her BOCES duties at the discretion of the District Superintendent/designee and will be required to request a personal/vacation day if being compensated for the professional activity outside the BOCES.

Outside Employment

The Board recognizes that there will be occasions when employees, because of their specific knowledge or field of responsibility, will be requested to give presentations, participate in panels, provide workshops or seminars, or serve in a consultation capacity related to their areas of expertise.

A BOCES employee who wishes to act in any paid education-related activity is required to give prior notification to the District Superintendent or designee indicating what the actual activity will involve and identifying the sponsor.

The purpose of the notification is to provide full knowledge so that any potential conflict of interest may be avoided and to document that the activity is occurring with knowledge and assurance that no public trust is violated.

The District Superintendent will ascertain, prior to approval, that the activity is not in conflict with the basic mission of the organization, that any such activities for which the BOCES employee is being paid are not being conducted during the employee’s regular duty hours, and that public resources are not used for private gain.

Adopted: 1/29/04
Revised: 4/25/12
Revised: 6/16/15
SUBJECT: COURT APPEARANCE

Time for appearance in court shall be allowed without loss of leave days or salary when subpoenaed as a witness in any case where the employee is not a party to the action, or where the employee is a defendant arising out of employment by the Board.

An employee shall submit notice of a court appearance to the District Superintendent, or his/her designee, through his/her Director immediately upon receipt of such notice to appear.

Adopted: 1/29/04
SUBJECT: STAFF ACCESS TO NETWORKED INFORMATION RESOURCES

Electronic information research skills are fundamental to preparation of citizens and future employees during the age of information. The Board expects that staff will blend thoughtful use of such information throughout the curriculum and that the staff will provide guidance for instructional materials and will honor the goals for selection of instructional materials contained therein.

All electronic and telephone communication systems, owned and/or operated by the BOCES, and all communications and information transmitted by, received from or stored in these systems, are the property of the BOCES and as such are to be used solely for BOCES related purposes. However, de minimus personal use that is not political, religious, or related to business or profit-making, is also permitted.

Communication over networks should not be considered private. Network supervision and maintenance may require review and inspection of directories or messages. Messages may sometimes be diverted accidentally to a destination other than the one intended. Privacy in these communications is not guaranteed. The BOCES reserves the right without prior notice to access stored records in cases where there is reasonable suspicion to expect wrong-doing or misuse of the system. Courts have ruled that old messages may be subpoenaed, and network supervisors may examine communications in order to ascertain compliance with network guidelines for acceptable use.

The Board authorizes the District Superintendent to specify those behaviors which are permitted and those which are not permitted as well as appropriate administrative procedures to guide employee use. In general, employees are expected to communicate in a professional manner consistent with state laws governing the behavior of school employees and with federal laws.

Adopted: 1/29/04
Revised: 11/29/05
Revised: 4/13/10
Revised: 6/16/15
SUBJECT: COBRA

Continuation of Medical Insurance Coverage at Termination of Employment

Under the provisions of the Consolidated Omnibus Budget Reconciliation Act of 1985 (COBRA), employees and their dependents are eligible to continue their insurance coverage for up to thirty-six (36) months when termination of their insurance is due to a reduction in their hours worked, or upon termination of their employment.

Dependents of employees are eligible to continue their insurance for up to thirty-six (36) months upon occurrence of one of the following events:

a) Death of the covered employee; or
b) Divorce or legal separation from the covered employee; or
c) An employee becomes eligible for Medicare and ceases to participate in the employer-sponsored plan; or
d) The dependents of a covered employee reach the maximum age for dependent coverage.

Those who are eligible to continue health coverage have up to sixty (60) days to complete the Continuation of Coverage Election Form. Premiums and administrative costs will be paid in accordance with law.

Consolidated Omnibus Budget Reconciliation Act of 1985

Adopted: 1/29/04
Revised: 4/13/10
Revised: 9/12/11
SUBJECT: ABSENCES AND LEAVES

Employees Appointed During the Employment Year

Full-time and part-time employees employed during the employment year shall be allowed a proportionate amount of leave with pay.

Unauthorized Absence

Absence with pay other than those described in these policies shall not be allowed unless otherwise approved by the District Superintendent or his/her designee. A prorated deduction from salary shall be made for each day of unauthorized absence.

Adopted: 1/29/04
SUBJECT: LEAVES OF ABSENCE

In general, leaves of absence will be administered by the District Superintendent or designee. The Board reserves the right to grant leaves of absence for purposes or under conditions not contemplated or considered in the policy statement. Where a leave of absence is falsely requested or improperly used, the Board may undertake appropriate disciplinary action. The purpose or conditions of a leave of absence may not be altered except by permission of the District Superintendent or designee, as expressed in writing.

Leaves of Absence, Contractual, et al.

a) Employees who are members of a negotiating unit:

Authorization is granted to approve requests for leaves of absence submitted in accordance with provisions of contracts in effect between the BOCES and each bargaining unit.

b) Employees who are not members of a negotiating unit:

Authorization is granted to approve requests for leaves of absence submitted by these employees where the requests are consistent with provision of contracts in effect between the BOCES and the bargaining unit most compatible with the employment status of the employee.

d) Employees who are under contract to the BOCES:

Authorization is granted to implement provisions for leaves of absence contained in each contract.

Leaves of Absence, Unpaid, Not Covered Above

a) Subject to limitations enumerated in this policy statement, authorization is granted for the following unpaid leaves of absence:

1) For a period of time not to exceed one school year for approved graduate study, this leave to include any required internship experience.

2) At the expiration of a paid sick leave of absence, this leave may be extended for a period of time not longer than the end of the school year after the school year in which the paid leave of absence began.

b) Unpaid leaves of absence cannot be used to extend vacation periods, to take vacations, to engage in other occupations, or to provide additional personal leaves, except that the District Superintendent or designee will have discretion, where circumstances warrant, to approve leaves of absences for those purposes.

(Continued)
SUBJECT: LEAVES OF ABSENCE (Cont’d.)

   c) Unpaid leaves of absence will not be granted unless the services of a substitute employee, satisfactory in the discretion of the District Superintendent or designee, can be secured.

   d) Except where it interferes with an employee’s legal or contractual rights, the timing of unpaid leaves of absence will be granted at the convenience of the BOCES

Other Leaves of Absence

   a) Emergency Service Volunteer Leave

       Upon presentation of a written request from the American Red Cross and with the approval of the District Superintendent or designee, employees certified by the American Red Cross as disaster volunteers will be granted leave from work with pay for up to 20 days in any calendar year to participate in specialized disaster relief operations. This leave will be provided without loss of security, compensation, sick leave, vacation leave, or other overtime compensation to which the volunteer is otherwise entitled.

   b) Screenings for Cancer

       Employees will be granted up to four hours of paid leave on an annual basis to undertake a screening for cancer. This leave will be excused leave and will not be charged against any other leave to which the employees is entitled.

   c) Blood Donation

       The BOCES must either, at is option:

       1.) Grant three hours of unpaid leave of absence in any 12-month period to an employee who seeks to donate blood off-premises. The leave may not exceed three hours unless agreed to by the District Superintendent or designee; or

       2) Allow its employees without use of accumulated leave time to donate blood during work hours at least two times per year at a convenient time and place set by the District Superintendent or designee, including allowing an employee to participate in a blood drive at the BOCES.

       Leave taken by employees at a BOCES-designated donation alternative (such as a BOCES sponsored blood drive at the workplace) must be paid leave that is provided without requiring the employee to use accumulated vacation, personal, sick, or other leave time.

       The BOCES will not retaliate against an employee for requesting or obtaining a leave of absence under this section. Additional leaves for the purpose of blood donation under any other provision of law will not be prevented.

       (Continued)
d) Bone Marrow Donation

Employees seeking to undergo a medical procedure to donate bone marrow will be granted leaves to do so, the combined length of the leaves to be determined by the physician, but may not exceed 24 work hours unless agreed to by the District Superintendent or designee. The BOCES will require verification for the purpose and length of each leave requested by the employee for this purpose.

e) Nursing Mothers

The BOCES will provide reasonable unpaid break time or permit the use of paid break time or meal time each day to allow an employee to express breast milk for her nursing child for up to three years following child birth. The BOCES will make reasonable efforts to provide a room or other location in close proximity to the work area where the nursing mother can express milk in privacy. The BOCES will not discriminate against an employee who chooses to express breast milk in the workplace.

Reasonable unpaid break time is generally no less than 20 minutes and no more than 30 minutes dependent upon the proximity of the designated location for expressing breast milk. In most situations, the BOCES is required to provide unpaid break time at least once every three hours if requested by the employee. At the employee’s option, the BOCES will allow the employee to work before or after her normal shift to make up the amount of time used during the unpaid break time(s) so long as the additional time requested falls within the BOCES normal work hours.

The BOCES will provide written notice to employees who are returning to work following the birth of a child of their right to take unpaid leave for the purpose of expressing breast milk. This notice may either be provided individually to affected employees or to all employees generally through publication of the notice in the employee handbook or posting of the notice in a central location.

Any employee wishing to avail herself of this benefit is required to give the BOCES advance notice, preferably prior to her return to work, to allow the BOCES an opportunity to establish location and schedule leave time to accommodate employees as needed.

f) Victims of Domestic Abuse

Employers are required to provide employees with an unpaid leave to appear as a witness, consult with the BOCES attorney, or exercise the employee’s statutory rights as the victim of, or witness to a crime of domestic violence. A victim of domestic violence may need one or more of these types of leave.

(Continued)
SUBJECT: LEAVES OF ABSENCE (Cont’d.)

To use this leave, the employee must provide notice of the need for leave at any time prior to the actual day of leave. Employers are permitted to ask the employee who sought the attendance or testimony of the employee to provide verification of the employee’s service. Employees will not be penalized or discharged for absences by reason of a required appearance as a witness in a criminal proceeding, or consultation with the BOCES attorney, or exercising his or her rights as provided under the law.

g) Military Leave

The BOCES will comply with state and federal laws regarding military leave and re-employment.

h) Jury Duty

As provided by law, any employee who is summoned to serve as a juror and who notifies the BOCES to that effect prior to his or her term of service will not, on account of absence by reason of jury service, be subject to discharge or penalty. The BOCES will ensure that all absences for this purpose are granted in accordance with law and the terms of any applicable collective bargaining agreement.

Uniformed Service Employment and Reemployment Rights Act of 1994 (USERRA), 38 USC §§ 4301-4333
Civil Service Law §§ 71-73 and 159-b
Education Law §§ 1709(16), 3005, 3005-a and 3005-b
General Municipal Law § 92-c
Judiciary Law §§ 519 and 521
Labor Law §§ 202-a, 202-c, 202-I, 202-j and 206-c
Military Law §§ 242 and 243
Penal Law § 215.4

Adopted: 1/29/04
Revised: 6/26/07
Revised: 11/12/14
Revised: 6/16/15
Revised: 12/11/18
SUBJECT: VACATIONS AND LEAVES -- ADMINISTRATIVE AND SUPERVISORY PERSONNEL

Vacations and leaves within departments or programs shall be so arranged that supervision shall be maintained at all times.

It shall be the responsibility of each Director to establish schedules so that adequate supervision shall be provided during normal vacation periods or at times when staff members might be attending conferences.

All proposed vacation schedules shall be sent to the Director of Human Resources and Administrative Services by June 1 each year.

Unless specific approval is received from the District Superintendent or designee, a Director and his/her assistant shall not be absent from the district during the same period.

Adopted: 1/29/04
Revised: 6/26/07
SUBJECT: FAMILY AND MEDICAL LEAVE

The Board of Cooperative Educational Services, in accordance with the Family and Medical Leave Act of 1993 (FMLA), gives "eligible" employees of the Putnam|Northern Westchester BOCES the right to take unpaid leave for a period of up to 12 work weeks in a 12-month period as determined by the BOCES. BOCES uses a fixed year leave based on our fiscal year as its method for calculating the leave year period for commencement of the FMLA period.

Employees are "eligible" if they have been employed by the BOCES for at least 12 months and for at least 1,250 hours of service during the previous 12-month period. Full-time teachers are deemed to meet the 1,250 hour test. However, a break in employment for military service (i.e., call to active duty) should not interrupt the twelve (12) month/1,250 hours of employment requirement and should be counted toward fulfilling this prerequisite. The law covers both full-time and part-time employees.

Qualified employees may be granted leave for one or more of the following reasons:

a) The birth of a child and care for the infant;
b) The adoption of a child and care for the infant;
c) The placement with the employee of a child in foster care;
d) To care for a spouse, child or parent who has a serious health condition as defined by the FMLA;
e) A serious health condition of the employee, as defined by the FMLA, that prevents the employee from performing his/her job.

At the Board’s or employee's option, certain types of paid leave may be substituted for unpaid leave.

An employee on FMLA leave is also entitled to have health benefits maintained while on leave. If an employee was paying all or part of the premium payments prior to leave, the employee will continue to pay his/her share during the leave period.

In most instances, an employee has a right to return to the same position or an equivalent position with equivalent pay, benefits and working conditions at the conclusion of the leave.

The Board has a right to 30 days advance notice from the employee where practicable. In addition, the Board may require an employee to submit certification from a health care provider to substantiate that the leave is due to the serious health condition of the employee or the employee's immediate family member. Failure to comply with these requirements may result in the denial of FMLA leave. The Board may also require that an employee present a certification of fitness to return

(Continued)
SUBJECT: FAMILY AND MEDICAL LEAVE (Cont’d.)

to work when the absence was caused by the employee's serious health condition. The Board has the right to deny restoration to employment if the employee does not furnish the certificate of fitness.

Military Family Leave Entitlements

Military Caregiver Leave

An eligible employee who is the spouse, son, daughter, parent, or next of kin (defined as the nearest blood relative) of a “covered service member” who is recovering from a service-connected serious illness or injury sustained while on active duty or a veteran who has a qualifying injury or illness from service within the last five (5) years and aggravates that illness or injury, is entitled to up to 26 weeks of leave in a single 12-month period to care for the service member. This military caregiver leave is available during a single 12-month period to care for the service member. This military caregiver leave is available during a single 12-month period during which an eligible employee is entitled to a combined total of 26 weeks of all types of FMLA leave. Military Caregiver Leave may be combined with other forms of FMLA-related leave providing a combined total of twenty-six (26) weeks of possible leave for any single twelve (12) month period; however, the other form of FMLA leave when combined cannot exceed twelve (12) of the twenty-six (26) weeks of combined leave.

Military Caregiver Leave has a set “clock” for calculating the twelve (12) month period for when FMLA leave begins and totaling starts at the first day of leave taken.

a) A member of the Armed Forces (including a member of the National Guard or Reserves) who is undergoing medical treatment, recuperation, or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list, for a serious injury or illness; or

b) A veteran who is undergoing medical treatment, recuperation, or therapy, for a serious injury or illness and who was a member of the Armed Forces (including a member of the National Guard or Reserves) at any time during the period of five (5) years preceding the date on which the veteran undergoes that medical treatment, recuperation or therapy.

“Qualifying Exigency” Leave/Call to Active Duty

An “eligible” employee is entitled to FMLA leave because of “a qualifying exigency” arising out of circumstances where the spouse, son, daughter, or parent of the employee is serving in the regular Armed Forces who is deployed to a foreign country or either the National Guard or the Reserves and is on active duty during a war or national emergency called for by the President of the United States or Congress, or has been notified of an impending call to active duty status, in support of a contingency operation.

A “qualifying exigency” related to families of the Army National Guard of the United States, Army Reserve, Navy Reserve, Marine Corps Reserve, Air National Guard of the United States, Air Force Reserve and Coast Guard Reserve personnel on (or called to) active duty to take FMLA protected leave to manage their affairs is defined as any one of the following reasons:

(Continued)
SUBJECT: FAMILY AND MEDICAL LEAVE (Cont’d.)

a) Short-notice deployment;
b) Military events and related activities;
c) Childcare and school activities;
d) Financial and legal arrangements;
e) Counseling;
f) Rest and recuperation;
g) Post-deployment activities; and
h) Any additional activities where the employer and employee agree to the leave.

In any case in which the necessity for leave due to a qualifying exigency is foreseeable, the employee shall provide such notice to the employer as is reasonable and practicable. This military-related leave is for up to twelve (12) weeks during a single 12-month period. Leave may be taken intermittently or on a reduced leave schedule.

Implementation/Benefits/Medical Certification

At the Board’s or employee’s option, certain types of paid leave may be substituted for unpaid leave.

An employee on FMLA leave is also entitled to have health benefits maintained while on leave. If an employee was paying all or part of the premium payments prior to leave, the employee will continue to pay his/her share during the leave period.

In most instances, an employee has a right to return to the same position or an equivalent position with equivalent pay, benefits and working conditions at the conclusion of the leave.

The Board has a right to thirty (30) days advance notice from the employee where practicable. In addition, the Board may require an employee to submit certification from a health care provider to substantiate that the leave is due to the “serious health condition” of the employee or the employee’s immediate family member. Under no circumstance should the employee’s direct supervisor contact any health care provider regarding the employee’s condition; all contact in this manner must be made by a health care provider (employed at the employer), a human resource professional, a leave administrator or a management official. If the medical certification requested by the employer is found to be deficient, the employer must indicate where the errors are, in writing, and give the employee seven (7) days to provide corrected materials to cure any deficiency prior to any action being taken.

FMLA Notice

A notice which explains the FMLA's provisions and provides information concerning the procedures for filing complaints of violations of the FMLA shall be posted in each BOCES building and/or location and a notice of an employee’s FMLA rights and responsibilities shall be either placed in the employee handbook of the employer or furnished to each new employee upon hire. The employer has five (5) days to supply such notice from the date of hire.

(Continued)
SUBJECT: FAMILY AND MEDICAL LEAVE (Cont’d.)

Administration is directed to develop regulations to implement this policy, informing employees of their rights and responsibilities under the FMLA.

Family and Medical Leave Act of 1993
Public Law 103-3
10 United States Code (USC) 101(a)(13)
Health Insurance Portability and Accountability Act of 1996 (HIPAA), Public Law 104-191
45 Code of Federal Regulations (CFR) Parts 160 and 164

Adopted: 1/29/04
Revised: 9/12/11
Revised: 8/13/14
SUBJECT: UNIFORMED SERVICES EMPLOYMENT AND REEMPLOYMENT RIGHTS ACT (USERRA)/MILITARY LEAVES OF ABSENCE

In accordance with the Uniformed Services Employment and Reemployment Rights Act of 1994 (USERRA) and State Law, the BOCES, upon advance notice by the employee, shall grant leaves of absence for service in the uniformed services and/or military duty (hereinafter referred to as “military service” or “military duty”) to its employees who are ordered to duty or volunteer for qualifying military service. The employee’s notice may be either verbal or written. No advance notice is required if military necessity prevents the giving of notice, or the giving of notice is otherwise impossible or unreasonable under all the circumstances. The BOCES does not possess any reemployment obligations if any employee departing for military service is in a brief, non-recurrent position in the BOCES and has no reasonable expectation that such employment will continue indefinitely.

Employment Rights

Time during which an employee is absent pursuant to military leave shall not constitute an interruption of continuous employment in the BOCES and no such employee shall be subjected, directly or indirectly, to any loss or diminution of service time; increment; vacation or holiday privileges; or any other right or privilege, by reason of such absence; nor shall any employee be prejudiced by reason of such absence with reference to continuation in employment, reemployment, reinstatement, transfer or promotion.

Salary/Compensation

Every employee shall be paid his/her salary or other compensation for any and all periods of absence while engaged in the performance of ordered military duty, and while going to and returning from such duty. This payment of salary/compensation shall not exceed a total of 30 days or 22 working days, whichever is greater, in any one calendar year; and shall not exceed 30 days or 22 working days, whichever is greater, in any one continuous period of such absence.

The employee must be permitted, upon request, to use an accrued vacation, annual, or similar leave with pay during the period of military service in order to continue his/her civilian pay. The BOCES may not require the employee to used accrued leave.

The employee is not entitled to use accrued sick leave during the period of military service, unless the BOCES allows employees to use sick leave for any reason or allows other similarly situated employees on comparable furlough or leave of absence to use accrued paid sick leave.

Employee Benefits

Health Plan Coverage

If the employee has coverage under a health plan in connection with his/her employment with the BOCES, the employee must be permitted to elect to continue the coverage for a certain period of

(Continued)
SUBJECT: UNIFORMED SERVICES EMPLOYMENT AND REEMPLOYMENT RIGHTS ACT (USERRA)/MILITARY LEAVES OF ABSENCE (Cont'd.)

When the employee is performing military service, he/she is entitled to continuing coverage for himself/herself (and dependents if the plan offers dependent coverage) under a health plan in connection with the employment. The plan must allow the employee an opportunity to continue coverage for a period of time that is the lesser of:

a. The 24-month period beginning on the date on which the employee’s absence for the purpose of performing military service begins; or

b. The period beginning on the date on which the employee’s absence for the purpose of performing military service begins, and ending on the date on which the employee fails to return from service or apply for a position of reemployment.

Health plan administrators may develop reasonable requirements addressing how continuing coverage may be elected, consistent with the terms of the plan and USERRA’s expectations to the requirement that the employee give advance notice of military service. Further, health plan administrators may develop reasonable procedures for employee payment to continue coverage, consistent with USERRA and the terms of the plan.

Pension/Retirement Plans

While on military duty, any BOCES employee who is a member of any pension or retirement system may elect to contribute to such pension or retirement system the amount which he/she would have contributed had such employment been continuous. Upon making such contribution, the employee shall have the same rights in respect to membership in the retirement system as he/she would have had if the employee had been present and continuously engaged in the performance of his/her position. To the extent that such contributions are paid, absence while engaged in the performance of military duty shall be counted in determining the length of total service under such pension or retirement system.

Alternatively, employees will have an opportunity to make up contributions to the pension or retirement system upon return to employment in the BOCES in accordance with law and the individual employee's pension/retirement system.

Time during which an employee is absent on military duty shall not constitute an interruption of continuous employment, but such time shall not be counted or included in determining the length of total service in the pension or retirement system unless such employee contributes to the retirement system the amount he/she would have been required to contribute if the employee had been continuously employed during the period of military leave.

(Continued)
SUBJECT: UNIFORMED SERVICES EMPLOYMENT AND REEMPLOYMENT RIGHTS ACT (USERRA)/MILITARY LEAVES OF ABSENCE (Cont'd.)

Reemployment/Restoration Rights (“Escalator Principle”)

Per USERRA, as a general rule, the employee is entitled to reemployment in the job position that he/she would have attained with reasonable certainty if not for the absence due to military service. The position to which the returning service member should be restored has become known as the “escalator principle.” The escalator principle requires that the employee be reemployed in a position that reflects with reasonable certainty the pay, benefits, seniority, and other job benefits that he/she would have attained if not for the period of military service. Eligible employees shall be restored to the appropriate position as soon as practicable after receipt of the employee’s notification of intent to return. An employee eligible for reemployment will be determined by applicable federal and state law.

Depending on the circumstances/intervening events, the escalator principle may cause an employee to be reemployed in a higher or lower position, transferred, laid off, or even terminated.

The employee must be qualified for the reemployment position. The BOCES shall make reasonable efforts to help the employee become qualified to perform the duties of this position. The BOCES is not required to reemploy the employee on his/her return from military service if the employee cannot, after reasonable effort by the BOCES, qualify for the appropriate reemployment position.

Per State law, an employee restored to his/her position after the termination of military duty shall be entitled to the rate of compensation he/she would have received had the employee remained in his/her position continuously during the period of military duty; and the employee shall be deemed to have rendered satisfactory and efficient service in the job position during the period of military leave of absence. Further, the employee shall not be subjected directly or indirectly to any loss of time service, increment, or any other right or privilege; nor shall an employee be prejudiced in any way with reference to promotion, transfer, reinstatement or continuance in employment.

Employee absences for military duty shall be deemed a leave of absence and shall not constitute an interruption of employment. Consequently, such BOCES employees shall be reinstated to their positions as soon as possible in accordance with applicable law.

All other rights, benefits, and responsibilities of a BOCES employee serving in the military shall be in accordance with law, regulations, and/or the applicable contract/collective bargaining agreement.

Probationary Service

Public Employees in General

If a public employee (with the exception of the probationary service of “teachers” as described (Continued)
SUBJECT: UNIFORMED SERVICES EMPLOYMENT AND REEMPLOYMENT RIGHTS ACT (USERRA)/MILITARY LEAVES OF ABSENCE (Cont'd.)

below) enters military duty before the expiration of the probationary period in any position to which he/she may have been appointed, or to which he/she may thereafter be appointed or promoted, the time such employee is absent on military duty shall be credited as satisfactory service during this probationary period.

Teachers/Supervisory Staff

In a case where a “teacher” (as defined in State Education Law Section 3101, the term “teacher” encompasses a broad category of full-time members of the teaching and supervisory staff of the BOCES, and is not limited to “instructional” employees) enters military duty before the expiration of the probationary period to which he/she may have been appointed, the time the “teacher” is absent on military duty shall be credited as satisfactory service during this probationary period. If the end of such probationary service occurs while the “teacher” is on military duty or within one year following the termination of military duty, the period of the probationary service may be extended by the Board for a period not to exceed one year from the date of termination of military duty. However, in no event shall the period of probationary service in the actual performance of teaching services extend beyond that required by the BOCES at the time of the “teacher’s” entry into military service.

Collective Bargaining Agreements/Contracts/Plans/Practices

In accordance with USERRA, should any State or local law, contract, agreement, policy, plan or practice establish an employment right or benefit that is more beneficial than, or is in addition to, a right or benefit under USERRA, such greater employment right or benefit will supersede this Federal Law.

Notice of Rights and Duties

The District shall provide a notice of the rights, benefits and obligations of employees and the BOCES under USERRA. The District may provide the notice by posting it where employee notices are customarily placed. The District may also provide such notice to its employees in other ways that will minimize costs while ensuring that the full text of the notice is provided (e.g., by handing or mailing out the notice, or distributing the notice via electronic mail).

The Uniformed Services Employment and Reemployment Rights Act of 1994 (USERRA)
38 United States Code (USC) Sections 4301-4333
Public Law 108-454
Military Law Section 242 and 243
Education Law Section 3101

Adopted: 1/29/04
Revised: 6/26/07
SUBJECT: WORKERS’ COMPENSATION

Employees injured in the performance of their duties are covered by Workers’ Compensation Insurance. Employees shall report work-related injuries immediately to their immediate supervisor as well as the Clerk of the Cooperative Board. Delay in reporting, if necessary, must be justified to the satisfaction of the Board and/or the insurance agency.

Reimbursement for Workers’ Compensation Insurance benefits shall be in accordance with their referenced bargaining unit agreements. Members of the BOCES Board and volunteers are also covered by Workers’ Compensation Insurance.

Education Law Section 2503(10)

Adopted: 1/29/04
Revised: 11/12/14
SUBJECT: TAX-SHELTERED ANNUITIES

Employees may participate in the Tax Sheltered Annuity program in accordance with the provisions of Section 403(b) of the Internal Revenue Code, as amended.

The Director of Business Affairs is authorized to approve applications from employees to have a deduction made from their salaries to purchase tax sheltered annuities in accordance with the above Internal Revenue Code.

Internal Revenue Code Section 403(b)

Adopted: 1/29/04
SUBJECT: EMPLOYEE ASSISTANCE PROGRAM

Putnam|Northern Westchester BOCES recognizes that employees facing problems related to family, financial, legal, emotional, occupational or health concerns may find it difficult to perform their job with the effectiveness and productiveness which they desire to demonstrate. The Putnam|Northern Westchester BOCES also recognizes that these problems can be treated, particularly in the early stages, in a fashion which will assist the employee in maintaining an efficient and effective job performance.

It is the policy of the Putnam|Northern Westchester BOCES to provide an Employee Assistance Program for all district employees and their immediate families. It is the intent of this program to assure that an employee or a family member who has a problem which impacts or has the potential to impact negatively on the employee’s job performance will receive careful attention and an opportunity to obtain confidential professional assistance.

Adopted: 1/29/04
Revised: 6/26/07
SUBJECT: DEFENSE AND INDEMNIFICATION OF BOARD MEMBERS AND EMPLOYEES

Liability Protection Pursuant to Education Law

The Board recognizes its statutory obligation to indemnify BOCES employees (and in certain circumstances, Board members and volunteers) pursuant to the provisions of Sections 3023, 3028 and 3811 of the Education Law. For the purposes of this policy, the term “employee” shall be as defined in the applicable statute(s).

BOCES shall not be subject to the duty to defend unless the employee, within the time prescribed by statute, delivers appropriate notice of the claim to the Board.

a) For purposes of Education Law Section 3811, the employee must give written notice within five (5) days after service of process upon him/her. The statute mandates only written notice of the claim to the Board; however, submission of relevant legal documents by the employee to the Board is also encouraged.

b) For purposes of Education Law Sections 3023 and 3028, the employee must deliver the original or a copy of the relevant legal documents to the Board within ten (10) days after service of process upon him/her.

BOCES will provide legal defense and/or indemnification for all damages, costs, and reasonable expenses incurred in the defense of an action or proceeding if authorized pursuant to statute and provided that the alleged action or omission which occurred or allegedly occurred is covered by the appropriate statute(s). Furthermore, BOCES will not be required to provide indemnification protection and/or legal defense unless the employee was, at the time of the alleged incident, acting in the discharge of his/her duties within the scope of his/her employment or authorized volunteer duties and/or under the direction of the Board.

Public Officers Law Section 18

The Board hereby also confers the benefits of Section 18 of the New York State Public Officers Law upon the “employees” of BOCES, as defined in Section 18 of the Public Officers Law; and BOCES assumes the liability for the costs incurred in accordance with the provisions of Section 18. The benefits accorded to BOCES employees under Section 18 of the Public Officers Law shall supplement and be available in addition to defense or indemnification protection conferred by other enactments or provisions of law.

