

Community Relations

SUBJECT: USE OF SOUTHERN WESTCHESTER BOCES -OWNED EQUIPMENT AND OTHER PROPERTY BY BOARD MEMBERS/EMPLOYEES

No employee or Board member may use SWBOCES facilities, equipment, tools, supplies, materials or any other property for the purpose of servicing, repairing, producing, creating or otherwise working on any personal property of any kind at any time.

Also, no employee or Board member may use SWBOCES facilities, equipment, tools, supplies, materials or any other property for the purpose of servicing, repairing, producing, creating or otherwise working on any personal property of any kind at any time for any other person whatsoever except and solely when such work involves students and is part of the students' regular instructional program.

Further, the Assistant Superintendents/designees shall retain monthly information regarding all services provided by any SWBOCES class for any other person(s) or organization. Such information shall include the name of the teacher and course, the name of the person or organization for whom the work was done, the date(s) when the work was performed and the nature of the work performed.

Community Relations

SUBJECT: SERVICING OR REPAIRING OF PERSONAL PROPERTY BY STUDENTS

Students are permitted to work on, service, or repair personal property as part of the students' regular instructional program.

The Program Director shall ensure that appropriate procedures are developed for administering, working on, servicing or repairing personal property by students.

SUBJECT: PURCHASING

The SWBOCES' purchasing activities will be part of the responsibilities of the Business Office, under the general supervision of the Assistant Superintendent for Business and Administrative Services. The purchasing process should enhance school operations and educational programs through the procurement of goods and services deemed necessary to meet SWBOCES needs.

The SWBOCES Board shall designate a Purchasing Agent whose responsibility will be to centralize purchasing into the SWBOCES main business office.

The Purchasing Agent shall:

- a) Solicit competitive bids and/or quotations in compliance with General Municipal Law 103 for materials, equipment and supplies (annual expenditures exceeding \$20,000); and public work contracts (exceeding \$35,000);
- b) With the approval of the Controller, determine and document when competitive bidding is not required and provide appropriate alternative purchasing procedures, except for procurements:
 1. Under county contract;
 2. Under State contract;
 3. Of articles manufactured in State correctional institution; or from agencies for the blind or severely disabled; and
 4. Under Board approved cooperative bids (Refer to subheading "Procurement of Goods and Services");
- c) Ensure, that in compliance with General Municipal Law 104(b), all purchases made in compliance with purchasing schedule (see attached);
- d) With the assistance of the Controller and approval of the Assistant Superintendent for Business and Administrative Services establish and implement procedures and forms according to General Municipal Law and Education Law that will:
 1. Provide necessary resources for SWBOCES services at optimal value;
 2. Maintain appropriate and comprehensive accounting and reporting system to document all purchasing transactions;
 3. Prevent loss and/or diversion of SWBOCES property;
 4. Provide responsible suppliers with opportunities to bid;

(Continued)

SUBJECT: PURCHASING (Cont'd.)

- e) Provide justification and documentation on any award to a bidder other than the lowest dollar bidder setting forth the reasons for such decision; and
- f) Not be required to secure alternative proposal or quotations for:
 - 1. Emergencies where time is a crucial factor;
 - 2. Procurements for "sole source items";
 - 3. Confidential professional services;
 - 4. Items purchased for the purpose of retail sales.

Procurement of Goods and Services

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

- a) Assure the prudent and economical use of public moneys in the best interest 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 shall contain, at a minimum, provisions which:

- a) Prescribe a process for determining whether a procurement of goods and services is subject to competitive bidding and if it is not, documenting the basis for such determination;
- b) With certain exceptions (purchases pursuant to General Municipal Law, Section 186; State Finance Law, Sections 175-a and 175-b; State Correction Law, Section 184; or those circumstances or types of procurements set forth in (f) of this section), provide that alternative proposals or quotations for goods and services shall be secured by use of written request for proposals, written quotations, verbal quotations or any other method of procurement which furthers the purposes of Section 104-b of General Municipal Law;
- c) Set forth when each method of procurement will be utilized;
- d) Require adequate documentation of actions taken with each method of procurement;

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SUBJECT: PURCHASING (Cont'd.)

- e) Require justification and documentation of any contract awarded to other than the lowest responsible dollar offer, stating the reasons;
- 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 SWBOCES; and
- g) Identify the individual or individuals responsible for purchasing and their respective titles. Such information shall be updated annually.

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

Opportunities shall be provided to all responsible suppliers to do business with the SWBOCES. Suppliers whose place of business is situated within the boundaries of our thirty-three (33) component districts may be given preferential consideration only when bids or quotations on an item or service are identical as to price, quality and other factors.

In the event of an emergency which may affect life, health, safety for children and where immediate action cannot await competitive bidding, the SWBOCES shall adopt a resolution declaring the emergency and setting forth the facts upon which the declaration is based.

Any professional services (pursuant to Section 104-b of the General Municipal Law) shall require approval by the Board when their annual fees are expected to exceed ten thousand dollars (\$10,000). All individual consultants shall be recommended by the administration for approval by the Board. The District Superintendent, with the assistance of the Purchasing Agent, shall be responsible for the establishment and implementation of procedures and standard forms for use in all purchasing and related activities in the SWBOCES. Such procedures shall comply with all applicable laws and regulations of the State and the Commissioner of Education.

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

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

Request for Proposal Process for the External (Independent) Auditor

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

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SUBJECT: PURCHASING (Cont'd.)**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 SWBOCES). 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.

SWBOCES Plan

As required by federal law and New York State Regulations, the SWBOCES 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. To facilitate this process, the SWBOCES will participate in the National Instructional Materials Access Center (NIMAC) and will require that all contracts with publishers for textbooks and other printed core materials executed after December 2006 include a provision requiring the publisher to produce NIMAS files and send them to NIMAC.

The SWBOCES has the option of participating in the National Instructional Materials Access Center (NIMAC). Whether the SWBOCES does or does not participate in NIMAC, the SWBOCES will be responsible to 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 New York State Education Department (NYSED) recommends that school districts choose to participate in NIMAC, because this national effort to centralize the distribution of instructional materials in alternate formats will help guarantee timely provision of such materials to students.

For school districts, Boards of Cooperative Educational Services (SWBOCES), State-operated schools, State-supported schools and approved private schools that choose to participate 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).

For more information regarding NIMAC including model contract language, Steps for Coordinating with NIMAC and an IDEA Part B Assurances Application, see website: <http://www.vesid.nysed.gov/specialed/publications/persprep/NIMAS.pdf>

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SUBJECT: PURCHASING (Cont'd.)**Environmentally Sensitive Cleaning and Maintenance Products**

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

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

The SWBOCES shall notify their personnel of the availability of such guidelines, specifications and sample product lists.

Contracts for Goods and Services

No contracts for goods and services shall be made by individuals or organizations in the school that involve expenditures without first securing approval for such contract from the Purchasing Agent.

Upon the adoption of a resolution by a vote of at least three-fifths of all Board members stating that for reasons of efficiency or economy there is need for standardization, purchase contracts for a particular type or kind of equipment, materials or supplies of more than ten thousand dollars may be awarded by the Board to the lowest responsible bidder furnishing the required security after advertisement for sealed bids in the manner provided in law.

