

Please be advised that the Southern Westchester BOCES Policy Manual developed with Erie 1 BOCES Policy Services is not to be interpreted as the rendering of legal advice. Application of Board policies to specific situations may necessitate consultation with the School Administrators/School Attorney to address the particular circumstances.

FOREWORD

Contained herein are the policy statements formulated by the Southern Westchester Board of Cooperative Educational Services (SWBOCES).

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

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

Policy should accomplish the following:

- a) State a position taken by the Supervisory District;
- b) Grant the authority to act;
- c) Be sufficiently detailed to give adequate direction;
- d) Be achievable within the real environment of the school and community;
- e) Provide for impartial procedures.

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

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or administrative enactment, all other parts shall remain in full effect unless and until they are amended or repealed by the Board.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

PHILOSOPHY STATEMENT

The philosophy of the Board of Cooperative Educational Services guides us in the administration of responsibilities assigned under the law. The Board undertakes or arranges those educational programs or services that the individual districts cannot more economically or efficiently carry out themselves.

The system of interaction among the component districts and the Board gives rise to the development of programs and services. This interaction has as its basis a desire by all component districts to pool their resources in the pursuit of student programs and services of high quality at low cost.

Upon request, Southern Westchester BOCES will furnish services to school districts through cross-contractual arrangements.

Southern Westchester BOCES

NUMBER

ORGANIZATION OF THE BOARD OF COOPERATIVE EDUCATIONAL SERVICES

1.1 Organization and Authority	1110
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NOMINATION AND ELECTION OF BOARD MEMBERS

2.1 Qualifications of Board Members and Terms of Office	1210
2.2 Nomination and Election of Board Members	1220
2.3 Vacancies on the Board	1230

ROLE OF THE BOARD OF COOPERATIVE EDUCATIONAL SERVICES

3.1 Powers and Duties of the Board and Its Officers.....	1310
3.1.1 Duties of the President	1311
3.1.2 Duties of the Vice President	1312
3.1.3 Duties of the Clerk of the Board	1313
3.1.4 Duties of the Treasurer	1314
3.1.5 Appointment and Duties of the Claims Auditor	1315
3.1.6 Duties of the School Attorney	1316
3.1.7 Duties of the External (Independent) Auditor	1317
3.1.8 Records Officers	1318
3.1.9 Duties of the Internal Auditor	1319
3.4 Principles for School Board Members	1340

METHODS OF OPERATION

4.1 Formulation and Adoption of Policy	1410
4.2 Execution of Policy: Administrative Regulations	1420
4.3 Meetings	
4.3.1 Regular Meetings of the Board of Cooperative Educational Services	1431
4.3.2 Regular Board Meetings and Rules (Quorum and Parliamentary Procedure)	1510
4.3.3 Executive Sessions of the Board.....	1433
4.3.5 Minutes of Board Meetings	1435
4.3.6 Special Meetings of the Board.....	1436
4.3.7 Annual Meeting	1437
4.3.8 Annual Reorganization Meeting.....	1438
4.4 Non-Discrimination	1440

2010 1000

By-Laws

Southern Westchester BOCES

NUMBER

INTERNAL BOARD OPERATIONS

5.1	Use of Parliamentary Procedure	1510
5.2	Board Development Policy	1520
5.3	Membership in Associations.....	1530
5.4	Board Self-Evaluation	1540
5.5	Orienting New Board Members.....	1550
5.6	Reimbursement of Expenses for Board of Education Members.....	1560
5.8	Board Member Training on Financial Oversight, Accountability and Fiduciary Responsibilities	1580

By-Laws

SUBJECT: ORGANIZATION AND AUTHORITY

The SWBOCES of the Sole Supervisory District of Southern Westchester, New York shall be known and referred to as the Southern Westchester BOCES (SWBOCES)

The SWBOCES is a corporate body created by statute and vested with complete authority over the educational and fiscal affairs of the SWBOCES of the Supervisory District. In the exercise of such authority the SWBOCES shall exercise only such powers as are expressly granted to it by law.

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 SWBOCES.

Limitation of Responsibilities as Individuals

The authority and responsibilities of individual Board members do not extend to execution of the policies which they adopt as a body.

The role of the Board, as with a legislative body, is to act collectively, not individually. Individual members have no status as, and shall not attempt to act as, administrators in the district. Rather, the District Superintendent, all administrators, as well as all other personnel of the district, are responsible to the Board as an entity. Board members, however, as with all legislators, are entitled to full information and all data necessary, in their judgment, to the proper casting of their votes on any matter which can come before the Board for action. Administrative duties will be delegated to the District Superintendent and his/her staff; governing powers will be rigorously retained for action by the Board itself.