(Continued)
SUBJECT: DEFENSE AND INDEMNIFICATION OF BOARD MEMBERS AND EMPLOYEES (Cont’d.)

The term “employees” shall include members of the Board; the District Superintendent; BOCES officers; BOCES employees; volunteers expressly authorized to participate in a BOCES sponsored volunteer program; or any other person holding a position by election, appointment or employment in the service of BOCES, whether or not compensated. The term “employee” shall also include a former employee, his/her estate or judicially appointed representative.

Pursuant to the provisions of Section 18 of the Public Officers Law, and upon compliance by the employee with the requirements of this statute, BOCES shall provide for the defense of the employee in any civil action or proceeding, state or federal, arising out of any alleged act or omission which occurred or allegedly occurred while the employee was acting within the scope of his/her public employment or duties. Furthermore, BOCES shall indemnify and save harmless its employees in the amount of any judgment obtained against such employees in a state or federal court, or in the amount of any settlement of a claim, provided that the act or omission from which such judgment or claim arose occurred while the employee was acting within the scope of his/her public employment or duties. However, in the case of a settlement, the duty to indemnify and save harmless shall be conditioned upon the approval of the amount of the settlement by the Board.

The duty to defend and/or indemnify and save harmless, in accordance with Section 18 of the Public Officers Law, shall be conditioned upon the delivery by the employee to the BOCES attorney or to the District Superintendent a written request to provide for his/her defense, together with the original or a copy of any summons, complaint, process, notice, demand or pleading within ten (10) days after he/she is served with such document. Pursuant to Section 18, the full cooperation of the employee in the defense of such action or proceeding and in the defense of any action or proceeding against BOCES based upon the same act or omission, and in the prosecution of any appeal, shall also be required as a condition for BOCES duty to defend and/or indemnify and save harmless to exist.

Exceptions to Liability Coverage

Indemnification coverage and/or provision of legal defense by BOCES will not apply unless the actionable claim is of the type covered by the statute(s) and/or is not otherwise exempt from coverage pursuant to law. Additionally, indemnification coverage and/or the duty to provide a defense shall not arise where such action or proceeding is brought by or on behalf of BOCES.

Public Officers Law Section 18
Education Law Sections 1709(26) and (34-b), 2560, 3023, 3028, and 3811
General Municipal Law Sections 6-n and 52

Refer also to Policies 1610 and 4530

Adopted: 1/29/04
SUBJECT: 403(b) EMPLOYER CONTRIBUTION FOR NON-REPRESENTED EMPLOYEES (Cont’d.)

The Board will make an employer contribution to a 403(b) fund for all non-represented employees under the following conditions:

a) No employee may receive cash in lieu of or as an alternative to any of the Employer’s Non-Elective Contribution(s) described herein.

b) In any applicable year, the maximum employer contribution shall not cause an employee’s 403(b) account to exceed the applicable contribution limit under Section 415(c)(1) of the Internal Revenue Code, as adjusted for cost-of-living increases. For Employer Non-Elective Contributions made post-employment to former employees’ 403(b) accounts, the contribution limit shall be based on the employee’s compensation, as determined under Section 403(b)(3) of the Internal Revenue Code. In any event, no Employer Non-Elective Contribution shall be made on behalf of such former employee after the fifth taxable year following the taxable year in which that employee terminated employment.

In the event that the calculation of the Employer Non-Elective Contribution referenced in any of the preceding paragraphs exceeds the applicable contribution limits, the excess amount shall be handled by the employer as follows:

For all members in the New York State Teachers’ Retirement System ("TRS") with a membership date prior to June 17, 1971, the employer shall first make an Employer Non-Elective Contribution up to the contribution limit of the Internal Revenue Code and then pay any excess amount as compensation directly to the employee. In no instance shall the employee have any rights to, including the ability to receive, any excess amount as compensation unless and until the contribution limit of the Internal Revenue Code are fully met through payment of the Employer’s Non-Elective Contribution; and

For all members in the New York State Teachers' Retirement System ("TRS") with a membership date in the TRS on or after June 17, 1971, and for all members in the New York State Employees' Retirement System regardless of their membership date, the employer shall first make an Employer Non-Elective Contribution up to the contribution limit of the Internal Revenue Code. To the extent that the Employer Non-Elective Contribution exceeds the contribution limit, such excess shall be reallocated to the employee the following year as an Employer Non-Elective Contribution (which contribution shall not exceed the maximum amount permitted under the Internal Revenue Code), and in January of each subsequent year for up to four (4) years after the year of the employee's employment severance, until such time as the Employer Non-Elective Contribution is fully deposited into the employee's 403(b) account. In no case shall the Employer Non-Elective Contribution exceed the contribution limit of the Internal Revenue Code.

(Continued)
SUBJECT: 403(b) EMPLOYER CONTRIBUTION FOR NON-REPRESENTED EMPLOYEES (Cont'd.)

c) Employer contributions shall be deposited into the employer selected 403(b) account of each recipient employee. If the employee does not have a 403(b) account, the employer shall deposit the employer contributions, in the name of the employee, into an account established in the employee’s name. Agents from the selected company will be allowed reasonable access to the BOCES facilities in order to assist the employees and BOCES representatives in fulfilling applicable 403(b) legal requirements. Upon the request of the BOCES, the company agents will assist BOCES representatives in calculating the annual maximum allowable 403(b) contribution under the Internal Revenue Code, based upon salary and payroll information provided to the representative by the BOCES. Upon the request of the BOCES, the company agrees to provide the employer with their standard hold harmless agreement.

d) Tier I members with membership dates prior to June 17, 1971, Employer Non-Selective Contribution hereunder will be reported as non-regular compensation to the New York State Teachers’ Retirement System.

e) This policy shall be subject to IRS regulations and rulings. Should any portion be declared contrary to law, then such portion shall not be deemed valid and subsisting, but all other portions shall continue in full force and effect. As to those portions declared contrary to law, the employer shall promptly alter those portions in order to provide the same or similar benefit(s) which conform, as closest as possible, to the original intent of the parties.

f) This policy shall further be subject to the approval of the company, which shall review the contents solely as a matter of form and as the provider of investment products designed to meet the requirements of Section 403(b) of the Internal Revenue Code.

g) The employer is responsible for providing accurate information to the fund. This information includes both Elective and Employer Non-Selective Contributions and the amount of the participant's includible compensation. To the extent inaccurate information is transmitted by the employer to the company, any issues that arise from the inaccurate information shall be the responsibility of the employer.

(Continued)
SUBJECT: 403(b) EMPLOYER CONTRIBUTION FOR NON-REPRESENTED EMPLOYEES (Cont'd.)

h) With regard to payment of unused vacation leave at retirement, for all members of the New York State Employees’ Retirement System (“ERS”) in Tier 1 with a membership date prior to April 1, 1972, in Tier 3, or in Tier 4, the employer shall first make a direct payment of compensation to the employee for the value of up to thirty (30) days of unused vacation leave. This compensation, when added to the employee’s annual earnings, may not exceed the average earnings of the previous two years by more than 10 percent. The employer shall then make an Employer Non-Elective Contribution into the Employee’s 403(b) account for the value of the balance of the employee’s unused vacation leave up to the contribution limit of the Internal Revenue Code.

Refer also to Policy 3115

Adopted: 1/29/04
Revised: 6/28/05
Revised: 4/25/12
Revised: 11/12/14
Revised: 6/16/15
SUBJECT: SALARY GUIDES

Adult Education Teachers

Compensation for adult education teachers employed in programs conducted by BOCES shall be determined by the District Superintendent, subject to approval by the Board.

Ten-Month Certificated Employees

Initial Placement

The Board, in determining the initial step placement of an employee on the Certificated Salary Schedule, shall be guided by the nature of the position and the experience and education of the individual. Step placement is entirely the decision of the Board of Education upon recommendation by the District Superintendent.

Classified Employees

Placement on Schedule -- Represented Personnel

Under normal circumstances, all newly employed represented classified personnel shall be placed on step 1 of the salary schedule. Upon recommendation of the District Superintendent or his/her designee, the new employee may be placed on a higher step.

Increments -- Represented Personnel

To be eligible for the first salary increment, an employee's services must have commenced prior to January 1.

Under normal circumstances, increments shall not be granted to temporary and provisional employees. However, they may be so granted at the discretion of the District Superintendent or his/her designee.

(Continued)
SUBJECT:  SALARY GUIDES (Cont'd.)

Salary Plan – Non-Represented Certificated and Classified Employees

a) Initial salaries for newly appointed non-represented certificated and classified employees shall be as recommended by the District Superintendent and approved by the Board. All salary increases are based on performance according to job descriptions and other pertinent factors.

Adopted:  1/29/04
Revised:  6/26/07
Revised:  5/15/12
Revised:  11/12/14
SUBJECT: SALARY GUIDES -- TERMINATION OF EMPLOYMENT -- ALL EMPLOYEES

Full-time, 10-month classified employees of the BOCES Classified Employees Association (BCEA) terminating employment during the employment year shall be compensated on the basis of one-tenth (1/10) of the annual salary agreement for each full month of service plus one two-hundred and seventeenth (1/217) of the annual rate for each working day in excess of the number of full months.

Full-time, 10-month classified employees (non-represented, non-supervisory) hired after July 3, 2012 who are terminating employment during the employment year shall be compensated on the basis of one-tenth (1/10) of the annual salary agreement for each full month of service plus one two-hundred (1/200) of the annual rate for each working day in excess of the number of full months. Employees in this category hired after (date of policy revision) will be compensated according to the terms of the BCEA contract.

Full-time, 12-month classified employees (BCEA and non-represented non-supervisory) terminating employment during the employment year shall be compensated on the basis of one-twelfth (1/12) of the annual salary agreement for each full month of service plus one two-hundred and sixtieth (1/260) of the annual rate for each working day in excess of the number of full months.

Full-time, 10-month teacher aides and child care workers terminating employment during the employment year shall be compensated on the basis of one-tenth (1/10) of the annual salary agreement for each full month of service plus one two-hundred and tenth (1/210) of the annual rate for each working day in excess of the number of full months.

Full-time, 10-month certificated employees recognized in the United Staff Association (USA) terminating employment during the employment year shall be compensated on the basis of one-tenth (1/10) of the annual salary agreement for each full month of service plus one two-hundredth (1/200) of the annual rate for each working day in excess of the number of full months.

Full-time, 12-month certificated staff (ASA and non-represented supervisory and non-supervisory) and non-represented classified supervisory staff terminating employment during the employment year shall be compensated on the basis of one-twelth (1/12) of the annual salary agreement for each full month of service plus one two-hundred and fortieth (1/240) of the annual rate for each working day in excess of the number of full months.

The Swaim method is used to determine compensation for working days in excess of the number of full months.

Adopted: 1/29/04
Revised: 7/3/12
Revised: 11/12/14
SUBJECT: DETERMINATION OF EMPLOYMENT STATUS: EMPLOYEE OR INDEPENDENT CONTRACTOR

Regulations promulgated by the Office of the State Comptroller provide guidance to BOCES to help them determine whether an individual is an employee, and therefore eligible for membership in the New York State and Local Retirement System (NYSLRS) and for service credit, or an independent contractor who is not eligible for membership.

A certification of the determination that an individual is an employee will now be required when the BOCES initially reports to the NYSLRS certain covered professionals -- those persons providing services as an attorney, physician, engineer, architect, accountant or auditor.

Employee shall mean an individual performing services for the BOCES for which the BOCES has the right to control the means and methods of what work will be done and how the work will be done. Independent contractor shall mean a consultant or other individual engaged to achieve a certain result who is not subject to the direction of the employer as to the means and methods of accomplishing the result.

Employees to be Reported to NYSLRS

Only persons who are active members of NYSLRS and who have been assigned a registration number shall be included in the reporting requirements. In the case of employees who are in the process of being registered to membership, all service, salary and deductions data and mandatory contributions shall be accumulated by the BOCES and such accumulation shall be included with the first monthly report which is due after the employee's registration number has been assigned.

An individual serving the BOCES as an independent contractor or consultant is not an employee and should not be reported to the retirement system.

The BOCES has the primary responsibility for determining whether an individual is rendering services as an employee or as an independent contractor. When making such a determination the BOCES must consider the factors enumerated in State Regulations.

The BOCES shall also complete, as necessary, a Certification Form for Individuals Engaged in Certain Professions (Form RS2414) as promulgated by the Office of the New York State Comptroller. As noted on the Certification Form instructions, when making a determination as to an individual's status as an employee or independent contractor, no single factor should be considered to be conclusive of the issue. All factors should be considered in making an assessment of an individual's status when engaged to perform services.

(Continued)
SUBJECT: DETERMINATION OF EMPLOYMENT STATUS: EMPLOYEE OR INDEPENDENT CONTRACTOR (Cont'd.)

Written Explanation by BOCES: Certain Professions

In the case of an individual whose service has been engaged by the BOCES in the capacity of attorney, physician, engineer, architect, accountant or auditor and the BOCES has determined that the individual is rendering service as an employee and, therefore, may be eligible for credit with a retirement system, the BOCES shall submit to the retirement system, in a form prescribed by the Comptroller and certified by the Chief Fiscal Officer of the BOCES, an explanation of the factors that led to the conclusion that the individual is an employee and not an independent contractor or consultant.

Retirement and Social Security Law Sections 11, 34, 311, and 334
2 New York Code of Rules and Regulations (NYCRR) Sections 315.2 and 315.3

Adopted: 7/2/08
Revised: 6/16/15
SUBJECT: PROFESSIONAL SERVICES PROVIDERS

Determination by Employer

The BOCES has the primary responsibility for determining whether an individual is rendering services as an employee or as an independent contractor. When making such a determination the BOCES must consider the factors enumerated in Commissioner’s Regulations Sections 315.2 and 315.3. An individual serving the BOCES as an independent contractor or consultant is not an employee and should not be reported to the New York State and Local Retirement System (NYSLRS).

Charging for Professional Services

A lawyer shall not simultaneously be an independent contractor and an employee of the BOCES for the purpose of providing legal services to the BOCES.

A lawyer who is not an employee of the BOCES shall not seek to be or be considered, treated or otherwise reported by the BOCES as an employee thereof for purposes of compensation, remuneration, health insurance, pension and all employment-related benefits and emoluments associated therewith [Education Law Section 2051(2)].

Reports Regarding Lawyers

The BOCES shall, on or before the 45th day after the commencement of its fiscal year, file with the State Education Department, the State Comptroller and the Attorney General a report specifying those requirements enumerated in Education Law Section 2053.

Protection Against Fraud

Any person who shall knowingly make any false statement, or shall falsify or permit to be falsified any record or records of the retirement system in any attempt to defraud the system as a result of such act, shall be guilty of a misdemeanor, and shall be punishable under the laws of New York State.

Any violation of applicable law that results in a member or beneficiary of the retirement system receiving a benefit or payment in excess of $1000 more than he/she would have been entitled to shall be a class E felony. Any violation of applicable law that results in a member or beneficiary of the retirement system receiving benefit or payment in excess of $3000 more than he/she would have been entitled to shall be a class D felony.

Education Law Sections 535, 2050-2054
Retirement and Social Security Law Sections 111 and 411
8 New York Code of Rules and Regulations (NYCRR) Sections 315.2 and 315.3

Adopted: 4/13/10
SUBJECT: MAINTAINING DISCIPLINE AND CONDUCT

All personnel employed by the BOCES are responsible for maintaining student discipline and appropriate conduct during school hours and at extracurricular events on and off school property.

School property shall mean in or within any building, structure, athletic playing field, playground, parking lot or land contained within the real property boundary line of a public elementary or secondary school; or in or on a school bus as defined in Vehicle and Traffic Law Section 142. A school function shall mean a school-sponsored or school-authorized extracurricular event or activity regardless of where such event or activity takes place, including any event or activity that takes place in another state.

Educational Law Section 2801(1)

Adopted: 6/26/07
SUBJECT: THE USE OF BOCES OWNED TECHNOLOGY OFF SITE

The Board authorizes the allocation of BOCES owned technology for use off site. The District Superintendent or designee may authorize the allocation of BOCES owned technology for use off site to any employee whose specialized work requires that they perform job duties off site. Such equipment shall be inventoried on an annual basis by the Information Technology Department.

Adopted: 7/2/08
Revised: 4/13/10
Revised: 8/13/14
Revised: 6/16/15
SUBJECT: EMPLOYMENT OF RETIRED PERSONS

For the purposes of this policy, a retired person is a person who is receiving benefits from a retirement system administered by the state or any of its political subdivisions. A retired person may be employed and earn compensation in a position in the BOCES, without any effect on his/her status as retired and without suspension or diminution of his/her retirement allowance subject to the conditions enumerated in Retirement and Social Security Law Section 211(1). However, there shall be no earning limitations on or after the calendar year in which any retired person attains age sixty-five (65).

No retired person may be employed in the BOCES except upon approval of the Civil Service Commission or the Commissioner of Education unless otherwise authorized in accordance with law as discussed below.

Two sections of the Retirement and Social Security Law (RSSL Section 211 and 212) affect a retiree’s return to public employment in New York State. If a retiree returns to public employment, he/she may still be able to collect his/her pension depending upon:

a) How much is earned after returning to work; and

b) The retiree’s age

If a retiree is under age 65, he/she can return to public employment without approval or reduction in retirement benefits as long as his/her calendar year earnings do not exceed the RSSL Section 212 legal limit. If a retiree’s earnings will be more than the Section 212 limits, the employer must request and receive prior approval from the appropriate agency to hire the retiree under Section 211. This may help avoid a reduction or suspension of the retiree’s pension. (Refer to subheading below for more information regarding RSSL Section 211 and the approval process.)

There is generally no restriction on a retiree’s earnings beginning in the calendar year he/she turns 65, unless returning to public office.

Reporting Requirements and Disclosure

a) The BOCES shall report all money earned by a retired person in its employ in excess of the earnings limitation outlined in Retirement and Social Security Law Section 212 to the retirement system administered by the State or any of its political subdivisions from which the retired person is collecting his/her retirement allowance.

b) The BOCES, when employing a retired person who is eligible to collect or is already collecting a retirement allowance from a retirement system administered by the State or any of its political subdivisions, shall report on an annual basis to the retirement system paying such retirement allowance and to the State Comptroller. This report shall consist of the re-employed retiree’s name, date of birth, place of employment, current position, and all earnings.

(Continued)
SUBJECT: EMPLOYMENT OF RETIRED PERSONS (Cont’d.)

Public Record

Any request for approval of the employment of a retired person, including the reasons stated, and the findings and determination of such request shall be a public record open for inspection in the Office of the Civil Service Commission, the Commissioner of Education, or the Board of Education making such findings and determination as specified in Retirement and Social Security Law Section 211.

Education Law Section 525
Retirement and Social Security Law Sections 111, 211, 212, 217, and 411

Adopted: 4/13/10
Revised: 6/16/15
SUBJECT: SELECTION OF CONSULTANTS

Consultants for BOCES programs and services shall be selected from a variety of sources, including but not limited to the State Education Department, colleges, universities, professional organizations, professional references, professional knowledge of a candidate, and other resources. BOCES shall endeavor to draw candidates from as wide a pool as possible when appropriate.

Candidate Search and Screening

When appropriate BOCES shall post consultant positions on OLAS. Applicants responding to the OLAS posting or otherwise applying for the position shall be screened. Appropriate candidates will be selected for further evaluation, which may include a demonstration workshop or observation.

Approval Process

All consultants shall be approved by the District Superintendent or designee. Successful applicants will be matched to existing or emerging needs. All consultants will be utilized on an as-needed basis.

At a Board meeting each spring the Board will be provided with a list of recommended consultants for the following school year. During the school year consultants will be added on an as-needed basis.

Consultant Evaluation

Consultants engaged by BOCES shall be evaluated for effectiveness on an ongoing basis. Continued use will be based on that evaluation and needs as they arise.

Compensation

Any compensation shall be negotiated between the consultant and the Director of the department for whom the consultant will work.

The BOCES Board shall be notified formally as soon as any consultant’s compensation exceeds $10,000; the Board must approve compensation that exceeds $10,000 in a school year.

Refer also to Policy 3150

Approved: 5/13/14
SUBJECT: IDENTIFICATION BADGES

The BOCES is committed to providing a safe and secure environment for our students and employees. The BOCES will issue Identification (ID) Badges to all full-time and part-time employees and any other authorized persons who represent the BOCES. The identification badge serves the dual purpose of allowing access to secured areas as well as readily identifying our BOCES employees and other authorized personnel. In addition, the identification badges will provide measured protection against unauthorized personnel and intruders from entering BOCES buildings.

Employees and Temporary Staff

Identification Badges will be issued by the Office of Human Resources & Professional Development to all existing and new employees. The badges will include the employee's name and photo, together with building and/or BOCES information. Badges shall be worn in a highly visible manner during the school day and when representing the BOCES at BOCES sanctioned events or activities.

Long-term substitute teachers and student teachers, who are assigned to BOCES buildings for an extended period of time, may be issued a regular ID badge by the Office of Human Resources & Professional Development. Short-term substitute teachers, other temporary employees and contract staff will be required to sign in each time they enter a BOCES building. A non-picture ID badge (visitor or other temporary badge) will be issued to persons in this category and it will be their responsibility to return the badge upon leaving the building each day.

The ID badge is the property of the BOCES and may only be used for the individual to whom it was issued. Employees may not lend their ID badge to anyone for any reason. Upon separation from employment, employees are required to return the ID badge.

Visitors

Visitors, including approved volunteers and vendors, will wear a "Visitor" identification badge after signing in and gaining permission to be on the premises during school hours. The badge must be worn in a highly visible manner while in BOCES buildings and shall be surrendered when exiting the building.

Administrative regulations shall be developed to implement the terms of this policy.

Refer also to Policy 2210 – Visits to BOCES Facilities, Schools and Programs

Adopted: 6/17/13
Revised: 7/2/14
Revised: 6/16/15
Putnam/Northern Westchester BOCES

STUDENTS

(Section 6000)

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SUBJECT: COMPREHENSIVE STUDENT ATTENDANCE POLICY

Statement of Overall Objectives

School attendance is both a right and a responsibility and the BOCES believes that attendance is related directly to student achievement. The objectives of this policy are:

a) To increase school completion for all students;
b) To raise student achievement and close gaps in student performance;
c) To identify attendance patterns in order to design attendance improvement efforts;
d) To know the whereabouts of every student for safety and other reasons;
e) To verify that individual students are complying with education laws relating to compulsory attendance.

Description of Strategies to Meet Objectives

The BOCES will:

a) Create and maintain a positive school building culture by fostering a positive physical and psychological environment where the presence of strong adult role models encourages respectful and nurturing interactions between adults and students. This positive school culture is aimed at encouraging a high level of student bonding to the school, which in turn should lead to increased attendance.

b) Maintain accurate recordkeeping via a Register of Attendance to record attendance, absence, tardiness or early departure of each student.

c) Review attendance and develop early intervention strategies to improve school attendance for all students.

Determination of Excused and Unexcused Absences, Tardiness and Early Departures

The BOCES has determined that absences, tardiness and early departures (ATEDs) will be considered according to the following standards.

An absence, tardiness or early departure may be excused if due to personal illness, illness or death in the family, impassable roads due to inclement weather, religious observance, quarantine, required (Continued)
SUBJECT:  COMPREHENSIVE STUDENT ATTENDANCE POLICY (Cont'd.)

court appearances, medical appointments, pre-approved college visits, approved cooperative work programs, military obligations, home school excused, administratively approved BOCES-sponsored activities or other such reasons as may be approved by the administration. All other absences are unexcused.

All absences require a written note, including date and reason for absence, from the parent/guardian/person in parental relation on the student's day of return to school or as soon as possible thereafter. Such parental notification for student tardiness or early departure will be presented on the day of the tardiness/early departure, indicating the date, time and reason. Excuses may be verified to ensure authenticity. All written excuses must be received by BOCES within five (5) school days of the absence or tardiness unless extraordinary circumstances occur as determined by the administration. If no written excuse is received by the BOCES within five (5) school days, the absence or tardiness is recorded as unexcused unless otherwise authorized by the administration.

Notification

Parents/guardians/persons in parental relation will be notified promptly by telephone, electronically or in writing if a pattern of unexcused absences develops or sooner if circumstances warrant (for example, Monday or Friday patterns, consecutive days without a parent/guardian/person in parental relation note, etc.).

Student Attendance Recordkeeping/Data Collection

The record of each student's presence, absence, tardiness and early departure shall be kept in a register of attendance in a manner consistent with Commissioner's Regulations. An absence, tardiness or early departure will be entered as "excused" or "unexcused" along with the BOCES code for the reason.

Attendance shall be taken and recorded in accordance with the following:

a) For students in non-departmentalized kindergarten through grade eight (i.e., self-contained classrooms and supervised group movement to other scheduled school activities such as physical education in the gym, assembly, etc.), such student's presence or absence shall be recorded on a subject by subject basis, provided that students are not dismissed from school grounds during a lunch period. Where students are dismissed for lunch, their presence or absence shall also be recorded after the taking of attendance a second time upon the student's return from lunch.

b) For students in grades nine through twelve or in departmentalized schools at any grade level, each student's presence or absence shall be recorded after the taking of attendance in each period of scheduled instruction.

(Continued)
SUBJECT: COMPREHENSIVE STUDENT ATTENDANCE POLICY (Cont'd.)

c) Any absence for a school day or portion thereof shall be recorded as excused or unexcused in accordance with the standards articulated in this policy.

d) In the event that a student at any instructional level from kindergarten through grade twelve arrives late for or departs early from scheduled instruction, such tardiness or early departure shall be recorded as excused or unexcused in accordance with the standards articulated in this policy.

A record shall be kept of each scheduled day of instruction during which the school is closed for all or part of the day because of extraordinary circumstances including adverse weather conditions, impairment of heating facilities, insufficiency of water supply, shortage of fuel, destruction of or damage to a school building, or such other cause as may be found satisfactory to the Commissioner of Education.

Attendance records shall also indicate the date when a student withdraws from enrollment or is dropped from enrollment in accordance with Education Law Section 3202(1-a).

At the conclusion of each class period or school day, all attendance information shall be compiled and provided to the designated school personnel who are responsible for attendance. The nature of the absence, tardiness or early departure shall be coded on a student's record in accordance with the established BOCES/building procedures. For purposes of APPR and Teacher-Student Data Linkages (TSDL), classroom attendance for all students K-12 must be recorded on a subject by subject basis for Teacher of Record Determinations.

Student Attendance/Course Credit

The BOCES believes that classroom participation is related to and affects a student's performance and grasp of the subject matter and, as such, is properly reflected in a student's final grade. For purposes of this policy, classroom participation means that a student is in class and prepared to work.

Consequently, for each marking period a certain percentage of a student's final grade will be based on classroom participation as well as the student's performance on homework, tests, papers, projects, etc. as determined by the building administrator and/or classroom teacher.

Students are expected to attend all scheduled classes. Consistent with the importance of classroom participation, student absences, tardiness, and early departures will affect a student's grade, including credit for classroom participation, for the marking period.

(Continued)
A student will be considered in attendance if the student is:

a) Physically present in the classroom or working under the direction of the classroom teacher during the class scheduled meeting time; or

b) Working pursuant to an approved independent study program; or

c) Receiving approved alternative instruction.

Students who are absent from class due to their participation in a school-sponsored activity are to arrange with their teachers to make up any work missed in a timely manner as determined by the student's teacher. Attendance at school-sponsored events where instruction is substantially equivalent to the instruction which was missed shall be counted as the equivalent of regular attendance in class.

Upon returning to school following a properly excused absence, tardiness or early departure, it shall be the responsibility of the student to consult with his/her teacher(s) regarding arrangements to make up missed work, assignments and/or tests in accordance with the time schedule specified by the teacher.

**Attendance Incentives**

In order to encourage student attendance, the BOCES will develop and implement grade-appropriate/building-level strategies and programs. Examples include but are not limited to:

a) Attendance honor rolls to be posted in prominent places in BOCES buildings and included in BOCES newsletters and, with parent/guardian/person in parental relation consent, in community publications;

b) Special events (e.g., assemblies, guest speakers, field days) scheduled on days that historically have high absenteeism (e.g., Mondays, Fridays, day before vacation);

c) Classroom acknowledgment of the importance of good attendance (e.g., individual certificates, recognition chart, bulletin boards).
SUBJECT:  COMPREHENSIVE STUDENT ATTENDANCE POLICY (Cont'd.)

Disciplinary Consequences

Unexcused absences, tardiness and early departures may result in disciplinary sanctions as described in the BOCES Code of Conduct. Consequences may include, but are not limited to, in-school suspension, detention and denial of participation in interscholastic and extracurricular activities. Parents/guardians/persons in parental relation will be notified by designated BOCES personnel at periodic intervals to discuss their child's absences, tardiness or early departures and the importance of class attendance and appropriate interventions. Individual programs will address procedures to implement the notification process to the parent/guardian/person in parental relation.

Intervention Strategy Process

When a pattern of unexcused absences, tardiness or early departure is identified, BOCES personnel will pursue the following:

a) Identify the nature of the pattern (e.g., grade level, building, time frame, type of unexcused absences, tardiness or early departures);

b) Contact the student and parent/guardian/person in parental relation as appropriate;

c) Discuss strategies to directly intervene;

d) Utilize appropriate BOCES and/or community resources to address and help remediate student unexcused absences, tardiness or early departures;

e) Monitor and report short and long-term effects of intervention.

Appeal Process

A parent/guardian/person in parental relation may request a building-level review of their child's attendance record.