Education Law Sections 305(14), 409-i, 1950, and 3602

General Municipal Law Articles 5-A and 18

State Finance Law Section 163-b

8 New York Code of Rules and Regulations (NYCRR) Sections 170.2, 200.2(b)(10), 200.2(c)(2) and 200.2(i)

NOTE: Refer also to Policy #4320 -- SWBOCES Personal Property Accountability

(Continued)

SUBJECT: PURCHASING (Cont'd.)**Purchasing Schedule**Procedures for the Purpose of Commodities, Equipment or Goods

<u>Dollar Limit</u>	<u>Procedures</u>
\$1-2,999.99	Purchase order may be issued.
\$3,000.00-4,999.99	Telephone quotations must be obtained from at least three (3) separate vendors.
\$5,000-9,999.99	Written quotations must be obtained from at least three (3) separate vendors.
In excess of \$20,000.00	Sealed bids in conformance with Municipal Law, Section 103.

Procedure for Public Works Projects/Contracts

<u>Dollar Limit</u>	<u>Procedure</u>
\$1-6,999.99	Purchase order may be issued.
\$7,000.00-19,999.99	Formal written quotations must be obtained From at least three (3) separate vendors
In excess of \$35,000.00	Sealed bids in conformance with Municipal Law, Section 103.

Adopted: 6/23/10
Revised:

**SUBJECT: SOUTHERN WESTCHESTER BOCES PERSONAL PROPERTY
ACCOUNTABILITY**

The Southern Westchester Board of Cooperative Educational Services recognizes the need to ensure that all personal property purchased by or donated to the SWBOCES is properly inventoried and accounted for, and that the sale or disposal of any such property is in the best interests of the SWBOCES. Therefore, the Assistant Superintendent for Business and Administrative Services, under the supervision of the District Superintendent, will be responsible for administering all activities associated with the purchasing, inventory, sale and disposal of personal property.

Definition of Personal Property

- a) *Personal property* shall mean all tangible personal property of the SWBOCES 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. This definition does not include buildings or other real property or equipment which is permanently affixed to real property, leases, notes or other written instruments.
- b) *Valuable personal property* shall mean personal property which has a current unit resale value of five hundred dollars (\$500) or more, and supplies, parts or materials which are disposed of in lots having a current aggregate resale value of five hundred dollars (\$500) or more.
- c) *Surplus personal property* shall mean personal property which has no known, immediate or currently foreseeable use to the SWBOCES.

Acquisition of Personal PropertyCompetitive Bidding

Competitive bids or quotations shall be solicited in connection with all purchasing as required by Section 103 of the General Municipal Law. Contracts shall be awarded to the lowest responsible bidder complying with specifications and other stipulated bidding conditions.

- a) 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 shall be awarded on the basis of public advertising and competitive bidding, consistent with the provisions of Section 103 of the General Municipal Law.
- b) All contracts which require public advertising and competitive bidding shall be awarded by resolution of the Board. Recommendation for such contracts shall be made to the Board by the District Superintendent of Schools or designee.
- c) The Purchasing Agent of the SWBOCES or designee shall be authorized to open bids and record the same pursuant to law.

(Continued)

**SUBJECT: SOUTHERN WESTCHESTER BOCES PERSONAL PROPERTY
ACCOUNTABILITY (Cont'd.)**Purchasing Exempt from Competitive Bidding

Any purchase of personal property which is not subject to competitive bidding shall be made in accordance with procedures established pursuant to Section 104-b of the General Municipal Law.

- a) 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.
- b) A purchasing agent shall be appointed by the Board who shall be authorized to issue purchase orders without prior approval of the Board where formal bidding procedures are not required by law, and when budget appropriations are adequate to cover such obligations.

Acquisition of Personal Property by GiftAcceptance

Only the Board may accept, on behalf of the SWBOCES, gifts of either money or merchandise, including surplus property and property donated to the SWBOCES by bequest or devise in a will or trust instrument, that, in the view of the Board, add to the overall welfare of the SWBOCES.

- a) All offers of a gift must be made in writing before the Board accepts it.
- b) The Board will safeguard the SWBOCES staff and students from commercial exploitation from special interest groups.
- c) All gifts shall be in accordance with SWBOCES Policy #4230 -- Acceptance of Gifts, Grants and Bequests to the SWBOCES.

Accounting for Gifts

- a) All gifts shall become the sole property of the SWBOCES.
- b) Any property donated shall be for the use of SWBOCES and no employee shall benefit personally from such donations.
- c) All gifts or donations shall be immediately brought to the attention of the Director of the service to which the contribution is made.
- d) The Director shall recommend the acceptance or rejection of the gift to the District Superintendent or designee and notify the donor of the intention.

(Continued)

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

- e) The District Superintendent or designee shall make a recommendation to accept or reject such gifts to the Board at a regular meeting.
- f) All gifts shall be entered into the perpetual physical inventory of the SWBOCES in the same manner as purchased personal property and consistent with the provisions of Inventory below.
- g) Gifts of money shall be annually accounted for under the special purpose account in the bank designated by the Board.
- h) It shall be the responsibility of the District Superintendent or designee to acknowledge, in writing, the receipt of the gift or donation on behalf of the Board Cooperative Educational Services.
- i) The Director of the Center to which the gift or donations are made shall be responsible to see that the gift or donation is appropriately used.
- j) Gifts or donations made that are not specific to a program shall be brought to the attention of the District Superintendent or designee who will be responsible for implementation of the regulations.

Inventory

The Assistant Superintendent for Business and Administrative Services or designee shall develop, in writing, the basic rules and regulations to be followed in maintaining SWBOCES personal property records. Procedures employed shall 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.

- a) The minimum standards to be considered for inclusion in the personal property record are:
 - 1. All valuable personal property shall be included.
 - 2. All buildings or other real property or equipment owned by the SWBOCES which is permanently affixed to real property shall be included.
 - 3. The physical characteristic of the personal property is not appreciably affected by use or consumption.
- b) It shall be the responsibility of the Director of Business or designee to assure that all new acquisitions, by purchase or gift, are entered into the perpetual inventory system.

(Continued)

**SUBJECT: SOUTHERN WESTCHESTER BOCES PERSONAL PROPERTY
ACCOUNTABILITY (Cont'd.)****Inventory Records**

The inventory record shall contain sufficient information to identify each item classified as a personal property and include the following:

- a) A sufficient description of the personal property.
- b) The class of the personal property (machinery, equipment, etc.).
- c) The year of acquisition of the personal property.
- d) The historical cost (the cost at acquisition) of the personal property or the estimated value if the cost is unknown or the item is a gift.
- e) The source of financing or acquisition (general fund, federal fund, gift, etc.).

Physical Inventory

A physical inventory shall mean determining the actual existence and condition of real and personal property in the records by visually examining the property in question.

- a) For valuable personal property, a sample physical inventory shall be conducted at least annually.
- b) For all other personal property, a sample physical inventory shall be conducted at least once every two years.
- c) A complete physical inventory of all personal property shall be conducted at least once every five years.

Disposition of Personal Property

Building administrators and support staff supervisors are responsible for identifying obsolete or surplus within their areas of responsibility.

Periodically, but not less than once each year, a determination shall be made as to what equipment, supplies and materials cannot be salvaged or utilized effectively or economically by the SWBOCES, or what might be reassigned to other areas within the SWBOCES.

(Continued)

**SUBJECT: SOUTHERN WESTCHESTER BOCES PERSONAL PROPERTY
ACCOUNTABILITY (Cont'd.)**Procedures for Disposition of Equipment, Supplies or Materials

- a) Prior to classification as disposable, all items should be considered for reassignment to other locations within SWBOCES as needed, or stored in a central location if they may have potential usefulness in the future.
- b) All surplus equipment, supplies or materials, excluding technology equipment as defined below, must be offered for bid and sold to the highest responsible bidder. If no bids are received, the surplus equipment may be disposed of by the SWBOCES.
- c) Disposition of any personal property, even though it may have little or no marketable value, must be approved by the Assistant Superintendent for Business and Administrative Services.
- d) All sales of surplus and obsolete personal property shall be open to the public. Notice of the sale and/or requests for bids shall be made through advertisements in the local newspapers and other advertisements in the local newspapers and other appropriate means to assure public awareness.
- e) Technology equipment (Personal computers (PCs) printers, handheld devices, servers, hubs, switches, routers, etc.) which does not have any financial obligations outstanding which is determined to be beyond its useful life of five (5) years that is deemed to have zero value may be disposed of by the SWBOCES in an environmentally sound manner without competitive bidding.