Individual Board members being recipient of citizens' comments, petitions, or complaints serious enough to warrant, or by their nature such as to warrant, action by the Board as a whole, should normally request the same to be reduced to writing and transmitted to the District Office for revision and inclusion on the agenda, if deemed appropriate.

Individual Board members, speaking in their own behalf outside of regular Board meeting debates, should make it clear that their personal views are not necessarily the same as the full Board acting collectively.

Each member of the Board should read his/her agenda and necessary documents accompanying the same, prior to the Board meeting, and mark portions which need clarification; and otherwise be prepared for maximum participation necessary in the shortest time possible on each question coming before the Board. Board members are encouraged to contact the District Superintendent prior to the meeting, to clarify any items on the agenda.

(Continued)

SUBJECT: ORGANIZATION AND AUTHORITY (Cont'd.)

Board members, if they are to retain effective control of the District without becoming involved in the administration thereof, should avail themselves of every opportunity to develop their knowledge and skills as members of the governing body of this District.

Education Law Section 1950

Adopted: 6/23/10

By-Laws

SUBJECT: QUALIFICATIONS OF BOARD MEMBERS AND TERMS OF OFFICE

The SWBOCES shall consist of seven (7) Board members elected to represent the thirty-three (33) component districts within the Southern Westchester BOCES area.

Any eligible voter who resides within the boundaries of a component school district may be elected to the Board of Cooperative Educational Services. A candidate need not be a member of a Board of Education of the district. A candidate must be eligible to hold office in a component district. Employees of any of the SWBOCES component school districts, or employees of SWBOCES, are ineligible for election to the Board of Cooperative Educational Services.

No more than one Board member may reside in a given component district unless otherwise permitted in accordance with law. Any candidate nominated by a special act school district shall be considered a resident of the district that nominated the person. No more than one member of a family shall be a member of the Board.

A member of the Board shall serve for a term of three (3) years, commencing on the July 1 next following the election.

The total Board membership shall be separated into a sufficient number of classes of terms in order that, as nearly possible, equal numbers of Board members shall be elected each year.

Educational Law Sections 1950(2-a) and 2103

Adopted: 6/23/10

By-Laws

SUBJECT: NOMINATION AND ELECTION OF BOARD MEMBERS

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

Nominations will occur by resolution of the board of education of one or more component school districts and shall be transmitted in writing to the Clerk of the SWBOCES at least thirty (30) days prior to the date designated by the President of the SWBOCES or the election.

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

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

To be elected, a candidate must receive a plurality of votes cast, with the candidate receiving the highest total vote elected to the position with the longest term, the candidate with the second highest vote total elected to the position with the next longest term, and so on. If the length of term of all positions to be filled is equal, candidates are elected in order of the greatest number of votes received until all vacancies are filled. Any tie vote will be broken by a runoff to be held within twenty (20) days of the initial vote.

Education Law Section 1950(2-a)

Adopted: 6/23/10

By-Laws

SUBJECT: VACANCIES ON THE BOARD

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

- a) If the vacancy occurs on or after January 1 and prior to the fifth day preceding the date designated for submission of nominations of candidates, the Board of Cooperative Educational Services may fill such vacancy by appointment. Such position may be filled only by majority vote of the full Board membership. The individual so appointed shall hold office until the next annual election, at which point the unexpired term will be filled.
- b) If the vacancy occurs before January 1st in any school year, or, during the period beginning five days prior to the date designated for submission of nominations of candidates and ending on the last day of the school year, the vacancy for the unexpired term shall be filled by special election, no later than 45 days after the date the vacancy occurred.

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

Board Member Resignations/Removal from OfficeResignations

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

Removal

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

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

Adopted: 6/23/10

By-Laws

SUBJECT: POWERS AND DUTIES OF THE BOARD AND ITS OFFICERS

The powers and duties of the SWBOCES shall include the powers and duties as are prescribed by Education Law, Section 1950 (4).

Education Law Section 1950(4)

NOTE: Refer also to Policy #5360 -- Defense and Indemnification of Board Members and Employees

Adopted: 6/23/10

By-Laws

SUBJECT: DUTIES OF THE PRESIDENT

The President shall be a member of the SWBOCES and be elected by the Board at its Annual Reorganization Meeting. The term of office for President shall be one year. The duties of the President of the Board shall be as follows:

- a) To preside at all meetings;
- b) To act as chief fiscal officer of the Board;
- c) To execute all documents on behalf of the Board;
- d) To appoint all standing and ad hoc committees;
- e) To act as an ex-officio member of all committees (except nominating committee);
- f) To call special meetings he/she considers necessary or on request of one member of the Board;
- g) To vote together with other members of the Board;
- h) To perform the usual and ordinary duties of the office;
- i) To act as temporary chair of the Annual Meeting and special meetings;
- j) To, along with other members, offer resolutions, and discuss questions;
- k) To act as the official spokesperson for the Board.