Building Review of Attendance Records

The program administrator will work in conjunction with the designated staff in reviewing attendance records at the end of each quarter. This review is conducted to identify individual and group attendance patterns and to initiate appropriate action to address the problem of unexcused absences, tardiness and early departures.

(Continued)
SUBJECT: COMPREHENSIVE STUDENT ATTENDANCE POLICY (Cont’d.)

Extended School Year

For the Extended School Year program, school attendance is both a right and responsibility and BOCES believes that attendance is related directly to student achievement. Consequently, the summer school principal will work with the summer school staff to establish a school-wide procedure for assessing class participation as a component of the final grade.

Annual Review by the Board

The Board shall annually review the building level student attendance records and if such records show a decline in student attendance, the Board shall make any revisions to the policy and plan deemed necessary to improve student attendance.

Community Awareness

The Board shall promote necessary community awareness of the BOCES Comprehensive Student Attendance Policy by:

a) Providing a plain language summary of the policy to parents/guardians/persons in parental relation to students at the beginning of each school year and promoting the understanding of such a policy to students and their parents/guardians/persons in parental relation;

b) Providing each teacher, at the beginning of the school year or upon employment, with information on how to access our policies; and

c) Providing a copy of the policy to any other members of the public upon request.

Education Law Sections 3024, 3025, 3202, 3205, 3206, 3210, 3211, and 3213
8 New York Code of Rules and Regulations (NYCRR) Sections 104.1, 109.2 and 175.6

Adopted: 1/29/04
Revised: 4/13/10
Revised: 6/17/13
Revised: 8/13/14
SUBJECT: STUDENT REFERRAL AND STUDENT AND ADULT PLACEMENT

Student Referral

The BOCES strives to provide optional educational opportunities for referred students, including students with unique educational needs. Participation in BOCES programs augments local district educational opportunities. Referral to BOCES programs is made by the home school district.

Placement

Initial class placement of students in all BOCES programs shall be the responsibility of appropriate BOCES personnel in cooperation with home school district personnel. Class placements shall take place only after all available information has been analyzed and the student has been recommended by appropriate local school district personnel for such placement. All class placements shall be administered and conducted in accordance with accepted practices and the Education Laws and Regulations of the Commissioner.

Class placement within a program (i.e., section or classroom) shall be determined by the appropriate BOCES administrator.

Placement of classified students shall follow the law and Commissioner’s Regulations.

Adult Students in Career Education Classes

It is the policy of the Putnam|Northern Westchester Board of Cooperative Educational Services to accept adult students only when such enrollment does not exclude regular, daytime high school students.

The tuition amount charged adults will be adjusted from time to time by appropriate Board action, but must be at least one half of the high school tuition.

Adopted: 1/29/04
Revised: 4/13/10
SUBJECT: NON-RESIDENT STUDENTS

a) Students who live outside the eighteen (18) component school districts shall be called “non-resident students.”

b) Students who reside outside the eighteen (18) component school districts and desire to attend BOCES classes shall initiate all contacts with BOCES through school district officials of their home school district. Any authorization for non-resident attendance must carry the approval of the local school district and the local BOCES in which the residence is located.

c) Students who move out of the Putnam|Northern Westchester BOCES boundaries during the school year may be given permission to complete that year in attendance at BOCES at no increase to tuition.

Education Law Sections 2045 and 3202

Adopted: 1/29/04
Revised: 1/21/16
SUBJECT: PREGNANT AND MARRIED STUDENTS

The opportunity to participate in all of the services, programs, and activities of BOCES shall not be restricted or denied because of pregnancy, parenthood, or marriage. BOCES students who are pregnant, married, or who have children shall be encouraged to remain in BOCES programs. In this regard, the District Superintendent or his/her designee may make those program modifications which are feasible and necessary to accommodate the special needs of such students.

Adopted: 1/29/04
SUBJECT: SCHOOL CONDUCT AND DISCIPLINE

The Board acknowledges its responsibility to protect the educational climate of the BOCES and to promote responsible student behavior. Accordingly, the Board delegates to the District Superintendent the responsibility for assuring the implementation of a Code of Conduct for the Maintenance of Order on School Property, including school functions, which shall govern the conduct of students as well as teachers, other school personnel, and visitors.

School property shall mean in or within any building, structure, athletic playing field, playground, parking lot or land contained within the real property boundary line of a public elementary, secondary school, or BOCES facility or in or on a school bus as defined in Vehicle and Traffic Law Section 142. A school function shall mean a school-sponsored or school-authorized curricular or extracurricular event or activity regardless of where such event or activity takes place, including any event or activity that may take place in another state.

The Board shall further provide for the enforcement of such Code of Conduct, which shall be developed in collaboration with student, teacher, administrator, and parent organizations, school safety personnel and other personnel and shall incorporate, at a minimum, those components addressed in law. Specific components may vary as appropriate to student age, building levels, and educational needs.

As part of any investigation related to the school Code of Conduct, the BOCES has the right to search all school property and equipment including BOCES computers. Rooms, desks, cabinets, lockers, computers, etc. are provided by the BOCES for the use of staff and students, but the users do not have exclusive use of these locations or equipment and should not expect that materials stored therein will be private.

In accordance with the Code of Conduct on School Property, areas addressing student conduct and behavior will further utilize the following strategies in promoting acceptable student behavior:

a) A bill of rights and responsibilities of students that focuses upon positive student behavior and is publicized and explained to all students on an annual basis;

b) A Code of Conduct for student behavior setting forth prohibited student conduct and the range of penalties that may be imposed for violation of such Code, which shall be publicized and disseminated to all students and parents/guardians/persons in parental relation on an annual basis pursuant to law;

c) Strategies and procedures for the maintenance and enforcement of public order on school property that shall govern the conduct of all persons on school premises, in accordance with Section 2801 of the Education Law and accepted principles of due process of law;

d) Procedures within each building to involve student service personnel, administrators, teachers, parents/guardians/persons in parental relation and students in the early identification and resolution of discipline problems. For students identified as having

(Continued)
SUBJECT: SCHOOL CONDUCT AND DISCIPLINE (Cont’d.)

disabilities, procedures shall be included for determining when a student’s conduct shall constitute a reason for referral to the Committee on Special Education for review and modification, if appropriate, of the student’s individualized education program;

e) Alternative educational programs appropriate to individual student needs;

f) Disciplinary measures for violation of the school policies developed in accordance with subparagraphs b) and c) of this paragraph. Such measures shall be appropriate to the seriousness of the offense and, where applicable, to the previous disciplinary record of the student. Any suspension from attendance for instruction may be imposed only in accordance with Section 3214 of the Education Law; and

g) Guidelines and programs for in-service education for all staff to ensure effective implementation of school policy on school conduct and discipline.

Education Law Sections 2801 and 3214
8 New York Code of Rules and Regulations
(NYCRR)Section 100.2(1)(2)

Refer also to Policy 2410

Adopted: 1/29/04
Revised: 6/26/07
Revised: 6/17/13
Revised: 1/21/16
SUBJECT: CORPORAL PUNISHMENT/EMERGENCY INTERVENTIONS

Corporal Punishment

Corporal punishment as a means of discipline shall not be used against a student by any teacher, administrator, officer, employee or agent of BOCES.

Should a school employee use physical force as a means of discipline, the school employee shall, within the same school day, make an immediate written report to his/her supervisor, who will report to the District Superintendent describing in detail the circumstances and the nature of the action taken.

The District Superintendent shall submit a written semi-annual report to the Commissioner of Education, with copies to the Board, by January 15 and July 15 of each year, setting forth the substance of each written complaint about the use of corporal punishment received by school authorities during the reporting period, the results of each investigation, and the action, if any, taken by the school authorities in each case.

Emergency Interventions

However, if alternative procedures and methods which would not involve physical force do not work, then the use of reasonable physical force is permitted for the following reasons:

a) Self-protection;

b) Protection of others;

c) Protection of property; or

d) Restraining/removing a disruptive student.

Such emergency interventions shall only be used in situations where alternative procedures and methods not involving the use of reasonable physical force cannot reasonably be employed. Emergency interventions shall not be used as punishment or as a substitute for systematic behavioral interventions that are designed to change, replace, modify or eliminate a targeted behavior.

Staff who may be called upon to implement emergency interventions will be provided appropriate training in safe and effective restraint procedures.

The BOCES will maintain documentation on the use of emergency interventions for each student including:

(Continued)
SUBJECT: CORPORAL PUNISHMENT/EMERGENCY INTERVENTIONS (Cont’d.)

a) Name and date of birth of student;
b) Setting and location of the incident;
c) Name of staff or other persons involved;
d) Description of the incident and emergency intervention used, including duration;
e) A statement as to whether the student has a current behavioral intervention plan; and
f) Details of any injuries sustained by the student or others, including staff, as a result of the incident.

This documentation will be reviewed by BOCES supervisory personnel and, if necessary, by the school nurse or other medical personnel.

8 New York Code of Rules and Regulations (NYCRR) Sections 19.5, 100.2(1)(3), 200.15(f)(1) and 200.22(d)
Education Law Sections 3028 and 3811
Penal Law Section 35.10
Rules of the Board of Regents Section 19.5
8 New York Code of Rules and Regulations (NYCRR) Section 100.2(1)(3)

Refer also to Policies 6212 and 6290

Adopted: 1/29/04
Revised: 1/22/08
SUBJECT: SUSPENSION OF STUDENTS

Suspension from school is a severe penalty, which may be imposed only upon students who are insubordinate, disorderly, violent or disruptive, or whose conduct otherwise endangers the safety, morals, health or welfare of others.

The Board retains its authority to suspend students, but places primary responsibility for the suspension of students with the District Superintendent or building principal.

Any staff member may recommend to the District Superintendent or building principal that a student be suspended. All staff members must immediately report and refer a violent student to the building principal, the District Superintendent or designee for a violation of the Code of Conduct. All recommendations and referrals shall be made in writing unless the conditions underlying the recommendation or referral warrant immediate attention. In such cases, a written report is to be prepared as soon as possible by the staff member recommending the suspension.

The building principal, upon receiving a recommendation or referral for suspension or when processing a case for suspension, shall gather the facts relevant to the matter and record them for subsequent presentation, if necessary.

BOCES activities, such as field trips and other activities outside the building itself, are considered an extension of the school program. Therefore, infractions at such BOCES activities are covered by this policy.

A student who is suspended from a home district school on a given day may also be ineligible to attend BOCES classes. The decision rests with the appropriate authorities in the home district and the BOCES.

Short-Term (5 school days or less) Suspension from School

When the building principal or District Superintendent (referred to as the "suspending authority") determines to suspend a student charged with misconduct for five (5) school days or less pursuant to Education Law §3214(3), the suspending authority must immediately notify the student orally. If the student denies the misconduct, the suspending authority must provide an explanation of the basis for the proposed suspension. The suspending authority must also notify the student's parents/guardians/persons in parental relation in writing that the student may be suspended from school. The written notice must be provided by personal delivery, express mail delivery, or some other means that is reasonably calculated to assure receipt of the notice within twenty-four (24) hours of the decision to propose suspension at the last known address for the parents/guardians/persons in parental relation. Where possible notice should also be provided by telephone if the school has been provided with a telephone number(s) for the purpose of contacting the parents/guardians/persons in parental relation.

The notice shall provide a description of the charges against the student and the incident for which suspension is proposed and shall inform the parents/guardians/persons in parental relation of the right to request an immediate informal conference with the building principal. The BOCES will strive to have both the parents/guardians/persons in parental relation notice and informal conference in the dominant

(Continued)
language or mode of communication used by the parents/guardians/persons in parental relation. At the conference, the parents/guardians/persons in parental relation shall be permitted to ask questions of complaining witnesses under such procedures as the program administrator may establish.

Short-term suspension of a student with a disability, under certain circumstances, may constitute a change in the student’s placement. Accordingly, when the number of days of removal and/or suspension reaches a total of six (6), the building principal will communicate with the home school district’s Committee on Special Education (CSE) chairperson to verify that continued removal does not violate the students’ rights.

The notice and opportunity for an informal conference shall take place before the student is suspended unless the student’s presence in school poses a continuing danger to persons or property or an ongoing threat of disruption to the academic process. If the student’s presence does pose such a danger or threat of disruption, the notice and opportunity for an informal conference shall take place as soon after the suspension as is reasonably practicable.

After the conference, the building principal shall promptly advise the parents/guardians/persons in parental relation in writing of his/her decision. The building principal shall advise the parents/guardians/persons in parental relation that if they are not satisfied with the decision and wish to pursue the matter, they must file a written appeal to the BOCES Board within thirty (30) calendar days, unless they can show extraordinary circumstances precluding them from doing so. The BOCES Board shall issue a written decision regarding the appeal within ten (10) business days of receiving the appeal. If the parents/guardians/persons in parental relation are not satisfied with the decision, they may file a written appeal to the Commissioner of Education.

For suspensions or removals up to ten (10) school days in a school year that do not constitute a disciplinary change in placement, students with disabilities must be provided with alternative instruction or services on the same basis as non-disabled students of the same age.

**Long-Term (more than 5 school days) Suspension from School or Permanent Suspension**

When it is determined that a suspension for more than five (5) school days may be warranted, the matter will be referred immediately to the appropriate official in the student’s home school district for a determination if there is an agreement between the home school district and the BOCES to do so. Otherwise, in the case of a principal’s short term suspension, the matter will be referred to a long-term suspension hearing before the home district Superintendent or designee who would conduct such hearing and make a written recommendation to the District Superintendent regarding guilt and penalty, if any.

Permanent suspension is reserved for extraordinary circumstances such as where a student’s conduct poses a life-threatening danger to the safety and well-being of other students, school personnel or any other person lawfully on school property or attending a school function.
SUBJECT: SUSPENSION OF STUDENTS (Cont'd.)

In-School Suspension

In-school suspension will be used as a lesser discipline to avoid an out-of-school suspension. The student shall be considered present for attendance purposes. The program is used to keep each student current with his/her class work while attempting to reinforce acceptable behavior, attitudes and personal interaction.

Suspension from Home School

If a BOCES student, who spends a portion of his/her day in his/her home school, is suspended by the home school, that suspension may be honored by BOCES, based on communication with that district.

Procedure after Suspension

When a student has been suspended and is of compulsory attendance age, immediate steps shall be taken to provide alternative instruction which is of an equivalent nature to that provided in the student’s regularly scheduled classes.

When a student has been suspended, the suspension may be revoked by the Board whenever it appears to be for the best interest of the school and the student to do so. The Board may also condition a student’s early return to school and suspension revocation on the student’s voluntary participation in counseling or specialized classes, including anger management or dispute resolution, where applicable.

Individuals with Disabilities Education Improvement Act of 2004 (Public Law 108-446 Section 615(k) (l)
18 United States Code (USC) Section 921
Individuals with Disabilities Education Act (IDEA)
20 United States Code (USC) Sections 1400 ET seq
20 United States Code (USC) Section 7151, as
Reauthorized by the NCLB Act of 2001
34 Code of Federal Regulations (CFR) Part 300
Education Law Sections 2801(1), 3214 and 4402
Penal Law Section 265.01
8 New York Code of Rules and Regulations (NYCRR)
Section 100.2(1) (2) and Part 201

Adopted: 1/29/04
Revised: 6/26/07
Revised: 5/20/08
Revised: 4/13/10
Revised: 6/17/13
Revised: 8/13/14
SUBJECT: LOSS OR DESTRUCTION OF BOCES PROPERTY OR RESOURCES

The BOCES is authorized to seek restitution, through civil action when necessary, from the parent/guardian/person in parental relation of an unemancipated student over the age of ten (10) and under the age of eighteen (18) where such student:

a) Has willfully, maliciously, or unlawfully damaged, defaced or destroyed real or personal property in the care, custody and/or ownership of the BOCES; or

b) Has knowingly entered or remained in a BOCES building, and wrongfully taken, obtained or withheld property owned or maintained by the BOCES.

In instances where the BOCES has sought and obtained a judgment from a court of competent jurisdiction, parent/guardian/person in parental relation liability for civil damages shall not exceed $5,000. Under certain circumstances, prior to the entering of a judgment in the sum total of $500 or more, a court may consider the parent's/guardians/persons in parental relation financial inability to pay any portion or all of the amount of damages which are in excess of $500, and enter a judgment in an amount within the financial capacity of the parent/guardian/person in parental relation. However, no such judgment shall be entered for an amount which is less than $500.

False Reporting of an Incident and/or Placing a False Bomb

A BOCES is also authorized to seek restitution, as described in law, from a parent/guardian/person in parental relation of an unemancipated student over the age of ten (10) and under the age of eighteen (18) where such student:

a) Has falsely reported an incident; or

b) Has placed a false bomb as defined in the New York State Penal Law.

Damages for falsely reporting an incident or placing a false bomb shall mean the funds reasonably expended by the BOCES in responding to such false report of an incident or false bomb, less the amount of any funds which have been or will be recovered from any other source as enumerated in law.

In seeking restitution, the BOCES shall file with the court, and defense counsel as well as district attorney if there is a criminal proceeding, an affidavit stating that the funds reasonably expended for which restitution is being sought have not been and will not be recovered from any other source or in any other civil or criminal proceeding, except as provided for pursuant to General Obligations Law Section 3-112.

General Obligations Law Section 3-112
Penal Law Section 60.27

Adopted: 1/29/04
Revised: 1/22/08
SUBJECT: ALCOHOL, TOBACCO, DRUGS AND OTHER SUBSTANCES (STUDENTS)

The Board of Cooperative Educational Services recognizes that the misuse of alcohol, drugs and tobacco, electronic cigarettes (e-cigarettes), vaporizers, and other illegal substances, particularly opioid use, is a serious problem with legal, physical, emotional and social implications for our students, as well as the entire community. Therefore, the consumption, sharing and/or selling, use and or possession of alcoholic beverages, tobacco products, e-cigarettes, vaporizers, illegal drugs, counterfeit and designer drugs, or paraphernalia such as but not limited to rolling paper, pipes, hypodermic needles, bongs, roach clips for the use of such drugs is prohibited at any BOCES-sponsored function, on school grounds and on school buses at all times. Tobacco is defined to include lighted or unlighted cigarettes and any other smoking or tobacco products. The use of e-cigarettes and any other products containing nicotine, except for current FDA-approved smoking cessation products, are also prohibited. The unauthorized use or misuse of prescription and over-the-counter drugs shall also be disallowed.

Students shall not be under the influence of alcohol or other prohibited substances on school grounds or at school-sponsored events. A school sponsored function shall include a school-sponsored or school-authorized curricular or extracurricular event or activity regardless of where such event or activity takes place. Similarly, the use of e-cigarettes is prohibited on school grounds, as defined in Public Health Law.

Smoking

Smoking shall not be permitted and no person shall smoke within one hundred (100) feet of the entrance, exits or outdoor areas of any public or private elementary or secondary schools. However, this shall not apply to smoking in a residence, or within the real property boundary lines of such residential real property.

Non-Medical Use of Prescription Drugs

Non-medical use of prescription drugs is prohibited. Should a student be found in possession of any such substance, he/she shall be dealt with in accordance with the Code of Conduct.

Disciplinary Measures

Disciplinary measures for students consuming, sharing and/or selling, using and/or possessing alcoholic beverages, tobacco products, e-cigarettes, vaporizers, illegal drugs, counterfeit and designer drugs, or paraphernalia such as but not limited to rolling paper, pipes, hypodermic needles, bongs, roach clips for the use of such drugs shall be outlined in the Code of Conduct.

Education Law Sections 409 and 2801 (1)
Public Health Law 1399-o

Refer also to Policy 5160

Adopted: 1/29/04
Revised: 1/22/08
Revised: 4/22/15
Revised: 1/21/16
Revised: 3/20/18
SUBJECT: SEARCHES AND INTERROGATIONS

Students are protected by the Constitution from unreasonable searches and seizures. A student may be searched and contraband seized on school grounds or in a school building by an authorized BOCES official (District Superintendent, Assistant Superintendent, Director, Program Administrator, School Nurse) only when the BOCES official has reasonable suspicion to believe the student is engaging in proscribed activity which is in violation of school rules and/or illegal.

Factors to be considered in determining whether reasonable suspicion exists to search a student include:

a) The age of the student;
b) The student's record and past history;
c) The predominance and seriousness of the problem in the school where the search is directed;
d) The urgency to conduct the search without delay;
e) The probative value and reliability of the information used as a justification for the search; and
f) The BOCES official’s prior knowledge of and experience with the student.

If reasonable suspicion exists to believe that a student possesses a weapon, it is permissible for an employee to frisk that student, and where available to utilize a portable metal detector.

If reasonable suspicion exists to believe that a student has violated or is violating the law and/or school rules, it is permissible for an authorized BOCES official to search that student’s outer clothing, pockets, or property. The search may include, but is not limited to, the student’s outer clothing such as a jacket or coat, pockets, backpack, and/or purse. Searches will be conducted by a staff member of the same sex as the student. Whenever possible, another staff member, also of the same sex, will be present as a witness.

Strip Searches

A strip search is a search that requires a student to remove any or all of his or her clothing, other than an outer coat, jacket or shoes. Strip searches are intrusive in nature and are almost never justified. If school officials have highly credible evidence that a search would prevent injury to self or others, such a search may be conducted under exigent circumstances. If school authorities believe there is an emergency situation that could threaten the safety of others, the student shall, to the extent practicable, be isolated and secured. Police and parents/guardians/persons in parental relation will be contacted immediately.

(Continued)
SUBJECT: SEARCHES AND INTERROGATIONS (Cont’d.)

Searches and Seizure of School Property

Student desks, lockers, textbooks, computers, and other materials, supplies or storage spaces lent by the school to students remain the property of the school, and may be opened and inspected by school employees at any time. Students have no reasonable expectation of privacy with respect to school property; and BOCES officials retain complete control over such property. This means that student desks, lockers, textbooks, computers, and other materials, supplies or storage spaces may be subject to search and/or seizure of contraband/prohibited items at any time by BOCES officials, without prior notice to students and without their consent.

Questioning of Students by School Officials

School officials have the right to question students regarding any violations of school rules and/or illegal activity. In general, administration may conduct investigations concerning reports of misconduct which may include, but are not limited to, questioning students, staff, parents/guardians/persons in parental relation, or other individuals as may be appropriate and, when necessary, determining disciplinary action in accordance with applicable due process rights.

Should the questioning of students by school officials focus on the actions of one particular student, the student will be questioned, if possible, in private by the appropriate school administrator. The student’s parent/guardian/person in parental relation may be contacted. The degree, if any, of parental/guardian involvement will vary depending upon the nature and the reason for questioning, and the necessity for further action which may occur as a result.

The questioning of students by school officials does not preclude subsequent questioning/interrogations by police authorities as otherwise permitted by law. Similarly, the questioning of students by school officials does not negate the right/responsibility of school officials to contact appropriate law enforcement agencies, as may be necessary, with regard to such statements given by students to school officials.

School officials acting alone and on their own authority, without the involvement of or on behalf of law enforcement officials (at least until after the questioning of students by school authorities has been conducted) are not required to give the so-called “Miranda warnings” (i.e., advising a person, prior to any custodial interrogations as defined in law, of the right to remain silent; that any statement made by the individual may be used as evidence against him/her; and that the individual has the right to the presence of an attorney, either retained or appointed) prior to the questioning of students.

If deemed appropriate and/or necessary, the District Superintendent/designee may also review the circumstances with BOCES legal counsel so as to address concerns and the course of action, if any, which may pertain to and/or result from the questioning of students by school officials.

Law Enforcement Officials

It shall be the policy of the Board that a cooperative effort shall be maintained between the school administration and law enforcement agencies. Law enforcement officials may be summoned in order to
conduct an investigation of alleged criminal conduct on school premises or during a school-sponsored activity, or to maintain the educational environment. They may also be summoned for the purpose of maintaining or restoring order when the presence of such officers is necessary to prevent injury to persons or property.

Administrators have the responsibility and the authority to determine when the assistance of law enforcement officers is necessary within their respective jurisdictions. BOCES administrators shall at all times act in a manner that protects and guarantees the rights of students and parents/guardians/persons in parental relation.

**Interrogation of Students by Law Enforcement Officials**

If police are involved in the questioning of students on school premises, whether or not at the request of school authorities, it will be in accordance with applicable law and due process rights afforded students. Generally, police authorities may only interview students on school premises without the permission of the parent/guardian/person in parental relation in situations where a warrant has been issued for the student's arrest (or removal). Police authorities may also question students for general investigations regarding crimes committed on school property. In all other situations, unless an immediate health or safety risk exists, if the police wish to speak to a student without a warrant they should take the matter up directly with the student's parent/guardian/person in parental relation.

Whenever police wish to question a student on school premises, administration will attempt to notify the student's parent/guardian/person in parental relation.

Family Court Act Section 1024  
Education Law Sections 1709(2) and (33) and 2801  
8 New York Code of Rules and Regulations  
(NYCRR) Section 100.2(l)
SUBJECT: WEAPONS IN SCHOOL AND THE GUN-FREE SCHOOLS ACT

Weapons in School

The possession of a weapon or reasonable facsimile of a weapon on school property, in BOCES vehicles, in school buildings, or at school sponsored activities or settings under the control and supervision of the BOCES regardless of location, is strictly prohibited, except by law enforcement personnel. Any person possessing a weapon for educational purposes in any school building must have written authorization of the District Superintendent or his/her designee.

The Penal Code of the State of New York shall be used to determine what is considered a weapon.

Penal Law Sections 265.01-265.06

Specific Penalties Imposed by the Gun-Free Schools Act

No student shall bring or possess any “firearm” or "dangerous weapon" as defined in federal law on school premises (including school buildings and grounds, BOCES vehicles, school settings and/or school sponsored activities under the control and supervision of the BOCES regardless of location). For purposes of this policy, the term “dangerous weapon” means a weapon, device, instrument, material, or substance, animate or inanimate, that is used for, or is readily capable of, causing death or serious bodily injury, does not include a pocket knife with a blade of less than two and one-half inches (2½”) in length. For purposes of this policy, the term “firearm” includes any weapon (or reasonable facsimile of a weapon) which will or is designed to or may readily be converted to expel a projectile by the action of an explosive; the frame or receiver of such weapon; any firearm muffler or silencer; or any “destructive device” (e.g., any explosive, incendiary, or poison gas, including bombs, grenades, rockets or other similar devices).

In accordance with the Gun-Free Schools Act and Education Law Section 3214(3)(d), any student who brings or possesses a firearm or dangerous weapon, as defined in federal law, on school property, will be referred by the District Superintendent to the appropriate agency.

In addition, any student attending a BOCES program who has been charged with bringing a firearm to or possessing a firearm on school property will be suspended for five (5) days or will be referred to his/her home district for a hearing pursuant to Education Law Section 3214.

Gun-Free Schools Act as reauthorized by the No Child Left Behind Act of 2001
18 United States Code (USC) Sections 921 (a) and 930
Criminal Procedure Law Section 1.20(42)
Education Law Sections 310, 3214 and Article 89
Family Court Act Article 3

Refer also to Policy 2411
Revised: 1/22/08
Revised: 6/17/13
Revised: 1/13/15
SUBJECT:  STUDENT VEHICLES

Students who drive to BOCES may be issued parking permits through the respective BOCES program office. Students using vehicles within the BOCES school zone shall obey all traffic regulations of the State and of BOCES. Reckless driving and/or speeding shall not be tolerated. Violation of these regulations may result in loss of driving privileges. Student parking shall be allowed only in authorized places.

Adopted:  1/29/04
Revised:  1/22/08
Students

SUBJECT: STUDENT USE OF COMPUTERIZED INFORMATION RESOURCES
(ACCEPTABLE USE POLICY)

The Board will provide access to various computerized information resources through the BOCES computer system consisting of software, hardware, computer networks and electronic communications systems. This may include access to electronic mail and the “Internet.” All use of the BOCES computer system, including independent use off school premises, shall be subject to this policy and accompanying regulations. Further, all such use must be in support of education and/or research and consistent with the goals and purposes of the BOCES.

This policy is intended to establish general guidelines for the acceptable student use of the BOCES computer system and also to give students and parents/guardians/persons in parental relation notice that student use of the BOCES computer system will provide student access to external computer networks not controlled by the BOCES. The BOCES cannot screen or review all of the available content or materials on these external computer networks. Thus some of the available content or materials on these external networks may be deemed unsuitable for student use or access by parents/guardians/persons in parental relation.

Despite the existence of BOCES policy, regulations and guidelines, it is virtually impossible to completely prevent access to content or material that may be considered inappropriate for students. Students may have the ability to access such content or material from their home, other locations off school premises and/or with a student’s own personal technology or electronic device on school grounds or at school events. BOCES requests that parents/guardians/persons in parental relation establish boundaries and standards for the appropriate and acceptable use of technology and communicate these boundaries and standards to their children. The appropriate/acceptable use standards outlined in this policy apply to student use of technology via BOCES computer system or any other electronic media or communications, including by means of a student’s own personal technology or electronic device on school grounds or at school events.

Standards of Acceptable Use

Generally, the same standards of acceptable student conduct which apply to any school activity shall apply to use of the BOCES computer system. This policy does not attempt to articulate all required and/or acceptable uses of the BOCES computer system, nor is it the intention of this policy to define all inappropriate usage. Administrative regulations will further define general guidelines of appropriate student conduct and use as well as proscribed behavior.

Students shall also adhere to the laws, policies and rules governing computers including, but not limited to, copyright laws, rights of software publishers, license agreements, and student rights of privacy created by federal and state law.

(Continued)
SUBJECT: STUDENT USE OF COMPUTERIZED INFORMATION RESOURCES (ACCEPTABLE USE POLICY) (Cont’d.)