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 SWBOCES, or who otherwise violates this policy, shall be subject to removal from office or employment and/or such other discipline or penalties as authorized by law.
- b) **Complaints:** Any complaints concerning an alleged violation of this policy shall be submitted to the District Superintendent on an appropriate form prescribed by the District Superintendent. The District Superintendent or designee shall investigate the allegation and a report shall be filed in his/her office at the completion of the investigation. The District Superintendent is responsible for and shall take such action as is necessary for the enforcement of this policy.
- c) **Dissemination of Policy:** The District Superintendent shall take such action as is necessary to communicate this policy to all officers and employees of the SWBOCES including but not limited to, the publication of this policy in the SWBOCES Policy Manual. This policy will be included on the agenda for faculty and administrative meetings at least annually.

(Continued)

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

Review and Amendment of the Policy

- a) Review: The SWBOCES shall review this policy on Personal Property Accountability annually and make amendments it deems necessary.
- b) Amendments: The SWBOCES shall submit its amended policy within 30 days of its adoption to the Commissioner of Education for approval.

Education Law Sections 207, 1950(4)(v) and 1950(18)
8 New York Code of Rules and Regulations (NYCRR) Section 170.3

Adopted: 6/23/10

SUBJECT: EMPLOYEE REIMBURSEMENT

The SWBOCES shall reimburse administrators, and staff for reasonable out-of-pocket expenses actually and necessarily incurred in the performance of their official duties, as well as attendance and participation at conferences, workshops, and meetings which are professionally appropriate, directly related to the person's responsibilities, and which fall within budget restrictions.

The District Superintendent or designee shall determine, in the first instance, whether attendance by staff at any conference or professional meeting is in the best interest of the SWBOCES and eligible for reimbursement of expenses under this policy.

SWBOCES staff who incur expenses in carrying out authorized duties will be reimbursed upon submission of a properly filled out and approved voucher and such supporting receipts as required by the Business Office.

Upon approval of the Assistant Superintendent for Business and Administrative Services or designee, the SWBOCES will reimburse payment of actual and necessary travel expenses, including meals and lodging, of an applicant for any office or position in the service of the SWBOCES.

All reimbursements shall be in accordance with administrative guidelines and with applicable statutes and the opinions interpreting such statutes as issued by the State Comptroller.

General Municipal Law Sections 77-b and 77-c

NOTE: Refer also to Policies #1560 -- Reimbursement of Expenses for Board of Education Members
#4412 -- Meals and Refreshments

Adopted: 6/23/10

SUBJECT: MEALS AND REFRESHMENTS

The Board recognizes that from time to time at SWBOCES meetings and/or events which are being held for educational purposes, it is appropriate to provide meals and/or refreshments that are not covered under the SWBOCES Employee Expense Reimbursement Policy (#4411). Refreshments include coffee, tea, soda, punch, cookies, pastries, cake, fruit and other food provided in quantities that are not considered to be a meal. Any expenditure on such refreshments and/or meals must be made and approved in advance by the center's Director or Assistant Superintendent. Requests must include: the purpose of the meeting, meeting date and time, those in attendance, the estimated number of people expected, and the reason(s) why food and/or refreshments are necessary to conduct SWBOCES business.

Meal requests may be approved when:

- a) The SWBOCES is faced with business of an immediate nature and meetings of SWBOCES employees and/or Board members are essential at mealtime;
- b) Staff members are participating in SWBOCES events such as Superintendent conference day, grading of standardized tests, orientation sessions or staff meetings where the length of the event is consistent with the employee's normal work day;
- c) Staff development seminars for SWBOCES-only employees are at least four hours in length;
- d) SWBOCES-coordinated professional development conferences or workshops are conducted for primarily outside district personnel where the fee charged includes the cost of the meal;
- e) Board meetings begin during usual dinner hours;
- f) The Board wishes to annually recognize the services of volunteers and/or individuals retiring from the organization during the current school year.

Refreshment requests may be approved when:

- a) The Board holds its regularly scheduled work/business/executive session meetings;
- b) Occasional staff meetings are conducted;
- c) SWBOCES district-wide committee meetings are held;
- d) Meetings with non-district personnel are conducted;
- e) Student graduation ceremonies are held.

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SUBJECT: MEALS AND REFRESHMENTS (Cont'd.)

Meals and/or refreshments will **not** be paid by the SWBOCES for the following:

- a) "Working meals" in which the only attendees are SWBOCES employees;
- b) Birthday cakes, congratulatory, or celebrations for SWBOCES employees;
- c) Coffee and tea consumed in the normal course of business that are covered under the Coffee/Tea Regulations;
- d) Holiday luncheons or dinners for employees;
- e) Office parties.

The actual expenditures for refreshments and/or meals must be appropriately documented and supported by an itemized bill or receipt and contain a list of attendees.

NOTE: Refer also to Policy #4411 -- Employee Reimbursement

SUBJECT: CASH IN SCHOOL BUILDINGS AND PETTY CASH FUNDS**Cash in School Buildings**

Division Directors and Building Principals will follow established procedures, in cooperation with the Business Office, to safeguard all cash received in their programs.

Petty Cash Funds

The Board authorizes the establishment of petty cash funds at the annual reorganization meeting.

Petty cash funds shall be established at the Reorganization Meeting by the Board for the purchase of materials, supplies, or services under conditions requiring immediate payment up to twenty-five dollars (\$25).

Petty cash should not be used for the following:

- a) Travel expense reimbursements or travel advances.
- b) Payment for items that are to be purchased through the purchasing system according to the purchasing policy.
- c) Payments to vendors for invoices submitted directly to the department where a purchase order was issued.

The Board, upon the recommendation of the District Superintendent or designee, shall appoint a custodian for each petty cash fund who shall administer and be responsible for such fund. The appointed custodian should take appropriate security measures over petty cash funds.

Receipts and cash-on-hand must always total the authorized fund amount. All disbursements from such funds are to be supported by receipted bills, signed paid voucher slips or other evidence documenting the expenditure. By June 20 of each fiscal year, all remaining cash and receipts should be sent to the Business Office for closing.

The SWBOCES Treasurer shall have the authority to make periodic audits of all petty cash funds, making reports to the Board at least annually.

8 New York Code of Rules and Regulations (NYCRR) Section 170.4

Adopted: 6/23/10

SUBJECT: SCHOOL FOOD SERVICE PROGRAM (LUNCH AND BREAKFAST)**School Food Service Program (Lunch and Breakfast)**

The Board has entered into an agreement with the New York State Education Department to participate in the National School Lunch Program, School Breakfast Program and/or Special Milk Program to receive commodities donated by the Department of Agriculture and to accept responsibility for providing free and reduced price meals to elementary and secondary students in the schools of the SWBOCES.

The District Superintendent or his/her designee shall have the responsibility to carry out the rules of the School Lunch and Breakfast Programs. The determination of which students are eligible is the responsibility of the Reviewing Official and Verification Official. Appeals regarding eligibility should be submitted to the Hearing Official of the SWBOCES.

