

The BOCES' Policy Manual, developed with Erie 1 BOCES Policy Services, does not provide legal advice. Applying Board policies to specific situations may require consulting with school administrators/school attorney, or other professionals to address the particular circumstances.

FOREWORD

Here are the policy statements formulated by the Board of Education (Board) of the St. Lawrence-Lewis BOCES (BOCES).

Policy is defined as a basic plan of action. It establishes limits within which freedom of judgment can be exercised. Policy is also a governing principle of management. It is a statement that 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, or from customary patterns of formal behavior.

Policy should accomplish the following:

- a) State a position taken by the BOCES;
- 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 BOCES 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or administrative enactment, all other parts will remain in full effect unless and until they are amended or repealed by the Board of Education. The official record of the adoption, amendment, or repeal of the bylaws and policies of the St. Lawrence-Lewis BOCES will be the minutes of the Board's meetings.

VISION

The St. Lawrence-Lewis BOCES is committed to providing students, families, schools, and communities with educational opportunities to prepare for successful futures in the evolving global economy.

MISSION

The St. Lawrence-Lewis BOCES mission is to provide quality, cost-effective programs and services characterized by leadership, innovation, creativity, and flexibility to:

- a) Prepare students to become contributing members of their communities;
- b) Initiate programs in response to emerging needs;
- c) Encourage the sharing of resources and expertise;
- d) Provide opportunities for professional growth;
- e) Include constituents in the decision-making process;
- f) Provide professional and technical assistance.

ST. LAWRENCE-LEWIS BOCES
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The following citations will be used in the Policy Manual:

Federal:

USC United States Code
CFR United States Code of Federal Regulations

State:

NYCRR New York Code of Rules and Regulations
8 NYCRR Regulations of the Commissioner of Education

St. Lawrence-Lewis BOCES **NUMBER**

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Bylaws

SUBJECT: BOCES AND BOARD OF EDUCATION LEGAL STATUS AND AUTHORITY

As a corporate body created under the Education Law of New York State, the St. Lawrence-Lewis 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 power and duties in matters of education.

In all cases where laws or regulations of the New York State Commissioner of Education do not provide, permit, or prohibit, the Board will consider itself the agent responsible for establishing and appraising educational matters and activities.

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 St. Lawrence-Lewis BOCES Board.

Education Law Section 1950

Adoption Date

SUBJECT: BOARD OF EDUCATION: QUALIFICATIONS, NUMBERS AND TERMS OF OFFICE**Qualifications of Members**

Any eligible voter who resides within the boundaries of a component school district may be elected to the Board. A candidate can be, but is not required to be, a member of a board of education of a component school district. A candidate must be eligible to hold office in a component school district. Component school districts are:

- a) Brasher Falls Central School District;
- b) Canton Central School District;
- c) Clifton-Fine Central School District;
- d) Colton-Pierrepoint Central School District;
- e) Edwards-Knox Central School District;
- f) Gouverneur Central School District;
- g) Hammond Central School District;
- h) Harrisville Central School District;
- i) Hermon-DeKalb Central School District;
- j) Heuvelton Central School District;
- k) Lisbon Central School District;
- l) Madrid-Waddington Central School District;
- m) Massena Central School District;
- n) Morristown Central School District;
- o) Norwood-Norfolk Central School District;
- p) Ogdensburg City School District;
- q) Parishville-Hopkinton Central School District; and
- r) Potsdam Central School District.

(Continued)

SUBJECT: BOARD OF EDUCATION: QUALIFICATIONS, NUMBERS AND TERMS OF OFFICE (Cont'd.)

Employees of any of the BOCES' component school districts, or employees of the BOCES, are ineligible for election to the Board.

No more than one Board member may reside in a given component school district unless otherwise permitted in accordance with law. No more than one member of a family will be a member of the Board.

Number of Members

The Board of the BOCES will consist of 9 members elected at large to represent the eighteen component school districts within the BOCES area.

Terms of Office

Members of the Board will serve for three years beginning July 1 following their election and each term will expire on the 30th day of June of the third year.

Education Law Sections 1950, 2101, 2102, 2103, 2103-a, 2105, and 2130(1)
Public Officers Law Section 3
Town Law Section 23(1)

Adoption Date

Bylaws

SUBJECT: BOARD MEMBERS: NOMINATION AND ELECTION

The component boards of education will be notified by February 1st 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 will be transmitted in writing to the Clerk of the Board at least 30 days prior to the date designated by the President of the Board for the election.

Election of Board members will occur on a date selected by the President of the Board by February 1st that is on or after April 16th and on or before April 30th. No more than one Board member may reside in a given component school district unless otherwise permitted in accordance with law. It is the duty of the BOCES to encourage candidates from component school districts not currently represented on the Board. The ballot will be prepared by the Clerk of the Board and mailed to each component school district no later than 14 days prior to the date designated as the day of the election by the President of the Board.

Each component school district is entitled to cast one vote for each vacant Board position. A component board of education 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 20 days of the initial vote.

Board members are elected for terms as indicated in Policy #1120 -- Board of Education: Qualifications, Numbers and Terms of Office.

Education Law Section 1950

Adoption Date

Bylaws

SUBJECT: RESIGNATIONS AND VACANCIES ON THE BOARD

Vacancies in the membership of the Board may 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 BOCES may fill the vacancy by appointment, provided that notification be provided to all component boards of education of the vacancy and that the component boards of education are given ten days to provide any comments and/or objections to filling the vacancy by appointment. The person appointed will hold office until the next annual election of the BOCES.

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

Board Member Resignations

A member who resigns will file a resignation with the District Superintendent who will file same with the Clerk of the Board. Component school districts must file resignation with the District Superintendent. The BOCES can file with the Clerk of the Board only if desired.

Board Member Removal of Office

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
Public Officers Law Sections 30, 31, and 35

Adoption Date

Bylaws

SUBJECT: POWERS AND DUTIES OF THE BOARD

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 also to Policy # 5130 -- 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 and maintain suitable classrooms, office, and other facilities necessary to carry out the program;
- e) Establish policies which provide the framework for the day to day operations of the BOCES;
- f) Such other powers and duties as are prescribed by law.

Education Law Section 1950

NOTE: Refer also to Policy #6540 -- Defense and Indemnification of Board Members and Employees

Adoption Date

Bylaws

SUBJECT: NOMINATION AND ELECTION OF BOARD OFFICERS AND DUTIES OF THE PRESIDENT AND VICE PRESIDENT

Board officers will be nominated and elected by the Board at its annual organizational meeting for a term of one year. They will take their oath as officers at this meeting along with newly elected members.

The elected officers of the Board are:

- a) President; and
- b) Vice President.

Duties of the President of the Board

The President's duties may include the following:

- a) Presides at all meetings of the Board;
- b) Calls special meetings as necessary or on request;
- c) Appoints members to all committees of the Board;
- d) Serves ex-officio as a member of all committees;
- e) Executes documents on behalf of the Board;
- f) Performs the usual and ordinary duties of the office.

Duties of the Vice President of the Board

The Board may, in its discretion, elect one of its members Vice President, who will have the power to exercise the duties of the President in case of the President's absence or disability. If the presidency becomes vacant, the Vice President will act as President until a President is elected.

Education Law Sections 1701, 1804, 1950, 2105(6), and 2502

Adoption Date

Bylaws

SUBJECT: DUTIES OF THE CLERK OF THE BOARD

The Clerk of the Board will be appointed by the Board at its Annual Organizational Meeting and will serve for a period of one year. The Clerk's duties include the following:

- a) Attending all meetings of the Board, keeping a record of its proceedings, and recording, by name, those in attendance;
- b) Preparing Board meeting minutes, obtaining approval of the minutes by the Board at the next meeting, signing the minutes to signify their official standing, and forwarding copies of the minutes to each Board member;
- c) Sending notices of special meetings to Board members;
- d) Contacting and communicating with members as required;
- e) Ensuring that the proper legal notices and announcements are published on all specifications and items out on bid, in accordance with state law;
- f) Maintaining an up-to-date record of Board policies and bylaws;
- g) Delivering to, and collecting from, the President (or Vice President) papers for signature as may be necessary;
- h) Administering oaths of office;
- i) Giving written notice of appointment to persons appointed as inspectors of election;
- j) Calling all meetings to order in the absence of the President and Vice President; and
- k) Assuming other duties customary to the office.

The above duties of the Clerk of the Board are not intended to be complete, but should serve as a guide in undertaking the duties of this office. The Clerk of the Board will perform other duties as may be assigned periodically by the Board.

Education Law Sections 1950 and 2121
Public Officers Law Sections 10 and 104

Adoption Date

Bylaws

SUBJECT: DUTIES OF THE BOCES TREASURER

The Treasurer is appointed by the Board at the Annual Organizational Meeting and will be covered by a blanket bond. In addition to the routine duties of accounting, filing, posting, and preparing reports and statements concerning BOCES finances, the BOCES Treasurer will 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, including payments of bond principal and interest;
- c) Maintains proper records and files of all checks, and approved payment of bills and salaries;
- d) Makes all such entries and posts to all such financial ledgers, records and reports, including bond and note registers, 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 or her electronic signature and/or the check-signing machine and signature plate, personally overseeing all preparation of checks;
- g) Assumes other duties customary to the office.

Education Law Sections 1950, 2122, 2130, and 2523
Local Finance Law Sections 163 and 165
8 NYCRR Sections 170.2(g), 170.2(o), and 170.2(p)
9 NYCRR Section 540.4

Adoption Date

Bylaws

SUBJECT: DUTIES OF THE EXTERNAL (INDEPENDENT) AUDITOR

The Board by law must obtain an annual audit of its records by an independent certified public accountant (CPA) or an independent public accountant (PA). The audit must also include all extraclassroom activity funds. The independent accountant will present the report of the annual audit to the Board. The Board will 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 is subject to state audits conducted by the State Comptroller.

The independence and objectivity of the auditor may be enhanced when the Board and Audit Committee perform an oversight role with respect to the hiring and performance of the auditor, as required by law. Similarly, no audit engagement will be for a term longer than five consecutive years. The BOCES, may, however, permit an independent auditor engaged under an existing contract for those services to submit a proposal for those services in response to a request for competitive proposals or be awarded a contract to provide those services under a request for proposal process.

Duties and Responsibilities

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.

Below are some important considerations the BOCES will expect of the auditor in preparing the audit; 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 or 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 or her internal quality control processes adequately demonstrate compliance with government auditing standards. He or 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.

(Continued)

Bylaws

SUBJECT: DUTIES OF THE EXTERNAL (INDEPENDENT) AUDITOR (Cont'd.)

- d) **Planning and Supervision:** The auditor's work is to be properly planned and supervised and will consider materiality and/or significance in order to provide reasonable assurance of detecting misstatements resulting from direct and illegal acts and irregularities to financial statements. The auditor should also be aware of the possibility that indirect illegal acts may have occurred.
- 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 findings, 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 or 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 Sections 1709 (20-a) and 2116-a
General Municipal Law Sections 33 and 104-b
8 NYCRR Sections 170.2, 170.3, and 170.12

Adoption Date

Bylaws

SUBJECT: APPOINTMENT AND DUTIES OF THE CLAIMS AUDITOR

The Board will appoint a Claims Auditor to examine all claims. This auditor will determine whether the amounts claimed are actual and necessary expenditures, if the goods or services were actually received, whether the BOCES official or employee was authorized to incur the obligation, and if the claims are supported with adequate evidence. Support may include itemized documentation, a thorough description of the goods or services, and detailed receipts and invoices. The Claims Auditor will ensure that each claim is legitimate, mathematically correct, does not exceed any available appropriation within the applicable budget code, and is made in accordance with BOCES policy, purchasing order, or contract before authorizing payment. This auditor will certify that he or she audited each claim listed on the claims warrant to authorize the Treasurer to pay. The Treasurer should compare the signed checks to the certified warrant to verify accuracy and consistency before issuing payment.

The Claims Auditor will report directly to the Board on a monthly basis. The Board may require that the Claims Auditor report to the Clerk of the Board or to the District Superintendent for administrative matters such as workspace, time, and attendance.

The Board may adopt a resolution establishing the office of Deputy Claims Auditor to act as the Claims Auditor in the absence of the Claims Auditor. The Board may, by resolution, abolish the position of Deputy Claims Auditor at any time. The same eligibility requirements and qualifications that apply to a Claims Auditor apply to the Deputy Claims Auditor.

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 or included in the BOCES' blanket undertaking, before assuming his or her duties.

The Claims Auditor should not be:

- a) A member of the Board;
- b) The Clerk or Treasurer of the Board;
- c) The District Superintendent or BOCES official responsible for business management;
- d) The Purchasing Agent;
- e) Clerical or professional personnel directly involved in BOCES accounting and purchasing functions 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;

(Continued)

SUBJECT: APPOINTMENT AND DUTIES OF THE CLAIMS AUDITOR (Cont'd.)

- h) A close or immediate family member of an employee, officer, or contractor providing services to the BOCES. A close family member is a parent, sibling, or nondependent child; an immediate family member is a spouse, spouse equivalent, or dependent (whether or not related).

The Claims Auditor is not required to be a resident of the BOCES and will be classified in the civil service exempt class.

Delegation of the Claims Audit Function

The Board may delegate the claims audit function by using inter-municipal cooperative agreements, shared services through a Board of Cooperative Educational Services, or independent contractors, provided that the individual, organization, or entity:

- a) Has no other responsibilities related to the business operations of the BOCES;
- b) Has no interest in any other contracts with, and does not provide any goods or services to, the BOCES; and
- c) Is not a close or immediate family member of anyone who has responsibilities related to BOCES business operations, or has an interest in any other contracts with the BOCES.

The Board remains ultimately responsible for auditing all claims.

Education Law Sections 1604(35), 1709(20-a), 2526, and 2554(2)
8 NYCRR Section 170.12(c)

Adoption Date

Bylaws

SUBJECT: DUTIES OF THE SCHOOL ATTORNEY

The Board will appoint a school attorney to provide legal counsel to the BOCES. The school attorney's duties may include:

- a) Providing legal representation to the BOCES in proceedings before courts and administrative agencies;
- b) Providing legal opinions as requested by the Board or its agents, and consistent with any agreement between the BOCES and the school attorney;
- c) Providing counsel in matters related to due process hearings; and/or
- d) Such other duties as are consistent with law and the scope of the school attorney's representation.

Only those school attorneys officially appointed as a staff member will be eligible to join ERS.

Adoption Date

Bylaws

SUBJECT: DUTIES OF THE INTERNAL AUDITOR

The Internal Auditor reports directly to the Board. The BOCES may use its employees, inter-municipal cooperative agreements, shared services to the extent authorized by Education Law Section 1950, or independent contractors as the person or entity serving as Internal Auditor. The person or entity serving as 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 the 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 NYCRR Section 170.12(d)

NOTE: Refer also to Policy #5573 -- Internal Audit Function

Adoption Date

Bylaws

SUBJECT: POLICY AND ADMINISTRATIVE REGULATIONS

The formulation and adoption of written policies will constitute the basic method by which the Board will exercise its leadership in the operation of the BOCES. The District Superintendent will act as an advisor to the Board in adopting and approving of written Board policies. The Board will seek input from staff and the community where appropriate. These written Board policies will govern the operation of the BOCES.

The adoption of a written policy will occur only after the proposal has been moved, discussed, and voted on affirmatively at two separate meetings of the Board (i.e., the "first reading" and the "second reading"). The policy draft may be amended at the second meeting. By a majority vote, the Board may waive the "second reading" and complete the adoption of the proposed policy at its "first reading."

Board action is also necessary for revising policies that require amendment or rescinding policies that are no longer relevant or applicable to the BOCES.

The formal adoption, amendment, or deletion of written Board policy will be recorded in the official minutes of the Board. This written Board policy will govern the conduct and affairs of the BOCES and will be binding upon the members of the educational community in the BOCES.

It will 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 District Superintendent 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.

Execution of Policy: Administrative Regulations

The Board will delegate to the District Superintendent the function of specifying required actions and designing the detailed arrangements under which the schools will be operated. These rules and detailed arrangements will constitute the administrative regulations governing the schools, and they will be consistent with the policies adopted by the Board. The Board will be kept informed periodically of changes in administrative regulations.

Education Law Sections 1604(9), 1709(1), 1709(2), and 2503(2)

Adoption Date

Bylaws

SUBJECT: REGULAR BOARD MEETINGS AND RULES (QUORUM AND PARLIAMENTARY PROCEDURE)

All Board meetings will be open to the public except those portions that are executive sessions. The Board will make reasonable efforts to ensure that all meetings are held in an appropriate facility that can adequately accommodate all members of the public who wish to attend. The District Superintendent will attend all Board meetings. Members of the District Superintendent's staff may attend Board meetings at the District Superintendent's discretion. The Board may also request that additional people attend.

Regular Board meetings will take place on the day and time designated by the Board at the Annual Organizational Meeting, except as modified. Any Board meeting may be adjourned to a future date and time if approved by a majority of the Board present. Further, if a meeting date falls on a legal holiday, interferes with other area meetings, or Board member attendance will be less than a quorum, the Board will select a date for a postponed meeting at the prior regular meeting, and it will direct the Clerk of the Board to notify all members. The Clerk of the Board will provide the Board members written notice of the time of and agenda for each regular meeting before the meeting.

When the Board schedules a meeting on at least one week's notice, it will give or electronically transmit public notice of the time and place to the news media and conspicuously post the notice in one or more designated public locations at least 72 hours before the meeting. Notice of other meetings will be given or electronically transmitted, to the extent practicable, to the news media and conspicuously posted at one or more designated public locations at a reasonable time before the meeting. When the Board has the ability to do so, it will conspicuously post meeting notices on the BOCES' website. If a meeting is streamed live over the Internet, the notice will inform the public of the website's Internet address.

The District Superintendent will prepare the meeting agenda during the week before the meeting and review it with the Board President. The agenda will then be distributed to Board members no later than the Friday before the regular meeting. The President or other Board members will submit requests to place matters on the agenda to the District Superintendent. Whenever individuals or groups wish to bring a matter to the attention of the Board, they will submit a written request to the District Superintendent.

BOCES records available to the public under the Freedom of Information Law, as well as any proposed resolution, rule, regulation, policy, or amendment scheduled to be discussed at a Board meeting will be made available upon request, to the extent practicable, at least 24 hours before the meeting. Copies of these records may be made available for a reasonable fee. These records will be posted on the BOCES' website, to the extent practicable, at least 24 hours before the meeting.

(Continued)

SUBJECT: REGULAR BOARD MEETINGS AND RULES (QUORUM AND PARLIAMENTARY PROCEDURE) (Cont'd.)

Using Videoconferencing to Conduct Board Meetings

If videoconferencing is used to conduct a Board meeting:

- a) The Board will provide an opportunity for the public to attend, listen, and observe the meeting at any location where a Board member is participating; and
- b) The public notice for the meeting will inform the public that videoconferencing will be used, identify the locations for the meeting, and state that the public has the right to attend the meeting at any of the locations.

Voting may be done through videoconferencing provided that Board members can be both seen and heard voting and participating from remote locations.

Extraordinary Circumstances

In extraordinary circumstances, the Board may, in its discretion, permit Board members to participate in a Board meeting remotely by videoconference from locations that are not open to the public. For purposes of this policy, this is referred to as extraordinary circumstances videoconferencing.

However, in order for the Board to utilize extraordinary circumstances videoconferencing, the following conditions must be met:

- a) The BOCES must maintain an official website.
- b) The Board must have adopted a resolution, following a public hearing, authorizing the use of extraordinary circumstances videoconferencing:
 1. For itself and its committees or subcommittees; or
 2. Specifying that each committee or subcommittee may make its own determination.
- c) The Board must have established written procedures governing Board member and public attendance at meetings where extraordinary circumstances videoconferencing is being used that are consistent with law and those procedures must be conspicuously posted on the BOCES' website.

(Continued)

Bylaws

SUBJECT: REGULAR BOARD MEETINGS AND RULES (QUORUM AND PARLIAMENTARY PROCEDURE) (Cont'd.)

- d) Board members must only participate in meetings remotely from locations that are not open to the public in an extraordinary circumstance. How the Board defines extraordinary circumstances must be set forth in the Board's resolution and written procedures related to extraordinary circumstances videoconferencing. Extraordinary circumstances may include disability, illness, caregiving responsibilities, or other significant or unexpected factor or event which precludes the Board member's physical attendance at a meeting. Except for an extraordinary circumstance, Board members must be physically present at meetings unless a state disaster emergency has been declared or a local state of emergency has been proclaimed and the Board has determined that the circumstances necessitating the emergency declaration would affect or impair the ability of the Board to hold an in-person meeting.
- e) At the meeting where extraordinary circumstances videoconferencing is being used:
1. The public must be able to attend, listen, and observe the meeting in at least one physical location at which a Board member is participating.
 2. A minimum number of Board members must be present to fulfill the quorum requirement in the same physical location or locations where the public can attend.
 3. Except in the case of executive sessions, Board members must be able to be heard, seen, and identified while the meeting is being conducted, including, but not limited to, any motions, proposals, resolutions, and any other matter formally discussed or voted upon.
 4. The minutes of the meeting must include which, if any, Board members participated remotely and must be made available in accordance with law.
 5. The public notice must inform the public that: videoconferencing will be used; where the public can view and/or participate in the meeting; where required documents and records will be posted or available; and identify the physical location(s) for the meeting where the public can attend.
 6. The meeting must be recorded. The recordings must be posted or linked on the BOCES' website within five business days following the meeting, and must remain available for a minimum of five years thereafter. Upon request, these recordings must be transcribed.
 7. The Board must provide the opportunity for the public to view the meeting via video, and to participate in proceedings via videoconference in real time where public comment or participation is authorized and must ensure that videoconferencing authorizes the same public participation or testimony as in person participation or testimony.

(Continued)

Bylaws

SUBJECT: REGULAR BOARD MEETINGS AND RULES (QUORUM AND PARLIAMENTARY PROCEDURE) (Cont'd.)

8. The Board must utilize technology to permit access by individuals with disabilities consistent with the 1990 Americans with Disabilities Act, as amended, and corresponding guidelines.

Recording Meetings

The Board allows public meetings to be photographed, broadcast, webcast, or otherwise recorded and/or transmitted by means of audio or video, in a non-disruptive manner, and it supports the use of this technology to facilitate the open communication of public business.

Quorum

The quorum for any Board meeting is five members. No formal action will be taken at any meeting where a quorum is not present. Unless otherwise required by law, official action will only be taken by approval of the majority of the full Board.

Use of Parliamentary Procedure

The Board will use pertinent portions of the latest edition of Robert's Rules of Order to conduct its business.

Public Comment

The Board encourages courteous and respectful public comment at Board meetings. All speakers must conduct themselves in a civil manner. Obscene language, harassing language, defamatory statements, and threats of violence are prohibited. All participants are required to comply with the BOCES *Code of Conduct*.

The Board will designate a specific portion of its meeting agenda for public comment for a period of up to 30 minutes on agenda items only. The public is not permitted to discuss topics unrelated to the BOCES, matters unrelated to the agenda, and/or matters involving specific individuals. Each speaker will be allowed up to three minutes. The Board may request, but will not require, speakers identify themselves. The Board is not required to allow speakers to cede their remaining time to other speakers. Written comments may be directed to the Board.

If there are a large number of individuals who want to address the Board, the Board President may limit the number of repetitive comments being made so that the time limit on public comment is not exceeded.

(Continued)

Bylaws

SUBJECT: REGULAR BOARD MEETINGS AND RULES (QUORUM AND PARLIAMENTARY PROCEDURE) (Cont'd.)

If individuals engage in disruptive or unruly behavior during the meeting, the Board President will remind the audience of this policy and the requirement to conduct themselves in a civil manner and comply with the BOCES *Code of Conduct*. The Board President may call for the removal of disruptive or unruly individuals from the meeting. When appropriate, law enforcement may be called to remove disruptive or unruly individuals. In some instances, individuals engaging in disruptive or unruly behavior may be subject to criminal sanctions.

These rules apply to residents and nonresidents equally.

Education Law Sections 1708, 2504, and 2801
General Construction Law Section 41
Penal Law Section 240.20
Public Officers Law Article 7
8 NYCRR Section 100.2

NOTE: Refer also to Policies #1520 -- Special Meetings of the Board
#1540 -- Executive Sessions
#6211 -- Employment of Relatives of Board Members

Adoption Date

Bylaws

SUBJECT: SPECIAL MEETINGS OF THE BOARD

Any member of the Board may call for a special meeting. A reasonable and good-faith effort will be made by the District Superintendent or the Board president, as the case may be, to give every member of the Board 24-hours' notice of the time, place, and purpose of the meeting. In an emergency, however, the members may waive the 24-hour notice requirement.

All special meetings will be held at a regular meeting place of the Board and in accordance with all applicable provisions of the Open Meetings Law. Public notice of the time and place will be given, to the extent practicable, to the news media, and it will be conspicuously posted in one or more designated public locations at a reasonable time before the meeting.

Education Law Section 1606(3)
Public Officers Law Sections 103 and 104

NOTE: Refer also to Policy #1510 -- Regular Board Meetings and Rules (Quorum and Parliamentary Procedure)

Adoption Date

Bylaws

SUBJECT: MINUTES

Board 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 will be kept by the Clerk of the Board or, in their absence, by the District Superintendent or designee. The minutes will be complete, accurate, and maintained in accordance with law. All minutes must be signed by the Clerk of the Board when approved. Unless otherwise provided by law, minutes will be available to the public and posted on the BOCES website as required by law; draft copies, so marked, are acceptable, subject to correction.

Minutes of executive sessions need not include any matter which is not required to be made public by the Freedom of Information Law (FOIL).

The minutes of each meeting of the Board will 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, including a record or summary of all motions, proposals, resolutions, and other matters formally voted upon, with evidence of those voting in the affirmative and the negative, and those abstaining.

Minutes of Executive Sessions

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

If action is taken by a formal vote in executive session, minutes will be available to the public and posted on the BOCES website as required by law of the date of the executive session.

Education Law Sections 1721, 2121, and 3020-a
Public Officers Law Sections 87, 103, 103-a, and 106

NOTE: Refer also to Policy #1510 -- Regular Board Meetings and Rules (Quorum and Parliamentary Procedure)

Adoption Date

Bylaws

SUBJECT: EXECUTIVE SESSIONS

Upon a majority vote of its total membership, taken in an open meeting in accordance with 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 listed purposes only, provided, however, that no action by formal vote will be taken except on an Education Law Section 3020-a probable cause finding. For all other purposes, the action by formal vote will be taken in open meeting and properly recorded in the minutes of the meeting. Attendance at an executive session will be permitted to any Board member and any persons authorized or requested to attend by the Board. The District Superintendent will attend all executive sessions except those that concern his or her evaluation, employment, or salary.

- a) Matters that will imperil the public safety if disclosed;
- b) Any matter that 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 that would imperil effective law enforcement if disclosed;
- d) Discussions regarding proposed, pending or current litigation;
- e) Collective negotiations pursuant to Civil Service Law Article 14;
- f) 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) Preparation, grading, or administration of examinations;
- h) Proposed acquisition, sale, or lease of real property or the proposed acquisition of securities, or sale or exchange of securities, but only when publicity would substantially affect the value.

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.

Education Law Sections 1708(3) and 3020-a
Public Officers Law Article 7

Adoption Date

Bylaws

SUBJECT: ANNUAL BOCES MEETING

The Annual Meeting will be held during the month of April, on or before April 15th, at such place and time designated by the President of the Board.

The meeting will 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 Board will 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 14 days prior to the meeting.

The Clerk of the Board will also provide public notice by publishing notice in two newspapers in general circulation in the BOCES area, once each week within the two weeks preceding the meeting, with the first publication at least 14 days prior to the meeting.

Education Law Section 1950

Adoption Date

SUBJECT: ANNUAL ORGANIZATIONAL MEETING

The Board will hold its Annual Organizational Meeting at any time during the first fifteen 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 will serve as temporary chairperson, who will open the meeting and conduct the election of the President. The President will assume office immediately, and will conduct the remainder of the Board's business.

Agenda

- a) Appoint Temporary Chairperson. (Clerk of the Board is designated.)
- b) Administration of Oath to newly elected Board Members.
- c) Election of Officers:
 1. President;
 2. Vice President.
- d) Administration of Oaths to Elected Officers.
- e) The following will be appointed annually:
 1. Clerk of the Board;
 2. BOCES Treasurer;
 3. Deputy BOCES Treasurer;
 4. External (Independent) Auditor;
 5. Audit Committee.
- f) The following must be appointed but need not be reappointed annually:
 1. Committee on Special Education and Committee on Preschool Special Education;
 2. Records Access Officer;
 3. Records Management Officer;
 4. Records Retention and Disposition Officer;
 5. Asbestos Hazard Emergency Response Act (AHERA) Local Educational Agency (LEA) designee;

(Continued)

SUBJECT: ANNUAL ORGANIZATIONAL MEETING (Cont'd.)

6. Civil Rights Compliance Officer(s) (coordinates the District's efforts to comply with civil rights laws such as Title VI, Section 504, the Americans with Disabilities Act, and the Age Discrimination Act);
 7. Title IX Coordinator for students and Title IX Coordinator for employees;
 8. Liaison for Homeless Children and Youth (McKinney-Vento Liaison);
 9. Foster Care Liaison;
 10. Chemical Hygiene Officer;
 11. Dignity Act Coordinator (one in each building);
 12. Chief Emergency Officer;
 13. BOCES Educational Consortium;
 14. Purchasing Agent;
 15. Back-up Purchasing Agent;
 16. Chief Information Officer;
 17. Chief Information Security Officer;
 18. Data Protection Officer;
 19. BOCES Integrity Officer for SED Test Security;
 20. COVID-19 Safety Coordinator;
 21. DEI Coordinator;
 22. Website Manager.
- g) The following may also be appointed:
1. School Attorney;
 2. Claims Auditor/Deputy Claims Auditor;
 3. Internal Auditor;

(Continued)

SUBJECT: ANNUAL ORGANIZATIONAL MEETING (Cont'd.)

4. Insurance Advisor;
 5. Copyright Officer.
- h) Administration of Oaths to Appointed Officers who are present; oaths to others to be annually administered prior to initiating duties.
- i) Designations:
1. Regular Monthly Meetings;
 2. Petty Cash Fund(s);
 3. Official Newspaper(s);
 4. Official Bank Depositories;
 5. Official Bank Signatories;
 6. Purchasing Agent;
 7. Back-up Purchasing Agent.
- j) Authorizations:
1. District Superintendent to certify payroll.
 2. Designation of Treasurer to sign all checks; in the absence of the Treasurer, the Deputy Treasurer will sign all checks.
 3. District Superintendent to approve part-time, temporary, and substitute personnel at approved Board salary/wage rates until final action at the next scheduled Board of Education meeting.
 4. District Superintendent to approve attendance at conference/workshops for all employees; in the absence of the District Superintendent, the Assistant Superintendent will approve attendance at conference/workshops for all employees.
 5. President of the Board and/or District Superintendent to sign necessary contracts on behalf of the Board of Cooperative Educational Services (BOCES).
 6. Vice President to sign contracts in the absence of President.

(Continued)

Bylaws

SUBJECT: ANNUAL ORGANIZATIONAL MEETING (Cont'd.)

7. District Superintendent to approve all budget transfers in accordance with Commissioner's Regulations Section 170.3.
 8. Reauthorization and approval for SLL BOCES membership in New York State School Boards Association, National School Boards Association, and the BOCES Educational Consortium.
 9. District Superintendent to approve change orders up to \$50,000.
 10. District Superintendent is approved to purchase meals for component district superintendents during meetings and conferences with the school credit card. All receipts will be turned into the Business Office for proper payment.
- k) Bonding of Personnel:
1. BOCES Treasurer;
 2. Deputy BOCES Treasurer;
 3. All employees who handle cash;
 4. All positions and persons required by law or regulation to be bonded.
- l) Establishment of the mileage rate.
- m) Readoption of Board policies.
- n) Appointment of legislative liaison for NYSSBA.
- o) Participate in the St. Lawrence-Lewis BOCES Cooperative Purchasing Programs for the school year.

McKinney-Vento Homeless Education Assistance Act, Section 722, as reauthorized by the Every Student Succeeds Act (ESSA) of 2015
29 CFR Section 1910.1450
Education Law Sections 305(31), 1709, and 2503
Public Officers Law Article 7
8 NYCRR Part 185
21 NYCRR Parts 1401, 9760

Adoption Date

Internal Operations

St. Lawrence-Lewis BOCES **NUMBER**

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SUBJECT: ORIENTING AND TRAINING BOARD MEMBERS**Orienting Board Members**

- a) The Board and its staff will assist each new member-elect to understand the Board's functions, policies, and procedures before he or she takes office, by the following methods:
1. The electee will be given selected material on the job of being part of the Board, which material is supplied by the New York State School Boards Association (NYSSBA) and/or other professional organizations.
 2. The electee will be sent agendas and invited to attend Board meetings in May and June.
 3. The Clerk of the Board will supply material pertinent to meetings.
 4. The electee will be invited to meet with the District Superintendent and other administrative personnel to discuss services they perform for the Board.
 5. A copy of the Board's policies and bylaws will be given each electee by the Clerk of the Board.
- b) Following a new Board member's election to the BOCES, the Board President and the District Superintendent will work jointly to arrange for an orientation of the new Board member as soon as possible before the swearing in, or as soon thereafter as is convenient for all. Among the important issues the new member should become aware of in order to gain familiarity are the following:
1. Education Law, in particular those sections of the law pertaining to the responsibilities and legal obligations of Board membership and the permissible scope of BOCES operations;
 2. Board/District Superintendent relations;
 3. Conduct of Board meetings;
 4. Committee structure;
 5. Administrative structure of the district (should this be the BOCES);
 6. BOCES;
 7. Tour of the ESC and introduction to staff;
 8. A copy of the BOCES Policy Manual and an overview of Board Policies;

(Continued)

SUBJECT: ORIENTING AND TRAINING BOARD MEMBERS (Cont'd.)

9. School (BOCES)/Community communications;
10. Educational responsibilities of Board members, especially the fiscal oversight requirement;
11. NYSSBA New Board Member Academy;
12. SLLCSBA New Board Member Orientation;
13. Officers of the Board and their responsibilities;
14. Freedom of Information, Open Meeting Law, and Executive Session issues;
15. Curriculum oversight;
16. District (BOCES) Mission and Goals;
17. Board Self-Evaluation;
18. Evaluation of the District Superintendent;
19. Relationship between the BOCES and the component school districts;
20. The unique role of the District Superintendent as a State Education Department employee and a local employee, and the possible conflicts in such role.

Board Member Training

Within the first year of election or appointment, each Board member must complete a minimum of six hours of training on the financial oversight, accountability, and fiduciary responsibilities of a board member and a training course acquainting him or her with the powers, functions, and duties of Boards, as well as the powers and duties of other governing and administrative authorities affecting public education. Re-elected Board members will not be required to repeat this training. The curriculum and provider of this training must be approved by the Commissioner of Education.

Upon completing the required training, the Board member will file with the Clerk of the Board 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.

Internal Operations

SUBJECT: COMMITTEES OF THE BOARD

The Board and/or the President of the Board may, at its discretion, 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.

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

The Board recognizes that it may be necessary to periodically authorize advisory committees for the purpose of enlisting opinions and counsel of the general public. These committees will 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 has established an audit committee to oversee the annual audit of the BOCES and report on its findings to the Board.

Education Law Sections 1708, 2116-c, and 4601

NOTE: Refer also to Policy #5572 -- [Audit Committee](#)

Adoption Date

Internal Operations

**SUBJECT: ATTENDANCE BY BOARD MEMBERS AT CONFERENCES,
CONVENTIONS, AND WORKSHOPS**

The Board believes that continuing in-service training and development are important for its members. The Board, therefore, encourages the participation of all members at appropriate school board conferences, conventions, and workshops which are believed to be of benefit to the BOCES. However, in order to control both the investment of time and funds necessary to implement this policy, the Board establishes the following guidelines:

- a) The Clerk of the Board will inform the Board of upcoming conferences, conventions, and workshops. The Board will periodically decide which meetings appear to be most likely to produce direct and indirect benefits to the BOCES. At least annually, the Board will identify those new ideas or procedures and/or cost benefits that can be ascribed to participation at these meetings.
- b) Funds for participation at conferences, conventions, workshops and the like will be budgeted for on an annual basis. When funds are limited, the Board will designate which members are to participate at a given meeting.
- c) Reimbursement to Board members for all actual and necessary registration fees, expenses of travel, meals and lodging, and all necessary tuition fees incurred in connection with attendance at conferences and the like will be in accordance with established regulations for expense reimbursement.
- 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.

The authorization for Board members to attend a conference, convention, or workshop will be by Board resolution adopted prior to attendance. However, the Board, in its discretion, may delegate the power to authorize attendance at conferences to the President of the Board and/or District Superintendent.

Where authorization has been delegated to the President of the Board, no expense or claim form will be paid unless a travel order or similar document signed by the President and/or District Superintendent is attached to the form, authorizing the claimant to attend the conference.

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

NOTE: Refer also to Policies #5323 -- Reimbursement for Meals/Refreshments
#6161 -- Conference/Travel Expense Reimbursement

Adoption Date

Internal Operations

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 or her duties.

Travel Expenses and Travel Compensation

Requests for reimbursement must be submitted following the Board member's return and must be accompanied by appropriate receipts. (All bills or claims for reimbursement must be itemized in reasonable detail.) Sales tax exemption certificates should be used when appropriate within New York State.

Expenses to be reimbursed will include but not be limited to travel and related expenses for BOCES purposes including, but 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; actual cost of lodging; and other necessary expenses which are proper in the performance of a member's official duties.

Conference Travel for Newly Elected Board Members

In accordance with General Municipal Law, the Board, by a majority vote, may authorize a newly elected Board member whose term of office has not yet commenced to attend a conference. This conference travel must be for official BOCES business utilizing a cost-effective and reasonable method of travel.

Authorization must be by resolution adopted prior to attendance and duly entered in the minutes. However, the Board may delegate the power to authorize attendance at a conference to the Board President or Board Vice President.

Education Law Section 2118
General Municipal Law Sections 77-b and 77-b(2)

Adoption Date

Internal Operations

SUBJECT: BOARD SELF-EVALUATION

The Board will review the effectiveness of its internal operations at least once annually and formulate a plan for improving its performance. 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.

Adoption Date

St. Lawrence-Lewis BOCES **NUMBER**

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Community Relations

SUBJECT: BOCES/COMMUNITY RELATIONS AND COMMUNICATIONS

The BOCES will 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 education and public understanding of BOCES Programs;
- c) To discover what people think, what they want to know, correct erroneous impressions and supply desired information;
- d) To develop the most effective means of communication with the various audiences including students and staff of the component school districts, board of education and community members of the component school districts, and the New York State Education Department (NYSED).

Communication with Component School 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. The BOCES staff and the Board should attempt to provide written 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 BOCES staff members will make every effort to provide Board members with written communications regarding significant items prior to the Board meetings. Communications will be forwarded via the District Superintendent.

Communication with the Community

The BOCES and staff will attempt to keep the various communities informed of school activities so that the communities will be aware of what is occurring in the schools and will be able to support the activities. Communications involving Board policy will have prior approval by the District Superintendent or designee.

Adoption Date

Community Relations

SUBJECT: BOCES COMMUNICATIONS AND DISSEMINATED MATERIALS

The BOCES will encourage wide distribution of printed and electronic communications materials, including, but not limited to, newsletters, news releases, budget statements, brochures, and web-based materials.

Publications

The Board encourages the development of appropriate materials and publications that are of direct use in the educational process in component schools which inform the public, member districts, BOCES personnel, and the teaching profession concerning policies, activities, and accomplishments of the 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 liaison lies with the District Superintendent.

Copyright

All publications, recordings, software, or other intellectual property which is developed by staff at the BOCES within the scope of their employment or by persons/agencies under contract to the BOCES will be the property of the BOCES. This includes, but is not limited to, any idea, product, or invention that results from work undertaken as an employee of the BOCES or as a person/agent under contract to the BOCES. Whenever copyright protection for certain intellectual property is claimed or sought, the BOCES will be considered the author (and therefore the copyright owner) of any such property which can be otherwise considered a "work made for hire" under the 1976 Copyright Act as amended.

Adoption Date

SUBJECT: BOCES STANDARDS AND GUIDELINES FOR WEB PAGE PUBLISHING**General Criteria**

The availability of Internet access in the BOCES provides an opportunity for staff and students to access information and contribute to the BOCES' online presence. The BOCES/school/classroom websites must relate to curriculum or instructional matters, school authorized activities, or general information of interest to the public pertaining to the BOCES or its schools. Staff and students are prohibited from publishing personal home pages or links to personal home pages as part of the BOCES/school/classroom Web Page(s). Similarly, no individual or outside organization will be permitted to publish personal Web Pages as part of the BOCES/school/classroom Web Page(s).

Internet access for the creation of Web Pages is provided by the BOCES and all information must be reviewed by the Website Manager prior to publishing it on the Web. Personnel designing information for the Web Pages must familiarize themselves with and adhere to BOCES standards and procedures. Failure to follow BOCES standards or responsibilities may result in disciplinary sanctions in accordance with law and/or the applicable collective bargaining agreement.

The BOCES will ensure that any and all notifications and documents required by law, regulation, or BOCES policy to be posted on its website will be published.

Content Standards

- a) Approval for posting a Web Page must be obtained from the Website Manager or his or her designee(s). If at any time, the Website Manager or designee(s) believes the proposed material does not meet the standards approved by the BOCES, it will not be published on the Web. Decisions regarding access to active Web Pages for editing content or organization will be the responsibility of the Website Manager or designee(s).
- b) A Web Page must be sponsored by a member of the BOCES faculty, staff or administration who will be responsible for its content, design, currency and maintenance. The sponsor is responsible for ensuring that those constructing and maintaining the Web Page have the necessary technical training and that they fully understand and adhere to BOCES policies and regulations. The Web Page should include the name of the sponsor.
- c) Staff or student work should be published only as it relates to a school/classroom authorized project or other school-related activity, and in compliance with any and all relevant laws, rules, and regulations.
- d) The review of a Student Web Page (if considered a school-sponsored student publication) will be subject to prior BOCES review as would any other school-sponsored student publication.

(Continued)

**SUBJECT: BOCES STANDARDS AND GUIDELINES FOR WEB PAGE PUBLISHING
(Cont'd.)**

- e) An authorized teacher who is publishing the final Web Page(s) for himself or herself or for a student will edit and test the Page(s) for accuracy of links and check for conformance with BOCES standards and practices.
- f) Commercial advertising or marketing on the BOCES/school/classroom Web Page(s) (or the use of school-affiliated Web Pages for the pursuit of personal or financial gain) will be prohibited unless otherwise authorized in accordance with law and/or regulation. Decisions regarding website advertising must be consistent with existing BOCES policies and practices on this matter. School-affiliated Web Pages may mention outside organizations only in the context of school programs that have a direct relationship to those organizations (e.g., sponsorship of an activity, student community service project).
- g) Web Pages may include faculty or staff names; however, other personal information about employees including, but not limited to, home telephone numbers, addresses, email addresses, or other identifying information such as names of family members may be published only with the employee's written permission.
- h) All Web Pages must conform to the standards for appropriate use found in the BOCES' Acceptable Use Policy(ies) and accompanying regulations regarding standards of acceptable use; examples of inappropriate behavior; and compliance with applicable laws, privacy, and safety concerns.
- i) All staff and/or students authorized to publish material on the BOCES/school/classroom Web Page(s) must acknowledge receipt of the BOCES' Web Page Standards and agree to comply with these standards prior to posting any material on the Web.

Release of Student Education Records/Directory Information

The BOCES will not permit students' personally identifiable information to be posted on any BOCES Web Pages unless the posting is consistent with the Family Educational Rights and Privacy Act (FERPA) and BOCES policy.

Use of Copyrighted Materials and Fair Use ExceptionsCopyrighted Materials

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. Web Page publications must include a statement of copyright when appropriate and indicate that permission has been secured when including copyrighted materials or notice that the publication is in accordance with the Fair Use provisions of the Copyright Law.

(Continued)

**SUBJECT: BOCES STANDARDS AND GUIDELINES FOR WEB PAGE PUBLISHING
(Cont'd.)**

Consequences for Non-Compliance

Web Pages that do not comply with the above criteria are subject to revocation of approval and removal from the BOCES/school/classroom websites.

Staff

Faculty or staff posting non-approved or inappropriate material on a school-affiliated website are subject to discipline, including possible suspension or revocation of access to the BOCES' computer network, in accordance with law and applicable collective bargaining agreements. In the case that a violation may constitute a criminal offense, it will be reported to the appropriate authorities.

Students

Students posting non-approved or inappropriate material on a school-affiliated website are subject to discipline, including possible suspension or revocation of access to the BOCES' computer network, in accordance with applicable due process procedures and the BOCES *Code of Conduct*. In the case that a violation may constitute a criminal offense, it will be reported to the appropriate authorities.

Oversight

The District Superintendent or designee will have the authority to approve or deny the posting of any proposed Web Pages on school-affiliated websites based upon compliance with the terms and conditions set forth in this policy as well as applicable BOCES practices and procedures.

Digital Millennium Copyright Act (DMCA), 17 USC Sections 101 et seq., 512 and 1201 et seq.
Family Educational Rights and Privacy Act of 1974, 20 USC Section 1232(g)
34 CFR Parts 99 and 201

NOTE: Refer also to Policies #7241 -- Student Directory Information
#7410 -- Extracurricular Activities
#8350 -- Use of Copyrighted Materials

Adoption Date

Community Relations

SUBJECT: FLAG DISPLAY

In accordance with State Education Law and Executive Law, the Board will display the United States flag upon or near each BOCES 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 will be flown at half-staff. The District Superintendent's approval will be required for the flag to be flown at half-staff on any other occasion.

The flag will 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.

4 USC Section 6
Education Law Sections 418-420
Executive Law Sections 402 and 403
8 NYCRR Sections 108.1-108.3

Adoption Date

Community Relations

SUBJECT: VOLUNTEERS

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

The building principal or administrator will forward his or her decisions concerning selection, placement and replacement of volunteers to the District Superintendent for final evaluation. Following approval from the District Superintendent, volunteers selected for work in the BOCES will be placed on the list of approved volunteers. However, the District Superintendent retains the right to approve or reject any volunteer applications submitted for consideration.

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

NOTE: Refer also to Policy #6540 -- Defense and Indemnification of Board Members and Employees

Adoption Date

SUBJECT: VISITORS TO THE BOCES

The BOCES and staff encourage public visitation of facilities, schools, and programs within the limits placed by the requirements of the educational program. When visiting a BOCES facility and/or a school, visitors must comply with visitor security procedures for that specific building or program.

All visitors must comply with the BOCES' *Code of Conduct*.

Education Law Section 2801
Penal Law Sections 140.10 and 240.35

Adoption Date

Community Relations

SUBJECT: PUBLIC COMPLAINTS

Complaints by citizens regarding any facet of the BOCES operation often can be handled more satisfactorily by the administrative officer in charge of the unit closest to the source of the complaint. In most instances, therefore, complaints will be made to the appropriate program supervisor or building principal and/or his or her assistant if the matter cannot be resolved by the teacher, coach, or other BOCES employee.

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 or their assistant. Unresolved complaints at the building level must be reported to the District Superintendent by the building principal. The District Superintendent may require the statement of the complainant in writing.

The District Superintendent may, but is not required to, address anonymous complaints. All other complaints and related concerns that are not resolved at the District Superintendent level to the satisfaction of the complainant 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.

NOTE: Refer also to Policies #3420 -- Non-Discrimination and Anti-Harassment in the BOCES
#8330 -- Objection to Instructional Materials and Controversial Issues
BOCES Code of Conduct

Adoption Date

Community Relations

SUBJECT: SOLICITATION OF CHARITABLE DONATIONS**Students**

Direct solicitation of charitable donations from BOCES students on BOCES property during regular school hours is prohibited. It is a violation of BOCES policy to ask BOCES students directly to contribute money or goods for the benefit of a charity during the hours in which they are compelled to be on BOCES grounds.

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

- a) Fundraising activities which take place off BOCES grounds or outside of regular school hours during before-school or after-school extracurricular periods;
- b) Arms-length transactions, where the purchaser receives consideration for his or her donation. For example, the sale of goods or tickets for concerts or social events, where the proceeds go to charity;
- c) Indirect forms of charitable solicitation on BOCES grounds 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 Board will ultimately 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.

Personnel

Soliciting of funds from BOCES personnel by persons or organizations representing public or private organizations is prohibited. The District Superintendent has the authority to make exceptions to this policy in cases where solicitation is considered to be in the BOCES' best interest. The Board will be notified of these instances.

Distribution of information about worthwhile area charities may be made through the Office of the District Superintendent as a service to BOCES personnel.

New York State Constitution Article 8, Section 1
Education Law Section 414
8 NYCRR Section 19.6

NOTE: Refer also to Policy #7450 -- Fundraising by Students

Adoption Date

Community Relations

SUBJECT: ADVERTISING IN THE BOCES

BOCES facilities, staff, and students will not be used or employed in any manner for advertising or otherwise promoting the interests of any commercial, political, or other non-school agency, individual, or organization, except that:

- a) BOCES may cooperate in furthering the work of any non-profit, community-wide, social service agency, provided that their cooperation does not restrict or impair the educational program of the BOCES or conflict with the Rules of the Board of Regents;
- b) The BOCES may use films or other educational materials bearing only simple mention of the producing firm;
- c) The District Superintendent may, at his or her discretion, announce or authorize to be announced, any lecture or other community activity of particular educational merit;
- d) The BOCES may, upon approval of the District Superintendent, cooperate with any agency in promoting activities in the general public interest that are non-partisan and non-controversial, and that promote the education and other best interests of the students.

No materials of a commercial nature will be distributed through BOCES students except as authorized by law or the Commissioner's regulations.

New York State Constitution Article VIII, Section 1
8 NYCRR Section 19.6

Adoption Date

Community Relations

SUBJECT: USE OF BOCES FACILITIES, MATERIALS, AND EQUIPMENT**BOCES Facilities**

It is the policy of the Board to encourage the use of BOCES facilities for community-wide activities including those uses permitted by New York law. Individuals or groups wishing to use the school facilities must secure written permission from the Board or its designee and abide by the rules and regulations established for use, including restrictions on alcohol, tobacco, and drug use. All visitors must comply with the BOCES' *Code of Conduct*.

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 these organizations.

Materials and Equipment

Except when used in connection with, or rented under provisions of Education Law Section 414, school-owned materials or equipment may be used for school-related purposes only. Private or personal use of school-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 school materials and equipment to be loaned 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 school-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 this inter-municipal cooperation as it saves taxpayer monies and is a more efficient use of scarce or costly equipment and resources.

Education Law Section 414
NY Constitution Article 8

NOTE: Refer also to Policies #3281 -- Use of Facilities by the Boy Scouts of America and Patriotic Youth Groups
#3410 -- Code of Conduct
#5640 -- Smoking, Tobacco, and Cannabis (Marijuana) Use
#6150 -- Alcohol, Tobacco, Drugs, and Other Substances (Staff)
#7320 -- Alcohol, Tobacco, Drugs, and Other Substances (Students)

Adoption Date

Community Relations

**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 group that requests to conduct a meeting within the BOCES' designated open forum or limited public forum, including denying 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 Boy Scouts or any other Title 36 patriotic youth group.

20 USC Section 7905
36 USC Subtitle II
34 CFR Parts 75, 76, and 108

NOTE: Refer also to Policy #3280 -- Use of BOCES Facilities, Materials, and Equipment

Adoption Date

Community Relations

SUBJECT: OPERATION OF MOTOR-DRIVEN VEHICLES ON BOCES PROPERTY

The use of motor-driven vehicles, including cars, snowmobiles, mini-bikes, motorcycles, all-terrain vehicles (ATVs) and other like vehicles is prohibited on any BOCES grounds or areas except for authorized school functions or purposes. A school function means a BOCES-sponsored or BOCES-authorized event or activity regardless of where the event or activity takes place, including any event or activity that may take place in another state.

All student vehicles must be registered with the building principal and parked in authorized areas only.

Education Law Section 2801(1)
Vehicle and Traffic Law Section 1670

Adoption Date

SUBJECT: PUBLIC ACCESS TO RECORDS

Access to BOCES records will be consistent with the rules and regulations established by the New York State Committee on Open Government and will comply with all the requirements of the New York State Freedom of Information Law (FOIL).

Records Access Officer

The District Superintendent, subject to the approval of the Board, will designate a Records Access Officer who will have the duty of coordinating the BOCES' response to public requests for access to records.

Fulfilling FOIL Requests

The BOCES will provide copies of records in the format and on the medium requested by the person filing the FOIL request if the BOCES can reasonably do so regardless of burden, volume, or cost of the request. The BOCES may charge a fee for copies as permitted by law and regulation.

The BOCES may require a person requesting lists of names and addresses to provide a written certification that they will not use the lists of names and addresses for solicitation or fundraising purposes and will not sell, give, or otherwise make available the lists of names and addresses to any other person for the purpose of allowing that person to use the lists of names and addresses for solicitation or fundraising purposes.

Requests for Records via Email

If the BOCES has the capability to retrieve or extract electronic records with reasonable effort, it will provide the records electronically upon request. The BOCES will accept requests for records submitted in the form of email and respond to those requests by email using the forms supplied by the BOCES. This information will be posted on the BOCES website, clearly designating the email address for purposes of receiving requests for records via this format.

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

Notification

The BOCES will post in a conspicuous location wherever records are kept and/or publish in a local newspaper of general circulation a notice which contains: the locations where records will be made available for inspection and copying; the name, title, business address, and business telephone number of the Records Access Officer; and the right to appeal a denial of access to records with the name and business address of the person or body to whom the appeal should be directed.

(Continued)

SUBJECT: PUBLIC ACCESS TO RECORDS (Cont'd.)

Additional Provisions

Regulations and/or procedures governing access to BOCES records in relation to FOIL requests will be developed.

Education Law Section 2116
Public Officers Law Article 6
21 NYCRR Part 1401

NOTE: Refer also to Policy #1510 -- Regular Board Meetings and Rules (Quorum and Parliamentary Procedure)

Adoption Date

Community Relations

SUBJECT: CODE OF CONDUCT

The BOCES has developed and will amend, as appropriate, a written *Code of Conduct* for the maintenance of order on BOCES property and at BOCES functions. The *Code* will govern the conduct of students, teachers, and other BOCES personnel, as well as visitors and vendors. The Board will further provide for the enforcement of this *Code of Conduct*.

For purposes of this policy, and the *Code of Conduct*, BOCES 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' schools or centers, or in or on a school bus; and a BOCES function means a BOCES-sponsored extracurricular event or activity regardless of where the event or activity takes place.

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

BOCES programs or services provided in component school district/"host building" locations will comply with the Code of Conduct prescribed by that building/school district.

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

The BOCES *Code of Conduct* will be reviewed on an annual basis, and updated as necessary in accordance with law. The BOCES may establish a committee to facilitate review of its *Code of Conduct* and the BOCES' response to violations. The Board will reapprove any updated *Code of Conduct* or adopt revisions only after at least one public hearing that provides for the participation of BOCES personnel, parents or persons in parental relation, students, and any other interested parties. The BOCES will file a copy of its *Code of Conduct* and any amendments with the Commissioner, in a manner prescribed by the commissioner, no later than 30 days after their respective adoptions.

The Board will 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 a school assembly to be held at the beginning of each school year;
- c) Providing a plain language summary of the *Code of Conduct* to all parents or persons in parental relation to students before the beginning of each school year and making the summary available thereafter upon request;

(Continued)

SUBJECT: CODE OF CONDUCT (Cont'd.)

- d) Providing each existing teacher with a copy of the complete *Code of Conduct* and a copy of any amendments as soon as practicable following initial adoption or amendment. New teachers will be provided a complete copy of the current *Code of Conduct* upon their employment; and
- e) Making complete copies available for review by students, parents, or persons in parental relation to students, other BOCES staff, and other community members.

Education Law Article 2, Sections 801-a, 2801, and 3214
Family Court Act Articles 3 and 7
Vehicle and Traffic Law Section 142
8 NYCRR Section 100.2

NOTE: Refer also to BOCES *Code of Conduct*

Adoption Date

Community Relations

SUBJECT: PROHIBITION OF WEAPONS ON BOCES GROUNDS

With the exception of law enforcement officers, as permitted by law, and individuals who have the permission of the Board or its designee, no person may have in his or her possession any weapon on BOCES grounds, in any BOCES building, on a school bus or BOCES vehicle, or at any school-sponsored activity or setting under the control and supervision of the BOCES. This prohibition includes, but is not 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

NOTE: Refer also to Policies #3410 -- Code of Conduct
#7313 -- Suspension of Students
#7360 -- Weapons in School and the Gun-Free Schools Act

Adoption Date

SUBJECT: NON-DISCRIMINATION AND ANTI-HARASSMENT IN THE BOCES**Overview**

The BOCES is committed to creating and maintaining an environment which is free from discrimination and harassment. This policy addresses complaints of discrimination and/or harassment made under applicable federal and state laws and regulations, as well as any applicable BOCES policy, regulation, procedure, or other document such as the BOCES' *Code of Conduct*. It is just one component of the BOCES' overall commitment to maintaining a discrimination and harassment-free educational and work environment.

In accordance with applicable federal and state laws and regulations, the BOCES does not discriminate on the basis of any legally protected class or category in its education programs and activities or when making employment decisions. Further, the BOCES prohibits discrimination and harassment on school property and at school functions on the basis of any legally protected class or category including, but not limited to:

- a) Age;
- b) Race;
- c) Creed;
- d) Religion;
- e) Color;
- f) National origin;
- g) Citizenship or immigration status;
- h) Sexual orientation;
- i) Gender identity or expression;
- j) Military status;
- k) Sex;
- l) Disability;
- m) Predisposing genetic characteristics;

(Continued)

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

- n) Familial status;
- o) Marital status; and
- p) Status as a victim of domestic violence.

The BOCES adopts this policy as part of its effort to provide for the prompt and equitable resolution of complaints of discrimination and/or harassment. The BOCES will promptly respond to reports of discrimination and/or harassment, ensure that all investigations are conducted within a reasonably prompt time frame and under a predictable fair grievance process that provides due process protections, and impose disciplinary measures and implement remedies when warranted.

Inquiries about this policy may be directed to the BOCES' Civil Rights Compliance Officer(s) (CRCO(s)).

Scope and Application

This policy outlines the BOCES' general approach to addressing complaints of discrimination and/or harassment. This policy applies to the dealings between or among the following parties on school property and at school functions:

- a) Students;
- b) Employees;
- c) Applicants for employment;
- d) Paid or unpaid interns;
- e) Anyone who is (or is employed by) a contractor, subcontractor, vendor, consultant, or other person providing services pursuant to a contract in the workplace;
- f) Volunteers; and
- g) Visitors or other third parties.

Further, discrimination and/or harassment that occurs off school property and somewhere other than a school function can disrupt the BOCES' educational and work environment. This conduct can occur in-person or through phone calls, texts, emails, or social media. Accordingly, conduct or incidents of discrimination and/or harassment that create or foreseeably create a disruption within the BOCES may be subject to this policy in certain circumstances.

(Continued)

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

Other BOCES policies and documents such as regulations, procedures, collective bargaining agreements, and the BOCES' *Code of Conduct* may address misconduct related to discrimination and/or harassment and may provide for additional, different, or more specific grievance procedures depending on a number of factors including, but not limited to, who is involved, where the alleged discrimination and/or harassment occurred, and the basis of the alleged discrimination and/or harassment. These documents must be read in conjunction with this policy.

The dismissal of a complaint under one policy or document does not preclude action under another related BOCES policy or document.

Definitions

For purposes of this policy, the following definitions apply:

- a) "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 any BOCES elementary or secondary school or BOCES program, or in or on a school bus or BOCES vehicle.
- b) "School function" means a BOCES-sponsored or BOCES-authorized event or activity regardless of where the event or activity takes place, including any event or activity that may take place virtually or in another state.

What Constitutes Discrimination and Harassment

Determinations as to whether conduct or an incident constitutes discrimination and/or harassment will be made consistent with applicable federal and state laws and regulations, as well as any applicable BOCES policy, regulation, procedure, or other document such as the BOCES' *Code of Conduct*. These determinations may depend upon a number of factors, including, but not limited to: the particular conduct or incident at issue; the ages of the parties involved; the context in which the conduct or incident took place; the relationship of the parties to one another; the relationship of the parties to the BOCES; and the protected class or characteristic that is alleged to have been the basis for the conduct or incident. The examples below are intended to serve as a general guide for individuals in determining what may constitute discrimination and/or harassment. These examples should not be construed to add or limit the rights that individuals and entities possess as a matter of law.

Generally stated, discrimination consists of the differential treatment of a person or group of people on the basis of their 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 their membership in a protected class; denying an individual access to facilities or educational benefits on the basis of their membership in a protected class; or impermissibly instituting policies or practices that disproportionately and adversely impact members of a protected class.

(Continued)

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

Generally stated, harassment consists of subjecting an individual, on the basis of their membership in a legally protected class, to unwelcome verbal, written, or physical conduct which may include, but is not limited to: derogatory remarks, signs, jokes, or pranks; demeaning comments or behavior; slurs; mimicking; name calling; graffiti; innuendo; gestures; physical contact; stalking; threatening; bullying; extorting; or the display or circulation of written materials or pictures.

This conduct may, among other things, have the purpose or effect of: subjecting the individual to inferior terms, conditions, or privileges of employment; 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.

Under New York State Human Rights Law (NYSHRL), discrimination or harassment does not need to be severe or pervasive to be illegal. It can be any discriminatory or harassing behavior that rises above petty slights or trivial inconveniences. Every instance of discrimination or harassment is unique to those experiencing it, and there is no single boundary between petty slights and harassing behavior. However, NYSHRL specifies that whether discriminatory or harassing conduct is considered petty or trivial is to be viewed from the standpoint of a reasonable victim of discrimination with the same protected characteristics.

Civil Rights Compliance Officer

The BOCES has designated the school attorney of the BOCES to serve as its CRCO.

General Counsel/Director of Labor Relations
40 W. Main Street
Canton, New York 13617
(315) 386-4504.