Education Law Section 1950(4)(j)

Adopted: 6/23/10

By-Laws

SUBJECT: DUTIES OF THE VICE PRESIDENT

The Vice President shall be a member of the Board, elected by the Board at its Annual Reorganizational Meeting, and shall serve for a period of one year. The Vice President shall perform such duties as the President or the Board of Cooperative Educational Services may prescribe. The Vice President shall perform the normal duties of the President in case of the absence or disability of the President.

In case of vacancy in the office of the President, the Vice President shall act as President until a President is elected.

Adopted: 6/23/10

By-Laws

SUBJECT: DUTIES OF THE CLERK OF THE BOARD

- a) The Clerk of the Board of Cooperative Educational Services shall be appointed by the Board at its Annual Reorganizational Meeting and shall perform the duties prescribed by Education Law and the Regulations of the Commissioner of Education.
- b) All official records and proceedings of the Board of Cooperative Educational Services shall be recorded and kept by the Clerk of the Board.
- c) The Clerk shall, in addition:
 - 1. Attend all meetings of the Board of Cooperative Educational Services and furnish copies of minutes within a reasonable time to each member of the Board of Cooperative Educational Services, the District Superintendent, Treasurer, Attorney for the Board, Presidents of the various Associations, and to such other persons as the Board shall direct;
 - 2. Be responsible for full and accurate minutes of the meetings of the Board;
 - 3. Be a Notary Public;
 - 4. Verify and sign official documents;
 - 5. Give notice of all special meetings of the Board;
 - 6. Post and publish notices required by law. There shall be an official bulletin board to be known as "Board of Cooperative Educational Services Official Bulletin Board" on which a copy of all notices, required by law or by action of the Board of Cooperative Educational Services to be posted or published, shall be securely affixed for the required period of time.
 - 7. Make arrangements for and be responsible for the details of the Annual Meeting;
 - 8. Conduct the Reorganizational Meeting until a President and Vice President are sworn in;
 - 9. Upon direction from the Board of Cooperative Educational Services, countersign on behalf of the Board all formal documents required to be countersigned by law or custom;
 - 10. Give official notice to persons duly elected or appointed to office;
 - 11. Keep the Policy Manual of the Board and add and distribute material to the Board and administration after Board action;
 - 12. Keep and file all information regarding special committees of the Board;

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By-Laws

SUBJECT: DUTIES OF THE CLERK OF THE BOARD (Cont'd.)

13. Act as a secretarial liaison between Board, component Boards and component districts and the surrounding communities;
14. Prepare and arrange publication of legal notices;
15. Transcribe Board minutes of executive sessions as recorded by the District Superintendent;
16. Perform any other work requested by the Board or the District Superintendent.

The Clerk of the Board shall serve for a period of one year, and serves at the pleasure of the Board.

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

Adopted: 6/23/10

By-Laws

SUBJECT: DUTIES OF THE TREASURER

The Treasurer of the Board of Cooperative Educational Services shall be appointed by the Board at its Annual Reorganizational Meeting and shall serve for a period of one year. It shall be the duty of the Treasurer to:

- a) Receive all money due to the Board of Cooperative Educational Services, deposit same in banks designated by the Board, and have general responsibility for the custody of the funds of the SWBOCES. All moneys to be paid out shall be by check drawn on depositories after approval by the Claims Auditor. All checks shall be signed by the Treasurer. The use of a check-signer machine is authorized. Custody and safekeeping shall be the responsibility of the Treasurer.
- b) Keep a detailed account of the moneys received and receivable, disbursed and encumbered on each account and present such information to the Board of Cooperative Educational Services at each of its regular meetings.
- c) Submit such additional accounts and reports as are required by law, by Commissioner's Regulations, or by the Board of Cooperative Educational Services.
- d) Perform such other duties as may be assigned to the Office by the Board.

Before entering upon the duties of the office, the Treasurer shall be bonded. The Board of Cooperative Educational Services shall purchase a bond to cover the Treasurer in such amount as the Board shall annually designate.