Free or reduced price meals may be allowed for qualifying students attending SWBOCES schools upon receipt of a written application from the student's parent or guardian or a "Direct Certification" letter from the New York State Office of Temporary and Disability Assistance (OTDA). Applications will be provided by the SWBOCES to all families.

Procedures for the administration of the free and reduced price meal program of this SWBOCES will be the same as those prescribed in current state and federal laws and regulations.

Personnel

SUBJECT: STAFF EVALUATION

The Southern Westchester Board of Cooperative Educational Services believes that the regular, rigorous and meaningful evaluation of staff is necessary to improve the achievement of students and the efficiency of SWBOCES operations. To this end, the District Superintendent shall be responsible for ensuring that all SWBOCES employees are evaluated annually and receive additional staff training, if necessary, to improve their skills.

Administrators

All administrators in the SWBOCES shall be evaluated annually by the District Superintendent in accordance with any applicable collective bargaining agreement and Board policy.

Professional Employees

All professional employees (teachers, attendance teachers, counselors, dental hygiene teachers, nurse-teachers, school psychologists and social workers) shall be evaluated annually in accordance with any applicable collective bargaining agreement and the SWBOCES' Professional Performance Review Plan. The plan shall include criteria for evaluating teachers and other professional employees, assessment methods, plans to improve unsatisfactory teacher performance, and training for evaluators.

The District Superintendent shall collaborate with teachers, pupil personnel professionals, administrators and parents in developing the plan. The District Superintendent shall be responsible for selecting those individuals with whom he/she will collaborate in the development of the plan. The District Superintendent shall meet with a group of such individuals at least once each year.

The District Superintendent shall submit the SWBOCES' Professional Performance Review Plan, with any recommended changes, to the Board annually. At that meeting, the Board may request that the District Superintendent reconsider or reexamine certain aspects of the plan, in which case, the District Superintendent will resubmit the plan for the Board's approval.

The Board will provide members of parent organizations and the President of the teachers' union the opportunity to comment on the plan, prior to its adoption, at any meeting at which the plan is considered. The Board must approve the plan before it becomes effective. The approved plan for each school year will be available in the SWBOCES offices by September 10 of each year.

Each year, the District Superintendent shall provide a report to the State Education Department on information related to the SWBOCES' efforts to address the performance of teachers rated unsatisfactory.

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SUBJECT: STAFF EVALUATION (Cont'd.)**Support Staff**

Support staff (those staff not required to be evaluated under the Professional Performance Review Plan) shall be evaluated annually in accordance with any applicable collective bargaining agreement or Board policy. The District Superintendent shall ensure that all required evaluations take place.

Training

The District Superintendent shall ensure that all staff that are required to evaluate other staff are provided sufficient training in assessment and evaluation.

8 New York Code of Rules and Regulations (NYCRR) Sections 80-1.1 and 100.2(o)(2)

NOTE: Refer also to Policy #3120 -- Evaluation of the District Superintendent

EMPLOYEE MEDICAL EXAMINATIONS POLICY

Pre-Employment Medical Examinations

In accordance with the Americans with Disabilities Act, as amended, Southern Westchester BOCES (SWBOCES) will not require applicants for positions to undergo a medical examination prior to an offer of employment.

Further, SWBOCES shall 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, SWBOCES may make pre-employment inquiries into the ability of an applicant to perform job-related functions.

Employee Medical Examinations

The Board, District Superintendent, Chief Operating Officer, or designee, reserve the right to request a medical examination of an employee at any time during employment, in order to determine the physical and mental capacity of an employee to perform the essential functions of the position with or without reasonable accommodation. SWBOCES reserves the right to select the physician and the cost of such examination shall be borne by SWBOCES. However, an employee may elect to have a health examination at his/her own expense by a healthcare provider of his/her own choice.

Annual or more frequent examination of any employee may be required when, in the judgment of the SWBOCES District Superintendent, Chief Operating Officer, or designee, such examination is deemed necessary.

Each bus company under contract to SWBOCES shall ensure that all of its bus drivers and substitute bus drivers have yearly medical examinations. Each bus driver employed by SWBOCES shall have a medical examination within four (4) weeks prior to the beginning of service and yearly thereafter. In no case shall the interval between medical examinations exceed a thirteen (13)-month period.

The final acceptance or rejection of a medical report with reference to the health of an employee lies within the discretion of SWBOCES. The decision of the healthcare provider designated by SWBOCES, as the determining healthcare provider, shall take precedence over all other medical advice.

All medical and health-related information will be kept in accordance with the Health Insurance Portability and Accountability Act of 1996 (HIPAA).

Acceptable Examinations and Inquiries

SWBOCES may conduct voluntary medical examinations, including voluntary medical histories, which are part of an employee health program available to employees. SWBOCES may make inquiries into the ability of an employee to perform job-related functions.

Prohibited Examinations and Inquiries

SWBOCES shall not require a medical examination, and shall not make inquiries as to whether such employee is an individual with a disability or as to the nature or severity of the disability, unless the examination or inquiry is shown to be job related and consistent with business necessity.

Defenses

It may be a defense to a charge of discrimination that an alleged application of qualification standards, tests, or selection criteria that screen out or tend to screen out or otherwise deny a job or benefit to an individual with a disability has been shown to be job related and consistent with business necessity, and such performance cannot be accomplished by reasonable accommodation.

References:

- [Americans with Disabilities Act Amendments Act \(ADAAA\) of 2008, Public Law §§110-325](#)
- [Health Insurance Portability and Accountability Act of 1996 \(HIPAA\), Public Law §§104-191](#)
- [45 CFR Parts 160 and 164](#)
- [NYS Education Law §§913 and 3624](#)
- [NYS Sanitary Code](#)
- [8 NYCRR §156.3\(2\)](#)
- [10 NYCRR Part 14](#)
- [15 NYCRR Part 6](#)

SUBJECT: PROFESSIONAL CERTIFICATION: 175 HOURS OF PROFESSIONAL DEVELOPMENT REQUIREMENT

All SWBOCES employees who hold professional teaching certificates for classroom teaching are required to complete professional development hours to maintain the validity of their certificates. Professional certificate holders must complete 175 hours every five (5) years. The five-year professional development period commences on July 1 after the effective date of the triggering certificate, and each subsequent five-year period thereafter. Each professional development year of the five-year cycle of professional development begins on July 1 and ends the following June 30. The professional development requirement may be completed at any time during the five-year professional development period.

Decisions regarding content, delivery and providers of such professional development are within the purview of the SWBOCES and shall be made within the context of the SWBOCES Professional Development Plan. The Professional Development Plan shall describe how the SWBOCES will provide teachers it employs holding a professional certificate with opportunities to maintain such certificates in good standing based upon successfully completing 175 hours of professional development every five (5) years in accordance with Commissioner's Regulations.

If the professional certificate holder wishes to maintain the validity of his/her New York State professional certificate, he/she must satisfy the professional development requirement. If the certificate holder teaches less than ninety (90) days in a given school year for any reason, including an approved leave, the required hours are reduced by ten percent (10%) for each school year during which this is the case.

SWBOCES Recordkeeping Responsibilities

If the SWBOCES provides professional development to teachers in its schools, or professional development is provided by other entities on behalf of the SWBOCES, the SWBOCES must maintain a record of professional development completed by its teachers who are required to complete this requirement. Such records shall include those items enumerated in Commissioner's Regulations Section 100.2(dd)(5):

- a) The name of the professional certificate holder;
- b) His/her teacher certification identification number;
- c) The title of the program;
- d) The number of hours completed; and
- e) The date and location of the program.