The CRCO(s) will coordinate the BOCES' efforts to comply with its responsibilities under applicable non-discrimination and anti-harassment laws and regulations including, but not limited to: the Americans with Disabilities Act of 1990, Section 504 of the Rehabilitation Act of 1973, Title VI of the Civil Rights Act of 1964, and the Age Discrimination Act of 1975.

Where appropriate, the CRCO(s) may seek the assistance of other BOCES employees, such as the BOCES' Title IX Coordinator(s) or Dignity Act Coordinator(s) (DAC(s)), or third parties in investigating, responding to, and remedying complaints of discrimination and/or harassment.

(Continued)

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

Reporting Allegations of Discrimination and/or Harassment

Anyone who experiences, witnesses, or becomes aware of potential instances of discrimination or harassment is encouraged to report the behavior to a supervisor, building principal, other administrator, or the CRCO. Individuals should not feel discouraged from reporting discrimination or harassment because they do not believe it is bad enough or conversely because they do not want to see someone punished for less severe behavior.

Reports of discrimination and/or harassment may be made verbally or in writing. A written complaint form is posted on the BOCES' website if an individual would like to use it, but the complaint form is not required. Individuals who are reporting discrimination and/or harassment on behalf of another individual may use the complaint form and note that it is being submitted on another individual's behalf. A verbal or otherwise written complaint (such as an email) on behalf of oneself or another individual is also acceptable.

Reports may be made to a CRCO in person, by using the contact information for a CRCO, or by any other means that results in a CRCO receiving the person's verbal or written report. This report may be made at any time (including during non-business hours) by using the telephone number or email address, or by mail to the office address, listed for a CRCO.

Reports of discrimination and/or harassment may also be made to any other BOCES employee including a supervisor or building principal. All reports of discrimination and/or harassment must be immediately forwarded to the CRCO. Reports may also be forwarded to other BOCES employees depending on the allegations.

Failure to immediately inform the CRCO may subject the employee to discipline up to and including termination.

If the CRCO is unavailable, including due to a conflict of interest or other disqualifying reason, the report will be directed to another CRCO, if the BOCES has designated another individual to serve in that capacity. If the BOCES has not designated another CRCO, the District Superintendent will ensure that another person with the appropriate training and qualifications is appointed to act as the CRCO.

In addition to complying with the reporting requirements in this policy, BOCES employees must comply with any other applicable reporting requirements contained in BOCES policy, regulation, procedure, collective bargaining agreement, or other document such as the BOCES' *Code of Conduct*. Applicable documents include, but are not limited to, the BOCES' policies, regulations, and procedures related to Title IX, sexual harassment in the workplace, and the Dignity for All Students Act (DASA).

(Continued)

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

Supervisory Responsibilities

Supervisors, building principals, other administrators, and the CRCOs are responsible for helping to maintain a discrimination and harassment-free educational and work environment.

All supervisors, building principals, and other administrators who receive a complaint or information about suspected discrimination or harassment, observe what may be discriminatory or harassing behavior, or for any reason suspect that discrimination or harassment is occurring, are required to report the suspected discrimination or harassment to the CRCO. If the CRCO is unavailable, including due to a conflict of interest or other disqualifying reason, the report will be directed to another CRCO, if the BOCES has designated another individual to serve in that capacity. If the BOCES has not designated another CRCO, the District Superintendent will ensure that another person with the appropriate training and qualifications is appointed to act as the CRCO.

Supervisors, building principals, and other administrators should not be passive and wait for an individual to make a claim of discrimination or harassment. If they observe such behavior, they must act.

Supervisors, building principals, and other administrators can be disciplined if they engage in discriminatory or harassing behavior themselves. Supervisors, building principals, and other administrators, can also be disciplined for failing to report suspected discrimination or harassment or allowing discrimination or harassment to continue after they know about it.

While supervisors, building principals, and other administrators have a responsibility to report discrimination and harassment, they must be mindful of the impact that discrimination and/or harassment and a subsequent investigation has on victims. Being identified as a possible victim of discrimination or harassment and questioned about discrimination or harassment can be intimidating, uncomfortable and re-traumatizing for individuals. Supervisors, building principals, and other administrators must accommodate the needs of individuals who have experienced discrimination or harassment to ensure the workplace is safe, supportive, and free from retaliation for them during and after any investigation.

Grievance Process for Complaints of Discrimination and/or Harassment

All complaints or information about discrimination or harassment will be investigated, whether that information was reported in verbal or written form. An investigation of any complaint, information, or knowledge of suspected discrimination or harassment will be prompt, thorough, equitable, and started and completed as soon as possible. Investigations will be kept confidential to the extent possible. Disclosure may, however, be necessary to complete a thorough investigation of the charges and/or notify law enforcement officials. All individuals involved, including those making a discrimination or harassment claim, witnesses, and alleged harassers deserve a fair and impartial investigation.

(Continued)

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

The CRCO will generally oversee the BOCES' investigation of all complaints of discrimination and/or harassment. In the event an anonymous complaint is filed, the BOCES will respond to the extent possible.

BOCES employees may be required to cooperate as needed in an investigation of suspected discrimination or harassment. The BOCES recognizes that participating in a discrimination or harassment investigation can be uncomfortable and has the potential to retraumatize an individual. Individuals receiving claims and leading investigations will handle complaints and questions with sensitivity toward participants.

Various BOCES policies and documents address discrimination and harassment. All complaints will be handled in accordance with the applicable BOCES policies and/or documents.

The determination as to which BOCES policies and/or documents are applicable is fact specific, and the CRCO may work with other BOCES staff such as the BOCES' Dignity Act Coordinators (DACs) or Title IX Coordinator(s) to determine which BOCES policies and/or documents are applicable to the specific facts of the complaint.

If an investigation reveals that discrimination and/or harassment based on a legally protected class has occurred, the BOCES will take immediate corrective action as warranted. This action will be taken in accordance with applicable law and regulation, as well as any applicable BOCES policy, regulation, procedure, collective bargaining agreement, third-party contract, or other document such as the BOCES' *Code of Conduct*.

Knowingly Makes False Accusations

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

Prohibition of Retaliatory Behavior (Commonly Known as "Whistle-Blower" Protection)

The BOCES prohibits all retaliation. Any individual that reports an incident of discrimination or harassment, provides information, or otherwise assists in any investigation of a discrimination or harassment complaint is protected from retaliation. No one should fear reporting discrimination or harassment if they believe it has occurred. Even if the alleged discrimination or harassment does not turn out to rise to the level of a violation of law, the individual is protected from retaliation if the person had a good faith belief that the practices were unlawful. However, the retaliation provision is not intended to protect persons making intentionally false charges of discrimination or harassment.

(Continued)

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

Any BOCES employee who retaliates against anyone involved in a discrimination or harassment investigation will face disciplinary action, up to and including termination.

Complaints of retaliation may be directed to the CRCO. If the CRCO is unavailable, including due to a conflict of interest or other disqualifying reason, the report will be directed to another CRCO, if the BOCES has designated another individual to serve in that capacity. If the BOCES has not designated another CRCO, the District Superintendent will ensure that another person with the appropriate training and qualifications is appointed to act as the CRCO.

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

Confidentiality

To the extent possible, all complaints will be treated as confidential. Disclosure may be necessary in certain circumstances such as to complete a thorough investigation and/or notify law enforcement officials. All disclosures will be in accordance with law and regulation.

Training

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 employees and students. As may be necessary, special training will be provided for individuals involved in the handling of discrimination and/or harassment complaints.

Notification

Prior to the beginning of each school year, the BOCES will issue an appropriate public announcement or publication which advises students, parents or legal guardians, employees, and other relevant individuals of the BOCES' established grievance process for resolving complaints of discrimination and/or harassment. This announcement or publication will include the name, office address, telephone number, and email address of the CRCO(s). The BOCES' website will reflect current and complete contact information for the CRCO(s).

A copy of this policy and its corresponding regulations and/or procedures will be available upon request and will be posted and/or published in appropriate locations and/or BOCES publications.

(Continued)

**SUBJECT: NON-DISCRIMINATION AND ANTI-HARASSMENT IN THE BOCES
(Cont'd.)****Additional Provisions**

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

8 USC Section 1324b

29 USC Section 206

42 USC Section 1981

Age Discrimination Act of 1975, 42 USC Section 6101 et seq.

Age Discrimination in Employment Act of 1967 (ADEA), 29 USC Section 621 et seq.

Americans with Disabilities Act (ADA), 42 USC Section 12101 et seq.

Equal Educational Opportunities Act of 1974, 20 USC Section 1701 et seq.

Genetic Information Non-Discrimination Act (GINA), 42 USC Section 2000ff et seq.

Section 504 of the Rehabilitation Act of 1973, 29 USC Section 790 et seq.

Title IV of the Civil Rights Act of 1964, 42 USC Section 2000c 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 Act of 1972, 20 USC Section 1681 et seq.

Uniformed Services Employment and Reemployment Rights Act (USERRA), 38 USC Section 4301 et seq.

28 CFR Part 35

29 CFR Chapter XIV -- Equal Employment Opportunity Commission

34 CFR Parts 100, 104, 106, 110, and 270

45 CFR Part 86

Civil Rights Law Sections 40, 40-a, 40-c, 47-a, 47-b, and 48-a

Civil Service Law Sections 75-b and 115

Correction Law Section 752

Education Law Sections 10-18, 313, 313-a, 2801, 3201, and 3201-a

Labor Law Sections 194-a, 201-d, 201-g, 203-e, 206-c, 215, and 740

New York State Human Rights Law, Executive Law Section 290 et seq.

Military Law Sections 242, 243, and 318

8 NYCRR Section 100.2

9 NYCRR Section 466 et seq.

(Continued)

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

NOTE: Refer also to Policies #3421 -- Title IX and Sex Discrimination
#6120 -- Equal Employment Opportunity
#6121 -- Sexual Harassment in the Workplace
#6122 -- Employee Grievances
#7550 -- Dignity for All Students
#7551 -- Sexual Harassment of Students
#8130 -- Equal Educational Opportunities
#8220 -- Career and Technical (Occupational) Education
BOCES *Code of Conduct*

Adoption Date

SUBJECT: TITLE IX AND SEX DISCRIMINATION**Overview**

The BOCES is committed to creating and maintaining education programs and activities which are free from discrimination and harassment. This policy addresses complaints of sex discrimination, including sexual harassment, made under Title IX of the Education Amendments Act of 1972 and its implementing regulations (Title IX). It is just one component of the BOCES' overall commitment to maintaining a discrimination and harassment-free educational and work environment.

Title IX prohibits discrimination on the basis of sex in any education program or activity operated by a district/BOCES that receives federal financial assistance. As required by Title IX, the BOCES does not discriminate on the basis of sex in its education programs and activities or when making employment decisions.

The BOCES adopts this policy as part of its effort to provide for the prompt and equitable resolution of complaints of sex discrimination, including sexual harassment. The BOCES will promptly respond to reports of sex discrimination, ensure that all investigations are conducted within a reasonably prompt time frame and under a predictable fair grievance process that provides due process protections to complainants and respondents, and impose sanctions and implement remedies when warranted.

Inquiries about this policy or the application of Title IX may be directed to the BOCES' Title IX Coordinator(s), the Assistant Secretary for Civil Rights of the United States Department of Education, or both.

Scope and Application of Policy

This policy is limited to addressing complaints of sex discrimination, including sexual harassment, that fall within the scope of Title IX which, among other things, has a specific definition of sexual harassment and applies only to sex discrimination occurring against a person in the United States. This policy applies to any individual participating in or attempting to participate in the BOCES' education programs or activities including students and employees.

Other BOCES policies and documents address sex-based misconduct and may have different definitions, standards of review, and grievance procedures. These documents must be read in conjunction with this policy as they may cover incidents of sex-based misconduct not addressed by Title IX.

If the allegations forming the basis of a formal complaint of sexual harassment, if proven, would constitute prohibited conduct under Title IX, then the grievance process outlined in this policy would be applied to the investigation and adjudication of all the allegations. Depending on the allegations, additional grievance procedures may apply.

(Continued)

SUBJECT: TITLE IX AND SEX DISCRIMINATION (Cont'd.)

The dismissal of a formal complaint of sexual harassment under Title IX does not preclude action under another related BOCES policy, procedure, collective bargaining agreement, or other document such as the BOCES' *Code of Conduct*.

What Constitutes Sex Discrimination Including Sexual Harassment

Title IX prohibits various types of sex discrimination including, but not limited to: sexual harassment; the failure to provide equal athletic opportunity; sex-based discrimination in a BOCES' science, technology, engineering, and math (STEM) courses and programs; and discrimination based on pregnancy.

Under Title IX, sexual harassment includes conduct on the basis of sex that satisfies one or more of the following:

- a) An employee of the BOCES conditioning the provision of an aid, benefit, or service of the BOCES on an individual's participation in unwelcome sexual conduct;
- b) Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the BOCES' education program or activity;
- c) Sexual assault, meaning an offense classified as a forcible or nonforcible sex offense under the uniform crime reporting system of the Federal Bureau of Investigation;
- d) Dating violence, meaning violence committed by a person:
 1. Who is or has been in a social relationship of a romantic or intimate nature with the victim; and
 2. Where the existence of such a relationship will be determined based on a consideration of the following factors:
 - (a) The length of the relationship;
 - (b) The type of relationship;
 - (c) The frequency of interaction between the persons involved in the relationship;
- e) Domestic violence, meaning felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the

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SUBJECT: TITLE IX AND SEX DISCRIMINATION (Cont'd.)

victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies, or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction; or

- f) Stalking, meaning engaging in a course of conduct directed at a specific person that would cause a reasonable person to:
1. Fear for his or her safety or the safety of others; or
 2. Suffer substantial emotional distress.

Title IX Coordinator

The BOCES has designated and authorized the following BOCES employee(s) to serve as its Title IX Coordinator(s):

General Counsel/Director of Labor Relations
40 W. Main Street
Canton, New York 13617
315-386-4504

Assistant Superintendent for Instruction
40 W. Main Street
Canton, New York 13617
315-386-4504

The Title IX Coordinator(s), who must be referred to as such, will coordinate the BOCES' efforts to comply with its responsibilities under Title IX. However, the responsibilities of the Title IX Coordinator(s) may be delegated to other personnel.

Where appropriate, the Title IX Coordinator(s) may seek the assistance of the BOCES' Civil Rights Compliance Officer(s) (CRCO(s)) and/or Dignity Act Coordinator(s) (DAC(s)) in investigating, responding to, and remedying complaints of sex discrimination, including sexual harassment.

Reporting Allegations of Sex Discrimination

Any person may report sex discrimination, including sexual harassment, regardless of whether they are the alleged victim or not. Reports may be made in person, by using the contact information for the Title IX Coordinator, or by any other means that results in the Title IX Coordinator receiving the person's oral or written report. This report may be made at any time (including during non-business hours) by using the telephone number or email address, or by mail to the office address, listed for the Title IX Coordinator.

Reports of sex discrimination may also be made to any other BOCES employee including a supervisor, building principal, or the BOCES' CRCO. All reports of sex discrimination, including sexual harassment, will be forwarded to the BOCES' Title IX Coordinator. Reports may also be forwarded to other BOCES employees depending on the allegations.

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Community Relations

SUBJECT: TITLE IX AND SEX DISCRIMINATION (Cont'd.)

All BOCES employees who witness or receive an oral or written report of sex discrimination must immediately inform the Title IX Coordinator. Failure to immediately inform the Title IX Coordinator may subject the employee to discipline up to and including termination.

Making a report of sexual harassment is not the same as filing a formal complaint of sexual harassment. A formal complaint is a document either filed by a complainant or a parent or legal guardian who has a right to act on behalf of the complainant or signed by the Title IX Coordinator which alleges sexual harassment against a respondent and requests that the BOCES investigate the allegations. While the BOCES must respond to all reports it receives of sexual harassment, the Title IX grievance process is only initiated with the filing of a formal complaint.

In addition to complying with this policy, BOCES employees must comply with any other applicable BOCES policy, procedure, collective bargaining agreement, or other document such as the BOCES' *Code of Conduct*. This includes, but is not limited to, Policy #7550 -- Dignity for All Students (DASA) which requires BOCES employees to make an oral report promptly to the District Superintendent or principal, their designee, or the DAC not later than one school day after witnessing or receiving an oral or written report of harassment, bullying, and/or discrimination of a student. Two days after making the oral report, DASA further requires that the BOCES employee file a written report with the District Superintendent or principal, their designee, or the DAC.

If the Title IX Coordinator is unavailable, including due to a conflict of interest or other disqualifying reason, the report will be directed to another Title IX Coordinator, if the BOCES has designated another individual to serve in that capacity. If the BOCES has not designated another Title IX Coordinator, the District Superintendent will ensure that another person with the appropriate training and qualifications is appointed to act as the Title IX Coordinator.

Grievance Process for Complaints of Sex Discrimination Other than Sexual Harassment

The BOCES will provide for the prompt and equitable resolution of reports of sex discrimination other than sexual harassment. In responding to these reports, the Title IX Coordinator will utilize, as applicable, the grievance process set forth in Policy #3420 -- Non-Discrimination and Anti-Harassment in the BOCES and any other applicable BOCES policy, procedure, collective bargaining agreement, or other document such as the BOCES' *Code of Conduct*.

Grievance Process for Formal Complaints of Sexual Harassment

The BOCES will respond to allegations of sexual harassment in a manner that is not deliberately indifferent whenever it has actual knowledge of sexual harassment in an education program or activity of the BOCES. The BOCES is deliberately indifferent only if its response to sexual harassment is clearly unreasonable in light of the known circumstances. For purposes of reports and formal complaints of sexual harassment under Title IX, education program or activity includes locations, events, or circumstances over which the BOCES exercised substantial control over both the respondent(s) and the context in which the sexual harassment occurred.

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SUBJECT: TITLE IX AND SEX DISCRIMINATION (Cont'd.)

The BOCES will follow a grievance process that complies with law and regulation before the imposition of any disciplinary sanctions or other actions that are not supportive measures against a respondent.

The BOCES will conduct the grievance process in a timely manner designed to provide all parties with a prompt and equitable resolution. It is anticipated that, in most cases, the grievance process will be conducted within a reasonably prompt manner and follow the time frames established in this policy.

Definitions

- a) "Actual knowledge" means notice of sexual harassment or allegations of sexual harassment to a BOCES' Title IX Coordinator or any official of the BOCES who has authority to institute corrective measures on behalf of the BOCES, or to any BOCES employee. Imputation of knowledge based solely on vicarious liability or constructive notice is insufficient to constitute actual knowledge. This standard is not met when the only official of the BOCES with actual knowledge is the respondent. The mere ability or obligation to report sexual harassment or to inform a student about how to report sexual harassment, or having been trained to do so, does not qualify an individual as one who has authority to institute corrective measures on behalf of the BOCES. "Notice" as used in this paragraph includes, but is not limited to, a report of sexual harassment to the Title IX Coordinator as described in this policy.
- b) "Complainant" means an individual who is alleged to be the victim of conduct that could constitute sexual harassment.
- c) "Days" means calendar days,
- d) "Formal complaint" means a document filed by a complainant or signed by the Title IX Coordinator alleging sexual harassment against a respondent and requesting that the BOCES investigate the allegation of sexual harassment. At the time of filing a formal complaint, a complainant must be participating in or attempting to participate in the education program or activity of the BOCES with which the formal complaint is filed. A formal complaint may be filed with the Title IX Coordinator in person, by mail, or by email, by using the contact information required to be listed for the Title IX Coordinator, and by any additional method designated by the BOCES. As used in this paragraph, the phrase "document filed by a complainant" means a document or electronic submission (such as by email or through an online portal provided for this purpose by the BOCES) that contains the complainant's physical or digital signature, or otherwise indicates that the complainant is the person filing the formal complaint. Where the Title IX Coordinator signs a formal complaint, the Title IX Coordinator is not a complainant or otherwise a party, and must comply with the requirements of law and regulation.

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Community Relations

SUBJECT: TITLE IX AND SEX DISCRIMINATION (Cont'd.)

- e) "Respondent" means an individual who has been reported to be the perpetrator of conduct that could constitute sexual harassment.
- f) "Supportive measures" means non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the complainant or the respondent before or after the filing of a formal complaint or where no formal complaint has been filed. These measures are designed to restore or preserve equal access to the BOCES' education program or activity without unreasonably burdening the other party, including measures designed to protect the safety of all parties or the BOCES' educational environment, or deter sexual harassment. Supportive measures may include counseling, extensions of deadlines or other course-related adjustments, modifications of work or class schedules, campus escort services, mutual restrictions on contact between the parties, changes in work or housing locations, leaves of absence, increased security and monitoring of certain areas of the campus, and other similar measures. The BOCES must maintain as confidential any supportive measures provided to the complainant or respondent, to the extent that maintaining such confidentiality would not impair the ability of the BOCES to provide the supportive measures. The Title IX Coordinator is responsible for coordinating the effective implementation of supportive measures.

General Requirements for the Investigative and Grievance Process

During the investigation of a formal complaint and throughout the grievance process, the BOCES will ensure that:

- a) Complainants and respondents are treated equitably. This includes applying any provisions, rules, or practices incorporated into the BOCES' grievance process, other than those required by law or regulation, equally to both parties.
- b) All relevant evidence is objectively evaluated, including both inculpatory and exculpatory evidence. Inculpatory evidence implicates or tends to implicate an individual in a crime or wrongdoing. Exculpatory evidence frees or tends to free an individual from blame or accusation.
- c) The Title IX Coordinator, investigator, decision-maker involved in the grievance process, or any person designated by the BOCES to facilitate any informal resolution process does not have a conflict of interest or bias for or against complainants or respondents generally or an individual complainant or respondent.
- d) Respondents are presumed not to be responsible for the alleged conduct until a determination regarding responsibility is made at the conclusion of the grievance process.

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Community Relations

SUBJECT: TITLE IX AND SEX DISCRIMINATION (Cont'd.)

- e) The grievance process, including any appeals or informal resolutions, is concluded within a reasonably prompt time frame and that the process is only temporarily delayed or extended for good cause. Good cause includes, but is not limited to, considerations such as the absence of a party, a party's advisor, or a witness; concurrent law enforcement activity; or the need for language assistance or accommodation of disabilities. Whenever the time frame is temporarily delayed or extended, written notice will be provided to all complainants and respondents of the delay or extension and the reasons for the action.
- f) The range of possible disciplinary sanctions and remedies that may be implemented by the BOCES following any determination regarding responsibility are described to any known party.
- g) The same standard of evidence is used to determine responsibility in all formal complaints.
- h) The procedures and permissible bases for an appeal are known to all complainants and respondents.
- i) The range of supportive measures available are known to all complainants and respondents.
- j) There is no requirement, allowance of, reliance on, or otherwise use of questions or evidence that constitute, or seek disclosure of, information protected under a legally recognized privilege, unless the person holding the privilege has waived the privilege.
- k) The burden of proof and the burden of gathering evidence sufficient to reach a determination regarding responsibility rests on the BOCES and not on the parties.
- l) The Title IX Coordinator, the investigator, any decision-maker, or any other person participating on behalf of the BOCES does not access, consider, disclose, or otherwise use a party's records that are made or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in the professional's or paraprofessional's capacity, or assisting in that capacity, and which are made and maintained in connection with the provision of treatment to the party, unless the BOCES obtains that party's voluntary, written consent to do so for the grievance process. If the party is not an eligible student, as defined in FERPA as a student who has reached 18 years of age or is attending a post-secondary institution, the BOCES will obtain the voluntary, written consent of a parent.
- m) The parties have an equal opportunity to present witnesses, including fact and expert witnesses, and other inculpatory and exculpatory evidence.
- n) Credibility determinations are not based on a person's status as a complainant, respondent, or witness.

(Continued)

Community Relations

SUBJECT: TITLE IX AND SEX DISCRIMINATION (Cont'd.)

- o) The ability of either party to discuss the allegations under investigation or to gather and present relevant evidence is not restricted.
- p) The parties are provided with the same opportunities to have others present during any grievance proceeding, including the opportunity to be accompanied to any related meeting or proceeding by the advisor of their choice, who may be, but is not required to be, an attorney, and not limit the choice or presence of advisor for any complainant or respondent in any meeting or grievance proceeding. However, the BOCES may establish restrictions regarding the extent to which the advisor may participate in the proceedings, as long as the restrictions apply equally to both parties.
- q) Written notice of the date, time, location, participants, and purpose of all hearings, investigative interviews, or other meetings, is provided to any party whose participation is invited or expected with sufficient time for the party to prepare to participate.
- r) The parties are provided with equal opportunity to inspect and review any evidence obtained as part of the investigation that is directly related to the allegations raised in a formal complaint, including the evidence upon which the BOCES does not intend to rely on in reaching a determination regarding responsibility and inculpatory or exculpatory evidence whether obtained from a party or other source, so that each party can meaningfully respond to the evidence prior to conclusion of the investigation.
- s) Any document sent to a minor or legally incompetent person is also sent to the party's parent or legal guardian.
- t) Any document sent to a party is also sent to the party's advisor, if known.

After a Report of Sexual Harassment Has Been Made

After receiving a report of sexual harassment, the Title IX Coordinator will:

- a) Promptly contact the complainant to discuss and offer supportive measures;
- b) Inform the complainant both of the range of supportive measures available and that these measures are available regardless of whether a formal complaint is filed;
- c) Consider the complainant's wishes with respect to supportive measures; and
- d) Explain to the complainant the process for filing a formal complaint.

The Title IX Coordinator may also contact the respondent to discuss and/or impose supportive measures.

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SUBJECT: TITLE IX AND SEX DISCRIMINATION (Cont'd.)

Requests for confidentiality or use of anonymous reporting may limit how the BOCES is able to respond to a report of sexual harassment.

Emergency Removal and Administrative Leave

At any point after receiving a report or formal complaint of sexual harassment, the BOCES may immediately remove a respondent from the BOCES' education program or activity on an emergency basis, provided that the BOCES:

- a) Undertakes an individualized safety and risk analysis;
- b) Determines that an immediate threat to the physical health or safety of any student or other individual arising from the allegations of sexual harassment justifies removal; and
- c) Provides the respondent with notice and an opportunity to challenge the decision immediately following the removal.

The BOCES should coordinate their Title IX compliance efforts with special education staff when initiating an emergency removal of a student with a disability from an education program or activity as the removal could constitute a change of placement under the IDEA or Section 504.

The BOCES may place a non-student employee respondent on administrative leave with or without pay during the pendency of the grievance process in accordance with law and regulation and any applicable BOCES policy, procedure, collective bargaining agreement, or other document such as the BOCES' *Code of Conduct*.

Filing a Formal Complaint

A complainant may file a formal complaint with the Title IX Coordinator in person or by mail, email, or other method made available by the BOCES. The complainant must be participating in or attempting to participate in the education program or activity of the BOCES at the time of filing the complaint. The filing of a formal complaint initiates the grievance process.

A formal complaint must be signed by the complainant, the complainant's parent or legal guardian as appropriate, or the Title IX Coordinator. Where a parent or legal guardian signs the complaint, the parent or legal guardian does not become the complainant; rather the parent or legal guardian acts on behalf of the complainant. The Title IX Coordinator may sign the formal complaint, but his or her signature does not make him or her a complainant or a party to the complaint. If the formal complaint is signed by the Title IX Coordinator, the Title IX Coordinator is still obligated to comply with the grievance process outlined in this policy.

(Continued)

SUBJECT: TITLE IX AND SEX DISCRIMINATION (Cont'd.)

The complainant, or the complainant's parent or legal guardian, must physically or digitally sign the formal complaint, or otherwise indicate that the complainant is the person filing the formal complaint. When a formal complaint is filed, the Title IX Coordinator must send a written notice of allegations to all parties which includes the identities of all known parties.

The BOCES will not discriminate on the basis of sex in its treatment of a complainant or a respondent in responding to a formal complaint of sexual harassment.

The formal complaint form may be obtained from the BOCES' Title IX Coordinator or found on the BOCES' website.

Consolidation of Formal Complaints

The BOCES may consolidate formal complaints of sexual harassment against more than one respondent, or by more than one complainant against one or more respondents, or by one party against the other party, where the allegations of sexual harassment arise out of the same facts or circumstances.

Written Notice of Allegations

Upon receipt of a formal complaint, the BOCES will send all known parties written notice of:

- a) The BOCES' grievance process, including any informal resolution process; and
- b) The allegations of sexual harassment which will:
 1. Provide sufficient details known at the time and sufficient time to prepare a response before any initial interview. Sufficient details include the identities of the parties involved in the incident, if known, the conduct allegedly constituting sexual harassment, and the date and location of the alleged incident, if known;
 2. State that the respondent is presumed not to be responsible for the alleged conduct and that a determination regarding responsibility is made at the conclusion of the grievance process;
 3. Inform the parties that they may have an advisor of their choice, who may be, but is not required to be, an attorney;
 4. Inform the parties that they may inspect and review any evidence obtained as part of the investigation that is directly related to the allegations raised in the formal complaint; and

(Continued)

SUBJECT: TITLE IX AND SEX DISCRIMINATION (Cont'd.)

5. Include notice of any provision in any applicable BOCES policy, procedure, collective bargaining agreement, or other document such as the BOCES' *Code of Conduct* that prohibits knowingly making false statements or knowingly submitting false information during the grievance process.

If, in the course of an investigation, the BOCES decides to investigate allegations about any complainant or respondent that were not included in the initial notice, the BOCES will provide another notice of the additional allegations to the parties whose identities are known.

Investigation of a Formal Complaint

The Title IX Coordinator will oversee the BOCES' investigation of all formal complaints. During the investigation of a formal complaint, the Title IX Coordinator or another BOCES employee may serve as the BOCES' investigator. The BOCES may also outsource all or part of an investigation to appropriate third parties. The outsourcing of all or part of an investigation does not relieve the BOCES from its obligation to comply with law and regulation.

It is anticipated that most investigations will be completed within 90 calendar days after receiving a formal complaint.

During the investigation of a formal complaint, the investigator will, as appropriate:

- a) Collect, review, and preserve all evidence including, but not limited to, any relevant documents, videos, electronic communications, and phone records.
- b) Interview all relevant persons including, but not limited to, any complainants, respondents, and witnesses. Interviews of complainants and respondents will be conducted separately. If a student is involved, the BOCES will follow any applicable BOCES policy, procedure, or other document such as the BOCES' *Code of Conduct* regarding the questioning of students.
- c) Create written documentation of the investigation (such as a letter, memo, or email), which contains the following:
 1. A list of all documents reviewed, along with a detailed summary of relevant documents;
 2. A list of names of those interviewed, along with a detailed summary of their statements;
 3. A timeline of events; and
 4. A summary of prior relevant incidents, reported or unreported.
- d) Keep any written documentation and associated documents in a secure and confidential location.

(Continued)

SUBJECT: TITLE IX AND SEX DISCRIMINATION (Cont'd.)

Prior to completion of the investigative report, the BOCES will send to each party and the party's advisor, if any, the evidence subject to inspection and review in an electronic format or a hard copy. The parties will have at least ten days to submit a written response, which the investigator will consider prior to completion of the investigative report.

At the end of the investigation, an investigative report will be created that fairly summarizes all relevant evidence.

At least ten days prior to a hearing or other determination regarding responsibility, the investigative report will be sent to each party and the party's advisor, if any, in an electronic format or a hard copy, for their review and written response.

Dismissal of a Formal Complaint

The BOCES must investigate the allegations in a formal complaint. The BOCES must dismiss a formal complaint under Title IX if the conduct alleged:

- a) Would not constitute sexual harassment even if proven;
- b) Did not occur in the BOCES' education program or activity; or
- c) Did not occur against a person in the United States.

Further, the BOCES may dismiss a formal complaint or any of its allegations under Title IX, if at any time during the investigation or hearing:

- a) A complainant notifies the Title IX Coordinator in writing that the complainant would like to withdraw the formal complaint or any of its allegations;
- b) The respondent is no longer enrolled or employed by the BOCES; or
- c) Specific circumstances prevent the BOCES from gathering evidence sufficient to reach a determination as to the formal complaint or any of its allegations.

Upon a dismissal of a formal complaint, the BOCES must promptly send written notice of the dismissal and reason(s) for the dismissal simultaneously to the parties.

The dismissal of a formal complaint under Title IX does not preclude action under another related BOCES policy, procedure, collective bargaining agreement, or other document such as the BOCES' *Code of Conduct*.

(Continued)

SUBJECT: TITLE IX AND SEX DISCRIMINATION (Cont'd.)Informal Resolutions

Before reaching a determination regarding responsibility, but only after a formal complaint is filed, the BOCES may offer and facilitate the use of an informal resolution process, such as mediation, that does not involve a full investigation and adjudication of the formal complaint. In such instances, the complainant will notify the Title IX Coordinator in writing that the complainant would like to withdraw the formal complaint.

It is anticipated that most informal resolutions will be completed within 30 days.

The BOCES will not require that parties participate in an informal resolution process. The BOCES will not offer or facilitate an informal resolution process to resolve allegations that an employee sexually harassed a student. Further, the BOCES will not require the waiver of the right to an investigation and adjudication of formal complaints of sexual harassment as a condition of enrollment or continuing enrollment, or employment or continuing employment, or enjoyment of any other right.

If the BOCES offers and facilitates the use of an informal resolution process, it will:

- a) Provide written notice to all known parties which details:
 1. The allegations in the formal complaint;
 2. The requirements of the informal resolution process including the circumstances under which it precludes the parties from resuming a formal complaint arising from the same allegations, provided, however, that at any time prior to agreeing to a resolution, any party has the right to withdraw from the informal resolution process and resume the grievance process with respect to the formal complaint;
 3. Any consequences resulting from participating in the informal resolution process, including the records that will be maintained or could be shared; and
- b) Obtain the parties' voluntary, written consent to the informal resolution process and dismissal of the formal complaint.

Hearings and Determination Regarding Responsibility

The BOCES will designate an individual decision-maker or a panel of decision-makers to issue a written determination regarding responsibility. A decision-maker can either be a BOCES employee or, where appropriate, a third-party. They cannot be the same individual as either the Title IX Coordinator or the investigator(s).

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SUBJECT: TITLE IX AND SEX DISCRIMINATION (Cont'd.)

The BOCES' grievance process may, but is not required to, provide for a hearing. The determination as to whether a hearing will be provided will be made on a case-by-case basis. If a hearing is provided, the BOCES will make all evidence subject to the parties' inspection and review available to give each party equal opportunity to refer to this evidence during the hearing, including for purposes of cross-examination.

With or without a hearing, before reaching a determination regarding responsibility, the decision-maker(s) will afford each party the opportunity to:

- a) Submit written, relevant questions that a party wants asked of any party or witness within 7 days after the parties have received the investigative report;
- b) Provide each party with the answers given by any party or witness within 5 days of receiving the questions; and
- c) Allow for additional, limited follow-up questions and responses from each party to occur within 2 days after the parties have received responses to their initial questions.

Questions and evidence about a complainant's sexual predisposition or prior sexual behavior will not be considered, unless the questions and evidence about the complainant's prior sexual behavior are offered to prove that someone other than the respondent committed the conduct alleged by the complainant, or if the questions and evidence concern specific incidents of the complainant's prior sexual behavior with respect to the respondent and are offered to prove consent. The decision-maker(s) will explain to the party proposing the questions any decision to exclude a question as not relevant.

The decision-maker(s) will issue a written determination regarding responsibility to the Title IX Coordinator, the District Superintendent, and all parties simultaneously within 10 days after all follow-up questions have been responded to or after the hearing, if one has been provided.

To reach this determination, the decision-maker(s) will use the preponderance of the evidence standard which is the standard of evidence that will be applied in all formal complaints of sexual harassment. This standard is understood to mean that the party with the burden of persuasion must prove that a proposition is more probably true than false meaning a probability of truth greater than 50%.

The written notice of the determination regarding responsibility will include:

- a) Identification of the allegations potentially constituting sexual harassment;
- b) A description of the procedural steps taken from the receipt of the formal complaint through the determination, including any notifications to the parties, interviews with parties and witnesses, site visits, methods used to gather other evidence, and hearings held;

(Continued)

SUBJECT: TITLE IX AND SEX DISCRIMINATION (Cont'd.)

- c) Findings of fact supporting the determination;
- d) Conclusions regarding the application of any applicable BOCES policy, procedure, collective bargaining agreement, or other document such as the BOCES' *Code of Conduct* to the facts;
- e) A statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility, any disciplinary sanctions the BOCES is imposing on the respondent, and whether remedies designed to restore or preserve equal access to the BOCES' education program or activity will be provided by the BOCES to the complainant; and
- f) The BOCES' procedures and permissible bases for the complainant and respondent to appeal.

Finality of Determination Regarding Responsibility

The determination regarding responsibility becomes final either on the date that the BOCES provides the parties with the written determination of the result of the appeal, if an appeal is filed, or if an appeal is not filed, the date on which an appeal would no longer be considered timely.

Where a determination regarding responsibility for sexual harassment has been made against the respondent, remedies will be provided to a complainant and disciplinary sanctions may be imposed on a respondent. Remedies will be designed to restore or preserve equal access to the BOCES' education program or activity. Remedies and disciplinary sanctions will be implemented in accordance with applicable laws and regulations, as well as any BOCES policy, procedure, collective bargaining agreement, or other document such as the BOCES' *Code of Conduct*.

The Title IX Coordinator is responsible for the effective implementation of any remedies and/or disciplinary sanctions. The Title IX Coordinator will work with other individuals as necessary to effectively implement remedies and/or disciplinary sanctions.

Appeals

Either party may file an appeal from a determination regarding responsibility or from the BOCES' dismissal of a formal complaint or any of its allegations. Appeals must be submitted in writing to the Title IX Coordinator within 3 days of the written notice of the determination regarding responsibility or dismissal of the formal complaint or any of its allegations.

An appeal may only be based upon one or more of the following bases:

- a) Procedural irregularity that affected the outcome of the matter;

(Continued)

SUBJECT: TITLE IX AND SEX DISCRIMINATION (Cont'd.)

- b) New evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter; and
- c) The Title IX Coordinator, investigator, or decision-maker(s) had a conflict of interest or bias for or against complainants or respondents generally or the individual complainant or respondent that affected the outcome of the matter.

The bases on which a party is seeking an appeal should be specifically stated in the party's written appeal.

Upon receipt of an appeal, the BOCES will:

- a) Notify the other party in writing that an appeal has been filed and implement appeal procedures equally for both parties;
- b) Ensure that any decision-maker for the appeal:
 - 1. Is not the same person as any decision-maker that reached the initial determination regarding responsibility or dismissal, investigator, or Title IX Coordinator;
 - 2. Does not have any conflict of interest or bias for or against complainants or respondents generally or an individual complainant or respondent;
- c) Give all parties a reasonable, equal opportunity to submit a written statement in support of, or challenging, the outcome. Parties will have to submit these written statements within 2 days after the parties have been notified of the appeal;
- d) Issue a written decision describing the result of the appeal and the rationale for the result; and
- e) Provide the written decision simultaneously to the Title IX Coordinator, the District Superintendent, and all parties within 5 days after receiving the parties written statements in support of, or challenging, the outcome.

Prohibition of Retaliatory Behavior (Commonly Known as "Whistle-Blower" Protection)

The BOCES prohibits retaliation against any individual for the purpose of interfering with his or her Title IX rights or because the individual made a report or complaint, testified, assisted, or participated or refused to participate in an investigation, proceeding, or hearing under Title IX.

(Continued)

Community Relations

SUBJECT: TITLE IX AND SEX DISCRIMINATION (Cont'd.)

Charging an individual with *Code of Conduct* or other applicable violations that do not involve sex discrimination, including sexual harassment, but arise out of the same facts or circumstances as a report or complaint of sex discrimination for the purpose of interfering with any right or privilege secured by Title IX, constitutes retaliation. Charging an individual with a *Code of Conduct* or other applicable violation for making a materially false statement in bad faith during a grievance proceeding does not constitute retaliation, provided, however, that a determination regarding responsibility, alone, is not sufficient to conclude that any party made a materially false statement in bad faith.

All complaints alleging retaliation will be handled in a manner consistent with the BOCES' policies and procedures regarding the investigation of discrimination and harassment complaints, including Policy #3420 -- Non-Discrimination and Anti-Harassment in the BOCES.

If the Title IX Coordinator is unavailable, including due to a conflict of interest or other disqualifying reason, the report will be directed to another Title IX Coordinator, if the BOCES has designated another individual to serve in that capacity. If the BOCES has not designated another Title IX Coordinator, the District Superintendent will ensure that another person with the appropriate training and qualifications is appointed to act as the Title IX Coordinator.

Confidentiality

Except where disclosure may be permitted or required by law or regulation, the BOCES will keep confidential the identity of any:

- a) Individual who has made a report or complaint of sex discrimination;
- b) Individual who has made a report or filed a formal complaint of sexual harassment;
- c) Complainant;
- d) Individual who has been reported to be the perpetrator of sex discrimination;
- e) Respondent; and
- f) Witness.

Training

The BOCES will ensure that:

- a) All Title IX Coordinators, investigators, decision-makers, or persons who facilitate an informal resolution process receive training on:
 1. The definition of sexual harassment as defined in Title IX;

(Continued)

SUBJECT: TITLE IX AND SEX DISCRIMINATION (Cont'd.)

2. The scope of the BOCES' education program or activity;
 3. How to conduct an investigation and grievance process including hearings, appeals, and informal resolution processes, as applicable; and
 4. How to serve impartially, including by avoiding prejudgment of the facts at issue, conflicts of interest, and bias.
- b) All decision-makers receive training on any technology to be used at a live hearing and on issues of relevance of questions and evidence, including when questions and evidence about a complainant's sexual predisposition or prior sexual behavior are not relevant.
 - c) All investigators receive training on issues of relevance to create an investigative report that fairly summarizes relevant evidence.
 - d) All BOCES employees receive training on mandatory reporting obligations and any other responsibilities that they may have relative to Title IX.

Materials used to train Title IX Coordinators, investigators, decision-makers, and any person who facilitates an informal resolution process will not rely on sex stereotypes and will promote impartial investigations and adjudications of formal complaints of sexual harassment. Training materials will be made publicly available on the BOCES' website.

Notification

The BOCES will notify students, parents or legal guardians of students, employees, applicants for employment, and all unions or professional organizations holding collective bargaining or professional agreements with the BOCES of this policy.

Further, the BOCES will prominently publish this policy and the contact information for the Title IX Coordinator(s) on its website and in other publications, including in each handbook or catalog that it makes available to the individuals and entities referenced above.

Recordkeeping

For a period of seven years, the BOCES will retain the following:

- a) Records of each sexual harassment investigation including any:
 1. Determination regarding responsibility;
 2. Audio or audiovisual recording or transcript required under law or regulation;

(Continued)

SUBJECT: TITLE IX AND SEX DISCRIMINATION (Cont'd.)

3. Disciplinary sanctions imposed on the respondent; and
 4. Remedies provided to the complainant designed to restore or preserve equal access to the BOCES' education program or activity.
- b) Any appeal and its result.
 - c) Any informal resolution and its result.
 - d) All materials used to train Title IX Coordinators, investigators, decision-makers, and any person who facilitates an informal resolution process.
 - e) For each response to sexual harassment where the BOCES had actual knowledge of sexual harassment in its education program or activity against a person in the United States, records of any actions, including any supportive measures, taken in response to a report or formal complaint of sexual harassment. In each instance, the BOCES must document the basis for its conclusion that its response was not deliberately indifferent, and document that it has taken measures designed to restore or preserve equal access to the BOCES' education program or activity. If the BOCES does not provide a complainant with supportive measures, then the BOCES must document the reasons why such a response was not clearly unreasonable in light of the known circumstances. The documentation of certain bases or measures does not limit the BOCES in the future from providing additional explanations or detailing additional measures taken.

20 USC Section 1092(f)(6)(A)(v)
20 USC Section 1681, et. seq.
34 USC Section 12291(a)(8, 10, and 30)
34 CFR Part 106
Education Law Section 13
8 NYCRR Section 100.2

NOTE: Refer also to Policies #3420 -- Non-Discrimination and Anti-Harassment in the BOCES
#6121 -- Sexual Harassment in the Workplace
#7550 -- Dignity for All Students
#7551 -- Sexual Harassment of Students
BOCES *Code of Conduct*

Adoption Date

SUBJECT: DIVERSITY, EQUITY, AND INCLUSION IN THE BOCES**Overview**

Research shows that all students benefit when schools implement strong diversity, equity, and inclusion (DEI) policies and practices. These benefits include academic, cognitive, civic, social-emotional, and economic. This is true regardless of a school's geographic location or the demographic composition of its students and staff.

This policy provides a framework as to how the BOCES will foster DEI in its schools. This policy considers the entirety of the educational process by addressing the following essential elements: governance; teaching and learning; family and community engagement; workforce diversity; diverse schools and learning opportunities; and student supports, discipline, and wellness. It is just one component of the BOCES' overall commitment to maintaining a diverse, equitable, and inclusive educational and work environment.

Defining Diversity, Equity, and Inclusion

For purposes of this policy:

- a) "Diversity" includes, but is not limited to: race; color; ethnicity; nationality; religion; socioeconomic status; veteran status; education; marital status; language; age; gender; gender expression; gender identity; sexual orientation; mental or physical ability; genetic information; and learning style.
- b) "Equity" includes, but is not limited to, seeking the fair treatment, access, opportunity, and advancement for all while striving to identify and eliminate barriers that have prevented the full participation of all groups.
- c) "Inclusion" includes, but is not limited to, authentically bringing traditionally excluded individuals and/or groups into processes, activities, and decision/policy making in a way that ensures equal access to opportunities and resources.

These descriptions are not intended to be exhaustive. Rather, they are meant to be foundational and provide clarity to the concepts of diversity, equity, and inclusion.

DEI Coordinator

The Board of Education designates the DEI Coordinator at the re-organizational meeting in July each year. This appointment is listed under School District Officers. DEI Coordinator, St. Lawrence-Lewis BOCES, 40 W. Main Street, Canton, New York 13617, 315-386-4504

The DEI Coordinator will be a member of the DEI Committee and convene and coordinate the activities and plans of the DEI Committee.

(Continued)

SUBJECT: DIVERSITY, EQUITY, AND INCLUSION IN THE BOCES (Cont'd.)**Teaching and Learning**

The BOCES will strive to advance inclusive and culturally responsive teaching and learning through, but not limited to, the following means: curricula in all content areas; books and instructional materials; pedagogical practices and professional development; classroom grouping policies and practices; student support systems for all developmental pathways; full and equitable opportunities to learn for all students; and multiple assessment measures. As part of this effort, the BOCES will seek to:

- a) Implement a Culturally Responsive-Sustaining (CR-S) Education Framework that embeds the ideals of diversity, equity, and inclusion by creating student-centered learning environments that:
 1. Affirm cultural identities;
 2. Foster positive academic outcomes;
 3. Develop students' abilities to connect across lines of difference;
 4. Elevate historically marginalized voices;
 5. Empower students as agents of social change; and
 6. Contribute to individual student engagement, learning, growth, and achievement through the cultivation of critical thinking.
- b) Develop curricula that incorporates diverse perspectives, materials, and texts so that students are taught topics not just from one single perspective, but from multiple perspectives.
- c) Offer coherent opportunities for students to actively participate in experiences that prepare them for a lifetime of civic engagement and contributions to social justice, including, for example, completing projects that enable them to apply the learning they have acquired within and across subject areas.

Family and Community Engagement

The BOCES will strive to foster family and community engagement practices that are based on mutual trust, confidence, and respect. As part of this effort, the BOCES will seek to:

- a) Encourage participation from all stakeholders in community building conversations.
- b) Reduce language barriers through various means, including, but not limited to, providing translated communications when appropriate.

(Continued)

SUBJECT: DIVERSITY, EQUITY, AND INCLUSION IN THE BOCES (Cont'd.)**Workforce Diversity**

The BOCES will strive to create a workforce that is not only diverse and inclusive, but one that recognizes and values the differences among people. As part of this effort, the BOCES will seek to:

- a) Recruit and retain a diverse workforce in all areas and at all levels, preparing students for an increasingly global society.
- b) Provide staff with opportunities for professional learning on cultural proficiency.

Diverse Schools and Learning Opportunities

The BOCES will strive to promote diverse, equitable, and inclusive classrooms in which students have equal access and opportunities to learn and realize their full potential. As part of this effort, the BOCES will seek to:

- a) Take creative steps to enhance the level of socioeconomic and racial diversity within BOCES schools.
- b) Eliminate the use of terms and phrases within BOCES schools that perpetuate negative stereotypes and minimize student opportunities.
- c) Create coursework, programs, and activities that are accessible to all students, regardless of their disability status, native language, income level, or any other basis.

Student Supports, Discipline, and Wellness

The BOCES will strive to focus on the well-being of the "whole child." As part of this effort, the BOCES will seek to:

- a) Employ programs and practices that enhance all students' self-identity, self-confidence, and self-esteem.
- b) Maintain non-discriminatory discipline policies and practices.
- c) Consider and address the full range of student developmental pathways.

Training

To foster DEI in its schools, the BOCES will provide DEI training to staff and students, as appropriate. This training may be delivered in various forms including, but not limited to: workshops; instructor-led classes; webinars; videos; workbooks; pamphlets; and/or emailed information. Although specific objectives will vary from training to training, in general, trainings will be designed to:

(Continued)

SUBJECT: DIVERSITY, EQUITY, AND INCLUSION IN THE BOCES (Cont'd.)

- a) Increase awareness of the content of this policy and/or various DEI issues; and
- b) Promote a welcoming and inclusive environment for all BOCES community members.

Notification

The BOCES will share information about this policy via the BOCES website and/or BOCES-wide communications, as appropriate.

Adoption Date

Community Relations

SUBJECT: EMERGENCY CLOSINGS

In the event it is necessary to close school for the day, activate a delayed starting time or early dismissal (as well as information relating to cancellation of after-school activities/late bus runs), due to inclement weather, impassable roads, or other emergency reasons, announcements will be made over television stations, auto dialing, or using the internet .

While schools are in session, in the event of an emergency or an act of nature, the District Superintendent or designee may choose to close one or more buildings in the BOCES. The District Superintendent or designee will place the safety of students as the primary consideration in the closing of any school building.

The District Superintendent or designee is also empowered to close BOCES offices and other non-student-related services when in his or her discretion conditions warrant the closing.

Staff attendance will be governed by contract and/or emergency response to the situation by the District Superintendent or designee.

Education Law Section 3604(7)

Adoption Date

Community Relations

SUBJECT: EXTRAORDINARY CIRCUMSTANCES

The BOCES considers the safety of its students and staff to be of the utmost importance and is acutely aware that extraordinary circumstances such as widespread illness, natural disaster, or other emergency situation may make BOCES premises unsafe or otherwise interrupt the BOCES' ability to effectively operate.

In these circumstances, the BOCES will follow its previously developed policies, procedures, and plans including, but not limited to, the BOCES-wide school safety plan and building-level emergency response plan(s). To the extent that any BOCES policy, procedure, or plan is in any way inconsistent with or conflicts with federal, state, or county law, regulation, or executive order released for the purpose of addressing the extraordinary circumstance, the federal, state, or county law, regulation, or executive order will govern. Additionally, the Board may adopt resolutions or take other actions as needed to respond to changes in federal, state, or county law, regulation, or executive order to provide further direction during an extraordinary circumstance.

Adoption Date

Administration

St. Lawrence-Lewis BOCES **NUMBER**

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Administration

SUBJECT: ADMINISTRATIVE PERSONNEL

Administrative and supervisory personnel will be considered to be those BOCES employees officially designated by Board action as responsible for the administrative and supervisory tasks required to carry out Board policy, programs, decisions, and actions.

These employees must meet all certification or Civil Service requirements as outlined in New York State Civil Service Law and the Commissioner's regulations. Administrative and supervisory staff must be eligible to meet these requirements at the time of employment.

Abolishing an Administrative Position

Existing administrative positions will not be abolished by the Board without previous written notification of the impending abolition. This written notification must be served to the individual currently holding that position. In all cases, the individual currently holding the position should receive as much advance notice as possible.

Education Law Sections 1709, 2503(5), and 3013

Adoption Date

Administration

SUBJECT: ADMINISTRATIVE ORGANIZATION AND OPERATION

The basic principles of administrative organization and operation are:

- a) The working relationships will involve two types of officers: line and staff. Line organization involves a direct flow of authority upward and downward from District Superintendent to building principal. A line officer has power and authority over subordinates. Staff officers do not stand in the direct line of authority; they serve as coordinators or consultants.
- b) The Board will formulate and legislate educational policy.
- c) Administrative regulations will be developed by the District Superintendent in cooperation with affected or interested staff members or lay persons.
- d) The Central Office staff will provide overall leadership and assistance in planning and research.
- e) Areas of responsibility for each individual will be clearly defined.
- f) There will be freedom of communication between all levels in the school staff.

Line Responsibility

All employees of the BOCES will be under the general direction of the District Superintendent. Teachers will be immediately responsible to the principal of the building in which they work. Other employees will be immediately responsible to the administrative personnel under whom they work directly.

Adoption Date

Administration

SUBJECT: ADMINISTRATIVE AUTHORITY**During the Absence of the District Superintendent**

The District Superintendent will delegate to another administrator the authority and responsibility for making decisions and taking actions as may be required during the absence of the District Superintendent.

In the Absence of Board Policy

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

Adoption Date

Administration

SUBJECT: BOCES COMMITTEES

Standing or ad hoc committees may be appointed to study and to recommend courses of action in response to department, building, or BOCES needs. These committees may be appointed by the Board, the District Superintendent, or other administrators, with the knowledge of the District Superintendent, and in accordance with the range of responsibilities of the appointing body or administrator to whom the committee will report. The composition of each committee will reflect its purpose, and each committee will have a clear assignment.

Adoption Date

Administration

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 will 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 will 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 will be defined by the District Superintendent and may be changed at his or her discretion.

Adoption Date

Administration

SUBJECT: CHIEF SCHOOL OFFICERS' COUNCIL

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

This council may be used to ascertain needs of school districts, discuss proposals for meeting such needs, provide information concerning legal requirements of school districts, and other topics deemed appropriate by the District Superintendent.

It is the intent of this council 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 Officers' Council is limited to the officially appointed Chief School Officers of the component school districts who will 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.

Adoption Date

Administration

SUBJECT: CABINET

A Cabinet may be established by the District Superintendent of Schools to facilitate the administrative, instructional, and organizational phases of the BOCES.

It will meet at such times and places as determined by the District Superintendent.

Membership in the Cabinet will be composed of those persons appointed by the District Superintendent of Schools and will include those with whom the District Superintendent wishes to regularly consult on BOCES matters and who have major administrative responsibilities for BOCES services and programs.

Adoption Date

Administration

SUBJECT: EVALUATION OF THE DISTRICT SUPERINTENDENT AND OTHER ADMINISTRATIVE STAFF**District Superintendent**

The Board will conduct annually a formal performance evaluation of the District Superintendent. The formal procedures used to complete the evaluation are to be filed in the BOCES Office, and will be made available for review by any individual, no later than September 10 of each year.

The formal performance procedures will include written criteria, a description of the review procedures, provisions for post-conferencing, and methods used to record results of the evaluation. The District Superintendent will be granted the opportunity to respond to the evaluation in writing.

Evaluation of Administrative Staff

The Board will direct the District Superintendent to conduct an evaluation of all administrative personnel.

The purposes of this evaluation are:

- a) To determine the adequacy of administrative staffing;
- b) To improve administrative effectiveness;
- c) To encourage and promote self-evaluation by administrative personnel;
- d) To provide a basis for evaluative judgments by the District Superintendent and the Board;
- e) To make decisions about continued employment with the BOCES.

8 NYCRR Section 100.2(o)(1)(v), (vi)
Education Law Section 3012-d

Adoption Date

Administration

SUBJECT: DISTRICT SUPERINTENDENT OF SCHOOLS

The District Superintendent will 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.

The District Superintendent will 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 or she believes to be desirable or necessary.

The general administration of all programs will be under the District Superintendent's direction and supervision. He or she or designee will attend all meetings of the Board and will act in an advisory capacity on all matters. In all emergency situations not specifically designated herein, the District Superintendent will have the power to act in accordance with his or her best judgment. In the absence of the District Superintendent, the Assistant Superintendent or other designees will assume responsibility for administrative decisions.

Adoption Date

Administration

SUBJECT: DISTRICT SUPERINTENDENT-BOARD RELATIONS

The Board is accountable for all pursuits, achievements, and duties of the BOCES. The Board's specific role is to deliberate and to establish policies for the BOCES. The Board delegates the necessary authority to the District Superintendent who, acting as Chief Executive Officer of the BOCES, is held accountable to the Board for compliance with its policies.

- a) With respect to BOCES goals and objectives, the Board will establish broad guidelines to be observed in the development of further policy and action. The Board reserves the right to issue either restrictive or general policy statements.
- b) Generally, the District Superintendent will be empowered to assign and use resources; to employ, promote, discipline, and deploy staff; to translate policies of the Board into action; to speak as agent of the Board; to organize and delegate administrative responsibilities; and to exercise such other powers as are customary for chief executives.
- c) The District Superintendent may not perform, cause, or allow to be performed any act that is unlawful, that violates commonly accepted business and professional ethics, that violates any contract into which the Board has entered, or that violates policies adopted by the Board that limit the District Superintendent's authority.
- d) Should the District Superintendent or designee consider it unwise, impossible, or impractical to comply with an explicit Board policy, the District Superintendent will inform the Board. The Board will then evaluate the District Superintendent's or designee's decision.

Education Law Sections 1711, 2503, and 2508

Adoption Date

St. Lawrence-Lewis BOCES

NUMBER

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SUBJECT: BUDGET PLANNING AND PREPARATION

The budget of the BOCES will be prepared annually for the Board under the supervision of the District Superintendent. By November of each year, the District Superintendent will develop a timetable and work plan for the use of the component school districts and BOCES administrators to compile budget data.

The budget calendar will provide a timetable for the following:

- a) Budget estimates required for CoSer preparation.
- b) Estimates of service costs provided to component school 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.
- 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

Adoption Date

SUBJECT: BUDGET DEVELOPMENT AND ADOPTION

Authorization of the budgetary commitment of a component school district to participate in programs and services provided by the BOCES rests with the component board of education and is executed by the superintendent of the school district.

The BOCES will prepare tentative budgets for its administrative, capital, and program costs as delineated in accordance with law and regulation. All tentative budgets will be formally presented to the component school districts at the Annual Meeting held on or before April 15.

The Board must attach to the administrative budget a detailed statement of the total compensation to be paid to the District Superintendent including a delineation of the salary, annualized cost of benefits, and any in-kind or other form of remuneration to be paid. In addition, the Board must attach to the proposed administrative budget a BOCES report card as enumerated in law and regulation.

The tentative budgets and attachments will be provided to each component board of education at least ten days prior to the Annual Meeting. The board of each component school district will adopt a public resolution approving or disapproving the tentative administrative budget at a regular or special meeting held on the same date designated for election of members of the Board. Each component board of education 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 boards of education. If a majority of the component school districts do not approve the administrative budget or if there is a tie vote, the Board will prepare and adopt a contingency administrative budget which may not exceed the previous year's administrative budget except for increases to supplemental retirement allowances. If the majority of component school districts approve the tentative administrative budget, the Board may adopt the administrative budget without modification.

While the BOCES capital and program budgets are presented to the component school districts for their review, the adoption of those budgets is the sole responsibility of the Board. The law requires the Board to adopt its final administrative, capital, and program budgets by May 15. After May 15, requests for changes in a component school district's level of participation, either increases or decreases, will be made in writing by the component school district superintendent to the District Superintendent or designee.

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

Education Law Section 1950
8 NYCRR Section 170.3

NOTE: Refer also to Policy #5110 -- Budget Planning and Preparation

Adoption Date

SUBJECT: ADMINISTRATION OF THE BUDGET

The District Superintendent is responsible to the BOCES Board of Education for the administration of the budget.

- a) The District Superintendent or designee will acquaint BOCES employees with the final provisions of the program budget and guide them in planning to operate efficiently and economically within these provisions. Function and object appropriations for line items will be determined by July 1 of the fiscal year based on the May 15 previously adopted budget.
- b) Under the District Superintendent's direction, the Director of Financial Affairs will 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 will keep the various administrative units informed as to the status of their individual budgets, on a service and object basis. The Business Office will bring to the attention of the administrative units and the District Superintendent any deviations from original requests.
- c) Program Directors are responsible to the District Superintendent for the operation of their units within budgetary limits.

Budget Transfers

The District Superintendent or designee, in compliance with the Commissioner's Regulations, will be authorized to approve the transfer of funds between/within budget functions and internal fund transfers in the amount established by the Board.

8 NYCRR Section 170.2

Adoption Date

SUBJECT: TUITION RATES: CAREER AND TECHNICAL EDUCATION, SPECIAL EDUCATION, AND ALTERNATIVE EDUCATION

Tuition rates for Career and Technical Education, Special Education and Alternative Education will be recommended by the District Superintendent for approval by the Board of Cooperative Educational Services. The basis of calculating Career and Technical Education, Special Education and Alternative Education tuition payments to the BOCES by participating districts will be as follows:

Career and Technical Education

Each component school district's share of the ensuing fiscal year is based on the average of the current plus two previous years' December 1 enrollment.

Special Education

The tuition rate for each special education program will be recommended by the Director of Special Education for approval by the District Superintendent. Each district will be billed on the actual Full Time Equivalent (FTE) student enrollment for each program.

SUBJECT: BOCES INVESTMENTS

Whenever the BOCES has funds (including operating funds, reserve funds, and proceeds of obligations) that exceed those necessary to meet current expenses, the Board will authorize the Treasurer to invest these funds in accordance with all applicable laws and regulations and in conformity with the guidelines established by this policy.

Objectives

The objectives of this investment policy are four-fold:

- a) Investments will be made in a manner so as to safeguard the funds of the BOCES.
- b) Bank deposits will be made in a manner so as to safeguard the funds of the BOCES.
- c) Investments will be sufficiently liquid so as to allow funds to be available as needed to meet the obligations of the BOCES.
- d) Funds will be invested in such a way as to earn the maximum yield possible given the first three investment objectives.