Education Law Sections 1950(7)(j) and 2130

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

Adopted: 6/23/10

By-Laws

SUBJECT: APPOINTMENT AND DUTIES OF THE CLAIMS AUDITOR

The Board may adopt a resolution establishing the appointment of a Claims Auditor who shall hold the position subject to the pleasure of the Board and report directly to the Board on the results of audits of claims. The Board may require that the Claims Auditor report to the Clerk of the SWBOCES or the Board, or to the District Superintendent for administrative matters such as workspace, time and attendance.

Qualifications

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

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

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

The Claims Auditor shall be classified in the civil service exempt class.

The Board may delegate this claims audit function by using inter-municipal cooperative agreements, shared services through a Board of Cooperative Educational Services, or independent contractors, providing that the individual or organization serving as independent contractor meets the following standards for independence between the Claims Auditor and the SWBOCES:

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By-Laws

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

- a) Has no other responsibilities related to the business operations of the SWBOCES;
- b) Has no interest in any other contracts with, and does not provide any goods or services to, the SWBOCES; and
- c) Is not a close or immediate family member of anyone who has responsibilities related to business operations of the SWBOCES, or has an interest in any other contracts with the SWBOCES. A "close family member" is defined as a parent, sibling or nondependent child; an "immediate family member" is a spouse, spouse equivalent, or dependent (whether or not related).

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

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

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

Adopted: 6/23/10

SUBJECT: DUTIES OF THE SCHOOL ATTORNEY

The SWBOCES will appoint legal counsel for SWBOCES matters. Counsel must be admitted to the bar of New York State and will be the legal advisor to the Board.

By-Laws

SUBJECT: DUTIES OF THE EXTERNAL (INDEPENDENT) AUDITOR

The Board, by law, shall obtain an annual audit of its records by an independent certified public accountant or an independent public accountant. The independent accountant shall present the report of the annual audit to the Board and provide a copy of the audit to each Board member. The Board shall adopt a resolution accepting the audit report and file a copy of the resolution with the Commissioner. The SWBOCES 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 SWBOCES shall be subject to State audits conducted by the State Comptroller.

Request for Proposal Process

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.

Education Law Sections 1709(20-a), 2110-a, 2116-a and 2854(c)

General Municipal Law Sections 33 and 104-b

8 New York Code of Rules and Regulations (NYCRR) Sections 170.2, 170.3 and 170.12

Adopted: 6/23/10

By-Laws

SUBJECT: RECORDS OFFICERS**Records Access Officer**

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

Records Management Officer

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

By-Laws

SUBJECT: DUTIES OF THE INTERNAL AUDITOR

The Internal Auditor reports directly to the Board.

The SWBOCES 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/entity serving as Internal Auditor. The person or entity serving as Internal Auditor must follow generally accepted auditing standards, be independent of SWBOCES 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 SWBOCES operations, including but not limited to, a review of financial policies, procedures and practices;
- b) An annual review and update of such risk assessment;
- c) Annual testing and evaluation of one or more areas of the SWBOCES internal controls, taking into account risk, control weakness, size, and complexity of operations;
- d) Preparation of reports, at least annually or more frequently as the Board may direct, which:
 - 1. Analyze significant risk assessment findings;
 - 2. Recommend changes for strengthening controls and reducing identified risks; and
 - 3. Specify timeframes for implementation of such recommendations.

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

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

Adopted: 6/23/10

By-Laws

SUBJECT: PRINCIPLES FOR SCHOOL BOARD MEMBERS

The success of every school system depends on an effective working relationship between the School Board and the Superintendent. This code emphasizes the most important goals and obligations of that relationship.

- a) Assure the opportunity for high quality education for every student and make the well-being of students the fundamental principle in all decisions and actions.
- b) Obey all national, state and local laws and regulations pertaining to education and public agencies.
- c) Represent the entire community without fear or favor, while not using these positions of personal gain and accepting all responsibilities as a means of unselfish service.
- d) Uphold the principles of due process and individual dignity, and protect the civil and human rights of all.
- e) Adhere to the principle that the Board shall confine its role to policymaking, planning, and appraisal while the District Superintendent shall implement the Board's policies.
- f) Act as a part of an educational team with mutual respect and regard for each other's respective responsibilities and duties, recognizing that the strength of a School Board is in acting as a Board, not as individuals; and that the strength of the Superintendent is in being the educational leader of the school district.
- g) Maintain high standards and the effectiveness of education through research and continuing professional development.
- h) Preserve the obligation of having all issues considered fairly and without bias.
- i) Instill respect for community, state and nation.
- j) Honor the spirit and letter of all contracts until fulfillment or modification by mutual agreement.