These records shall be retained by the SWBOCES for at least seven (7) years from the date of completion of the professional development by the professional certificate holder and shall be available for review by the State Education Department (SED).

(Continued)

SUBJECT: PROFESSIONAL CERTIFICATION: 175 HOURS OF PROFESSIONAL DEVELOPMENT REQUIREMENT (Cont'd.)**SWBOCES Reporting Responsibilities**

Annually, the SWBOCES must report to the New York State Education Department (SED) Office of Higher Education's Office of Teaching Initiatives (OTI) the number of all approved professional development hours completed by each teacher who is employed by the SWBOCES and subject to the professional development requirement, regardless of the professional development provider.

All hours of completed professional development reported by SWBOCES will become part of the certificate holder's certification record maintained by OTI. Teachers with professional certificates must complete the required number of hours of professional development every five (5) years for their certificates to remain valid.

The SWBOCES is required to report professional development hours for its employees online directly via the Web-based computer system TEACH (Teacher Education and Certification Help).

Certificate Holder Responsibilities

All professional certificate holders must keep records of all of their approved professional development activities/programs/coursework, regardless of the provider, for at least seven (7) years from the date of completion of the program and shall be available for review by SED. Such records shall include those items enumerated in Commissioner's Regulations Section 80-3.6(f):

- a) The title of the program;
- b) The number of hours completed;
- c) The sponsor's name and any identifying number;
- d) Attendance verification; and
- e) The date and location of the program.

While it is the responsibility of the SWBOCES to report hours, it is in the interest of every professional certificate holder to verify that their professional development hours are reported and that their individual record is complete. It is recommended that professional certificate holders develop their personal professional development plan in consultation with the SWBOCES, and obtain SWBOCES approval before commencing any professional development activities.

8 New York Code of Rules and Regulations (NYCRR) Subpart 80-3 and Section 100.2(dd)

NOTE: Refer also to Policy #5210 -- Professional Growth/Staff Development

Adopted: 6/23/10

SUBJECT: COMPLAINTS AND GRIEVANCES BY EMPLOYEES

In accordance with the provisions of General Municipal Law and the collective bargaining agreements, all SWBOCES personnel shall have the opportunity to present their complaints or grievances free from interference, coercion, restraint, discrimination or reprisal. SWBOCES shall provide at least two procedural stages settlement of any grievance.

Complaints or grievances not covered under employee contracts shall be handled and resolved, whenever possible, as close to their origin as possible. The District Superintendent is responsible for implementing regulations for the redress of complaints or grievances through proper administrative channels.

Prohibition of Retaliatory Behavior

The Board prohibits any retaliatory behavior directed against complainants, victims, witnesses, and/or any other individuals who participated in the investigation of a complaint of discrimination. Follow-up inquiries shall be made to ensure that discrimination has not resumed and that all those involved in the investigation of the discrimination complaint have not suffered retaliation.

Civil Rights Compliance Officer

Additionally, the Board shall ensure compliance with Title IX of the Educational Amendments of 1972, Section 504 of the Rehabilitation Act of 1973 and the Americans With Disabilities Act (ADA). The District Superintendent shall designate a SWBOCES employee as the Title IX/Section 504/ADA Coordinator (i.e., the "Civil Rights Compliance Officer"), and regulations and procedures shall be implemented to resolve complaints of discrimination based on sex or disability.

Prior to the beginning of each school year, the SWBOCES shall issue an appropriate public announcement which advises students, parents/guardians, employees and the general public of SWBOCES' established grievance procedures for resolving complaints of discrimination based on sex or disability. Included in such announcement will be the name, address and telephone number of the Civil Rights Compliance Officer.

The Civil Rights Compliance Officer also shall be responsible for handling complaints and grievances regarding discrimination based on race, color, creed, religion, national origin, political affiliation, membership in the Boy Scouts or other designated youth groups, sexual orientation, age, military status, veteran status, marital status, predisposing genetic characteristics, or use of a recognized guide dog, hearing dog or service dog.

Age Discrimination in Employment Act, 29 United States Code (USC) Section 621.
Americans With Disabilities Act, 42 United States Code (USC) Section 12101 et seq.
Prohibits discrimination on the basis of disability.

(Continued)

POLICY

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Personnel

SUBJECT: COMPLAINTS AND GRIEVANCES BY EMPLOYEES (Cont'd.)

Genetic Information Nondiscrimination Act of 2008 (GINA) Public Law 110-233

Prohibits discrimination in the workplace based upon genetic information.

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

Title VI of the Civil Rights Act of 1964, 42 United States Code (USC) Section 2000d et seq.

Prohibits discrimination on the basis of race, color or national origin.

Title VII of the Civil Rights Act of 1964, 42 United States Code (USC) Section 2000e, et seq.

Prohibits discrimination on the basis of race, color, religion, sex or national origin.

Title IX of the Education Amendments of 1972, 20 United States Code (USC) Section 1681 et seq.

Prohibits discrimination on the basis of sex.

Civil Rights Law Section 40-c

Prohibits discrimination on the basis of race, creed, color, national origin, sex, marital status, sexual orientation or disability.

Executive Law Section 290 et seq.

Prohibits discrimination on the basis of age, race, creed, color, national origin, sex, sexual orientation, disability, military status, or marital status, predisposing genetic characteristics or use of a recognized guide dog, hearing dog or service dog.

Military Law Sections 242 and 243

Boy Scouts of America Equal Access Act, part of the No Child Left Behind Act of 2001, which prohibits denial of access to or other discrimination against the Boy Scouts or other Title 36 U.S.C. youth groups in public elementary schools, public secondary schools, local education agencies, and state education agencies that have a designated open forum or limited public forum.

NOTE: Refer also to Policy #1440 -- Non-Discrimination

Adopted: 8/6/14

PAYROLL PROCEDURES

The Board of Education recognizes the importance of the payroll function to the effective administration of the district. The Board of Education directs the District Superintendent or designee to establish procedures to reasonably ensure the accuracy and integrity of the payroll system.

A certified payroll is one that has been examined and approved by the Assistant Superintendent for Business and Administrative Services or designee. It shall be the responsibility of the Assistant Superintendent for Business and Administrative Services and his/her staff to prepare all payrolls.

The Assistant Superintendent for Business and Administrative Services will initiate an annual test to verify the accuracy and appropriateness of the district payroll. This test shall be conducted by the Business Office on an annual basis. The test shall confirm that selected individuals listed on the payroll are currently employed by the district. These tests shall be done on a site by site basis. The tests will consist of having employees sign for each paycheck or payroll stub. The names of those employees whose checks or stubs have not been signed for will be confirmed by the Supervisor as employees of the site. The Superintendent or his/her designee will evaluate the results of the tests and determine if improvements need to be made.

The Board of Education will approve the hiring and initial salary and/or rates of pay for all personnel in the district. The initial payroll amount for a new hire will be calculated by the Human Resources Office and will match the amount stated in the Board minutes for each person hired. That amount will be confirmed by the Payroll Office when the payroll is prepared. All actions of the Board of Education which affect the payroll amount of an employee will be initiated by Human Resources and confirmed by Payroll. Employees that are hired full time for a twelve month year will have their daily rate of pay determined by contractual provisions. Where no contractual provisions exist related to the calculation of daily rates of pay, employees will earn a daily rate of pay calculated by dividing the annual salary by the number of weekdays (Monday through Friday inclusive of holidays or any other days SWBOCES is closed) from July 1 to June 30 for the applicable year. Employees that are hired on a full time basis for less than twelve months per year will have their daily rate of pay calculated based on applicable contractual and/or statutory provisions.