Authorization

The authority to deposit and invest funds is delegated to the Treasurer. These functions will be performed in accordance with the applicable sections of the General Municipal Law and the Local Finance Law of the State of New York.

The Treasurer may invest funds in the following eligible investments:

- a) Obligations of the State of New York.
- b) Obligations of the United States Government, or any obligations for which principal and interest are fully guaranteed by the United States Government.
- c) Time Deposit Accounts placed in a commercial bank authorized to do business in the State of New York, providing the account is collateralized as required by law. (Banking Law Section 237(2) prohibits a savings bank from accepting a deposit from a local government. This also applies to savings and loan associations.)
- d) Transaction accounts (demand deposits) both interest bearing and non-interest bearing that do not require notice of withdrawal placed in a commercial bank authorized to do business in the State of New York, providing the account is collateralized as required by law.

(Continued)

SUBJECT: BOCES INVESTMENTS (Cont'd.)

- e) Certificates of Deposits placed in a commercial bank authorized to do business in the State of New York providing the Certificates are collateralized as required by law.
 - 1. Deposits in excess of the amount insured by the Federal Deposit Insurance Corporation will be secured in accordance with subdivision 3 of the General Municipal Law Section 10.
 - 2. The BOCES may, in its discretion, authorize the bank designated for the deposit of BOCES funds to arrange for the redeposit of such funds in one or more banking institutions, for the account of the BOCES, through a deposit placement that meets the conditions set forth in General Municipal Law Section 10(2)(a)(ii).
- f) Securities purchased pursuant to a Repurchase Agreement whereby one party purchases securities from a second party and the second party agrees to repurchase those same securities on a specific future date at an agreed rate of return (the interest rate).

Implementation

Using the policy as a framework, regulations and procedures shall be developed which reflect:

- a) A list of authorized investments;
- b) Procedures including a signed agreement to ensure the BOCES' financial interest in investments;
- c) Standards for written agreements consistent with legal requirements;
- d) Procedures for the monitoring, control, deposit and retention of investments and collateral which will be done at least once a month;
- e) Standards for security agreements and custodial agreements consistent with legal requirements;
- f) Standards for diversification of investments including diversification as to type of investments, and firms and banks with whom the BOCES transacts business; and
- g) Standards for qualification of investment agents which transact business with the BOCES including, at minimum, the Annual Report of the Trading Partner.

This policy will be reviewed and re-adopted at least annually or whenever new investment legislation becomes law, as staff capabilities change, or whenever external or internal issues warrant modification.

(Continued)

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Non-Instructional/Business
Operations

SUBJECT: BOCES INVESTMENTS (Cont'd.)

Education Law Sections 1604-a, 1723-a, 2503(1), and 3652
General Municipal Law Sections 10, 11, and 39
Local Finance Law Section 165.00
Public Authorities Law Section 2925

Adoption Date

**SUBJECT: ACCEPTANCE OF GIFTS, GRANTS, MEMORIALIZATIONS, AND
BEQUESTS TO THE BOCES**

The Board may accept gifts, donations, grants, memorializations, or bequests (collectively "gifts") of money, real property, or personal property, as well as other merchandise, that add to the overall welfare of the BOCES provided that acceptance is in accordance with existing laws and regulations. Donations to the BOCES are fully tax deductible so long as the gift is used exclusively for public purposes. The Board may refuse any gift that constitutes a conflict of interest, gives an appearance of impropriety, or is not in its best interests. 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 which will place encumbrances on future Boards, or result in unreasonable additional or hidden costs to the BOCES. The Board may, if it deems it necessary, request that gifts of equipment, facilities, or any item that requires upkeep and maintenance include funds to carry out maintenance for the foreseeable life of the donation.

The Board will not formally consider the acceptance of gifts until and unless it receives the offer in writing from the donor or grantor or their attorney or financial advisor. Any gifts donated to the Board and accepted on behalf of the BOCES must be by official action and resolution passed by Board majority. The Board suggests that donors or grantors work first with school administrators in determining the nature of their gift prior to formal consideration for acceptance by the Board.

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

Gifts to the BOCES will be annually accounted for as required by Generally Accepted Accounting Principles (GAAP).

All gifts become BOCES property.

New York State Constitution Article 8, Section 1
Education Law Sections 404(1), 1604(44), 1709(12), 1709(12-a), 1709(12-b), 1718(2), 3701, and 3703
Real Property Tax Law Section 980-a(3)

NOTE: Refer also to Policy #5420 -- BOCES Personal Property Accountability

Adoption Date

2024

5260

Non-Instructional/Business
Operations

SUBJECT: APPLICATIONS FOR STATE AND FEDERAL FUNDS

The District Superintendent or designee will 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.

Adoption Date

SUBJECT: EXPENDITURES OF BOCES FUNDS

The Board authorizes the Purchasing Agent to expend school funds as appropriated by approved operational and capital budgets, and by the adoption of special resolutions. The Purchasing Agent will make expenditures in accordance with applicable law and in a manner that will achieve the maximum benefit from each dollar expended.

The Board of Education authorizes the payment in advance of audit of claims for public utilities (i.e., electric, gas, water sewer, telephone, cable, postage, freight, and express charges). All such claims shall be audited by the claims auditor after said payment. This allows for payment prior to accrual of finance charges.

All claims will be properly audited before payment by the Claims Auditor who must attest to the existence of evidence of indebtedness to support the claim.

Complete records of all expenditures will be maintained for future analysis and reporting within the time frame required by the Records Disposition Law or regulation.

Arts and Cultural Affairs Law Section 57.19
Education Law Sections 1720 and 2523
8 NYCRR Section 185

NOTE: Refer also to Policies #5321 -- BOCES Credit Card Use
#5322 -- BOCES Cell Phone Use
#5323 -- Reimbursement for Meals/Refreshments
#6161 -- Conference/Travel Expense Reimbursement

Adoption Date

SUBJECT: BOCES CREDIT CARD USE

The BOCES will issue a credit card in its name for the use of its officers and designated employees for authorized expenses. The maximum credit limit on each card shall be designated by the Purchasing Agent. Only those officers and personnel designated by the Board of Education shall be authorized for the use of the BOCES credit card.

This credit card use will only be for those purchases of goods and services that require a credit card and do not accept other payment methods. Any other reason for credit card uses must be approved by the Director of Financial Affairs prior to use. Procedures for using a BOCES credit card shall be developed by the Administration.

Expenses incurred on each credit card shall be paid in such a manner as to avoid interest charges.

Any individual who makes an unauthorized purchase with the BOCES credit card shall be required to reimburse the BOCES for the purchase.

District Superintendent is approved to purchase meals for component district superintendents during meetings and conferences with the school credit card. All receipts will be turned into the Business Office for proper payment.

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5322

Non-Instructional/Business
Operations

SUBJECT: BOCES CELL PHONE USE

A BOCES-owned cell phone will be issued to a BOCES employee when required by that employee's job duties and as determined by the District Superintendent or designee.

Adoption Date

SUBJECT: REIMBURSEMENT FOR MEALS/REFRESHMENTS**Travel Outside of BOCES/Emergency Meetings**

BOCES officials and employees are entitled to reimbursement for necessary expenses incurred in the performance of their official duties. However, meals of public officers and employees generally should not be reimbursed or paid by the BOCES unless the officer or employee is traveling outside his or her regular work area on official business for an extended period of time, or where events prevent them from taking off during mealtime for food consumption because of a pressing need to complete business. All requests for reimbursement must document who attended the meetings and how the meetings fit these conditions.

Staff or Board Meetings and BOCES Events

The Board recognizes that at certain times it may be appropriate to provide meals and/or refreshments at BOCES meetings and/or events which are being held for an educational purpose. Prior approval of the District Superintendent or designee must be obtained for food and beverages provided at meetings or activities which will be charged to the BOCES.

Any such expenditures must be appropriately documented with an itemized receipt and information showing the date and purpose of the meeting, food served, who attended the meetings and why the attendees needed food and/or refreshments to conduct BOCES business. These requirements must be met for meals/refreshments provided by the school lunch fund or local vendors, charged to BOCES credit cards, and/or reimbursed to a BOCES official.

In no case will the costs for meals exceed the current federal per diem meal rates for the geographic area.

NOTE: Refer also to Policy #6161 -- Conference/Travel Expense Reimbursement

Adoption Date

SUBJECT: PURCHASING: COMPETITIVE BIDDING AND OFFERING

Except as otherwise provided by law, all contracts for public work involving an expenditure of more than \$35,000 and all purchase contracts involving an expenditure of more than \$20,000 will be awarded by the BOCES to the lowest responsible bidder furnishing the required security after advertisement for sealed bids. However, the BOCES may, in its discretion, award purchase contracts on the basis of "best value" to a responsive and responsible bidder or offerer, provided the Board has authorized this action by rule, regulation, or resolution adopted at a public meeting.

No bid or offer will be accepted that does not conform to specifications furnished unless those specifications are waived by Board action. The BOCES may, in its discretion, reject all bids or offers and readvertise for new bids or offers in a manner consistent with New York State law.

All contracts requiring public advertising and competitive bidding or offering will be awarded by resolution of the Board.

Except as authorized by law, no Board member or employee of the BOCES will have an interest in any contract entered into by the BOCES.

Standardization

Upon the adoption of a standardization resolution by a vote of at least 3/5 of all Board members, purchase contracts for a particular type or kind of equipment, materials, or supplies of more than \$20,000 may be awarded by the Board to the lowest responsible bidder or offerer furnishing the required security after advertisement for sealed bids in the manner provided in law. This resolution must state that, for reasons of efficiency or economy, there is a need for standardization and must contain a full explanation of those reasons. Upon the adoption of a valid standardization resolution, the BOCES may provide in its specifications for a particular make or brand to the exclusion of others.

"Piggybacking" Exception to Competitive Bidding

The BOCES may, in its discretion, purchase certain goods and services (apparatus, materials, equipment, and supplies) at costs beyond the above-referenced thresholds through the use of contracts let by the United States or any agency thereof, any state, and any county, political subdivision, or district of any state.

This method of procurement is permitted on contracts issued by other governmental entities, provided that the original contract:

- a) Has been let by the United States or any agency thereof, any state (including New York State) or any other political subdivision or district;

(Continued)

SUBJECT: PURCHASING: COMPETITIVE BIDDING AND OFFERING (Cont'd.)

- b) Was made available for use by other governmental entities and agreeable with the contract holder; and
- c) Was let in a manner that constitutes competitive bidding consistent with New York State law, or was awarded on the basis of best value, and is not in conflict with other New York State laws.

Annual Review

Periodically, comments concerning the BOCES' bidding and purchasing policies and procedures will be solicited from those BOCES employees involved in the procurement process.

The Board will annually review its bidding and purchasing policies and procedures. The School Business Official will be responsible for conducting an annual review of such policies and for an evaluation of the internal control structure established to ensure compliance with the procurement policy.

General Municipal Law Articles 5-A and 18
State Finance Law Sections 162, 163, and 163-b
Education Law Section 305(14)(g)

NOTE: Refer also to Policies #5411 -- Procurement of Goods and Services
#5412 -- Alternative Formats for Instructional Materials
#5413 -- Procurement: Uniform Grant Guidance for Federal Awards
#5420 -- BOCES Personal Property Accountability

Adoption Date

SUBJECT: PROCUREMENT OF GOODS AND SERVICES**Purchasing Authority**

The BOCES' purchasing activities will be part of the responsibilities of the Business Office, under the general supervision of the Purchasing Agent designated by the Board. The Purchasing Agent is authorized to enter into cooperative bidding and cooperative purchasing arrangements to meet the various needs of the BOCES. No contracts for goods and services will be made by individuals or organizations in the school that involve expenditures without first securing approval for the contract from the Purchasing Agent.

Except as authorized by law, no Board member or employee of the BOCES will have an interest in any contract entered into by the BOCES.

Purchasing Process

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 will be procured in a manner so as to:

- a) Assure the prudent and economical use of public moneys in the best interests of the taxpayer;
- 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 will 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, provide that alternative proposals or quotations for goods and services will be secured by use of written request for proposals, written quotations, verbal quotations, or any other method of procurement which furthers the purposes of General Municipal Law Section 104-b;
- 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 dollar offer, stating the reasons;

(Continued)

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

- 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; and
- g) Identify the individual or individuals responsible for purchasing and their respective titles. This information will be updated biennially.

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

The BOCES will develop administrative regulations to establish procedures for the procurement of goods and services.

Professional Services

Professional services are generally those services that require specialized skills, training, professional judgment, expertise, and creativity. Examples include attorneys, architects, and engineers. The procurement of professional services falls within an exception to competitive bidding. In order to procure professional services, the BOCES will use the request for proposals (RFP) process as set forth in General Municipal Law in order to protect the BOCES' interests and to avoid the appearance of favoritism or impropriety. Although not necessarily bound to select the lowest bidder in response to its RFP, the BOCES will adequately document its selection process to demonstrate its economical and prudent use of public monies and to ensure fair competition.

Education Law Sections 1604, 1709, 1950, 2503, 2554, and 3602
General Municipal Law Articles 5-A and 18
General Municipal Law Sections 104-b and 119-o

NOTE: Refer also to Policies #5410 -- Purchasing: Competitive Bidding and Offering
#5412 -- Alternative Formats for Instructional Materials
#5413 -- Procurement: Uniform Grant Guidance for Federal Awards
#5420 -- BOCES Personal Property Accountability

Adoption Date

SUBJECT: ALTERNATIVE FORMATS FOR INSTRUCTIONAL MATERIALS

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 has adopted the National Instructional Materials Accessibility Standard (NIMAS) to ensure that curriculum materials are available in a usable alternative format for students with disabilities. The BOCES will ensure that each student who requires instructional materials in an alternate format will receive it in a timely manner and in a format that meets NIMAS standards.

The BOCES will ensure that instructional materials in a usable alternative format for each student with a disability (including students requiring Section 504 Accommodation Plans) are based upon the student's educational needs and course selections, and will be available at the same time as those instructional materials are available to non-disabled students.

20 USC Section 1474(e)(3)(B)

8 NYCRR Sections 200.2(b)(9), 200.2(c)(2) and 200.2(i)

Adoption Date

SUBJECT: PROCUREMENT: UNIFORM GRANT GUIDANCE FOR FEDERAL AWARDS

The BOCES will follow all applicable requirements in the Uniform Grant Guidance (2 CFR Part 200) whenever it procures goods or services using federal grant funds awarded through formula and/or discretionary grants, including funds awarded by the United States Department of Education as grants or funds awarded to a pass-through entity, such as the New York State Education Department, for subgrants.

2 CFR Sections 200.61, 200.303, 200.318, 200.319, 200.320, 200.321, 200.323, and 200.326
2 CFR Part 200, App. II

NOTE: Refer also to Policies #5410 -- Purchasing: Competitive Bidding and Offering
#5411 -- Procurement of Goods and Services
#5570 -- Financial Accountability
#5670 -- Records Management
#6110 -- Code of Ethics for Board Members and All
BOCES Personnel
#6161 -- Conference/Travel Expense Reimbursement

Adoption Date

SUBJECT: BOCES PERSONAL PROPERTY ACCOUNTABILITY**Definition of Personal Property**

- a) **Personal property will 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 will 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 will mean** personal property which has a unit resale value of \$500 or more, and equipment, supplies, parts of materials which are disposed of in lots having an aggregate resale value of \$500 or more.
- c) **Surplus personal property will mean** personal property which has no known, immediate or currently foreseeable use to the Board of Cooperative Services.

Acquisition of Personal Property by Purchase

- a) **Competitive Bidding** -- Competitive bids will be solicited in connection with all purchasing as required by Section 103 of the General Municipal Law. Contracts will be awarded to the lowest responsible bidder complying with specifications and other stipulated bidding conditions.
 - 1. Contracts for supplies, materials or services which are in an amount in excess of the amount specified in Section 103 of the General Municipal Law and all public works contracts involving an expenditure in excess of the amount specified in Section 103 of the General Municipal Law will be awarded on the basis of public advertising and competitive bidding, consistent with the provisions of Section 103 of the General Municipal Law.
 - 2. All contracts which require public advertising and competitive bidding will be awarded by resolution of the cooperative board. Recommendations for such contracts will be made to the cooperative board by the District Superintendent of Schools.
 - 3. The Purchasing Agent or designee is authorized to open bids and record the same pursuant to law.
- b) **Purchase Exempt from Competitive Bidding** -- Any purchase of personal property which is not subject to competitive bidding will be made in accordance with procedures established pursuant to Section 104-b of the General Municipal Law.
 - 1. Goods and services must be purchased so as to facilitate the acquisition of goods and services of quality at the lowest cost under the circumstances and to guard against favoritism, improvidence, extravagance, fraud or corruption.

(Continued)

SUBJECT: BOCES PERSONAL PROPERTY ACCOUNTABILITY (Cont'd.)

2. A Purchasing Agent will be appointed by the cooperative board who will be authorized to issue purchase orders without prior approval of the cooperative board where formal bidding procedures are not required by law, and when budget appropriations are adequate to cover such obligations.

Acquisition of Personal Property by Gift

- a) **Acceptance.** Only the Cooperative Board may accept on behalf of the BOCES gifts of either money or merchandise, including surplus property and property donated to the BOCES by bequest or devise in a will or trust instrument, that in the view of the Cooperative Board add to the overall welfare of the BOCES.
 1. The Cooperative Board will not consider the acceptance of a gift until the offer is made in writing.
 2. The Board will safeguard the BOCES staff and students from commercial exploitation from special interest groups.
- b) **Accounting for Gifts**
 1. All gifts will be entered into the perpetual physical inventory of the BOCES in the same manner as purchased personal property and consistent with the provisions of subheading "Perpetual Inventory" below.
 2. Gifts of money will be annually accounted for under the trust and agency account in the bank designated by the Board.
 3. Any property donated will be for the use of BOCES and no employee will benefit personally from such donations or any other BOCES personal property.
 4. All gifts will become the sole property of the BOCES.
 5. It will be the responsibility for the District Superintendent to have the value of the gift or donation established, when necessary, for tax purposes and acknowledge, in writing, the receipt of the gift or donation on behalf of the Board of Cooperative Educational Services.
 6. All gifts or donations will be immediately brought to the attention of the director of the service to which the contribution is made.
 7. The director will recommend the acceptance or rejection of the gift to the District Superintendent or his/her designee and notify the donor of the intention.

(Continued)

SUBJECT: BOCES PERSONAL PROPERTY ACCOUNTABILITY (Cont'd.)

8. The District Superintendent will make a recommendation to accept or reject such gifts to the Cooperative Board at a regular meeting.
9. The director of the service to which the gift or donation is made will be responsible to see that the gift or donation is appropriately used.
10. Gifts or donations made that are not specific to a program will be brought to the attention of the District Superintendent who will be responsible for implementation of the regulations.

Perpetual Inventory

- a) The Director of Financial Affairs will develop, in writing, the basic rules and regulations to be followed in maintaining the BOCES personal property records. Procedures employed will comply with all applicable laws and requirements of the New York State Department of Audit and Control, which are issued pursuant to Section 36 of the General Municipal Law.
 1. The minimum standards to be considered for inclusion in the personal property record are as follows:
 - (a) The personal property will have significant value. Personal property valued at \$100 or more, but less than \$500, may be included if it is a power tool, electronic device and/or technology device/equipment, and personal property valued at \$500 or more will be included regardless.
 - (b) The personal property must have an estimated useful life of one year or more.
 - (c) The physical characteristics of the personal property are not appreciably affected by use or consumption.
 2. It will be the responsibility of the Purchasing Agent to assure that all new acquisitions, by purchase or gift, are entered into the perpetual inventory system.
- b) Inventory Records. The inventory record will contain sufficient information to identify each item classified as a personal property and include the following:
 1. A sufficient description of the personal property.
 2. The class of the personal property (machinery, equipment, etc.).
 3. The year of acquisition of the personal property.

(Continued)

SUBJECT: BOCES PERSONAL PROPERTY ACCOUNTABILITY (Cont'd.)

4. The historical cost (the cost at acquisition) of the personal property. If unknown or a gift, the estimated value.
 5. The source of financing or acquisition (general fund, federal fund, gift, etc.).
- c) Physical Inventory. A physical inventory of all personal property will be maintained in accordance with law.

Disposition of Personal Property

- a) Building administrators and support staff supervisors are responsible for identifying obsolete and surplus equipment and supplies within their area(s) of responsibility.

Periodically, but not less than once each year, a determination will be made as to what equipment, supplies and/or materials are obsolete and cannot be salvaged or utilized effectively or economically by the BOCES.

- b) Procedures for Disposition of Equipment, Supplies or Materials
1. All surplus or obsolete equipment, supplies or materials will be sold to only the highest bidder, except however that vehicles received at no cost for use in an authorized welfare to work program may be transferred at no cost or at cost of repairs, where repairs have been made to the vehicle at the BOCES to participants who have met all the program requirements.
 2. 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.
 3. Disposition of any personal property, even though it may have little or no marketable value, must be approved by the Director of Financial Affairs.
 4. Prior to classifying as disposable, all items should be considered for reassignment to other locations within BOCES as needed or stored in a central location if they may have potential usefulness in the future.
 5. All sales of surplus and obsolete personal property will be open to the public. Notice of the sale and/or requests for bids will be made through advertisements in the local newspapers and other appropriate means to assure public awareness.

(Continued)

SUBJECT: BOCES PERSONAL PROPERTY ACCOUNTABILITY (Cont'd.)**Procedure for Accountability of Officers and Employees for Violating the Personal Property Policy**

- a) Penalty for violation. Any officer or employee who engages in the unauthorized use, theft or conversion of personal property belonging to the BOCES, or who otherwise violates this policy, will be subject to removal from office and/or such other discipline or penalties as authorized by law.
- b) Complaints. Any complaint concerning an alleged violation of this policy will be submitted to the District Superintendent or designee on an appropriate form prescribed by the District Superintendent. The District Superintendent will determine whether an investigation to be conducted and a report will be filed in his or her office at the completion of the investigation. The District Superintendent is responsible for and will take such action as is necessary for the enforcement of this policy.
- c) Dissemination of policy. The District Superintendent will take such action as is necessary to communicate this policy to all officers and employees of the BOCES including, but not limited to, the publication of this policy in the BOCES Policy Manual, the Personnel Handbook, and teacher and employee handbooks. This policy will be included on the agenda of faculty and administrative meetings at least annually.

Review and Amendment of the Policy

- a) Review. The BOCES will review its policy on personal property accountability annually and make amendments it deems necessary.
- b) Amendments. The BOCES will submit its amended policy, within 30 days of its adoption, to the Commissioner of Education for approval.

Education Law Sections 207 and 1950(18)
8 NYCRR Section 170.3

NOTE: Refer also to Policy #5230 -- Acceptance of Gifts, Grants, Memorializations, and Bequests to the BOCES

Adoption Date

SUBJECT: ACCOUNTING OF FUNDS

Accountability for BOCES funds is necessary for the following reasons:

- a) To ensure 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.

General Fund

The General Fund is the BOCES' primary operating fund. It accounts for all financial transactions that are not required to be accounted for in another fund.

Special Aid Funds

Special aid funds are used to account for special operating projects or programs supported in whole, or in part, with federal funds or state or local grants.

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

Custodial Funds

Custodial funds are a class of fiduciary funds. These funds are strictly custodial in nature and do not involve the measurement of results of operations. Assets are held by the BOCES as an agent for various student groups or extraclassroom activity funds and for payroll or employee withholding.

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. Online transactions must be authorized by the BOCES' Business Official. The BOCES Treasurer, with a separate established username and password, will have the authority to process online banking transactions. The Business Office Clerk or Deputy Treasurer, with a separate

(Continued)

SUBJECT: ACCOUNTING OF FUNDS (Cont'd.)

established username and password, will be responsible for online banking transactions in the event the BOCES Treasurer is not available, or as a job responsibility delegated to a designee by the BOCES Treasurer. A monthly report of all online banking activity will be reviewed by staff independent of the online banking process and reconciled with the bank statement. Online banking will only take place on secure BOCES computers located inside the Treasurer's or Business Office.

Electronic Transactions and 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.

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 or his or her designee. Dual approval controls will be established for non-routine wire transfer orders. The Internal Auditor will periodically confirm that wire transfers have appropriate signatures, verification and authorization of proper personnel.

Education Law Section 2116-a
General Municipal Law Sections 5, 5-a, 5-b, and 99-b
N.Y. UCC Section 4-A-201

Adoption Date

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. The BOCES may establish and maintain reserve funds in accordance with New York State laws, Commissioner's regulations, and the rules or opinions issued by the Office of the New York State Comptroller. The BOCES will 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 will be properly established and maintained to promote the goals of creating an open, transparent, and accountable use of public funds. The BOCES will authorize all payments or transfers into a reserve fund by express resolution. The BOCES may engage independent experts and professionals, including, but not limited to, auditors, accountants, and other financial and legal counsel 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 will include the following information for each reserve fund:

- 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 funding those projected needs.

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 public funds.

Education Law Section 3653

Adoption Date

SUBJECT: USE OF FEDERAL FUNDS FOR POLITICAL EXPENDITURES

The Board prohibits the use of any federal funds for partisan political purposes or expenditures of any kind by any person or organization involved in the administration of federally assisted programs.

This policy refers generally, but is not limited to, lobbying activities, publications, or other materials intended for influencing legislation or other partisan political activities.

The Board assigns the Purchasing Agent the responsibility of monitoring expenditures of federal funds so that these funds are not used for partisan political purposes.

OMB Circular A-87 Cost Principles for State, Local and Indian Tribal Governments (revised May 10, 2004)
Compliance Supplement for Single Audit of State and Local Governments (revised June 27, 2003)
supplementing OMB Circular A133

NOTE: Refer also to Policy #6430 -- Employee Political Activities

Adoption Date

SUBJECT: FINANCIAL ACCOUNTABILITY

The BOCES has 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 considered and implemented;
- d) Operations are efficient and effective;
- e) Assets are safeguarded; and
- f) Accurate, timely, and reliable data are maintained.

The 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. Budget status reports;
 - 3. Revenue status reports.
- e) The BOCES encourages 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.
- f) The Board has an audit committee to assist in carrying out its fiscal oversight responsibilities.
- g) The BOCES' information systems are economical, efficient, current, and up-to-date.

(Continued)

SUBJECT: FINANCIAL ACCOUNTABILITY (Cont'd.)

- h) 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.
- i) The BOCES periodically verifies that its controls are working efficiently.

Audit Response

Periodically, the BOCES receives audit reports from the External (Independent) Auditor and/or the Office of the 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. The BOCES will also timely post a copy of the annual external audit report or the Comptroller's final audit report on its website for a period of five years. 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 public places within the BOCES.

Education Law Section 2116-a(3-b)
8 NYCRR Section 170.12
General Municipal Law Sections 33(2)(e) and 35(1), (2)

NOTE: Refer also to Policy #5572 -- [Audit Committee](#)

Adoption Date

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 course 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 should disclose this 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 described 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 External (Independent) Auditor, or the School 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 the conduct promptly and thoroughly. To the extent possible, within legal constraints, all reports will be treated confidentially and privately. 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 a school official has engaged in financial improprieties/fraudulent and/or wrongful actions, appropriate disciplinary measures will be applied, up to and including termination of employment, in accordance with legal guidelines, BOCES policy and regulation, and any applicable collective bargaining agreement. 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 disciplinary measures by the BOCES does not preclude the filing of civil and/or criminal charges. When school 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).

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SUBJECT: ALLEGATIONS OF FRAUD (Cont'd.)**Protection of BOCES Employees who Report Information Regarding Illegal or Inappropriate Financial Practices**

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 any local, state, federal law or rule and regulation 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, will have immunity from any civil liability that may arise from the making of the report. Further, neither the BOCES, nor any employee or officer of the BOCES will take, request, or cause a retaliatory action against any employee who makes such a report.

Prohibition of Retaliatory Behavior (Commonly Known as "Whistle-Blower" Protection)

The Board also prohibits any retaliatory behavior 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 will be made to ensure that no reprisals or retaliatory behavior has occurred to those involved in the investigation. Any act of retaliation will be 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 or fraud may also face appropriate disciplinary action.

Civil Service Law Section 75-B
Education Law Section 3028-d

Adoption Date

SUBJECT: AUDIT COMMITTEE

An audit committee has been 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, membership is advisable to provide accounting and auditing expertise.

Persons other than Board members who serve on the advisory committee will be independent, and will not be:

1. Employed by the BOCES;
2. An individual who, within the last two years, provided or currently provides, services or goods to the BOCES;
3. The owner of, or have a direct and material interest in a company providing, goods or services to the BOCES; or
4. A close or immediate family member of an employee, officer, or contractor providing services to the BOCES.

The audit committee will consist of at least three members who should collectively possess knowledge in accounting, auditing, financial reporting, and BOCES finances. They will serve without compensation, but will 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 will be deemed BOCES Officers.

The role of the audit committee will be advisory unless the audit committee consists of at least a quorum of Board members, and any recommendations it provides to the Board will not substitute for any required review and acceptance by the Board.

The audit committee will 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.

(Continued)

SUBJECT: AUDIT COMMITTEE (Cont'd.)

The audit committee will hold regularly scheduled meetings and report to the Board on its activities on an as-needed basis, but not less than annually. The report will address or include at a minimum:

- 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) Providing recommendations regarding the appointment of the External (Independent) Auditor for the BOCES;
- b) Meeting with the External (Independent) Auditor prior to commencement of the audit;
- c) Reviewing and discussing 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) Receiving and reviewing the draft annual audit report and accompanying draft management letter and, working directly with the External (Independent) Auditor, assisting the Board in interpreting such documents;
- e) Making a recommendation to the Board on accepting the annual audit report; and
- f) Discussing and analyzing every corrective action plan developed by the BOCES in response to any audit and assisting the Board in its implementation.

Corrective Action Plan

Within 90 days of receipt of the report or management letter, the District Superintendent will prepare a corrective action plan approved by the Board in response to any findings contained in:

(Continued)

SUBJECT: AUDIT COMMITTEE (Cont'd.)

- 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;
- d) A final audit report issued by the State Education Department (SED); or
- e) A final audit report issued by the United States or an office, agency, or department thereof.

The audit committee will review every corrective action plan developed by the District Superintendent and Business Official and assist in the implementation of the plans. The corrective action plan must be filed with the SED, and if appropriate, must include the expected date(s) of implementation. The BOCES will also timely post a copy of this plan on its website. 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 these recommendations; and participating in the evaluation of the performance of the internal audit function.

The audit committee may conduct an Executive Session 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 the 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.

(Continued)

SUBJECT: AUDIT COMMITTEE (Cont'd.)

Education Law Sections 2116-a, 2116-c, and 3811-3813
Public Officers Law Sections 105(b), 105(c), and 105(d)
8 NYCRR Section 170.12

NOTE: Refer also to Policies #1335 -- Appointment and Duties of the Claims Auditor
#1620 -- Annual Organizational Meeting
#2210 -- Committees of the Board

Adoption Date

SUBJECT: INTERNAL AUDIT FUNCTION

The BOCES has established an internal audit function which includes:

- 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 of the BOCES' internal controls, taking into account risk, control weaknesses, size, and complexity of operations;
- d) Preparation of reports, at least annually or more frequently as the Board may direct, which analyze significant risk assessment findings, recommend changes for strengthening controls and reducing identified risks, and specify timeframes for implementation of these recommendations.

The BOCES is permitted to utilize existing BOCES personnel to fulfill the internal audit function, but these individuals will not have any responsibility for other business operations of the BOCES while performing internal audit functions. The BOCES will also be permitted to use inter-municipal cooperative agreements, shared services to the extent authorized by Education Law Section 1950, or independent contractors to fulfill the internal audit function as long as the personnel or entities performing this function comply with any regulations issued by the Commissioner of Education and meet professional auditing standards for independence between the auditor and the BOCES.

Personnel or entities serving as the Internal Auditor and performing the internal audit function will report directly to the Board. The audit committee will assist in the oversight of the internal audit function on behalf of the Board.

Education Law Sections 1950, 2116-b, and 2116-c
8 NYCRR Section 170.12

NOTE: Refer also to Policy #1339 -- Duties of the Internal Auditor

Adoption Date

SUBJECT: INSURANCE

The objective of the Board is to obtain the best possible insurance at the lowest possible cost, and to seek advice from an Insurance Appraisal Service to determine that adequate coverage is being provided regarding fire, boiler, general liability, bus, and student accident insurance.

The Board will carry insurance to protect the BOCES' real and personal property against loss or damage. This property includes school buildings, the contents of such buildings, school grounds, and vehicles.

The Board may also purchase liability insurance and cyber insurance to pay damages assessed against Board members and BOCES employees acting in the discharge of their respective duties, within the scope of their employment and/or under the direction of the Board.

All insurance policies, along with an inventory of the contents of the building, should be kept in a fireproof depository or with the appropriate insurance agent for safekeeping and referral purposes. The District Superintendent will review the BOCES' insurance program annually and make recommendations to the Board if more suitable coverage is required.

Education Law Sections 1709(8), 1709(26), 1709(34-b), 2503(10), 2503(10-a), 2503(10-b), 3023, 3028
and 3811

General Municipal Law Sections 6-n and 52

Public Officers Law Section 18

Adoption Date

SUBJECT: FIXED ASSET INVENTORIES, ACCOUNTING, AND TRACKING

The District Superintendent or 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 School 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 \$5,000. 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;

(Continued)

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

- 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.

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

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. 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 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 acquired through a federal government grant.

(Continued)

2024

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Non-Instructional/Business
Operations

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

Title I of the Elementary and Secondary Education Act of 1965, as amended by the Every Student Succeeds Act (ESSA) of 2015

34 CFR Parts 74-99, 200

NYSED Finance Pamphlet, The Safeguarding, Accounting, and Auditing of Extraclassroom Activity Funds, 2019

Uniform System of Accounts for School Districts (Fiscal Section)

NOTE: Refer also to Policy #5420 -- [BOCES Personal Property Accountability](#)

Adoption Date

2024

5621

Non-Instructional/Business
Operations

**SUBJECT: SUPPLIES AND EQUIPMENT PURCHASED FOR ITINERANT STAFF
MEMBERS**

All supplies and equipment purchased by BOCES becomes 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 as to 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.

Adoption Date

SUBJECT: FACILITIES: INSPECTION, OPERATION, AND MAINTENANCE**Overview**

The BOCES is committed to providing a healthy and safe environment for all individuals on school grounds. As part of this commitment, the BOCES will comply with all applicable laws, regulations, and codes related to the construction, inspection, operation, and maintenance of BOCES facilities.

Construction and Remodeling of BOCES Facilities

The BOCES will ensure all capital projects and maintenance comply with the requirements of the New York State Uniform Fire Prevention and Building Code, the State Energy Conservation Construction Code, the Manual of Planning Standards, and the Commissioner's regulations. The New York State Education Department (NYSED) Office of Facilities Planning has provided an Instruction Guide on its official website.

Plans and specifications for the erection, enlargement, repair, or remodeling of BOCES facilities will be submitted to the Commissioner consistent with applicable law and regulation.

Plans and specifications submitted to the Commissioner will 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 must also certify that the plans and specifications conform to the standards set forth in the State Uniform Fire Prevention and Building Code and the State Energy Conservation Construction Code.

For remodeling or construction projects, the BOCES will ensure compliance with the requirements of the State Uniform Fire Prevention and Building Code, the State Energy Conservation Construction Code, and applicable law and regulation. The BOCES will also retain the services of an architect or engineer licensed to practice in New York State as required by law or regulation, or as necessary given the scope and cost of the project.

Carbon Monoxide Detection

All BOCES facilities will have carbon monoxide alarms or detection systems installed in accordance with all applicable laws, regulations, and/or codes.

Asbestos Inspections

In accordance with the Asbestos Hazard Emergency Response Act (AHERA), the BOCES will inform all employees and building occupants (or their legal guardians) at least once each school year 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. The BOCES will provide yearly written notification to parent, teacher, and employee organizations on the availability of the BOCES' asbestos management plan and any asbestos-related actions taken or planned in the school.

(Continued)

SUBJECT: FACILITIES: INSPECTION, OPERATION, AND MAINTENANCE (Cont'd.)**Lead Testing**

The BOCES will triennially test potable water for lead contamination from all outlets as required by law and regulation. If an outlet exceeds the action level for lead content, the BOCES will prohibit use of the outlet and it will remediate the lead level of the outlet before allowing its use. The BOCES will make all required notifications and issue all mandated reports to the public, local health department, and NYSED. For ten years following creation, the BOCES will retain all records of test results, lead remediation plans, lead-free building determinations, and waiver requests. The BOCES may seek a waiver from testing requirements from the local health department by demonstrating prior substantial compliance with testing requirements.

Comprehensive Long-Range Plan

The BOCES will develop and keep on file a comprehensive long-range plan pertaining to educational facilities in accordance with the Commissioner's regulations. This plan will be reevaluated and updated at least annually and will include, at a minimum, an appraisal of the following:

- a) The educational philosophy of the BOCES, with resulting administrative organization and program requirements;
- b) Present and projected student enrollments;
- c) Space use and state-rated student capacity of existing facilities;
- d) The allocation of instructional space to meet the current and future special education program and service needs, and to serve students with disabilities in settings with nondisabled peers;
- e) Priority of need of maintenance, repair, or modernization of existing facilities, including consideration of the obsolescence and retirement of certain facilities; and
- f) The provision of additional facilities.

Comprehensive Public School Building Safety Program

To ensure that all BOCES 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 Building Safety Program, the Uniform Code of Public School Building Inspections, and the Safety Rating and Monitoring as prescribed in Commissioner's regulations.

(Continued)

SUBJECT: FACILITIES: INSPECTION, OPERATION, AND MAINTENANCE (Cont'd.)

The Comprehensive Public School Safety Program will consist of the following components:

a) Building Condition Surveys

Building condition surveys will be conducted on a schedule as assigned by the Commissioner of Education in calendar years 2020-2024 and at least every five years thereafter. Building condition surveys will be conducted on all occupied school buildings in accordance with law and regulation, including being conducted by a licensed architect or a licensed professional engineer who will assess the condition of all major building systems of a school building.

b) Visual Inspections

Visual inspections will be conducted when deemed necessary by the Commissioner to maintain the safety of public school buildings and the welfare of their occupants. When visual inspections occur, they will be conducted in accordance with law and regulation.

c) Five-Year Capital Facilities Plan

The BOCES will develop a five-year capital facilities plan and update the plan annually. In developing and amending the plan, the BOCES will use the safety rating of each occupied school building. The plan must be consistent with all BOCES planning requirements and identify critical maintenance needs. The plan will be prepared in a manner and format prescribed by the Commissioner and submitted to the Commissioner upon request. The plan will include, but not be limited to:

1. A breakdown for each of the five years of the plan of the estimated expenses for the following:
 - (a) Current or proposed new construction ranked in priority order;
 - (b) Current or proposed additions to school facilities ranked in priority order;
 - (c) Current or proposed alterations or reconstruction of school facilities ranked in priority order;
 - (d) Major repairs ranked in priority order;
 - (e) Major system replacement and repairs, and maintenance ranked in priority order; and
 - (f) Energy consumption.

(Continued)

SUBJECT: FACILITIES: INSPECTION, OPERATION, AND MAINTENANCE (Cont'd.)

2. A BOCES-wide building inventory that includes, but is not limited to:
 - (a) The number and type of facilities owned, operated, or leased by the BOCES;
 - (b) The age, enrollment, rated capacity, use, size, and the safety rating of the buildings as determined pursuant to Commissioner's regulations;
 - (c) The energy sources for the buildings;
 - (d) Probable useful life of each building and its major subsystems;
 - (e) Need for major system replacement and repairs, and maintenance;
 - (f) Summary of the triennial asbestos reports required pursuant to AHERA regulations; and
 - (g) Any other information which may be deemed necessary by the Commissioner to evaluate safety and health conditions in school facilities.

d) Monitoring System

The BOCES will establish a process to monitor the condition of all occupied school buildings in order to assure that they are safe and maintained in a state of good repair. The process will include, but not be limited to:

1. The establishment of a health and safety committee comprised of representation from BOCES officials, staff, bargaining units, and parents.
2. The establishment of a comprehensive maintenance plan for all major building systems to ensure the building is maintained in a state of good repair. This plan will include provisions for a least toxic approach to integrated pest management and establish maintenance procedures and guidelines which will contribute to acceptable indoor air quality. The comprehensive maintenance plan will be available for public inspection.
3. The annual review and approval by the Board of the annual building inspection reports and the five-year building condition surveys.
4. Procedures for assuring that an annual fire safety inspection of each building is conducted in accordance with all applicable laws, regulations, and/or codes.
5. Procedures for assuring that a current and valid certificate of occupancy is maintained for each building and posted in a conspicuous place.

(Continued)

SUBJECT: FACILITIES: INSPECTION, OPERATION, AND MAINTENANCE (Cont'd.)

6. Procedures for the investigation and disposition of complaints related to health and safety. These procedures will involve the health and safety committee and, at a minimum, will conform to the following requirements:
 - (a) Provide for a written response to all written complaints. The written response will describe:
 - 1) The investigations, inspections, or tests made to verify the substance of the complaint, or a statement explaining why further investigations, inspections, or tests are not necessary;
 - 2) The results of any investigations, inspections, or tests which address the complaint;
 - 3) The actions, if any, taken to solve the problem; and
 - 4) The action, if any, taken if the complaint involved a violation of law or of a contract provision.
 - (b) A copy of the response will be forwarded to the health and safety committee.
 - (c) Copies of all correspondence will be kept in a permanent project file.
 - (d) These records will be made available to the public upon request.
7. The Board will take actions to immediately remedy serious conditions affecting health and safety in school buildings, and will report the actions to the Commissioner.
8. All construction and maintenance activities will comply with the Uniform Safety Standards for School Construction and Maintenance Projects.

15 USC Sections 2641-2656
40 CFR Part 763, Subpart E
Education Law Sections 408, 409, 409-d, 3602, and 3641
Executive Law Section 378
Public Health Law Section 1110
8 NYCRR Sections 155.1, 155.2, 155.3, and 155.4
10 NYCRR Sections 4-1.1 et seq. and 67-4.1 et seq.
19 NYCRR Sections 1219-1240

Adoption Date

**SUBJECT: HAZARDOUS WASTE AND HANDLING OF TOXIC SUBSTANCES BY
EMPLOYEES**

The Board directs the District Superintendent to establish rules to ensure BOCES implementation of applicable federal and state laws pertaining to the identification, transportation, treatment, storage, and disposal of hazardous wastes.

Hazard Communication Standard

All personnel will 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 or designee will maintain a current record of the contact information of every employee who handles or uses toxic substances and which substance(s) were handled or used by the employee.

Environmental Protection Agency, 40 CFR Parts 261 and 262
Occupational Safety and Health Administration (OSHA), 29 CFR Section 1910.1200
Labor Law Sections 875-883
Public Health Law Sections 4800-4808
6 NYCRR Part 371
12 NYCRR Part 820

Adoption Date

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.

Structural and landscape pests can pose significant problems for people and property. Weeds and infestations can destroy playing fields and playgrounds and more importantly, cause severe allergic reactions. Pesticides can pose risks to people, property, and the 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.

Pest/Pesticide Management Plan

The BOCES will manage weeds and pests to:

- a) Reduce any potential human health hazard or threat to public safety;
- b) Prevent loss or damage to school structures or property;
- c) Prevent pests from spreading into the community, or to plant and animal populations beyond the site; and
- d) Enhance the quality of life for students, staff, and others.

Integrated Pest Management (IPM) Coordinator

An IPM Coordinator will be appointed by the District Superintendent. The Coordinator will be responsible for implementing the IPM policy and plan. The coordinator's responsibilities will include, but are not limited to, the following:

- a) Recording all pest sightings by school staff and students;
- b) Recording all pesticide use and utilizing the least toxic approach;
- c) Meeting with a local pest control expert, such as a pesticide contractor to share information on what pest problems are present in the school;
- d) Ensuring that all of the expert's recommendations on maintenance and sanitation are carried out where feasible;
- e) Ensuring that pesticide use is done when school is not in session or when the area can be completely secured against access by school staff and students for a standard 72 hours, or as required by the pesticide being used;

(Continued)

SUBJECT: PEST MANAGEMENT AND PESTICIDE USE (Cont'd.)

- f) Evaluating the school's progress in the IPM plan; and
- g) Notifying parents, staff and neighbors of any applications of pesticides 48 hours before they occur. The IPM Coordinator will serve as the BOCES' Pesticide Representative.

Pesticide Use on Common Areas

Pesticides will not be used on playgrounds, turf, athletic or playing fields, in effect, all lawn areas of the school. In these common areas where children gather and play, pesticide alternatives will be used whenever possible and effective. The prohibition does not apply to indoor use or the application to building structures.

An exception may be made for emergency applications of pesticide only when approved in advance by the Board. The Board may consult with the local Health Department on public health related emergency determinations. They may also consult with the Department of Environmental Conservation (DEC) for environmental emergency determinations. Emergency determinations should only be sought for one-time pesticide application in a specific situation, which presents a true emergency. The guidance document from DEC provides clarification on emergency determinations and can be found on the official website of the DEC.

Some types of pesticides and alternatives, those deemed safe in federal regulation, may be allowable on playing fields and playgrounds in certain circumstances. The BOCES will develop regulations governing the use of pesticides and their alternatives on school grounds.

Fertilizer Use

Phosphorous fertilizers will only be used on school grounds in compliance with the following requirements:

- a) Fertilizer use is prohibited between December 1 and April 1 annually.
- b) The use of fertilizers is prohibited within 20 feet of any surface water except:
 - 1. Where a continuous natural vegetation buffer, at least ten feet wide, separates lawn and water.
 - 2. Where a spreader guard, deflector shield or drop spreader is used, then the application may not occur within three feet of any surface water.
- c) The use of phosphorus fertilizers is prohibited on lawns or other non-agricultural turf with the following exceptions:

(Continued)

SUBJECT: PEST MANAGEMENT AND PESTICIDE USE (Cont'd.)

1. The use of phosphorus fertilizers is needed to establish a new lawn; or
 2. A soil test shows that phosphorus fertilizers are needed for growth.
- d) Fertilizer cannot be used on any impervious surfaces and if such an application occurs, it must be cleaned immediately and legally applied or placed in an appropriate container.

Notification

The BOCES' IPM Coordinator or designated Pesticide Representative will give prior written notice of all pesticide applications to anyone who has asked to receive this notice. The BOCES will also notify parents, students, and staff of periodic pesticide applications. The BOCES will maintain a list of those people who wish to receive 48-hour notice before pesticide applications and will ensure that a system is developed to deliver such notice in a timely fashion to all affected. The notification system may be by mail or email, and will ensure that a back-up method is available to notify those for whom the regular system is unworkable. The name and contact information for the BOCES Pesticide Representative will be made available to all requesting it.

The BOCES must also provide additional written notification to all parents and staff three times per year to inform them of any pesticide applications that have occurred: within ten days of the end of the school year, within two school days of the end of winter recess and within two days of the end of spring recess.

Recordkeeping

Records of pesticide use will be maintained on-site for three years and 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.

Education Law Sections 409-k, 409-h
Environmental Conservation Law Sections 17-2103, 33-0303
40 CFR Part 152.25
7 USC Section 136(mm), 136q(h)(2) (FIFRA)
8 NYCRR Part 155.4(d)(2)

Adoption Date

SUBJECT: GENDER NEUTRAL SINGLE-OCCUPANCY BATHROOMS

The BOCES is committed to creating and maintaining an inclusive educational and work-environment. The BOCES will ensure that all single-occupancy bathroom facilities are designated as gender neutral for use by no more than one occupant at a time or for family or assisted use.

"Single-occupancy bathroom" means a bathroom intended for use by no more than one occupant at a time or for family or assisted use and which has a door for entry into and egress from the bathroom that may be locked by the occupant to ensure privacy and security.

All gender neutral bathroom facilities will be clearly designated by the posting of signage either on or near the entry door of each facility.

Education Law Section 409-m
Public Buildings Law Section 145

NOTE: Refer also to Policy #7552 -- Student Gender Identity

Adoption Date

SUBJECT: SMOKING, TOBACCO, AND CANNABIS (MARIJUANA) USE

The following actions are prohibited on school grounds and at school functions: smoking; vaping; using tobacco products; and/or using or ingesting any form of cannabis.

Smoking and vaping are prohibited within 100 feet of the entrances, exits, or outdoor areas of any of the BOCES' schools. However, this prohibition does not apply to smoking or vaping in a residence, or within the real property boundary lines of residential real property.

Exceptions may exist for authorized medical cannabis use.

Definitions

For purposes of this policy, the following definitions apply:

- a) "Electronic cigarette" (or "e-cigarette") means an electronic device delivering vapor inhaled by an individual user, and includes any refill, cartridge, and any other component of such a device.
- b) "School function" means a BOCES-sponsored or BOCES-authorized event or activity regardless of where the event or activity takes place, including any event or activity that may take place virtually or in another state.
- c) "School grounds" means any building, structure, and surrounding outdoor grounds, including entrances or exits, contained within the BOCES' preschool, nursery school, elementary, or secondary school's legally defined property boundaries as registered in the County Clerk's Office, as well as any vehicles used to transport children or school personnel.
- d) "Smoking" means the burning of a lighted cigar, cigarette, pipe, or any other matter or substance containing tobacco, cannabis, or cannabinoid hemp.
- e) "Tobacco products" means cigarettes or cigars, bidis, chewing tobacco, powdered tobacco, nicotine water, or any other tobacco products.
- f) "Vaping" means the use of an electronic cigarette.

Notification

The BOCES will prominently post signs prohibiting smoking and vaping on school grounds in accordance with applicable law. Appropriate BOCES officials will inform individuals smoking or vaping in a non-smoking area that they are in violation of law and/or BOCES policy.

(Continued)

SUBJECT: SMOKING, TOBACCO, AND CANNABIS (MARIJUANA) USE (Cont'd.)

The BOCES will communicate this policy to staff, students, parents/guardians, volunteers, visitors, contractors, and outside groups through means such as the BOCES' *Code of Conduct*, student handbooks, newsletters, announcements, facilities use forms/agreements, and/or the prominent display of this policy in appropriate locations.

Prohibition of Tobacco Promotional Items/Tobacco Advertising

Tobacco promotional items (e.g., brand names, logos, and other identifiers) are prohibited:

- a) On school grounds;
- b) In any vehicles used to transport students or school personnel;
- c) At school functions;
- d) In school publications;
- e) On clothing, shoes, accessories, gear, and school supplies in accordance with the BOCES' *Code of Conduct* and applicable collective bargaining agreements.

This prohibition of tobacco promotional items will be enforced in accordance with the BOCES' *Code of Conduct* and applicable collective bargaining agreements.

The BOCES will request, whenever possible, tobacco free editions of periodical publications for school libraries and classroom use.

20 USC Sections 6081-6084 and 7971-7974
41 USC Section 8101 et seq.
Education Law Section 409
Penal Law Section 222.10
Public Health Law Sections 1399-n, 1399-o, 1399-p, and 1399-aa
8 NYCRR Sections 155.5 and 156.3

NOTE: Refer also to Policies #3280 -- Use of BOCES Facilities, Materials, and Equipment
#6150 -- Alcohol, Tobacco, Drugs, and Other Substances (Staff)
#7320 -- Alcohol, Tobacco, Drugs, and Other Substances (Students)
#8240 -- Instruction in Certain Subjects
BOCES *Code of Conduct*

Adoption Date

SUBJECT: ENERGY CONSERVATION AND RECYCLING IN THE BOCES

The Board recognizes the importance of energy conservation and is committed to the analysis, development, and initiation of conservation measures throughout the BOCES for the purpose of reducing energy consumption, particularly in these times of declining levels of natural energy resources and increasing cost of these resources. The Board maintains a responsible program to reduce consumption of energy by its facilities and to provide education to both staff and students on the conservation of energy.

The BOCES is committed to an energy conservation program that addresses not only capital-related energy projects but ongoing, day-to-day energy related issues as well. All staff are urged to participate actively in a program of energy conservation by assisting in the efforts to eliminate the wasteful use of energy in the operation of the BOCES' buildings. Cooperation will be required of each employee and each student to achieve a meaningful energy conservation program that results in a more efficient use of energy resources. Involvement of staff and students is essential to a successful program of energy conservation.

The Board is further committed to protecting and improving the environment by recycling commonly used materials, waste prevention strategies, and purchasing recycled products when feasible.

Environmental Conservation Law Sections 27-2101- 27-2117
General Municipal Law Section 120-aa
19 NYCRR Sections 1221-1228 and 1240
Energy Conservation Code of New York State 2007

Adoption Date

SUBJECT: RECORDS MANAGEMENT

The District Superintendent will designate a Records Management Officer, subject to Board approval, to develop and coordinate the BOCES' orderly and efficient records management program. Among other aspects, this program includes the legal disposition or destruction of obsolete records and the storage and management of inactive records. The Records Management Officer will work with other BOCES officials to develop and maintain this program.

The BOCES may create a Records Advisory Board to assist in establishing and supporting the records management program. Members of this board may include the BOCES' legal counsel, the fiscal officer, and the District Superintendent or designee, among others.

Retention and Disposition of Records

The BOCES will retain records and dispose of them in accordance with the Retention and Disposition Schedule for New York Local Government Records (LGS-1) or as otherwise approved by the Commissioner of Education. Further, if any law specifically provides a retention period longer than that established by this schedule, the retention period established by the law will govern.

Replacing Original Records with Microforms or Electronic Images

The BOCES will follow procedures prescribed by the Commissioner of Education to ensure accessibility for the life of any microform or electronic records that replace paper originals or micrographic copies.

Retention and Preservation of Electronic Records

The BOCES will ensure that records retention requirements are incorporated into any program, plan, or process for design, redesign, or substantial enhancement of an information system that stores electronic records. The BOCES will also ensure that electronic records are not rendered unusable because of changing technology before their retention and preservation requirements expire.

Arts and Cultural Affairs Law Article 57-a
8 NYCRR Part 185

Adoption Date

SUBJECT: DISPOSAL OF CONSUMER REPORT INFORMATION AND RECORDS

In accordance with the Federal Trade Commission's (FTC) "Disposal Rule," and in an effort to protect the privacy of consumer information, reduce the risk of fraud and identity theft, and guard against unauthorized access to or use of the information, the BOCES will take appropriate measures to properly dispose of sensitive information (i.e., personal identifiers) contained in or derived from consumer reports and records. The BOCES may determine what measures are reasonable based on the sensitivity of the information, the costs and benefits of different disposal methods, and changes in technology.

The term "consumer report" includes information obtained from a consumer reporting company that is used—or expected to be used—in establishing a consumer's eligibility for employment or insurance, among other purposes. The term "employment purposes" when used in connection with a consumer report means a report used for the purpose of evaluating a consumer for employment, promotion, reassignment, or retention as an employee.

The FTC Disposal Rule defines "consumer information" as "any record about an individual, whether in paper, electronic, or other form, that is a consumer report or is derived from a consumer report. Consumer information also means a compilation of these records. Consumer information does not include information that does not identify individuals, such as aggregate information or blind data."

Information Covered by the Disposal Rule

There are a variety of personal identifiers beyond simply a person's name that would bring information within the scope of the Disposal Rule, including, but not limited to, a social security number, driver's license number, phone number, physical address, and email address. Depending upon the circumstances, data elements that are not inherently identifying can, in combination, identify particular individuals.

Proper Disposal

The BOCES will utilize disposal practices that are reasonable and appropriate to prevent the unauthorized access to—or use of—information contained in or derived from consumer reports and records. Reasonable measures to protect against unauthorized access to or use of consumer information in connection with BOCES disposal include the following examples.

- a) Burning, pulverizing, or shredding of papers containing consumer information so that the information cannot practicably be read or reconstructed;
- b) Destroying or erasing electronic media containing consumer information so that the information cannot practicably be read or reconstructed;

(Continued)

**SUBJECT: DISPOSAL OF CONSUMER REPORT INFORMATION AND RECORDS
(Cont'd.)**

- c) After due diligence, entering into and monitoring compliance with a contract with another party engaged in the business of record destruction to dispose of material, specifically identified as consumer information, in a manner consistent with the Disposal Rule. In this context, due diligence could include:
1. Reviewing an independent audit of the disposal company's operations and/or its compliance with the Disposal Rule;
 2. Obtaining information about the disposal company from several references or other reliable sources;
 3. Requiring that the disposal company be certified by a recognized trade association or similar third party;
 4. Reviewing and evaluating the disposal company's information security policies or procedures;
 5. Taking other appropriate measures to determine the competency and integrity of the potential disposal company; or
 6. Requiring that the disposal company have a certificate of registration from the New York Department of State issued on or after October 1, 2008.
- d) For persons (as defined in accordance with the Fair Credit Reporting Act) or entities who maintain or otherwise possess consumer information through their provision of services directly to a person subject to the Disposal Rule, monitoring compliance with policies and procedures that protect against unauthorized or unintentional disposal of consumer information, and disposing of this information in accordance with examples a) and b) above.

Implementation of Practices and Procedures

The Board delegates to the District Superintendent or designee the authority and responsibility to review current practices regarding the disposal of consumer information; and to implement such further reasonable and appropriate procedures, including staff training as necessary, to ensure compliance with the FTC's Disposal Rule.

The Fair Credit Reporting Act, 15 USC Section 1681 et seq.
The Fair and Accurate Credit Transactions Act of 2003, Public Law Sections 108-159
Federal Trade Commission Disposal of Consumer Report Information and Records, 16 CFR Part 682
General Business Law Article 39-G

Adoption Date

SUBJECT: INFORMATION SECURITY INCIDENT AND NOTIFICATION

The BOCES values the protection of private information of individuals in accordance with applicable law and regulations. 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) "Personal information" means any information concerning a person which, because of name, number, symbol, mark, or other identifier, can be used to identify that person.
- b) "Private information" means either:
 - 1. Personal information consisting of any information in combination with any one or more of the following data elements, when either the data element or the combination of personal information plus the data element is not encrypted or encrypted with an encryption key that has also been accessed or acquired:
 - (a) Social security number;
 - (b) Driver's license number or non-driver identification card number;
 - (c) Account number, credit or debit card number, in combination with any required security code, access code, password, or other information which would permit access to an individual's financial account;
 - (d) Account number, or credit or debit card number, if circumstances exist where the number could be used to access an individual's financial account without additional identifying information, security code, access code, or password; or
 - (e) Biometric information, meaning data generated by electronic measurements of an individual's unique physical characteristics, such as fingerprint, voice print, retina or iris image, or other unique physical representation or digital representation which are used to authenticate or ascertain the individual's identity;
 - 2. A username or email address in combination with a password or security question and answer that would permit access to an online 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.

(Continued)

SUBJECT: INFORMATION SECURITY INCIDENT AND NOTIFICATION (Cont'd.)

- c) "Breach of the security of the system" means 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.

Determining if a Breach Has Occurred

In determining whether information has been acquired, or is reasonably believed to have been acquired, by an unauthorized person or person without valid authorization, the BOCES may consider the following factors, among others:

- a) Indications that the information is in the physical possession or control of an unauthorized person, such as a lost or stolen computer or other device containing information;
- b) Indications that the information has been downloaded or copied;
- c) Indications that the information was used by an unauthorized person, such as fraudulent accounts opened or instances of identity theft reported; or
- d) System failures.

Notification Requirements

- a) For any computerized data owned or licensed by the BOCES that includes private information, the BOCES will 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, accessed or acquired by a person without valid authorization. The disclosure to affected individuals will be made in the most expedient 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 integrity of the data system. The BOCES will consult with the New York State Office of Information Technology Services to determine the scope of the breach and restoration measures. Within 90 days of the notice of the breach, the New York State Office of Information Technology Services will deliver a report to the BOCES on the scope of the breach and recommendations to restore and improve the security of the system.

(Continued)

SUBJECT: INFORMATION SECURITY INCIDENT AND NOTIFICATION (Cont'd.)

- b) Notice to affected persons under State Technology Law is not required if the exposure of private information was an inadvertent disclosure by persons authorized to access private information, and the BOCES reasonably determines the exposure will not likely result in the misuse of the information, or financial or emotional harm to the affected persons. This determination must be documented in writing and maintained for at least five years. If the incident affected over 500 New York State residents, the BOCES will provide the written determination to the New York State Attorney General within ten days after the determination.
- c) If notice of the breach of the security of the system is made to affected persons pursuant to the breach notification requirements under certain laws and regulations, the BOCES is not required to provide additional notice to those affected persons under State Technology Law. However, the BOCES will still provide notice to the New York State Attorney General, the New York State Department of State, the New York State Office of Information Technology Services, and to consumer reporting agencies.
- d) For any computerized data maintained by the BOCES that includes private information which the BOCES does not own, the BOCES will 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, accessed or acquired by a person without valid authorization.

The notification requirement may be delayed if a law enforcement agency determines that the notification impedes a criminal investigation. The required notification will be made after the law enforcement agency determines that the notification does not compromise the investigation.

If the BOCES is required to provide notification of a breach, including breach of information that is not private information, to the United States Secretary of Health and Human Services pursuant to the Health Insurance Portability and Accountability Act of 1996 or the Health Information Technology for Economic and Clinical Health Act, it will provide notification to the New York State Attorney General within five business days of notifying the United States Secretary of Health and Human Services.

Methods of Notification

The required notice will 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 notification is kept by the BOCES when notifying affected persons in electronic form. However, in no case will the BOCES require a person to consent to accepting the notice in electronic form as a condition of establishing any business relationship or engaging in any transaction;

(Continued)

SUBJECT: INFORMATION SECURITY INCIDENT AND NOTIFICATION (Cont'd.)

- c) Telephone notification, provided that a log of each notification is kept by the BOCES when notifying affected persons by phone; or
- d) Substitute notice, if the BOCES demonstrates to the New York 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 will consist of all of the following:
 - 1. Email notice when the BOCES has an email 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 will include:

- a) Contact information for the notifying BOCES;
- b) The telephone numbers and websites of the relevant state and federal agencies that provide information regarding security breach response and identity theft prevention and protection information; and
- c) A description of the categories of information that were, or are reasonably believed to have been, accessed or acquired by a person without valid authorization, including specification of which of the elements of personal information and private information were, or are reasonably believed to have been, accessed or acquired.