Joint Code of Conduct - New York State Council of Superintendents and New York State School Boards Association

NOTE: Refer also to Policy #5110 -- Code of Ethics for SWBOCES Officers and All SWBOCES Personnel

Adopted: 6/23/10

By-Laws

SUBJECT: FORMULATION AND ADOPTION OF POLICY

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

The SWBOCES recognizes that the adoption of written policies constitutes the basic method by which the Board exercises its leadership in the operation of the SWBOCES. Policies may be proposed for adoption, change or repeal at any regular or special Board meeting. The Board delegates to the District Superintendent the responsibility and authority to establish any and all rules, regulations, and/or procedures necessary to implement and maintain its policies.

All policy considerations shall be placed on the agenda of regular Board meetings and shall be adopted only after the proposal has been moved, discussed and voted on affirmatively at two (2) 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." Amendments to Board policy shall be considered in the same manner. All policy and amendments to policy shall be laid on the table until the next regularly scheduled meeting of the Board. Any change in policy or amendment suggested by the District Superintendent or Board members will be on a written notice to the President of the Board with a request it be placed on the agenda at the next regular Board meeting.

The formal adoption of written Board policy shall be recorded in the official minutes of the Board. Such written Board policy shall govern the conduct and affairs of the SWBOCES and shall be binding upon the members of the educational community in the SWBOCES. Every Board and staff member shall have access to the Board Policy Manual.

It shall be the Board's responsibility to keep its written policies up-to-date so they may be used consistently as a basis for Board action and administrative decision.

At least once per year, review of the Board policy shall be conducted by the District Superintendent and/or the Board Policy Committee and reported to the Board with recommendations.

By-Laws

SUBJECT: EXECUTION OF POLICY: ADMINISTRATIVE REGULATIONS

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

Adopted: 6/23/10

By-Laws

**SUBJECT: REGULAR MEETINGS OF THE BOARD OF COOPERATIVE
EDUCATIONAL SERVICES**

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

In accordance with state law, notice of meetings shall be sent to all members of the Board, the District Superintendent, the Treasurer of the SWBOCES and to the local newspapers within the surrounding component districts. The time, date and place of regular Board meetings is established at the Reorganization Meeting. Whenever such a meeting is to take place, there must be at least seventy-two (72) hours advance notice in accordance with the provisions of the Open Meetings Law. Notice of other meetings shall be given as soon as is practicable in accordance with law.

Regular meetings of the Board shall take place on the day and time designated by the Board at the Annual Reorganizational Meeting, except as modified at subsequent meetings of the Board.

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

Any meeting of the Board may be adjourned to a given future date and hour if voted by a majority of the Board present.

- a) Notwithstanding the foregoing, the Board shall in no event meet less than once each quarter.
- b) All official business must be conducted with a quorum present and all decisions made on the basis of a majority vote of the entire Board membership.
- c) An agenda shall be prepared by the District Superintendent prior to the meeting. For regular meetings, the agenda shall be distributed at least forty-eight (48) hours prior to the meeting.

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

Public Officers Law Article 7

NOTE: Refer also to Policy #1436 -- Special Meetings of the Board

Adopted: 6/23/10

By-Laws

SUBJECT: EXECUTIVE SESSIONS OF THE BOARD

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

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

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

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

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

Adopted: 6/23/10

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. 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 Reorganizational 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 to notify all members. The Clerk will provide the Board members written notice of the time of and agenda for each regular meeting before the meeting.

- a) Notwithstanding the foregoing, the Board will in no event meet less than once each quarter.
- b) All official business must be conducted with a quorum present and all decisions made on the basis of a majority vote of the entire Board membership.
- c) An agenda will be prepared by the District Superintendent or designee prior to the meeting. For regular meetings, the agenda will be distributed at least 48 hours prior to 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 Southern Westchester BOCES ("SWBOCES") has the ability to do so, it will conspicuously post the meeting notices on its website.

The District Superintendent or designee will prepare the meeting agenda during the week before the meeting and review 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 or designee. 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 or designee.

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

(Continued)

Bylaws

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

If videoconferencing or online technology is used to conduct a meeting, the public notice for the meeting will so inform the public, identify all the locations for the meeting, and state that the public has the right to attend at any of the locations. If a meeting is streamed live over the internet, the public notice will inform the public of the website's internet address. Voting may be done through videoconferencing, provided that members can be both seen and heard voting and participating from remote locations.

Recording Meetings

The Board allows public meetings to be photographed, broadcast, webcast, or otherwise recorded 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.

Public Expression

The Board encourages public expression at Board meetings and has designated a specific portion of its meeting agenda for this participation. Members of the public, upon stating their name and home address, shall be permitted to present statements to the Board for a period of three (3) minutes during the period of public comment. The Board President, with the approval of the Board, may grant an extension of the three-minute limitation. A 30-minute time limit for public comment will be allotted and can be extended by majority vote of the Board.