The Board of Education, at a scheduled meeting, will approve rates of pay for employees for items that include the following: hourly rate assignments, daily rate assignments, additional assignments, substitutes and stipends.

A payday schedule shall be established to provide uniform paydays for all regular employees. Pay schedules shall be established to ensure that employees are paid only for salary or time actually earned.

Both Human Resources and Payroll will check to see that a hire is appropriately classified according to the Internal Revenue Service regulations as an employee or an independent contractor. The minutes of the Board of Education meeting will reflect the correct classification. Human Resources will make the status determination of exempt or non-exempt from overtime in accordance with Fair Labor Standards Act provisions. Overtime will be paid in accordance with applicable laws and bargaining unit / terms and conditions of employment provisions.

Payroll procedures will also be reviewed periodically by the SWBOCES internal auditor. The internal auditor will report findings and recommendations to the Audit Committee with a report issued to the Board of Education. It is the intention of the Board of Education to take reasonable and necessary steps to safeguard the district's payroll.

Students

SUBJECT: ADMINISTERING MEDICATION

Students who are required to take medication during school hours must provide the building administrator with a written parental/guardian request accompanied by written authorization by a licensed physician indicating frequency and dosage for such medication. Such written consent shall be on file with the school authorities. Medication is to be brought to the school health office in its original labeled container and stored in a locked cabinet. Unless the student is properly designated, in accordance with State Education Department Guidelines, as being able to self-administer his/her own medication, students are to use the approved medication under direct supervision of a designated staff member.

Procedures for taking medications off school grounds or after school hours while participating in a school-sponsored activity will be in accordance with State Education Department Guidelines.

There is no unauthorized medication, such as aspirin, etc., available to students. Staff members are not to dispense their own personal medication to students at any time.

Emergency Medication

The administration of emergency medication (injectable, including "epi-pens," and/or oral) to a student for extreme hypersensitivity may be performed by any school staff member responding to the emergency. Such a response would fall under the Good Samaritan exemption for rendering emergency care during a life threatening situation.

The Use of Inhalers in Schools

In accordance with law, the SWBOCES must permit students who have been diagnosed by a physician or other duly authorized health provider as having a severe asthmatic condition to carry and use a prescribed inhaler during the school day. Prior to permitting such use, the school health office must receive the written permission of the prescribing physician or other duly authorized health care provider, and parental consent, based on such physician's or provider's determination that the student is subject to sudden asthmatic attacks severe enough to debilitate that student. In addition, upon the written request of a parent or person in parental relation, the Board shall allow such pupils to maintain an extra inhaler in the care and custody of the school's registered professional nurse.

A record of such physician or health care provider/parental permission shall be maintained in the School Office.

Health Office personnel will 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 the medication is being utilized in accordance with the physician's/health care provider's instructions. School personnel will work cooperatively with the parents and the student regarding self-care management.

(Continued)

SUBJECT: ADMINISTERING MEDICATION (Cont'd.)

Students who self-administer medication without proper authorization, under any circumstances, will be referred for counseling by school nursing personnel. Additionally, school administration and parents will be notified of such unauthorized use of medication by the student, and school administration will also be involved in determining the proper resolution of such student behavior, which could result in suspension or other disciplinary actions deemed appropriate.

Blood Glucose Monitoring

Children with diabetes have the right to care for their diabetes at school in accordance with the Individuals with Disabilities Education Act (IDEA) and Section 504 of the Rehabilitation Act of 1973 which provide protection against discrimination for children with disabilities, including diabetes.

Accordingly, blood glucose monitoring must be allowed in the school setting at any time, within any place, and by anyone necessitating such testing. Children must receive assistance if needed with the procedure.

The school nurse shall oversee any arrangements that need to be made for testing and a system to report the results to the nurse as needed. Proper arrangements should be made for the disposal of sharps.

Individuals with Disabilities Education Improvement Act of 2004 [Public Law 108-446 Section 614(a)]
Individuals with Disabilities Education Act (IDEA), 20 United States Code (USC) Sections 1400 et seq.
Section 504 of the Rehabilitation Act of 1973, 29 United States Code (USC) Section 794 et seq.
Education Law Sections 916, 6527(4)(a) and 6908(1)(a)(iv)
Public Health Law Section 3000-a

Students

SUBJECT: EQUAL EDUCATIONAL OPPORTUNITY

Each student attending SWBOCES programs shall have equal access to educational opportunities and will not be excluded or prevented from participating in or having admittance to the educational courses, programs or activities; school services; and extracurricular events on the basis of race, color, creed, religion, national origin, political affiliation, membership in the Boy Scouts or other designated youth groups, sex, sexual orientation, age, marital status, military status, veteran status, disability, or use of a recognized guide dog, hearing dog or service dog.

Administration shall establish grievance procedures that provide for the prompt and equitable resolution of complaints pertaining to discrimination on the basis of race, color, national origin, ethnicity, religion, creed, sex, gender (including gender identity and gender expression), sexual orientation, disability, age, citizenship status, marital status, partner status, genetic information, predisposing genetic characteristics, weight, military status or service, political affiliation, or domestic violence victim status.

Sexual orientation is defined as or perceived sexual orientation; the sex to which a person is sexually attracted. Someone attracted to primarily or exclusively to members of the opposite sex is characterized as straight or heterosexual.

The term "military status" means a person's participation in the military service of the United States or the military service of the state, including but not limited to, the armed forces of the United States, the army national guard, the air national guard, the New York naval militia, the New York guard, and such additional forces as may be created by the federal or state government as authorized by law.

The District Superintendent shall designate one or more SWBOCES employees as Civil Rights Compliance Officer(s) whose responsibility will be to ensure compliance with the various federal and state statutes and regulations prohibiting discrimination in educational programs, including Title IX of the Educational Amendments of 1972, Section 504 of the Rehabilitation Act of 1973, and the Americans With Disabilities Act (ADA).

The SWBOCES shall take appropriate annual and continuing steps to notify students and their parents or guardians of this policy of non-discrimination. This shall include provision for the publication and dissemination, internally and externally, of this policy to ensure its availability to interested citizens and groups. Included in this notification shall be the name(s), address(es) and telephone number(s) of the Compliance Officer(s) responsible for handling complaints regarding discrimination, and a description of the SWBOCES established grievance procedures.

Prohibition of Retaliatory Behavior

The Board prohibits any retaliatory behavior directed against complainants, victims, witnesses, and/or any other individuals who participated in the investigation of a complaint of discrimination. Follow-up inquiries shall be made to ensure that discrimination has not resumed and that all those involved in the investigation of the discrimination complaint have not suffered retaliation.

Students

SUBJECT: EQUAL EDUCATIONAL OPPORTUNITY (Cont'd.)

Age Discrimination in Employment Act, 29 United States Code Section 621

Americans With Disabilities Act, 42 United States Code (USC) Section 12101 et seq.

Prohibits discrimination on the basis of disability.

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

Title VI of the Civil Rights Act of 1964, 42 United States Code (USC) Section 2000d et seq.

Prohibits discrimination on the basis of race, color or national origin.

Title VII of the Civil Rights Act of 1964, 42 United States Code (USC) Section 2000e et seq.

Prohibits discrimination on the basis of race, color, religion, sex or national origin.

Title IX of the Education Amendments of 1972, 20 United States Code (USC) Section 1681 et seq.

Prohibits discrimination on the basis of sex.

Civil Rights Law Section 40-c

Prohibits discrimination on the basis of race, creed, color, national origin, sex, marital status, sexual orientation or disability.

Executive Law Section 290 et seq.