Student data files and other electronic storage areas will be treated like school lockers. This means that such areas shall be considered to be BOCES property subject to control and inspection without prior notice. The computer coordinator may access all such files and communications to ensure system integrity and that users are complying with the requirements of this policy and accompanying regulations. Students should NOT expect that information stored on the BOCES computer system will be private.

Notification/Authorization

The BOCES Acceptable Use Policy and accompanying Regulations will be disseminated to parents/guardians/persons in parental relation and students in order to provide notice of the school’s requirements, expectations, and student’s obligations when accessing the BOCES computer system.

A student’s use of the BOCES computer system is conditioned upon written agreement by the student and his/her parents/guardians/persons in parental relation that student use of the BOCES computer system will conform to the requirements of this policy and any regulations adopted to ensure acceptable use of the BOCES computer system.

Regulations will be established as necessary to implement the terms of this policy.

Refer also to Policy 7260

Adopted: 1/29/04
Revised: 11/29/05
Revised: 1/22/08
Revised: 4/13/10
Revised: 4/25/12
SUBJECT: USE OF SURVEILLANCE CAMERAS

The Board recognizes its responsibility to maintain and improve discipline, to ensure the safety and welfare of its staff and students, and to provide secure environments for computer and related equipment.

After having carefully considered and balanced the rights of privacy with the BOCES duty to ensure discipline, health, welfare and safety of staff and students, the Board supports the use of video cameras in various locations within the school.

Surveillance cameras may be used to monitor student behavior in such areas as entryways, hallways, computer labs, and other areas as deemed appropriate. Video cameras cannot be used in lavatories or changing areas.

Students in violation of the Code of Conduct shall be subject to disciplinary action in accordance with established Board policy and regulations governing student conduct and discipline.

The BOCES shall comply with all applicable state and federal laws related to student records when such recordings are considered for retention as part of the student's record.

Video recordings shall be used primarily for the purpose of evidence for disciplining of students. However, the BOCES may use such recordings for any other purpose it deems appropriate.

The District Superintendent will develop regulations governing the use of surveillance cameras in accordance with the provision of law and established Board policies.

Adopted: 1/29/04
Revised: 1/22/08
Revised: 6/17/13
Revised: 1/21/16
SUBJECT: USE OF TIME OUT ROOMS

Except as provided pursuant to 8 New York Code of Rules and Regulations (NYCRR) Section 200.22(c) as referenced below, the BOCES shall not employ the use of time out rooms as a means of regulating student behavior.

Pursuant to Commissioner’s Regulations, a time out room is defined “as an area for a student to safely deescalate, regain control and prepare to meet expectations to return to his/her education program.” If a time out room is to be used, it must be used in conjunction with a behavioral intervention plan (that is designed to teach and reinforce alternative appropriate behaviors) in which a student is removed to a supervised area in order to facilitate self-control or when it is necessary to remove a student from a potentially dangerous situation and for unanticipated situations that pose an immediate concern for the physical safety of a student or others.

The use of time out rooms shall be governed by the following rules and standards:

a) The BOCES prohibits placing a student in a locked room or space where the student cannot be continuously observed and supervised. The time out room shall be unlocked and the door must be able to be opened from the inside. The use of locked rooms or spaces for purposes of time out emergency interventions is prohibited.

Staff shall continuously monitor the student in a time out room. The staff must be able to see and hear the student at all times.

Under no circumstances shall a time out room in a school program be used for seclusion of the student, where the term “seclusion” is interpreted to mean placing a student in a locked room or space or in a room where the student is not continuously observed and supervised.

b) Time limitations for the use of the time out room – A student’s IEP shall specify when a behavioral intervention plan includes the use of a time out room for a student with a disability, including the maximum amount of time a student will need to be in a time out room as a behavioral consequence as determined on an individual basis in consideration of the student’s age and individual needs.

School administration or other personnel shall be notified in the event a student is placed in a time out room for an excessive amount of time or repeated use of the time out room; and such information shall be considered when determining the effectiveness of the student’s behavioral intervention plan and the use of the time out room for the student.

c) The Director of Special Education shall be responsible for establishing administrative practices and procedures for training personnel responsible for carrying out the provisions of Commissioner’s Regulations relating to the use of time out rooms.

d) BOCES programs shall establish and implement procedures to document the use of time out rooms, including information to monitor the effectiveness of the use of the time out room to decrease specified behaviors. Such data would be subject to review by the State Education Department (SED) upon request.

(Continued)
SUBJECT: USE OF TIME OUT ROOMS (Cont’d.)

Such data collection should appropriately include, but is not limited to, the following information:

1. A record for each student showing the date and time of each use of the time out room;

2. A detailed account of the antecedent conditions/specific behavior that led to the use of the time out room;

3. The amount of time that the student was in the time out room; and

4. Information to monitor the effectiveness of the use of the time out room to decrease specified behaviors which resulted in the student being placed in the room.

e) The BOCES shall inform the student’s parent/guardian/person in parental relation prior to the initiation of a behavioral intervention plan that will incorporate the use of a time out room for a student, and shall give the parent/guardian/person in parental relation the opportunity to see the physical space that will be used as a time out room and provide the parent/guardian/person in parental relation with a copy of the school’s policy on the use of time out rooms.

Additionally, parents/guardians/persons in parental relation should be notified if their child was placed in a time out room. Minimally, whenever a time out room is used as an emergency intervention pursuant to Commissioner’s Regulations Section 200.22(d), the parent/guardian/person in parental relation shall be notified of the emergency intervention. Such notification will be provided the same day whenever possible.

The parent/guardian/person in parental relation is a member of the CSE and the use of a time out room must be included on the student’s IEP. The parent/guardian/person in parental relation receives prior notice as to the recommendations on a student’s IEP and may request due process in the event the parent/guardian/person in parental relation does not agree with the CSE recommendations.

Parent/guardian/person in parental relation reports of alleged inappropriate interventions used in a time out room should be directed to school administrators.

Physical Space Used as a Time Out Room

The physical space used as a time out room must meet certain standards.

a) The room shall provide a means for continuous visual and auditory monitoring of the student.

b) The room shall be of adequate width, length and height to allow the student to move about and recline comfortably.

(Continued)
SUBJECT: USE OF TIME OUT ROOMS (Cont’d.)

c) Wall and floor coverings should be designed to prevent injury to the student and there shall be adequate lighting and ventilation.

d) The temperature of the room shall be within the normal comfort range and consistent with the rest of the building.

e) The room shall be clean and free of objects and fixtures that could be potentially dangerous to a student and shall meet all local fire and safety codes.

Education Law Sections 207, 210, 305, 4401, 4402, 4403, and 4410

Adopted: 6/26/07
Revised: 6/17/13
SUBJECT: USE OF AVERSIVE INTERVENTION

The BOCES does not allow the use of aversive interventions, i.e. interventions intended to induce pain or discomfort to a student for the purpose of eliminating or reducing maladaptive behaviors.

Section 19.5(b)

Adopted: 6/26/07
SUBJECT: STUDENT EVALUATION

Each program enrolling students which is operated by BOCES shall have a clearly developed outline of activities, skills to be learned and appropriate projects to be completed by students. Emphasis will be placed on student outcomes. Each student’s evaluation will be made on the basis of the completion of his/her objectives, at the appropriate level of performance.

Competency standards will be used where appropriate and they will give guidance to instructors and administration on when certain students are qualified to exit the program. Final decisions on promotions, retentions, and accelerations are the responsibility of the sending district based on the recommendation of the teacher of record and the administrator supervising the program.

Promotions

Student promotion shall be offered when students have satisfactorily demonstrated competence based upon appropriate standards and criteria.

Retention and Acceleration

Advancement of students to higher levels shall be based upon achievement, performance, and skill development or other appropriate criteria. Records concerning the progress of students shall be maintained.

A student may be advanced to the next higher level of instruction upon the recommendation of the teacher of record and approval of the administrator in charge. Furthermore, a student may remain at one level for as long a period of time as is necessary to achieve success provided the recommendation of the teacher and the approval of the program administrator in charge are in general agreement.

Examinations

Examinations or tests may be used to assess the effectiveness of instruction or the skill development of a student or groups of students. Such examinations may be prepared by local educators, state officials or recognized publishers. Results on an examination or test should not serve as the sole criterion for promotion unless that instrument is a mastery or competency measure. An appropriate evaluation of a student or program should consist of a variety of measures that are designed to measure relevant objectives.

Adopted: 1/29/04
Revised: 1/22/08
Revised: 6/17/13
Revised: 1/17/17
SUBJECT:  PROVISION OF INTERPRETER SERVICES TO PARENTS/GUARDIANS/PERSONS IN PARENTAL RELATION WHO ARE HEARING IMPAIRED

The Board of Cooperative Educational Services assures parents/guardians/persons in parental relationship who are hearing impaired the right to meaningful access to school initiated meetings or activities pertaining to the academic and/or disciplinary aspects of their children's education. School initiated meetings or activities are defined to include, but are not limited to, parent-teacher conferences, child study or building-level team meetings, planning meetings with school counselors regarding educational progress and career planning, suspension hearings or any conferences with school officials relating to disciplinary actions. The term "hearing impaired" shall include any hearing impairment, whether permanent or fluctuating, which prevents meaningful participation in school meetings or activities.

Parents/guardians/persons in parental relation shall be notified of the availability of interpreter services to be provided at no charge, provided that a written request is made to the BOCES within fourteen (14) days of the scheduled event. Exceptions to the time frame request may be made for unanticipated circumstances as determined by the appropriate administrator. The BOCES shall also notify appropriate school personnel as to the terms and implementation of this policy.

If interpreter services are requested, the BOCES shall appoint an interpreter for the hearing impaired to interpret during the meeting or activity. The BOCES will arrange for interpreters through a BOCES-created list or through an interpreter referral service.

In the event that an interpreter is unavailable, the BOCES shall make other reasonable accommodations which are satisfactory to the parents/guardians/persons in parental relationship. Examples of what constitutes reasonable accommodations in the event an interpreter cannot be located may include, but are not limited to, the use of:

a) Written communications, transcripts, notetakers, etc; and

b) Technology, such as: a decoder or telecommunication device for the deaf, assistive listening devices, and closed or open captioning.

Education Law Section 3230
8 New York Code of Rules and Regulations
(NYCRR) Section 100.2(aa)

Adopted: 1/29/04
SUBJECT: STUDENT RECORDS: ACCESS AND CHALLENGE

The BOCES shall comply with the provisions of the Family and Educational Rights and Privacy Act of 1974 (FERPA). Under its provisions, parents/guardians/persons in parental relation, whose rights are not limited by court order or formal agreement, of a student under eighteen (18), or a student who is eighteen (18) years of age or older who is attending an institution of post-secondary education, have a right to inspect and review any and all education records maintained by the BOCES.

**Education Records**

The term “education records” is defined as all records, files, documents and other materials containing information directly related to a student; and maintained by the education agency or institution, or by a person acting for such agency or institution (34 Code of Federal Regulations (CFR) Section 99.3). This includes all records regardless of medium, including, but not limited to, handwriting, videotape or audiotape, electronic or computer files, film, print, microfilm, and microfiche.

In addition, for students who attend a public school district, all records pertaining to services provided under the Individuals with Disabilities Education Act (IDEA) are considered “education records” under FERPA. As such, they are subject to the confidentiality provisions of both Acts.

Personal notes made by teachers or other staff, on the other hand, are not considered education records if they are:

a) Kept in the sole possession of the maker;

b) Not accessible or revealed to any other person except a temporary substitute; and

c) Used only as a memory aid.

Additionally FERPA does not prohibit a BOCES official from disclosing information about a student if the information is obtained through the BOCES official’s personal knowledge or observation and not from the student’s education records.

Records created and maintained by a law enforcement unit for law enforcement purposes are also excluded.

(Continued)
Access to Student Records

The Board directs that administrative regulations and procedures be formulated to comply with the provisions of federal law relating to the availability of student records. The purpose of such regulations and procedures shall be to make available to the parents/guardians/persons in parental relation of students whose rights are not limited by court order or formal agreement, or students who are eighteen (18) years of age or older who are attending an institution of post-secondary education, student records, and files on students, and to ensure the confidentiality of such records with respect to third parties.

Under FERPA, unless otherwise exempted in accordance with law and regulation, the BOCES may release personally identifiable information (PII) contained in student education records only if it has received a “signed and dated written consent” from a parent/guardian/person in parental relation or eligible student. Signed and dated written consent may include a record and signature in electronic form provided that such signature:

a) Identifies and authenticates a particular person as the source of the electronic consent; and
b) Indicates such person’s approval of the information contained in the electronic consent.

Exceptions

Without the consent of a parent/guardian/person in parental relation or eligible student, the BOCES may release a student’s information on records when it is:

a) Directory Information and Limited Directory Information

Directory information is information contained in an education record of a student that would not generally be considered harmful or an invasion of privacy if disclosed. Limited Directory Information Disclosure means that the BOCES may limit disclosure of its designated directory information to specific parties, for specific purposes, or both. The intent is to allow BOCES the option to implement policies that allow for the disclosure of student information for uses such as yearbooks, but restrict disclosure for more potentially dangerous purposes. The BOCES shall limit disclosure of its designated directory information as otherwise specified in its public notice to parents/guardians/persons in parental relation of students in attendance and eligible students in attendance.

(Continued)
b) To BOCES Officials who have a Legitimate Educational Interest

To other BOCES officials, including teachers, within the educational agency or institution whom the school has determined to have legitimate educational interests. An educational interest includes the behavior of a student and disciplinary action taken against such student for conduct that posed a significant risk to the safety or well-being of the student, other students, or other members of the BOCES community. A BOCES official has a legitimate educational interest if the official needs to review an education record in order to fulfill his/her professional responsibility.

c) To Another Educational Institution

The BOCES may disclose any and all educational records, including disciplinary records and records that were created as a result of a student receiving special education services under Part B of IDEA, to another school or postsecondary institution at which the student seeks or intends to enroll, or after the student has enrolled or transferred, so long as the disclosure is for purposes related to the student’s enrollment or transfer. Parental consent is not required for transferring education records if the BOCES’ annual FERPA notification indicates that such disclosures may be made. In the absence of information about disclosures in the annual FERPA notification, BOCES officials must make a reasonable attempt to notify the parent/guardian/person in parental relation about the disclosure, unless the parent/guardian/person in parental relation initiated the disclosure. Additionally, upon request, BOCES must provide a copy of the information disclosed and an opportunity for a hearing.

d) For Health and Safety Emergency Reasons

BOCES must balance the need to protect students’ personally identifiable information with the need to address issues of school safety and emergency preparedness. Under FERPA, if an educational agency or institution determines that there is an articulable and significant threat to the health or safety of a student or other individuals, it may disclose information from education records, without consent, to any person whose knowledge of the information is necessary to protect the health and safety of the student or other individuals during the period of the health or safety emergency. BOCES may release information from records to appropriate parties including, but not limited to, parents/guardians/persons in parental

(Continued)
relation, law enforcement officials and medical personnel. A BOCES determination that there is an articulable and significant threat to the health or safety of a student or other individuals shall be based upon a totality of the circumstances, including the information available, at the time the determination is made. The BOCES must record the articulable and significant threat that formed the basis for the disclosure and maintain this record for as long as the student’s education records are maintained.

e) To Juvenile Justice Systems

Information may be disclosed to state and local officials or authorities to whom information is specifically allowed to be reported or disclosed by a state statute that concerns the juvenile justice system and the system’s ability to effectively serve, prior to adjudication, the student whose records were released. In such cases the official or authority must certify in writing that the information will not be disclosed to any other party except as provided under law without prior written consent.

f) To Foster Care Agencies

A BOCES may release records to an agency caseworker or other representative of a State or local child welfare agency, who has the right to access a student’s case plan, when the agency or organization is legally responsible, for the care and protection of the student. This does not give a child welfare agency the right to look into any non-foster care student’s records, without parental consent, when there has been a mere allegation of abuse or neglect, absent a court order or subpoena (see below).

g) Pursuant to a Subpoena or Court Order

When BOCES receives a subpoena or court order for the release of records the BOCES must make a reasonable effort to notify the parent/guardian/person in parental relation or eligible student of the order or subpoena in advance of compliance. This allows the parent/guardian/person in parental relation or eligible student to seek protective action against the subpoena or order before the release of the records.

(Continued)
BOCES may disclose a student’s records without first notifying parents/guardians/persons in parental relation or eligible students if the disclosure is:

1. Based on a subpoena in which the court orders, for good cause shown, not to reveal to any person the existence or contents of the subpoena or any information furnished pursuant to the subpoena;

2. Pursuant to a judicial order in cases where the parents/guardians/persons in parental relation are a party to a court proceeding involving child abuse or neglect or dependency matters, and the order is issued in the content of that proceeding; or

3. Made to a court (with or without an order or subpoena) when a BOCES is involved in a legal action against a parent/guardian/person in parental relation or student and the records are relevant to the matter.

h) For Financial Aid Purposes

Pertinent information may be released in connection with the determination of eligibility, amount, conditions and enforcement of terms of a student’s financial aid.

i) To Accrediting Organizations

Disclosure of a student’s records may be made to an organization in which that student seeks accreditation, in order to carry out their accrediting function.

j) To Parents/Guardians/Persons in Parental Relation of a Dependent Student

Even when a student turns eighteen (18) years of age or older a BOCES may disclose education records to that student’s parents/guardians/persons in parental relation, without the student’s consent, if the student is claimed as a dependent for federal income tax purposes by either parent/guardian/person in parental relation.
SUBJECT: STUDENT RECORDS: ACCESS AND CHALLENGE (Cont’d.)

k) For Audit/Evaluation Purposes

The audit or evaluation exception allows for the disclosure of PII from education records without consent to authorized representatives of the Comptroller General of the U.S., the Attorney General, the Secretary of Education, federal, state or local educational authorities (“FERPA permitted” entities). Under this exception, PII from education records must be used to audit or evaluate a federal or state supported education program, or to enforce or comply with federal legal requirements that relate to those education programs (audit, evaluation, or enforcement or compliance activity).

The BOCES may, from time to time, disclose PII from education records without consent to authorized representatives of the entities listed above. The BOCES may also, from time to time, designate its own authorized representative who may access PII without consent in connection with an audit or evaluation of an education program within the BOCES. As an example, the BOCES might designate a university as its authorized representative in order to disclose, without consent, PII from education records on its former students to the university. The university could then disclose, without consent, transcript data on those former students attending the university to allow the BOCES to evaluate how effectively the BOCES prepared its students for success in postsecondary education.

l) For Conducting Studies

This exception allows for the disclosure of PII from education records without consent to organizations conducting studies for, or on behalf of, schools, school districts or postsecondary institutions. Studies can be for the purpose of developing, validating, or administering predictive tests; administering student aid program; or improving instruction.

The BOCES may, from time to time, disclose PII from education records without consent to such organizations conducting studies for the BOCES, in accordance with its obligations under FERPA.

In addition, other entities outside of the BOCES may, from time to time, disclose PII from education records that the BOCES has previously shared with that entity, to organizations conducting studies.

(Continued)
SUBJECT: STUDENT RECORDS: ACCESS AND CHALLENGE (Cont’d.)

on behalf of the BOCES. For example, a State Education Agency (SEA) may disclose PII from education records provided by the BOCES without consent to an organization for the purpose of conducting a study that compares program outcomes to further assess the effectiveness of such programs with the goal of providing the best instruction.

Required Agreements for the Studies or Audit/Evaluation Exceptions (see items k and l)

To the extent required by law, the BOCES shall enter into a written agreement with organizations conducting studies for the BOCES, or, with its designated authorized representatives in connection with audits or evaluations of education programs within the BOCES. In the event that the BOCES discloses PII from education records to its own designated authorized representatives in connection with an audit or evaluation of an educational program within the BOCES, it shall use reasonable methods to ensure to the greatest extent practicable that its designated authorized representative complies with FERPA and its regulations.

State Exception for Student Teacher Videotaped Instruction

Although not specifically listed in the enumerated exceptions to FERPA, New York State Regulations specify that BOCES are required to allow student teachers to videotape themselves providing instruction in a classroom to meet the instruction component for teaching certification. The video must remain confidential and is not subject to viewing or disclosure to an individual or entity other than the student teacher applicant and personnel engaged in the determination of that student teacher’s certification.

Challenge to Student Records

Parents/guardians/persons in parental relation of a student under the age of eighteen (18), or a student who is eighteen (18) years of age or older or who is attending an institution of post-secondary education, shall have an opportunity for a hearing to challenge the content of the school records, to ensure that the records are not inaccurate, misleading, or otherwise in violation of the privacy of students, and to provide an opportunity for the correction or deletion of any such inaccurate, misleading, or otherwise inappropriate data contained therein.

Release of Information to the Non-custodial Parent

The BOCES may presume that the non-custodial parent has the authority to request information
SUBJECT: STUDENT RECORDS: ACCESS AND CHALLENGE (Cont’d.)

concerning his/her child and release such information upon request. If the custodial parent wishes to limit the non-custodial parent’s access to the records, it would be his/her responsibility to obtain and present to the BOCES a legally binding instrument that prevents the release of said information.

Family Educational Rights and Privacy Act of 1974, 20 USC Section 1232g
34 CFR Part 99
8 NYCRR 80-1.5(b)

Note: Refer also to Policies # 6322 - Military Recruiters’ and Institutions of Higher Education
6470 - Student Directory Information

Adopted: 4/8/14
SUBJECT: CUSTODIAL/NON-CUSTODIAL PARENTS

Release of BOCES students in attendance at programs housed in buildings under the administrative control of Putnam|Northern Westchester BOCES component school districts, and access to their educational records, shall be in accordance with the applicable policies and/or procedures of the particular component school district.

In the event that the component school district has not adopted a policy or procedures on release of students or access to educational records by custodial/non-custodial parents, then Putnam|Northern Westchester BOCES staff shall act in accordance with the following:

Release of Information to Custodial/Non-custodial Parents

When parents of a student are separated, involved in divorce proceedings, or are divorced, the building principal or program administrator may consider the rights of custodial and non-custodial parents to be equal with respect to access to the student’s educational records unless Putnam|Northern Westchester BOCES has been provided with a certified copy of a court order or other legally binding document relating to such matters as divorce, separation, or custody that specifically revokes these rights. This includes the right to inspect, review and receive copies of educational records, including progress reports.

The building principal or program administrator shall release such information upon request, in accordance with applicable law. If the custodial parent wishes to limit the non-custodial parent’s access to records, it would be his/her responsibility to obtain and present to the building principal or program administrator a legally binding instrument that prevents the release of such information.

Access to/Release of Students to Custodial/Non-custodial Parents

The building principal or program administrator will consider the rights of custodial and non-custodial parents to be equal with respect to access to, and release of, their children except when a legally binding document has been presented which provides evidence to the contrary.

An agreement or court order which grants sole custody to one parent shall be sufficient to prohibit release of the student to the non-custodial parent. However, unless restricted by a final divorce decree which includes specific denial of access rights, a restraining order denying access rights, or other such legally binding document, both parents have the right to participate in the normal school activities of the child; to visit their child briefly at school; and to participate in parent-teacher conferences, although not necessarily together in the same conference.
SUBJECT: CUSTODIAL/NON-CUSTODIAL PARENTS (Cont’d.)

It is the responsibility of the custodial parent to provide the building principal or program administrator with a certified copy of such court order or other legally binding document, if restricted access to the student or restrictions on release of the student are requested. In the alternative, written authorization from the custodial parent allowing the release of the child to the non-custodial parent will also be honored by the Putnam|Northern Westchester BOCES.

Implementation

Copies of authorizations, or certified copies of all legally binding documents pertaining to child custody and visitation including, but not limited to, Judgments of Divorce and Separation, temporary and permanent court orders, and legally enforceable written agreements between the parties will be maintained in the appropriate school office.

The Board directs the District Superintendent or his/her designee to develop administrative regulations and procedures to implement this policy. Such regulations and procedures shall include:

a) Provisions for notification and instruction of BOCES staff regarding this policy, and corresponding responsibilities; and

b) Coordination of communication about the existence of applicable policies and procedures in component school districts.

Education Law Section 3210
Family Educational Rights and Privacy Act (FERPA)
20 United States Code (USC) Section 1232(g)

Adopted: 1/29/04
Revised: 1/22/08
Revised: 1/17/17
SUBJECT: MILITARY RECRUITERS’ AND INSTITUTIONS OF HIGHER EDUCATION

Requests for Information

The BOCES will comply with requests from military recruiters and institutions of higher education (IHEs) for access to the name, address and telephone listing of each secondary school student, except for any student whose parent/guardian/person in parental relation (or the student, if he or she is at least 18 years of age) has submitted a written request to opt out of this disclosure, in which case the information will not be released without the parent’s/guardian’s/person’s in parental relation (or student’s, if he or she is at least 18 years of age) prior written consent.

Annual Notification and Opt Out Opportunity

The BOCES will annually notify parents/guardians/persons in parental relation of a secondary student (or the student if he or she is at least 18 years of age) of the opportunity to submit a written request to opt out of disclosure of the student’s name, address and telephone listing to military recruiters and IHEs. If a written opt out request is submitted, the BOCES will not disclose the student’s information to military recruiters or IHEs without the parent’s/guardian’s or person’s in parental relation (or student’s, if he or she is at least 18 years of age) prior written consent.

Military Recruiter Access

The BOCES will provide military recruiters the same access to secondary school students as is provided generally to IHEs or prospective employers of those students.

10 USC §503
34 CFR §300.571
Education Law §2-a

Adopted: 1/29/04
Revised: 1/22/08
Revised: 5/20/08
Revised: 4/13/10
Revised: 12/11/18
SUBJECT: DISSEMINATION OF INDIVIDUALIZED EDUCATION PROGRAM INFORMATION

The Board shall provide an electronic or paper copy of each student’s Individualized Education Program (“IEP”) to each regular education teacher, special education teacher, related service provider and other service providers responsible for implementing a student’s IEP prior to implementation of the IEP.

The Director of Special Education will designate administrative or clinical staff in each program to inform each teacher, assistant and support staff person of his/her responsibilities related to implementation of the student’s IEP, as well as the modifications and supports provided under such program.

Any copy of a student’s IEP provided to teachers and other service providers shall remain confidential and shall not be redisclosed to any other person, in compliance with federal and state laws, including the Individuals with Disabilities in Education Act and the Family Educational Rights and Privacy Act.

Adopted: 1/29/04
Revised: 6/17/13
SUBJECT: IMMUNIZATION OF STUDENTS

Every child entering or attending a BOCES program must present proof of immunization or proof of immunity by serology (blood test) if applicable in accordance with Public Health Law Section 2164 and the New York State Department of Health Regulations unless:

a. A New York State licensed physician certifies that such immunization is detrimental to the child’s health. The requirement for that immunization is waived until such immunization is no longer detrimental to the child’s health; or

b. The student’s parents/guardians/persons in parental relation hold genuine and sincere religious beliefs which are contrary to the requirement. In such cases, the program administrator will make a case-by-case determination whether a parent/guardian/person in parental relation is entitled to invoke this religious exemption from required immunizations after receiving a written and signed statement from the parent/guardian/person in parental relation to such child. New York State Law does not recognize exemptions based on a parent/guardian/person in parental relation’s personal or philosophical beliefs.

Except for the above two exemptions, the BOCES may not permit a student lacking evidence of immunization to remain in school for more than fourteen (14) days, or more than thirty (30) days for an out-of-state or out-of-country transferee who can show a good faith effort to get the necessary certification or other evidence of immunization.

The administration will notify the local health authority of the name and address of excluded students and provide the parent/guardian/person in parental relation a statement of his/her duty regarding immunization as well as a consent form prescribed by the Commissioner of Health. The BOCES shall cooperate with the local health authorities to provide a time and place for the immunization of these students.

Parents/guardians/persons in parental relation may appeal to the Commissioner of Education if their child is denied school entrance or attendance for failing to meet health immunization standards.

The BOCES will provide an annual summary of compliance with immunization requirements to the Commissioner of Health.

Education Law Sections 310 and 914
Public Health Law Section 2164
8 New York Code of Rules and Regulations (NYCRR) Part 136
10 New York Code of Rules and Regulations (NYCRR) Subpart 66-1

Adopted: 1/29/04
Revised: 6/26/07
Revised: 1/22/08
Revised: 1/13/15
SUBJECT:  ACCIDENTS/FIRST AID TREATMENT

Accidents

All accidents and injuries shall be immediately reported to the building nurse. All proper forms must be made out before the close of the same working day or upon return from extended field trips.

First Aid

The Board authorizes emergency first aid medical treatment to be rendered by appropriate personnel. A parent/guardian/person in parental relation of the student will be promptly notified if any such measures are taken.

Accident Insurance

The Board of Cooperative Educational Services shall provide for student accident insurance for all school age students enrolled in BOCES programs and not covered by their home school district. The insurance will be in the form of a standard, non-duplicative policy covering students who are injured during school functions as well as traveling to and from home and school.

The Board does not provide insurance covering privately owned equipment, tools or personal belongings.

Transporting an Ill or Injured Student

In the event of a serious illness or an injury to a student, an ambulance may be called. The BOCES will make all reasonable attempts to contact a parent/guardian or person in parental relation when determining if emergency treatment is necessary.

Refer also to Policy 6452

Adopted:  1/29/04
Revised:   1/22/08
Revised:   3/20/18
SUBJECT: CONCUSSION MANAGEMENT

The Board of Education of the Putnam-Northern Westchester BOCES recognizes that concussions and head injuries are commonly reported in children and adolescents who participated in sports and recreational activities at any location and can have serious consequences if not managed carefully. Therefore, the BOCES adopts the following policy to support the proper evaluation and management of head injuries.

Concussion is a mild traumatic brain injury (MTBI). Concussion occurs when normal brain functioning is disrupted by a blow or jolt to the head. Recovery from concussion will vary. Avoiding re-injury and over-exertion until fully recovered are the cornerstones of proper concussion management.