Statements by the public should be kept as brief as possible and relate to school matters. Statements relating to the competence or personal conduct of individual employees or students are not appropriate at a public meeting. At the conclusion of such public statements, if any Board member desires further information, said member shall address the speaker after recognition by the Board President.

Quorum

The quorum for any Board meeting is four 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.

NOTE: Refer also to Policies #1436 -- Special Meetings of the Board of Education
#1433 -- Executive Sessions

Adoption Date

By-Laws

SUBJECT: MINUTES OF BOARD MEETINGS

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

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

- a) The type of meeting;
- b) The date, time of convening, and adjournment;
- c) Board members present and absent;
- d) All action taken by the Board, with evidence of those voting in the affirmative and the negative, and those abstaining;
- e) The nature of events that transpire, in general terms of reference.

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

Minutes of meetings shall be approved based upon the final transcripts of minutes in the hands of Board members. No minutes will be approved "as corrected" or "as amended" unless the specific language of the correction or the amendment is agreed upon and included in the minutes of the meeting at which the subject minutes are finalized and approved; or at any subsequent meeting of the Board.

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

Minutes which have not been approved by the Board within this time frame shall be marked, "DRAFT." A draft of the minutes of each meeting is to be forwarded to each member of the Board not later than the time the agenda for the next meeting is disseminated.

All motions, proposals, resolutions, and any other matters formally voted upon by the Board shall be recorded in Board minutes.

If a Board member is not present at the opening of a meeting, the subsequent arrival time of such member shall be indicated in the minutes.

(Continued)

SUBJECT: MINUTES OF BOARD MEETINGS (Cont'd.)**Minutes of Executive Sessions**

Minutes shall be taken at executive sessions of any action that is taken by formal vote. The minutes shall consist of a record or summary of the final determination of such action, the date and the vote. However, such summary need not include any matter which is not required to be made public by the Freedom of Information Law (FOIL). Minutes of executive sessions shall be available for public inspection within one (1) week following the date of an executive session; draft copies, so marked, are acceptable, subject to correction.

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

Education Law Section 2121
Public Officers Law Section 106

Adopted: 6/23/10

By-Laws

SUBJECT: SPECIAL MEETINGS OF THE BOARD

In an effort to anticipate and respond to special circumstances which may arise during District operations, any member of the SWBOCES may call special and/or emergency meetings of the Board. Notice of such meetings will be given at least twenty-four (24) hours before the date of the meeting to every Board member. If less than a week in advance, public notice of the meeting will be given to the extent practicable.

If, in an emergency, a special meeting is held before the twenty-four (24) hour notice can be given, each member may be asked to sign a waiver of notice. A statement regarding the time of notice and signature of such forms shall be entered in the minutes.

Ref: Education Law 1606; 2504; 2563
Open Meetings Law, Public Officers Law 100 et seq.

Adopted: 6/23/10

By-Laws

SUBJECT: ANNUAL MEETING

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

The meeting shall provide for:

- a) Introduction of candidates for election to the Board; and,
- b) Presentation of the tentative administrative, capital and program budgets.

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

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

Copies of the tentative administrative, capital and program budgets shall be provided to the boards of education of each component school district at least ten (10) days prior to the Annual Meeting date. These budgets shall be presented in a fashion which is consistent with the provisions of applicable law.

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

Adopted: 6/23/10

SUBJECT: ANNUAL REORGANIZATION MEETING

The Board shall hold its Annual Reorganization Meeting at any time during the first fifteen (15) days of July at a date set at the convenience of the Board no later than the month of June. The District Superintendent/designee shall serve as temporary chairperson, who shall open the meeting and conduct the election of the President. The President shall assume office immediately, and shall conduct the remainder of the Board's business.

Agenda

- a) Appoint Temporary Chairperson. (District Superintendent/designee 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) Appointment of Officers:
 - 1. Clerk of the Board;
 - 2. Treasurer of the Board;
 - 3. Deputy Treasurer of the Board;
 - 4. Claims Auditor;
 - 5. Legal Counsel;
 - 6. SWBOCES Physician;
 - 7. Records Retention and Disposition Officer;
 - 8. Records Access Officer/Freedom of Information Officer;
 - 9. Records Management Officer.

(Continued)

SUBJECT: ANNUAL REORGANIZATION MEETING (Cont'd.)