Prohibits discrimination on the basis of age, race, creed, color, national origin, sex, sexual orientation, disability, military status, marital status, or use of a recognized guide dog, hearing dog or service dog.

Boy Scouts of America Equal Access Act, part of the No Child Left Behind Act of 2001, which prohibits denial of access to or other discrimination against the Boy Scouts or other Title 36 U.S.C. youth groups in public elementary schools, public secondary schools, local education agencies, and state education agencies that have a designated open forum or limited public forum.

Age Discrimination Act of 1975

Students

SUBJECT: COMPLAINTS AND GRIEVANCES BY STUDENTS

SWBOCES students shall be afforded opportunity to present complaints and grievances free from interference, coercion, restraint, discrimination or reprisal. Administration shall be responsible for:

- a) Establishing rules and regulations for the redress of complaints or grievances through proper administration channels;
- b) Developing an appeals process;
- c) Ensuring students have full understanding and access to these regulations and procedure; and
- d) Providing prompt and equitable consideration and determination of student complaints and grievances.

The District Superintendent is responsible for ensuring that appeal procedures are incorporated into discipline codes, explained to all students, and provided to all parents on an annual basis.

SWBOCES staff will notify appropriate officials at a student's home district when a complaint or grievance is filed and keep the home district informed of the status of the complaint or grievance.

Prohibition of Retaliatory Behavior

The Board prohibits any retaliatory behavior directed against complainants, victims, witnesses, and/or any other individuals who participated in the investigation of a complaint of discrimination. Follow-up inquiries shall be made to ensure that discrimination has not resumed and that all those involved in the investigation of the discrimination complaint have not suffered retaliation.

Complaints and Grievances Officer

Additionally, the Board shall ensure compliance with Civil Rights Law and implementing regulations. The District Superintendent shall designate Civil Rights Compliance Officer(s); regulations and procedures shall be implemented to resolve complaints of discrimination.

Annual Notification

Prior to the beginning of each school year, the SWBOCES shall publish a notice which advises students, parents/guardian, employees and the general public of the SWBOCES' established grievance procedures for resolving complaints of discrimination. Included in such announcement will be the name, title, address, telephone number and email address person(s) designated to coordinate Civil Rights activities.

(Continued)

Students

SUBJECT: COMPLAINTS AND GRIEVANCES BY STUDENTS (Cont'd.)

The Civil Rights Compliance Coordinators shall be responsible for handling complaints and grievances regarding discrimination based on race, color, creed, religion, national origin, sex, disability, political affiliation, membership in the Boy Scouts or other designated youth groups, sexual orientation, age, military status, marital status, or use of a recognized guide dog, hearing dog or service dog, or other protected groups.

The public notice shall also be included in announcements, bulletins, catalogues, and applications made available by the SWBOCES.

Age Discrimination Act of 1975

Americans With Disabilities Act, 42 United States Code (USC) Section 12101 et seq.

Prohibits discrimination on the basis of disability.

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

Title VI of the Civil Rights Act of 1964, 42 United States Code (USC) Section 2000d et seq.

Prohibits discrimination on the basis of race, color or national origin.

Title VII of the Civil Rights Act of 1964, 42 United States Code (USC) Section 2000e et seq.

Prohibits discrimination on the basis of race, color, religion, sex or national origin.

Title IX of the Education Amendments of 1972, 20 United States Code (USC) Section 1681 et seq.

Prohibits discrimination on the basis of sex.

Civil Rights Law Section 40-c

Prohibits discrimination on the basis of race, creed, color, national origin, sex, marital status, sexual orientation or disability.

Executive Law Section 290 et seq.

Prohibits discrimination on the basis of age, race, creed, color, national origin, sex, sexual orientation, disability, military status, marital status, or use of a recognized guide dog, hearing dog or service dog.

Boy Scouts of America Equal Access Act, part of the No Child Left Behind Act of 2001, which prohibits denial of access to or other discrimination against the Boy Scouts or other Title 36 U.S.C. youth groups in public elementary schools, public secondary schools, local education agencies, and state education agencies that have a designated open forum or limited public forum.

Students

SUBJECT: MILITARY RECRUITERS' ACCESS TO SECONDARY SCHOOL STUDENTS AND INFORMATION ON STUDENTS

In compliance with the Elementary and Secondary Education Act (ESEA) of 1965, as amended by the No Child Left Behind Act of 2001 (NCLB); and the National Defense Authorization Act, and in accordance with the Family Educational Rights and Privacy Act (FERPA), the School District shall comply with a request by a Military Recruiter for names, addresses, and telephone listings of eligible students. Eligible student under ESEA and the National Defense Authorization Act is defined as a secondary student who is seventeen (17) years of age or older or in the eleventh grade (or its equivalent) or higher. Under ESEA and the National Defense Authorization Act, parents must be notified that the School District by law routinely discloses students' names, addresses, and telephone listings to Military Recruiters upon request, subject to a parent's/eligible student's request not to disclose such information with written parental verification of such request.

Under FERPA, the SWBOCES must provide notice to parents/eligible students of the types of student information that it releases publicly. This type of information, commonly referred to as "directory information," which is released by SWBOCES includes - but is not limited to - such items as students' names, addresses, and telephone listings. The notice must include an explanation of a parent's/eligible student's right to request that "directory information" not be disclosed without prior written consent of the parent/eligible student. Eligible student under FERPA is defined as a student eighteen (18) years of age or older or who is attending an institution of post-secondary education.

A single notice provided through a mailing, student handbook, or other method that is reasonably calculated to inform parents/eligible students of the above information is sufficient to satisfy the notification requirements of both FERPA, ESEA and the National Defense Authorization Act. The notification shall advise the parent/eligible student of how to opt out of the public, nonconsensual disclosure of directory information and the disclosure of name, address and telephone listing to Military Recruiters; and shall state the method and timeline within which to do so.

Further, in compliance with the ESEA and the National Defense Authorization Act, SWBOCES shall give Military Recruiters the same access to secondary school students as they provide to postsecondary institutions or to prospective employers.

If a parent/eligible student opts out of providing directory information (or any subset of such information) to third parties, the opt-out relating to the student's name, address, or telephone listing applies to requests from Military Recruiters as well. For example, if the opt-out states that telephone numbers will not be disclosed to the public, SWBOCES may not disclose telephone numbers to Military Recruiters.

The District Superintendent/designee shall ensure that appropriate notification is provided regarding the opt-out rights prohibiting release of directory information and/or release of name, address and telephone listing to Military Recruiters.

(Continued)

**SUBJECT: MILITARY RECRUITERS' ACCESS TO SECONDARY SCHOOL STUDENTS
AND INFORMATION ON STUDENTS (Cont'd.)**

Elementary and Secondary Education Act of 1965, Section 9528, 20 United States Code (USC)

Section 7908 as amended by the No Child Left Behind Act of 2001

Family Educational Rights and Privacy Act of 1974, 20 United States Code (USC) Section 1232(g)

National Defense Authorization Act Section 544, 10 United States Code (USC) Section 503

34 Code of Federal Regulations (CFR) Section 300.571

Education Law Section 2-a

8 New York Code of Rules and Regulations (NYCRR) Section 3.33

Instruction

SUBJECT: CONTINUING EDUCATION**Objectives of the Instructional Program**

The general objectives of the SWBOCES Continuing Education Program shall be to provide adults with the means for economic improvement or cultural development. Members of the community are encouraged to participate in continuing education courses. The learning process for every individual is a life-long process and, thus, the activities offered by SWBOCES should be utilized by each individual in the community to the fullest.