While BOCES will exercise reasonable care to protect students, head injuries may still occur on the BOCES campus and off-campus. Physical education teachers, nurses, and other appropriate staff will receive training to recognize the signs, symptoms, and behaviors consistent with a concussion. Any student exhibiting those signs, symptoms, or behaviors while participating in class or a school sponsored activity shall be removed from the class or activity and be evaluated as soon as possible by an appropriate health care professional. While on campus, the school nurse will notify the student's parent/guardian/person in parental relation, provide initial first aid (as appropriate), and contact emergency medical services and school officials in the case of a suspected concussion. Off campus, the staff member in charge of the activity will provide initial first aid (as appropriate) and contact emergency medical services, and school officials in the case of suspected concussion. School officials will notify the student’s parent/guardian/person in parental relation.

If a student sustains a concussion at a time other than when engaged in a school-sponsored activity, the BOCES expects the parent/guardian/person in parental relation to report the condition to the school nurse and school administrator so that the BOCES can support the appropriate management of the condition.

The student shall not return to school or activity until authorized to do so by an appropriate health care professional. However, in a situation where the BOCES school nurse has a concern(s) about the student’s return to school, s/he may ask the BOCES Medical Director to consult with the student's private physician to review the decision which may include attending physical education class and school sponsored activities. Any student who continues to have signs or symptoms upon return to activity must be removed from participation and reevaluated by his/her health care provider. The District Superintendent or designee, in consultation with appropriate district staff, including the BOCES Medical Director, will develop regulations and protocols to guide the return to activity.

Adopted: 6/17/13
Revised: 7/2/14
SUBJECT: CHILD ABUSE AND MALTREATMENT

Familial Child Abuse

The BOCES supports the obligations of its officers and employees to report cases of child abuse or maltreatment. To this end, regulations shall be developed, maintained and disseminated by administration regarding the:

a) Mandatory reporting of suspected child abuse or maltreatment;

b) Reporting procedures and obligations of persons required to report;

c) Provisions for taking a child into protective custody;

d) Mandatory reporting of deaths;

e) Immunity from liability and penalties for failure to report;

f) Obligations for provision of services and procedures necessary to safeguard the life of a child; and

g) Provision of information in recognizing signs of unlawful methamphetamine laboratories for all current and new school officials (i.e., “mandated reporters”) who, as part of their usual responsibilities, visit children’s homes.

Additionally, an ongoing training program for all current and new school officials shall be established and implemented to enable such staff to carry out their reporting responsibilities.

Persons Required to Report

Persons required to report cases of child abuse or maltreatment to the State Central Register (SCR) pursuant to Social Services Law Section 413(1) include, but are not limited to, school teachers, teaching assistants, school guidance counselors, school psychologists, school social workers, school nurses, school administrators or other school personnel required to hold a teaching or administrative license or certificate, and full- or part-time compensated school employees required to hold a temporary coaching license or professional coaching certificate.

(Continued)
SUBJECT: CHILD ABUSE AND NEGLECT/MALTREATMENT (Cont’d.)

All mandated reporters shall make the report themselves and then immediately notify the Building Principal or his/her designee. The Building Principal or his/her designee shall be responsible for all subsequent administration necessitated by the report.

Any report shall include the name, title and contact information for every staff member who is believed to have direct knowledge of the allegations in the report.

Prohibition of Retaliatory Personnel Action

Social Services Law Section 413(1) also prohibits a school from taking any retaliatory personnel action against an employee because such employee believes that he/she has reasonable cause to suspect that a child is an abused or maltreated child and that employee makes a report to SCR pursuant to Social Services Law. Further, no school or school official shall impose any conditions, including prior approval or prior notification, upon any staff member specifically designated a mandated reporter.

Pursuant to Labor Law Section 740(1)(e), “retaliatory personnel action” means the discharge, suspension or demotion of an employee, or other adverse employment action taken against an employee in the terms and conditions of employment.

Report Form

The “Report of Suspected Child Abuse or Maltreatment” Form LDSS-221A may be accessed at the website of the New York State Office of Children and Family Services.

Education Law Section 3209-a
Family Court Act Section 1012
Labor Law Section 740(1)(e)
Social Services Law Sections 411-428

Adopted: 1/22/08
Revised: 4/22/15
Revised: 1/17/17
SUBJECT: CHILD ABUSE IN AN EDUCATIONAL SETTING

The BOCES is committed to the protection of students in educational settings from abuse and maltreatment by employees or volunteers as enumerated in law.

“Child abuse” shall mean any of the following acts committed in an educational setting by an employee or volunteer against a child:

a) Intentionally or recklessly inflicting physical injury, serious physical injury or death; or
b) Intentionally or recklessly engaging in conduct which creates a substantial risk of such physical injury, serious physical injury or death; or
c) Any child sexual abuse, defined as conduct prohibited by Article 130 or 263 of the Penal Law; or
d) The commission or attempted commission against a child of the crime of disseminating indecent materials to minors pursuant to Article 235 of the Penal Law.

“Educational setting” shall mean the building(s) and grounds of the BOCES; the vehicles provided by the BOCES for the transportation of students to and from school buildings, field trips, co-curricular and extracurricular activities both on and off BOCES grounds; all co-curricular and extracurricular activity sites; and any other location where direct contact between an employee or volunteer and a child has allegedly occurred.

Allegations of child abuse by school personnel and school volunteers shall be reported in accordance with the requirements of Article 23-B of the Education Law.

Required Reporters

Any person holding any of the of the following positions shall be required to promptly report written and oral allegations of child abuse by an employee or volunteer in an educational setting:

- School administrator
- Teacher
- School nurse
- School guidance counselor
- School psychologist
- School social worker
- Other school personnel required to hold a teaching or administrative license or certificate
- Licensed and registered physical therapist
- Licensed and registered occupational therapist
- Licensed and registered speech-language pathologist
- Teaching assistant
- Teacher aide
- Board of Education Member
- Any staff whose duties involve direct student contact and who is paid either by a school district or contracted to provide transportation services to children; or
- Who is an employee of a contracted service provider or worker placed within the school under a public assistance employment program, pursuant to title nine-B of article five of the social services law.

(Continued)
SUBJECT: CHILD ABUSE IN AN EDUCATIONAL SETTING (Cont’d.)

a) Promptly complete a written report of such allegation including the full name of the child alleged to be abused; the name of the child’s parent; the identity of the person making the allegation and their relationship to the alleged child victim; the name of the employee or volunteer against whom the allegation was made; and a listing of the specific allegations of child abuse in an educational setting. Such written report shall be completed on a form as prescribed by the Commissioner of Education.

b) Except where the school administrator is the person receiving such an oral or written allegation, the employee completing the written report must promptly personally deliver a copy of that written report to the school administrator of the school in which the child abuse allegedly occurred (subject to the following paragraph).

c) In any case where the employee’s allegation is being made against the District Superintendent or administrator, the report of such allegations shall be made to the designated sexual harassment officer.

In any case where it is alleged the child was abused by an employee or volunteer in a BOCES program housed in a component district, the report of such allegations shall be promptly forwarded to the Superintendent of Schools of the home school district and the school district where the abuse allegedly occurred.

Any employee or volunteer who reasonably and in good faith makes a report of allegations of child abuse in an educational setting in accordance with the reporting requirements of the law shall have immunity from civil liability which might otherwise result by reason of such actions.

Upon receipt of a written report alleging child abuse in an educational setting, the school administrator or District Superintendent must then determine whether there is “reasonable suspicion” to believe that such an act of child abuse has occurred. Where there has been a determination as to the existence of such reasonable suspicion, the school administrator or District Superintendent must follow the notification/reporting procedures mandated in law and further enumerated in administrative regulations. When the school administrator receives a written report, he/she shall promptly provide a copy of such report to the District Superintendent.

Where the school administrator or District Superintendent has forwarded a written report of child abuse in an educational setting to law enforcement authorities, the District Superintendent shall also refer such report to the Commissioner of Education where the employee or volunteer alleged to have committed such an act of child abuse holds a certification or license issued by the State Education Department.

Any school administrator or required reporter who reasonably and in good faith makes a report of allegations of child abuse in an educational setting, or reasonably and in good faith transmits such a report to a person or agency as required by law, shall have immunity from civil liability which might otherwise result by reason of such actions.

Reports and other written material submitted pursuant to law with regard to allegations of child abuse in an educational setting, and photographs taken concerning such reports that are in the possession of any person legally authorized to receive such information, shall be confidential and shall not be redisclosed except to law enforcement authorities involved in an investigation of child abuse in an educational setting.
SUBJECT: CHILD ABUSE IN AN EDUCATIONAL SETTING (Cont’d.)

educational setting or as expressly authorized by law or pursuant to a court-ordered subpoena. School administrators and the District Superintendent shall exercise reasonable care in preventing such unauthorized disclosure.

Additionally, teachers and all other school officials shall be provided an annual written explanation concerning the reporting of child abuse in an educational setting, including the immunity provisions as enumerated in law. Further, the Commissioner of Education shall furnish the BOCES with required information, including rules and regulations for training necessary to implement BOCES/staff responsibilities under the law.

Prohibition of “Silent” (Unreported) Resignations

The District Superintendent and other school administrators are prohibited from withholding from law enforcement authorities and other officials, information concerning allegations of child abuse in an educational setting against an employee or volunteer in exchange for that individual’s resignation or voluntary suspension from his/her position.

The District Superintendent (or a designated administrator) who reasonably and in good faith reports to law enforcement officials information regarding allegations of child abuse or a resignation as required pursuant to the law shall have immunity from any liability, civil or criminal, which might otherwise result by reason of such actions.

Education Law Sections 1125-1133
Penal Law Article 130, 235 and 263
8 New York Code of Rules and Regulations (NYCRR) 100.2

Adopted: 1/29/04
Revised: 6/26/07
Revised: 1/22/08
Revised: 6/17/13
Revised: 1/17/17
Revised: 7/2/19
SUBJECT: SEXUAL HARASSMENT OF STUDENTS

It is the policy of this BOCES to prohibit sexual harassment and student gender discrimination in the school buildings, at school activities and at BOCES-sponsored events. To that end, all officers, supervisory personnel, employees and students of the BOCES shall be given a copy of this policy and training regarding its terms, procedures, protections and penalties.

Definitions

Sexual Harassment is defined as discrimination against a person of a different or the same sex because of their sex, which creates a sexually hostile learning or school environment.

Sexual harassment that creates a hostile learning or school environment is either pervasive and/or severe conduct that involves unwelcome: sexual advances; sexual conduct that constitutes a crime; sexual touching, indecent exposure of a sexual nature; pervasive sexual remarks, comments, displayed materials, printed materials, electronic media or jokes. The determination of a hostile learning or school environment shall be objective, based upon the viewpoint of a reasonable person and subjectively perceived to be so by the complainant.

Gender discrimination is defined as pervasive and/or severe conduct intended to intimidate or demean a person or persons of the other gender or that which treats a person of the other gender differently in the workplace because of his or her gender.

Procedure

Any student who believes that he or she has been subjected to sexual harassment or gender discrimination by an officer, employee, student or business invitee is encouraged to address the matter with any BOCES Title IX Officer* who shall promptly conduct an intake interview and explain the following options for resolution:

1. Registering an informal complaint verbally or in writing; or
2. Registering a formal complaint verbally or in writing; or
3. Engaging a mediation to arrive at a resolution of the matter; or
4. Placing the BOCES on notice of the objectionable conduct without seeking a resolution through the complaint process or mediation.

The Title IX Officer shall be authorized to proceed with a matter raised in paragraph 4 as if it had been filed as an informal complaint or a formal complaint at his/her discretion.

The intake Title IX Officer will also explain that the complaining student shall not be subject to retaliation or retribution by reason of making the complaint and that confidentiality shall be maintained throughout the process, except as necessary to assure fair and due process.

Informal Complaints

(Continued)
SUBJECT: SEXUAL HARASSMENT OF STUDENTS (Cont’d.)

An informal complaint will be promptly reviewed by an intake Title IX Officer, who shall issue a written report to the District Superintendent, within seven (7) days. The District Superintendent shall take such further action necessary to reasonably deter any further act prohibited by this policy. Such further action may include referring the matter to a Title IX investigator as if it had been filed as a formal complaint.

Formal Complaints

All formal complaints shall be received in writing or reduced to writing by an intake Title IX Officer, who shall personally or by reference to a designee on the BOCES Board’s approval list conduct a full and fair investigation of the complaint, make written findings of fact and, where warranted, recommend a resolution to the District Superintendent. The District Superintendent shall advise the complainant and the subject of the complaint of the disposition of the complaint, which may include:

1. A finding that this policy has not been violated; or
2. A finding that this policy has been violated and a critical letter has been issued with a requirement of corrective training for the subject of the complaint if an employee; or
3. That disciplinary action has been taken or where pre-disciplinary charges must be preferred, that they have been preferred in order to convene a disciplinary hearing.

Alternates

The BOCES Board shall appoint more than one Title IX Officer, and several designated Title IX formal complaint investigators. Complainant will have a choice of which Title IX Officer to approach regarding a Title IX complaint. If the complaint is about the District Superintendent, the BOCES Board shall stand in the District Superintendent’s place for review activities.

Appeal of Formal Complaints

If a formal complaint hasn’t been processed to a satisfactory disposition by the District Superintendent within thirty (30) calendar days, unless extended with the written consent of the complainant, the complainant may appeal in writing to the BOCES Board to address the failure and direct an expedited investigation with report back to the BOCES Board within fifteen (15) calendar days. Regarding matters that have been timely investigated to conclusion, an appeal to the BOCES Board may be taken by the complainant or the subject of the complaint within thirty (30) calendar days of being informed of the findings upon the allegations in the complaint.

Confidentiality

The BOCES Title IX Officers, the District Superintendent and the BOCES Board shall, to the maximum extent possible, maintain as confidential, the transaction(s) underlying the proceedings or complaint, the outcome of a mediated agreement and action taken, other than formal discipline. The subject of the proceedings or complaint, however, shall be informed of the identity of the person who commenced the proceedings or complaint in order to provide fair and due process. Both the complainant and the subject of the complaint shall be given a copy of the findings in the matter of a formal complaint.

(Continued)
SUBJECT: SEXUAL HARASSMENT OF STUDENTS (Cont’d.)

Consequences

Any officer, supervisor, or employee who violates this policy shall be subject to corrective action up to and including termination of office or employment, with due process provided as necessary. Students who violate this policy shall be subject to disciplinary or other corrective action.

Any complaint that is determined to have been processed maliciously or in bad faith shall be deemed to be in violation of this policy and may give rise to disciplinary consequences against the complainant.

*BOCE Title IX Officers

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Adopted: 1/29/04  
Revised: 11/29/05  
Revised: 6/26/07  
Revised: 4/13/10  
Revised: 4/25/12  
Revised: 6/17/13  
Revised: 4/22/15  
Revised: 1/17/17  
Revised: 12/11/18
SUBJECT: DIGNITY FOR ALL STUDENTS ACT

The BOCES Board recognizes that learning environments that are safe and supportive can increase student attendance and improve academic achievement. A student's ability to learn and achieve high academic standards, and a school's ability to educate students, is compromised by incidents of discrimination or harassment, including but not limited to bullying, taunting and intimidation. Therefore, in accordance with the Dignity for All Students Act, Education Law, Article 2, the BOCES will strive to create an environment free of discrimination and harassment and will foster civility in the schools to prevent and prohibit conduct which is inconsistent with the BOCES’ educational mission.

The BOCES condemns and prohibits all forms of discrimination and harassment of students based on actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender (identify or expression), or sex by school employees or students on school property and at school-sponsored activities and events that take place at locations off school property. In addition, any act of discrimination or harassment, outside of school sponsored events, which can reasonably be expected to materially and substantially disrupt the education process may be subject to discipline.

Dignity Act Coordinator

At least one (1) employee at every school shall be designated as the Dignity Act Coordinator(s). The Dignity Act Coordinator(s) will be thoroughly trained to handle human relations in the areas of race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender (identity or expression) and sex. The Board of Education shall appoint the Dignity Act Coordinator(s) and share the name(s) and contact information with all school personnel, students, and parent/person in parental relation.

If a Dignity Act Coordinator vacates his/her position, another school employee shall immediately be designated for an interim appointment as Coordinator, pending approval from the Board of Education, within thirty (30) days of the date the position was vacated. In the event a Coordinator is unable to perform the duties of the position for an extended period of time, another school employee shall immediately be designated for an interim appointment as Coordinator, pending return of the previous Coordinator to the position.

Training

Training will be provided each school year for all BOCES employees in conjunction with existing professional development training to raise staff awareness and sensitivity of harassment and discrimination directed at students that are committed by students or school employees on school property or at a school function. Training will include ways to promote a supportive school environment that is free from discrimination and harassment, emphasize positive relationships, and demonstrate prevention and intervention techniques to assist employees in recognizing and responding to harassment and discrimination, as well as ensuring the safety of the victims.

Instruction in grades Kindergarten through 12 shall include a component on civility, citizenship and character education. Such component shall instruct students on the principles of honesty, tolerance, personal responsibility, respect for others, observance of laws and rules, courtesy, dignity and other traits which will enhance the quality of their experiences in, and contributions to, the community. For the purposes of this policy, "tolerance," "respect for others" and "dignity" shall include awareness and

(Continued)
sensitivity to discrimination or harassment and civility in the relations of people of different races, weights, national origins, ethnic groups, religions, religious practices, mental or physical abilities, sexual orientation, and gender.

Rules against discrimination and harassment will be included in the Code of Conduct, publicized BOCES-wide and disseminated to all staff and parents/persons in parental relation. An age-appropriate summary shall be distributed to all students at the beginning of each school year.

**Reports and Investigations of Discrimination and Harassment**

The BOCES will investigate all complaints of harassment and discrimination, either formal or informal, and take prompt corrective measures, as necessary. Complaints will be investigated in accordance with applicable policies and regulations. If, after an appropriate investigation, the BOCES finds that this policy has been violated, corrective action will be taken in accordance with BOCES policies and regulations, the Code of Conduct, and all appropriate federal or state laws.

The BOCES will annually report material incidents of discrimination and harassment to the State Education Department as part of the Uniform Violent and Disruptive Incident Reporting System (VADIR).

**Finding That Harassment Did Not Occur**

At any level/stage of investigation of alleged harassment, if a determination is made that harassment did not occur, the Complaint Officer will so notify the complainant, the alleged offender and the District Superintendent of this determination. Such a finding does not preclude the complainant from filing an appeal pursuant to BOCES policy or regulation and/or pursuing other legal avenues of recourse.

However, even if a determination is made that harassment did not occur, the District Superintendent/designee reserves the right to initiate staff awareness and training, as applicable, to help ensure that the school community is not conducive to fostering harassment in the workplace.

**Prohibition of Retaliatory Behavior (Commonly Known as "Whistle-Blower" Protection)**

Any person who has reasonable cause to suspect that a student has been subjected to discrimination or harassment by an employee or student, on school grounds or at a school function, who acts reasonably and in good faith and reports such information to school officials or law enforcement authorities, shall have immunity from any civil liability that may arise from making such report. The Board prohibits any retaliatory behavior directed at complainants, victims, witnesses and/or any other individuals who participated in the investigation of a complaint of discrimination or harassment.
SUBJECT: NOTIFICATION OF SEX OFFENDERS

In accordance with the Sex Offender Registration Act ("Megan's Law"), the BOCES supports the New York State Department of Criminal Justice Services (DCJS) in its effort to inform the community in certain circumstances of the presence of individuals with a history of sex offenses, particularly against children, in the school locality. This policy is enacted in order to minimize the possibility that the sex offender will come in contact with school-age children, and to assist law enforcement agencies in preventing further criminal activity from occurring. Furthermore, the BOCES shall cooperate with local police authorities and the local community in promoting and protecting the safety and well-being of its students.

It is the policy of the BOCES to disseminate all information which the BOCES receives from local police authorities in conjunction with Megan's Law to designated staff members who might have possible contact with the offender during the course of their school duties including, but not limited to, Building Principals, supervisors, teachers, teaching assistants, teacher aides, office personnel, coaches, custodians, bus drivers and security personnel. The District Superintendent reserves the right to automatically disseminate such information to additional members of the staff, designated supervisors of non-school groups that regularly use BOCES facilities and have children in attendance, parents/persons in parental relation to BOCES students, and other community residents who, in the opinion of the District Superintendent, have an immediate need to be notified of such data in order to protect the safety of our students.

All staff members shall be informed of the availability of the information received by the BOCES pursuant to Megan's Law upon written request to the applicable Building Principal/designee or supervisor.

Staff members shall inform their immediate supervisor if they observe within the school building, on school grounds, at school activities, or at or near bus routes any individual whose description matches the information which was provided to the BOCES by local law enforcement authorities. Such law enforcement officials will be notified of this information by the BOCES as appropriate.

Information that is disseminated to the BOCES pursuant to Megan's Law may be disclosed or not disclosed by the BOCES in its discretion. Any information which the BOCES receives regarding a sex offender from an official source other than the Sex Offender Registry, and which is maintained independent of the requirements of Megan's Law, will be available from the BOCES, upon written request, in accordance with the requirements of the Freedom of Information Law (FOIL).

(Continued)
SUBJECT: NOTIFICATION OF SEX OFFENDERS (Cont'd.)

Special Circumstances Whereby Sex Offenders May Enter Upon BOCES Grounds

As a mandatory condition of the sentence for sex offenders placed on probation or conditional discharge whose victim was under the age of eighteen (18) or who has been designated a Level 3 sex offender, the court requires that such sentenced offender refrain from knowingly entering into or upon school grounds of any other facility or institution primarily used for the care or treatment of persons under the age of eighteen (18) while one or more of such persons are present.

However, by exception, a sex offender may enter BOCES grounds or facilities with the written authorization of his/her parole officer and the District Superintendent for limited authorized purposes. Entrance upon the premises is subject to the following conditions:

a) The offender is a registered student or participant;

b) The offender is an employee of an entity contracted by the facility;

c) The offender has a family member enrolled in the facility; or

d) If the facility is the offender's designated polling place and he/she enters solely to vote.

Implementation

Administrative regulations shall be developed to implement this policy.

Correction Law Article 6-C
Executive Law 259-c(14)
Penal Law 65.10(4-a)
Public Officers Law Section 84 et seq.

Adopted: 6/17/13
Revised: 1/17/17
SUBJECT: SCHOOL HEALTH SERVICES

The BOCES provides and maintains a continuous program of health services which may include but not be limited to:

   a. Providing medical examinations, dental inspection and/or screening, scoliosis screening, vision screening and audiometer tests, designed to determine the health status of the student;

   b. Informing parents/persons in parental relation to the student, pupils and teachers of the individual student’s health condition subject to federal and state confidentiality laws. The BOCES will provide this notice in writing if the BOCES becomes aware that the student has defective sight or hearing or a physical disability, including sickle cell anemia, or other condition which may require professional attention with regard to health;

   c. Where the exigencies warrant (where the parents/persons in parental relation are unable or unwilling to provide the necessary relief and treatment), providing relief in situations where the student would otherwise be deprived of the full benefit of education through inability to follow the instruction offered;

   d. Guiding parents/persons in parental relation, students and teachers in procedures for preventing and correcting defects and diseases and for the general improvement of the health of students;

   e. Instructing school personnel in procedures to take in case of accident or illness;

   f. Maintaining a program of education to inform school personnel, parents/persons in parental relation, non-school health agencies, welfare agencies and the general public regarding school health conditions, services and factors relating to the health of students;

   g. Providing inspections and supervisions of the health and safety aspects of the school plant;

   h. Providing health examinations necessary for the issuance of employment certificates, vacation work permits, newspaper carrier certificates and street trades badges; and

   i. Surveying and making necessary recommendations concerning the health and safety aspects of school facilities and the provisions of health information.

Education Law Article 19
8 New York Code of Rules and Regulations
(NYCRR) Part 136

Adopted: 6/26/07
Revised:
SUBJECT: HUMAN IMMUNODEFICIENCY VIRUS (HIV) RELATED ILLNESSES (STUDENTS)

A student shall not be denied the right to attend school or continue his/her education who has been diagnosed or identified as having a positive blood test for the antibodies to the Human Immunodeficiency Virus (HIV). Under current law and regulations, the disclosure of confidential HIV-related information shall be strictly limited.

Administrative regulations and procedures shall be developed and implemented by the administration based on recommendations from the New York State Education Department and from consultation with appropriate professional and medical staff.

The District Superintendent shall also establish protocols for routine sanitary procedures for dealing with the cleaning and handling of body fluids in school, with special emphasis placed on staff awareness.

Confidentiality: Public Health Law,
Article 27-F

Refer also to Policy 5141

Adopted: 1/29/04
Revised: 1/22/08
SUBJECT: MEDICATION AND PERSONAL CARE ITEMS

The BOCES registered professional nurse may administer medication to a student during the school day under certain conditions. For the purpose of this policy, the term “medication” includes both prescription and non-prescription medications. The school must receive the following before medication will be administered to a student:

a) The original written order from the student’s provider stating the name of the medication, precise dosage, frequency, and time of administration;

b) A written, signed consent from the student’s parent/guardian/person in parental relation requesting the administration of the medication, as prescribed by the physician, to the student in school; and

c) The medication, properly labeled in its original container, must be delivered to the school health office by the student’s parent/guardian/person in parental relation. The term “properly labeled,” in the context of this policy, means that the container must include the following information: the student’s name, name of medication, dosage, frequency, and prescribing physician. A student is not permitted to carry any medication on his/her person in school, or on the school bus, or keep any medication in his/her school locker(s). Exceptions may apply, however, for students diagnosed with asthma or other respiratory illnesses, diabetes, or allergies who will be permitted to carry and self-administer medication under certain conditions.

All medication orders must be reviewed annually by school health office personnel or whenever there is a change in dosage.

Students with Asthma or Other Respiratory Illnesses

The BOCES will make a nebulizer available on-site in school buildings where full-or part-time nursing services are provided. Only students with a patient-specific order may have access to the nebulizer. School nursing personnel will clean and maintain the BOCES nebulizer as appropriate.

The BOCES will obtain and stock albuterol metered dose inhalers (MDIs) and/or liquid albuterol from a licensed pharmacy. This stock albuterol is for use in a nebulizer for students diagnosed with asthma whose personal prescription albuterol supplies are empty and while awaiting the parent/guardian/person in parental relation to provide the school with a new one. BOCES nursing personnel will promptly inform parents/guardians/persons in parental relation of the need for replacement of the student’s albuterol medication. Students utilizing the school’s stock albuterol must provide a patient specific order for albuterol from their own private health provider, including an order permitting the student to utilize the school’s stock albuterol. Stock albuterol may only be utilized when the school nurse is available to administer the medication. The student’s parent/guardian/person in parental relation must also provide the school with written permission allowing his/her child to be administered the stock albuterol in the event that the student’s own prescription albuterol supply is empty. The health office will promptly inform the student’s parents or persons in parental relation any time that the school stock albuterol was utilized.

(Continued)
SUBJECT: MEDICATION AND PERSONAL CARE ITEMS (Cont’d.)

Personal equipment used to deliver albuterol to a student will be cleaned and appropriately labeled with the student’s name and used solely by the individual student. (Examples of equipment to be cleaned and labeled are nebulizer tubing, facemask, mouthpiece, spacer, etc.)

Self-Administration of Medication

Generally

Each student who is permitted to self-administer medication should have an emergency care plan on file with the BOCES. Further, the BOCES will maintain a record of all written parental consents in the student’s cumulative health record.

BOCES nursing personnel will also maintain regular parental contact in order to monitor the effectiveness of such self-medication procedures and to clarify parental responsibility as to the daily monitoring of their child to ensure that the medication is being utilized in accordance with the physician’s or provider’s instructions. Additionally, the student will be required to report to the health office on a periodic basis as determined by BOCES nursing personnel so as to maintain an ongoing evaluation of the student’s management of such self-medication techniques, and to work cooperatively with the parents and the student regarding such self-care management.

Students who self-administer medication without proper authorization will be referred for counseling by BOCES nursing personnel, as appropriate. Additionally, school administration and parents will be notified of such unauthorized use of medication by the student, and BOCES administration may determine the proper resolution of this behavior.

Students with Asthma or Another Respiratory Disease

A student will be permitted to carry and self-administer their prescribed inhaled rescue medication during the school day, on school property, and at any school function if the health office has the following on file:

a) Written order/permission and an attestation from a duly authorized health care provider stating that the student has a diagnosis of asthma or other respiratory disease for which inhaled rescue medications are prescribed to alleviate respiratory symptoms or to prevent the onset of exercise induced asthma; the student has demonstrated that he/she can self-administer the prescribed medication effectively; and the expiration date of the order, the name of the prescribed medication, the dose the student is to self-administer, times when the medication is to be self-administered, and the circumstances which may warrant the use of the medication; and

b) Written consent from the student’s parent/guardian/person in parental relation.

Upon written request of the student’s parent/guardian/person in parental relation, the BOCES will allow the student to maintain an extra inhaled rescue medication in the care and custody of the schools’ registered professional nurse, nurse practitioner, physician assistant, or school physician.