- f) Administration of Oaths to Appointed Officers who are present; oaths to others to be administered prior to initiating duties.
- g) Other appointments:
 - 1. Extraclassroom Activity Personnel;
 - 2. Internal Auditor;
 - 3. External Auditor;
 - 4. School Claims Auditor;
 - 5. Deputy School Claims Auditor;
 - 6. Audit Committee;
 - 7. Purchasing Agent;
 - 8. Title IX, ADA, Section 504 Compliance Officer;
 - 9. Asbestos Hazard Emergency Response Act (AHERA) Local Educational Agency (LEA) designee;
 - 10. Liaison for Homeless Children and Youth;
 - 11. Chemical Hygiene Officer;
 - 12. Attendance Officer;
 - 13. Copyright Officer;
 - 14. Capital Assets Preservation Program Coordinator;
 - 15. Notary(ies);
 - 16. Delegate and Legislative Liaison(s) to the Westchester-Putnam School Boards Association.

(Continued)

SUBJECT: ANNUAL REORGANIZATION MEETING (Cont'd.)

h) Designations:

1. Official Bank Depositories;
2. Official Newspaper;
3. Regular Monthly Board Meeting Date;
4. Designated Educational Official to receive court notification regarding a student's sentence/adjudication in certain criminal cases and juvenile delinquency proceedings;
5. School Pesticide Representative.

i) Authorizations:

1. District Superintendent to certify payrolls;
2. District Superintendent to approve part-time personnel at previously approved Board salary/wage rates;
3. Approval for Board Members and Administrators to attend meetings;
4. Approval of Petty Cash Accounts;
5. Designation of Treasurer to sign all checks;
6. President and/or District Superintendent of the Board to sign necessary contracts on behalf of the Board of Cooperative Educational Services;
7. Vice President to sign contracts in the absence of President;
8. District Superintendent to approve all budget adjustments in accordance with Commissioner's Regulations Section 170.3;
9. Investment of Funds;
10. Borrowing of Funds.

j) Authorization of Blanket Bond of designated personnel.

k) Establishment of the mileage rate.

(Continued)

SUBJECT: ANNUAL REORGANIZATION MEETING (Cont'd.)

- l) Readoption of Board policies.
- m) Conference Attendance Resolution.
- n) Other(s) as deemed appropriate/necessary.

McKinney-Vento Homeless Education Assistance Act, Section 722, as reauthorized by the No Child Left Behind Act of 2001
29 Code of Federal Regulations (CFR) Section 1910.1450
Education Law Sections 305(31), 1709 and 2503

Adopted: 6/23/10

SUBJECT: NON-DISCRIMINATION

The SWBOCES shall not discriminate on the basis of age, sex, sexual orientation, race, color, creed, religion, national origin, political affiliation, marital status, military status, veteran status, disability, or use of a recognized guide dog, hearing dog or service dog in the educational programs or activities which it operates, or against any employee or applicant seeking a position of employment. This policy also provides equal access to the Boy Scouts and other designated youth groups. The SWBOCES will be in full compliance with all applicable rules and regulations pertaining to civil rights for students and employees (e.g., Title IX of the Educational Amendments of 1972, Section 504 of the Rehabilitation Act of 1973, the Americans with Disabilities Act of 1990, and the Boy Scouts of America Equal Access Act.).

Sexual orientation is defined as heterosexuality, homosexuality, bisexuality, or asexuality, whether actual or perceived.

Appropriate procedures shall be developed to insure the implementation of these rules and regulations concerning civil rights. The Board shall appoint a Civil Rights Compliance Officer to coordinate civil rights activities applicable to the SWBOCES (see subheading below).

Civil Rights Compliance Officer

The Civil Rights Compliance Officer is the Director of Human Resources. The Civil Rights Compliance Officer shall be appointed by the Board and shall be responsible for providing information, including complaint procedures, and for handling complaints relative to civil rights (e.g., Title IX of the Educational Amendments of 1972, Section 504 of the Rehabilitation Act of 1973, and the Americans With Disabilities Act of 1990) for any student, parent, employee or employment applicant.

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.

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

Prohibits discrimination on the basis of disability.

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, sexual orientation, marital status or disability.

Education Law Section 2801(1)

(Continued)

POLICY

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1440
2 of 2

By-Laws

SUBJECT: NON-DISCRIMINATION (Cont'd.)

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.