In the event that any New York State residents are to be notified, the BOCES will notify the New York State Attorney General, New York State Department of State, and New York State Office of Information Technology Services as to the timing, content, and distribution of the notices and approximate number of affected persons and provide a copy of the template of the notice sent to affected persons. This notice will 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 will also notify consumer reporting agencies as to the timing, content, and distribution of the notices and approximate number of affected persons. This notice will be made without delaying notice to affected New York State residents.

A list of consumer reporting agencies will be compiled by the New York State Attorney General and furnished upon request to any district/BOCES required to make a notification in accordance with State Technology Law.

SUBJECT: EMPLOYEE PERSONAL IDENTIFYING INFORMATION

The BOCES will restrict the use and access to employee personal identifying information. As defined in law, "personal identifying information" includes 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 will 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 will not be used as an identification number for purposes of any occupational licensing.

BOCES staff will 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" will be evaluated; and employees who have access to this information as part of their job responsibilities will be advised as to the restrictions on release of this information in accordance with law.

Labor Law Section 203-d

Adoption Date

SUBJECT: DATA NETWORKS AND SECURITY ACCESS

The BOCES values the protection of private information of individuals in accordance with applicable law, regulations, and best practice. Accordingly, BOCES officials and Information Technology (IT) staff will plan, implement, and monitor IT security mechanisms, procedures, and technologies necessary to prevent improper or illegal disclosure, modification, or denial of sensitive information in the BOCES Computer System (BCS). Similarly, IT mechanisms and procedures will also be implemented in order to safeguard BOCES technology resources, including computer hardware and software. BOCES network administrators may review BOCES computers to maintain system integrity and to ensure that individuals are using the system responsibly. Users should not expect that anything stored on school computers or networks will be private.

SUBJECT: STUDENT GRADING INFORMATION SYSTEMS

Student performance is assessed in many ways, but primarily through assigned grades. The BOCES will help ensure the integrity of student grades by controlling access to its grading information system and by approving modifications to grades where warranted.

The System

The BOCES utilizes an electronic software system that contains a record of student performance, credit accumulation, report cards, and a transcript. More specifically, the system includes class rosters where teachers enter student grades and track their students' academic progress. The system is used to generate student report cards and transcripts, and to maintain all student grading records.

To protect student data in the system, the BOCES will first establish who has the authority to grant, change, or terminate user access. The personnel with this authority will be very limited. Further, if the grading system has a feature that allows one user or account to assume the identity of another user or account, the BOCES will restrict or disable that feature. These types of features could allow a user greater access than intended, including inheriting permissions of another user that are greater than the user's.

System Access

The BOCES will create categories of system users and assign appropriate system permissions to each. Users' permissions will be compatible with and restricted by their roles and job duties; their access will be as restrictive as possible. Typically, teachers will have the ability to enter, update, and modify grades each marking period before a pre-determined lockout date. The lockout function will be consistently used throughout the school year to help prevent grade modifications without authorization after a marking period closes. Through increased system permissions, other individuals—such as non-classroom teachers, guidance counselors, information technology (IT) staff, clerical staff, and support staff—will be able to view or modify grades.

The BOCES will work with its IT, human resources, and other appropriate departments to determine how best to timely establish access rights, add users, deactivate or modify user accounts, and monitor user accounts. As appropriate, the BOCES will develop further IT controls that protect against improper access and promote data security. Further, the BOCES recognizes that system access is most secure when BOCES-owned devices are used. Accordingly, staff should only use BOCES-owned devices to view, enter, or modify student grades and comments.

Grade Changes

Once the lockout period begins, only authorized users identified by the BOCES may change grades, and only under certain circumstances. The system will recognize when grades change, and a log of modified grades may then be viewed and printed. Any grade mismatches will be reconciled before the next marking period closes or before the end of the school year, whichever is earlier.

(Continued)

SUBJECT: STUDENT GRADING INFORMATION SYSTEMS (Cont'd.)

The staff member seeking to change a grade will submit a grade-change form signed by the requesting party, the teacher who assigned the original grade, and the appropriate administrator. This form and all other documents supporting a grade modification will be electronically filed in the grading system or filed in a non-electronic system—if electronic filing is impossible or impractical—and maintained for six years. The personnel seeking the modification should specify one or more reasonable grounds for the grade change on the form. There must be reasonable grounds to alter a grade. The reasons may include:

- a) Data entry error;
- b) Computational error;
- c) A modification based on work submitted or considered after the lockout date;
- d) Changing an incomplete grade to a regular grade because a student completed course requirements;
- e) Credit recovery coursework;
- f) Administrative change; or
- g) Other acceptable justifications.

Audit Log and Monitoring

The BOCES' grading system will have an audit log or grade-change report function that records certain system activities, including modifications to grades. The BOCES will periodically monitor audit logs or grade-change reports to confirm the integrity of the system, to ensure proper access by personnel, and to confirm that modifications within the system are appropriate and completed in a timely manner. The BOCES will also periodically monitor user accounts and rights so that the permissions granted are proper and the minimum necessary for each user or user group. To the extent feasible, the BOCES will make sure that user accounts are current and updated regularly. The BOCES will be able to print user information, logs, reports, and other documents from the student grading information system, as needed.

Adoption Date

SUBJECT: DATA PRIVACY AND SECURITY**Purpose**

This policy addresses St. Lawrence-Lewis Board of Cooperative Educational Services (BOCES) responsibility to adopt appropriate administrative, technical and physical safeguards and controls to protect and maintain the confidentiality, integrity and availability of its data, data systems and information technology resources.

Policy Statement

It is the responsibility of St. Lawrence-Lewis BOCES:

- a) To comply with legal and regulatory requirements governing the collection, retention, dissemination, protection, and destruction of information;
- b) To maintain a comprehensive Data Privacy and Security Program designed to satisfy its statutory and regulatory obligations, enable and assure core services, and fully support the district's mission;
- c) To protect personally identifiable information (PII), and sensitive and confidential information from unauthorized use or disclosure;
- d) To address the adherence of its vendors with federal, state and State Education Department requirements in its vendor agreements;
- e) To train its users to share a measure of responsibility for protecting St. Lawrence-Lewis BOCES student data and data systems;
- f) To identify its required data security and privacy responsibilities and goals, integrate them into relevant processes, and commit the appropriate resources towards the implementation of such goals; and
- g) To communicate its required data security and privacy responsibilities and goals and the consequences of non-compliance, to its users.

Standard

St. Lawrence-Lewis BOCES will utilize the National Institute of Standards and Technology's Cybersecurity Framework v 1.1 (NIST CSF or Framework) as the standard for its Data Privacy and Security Program.

(Continued)

SUBJECT: DATA PRIVACY AND SECURITY (Cont'd.)Scope

The policy applies to St. Lawrence-Lewis BOCES employees, and also to independent contractors, interns, volunteers ("users") and third-party contractors who receive or have access to St. Lawrence-Lewis BOCES data and/or data systems.

This policy encompasses all systems, automated and manual, including systems managed or hosted by third parties on behalf of the educational agency and it addresses all information, regardless of the form or format, which is created or used in support of the activities of an educational agency

This policy shall be published on the St. Lawrence-Lewis BOCES website and notice of its existence shall be provided to all employees and Users.

Compliance

Board of Education and Administrators are responsible for the compliance of their programs and offices with this policy, related policies, and their applicable standards, guidelines and procedures. Instances of non-compliance will be addressed on a case-by-case basis. All cases will be documented, and program offices will be directed to adopt corrective practices, as applicable.

Oversight

St. Lawrence-Lewis BOCES Data Privacy Officer shall annually report to its Board of Education on data privacy and security activities and progress, the number and disposition of reported breaches, if any, and a summary of any complaint submitted pursuant to New York State (NYS) Education Law Section 2-d.

Data Privacy

- a) Laws such as the Family Educational Rights Privacy Act (FERPA), NYS Education Law Section 2-d and other state or federal laws establish baseline parameters for what is permissible when sharing student PII.
- b) Data protected by law must only be used in accordance with law and regulation and SED policies to ensure it is protected from unauthorized use and/or disclosure.
- c) St. Lawrence-Lewis BOCES has established a Data Protection Officer (DPO) and his/her delegates to manage its use of data protected by law. The DPO and delegates will, together with program offices, determine whether a proposed use of personally identifiable information would benefit students and educational agencies, and to ensure that PII is not included in public reports or other public documents, or otherwise publicly disclosed;

(Continued)

SUBJECT: DATA PRIVACY AND SECURITY (Cont'd.)

- d) No student data shall be shared with third parties without a written agreement that complies with state and federal laws and regulations. No student data will be provided to third parties unless it is permitted by state and federal laws and regulations. Third-party contracts must include provisions required by state and federal laws and regulation.
- e) The identity of all individuals requesting PII, even where they claim to be a parent or eligible student or the data subject, must be authenticated in accordance with St. Lawrence-Lewis BOCES procedures.
- f) It is St. Lawrence-Lewis BOCES policy to provide all protections afforded to parents and persons in parental relationships, or students where applicable, required under the Family Educational Rights and Privacy Act, the Individuals with Disabilities Education Act, and the federal regulations implementing such statutes. Therefore, St. Lawrence-Lewis BOCES shall ensure that its contracts require that the confidentiality of student data or teacher or principal Annual Professional Performance Review data be maintained in accordance with federal and state law and this policy.
- g) Contracts with third parties that will receive or have access to PII must include a Data Privacy and Security Plan that outlines how the contractor will ensure the confidentiality of data is maintained in accordance with state and federal laws and regulations and this policy.

Incident Response and Notification

St. Lawrence-Lewis BOCES will respond to data privacy and security critical incidents in accordance with its Information Security Breach and Notification Policy. All breaches of data and/or data systems must be reported to the Data Protection Officer. All breaches of PII or sensitive/confidential data must be reported to the Privacy Officer. For purposes of this policy, a breach means the unauthorized acquisition, access, use, or disclosure of student, teacher or principal PII as defined by law, or any SED sensitive or confidential data or a data system that stores that data, by or to a person not authorized to acquire, access, use, or receive the data.

State and federal laws require that affected individuals must be notified when there has been a breach or unauthorized disclosure of PII. Upon receiving a report of a breach or unauthorized disclosure, the Data Protection Officer and other subject matter experts will determine whether notification of affected individuals is required, and where required, effect notification in the most expedient way possible and without unreasonable delay.

Acceptable Use Policy, Password Policy and other Related Department Policies

- a) Users must comply with the Acceptable Use Policy in using District resources. Access privileges will be granted in accordance with the user's job responsibilities and will be limited only to those necessary to accomplish assigned tasks in accordance with State Entity missions and business functions (i.e., least privilege). Accounts will be removed, and access will be denied for all those who have left the agency or moved to another department.

(Continued)

SUBJECT: DATA PRIVACY AND SECURITY (Cont'd.)

- b) Users must comply with the Password Policy.
- c) All remote connections must be made through managed points-of-entry in accordance with the Remote Access Policy.

Training

All users of district data, data systems and data assets must annually complete the information security and privacy training offered by the department. Information security and privacy training will be made available to all users. Employees must complete the training annually.

Adoption Date

**SUBJECT: MISUSE/ABUSE OF SOFTWARE AND/OR ELECTRONIC
COMMUNICATION SYSTEMS**

Any employee in the BOCES who is aware of any misuse or abuse of any software or electronic communication system owned or rented by the BOCES must notify his or her immediate supervisor or building principal.

Any student in the BOCES who is aware of any misuse or abuse of any software or electric communication system must notify his or her teacher or building principal.

Administrators who are aware of any abuse/misuse must notify the District Superintendent or designee and appropriate disciplinary action will 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 BOCES staff and students.

Adoption Date

SUBJECT: SCHOOL SAFETY PLANS

The BOCES considers the safety of its students and staff to be of the utmost importance and is keenly aware of the evolving nature of threats to schools. As such, it will address those threats accordingly through appropriate emergency response planning. The BOCES-wide school safety plan and the building-level emergency response plan(s) will be designed to prevent or minimize the effects of violent incidents, declared state disaster emergency involving a communicable disease or local public health emergency declaration and other emergencies and to facilitate the coordination of programs and the BOCES with local and county resources in the event of these incidents or emergencies. These plans will be reviewed and updated by the appropriate team on at least an annual basis and adopted by the Board by September 1 of each school year.

The Board will make the BOCES-wide school safety plan available for public comment at least 30 days prior to its adoption. The BOCES-wide school safety plan may only be adopted by the Board after at least one public hearing that provides for the participation of school personnel, parents, students, and any other interested parties. The BOCES-wide school safety plan and any amendments must be submitted to the Commissioner, in a manner prescribed by the Commissioner, within 30 days of adoption, but no later than October 1 of each school year.

Building-level emergency response plan(s) and any amendments must be submitted to the appropriate local law enforcement agency and the state police within 30 days of adoption, but no later than October 1 of each school year. Building-level emergency response plan(s) will be kept confidential and are not subject to disclosure under the Freedom of Information Law (FOIL) or any other provision of law.

BOCES-Wide School Safety Plan

BOCES-wide school safety plan means a comprehensive, multi-hazard school safety plan that covers all school buildings of the BOCES, addresses crisis intervention, emergency response and management, and the provision of remote instruction during an emergency BOCES closure, at the BOCES level, and has the contents as prescribed in Education Law and Commissioner's regulations.

The BOCES-wide school safety plan will be developed by the BOCES-wide school safety team appointed by the Board. The BOCES-wide school safety team will include, but not be limited to, representatives of the Board, teacher, administrator, and parent organizations, BOCES safety personnel, and other BOCES personnel. The BOCES-wide school safety team will consider, as part of their review of the comprehensive BOCES-wide school safety plan, the installation of a panic alarm system. At the discretion of the Board, a student may be allowed to participate on the BOCES-wide school safety team.

The BOCES-wide school safety plan will include, but not be limited to:

- a) Policies and procedures for responding to implied or direct threats of violence by students, teachers, other school personnel, and visitors to the school, including threats by students against themselves, which includes suicide;

(Continued)

SUBJECT: SCHOOL SAFETY PLANS (Cont'd.)

- b) Policies and procedures for responding to acts of violence by students, teachers, other school personnel, and visitors to the school, including consideration of zero-tolerance policies for school violence;
- c) Appropriate prevention and intervention strategies;
- d) Policies and procedures for contacting appropriate law enforcement officials in the event of a violent incident;
- e) A description of the arrangements for obtaining assistance during emergencies from emergency services organizations and local governmental agencies;
- f) Procedures for obtaining advice and assistance from local government officials, including the county or city officials responsible for implementation of Executive Law Article 2-B, State and Local Natural and Man-Made Disaster Preparedness;
- g) The identification of BOCES resources which may be available for use during an emergency;
- h) A description of procedures to coordinate the use of BOCES resources and manpower during emergencies, including identification of the officials authorized to make decisions and of the staff members assigned to provide assistance during emergencies;
- i) Policies and procedures for contacting parents, guardians, or persons in parental relation to BOCES students in the event of a violent incident or an early dismissal or emergency BOCES closure;
- j) Policies and procedures for contacting parents, guardians, or persons in parental relation to an individual BOCES student in the event of an implied or direct threat of violence by the student against themselves, which includes suicide;
- k) Policies and procedures relating to school building security, including, where appropriate: the use of school safety officers, school security officers, and/or school resource officers; and security devices or procedures;
- l) Policies and procedures for the dissemination of informative materials regarding the early detection of potentially violent behaviors, including, but not limited to, the identification of family, community, and environmental factors to teachers, administrators, BOCES personnel, parents and other persons in parental relation to students of the BOCES or Board, students, and other persons deemed appropriate to receive the information;

(Continued)

SUBJECT: SCHOOL SAFETY PLANS (Cont'd.)

- m) Policies and procedures for annual multi-hazard school safety training for staff and students, provided that the BOCES must certify to the Commissioner that all staff have undergone annual training by September 15 on the building-level emergency response plan which must include components on violence prevention and mental health, provided further that new employees hired after the start of the school year will receive training within 30 days of hire or as part of the BOCES' existing new hire training program, whichever is sooner;
- n) Procedures for the review and conduct of drills and other exercises to test components of the emergency response plan, including the use of tabletop exercises, in coordination with local and county emergency responders and preparedness officials;
- o) The identification of appropriate responses to emergencies, including protocols for responding to bomb threats, hostage-takings, intrusions, and kidnappings;
- p) Strategies for improving communication among students and between students and staff and reporting of potentially violent incidents;
- q) A system for informing all educational agencies within the BOCES of a disaster or emergency BOCES closure;
- r) The designation of the District Superintendent or designee, as the BOCES Chief Emergency Officer whose duties will include, but not be limited to:
 - 1. Coordinating the communication between school staff, law enforcement, and other first responders;
 - 2. Leading the efforts of the BOCES-wide school safety team in the completion and yearly update of the BOCES-wide school safety plan and the coordination of the BOCES-wide school safety plan with the building-level emergency response plan(s);
 - 3. Ensuring staff understanding of the BOCES-wide school safety plan;
 - 4. Ensuring the completion and yearly update of building-level emergency response plans for each school building;
 - 5. Assisting in the selection of security related technology and development of procedures for the use of the technology;
 - 6. Coordinating appropriate safety, security, and emergency training for BOCES and school staff, including required training in the emergency response plan;

(Continued)

SUBJECT: SCHOOL SAFETY PLANS (Cont'd.)

7. Ensuring the conduct of required evacuation and lock-down drills in all BOCES buildings as required by law; and
 8. Ensuring the completion and yearly update of building-level emergency response plan(s) by the dates designated by the Commissioner;
- s) Protocols for responding to a declared state disaster emergency involving a communicable disease that are substantially consistent with the provisions in Labor Law Section 27-c; and
 - t) An emergency remote instruction plan.

Building-Level Emergency Response Plan(s)

Building-level emergency response plan means a building-specific school emergency response plan that addresses crisis intervention, 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).

Building-level emergency response plan(s) will be developed by the building-level emergency response team. The building-level emergency response team is a building-specific team appointed by the building principal, in accordance with regulations or guidelines prescribed by the Board.

Classroom door vision panels will not be covered except as outlined in the building-level emergency response plan.

Education Law Section 2801-a
Labor Law Section 27-c
8 NYCRR Section 155.17

Adoption Date

**SUBJECT: CARDIAC AUTOMATED EXTERNAL DEFIBRILLATORS (AEDs) IN
PUBLIC SCHOOL FACILITIES**

The BOCES will provide and maintain on-site in each instructional school facility functional cardiac automated external defibrillator (AED) equipment as defined in Public Health Law Section 3000-b for use during emergencies. Each facility will have sufficient AED equipment available to ensure ready and appropriate access for use during emergencies in quantities and types as deemed by the Commissioner of Education, in consultation with the Commissioner of Health. Determination of the quantity and placement of AEDs must be made with consideration of at least the factors described in Commissioner's regulations. An instructional school facility means a building or other facility maintained by the BOCES where instruction is provided to students in accordance with its curriculum.

Whenever an instructional school facility is used for a school-sponsored or school-approved curricular or extracurricular event or activity, and whenever a school-sponsored athletic contest is held at any location, the public school officials and administrators responsible for the school facility or athletic contest will ensure that AED equipment is provided on-site and that there is present during that event, activity, or contest at least one staff person who is trained in accordance with Public Health Law in the operation and use of an AED. School-sponsored or school-approved curricular or extracurricular events or activities mean events or activities of the BOCES that are, respectively, associated with its instructional curriculum or otherwise offered to its students. A school-sponsored athletic contest means an extraclass intramural athletic activity of instruction, practice, and competition for students in grades 4 through 12 consistent with Commissioner's regulations.

Where a school-sponsored competitive athletic event is held at a site other than a BOCES facility, BOCES officials will ensure that AED equipment is provided on-site by the sponsoring or host school district and that at least one staff person who is trained in the operation and use of the AED, in accordance with Public Health Law, is present during the athletic event. A school-sponsored competitive athletic event means an extraclass interscholastic athletic activity of instruction, practice, and competition for students in grades 7 through 12 consistent with Commissioner's regulations.

The BOCES will provide proper training requirements for BOCES AED users to ensure the immediate calling of 911 or the community equivalent ambulance dispatch entity whenever the AED is used, to ensure ready identification of the location of the AED units as set forth in the BOCES' Public Access Defibrillation Collaborative Agreement.

The BOCES will provide for regular maintenance and checkout procedures of the AED unit(s) which meet or exceed manufacturer's recommendations. Appropriate documentation will be maintained in accordance with law and/or regulation. Further, the BOCES will participate in the required Quality Improvement Program as determined by the Regional Emergency Medical Services Council.

The BOCES will post a sign or notice at the main entrance to the facility or building in which the AED unit(s) is stored, indicating the exact location where the unit(s) is stored or maintained on a regular basis.

(Continued)

**SUBJECT: CARDIAC AUTOMATED EXTERNAL DEFIBRILLATORS (AEDs) IN
PUBLIC SCHOOL FACILITIES (Cont'd.)**

The BOCES or any employee or other agent of the BOCES who, in accordance with the provisions of law, voluntarily and without expectation of monetary compensation, renders emergency medical or first aid treatment using an AED to a person who is unconscious, ill, or injured, will not be liable for damages for injury or death unless caused by gross negligence.

Education Law Section 917
Public Health Law Sections 3000-a and 3000-b
8 NYCRR Sections 135.4 and 136.4

Adoption Date

SUBJECT: FIRE AND EMERGENCY DRILLS AND BOMB THREATS**Fire and Emergency Drills**

The administration of each school building will instruct and train students on appropriate emergency responses, through fire and emergency drills, in the event of a sudden emergency.

Fire and emergency drills will be held at least 12 times in each school year; eight of these will be completed by December 31. Eight of all drills will be evacuation drills, four will be through use of the fire escapes on buildings where fire escapes are provided or identified secondary exits. The other four drills will be lock-down drills. Drills will be conducted at different times of the school day. Students will also be instructed in the procedures to be followed in the event that a fire occurs during the regular school lunch period or assembly, however, this additional instruction may be waived if a drill is held during the regular lunch period or assembly.

Summer School

At least two additional drills will be held during summer school in buildings where summer school is held, and one of these drills will be held during the first week of summer school.

After-School Programs, Events, or Performances

The building principal or designee will require those in charge of after-school programs, events, or performances attended by any individuals unfamiliar with that school building, to announce at the beginning of these programs the procedures to be followed in the event of an emergency.

Bomb Threats**Bomb Threats**

A bomb threat, even if later determined to be a hoax, is a criminal act. No bomb threat should be treated as a hoax when it is first received. Upon receiving any bomb threat, the BOCES has an obligation and responsibility to ensure the safety and protection of the students and other occupants of the building. This obligation takes 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. Specific procedures as to appropriate responses as a result of a bomb threat can be located in the building-level emergency response plan, as required by relevant law and regulation.

Police Notification and Investigation

Appropriate law enforcement agencies must be notified by the building administrator or designee of any bomb threat as soon as possible after receiving the threat. Law enforcement officials will contact, as the situation requires, fire and/or county emergency coordinators according to the county emergency plan.

(Continued)

SUBJECT: FIRE AND EMERGENCY DRILLS AND BOMB THREATS (Cont'd.)Implementation

The District Superintendent or designee will develop written procedures to implement the terms of this policy. Additionally, these procedures will be incorporated in the BOCES-wide school safety plan and the building-level emergency response plan, with provisions to provide written information to all staff and students regarding emergency procedures by October 1 of each school year, an annual drill to test the emergency response procedures under each of its building-level emergency response plans; and the annual review of the BOCES-wide and building-level emergency response plans, along with updates as necessary, by September 1, as mandated by law or regulation.

Education Law Sections 807, 2801-a, 3623, and 3635-a
Penal Law Article 240
8 NYCRR Sections 100.2(c), 155.17, and 156.3

NOTE: Refer also to Policy #5681 -- School Safety Plans

Adoption Date

SUBJECT: USE OF SURVEILLANCE CAMERAS IN THE BOCES

It is the Board's responsibility to ensure the safety of the BOCES' students, staff, facilities, and property. While the Board recognizes the importance of privacy, it has authorized the use of surveillance cameras on BOCES property including in school buildings and school facilities, when necessary. These surveillance cameras will help to assist the Board in maintaining the overall safety and welfare of the BOCES' students, staff, property, and visitors, as well as to deter theft, violence, and other criminal activities.

Further, surveillance cameras will only be placed in public or common areas, such as stairwells, hallways, cafeterias, parking lots, or playgrounds, and not in private areas such as locker rooms, bathrooms, or other areas in which individuals have a reasonable expectation of privacy. Audio recordings will not be utilized by the BOCES officials, however, this prohibition may not preclude the use of audio recordings by law enforcement officials in accordance with their official duties or as otherwise authorized by law.

Disciplinary Proceedings

Video recordings or footage from BOCES surveillance cameras may be used in student or employee (as permitted by any applicable collective bargaining agreement) disciplinary proceedings, as appropriate.

Signage/Notification

The BOCES will place signage at entrances to the school campus or at major entrances into school buildings notifying students, staff, as well as any visitors of the BOCES' use of surveillance cameras. Students and staff will also receive additional notification, as deemed appropriate by the District Superintendent, regarding the use of its surveillance cameras through means such as publication in the BOCES calendar, employee handbook, and/or the student handbook.

Maintenance of Video Recordings

Any video surveillance recording in BOCES buildings or on BOCES property, on tape, CD, or digitally, will be the sole property of the BOCES and stored in its original form and in a secure location to avoid tampering and also to ensure its confidentiality in accordance with relevant law and regulations.

In addition, to the extent that any video images create student or personnel records, the BOCES will comply with all applicable state and federal laws related to record retention, record maintenance, and record disclosure, including the Family Educational Rights and Privacy Act ("FERPA").

Adoption Date

SUBJECT: EXPOSURE CONTROL PROGRAM

The BOCES will 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 Occupational Safety and Health Administration (OSHA) standards, the program will 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 or body fluid clean-up;
- c) Appropriate staff education and training;
- d) Evaluation of training objectives;
- e) Documentation of training and any incident of exposure to blood or body fluids;
- f) A program of medical management to prevent or reduce the risk of pathogens, specifically hepatitis B and Human Immunodeficiency Virus (HIV);
- g) Written procedures for the disposal of medical waste; and
- 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.

29 CFR Section 1910.1030

Adoption Date

SUBJECT: COMMUNICABLE DISEASES

Whenever, a student in the BOCES 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 BOCES, that student will be excluded from the school and sent home immediately, in a safe and proper conveyance.

Education Law Section 906
8 NYCRR Sections 136.3(h) and 136.3(i)

Adoption Date

Non-Instructional/Business
Operations

SUBJECT: HUMAN IMMUNODEFICIENCY VIRUS (HIV) RELATED ILLNESSES

A student will not be denied the right to attend school or continue his or her education because he or she has been diagnosed with AIDS or any other human immunodeficiency virus (HIV)-related illness. In addition, an employee who has been similarly diagnosed will not be denied the right to continue his or her employment with the BOCES based solely upon their AIDS/HIV status. The disclosure of confidential HIV-related information will be strictly limited.

Administrative procedures will 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 in the BOCES.

The District Superintendent will 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.

Public Health Law Article 27-F

Adoption Date

SUBJECT: TRANSPORTATION PROGRAM

The Board recognizes and assumes the responsibility for all aspects of the transportation of children where the health and safety of students are involved, in light of its legal obligation to safeguard the welfare of bus-riding children. The purposes of the transportation program are to transport students to and from school, to transport them for extracurricular activities, to transport them on field trips, and to transport those requiring special services.

Education Law Sections 1501-b, 1807, 3602(7), 3620-3628, 3635, and 3636

Adoption Date

SUBJECT: TRANSPORTATION OF STUDENTS**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 will also provide transportation back to either the point of departure or to the appropriate school in the BOCES unless a student's parent or legal guardian has provided the BOCES with written notice, consistent with BOCES policy, authorizing an alternative form of return transportation for the student. 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, and the parent has not authorized alternative return transportation, a representative of the BOCES will remain with the student until the student's parent or legal guardian has been contacted and informed of the intervening circumstances and the student has been delivered to his or her parent.

Education Law Sections 1604, 1709, 1804, 1807, 1903, 1950, 2503, 2554, 2590-e, 3242, 3602-c, 3621(15), 3623-a(2c), 3635, 4401-a, 4401(4), 4402, 4404, 4405, and 4410-6
Vehicle and Traffic Law Section 375(20)(1) and 375(21-i)

Adoption Date

SUBJECT: IDLING SCHOOL BUSES ON SCHOOL GROUNDS

The BOCES 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. The BOCES will ensure that each driver of a school bus or other vehicle owned, leased, or contracted for by the BOCES turns off the engine of the bus or vehicle while waiting for passengers to load or off load on school grounds, or while the vehicle is parked or standing on school grounds or in front of or adjacent to any school. Rather than waiting for all buses to arrive before loading or unloading, individual buses will be promptly loaded and unloaded to minimize idling.

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;
- b) To maintain an appropriate temperature for passenger comfort and/or safety; or
- c) In emergency evacuations and/or where necessary to operate wheelchair lifts.

Private Vendor Transportation Contracts

All contracts for pupil transportation services between the BOCES and a private vendor will include a provision requiring the vendor's compliance with the provisions of reducing idling in accordance with Commissioner's regulations.

Education Law Section 3637
Vehicle and Traffic Law Section 142
8 NYCRR Section 156.3

Adoption Date

SUBJECT: OWNED OR LEASED VEHICLES

The BOCES owned or leased vehicles may be made available for official travel by BOCES personnel upon approval of the District Superintendent or designee.

Alternatively, 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 BOCES.

Maintenance of a Vehicle Inventory

The Director of Financial Affairs, through the Purchasing Agent, will keep an inventory of all BOCES owned vehicles for the purpose of making recommendations regarding the maintenance of vehicles and replacement by sale or disposal.

Adoption Date

Personnel

St. Lawrence-Lewis BOCES

NUMBER

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Personnel

St. Lawrence-Lewis BOCES

NUMBER

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**SUBJECT: CODE OF ETHICS FOR BOARD MEMBERS AND ALL BOCES
PERSONNEL****General Provisions**

Officers and employees of the BOCES hold their positions to serve and benefit the public, and not to obtain unwarranted personal or private gain in the exercise of their official powers and duties. The Board recognizes that, in furtherance of this fundamental principle, there is a need for clear and reasonable standards of ethical conduct.

The provisions of this policy are intended to supplement Article 18 of the General Municipal Law and any other law relating to ethical conduct of BOCES officers and employees, and should not be construed to conflict with those authorities.

Standards of Conduct

The following rules and standards of conduct apply to all officers, including Board members, and employees of the BOCES.

Gifts

No person may directly or indirectly solicit, accept, or receive any gift having a value of \$75 or more under circumstances in which it could reasonably be inferred that the gift was intended or expected to influence the individual in the performance of his or her official duties or was intended as a reward for any official action on the part of the individual. This prohibition applies to any gift, including money, services, loan, travel, entertainment, hospitality, thing or promise, or any other form.

Confidential Information

No person may disclose confidential information acquired by him or her in the course of his or her official duties or use this information to further his or her personal interests.

Conflicts of Interest

Except as permitted by law, no person may have an interest in any contract with the BOCES when he or she, individually, or as a member of the Board, has the power or duty to: negotiate, prepare, authorize, or approve the contract or authorize or approve payment under the contract; audit bills or claims under the contract; or appoint an officer or employee who has any of these powers or duties.

Likewise, unless permitted by law, no chief fiscal officer, treasurer, or his or her deputy or employee, may have an interest in a bank or trust company designated as a depository, paying agent, registration agent, or for investment of funds of the BOCES.

(Continued)

Personnel

**SUBJECT: CODE OF ETHICS FOR BOARD MEMBERS AND ALL BOCES
PERSONNEL (Cont'd.)**

No employee, officer, or agent will participate in selecting, awarding, or administering a contract supported by a federal award if he or she has a real or apparent conflict of interest. These conflicts could arise when the employee, officer, or agent, any member of his or her immediate family, his or her partner, or an organization that employs or is about to employ any of these parties has a financial or other interest in or a tangible personal interest benefit from a firm considered for a contract. Employees, officers, and agents will not solicit or accept gratuities, favors, or anything of monetary value from contractors or parties to subcontracts. The BOCES may, however, set standards for situations where the financial interest is not substantial or the gift is an unsolicited item of nominal value.

"Interest," as used in this policy, means a direct or indirect pecuniary or material benefit accruing to a BOCES officer or employee as the result of a contract with the BOCES. A BOCES officer or employee will be considered to have an interest in the contract of: his or her spouse, minor children and dependents, except a contract of employment with the BOCES; a firm, partnership or association of which he or she is a member or employee; a corporation of which he or she is an officer, director or employee; and a corporation any stock of which is owned or controlled directly or indirectly by him or her.

The provisions of the preceding four paragraphs should not be construed to preclude the payment of lawful compensation and necessary expenses of any BOCES officer or employee in one or more positions of public employment, not prohibited by law.

Representing Others in Matters Before the BOCES

No person may receive, or enter into any agreement, express or implied, for compensation for services rendered in relation to any matter before the BOCES. Likewise, no one may receive, or enter into any agreement, express or implied, for compensation for services rendered in relation to any matter before the BOCES, where the individual's compensation is contingent upon any action by the BOCES with respect to the matter.

Disclosure of Interest in Contracts and Resolutions

Any BOCES officer or employee who has, will have, or later acquires an interest in or whose spouse has, will have or later acquires an interest in any actual or proposed contract, purchase agreement, lease agreement, or other agreement, including oral agreements, with the BOCES must publicly disclose the nature and extent of that interest in writing. The disclosure must be made when the officer or employee first acquires knowledge of the actual or prospective interest, and must be filed with the person's immediate supervisor and the Board.

(Continued)

Personnel

**SUBJECT: CODE OF ETHICS FOR BOARD MEMBERS AND ALL BOCES
PERSONNEL (Cont'd.)**Investments in Conflict with Official Duties

No person may invest or hold any investment directly or indirectly in any financial, business, commercial, or other private transaction, that creates a conflict with his or her official duties, or that would otherwise impair his or her independence of judgment in the exercise or performance of his or her official powers or duties.

Private Employment

No person may engage in, solicit, negotiate for, or promise to accept private employment or render services for private interests when that employment or service creates a conflict with or impairs the proper discharge of his or her official duties.

Future Employment

No person may, after the termination of service or employment with the BOCES, appear before the BOCES on behalf of his or her employer in relation to any case, proceeding, or application in which he or she personally participated during the period of his or her service or employment with the BOCES or which was under his or her active consideration while he or she was with the BOCES.

Notice of Code of Ethics and General Municipal Law Sections 800-809

The District Superintendent will ensure that a copy of this code of ethics is distributed to every BOCES officer and employee, and that a copy of General Municipal Law Sections 800-809 is posted conspicuously in each BOCES building. The failure to distribute this code of ethics or to post General Municipal Law Sections 800-809 will have no effect on either the duty of BOCES officers and employees to comply with their provisions, or the ability of the BOCES or other relevant authorities to enforce them.

Penalties

Any person who knowingly or intentionally violates any of the provisions of this policy may be fined, suspended, removed from office or employment, or subject to additional or other penalties as provided by law.

Education Law Section 410
General Municipal Law Article 18 and Sections 800-809
2 CFR Section 200.318(c)(1)

Adoption Date

Personnel

SUBJECT: TESTING MISCONDUCT AND MANDATORY REPORTING REQUIREMENTS

BOCES employees are expressly prohibited from: engaging in testing misconduct, as that term is described in the Commissioner's regulations; 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, these 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 in a manner consistent with New York State law and regulation and any applicable collective bargaining agreement.

BOCES employees will report to the State Education Department (SED) 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. This 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 or she submitted a report regarding testing misconduct to the SED. Any 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 SED.

8 NYCRR Section 102.4

Adoption Date

SUBJECT: EQUAL EMPLOYMENT OPPORTUNITY**Overview**

The BOCES is committed to creating and maintaining an environment which is free from discrimination and harassment. This policy addresses employment discrimination. It is just one component of the BOCES' overall commitment to maintaining a discrimination and harassment-free educational and work environment.

Consistent with this commitment and in accordance with law and regulation, the BOCES is an equal opportunity employer that does not discriminate against any employee or applicant for employment in its programs and activities on the basis of any legally protected class or category including, but not limited to: age; race; creed; religion; color; national origin; sexual orientation; gender identity or expression; military status; sex; disability; predisposing genetic characteristics; familial status; marital status; status as a victim of domestic violence; and criminal arrest or conviction record.

The BOCES adopts this policy as part of its effort to provide for the prompt and equitable resolution of complaints of employment discrimination. The BOCES will promptly respond to reports of employment discrimination, ensure that all investigations are conducted within a reasonably prompt time frame and under a predictable fair grievance process that provides due process protections, and impose disciplinary measures and implement remedies when warranted.

Inquiries about this policy may be directed to the BOCES' Civil Rights Compliance Officer(s) (CRCO(s)). The CRCO is appointed annually at the July Board of Education Re-organizational meeting.

Reporting Allegations of Employment Discrimination

Any person may report employment discrimination regardless of whether they are the alleged victim or not. Reports of employment discrimination may be made orally or in writing to the BOCES' CRCO or any other BOCES employee including, but not limited to, a supervisor or building principal.

All BOCES employees who witness or receive an oral or written report of employment discrimination must immediately inform the CRCO. Failure to immediately inform the CRCO may subject the employee to discipline up to and including termination. If the CRCO is unavailable, including due to a conflict of interest or other disqualifying reason, the report will be directed to another CRCO, if the BOCES has designated another individual to serve in that capacity. If the BOCES has not designated another CRCO, the District Superintendent will ensure that another person with the appropriate training and qualifications is appointed to act as the CRCO.

Additionally, BOCES employees must comply with reporting requirements in any other applicable BOCES policy or document. Applicable policies or documents may include: Policy #3420 -- Non-Discrimination and Anti-Harassment in the BOCES.

(Continued)

SUBJECT: EQUAL EMPLOYMENT OPPORTUNITY (Cont'd.)**Process for Complaints of Employment Discrimination**

The BOCES will act to promptly, thoroughly, and equitably investigate all complaints, whether oral or written, of employment discrimination and will promptly take appropriate action to protect individuals from further discrimination.

Various BOCES policies and documents address employment discrimination. These policies and documents may include: Policy #3420 -- Non-Discrimination and Anti-Harassment in the BOCES. All complaints will be handled in accordance with the applicable BOCES policies and/or documents.

The determination as to which BOCES policies and/or documents are applicable is fact specific, and the CRCO may work with other BOCES staff to determine which BOCES policies and/or documents are applicable to the specific facts of the complaint.

If an investigation reveals that employment discrimination has occurred, the BOCES will take immediate corrective action as warranted. This action will be taken in accordance with applicable law and regulation, as well as any applicable BOCES policy, regulation, procedure, collective bargaining agreement, third-party contract, or other document such as the BOCES' *Code of Conduct*.

Prohibition of Retaliatory Behavior (Commonly Known as "Whistle-Blower" Protection)

The BOCES prohibits retaliation against any individual because the individual made a report or complaint, testified, assisted, or participated or refused to participate in an investigation, proceeding, or hearing related to a complaint of employment discrimination.

Complaints of retaliation may be directed to the CRCO. If the CRCO is unavailable, including due to a conflict of interest or other disqualifying reason, the report will be directed to another CRCO, if the BOCES has designated another individual to serve in that capacity. If the BOCES has not designated another CRCO, the District Superintendent will ensure that another person with the appropriate training and qualifications is appointed to act as the CRCO.

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

8 USC Section 1324b

29 USC Section 206

42 USC Section 1981

Age Discrimination in Employment Act of 1967 (ADEA), 29 USC Section 621 et seq.

Americans with Disabilities Act (ADA), 42 USC Section 12101 et seq.

Genetic Information Non-Discrimination Act (GINA), 42 USC Section 2000ff et seq.

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SUBJECT: EQUAL EMPLOYMENT OPPORTUNITY (Cont'd.)

Section 504 of the Rehabilitation Act of 1973, 29 USC Section 790 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 Act of 1972, 20 USC Section 1681 et seq.
Uniformed Services Employment and Reemployment Rights Act (USERRA), 38 USC Section 4301 et seq.
28 CFR Part 35
29 CFR Chapter XIV -- Equal Employment Opportunity Commission
34 CFR Parts 100, 104, and 106
45 CFR Part 86
Civil Rights Law Sections 40, 40-a, 40-c, 47-a, 47-b, and 48-a
Civil Service Law Sections 75-b and 115
Correction Law Section 752
Labor Law Sections 194-a, 201-d, 201-g, 203-e, 206-c, and 215
New York State Human Rights Law, Executive Law Section 290 et seq.
Military Law Sections 242, 243, and 318
9 NYCRR Section 466 et seq.

NOTE: Refer also to Policies #3420 -- Non-Discrimination and Anti-Harassment in the BOCES
#3421 -- Title IX and Sex Discrimination
#6121 -- Sexual Harassment in the Workplace
#6122 -- Employee Grievances

Adoption Date

SUBJECT: SEXUAL HARASSMENT IN THE WORKPLACE**Overview**

The BOCES is committed to creating and maintaining an environment which is free from discrimination and harassment. Sexual harassment is one form of workplace discrimination. This policy addresses sexual harassment in the workplace. It is just one component of the BOCES' overall commitment to maintaining a discrimination and harassment-free educational and work environment.

Sexual harassment is a form of employee misconduct, a violation of BOCES policy, and unlawful. Employees who engage in sexual harassment, including supervisory personnel who engage in sexual harassment, who knowingly allow such behavior to continue, or fail to report suspected sexual harassment will be subject to remedial and/or disciplinary action by the BOCES.

The BOCES adopts this policy as part of its effort to provide for the prompt and equitable resolution of complaints of sexual harassment in the workplace. The BOCES will promptly respond to reports of sexual harassment in the workplace, ensure that all investigations are conducted within a reasonably prompt time frame and under a predictable fair grievance process that provides due process protections, and impose disciplinary measures and implement remedies when warranted.

Inquiries about this policy may be directed to the BOCES' Civil Rights Compliance Officer(s) (CRCO(s)) and/or Title IX Coordinator(s). These officers/coordinators are appointed annually at the July Re-Organizational Board of Education meeting.

Scope and Application

This policy applies to all instances of sexual harassment perpetrated against a "covered person," regardless of immigration status, by anyone in the workplace, including a co-worker, supervisor, or third-party such as a non-employee, paid or unpaid intern, vendor, building security, visitor, volunteer, parent, or student. For purposes of this policy, a "covered person" includes:

- a) Employees;
- b) Applicants for employment;
- c) Paid or unpaid interns; and
- d) Non-employees, which include anyone who is (or is employed by) a contractor, subcontractor, vendor, consultant, or other person providing services pursuant to a contract in the workplace.

Sexual harassment in the workplace can occur between any individuals, regardless of their sex or gender. Unlawful sexual harassment is not limited to the physical workplace itself. Sexual harassment can occur on BOCES property and at school functions which, for purposes of this policy, means a

(Continued)

Personnel

SUBJECT: SEXUAL HARASSMENT IN THE WORKPLACE (Cont'd.)

BOCES-sponsored or BOCES-authorized event or activity regardless of where the event or activity takes place, including any event or activity that may take place virtually or in another state. It can also occur while employees are traveling for BOCES business. Calls, texts, emails, and social media usage can constitute unlawful workplace harassment, even if they occur away from BOCES property, on personal devices, or during non-work hours. Accordingly, conduct or incidents of sexual harassment that create or foreseeably create a disruption within the BOCES may be subject to this policy in certain circumstances.

Other BOCES policies and documents such as regulations, procedures, collective bargaining agreements, and the BOCES' *Code of Conduct* may address misconduct related to sexual harassment and may provide for additional, different, or more specific grievance procedures depending on a number of factors including, but not limited to, who is involved and where the alleged sexual harassment occurred. These documents must be read in conjunction with this policy. Applicable policies or documents may include: Policy #3420 -- Non-Discrimination and Anti-Harassment in the BOCES; and Policy #3421 -- Title IX and Sex Discrimination.

The dismissal of a complaint under one policy or document does not preclude action under another related BOCES policy or document.

What Constitutes Sexual Harassment

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 sex, sexual orientation, self-identified or perceived sex, gender expression, gender identity, and the status of being transgender.

Different from federal law and regulation, under New York State Human Rights Law, sexual harassment is unlawful when it subjects an individual to inferior terms, conditions, or privileges of employment. New York Human Rights Law provides, harassment need not be severe or pervasive to be unlawful, and can be any harassing conduct that consists of more than petty slights or trivial inconveniences.

Sexual harassment includes unwelcome conduct which is either of a sexual nature, or which is directed at an individual because of that individual's sex when:

- a) Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive work environment, even if the reporting individual is not the intended target of the sexual harassment;
- b) Such conduct is made either explicitly or implicitly a term or condition of employment; or
- c) Submission to or rejection of such conduct is used as the basis for employment decisions affecting an individual's employment.

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SUBJECT: SEXUAL HARASSMENT IN THE WORKPLACE (Cont'd.)

A sexually harassing hostile work environment includes, but is not limited to, words, signs, jokes, pranks, intimidation or physical violence which are of a sexual nature, or which are directed at an individual because of that individual's sex. Sexual harassment also consists of any unwanted verbal or physical advances, sexually explicit derogatory statements or sexually discriminatory remarks made by someone which are offensive or objectionable to the recipient, which cause the recipient discomfort or humiliation, which interfere with the recipient's job performance.

Sexual harassment also occurs when a person in authority tries to trade job benefits for sexual favors. This can include hiring, promotion, continued employment or any other terms, conditions, or privileges of employment. This is also called "quid pro quo" harassment.

Any covered person who feels harassed should report the conduct so that any violation of this policy can be corrected promptly. Any harassing conduct, even a single incident, can be addressed under this policy.

Examples of Sexual Harassment

The following describes some actions that may constitute unlawful sexual harassment and that are strictly prohibited:

- a) Physical acts of a sexual nature, such as:
 1. Touching, pinching, patting, kissing, hugging, grabbing, brushing against another person's body or poking another person's body; and
 2. Rape, sexual battery, molestation or attempts to commit these assaults.
- b) Unwanted sexual advances or propositions, such as:
 1. Requests for sexual favors accompanied by implied or overt threats concerning the target's job performance evaluation, a promotion or other job benefits or detriments; and
 2. Subtle or obvious pressure for unwelcome sexual activities.
- c) Sexually oriented gestures, noises, remarks or jokes, or comments about a person's sexuality or sexual experience, which create a hostile work environment.
- d) Sex stereotyping, which occurs when conduct or personality traits are considered inappropriate simply because they may not conform to other people's ideas or perceptions about how individuals of a particular sex should act or look.

(Continued)

Personnel

SUBJECT: SEXUAL HARASSMENT IN THE WORKPLACE (Cont'd.)

- e) Sexual or discriminatory displays or publications anywhere in the workplace, such as pictures, posters, calendars, graffiti, objects, promotional material, reading materials, or other materials that are sexually demeaning or pornographic. This includes such sexual displays on workplace computers or cell phones and sharing such displays while in the workplace.
- f) Hostile actions taken against an individual because of that individual's sex, sexual orientation, gender identity, and the status of being transgender, such as:
 - 1. Interfering with, destroying or damaging a person's workstation, tools or equipment, or otherwise interfering with the individual's ability to perform the job;
 - 2. Sabotaging an individual's work; and
 - 3. Bullying, yelling, or name-calling.

Prohibition of Retaliatory Behavior (Whistle-Blower Protection)

Unlawful retaliation can be any action that could discourage a covered person from coming forward to make or support a sexual harassment claim. Adverse action need not be job-related or occur in the workplace to constitute unlawful retaliation (e.g., threats of physical violence outside of work hours).

The BOCES prohibits any retaliatory behavior directed against complainants, victims, witnesses, and/or any other individuals who participate in the investigation of a complaint of sexual harassment. Such retaliation is unlawful under federal, state, and (where applicable) local law. The New York State Human Rights Law protects any individual who has engaged in "protected activity." Protected activity occurs when a person has:

- a) Made a complaint of sexual harassment, either internally or with any anti-discrimination agency;
- b) Testified or assisted in a proceeding involving sexual harassment under the Human Rights Law or other anti-discrimination law;
- c) Opposed sexual harassment by making an oral or informal complaint of harassment to a supervisor, building principal, other administrator, or the CRCO;
- d) Reported that another employee has been sexually harassed; or
- e) Encouraged a fellow employee to report harassment.

(Continued)

Personnel

SUBJECT: SEXUAL HARASSMENT IN THE WORKPLACE (Cont'd.)

Even if the alleged harassment does not turn out to rise to the level of a violation of law, the individual is protected from retaliation if the person had a good faith belief that the practices were unlawful. However, the retaliation provision is not intended to protect persons making intentionally false charges of harassment.

Reporting Allegations of Sexual Harassment

Preventing sexual harassment is everyone's responsibility. The BOCES cannot prevent or remedy sexual harassment unless it knows about it. Any covered person who has been subjected to behavior that may constitute sexual harassment is encouraged to report such behavior to a supervisor, building principal, other administrator, or the CRCO. Anyone who witnesses or becomes aware of potential instances of sexual harassment should report such behavior.

Reports of sexual harassment may be made orally or in writing. A form for submission of a written complaint is posted on the BOCES website, and all covered persons are encouraged to use this complaint form. Persons who are reporting sexual harassment on behalf of another person should use the complaint form and note that it is being submitted on another person's behalf.

BOCES employees must comply with reporting requirements in any other applicable BOCES policy or document. Applicable policies or documents may include: Policy #3420 -- Non-Discrimination and Anti-Harassment in the BOCES; and Policy #3421 -- Title IX and Sex Discrimination.

Any person who believes they have been a target of sexual harassment may also seek assistance in other available forums, as explained in this policy.

Supervisory Responsibilities

All supervisors, building principals, and other administrators who receive a complaint or information about suspected sexual harassment, observe what may be sexually harassing behavior or for any reason suspect that sexual harassment is occurring, are required to report such suspected sexual harassment to the CRCO. If the CRCO is unavailable, including due to a conflict of interest or other disqualifying reason, the report will be directed to another CRCO, if the BOCES has designated another individual to serve in that capacity. If the BOCES has not designated another CRCO, the District Superintendent will ensure that another person with the appropriate training and qualifications is appointed to act as the CRCO.

In addition to being subject to discipline if they engaged in sexually harassing conduct themselves, supervisors, building principals, and other administrators will be subject to discipline for failing to report suspected sexual harassment or otherwise knowingly allowing sexual harassment to continue.

Supervisors, building principals, and other administrators will also be subject to discipline for engaging in any retaliation.

(Continued)

SUBJECT: SEXUAL HARASSMENT IN THE WORKPLACE (Cont'd.)**Investigating Complaints of Sexual Harassment**

All complaints or information about sexual harassment will be investigated, whether that information was reported in oral or written form. Investigations will be conducted in a timely manner, and will be confidential to the extent possible.

An investigation of any complaint, information or knowledge of suspected sexual harassment will be prompt and thorough, commenced immediately and completed as soon as possible. The investigation will be kept confidential to the extent possible. Disclosure may, however, be necessary to complete a thorough investigation of the charges and/or notify law enforcement officials. All persons involved, including complainants, witnesses, and alleged harassers will be accorded due process, as outlined below, and in accordance with any applicable collective bargaining agreements to protect their rights to a fair and impartial investigation.

The BOCES will not tolerate retaliation against anyone who files complaints, supports another's complaint, or participates in an investigation regarding a violation of this policy.

While the process will vary from case to case. Depending on the facts the following may be part of the BOCES response:

- a) Upon receipt of a complaint, the CRCO will conduct an immediate review of the allegations, and take any interim actions (e.g., instructing the respondent to refrain from communications with the complainant), as appropriate.

If the CRCO is unavailable, including due to a conflict of interest or other disqualifying reason, the report will be directed to another CRCO, if the BOCES has designated another individual to serve in that capacity. If the BOCES has not designated another CRCO, the District Superintendent will ensure that another person with the appropriate training and qualifications is appointed to act as the CRCO.

- b) All complaints of sexual harassment will be investigated regardless of the form in which those complaints are made.
- c) If documents, emails, or phone records are relevant to the investigation, take steps to obtain and preserve them.
- d) Request and review all relevant documents, including all electronic communications.
- e) Where appropriate, interview all parties involved, including any relevant witnesses. If a student is involved, the BOCES will follow all applicable BOCES policies and procedures regarding questioning students.

(Continued)

SUBJECT: SEXUAL HARASSMENT IN THE WORKPLACE (Cont'd.)

- f) Create relevant written documentation of the investigation which may contain the following:
 - 1. A list of all documents reviewed, along with a detailed summary of relevant documents;
 - 2. A list of names of those interviewed, along with a detailed summary of their statements;
 - 3. A timeline of events;
 - 4. A summary of prior relevant incidents, reported or unreported; and
 - 5. The basis for the decision and final resolution of the complaint, together with any corrective action(s).
- g) Keep the written documentation and associated documents in a secure and confidential location.
- h) Promptly notify the individual who reported and the individual(s) about whom the complaint was made of the final determination and implement any corrective actions identified in the written document.
- i) Inform the individual who reported of the right to file a complaint or charge externally as outlined in this policy.

Additionally, other BOCES policies and documents address sexual harassment. These policies and documents may include: Policy #3420 -- Non-Discrimination and Anti-Harassment in the BOCES; and Policy #3421 -- Title IX and Sex Discrimination. All complaints will be handled in accordance with the applicable BOCES policies and/or documents.

The determination as to which BOCES policies and/or documents are applicable is fact specific, and the CRCO may work with other BOCES staff such as the BOCES' Title IX Coordinator(s) to determine which BOCES policies and/or documents are applicable to the specific facts of the complaint.

If an investigation reveals that sexual harassment has occurred, the BOCES will take immediate corrective action as warranted. This action will be taken in accordance with applicable law and regulation, as well as any applicable BOCES policy, regulation, procedure, collective bargaining agreement, third-party contract, or other document such as the BOCES' *Code of Conduct*.

Annual Training

The BOCES will provide a sexual harassment prevention training program to all employees on an annual basis. The training will be interactive and will include:

(Continued)

SUBJECT: SEXUAL HARASSMENT IN THE WORKPLACE (Cont'd.)

- a) An explanation of sexual harassment consistent with guidance issued by the Department of Labor in consultation with the Division of Human Rights;
- b) Examples of conduct that would constitute unlawful sexual harassment;
- c) Information concerning the federal and state statutory provisions concerning sexual harassment and remedies available to victims of sexual harassment;
- d) Information concerning employees' rights of redress and all available forums for adjudicating complaints; and
- e) Information addressing conduct by supervisors and any additional responsibilities for such supervisors.

Notification

The BOCES will provide this policy to all employees in writing. The BOCES will post this policy prominently throughout the BOCES to the extent practicable.

At the time of hiring and at every annual sexual harassment prevention training program, the BOCES will provide each employee a notice containing this policy and the information presented at the BOCES' sexual harassment prevention training program.

This notice will be provided in English and in the language identified by the employee as his or her primary language, provided that the New York State Department of Labor Commissioner has published a template of the model materials in that language.

The notice will be delivered in writing, either in print or digitally. The notice will either link to or include, as an attachment or printed copy, the policy and training materials.

Title VII of the Civil Rights Act of 1964, 42 USC § 2000e et seq.
Title IX of the Education Amendments Act of 1972, 20 USC § 1681 et seq.
29 CFR § 1604.11(a)
34 CFR Subtitle B, Chapter I
Civil Service Law § 75-b
New York State Human Rights Law, Executive Law § 290 et seq.
Labor Law § 201-g

(Continued)

SUBJECT: SEXUAL HARASSMENT IN THE WORKPLACE (Cont'd.)

NOTE: Refer also to Policies #3420 -- Non-Discrimination and Anti-Harassment in the BOCES
#3421 -- Title IX and Sex Discrimination
#6122 -- Employee Grievances
#7551 -- Sexual Harassment of Students

Adoption Date

2024

6122

Personnel

SUBJECT: EMPLOYEE GRIEVANCES

In accordance with Article 15-C of the General Municipal Law, all BOCES employees will have the opportunity to present grievances free from interference, coercion, restraint, discrimination, or reprisal. The BOCES will provide at least two procedural stages and an appellate stage for the settlement of any employee grievance.

General Municipal Law Sections 681-685

Adoption Date

Personnel

SUBJECT: EVALUATION OF PERSONNEL**All Staff Members**

The administration will undertake a continuous program of supervision and evaluation of all personnel, including support staff, in the BOCES. The primary purposes of the evaluations will be to encourage and promote improved performance and to make decisions about the occupancy of positions.

Teachers and Administrators

The BOCES is committed to supporting the development of effective teachers and administrators. To this end, the BOCES will provide procedures for the evaluation of all professional staff. The BOCES will develop an Annual Professional Performance Review (APPR) plan/educator evaluation plan in accordance with applicable laws and regulations.

The primary purposes of these evaluations are:

- a) To encourage and promote improved performance;
- b) To guide professional development efforts; and
- c) To provide a basis for evaluative judgments by applicable school officials.

Education Law Sections 3012-c and 3012-d
Public Officers Law Article 6
8 NYCRR Subpart 30-3
8 NYCRR Sections 80-1.1 and 100.2(o)

Adoption Date

Personnel

SUBJECT: EMPLOYEE MEDICAL EXAMINATIONS**Pre-employment Medical Examinations**

The BOCES will not require applicants for positions to undergo a medical examination prior to an offer of employment. Further, the BOCES will not make inquiries of a job applicant as to whether the applicant is an individual with a disability or as to the nature or severity of a disability. However, the BOCES may make pre-employment inquiries into the ability of an applicant to perform job-related functions.

Examinations During Employment

The Board reserves the right to request a medical examination at any time during employment, at BOCES expense, in order to determine whether an employee can perform the essential functions of the position with or without reasonable accommodation or for other valid employment reasons.

All medical and health related information will be kept confidential in accordance with the Health Insurance Portability and Accountability Act of 1996 (HIPAA).

Americans with Disabilities Act (ADA), 42 USC Section 12101 et seq.
Section 504 of the Rehabilitation Act of 1973, 29 USC Section 790 et seq.
Health Insurance Portability and Accountability Act of 1996 (HIPAA), Public Law 104-191
28 CFR Sections 41.55 and 42.513
29 CFR Sections 1630.13 and 1630.14
34 CFR Section 104.14
Civil Service Law Section 72
Education Law Sections 913 and 3624
Vehicle and Traffic Law Sections 509-b, 509-d, and 509-g
8 NYCRR Sections 136.3 and 156.3
15 NYCRR Part 6

Adoption Date

SUBJECT: ALCOHOL, TOBACCO, DRUGS, AND OTHER SUBSTANCES (STAFF)**Prohibited Conduct**

The BOCES, recognizing that students are often influenced by teachers and other staff members, impresses upon staff the importance of maintaining a high level of professionalism appropriate to their position, which, in turn, will set a positive example for students.

Accordingly, when in the workplace or when the effects of these actions may impair job performance, staff are prohibited from consuming, sharing, selling, using, and/or possessing:

- a) Illegal drugs;
- b) Cannabis (marijuana) or any other controlled substance in schedules I through V of the Controlled Substances Act;
- c) Counterfeit and designer drugs;
- d) Drug paraphernalia; or
- e) Alcohol.

Exceptions may exist for authorized medical cannabis use.

Additionally, the misuse and/or unprescribed use of prescription and over-the-counter drugs is prohibited in the workplace or when the effects of these actions may impair job performance.

Further, all staff are bound by the conduct prohibitions contained in BOCES policy #5640 -- Smoking, Tobacco, and Cannabis (Marijuana) Use.

Disciplinary Measures

Staff will be informed of the range of penalties or consequences, up to and including termination of employment, that may be imposed for engaging in prohibited conduct. Penalties and consequences will be in accordance with any applicable law, BOCES policy, collective bargaining agreement, and/or other similar document.

20 USC Sections 6083(a), 7118, and 7973(a)
41 USC Section 8101 et seq.
Cannabis Law Section 127
Civil Service Law Section 75
Education Law Sections 409, 2801, 3020-a, and 3038
Labor Law Section 201-d
Penal Law Section 222.10
Public Health Law Sections 1399-n and 1399-o

(Continued)

2024

6150
2 of 2

Personnel

**SUBJECT: ALCOHOL, TOBACCO, DRUGS, AND OTHER SUBSTANCES (STAFF)
(Cont'd.)**

NOTE: Refer also to Policies #3410 -- Code of Conduct
#5640 -- Smoking, Tobacco, and Cannabis (Marijuana) Use
#7320 -- Alcohol, Tobacco, Drugs, and Other Substances (Students)
BOCES *Code of Conduct*

Adoption Date

Personnel

SUBJECT: DRUG-FREE WORKPLACE

In compliance with the Drug-Free Workplace Act of 1988, the BOCES affirms its commitment to maintaining a workplace that is free of controlled substances.

"Controlled substance" means a controlled substance in schedules I through V of the Controlled Substances Act. An acknowledgment form will be signed by the District Superintendent indicating that the BOCES is in full compliance with the Drug-Free Workplace Act.

"Workplace" is defined as a school building or other school premises, any school-owned vehicle or any other school-approved vehicle used to transport students to and from school or school activities, off school property during any school-sponsored or school-approved activity, event or function, such as a field trip or athletic event, where students are under the jurisdiction of the BOCES.

The Board directs the administration to develop regulations to comply with this policy, and further supports actions and activities of the administration as required to maintain a drug-free workplace.

21 USC Section 812
41 USC Section 8101 et seq.
21 CFR Sections 1308.11-1308.15
34 CFR Part 84

NOTE: Refer also to Policies #3410 -- Code of Conduct
#6150 -- Alcohol, Tobacco, Drugs, and Other Substances (Staff)
#7320 -- Alcohol, Tobacco, Drugs, and Other Substances (Students)
BOCES *Code of Conduct*

Adoption Date

SUBJECT: PROFESSIONAL GROWTH/STAFF DEVELOPMENT

The BOCES will work to provide staff with professional learning opportunities. These opportunities will be designed to foster the professional growth of staff, help staff remain current with their profession, and meet the learning needs of students. Opportunities that may be provided for, include, but are not limited to:

- a) Planned in-service programs, courses, seminars, and workshops offered both within and outside the BOCES.
- b) Videoconferences, prerecorded videos, and/or online discussion boards.
- c) Visits to other classrooms and schools, as well as attendance at professional meetings, for the purpose of improving instruction and/or educational services.
- d) Orientation or re-orientation of staff members to program and/or organizational changes, as well as BOCES expectations.