(Continued)
Students with Diabetes

A student will be permitted to carry and self-administer his/her prescribed insulin through an appropriate medication delivery device, carry glucagon, and carry and use equipment and supplies necessary to check blood glucose and/or ketone levels during the school day, on school property, and at any school function if the health office has the following on file:

a) Written order/permission and an attestation from a duly authorized health care provider stating that the student has a diagnosis of diabetes for which insulin and glucagon through appropriate medication delivery devices, and the use of equipment and supplies to check blood glucose and/or ketone levels are necessary; the student has demonstrated that he/she can self-administer effectively, can self-check glucose or ketone levels independently, and can independently follow prescribed treatment orders; and the expiration date of the order, the name of the prescribed insulin or glucagon, the type of insulin delivery system, the dose of insulin and/or glucagon the student is to self-administer, times when the insulin and/or glucagon is to be self-administered, and the circumstances which may warrant administration by the student. The written permission must also identify the prescribed blood glucose and/or ketone test, the times the testing is to be done, and any circumstances which warrant checking a blood glucose and/or ketone level.

b) Written consent from the student’s parent or person in parental relation.

Upon request of the student’s parents or person in parental relation, the school will allow the student to maintain extra insulin, insulin delivery system, glucagon, blood glucose meter, and related supplies to treat the student’s diabetes in the care and custody of a licensed nurse, nurse practitioner, physician assistant, or school physician.

Students with diabetes will also be permitted to carry food, oral glucose, or other similar substances necessary to treat hypoglycemia in accordance with BOCES policy.

Alcohol-Based Hand Sanitizers

The New York State Education Department (NYSED) permits the use of alcohol-based hand sanitizers in schools. The BOCES Medical Director may approve and permit the use of alcohol-based hand sanitizers in the BOCES without a physician’s order. Parents may provide written notification to the BOCES in the event that they do not wish to have their child use this product.

Sunscreen

Students may carry and use FDA approved sunscreen products for over-the-counter use. The student’s parent/guardian/person in parental relation must provide written permission for the student to carry and use sunscreen. This written parental consent will be maintained by the BOCES. A student who is unable to physically apply sunscreen may be assisted by unlicensed personnel when directed to do so by the student, if permitted by a parent/guardian/person in parental relation, and authorized by the BOCES.

(Continued)
SUBJECT: MEDICATION AND PERSONAL CARE IEM (Cont’d.)

Storage and Disposal of Medication

The BOCES will comply with relevant state laws, regulations, and guidelines governing the BOCES receipt, storage, and disposal of medication.

Feminine Hygiene Products

Each school building within the BOCES serving students in any grade from 6 – 12, will provide feminine hygiene products in building restrooms. These products will be provided at no charge to the students.

Individuals with Disabilities Education Act (IDEA), 20 United States Code (USC) Sections 1400 et seq, Section 504 of the Rehabilitation Act of 1973, 29 USC Section 794 et seq.

Education Law Sections 902(b), 907, 916, 916-a, 916-b, 919, 921, 6527, and 6908(1)(a)(iv), 6909

Public Health Law Section 3000-a, c, 3309
8 NYCRR 136.6, 136.7

Refer also to Policy 6420

Adopted: 1/29/04
Revised: 6/23/09
Revised: 4/13/10
Revised: 9/12/11
Revised: 6/17/13
Revised: 1/17/17
Revised: 12/11/18
SUBJECT: STUDENTS WITH LIFE-THREATENING HEALTH CONDITIONS

Students come to school with diverse medical conditions which may impact their learning as well as their health. Some of these conditions are serious and may be life-threatening. As a result, students, parents, school personnel, and health care providers must all work together to provide the necessary information and training to allow children with chronic health problems to participate as fully and safely as possible in the school experience. This policy encompasses an array of serious or life-threatening medical conditions such as anaphylaxis, diabetes, seizure disorders, or severe asthma and acute medical conditions. All students within the BOCES with known life-threatening conditions will have a comprehensive plan of care in place: an Emergency Care Plan (ECP) or Individualized Healthcare Plan (IHP) and if appropriate an Individualized Education Plan (IEP) or Section 504 Plan.

Life-Threatening Conditions

For those students with chronic life-threatening conditions such as diabetes, seizure disorders, asthma, and allergies, the BOCES must work cooperatively with the parent(s)/person in parental relation and the healthcare provider to:

a. Immediately develop and ECP for each at risk student to ensure that all appropriate personnel are aware of the student’s potential for a life-threatening reaction;

b. If appropriate, develop an IHP that includes all necessary treatments, medication, training and educational requirements for the student. If the student is eligible for accommodations based upon the Individuals with Disabilities Act (IDEA), Section 504 of the Rehabilitation Act of 1973, or the Americans with Disabilities Act, the appropriate procedures will be followed regarding evaluation and identification;

c) Provide training by licensed medical personnel (e.g., registered professional nurse) for all adults in a supervisory role in the recognition and emergency management of a specific medical condition for specific students. Documentation of training must be maintained in the Anaphylaxis Protocol for Non-Licensed Staff Members for each affected student. The emergency response by non-licensed school staff members is permitted under the Medical Practice Act (Education Law Section 6527(4)(a)) and the Nurse Practice Act (Education Law Section 6908 (1)(a)(iv)) and is covered by the “Good Samaritan Law” (Public Health Law Section 3000-a);

d) Obtain specific medical-legal documents duly executed in accordance with New York State law; appropriate health care provider authorization in writing for specific students that includes the frequency and conditions for any testing and/or treatment, symptoms, and treatment of any conditions associated with the health problems; and directions for emergencies;

e) Secure written parent permission and discuss parental responsibility that includes providing the health care provider’s orders, providing any necessary equipment, and participation in the education and co-management of the child as he/she works toward self-management;

(Continued)
SUBJECT: STUDENTS WITH LIFE-THREATENING HEALTH CONDITIONS (Cont’d.)

f) Allow supervised students to carry life-saving medication in accordance with relevant laws, regulations, and procedures. The BOCES will also encourage parents and students to provide duplicate life-saving medication to be maintained in the health office in the event the self-carrying student misplaces, loses, or forgets their medication:

g) Assure appropriate and reasonable building accommodations are in place within a reasonable degree of medical certainty.

In addition, the BOCES will:

a) Provide training for transportation, instructional, food service, or physical education staff, as appropriate, in the recognition of an anaphylactic reaction;

b) Have standing emergency medical protocols for nursing or other staff;

c) Request the BOCES medical director to write a non-patient specific order for anaphylaxis treatment agents for the BOCES registered professional nurse or other staff, as designated by the administration and allowed under federal and New York State laws and regulations, to administer in the event of an unanticipated anaphylactic episode;

d) Maintain or ensure the maintenance of a copy of the standing order(s) and protocol(s) that authorize them to administer emergency medications such as anaphylactic treatment agents;

e) Allow the BOCES registered nurse, nurse practitioner, or physician to train unlicensed school personnel to administer emergency epinephrine via auto-injector, or emergency glucagon, to students with both a written provider order and parent/person in parental relation consent during the school day, on school property, and at any school function. Such training will be done in accordance with specifications outlined in the Commissioner’s regulations.

f) Ensure that building-level and BOCES-wide school safety plans include appropriate accommodations for students with life-threatening health conditions.

g) Encourage families to obtain medic-alert bracelets for at risk students.

h) Educate students regarding the importance of immediately reporting symptoms of an allergic reaction.

Emergency Medication

Epinephrine Auto-Injectors (EAs)

The BOCES has entered into a collaborative agreement with (health care provider) in order to

(Continued)
provide and maintain EAIs on-site and in its instructional facilities. This agreement allows for trained school employees, who have completed a New York State Department of Health (NYSDOH) course, to administer EAIs to any student or staff member who demonstrates symptoms of anaphylaxis, regardless of whether such person has a prior history of severe allergic reactions. The BOCES will ensure that it has sufficient EAIs available to ensure ready and appropriate access for use during emergencies and will immediately report every use of an EAI in accordance with the collaborative agreement to (health care provider). The collaborative agreement as defined in Public Health Law Section 3000-c, is required for the BOCES to permit school employees to administer stock EAIs to students and staff members who do not have a patient-specific order for such medication.

Creating an Allergen-Safe School Environment

The risk of accidental exposure or cross-contamination is always present in school, particularly for students with food allergies. The school setting is a high-risk environment for accidental ingestion of a food allergen due to the presence of a large number of students, increased exposure to food allergens, and cross-contamination of tables, desks, and other surfaces;

In an effort to prevent accidental exposure to allergens, the BOCES will monitor the following high-risk areas and activities:

a) Cafeteria;
b) Food sharing
c) Hidden ingredients in art, science and other projects;
d) Transportation;
e) Fund raisers and bake sales;
f) Parties and holiday celebrations;
g) Before and after school programs.

Medication Self-Management

The BOCES will work toward assisting students in the self-management of their chronic health condition based upon the student’s knowledge level and skill by:

a) Adequately training all staff involved in the care of the child, as appropriate;
b) Assuring the availability of the necessary equipment and/or medications;
c) Providing appropriately trained licensed persons as required by law;

(Continued)
d) Developing an emergency plan for the student;
e) Providing ongoing staff and student education; and
f) BOCES will maintain a record of all staff training

Americans with Disabilities Act, 42 USC Section 12101 et seq.
Individuals with Disabilities Education Act (IDEA) 20 USC Sections 1400-1485
Section 504 of the Rehabilitation Act of 1973, 29 USC Section 794 et seq.
34 CFR Part 300
Education Law Sections 6527 and 6908
8 NYCRR Section 136.7
Public Health Law Sections 2500-b (Anaphylactic policy for school districts) and 3000-a

Refer also to Policy 6452

Adopted: 11/29/05
Revised: 6/23/09
Revised: 1/17/17
SUBJECT: STUDENT PHYSICALS

Health Examination and Certification

Health Examination

Each student enrolled in a BOCES program must have a satisfactory health examination conducted by a duly licensed physician, physician assistant or nurse practitioner within twelve (12) months prior to the commencement of the school year of the student’s entrance into:

a) A BOCES program at any grade level;

b) Pre-kindergarten or kindergarten; and

c) 1st, 3rd, 5th, 7th, 9th, and 11th grades.

The BOCES may also require an examination and health history of a student when it is determined by the BOCES that it would promote the educational interests of the student.

The BOCES will also provide health examinations before participation in strenuous physical activity and periodically throughout the season as necessary, as well as for the issuance of employment certificates, vacation work permits, newspaper carrier certificates, and street trades badges.

Health Certificate

Each student must submit a health certificate attesting to the health examination within thirty (30) calendar days after his or her entrance into:

a) A BOCES program at any grade level;

b) Pre-kindergarten or kindergarten; and 1st, 3rd, 5th, 7th, and 11th grades.

The building principal or designee will send a notice to the parent/guardian/person in parental relation, any student who does not present a health certificate, that if the required health certificate is not furnished within 30 calendar days from the date of the notice, an examination by health appraisal will be made of the student by the BOCES Medical Director.

The health certificate will be filed in the student’s cumulative record. The health certificate must:

a) Be on a form prescribed by the Commissioner;

b) Describe the condition of the student when the examination was given, provided that such examination was not given more than 12 months prior to the commencement of the school year in which the examination is required;

(Continued)
c) State the results of any test conducted on the student for sickle cell anemia.

d) State whether the student is in a fit condition of health to permit his or her attendance at a BOCES program and, where applicable whether the student has impaired sight or hearing, has received a scoliosis screening, or has any other physical disability which may tend to prevent the student from receiving the full benefit of school work or from receiving the best educational results, or which may require a modification of such work to prevent injury to the student.

e) State the student’s body mass index (BMI) and weight status category; and

f) Be signed by a duly licensed physician, physician assistant, or nurse practitioner, who is:

1. Authorized by law to practice in New York State consistent with any applicable written practice agreement; or

2. Authorized to practice in the jurisdiction in which the examination was given, provided that the Commissioner has determined that the jurisdiction has standards of licensure and practice comparable to those of New York State.

A licensed health professional with appropriate training may conduct a scoliosis screening.

Dental Health Certificate

The BOCES will request a dental health certificate from each student within 30 days after his or her entrance into:

a) A BOCES program at any grade level;
b) 1st, 3rd, 5th, 7th, and 9th grades.

The BOCES may also request an assessment and dental health history of a student when it is determined by the BOCES that it would promote the educational interests of the student.

A notice of request for a dental health certificate will be distributed at the same time that the parent/guardian/person in parental relation is notified of health examination requirements. The notice of request for a dental health certificate will list dental practices, dentists, and registered dental hygienists to which students may be referred for dental services on a free or reduced cost basis upon request of the student’s school.

The dental health certificate will be filed in the student’s cumulative record. The dental health certificate must:

(Continued)
SUBJECT: STUDENT PHYSICALS (Cont’d.)

a) Describe the dental health condition of the student when the assessment was given, provided that the assessment was not given more than twelve (12) months prior to the commencement of the school year in which the assessment is requested: and

b) State whether the student is in fit condition of dental health to permit his/her attendance at a BOCES program; and

c) Be signed by a duly licensed dentist, or a registered dental hygienist, who is:

   1. Authorized by law to practice in New York State and consistent with any applicable written practice agreement, or
   2. Authorized to practice in the jurisdiction in which the assessment was performed, provided that the Commissioner has determined that the jurisdiction has standards of licensure and practice comparable to New York State.

Examination by Health Appraisal

The BOCES Medical Director will cause students who are required to, but have not yet submitted, the required health certificate and students with disabilities to be separately and carefully examined and tested to ascertain whether any student has impaired sight or hearing, or any other physical disability which may tend to prevent the student from receiving the full benefit of school work or from receiving the best educational results, or which may require a modification of work to prevent injury to the student.

Each examination will include a calculation of the student’s BMI and weight status category. Further, the physician, physician assistant, or nurse practitioner administering the examination will determine whether a one-time test for sickle cell anemia is necessary or desirable and, if so determined, will conduct the test and include the results in the health certificate.

Unless otherwise prohibited by law, if it is ascertained that a student has impaired sight or hearing, or a physical disability or other condition, including sickle cell anemia, the building principal or designee will notify, in writing, the student’s parent/guardian/person in parental relation as to the existence of the disability. If the parent/guardian/person in parental relation is unable or unwilling to provide the necessary relief and treatment for the student, it will be reported by the building principal or designee to the BOCES Medical Director, who then has the duty to provide relief for the student.

District Reporting of BMI and Weight Status Category

Each school year, the New York State Department of Health randomly selects a certain number of districts across New York State to report, in the aggregate, student’s BMI and weight status categories. Selected districts must report BMI results on-line using the Department of Health’s Health Provider Network secure website. A student’s parent/guardian/person in parental relation may refuse to have the student’s BMI and weight status category included in such survey.

(Continued)
SUBJECT: STUDENT PHYSICALS (Cont’d.)

Health Screenings

The BOCES will provide

a) Scoliosis screening, if not documented on the student’s health certificate, at least once each school year for male students in grade 9, and for female students in grades 5 and 7. The positive results of any scoliosis screening examination will be provided in writing to the student’s parent/guardian/person in parental relation within ninety (90) days after the finding.

b) Vision screening, if not documented on the student’s health certificate, to all students within six (6) months of admission to the BOCES. The vision screening will test the student’s color perception, distance acuity, and near vision. In addition, all students will be screened for distance acuity and near vision in grades pre-kindergarten or kindergarten, 1, 3, 5, 7 and 11, as well as at any other time deemed necessary. The results of all vision screening examinations will be provided in writing to the student’s parent/guardian/person in parental relation and to any teacher of the student while the student is enrolled in a BOCES program; and

c) Hearing screening, if not documented on the student’s health certificate, to all students within six months of admission to the school. In addition, all students will receive a hearing screening in grades pre-kindergarten, kindergarten, 1, 3, 5, 7 and 11, as well as at any other time deemed necessary. Each hearing screening will include, but not be limited to, pure tone screening. The results of any hearing tests requiring a follow-up examination will be provided in writing to the student’s parent/guardian/person in parental relation and to any teacher of the student while the student is enrolled in the BOCES program.

The results of all health screenings will be recorded in the student’s cumulative health record which will be maintained by the school for at least as long as the minimum retention period for such records.

Student Health Records

The health records of individual students will be kept confidential in accordance with the federal Family Educational Rights and Privacy Act (FERPA) and any other applicable federal and state laws.

Accommodations for Religious Beliefs

No health examinations, health history, examinations for health appraisal, screening examinations for sickle cell anemia and/or other health screenings shall be required where a student or the parent/guardian/person in parental relation to that student objects on the grounds that the examinations, health history and/or screenings conflict with their genuine and sincere religious beliefs. A written and signed statement from the student or the student’s parent/guardian/person in parental relation that the person holds those beliefs must be submitted to the building principal or designee, in which case he or she may require supporting documents.

(Continued)
SUBJECT:  STUDENT PHYSICALS (Cont’d.)

Students in Temporary Housing

For students in temporary housing (i.e., homeless children and youth), the enrolling schools must immediately refer the parent or guardian of the student to the BOCES McKinney-Vento liaison, who will assist them in obtaining the necessary medical records.

20 United States Code (USC) §1232(g)
Education Law §§ 903-905, and 3220
8 (NYCRR)
§§ 136.1, 136.3

Adopted:  1/22/08
Revised:  6/23/09
Revised:  12/11/18
SUBJECT:  STUDENT HEALTH RECORDS

The BOCES student programs shall keep an accessible, accurate, and up-to-date health record of every student. Insofar as the health records include confidential disclosures or findings, they shall be kept confidential.

The Family Educational Rights and Privacy Act (FERPA) is a federal law that protects the privacy of students’ “education records.” For Pre-K through grade 12 students, health records maintained by the BOCES, including immunization records and school nurse records, generally are considered “education records” subject to FERPA. In addition, records that the BOCES maintains on special education students, including records on services provided to students under the Individuals with Disabilities Education Act (IDEA) are considered “education records” under FERPA because they are:

a) Directly related to a student;

b) Maintained by the BOCES program or a party acting for the BOCES program; and

c) Not excluded from the definition of “education records”

Since student health and medical information in education records is protected by FERPA, the Health Insurance Portability and Accountability Act of 1996 (HIPPA) Privacy Rule excludes such information from its coverage.

Generally, these records may not be shared with third parties without written parental consent unless the disclosure meets one of the exceptions to FERPA’s general consent requirement. One exception permits the disclosure of education records, without parental consent, to appropriate parties in connection with an emergency, if knowledge of the information is necessary to protect the health or safety of the student or other individuals.

Parents/guardians/persons in parental relation have a right under FERPA to inspect and review those health and medical records that are considered “education records” under FERPA. Individual records may be interpreted by the BOCES’ registered professional nurse to administrators, teachers and other school officials, consistent with law.

Family Educational Rights and Privacy Act of 1974 (FERPA), 20 United States Code (USC) Section 1232g
45 Code of Federal Regulations (CFR) Parts 160, 162 and 164
Education Law Sections 902(b) and 905
8 New York Code of Rules and Regulations (NYCRR) Part 136

Adopted: 6/23/09
Revised: 6/17/13
SUBJECT: STUDENT GENDER IDENTITY

All students need a safe and supportive educational environment to progress academically and developmentally. The BOCES is committed to fostering a safe learning environment for all students, free from discrimination and harassment on the basis of sex, gender, gender identity, gender nonconformity, and gender expression. In accordance with applicable law, regulations, and guidelines the BOCES will ensure that students have equal access to all school programs, facilities, and activities. The BOCES will assess and address the specific needs of each student on a case-by-case basis.

Key Terms

Generally, BOCES personnel should use the language that individual students are using to describe their own gender identity, appearance, or behavior. The most commonly used terms are:

- **Cisgender**: a person whose gender identity corresponds to their assigned sex at birth.
- **Gender**: actual or perceived sex, typically with reference to social and cultural differences rather than physiological ones.
- **Gender expression**: the way a person conveys their gender identity to others, such as through behavior, appearance, clothing, hairstyle, activities, voice, and mannerisms.
- **Gender identity**: a person’s inner sense of psychological knowledge of being male, female, neither, or both.
- **Gender nonconforming (GNC)**: describes someone whose gender identity or gender expression does not conform to social or stereotypical expectations of a person with that gender assigned at birth. This is also referred to as gender variant or gender atypical.
- **Transgender**: someone whose gender identity is different than their gender assigned at birth.
- **Transition**: the process by which a person socially or physically aligns their gender expression more closely to their gender identity than their assigned sex at birth.

Records

As required by law, the BOCES will maintain the confidentiality of student information and records. If a transgender or GNC student has officially changed his or her name, as demonstrated by court order or birth certificate, the BOCES will change its official and unofficial records, as needed, to reflect the change. The BOCES will maintain records with the student’s assigned birth name in a separate, confidential file.

If a transgender or GNC student has not officially changed his or her name, but wishes to be referred to by a different name that corresponds to their gender identity, the BOCES may create or change unofficial records to reflect the name and gender identity that the student consistently asserts at school. On state standardized tests, certain reports to the New York State Education Department, and when necessary to ensure appropriate and coordinated medical care, however, the BOCES will use the student’s legal name and gender. Any student identification cards will be issued with the name reflecting (Continued)
the gender identity the student consistently asserts at school. The BOCES will maintain records with the student’s assigned birth name and gender in a separate, confidential file.

**Nouns and Pronouns**

When apprised of a student’s transgender or GNC status, the BOCES will endeavor to engage the student and his or her parents or guardians, as appropriate, in an effort to agree upon a plan that will accommodate the student’s individual needs at school. Transgender and GNC students have the right to discuss and convey their gender identity and expression openly and to decide when, with whom, and how much to share this confidential information. The plan may therefore include when and how to initiate the student’s preferred name and associated pronoun use and if, when, and how this is communicated to others. BOCES staff will use the name and pronoun that corresponds to the gender identity the student consistently asserts at school.

**Restrooms and Locker Rooms**

The BOCES will allow a transgender or GNC student to use the restroom and locker room that corresponds to the student’s consistently expressed gender identity at school. Any student requesting increased privacy or other accommodations when using bathrooms or locker rooms will be provided with a safe and adequate alternative, but they will not be required to use that alternative.

**Physical Education and Sports**

Physical education is a required part of the BOCES curriculum. Where these classes are sex-segregated, students will be allowed to participate in a manner consistent with their gender identity. Students will likewise be allowed to participate in intramural activities consistent with their gender identity.

**Other Activities**

Generally, in other circumstances where students may be sex-segregated, such as overnight field trips, students may be permitted to participate in accordance with the gender identity that the student consistently asserts at school. Student privacy concerns will be addressed individually and on a case-by-case basis in accordance with BOCES policy and applicable law, regulations, and guidelines.

(Continued)
SUBJECT: STUDENT GENDER IDENTITY (Cont’d.)

Dress Code

Transgender or GNC students may dress in accordance with their gender identity or expression within the parameters of the BOCES dress code. The BOCES will not restrict students’ clothing or appearance on the basis of gender.

Family Educational Rights and Privacy Act (FERPA), 20 USC §1232g
34 CFR Part 99
Title IX of the Education Amendments of 1972
Education Law Article 2 and §§2-d,11(7), 3201-a
8 NYCRR §100.2

Adopted: 1/17/17
SUBJECT: EQUAL EDUCATIONAL OPPORTUNITIES

Putnam|Northern Westchester BOCES provides equal opportunity for students and does not discriminate against any student enrolled in (or any candidate for admission to) its programs and activities on the basis of, perceived race, color, national origin, sex, disability or age. Further, the BOCES does not discriminate on the basis of weight, ethnic group, religion, religious practice, sexual orientation, gender (identity or expression), or any other basis prohibited by state or federal non-discrimination laws, and provides equal access to its facilities to the Boy Scouts and other designated youth groups.

Educational Services for Married/Pregnant Students

BOCES may not discriminate against students based on their parental and/or marital status. The opportunity to participate in all of the services, programs, and activities of the BOCES shall not be restricted or denied because of pregnancy, parenthood, or marriage.

In this regard, the District Superintendent or his/her designee, in consultation with student services staff, the school physician and the student’s personal physician, may make program modifications which are feasible and necessary to accommodate the special needs of such students.

Investigation of Complaints and Grievances

The BOCES will act to promptly, thoroughly, and equitably investigate all complaints, whether verbal or written, of discrimination and will promptly take appropriate action to protect individuals from further discrimination. All such complaints will be handled in a manner consistent with the BOCES policies, procedures, and/or regulations regarding the investigation of discrimination and harassment complaints, including Policy # 2420 - Non-Discrimination and Anti-Harassment in the BOCES and Policy # 6440 - Sexual Harassment of Students.

Additional information regarding the BOCES discrimination and harassment complaint and grievance procedures, including but not limited to the designation of the Civil Rights Compliance Officer, knowingly making false accusations, and possible corrective actions, can be found in Policy # 2420 - Non-Discrimination and Anti-Harassment in the BOCES.

Finding That Harassment Did Not Occur

At any level/stage of investigation of alleged harassment, if a determination is made that harassment did not occur, the Complaint Officer will so notify the complainant, the alleged offender and the District Superintendent of this determination. Such a finding does not preclude the complainant from filing an appeal pursuant to BOCES policy or regulation and/or pursuing other legal avenues of recourse.

However, even if a determination is made that harassment did not occur, the District Superintendent/designee reserves the right to initiate staff awareness and training, as applicable, to help ensure that the school community is not conducive to fostering harassment in the workplace.

(Continued)
SUBJECT: EQUAL EDUCATIONAL OPPORTUNITIES (Cont’d.)

In all cases, the District Superintendent will inform the Board of the results of each investigation involving a finding that harassment did not occur.

Prohibition of Retaliatory Behavior

The Board prohibits any retaliatory behavior directed against complainants, victims, witnesses, and/or any other individuals who participated in the investigation of a complaint of discrimination. Complaints of retaliation may be directed to the Civil Rights Compliance Officer. In the event the Civil Rights Compliance Officer is the alleged offender, the report will be directed to another Civil Rights Compliance Officer, if the BOCES has designated another individual to serve in such a capacity, or to the District Superintendent.

Where appropriate, follow-up inquiries will be made to ensure that discrimination has not resumed and that all those involved in the investigation of the discrimination have not suffered retaliation.

Americans with Disabilities Act, 42 USC Section 12101 et seq.
Section 504 of the Rehabilitation Act of 1973, 29 USC Section 794 et seq.
Title VI of the Civil Rights Act of 1964, 42 USC Section 2000d et seq.
Title IX of the Education Amendments of 1972, 20 USC Section 1681 et seq.
20 USC Section 1701, et seq.
45 CFR Section 84.40

Refer also to Policy 1440

Adopted: 1/29/04
Revised: 1/22/08
Revised: 4/13/10
Revised: 6/17/13
Revised: 8/13/14
Revised: 4/22/15
Revised: 1/17/17
SUBJECT: COMPLAINTS AND GRIEVANCES BY STUDENTS

While students have the responsibility to abide by the policies and regulations of the BOCES, they shall also be afforded opportunity to present complaints and grievances free from interference, coercion, restraint, discrimination or reprisal. Administration shall be responsible for:

a) Establishing rules and regulations for the redress of complaints or grievances through proper administration channels;

b) Developing an appeals process;

c) Ensuring that students have full understanding and access to these regulations and procedures; and

d) Providing prompt consideration and determination of student complaints and grievances.

Civil Rights Compliance Officer

In addition, students and parents/persons in parental relation will receive annual notification of the BOCES established grievance procedures for resolving complaints of discrimination based on sex or disability. This notice shall include the name, address and telephone number of the Title IX/Section 504/ADA Coordinator (i.e., the “Civil Rights Compliance Officer”).

The Civil Rights Compliance Officer shall also be responsible for handling complaints and grievances regarding discrimination based on age, race, creed, color, national origin, political affiliation, sex, sexual orientation, gender (identity or expression), military status, veteran status, disability, predisposing genetic characteristics, marital status, use of guide, hearing or service dog, or domestic violence violation status.

Title VII of the Civil Rights Act of 1964, 42 United States Code (USC) Section 2000-e, et seq. - Prohibits discrimination on the basis of race, color, religion, sex or national origin.

Title VI of the Civil Rights Act of 1964, 42 United States Code (USC) Section 2000-d, et seq. – Prohibits discrimination on the basis of race, color or national origin.
SUBJECT: COMPLAINTS AND GRIEVANCES BY STUDENTS (Cont'd.)


Title IX of the Education Amendments of 1972, 20 United States Code (USC) Section 1681 et seq. – Prohibits discrimination on the basis of sex.

New York State Executive Law Section 290 et seq. - Prohibits discrimination on the basis of age, race, creed, color, national origin, sex, disability or marital status.

Age Discrimination in Employment Act, 29 United States Code Section 621.

Refer also to Policy 1440

Adopted: 1/29/04
Revised: 4/13/10
Revised: 1/17/17
SUBJECT: STUDENT DIRECTORY INFORMATION

The BOCES shall publish an annual public notice informing parents/guardians/persons in parental relation or eligible students (i.e., a student eighteen (18) years of age or older who is attending an institution of post-secondary education) of the BOCES definition of directory information and their right to refuse the release of student directory information, and indication of the time period for their response. Following such public notice and a reasonable response period, the BOCES may release such information to an outside group without individual consent.

In accordance with the Family Educational Rights and Privacy Act (FERPA), the BOCES defines student directory information as the following: name; address; telephone listing; date and place of birth, enrollment status (e.g., undergraduate or graduate, full time or part time); grade level; participation in officially recognized activities and sports; weight and height (if members of athletic teams); dates of attendance; honors, degrees and awards received; and the name of the educational agency or institution most recently previously attended by the student.

Directory information does not include:

a) A student’s social security number; or

b) A student’s identification (ID) number, except as provided below.

Directory information includes a student ID number, user ID, or other unique personal identifier used by the student for purposes of accessing or communicating in electronic systems, but only if the identifier cannot be used to gain access to education records except when used in conjunction with one or more factors that authenticate the user’s identity, such as a personal identification number (PIN), password, or other factors known or possessed only by the authorized user.