Instructional Arrangements

A course may be given only when the number of interested adults is sufficient to form a class of proper size, when a qualified teacher, adequate facilities and appropriate supervision can be made available.

Size of Classes

A course will be given only when registration is sufficient to make the course self-supporting. Discretion as to the maximum size of individual classes shall be exercised by the Director of Adult Education.

Scheduling of Classes

Scheduling of adult education classes shall not interfere with the operation of the secondary occupational education program.

External Funding

Maximum utilization of non-tuition, categorical and other funds available to assist in defraying the cost of Adult Education programs must be made. Applications for these funds must be made where appropriate.

Equal Opportunity

The SWBOCES affirms the right of all qualified persons to participate in SWBOCES programs without regard to race, color, creed, age, marital status, military status, veteran status, political affiliation, sexual orientation, sex, religion, national origin, disability, or use of a recognized guide dog, hearing dog or service dog.

Fees and Refunds

Tuition fees shall be due and payable at the time of registration. No refunds shall be granted after classes begin unless the class is canceled because of insufficient registration.

Education Law Section 1950(4)

Adopted: 6/23/10

Instruction

SUBJECT: INSTRUCTIONAL TECHNOLOGY

The Board will ensure the availability of appropriate and high quality technological materials and equipment for program use.

Continuing advances in technology are bringing about changes that have an increasing impact on the way we obtain, process, evaluate and use information. Therefore, the SWBOCES is committed to:

- a) A comprehensive staff development program to ensure appropriate and effective use of technology.
- b) The preparation of students to utilize multiple types of technology.
- c) The integration of technology within and across all curriculum areas.
- d) The equitable distribution and access to technological equipment and materials for all students.
- e) The promotion of technology as an alternative to traditional methods of gathering, organizing and synthesizing information.
- f) The provision of sufficient funds, within the budgetary constraints of the Board, for the implementation of technology instruction.

The Board directs the District Superintendent or his/her designee to assess the technological needs of the SWBOCES instructional program, research and review current materials and make recommendations to the Board.

Instruction

SUBJECT: COMPUTER SOFTWARE COPYRIGHT

The SWBOCES will adhere to the provisions of copyright laws in the area of microcomputer programs. To discourage violation of copyright laws and to prevent such illegal activities:

- a) The ethical and practical problems caused by software piracy will be taught in SWBOCES buildings.
- b) SWBOCES employees will be expected to adhere to the provisions of Public Law 96-517, Section 7(b) which amends Section 117 of Title 17 of the United States Code to allow for the making of a back-up copy of computer programs. This states that "... it is not an infringement for the owner of a copy of a computer program to make or authorize the making of another copy or adaptation of that computer program provided:
 - 1. That such a new copy or adaptation is created as an essential step in the utilization of the computer program in conjunction with a machine and that it is used in no other manner, or
 - 2. That such a new copy and adaptation is for archival purposes only and that all archival copies are destroyed in the event that continued possession of the computer program should cease to be rightful."
- c) When software is to be used on a disk sharing system, efforts will be made to secure this software from copying.
- d) Illegal copies of copyrighted programs may not be made or used on school equipment.
- e) The legal or insurance protection of the SWBOCES will not be extended to employees who violate copyright laws.
- f) The Deputy Superintendent or designee is responsible for establishing practices which will enforce this policy at each SWBOCES location.

Instruction

**SUBJECT: THE CHILDREN'S INTERNET PROTECTION ACT: INTERNET CONTENT
FILTERING/SAFETY POLICY**

In compliance with The Children's Internet Protection Act (CIPA) and Regulations of the Federal Communications Commission (FCC), the SWBOCES has adopted and will enforce this Internet safety policy that ensures the use of technology protection measures (i.e., filtering or blocking of access to certain material on the Internet) on all SWBOCES computers with Internet access. Such technology protection measures apply to Internet access by both adults and minors with regard to visual depictions that are obscene, child pornography, or, with respect to the use of computers by minors, considered harmful to such students. Further, appropriate monitoring of online activities of minors, as determined by the building/program supervisor, will also be enforced to ensure the safety of students when accessing the Internet.

Further, the Board's decision to utilize technology protection measures and other safety procedures for staff and students when accessing the Internet fosters the educational mission of the SWBOCES including the selection of appropriate teaching/instructional materials and activities to enhance SWBOCES' programs; and to help ensure the safety of personnel and students while online.

However, no filtering technology can guarantee that staff and students will be prevented from accessing all inappropriate locations. Proper safety procedures, as deemed appropriate by the applicable administrator/program supervisor, will be provided to ensure compliance with the CIPA.

In addition to the use of technology protection measures, the monitoring of online activities and access by minors to inappropriate matter on the Internet and World Wide Web *may* include, but shall not be limited to, the following guidelines:

- a) Ensuring the presence of a teacher and/or other appropriate SWBOCES personnel when students are accessing the Internet including, but not limited to, the supervision of minors when using electronic mail, chat rooms, and other forms of direct electronic communications. As determined by the appropriate building administrator, the use of e-mail and chat rooms may be blocked as deemed necessary to ensure the safety of such students;
- b) Monitoring logs of access in order to keep track of the web sites visited by students as a measure to restrict access to materials harmful to minors;
- c) The dissemination of the SWBOCES' Acceptable Use Policy and accompanying Regulations to parents and students in order to provide notice of the school's requirements, expectations, and student's obligations when accessing the Internet. Parental and/or student consent, as may be applicable, shall be required prior to authorization for student use of SWBOCES computers. In compliance with this Internet

(Continued)

Instruction

SUBJECT: THE CHILDREN'S INTERNET PROTECTION ACT: INTERNET CONTENT FILTERING/SAFETY POLICY (Cont'd.)

Safety Policy as well as The Southern Westchester BOCES' Acceptable Use Policy, unauthorized access (including so-called "hacking") and other unlawful activities by minors are prohibited by the SWBOCES; and student violations of such 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 information regarding such students.

The determination of what is "inappropriate" for minors shall be determined by the SWBOCES and/or designated school official(s). It is acknowledged that the determination of such "inappropriate" material may vary depending upon the circumstances of the situation and the age of the students involved in online research. In using the computer network and Internet, minors are not permitted to reveal personal information such as home addresses, telephone numbers, their real last names or any other information which might allow someone they are communicating with online to locate them. No minor may arrange a face-to-face meeting with someone he/she "meets" on the computer network or Internet without his/her parent's permission.

The terms "minor," "child pornography," "harmful to minors," "obscene," "technology protection measure," "sexual act," and "sexual contact" will be as defined in accordance with CIPA and other applicable laws/regulations as may be appropriate and implemented pursuant to the SWBOCES' educational mission.

Under certain specified circumstances, the blocking or filtering technology measure(s) may be disabled for adults engaged in bona fide research or other lawful purposes. The power to disable can only be exercised by an administrator, supervisor, or other person authorized by the SWBOCES.

The SWBOCES shall provide certification, pursuant to the requirements of CIPA, to document the SWBOCES' adoption and enforcement of its Internet Safety Policy, including the operation and enforcement of technology protection measures (i.e., blocking/filtering of access to certain material on the Internet) for all SWBOCES computers with Internet access.

The SWBOCES has provided reasonable public notice and has held at least one (1) public hearing or meeting to address the proposed Internet Content Filtering/Safety Policy prior to Board adoption. Furthermore, appropriate actions will be taken to ensure the ready availability to the public of the Southern Westchester BOCES' Internet Content Filtering/Safety Policy, as well as any other SWBOCES policies relating to the use of technology.

47 United States Code (USC) Sections 254(h) and (l)
47 Code of Federal Regulations (CFR) Part 54

Adopted: 6/23/10