Attendance at professional learning programs must be directly related to the duties and responsibilities of the staff member. Consequently, staff members are encouraged to participate in the planning of staff development programs designed to meet their specific needs.

Staff members are also encouraged to continue their formal education, as well as to attend work-related workshops, conferences, and meetings.

Funds for participating in conferences, conventions, and other similar professional learning programs will be budgeted for by the Board on an annual basis. Reimbursement to staff members for all actual and necessary registration fees, expenses of travel, meals and lodging, as well as all necessary tuition fees incurred in connection with attendance at conferences, will be in accordance with BOCES documents which address conference attendance and expense reimbursement.

Professional Learning Plans

By September 1 of each school year, the BOCES will adopt or, in the case of multi-year plans, readopt a professional learning plan that meets the content requirements specified in the Commissioner's regulations. The professional learning plan will be structured in a format consistent with the Commissioner's guidelines and will include, among other things, a description of:

- a) The professional learning activities provided to all professional staff and supplementary school personnel who work with students with exceptional learning needs, particularly students with disabilities, English language learners, students who are gifted and talented, and students with low literacy levels, to enable them to identify these students and provide instruction based on the needs of these students.

(Continued)

SUBJECT: PROFESSIONAL GROWTH/STAFF DEVELOPMENT (Cont'd.)

- b) How professional learning related to educator practice and curriculum development are culturally responsive and reflect the needs of the community that the BOCES serves.
- c) Expected participation in continuing teacher and leader education (CTLE), as well as other professional learning opportunities provided by the BOCES.

Mentoring Program

The BOCES' professional learning plan will include a provision for a mentoring program. The purpose of the mentoring program is to provide guidance and support for educators who hold an initial certificate in the classroom teaching service or as a school building leader to ease the transition from teacher and school building leader preparation to practice in order to increase retention of teachers and school building leaders. Additionally, the mentoring program is intended to increase the skills of new teachers and school building leaders in order to improve student achievement.

The mentoring program will be developed and implemented consistent with any collective bargaining agreement.

Education Law Sections 1604, 1608, 1716, 1950, 2118, and 2601-a
General Municipal Law Sections 77-b and 77-c
8 NYCRR Section 100.2(dd)

NOTE: Refer also to Policies #6161 -- Conference/Travel Expense Reimbursement
#6213 -- Registration and Professional Learning

Adoption Date

Personnel

SUBJECT: CONFERENCE/TRAVEL EXPENSE REIMBURSEMENT

Conference travel will be for official business utilizing a cost-effective and reasonable method of travel.

All conference travel must have a completed Travel Conference Request Form and/or My Learning Plan on file which has been approved by the appropriate supervisor. The District Superintendent or designee must approve those Travel Conference Requests which have reimbursable employee expenses.

All conference reimbursement requests must be submitted using a Travel Conference Reimbursement Form.

Meal expenses for overnight travel will only be reimbursed based on the rates which are modeled after the United States General Services Administration per diem rates.

New York State sales tax cannot generally be reimbursed. Sales tax may, however, be reimbursed when it is an actual and necessary expense. A Sales Tax-Exempt Form can be obtained prior to travel.

Original itemized receipts are required when submitting for meal reimbursements, parking and tolls, and other travel expenses however "E-ZPass" statements may be substituted with the appropriate charges highlighted.

General Municipal Law Section 77-b(2)

NOTE: Refer also to Policy #5323 -- Reimbursement for Meals/Refreshments

Adoption Date

Personnel

SUBJECT: FINGERPRINTING CLEARANCE OF NEW HIRES

Unless otherwise authorized, the BOCES will not employ or utilize a prospective school employee unless the prospective school employee has been granted "full" clearance for employment by the State Education Department (SED). The BOCES will require a prospective school employee who is not in the SED criminal history file database to undergo a fingerprint supported criminal history record background check. "Criminal history record" means a record of all criminal convictions and any pending criminal charges maintained on an individual by the Division of Criminal Justice Services (DCJS) and the Federal Bureau of Investigation. The BOCES will obtain the applicant's consent to the criminal history records search. The BOCES will request clearance for employment, view information regarding an applicant's status, and enter hire or termination dates through SED's Web-based application known as TEACH.

Safety of Students

The BOCES will make all reasonable attempts to ensure the safety of students who have contact with an employee holding conditional appointment or emergency conditional appointment. This will include the safety of students in the classroom, attending off-campus activities under the supervision of the BOCES, and participating in extracurricular and/or co-curricular activities (including athletic activities).

Other safety considerations will include supervision of the employee holding conditional appointment or emergency conditional appointment as determined appropriate by the applicable building or program administrator.

Correction Law Article 23-A

Education Law Sections 305(30), 305(33), 1604, 1709, 1804, 1950, 2503, 2554, 2590-h, 2854, 3004-b, 3004-c and 3035

Executive Law Section 296(16)

Social Services Law Article 5, Title 9-B

8 NYCRR Section 80-1.11 and Part 87

Adoption Date

Personnel

SUBJECT: STAFF-STUDENT RELATIONS (FRATERNIZATION)

The Board requires that all BOCES employees maintain a professional, ethical relationship with BOCES students that is conducive to an effective, safe learning environment, and that staff members act as role models for students at all times, whether on or off school property and both during and outside of school hours. Staff must establish appropriate personal boundaries with students and not engage in any behavior that could reasonably lead to even the appearance of impropriety.

Staff members are prohibited, under any circumstances, to date or engage in any improper fraternization or undue familiarity with students, regardless of the student's age or express or implied consent to this conduct. Further, employees will not entertain or socialize with students in a manner so as to create the perception that a dating relationship exists. Similarly, any action or comment by a staff member which invites romantic or sexual involvement with a student is considered highly unethical, in violation of BOCES policy, and may result in the notification of law enforcement officials and the filing of criminal charges and/or disciplinary action by the BOCES.

Inappropriate employee behavior includes, but is not limited to, flirting; making suggestive comments; dating; requests for sexual activity; physical displays of affection; giving inappropriate personal gifts; frequent personal communication with a student unrelated to course work or official school matters; providing alcohol or drugs to students; inappropriate touching; and engaging in sexual contact and/or sexual relations. Frequent personal communication with a student unrelated to course work or official school matters means any form in which personal communication may occur including, but not limited to, voice or text-based communication via phone, email, instant messaging, text messaging, or through social networking websites.

Inappropriate fraternization of staff with students, even if the student participated willingly in the activity (regardless of the student's age), is against BOCES policy and may be in violation of professional standards of conduct and New York State Law. However, inappropriate employee conduct does not need to rise to the level of criminal activity for the conduct to be in violation of BOCES rules and subject to appropriate disciplinary sanctions.

Any student who believes that he or she has been subjected to inappropriate staff behavior as described in this policy, as well as students, school employees, or third parties who have knowledge of or witness any possible occurrence of inappropriate staff-student relations, must report the incident to any staff member or the employee's supervisor, the student's principal, or the BOCES' designated Compliance Officer. In all circumstances, these reports will be forwarded to the designated Compliance Officer for further investigation. Anonymous complaints of inappropriate fraternization of staff members with students will also be investigated by the BOCES. Investigations of allegations of inappropriate staff-student relations will follow the procedures utilized for complaints of harassment within the BOCES. Allegations of inappropriate staff-student behavior will be promptly investigated and will be treated as confidential and private to the extent possible within legal constraints. If there is a finding upon completion of the investigation that inappropriate conduct occurred, BOCES administration will take prompt corrective action.

(Continued)

SUBJECT: STAFF-STUDENT RELATIONS (FRATERNIZATION) (Cont'd.)

Any employee having knowledge of or reasonable suspicion that another employee may have engaged in inappropriate conduct with a student that may constitute child abuse in an educational setting must also follow the BOCES' reporting procedures for these allegations. This information will also be reported by the designated administrator as required by state law to law enforcement officials, the State Education Department (SED), and/or Child Protective Services as may be applicable.

If a student initiates inappropriate behavior toward a staff member, that employee will document the incident and report it to his or her building principal or supervisor immediately, or as soon as is practicable.

Prohibition of Retaliatory Behavior (Commonly Known as "Whistle-Blower" Protection)

The Board prohibits any retaliatory behavior directed against complainants, victims, witnesses, and/or any other individuals who participate in the investigation of allegations of inappropriate staff-student relations. Follow-up inquiries and/or appropriate monitoring will be made to ensure that the alleged conduct has not resumed and that all those involved in the investigation have not suffered retaliation. Any act of retaliation is subject to appropriate disciplinary action by the BOCES.

Disciplinary Sanctions

Any staff member who engages in inappropriate conduct with a student will be subject to appropriate disciplinary measures up to and including termination of employment in accordance with legal guidelines, BOCES policy, and any applicable collective bargaining agreement. A violation of this policy may also subject the employee to criminal and/or civil sanctions as well as disciplinary action by the SED.

Title IX of the Education Amendments of 1972, 20 USC Section 1681 et seq.
Education Law Article 23-B
Social Services Law Sections 411-428
8 NYCRR Part 83

Adoption Date

2024

6211

Personnel

SUBJECT: EMPLOYMENT OF RELATIVES OF BOARD MEMBERS

The BOCES will not employ any teacher who is related by blood or marriage to any Board member unless two-thirds of the Board members consent at a Board meeting. The vote will be recorded in the Board's meeting minutes.

Education Law Section 3016
General Municipal Law Sections 800-809

Adoption Date

Personnel

SUBJECT: CERTIFICATION AND QUALIFICATIONS

The following provisions will govern certification and qualifications of BOCES personnel:

- a) Each employee whose employment requires certification or other licensure must inform the District Superintendent immediately of any change in his or her certification or licensure status. The changes may include the granting, revocation, upgrading, expiration, conversion, and/or extension of documents as to their periods of validity or their titles.
- b) Online verification of an employment applicant's certification status will be used in lieu of printed certificates for current and potential employees. The BOCES will also check the TEACH database to ensure that any permanent or professional certificates for new hires remain valid.
- c) It is the responsibility of the employee to ensure that he or she maintains the appropriate certification and/or licensure required for his or her assignment.

Parent Notification

At the beginning of each school year, the BOCES will notify parents that they may request information about the professional qualifications of their student's classroom teachers. The BOCES will provide in a timely manner upon request the following information to parents:

- a) Whether the student's teacher has met New York State qualification and licensing criteria for the grade levels and subject areas in which the teacher provides instruction;
- b) Whether the student's teacher is teaching under emergency or other provisional status through which the New York State qualification or licensing criteria have been waived;
- c) Whether the student's teacher is teaching in the field of discipline of certification of the teacher; and
- d) Whether the student is provided services by any instructional aides or similar paraprofessionals and, if so, their qualifications.

In addition, the BOCES will provide to parents timely notice that their student has been assigned or has been taught for four or more consecutive weeks by a teacher who does not meet applicable New York State certification or licensure requirements at the grade level and subject area in which the teacher has been assigned.

20 USC Section 6312
34 CFR Section 200.61
8 NYCRR Section 80-6.7

Adoption Date

SUBJECT: REGISTRATION AND PROFESSIONAL LEARNING**Registration**

All employees who are certificate holders must register with the State Education Department (SED) every five years through the TEACH system. An employee is a certificate holder if they hold a permanent or professional certificate in the classroom teaching service, a permanent or professional certificate in the educational leadership service (i.e., school building leader, school district leader, or school district business leader), or a Level III Teaching Assistant certificate. Only registered employees may teach or supervise in the BOCES.

Employees who were certificate holders prior to July 1, 2016 had to apply for initial registration during the 2016-2017 school year and each subsequent five-year period thereafter.

Any individual who is issued a new certificate is automatically registered with SED. These certificate holders must renew their registration every five years during their birth month.

Any certificate holder who fails to register by the beginning of the appropriate registration period may be subject to late filing penalties.

Certificate holders must notify SED of any change of name or mailing address within 30 days of such change through the TEACH system. Any certificate holder who willfully fails to inform SED of changes to their name and/or address within 180 days of such change may be subject to moral character review.

Continuing Teacher and Leader Education (CTLE) Credit Hours

All continuing teacher and leader education certificate holders (CTLE certificate holders) must successfully complete a minimum of 100 hours of acceptable CTLE hours during each five-year registration period to maintain a valid certificate. An employee is a CTLE certificate holder if they hold a professional certificate in the classroom teaching service, a professional certificate in educational leadership service, or a Level III Teaching Assistant certificate. This requirement may be completed at any time over the course of a five-year period. Credit hours cannot carry over to subsequent registration periods.

SED sets high standards for courses, programs, and activities that qualify for CTLE credit, and it must approve all CTLE sponsors. Generally, acceptable CTLE will be in the content area of any certificate title held by an individual or in pedagogy.

The BOCES will describe opportunities for teachers and administrators to engage in CTLE in its professional learning plan. The BOCES will annually certify, in a format and on a timetable prescribed by the Commissioner of Education, that the requirements to have a professional learning plan for the succeeding school year have been met and that it has complied with the professional learning plan for the current school year.

(Continued)

SUBJECT: REGISTRATION AND PROFESSIONAL LEARNING (Cont'd.)

The BOCES will provide CTLE opportunities that are designed to improve the teacher or leader's pedagogical and/or leadership skills and are targeted at improving student performance, among other things. A peer-review teacher or principal acting as an independent trained evaluator who conducts a classroom observation as part of a teacher evaluation under relevant sections of the Education Law may apply the observation time to fulfilling CTLE requirements. Time spent mentoring may also be counted toward required CTLE credit hours.

Language Acquisition CTLE and Exemption

Employees holding an English to speakers of other languages (all grades) certificate or a bilingual extension are required to complete a minimum of 50% of the required CTLE hours in language acquisition aligned with the core content area of instruction taught, including a focus on best practices for co-teaching strategies, and integrating language and content instruction for English Language Learner (ELL) students. All other certificate holders must complete a minimum of 15% of the required CTLE hours dedicated to language acquisition addressing the needs of ELLs, including a focus on best practices for co-teaching strategies and integrating language and content instruction for ELLs. A minimum of 15% of the required CTLE hours for employees holding a Level III Teaching Assistant certificate will be dedicated to language acquisition addressing the needs of ELLs and integrating language and content instruction for ELLs.

Employees holding school district business leader certificates are exempt from the language acquisition CTLE requirements for each year that they are employed in the BOCES. Instead, they must complete a minimum of 15% of the required CTLE hours dedicated to the needs of ELLs and federal, state, and local mandates for ELLs.

Employees may be eligible for a waiver of language acquisition CTLE requirements. Each school year when there are fewer than 30 ELLs enrolled in the BOCES or ELLs make up less than 5% of the total student population, the BOCES may obtain an exemption. If the BOCES obtains this exemption, employees would be exempt from the language acquisition CTLE requirement for each year that they are employed in the BOCES.

CTLE Adjustments

The Commissioner may adjust an employee's number of CTLE hours and/or time to complete them due to poor health, as certified by a health-care provider; extended active duty in the Armed Forces; or other acceptable good cause.

Any employee holding a certificate in the classroom teaching service who obtains certification from the National Board for Professional Teaching Standards will be considered CTLE-compliant for the registration period in which they obtain this certification. However, the employee must still meet any language acquisition requirements.

(Continued)

SUBJECT: REGISTRATION AND PROFESSIONAL LEARNING (Cont'd.)**Recordkeeping and Reporting Requirements**

Employees must maintain a record of completed CTLE hours for at least three years from the end of the applicable registration period. The record must include the title of the program, the total number of hours completed, the number of hours completed in language acquisition addressing the need of ELLs, the sponsor's name, any identifying number, attendance verification, and the date and location of the program.

The BOCES will maintain a record of any professional learning it conducts or provides for educators for at least seven years from the date of completion. These records will be available for review by SED.

Education Law Sections 3006, 3006-a, and 3012-d
8 NYCRR Subpart 80-6
8 NYCRR Sections 100.2(dd) and 154-2.3(k)

NOTE: Refer also to Policy #6160 -- Professional Growth/Staff Development

Adoption Date

Personnel

SUBJECT: PROFESSIONAL STAFF: SEPARATION

A probationary professional staff member may be discontinued at any time during his or her probationary period on the recommendation of the District Superintendent and by a majority vote of the Board.

If the District Superintendent will be submitting to the Board a negative recommendation for tenure or a recommendation to discontinue the services of a probationary professional staff member, the District Superintendent must give the probationary employee written notice 30 days prior to the Board meeting at which the recommendation will be considered. If a majority of the Board accepts the recommendation and votes to dismiss, the professional staff member must then be given a written notice at least 30 days prior to the effective date of termination of services. The BOCES will adhere to all other statutory timeframes.

The Board expects any professional staff member desiring to terminate his or her services to provide the Board with a minimum of 30 days notice before the effective termination date. When possible, a professional staff member will make every effort to terminate employment at the end of the school year. Resignations must be in writing and include the effective date.

Education Law Sections 2509, 3012, 3019-a and 3031

Adoption Date

Personnel

SUBJECT: TEMPORARY PERSONNEL

The BOCES may need to utilize temporary appointments. The terms of these appointments will be defined by the Board on a case-by-case basis.

Student Teachers

The BOCES will cooperate with teacher training institutions in the placement of student teachers 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 part of their performance assessment requirements for teaching certification. The video must remain confidential, is a confidential record of the New York State Education Department (NYSED), and is not subject to viewing or disclosure to an individual or entity other than the student teacher applicant and relevant NYSED personnel.

8 NYCRR Sections 80-1.5 and 80-5.4

Adoption Date

2024

6310

Personnel

SUBJECT: APPOINTMENT - SUPPORT STAFF

The probationary period for all new civil service employees will be for the maximum period established by the local Civil Service Commission.

The time, place, conditions of employment, and transfer of support staff will be vested in the District Superintendent who will conduct these actions in compliance with all applicable contract provisions.

Civil Service Law Section 63

Adoption Date

Personnel

SUBJECT: STAFF ACCEPTABLE USE POLICY

The Board will provide staff with access to various computerized information resources through the BOCES' computer system (BCS) consisting of software, hardware, computer networks, wireless networks/access, and electronic communication systems. This may include access to electronic mail, on-line services, and the Internet. It may also include the opportunity for staff to have independent access to the BCS from their home or other remote locations, and/or to access the BCS from their personal devices. All use of the BCS and the wireless network, including independent use off BOCES premises and use on personal devices, will be subject to this policy and any accompanying regulations.

The Board encourages staff to make use of the BCS to explore educational topics, conduct research, and contact others in the educational world. The Board anticipates that staff access to various computerized information resources will both expedite and enhance the performance of tasks associated with their positions and assignments. To that end, the Board directs the District Superintendent or designee(s) to provide staff with training in the proper and effective use of the BCS.

Staff use of the BCS is conditioned upon written agreement by the staff member that use of the BCS will conform to the requirements of this policy and any regulations adopted to ensure acceptable use of the BCS. These agreements will be kept on file in the BOCES Office.

Generally, the same standards of acceptable staff conduct which apply to any aspect of job performance will apply to use of the BCS. Employees are expected to communicate in a professional manner consistent with applicable BOCES policies and regulations governing the behavior of school staff. Secure electronic mail and telecommunications will be utilized to share confidential information about students or other employees.

Access to confidential data is a privilege afforded to BOCES employees in the performance of their duties. Safeguarding this data is a BOCES responsibility that the Board takes very seriously. Consequently, BOCES employment does not automatically guarantee the initial or ongoing ability to use mobile or personal devices to access the BCS and the information it may contain.

This policy does not attempt to articulate all required and/or acceptable uses of the BCS; nor is it the intention of this policy to define all inappropriate usage. Administrative regulations will further define general guidelines of appropriate staff conduct and use as well as proscribed behavior.

BOCES staff will also adhere to the laws, policies, and rules governing computers including, but not limited to, copyright laws, rights of software publishers, license agreements, and rights of privacy protected by federal and state law.

Staff members who engage in unacceptable use may lose access to the BCS and may be subject to further discipline under the law and in accordance with applicable collective bargaining agreements. Legal action may be initiated against a staff member who willfully, maliciously, or unlawfully damages or destroys property of the BOCES.

(Continued)

SUBJECT: STAFF ACCEPTABLE USE POLICY (Cont'd.)**Social Media Use by Employees**

The BOCES recognizes the value of teacher and professional staff inquiry, investigation and communication using new technology tools to enhance student learning experiences. The BOCES also realizes its obligations to teach and ensure responsible and safe use of these new technologies. Social media, including social networking sites (SNS), have great potential to connect people around the globe and enhance communication. Therefore, the Board encourages the use of BOCES-approved social media tools and the exploration of new and emerging technologies to supplement the range of communication and educational services.

Public social media networks or SNS are defined to include: websites, Web logs (blogs), wikis, social networks, online forums, virtual worlds, video sites, and any other social media generally available to the BOCES community which do not fall within the BOCES' electronic technology network . The definition of BOCES approved password-protected social media tools are those that fall within the BOCES' electronic technology network or which the BOCES has approved for educational use. Within these internal forums, the BOCES has greater authority and ability to protect minors from inappropriate content and can limit public access.

The use of social media (whether public or internal) can generally be defined as Official BOCES Use, Professional/Instructional Use and Personal Use. Personal use of social media or SNS by employees during BOCES time or on BOCES-owned equipment is allowed on a limited basis. In addition, employees are encouraged to maintain the highest levels of professionalism when communicating, whether using BOCES devices or their own personal devices, in their professional capacity as educators. They have a responsibility to address inappropriate behavior or activity on these networks, including requirements for mandated reporting and compliance with all applicable BOCES policies and regulations.

Confidentiality, Private Information and Privacy Rights

Confidential or private data, including, but not limited to, protected student records, employee personal identifying information, and BOCES assessment data, will only be loaded, stored, or transferred to BOCES-owned devices which have encryption and/or password protection. This restriction, designed to ensure data security, encompasses all computers and devices and/or approved organizationally managed cloud services within the BCS, any mobile devices, including flash or key drives, and any devices that access the BCS from remote locations.

In addition, staff will not leave any devices unattended with confidential information visible. All devices must be locked down while the staff member steps away from the device, and settings enabled to freeze and lock after a set period of inactivity.

(Continued)

SUBJECT: STAFF ACCEPTABLE USE POLICY (Cont'd.)

Staff data files and electronic storage areas will remain BOCES property, subject to BOCES control and inspection. The Technology Coordinator may access all staff data files and communications without prior notice to ensure system integrity and that users are complying with requirements of this policy and any accompanying regulations. Staff should not expect that information stored on the BCS will be private.

NOTE: Refer also to Policies #5672 -- Information Security Incident and Notification
#5674 -- Data Networks and Security Access
#5676 -- Data Privacy and Security
#7316 -- Student Use of Personal Technology
#8271 -- Internet Safety/Internet Content Filtering

Adoption Date

Personnel

SUBJECT: EMPLOYEE PERSONNEL RECORDS AND RELEASE OF INFORMATION**Personnel Records**

The BOCES will maintain a personnel file for each individual employed by the BOCES. Employees may review or inspect their personnel files in accordance with BOCES procedure or practice.

Release of Personnel Information

The BOCES will take all reasonable steps to protect the privacy of BOCES employees, except as permitted or required by law:

- a) In accordance with a subpoena or court order, or other applicable law.
- b) When members of the Board need information from the employee's personnel record to aid them in performing their legal responsibilities in matters such as appointments, assignments, promotions, demotions, remuneration, discipline, dismissal, or to aid in the development and implementation of personnel policies.
- c) When the employee grants permission.

Release of Information Concerning Former Employees

The BOCES will not release information concerning the employment records, personnel file, or past performance of a former employee, unless that information is required to be disclosed by law. Only the initial and final dates of employment and the position held will be provided through a written response to a written request. The former employee may authorize the release of any additional information.

Public Officers Law Section 87
8 NYCRR Part 84

NOTE: Refer also to Policy #5673 -- Employee Personal Identifying Information

Adoption Date

SUBJECT: EMPLOYEE POLITICAL ACTIVITIES

The Board recognizes the right of its employees, as citizens, to engage in political activities and to exercise their constitutionally protected rights to address matters of public concern.

However, a BOCES employee's constitutional rights to raise matters of public concern are limited when the speech or action occurs on BOCES grounds or during school times. Under these circumstances, the Board can impose reasonable restrictions on the time, place, and manner of the speech or action, and can further regulate the content of the speech when it materially imperils the efficient operation of the BOCES.

Teachers may not use their classrooms or school surroundings as a means to promote their personal political views and beliefs. However, teachers are encouraged to address issues of current events for their instructional and informational value to students, to invite public and/or political figures to visit the classroom as a community resource, upon prior approval of the building principal, and to motivate students to participate in the political process.

NOTE: Refer also to Policies #3271 -- Solicitation of Charitable Donations
#3272 -- Advertising in the BOCES
#5560 -- Use of Federal Funds for Political Expenditures

Adoption Date

SUBJECT: DEFENSE AND INDEMNIFICATION OF BOARD MEMBERS AND EMPLOYEES**Liability Protection in Accordance with Education Law**

The Board recognizes its statutory obligation to indemnify BOCES employees (and in certain circumstances, Board members and volunteers) in accordance with the provisions of Education Law. For the purposes of this policy, the term "employee" will be as defined in the applicable statute(s).

The BOCES will 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.

For purposes of Education Law, the employee must give written notice to the Board within five days after service of process upon him or her and must deliver the original or a copy of the relevant legal documents to the Board within ten days after service of process upon him or her.

The 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 by statute and provided that the alleged action or omission which occurred or allegedly occurred is covered by the appropriate statute(s). Furthermore, the 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 or her duties within the scope of his or 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 New York State Public Officers Law Section 18 upon the "employees" of the BOCES, as defined in Public Officers Law Section 18; the BOCES assumes the liability for the costs incurred in accordance with the provisions of Public Officers Law Section 18. The benefits accorded to BOCES employees under Public Officers Law Section 18 will supplement and be available in addition to defense or indemnification protection conferred by other enactment or provisions of law.

The term "employees" includes 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 the BOCES, whether or not compensated. The term "employee" also includes a former employee, their estate or judicially appointed representative.

(Continued)

Personnel

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

The BOCES will 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 or her public employment or duties. Furthermore, the BOCES will 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 the judgment or claim arose occurred while the employee was acting within the scope of his or her public employment or duties. However, in the case of a settlement, the duty to indemnify and save harmless will be conditioned upon the approval of the amount of the settlement by the Board.

The duty to defend and/or indemnify and save harmless will be conditioned upon the delivery by the employee to the School Attorney or to the District Superintendent a written request to provide for his or her defense, together with the original or a copy of any summons, complaint, process, notice, demand, or pleading within ten days after he or she is served with that document. The full cooperation of the employee in the defense of the action or proceeding and in the defense of any action or proceeding against the BOCES based upon the same act or omission, and in the prosecution of any appeal, will also be required as a condition for the 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 the 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 in accordance with law. Additionally, indemnification coverage and/or the duty to provide a defense will not arise where the action or proceeding is brought by or on behalf of the BOCES.

Paul D. Coverdell Teacher Protection Act of 2001, as reauthorized by the Every Student Succeeds Act (ESSA) of 2015, 20 USC Section 6731 et seq.
Education Law Sections 1604(25), 1604(31-b), 1709(26), 1709(34-b), 2560, 3023, 3028, and 3811
General Municipal Law Sections 6-n and 52
Public Officers Law Section 18

Adoption Date

Personnel

SUBJECT: LEAVES OF ABSENCE

In general, leaves of absence will be administered by the District Superintendent. 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, 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 provisions of contracts in effect between the BOCES and the bargaining unit most compatible with the employment status of the employee.

- c) 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 will have discretion, where circumstances warrant, to approve leaves of absence for those purposes.

- c) Unpaid leaves of absence will not be granted unless the services of a substitute employee, satisfactory in the discretion of the District Superintendent, can be secured.

(Continued)

SUBJECT: LEAVES OF ABSENCE (Cont'd.)

- 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

Other leaves of absence include, but are not limited to, the following:

- a) Emergency Service Volunteer Leave

Upon presentation of a written request from the American Red Cross and with the approval of the District Superintendent, 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 seniority, 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 employee is entitled.

- c) Blood Donation

The BOCES must either, at its 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)

SUBJECT: LEAVES OF ABSENCE (Cont'd.)

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.

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 bone marrow donation under any other provision of law will not be prevented.

e) Nursing Mothers (Breastfeeding/Lactation)

The BOCES will provide reasonable unpaid break time or permit the use of paid break time or meal time to allow an employee to express breast milk for their nursing child each time the employee has reasonable need to express breast milk for up to three years following childbirth.

Upon employee request, the BOCES will designate a room or other location to be used by the employee to express breast milk which will be in close proximity to the work area, well lit, shielded from view, and free from workplace or public intrusion. The location will, at a minimum, contain a chair, a working surface, nearby access to clean running water, and an electrical outlet. The location will not be a restroom or toilet stall. The BOCES will provide access to refrigeration for the purposes of storing expressed milk.

If the sole purpose of the location is not dedicated for use by employees to express breast milk, the location will be made available to employees when needed and will not be used for any other purpose while in use. The BOCES will provide notice to all employees as soon as practicable when the location has been designated for use by employees to express breast milk.

At the employee's option, the BOCES will allow the employee to work before or after their 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 a written notification regarding the rights of nursing employees to express breast milk in the workplace to each employee upon hire, annually thereafter, and to employees returning to work following the birth of a child. This notice will be based on a written policy developed by the Commissioner of Labor and will at a minimum:

1. Inform employees of their rights pursuant to law;

(Continued)

Personnel

SUBJECT: LEAVES OF ABSENCE (Cont'd.)

2. Specify how a request may be submitted to the BOCES for a room or other location for use by an employee to express breast milk;
3. Require the BOCES to respond to requests within a reasonable time frame that is not to exceed five business days.

The BOCES will not discriminate or retaliate against an employee who chooses to express breast milk in the workplace.

f) Witnesses or Victims of Crimes

The BOCES will grant an unpaid leave of absence to an employee, who is a victim of or a witness to a criminal offense, that is required or chooses to appear as a witness, consult with the district attorney, or exercise their rights as provided in the Criminal Procedure Law, the Family Court Act, and the Executive Law.

To use this leave, the employee must provide notice of the need for leave at any time prior to the actual day of leave. The BOCES is permitted to ask the party 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 district attorney, or exercising their rights as provided under the law.

g) Victims of Domestic Violence

Unless the absence would cause an undue hardship to the BOCES, the BOCES will provide reasonable accommodations to employees who are victims of domestic violence who must be absent from work for a reasonable time in accordance with law.

An employee availing themselves of this leave must provide the BOCES with reasonable advance notice, unless providing this notice is not feasible. An employee unable to provide reasonable advance notice must, within a reasonable time after the absence, provide a certification to the BOCES when requested.

To the extent allowed by law, the BOCES will maintain the confidentiality of any information related to an employee's status as a victim of domestic violence.

h) Military Leave

The BOCES will comply with state and federal laws regarding military leave and re-employment.

(Continued)

SUBJECT: LEAVES OF ABSENCE (Cont'd.)

i) 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 their 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.

j) Voting

Employees who are registered voters and have four consecutive hours either between the opening of the polls and the beginning of their working shift, or between the end of their working shift and the closing of the polls, will be deemed to have sufficient time to vote and will therefore not be eligible for paid leave to vote in any election.

Employees who are registered voters, and do not have sufficient time outside of their working hours to vote in any election, may without loss of pay for up to two hours, take so much time off as will, when added to their voting time outside of their working hours, enable them to vote. The employee will be allowed time off for voting only at the beginning or the end of their working shift, as the BOCES may designate, unless otherwise mutually agreed.

Employees requiring working time off to vote must notify the BOCES not more than ten or less than two working days before the day of the election.

The BOCES must post a notice informing employees of their right to leave in order to vote not less than ten working days before an election and until polls close on election day. This notice will be conspicuously posted in a place where it can be seen by employees as they come and go to their place of work.

29 USC Section 218d

Uniformed Services Employment and Reemployment Rights Act of 1994 (USERRA), 38 USC Sections 4301-4333

Civil Service Law Sections 71-73 and 159-b

Education Law Sections 1709(16), 2509(6), 2573(12), 3005, 3005-a and 3005-b

Election Law Section 3-110

Executive Law Section 296(22)

General Municipal Law Sections 92, 92-c, and 92-d

Judiciary Law Sections 519 and 521

Labor Law Sections 202-a, 202-i, 202-j, 202-l, and 206-c

Military Law Sections 242 and 243

Penal Law Section 215.14

Adoption Date

SUBJECT: FAMILY AND MEDICAL LEAVE ACT (FMLA)

The BOCES allows eligible employees to take unpaid FMLA leave for up to 12 work weeks in a 12-month period to be eligible, the employee must:

- a) Have been employed with the BOCES for a total of at least 12 months; and
- b) Have worked for the BOCES at least 1,250 hours during the 12 month (July 1 – June 30) fixed leave year.

In certain cases, FMLA leave may be taken on an intermittent or reduced schedule basis rather than all at once. The entitlement to leave for the birth or placement of a child expires at the end of the 12-month period beginning on the date of the birth or placement.

Eligible employees may be granted leave for one or more of the following reasons:

- a) The birth of a child and care for the child;
- b) Adoption of a child and care for the child;
- c) The placement of a child with the employee from foster care;
- d) To care for a spouse, minor child or parent who has a "serious health condition" as defined by the FMLA;
- e) To care for an adult child who is incapable of self-care due to a disability (regardless of date of the onset of disability) and has a serious health condition; or
- f) The employee's serious health condition prevents the employee from performing his or her job.

A serious health condition is defined as an illness, injury, impairment, or physical or mental condition that involves inpatient care or continuing treatment by a healthcare provider that renders the person incapacitated for more than three consecutive calendar days.

Military Family Leave EntitlementsMilitary Caregiver Leave

An eligible employee who is the spouse, son, daughter, parent, or next of kin of a covered servicemember with a serious injury or illness may take up to 26 weeks of leave during a single 12-month period to care for the servicemember.

(Continued)

SUBJECT: FAMILY AND MEDICAL LEAVE ACT (FMLA) (Cont'd.)Qualifying Exigency Leave

An "eligible" employee may take qualifying exigency leave when his or her spouse, son, daughter, or parent who is a member of the Armed Forces, National Guard, or Reserves is on covered active duty or has been notified of an impending call or order to covered active duty.

Concurrent (Substitute) Leave

Employees must use paid leave concurrently with periods of FMLA leave.

Special Provisions for Instructional Employees

An instructional employee's principal function is to teach and instruct students in a class, a small group, or an individual setting. Teaching assistants and aides who do not have instruction as the principal function of their job are not considered an instructional employee.

Intermittent Leave Taken by Instructional Employees

FMLA leave that is taken at the end of the school year and resumes at the beginning of the next school year is continuous leave. The period during summer vacation is not counted against an employee's FMLA leave entitlement; the employee will continue to receive any benefits that are customarily given over the summer break.

If an instructional employee requests intermittent leave or leave on a reduced schedule, and will be on that leave for more than 20% of the number of working days during that period, the BOCES may:

- a) Require the employee to take leave for a period or periods of a particular duration, not greater than the duration of the planned treatment; or
- b) Transfer the employee temporarily to an available alternative position for which the employee is qualified, which has equivalent pay and benefits, and which better accommodates recurring leave periods than the employee's regular position.

Leave Taken by Instructional Employees Near the End of the Instructional Year

If the instructional employee begins leave more than five weeks before the end of the term, the BOCES may require him or her to continue taking leave until the end of the term if the leave lasts more than three weeks and the employee would return during the three weeks before the end of the term.

If the instructional employee begins leave less than five weeks before the end of the term for any FMLA-related reasons except qualifying exigency, the BOCES may require that the employee remain out for the rest of the term if the leave lasts more than two weeks and the employee would return to work during that two-week period at the end of the instructional term.

(Continued)

SUBJECT: FAMILY AND MEDICAL LEAVE ACT (FMLA) (Cont'd.)

If the instructional employee begins taking leave during the three weeks before the end of the term for any FMLA-related reason except qualifying exigency, the BOCES may require that the employee continue leave until the end of the term if the leave will last more than five working days.

Any additional time that is required by the BOCES will not be charged against the employee as FMLA leave.

Benefits and Restoration

An employee is entitled to have group health insurance and benefits maintained while on leave. If an employee was paying all or part of the premium payments before leave, the employee will continue to pay his or her share during the leave period.

In most instances, an employee has a right to return to the same or an equivalent position following a leave. The District Superintendent or designee may reassign an employee in accordance with any applicable collective bargaining agreement to a different grade level, building, or assignment consistent with the employee's certification and tenure area.

Employee Notice and Medical Certification

When leave is foreseeable, the employee must give at least 30 days' advance notice of when and how much leave he or she needs. When leave is not foreseeable, the employee must provide notice as soon as practicable.

The BOCES may require an employee to submit certification from a healthcare provider to substantiate a leave request. If the certification is incomplete or insufficient, the BOCES will identify in writing what information the employee must provide to correct the deficiency within seven days. If the employee fails to timely provide the requested information, the BOCES may deny his or her FMLA leave request.

The BOCES may also request a second opinion regarding the employee's medical status from a healthcare provider of its choice at its expense, and a third opinion from a provider agreed upon by the BOCES and the employee, to be paid for by the BOCES.

FMLA Notice

The BOCES will display a general notice to employees about FMLA leave rights, that will include how to file a complaint, in each school building. The BOCES will also provide a written general notice about the FMLA in the employee handbook to each new employee upon hire.

(Continued)

SUBJECT: FAMILY AND MEDICAL LEAVE ACT (FMLA) (Cont'd.)

Family and Medical Leave Act of 1993 (as amended), Public Law 103-3
National Defense Authorization Act of 2008, Public Law 110-181
10 USC Section 101(a) (13)
29 USC Sections 1630.1 and 2611-2654
29 CFR Part 825 and Part 1630
42 USC Section 12102
Health Insurance Portability and Accountability Act of 1996 (HIPAA), Public Law 104-191
45 CFR Parts 160 and 164

NOTE: Refer also to Policy #6552 -- Military Leaves of Absence

Adoption Date

SUBJECT: 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, will grant leaves of absence for service in the uniformed services and/or military duty ("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 the circumstances.

Employment Rights

Time during which an employee is absent due to military leave will not constitute an interruption of continuous employment in the BOCES and this employee will not be subjected, directly or indirectly, to any loss or diminution of time, service, increment, vacation or holiday privileges, or any other right or privilege, by reason of the absence; nor will any employee be prejudiced by reason of the absence with reference to continuance in employment, reemployment, reinstatement, transfer, or promotion.

Salary/Compensation

Every employee will be paid his or 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 military duty. This payment of salary or compensation will not exceed a total of 30 days or 22 working days, whichever is greater, in any one calendar year; and will not exceed 30 days or 22 working days, whichever is greater, in any one continuous period of absence.

The employee must be permitted, upon request, to use any accrued vacation, annual, or similar leave with pay during the period of military service in order to continue his or her civilian pay. The BOCES may not require the employee to use 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 or her employment with the BOCES, the employee must be permitted to elect to continue the coverage for a certain period of time as designated in law.

(Continued)

Personnel

SUBJECT: MILITARY LEAVES OF ABSENCE (Cont'd.)

When the employee is performing military service, he or she is entitled to continuing coverage for himself or 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 exceptions 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 that pension or retirement system the amount which he or she would have contributed had that employment been continuous. Upon making the contribution, the employee will have the same rights in respect to membership in the retirement system as he or she would have had if the employee had been present and continuously engaged in the performance of his or her position. To the extent that these contributions are paid, absence while engaged in the performance of military duty will be counted in determining the length of total service under the 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.

The payment of member contributions required under law to obtain military service credit is waived for members called to active military duty on or after September 11, 2001 and prior to January 1, 2006.

Time during which an employee is absent on military duty will not constitute an interruption of continuous employment, but this time will not be counted or included in determining the length of total service in the pension or retirement system unless the employee contributes to the pension or retirement system the amount he or she would have been required to contribute if the employee had been continuously employed during the period of military duty.

(Continued)

SUBJECT: MILITARY LEAVES OF ABSENCE (Cont'd.)Leaves of Absence for Military Spouses

The spouse of a member of the armed forces of the United States, National Guard, or reserves who has been deployed during a period of military conflict (defined as a period of war declared by the United States Congress, or in which a member of a reserve component of the armed forces is ordered to active duty in accordance with the United States Code), to a combat theater or combat zone of operations will be allowed up to ten days unpaid leave by their employer. This leave will only be used when the person's spouse is on leave from the armed forces of the United States, National Guard, or reserves while deployed during a period of military conflict to a combat theater or combat zone of operations.

In accordance with law, an "employee" means a person who performs services for hire for the BOCES for an average of 20 or more hours per week, and includes all individuals employed at any BOCES site having 20 or more BOCES employees, but does not include independent contractors.

The BOCES will not retaliate against an employee for requesting or obtaining a leave of absence as provided above. The provisions of this section will not affect or prevent the BOCES from providing leave for military spouses in addition to leave allowed under any other provision of law. The provisions of this section will not affect an employee's rights with respect to any other employee benefit provided by law.

Reemployment/Restoration Rights ("Escalator Principle")

As a general rule, an employee is entitled to reemployment in the job position that he or 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."

Depending on the circumstances or 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 will 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 or her return from military service if the employee cannot, after reasonable efforts by the BOCES, qualify for the appropriate reemployment position.

Per state law, an employee restored to his or her position after the termination of military duty will be entitled to the rate of compensation he or she would have received had the employee remained in his or her position continuously during the period of military duty; and the employee will be deemed to have rendered satisfactory and efficient service in the job position during the period of military leave of absence. Further, the employee will not be subjected directly or indirectly to any loss of time service, increment, or any other right or privilege; nor will an employee be prejudiced in any way with reference to promotion, transfer, reinstatement, or continuance in employment.

(Continued)

SUBJECT: MILITARY LEAVES OF ABSENCE (Cont'd.)

All other rights, benefits, and responsibilities of a BOCES employee serving in the military will be in accordance with law, regulations, and/or the applicable contract or collective bargaining agreement.

Probationary ServicePublic Employees in General

If a public employee (with the exception of the probationary service of "teachers" as described below) enters military duty before the expiration of the probationary period in any position to which he or she may have been appointed, or to which he or she may thereafter be appointed or promoted, the time the employee is absent on military duty will be credited as satisfactory service during this probationary period.

Teachers/Supervisory Staff

In any case where a teacher (defined as encompassing 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 or she may have been appointed, the time the teacher is absent on military duty will be credited as satisfactory service during this probationary period. If the end of this 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 will 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, any state or local law, contract, agreement, policy, plan, or practice that establishes an employment right or benefit that is more beneficial than, or is in addition to, a right or benefit under USERRA, the greater employment right or benefit will supersede USERRA.

Notice of Rights and Duties

The BOCES will provide a notice of the rights, benefits, and obligations of employees and the BOCES under USERRA. The BOCES may provide the notice by posting it where employee notices are customarily placed. The BOCES may also provide the 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 email).

(Continued)

SUBJECT: MILITARY LEAVES OF ABSENCE (Cont'd.)

The Uniformed Services Employment and Reemployment Rights Act of 1994 (USERRA), Public Law 108-454
38 USC Sections 4301-4333
20 CFR Part 1002
Education Law Section 3101
Military Law Sections 242 and 243

NOTE: Refer also to Policies #6212 -- Certification and Qualifications
#6213 -- Registration and Professional Learning
#6551 -- Family and Medical Leave Act (FMLA)

Adoption Date

SUBJECT: DETERMINATION OF EMPLOYMENT STATUS: EMPLOYEE OR INDEPENDENT CONTRACTOR

The BOCES has the primary responsibility for determining whether an individual is rendering services as an employee or as an independent contractor. When making this determination, the BOCES must consider the factors set forth in state regulations.

A certification of the determination that an individual is an employee is required when the BOCES initially reports to the New York State and Local Retirement System (NYSLRS) certain covered professionals, including those persons providing services as an attorney, physician, engineer, architect, accountant, or auditor.

Definitions

"Employee" means 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" means a consultant or other individual engaged to achieve a certain result for the BOCES, but who is not subject to the direction of the BOCES as to the means and methods of accomplishing the result. The BOCES will not enter into agreements with independent contractors for instructional services except under the limited circumstance permitted by the New York State Education Department (NYSED).

Employees to be Reported to NYSLRS

All persons employed by the BOCES will be included in the reporting requirements. The BOCES will provide the information deemed necessary by the retirement system for all employees except those who actively participate in another public retirement system or program. In the case of employees who are in the process of being registered to membership, all service, salary, and deduction data and mandatory contributions will be accumulated by the BOCES and the accumulation will be included with the first monthly report which is due after the employee's registration or identification 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.

Employer Reporting of 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 will 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.

(Continued)

SUBJECT: DETERMINATION OF EMPLOYMENT STATUS: EMPLOYEE OR INDEPENDENT CONTRACTOR (Cont'd.)

When making a determination as to an individual's status as an employee or independent contractor, no single factor will be considered to be conclusive of the issue. All factors will be considered in making an assessment of an individual's status when engaged to perform services.

The BOCES will also complete, as necessary, a Certification Form for Individuals Engaged in Certain Professions (Form RS 2414) as promulgated by the Office of the New York State Comptroller.

Legal ServicesCharging for Legal Services

An attorney will not simultaneously be an independent contractor and an employee of the BOCES for the purpose of providing legal services to the BOCES.

An attorney who is not an employee of the BOCES will not seek to be or be considered, treated or otherwise reported by the BOCES as an employee for purposes of compensation, remuneration, health insurance, pension, and all associated employment-related benefits and emoluments.

Reports Regarding Attorneys

The BOCES will, on or before the 45th day after the commencement of its fiscal year, file with NYSED, the State Comptroller, and the Attorney General a report specifying:

- a) All attorneys who provide legal services to the BOCES or Board;
- b) Whether the BOCES or Board hired those attorneys as employees; and
- c) All remuneration and compensation paid for legal services.

Protection Against Fraud

Any person who knowingly makes any false statement, or falsifies or permits to be falsified any record or records of the retirement system in any attempt to defraud the system, or who receives certain benefits or payments in excess of statutory limits, as a result of those acts, will be guilty of criminal conduct, and will be punished under the laws of New York State.

Education Law Sections 525, 2050-2054
Retirement and Social Security Law Sections 11, 34, 311, and 334
2 NYCRR Sections 315.2 and 315.3

(Continued)

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Personnel

**SUBJECT: DETERMINATION OF EMPLOYMENT STATUS: EMPLOYEE OR
INDEPENDENT CONTRACTOR (Cont'd.)**

NOTE: Refer also to Policy #1337 -- Duties of the School Attorney

Adoption Date

SUBJECT: EMPLOYMENT OF RETIRED PERSONS

A retired person may be employed and earn compensation in a position in the BOCES, without any effect on his or her status as retired and without suspension or diminution of his or her retirement allowance subject to the conditions enumerated in Retirement and Social Security Law Section 211(1). However, there will be no earning limitations on or after the calendar year in which a retired person attains age 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.

Two sections of the Retirement and Social Security Law (Sections 211 and 212) affect a retiree's return to public employment in New York State. If a retiree returns to public employment, he or she may still be able to collect his or 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 or she can return to public employment without approval or reduction in retirement benefits as long as his or her calendar year earnings do not exceed the Section 212 limit. If a retiree's earnings will be more than the Section 212 limit, the employer must request and receive prior approval from the appropriate agency to hire the retiree under Section 211.

Section 211 waivers are provided for "unclassified service" positions. Retired police officers employed by a school district/BOCES as a School Resource Officer (SRO) fall under the "classified service" but may have the earnings limitation waived at the discretion of the Commissioner of Education, as long as all of the requirements for waivers in the unclassified service are fulfilled.

There is generally no restriction on a retiree's earnings beginning in the calendar year he or she turns 65, unless returning to public office.

Section 211 Approval Process

Approval for post-retirement employment of a person under the age of 65 or a retired police officer employed as a SRO whose calendar year earnings exceed the Section 212 limit may be granted only on the written request of the BOCES giving detailed reasons related to the standards set forth in Section 211; and on a finding of satisfactory evidence by the Civil Service Commission or the Commissioner of Education that the retired person is duly qualified, competent, and physically fit for the performance of the duties of the position in which he or she is to be employed and is properly certified where certification is required.

(Continued)

SUBJECT: EMPLOYMENT OF RETIRED PERSONS (Cont'd.)

The BOCES will prepare a detailed recruitment plan to fill the vacancy on a permanent basis when the need arises and will undertake extensive recruitment efforts to fill the vacancy prior to making a determination that there are no available non-retired persons qualified to perform the duties of that position.

Approvals to hire retired individuals may be granted for periods not exceeding two years each, provided that a person may not return to work in the same or similar position for a period of one year following retirement. However, in accordance with Section 212, a retiree may return to work in the same or similar position within the same year following retirement if his or her earnings are under the Section 212 limit or if he or she receives a Section 212 waiver, or other conditions exist set forth in law.

Reporting Requirements and Disclosure

- a) The BOCES will report all money earned by a retired person in its employ in excess of the earnings limitation outlined in Section 212 to the retirement system administered by the state or any of its political subdivisions from which the retired person is collecting his or 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, will report on an annual basis to the retirement system paying the retirement allowance and to the State Comptroller. This report will consist of the re-employed retiree's name, date of birth, place of employment, current position, and all earnings.

Public Record

Any request for approval of the employment of a retired person, including the reasons stated, and the findings and determination of the request will be a public record open for inspection in the Office of the Civil Service Commission, the Commissioner of Education, or the Board making the findings and determination as specified in Section 211.

Education Law Sections 525 and 3101
Retirement and Social Security Law Sections 111, 211, 212, 217, and 411
8 NYCRR Section 80-5.5(b)

Adoption Date

St. Lawrence-Lewis BOCES

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Students

St. Lawrence-Lewis BOCES**NUMBER****STUDENT WELFARE**

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SUBJECT: STUDENT ATTENDANCE**Statement of Overall Objectives**

The BOCES is an active partner with students and parents in the task of ensuring that all students meet or exceed the New York State Learning Standards. The BOCES recognizes that consistent school attendance, academic success, and school completion have a positive correlation, and therefore has developed, and, if necessary, will revise a Student Attendance Policy to meet the following objectives:

- a) Increase school completion for all students;
- b) Raise student achievement and close gaps in student performance;
- c) Identify attendance patterns in order to design attendance improvement efforts;
- d) Know the whereabouts of every student for safety and other reasons;
- e) 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) Utilize data analysis systems for tracking individual student attendance and individual and group trends in student attendance problems.

Determination of Excused and Unexcused Absences, Tardiness, and Early Departures

Based upon the BOCES' education and community needs, values, and priorities, the BOCES has determined that absences, tardiness, and early departures will be considered excused or unexcused according to the following standards:

(Continued)

Students

SUBJECT: STUDENT ATTENDANCE (Cont'd.)

- a) **Excused:** 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 court appearances, attendance at health clinics, approved college visits, approved cooperative work programs, military obligations, home school district excused, or other reasons as may be approved by the Board.
- b) **Unexcused:** An absence, tardiness, or early departure is considered unexcused if the reason for the lack of attendance does not fall into the above categories (e.g., family vacation, hunting, babysitting, haircut, obtaining learner's permit, road test, oversleeping).

BOCES students attending programs in a school district operated building will follow the host building's school district attendance policy for excused and unexcused absences. All other BOCES students' absences will be classified as listed above.

A written excuse, signed by a parent or person in parental relation should be presented by the student when returning to school following each absence.

Student Attendance Recordkeeping/Data Collection

The record of each student's presence, absence, tardiness, and early departure will 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 will be taken and recorded in accordance with the following:

- a) For students in non-departmentalized kindergarten through grade 8 (i.e., self-contained classrooms and supervised group movement to other scheduled school activities such as physical education in the gym, assembly, etc.), the student's presence or absence will be recorded after the taking of attendance once per school day, provided that students are not dismissed from school grounds during a lunch period. Where students are dismissed for lunch, their presence or absence will also be recorded after the taking of attendance a second time upon the student's return from lunch. For purposes of APPR and Teacher-Student Data Linkages (TSDL), classroom attendance for all students in grades K through 12 must be recorded on a subject by subject basis for Teacher of Record Determinations.
- b) For students in grades 9 through 12 or in departmentalized schools at any grade level (i.e., students pass individually to different classes throughout the day), each student's presence or absence will be recorded after the taking of attendance in each period of scheduled instruction.

(Continued)

Students

SUBJECT: STUDENT ATTENDANCE (Cont'd.)

- c) Any absence for a school day or portion thereof will 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 grades K through 12 arrives late for, or departs early from, scheduled instruction, the tardiness or early departure will be recorded as excused or unexcused in accordance with the standards articulated in this policy.

A record will 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 other cause as may be found satisfactory to the Commissioner of Education.

Attendance records will 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 is accessible to the designated school personnel who are responsible for attendance. The nature of the absence, tardiness, or early departure will be coded on a student's record in accordance with the established BOCES or building procedures.

Student Attendance and 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 or classroom teacher.

Students are expected to attend all scheduled classes. Consistent with the importance of classroom participation, unexcused student absences, tardiness, and early departures will affect a student's grade, including credit for classroom participation, for the marking period.

At the senior high school level, any student with more than 15 absences in a course may not receive credit for the course. However, students with properly excused absences, tardiness, and early departures for which the student has performed any assigned make-up work, assignments, and/or tests will not be counted as an absence for the purpose of determining the student's eligibility for course credit. BOCES procedures will specify how student tardiness and early departures will be calculated and factored into the BOCES' minimum attendance standard.

(Continued)

SUBJECT: STUDENT ATTENDANCE (Cont'd.)

However, the BOCES may not deny course credit to a student who has exceeded the allowable number of absences but taken all tests, completed missed class work, and secured a passing grade.

For summer school and courses meeting 1/2 year or 1/4 year, the same policy will apply and a calculation of the absences will be prorated accordingly.

Transfer students and students re-enrolling after having dropped out will be expected to attend a prorated minimum number of the scheduled class meetings during their time of enrollment.

Students 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 under 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 must 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 will be counted as the equivalent of regular attendance in class.

Upon returning to school following a properly excused absence, tardiness, or early departure, it will be the responsibility of the student to consult with his or her teacher(s) regarding arrangements to make up missed work, assignments, and/or tests in accordance with the time schedule specified by the teacher.

BOCES students attending programs in a school district operated building will follow the host building's school district attendance policy as it relates to course grading and credit.

Notice of Minimum Attendance Standard/Intervention Strategies Prior to the Denial of Course Credit

In order to ensure that parents or persons in parental relation and students are informed of the BOCES' policy regarding minimum attendance and course credit, and the implementation of specific intervention strategies to be employed prior to the denial of course credit to the student for insufficient attendance, the following guidelines will be followed:

- a) Copies of the BOCES' Student Attendance Policy will be available to parents or persons in parental relation and provided to students at the beginning of each school year or at the time of enrollment in the BOCES.

(Continued)

Students

SUBJECT: STUDENT ATTENDANCE (Cont'd.)

- b) School newsletters and publications will include periodic reminders of the components of the BOCES' Student Attendance Policy. Copies of the Attendance Policy will also be included in parent or student handbooks or posted on the BOCES website.
- c) At periodic intervals, a designated staff member(s) will notify, by telephone, the parent or person in parental relation of the student's absence, tardiness, or early departure and explain the relationship of the student's attendance to his or her ability to receive course credit. If the parent or person in parental relation cannot be reached by telephone, a letter will be sent detailing this information.
- d) A designated staff member will review the BOCES' Attendance Policy with students who have excessive and/or unexcused absences, tardiness, or early departures. Further, appropriate student support services within the BOCES, as well as the possible collaboration or referral to community support services and agencies, will be implemented prior to the denial of course credit for insufficient attendance by the student.

Notice of Students who are Absent, Tardy, or Depart Early Without Proper Excuse

A designated staff member will notify by telephone the parent or person in parental relation to a student who is absent, tardy, or departs early without proper excuse. The staff member will explain the BOCES' Student Attendance Policy, the BOCES' or building level intervention procedures, and, if appropriate, the relationship between student attendance and course credit. If the parent or person in parental relation cannot be reached by telephone, the staff member will provide the notification by mail. Further, the BOCES' Attendance Policy will be mailed to the parent or person in parental relation to promote awareness and help ensure compliance with the policy.

If deemed necessary by appropriate school officials, or if requested by the parent or person in parental relation, a school conference will be scheduled between the parent or person in parental relation and appropriate staff members in order to address the student's attendance. The student may also be requested to attend this conference in order to address appropriate intervention strategies that best meet the needs of the student.

Chronic Absenteeism

Chronic absenteeism is defined as missing at least 10% of enrolled school days in a year for any reason, excused or unexcused. Chronic absenteeism differs from truancy because it emphasizes missed instructional time rather than unexcused absences. Missed instructional time can increase a student's risk for disengagement, low achievement, and dropping out, among other things.

(Continued)

SUBJECT: STUDENT ATTENDANCE (Cont'd.)**Disciplinary Consequences**

Unexcused absences, tardiness, and early departures may result in disciplinary sanctions as described in the BOCES' *Code of Conduct*. Negative consequences will not be imposed, however, where the absence, tardiness, or early departure is related to homelessness. Consequences may include, but are not limited to, in-school suspension, detention, and denial of participation in extracurricular activities. Parents or 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 buildings and grade levels will address procedures to implement the notification process to the parent or person in parental relation.

Intervention Strategy Process

In order to effectively intervene when an identified pattern of excused absences, unexcused absences, tardiness, or early departures occur, designated BOCES personnel will pursue the following:

- a) Identify specific element(s) of the pattern (e.g., grade level, building, time frame, type of excused absences, unexcused absences, tardiness, or early departures);
- b) Contact the BOCES staff most closely associated with the element. In specific cases where the pattern involves an individual student, the student and parent or person in parental relation will be contacted;
- c) Discuss strategies to directly intervene with specific element;
- d) Recommend intervention to District Superintendent or designee if it relates to change in BOCES policy or procedure;
- e) Implement changes, as approved by appropriate administration;
- f) Utilize appropriate BOCES and/or community resources to address and help remediate student unexcused absences, tardiness, or early departures;
- g) Monitor and report short and long term effects of intervention.

Appeal Process

A parent or person in parental relation may request a building level review of his or her child's attendance record.

(Continued)

SUBJECT: STUDENT ATTENDANCE (Cont'd.)**Building Review of Attendance Records**

The principal will work in conjunction with the building attendance clerk and other designated staff in reviewing attendance records at the end of each term. 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.

Community Awareness

The Board will promote necessary community awareness of the BOCES' Comprehensive Student Attendance Policy by:

- a) Providing a plain language summary of the policy to parents or persons in parental relation to students at the beginning of each school year and promoting the understanding of this policy to students and their parents or persons in parental relation;
- b) Providing each teacher, at the beginning of the school year or upon employment, with a copy of the student attendance expectations; and
- c) Providing copies of the policy to any other member of the community upon request.

Education Law Sections 3024, 3025, 3202, 3205, 3206, 3210, 3211, and 3213
8 NYCRR Sections 104.1, 109.2, and 175.6

Adoption Date

Students

SUBJECT: NON-RESIDENT STUDENTS

- a) Students who live outside the 18 component school districts will be called "non-resident students."
- b) Students who reside outside the 18 component school districts and desire to attend BOCES classes will 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) Non-resident tuition will be established by the District Superintendent and be approved by the Board.

Education Law Sections 2045 and 3202

Adoption Date

Students

SUBJECT: EDUCATION OF STUDENTS IN FOSTER CARE

The BOCES recognizes the importance of educational stability for students in foster care and will collaborate, as appropriate, with the State Education Department (SED) and the local Department of Social Services (LDSS) to ensure that students in foster care have the opportunity to achieve at the same high-levels as their peers. For purposes of this policy, LDSS also refers to the local social services district or the local child welfare agency.

Definitions

- a) "Child or youth in foster care" ("student in foster care") means a child who is in the care and custody or custody and guardianship of a local Commissioner of Social Services or the Commissioner of the Office of Children and Family Services.
- b) "Feeder school" means:
 - 1. A preschool whose students are entitled to attend a specified elementary school or group of elementary schools upon completion of that preschool;
 - 2. A school whose students are entitled to attend a specified elementary, middle, intermediate, or high school or group of specified elementary, middle, intermediate, or high schools upon completion of the terminal grade of such school; or
 - 3. A school that sends its students to a receiving school in a neighboring school district pursuant to applicable laws and regulations.
- c) "Foster care" means 24-hour substitute care for children placed away from their parents or guardians and for whom the state or tribal child welfare agency has placement and care responsibility. This includes, but is not limited to, placements in foster family homes, foster homes of relatives, group homes, emergency shelters, residential facilities, child care institutions, and pre-adoptive homes. A child is in foster care regardless of whether the foster care facility is licensed and payments are made by the state, tribal or local agency for the care of the child, whether adoption subsidy payments are being made prior to the finalization of an adoption, or whether there is federal matching of any payments that are made.
- d) "Preschool" means a publicly funded prekindergarten program administered by SED or a local educational agency or a Head Start program administered by a local educational agency and/or services under the Individuals with Disabilities Education Act (IDEA) administered by a local educational agency.
- e) "Receiving school" means:
 - 1. A school that enrolls students from a specified or group of preschools, elementary schools, middle schools, intermediate schools, or high schools; or

(Continued)

Students

SUBJECT: EDUCATION OF STUDENTS IN FOSTER CARE (Cont'd.)