The release of student directory information is not to be confused with the release of names, addresses and telephone listings of eligible students (i.e., a student seventeen (17) years of age or older or in the eleventh grade (or its equivalent) or higher) to Military Recruiters (Policy #6322). In compliance with the Elementary and Secondary Education Act of 1965 as amended by the No Child Left Behind Act of 2001 (NCLB) and the National Defense Authorization Act, the BOCES shall notify parents/guardians/persons in parental relation that by law it routinely releases this information to Military Recruiters upon request subject to a parents/guardians/person in parental relation/eligible students’ request not to disclose such information with written parental verification of such request.

Family Educational Rights and Privacy Act of 1974
20 United States Code (USC) 1232(g)
SUBJECT: STUDENT PRIVACY, PARENTAL ACCESS TO INFORMATION, AND ADMINISTRATION OF CERTAIN PHYSICAL EXAMINATIONS TO MINORS

The Protection of Pupil Rights Amendment (PPRA) governs the administration to students of a survey, analysis, or evaluation that concerns one or more of the following eight protected areas:

a. Political affiliations or beliefs of the student or the student’s parent/guardian/person in parental relation;
b. Mental or psychological problems of the student or the student’s family;
c. Sexual behavior or attitudes;
d. Illegal, anti-social, self-incriminating, or demeaning behavior;
e. Critical appraisals of other individuals with whom respondents have close family relationships;
f. Legally recognized privileged or analogous relationships, such as those of lawyers, physicians, and ministers;
g. Religious practices, affiliations, or beliefs of the student or student’s parent/guardian/person in parental relation;
h. Income (other than that required by law to determine eligibility for participation in a program or for receiving financial assistance under such program).

PPRA also concerns marketing surveys and other areas of student privacy, parental access to information, and the administration of certain physical examinations to minors.

General Provisions

The requirements of PPRA do not apply to a survey administered to a student in accordance with the Individuals with Disabilities Education Act (IDEA). Further, PPRA does not supersede any of the requirements of FERPA.

The rights provided to parents/guardians/persons in parental relations under PPRA transfer from the parent/guardian/person in parental relation to the student when the student turns 18 years old or is an emancipated minor under applicable State law.

The BOCES may use funds provided under Part A of Title V of the Elementary and Secondary Education Act of 1965 to enhance parental/guardian/person in parental relation involvement in areas affecting the in-school privacy of students.


The BOCES shall provide for reasonable notice of the adoption or continued use of this policy directly to the parents/guardians/persons in parental relation of students enrolled in the BOCES. The BOCES shall provide such notice annually, at the beginning of the school year, and within a reasonable period of time after any substantive change in this policy.

(Continued)
SUBJECT: STUDENT PRIVACY, PARENTAL ACCESS TO INFORMATION, AND ADMINISTRATION OF CERTAIN PHYSICAL EXAMINATIONS TO MINORS (Cont'd.)

Further, in the notification, the BOCES shall offer an opportunity for parents/guardians/persons in parental relation to opt their child out of participation in the following activities:

a. The administration of any survey containing one or more of the eight protected areas.

   1. U.S. Department of Education-Funded Surveys: Prior written consent from parents/guardians/persons in parental relation must be obtained before students are required to submit to the survey.

   2. Surveys funded by sources other than U.S. Department of Education: Notification may indicate the specific or approximate dates during the school year when surveys will be administered and provide an opportunity for the parent to opt his/her child out of participating upon receipt of the notification.

b. Any non-emergency, invasive physical examination or screening that is required as a condition of attendance; administered by the school and scheduled by the school in advance; and not necessary to protect the immediate health and safety of the student, or of other students. The term “invasive physical examination” means any medical examination that involves the exposure of private body parts, or any act during such examination that includes incision, insertion, or injection into the body, but does not include a hearing, vision or scoliosis screening.

Specific Notification

In the event that the BOCES does not identify the specific or approximate dates of the activities or surveys to be administered in the general annual notification, it shall “directly” notify, such as through U.S. Mail or e-mail, the parents/guardians/persons in parental relation of students who are scheduled to participate in the specific activities or surveys prior to participation and provide an opportunity for the parent/guardian/person in parental relation to opt his/her child out of participation.

U.S. Department of Education-Funded Surveys

In compliance with the Protection of Pupil Rights Amendment (PPRA), the BOCES is committed to protecting the rights and privacy interests of parents/guardians/persons in parental relation and students with regard to surveys funded in whole or part by any program administered by the U.S. Department of Education (DOE).

(Continued)
SUBJECT: STUDENT PRIVACY, PARENTAL ACCESS TO INFORMATION, AND ADMINISTRATION OF CERTAIN PHYSICAL EXAMINATIONS TO MINORS (Cont’d.)

The BOCES shall make instructional materials available for inspection by parents/guardians/persons in parental relation if those materials will be used in connection with a DOE-funded survey, analysis, or evaluation in which their children participate. In addition, the BOCES shall obtain prior written parental/guardian/person in parental relation consent before minor students are required to participate in any DOE-funded survey, analysis, or evaluation that reveals information concerning any of the eight protected areas.

Surveys Funded by Sources Other than U.S. Department of Education

Parents/guardians/persons in parental relation have the following rights related to surveys:

a. The right of the parent/guardian/person in parental relation to inspect, upon request, a survey created by a third party (i.e., by a party other than the DOE) before the survey is administered or distributed by the BOCES to a student. Requests by parents/guardians/persons in parental relation to inspect such surveys are to be submitted, in writing, to the Program Administrator at least ten (10) days prior to the administration or distribution of any survey. Further, the BOCES shall grant a request by the parent/guardian/person in parental relation for reasonable access to such survey within a reasonable period of time after the request is received by the BOCES.

b. Arrangements shall be provided by the BOCES to protect student privacy in the event of the administration or distribution of a survey to a student containing one or more of the eight protected areas, including the right of the parent/guardian/person in parental relation of the student to inspect, upon request, any survey containing one or more of the eight protected areas. Such requests must be submitted by the parent/guardian/person in parental relation, in writing, to the Building Principal at least 10 days prior to the administration or distribution of any survey.

Parental Access to Information

Parents/guardians/persons in parental relation shall be granted, upon request, reasonable access and the right to inspect instructional materials used as part of the educational curriculum for the student within a reasonable period of time defined by the BOCES, for the purposes of this policy, as 30 days after such request is received by the BOCES. Requests shall be submitted by parents/guardians/persons in parental relation in writing, to the Program Administrator. The term “instructional material” means instructional content that is provided to a student, regardless of its format, including printed or representational materials, audiovisual materials, and materials in electronic or digital formats (such as materials accessible through the Internet). The term does not include academic tests or academic assessments.

(Continued)
Physical Examination

This law does not apply to any physical examination or screening that is permitted or required by State law, including physical examinations or screenings that are permitted without parental notification.

In the implementation of this provision regarding the administration of physical examinations or screenings that the school may administer to the student, the BOCES incorporates by reference Board policies that address student health services, as applicable, including but not limited to policies regarding the administration of medication, immunization of students, and student physicals.

Prohibitions of Marketing or Selling Personal Information

Unless mandated/authorized in accordance with Federal or State law and/or regulation, it is policy of the Board to prohibit the collection, disclosure, or use of personal information (the term “personal information” is defined as individually identifiable information including a student’s or parent/guardian/person in parental relation’s first and last name; home address; telephone number; or Social Security number) collected from students for the purpose of marketing or for selling that information (or otherwise providing that information to others for that purpose), unless otherwise exempted pursuant to law as noted below.

This law is not intended to preempt applicable provisions of State law that require parent/guardian/person in parental relation notification.

These requirements do not apply to the collection, disclosure, or use of personal information collected from students for the exclusive purpose of developing, evaluating, or providing educational products or services for, or to, students or educational institutions, such as the following:

a. College or other postsecondary education recruitment, or military recruitment;

b. Book clubs, magazines, and programs providing access to low-cost literary products;

c. Curriculum and instructional materials used by elementary schools and secondary schools;

d. Tests and assignments used by elementary schools and secondary schools to provide cognitive, evaluative, diagnostic, clinical, aptitude, or achievement information about students (or to generate other statistically useful data for the purpose of securing such tests and assessments) and the subsequent analysis and public release of the aggregate data from such tests and assessments;

(Continued)
SUBJECT: STUDENT PRIVACY, PARENTAL ACCESS TO INFORMATION, AND ADMINISTRATION OF CERTAIN PHYSICAL EXAMINATIONS TO MINORS (Cont’d.)

e. The sale by students of products or services to raise funds for school-related or education-related activities;

f. Student recognition programs.

Family Educational Rights and Privacy Act of 1974, as amended by the No Child Left Behind Act of 2001
20 United States Code (USC) Sections 1232h(b) and 1232h(c)

Refer also to Policies 6322, 6410 and 6452

Adopted: 11/29/05
Revised: 1/22/08
SUBJECT: EMPLOYMENT OF STUDENTS OF MINOR AGE

A minor’s work hours shall be in accordance with all applicable federal and state laws and regulations as well as requirements established by the BOCES.

Pursuant to Education Law, minors may be employed when attendance upon instruction is not required, provided they obtain a valid employment certificate or permit (if applicable); and provided such employment is not prohibited by and/or in violation of the Labor Law or other law.

The employment certificate/permit may be revoked by the District Superintendent when it is in the best interest of the student.

Minors may not work during the hours they are required to attend school unless otherwise authorized pursuant to law and/or regulation.

However, students at least 14 years of age may be employed during the school lunch period in their school’s cafeteria if the minor presents a valid employment certificate issued in accordance with Education Law.

Students 16 and 17 years of age may work when school is in session until 10:00 p.m. on any day preceding a school day. However, students 16 and 17 years of age may work between 10:00 p.m. and midnight on any day preceding a school day provided the employer receives and maintains both the written consent of the student’s parent/guardian/person in parental relation and a certificate from the student’s school at the end of each marking period which asserts that the student is in satisfactory academic standing according to the standards established by the BOCES.

Students 16 and 17 years of age may work between 10:00 p.m. and midnight on any day preceding a non-school day provided the employer receives and maintains the written consent of the parent/guardian/person in parental relation.

Before issuing a certificate of satisfactory academic standing, the BOCES shall ensure that students and their parents/guardians/persons in parental relation are afforded all legal rights and protections, including the right of consent in complying with requests for disclosure of student records and information from such records under the federal Family Educational Rights and Privacy Act.

Fair Labor Standards Act of 1938 (FSLA), as Amended
29 United States Code (USC) Section 201 et seq.
29 Code of Federal Regulations (CFR) Parts 570-580
Family Educational Rights and Privacy Act of 1974 (FERPA)
20 United States Code (USC) Section 1232 (g)
Education Law Article 65
Labor Law Articles 4 and 4-A
Arts and Cultural Affairs Law Article 35
8 New York Code of Rules and Regulations (NYCRR) Sections 141.8 and 141.9 and Part 190

Adopted: 6/26/07
SUBJECT:  CENSORSHIP OF NON-SCHOOL STUDENT PUBLICATIONS

It is the purpose of this policy to promote the best interest and ensure the well-being of every student in the Putnam|Northern Westchester BOCES by preventing substantial disruption and/or material interference with school activities and with the general operation of the schools by forbidding publication and/or distribution of literature which contains libelous, obscene, profane statements, prejudicial statements, as well as statements which advocate breaking of state and federal laws as well as school regulations.

The Board, however, does recognize the right of its students to publish or distribute newspapers, magazines and other literature not sanctioned by BOCES. However, BOCES has no responsibility to assist students in the publication of such literature, nor does this Board assume any responsibility for any statements published therein.

The Board permits the distribution of such materials within its schools and on BOCES property only after it has been submitted for administrative review and approval. The Board directs the District Superintendent or his/her designee in keeping with the requirements of the law, to prepare administrative regulations which establish guidelines for students seeking approval for the distribution of non-school publications.

Adopted: 1/29/04
SUBJECT: STUDENT CLUBS SPONSORED THROUGH PUTNAM|NORTHERN WESTCHESTER BOCES

Student clubs to be sponsored through BOCES which relate to program activities and are not available through the local districts must be approved by the BOCES Board before being offered.

Adopted: 1/29/04
Revised: 1/22/08
SUBJECT: STUDENT FUNDS

The Putnam|Northern Westchester BOCES Board recognizes the value of student activity programs and is aware of the experience to be gained by student participants in the management of funds for their organization. The Board therefore, authorizes the use of a Student Activity Fund.

Student funds shall be deemed to include but not be limited to money collected from students for the purchase of supplies and materials, fees for organizations and social events. Such funds shall be handled in accordance with procedures set by the State Department of Audit and Control and the regulations set forth by the Board of Cooperative Educational Services. In all cases which involve student funds, an employee of the Board must be assigned the ultimate responsibility for control of the funds and must use appropriate accounting procedures for the safeguarding of the funds against loss, misuse, or misapplication.

Extraclassroom activities funds are those funds raised by other than taxation or through charges by the Board of Education for, by, or in the name of the school, student body, or any subdivision thereof. All extraclassroom activity funds shall be handled in accordance with the financial procedures illustrated by Finance Pamphlet No. 2 Revised 1970. The Safeguarding, the Accounting, and Auditing of Extraclassroom Activity Funds, published by the New York State Education Department. In all cases which involve student funds, the District Superintendent shall assign an employee of the Board of Cooperative Educational Services to the ultimate responsibility for control of the funds. The individual must use accounting procedures outlined by the Director of Business Affairs.

Adopted: 1/29/04
SUBJECT: CONSTITUTIONALLY PROTECTED PRAYER IN THE PUBLIC SCHOOLS

In accordance with the most recent Guidance Document issued by the U.S. Department of Education implementing the requirements of the No Child Left Behind Act of 2001, the BOCES Board affirms the responsibilities of the BOCES, consistent with applicable statutory/case law pertaining to the First Amendment of the United States Constitution, to allow students and staff to engage in constitutionally protected prayer within the BOCES schools.

Accordingly, no Board policy shall prevent, or otherwise deny participation in, constitutionally protected prayer at BOCES, consistent with the Guidance Document and applicable law as enumerated above.

Section 9524 of the Elementary and Secondary Education Act of 1965, as amended by the No Child Left Behind Act of 2001
United States Constitution, First Amendment
Equal Access Act,
20 United States Code (USC) Sections 4071-4074

Adopted: 1/29/04
Revised:
SUBJECT: DESIGNATION OF PERSON IN PARENTAL RELATION

In accordance with General Obligations Law Title 15-A, a parent of a minor or incapacitated person may designate another person as a person in parental relation to such minor or incapacitated person for certain health care and educational decisions for a period not exceeding six (6) months. However, such parental designation is conditioned upon there being no prior order of any court in any jurisdiction currently in effect that would prohibit the parent from himself/herself exercising the same or similar authority; and provided that, in the case where a court has ordered that both parents/guardians/persons in parental relation must agree on education or health decisions regarding the child, a designation pursuant to this law shall not be valid unless both parents/guardians/persons in parental relation have given their consent.

The designation of a person in parental relation must be in writing in the form prescribed by General Obligations Law Title 15-A, and shall include specified information as enumerated in law for designations of thirty (30) days or less, as well as additional information required for designations of more than thirty (30) days. The designation of a person in parental relation may be presented to any school that requires such designation by either the parent or designee. The designation may specify a period of time less than six (6) months for which such designation shall be valid unless earlier revoked by the parent in accordance with the law. However, a designation specifying a period of more than thirty (30) days shall be notarized.

If no time period is specified in the designation, it shall be valid until the earlier or revocation; or

a. The expiration of thirty (30) days from the date of signature if the designation does not meet the requirements for designation of more than thirty (30) days

b. Six (6) months from the date of commencement specified in the designation if the designation meets the requirements for designations of more than thirty (30) days

Scope of Designation

A designation made pursuant to this law may specify:

a. The treatment, diagnosis or activities for which consent is authorized;

b. Any treatment, diagnosis or activity for which consent is not authorized; or

c. Any other limitation on the duties and responsibilities conveyed by the designation.

Revocation of Designation

A parent may revoke a designation by notifying, either orally or in writing, the designee or a school to which the designation has been presented, or by any other act evidencing a specific intent to revoke the designation. A designation shall also be revoked upon the execution by the parent of a subsequent designation. Revocation by one parent authorized to execute such a designation shall be deemed effective and complete revocation of a designation pursuant to law.

A designee who receives notification from a parent of any such revocation shall immediately

(Continued)
SUBJECT: DESIGNATION OF PERSON IN PARENTAL RELATION (Cont’d.)

notify any school to which a designation has been presented. A parent may directly notify any such school of the revocation, in which case the failure of the designee to notify the school of such revocation shall not make revocation ineffective.

Effect of Designation

a. A designee shall possess all the powers and duties of a person in parental relation pursuant to Public Health Law Sections 2164 and 2504 and Education Law Sections 2 and 3212, unless otherwise specified in the designation.

b. A designation shall not impose upon a designee a duty to support pursuant to Family Court Act Section 413.

c. A designation shall not cause a change in the school district of residence of the child for purposes of the Education Law, and during the period of validity of the designation, the child shall be presumed to be a resident of the school district in which the parent resided at the time the designation was made.

d. A designation shall terminate and be revoked upon the death or incapacity of the parent who signed the designation.

e. The decision of a designee shall be superseded by a contravening decision of a parent.

A person who acts based upon the consent of a designee reasonably and in the good faith belief that the parent has in fact authorized the designee to provide such consent may not be deemed to have acted negligently, unreasonably or improperly in accepting the designation and acting upon such consent. However, any such person may be deemed to have acted negligently, unreasonably or improperly if he/she has knowledge of facts indicating that the designation was never given, or did not extend to an act or acts in question, or was revoked.

No provision of Title 15-A of the General Obligations Law shall be constructed to require designation of a person in parental relation as provided within the statute where such designation is not otherwise required by law, rule or regulation.

General Obligations Law Title 15-A
Education Law Sections 2 and 3212
Public Health Law Sections 2164 and 2504
Family Court Act Sections 413
Mental Hygiene Law Section 80.03

Adopted: 1/22/08
SUBJECT:  SUPERVISION OF STUDENTS

Students working on any activity must be supervised by the teacher or staff member in charge of the activity. This applies to all in school and extracurricular activities. Permission to hold activities or meetings must not be granted unless a teacher or staff member is in charge.

a) BOCES personnel will be fully responsible for the supervision of all students in either their class or their after school activities.

b) Teachers and/or assigned school personnel in the elementary grades will be responsible for the playground supervision of all the children under their jurisdiction during the recess periods and before the regular afternoon sessions. The program administrator will distribute the responsibility so that the playground situation will be properly controlled.

c) Students are not to be sent on any type of errand away from the building.

d) All teachers and staff working directly with students who have a history of wandering or elopement (i.e., the act of a student who leaves or runs away from the premises without permission or notification, often referring to students who have autism spectrum disorder or diminished cognitive impairment) will be made aware of these concerns and of any existing behavioral intervention plan formulated to prevent or respond to instances of wandering or elopement.

Adopted:  1/13/15
Revised:  1/17/17
INSTRUCTION

(Section 7000)

INSTRUCTION

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SUBJECT: SAFETY CONDITIONS AND PROGRAMS

The practice of safety will be considered an integral part of the instructional program through fire prevention and emergency procedures and drills.

Each program administrator will be responsible for the supervision of a safety program for his/her school.

The safety program may include, but not be limited to, in-service training, plant inspection, fire prevention, accident recordkeeping, and emergency procedures and drills.

It shall be the duty of the Board to provide inspections and supervision of the health and safety aspects of the BOCES facilities.

Safety devices such as protective goggles are to be provided by the BOCES for the protection of employees, students and visitors, and worn in the Career and Technical Education classes and labs when activities present a potential hazard. The District Superintendent or his/her designee will insure that these devices are properly repaired, cleaned and stored to prevent the spread of germs or diseases after individuals use them.

Each classroom teacher is responsible for the safe and proper use of all instructional materials and equipment by students in his/her classroom. Any employee who is aware of a hazardous or unsafe condition must report it promptly to his/her supervisor.

Education Law Sections 409, 409-a, 807-a, and 906
8 New York Code of Rules and Regulations
(NYCRR) Part 136 and Section 141.10

Adopted: 1/29/04
Revised: 1/22/08
Revised:
SUBJECT: FIRE DRILLS, BOMB THREATS AND SAFETY

Fire Drills

The administration of each school building shall instruct and train students, through fire drills, in procedures for leaving the building in the shortest possible time and without confusion or panic.

Fire drills shall be held at least twelve (12) times in each school year; eight (8) of these shall be held between September 1 and December 1. At least one (1) of the twelve (12) drills shall be held during each of the regular lunch periods, or shall include special instruction on the procedures to be followed if a fire occurs during a student's lunch period.

At least two (2) additional drills shall be held during summer school in buildings where summer school is conducted and one of these drills shall be held during the first week of summer school.

After-School Programs

The building principal or his/her designee shall require those in charge of after-school programs, attended by any individuals unfamiliar with the school building, to announce at the beginning of such programs the procedures to be followed in the event of an emergency.

Bomb Threats

School Bomb Threats

A bomb threat, even if later determined to be a hoax, is a criminal action. No bomb threat should be treated as a hoax when it is first received. The school has an obligation and responsibility to ensure the safety and protection of the students and other occupants upon the receipt of any bomb threat. This obligation must take precedence over a search for a suspect object. Prudent action is dependent upon known information about the bomb threat - location, if any, time of detonation, etc. If the bomb threat is targeted at the school parking lot or the front of the school, building evacuation may not be an appropriate response. If the bomb threat indicates that a bomb is in the school, then building evacuation is necessary unless the building has been previously inspected and secured in accordance with State Education Department Guidelines and as incorporated in the School Emergency Response Plan and administrative regulations.

The decision to evacuate a building or to take shelter is dependent upon information about where the bomb is placed and how much time there is to reach a place of safety. Prudent action dictates that students and other occupants be moved from a place of danger to a place of safety. Routes of egress and evacuation or sheltering areas must be thoroughly searched for suspicious objects before ordering an evacuation. Failure to properly search evacuation routes before an evacuation takes place can expose students and staff to more danger than remaining in place until the search has taken place. Assistance is available from local police agencies and the New York State Police to train staff to check evacuation routes.

(Continued)
SUBJECT: FIRE DRILLS, BOMB THREATS AND SAFETY (Cont’d.)

Police Notification and Investigation

A bomb threat to a school is a criminal act, which is within the domain and responsibility of law enforcement officials. Appropriate state, county, and/or local law enforcement agencies must be notified of any bomb threat as soon as possible after the receipt of the threat. Law enforcement officials will contact, as the situation requires, fire and/or county emergency coordinators according to the county emergency plan.

Therefore, the building administrator or designee is to notify local law enforcement officials and follow established procedures to move all occupants out of harm’s way.

Implementation

The Board directs the District Superintendent or his/her designee to develop administrative regulations to implement the terms of this policy. Additionally, such regulations are to be incorporated in the School Emergency Response Plan.

Education Law Section 807 and 3623
Penal Law Sections 240.55, 240.60 and 240.61
8 New York Code of Rules and Regulations (NYCRR) Sections 155.13 and 1563(h)(2)

Adopted: 1/29/04
Revised: 1/22/08
Revised: 4/13/10
Revised: 1/17/17
SUBJECT: DISASTER PLANNING AND CIVIL PREPAREDNESS

BOCES shall maintain updated plans and operating procedures to be followed in the event of natural or manmade disasters or enemy (terrorist) attack. Students and staff shall be provided instruction to respond effectively in emergency situations.

New York State Office of Disaster Preparedness

Adopted: 1/29/04
Revised: 1/17/17
SUBJECT: PREVENTION INSTRUCTION

Acquired Immune Deficiency Syndrome (AIDS) Instruction in Health Education

The BOCES will provide a health education program that will include appropriate instruction for all students concerning Acquired Immune Deficiency Syndrome (AIDS). Accurate information concerning the nature of the disease, methods of transmission, and means of prevention will be provided in an age-appropriate manner and will be consistent with community values and will stress that abstinence is the most appropriate and effective premarital protection against AIDS.

A representative community advisory group consisting of appropriate school personnel (Board members, parents, religious representatives, and other community members) will be established in order to make recommendations for curriculum content, implementation, and evaluation of an AIDS instructional program. Appropriate training will be provided for instructional staff.

No student will be required to receive instruction concerning the methods of prevention of AIDS if the parent or legal guardian has filed with the Principal a written request that the student not participate in such instruction, with an assurance that the student will receive this instruction at home.

AIDS instruction in the elementary grades will be taught by the regular classroom teachers, while such instruction in the middle and high school grades will be a part of the required health education curriculum.

Hands-Only Cardio Pulmonary Resuscitation and Automated External Defibrillator Instruction

High school students will be provided instruction in hands-only cardiopulmonary resuscitation and the use of an automated external defibrillator. Standards for such instruction will be based on a nationally recognized instructional program that utilizes the most current guidelines for cardiopulmonary resuscitation and emergency cardiovascular care issued by the American Heart Association or a substantially equivalent organization and be consistent with the requirements of the program adopted by the American Heart Association or the American Red Cross, and will incorporate instruction designed to:

a) Recognize the signs of a possible cardiac arrest and to call 911;

b) Provide an opportunity to demonstrate the psychomotor skills necessary to perform hands-only compression cardiopulmonary resuscitation; and

c) Provide awareness in the use of an automated external defibrillator

Substance Abuse-Prevention Instruction

The BOCES recognizes the need to educate students on the hazards of alcohol, tobacco and/or drug abuse. An educationally sequential health prevention program, utilizing appropriate community, staff and student input, will be developed to inform students of:

a) Causes for substance abuse;

b) Physical and psychological damage associated with substance abuse;

c) Avoidance of alcohol, tobacco and drugs.

d) Dangers of driving while under the influence of alcohol or drugs.

(Continued)
SUBJECT: PREVENTION INSTRUCTION (Cont’d.)

Environmental Conservation Instruction

The BOCES supports and encourages the development of a BOCES-wide, articulated curriculum of environmental conservation integrated into other program disciplines.

Fire and Arson Prevention/Injury Prevention/Life Safety Education

The Board of Education directs the administration to provide instruction in fire and arson prevention, injury prevention and life safety education relating to protection against injury or death and property loss or damage as a result of criminally initiated or other preventable fire.

Such instruction will include materials to educate children on the dangers of falsely reporting a criminal incident, an impending explosion or fire emergency involving danger to life or property, an impending catastrophe, or a life safety emergency.

The BOCES directs the administration to provide such instruction for all students for a period of not less than forty-five (45) minutes in each month that school is in session.

Student Safety

Instruction in courses in technology education, science, home and career skills, health and safety, physical education, and art will include and emphasize safety and accident prevention.

Safety instruction will precede the use of materials and equipment by students in applicable units of work in the courses listed above, and instructors will teach and enforce all safety procedures relating to the particular courses. These will include the wearing of protective eye devices in appropriate activities.

Emergency Planning

The BOCES will maintain updated plans and operating procedures to be followed in the event of natural or manmade disasters or enemy attack. Students will be provided instruction to respond effectively in emergency situations.

Instruction on Prevention of Child Abductions

All students in grades K through 8 will receive instruction designed to prevent the abduction of children. Such instruction will be provided by or under the direct supervision of regular classroom teachers and the BOCES will provide appropriate training and curriculum materials for the regular classroom teachers who provide such instruction. However, at the Board’s discretion, such instruction may be provided by any other public or private agency.

(Continued)
SUBJECT: PREVENTION INSTRUCTION (Cont’d.)

The Commissioner of Education will provide technical assistance to assist in the development of curricula for such courses of study which must be age appropriate and developed according to the needs and abilities of students at successive grade levels in order to provide awareness skills, information, self-confidence, and support to aid in the prevention of child abduction.

For purposes of developing such courses of study, the BOCES may establish local advisory councils or utilize the school-based shared decision making and planning committee established pursuant to the Regulations of the Commissioner to make recommendations concerning the content and implementation of such courses. Alternatively, the BOCES may utilize courses of instruction developed by consortia of school districts, boards of cooperative educational services, other school districts, or any other public or private agency. Such advisory council will consist of, but not be limited to, parents, school trustees and Board members, appropriate school personnel, business and community representatives, and law enforcement personnel having experience in the prevention of child abduction.

Instruction on Child Development and Parenting Skills

Instruction regarding child development and parenting skills may be offered by the BOCES. The curriculum will include instruction on the consequences and prevention of shaken baby syndrome, which may include the viewing of a video presentation for students in secondary schools.

AIDS Instruction: 8 NYCRR §§ 135.3(b)(2) and 135.3(c)(2)
Cardiopulmonary Resuscitation and Automated External Defibrillators Education Law § 804-d, 8 NYCRR § 100.2c(11)
Civil Preparedness:
New York State Office of Disaster Preparedness
Fire and Arson/Injury Prevention /Life Safety
Education Law § 808
8 NYCRR § 100.2(c)(5)
Prevention of Child Abduction: Education Law § 803-a
Student Safety: Education Law § 808, 8 NYCRR §§ 107 and 155
Substance Abuse: Education Law § 804
8 NYCRR § 135.3(a)
Instruction on Child Development and Parenting Skills
Education Law §804

Adopted: 1/29/04
Revised: 4/13/10
Revised: 6/17/13
Revised: 1/17/17
SUBJECT: BOCES SAFETY/EMERGENCY RESPONSE

To be prepared for an emergency or crisis in the BOCES and to insure a prompt, thoughtful response, the District Superintendent will prepare guidelines for the development of a BOCES Safety Plan. The plan shall make provision for:

a) Shelter,
b) Evacuation,
c) Early dismissal,
d) Annual written notification to students and staff,
e) An annual drill, and
f) Coordination with local emergency preparedness coordinators.

A Central Safety/Emergency Response Team will be established to create and supervise the plan.

The BOCES Safety Plan will be posted on the BOCES website and will be available in every program.