2. A school that enrolls students from a feeder school in a neighboring local educational agency pursuant to applicable laws and regulations.
- f) "School district of origin" means the school district within New York State in which the child or youth in foster care was attending a public school or preschool on a tuition-free basis or was entitled to attend at the time of placement into foster care when the social services district or the Office of Children and Family Services assumed care and custody or custody and guardianship of such child or youth, which is different from the school district of residence.
- g) "School district of residence" means the public school district within New York State in which the foster care placement is located, which is different from the school district of origin.
- h) "School of origin" means a public school that a child or youth attended at the time of placement into foster care, or the school in which the child or youth was last enrolled, including a preschool or a charter school. For a child or youth in foster care who completes the final grade level served by the school of origin, the term school of origin will include the designated receiving school at the next grade level for all feeder schools. Where the child is eligible to attend school in the school district of origin because the child was placed in foster care after such child is eligible to apply, register, or enroll in the public preschool or kindergarten or the child is living with a school-age sibling who attends school in the school district of origin, the school of origin will include any public school or preschool in which such child would have been entitled or eligible to attend based on such child's last residence before the circumstances arose which caused such child to be placed in foster care.

BOCES Foster Care Liaison

The BOCES will designate an appropriate staff person to act as the BOCES' point of contact for students in foster care (i.e., the "Foster Care Liaison"). The Foster Care Liaison will not be the same staff person as the McKinney-Vento Liaison unless the McKinney-Vento Liaison has sufficient ability to carry out the responsibilities of both roles.

The Foster Care Liaison will work collaboratively with representatives from the LDSS.

The BOCES will ensure that the name and contact information for the Foster Care Liaison are:

- a) Submitted to SED;
- b) Provided, in writing, to the point of contact for any LDSS known by the BOCES to have students in its custody; and
- c) Posted on the BOCES website.

(Continued)

SUBJECT: EDUCATION OF STUDENTS IN FOSTER CARE (Cont'd.)**Designation of School District and School**

The LDSS, in consultation with the appropriate local educational agency or agencies, will determine whether placement in the school district of origin or the school district of residence is in the best interest of a student in foster care. Provided that the BOCES is an appropriate local educational agency, the BOCES will work with the LDSS to make the best interest determination as quickly as possible in order to prevent educational discontinuity for the student. If the student has an Individualized Education Program (IEP), a Section 504 plan, or is an English language learner, relevant school staff may be consulted during the best interest determination process.

To the extent feasible and appropriate, the student should remain in his or her school of origin while the best interest determination is being made.

Subject to a best interest determination, a student in foster care is entitled to attend the school of origin or any school that children and youth who live in the attendance area in which the foster care placement is located are eligible to attend, including a preschool, for the duration of the student's placement in foster care and until the end of the school year in which he or she is no longer in foster care, and for one additional year if that year constitutes the student's terminal year in that building.

Where the school district of origin or school of origin that a student was attending on a tuition-free basis, or was entitled to attend when the student entered foster care is located, in New York State and the student's foster care placement is located in a contiguous state, the student is entitled to attend his or her school of origin or any school that children and youth who live in the attendance area in which the foster care placement is located are eligible to attend, including a preschool, subject to a best interest determination, for the duration of the student's placement in foster care and until the end of the school year in which he or she is no longer in foster care, and for one additional year if that year constitutes the student's terminal year in such building.

Responsibilities When Designated as the School District of Attendance

If the BOCES is designated as the school district of attendance for a student in foster care, the BOCES will immediately:

- a) Enroll the student in foster care, even if the student is unable to produce records which are normally required for enrollment, such as previous academic records, records of immunization and/or other required health records, proof of residency or other documentation and/or even if the student has missed application or enrollment deadlines during any period of placement in foster care, if applicable;
- b) Treat the student in foster care as a resident for all purposes; and

(Continued)

SUBJECT: EDUCATION OF STUDENTS IN FOSTER CARE (Cont'd.)

- c) Make a written request to the school district where the student's records are located in order to obtain a copy of the student's records and coordinate the transmittal of these records in accordance with applicable laws and regulations.

Request for Records

Within five days of receipt of a request for school records from a new school, the BOCES will forward, in a manner consistent with federal and state law, a complete copy of the records of the student in foster care, including, but not limited to: proof of age; academic records; evaluations; immunization records; and guardianship papers (if applicable).

Tuition Reimbursement

Except as otherwise provided in law or regulation, the cost of instruction of a student in foster care will be borne by the school district of origin. Where a district other than the school district of origin is designated as the school district of attendance, the cost of instruction will be borne by the school district of origin and the tuition paid to the designated school district of attendance will be computed in accordance with applicable laws and regulations.

Transportation Responsibilities

Any student in foster care who requires transportation in order to attend his or her school of origin, is entitled to receive that transportation.

As appropriate, the BOCES will coordinate and collaborate with the school district and LDSS to make an appropriate transportation plan .

Dispute Resolution Process

To the extent feasible and appropriate, the BOCES will ensure that a student in foster care remains in his or her school of origin while any dispute is being resolved in order to minimize disruptions and reduce the number of moves between schools.

Coordination with Other Agencies

The BOCES will coordinate the provision of services described in this policy, as appropriate, with agencies or programs providing services to students in foster care.

The BOCES will coordinate with other school districts on inter-district issues, such as transportation or transfer of school records.

The BOCES will coordinate implementation of the above provision of services with the requirements of IDEA for students with disabilities.

(Continued)

Students

SUBJECT: EDUCATION OF STUDENTS IN FOSTER CARE (Cont'd.)**Student Privacy**

As appropriate, the BOCES will collaborate with SED and/or the LDSS to determine what documentation related to a student in foster care should be shared among involved parties. In all cases, the BOCES will comply with all statutory requirements to protect student privacy, including the Family Educational Rights and Privacy Act (FERPA) and any other applicable privacy requirements under federal, state, or local laws.

45 USC Section 6312

45 CFR Section 1355.20(a)

US DOE, Non-Regulatory Guidance: Ensuring Stability for Children in Foster Care (June 23, 2016)

Education Law Sections 3202 and 3244

Memorandum from NY St. Educ. Department on Educational Stability and Transportation Provisions for Students in Foster Care Memo (December 2, 2016)

NOTE: Refer also to Policies #7240 -- Student Records: Access and Challenge

Adoption Date

SUBJECT: REMOTE INSTRUCTION**Overview**

The BOCES may offer remote or distance instruction to students at certain times including, but not limited to, independent study, enrichment courses, and in the event of an emergency condition, including, but not limited to, extraordinary adverse weather conditions, impairment of heating facilities, insufficiency of water supply, shortage of fuel, destruction of a school building, or a communicable disease outbreak.

In the event the BOCES remains in session and provides remote instruction when it would otherwise close due to an emergency condition, the remote instruction provided by the BOCES will be consistent with the BOCES' emergency remote instruction plan, located in the BOCES-wide school safety plan.

When making decisions about remote instruction, the BOCES will consult with students, parents, teachers, administrators, community members, and other stakeholders as appropriate. When implementing remote instruction, the BOCES will ensure that it is complying with applicable teaching and learning requirements.

Definitions

- a) "Asynchronous instruction" means instruction where students engage in learning without the direct presence (remote or in-person) of a teacher.
- b) "Non-digital and/or audio-based instruction" means instruction accessed synchronously and/or asynchronously through paper-based materials where the student to teacher interaction occurs via telephone or other audio platforms.
- c) "Remote instruction" means instruction provided by an appropriately certified teacher who is not in the same in-person physical location as the student(s) receiving the instruction, where there is regular and substantive daily interaction between the student and teacher.
 - 1. Remote instruction will encompass synchronous instruction provided through digital video-based technology and may also include asynchronous instruction intended to complement synchronous instruction. Digital video-based technology includes online technology and videoconferencing technology.
 - 2. Remote instruction may encompass non-digital and audio-based asynchronous and/or synchronous instruction where this instruction is more appropriate for a student's educational needs.

(Continued)

SUBJECT: REMOTE INSTRUCTION (Cont'd.)

- d) "Synchronous instruction" means instruction where students engage in learning in the direct presence (remote or in-person) of a teacher in real time.

Formats and Methods of Remote Instruction

Remote instruction may be delivered through a variety of formats and methods. Determinations about how to best deliver remote instruction will take into account a variety of factors including, but not limited to, the number of students involved, the subject matter, the students' grade levels, and technological resources of both the BOCES and students. Consideration will also be given to whether accommodations need to be made for students with disabilities or English language learners.

Remote Instruction During an Emergency ConditionEmergency Remote Instruction Plan

The BOCES-wide school safety plan will include plans for the provision of remote instruction during any emergency school closure. The emergency remote instruction plan will include:

- a) Policies and procedures to ensure computing devices will be made available to students or other means by which students will participate in synchronous instruction and policies and procedures to ensure students receiving remote instruction under emergency conditions will access Internet connectivity. The District Superintendent will survey students and parents and persons in parental relation to obtain information on student access to computing devices and access to Internet connectivity to inform the emergency remote instruction plan;
- b) Expectations for school staff as to the proportion of time spent in synchronous and asynchronous instruction of students on days of remote instruction under emergency conditions with an expectation that asynchronous instruction is supplementary to synchronous instruction;
- c) A description of how instruction will occur for those students for whom remote instruction by digital technology is not available or appropriate;
- d) A description of how special education and related services will be provided to students with disabilities and preschool students with disabilities in accordance with their individualized education programs to ensure the continued provision of a free appropriate public education; and
- e) If the BOCES receives foundation aid, the estimated number of instructional hours the BOCES intends to claim for state aid purposes for each day spent in remote instruction due to emergency conditions.

(Continued)

Students

SUBJECT: REMOTE INSTRUCTION (Cont'd.)Reporting of Computer and Connectivity Survey Results

No later than June 30 of each school year, the District Superintendent will report to the Commissioner of Education the results of the survey on student access to computing devices and access to Internet connectivity on a form and format prescribed by the Commissioner.

Minimum Instructional Hours

Remote instruction provided on days when the BOCES would have otherwise closed due to an emergency condition may be counted toward the annual hourly requirement for the purpose of state aid. The District Superintendent will certify to the New York State Education Department, on a form prescribed by the Commissioner, that an emergency condition existed on a previously scheduled school day and that the BOCES was in session and provided remote instruction on that day and indicate how many instructional hours were provided on that day and certify that remote instruction was provided in accordance with the BOCES' emergency remote instruction plan.

Remote Instruction Support

As necessary, the BOCES will provide instruction on using remote instruction technology and IT support for students, teachers, and families. The BOCES will also work to ensure that teachers and administrators are provided with professional development opportunities related to designing an effective remote instruction experience.

Compliance with BOCES Policies, Procedures, and the Code of Conduct

Teachers and students are required to comply with any and all applicable BOCES policies, procedures, and other related documents as they normally would for in-person instruction. Examples include, but are not limited to, the BOCES' policies and procedures on non-discrimination and anti-harassment, acceptable use, and copyright. Students will also be required to abide by the rules contained within the *Code of Conduct* at all times while engaged in remote instruction. Violations of the *Code of Conduct* and/or engaging in prohibited conduct may result in disciplinary action as warranted.

Privacy and Security of Student and Teacher Data

The BOCES will take measures to protect the personally identifiable information of students and teachers from unauthorized disclosure or access when using remote instruction technologies in compliance with law, regulation, and BOCES policy. Examples of these measures include, but are not limited to, minimizing the amount of data shared to only that which is necessary, deidentifying data, and using encryption or an equivalent technical control that renders personally identifiable information unusable, unreadable, or indecipherable to unauthorized persons when transmitted electronically.

(Continued)

SUBJECT: REMOTE INSTRUCTION (Cont'd.)

8 NYCRR Sections 100.1, 100.5, 155.17, and 175.5

NOTE: Refer also to Policy #5681 -- School Safety Plans

Adoption Date

SUBJECT: STUDENT EVALUATION, REFERRAL, AND PLACEMENT**Student Referral**

Referral to BOCES programs is made by the home school district. Participation in BOCES programs augments local school district educational opportunities.

Placement

Initial class placement of students in all BOCES Programs will be the responsibility of appropriate BOCES personnel in cooperation with home school district personnel. Class placements will 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 will 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) will be determined by the appropriate BOCES administrator.

Placement of classified students will follow the law and Commissioner's regulations

Testing Program

The Board endorses and supports the use of ability, achievement, diagnostic, readiness, interest and guidance tests as part of the total educational process to the degree to which tests help the BOCES to serve its students.

Alternative Testing Procedures

The use of alternative testing procedures will be limited to:

- a) Students identified by the Committee on Special Education and/or Section 504 Team as having a disability. Alternative testing procedures will be specified in a student's Individualized Education Program or Section 504 Accommodation Plan; and
- b) Students whose native language is other than English (i.e., English language learners) in accordance with State Education Department (SED) Guidelines.

The alternative testing procedures employed will be based upon a student's individual needs and the type of test administered.

(Continued)

SUBJECT: STUDENT EVALUATION, REFERRAL, AND PLACEMENT (Cont'd.)**Reporting to Parents or Persons in Parental Relation to Students**

Parents or persons in parental relation to BOCES students will receive an appropriate report of student progress at regular intervals.

Report cards will be used as a standard vehicle for the periodic reporting of student progress and appropriate school related data. Report cards, however, are not intended to exclude other means of reporting progress, such as interim reports, conferences, phone conversations, etc.

When necessary, attempts will be made to provide interpreters for non-English speaking parents or persons in parental relation to BOCES students.

Section 504 of the Rehabilitation Act of 1973, 29 USC Section 794 et seq.

Education Law Sections 305(45) - (47) and 1709(3)

8 NYCRR Sections 100.2(g), 100.2(l), 100.3(b)(2)(iv), 100.4(b)(2)(v), and 100.4(e)(6)

8 NYCRR Parts 104, 117, and 154

Adoption Date

Students

SUBJECT: PROVISION OF INTERPRETER SERVICES TO PARENTS WHO ARE HEARING IMPAIRED

The Board will provide parents or persons in parental relation who are hearing impaired with 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 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" will include any hearing impairment, whether permanent or fluctuating, which prevents meaningful participation in BOCES meetings or activities.

Parents or persons in parental relation will 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 14 days of the scheduled meeting or activity. Exceptions may be made for unanticipated circumstances as determined by the principal or designee. The BOCES will also notify appropriate school personnel as to the terms and implementation of this policy.

If interpreter services are requested, the BOCES will 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. The BOCES will also develop interagency agreements, as appropriate, to ensure that sign language interpreters are provided for eligible parents or persons in parental relation when BOCES students attend out-of-BOCES schools or programs.

In the event that an interpreter is unavailable, the BOCES will make other reasonable accommodations. Examples of what constitutes reasonable accommodations in the event an interpreter cannot be located may include the use of:

- a) Written communications, transcripts, or note takers; 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 NYCRR Section 100.2(aa)

Adoption Date

SUBJECT: STUDENT RECORDS: ACCESS AND CHALLENGE

The BOCES will comply with the provisions of the Family Educational Rights and Privacy Act of 1974 (FERPA). Under its provisions, parents or guardians and non-custodial parent(s) whose rights are not limited by court order or formal agreement, of a student under 18, or a student who is 18 years of age or older, or 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 that agency or institution. 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 and they are subject to the confidentiality provisions of both Acts.

However, personal notes made by teachers or other staff 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 school official from disclosing information about a student if the information is obtained through the school 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.

Access to Student Records

Administrative regulations and procedures will be developed to comply with the provisions of federal law relating to the availability of student records. The purpose of these regulations and procedures is to make available to the parents or guardians of students and non-custodial parent(s) whose rights are not limited by court order or formal agreement, or students who are 18 years of age or older, or who are attending an institution of post-secondary education, student records, and files on students, and to ensure the confidentiality of these records with respect to third parties.

(Continued)

Students

SUBJECT: STUDENT RECORDS: ACCESS AND CHALLENGE (Cont'd.)

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 or eligible student. Signed and dated written consent may include a record and signature in electronic form provided that the signature:

- a) Identifies and authenticates a particular person as the source of the electronic consent; and
- b) Indicates the person's approval of the information contained in the electronic consent.

Exceptions

Without the consent of a parent or eligible student, the BOCES may release a student's information or 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 schools the option to implement policies that allow for the disclosure of student information for uses such as yearbooks, honor roll lists, graduation programs, and playbills, but restrict disclosure for more potentially dangerous purposes. The BOCES will limit disclosure of its designated directory information as otherwise specified in its public notice to parents of students in attendance and eligible students in attendance.

- b) To School Officials who have a Legitimate Educational Interest

To other school 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 the student for conduct that posed a significant risk to the safety or well-being of the student, other students, or other members of the school community. A school official has a legitimate educational interest if the official needs to review an education record in order to fulfill his or 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 post-secondary institution at which the student seeks or intends to enroll, or after the student has enrolled or transferred, so long as the disclosure

(Continued)

Students

SUBJECT: STUDENT RECORDS: ACCESS AND CHALLENGE (Cont'd.)

is for purposes related to the student's enrollment or transfer. Parental consent is not required for transferring education records if the school's annual FERPA notification indicates that these disclosures may be made. In the absence of information about disclosures in the annual FERPA notification, school officials must make a reasonable attempt to notify the parent about the disclosure, unless the parent initiated the disclosure. Additionally, upon request, the BOCES will provide a copy of the information disclosed and an opportunity for a hearing.

d) For Health and Safety Emergency Reasons

The BOCES must balance the need to protect students' PII 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. The BOCES may release information from records to appropriate parties including, but not limited to, parents, law enforcement officials, and medical personnel. The BOCES' determination that there is an articulable and significant threat to the health or safety of a student or other individuals will 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 these 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

The 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 maltreatment, absent an order or subpoena.

(Continued)

SUBJECT: STUDENT RECORDS: ACCESS AND CHALLENGE (Cont'd.)g) Pursuant to a Subpoena or Court Order

When the BOCES receives a subpoena or court order for the release of records, it will make a reasonable effort to notify the parent or guardian or eligible student of the order or subpoena in advance of compliance. This allows the parent or guardian or eligible student to seek protective action against the subpoena or order before the release of the records.

The BOCES may disclose a student's records without first notifying parents or guardians 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. In accordance with a judicial order in cases where the parents are a party to a court proceeding involving child abuse or maltreatment or dependency matters, and the order is issued in the context of that proceeding; or
3. Made to a court (with or without an order or subpoena) when the BOCES is involved in a legal action against a parent 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 of a Dependent Student

Even when a student turns 18 years of age or older the BOCES may disclose education records to that student's parents, without the student's consent, if the student is claimed as a dependent for federal income tax purposes by either parent.

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.

(Continued)

Students

SUBJECT: STUDENT RECORDS: ACCESS AND CHALLENGE (Cont'd.)

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.

The BOCES may occasionally disclose PII from education records without consent to authorized representatives of the entities listed above. The BOCES may also 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 post-secondary 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 post-secondary institutions. Studies can be for the purpose of developing, validating, or administering predictive tests, administering student aid programs, or improving instruction.

The BOCES may disclose PII from education records without consent to these organizations conducting studies for the BOCES, in accordance with its obligations under FERPA.

In addition, other entities outside of the BOCES may occasionally disclose PII from education records that the BOCES has previously shared with that entity, to organizations conducting studies 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 across school districts to further assess the effectiveness of these 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 will 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 representative in connection with an audit or evaluation of an educational program within the BOCES, it will use reasonable methods to ensure to the greatest extent practicable that its designated authorized representative complies with FERPA and its regulations.

(Continued)

SUBJECT: STUDENT RECORDS: ACCESS AND CHALLENGE (Cont'd.)**Challenge to Student Records**

Parents or guardians of a student under the age of 18, or a student who is 18 years of age or older or who is attending an institution of post-secondary education, will have an opportunity for a hearing to challenge the content of the school records and 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 inaccurate, misleading, or otherwise inappropriate data.

Release of Information to the Non-custodial Parent

The BOCES may presume that the non-custodial parent has the authority to request information concerning his or her child and release this information upon request. If the custodial parent wishes to limit the non-custodial parent's access to the records, it is his or her responsibility to obtain and present to the school a legally binding instrument that prevents the release of information related to the child.

Family Educational Rights and Privacy Act of 1974, 20 USC Section 1232g
34 CFR Part 99
Education Law Section 2-d

NOTE: Refer also to Policies #5676 -- Data Privacy and Security
#7241 -- Student Directory Information
#7242 -- Military Recruiters and Institutions of Higher Education

Adoption Date

Students

SUBJECT: STUDENT DIRECTORY INFORMATION

The BOCES will publish an annual public notice informing parents or eligible students (i.e., a student 18 years of age or older or who is attending an institution of post-secondary education) of (1) the BOCES' definition of directory information; (2) the parent or eligible student's right to opt-out of, in writing, the release of student directory information; and (3) indication of the time period to do so.

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. Following this public notice and a reasonable period to opt-out, the BOCES may release this information to an outside group without individual consent.

The Family Educational Rights and Privacy Act defines student directory information as any of the items as indicated in the following list. The BOCES defines student directory information to include only the items of information checked below:

- Student's name
- Address
- Telephone listing
- Date of birth
- Major field of study
- Grade level
- Participation in officially recognized activities
- Dates of attendance
- Honors, degrees and awards received
- Email address
- Photograph
- Name of educational institution previously attended
- Student ID number, user ID, or other unique personal identifier used to communicate 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 PIN, password, or other factor known or possessed only by the authorized user.
- Student ID number or other unique personal identifier that is displayed on a student ID badge, 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 PIN, password, or other factor known or possessed only by the authorized user.

Parents and eligible students may not, by opting out of disclosure of directory information, prevent a school from requiring a student to wear or present a student identification card or a badge that displays information that may be directory information. A student's social security number, in whole or part, will not be designated as directory information.

(Continued)

SUBJECT: STUDENT DIRECTORY INFORMATION (Cont'd.)

20 USC Section 1232g
34 CFR Part 99

NOTE: Refer also to Policies #7240 -- Student Records: Access and Challenge
#7242 -- Military Recruiters and Institutions of Higher Education

Adoption Date

Students

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 (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 (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 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 (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.

Elementary and Secondary Education Act of 1965, 20 USC Section 7908 as amended
by the Every Student Succeeds Act (ESSA) of 2015
10 USC Section 503
Education Law Section 2-a

Adoption Date

Students

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 protected areas:

- a) Political affiliations or beliefs of the student or the student's parent or guardian;
- b) Mental or psychological problems of the student or the student's family;
- c) Sex 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 or guardian; or
- h) Income (other than that required by law to determine eligibility for participation in a program or for receiving financial assistance under such program).

The 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) and does not supersede any of the requirements of the Family Educational Rights and Privacy Act (FERPA).

The rights provided to parents or guardians under PPRA transfer from the parent or guardian 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 IV of the Elementary and Secondary Education Act of 1965 to enhance parental or guardian involvement in areas affecting the in-school privacy of students.

(Continued)

Students

SUBJECT: STUDENT PRIVACY, PARENTAL ACCESS TO INFORMATION, AND ADMINISTRATION OF CERTAIN PHYSICAL EXAMINATIONS TO MINORS (Cont'd.)

Annual Parental Notification of Policies/Prior Written Consent/Opt-Out Provisions

The BOCES will provide for reasonable notice of the adoption or continued use of this policy directly to parents or guardians and eligible students enrolled in the BOCES. At a minimum, the BOCES will provide this notice at least annually, at the beginning of the school year, and within a reasonable period of time after any substantive change in this policy.

Further, in the notification, the BOCES will offer an opportunity for parents or guardians to provide written consent or opt their child out of participation in the following activities in accordance with law and the surveys conducted:

- a) The administration of any survey containing one or more of the protected areas.
 1. U.S. Department of Education-Funded Surveys: prior written consent from parents 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 or her child out of participating upon receipt of the notification.
- b) Activities involving the collection, disclosure, or use of personal information collected from students for the purpose of marketing or for selling that information (or otherwise providing that information to others for that purpose).
- c) 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 the 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 will directly notify, such as through U.S. Mail or email, the parents of students who are scheduled to participate in the specific activities or surveys prior to participation and provide an opportunity for the parent to provide written consent or opt his or her child out of participation in accordance with law and the surveys conducted.

(Continued)

Students

SUBJECT: STUDENT PRIVACY, PARENTAL ACCESS TO INFORMATION, AND ADMINISTRATION OF CERTAIN PHYSICAL EXAMINATIONS TO MINORS (Cont'd.)

U.S. Department of Education-Funded Surveys

The BOCES is committed to protecting the rights and privacy interests of parents or guardians and students with regard to surveys funded in whole or part by any program administered by the U.S. Department of Education (DOE).

The BOCES will make instructional materials available for inspection by parents or guardians 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 will obtain prior written parental or guardian consent before minor students are required to participate in any DOE-funded survey, analysis, or evaluation that reveals information concerning any of the protected areas.

Surveys Funded by Sources Other than U.S. Department of Education

The BOCES has developed and adopted this policy, in consultation with parents or guardians, regarding the following:

- a) The right of the parent or 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 school to a student. Requests by parents or guardians to inspect the surveys are to be submitted, in writing, to the building principal prior to the administration or distribution of any survey. Further, the BOCES will grant a request by the parent or guardian for reasonable access to the survey within a reasonable period of time after the request is received by the BOCES.
- b) Arrangements will 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 protected areas, including the right of the parent or guardian of the student to inspect, upon request, any survey containing one or more of the protected areas. These requests must be submitted by the parent or guardian, in writing, to the building principal prior to the administration or distribution of any survey.
- c) Parents or guardians will 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 after the request is received by the BOCES. Requests must be submitted by parents or guardians, in writing, to the principal. 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)

Students

SUBJECT: STUDENT PRIVACY, PARENTAL ACCESS TO INFORMATION, AND ADMINISTRATION OF CERTAIN PHYSICAL EXAMINATIONS TO MINORS (Cont'd.)

- d) The administration of physical examinations or screenings that the BOCES may administer to a student.

Further, 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.

- e) Unless mandated or authorized in accordance with federal or state law or regulation, it is policy of the Board, to not permit the collection, disclosure, or use of personal information (defined as individually identifiable information including a student's or parent/guardian'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 in accordance with law as noted below. Questions regarding the collection, disclosure, or use of personal information collected from students for such marketing purposes may be referred to the school attorney as deemed necessary by the District Superintendent or designee.

This law is not intended to preempt applicable provisions of state law that require parental or guardian 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 post-secondary 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 assessments 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 these tests and assessments) and the subsequent analysis and public release of the aggregate data from these tests and assessments;

(Continued)

Students

**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, 20 USC Section 1232g, as amended by the Every Student Succeeds Act of 2015
Protection of Pupil Rights Amendment (PPRA), 20 USC 1232h
34 CFR Part 98
34 CFR Part 99

NOTE: Refer also to Policies #7242 -- Military Recruiters and Institutions of Higher Education
#7513 -- Medication and Personal Care Items

Adoption Date

Students

SUBJECT: RIGHTS OF NON-CUSTODIAL PARENTS

The Board is mindful that various arrangements exist for the care and custody of children residing in the BOCES. The BOCES attempts to maintain current family information to help ensure student safety, proper communication with parents, and appropriate educational programming. Parents who are divorced, legally separated, or otherwise live apart should supply the BOCES with relevant information and documentation, including custody orders, regarding who is responsible for the custody and care of their child, and who is permitted to make educational decisions for that child.

A non-custodial parent's participation in his or her child's education will be governed by the terms of any custody order. As a general matter, however, the BOCES encourages non-custodial parents to participate in their child's education. Unless prohibited from doing so by a court order, non-custodial parents may request information about their child, inspect and review their child's records in accordance with the Family Educational Rights and Privacy Act (FERPA) and BOCES policy, and otherwise remain interested in their child's education.

The BOCES will not release students to a non-custodial parent without the custodial parent's consent. It is the parent's responsibility to inform the BOCES if and when the child may be released to individuals other than the custodial parent in a form acceptable to the BOCES.

NOTE: Refer also to Policy #7240 -- Student Records: Access and Challenge

Adoption Date

Students

SUBJECT: LOSS OR DESTRUCTION OF BOCES PROPERTY OR RESOURCES

The BOCES is authorized to seek restitution, through civil action when necessary, from the parent or guardian of an unemancipated student over the age of ten and under the age of 18 where the 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 personal property owned or maintained by the BOCES.

False Reporting of an Incident and/or Placing a False Bomb

The BOCES is also authorized to seek restitution, as described in law, from a parent or guardian of an unemancipated student over the age of ten and under the age of 18 where the 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 means the funds reasonably expended by the BOCES in responding to the 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 described in law.

In seeking restitution, the BOCES will file with the court, the county district attorney, and defense counsel, 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 in accordance with General Obligations Law.

General Obligations Law Section 3-112
Penal Law Sections 60.27, 240.50, 240.55, 240.60 and 240.61

Adoption Date

Students

SUBJECT: SUSPENSION OF STUDENTS

The District Superintendent or the principal may suspend the following students from required attendance upon instruction:

- a) A student who is insubordinate or disorderly; or
- b) A student who is violent or disruptive; or
- c) A student 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 principal (for purposes of this policy, the building principal or those individuals designated as acting principal by the Board) for a short-term suspension or the home school district for a long-term suspension. All students who are under suspension in their home school district will be automatically suspended by BOCES during the time of their home school district suspension. Administrators of the home school districts will be requested to inform BOCES of student suspensions.

SuspensionFive School Days or Less

The District Superintendent or the principal of the school where the student attends has the power to suspend a student for a period not to exceed five school days. In the absence of the principal, the designated acting principal may then suspend a student for a period of five school days or less.

When the District Superintendent or the principal (the "suspending authority") proposes to suspend a student for five school days or less, the suspending authority must provide the student with notice of the charged misconduct. If the student denies the misconduct, the suspending authority will provide an explanation of the basis for the suspension.

When suspension of a student for a period of five school days or less is proposed, the District Superintendent or principal will also immediately notify the parent or person in parental relation in writing that the student may be suspended from school.

Written notice will be provided by personal delivery, express mail delivery, or equivalent means reasonably calculated to assure receipt of the notice within 24 hours of the decision to propose suspension at the last known address or addresses of the parents or persons in parental relation. Where possible, notification will also be provided by telephone if the school has been provided with a telephone number(s) for the purpose of contacting parents or persons in parental relation.

(Continued)

Students

SUBJECT: SUSPENSION OF STUDENTS (Cont'd.)

The notice will provide a description of the incident(s) for which suspension is proposed and will inform the student and the parent or person in parental relation of their right to request an immediate informal conference with the principal in accordance with the provisions of Education Law Section 3214(3)(b). Both the notice and the informal conference will be in the dominant language or mode of communication used by the parents or persons in parental relation. At the informal conference, the student or parent or person in parental relation will have the opportunity to present the student's version of the event(s) and to ask questions of the complaining witnesses.

The notice and opportunity for informal conference will take place prior to suspension of the student unless the student's presence in the school poses a continuing danger to persons or property or an ongoing threat of disruption to the academic process, in which case the notice and opportunity for an informal conference will take place as soon after the suspension as is reasonably practical.

Teachers will immediately report or refer a violent student to the principal or District Superintendent for a violation of the BOCES' *Code of Conduct* and a minimum suspension period.

More Than Five School Days

In situations where the District Superintendent determines that a suspension in excess of five school days may be warranted, the student and parent or person in parental relation, upon reasonable notice, will have an opportunity for a fair hearing. At the hearing, the student has protected due-process rights such as the right to be represented by counsel, the right to question witnesses against him or her, and the right to present witnesses and other evidence on his or her behalf.

Where the basis for the suspension is, in whole or in part, the possession on school grounds or school property by the student of any firearm, rifle, shotgun, dagger, dangerous knife, dirk, razor, stiletto or any of the weapons, instruments or appliances specified in Penal Law Section 265.01, the hearing officer or District Superintendent will not be barred from considering the admissibility of the weapon, instrument, or appliance as evidence, notwithstanding a determination by a court in a criminal or juvenile delinquency proceeding that the recovery of the weapon, instrument, or appliance was the result of an unlawful search or seizure.

Minimum Periods of Suspension

In accordance with law, Commissioner's regulations, and the *Code of Conduct*, minimum periods of suspension will be provided for the following prohibited conduct, subject to the requirements of federal and state law and regulations:

- a) Consistent with the federal Gun-Free Schools Act, any student who is determined to have brought a firearm to school or possessed a firearm on school premises will be suspended for a period of not less than one calendar year. However, the District Superintendent has the authority to modify this suspension requirement on a case-by-case basis.

(Continued)

Students

SUBJECT: SUSPENSION OF STUDENTS (Cont'd.)

- b) 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 the period on a case-by-case basis to be consistent with any other state and federal law. The definition of "repeatedly is substantially disruptive of the educational process or substantially interferes with the teacher's authority" is set forth in Commissioner's regulations.
- c) A minimum suspension period for acts that would qualify the student to be defined as a violent student in accordance with Education Law Section 3214(2-a)(a), provided that the suspending authority may reduce the period on a case-by-case basis to be consistent with any other state and federal law.

Suspension of Students with Disabilities

Generally, disciplinary action against a student with a disability or presumed to have a disability will be in accordance with procedures set forth in the *Code of Conduct* and in conjunction with applicable law, and the determination of the Committee on Special Education (CSE).

For suspensions or removals up to ten 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.

If suspension or removal from the current educational placement constitutes a disciplinary change in placement because it is for more than ten consecutive school days or is a pattern of removals which constitutes a change of placement, a manifestation determination must be made. The BOCES determines on a case-by-case basis whether a pattern of removals constitutes a change of placement. This determination is subject to review through due process and judicial proceedings.

Manifestation Determinations

A review of the relationship between the student's disability and the behavior subject to disciplinary action to determine if the conduct is a manifestation of the disability must be made by a manifestation team immediately, if possible, but in no case later than ten school days after a decision is made:

- a) By the District Superintendent to change the placement to an interim alternative educational setting (IAES);
- b) By an Impartial Hearing Officer (IHO) to place the student in an IAES; or
- c) By the Board, District Superintendent, or building principal to impose a suspension that constitutes a disciplinary change of placement.

(Continued)

Students

SUBJECT: SUSPENSION OF STUDENTS (Cont'd.)

The manifestation team will include a representative of the BOCES knowledgeable about the student and the interpretation of information about child behavior, the parent, and relevant members of the CSE as determined by the parent and the BOCES. The parent must receive written notice prior to the meeting to ensure that the parent has an opportunity to attend. This notice must include the purpose of the meeting, the names of those expected to attend and notice of the parent's right to have relevant members of the CSE participate at the parent's request.

The manifestation team will review all relevant information in the student's file including the student's individualized education program (IEP), any teacher observations, and any relevant information provided by the parents to determine if: the conduct in question was caused by or had a direct and substantial relationship to the student's disability; or the conduct in question was the direct result of the BOCES' failure to implement the IEP. If the team determines the conduct in question was the direct result of failure to implement the IEP, the BOCES must take immediate steps to remedy those deficiencies.

Finding of Manifestation

If it is determined, as a result of this review, that the student's behavior is a manifestation of his or her disability, the CSE will conduct a functional behavioral assessment (FBA), if one has not yet been conducted, and implement or modify a behavioral intervention plan (BIP).

An FBA is the process of determining why the student engages in behaviors that impede learning and how the student's behavior relates to the environment. An FBA must be developed consistent with the requirements of Commissioner's regulations Section 200.22(a) and will include, but not be limited to, the identification of the problem behavior, the definition of the behavior in concrete terms, the identification of the contextual factors that contribute to the behavior (including cognitive and affective factors), and the formulation of a hypothesis regarding the general conditions under which a behavior usually occurs and probable consequences that serve to maintain it.

A BIP is a plan that is based on the results of an FBA and, at a minimum, includes a description of the problem behavior, global and specific hypotheses as to why the problem behavior occurs, and intervention strategies that include positive behavioral supports and services to address the behavior.

Unless the change in placement was due to behavior involving serious bodily injury, weapons, illegal drugs or controlled substances, the student must be returned to the placement from which the student was removed unless the parent and the BOCES agree to a change of placement as part of the modification of the BIP.

(Continued)

Students

SUBJECT: SUSPENSION OF STUDENTS (Cont'd.)No Finding of Manifestation

If it is determined that the student's behavior is not a manifestation of his or her disability, the relevant disciplinary procedures applicable to students without disabilities may be applied to the student in the same manner and for the same duration for which they would be applied to students without disabilities, subject to the right of the parent or person in parental relation to request a hearing objecting to the manifestation determination and the BOCES' obligation to provide a free, appropriate public education to the student.

Provision of Services Regardless of the Manifestation Determination

Regardless of the manifestation determination, students with a disability will be provided the services necessary for them to continue to participate in the general education curriculum and progress toward meeting the goals set out in their IEP as delineated below:

- a) During suspensions or removals for periods of up to ten school days in a school year that do not constitute a disciplinary change in placement, students with disabilities of compulsory attendance age will be provided with alternative instruction on the same basis as nondisabled students. Students with disabilities who are not of compulsory attendance age will be entitled to receive services during suspensions only to the extent that services are provided to nondisabled students of the same age who have been similarly suspended.
- b) During subsequent suspensions or removals for periods of ten consecutive school days or less that in the aggregate total more than ten school days in a school year but do not constitute a disciplinary change in placement, students with disabilities will be provided with services necessary to enable the student to continue to participate in the general education curriculum and to progress toward meeting the goals set out in the student's IEP and to receive, as appropriate, an FBA, behavioral intervention services and modifications that are designed to address the behavior violation so it does not recur. School personnel, in consultation with at least one of the student's teachers, will determine the extent to which services are needed, so as to enable the student to continue to participate in the general education curriculum, although in another setting, and to progress in meeting the goals set out in the student's IEP.
- c) During suspensions or other disciplinary removals, for periods in excess of ten school days in a school year which constitute a disciplinary change in placement, students with disabilities will be provided with services necessary to enable the student to continue to participate in the general education curriculum, to progress toward meeting the goals set out in the student's IEP, and to receive, as appropriate, an FBA, behavioral intervention services and modifications that are designed to address the behavior violation so it does not recur. The IAES and services will be determined by the CSE.

(Continued)

SUBJECT: SUSPENSION OF STUDENTS (Cont'd.)**Interim Alternative Educational Setting (IAES)**

Students with disabilities who have been suspended or removed from their current placement for more than ten school days may be placed in an IAES which is a temporary educational setting other than the student's current placement at the time the behavior precipitating the IAES placement occurred.

Additionally, an Impartial Hearing Officer in an expedited due process hearing may order a change in placement of a student with a disability to an appropriate IAES for up to 45 school days if the Hearing Officer determines that maintaining the current placement is substantially likely to result in injury to the students or others.

There are three specific instances when a student with a disability may be placed in an IAES for up to 45 school days without regard to a manifestation determination:

- a) Where the student carries or possesses a weapon to or at school, on school premises, or to or at a school function under the jurisdiction of the BOCES; or
- b) Where a student knowingly possesses or uses illegal drugs or sells or solicits the sale of a controlled substance while at school, on school premises, or at a school function under the jurisdiction of the BOCES; or
- c) Where a student has inflicted serious bodily injury upon another person while at school, on school premises, or at a school function under the jurisdiction of the BOCES. Serious bodily harm has been defined in law to refer to one of the following:
 1. Substantial risk of death;
 2. Extreme physical pain; or
 3. Protracted and obvious disfigurement or protracted loss or impairment of the function of a bodily member, organ or mental faculty.

School function means a school-sponsored or school-authorized extracurricular event or activity regardless of where the event or activity takes place, including any event or activity that may take place in another state.

School premises means 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.

School personnel may consider any unique circumstances on a case-by-case basis when determining whether to order a change in placement for a student with a disability who violates a code of student conduct.

(Continued)

Students

SUBJECT: SUSPENSION OF STUDENTS (Cont'd.)

In all cases, the student placed in an IAES will:

- a) Continue to receive educational services so as to enable the student to continue to participate in the general education curriculum, although in another setting, and to progress towards the goals set out in the student's IEP; and
- b) Receive, as appropriate, an FBA and behavioral intervention services and modifications that are designed to address the behavior violation so that it does not recur.

The period of suspension or removal may not exceed the amount of time a non-disabled student would be suspended for the same behavior.

In-School Suspension

In-school suspension will be used as a lesser discipline to avoid an out-of-school suspension. The student will be considered present for attendance purposes. The program is used to keep each student current with his or her class work while attempting to reinforce acceptable behavior, attitudes and personal interaction.

Exhaustion of Administrative Remedies

Any appeal of a decision of the building principal or District Superintendent to suspend a student from school, regardless of the length of the student's suspension, must be made to the Board before it can be made to the Commissioner of Education. An appeal to the Board must be commenced within 30 days from the date of the District Superintendent's decision. To be timely, the appeal must be received by the Clerk of the Board within this 30-day period.

Procedure After Suspension

When a student has been suspended and is of compulsory attendance age, immediate steps will 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.

(Continued)

Students

SUBJECT: SUSPENSION OF STUDENTS (Cont'd.)

18 USC Section 921

Individuals with Disabilities Education Act (IDEA), 20 USC Section 1400 et seq.

Gun Free Schools Act, 20 USC Section 7151, as amended by the Every Student Succeeds Act (ESSA) of 2015
34 CFR Part 300

Education Law Sections 310, 2801(1), 3214, and 4402

Penal Law Section 265.01

8 NYCRR Sections 100.2(l)(2), 200.4(d)(3)(i), 200.22, 275.16, and Part 201

NOTE: Refer also to Policy #7360 -- Weapons in School and the Gun-Free Schools Act

Adoption Date

Students

SUBJECT: STUDENTS PRESUMED TO HAVE A DISABILITY FOR DISCIPLINE PURPOSES

The parent of a student who has violated any rule or the home school and/or *Code of Conduct* and who was not identified as a student with a disability at the time of the behavior, may assert several protections provided for under the Individuals with Disabilities Education Act (IDEA) and state regulations if the BOCES is deemed to have had knowledge that the student was a student with a disability before the behavior occurred.

Basis of Knowledge

The BOCES will be deemed to have had knowledge that the student had a disability if, prior to the time the behavior occurred:

- a) The parent of the student expressed concern in writing to supervisory or administrative personnel, or to a teacher of the student, that the student needs special education and related services. Expressions of concern may be oral if the parent does not know how to write or has a disability that prevents a written statement;
- b) The parent of the student requested an evaluation of the student in writing; or
- c) A teacher of the student, or other BOCES personnel, expressed specific concerns about a pattern of behavior demonstrated by the student, directly to the Director of Special Education or to other supervisory personnel.

Exception

A student is not a student presumed to have a disability for discipline purposes if, as a result of receiving the information specified above:

- a) The parent of the student did not allow an evaluation of the student in accordance with law and/or regulations;
- b) The parent of the student refused services under law and/or regulations; or
- c) The student was evaluated and it was determined that the student is not a student with a disability.

Responsibility for Determining Whether a Student is a Student Presumed to Have a Disability

If it is claimed by the parent of the student or by BOCES personnel that the BOCES had a basis for knowledge, in accordance with law and/or regulation, that the student was a student with a disability prior to the time the behavior subject to disciplinary action occurred, it will be the responsibility of the District Superintendent, building principal, or other school official imposing the suspension or removal to determine whether the student is a student presumed to have a disability.

(Continued)

Students

SUBJECT: STUDENTS PRESUMED TO HAVE A DISABILITY FOR DISCIPLINE PURPOSES (Cont'd.)**Conditions That Apply if There is No Basis of Knowledge**

If it is determined that there is no basis for knowledge that the student is a student with a disability prior to taking disciplinary measures against the student, the student may be subjected to the same disciplinary measures as any other nondisabled student who engaged in comparable behaviors.

However, if a request for an individual evaluation is made during the time period in which the student is subjected to a disciplinary removal, an expedited evaluation will be conducted in accordance with law and/or regulations. Pending the results of the evaluation, the student will remain in the educational placement determined by school authorities.

If the student is determined to be a student with a disability, taking into consideration information from the evaluation and information provided by the parents, the BOCES will provide special education and related services in accordance with law and/or regulations.

Individuals with Disabilities Education Act (IDEA), 20 USC Section 1400 et seq.
34 CFR Part 300
8 NYCRR Section 201.5

NOTE: Refer also to Policy #7313 -- Suspension of Students

Adoption Date

SUBJECT: STUDENT ACCEPTABLE USE POLICY (AUP)

The Board will provide access to various computerized information resources through the BOCES' computer system ("BCS") consisting of software, hardware, computer networks, and electronic communications systems. This may include access to email, on-line services, and the Internet. It may include the opportunity for some students to have independent access to the BCS from their home or other remote locations. All use of the BCS, including independent use off school premises, will be subject to this policy. Further, all BCS use must be in support of education or research and consistent with the goals and purposes of the BOCES.

Access to Inappropriate Content/Material and Use of Personal Technology or Electronic Devices

This policy is intended to establish general guidelines for the acceptable student use of the BCS and also to give students and parents or guardians notice that student use of the BCS 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 or guardians.

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 this content or material from their home, other locations off BOCES premises and/or with a student's own personal technology or electronic device on school grounds or at BOCES events. Parents and guardians should establish boundaries and standards for the appropriate and acceptable use of technology and communicate these boundaries and standards to their children. The acceptable use standards outlined in this policy apply to student use of technology via the BCS 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 BOCES events.

Standards of Acceptable Use

Generally, the same standards of acceptable student conduct which apply to any school activity apply to use of the BCS. This policy does not attempt to articulate all required and/or acceptable uses of the BCS; nor is it the intention of this policy to define all inappropriate usage.

BOCES students must 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.

Students who engage in unacceptable use of the BCS may lose access in accordance with applicable due process procedures, and may be subject to further discipline in accordance with the *Code of Conduct*.

(Continued)

Students

SUBJECT: STUDENT ACCEPTABLE USE POLICY (AUP) (Cont'd.)

Student data files and other electronic storage areas are considered BOCES property subject to control and inspection. The Data Protection Officer may access all files and communications without prior notice to ensure system integrity and that users are complying with the requirements of this policy. Students should not expect that information stored on the BCS will be private.

Notification

The BOCES' AUP will be disseminated to parents and students in order to provide notice of the school's requirements, expectations, and students' obligations when accessing the BCS.

General Obligations Law Section 3-112

NOTE: Refer also to Policy #8271 -- Internet Safety/Internet Content Filtering
BOCES *Code of Conduct*

Adoption Date

Students

SUBJECT: STUDENT USE OF PERSONAL TECHNOLOGY

The Board seeks to maintain a safe and secure environment for students and staff. Advances in technology have made it possible to expand the learning environment beyond traditional classroom boundaries. Using personal electronic devices during instructional time can enable students to explore new concepts, personalize their learning experience, and expand their global learning opportunities. Additionally, the use of personal technology devices is ubiquitous in today's society and standards for student use during non-instructional time should adapt to this change. This policy defines the use of personal technology during instructional and non-instructional times and reinforces the standard that all use, regardless of its purpose, must follow the guidelines outlined in the Student Acceptable Use Policy (AUP), the *Code of Conduct*, and the Dignity for All Students Act.

Personal technology includes all existing and emerging technology devices that can take photographs; record or play audio or video; input text; upload and download media; connect to or receive information from the Internet; and transmit or receive messages, telephone calls, or images. Unacceptable devices include, but are not limited to, gaming devices or consoles, laser pointers, modems or routers, and televisions.

Instructional Purposes

Personal technology use by students is permitted during the school day for instructional purposes and/or in approved locations only. Principals/Teachers will indicate when and if classroom use is acceptable. Students are expected to act responsibly and thoughtfully when using technology resources. Students must first inquire with school administrators or teachers when they are unsure of the permissibility of a particular use of technology.

Instructional purposes include, but are not limited to, approved classroom activities, research, college admissions activities, career development, communication with experts, homework, and other activities as deemed appropriate by school staff.

Non-Instructional Uses

Appropriate use of personal technology during non-instructional time is also allowed if students follow the guidelines in the AUP and *Code of Conduct*. Non-instructional use includes texting, calling, and otherwise communicating with others during free periods and in common areas of the school building such as the hallways, cafeteria, study halls, buses, and student lounges. Other non-instructional uses include Internet searches, reading, listening to music, and watching videos. Use during non-instructional time must be conducted in a safe and unobtrusive manner. Devices must also be in silent mode to avoid disrupting others.

(Continued)

SUBJECT: STUDENT USE OF PERSONAL TECHNOLOGY (Cont'd.)**Liability**

The BOCES will not be liable for the loss, damage, misuse, or theft of any personal technology brought to any of its schools. The BOCES reserves the right to monitor, inspect, and/or confiscate personal technology when the administration has reasonable suspicion to believe that a violation of school policy or criminal law has occurred.

The Board expressly prohibits use of personal technology in locker rooms, restrooms, Health Offices, and any other areas where a person would reasonably expect some degree of personal privacy.

Prohibition During State Assessments

All students are prohibited from bringing electronic devices into a classroom or other location where a New York State assessment is being administered. Test proctors, test monitors, and school officials have the right to collect prohibited electronic devices prior to the start of the test and hold them while the test is being administered, including break periods. Admission to any assessment will be denied to any student who refuses to relinquish a prohibited device.

Students with disabilities may use certain devices if the device is specified in that student's IEP or 504 plan or a student has provided medical documentation that they require the device during testing.

Permission

Students will not be permitted to use personal technology devices in school or at school functions until they have reviewed the AUP, the applicable sections of the *Code of Conduct* and associated technology guidelines, and signed the Student Use of Personal Technology Permission Form with their parents. The BOCES reserves the right to restrict student use of BOCES-owned technologies and personal technology on school property or at school-sponsored events.

Students must follow the guidelines for use set out in the BOCES *Code of Conduct* and the AUP at all times. Consequences for misuse are set forth in the BOCES' *Code of Conduct*.

NOTE: Refer also to Policies #7315 -- Student Acceptable Use Policy (AUP)
#7550 -- Dignity for All Students
#8271 -- Internet Safety/Internet Content Filtering

Adoption Date

Students

SUBJECT: ALCOHOL, TOBACCO, DRUGS, AND OTHER SUBSTANCES (STUDENTS)**Prohibited Conduct**

The Board recognizes that the misuse of alcohol, tobacco, electronic cigarettes (e-cigarettes), cannabis (marijuana), drugs, counterfeit and designer drugs, over-the-counter drugs, prescription drugs, vitamins, supplements, herbs, and other similar substances is a serious problem with legal, physical, emotional, and social implications for our students, as well as the entire community. Therefore, the consumption, sharing, selling, use, and/or possession of these and similar substances, as well as tobacco products and drug paraphernalia are prohibited in accordance with law and regulation, BOCES policy, the BOCES *Code of Conduct*, and/or other similar documents.

Students are not permitted to be under the influence of alcohol, cannabis (marijuana), drugs, or other prohibited substances on school grounds or at school functions. "School function" means a BOCES-sponsored or BOCES-authorized event or activity regardless of where the event or activity takes place, including any event or activity that may take place virtually or in another state.

Exceptions may exist for authorized medical cannabis use.

Disciplinary Measures

Students will be disciplined in accordance with BOCES policy, the BOCES *Code of Conduct*, and/or other similar documents for the consumption, sharing, selling, use, and/or possession of alcohol, tobacco, e-cigarettes, cannabis (marijuana), drugs, counterfeit and designer drugs, over-the-counter drugs, prescription drugs, vitamins, supplements, herbs, and other similar substances, as well as tobacco products and drug paraphernalia.

Information on Substance Use Related Services

The District Superintendent has designated one or more individuals to provide information regarding where and how to find available substance use related services to students, parents, and staff.

The designated individuals for the BOCES are the Building Principals and/or Guidance Counselors.

Any information provided by a student, parent, or staff member to the designated individual(s) will not be used in any school disciplinary proceeding and will, in addition to any other applicable privilege, be considered confidential in accordance with law.

20 USC Sections 6083(a), 7118, and 7973(a)
Cannabis Law Section 127
Education Law Sections 409, 2801, and 3038
Penal Law Section 222.10
Public Health Law Sections 1399-n and 1399-o

(Continued)

Students

**SUBJECT: ALCOHOL, TOBACCO, DRUGS, AND OTHER SUBSTANCES (STUDENTS)
(Cont'd.)**

NOTE: Refer also to Policies #3280 -- Use of BOCES Facilities, Materials, and Equipment
#3410 -- Code of Conduct
#5640 -- Smoking, Tobacco, and Cannabis (Marijuana) Use
#6150 -- Alcohol, Tobacco, Drugs, and Other Substances (Staff)
#8240 -- Instruction in Certain Subjects
BOCES *Code of Conduct*

Adoption Date

Students

SUBJECT: SEARCHES AND INTERROGATIONS OF STUDENTS

A student may be searched and prohibited items seized on school grounds or in a school building by an authorized BOCES official only when he or she has reasonable suspicion to believe the student has engaged in or is engaging in activity which is in violation of the law and/or the rules of the school (i.e., the BOCES *Code of Conduct*). The reasonableness of any search involves a twofold inquiry: 1) school officials must first determine whether the action was justified at its inception, and 2) determine whether the search, as actually conducted, was reasonably related in scope to the circumstances which justified the interference in the first place.

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 school record and past history;
- c) The predominance and seriousness of the problem in the school where the search is directed;
- d) The probative value and reliability of the information used as a justification for the search;
- e) The school official's prior knowledge of and experience with the student; and
- f) The urgency to conduct the search without delay.

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 school 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. Whenever possible, searches will be conducted by a staff member of the same sex as the student and another staff member will be present as a witness.

Scope of Search

School officials are authorized to conduct searches of students and their belongings if the authorized school official has reasonable suspicion to believe that the search will produce evidence that the student has violated or is violating the law and/or the *Code of Conduct*.

School officials, whenever possible, will seek the least intrusive means to conduct a search to safeguard the privacy interests of students in their person and property.

(Continued)

SUBJECT: SEARCHES AND INTERROGATIONS OF STUDENTS (Cont'd.)**Searches and Seizure of School Property**

Student desks, lockers, textbooks, computers, and other materials, supplies, or storage spaces loaned by the school to students remain the property of the school, and may be opened and inspected by school employees at any time without prior notice and without their consent. The purpose of these searches, when they occur, is to ensure the safety of students, faculty, and staff, enhance school security and prevent disruptions of the learning environment. Students have no reasonable expectation of privacy with respect to school property; and school officials retain complete control over this property. However, a student's personal belongings contained within a locker, desk, etc. are subject to the reasonable suspicion standard for searches by an authorized school official.

Parent Notification

The student's parent or guardian will be notified if any illegal, prohibited, or dangerous articles or materials are found in the student's locker, vehicle, or other property or possessions, or on the student's person, as a result of a search conducted in accordance with this policy.

Documentation of Searches

The designated school official conducting the search will be responsible for the custody, control, and disposition of any illegal, prohibited, or dangerous items taken from the student. The school official or designee must clearly label each item taken from the student and retain control of the item(s) until the item(s) is turned over to the police or secured by alternate means.

This school official will also be responsible for promptly documenting information about the search including, but not limited to, the reason for the search, the purpose of the search, the type and scope of the search, and the results of the search.

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, school officials may conduct investigations concerning reports of misconduct including, but not limited to, questioning students, staff, parents/guardians, 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 outside the presence of other students, by the appropriate school administrator(s). The student's parent or guardian may be contacted; the degree, if any, of parental or 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.

(Continued)

Students

SUBJECT: SEARCHES AND INTERROGATIONS OF STUDENTS (Cont'd.)

The questioning of students by school officials does not preclude subsequent questioning or interrogations by police authorities as otherwise permitted by law. Similarly, the questioning of students by school officials does not negate the right or responsibility of school officials to contact appropriate law enforcement agencies, as necessary, with regard to 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, 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 or her; and that the individual has the right to the presence of an attorney, either retained or appointed) prior to the questioning of students.

Law Enforcement Officials

A cooperative effort will 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 officers is necessary to prevent injury to persons or property.

Administrators have the responsibility and authority to determine when the assistance of law enforcement officers is necessary within their respective jurisdictions.

School Resource Officers

The BOCES may utilize School Resource Officers (SROs), i.e., law enforcement officers who work within the school building. There are different types of SROs: those employed by the BOCES and those employed by local law enforcement. SROs, acting in their capacity as law enforcement, are held to a different search standard than BOCES staff. Searches by law enforcement SROs must be justified by probable cause, not the BOCES' standard of reasonable suspicion. BOCES staff need to clearly establish who is initiating and conducting a search, the BOCES or law enforcement, and that the appropriate standard for the search has been met.

Dissemination of Information

Copies of this policy will be distributed to students when they enroll in school, and will be included in the *Code of Conduct* available to students and parents at the beginning of each school year.

(Continued)

SUBJECT: SEARCHES AND INTERROGATIONS OF STUDENTS (Cont'd.)**Interrogation of Students by Law Enforcement Officials**

Generally, police authorities may only interview students on school premises without the permission of the parent or guardian in situations where a warrant has been issued for the student's arrest (or removal). Police authorities may also question students for general investigations or general questions 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 must address the matter directly with the student's parent or guardian.

Whenever police wish to question a student on school premises, administration will attempt to notify the student's parent or guardian.

If possible, questioning of a student by police will take place in a private area outside the presence of other students but in the presence of the building principal or designee.

Child Protective Services' Investigations

Occasionally, Child Protective Services (CPS) may desire to conduct interviews of students on school property. These interviews generally pertain to allegations of suspected child abuse or maltreatment. The Board encourages cooperation with CPS with respect to access to records and access to any child named as a victim, any of the victim's siblings, or any other child residing in the same home as the named victim, in accordance with applicable law.

Education Law Sections 1604(9), 1604(30), 1709(2), 1709(33), and 2801
Family Court Act Section 1024
Social Services Law Sections 411-428
8 NYCRR Section 100.2(1)

Adoption Date

SUBJECT: TIMEOUT AND PHYSICAL RESTRAINT**Overview**

The BOCES prohibits the use of corporal punishment, aversive interventions, and seclusion. The BOCES authorizes the limited use of timeout and physical restraint in schools to address student behaviors subject to conditions in law, regulation, and this policy.

Definitions

For purposes of this policy, the following definitions apply:

- a) "Aversive intervention" means an intervention that is intended to induce pain or discomfort for the purpose of eliminating or reducing student behavior, including interventions such as:
 - 1. Contingent application of noxious, painful, intrusive stimuli or activities;
 - 2. Strangling, shoving, deep muscle squeezes, or other similar stimuli;
 - 3. Any form of noxious, painful, or intrusive spray, inhalant, or tastes;
 - 4. Contingent food programs that include the denial or delay of the provision of meals or intentionally altering staple food or drink in order to make it distasteful;
 - 5. Movement limitation used as a punishment, including, but not limited to, helmets and mechanical restraints; or
 - 6. Other stimuli or actions similar to the interventions described in this definition.

Aversive intervention does not include interventions such as: voice control, limited to loud, firm commands; time-limited ignoring of a specific behavior; token fines as part of a token economy system; brief physical prompts to interrupt or prevent a specific behavior; interventions medically necessary for the treatment or protection of the student; or other similar interventions.

- b) "Corporal punishment" means any act of physical force upon a student for the purpose of punishing that student. The term does not include the use of physical restraints to protect the student, another student, teacher, or any other person from physical injury when alternative procedures and methods not involving the use physical restraint cannot reasonably be employed to achieve these purposes.
- c) "De-escalation" means the use of a behavior management technique that helps a student increase control over their emotions and behavior and results in a reduction of a present or potential level of danger to the student or others.

(Continued)

SUBJECT: TIMEOUT AND PHYSICAL RESTRAINT (Cont'd.)

- d) "Mechanical restraint" means the use of any device or equipment to restrict a student's freedom of movement. Mechanical restraint does not include devices implemented by trained school personnel, or utilized by a student, that have been prescribed by an appropriate medical or related services professional and are used for the specific and approved purposes for which such devices were designed, such as:
1. Adaptive devices or mechanical supports used to achieve proper body position, balance, or alignment to allow greater freedom of mobility than would be possible without the use of such devices or mechanical supports;
 2. Vehicle safety restraints when used as intended during the transport of a student in a moving vehicle;
 3. Restraints for medical immobilization; or
 4. Orthopedically prescribed devices that permit a student to participate in activities without risk of harm.
- e) "Multi-tiered system of supports" means a proactive and preventative framework that utilizes data to inform instruction and the allocation of services to maximize achievement for all students and support students' social, emotional, and behavioral needs from a culturally responsive and strength-based perspective.
- f) "Physical escort" means a temporary touching or holding of the hand, wrist, arm, shoulder, or back for the purpose of inducing a student who is acting out to walk to a safe location.
- g) "Physical restraint" means a personal restriction that immobilizes or reduces the ability of a student to move their arms, legs, body, or head freely. Physical restraint does not include a physical escort or brief physical contact and/or redirection to promote student safety, calm or comfort a student, prompt or guide a student when teaching a skill or assisting a student in completing a task, or for other similar purposes.
- h) "Prone restraint" means physical or mechanical restraint while the student is in the face down position.
- i) "Seclusion" means the involuntary confinement of a student alone in a room or space that they are physically prevented from leaving or they may perceive that they cannot leave at will. Seclusion does not include timeout.

(Continued)

Students

SUBJECT: TIMEOUT AND PHYSICAL RESTRAINT (Cont'd.)

- j) "Timeout" means a behavior management technique that involves the monitored separation of a student in a non-locked setting and is implemented for the purpose of de-escalating, regaining control, and preparing the student to meet expectations to return to their education program. Timeout does not include:
1. A student-initiated or student-requested break to utilize coping skills, sensory input, or self-regulation strategies;
 2. Use of a room or space containing coping tools or activities to assist a student to calm and self-regulate, or the use of such intervention strategies consistent with a student with a disability's behavioral intervention plan;
 3. A teacher removal, in-school suspension, or any other appropriate disciplinary action.

Prohibition of the Use of Corporal Punishment, Aversive Interventions, and Seclusion

No teacher, administrator, officer, employee, or agent of the BOCES will use the following against a student:

- a) Corporal punishment;
- b) Aversive interventions; or
- c) Seclusion.

Agent includes, but is not limited to, school resource officers, except when a student is under arrest and handcuffs are necessary for the safety of the student and others.

Authorized Limited Use of Timeout and Physical Restraint

Positive, proactive, evidence-based, and research-based strategies through a multi-tiered system of supports will be used to reduce the occurrence of challenging behaviors, eliminate the need for the use of timeout and physical restraint, and improve school climate and the safety of all students.

Timeout and physical restraint may be used only when:

- a) Other less restrictive and intrusive interventions and de-escalation techniques would not prevent imminent danger of serious physical harm to the student or others;
- b) There is no known medical contraindication to its use on the student; and
- c) Staff using the interventions have been trained in its safe and appropriate application.

(Continued)

Students

SUBJECT: TIMEOUT AND PHYSICAL RESTRAINT (Cont'd.)

Timeout and physical restraints will not be used as discipline or punishment, retaliation, or as a substitute for positive, proactive intervention strategies that are designed to change, replace, modify, or eliminate a targeted behavior.

Timeout

The following rules apply to the use of timeout in the BOCES:

- a) Timeout will only be used in the following situations:
 1. A situation that poses an immediate concern for the physical safety of the student or others; or
 2. In conjunction with a behavioral intervention plan that is designed to teach and reinforce alternative appropriate behaviors.
- b) A room or physical space used for timeout may be located either within or outside of a classroom. The room or physical space will:
 1. Be unlocked, and any door must be able to be opened from the inside. The use of locked rooms or physical spaces is prohibited.
 2. Provide a means for continuous visual and auditory monitoring of the student. The use of a room where the student cannot be continuously observed and supervised is prohibited.
 3. Be of adequate width, length, and height to allow the student to move about and recline comfortably.
 4. Be clean and free of objects and fixtures that could be potentially dangerous to a student.
 5. Meet all local fire and safety codes.
 6. Have wall and floor coverings that, to the extent practicable, are designed to prevent injury to the student.
 7. Have adequate lighting and ventilation.
 8. Have a temperature that is within the normal comfort range and consistent with the rest of the building.

(Continued)

Students

SUBJECT: TIMEOUT AND PHYSICAL RESTRAINT (Cont'd.)

- c) When a student is in a timeout room or space, staff will continuously monitor the student.
- d) Any staff functioning as timeout monitors will be trained in accordance with law and regulation.
- e) Staff will return the student to their educational program as soon as the student has safely deescalated, regained control, and is prepared to meet expectations.

Factors which may precipitate the use of timeout include:

- a) Negative behaviors which precludes the student from meeting the expectations of their education program.

The use of timeout will adhere to the following developmentally appropriate time limitations:

- a) In the absence of a Behavioral Intervention Plan, individual timeout will be based upon severity of student need and when the student is able to again meet expectations of and return to their educational program.

The following additional rules apply to the use of timeout in conjunction with a behavioral intervention plan:

- a) The BOCES will ensure that timeout is used consistent with the rules for the use of timeout listed above.
- b) The student's individualized education program (IEP) will specify when a behavioral intervention plan includes the use of timeout, including the maximum amount of time a student will need to be in timeout as a behavioral consequence as determined on an individual basis in consideration of the student's age and individual needs.
- c) Prior to the initiation of a behavioral intervention plan that will incorporate the use of timeout, the BOCES will inform the student's parents or persons in parental relation and give them the opportunity to see the room or physical space that will be used.
- d) Prior to the initiation of a behavioral intervention plan that will incorporate the use of timeout, the BOCES will give the student's parents or persons in parental relation a copy of this policy.

Physical Restraint

Physical restraint will only be used in a situation in which immediate intervention involving the use of reasonable physical force is necessary to prevent imminent danger of serious physical harm to the student or others.

(Continued)

Students

SUBJECT: TIMEOUT AND PHYSICAL RESTRAINT (Cont'd.)

The following rules apply to the use of physical restraint in the BOCES:

- a) The type of physical restraint used will be the least restrictive technique necessary and be discontinued as soon as the imminent danger of serious physical harm has resolved.
- b) Physical restraint will never be used in a manner that restricts the student's ability to breathe or communicate or harms the student.
- c) The use of prone restraint is prohibited.
- d) Physical restraint will not be used as a planned intervention on a student's individualized education program, Section 504 accommodation plan, behavioral intervention plan, or other plan developed for a student by the BOCES.
- e) Physical restraint will not be used to prevent property damage except in situations where there is imminent danger of serious physical harm to the student or others and the student has not responded to positive, proactive intervention strategies.
- f) Physical restraints will be administered only by staff who have received the legally required training.
- g) Following a physical restraint, if an injury has been sustained or believed to have been sustained, the school nurse or other medical personnel (i.e., physician, physician assistant, or a nurse practitioner) will evaluate the student to determine and document if any injuries were sustained during the incident.

Factors which may precipitate the use of physical restraint include:

- a) The student, other students, staff members or others are at imminent risk of physical harm.

The use of physical restraint will adhere to the following developmentally appropriate time limitations:

- a) Staff are trained in and adhere to the protocols defined in the Therapeutic Crisis Interventions in Schools program, or the student's specific behavioral intervention plan.

Notification Following the Use of Timeout, Physical Restraint, and/or Mechanical Restraint

Parent(s) or person(s) in parental relation to the student will be notified on the same day when timeout, physical restraint, and/or mechanical restraint is used, including timeout used in conjunction with a student's behavioral intervention plan. When the student's parent or person in parental relation cannot be contacted, after reasonable attempts are made, the building principal or administrator will

(Continued)

Students

SUBJECT: TIMEOUT AND PHYSICAL RESTRAINT (Cont'd.)

record the attempts. For students with disabilities, the building principal or administrator will report the attempts to the student's committee on preschool special education or committee on special education. The notification will offer the parent or person in parental relation the opportunity to meet regarding the incident.

Additionally, the BOCES will provide the parent or person in parental relation with:

- a) A copy of this policy; and
- b) A copy of the documentation of the incident within three school days of the use of timeout and/or physical restraint.

Debriefing

As soon as practicable, after every incident in which timeout and/or a physical restraint is used on a student, a building administrator or designee will:

- a) Meet with the staff who participated in the use of timeout and/or physical restraint to discuss:
 1. The circumstances leading to the use of timeout and/or physical restraint;
 2. The positive, proactive intervention strategies that were utilized prior to the use of timeout and/or physical restraint; and
 3. Planning for the prevention and reduction of the future need for timeout and/or physical restraint with the student including, if applicable, whether a referral should be made for special education programs and/or other support services or, for a student with a disability, whether a referral for review of the student's individualized education program and/or behavioral intervention plan is needed; and
- b) Direct a school staff member to debrief the incident with the student in a manner appropriate to the student's age and developmental ability and to discuss the behavior(s), if any, that precipitated the use of timeout and/or physical restraint.

Training

All special education staff will receive annual training on the BOCES' policies and procedures related to the use of timeout and physical restraint; evidence-based positive, proactive strategies; crisis intervention and prevention procedures and de-escalation techniques. Additionally, any staff who may be called upon to implement timeout or physical restraint, will receive annual, evidence-based training in safe and effective developmentally appropriate timeout and physical restraint procedures.

(Continued)

SUBJECT: TIMEOUT AND PHYSICAL RESTRAINT (Cont'd.)**Notification**

This policy will be made publicly available for review at the BOCES' administrative offices and each school building. It will also be posted on the BOCES' website.

Reporting

The BOCES will submit an annual report on the use of physical restraint and timeout and substantiated and unsubstantiated allegations of use of corporal punishment, mechanical restraint, and other aversive interventions, prone physical restraint, and seclusion to the New York State Education Department, on a form and at a time prescribed by the Commissioner of Education in accordance with law and regulation. Additionally, the BOCES will report this data for students for whom they are the district of residence and who are otherwise not reported.

Recordkeeping

The BOCES will maintain documentation on the use of timeout and/or physical restraint, including timeout used in conjunction with a student's behavioral intervention plan, for each student. This documentation will include:

- a) The name and date of birth of the student;
- b) The setting and location of the incident;
- c) The name of the staff who participated in the implementation, monitoring, and supervision of the use of timeout and/or physical restraint and any other persons involved;
- d) A description of the incident including duration, and, for physical restraint, the type of restraint used;
- e) Whether the student has an individualized education program, Section 504 accommodation plan, behavioral intervention plan, or other plan developed for the student by the BOCES;
- f) A list of all positive, proactive intervention strategies utilized prior to the use of timeout and/or physical restraint and, for students with disabilities, whether those strategies were consistent with a student's behavioral intervention plan, if applicable;
- g) The details of any injuries sustained by the student or staff during the incident and whether the student was evaluated by the school nurse or other medical personnel;
- h) The date and method of notification to the parent or person in parental relation and whether a meeting was held; and

(Continued)

Students

SUBJECT: TIMEOUT AND PHYSICAL RESTRAINT (Cont'd.)

- i) The date of the debriefing held.

Documentation of the incident will be reviewed by supervisory personnel and, as necessary, the school nurse or other medical personnel.

Documentation of each incident will be maintained by the school and made available for review by the New York State Education Department upon request.

A record should be created for each instance of physical restraint or timeout, and for allegations concerning prohibited intervention types. Multiple event records during a day for a student would be created only:

- a) If a new situation occurs involving the student after the prior event had de-escalated and student had returned to the learning environment; or
- b) When a new restraint or intervention response type is employed during the event. For example, during an event, a staff person employed a physical restraint on a student, and the situation escalated to the point where a timeout was used. The addition of the timeout would constitute an additional event record beginning with that application.

The BOCES will use this data collection to monitor patterns of use of timeout and physical restraint.

Review

The building administrator or designee will regularly review documentation on the use of timeout and physical restraint to ensure compliance with the BOCES' policy and procedures. When there are multiple incidents within the same classroom or involving the same staff, the building administrator or designee shall take appropriate steps to address the frequency and pattern of use of timeout or physical restraint.

Education Law Section 4402
8 NYCRR Sections 19.5, 100.2(1)(3), and 200.22

Adoption Date

Students

SUBJECT: WEAPONS IN SCHOOL AND THE GUN-FREE SCHOOLS ACT

With the exception of those students who receive prior written permission from the Board or its designee, no student may bring in or possess any "firearm" or "weapon" on school property, on a school bus or BOCES vehicle, in school buildings, or at school-sponsored activities or settings under the control or supervision of the BOCES regardless of location. Any student who has been found guilty of bringing in or possessing a firearm or weapon in violation of this policy will be disciplined in a manner consistent with law and the BOCES' *Code of Conduct*. Discipline may include a mandatory suspension for a period of not less than one calendar year for a student who is determined to have violated the Federal Gun-Free Schools Act and its implementing provisions in the New York State Education Law, provided that the District Superintendent may modify the suspension requirement on a case-by-case basis.

Students who have brought a "weapon" or "firearm" to school will be referred by the District Superintendent to either a presentment agency (the agency or authority responsible for presenting a juvenile delinquency proceeding) or to appropriate law enforcement officials. These referrals will be made as follows: a student who is under the age of 16 and who is not a 14 or 15 year-old who qualifies for juvenile offender status under the Criminal Procedure Law will be referred to a presentment agency for juvenile delinquency proceedings; a student who is 16 years old or older, or who is 14 or 15 and qualifies for juvenile offender status, will be referred to the appropriate law enforcement authorities.

For the purposes of this policy, the term "weapon" will be as defined in 18 USC 930(g)(2).

For the purposes of this policy, the term "firearm" will be as defined in 18 USC 921(a).

Students with disabilities continue to be entitled to all rights set forth in the Individuals with Disabilities Act and Education Law Article 89. This policy does not authorize suspension of students with disabilities in violation of those authorities.

This policy also does not diminish the authority of the Board to offer courses in instruction in the safe use of firearms in accordance with Education Law Section 809-a.

Gun-Free Schools Act as amended by the Every Student Succeeds Act (ESSA) of 2015, 20 USC Section 7961
18 USC Sections 921(a) and 930(g)(2)
Criminal Procedure Law Section 1.20(42)
Education Law Sections 809-a and 3214

NOTE: Refer also to Policies #3411 -- Prohibition of Weapons on BOCES Grounds
#7313 -- Suspension of Students
BOCES Code of Conduct

Adoption Date

Students

SUBJECT: EXTRACURRICULAR ACTIVITIES

Any organization within the BOCES whose activities are conducted by students, and whose financial support is raised other than by taxation or through charges of the Board, is an extraclassroom activity (ECA). All ECAs must be approved by the Board. The District Superintendent or designee will maintain an up-to-date register of all ECAs that are approved or discontinued. The BOCES will develop detailed procedures for the establishment of ECAs.

The Board may adopt rules and regulations to abolish and/or prohibit any fraternity, sorority, or other secret society in any secondary school in the BOCES provided that the Board has found that the fraternity, sorority, or secret society has, by virtue of its activities, caused or created a disruption of or interference with the academic process of any secondary school within the BOCES or caused or created a disruption of the academic process of any individual student or students in any secondary school within the BOCES.

Eligibility for Attendance

Student participation in extracurricular activities is a privilege. Students must abide by the academic standards and standards of conduct for participation in extracurricular activities as established by the Board and outlined in the BOCES' *Code of Conduct* and/or any other applicable document.

Censorship of School-Sponsored Student Publications and Activities

The BOCES may exercise editorial control over the style and content of student speech in school-sponsored publications and activities that are part of the educational curriculum.

Limited Open Forum

The BOCES maintains a limited open forum where one or more noncurricular related secondary student groups meet on BOCES premises during noninstructional time. The BOCES will not deny equal access or a fair opportunity to, or discriminate against these groups on the basis of the religious, political, philosophical, or other content of the speech at those meetings.

To provide a fair opportunity to students who wish to conduct a meeting, the BOCES will ensure that:

- a) The meeting is voluntary and student-initiated;
- b) There is no sponsorship of the meeting by the BOCES, the government, or its agents or employees;
- c) Employees or agents of the BOCES or government are present at religious meetings only in a nonparticipatory capacity;

(Continued)

SUBJECT: EXTRACURRICULAR ACTIVITIES (Cont'd.)

- d) The meeting does not materially and substantially interfere with the orderly conduct of educational activities within the BOCES; and
- e) Non-BOCES persons may not direct, conduct, control, or regularly attend activities of student groups.

However, the BOCES, its agents, and its employees, retain the authority to:

- a) Ban unlawful groups;
- b) Maintain order and discipline on BOCES premises;
- c) Protect the well-being of students and employees;
- d) Assure that attendance of students at meetings is voluntary; and
- e) Restrict groups that materially and substantially interfere with the orderly conduct of educational activities.

20 USC Sections 4071-4074

Education Law Sections 1709-a, 2503-a, and 2554-a

8 NYCRR Part 172

NYSED Finance Pamphlet, The Safeguarding, Accounting, and Auditing of Extraclassroom Activity Funds,
Revised 2019

Adoption Date

Students

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 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 BOCES has no responsibility to assist students in the publication of newspapers, magazines and other literature not sanctioned by the BOCES, nor does this Board assume any responsibility for any statements published therein.

The Board permits the distribution of these 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 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.

Adoption Date

Students

SUBJECT: CONTESTS FOR STUDENTS, STUDENT AWARDS AND SCHOLARSHIPS**Contests for Students**

Distribution of educational material, essay contests, and poster contests must be approved in advance by the building principals if the sponsoring organization wishes to involve students in the project on school time. Samples of informational material should accompany the request. As determined by the building principal, the request may be forwarded to the District Superintendent and the Board for approval.

Student Awards and Scholarships

The BOCES may obtain and give certain awards and scholarships to its students. The Board will hold in trust gifts, grants, bequests, and legacies given or bequeathed to the BOCES, and it will apply the same or their interest and proceeds according to the instruction of the donors and according to the procedures established by the administration.

Education Law Sections 1604(30), 1709(12-a), and 2503(1)

Adoption Date

Students

SUBJECT: STUDENT VOTER REGISTRATION AND PRE-REGISTRATION

The BOCES recognizes the importance of voting and civic engagement. As such, the BOCES seeks to encourage student voter registration and pre-registration. A person who is at least 16 years of age and who is otherwise qualified to register to vote may pre-register to vote, and will then be automatically registered to vote upon reaching the age of eligibility as provided by law.

The BOCES will inform students of New York State's requirements for voter registration and pre-registration, as well as provide access to voter registration and pre-registration applications during the school year and provide assistance with filing these applications. The completion and submission of voter registration or pre-registration forms will not be a course requirement or graded assignment for BOCES students.

Election Law Section 5-507

Adoption Date

Students

SUBJECT: FUNDRAISING BY STUDENTS

Fundraising projects in which students sell merchandise, provide services, or in other ways solicit money for school activities may be sponsored by school organizations with the express approval of the building principal or program supervisor. Any plan must have a clearly defined purpose and, in general, must contribute to the educational experience of students. Fundraising must not conflict with instructional programs or state mandates. Fundraising activities away from school property will be held to a minimum. All participation will be voluntary.

Door-to-door sales projects undertaken by any organization using the BOCES' name require prior Board approval. Profits will be used to enhance school programs by providing money for expenditures not normally funded by the BOCES.

Employees are cautioned against giving the impression to students that the purpose of selling items or paying a fee is to defray a portion of the BOCES' educational program. At no time should a student's participation in an educational activity include these sales or fees. In addition, employees are not permitted to deposit the proceeds of any legitimate sales activity in their own personal accounts. All proceeds are to be deposited with the SLL BOCES Treasurer. These activities may jeopardize a student's right to participate in the educational program on a tuition or fee-free basis. Further, employees engaged in these activities may be held personally liable.

New York State Constitution, Article VIII, Section 1
Education Law Section 414
8 NYCRR Section 19.6

NOTE: Refer also to Policy #3271 -- Solicitation of Charitable Donations

Adoption Date

Students

SUBJECT: CONSTITUTIONALLY PROTECTED PRAYER IN THE PUBLIC SCHOOLS

The Board affirms in writing to the New York State Education Department, the responsibilities of the BOCES, consistent with applicable statutory or 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 and programs.

Accordingly, no Board policy will prevent, or otherwise deny participation in, constitutionally protected prayer in BOCES schools and programs, consistent with federal law.

The Board rescinds any other policy that may be inconsistent with the mandates of this policy, which will supersede any and all Board policies to the contrary.

United States Constitution, First Amendment
Elementary and Secondary Education Act of 1965, as amended by the Every Student Succeeds Act (ESSA) of 2015, Section 9524
Equal Access Act, 20 USC Sections 4071-4074

NOTE: Refer also to Policy #8360 -- Religious Expression in the Instructional Program

Adoption Date

SUBJECT: MEDICATION AND PERSONAL CARE ITEMS**Administration of Medication**

The school's 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 or 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 or 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 or her person in school, or on the school bus, or keep any medication in his or 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.

Self-Administration of MedicationGenerally

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.

School health office 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 health office 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.

(Continued)

Students

SUBJECT: MEDICATION AND PERSONAL CARE ITEMS (Cont'd.)

Students who self-administer medication without proper authorization will be referred for counseling by school nursing personnel, as appropriate. Additionally, school administration and parents will be notified of such unauthorized use of medication by the student, and school administration may determine the proper resolution of this behavior.

Students with Allergies

A student will be permitted to carry and self-administer his or her prescribed EpiPen during the school day, on school property, and at any school function if the school 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 an allergy for which an EpiPen is needed for the emergency treatment of allergic reactions; the student has demonstrated that he or she can self-administer the prescribed EpiPen effectively; and the expiration date of the order, the name of the medicine, the dose the student is to self-administer, and the circumstances which may warrant the use of the medication; and
- b) Written consent from the student's parent or person in parental relation.

Upon written request of the student's parent or person in parental relation, the school will allow the student to maintain an extra EpiPen in the care and custody of a licensed nurse, nurse practitioner, physician assistant, or school physician.

Students with Diabetes

A student will be permitted to carry and self-administer his or 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 school 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 or 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 testing is to be done, and any circumstances which warrant checking a blood glucose and/or ketone level.

(Continued)

Students

SUBJECT: MEDICATION AND PERSONAL CARE ITEMS (Cont'd.)

- b) Written consent from the student's parent or person in parental relation.

Upon written request of the student's parent 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.

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.

Personal Care ItemsFeminine Hygiene Products

Each school building within the BOCES serving students in any grade from six through 12 will provide feminine hygiene products in building restrooms. These products will be provided at no charge to students.

Alcohol-Based Hand Sanitizers

The New York State Education Department (SED) permits the use of alcohol-based hand sanitizers in schools. Parents may provide written notification to the school 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 or 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 school. 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 or person in parental relation, and authorized by the school.

Individuals with Disabilities Education Act (IDEA), 20 USC Section 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, 6908(1)(a)(iv), and 6909
Public Health Law Sections 267, 3000-a, 3000-c, and 3309
8 NYCRR Sections 136.6, 136.7

(Continued)

2024

7513
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Students

SUBJECT: MEDICATION AND PERSONAL CARE ITEMS (Cont'd.)

NOTE: Refer also to Policy #7521 -- Students with Life-Threatening Health Conditions

Adoption Date

Students

SUBJECT: STUDENT HEALTH RECORDS

The BOCES will keep a convenient, accurate, and up-to-date health record of every student. Insofar as the health records include confidential disclosures or findings, they will be kept confidential.

The Family Educational Rights and Privacy Act (FERPA) is a federal law that protects the privacy of students' "education records." For prekindergarten 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 or school maintains on special education students, including records on services provided to students under the Individuals with Disabilities Education Act (IDEA) are considered "education records."

Since student health and medical information in education records is protected by FERPA, the Health Insurance Portability and Accountability Act of 1996 (HIPAA) Privacy Rule excludes this 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 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 school's registered professional nurse to administrators, teachers, and other school officials, consistent with law.

Family Educational Rights and Privacy Act of 1974 (FERPA), 20 USC Section 1232g
Health Insurance Portability and Accountability Act of 1996 (HIPAA), Public Law 104-191, 34 CFR Part 99
45 CFR Parts 160, 162, and 164
Education Law Sections 902(b) and 905
8 NYCRR Part 136

Adoption Date

SUBJECT: ACCIDENTS AND MEDICAL EMERGENCIES**Student Emergency Treatment**

All staff members of the BOCES are responsible to obtain first aid care for students who are injured or become ill while under school supervision.

In most instances, first aid should be rendered and then the parent should be contacted to come to school and transport the student to the family physician. Beyond first aid, the medical care of the student is the parent's responsibility. However, the student's welfare is always the primary concern, and it is the responsibility of school personnel to exercise good judgment and care under all circumstances.

The Board encourages all staff members to become qualified to give emergency treatment through instruction in first aid, Cardiopulmonary Resuscitation (CPR), and Automated External Defibrillators (AEDs).

Transporting an Ill or Injured Student

In the event of an illness or injury to a student, an ambulance may be called. The BOCES will make all reasonable attempts to contact a parent or person in parental relation when determining if emergency treatment is necessary.

Education Law Sections 1604(7-a), 1604(7-b), 1709(8-a), and 1709(8-b)

Adoption Date

Students

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) and the healthcare provider(s) to:

- a) Immediately develop an 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, medications, 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;
- 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 problem; 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 or she works toward self-management;
- 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;

(Continued)

Students

SUBJECT: STUDENTS WITH LIFE-THREATENING HEALTH CONDITIONS (Cont'd.)

- 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 school medical director to write a non-patient specific order for anaphylaxis treatment agents for the school's 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 authorizes them to administer emergency medications such as anaphylactic treatment agents;
- f) Allow the school 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 or 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;
- g) Ensure that the BOCES-wide school safety plan and building-level emergency response plans include appropriate accommodations for students with life-threatening health conditions;
- h) Encourage families to obtain medic-alert bracelets for at risk students;
- i) Educate students regarding the importance of immediately reporting symptoms of an allergic reaction.

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:

(Continued)

SUBJECT: STUDENTS WITH LIFE-THREATENING HEALTH CONDITIONS (Cont'd.)

- a) Cafeteria;
- b) Food sharing;
- c) Hidden ingredients in art, science, and other projects;
- d) Transportation;
- e) Fundraisers and bake sales;
- f) Parties and holiday celebrations;
- g) Field trips;
- h) 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 or medications;
- c) Providing appropriately trained licensed persons as required by law;
- d) Developing an emergency plan for the student; and
- e) Providing ongoing staff and student education.

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 Sections 136.6 and 136.7
Public Health Law Sections 2500-h, 3000-a, and 3000-c

NOTE: Refer also to Policy #7513 -- Medication and Personal Care Items

Adoption Date

Students

SUBJECT: CONCUSSION MANAGEMENT

A concussion is a type of mild traumatic brain injury (MTBI) caused by a bump, blow, or jolt to the head or body that causes the head and brain to move rapidly back and forth. Recovery from concussion and its symptoms will vary. Avoiding re-injury and over-exertion until fully recovered are the cornerstones of proper concussion management. Concussions can impact a student's academic performance as well as their athletic pursuits. As such, the BOCES supports the proper evaluation and management of concussion injuries.

Concussion management and return to school activities will be determined by the home district school Concussion Management Team (CMT).

Education Law Section 305(42)

8 NYCRR Sections 135.4 and 136.5

Guidelines for Concussion Management in Schools, NYSED Guidance Document, 2022

Adoption Date

SUBJECT: CHILD ABUSE AND MALTREATMENT**Child Abuse in a Domestic Setting**

The BOCES takes seriously the obligations of its officers and employees to report cases of child abuse or maltreatment. To this end, regulations will 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 or health 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 will be established and implemented to enable the staff to carry out their reporting responsibilities.

Reporting Information

The BOCES will post the child abuse hotline telephone number and directions for accessing the Office of Children and Family Services (OCFS) website in English and Spanish on its website and in clearly and highly visible areas of school buildings. The BOCES will also make this information available from its administrative offices; provide it to parents and persons in parental relation at least once per school year by electronic communication, sending the information home with students, or otherwise; and provide it to each teacher and administrator. The BOCES may post and provide this information in other, common languages used by the school community.

Persons Required to Report

Persons required to report cases of child abuse or maltreatment to the State Central Register (SCR) in accordance with Social Services Law Section 413(1) include, but are not limited to, school teachers, school counselors, school psychologists, school social workers, school nurses, school administrators or

(Continued)

Students

SUBJECT: CHILD ABUSE AND MALTREATMENT (Cont'd.)

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.

All mandated reporters must make the report themselves and then immediately notify the building principal or designee. The building principal or designee will be responsible for all subsequent administration necessitated by the report. Any report must 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

The BOCES will not take any retaliatory action against an employee because the employee believes that they have reasonable cause to suspect that a child is an abused or maltreated child and that employee makes a report to SCR. Further, no BOCES official will impose any conditions, including prior approval or prior notification, upon any staff member specifically designated a mandated reporter.

Report Form

The "Report of Suspected Child Abuse or Maltreatment" Form LDSS-2221A may be accessed at the OCFS website.

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.

Definitions

"Administrator" or "school administrator" means a principal, or the equivalent title, in a school, or other chief school officer.

"Child abuse" means any of the following acts committed in an educational setting by an employee or volunteer against a child (defined as a person under the age of 21 years enrolled in a school):

- a) Intentionally or recklessly inflicting physical injury, serious physical injury, or death;
- b) Intentionally or recklessly engaging in conduct which creates a substantial risk of physical injury, serious physical injury, or death;
- c) Any child sexual abuse, defined as conduct prohibited by Penal Law Articles 130 or 263; or

(Continued)

Students

SUBJECT: CHILD ABUSE AND MALTREATMENT (Cont'd.)

- d) The commission or attempted commission against a child of the crime of disseminating indecent materials to minors in accordance with Penal Law Article 235; or
- e) Using corporal punishment as defined by the Commissioner of Education.

"Educational setting" means the building(s) and grounds of a school; the vehicles provided directly or by contract by the school for the transportation of students to and from school buildings, field trips, co-curricular and extracurricular activities both on and off school 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.

"School" means a school district, public school, charter school, nonpublic school, board of cooperative educational services (BOCES), special act school district as defined in Education Law Section 4001, approved preschool special education program pursuant to Education Law Section 4410, approved private residential or non-residential school for the education of students with disabilities including certain private schools, or state-operated or state-supported school in accordance with Education Law Articles 85, 87, or 88.

Duties Upon Receipt of an Allegation of Child Abuse in an Educational Setting

In any case where an oral or written allegation is made to a teacher, school nurse, school counselor, school psychologist, school social worker, school administrator, Board member, or other school personnel required to hold a teaching or administrative license or certificate, as well as a licensed and registered physical therapist, licensed and registered occupational therapist, licensed and registered speech-language pathologist, teacher aide, or school resource officer that a child has been subjected to child abuse by an employee or volunteer in an educational setting, that person will upon receipt of the allegation:

- a) Promptly complete a written report of the 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. This written report must be completed on a form prescribed by the Commissioner of Education.
- b) Except where the school administrator is the person receiving the 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.

In any case where an oral or written allegation is made to a school bus driver employed by a school or a person or entity that contracts with a school to provide transportation services to children that a child has been subjected to child abuse by an employee or volunteer in an educational setting, that school bus driver will upon receipt of the allegation, promptly report or cause a report to be made to their supervisor employed by the school or the contracting person or entity.

(Continued)

Students

SUBJECT: CHILD ABUSE AND MALTREATMENT (Cont'd.)

In any case where an oral or written report or allegation is made to a supervisor who is employed by a school or a person or entity that contracts with a school to provide transportation services to children from a person employed by the school or the contracted person or entity that a child has been subjected to child abuse by an employee or volunteer in an educational setting, the supervisor must, upon receipt of an allegation:

- a) Promptly complete a written report of the allegation including the full name of the child alleged to be abused; the name of the child's parent or guardian; 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. This written report must be completed on a form prescribed by the Commissioner.
- b) Ensure that the written report is personally delivered to the superintendent employed by the school district where the child abuse occurred or, for a school other than a school district or public school, the school administrator employed by the school where the child abuse occurred.

In any case where it is alleged a child was abused by an employee or volunteer of a school other than a school within the school district of the child's attendance, the report of these allegations will be promptly forwarded to the superintendent of the school district of the child's attendance and the superintendent of the school district where the abuse of the child allegedly occurred. If a case involves a school that is not a school district or public school, the appropriate school administrator or administrators, in addition to any appropriate superintendent, must be notified of the allegations of abuse.

If it is alleged the child was abused by the superintendent or administrator, the report of the allegations will be made to another designated administrator.

Upon receipt of a written report alleging child abuse in an educational setting, a school administrator or superintendent must then determine whether there is reasonable suspicion to believe that an act of child abuse has occurred. If it is determined that reasonable suspicion exists, the school administrator or superintendent must follow the procedures mandated in law and further described in administrative regulations including parental notification. When the school administrator receives a written report, they must promptly provide a copy of the report to the superintendent. The report must be promptly forwarded to appropriate law enforcement. In no event will reporting to law enforcement be delayed by an inability to contact the superintendent.

Where the superintendent or, in a school other than a school district or public school, the school administrator has forwarded a written report of child abuse in an educational setting to law enforcement authorities, they will also refer the report to the Commissioner if the employee or volunteer alleged to have committed an act of child abuse holds a certification or license issued by NYSED.

(Continued)

Students

SUBJECT: CHILD ABUSE AND MALTREATMENT (Cont'd.)Civil Immunity

Any employee, volunteer, or supervisor who is employed by a person or entity that contracts with a school to provide transportation services to children 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 will have immunity from civil liability which might otherwise result by reason of those actions.

Any school administrator or superintendent 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 a report to a person or agency as required by law, will have immunity from civil liability which might otherwise result by reason of those actions.

Confidentiality

Reports and other written material submitted in accordance with law with regard to allegations of child abuse in an educational setting, and photographs taken concerning those reports that are in the possession of any person legally authorized to receive that information, will be confidential and will not be redisclosed except to law enforcement authorities involved in an investigation of child abuse in an educational setting or as expressly authorized by law or in accordance with a court-ordered subpoena. School administrators and the District Superintendent will exercise reasonable care in preventing unauthorized disclosure.

Training

The BOCES will implement a training program regarding child abuse in an educational setting for all current and new teachers, school nurses, school counselors, school psychologists, school social workers, school administrators, Board members, other school personnel required to hold a teaching or administrative license or certificate, and any school bus driver or supervisor employed by the BOCES or any person or entity that contracts with the BOCES to provide transportation services to children, as well as licensed and registered physical therapists, licensed and registered occupational therapists, licensed and registered speech-language pathologists, teacher aides, and school resource officers.

Prohibition of "Silent" (Unreported) Resignations

The District Superintendent and other school administrators are prohibited from withholding from law enforcement authorities, the District Superintendent, or the Commissioner, as appropriate, 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 their position.

(Continued)

Students

SUBJECT: CHILD ABUSE AND MALTREATMENT (Cont'd.)

The District Superintendent or other school administrator who reasonably and in good faith reports to law enforcement officials information regarding allegations of child abuse or a resignation as required by law will have immunity from any liability, civil or criminal, which might otherwise result by reason of those actions.

Notification

Teachers and all other school officials will be provided an annual written explanation concerning the reporting of child abuse and child abuse in an educational setting including the immunity provisions as set forth in law. The Commissioner will furnish the BOCES with required information, including rules and regulations for training necessary to implement BOCES and staff responsibilities under the law.

Prohibition on Aiding and Abetting Sexual Abuse

Unless exempted by law, no BOCES employee, contractor, or agent of the BOCES will assist another BOCES employee, contractor, or agent in obtaining a new job, apart from the routine transmission of administrative and personnel files, if the individual or agency knows or has probable cause to believe, that the individual engaged in sexual misconduct regarding a minor or student in violation of the law.

Education Law Article 23-B and Sections 409-1, 3028-b, and 3209-a
Family Court Act Section 1012
Labor Law Section 740(1)(e)
Penal Law Articles 130, 235, and 263
Social Services Law Sections 411-428
8 NYCRR Part 83 and Section 100.2(hh) and (nn)
20 USC Section 7926

Adoption Date

Students

SUBJECT: SUICIDE

The BOCES is committed to protecting the health and well-being of all students by creating and maintaining policies, procedures, and plans for the prevention, intervention and post-intervention of suicide.

The Board instructs the District Superintendent to establish a BOCES crisis intervention team. Members of the team should include, but are not limited to, a BOCES administrator, school counselor, criminal justice teacher, and/or a school social worker and any BOCES staff member who can be of assistance during a crisis. The crisis intervention team will develop a suicide/tragedy response plan which will be integrated into the existing BOCES-wide school safety plan and emergency response plans. These plans will also include the BOCES providing both TCIS and CALM training to appropriate staff. The suicide/tragedy plan will include education and awareness of risk factors for youth suicide, procedures for intervening if a student exhibits risk factors, including referral services, and a post-intervention plan to help the school and community cope with the aftermath of suicide/tragedy should it occur.

The administration will inform staff of BOCES policies, procedures, and plans for suicide prevention, intervention, and post-intervention. The BOCES will actively respond to any situation where a student verbally or behaviorally indicates intent to attempt suicide or engage in self-harm. When BOCES staff become aware of a student exhibiting potential suicidal behavior, they should immediately escort the student to a member of the BOCES' crisis intervention team and report the behavior to an administrator.

Component school districts will include suicide prevention in the curriculum as developmentally appropriate to provide students with information and resources on this important mental health issue. Additionally, the BOCES will foster interagency cooperation that will enable staff to provide counseling and identify appropriate community resources to aid students in times of crisis.

The BOCES will inform students, staff and parents or guardians of the 988 hotline which connects callers to the National Suicide Prevention Lifeline.

Professional Development/Learning and Training

Staff training and professional development/learning on crisis intervention should be offered annually. The training should include: information on how to identify warning signs for suicide, and the protocols to follow when referring a student thought to be at risk for suicide; a description of the roles and responsibilities of the crisis intervention team; and the flow of communication and the tasks each role of the crisis intervention team undertakes.

NOTE: Refer also to Policies #3420 -- Non-Discrimination and Anti-Harassment in the BOCES
#5681 -- School Safety Plans
#7550 -- Dignity for All Students
#7553 -- Hazing of Students

Adoption Date

SUBJECT: DIGNITY FOR ALL STUDENTS**Overview**

The BOCES seeks to create an environment free of harassment, bullying, and discrimination; to foster civility in its schools; and to prevent conduct that is inconsistent with its educational mission. This policy is just one component of the BOCES' overall commitment to maintaining a discrimination and harassment-free educational and work environment.

The BOCES, therefore, prohibits all forms of harassment and bullying of students by employees or other students on school property and at school functions. The BOCES further prohibits discrimination against students, including, but not limited to, discriminatory acts based on a person's actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender, or sex by employees or other students on school property and at school functions.

In addition, other acts of harassment, bullying, and/or discrimination that occur off school property may be subject to discipline or other corrective action, where such acts create or would foreseeably create a risk of substantial disruption within the school environment, where it is foreseeable that the conduct, threats, intimidation, or abuse might reach school property.

The BOCES adopts this policy as part of its effort to provide for the prompt and equitable resolution of complaints of harassment, bullying, and/or discrimination of students. The BOCES will promptly respond to reports of harassment, bullying, and/or discrimination of students, ensure that all investigations are conducted within a reasonably prompt time frame and under a predictable fair grievance process that provides due process protections, and impose disciplinary measures and implement remedies when warranted.

Inquiries about this policy may be directed to the BOCES' Dignity Act Coordinator(s) (DAC(s)).

Dignity Act Coordinator

In each of its schools, the BOCES will designate at least one employee to serve as the DAC and receive reports of harassment, bullying, and/or discrimination. Each DAC will be:

- a) Approved by the Board;
- b) Licensed and/or certified by the Commissioner as a classroom teacher, school counselor, school psychologist, school nurse, school social worker, school administrator or supervisor, or superintendent;
- c) Instructed in the provisions of the Dignity for All Students Act and its implementing regulations;

(Continued)

Students

SUBJECT: DIGNITY FOR ALL STUDENTS (Cont'd.)

- d) Thoroughly trained to handle human relations in the areas of race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender, and sex;
- e) Provided with training which addresses the social patterns of harassment, bullying, and discrimination, including, but not limited to, those acts based on a person's actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender, and sex;
- f) Provided with training in the identification and mitigation of harassment, bullying, and discrimination; and
- g) Provided with training in strategies for effectively addressing problems of exclusion, bias, and aggression in educational settings.

The BOCES will widely disseminate the name, designated school, and contact information of each DAC to all school personnel, students, and parents or persons in parental relation by:

- a) Listing it in the *Code of Conduct*, with updates posted on the BOCES' website;
- b) Including it in the *Code of Conduct's* plain language summary provided to all parents or persons in parental relation to students before the beginning of each school year;
- c) Providing it to parents or persons in parental relation in at least one BOCES or school mailing or other method of distribution each school year, including, but not limited to, electronic communication and/or sending information home with each student. If the information changes, parents and persons in parental relation will be notified in at least one subsequent BOCES or school mailing, or other method of distribution as soon as practicable thereafter;
- d) Posting it in highly visible areas of school buildings; and
- e) Making it available at the BOCES and school-level administrative offices.

If a DAC vacates his or her position, the BOCES will immediately designate another eligible employee as an interim DAC, pending approval of a successor DAC from the Board within 30 days of the date the position was vacated. In the event a DAC is unable to perform his or her duties for an extended period of time, the BOCES will immediately designate another eligible employee as an interim DAC, pending the return of the previous individual to the position.

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SUBJECT: DIGNITY FOR ALL STUDENTS (Cont'd.)**Training and Awareness**

Each year, all employees will be provided with training to promote a supportive school environment that is free from harassment, bullying, and discrimination, and to discourage and respond to incidents of harassment, bullying, and/or discrimination. This training may be provided in conjunction with existing professional learning and will be conducted consistent with guidelines approved by the Board, and will include training to:

- a) Raise awareness and sensitivity to potential acts of harassment, bullying, and discrimination;
- b) Address social patterns of harassment, bullying, and discrimination;
- c) Inform employees on the identification and mitigation of harassment, bullying, and discrimination;
- d) Enable employees to prevent and respond to incidents of harassment, bullying, and discrimination;
- e) Make employees aware of the effects of harassment, bullying, cyberbullying, and discrimination on students;
- f) Provide strategies for effectively addressing problems of exclusion, bias, and aggression;
- g) Include safe and supportive school climate concepts in curriculum and classroom management; and
- h) Ensure the effective implementation of school policy on conduct and discipline.

Rules against harassment, bullying, and discrimination will be included in the *Code of Conduct*, publicized BOCES-wide, and disseminated to all staff and parents or persons in parental relation. Any amendments to the *Code of Conduct* will be disseminated as soon as practicable following their adoption. The BOCES will provide new employees with a complete copy of the current *Code of Conduct* upon beginning their employment, and distribute an age-appropriate summary to all students at a school assembly at the beginning of each school year.

Internal Reports and Investigations of Harassment, Bullying, and/or Discrimination

All BOCES employees who witness or receive an oral or written report of harassment, bullying, and/or discrimination are required to take action. BOCES employees must make an oral report promptly to the District Superintendent or principal, their designee, or the DAC not later than one school day after

(Continued)

Students

SUBJECT: DIGNITY FOR ALL STUDENTS (Cont'd.)

witnessing or receiving an oral or written report of harassment, bullying, and/or discrimination. No later than two school days after making the oral report, the BOCES employee must file a written report with the District Superintendent or principal, their designee, or the DAC.

The District Superintendent or principal, their designee, or the DAC will lead or supervise the thorough investigation of all reports of harassment, bullying, and/or discrimination and ensure that all investigations are promptly completed after the receipt of a written report. In investigating any allegation, the investigator may seek the assistance of the BOCES' Civil Rights Compliance Officer(s) (CRCO(s)) and/or Title IX Coordinator(s) in investigating, responding to, and remedying complaints of harassment, bullying, and/or discrimination.

Additionally, other BOCES policies and documents address harassment, bullying, and discrimination of students. These policies and documents may include: Policy #3420 -- Non-Discrimination and Anti-Harassment in the BOCES; Policy #3421 -- Title IX and Sex Discrimination; Policy #7551 -- Sexual Harassment of Students; and the BOCES' *Code of Conduct*. All complaints will be handled in accordance with the applicable BOCES policies and/or documents.

The determination as to which BOCES policies and/or documents are applicable is fact specific, and the DAC may work with other BOCES staff such as the BOCES' CRCO(s) and/or Title IX Coordinator(s) to determine which BOCES policies and/or documents are applicable to the specific facts of the complaint.

When an investigation verifies a material incident of harassment, bullying, and/or discrimination, the District Superintendent or principal, their designee, or the DAC will take prompt action, consistent with applicable laws and regulations as well as the *Code of Conduct*, reasonably calculated to end the harassment, bullying, and/or discrimination, eliminate any hostile environment, create a more positive school culture and climate, prevent recurrence of the behavior, and ensure the safety of the student or students against whom the behavior was directed.

The District Superintendent or principal, their designee, or the DAC will promptly notify the appropriate local law enforcement agency when it is believed that any harassment, bullying, and/or discrimination constitutes criminal conduct.

Reporting IncidentsReporting Incidents to the District Superintendent

At least once during each school year, each building principal will provide a report on data and trends related to harassment, bullying, and/or discrimination to the District Superintendent in a manner prescribed by the BOCES. This report will be used to submit the annual School Safety and the Educational Climate (SSEC) Summary Data Collection form to the State Education Department (SED).

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Students

SUBJECT: DIGNITY FOR ALL STUDENTS (Cont'd.)**Reporting of Material Incidents to the Commissioner of Education**

Each school year, the BOCES will submit to the Commissioner a report of material incidents of harassment, bullying, and/or discrimination that occurred during the school year in accordance with law and regulation. This report will be submitted in a manner prescribed by the Commissioner, on or before the basic educational data system (BEDS) reporting deadline or other date determined by the Commissioner.

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 harassment, bullying, and/or discrimination by an employee or student on school grounds or at a school function, and who acts reasonably and in good faith in reporting it to school officials, the Commissioner, or law enforcement authorities, or who otherwise initiates, testifies, participates, or assists in any formal or informal proceedings, will have immunity from any civil liability that may arise from making that report, or from initiating, testifying, participating, or assisting in those proceedings. The BOCES also prohibits any retaliatory behavior directed against any complainant, victim, witness, or any other individual who participated in the reporting or investigation of an incident of alleged harassment, bullying, and/or discrimination.

Publication of BOCES Policy

At least once during each school year, all employees, students, and parents or persons in parental relation will be provided with a written or electronic copy of this policy, or a plain-language summary of it. The policy or summary will include information relating to how students, parents or persons in parental relation, and employees may report harassment, bullying, and/or discrimination. Additionally, the BOCES will maintain a current version of this policy on its website at all times.

Application

Nothing in this policy or its implementing regulations should be interpreted to preclude or limit any right or cause of action provided under any local, state, or federal ordinance, law or regulation including, but not limited to, any remedies or rights available under the Individuals with Disabilities Education Act, Title VII of the Civil Rights Law of 1964, Section 504 of the Rehabilitation Act of 1973, or the Americans with Disabilities Act of 1990.

Education Law Sections 10-18 and 2801
8 NYCRR Section 100.2

(Continued)

Students

SUBJECT: DIGNITY FOR ALL STUDENTS (Cont'd.)

NOTE: Refer also to Policies #1620 -- Annual Organizational Meeting
#3410 -- Code of Conduct
#3420 -- Non-Discrimination and Anti-Harassment in the BOCES
#3421 -- Title IX and Sex Discrimination
#5670 -- Records Management
#7551 -- Sexual Harassment of Students
#7552 -- Student Gender Identity
#7553 -- Hazing of Students
#8130 -- Equal Educational Opportunities
#8242 -- Civility, Citizenship, and Character Education/Interpersonal
Violence Prevention Education
BOCES *Code of Conduct*

Adoption Date

Students

SUBJECT: SEXUAL HARASSMENT OF STUDENTS**Overview**

The BOCES is committed to creating and maintaining an environment which is free from discrimination and harassment. This policy addresses sexual harassment of students. It is just one component of the BOCES' overall commitment to maintaining a discrimination and harassment-free educational and work environment.

Consistent with this commitment and in accordance with law and regulation, the BOCES prohibits all forms of sexual harassment of students by any individual on BOCES property and at school functions which, for purposes of this policy, means a BOCES-sponsored or BOCES-authorized event or activity regardless of where the event or activity takes place, including any event or activity that may take place virtually or in another state.

The BOCES adopts this policy as part of its effort to provide for the prompt and equitable resolution of complaints of sexual harassment of students. The BOCES will promptly respond to reports of sexual harassment of students, ensure that all investigations are conducted within a reasonably prompt time frame and under a predictable fair grievance process that provides due process protections, and impose disciplinary measures and implement remedies when warranted.

Inquiries about this policy may be directed to the BOCES' Civil Rights Compliance Officer(s) (CRCO(s)), Title IX Coordinator(s), and/or the Dignity Act Coordinator(s) (DAC(s)).

What Constitutes Sexual Harassment

Sexual harassment is a form of sex discrimination and is unlawful. It includes harassment on the basis of sex, sexual orientation, self-identified or perceived sex, gender expression, gender identity, and the status of being transgender. Sexual harassment can occur between any individuals, regardless of their sex or gender.

Generally stated, sexual harassment consists of subjecting an individual to unwelcome conduct which is either of a sexual nature or which is directed at an individual because of that individual's sex.

This conduct may, among other things, have the purpose or effect of: creating an intimidating, hostile, or offensive environment; substantially or unreasonably interfering with a student's educational performance, opportunities, benefits, or well-being; or otherwise adversely affecting a student's educational opportunities. Petty slights or trivial inconveniences generally do not constitute harassing conduct.

Determinations as to whether conduct or an incident constitutes sexual harassment will be made consistent with applicable law and regulation, as well as any applicable BOCES policy, regulation, procedure, or other document such as the BOCES' *Code of Conduct*. The examples below are intended to serve as a general guide for individuals in determining what may constitute sexual harassment. These examples should not be construed to add or limit the rights that students possess as a matter of law.

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SUBJECT: SEXUAL HARASSMENT OF STUDENTS (Cont'd.)Examples of Sexual Harassment

Sexual harassment can be verbal, non-verbal, or physical. Examples of this conduct may include, but are not limited to, the following:

- a) Unwanted physical acts of a sexual nature, such as:
 1. Touching, pinching, patting, kissing, hugging, grabbing, brushing against another person's body, or poking another person's body; and
 2. Rape, sexual battery, molestation, or attempts to commit these assaults.
- b) Engaging in sexual conduct with an individual who is unable to consent due to age, use of drugs or alcohol, intellectual disability, or other disability.
- c) Unwanted sexual advances or propositions, such as:
 1. Demanding sexual favors of a student, insinuating that refusal to acquiesce to such favors will adversely affect a student's grades, references, academic or scholastic placement, and/or participation in extracurricular activities; and
 2. Subtle or obvious pressure for unwelcome sexual activities.
- d) Verbal abuse or ridicule, including profanity, innuendoes, stories, and jokes that are sexual in nature and/or gender-related. This might include inappropriate sex-oriented comments on appearance, including dress or physical features.
- e) Asking or commenting about an individual's sexual activities.
- f) Hostile actions taken against an individual because of that individual's sex, sexual orientation, gender identity, and the status of being transgender.
- g) Displaying or distributing pornographic or other sexually explicit materials (print or digital) such as magazines, pictures, cartoons, etc.
- h) Unwelcome staring, leering, or gesturing which is sexually suggestive in nature.
- i) Unwelcome and/or offensive public displays of sexual or physical affection.
- j) Clothing that reflects sexually obscene and/or sexually explicit messages, slogans, or pictures.

(Continued)

Students

SUBJECT: SEXUAL HARASSMENT OF STUDENTS (Cont'd.)

- k) Any other unwelcome and unwanted sexually oriented and/or gender-based behavior which is sexually demeaning, belittling, intimidating, or perpetrates sexual stereotypes and attitudes.

Reporting Allegations of Sexual Harassment

In order for the BOCES to enforce this policy, and to take corrective action as warranted, it is essential that students who believe that they have been a victim of sexual harassment in the school environment, as well as any other person who has knowledge of or witnesses any possible sexual harassment, immediately report the alleged conduct or incident. Reports of sexual harassment may be made orally or in writing to any BOCES employee including, but not limited to, a teacher, building principal, CRCO, Title IX Coordinator, or DAC.

All BOCES employees who witness or receive an oral or written report of sexual harassment must immediately inform the CRCO. Failure to immediately inform the CRCO may subject the employee to discipline up to and including termination. If the CRCO is unavailable, including due to a conflict of interest or other disqualifying reason, the report will be directed to another CRCO, if the BOCES has designated another individual to serve in that capacity. If the BOCES has not designated another CRCO, the District Superintendent will ensure that another person with the appropriate training and qualifications is appointed to act as the CRCO.

Additionally, BOCES employees must comply with reporting requirements in any other applicable BOCES policy or document. Applicable policies or documents may include: Policy #3420 -- Non-Discrimination and Anti-Harassment in the BOCES; Policy #3421 -- Title IX and Sex Discrimination; Policy #7550 -- Dignity for All Students; and the *Code of Conduct*.

Grievance Process for Complaints of Sexual Harassment

The BOCES will act to promptly, thoroughly, and equitably investigate all complaints, whether oral or written, of sexual harassment of students and will promptly take appropriate action to protect students from further sexual harassment.

Various BOCES policies and documents address sexual harassment of students. These policies and documents may include: Policy #3420 -- Non-Discrimination and Anti-Harassment in the BOCES; Policy #3421 -- Title IX and Sex Discrimination; Policy #7550 -- Dignity for All Students; and the *Code of Conduct*. All complaints will be handled in accordance with the applicable BOCES policies and/or documents.

The determination as to which BOCES policies and/or documents are applicable is fact specific, and the CRCO may work with other BOCES staff such as the BOCES' Title IX Coordinator(s) and/or DAC(s) to determine which BOCES policies and/or documents are applicable to the specific facts of the complaint.

(Continued)

Students

SUBJECT: SEXUAL HARASSMENT OF STUDENTS (Cont'd.)

If an investigation reveals that sexual harassment has occurred, the BOCES will take immediate corrective action as warranted. This action will be taken in accordance with applicable law and regulation, as well as any applicable BOCES policy, regulation, procedure, collective bargaining agreement, third-party contract, or other document such as the *Code of Conduct*.

Prohibition of Retaliatory Behavior (Commonly Known as "Whistle-Blower" Protection)

The BOCES prohibits retaliation against any individual because the individual made a report or complaint, testified, assisted, or participated or refused to participate in an investigation, proceeding, or hearing related to a complaint of sexual harassment.

Complaints of retaliation may be directed to the CRCO. If the CRCO is unavailable, including due to a conflict of interest or other disqualifying reason, the report will be directed to another CRCO, if the BOCES has designated another individual to serve in that capacity. If the BOCES has not designated another CRCO, the District Superintendent will ensure that another person with the appropriate training and qualifications is appointed to act as the CRCO.

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

Equal Educational Opportunities Act of 1974, 20 USC Section 1701 et seq.
 Title IV of the Civil Rights Act of 1964, 42 USC Section 2000c et seq.
 Title IX of the Education Amendments Act of 1972, 20 USC Section 1681 et seq.
 34 CFR Parts 106 and 270
 45 CFR Part 86
 Civil Rights Law Section 40-c
 Education Law Sections 10-18, 313, 2801, and 3201-a
 New York State Human Rights Law, Executive Law Section 290 et seq.
 8 NYCRR Section 100.2
 9 NYCRR Section 466 et seq.

NOTE: Refer also to Policies #3410 -- Code of Conduct
 #3420 -- Non-Discrimination and Anti-Harassment in the BOCES
 #3421 -- Title IX and Sex Discrimination
 #7550 -- Dignity for All Students
 #7553 -- Hazing of Students
 BOCES *Code of Conduct*

Adoption Date

Students

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 BOCES programs, facilities, and activities. The BOCES will assess and address the specific needs of each student on a case-by-case basis.

Key Terms

"Assigned sex at birth" means the sex designation, usually male or female, assigned to a person when they are born.

"Cisgender" means a person whose gender identity corresponds to their assigned sex at birth.

"Gender" means actual or perceived sex and includes a person's gender identity or expression.

"Gender expression" means the ways in which a person conveys their gender identity to others, such as through behavior, appearance, clothing, hairstyle, activities, voice, and mannerisms.

"Gender identity" means a person's inner sense or psychological knowledge of being male, female, neither, or both.

"Gender nonconforming" (GNC) means 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" means someone whose gender identity is different than their assigned sex at birth.

"Transition" means the process by which a person socially and/or physically aligns their gender expression more closely to their gender identity than their assigned sex at birth.

Records

Following the submission of a name change order or other government issued document or court issued documentation of a name change for any current or past student, the BOCES will update the student's name on any document or record issued or maintained by the BOCES. This is not applicable to archival records that cannot be accessed or when modifying archival records is prohibited by law. The BOCES will update any current or past student's gender upon submission of any form of government identification.

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SUBJECT: STUDENT GENDER IDENTITY (Cont'd.)

For any current or past student who has not officially changed their name or gender, the BOCES will, upon request, update its records to reflect the student's asserted name and/or gender. However, the BOCES may need to use the student's legal name and gender in certain, limited circumstances. Any student identification cards will be issued with the name reflecting the gender identity the student consistently asserts at school.

The BOCES will maintain the confidentiality of student information and records as required by law. Further, any records with a student's assigned birth name and gender will be maintained in a separate, confidential file.

Names and Pronouns

When apprised of a student's transgender or GNC status, the BOCES will endeavor to engage the student and their 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. Additionally, the BOCES will ensure that all single-occupancy bathroom facilities are designated as gender neutral for use by no more than one occupant at a time or for family or assisted use.

Physical Education

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.

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)

Students

SUBJECT: STUDENT GENDER IDENTITY (Cont'd.)**Dress Code and Team Uniforms**

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 Section 1232g
Title IX of the Education Amendments Act of 1972, 20 USC Section 1681 et seq.
34 CFR Parts 99 and 106
Civil Rights Law Sections 40-c, 64, and 67
Education Law Article 2 and Sections 2-d, 313, and 3201-a
New York State Human Rights Law, Executive Law Section 290 et seq.
8 NYCRR Section 100.2

NOTE: Refer also to Policies #3410 -- Code of Conduct
#3420 -- Non-Discrimination and Anti-Harassment in the BOCES
#3421 -- Title IX and Sex Discrimination
#5633 -- Gender Neutral Single-Occupancy Bathrooms
#7550 -- Dignity for All Students
#7551 -- Sexual Harassment of Students
#7553 -- Hazing of Students
#8242 -- Civility, Citizenship, and Character Education/Interpersonal
Violence Prevention Education

Adoption Date

Students

SUBJECT: HAZING OF STUDENTS

The BOCES is committed to providing a safe, productive, and positive learning environment within its schools. Hazing activities are demeaning and abusive behaviors that harm victims, are inconsistent with the educational goals of the BOCES, and may constitute criminal conduct. Consequently, hazing of students by other students or groups of students is strictly prohibited on BOCES property, in BOCES buildings, on school buses, by BOCES-sponsored groups, clubs, or teams, and at BOCES-sponsored events and/or activities whether occurring on or off-campus. Hazing is prohibited regardless of the victim's apparent willingness to participate in the activity.

For purposes of this policy, the term "hazing" is defined as any humiliating or dangerous activity expected of a student to join a group, regardless of their willingness to participate. Acts constituting hazing may range in severity from teasing or embarrassing a student to various forms of physical, emotional, and/or sexual abuse. Hazing behaviors include, but are not limited to:

- a) Humiliation: socially offensive, isolating, or uncooperative behaviors.
- b) Substance abuse: abuse of tobacco, alcohol, or illegal drugs.
- c) Other dangerous actions: hurtful, aggressive, destructive, and disruptive behaviors.

Hazing is a form of harassment and bullying and may constitute discrimination. Various BOCES policies and documents address discrimination and harassment of students. These policies and documents may include: Policy #3420 -- Non-Discrimination and Anti-Harassment in the BOCES; Policy #3421 -- Title IX and Sex Discrimination; Policy #7550 -- Dignity for All Students; Policy #7551 -- Sexual Harassment of Students; and the BOCES' *Code of Conduct*. As such, the BOCES' response to reports of hazing will be handled in accordance with the applicable BOCES policies and/or documents.

Education Law Sections 10-18, 1709-a, 2503-a, and 2801
 Penal Law Sections 120.16 and 120.17
 8 NYCRR Section 100.2

NOTE: Refer also to Policies #3410 -- Code of Conduct
 #3420 -- Non-Discrimination and Anti-Harassment in the BOCES
 #3421 -- Title IX and Sex Discrimination
 #7550 -- Dignity for All Students
 #7551 -- Sexual Harassment of Students
 BOCES *Code of Conduct*

Adoption Date

Students

SUBJECT: NOTIFICATION OF SEX OFFENDERS

In accordance with the Sex Offender Registration Act ("Megan's Law"), the Board 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. The BOCES intends to minimize the possibility that any 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 will cooperate with local police authorities and the local community in promoting and protecting the safety and well-being of its students.

The BOCES will disseminate all information it 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. The District Superintendent reserves the right to automatically disseminate this information to additional members of the staff, designated supervisors of non-school groups that regularly use BOCES facilities and have children in attendance, parents or guardians of BOCES students, and other community residents who, in the opinion of the District Superintendent, have an immediate need to be notified of this data in order to maintain student safety.

Staff members must 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. Law enforcement officials will be notified of this information by the BOCES as appropriate.

Information that is disseminated to the BOCES in accordance with Megan's Law may or may not be disclosed by the BOCES in its discretion. Any information the BOCES receives regarding a sex offender from a 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).

Special Circumstances Whereby Sex Offenders May Enter Upon School Grounds

As a mandatory condition of the sentence for sex offenders placed on probation or conditional discharge whose victim was under the age of 18 or who has been designated a Level 3 sex offender, the court requires that the sentenced offender refrain from knowingly entering into or upon school grounds or any other facility or institution primarily used for the care or treatment of persons under the age of 18 while one or more of these individuals are present.

However, by exception, a sex offender may enter school grounds or facility with the written authorization of his or her parole officer and the District Superintendent for limited authorized purposes. Entrance upon the premises is subject to the following conditions:

(Continued)

Students

SUBJECT: NOTIFICATION OF SEX OFFENDERS (Cont'd.)

- a) The offender is a registered student, participant, or employee of the facility;
- 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 school is the offender's designated polling place and he or she enters solely to vote.

Correction Law Article 6-C
Executive Law Section 259-c(14)
Penal Law Sections 65.10(4-a) and 140.15
Public Officers Law Section 84 et seq.

Adoption Date

Students

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

- a) BOCES personnel will be responsible for the supervision of all students in either their class or their after-school activities.
- b) Teachers or assigned school personnel in the elementary grades will be responsible for playground supervision of all children under their jurisdiction during recess periods and before the regular afternoon sessions. The building principal will distribute the responsibility so that the playground situation is appropriately supervised.
- c) Students will not 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., leaving or running away from the premises without permission or notification) 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.

NOTE: Refer also to Policies #5681 -- School Safety Plans
#5720 -- Transportation of Students

Adoption Date

Students

SUBJECT: SAFE PUBLIC SCHOOL CHOICE

Any BOCES student who is a victim of a violent criminal offense that occurred on the grounds of the BOCES elementary or secondary school that the student attends, will be allowed to attend a safe public school within the BOCES to the extent required by federal and state law and regulations.

In accordance with Commissioner's regulations, "safe public school" means a public school that has not been designated by the Commissioner of Education as a persistently dangerous public elementary or secondary school.

Violent Criminal Offense

The District Superintendent will determine if the student has been the victim of a violent criminal offense. "Violent criminal offense" means a crime that:

- a) Involves infliction of a serious physical injury upon another as defined in New York State Penal Law; or
- b) A sex offense that involves forcible compulsion; or
- c) Any other offense defined in New York State Penal Law that involves the use or threatened use of a deadly weapon.

Serious Physical Injury

"Serious physical injury" means a physical injury which creates a substantial risk of death, or which causes death or serious and protracted disfigurement, protracted impairment of health, or protracted loss or impairment of the function of any bodily organ.

Deadly Weapon

"Deadly weapon" means any loaded weapon from which a shot, readily capable of producing death or other serious physical injury, may be discharged, or a switchblade knife, pilum ballistic knife, metal knuckle knife, dagger, billy, blackjack, plastic knuckles, or metal knuckles.

Determination Whether Student is a Victim

Procedures will be established for determination by the District Superintendent of whether a student is a victim of a violent criminal offense that occurred on school grounds of the school the student attends. The District Superintendent will, prior to making any determination, consult with any law enforcement agency investigating the alleged violent criminal offense and consider any reports or records provided by the agency. However, a criminal conviction is not required prior to the District Superintendent's determination that a student has been a victim of a violent criminal offense.

(Continued)

Students

SUBJECT: SAFE PUBLIC SCHOOL CHOICE (Cont'd.)