8 New York Code of Rules and Regulations
(NYCRR) Section 155.13

Adopted: 1/29/04
Revised: 1/22/08
Revised: 6/17/13
SUBJECT: USE OF FIREARMS

The BOCES may provide education in the safe use and handling of firearms as part of an approved Career and Technical curriculum.

Nothing in this policy shall be construed to allow for instruction in marksmanship or other activity that requires the discharge of a projectile from the firearm or gun.

Adopted: 1/29/04
Revised: 6/17/13
SUBJECT: STUDENTS WITH DISABILITIES

Program Accessibility

The Board affirms its compliance with those sections of the Rehabilitation Act of 1973 dealing with program accessibility.

Section 504 of the Rehabilitation Act prohibits discrimination against qualified individuals with disabilities in federally assisted programs or activities solely on the basis of disability. The BOCES shall make its programs and facilities accessible to all its students with disabilities.

The BOCES official responsible for coordination of activities relating to compliance with Section 504 is the BOCES Director of Human Resources and Professional Development. He/she shall provide information, including complaint procedures, to any person who feels his/her rights under Section 504 have been violated by the BOCES or its officials.

All students with disabilities shall be provided with full access and opportunity to participate in BOCES programs and extracurricular activities which are available to all other students enrolled in the Putnam|Northern Westchester BOCES. Parents/persons in parental relation of students with disabilities shall receive timely notice of such programs and activities.

(Refer also to Policy #1440 -- Non-Discrimination.)

Grouping By Similarity of Needs

The Board will provide appropriate special education and related services to students with disabilities. For those students for whom an appropriate education requires that they be placed together for purposes of special education, the following guidelines shall apply:

a) That each student with a disability shall be identified, evaluated and placed as determined by the Committee on Special Education (CSE) of the home school district.

b) The Committee shall determine written goals and corresponding short-term instructional objectives for each student with a disability by considering the special and individual needs of each student with a disability.

c) The CSE shall provide information to those teachers and professionals who arrange instructional groups for students with disabilities. Information shall include physical, psychological, social information, test results, and such other information that will allow BOCES to provide the services identified in the IEP. Each teacher or service provider who has a student with a disability is required to become familiar with the student’s IEP.

d) The curriculum and instruction provided to students with disabilities who are grouped by similarity of needs shall be consistent with the individual needs of each student in the group.
e) Students with disabilities may be grouped according to (1) academic or educational achievement and learning characteristics; (2) social needs; (3) physical development; and (4) management needs.

f) When grouping students by similarity of needs, the social needs or physical development of a student shall not be the sole determinant for placement of a student in a special education program.

g) A student's range of needs should be limited to the extent that one student's needs do not infringe on another student's ability to learn.

20 United States Code (USC) Sections 1400-1485, Individuals with Disabilities Education Act (IDEA) Education Law Sections 4401-4407 8 New York Code of Rules and Regulations (NYCRR) Sections 100.5, 100.9, 200.2(b)(1) and (b)(3), 200.2(c)(2)(v), and 200.6(a)(1) and (a)(3)

Adopted: 1/29/04
Revised: 1/22/08
Revised: 6/17/13
Revised: 1/17/17
SUBJECT: ACCESS TO CAREER AND TECHNICAL EDUCATION

Equal Opportunity

The Putnam|Northern Westchester Board of Cooperative Educational Services prohibits discrimination on the basis age, race, creed, color, national origin, political affiliation, sex, sexual orientation, military status, veteran status, disability, predisposing genetic characteristics, marital status, use of guide, hearing or service dog, or domestic violence violation status in any occupational program or activity of this BOCES.

The career program and/or activities shall be readily accessible to students with disabilities.

Public Notification

Prior to the beginning of each school year the Putnam|Northern Westchester BOCES shall issue an appropriate public announcement which advises students, parents/guardians/persons in parental relation, employees and the general public that career education opportunities will be offered without regard to age, race, creed, color, national origin, political affiliation, sex, sexual orientation, military status, veteran status, disability, predisposing genetic characteristics, marital status, use of guide, hearing or service dog, or domestic violence violation status. Included in such announcement will be the name, address, and telephone number of the people designated to coordinate Title IX/Section 504/ADA activities.

Grievance Procedure

Grievance procedures for resolving complaints regarding discrimination based on sex and/or disability shall be disseminated to adequately inform students, parents/guardians/persons in parental relation and employees of the existence of these procedures.

Adult Students in Career Education Classes

It is the policy of the Putnam|Northern Westchester Board of Cooperative Educational Services to accept adult students only when such enrollment does not exclude regular, daytime high school students.

The tuition amount charged adults will be adjusted from time to time by appropriate Board action, but must be at least one half of the high school tuition.

Education Law Article 93
Education Law Section 3202(1)
8 New York Code of Rules and Regulations (NYCRR) Sections 100.2(h) and 141 et seq.

Refer also to Policy 1440

Adopted: 1/29/04
Revised: 1/22/08
Revised: 4/13/10
SUBJECT: EVALUATION OF INSTRUCTIONAL PROGRAMS AND SERVICES

Evaluation may be concerned with the extent to which:

a) Each staff member performs at full potential;

b) Each student attending BOCES programs achieves in accordance with his/her ability;

c) The total learning environment, including institutional processes, physical facilities, and the student’s commitment, contributes to the accomplishment of the goals of the BOCES.

The Board expects staff members to maintain a continual program of evaluation at every level to determine the extent of progress toward the BOCES objectives. The Board will periodically request the District Superintendent to present factual information which it considers necessary to evaluate the effectiveness of the BOCES instructional program.

8 New York Code of Rules and Regulations (NYCRR) Section 100.2(m)

Refer to Regulation 3012-c

Adopted: 1/29/04
Revised: 6/17/13
Revised: 1/17/17
SUBJECT: INSTRUCTIONAL TECHNOLOGY

The Board recognizes its responsibility to further the BOCES' educational goals through the use of appropriate and high quality technological materials and equipment.

Continuing advances in technology are bringing about changes that have an increasing impact on the way we obtain, process, evaluate, and use information. Therefore, the BOCES is committed to:

a) A comprehensive staff development program to ensure appropriate and effective use of technology.

b) The preparation of students to utilize multiple types of technology.

c) The integration of technology within and across all curriculum areas.

d) The equitable distribution and access to technological equipment and materials for all students.

e) The provision of sufficient funds, within the budgetary constraints of the Board, for the implementation of technology instruction.

The Board directs the District Superintendent or his/her designee to assess the technological needs of the BOCES' instructional program, research and review current materials and make recommendations to the Board.

Adopted: 1/29/04
Revised: 1/17/17
SUBJECT:  EQUAL EDUCATION OPPORTUNITIES

It is the policy of this BOCES that each student attending its programs shall have equal educational opportunities and will not be excluded or prevented from participating in or having admittance to the educational courses, programs or activities, school services, and extracurricular events on the basis of age, race, creed, color, national origin, political affiliation, sex, sexual orientation, gender (identity or expression), military status, veteran status, disability, predisposing genetic characteristics, marital status, use of guide, hearing or service dog, or domestic violence violation status.

The District Superintendent shall establish grievance procedures that provide for the prompt and equitable resolution of complaints pertaining to discrimination on the basis of age, race, creed, color, national origin, political affiliation, sex, sexual orientation, gender (identity or expression), military status, veteran status, disability, predisposing genetic characteristics, marital status, use of guide, hearing or service dog, or domestic violence violation status.

Title VII of the Civil Rights Act of 1964, 42 United States Code (USC) Section 2000-e, et seq. – Prohibits discrimination on the basis of race, color, religion, sex or national origin.

Title VI of the Civil Rights Act of 1964, 42 United States Code (USC) Section 2000-d, et seq. – Prohibits discrimination on the basis of race, color or national origin.

Section 504 of the Rehabilitation Act of 1973, 29 United States Code (USC) Section 794 et seq.

The Americans With Disabilities Act, 42 United States Code (USC) Section 12101 et seq. – Prohibits discrimination on the basis of disability.

Title IX of the Education Amendments of 1972, 20 United States Code (USC) Section 1681 et seq. – Prohibits discrimination on the basis of sex.

New York State Executive Law Section 290 et seq. - Prohibits discrimination on the basis of age, race, creed, color, national origin, sex, sexual orientation, disability, marital status, military status, or use of recognized guide dog, hearing dog or service dog.

Age Discrimination in Employment Act, 29 United States Code Section 621.

Adopted: 1/29/04
Revised: 1/22/08
Revised: 5/20/08
Revised: 4/13/10
Revised: 1/17/17
SUBJECT:  CIVILITY, CITIZENSHIP AND CHARACTER EDUCATION/INTERPERSONAL VIOLENCE PREVENTION EDUCATION

Civility, Citizenship and Character Education

The BOCES Board recognizes that teaching students respect, civility and understanding toward others, as well as the practice and reinforcement of appropriate behavior and values of our society, is an important function of the BOCES.

The BOCES wishes to foster an environment where students exhibit behavior that promotes positive educational practices, allows students to grow socially and academically, and encourages healthy dialogue in respectful ways. By presenting teachers and staff as positive role models, the BOCES stresses positive communication and discourages disrespectful treatment. This policy is not intended to deprive and/or restrict any student of his/her right to freedom of expression but, rather, seeks to maintain, to the extent possible and reasonable, a safe, harassment free and educationally conducive environment for students and staff.

Furthermore, the BOCES shall ensure that the course of instruction in grades K through 12 includes a component on civility, citizenship and character education in accordance with Education Law, with an emphasis on discouraging acts of harassment, bullying and/or discrimination. Character education is the deliberate effort to help students understand, care about, and act upon core ethical values.

Character education shall instruct students on the principles of:
   a) Honesty;
   b) Tolerance;
   c) Personal responsibility;
   d) Respect for others;
   e) Awareness and sensitivity to discrimination and/or harassment as defined in the Dignity for All Students Act;
   f) Civility in relation to people of different races, weights, national origins, ethnic groups, religions, religious practices, physical or mental abilities, sexual orientations, genders or sexes;
   g) Observance of laws and rules;
   h) Courtesy
   i) Dignity, and other traits which will enhance the quality of students’ experiences in, and contributions to, the community; and
   j) Safe and responsible use of the Internet and electronic communications.

(Continued)
SUBJECT: CIVILITY, CITIZENSHIP AND CHARACTER EDUCATION/ INTERPERSONAL VIOLENCE PREVENTION EDUCATION (Cont’d.)

As determined by the Board of Regents, and as further enumerated in Commissioner’s Regulations, the components of character education shall be incorporated in existing BOCES curricula as applicable.

The BOCES encourages the involvement of staff, students, parents and community members in the implementation and reinforcement of character education in the BOCES.

Interpersonal Violence Prevention Education

The BOCES will utilize the interpersonal violence prevention education package provided by the State Education Department. These materials will be incorporated as part of the health or other related curricula or programs for students in grades K through 12.

Education Law Sections 801 and 801-a
Education Law Sections 801-a, 804(4)
8 NYCRR 100.2(2)(c)(2)

Adopted: 4/8/14
Revised: 1/17/17
SUBJECT: INSTRUCTION IN CERTAIN SUBJECTS

Driver Education

A driver education course may be offered under the conditions set forth by the New York State Education Department and Commissioner’s regulations.

Gifted and Talented Students

The BOCES will provide appropriate educational programs for students identified as gifted and talented.

Physical Education Class

All students, except those with medical excuses, will participate in physical education in accordance with the Commissioner’s regulations, which require that all students attend and participate in physical education as follows:

a) All students in grades K through 3 will participate in a daily program for a minimum of 120 minutes per week. All students in grades 4 through 6 will participate in a program for three times per week for a minimum of 120 minutes per week. The minimum time devoted to these programs (K through 6) will be at least 120 minutes in each calendar week, exclusive of any time that may be required for dressing and showering.

b) Students in grades 5 through 6 that are in a middle school shall participate in the physical education program a minimum of three periods per calendar week during one semester of each school year and two periods during the other semester, or a comparable time each semester if the school is organized in other patterns.

c) All secondary students (in grades 7 through 12) will have the opportunity for regular physical education, but not less than three times per week in one semester and two times per week in the other semester. For students in grades 10 through 12 only, a comparable time each semester will be provided if the school is organized in other patterns of if students have demonstrated acceptable levels of physical fitness, physical skills, and knowledge of physical education activities in extra class programs or out-of-school activities approved by the physical education staff and the administration.

d) For grades K through 12, a district may provide an equivalent program as approved by the Commissioner of Education.

An excuse from physical education class may be accepted from a licensed physician for medical reasons or a licensed chiropractor for conditions of the spine.
SUBJECT: INSTUCTION IN CERTAIN SUBJECTS (Cont’d.)

Any student whose condition precludes participation in a regular program will be provided with adaptive physical education approved by the Commissioner of Education.

Health and Mental Health Education

The BOCES’ health education program recognizes the multiple dimensions of health by including instruction related to:

a) Mental health;
   b) The relation of physical and mental health;
   c) Alcohol, tobacco, and other drugs; and
   d) The prevention and detection of certain cancers.

By including such instruction, the BOCES will enhance student understanding, attitudes, and behaviors that promote health, well-being, and human dignity.

Health Education programs provided by the BOCES will be designed according to the needs and abilities of the students at successive grade levels in accordance with applicable laws and regulations.

Education Law §§ 803, 804, 806-a and 3204
Education Law Article 90
8 NYCRR §§ 107.2, 135.4, and 142

Adopted: 12/11/18
SUBJECT: CONTROVERSIAL ISSUES

Controversial issues may be studied as part of the curriculum and teachers shall present these issues in their classrooms in an impartial and objective manner.

Teachers wishing to call upon outside speakers in the presentation of controversial issues are required to obtain the approval of the principal or equivalent administrator who shall keep in mind the option for presenting opposing views as well, and who shall inform the District Superintendent prior to the presentation.

Teachers wishing to use materials such as videos, websites or other resources that could be deemed questionable or inappropriate are required to obtain the approval of the principal or equivalent administrator.

It is also recognized that parents/guardians/persons in parental relation and citizens of the community have a right to object to perceived unfair and prejudiced presentations made by a teacher. In considering such objections, the District Superintendent shall provide for a hearing so that both parties may fairly express their views. If requested, the District Superintendent's decision may be appealed to the Board.

Adopted: 1/29/04
Revised: 1/22/08
Revised: 4/13/10
Revised: 6/17/13
SUBJECT: USE OF COPYRIGHTED MATERIALS

It is the intent of the Putnam|Northern Westchester Board of Cooperative Educational Services to abide by the provisions of the United States Copyright Law (Title 17, United States Code, Sections 101, et seq.).

All employees and students are prohibited from copying materials not specifically allowed by the copyright law, fair use guidelines, licenses or contractual agreements, or the permission of the copyright proprietor.

Any employee or student who willfully disregards the copyright policy shall be in violation of Federal Copyright Laws and Board policy and shall assume all liability.

A copyright officer may be appointed by the District Superintendent to provide information for all personnel regarding current copyright law and to maintain copyright records.

Regulations and procedures shall be developed by the District Superintendent detailing what can and cannot be copied. Appropriate copyright notices will be placed on or near all equipment used for duplication.

Title 17, United States Code Sections 101 et seq.

Adopted: 1/29/04
Revised: 4/13/10
SUBJECT:  TEXTBOOKS/CALCULATORS/OTHER INSTRUCTIONAL MATERIALS

Textbooks and other instructional materials necessary to provide an appropriate educational program for students shall be provided by the BOCES. They shall be selected by appropriate instructional personnel and recommended to the District Superintendent or his/her designee for approval. Alternative materials may be considered for students whose parents/guardians/persons in parental relation find instructional materials objectionable.

Students may be charged for textbooks or supplemental books that have been lost, destroyed, damaged or defaced.

Calculators

The BOCES can require students to provide their own “supplies” (defined as something which is consumed in use, loses its appearance and shape in use, expendable, and inexpensive). Examples include pencils, pens, paper, etc. Calculators do not fall into this category.

The New York State Education Department requires the use of calculators for intermediate and high school level mathematics and science assessments. To the extent that calculators are a necessary part of the educational program, the BOCES must provide them. Under no circumstances should students be charged for a calculator or otherwise required to purchase one in order to participate in an educational program of the BOCES

Education Law Section 701 et seq.
Education Law Article 15

Adopted:  1/29/04
Revised:   1/22/08
SUBJECT: OBJECTION TO INSTRUCTIONAL MATERIALS

Any criticism of instructional materials that are in the BOCES programs shall be submitted in writing to the District Superintendent. The Board will be informed. A committee which includes the program administrator will be designated by the District Superintendent to investigate and judge the challenged material balancing community standards with academic freedom.

Adopted: 1/29/04
Revised: 6/17/13
SUBJECT: MISUSE/ABUSE OF SOFTWARE AND/OR ELECTRONIC COMMUNICATION SYSTEMS

Any employee in Putnam|Northern Westchester BOCES who is aware of any misuse or abuse of any software or electronic communication system owned or rented by Putnam|Northern Westchester BOCES shall notify his/her immediate supervisor. In the event that the supervisor is the one misusing or abusing, the notification should be to the next supervisory level.

Any student in Putnam|Northern Westchester BOCES who is aware of any misuse or abuse of any software or electronic communication system shall notify his/her teacher or building administrator.

Administrators who are aware of any abuse/misuse shall notify the District Superintendent or his/her designee and appropriate disciplinary action shall occur based on the circumstances and in accordance with all applicable laws, bargaining agreements, and BOCES policies and regulations.

This policy will be disseminated to all Putnam|Northern Westchester BOCES staff and students.

Adopted: 1/29/04
Revised: 4/13/10
Revised: 6/17/13
SUBJECT: RELIGIOUS EXPRESSION IN THE PUBLIC SCHOOLS

The Board acknowledges the importance of religion to the understanding of society and the richness of the human experience. In approaching the teaching about religion in the school, the BOCES will be guided by three concepts when making decisions about the appropriateness of activities for inclusion in the school program: the activity should have a secular purpose; the activity should neither advance nor inhibit religion; and the activity must not foster an excessive entanglement of “government” with religion.

Nurturing the development of knowledge and respect for the rights of all cultural and religious groups is a continuing goal of the BOCES. Students, faculty and administration are reminded of the pluralism of religious beliefs and are urged to be conscious of and respect the sensitivity of others.

Opportunities to learn about cultural and religious traditions should be provided within the framework of the curriculum. Information about religious and cultural holidays and traditions focusing on how and when they are celebrated, their origins and histories should be part of this instruction. This educational opportunity should be handled with great care, sensitivity and respect for the feelings and beliefs of individuals.

An environment should be created and encouraged where students of various ethnic backgrounds feel comfortable in sharing comments about their religious and cultural traditions. No student should be singled out to share or participate in such discussions solely on the basis of that student’s identification with the cultural/religious heritage being addressed. A student’s preference not to share or participate in such discussions should be honored and respected without penalty.

School Activities Related to Religious Holidays or Themes

School activities related to the teaching about religious holidays or themes must be consistent with, representative of, and congruent with the curriculum.

In planning school activities related to the teaching about religious holidays or themes, special effort must be made to ensure that the activity is not devotional and that students of all faiths can join without feeling they are betraying their own beliefs.

In planning school activities related to the teaching about religious holidays or themes, age appropriate activities are encouraged within the framework of the curriculum. Teaching about religious and cultural holidays may include such special activities as parties and special foods, if they reinforce educational goals.

(Continued)
SUBJECT: RELIGIOUS EXPRESSION IN THE PUBLIC SCHOOLS (Cont’d.)

Symbols in the Schools

The purpose of using religious symbols should be to teach about religious concepts and traditions, and to convey historical or cultural content, not to promote or celebrate religious concepts, events or holidays.

Music in the Schools

The purpose of using religious music should be to teach musical concepts, to convey historical and cultural content, or to create aesthetic experiences in a setting which emphasizes artistic expression and educational value, not to promote or to celebrate a religious faith.

Calendar

Out of respect for a student’s observance of these holidays, teachers will be sensitive to the needs of the student by allowing them to make up all class work, homework, and tests without penalty. Parents/guardians/persons in parental relation are encouraged to notify the school prior to the absence in order to assist the staff in instructional planning and in meeting the needs of the student.

Curriculum Areas In Conflict With Religious Beliefs

Students shall be given the option to be excused from participating in those parts of an activity, program, or area of instruction involving a religious theme which conflicts with their own religious beliefs or that of their parents/guardians/persons in parental relation in accordance with applicable law and regulations. Alternatives may be provided that are of comparable instructional value.

Implementation

Administrative regulations will be developed to implement the terms of this policy. Further, the BOCES shall publicize and disseminate this policy and accompanying regulations in order to ensure community, faculty, student, and parental awareness.

United States Constitution, First Amendment
New York State Constitution, Article XI, Section 4
Equal Access Act, 20 United States Code (USC) Sections 4071- 4074
Education Law Sections 1709(1) and (3), 3204(5) and 3210
8 New York Code of Rules and Regulations (NYCRR) Sections 16.2 and 109.2

Adopted: 1/29/04
Revised: 1/22/08
SUBJECT: CHILDREN’S INTERNET PROTECTION ACT: INTERNET CONTENT FILTERING/SAFETY POLICY

In compliance with The Children's Internet Protection Act (CIPA) and Regulations of the Federal Communications Commission (FCC), the BOCES has adopted and will enforce this Internet safety policy that ensures the use of technology protection measures (i.e., filtering or blocking of access to certain material on the Internet) on all BOCES computers with Internet access. Such technology protection measures apply to Internet access by both adults and minors with regard to visual depictions that are obscene, child pornography, or, with respect to the use of computers by minors, considered harmful to such students. The BOCES will provide for the education of students regarding appropriate online behavior including interacting with other individuals on social networking Web sites and in chat rooms, regarding cyberbullying awareness and response. Further, appropriate monitoring of online activities of minors, as determined by the building/program supervisor, will also be enforced to ensure the safety of students when accessing the Internet.

Further, the Board's decision to utilize technology protection measures and other safety procedures for staff and students when accessing the Internet fosters the educational mission of the schools including the selection of appropriate teaching/instructional materials and activities to enhance the schools' programs and to help ensure the safety of personnel and students while online.

However, no filtering technology can guarantee that staff and students will be prevented from accessing all inappropriate locations. Proper safety procedures, as deemed appropriate by the applicable administrator/program supervisor, will be provided to ensure compliance with the CIPA.

In addition to the use of technology protection measures, the monitoring of online activities and access by minors to inappropriate matter on the Internet and World Wide Web may include, but shall not be limited to, the following guidelines:

a) Ensuring the presence of a teacher and/or other appropriate BOCES personnel when students are accessing the Internet using BOCES devices including, but not limited to, the supervision of minors when using electronic mail, chat rooms, instant messaging and other forms of direct electronic communications. As determined by the appropriate building administrator, the use of e-mail, chat rooms, as well as social networking Web sites, may be blocked as deemed necessary to ensure the safety of such students.

b) Monitoring logs of access in order to keep track of the web sites visited by students as a measure to restrict access to materials harmful to minors.

c) In compliance with this Internet Safety Policy as well as the BOCES’ Acceptable Use Policy, unauthorized access (including so-called “hacking”) and other unlawful activities by minors are prohibited by the BOCES; and student violations of such policies may result in disciplinary action; and

(Continued)
SUBJECT: CHILDREN’S INTERNET PROTECTION ACT: INTERNET CONTENT FILTERING/SAFETY POLICY (Cont’d.)

d) Appropriate supervision and notification to minors regarding the prohibition as to unauthorized disclosure, use and dissemination of personal identifying information regarding such students;

The determination of what is "inappropriate" for minors shall be determined by the BOCES and/or designated school official(s). It is acknowledged that the determination of such "inappropriate" material may vary depending upon the circumstances of the situation and the age of the students involved in online research.

The terms "minor," "child pornography," "harmful to minors," "obscene," "technology protection measure," "sexual act," and "sexual contact" will be as defined in accordance with CIPA and other applicable laws/regulations as may be appropriate and implemented pursuant to the BOCES educational mission.

Under certain specified circumstances, the blocking or filtering technology measure(s) may be disabled for adults engaged in bona fide research or other lawful purposes. The power to disable can only be exercised by an administrator, supervisor, or other person authorized by the BOCES.

The BOCES shall provide certification, pursuant to the requirements of CIPA, to document the BOCES adoption and enforcement of its Internet Safety Policy, including the operation and enforcement of technology protection measures (i.e., blocking/filtering of access to certain material on the Internet) for all BOCES computers with Internet access.

In accordance with New York State Education Law, the BOCES may provide, to students in grades K through 12, instruction designed to promote the proper and safe use of the Internet.

Under the Protecting Children in the 21st Century Act, students will also be educated on appropriate interactions with other individuals on social networking Web sites and in chat rooms, as well as cyberbullying awareness and response.

Access to Inappropriate Content/Material and Use of Personal Technology or Electronic Devices

Despite the existence of BOCES policy, regulations and guidelines, it is virtually impossible to completely prevent access to content or material that may be considered inappropriate for students. Students may have the ability to access such content or material from their home, other locations off school premises and/or with a student’s own personal technology or electronic device on school grounds or at school events.

The BOCES is not responsible for inappropriate content or material accessed via a student’s own personal technology or electronic device or via an unfiltered Internet connection received through a student’s own personal technology or electronic device.

(Continued)
SUBJECT: CHILDREN’S INTERNET PROTECTION ACT: INTERNET CONTENT FILTERING/SAFETY POLICY (Cont'd.)

Notification/Authorization

The BOCES’ Acceptable Use Policy and accompanying Regulations will be disseminated to parents/guardians/persons in parental relation and students in order to provide notice of the school’s requirements, expectations, and student’s obligations when accessing the Internet.

Student use of the BOCES’ computer system (BCS) is conditioned upon written agreement by all students and their parents/guardians/persons in parental relation that student use of the BCS will conform to the requirements of this policy and any regulations adopted to ensure acceptable use of the BCS. All such agreements shall be kept on file in the program offices.

The BOCES has provided reasonable public notice and has held at least one (1) public hearing or meeting to address the proposed Internet Safety/Internet Content Filtering Policy prior to Board adoption. Furthermore, appropriate actions will be taken to ensure the ready availability to the public of the BOCES Internet Content Filtering/Safety Policy, as well as any other BOCES policies relating to the use of technology. Additional public notice and a hearing or meeting is not necessary when amendments are made to the Internet Safety Policy in the future.

The BOCES Internet Safety/Internet Content Filtering Policy must be made available to the FCC upon request. Furthermore, appropriate actions will be taken to ensure the ready availability to the public of this policy as well as any other BOCES policies relating to the use of technology.

The Internet Safety/Internet Content Filtering Policy is required to be retained by the BOCES for at least five (5) years after the funding in which the policy was relied upon to obtain E-rate funding.

Refer also to Policy 6260

47 United States Code (USC)
Section 254(h) and (1)
47 Code of Federal Regulations (CFR) Part 54

Adopted: 1/29/04
Revised: 1/22/08
Revised: 4/25/12
Revised: 1/17/17
SUBJECT: FIELD TRIPS

The Board of Cooperative Educational Services, recognizing the inherent value of properly organized and conducted field trips to the educational process, endorses the use of these learning experiences to the degree which time and financial resources permit. Prior approval of the District Superintendent or designee shall be secured in advance of the intended date of the field trip.

Overnight field trips require approval at least two weeks in advance, thus allowing for sufficient time to communicate with parents/guardians/persons in parental relation, school officials and relevant contact organizations. Appropriate BOCES approved transportation shall be provided, as well as proper adult supervision, maintenance of health and safety conditions, and appropriate insurance coverage of student and adult participants.

Field trip parental permission slips must be completed and sent home with each participating student. A signed permission slip from the parent/guardian/person in parental relation must be received before the student may participate in the trip.

Transportation

Transportation may be provided for field trips that enhance or enrich the educational program. Arrangements shall be made in accordance with administrative procedures.

Adopted: 1/29/04
Revised: 1/22/08
SUBJECT: SCHOOL CALENDAR/SCHOOL DAY

School Calendar

The Board of Cooperative Educational Services shall adopt a school calendar annually upon the recommendation of the District Superintendent. Efforts shall be made to encourage the development and promotion of a common calendar for the school districts within this BOCES.

School Day

The official school day shall provide sufficient opportunity to implement the educational programs and services. The school day shall be flexible enough to accommodate the diverse and various needs of the students, staff(s) or district(s) being served.

Adopted: 1/29/04
SUBJECT: HOMEWORK

Homework is a significant supplemental learning experience for the individual student. Care must be taken that homework demands on the individual shall be reasonable and fulfill an educational purpose.
SUBJECT: WORLD WIDE WEB: BOCES WEBSITE

In order to support the vision and mission of the BOCES, the BOCES will create and maintain a website for the following purposes:

a) A gateway to BOCES and community resources and to educational websites.

b) A means for the community to access BOCES information.

c) A means of communicating to students, BOCES personnel, the community, and associated organizations.

d) A place to showcase innovative student and staff educational projects, presentations, and learning experiences.

e) A place to post Board related information on BoardDocs.

The BOCES website may not be used for any commercial promotional activity.

Adopted: 1/29/04
Revised: 1/22/08
Revised: 4/13/10
Revised: 6/17/13
Revised: 1/17/17
SUBJECT:  CLASS SIZE

It is recognized by the Board that the number of pupils to whom each teacher's attention must be given is an important factor in the effectiveness of any educational program.

Therefore, the maximum number of students that a teacher shall have in his/her regular BOCES class or classes shall be established by the District Superintendent or his/her designee.

The District Superintendent's decisions on class size shall be based on the regulations of the Commissioner of Education in the State of New York and on the judgment of the District Superintendent where there are no regulations.

Adopted:  1/29/04
Revised:  1/22/08
Revised:  4/13/10
Revised:  6/17/13
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