The District Superintendent's determination may be appealed to the Board. However, this determination will not preclude any student disciplinary proceeding brought against the alleged victim or perpetrator of the violent criminal offense.

Notice to Parents or Persons in Parental Relation

The BOCES will establish procedures for notification of parents of, or persons in parental relation to, students who are victims of violent criminal offenses of their right to transfer to a safe public school within the BOCES and procedures for the transfer. This notice will be, to the extent practicable, provided in the dominant language or mode of communication used by the parents or persons in parental relation to the student. The BOCES will notify the parents of, or persons in parental relation to, the student within 24 hours of the determination that the student has been the victim of a violent criminal offense on school grounds at the school he or she attends.

Written notice will be provided by personal delivery, express mail delivery, or equivalent means reasonably calculated to assure receipt of such notice within 24 hours of the determination at the last known address or addresses of the parents or persons in parental relation to the student. Where possible, notification will also be provided by telephone if the school has been provided with a telephone number(s) for the purpose of contacting parents or persons in parental relation.

Designation of Safe Public School

It is the responsibility of the BOCES, based on objective criteria, to designate a safe public school or schools within the BOCES to which students may transfer. Any student who transfers to a safe public school, in accordance with the provisions of this policy and applicable law and regulation, will be enrolled in the classes and other activities of the public school to which the student transfers in the same manner as all other students at the public school. The receiving school will be identified by the BOCES and must be at the same grade level as the school from which the student is transferring. To the extent possible the BOCES will allow transferring students to transfer to a school that is making adequate yearly progress and has not been identified as requiring school improvement, corrective action, or restructuring. The BOCES will coordinate with the home school district for transportation for any student permitted to transfer to the safe public school within the BOCES designated by the BOCES within the transportation limits established in Education Law Sections 3635 and 4401(4). Any student who transfers to a safe public school will be permitted to remain in the safe public school until the student has completed the highest grade level in the school transferred to.

While the parents or persons in parental relation to the student must be offered the opportunity to transfer their child, they may elect to have the child remain at the school he or she currently attends.

20 USC Section 7912
Education Law Section 2802(7)
Penal Law Section 10.00
8 NYCRR Sections 120.3 and 120.5

Adoption Date

Students

SUBJECT: CHILDREN WITH DISABILITIES

A child with a disability means a student under the age of 21 who is entitled to attend public schools and who, because of mental, physical, or emotional reasons can only receive appropriate educational opportunities from a program of special education. A child is not considered as having a disability if his or her educational needs are due primarily to unfamiliarity with the English language; environmental, cultural, or economic factors; or lack of appropriate instruction in reading or mathematics.

If the State Education Department (SED) finds that the BOCES has inappropriate policies, procedures, or practices resulting in a significant disproportionality by race or ethnicity in the suspension, identification, classification, or placement of students with disabilities, the BOCES will ensure that it publicly reports on the subsequent revisions to those policies, procedures, or practices.

The Board recognizes the existence of individual differences in the intellectual, social, emotional, and physical development of children attending school in the BOCES. In recognizing these differences, the Board supports a system of services offered in the least restrictive environment (LRE) for children with disabilities which includes:

- a) Not requiring any student to obtain a prescription for a drug or other substance identified as a controlled substance by the federal Controlled Substances Act as a condition of receiving services;
- b) Education in regular classes with or without support services, education in a resource room, education for part of the day in a special class, full-time education in a special class, home instruction and education in a residential setting;
- c) Providing for the education of students with disabilities with non-disabled peers to the extent appropriate;
- d) Taking the following measurable steps to recruit, hire, train, and retain highly qualified personnel to provide special education programs and services:
 1. Utilize established procedures for publication of all potential job openings;
 2. Check credentials and requirements listed on applications;
 3. Provide training sessions for interview committee;
 4. Special Education teachers are required to have subject matter knowledge appropriate to the level of instruction being provided; when teaching two or more core academic subjects exclusively to children with disabilities, the teacher will meet all requirements imposed by law or demonstrate competence in all the core academic subjects taught per state regulations;

(Continued)

Students

SUBJECT: CHILDREN WITH DISABILITIES (Cont'd.)

5. Special education teachers and administrators are required to complete enhanced training in the needs of autistic children;
- e) Establishing the following guidelines for the provision of appropriate accommodations necessary to measure the academic achievement and functional performance of the student in the administration of BOCES-wide assessments:
 1. Ensure that necessary accommodations are specified on individualized education program (IEP) and implemented in accordance with the IEP;
 2. Review the need for accommodations at Committee on Special Education (CSE) evaluations/re-evaluations;
- f) To the extent feasible, using universal design principles (defined as a concept or philosophy for designing and delivering products and services that are usable by people with the widest range of functional capabilities, which include products and services that are directly usable without requiring assistive technologies and products and services that are made usable with assistive technologies) in developing and administering BOCES-wide assessment programs;
- g) Consideration of the location of a school program(s) to a student's residence, before placement into an educational program;
- h) Adoption of written policies and procedures ensuring that students with disabilities are provided appropriate opportunities to earn a high school diploma in accordance with Commissioner's regulations;
- i) Allocation of appropriate space within the BOCES for special education programs that meet the needs of students with disabilities;
- j) Assurance that appropriate space will be available to meet the needs of resident students with disabilities who attend special education programs provided by BOCES.

Provision of Special Education Services to Nonpublic School Students with Disabilities who are Parentally Placed

The district of location is responsible for Child Find, including individual evaluations, CSE meetings, provision of special education services, and due process to parentally placed nonpublic school students attending nonpublic schools located in the geographic region of the public school district.

These requirements only pertain to students with disabilities parentally placed in elementary and secondary nonpublic schools, not to parental placements of preschool children with disabilities in private day care or preschool programs, or to CSE placements of students with disabilities in approved private schools, special act school districts, state-supported or state-operated schools, or to charter schools.

(Continued)

Students

SUBJECT: CHILDREN WITH DISABILITIES (Cont'd.)

The actual cost for CSE administration, evaluations, and special education services provided to a student with a disability who is a resident of New York State, but a nonresident to the district of location, may be recovered from the student's school district of residence. Because federal regulations require parental consent before any personally identifiable information about the student relating to special education is shared between officials in the public school district of location and officials in the public school district of residence, parental consent to share special education information between the two public school districts is required before billing a district of residence for the cost of special education services provided to the student by the district of location.

The school district of location must consult with nonpublic school representatives and representatives of parents of parentally placed nonpublic school students with disabilities enrolled in nonpublic elementary and secondary schools located within the boundaries of the school district. The school district must engage in consultation regarding the Child Find process and services generally; consultation is not specific to individual students. Individual services are determined by the CSE.

The consultation process must be timely and meaningful and include discussion of:

- a) Child Find;
- b) Provision of Special Education Services; and
- c) Use of Federal Funds.

The school district of location must provide, as appropriate, special education services to an eligible student who legally resides in another state and who is parentally placed in a nonpublic school located in New York State. The services to be provided to out-of-state students must be documented on a services plan that is developed by the CSE of the district of location. The services plan is the written plan that describes the specific special education and related service that the district of location will provide to the student consistent with the services that the school district of location has determined through the consultation process and in relation to the proportionate shares of federal IDEA Part B dollars, to be provided to the student.

Tuition Reimbursement Claims for Disabled Nonpublic School Students

The parent must comply with the IDEA's pre-hearing notice requirement for tuition reimbursement claims. Specifically, the IDEA directs that at least ten business days before submitting a request for an impartial due process hearing for tuition reimbursement, the parent must give the district written notice of intent to enroll the child in private school at public expense. The purpose of this requirement is to give the public school district's CSE the opportunity to meet and potentially develop a new IEP for the student that addresses the parent's concerns. A parent who does not provide written notice within ten days may have his or her request for reimbursement reduced or denied.

(Continued)

Students

SUBJECT: CHILDREN WITH DISABILITIES (Cont'd.)

Individuals with Disabilities Education Act (IDEA), 20 USC Section 1400 et seq.

20 USC Section 9101(23)

21 USC Section 812(c)

34 CFR Part 300

Education Law Sections 3004(4), 3004(5), 3208, 3242, 3602-c, 4401-4407 and 4410-6

8 NYCRR Sections 52.21, 57-3, 100.5, 100.9, 177.2, 200.2(b), 200.2(c)(2)(v), 200.4(e)(9) and 200.6(a)(1)

NOTE: Refer also to Policies #7615 -- Least Restrictive Environment

Adoption Date

Students

SUBJECT: 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 will apply:

- a) Each student with a disability will be identified, evaluated, and placed as determined by the Committee on Special Education (CSE).
- b) The CSE will determine written goals, including academic and functional goals, for each student with a disability by considering the special and individual needs of each student with a disability. Short-term instructional objectives and/or benchmarks will be created for each preschool student with a disability and for students who take New York State alternate assessments.
- c) The CSE will recommend to the Board appropriate educational programs and services for each student with a disability based upon the CSE evaluation.
- d) The CSE will provide information to those teachers and professionals who arrange instructional groups for students with disabilities. Information will include physical, psychological, and social information as well as achievement test results.
- e) The curriculum and instruction provided to students with disabilities who are grouped by similarity of needs will be consistent with the individual needs of each student in the group.
- f) Students with disabilities may be grouped according to:
 1. Academic achievement, functional performance, and learning characteristics;
 2. Social development;
 3. Physical development; and
 4. Management needs.
- g) When grouping students by similarity of needs, the social needs or physical development of a student will not be the sole determinant for placement of a student in a special education program.
- h) The management needs of these students may vary, provided that environmental modifications, adaptations, or human or material resources required to meet the needs of any one student in the group are provided and do not consistently detract from the opportunities of other students in the group to benefit from instruction.

8 NYCRR Sections 200.1(ww), 200.2(b), 200.4(d) and 200.6(a)(3)

Adoption Date

Students

SUBJECT: PRESCHOOL SPECIAL EDUCATION PROGRAM

The Board recognizes the need for educational programs for three and four year old children with disabilities and directs that administrative practices and procedures be developed to:

- a) Ensure the timely evaluation and placement of each preschool child with a disability residing in the BOCES so the child has the opportunity to participate in preschool programs;
- b) Establish a Committee on Preschool Special Education (CPSE) in accordance with applicable federal and state law and regulation;
- c) Ensure that parents have received and understand the request for consent for evaluation and re-evaluation of a preschool aged child.

Individuals with Disabilities Act (IDEA), 20 USC Section 1400 et seq.
Education Law Section 4410
8 NYCRR Sections 200.2(b)(2), 200.2(b)(5) and 200.5

Adoption Date

Students

SUBJECT: LEAST RESTRICTIVE ENVIRONMENT

The BOCES has an obligation, in accordance with law and regulation, to educate students with disabilities in the least restrictive environment (LRE). LRE means that placement of students with disabilities in special classes, separate schools or other removal from the regular educational environment occurs only when the nature or severity of the disability is such that even with use of supplementary aids and services, education in regular classes cannot be satisfactorily achieved. Supplementary aids and services refers to aids, services, and other supports that are provided in regular education classes and extracurricular and nonacademic settings to enable children with disabilities to be educated to the maximum extent appropriate.

The BOCES will ensure that:

- a) Placement is based on the student's individualized education program (IEP) and determined at least annually;
- b) Placement is as close as possible to the student's home, and unless the student's IEP requires some other arrangement, the student will be educated in the school he or she would have attended if not disabled;
- c) In selecting the LRE, consideration will be given to any potential harmful effect on the student or on the quality of services that he or she needs; and
- d) A student with a disability will not be removed from education in age-appropriate regular classrooms solely because of needed modifications in the general education curriculum.

The placement of an individual student with a disability in the LRE will:

- a) Provide the special education and related services, as well as supplementary aids and services, needed by the student. The term "related services" does not include a medical device that is surgically implanted, the optimization of the device's functioning (e.g., mapping), maintenance of, or the replacement of the device; and
- b) Provide for education of the student to the maximum extent appropriate to the needs of the student with other students who do not have disabilities.

The BOCES will ensure that a continuum of alternative placements, in accordance with law and/or regulation, will be available to meet the needs of students with disabilities. To enable students with disabilities to be educated with nondisabled students to the maximum extent appropriate, specially designed instruction and supplementary services may also be provided in the regular class, including, as appropriate, related services, consultant teacher services, paraprofessional support, resource room services, integrated co-teaching, and special class programs within the general education classroom.

(Continued)

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Students

SUBJECT: LEAST RESTRICTIVE ENVIRONMENT (Cont'd.)

Individuals with Disabilities Education Act (IDEA) 20 USC Section 1400 et seq.
34 CFR Part 300
Education Law Sections 4401-4410-a
8 NYCRR Sections 100.5, 100.9, 200.1(cc), 200.1(qq), 200.2(b), 200.4 and 200.6

Adoption Date

Students

SUBJECT: STUDENTS WITH DISABILITIES PARTICIPATING IN BOCES PROGRAMS

All students with disabilities residing in the BOCES, including those of preschool age, will be provided with full access and opportunity to participate in BOCES programs, including nonacademic and extracurricular programs and activities, that are available to all other students enrolled in the BOCES. Nonacademic and extracurricular programs and activities may include counseling services, health services, recreational activities, special interest groups or clubs sponsored by the BOCES, referrals to agencies that provide assistance to individuals with disabilities and employment of students (both by the BOCES and assistance in making outside employment available).

Community Resources

The BOCES may compile a list of appropriate community resources to provide to parents or persons in parental relation of a child with a disability. This list will clearly state that these services are in addition to programs and services provided by the BOCES and will not be paid for by the BOCES. Any member of the BOCES' committees or subcommittees on special education, or the BOCES, who, acting reasonably and in good faith, provides this information will not be liable for this action.

Education Law Sections 4402(1)(b)(3-a) and 4410 (5)(b)(IV)
8 NYCRR Sections 200.2(b)(1) and 200.2(b)(2)

Adoption Date

Students

SUBJECT: SECTION 504 OF THE REHABILITATION ACT OF 1973

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 will make its program and facilities accessible to all its students with disabilities.

The BOCES will extend to every qualified student with a disability under Section 504 a free, appropriate public education, including modifications, accommodations, specialized instruction, or related aids and services, as deemed necessary to meet their educational needs as adequately as the needs of non-disabled students are met.

The BOCES official responsible for coordination of activities relating to compliance with Section 504 is the District Superintendent. The District Superintendent will provide information, including complaint procedures, to any person who feels his or her rights under Section 504 have been violated by the BOCES or its officials.

Prohibition Against Disability-Based Discrimination in Accelerated Programs

The practice of denying, on the basis of disability, a qualified student with a disability the opportunity to participate in an accelerated program violates both Section 504 and Title II, which extends the prohibition on discrimination established in Section 504. The BOCES may not impose or apply eligibility criteria that screens out or tends to screen out a student with a disability from fully and equally enjoying any service, program, or activity, unless the criteria can be shown to be necessary.

It is also unlawful to deny a student with a disability admission to an accelerated class or program solely because of his or her need for special education or related aids or services (i.e., related services, supplementary aids and services, program modification and supports for school personnel) or because the student has an Individualized Education Program or Section 504 plan.

Americans with Disabilities Act, 42 USC Section 12101 et seq.
Individuals with Disabilities Education Act (IDEA), 20 USC Section 1400 et seq.
Section 504 of the Rehabilitation Act of 1973, 29 USC Section 794 et seq.
28 CFR Part 35
34 CFR Parts 104 and 300

NOTE: Refer also to Policy #3420 -- Non-Discrimination and Anti-Harassment in the BOCES

Adoption Date

Students

SUBJECT: STUDENT INDIVIDUALIZED EDUCATION PROGRAM (IEP)**Provision of Individualized Education Program**

The District Superintendent or designee(s) will establish administrative practices and procedures to ensure that each regular education teacher, special education teacher, related service provider, and/or other service provider who is responsible for the implementation of a student's IEP is provided with either a paper copy of the IEP or is able to access a student's IEP electronically (including amendments to the IEP) prior to the implementation of the program. The individuals responsible for implementing a student's IEP will be notified and trained on how to access the IEP electronically. For purposes of this policy, "other service provider" means a representative of another public school district, charter school, Board of Cooperative Educational Services (BOCES), or school where the student receives or will receive IEP services. Further, the BOCES will designate at least one school official who will be responsible for maintaining a record of the personnel who have received IEP copies for each student.

Any copy of a student's IEP will remain confidential in accordance with the Individuals with Disabilities Education Act, the Family Educational Rights and Privacy Act, and BOCES policy regarding confidentiality of student records, and will not be disclosed to any other person other than the parent of the student, except in accordance with federal and state laws and/or regulations. Appropriate training and information will be provided to designated school personnel, as applicable, to ensure the confidentiality of this information. Procedures will be established to ensure that copies of students' IEPs are stored in secure locations and retrieved or destroyed when those professionals are no longer responsible for implementing a student's IEP.

The Chairperson of the CSE, CSE subcommittee, or CPSE will designate for each student one or, as appropriate, more than one professional employee of the BOCES with knowledge of the student's disability and education program who will be responsible to, prior to the implementation of the IEP, inform each teacher, provider, or school personnel of his or her responsibility to implement the recommendations on a student's IEP. Relevant school personnel will have ongoing access to a copy of the student's IEP.

A copy of a student's IEP will be provided to the student's parents at no cost to the parent(s).

Individuals with Disabilities Education Act (IDEA), 20 USC Section 1400 et seq.
21 USC Section 812(c)
Education Law Articles 81, 85 and 89 and Sections 207, 3208 and 4402(7)
8 NYCRR Sections 200.1(hh), 200.2(b)(10), 200.4(b)(4), 200.4(d)(3)(i), 200.4(e)(3), 200.4(f), 200.4(j),
200.16(e)(6) and 200.22

Adoption Date

St. Lawrence-Lewis BOCES **NUMBER**

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Instruction

SUBJECT: CURRICULUM DEVELOPMENT, RESOURCES, AND EVALUATION

The Board of Regents and the New York State Education Department (NYSED) are responsible for setting state learning standards for what all students should know and be able to do as a result of skilled instruction. The BOCES must provide students with instruction on certain specified topics as outlined in law, regulation, and guidance and will develop curriculum based on established state learning standards, laws, regulations, and guidance.

Definitions

For purposes of this policy, the following definitions apply:

- a) "Curriculum" means the outline or scope and sequence of the content, concepts, and skills students will learn to enable them to meet state learning standards.
- b) "Instruction" means the ways (e.g., approaches, strategies, environments, materials, interactions) that an educator chooses to teach the curriculum, based on the needs of their students.
- c) "State learning standards" means the knowledge, skills, and understandings that individuals can and do habitually demonstrate over time as a consequence of instruction and experience. These standards reflect educational goals for students and are organized by subject area and grade levels.

Curriculum Development, Resources, and Evaluation

BOCES curriculum will align with state learning standards and include any specific topics required by law, regulation, or guidance. The Board has the authority to prescribe curriculum in the BOCES within the parameters established by state learning standards, law, regulation, and guidance. The Board will work with BOCES staff to develop and improve curriculum in the BOCES.

Instructional staff will initiate curriculum development and improvement and respond to changing conditions in curriculum needs and requirements. Curriculum changes may be prompted by changes in state learning standards, trends in specific content areas, changes to educational best practices, and student input. Instructional staff are expected to continually evaluate BOCES curriculum in order to improve learning and foster student growth.

There are many resources that instructional staff may utilize to develop and improve curriculum. Resources may originate from a variety of sources including NYSED, Board of Cooperative Educational Services (BOCES), and colleges and universities. Instructional staff, under the guidance of BOCES administrators, are expected to consider those resources for possible improvement to the instructional program.

(Continued)

Instruction

**SUBJECT: CURRICULUM DEVELOPMENT, RESOURCES, AND EVALUATION
(Cont'd.)**

BOCES administrators will work with instructional staff to develop, improve, and evaluate the BOCES' curriculum. BOCES administrators and instructional staff in an academic department may work together to develop recommendations related to their specific academic area. BOCES administrators will work to ensure that curriculum is evaluated on a regular basis.

Recommended curriculum changes will be presented to the District Superintendent for review and action. Upon the District Superintendent's approval, the recommended changes will then be presented to the Board for approval. BOCES administrators and/or instructional staff may be invited to Board meetings to discuss changes to BOCES curriculum.

The Board may periodically request that the District Superintendent present reports necessary to evaluate the effectiveness of the BOCES' curriculum.

20 USC Section 6311

Education Law Sections 101, 101-a, 207, 305, 1604, 1709, 1711, 1804, 2503, and 2508

8 NYCRR Sections 3.35 and 100.1

NOTE: Refer also to Policies #8210 -- Safety Conditions and Prevention Instruction
#8240 -- Instruction in Certain Subjects
#8242 -- Civility, Citizenship, and Character Education/Interpersonal
Violence Prevention Education

Adoption Date

Instruction

SUBJECT: EQUAL EDUCATIONAL OPPORTUNITIES**Overview**

The BOCES is committed to creating and maintaining an environment which is free from discrimination and harassment. This policy addresses the provision of equal educational opportunities to students. It is just one component of the BOCES' overall commitment to maintaining a discrimination and harassment-free educational and work environment.

Consistent with this commitment and in accordance with law and regulation, the 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 any legally protected class or category including, but not limited to: race; color; religion; disability; national origin; sexual orientation; gender identity or expression; military status; sex; age; marital status; pregnancy; parental status; weight; ethnic group; or religious practice. Further, the BOCES provides equal access to its facilities to any group officially affiliated with the Boy Scouts of America or any other youth group listed in Title 36 (as a patriotic society).

The BOCES adopts this policy as part of its effort to provide for the prompt and equitable resolution of complaints of discrimination. The BOCES will promptly respond to reports of discrimination, ensure that all investigations are conducted within a reasonably prompt time frame and under a predictable fair grievance process that provides due process protections, and impose disciplinary measures and implement remedies when warranted.

Inquiries about this policy may be directed to the BOCES' Civil Rights Compliance Officer(s) (CRCO(s)).

Educational Services for Married/Pregnant Students

The opportunity to participate in all of the programs and activities of the BOCES will not be restricted or denied because of pregnancy, parenthood, or marriage. Pregnant students will be encouraged to remain and participate in BOCES programs. The forms of instruction provided to these students may include any or all of the following:

- a) Remain in school with provisions for special instruction, scheduling, and counseling as needed;
- b) Receive home instruction;
- c) Attend BOCES programs.

The District Superintendent or 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 these students.

(Continued)

Instruction

SUBJECT: EQUAL EDUCATIONAL OPPORTUNITIES (Cont'd.)**Reporting Allegations of Discrimination**

In order for the BOCES to enforce this policy, and to take corrective action as warranted, it is essential that students who believe that they have been a victim of discrimination, as well as any other person who has knowledge of or witnesses any possible discrimination, immediately report the alleged conduct or incident. Reports of discrimination may be made orally or in writing to any BOCES employee including, but not limited to, a teacher, building principal, or CRCO.

All BOCES employees who witness or receive an oral or written report of discrimination must immediately inform the CRCO. Failure to immediately inform the CRCO may subject the employee to discipline up to and including termination. If the CRCO is unavailable, including due to a conflict of interest or other disqualifying reason, the report will be directed to another CRCO, if the BOCES has designated another individual to serve in that capacity. If the BOCES has not designated another CRCO, the District Superintendent will ensure that another person with the appropriate training and qualifications is appointed to act as the CRCO.

Additionally, BOCES employees must comply with reporting requirements in any other applicable BOCES policy or document. Applicable policies or documents may include: Policy #3420 -- Non-Discrimination and Anti-Harassment in the BOCES; Policy #3421 -- Title IX and Sex Discrimination; Policy #7550 -- Dignity for All Students; and the BOCES' *Code of Conduct*.

Grievance Process for Complaints of Discrimination

The BOCES will act to promptly, thoroughly, and equitably investigate all complaints, whether oral or written, of discrimination and will promptly take appropriate action to protect students from further discrimination.

Various BOCES policies and documents address discrimination. These policies and documents may include: Policy #3420 -- Non-Discrimination and Anti-Harassment in the BOCES; Policy #3421 -- Title IX and Sex Discrimination; Policy #7550 -- Dignity for All Students; and the BOCES' *Code of Conduct*. All complaints will be handled in accordance with the applicable BOCES policies and/or documents.

The determination as to which BOCES policies and/or documents are applicable is fact specific, and the CRCO may work with other BOCES staff such as the BOCES' Title IX Coordinator(s) and/or Dignity Act Coordinator(s) (DAC(s)) to determine which BOCES policies and/or documents are applicable to the specific facts of the complaint.

If an investigation reveals that discrimination has occurred, the BOCES will take immediate corrective action as warranted. This action will be taken in accordance with applicable law and regulation, as well as any applicable BOCES policy, regulation, procedure, collective bargaining agreement, third-party contract, or other document such as the BOCES' *Code of Conduct*.

(Continued)

Instruction

SUBJECT: EQUAL EDUCATIONAL OPPORTUNITIES (Cont'd.)**Prohibition of Retaliatory Behavior (Commonly Known as "Whistle-Blower" Protection)**

The BOCES prohibits retaliation against any individual because the individual made a report or complaint, testified, assisted, or participated or refused to participate in an investigation, proceeding, or hearing related to a complaint of discrimination.

Complaints of retaliation may be directed to the CRCO. If the CRCO is unavailable, including due to a conflict of interest or other disqualifying reason, the report will be directed to another CRCO, if the BOCES has designated another individual to serve in that capacity. If the BOCES has not designated another CRCO, the District Superintendent will ensure that another person with the appropriate training and qualifications is appointed to act as the CRCO.

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

Age Discrimination Act of 1975, 42 USC Section 6101 et seq.
Americans with Disabilities Act (ADA), 42 USC Section 12101 et seq.
Equal Educational Opportunities Act of 1974, 20 USC Section 1701 et seq.
Section 504 of the Rehabilitation Act of 1973, 29 USC Section 790 et seq.
Title IV of the Civil Rights Act of 1964, 42 USC Section 2000c et seq.
Title VI of the Civil Rights Act of 1964, 42 USC Section 2000d et seq.
Title IX of the Education Amendments Act of 1972, 20 USC Section 1681 et seq.
28 CFR Part 35
34 CFR Parts 100, 104, 106, 110, and 270
45 CFR Part 86
Civil Rights Law Sections 40, 40-c, and 47-b
Education Law Sections 10-18, 313, 2801, 3201, and 3201-a
New York State Human Rights Law, Executive Law Section 290 et seq.
8 NYCRR Section 100.2
9 NYCRR Section 466 et seq.

NOTE: Refer also to Policies #3281 -- Use of Facilities by the Boy Scouts of America and Patriotic Youth Groups
#3410 -- Code of Conduct
#3420 -- Non-Discrimination and Anti-Harassment in the BOCES
#3421 -- Title IX and Sex Discrimination
#7550 -- Dignity for All Students
#7551 -- Sexual Harassment of Students
BOCES *Code of Conduct*

Adoption Date

Instruction

SUBJECT: SAFETY CONDITIONS AND PREVENTION INSTRUCTION

The practice of safety will be considered an integral part of a well-rounded education. A well-rounded education contributes to student success. The BOCES will strive to provide students with an education that will enable them to achieve and maintain a safe life.

Conservation of Natural Resources

Instruction relating to the conservation of the natural resources of New York State will be provided in accordance with law and regulation.

Fire and Arson Prevention/Injury Prevention/Life Safety Education

BOCES administration will 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.

This 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.

Safety and Accident Prevention in the Schools

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 relevant courses. Instructors will teach and enforce all safety procedures relating to the particular courses, including wearing protective eye devices during appropriate activities.

Eye Safety

The District Superintendent or designee will ensure that eye safety devices are distributed as necessary and that they are properly repaired, cleaned, and stored to prevent the spread of germs or diseases after use. Each classroom teacher is responsible for the safe and proper use of all instructional materials and equipment by students in their classroom.

NOTE: Refer also to Policies #3410 -- Code of Conduct
#7320 -- Alcohol, Tobacco, Drugs, and Other Substances (Students)
BOCES *Code of Conduct*

Adoption Date

Instruction

SUBJECT: CAREER AND TECHNICAL (OCCUPATIONAL) EDUCATION

The BOCES recognizes the need for career and technical (occupational) education and reaffirms its policy of strengthening available career and technical education programs through utilization of any available federal and state funds for that purpose and supporting BOCES' programs. Accordingly, these programs may be offered by the BOCES.

Equal Opportunity

The BOCES prohibits discrimination on the basis of any legally protected class or category including, but not limited to, race, color, creed, religion, disability, use of a service animal, national origin, sexual orientation, gender identity or expression, military status, sex, age, and marital status in any career and technical education program or activity of the BOCES.

Career and technical education programs and activities will be readily accessible to students with disabilities.

Public Notification

Prior to the beginning of each school year or academic semester, the BOCES will issue an appropriate public announcement which advises students, parents, employees, and the general public that career and technical education opportunities will be offered without regard to any legally protected class or category including, but not limited to: race; color; creed; religion; disability; use of a service animal; national origin; sexual orientation; gender identity or expression; military status; sex; age; and marital status. Included in this announcement will be the name, address, telephone number, and email address of the BOCES' Civil Rights Compliance Officer(s) (CRCO(s)) and Title IX Coordinator(s).

Grievance Procedure

Various BOCES policies and documents address discrimination. These policies and documents may include: Policy #3420 -- Non-Discrimination and Anti-Harassment in the BOCES; Policy #3421 - Title IX and Sex Discrimination; Policy #7550 -- Dignity for All Students; and the BOCES' *Code of Conduct*. All complaints will be handled in accordance with the applicable BOCES policies and/or documents.

Age Discrimination Act of 1975, 42 USC Section 6101 et seq.
Americans with Disabilities Act (ADA), 42 USC Section 12101 et seq.
Equal Educational Opportunities Act of 1974, 20 USC Section 1701 et seq.
Section 504 of the Rehabilitation Act of 1973, 29 USC Section 790 et seq.
Title IV of the Civil Rights Act of 1964, 42 USC Section 2000c et seq.
Title VI of the Civil Rights Act of 1964, 42 USC Section 2000d et seq.
Title IX of the Education Amendments Act of 1972, 20 USC Section 1681 et seq.

(Continued)

Instruction

SUBJECT: CAREER AND TECHNICAL (OCCUPATIONAL) EDUCATION (Cont'd.)

28 CFR Part 35

34 CFR Parts 100, 104, 106, 110, and 270

45 CFR Part 86

Civil Rights Law Sections 40, 40-c, and 47-b

Education Law Article 93 and Sections 10-18, 313, 2801, 3201, and 3201-a

New York State Human Rights Law, Executive Law Section 290 et seq.

8 NYCRR Sections 100.2 and 141 et seq.

9 NYCRR Section 466 et seq.

NOTE: Refer also to Policies #3420 -- Non-Discrimination and Anti-Harassment in the BOCES
#3421 -- Title IX and Sex Discrimination
#7550 -- Dignity for All Students
#7551 -- Sexual Harassment of Students
#8130 -- Equal Educational Opportunities
BOCES *Code of Conduct*

Adoption Date

Instruction

SUBJECT: INSTRUCTION IN CERTAIN SUBJECTS

Generally, the Board has the authority to prescribe the course of study in the schools of the BOCES. However, there are general curriculum areas and specific topics in which the BOCES must prescribe instruction. All students in the BOCES will receive instruction in accordance with any applicable laws and regulations.

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.

Physical Education Class

All students, except those with medical excuses and when applicable to their specific program, 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 three times per week for a minimum of 120 minutes per week. The minimum time devoted to these programs (K through 6) is 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 will 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 or for a comparable time each semester if the school is organized in other patterns. For students in grades 10 through 12 only, a comparable time each semester will be provided 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 school 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.

Any student who is temporarily or permanently unable to participate in the regular program of physical education will be provided with adaptive physical education that meets their particular needs.

(Continued)

Instruction

SUBJECT: INSTRUCTION IN CERTAIN SUBJECTS (Cont'd.)Sudden Cardiac Arrest

For purposes of this policy, the following definition applies:

- a) "Physical activities" means participation in physical education classes and recess or similar activities during the school day.

The BOCES promotes safe physical activities and strives to prevent incidents of sudden cardiac arrest in students by:

- a) Immediately removing from physical activities any student who displays signs or symptoms of pending sudden cardiac arrest;
- b) Prohibiting any student from resuming physical activities until the student has been evaluated by and received written and signed authorization from a healthcare provider to resume physical activities;
- c) Requiring the healthcare provider's written and signed authorization to be kept on file in the student's permanent health record;
- d) Abiding by any limitations or restrictions concerning school attendance and physical activities issued by the student's healthcare provider;
- e) Either posting on the BOCES website information developed by the Commissioner of Health on the definition of sudden cardiac arrest and signs and symptoms of pending or increased risk of sudden cardiac arrest or providing a reference for how to obtain this information from the webpages of the New York State Education Department and the New York State Department of Health.

Education Law Article 90 and Sections 803, 804, 806-a, 923, 1709, and 3204
8 NYCRR Part 142 and Sections 100.2(c), 107.2, 135.1, 135.3, 135.4, and 136.9

Adoption Date

Instruction

**SUBJECT: CIVILITY, CITIZENSHIP, AND CHARACTER EDUCATION/
INTERPERSONAL VIOLENCE PREVENTION EDUCATION****Civility, Citizenship, and Character Education**

The 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 or 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 our students and staff.

Character education will 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)

Instruction

**SUBJECT: CIVILITY, CITIZENSHIP, AND CHARACTER EDUCATION/
INTERPERSONAL VIOLENCE PREVENTION EDUCATION (Cont'd.)**

Education Law Sections 801-a and 804
8 NYCRR Section 100.2(c)

NOTE: Refer also to Policies #3430 -- Diversity, Equity, and Inclusion in the BOCES

Adoption Date

Instruction

SUBJECT: ANIMALS IN THE SCHOOL (INSTRUCTIONAL PURPOSES)

Observation and experimentation with living organisms and animals gives students unique perspectives of life processes. Animals and animal materials should be used respectfully and for the purpose of meeting course objectives.

The Board, in recognizing the educational uses of animals in the classroom, requires that permission be obtained from the building principal before animals are brought into the school or classrooms. It is the principal's responsibility to ensure that there is an appropriate educational purpose if any animal is housed in a classroom. Animals are not to be transported on school buses with the exception of service animals.

Study and Care of Live Animals

It will be the responsibility of the principal or designee to develop a plan of care for those animals housed in school in the event of an emergency school closing or in the event the animals remain in the classroom on days when school is not in session.

Dissection of Animals

Any student expressing a moral or religious objection to the performance or witnessing of the dissection of an animal, either wholly or in part, will be provided the opportunity to undertake and complete an alternative project approved by the student's teacher; . An alternate activity clearly related to and of comparable rigor will be assigned in lieu of laboratory dissection. Some examples of alternate activities include the use of computer simulations or research. Students who perform alternative projects will not be penalized.

The BOCES will give reasonable notice to all students enrolled in a course that includes the dissection of an animal about their rights to seek an alternate project to dissection. This notice will be made available upon request at the school and distributed to parents and students enrolled in a course that includes dissection at least once at the beginning of the school year.

Americans with Disabilities Act, 42 USC Section 12101 et seq.
Education Law Section 809
8 NYCRR Section 100.2(c)(9)

Adoption Date

Instruction

SUBJECT: INTERNET SAFETY/INTERNET CONTENT FILTERING

In compliance with the Children's Internet Protection Act (CIPA) and regulations of the Federal Communications Commission (FCC), the BOCES will ensure 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. These technology protection measures apply to Internet access by both adults and minors with regard to visual depictions that are obscene, pornographic, or, with respect to the use of computers by minors, considered harmful to students. The BOCES will provide for the education of students regarding appropriate online behavior including interacting with other individuals on social networking websites and in chat rooms and regarding cyberbullying awareness and response. Further, appropriate monitoring of online activities of minors, as determined by the building or 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 BOCES, including the selection of appropriate 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 any inappropriate sites. Proper safety procedures, as deemed appropriate by the applicable administrator or 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 may include, but will 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 including, but not limited to, the supervision of minors when using email, chat rooms, instant messaging, and other forms of direct electronic communications. As determined by the appropriate building administrator, the use of email, chat rooms, as well as social networking websites, may be blocked as deemed necessary to ensure the safety of students;
- b) Monitoring logs of access in order to keep track of the websites 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 (AUP), unauthorized access, and other unlawful activities by minors are prohibited by the BOCES and student violations of these policies may result in disciplinary action; and
- d) Appropriate supervision and notification to minors regarding the prohibition as to unauthorized disclosure, use, and dissemination of personal identification information regarding students.

(Continued)

Instruction

SUBJECT: INTERNET SAFETY/INTERNET CONTENT FILTERING (Cont'd.)

The determination of what is "inappropriate" for minors will be determined by the BOCES and/or designated school official(s), the definition of which may vary depending on 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 or regulations.

**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 will provide certification, in accordance with 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 or filtering of access to certain material on the Internet) for all BOCES computers with Internet access.

Internet Safety Instruction

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. The Commissioner will provide technical assistance in the development of curricula for this course of study which will be age appropriate and developed according to the needs and abilities of students at successive grade levels in order to provide awareness, skills, information, and support to aid in the safe usage of the Internet.

Additionally, students will be educated on appropriate interactions with other individuals on social networking websites 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 this 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 BOCES 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.

***BOCES Option**

(Continued)

SUBJECT: INTERNET SAFETY/INTERNET CONTENT FILTERING (Cont'd.)**Notification/Authorization**

The BOCES' AUP will be disseminated to parents and students in order to provide notice of the school's requirements, expectations, and student's obligations when accessing the Internet.

The BOCES has provided reasonable public notice and has held at least one public hearing or meeting to address this policy prior to Board adoption. Additional public notice and a hearing or meeting is not necessary if and when amendments are made to this policy.

This 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.

This policy is required to be retained by the BOCES for at least five years after the funding year in which the policy was relied upon to obtain E-rate funding.

20 USC Section 7131
47 USC Sections 254(h) and 254(i)
47 CFR Part 54
Education Law Section 814

NOTE: Refer also to Policies #7315 -- Student Acceptable Use Policy (AUP)
#7316 -- Student Use of Personal Technology
BOCES *Code of Conduct*

Adoption Date

Instruction

SUBJECT: TEXTBOOKS, LIBRARY MATERIALS, AND OTHER INSTRUCTIONAL MATERIALS

The BOCES' instructional program is enriched and supported by the selection of quality print and non-print instructional materials. Selected instructional materials will align with New York State learning standards, reflect different viewpoints, and meet the varied needs and interests of staff and students.

Definitions

For purposes of this policy, the following definitions apply:

- a) "Instructional material" means any print or non-print material with instructional content or an instructional function that is used to facilitate formal or informal learning either in the classroom, library media center, or elsewhere in the BOCES. Examples of instructional materials include, but are not limited to: textbooks; workbooks; hardcover and paperback books; ebooks; online databases; DVDs; streaming videos; sound recordings; magazines; newspapers; pamphlets; pictures; charts; games; kits; maps; models; microforms; slides; specimens; and transparencies.
- b) "Library material" means any print or non-print material which is processed as part of the library media center for use by students and staff. Examples of library materials include, but are not limited to: hardcover and paperback books; ebooks; online databases; DVDs; streaming videos; sound recordings; magazines; newspapers; pamphlets; pictures; charts; games; kits; maps; models; microforms; slides; specimens; and transparencies.
- c) "Textbook" means a text, or a text-substitute, that a student is required to use in a particular class or program of the BOCES. Textbooks include:
 1. Books, or book substitutes, including hardcover or paperback books, workbooks, or manuals; and
 2. Courseware or other content-based instructional materials in an electronic format.

Overview of Instructional MaterialsTextbooks

The District Superintendent will work with BOCES administrators and instructional staff to determine what textbooks should be used as part of the BOCES' instructional program. Upon the recommendation of the District Superintendent, the Board will designate the textbooks to be used. Textbooks, once designated, cannot be superseded within a period of five years except by a 3/4 vote of the Board.

(Continued)

Instruction

SUBJECT: TEXTBOOKS, LIBRARY MATERIALS, AND OTHER INSTRUCTIONAL MATERIALS (Cont'd.)

The BOCES will ensure that students who require alternative formats of instructional materials receive those materials in a format that meets the National Instructional Materials Accessibility Standard (NIMAS) and at the same time as those instructional materials are available to their peers.

The BOCES participates in the National Instructional Materials Access Center (NIMAC) which is an online repository of source files in the NIMAS format. Since the BOCES participates in NIMAC, contracts with publishers executed on and after December 3, 2006 for textbooks and other printed core materials must include a provision that requires the publisher to produce NIMAS files and send them to the NIMAC (this will not add any cost to the contract).

The Board will make provision for funds to be budgeted for the purchase of textbooks. Students may be required to pay for lost or excessively damaged textbooks.

Calculators

The New York State Education Department (NYSED) requires the use of calculators for intermediate and high school level mathematics and science assessments. Students are not required to purchase their own calculators. To the extent that calculators are a necessary part of the instructional program, the BOCES will provide them.

Calculators must be considered a classroom teaching material for which the BOCES is authorized to levy a tax. Even if operating under a contingent budget, the BOCES must purchase and provide calculators if required for participation in an instructional program. Students may be required to pay for lost calculators.

Library Materials

The BOCES will establish and maintain a library media center in each school which will contain library materials. The library media center in each BOCES school will meet the needs of students and staff, and provide an adequate complement to the instructional program in the various areas of the curriculum. The BOCES will employ certified school library media specialists in accordance with specific standards contained in regulation, unless equivalent service is provided by an alternative arrangement approved by the Commissioner.

The Board delegates its authority to designate library materials to be used in the BOCES to the school library media specialist(s). When appropriate, the school library media specialist(s) will work cooperatively with the District Superintendent, other BOCES administrators, instructional staff, the Board, students, and/or community members to identify, order, and organize library materials.

When appropriate, the school library media specialist(s) will utilize shared services such as Boards of Cooperative Educational Services (BOCES) to improve programs and services, build collections, utilize new technologies, and maximize funding.

(Continued)

SUBJECT: TEXTBOOKS, LIBRARY MATERIALS, AND OTHER INSTRUCTIONAL MATERIALS (Cont'd.)

The Board will make provision for funds to be budgeted for the purchase of library materials. Students may be required to pay for library materials that are lost, excessively damaged, or overdue.

Objectives in the Selection of Instructional Materials

The broad range and varying suitability of all forms of instructional materials which are available for purchase demand careful evaluation before they are selected for use in the BOCES' classrooms and library media centers. In order to select quality print and non-print instructional materials to enrich and support the BOCES' instructional program, the Board endorses and supports the selection of instructional materials that:

- a) Align with New York State learning standards;
- b) Implement, enrich, and support the BOCES' curriculum and instructional program, taking into consideration the varied interests, abilities, and learning styles of students;
- c) Meet the varied needs and interests of staff and students;
- d) Present various sides of controversial issues so that students may develop critical thinking and reading skills resulting in the ability to make informed decisions;
- e) Offer global perspectives and promote diversity by including materials by authors and illustrators of all cultures -- materials will not be excluded because of the race, nationality, religion, gender, gender expression, sexual orientation, political views, or social views of the author;
- f) Provide staff and students with a wide range of up-to-date instructional materials of all levels of difficulty in a variety of physical and digital formats including print and non-print such as electronic and multimedia (including subscription databases and other online products, ebooks, educational games, and other forms of emerging technologies);
- g) Afford students the opportunity to explore a diverse range of literature to develop and strengthen a lifelong love of reading.

20 USC Sections 1412, 1474, and 6311

34 CFR Section 300.172

34 CFR Part 300, Appendix C

Education Law Sections 701, 702, 711, 1604, 1709, 1804, 1950, 2503, and 3602

8 NYCRR Sections 91.1, 91.2, 100.1, and 200.2

NOTE: Refer also to Policies #5412 -- Alternative Formats for Instructional Materials
 #8110 -- Curriculum Development, Resources, and Evaluation
 #8330 -- Objection to Instructional Materials and Controversial Issues

Adoption Date

Instruction

SUBJECT: OBJECTION TO INSTRUCTIONAL MATERIALS AND CONTROVERSIAL ISSUES

The Board recognizes the right of community members to voice concerns and objections about instructional materials and the discussion of controversial issues. This policy addresses how those concerns and objections can be raised.

Definitions

For purposes of this policy, the following definitions apply:

- a) "Controversial issues" means questions, subjects, or problems which can create a difference of opinion. They can include issues which may have political, social, environmental, or personal impacts on students and/or the wider community: locally, nationally, or internationally.
- b) "Instructional material" means any print or non-print material with instructional content or an instructional function that is used to facilitate formal or informal learning either in the classroom, library media center, or elsewhere in the BOCES. Examples of instructional materials include, but are not limited to: textbooks; workbooks; hardcover and paperback books; ebooks; online databases; DVDs; streaming videos; sound recordings; magazines; newspapers; pamphlets; pictures; charts; games; kits; maps; models; microforms; slides; specimens; and transparencies.
- c) "Library material" means any print or non-print material which is processed as part of the library media center for use by students and staff. Examples of library materials include, but are not limited to: hardcover and paperback books; ebooks; online databases; DVDs; streaming videos; sound recordings; magazines; newspapers; pamphlets; pictures; charts; games; kits; maps; models; microforms; slides; specimens; and transparencies.
- d) "Textbook" means a text, or a text-substitute, that a student is required to use in a particular class or program of the BOCES. Textbooks include:
 1. Books, or book substitutes, including hardcover or paperback books, workbooks, or manuals; and
 2. Courseware or other content-based instructional materials in an electronic format.

Objections to Instructional Materials

The Board has authority to prescribe curriculum in the BOCES and to designate the textbooks to be used in the BOCES. The parent of a student cannot compel the Board to use a particular textbook or discontinue the use of a particular textbook. Further, the BOCES may not be compelled to assign an alternate curriculum to a student based upon a parent's disapproval of classroom assignments. Students may be able to be excused from instruction in very limited circumstances outlined in law and regulation.

(Continued)

Instruction

SUBJECT: OBJECTION TO INSTRUCTIONAL MATERIALS AND CONTROVERSIAL ISSUES (Cont'd.)

Community members who have questions or concerns about library and/or instructional materials are encouraged to bring these questions and concerns to instructional staff and/or the school library media specialist(s).

Community members who wish to formally object to library and/or instructional materials must submit their objections in writing to the District Superintendent. BOCES staff or component district staff who object to library and/or instructional materials must follow the same process as all community members. Challenged library and/or instructional materials will remain in use and/or circulation until a final decision has been made. The Board will be informed of any objection the District Superintendent receives.

The District Superintendent will designate a review committee to investigate and evaluate the challenged instructional material. The committee will include, among others, the school library media specialist from the building where the objection originated and the building principal. The committee will evaluate the challenged material according to the BOCES' criteria for the evaluation and selection of instructional materials.

If a BOCES provided material is challenged at the component district level, the superintendent of the component district will forward all the relevant materials to the District Superintendent, so that the challenge and review process can proceed within the BOCES.

The District Superintendent will designate a review committee to investigate and evaluate the challenged library and/or instructional material. The committee will include representation from component district staff and BOCES staff and will be chaired by the School Library System Director. The committee will evaluate the challenged material according to the BOCES' criteria for the evaluation and selection of instructional materials.

The review committee will submit a written report of the results of their review to the District Superintendent within 60 days of receipt of the formal written objection.

Appeals of decisions by the review committee may be submitted in writing to the District Superintendent who will then submit the appeal to the Board for action.

If subsequent objections after an appeal are issued for the same material within a period of five years, the District Superintendent can deny the objection based on the previous review and decision.

The BOCES regional collection is intended to meet the needs of students and staff throughout the area. A successful objection from one district will not mean that materials are removed for all districts. Depending upon the materials in question, it may not be possible to remove collection materials for just one district or school.

(Continued)

Instruction

SUBJECT: OBJECTION TO INSTRUCTIONAL MATERIALS AND CONTROVERSIAL ISSUES (Cont'd.)

In accordance with Commissioner's regulations, each BOCES is required to establish and maintain a regional union catalog of the BOCES' online resources. If a materials is removed in a component district as a result of a successful challenge, it will not automatically be removed from the BOCES' regional union catalog.

Controversial Issues

Controversial issues may be studied as part of the curriculum. Instructional staff will present these issues in their classrooms in an impartial and objective manner. It is expected that a BOCES regional collection and the component district or BOCES program, both print and digital, will include items that are considered to be controversial.

Instructional staff wishing to call upon outside speakers to present on controversial issues are required to work with the building principal who will keep in mind the obligation to present balanced viewpoints. The building principal or program director will inform the District Superintendent of the presentation on the controversial issue prior to it occurring.

Any objection to how a controversial issue is being taught, including the use of a guest speaker, should be directed to the building principal or program director who will consult with appropriate instructional staff to address the objection.

If the objection is related to an instructional material being used in the teaching of a controversial issue, the process requesting reconsideration of library or instructional materials should be followed. Objections to instructional materials by community members must be submitted in writing to the District Superintendent. If the objection is related to the curriculum or New York State learning standards, the building principal or program director will address the matter with the individual(s) raising the objection.

Education Law Sections 701, 711, 809, 1604, 1709, 1804, 2503, and 3204
8 NYCRR Sections 16.2 and 135.3

NOTE: Refer also to Policies #8320 -- Textbooks, Library Materials, and Other Instructional Materials
#8360 -- Religious Expression in the Instructional Program

Adoption Date

SUBJECT: INSTRUCTIONAL MATERIALS AND NONPUBLIC SCHOOL STUDENTS**Textbooks**

Upon written request, textbooks will be purchased and loaned free of charge to resident nonpublic school students in grades K through 12 in accordance with law and regulation. Students who reside outside of the BOCES in which the nonpublic school they attend is located must have their textbooks provided by their district of residence.

Written requests for textbook loans may be presented directly to the Board, or with the Board's consent, to an appropriate official of the nonpublic school the student attends. The loan request should include information necessary to identify the book, such as title, author, publisher, and copyright date, as well as the name and address of the child or parent requesting the loan and the nonpublic school attended.

Textbook purchase and loan requests must be received by the BOCES by June 1 of the school year prior to which the textbooks are being requested. Notice of this date will be given to all nonpublic schools. For resident students not enrolled by June 1, requests may also be submitted within 30 days of enrollment in the nonpublic school. Additionally, in no event will a late request be denied where a reasonable explanation is given for the delay in making the request.

Any textbook purchased and loaned cannot be religious and must be approved by any school board in New York State. The BOCES may request evidence that a requested textbook is used in one or more public school districts in the state. This evidence may include an authenticated list of public school districts using the textbook from the publisher.

All textbooks will be loaned to resident students enrolled in public and nonpublic schools on an equitable basis.

Textbooks loaned to resident nonpublic school students remain the property of the BOCES. Like public school students, nonpublic school students may be required to pay for lost or excessively damaged textbooks. The BOCES will provide notification of this at the time a textbook is loaned.

Instructional Computer Hardware

Upon written request, instructional computer hardware will be purchased and loaned free of charge to nonpublic school students in the BOCES in grades K through 12 in accordance with law and regulation. The instructional computer hardware must be required for use as a learning aid in a particular class or program.

Written requests for a loan of instructional computer hardware may be presented directly to the Board, or with the Board's consent, to an appropriate official of the nonpublic school the student attends. The loan request should include information necessary to identify the instructional computer hardware.

(Continued)

**SUBJECT: INSTRUCTIONAL MATERIALS AND NONPUBLIC SCHOOL STUDENTS
(Cont'd.)**

Instructional computer hardware purchase and loan requests must be received by the BOCES by June 1 of the school year prior to which the instructional computer hardware is being requested. Notice of this date will be given to all nonpublic schools. For students not enrolled by June 1, requests may also be submitted within 30 days of enrollment in the nonpublic school. Additionally, in no event will a late request be denied where a reasonable explanation is given for the delay in making the request.

Any instructional computer hardware containing software programs which are religious in nature or content will not be purchased or loaned by the BOCES. Additionally, any instructional computer hardware purchased and loaned must be approved by any school board in New York State.

Instructional computer hardware will be loaned to students enrolled in nonpublic schools on an equitable basis.

Instructional computer hardware loaned to nonpublic school students remains the property of the BOCES. Like public school students, nonpublic school students may be required to pay for lost or excessively damaged instructional computer hardware. The BOCES will provide notification of this at the time instructional computer hardware is loaned.

Computer Software

Upon written request, computer software programs will be loaned free of charge to nonpublic school students in the BOCES in grades K through 12 in accordance with requirements in law and regulation.

Written requests for a loan of computer software programs may be presented directly to the Board, or with the Board's consent, to an appropriate official of the nonpublic school the student attends. The loan request should include information necessary to identify the computer software program.

Any computer software which is religious in nature or content will not be purchased or loaned by the BOCES.

Computer software will be loaned to students enrolled in public and nonpublic schools on an equitable basis.

Computer software loaned to nonpublic school students remain the property of the BOCES. Like public school students, nonpublic school students may be required to pay for lost or excessively damaged computer software. The BOCES will provide notification of this at the time computer software is loaned.

(Continued)

**SUBJECT: INSTRUCTIONAL MATERIALS AND NONPUBLIC SCHOOL STUDENTS
(Cont'd.)**

Library Materials

Upon written request, library materials will be loaned free of charge to nonpublic school students in the BOCES in grades K through 12 in accordance with law and regulation. Library materials must be required for use as a learning aid in a particular class or program and will be loaned for individual student use only.

Written requests for a loan of library materials may be presented directly to the Board, or with the Board's consent, to an appropriate official of the nonpublic school the student attends. The loan request should include information necessary to identify the book, such as title, author, publisher, and copyright date, as well as the name and address of the child or parent requesting the loan and the nonpublic school attended.

Library materials which are religious in nature or content will not be purchased or loaned by the BOCES.

All library materials will be loaned to students enrolled in public and nonpublic schools on an equitable basis.

Library materials loaned to nonpublic school students remain the property of the BOCES. Like public school students, nonpublic school students may be required to pay for lost or excessively damaged library materials. The BOCES will provide notification of this at the time a library material is loaned.

Education Law Sections 701, 712, 752, 754, and 755
8 NYCRR Sections 21.1, 21.3, and 21.4

Adoption Date

Instruction

SUBJECT: USE OF COPYRIGHTED MATERIALS

It is the intent of the Board to abide by the provisions of the United States Copyright Law. 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.

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. The copyright officer will also serve as the designated agent registered with the U.S. Copyright Office to expeditiously respond to any notices of claimed copyright infringement.

Any person who willfully disregards the copyright policy will be in violation of Federal Copyright Laws and BOCES policy and will assume all liability.

Digital Millennium Copyright Act (DMCA), 17 USC Sections 101 et seq., 512 and 1201 et seq.
37 CFR Part 201

Adoption Date

Instruction

SUBJECT: RELIGIOUS EXPRESSION IN THE INSTRUCTIONAL PROGRAM

The Board acknowledges the importance of religion to the understanding of society and the richness of the human experience. 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 their 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 discussions solely on the basis of that student's identification with the cultural or religious heritage being addressed. A student's preference not to share or participate in these 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, and representative of, the BOCES' 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. Similarly, age appropriate activities are encouraged within the framework of the curriculum. Teaching about religious and cultural holidays may include activities such as parties and special foods, if they reinforce educational goals.

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.

(Continued)

SUBJECT: RELIGIOUS EXPRESSION IN THE INSTRUCTIONAL PROGRAM (Cont'd.)**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 celebrate a religious faith.

Curriculum Areas in Conflict with Religious Beliefs

Students will 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 or guardians in accordance with applicable law and regulations. Alternatives may be provided that are of comparable instructional value.

The BOCES will make this policy available in order to ensure community, faculty, student, and parental or guardian awareness.

United States Constitution, First Amendment

Elementary and Secondary Education Act, as amended by the Every Student Succeeds Act (ESSA) of 2015

Equal Access Act, 20 USC Sections 4071-4074

Education Law Sections 1609(9), 1609(10), 1709(1), 1709(3), 3204(5), and 3210

8 NYCRR Sections 16.2 and 109.2

NOTE: Refer also to Policies #7460 -- Constitutionally Protected Prayer in the Public Schools
#8330 -- Objection to Instructional Materials and Controversial Issues

Adoption Date

Instruction

SUBJECT: WORKFORCE DEVELOPMENT

Any person 16 years of age or older may enroll in BOCES workforce development courses. Students currently enrolled in an elementary or secondary school must present a written statement from a home school official indicating that the adult class will not interfere with their home school program. All courses are open to persons regardless of sex, sexual orientation, race, age, color, creed, religion, political affiliation, marital status, veteran status, national origin, disability, or use of a recognized guide dog, hearing dog or service dog. Where it is necessary to limit class enrollment, preference will be given to residents of school districts who are members of the BOCES.

Refunds

Administrative regulations will be developed regarding workforce development tuition refunds.

Tuition Waiver for BOCES Employees

Tuition for part-time workforce development courses may be waived for BOCES employees except for students receiving wages under youth employment programs. This waiver will apply to tuition costs only. Additional costs for textbooks, supplies, personal safety equipment, or other items related to the program will be borne by the employee. Admission to a course will be based on the availability of space in the class and no employee will exercise a tuition waiver to displace a tuition student.

The a District Superintendent or designee reserves the right to exempt certain classes from this policy due to the high costs involved in the operation of such classes.

Adoption Date

Instruction

SUBJECT: HOME, HOSPITAL, OR INSTITUTIONAL INSTRUCTION (HOMEBOUND INSTRUCTION)**Overview**

Home, hospital, or institutional instruction (sometimes referred to as homebound instruction) is an educational service provided by districts to resident students enrolled in a public or nonpublic school who are unable to attend school in person for at least ten days during a three-month period due to illness or injury which requires the student to remain at home or in a hospital or other institution for the treatment of children, other than a school.

The BOCES will provide home, hospital, or institutional instruction to all resident students enrolled in a public or nonpublic school from kindergarten to age 21 when, due to a temporary or chronic physical, mental, or emotional illness or injury, as documented by the student's treating healthcare provider, the student is unable to participate in their usual education setting.

Definitions

"Instruction delivery plan" means a written plan to continue the student's academic progress and to maintain a record of delivery of instructional services and student progress.

"School district of residence" means the public school district within the State of New York where students legally reside with their parents or guardians.

"Treating health care provider" means a person who is treating a student and is licensed or otherwise authorized to provide diagnosis pursuant to a profession enumerated in Title VIII of the Education Law.

"Tutor" means an employee of the school district of residence or an individual with whom the school district of residence contracts to provide home, hospital, or institutional instruction. The tutor must hold a New York State teaching certificate. A tutor may include a teacher employed by a board of cooperative educational services (BOCES) that contracts with the school district of residence to provide this instruction.

Request for Home, Hospital, or Institutional Instruction

To request home, hospital, or institutional instruction for a resident student, the parent or guardian must submit a request to the BOCES that includes written medical verification from the student's treating healthcare provider demonstrating the student's anticipated inability to attend school in person for at least ten days during the next three months and written consent authorizing the Director of School Health Services or designee to contact the student's treating healthcare provider. Refusal to provide this written consent will result in a denial of the request for home, hospital, or institutional instruction.

(Continued)

Instruction

SUBJECT: HOME, HOSPITAL, OR INSTITUTIONAL INSTRUCTION (HOMEBOUND INSTRUCTION) (Cont'd.)

The request will be forwarded to the Director of School Health Services who will review the need for home, hospital, or institutional instruction and either approve or deny the request. During this review, the Director of School Health Services may contact the student's treating healthcare provider to obtain additional information necessary regarding the student's health or mental health.

Within five school days after receipt of written medical verification from the student's treating healthcare provider, the BOCES will notify the parent or guardian whether their request for home, hospital, or institutional instruction has been approved or denied. In the case of a denial, reason(s) for denial will be provided.

Appeals

Parents and guardians may appeal the denial of home, hospital, or institutional instruction to the BOCES' Board within ten school days of receipt of notification of the denial. Home, hospital, or institutional instruction will be provided while an appeal is pending before the BOCES' Board.

Home, Hospital, or Institutional Instruction Requirements

The BOCES will provide home, hospital, or institutional instruction to a student within five school days after receiving notification of the student's medical condition or within five school days from the request for home, hospital, or institutional instruction, whichever occurs first. This instruction, which may include remote instruction, will meet the minimum requirements outlined in law and regulation.

Students with Disabilities

Students with disabilities who are recommended for home, hospital, or institutional instruction by the Committee on Special Education (CSE) will be provided instruction and appropriate related services as determined and documented by the CSE in consideration of the student's unique needs. This instruction will only be recommended if the placement is in the least restrictive environment and must be provided for at least the number and length of time as provided for other students receiving home, hospital, and institutional instruction.

Recordkeeping

The BOCES will maintain a record of delivery of instructional services and student progress. This includes, but is not limited to, a record of the dates, amount, and type of instructional services the student received including the tutor's name, subjects taught, and the location where the instructional services were provided.

(Continued)

SUBJECT: HOME, HOSPITAL, OR INSTITUTIONAL INSTRUCTION (HOMEBOUND INSTRUCTION) (Cont'd.)

Education Law Sections 1604(20), 1709(24), 3202
8 NYCRR Sections 100.22, 175.21, and 200.6

NOTE: Refer also to Policy #7150 -- Remote Instruction

Adoption Date

Instruction

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 financial resources permit. Prior approval of the District Superintendent or designee will be secured in advance of the intended date of the field trip. Regardless of the fiscal support for field trips, the rules of the BOCES for conduct of such trips will apply.

For purposes of this policy, a field trip will be defined as any journey by a group of students away from the school premises, under the supervision of a teacher, which is an integral part of an approved course of study and conducted for the purpose of affording a first-hand educational experience not available in the classroom.

Field trips are a part of the curriculum of the schools, and student conduct and attendance on field trips are governed by the same rules that govern regular classroom activities. BOCES will obtain written parental/guardian permission for students going on school-sponsored field trips.

Overnight field trips require approval at least two weeks in advance, thus allowing for sufficient time to communicate with parents, school officials and relevant contact organizations. Appropriate BOCES approved transportation will 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/legal guardian 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 will be made in accordance with administrative procedures.

NOTE: Refer also to Policies #3410 -- Code of Conduct
#5720 -- Transportation of Students
BOCES *Code of Conduct*

Adoption Date