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 Policies #2420 -- Anti-Harassment in the SWBOCES
#5120 -- Equal Employment Opportunity
#5121 -- Sexual Harassment (Personnel)
#5170 -- Complaints and Grievances by Employees
#6440 -- Sexual Harassment of Students
#6460 -- Equal Educational Opportunity (Students)
#6461 -- Complaints and Grievances by Students
#7120 -- Students With Disabilities
#7140 -- Career and Technical Education

Adopted: 8/6/14

By-Laws

SUBJECT: USE OF PARLIAMENTARY PROCEDURE

The business of the Board shall be conducted in accordance with the following principles:

- a) Rules of the Board will have precedence;
- b) Authoritative principles of parliamentary procedure as found in the latest edition of Robert's Rules of Order shall be followed.

The President of the Board of Cooperative Educational Services or his/her designee shall serve as Parliamentarian.

Adopted: 6/23/10

By-Laws

SUBJECT: BOARD DEVELOPMENT POLICY

The Board of Education believes it is essential to have Board members who are informed on a wide spectrum of education related topics and, to that end, Board members should participate, when possible, in professional development activities. They should be encouraged to be aware of state and federal legislation and keep abreast of current educational issues by attending Westchester Putnam School Boards Association meetings and workshops, state, regional and local meetings, and presentations regarding education and legislation.

The Board encourages, by prior approval by the Board, attendance by members at the New York State School Boards Association Conventions, National School Boards Association Conventions, and other national conferences. The attendees shall provide a written report upon return from these conventions and conferences.

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

Adopted: 6/23/10

By-Laws

SUBJECT: MEMBERSHIP IN ASSOCIATIONS

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

- a) New York State School Boards Association;
- b) Westchester Putnam School Boards Association;
- c) National School Boards Association;

The Board may maintain membership in these organizations as authorized under Section 77-b of the General Municipal Law and other organizations as deemed necessary and/or appropriate.

Comptroller's Opinion 81-255

Adopted: 6/23/10

By-Laws

SUBJECT: BOARD SELF-EVALUATION

The SWBOCES shall review the effectiveness of its internal operations at least once annually, normally at the conclusion of the school year, for the purpose of improving its functioning as a deliberative and legislative body. The District Superintendent shall participate and assist the Board in this effort.

The Board shall determine the standards and methods by which it will evaluate itself.

By-Laws

SUBJECT: ORIENTING NEW BOARD MEMBERS

The Board and its staff shall assist each new member-elect to understand the Board's functions, policies and procedures before he/she takes office, by the following methods:

- a) The electee shall be given selected material on the role and responsibility of being part of the Board, which material is supplied by the New York State School Boards Association, the National School Boards Association, and/or other professional organizations.
- b) The electee shall be sent agendas and invited to attend Board meetings in May and June.
- c) The Clerk shall supply material pertinent to meetings.
- d) The electee shall meet with the District Superintendent and other administrative personnel to discuss services they perform for the Board.
- e) A copy of the Board's policies and by-laws shall be given each electee by the Clerk.
- f) New Board members shall attend orientation programs.
- g) The District Superintendent will arrange for briefing the new member on programs and procedures by various administrative staff.
- h) A special meeting or time at a regular meeting will be set by the Board for its own orientation of the new member.

By-Laws

SUBJECT: REIMBURSEMENT OF EXPENSES FOR BOARD OF EDUCATION MEMBERS

The SWBOCES shall reimburse Board members 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.

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

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

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

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

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

General Municipal Law Sections 77-b and 77-c

Adopted: 6/23/10

By-Laws

**SUBJECT: BOARD MEMBER TRAINING ON FINANCIAL OVERSIGHT,
ACCOUNTABILITY AND FIDUCIARY RESPONSIBILITIES**

Within the first year of election, re-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 school board member. Once the training is completed, it does not need to be repeated if a Board member is re-elected. The curriculum and provider of this training must be approved by the Commissioner of Education.

Upon completion of the required training, the Board member must file a certificate of completion with the Clerk of the Board.

Any expenses incurred for training are a lawful charge upon the District.

Education Law Section 2102-a

Adopted: 6/23/10

Southern Westchester BOCES

NUMBER

PUBLIC RELATIONS

1.1	Southern Westchester BOCES/Community Relations and Communications	2110
1.1.1	Crisis Management	2111
1.2	Copyright of Southern Westchester BOCES Work Products	2120
1.3	Emergency School Closings	2130
1.4	Flag Display	2140
1.5	Southern Westchester BOCES Standards and Guidelines for Web Page Publishing	2150

PARTICIPATION BY THE PUBLIC

2.1	Visitors to Southern Westchester BOCES Facilities	2210
2.2	Public Participation at Board Meetings	2220
2.3	Community Use of SWBOCES Facilities	2230
2.3.1	Use of Southern Westchester BOCES -Owned Equipment and Other Property by Board Members/Employees	2231
2.3.2	Servicing or Repairing of Personal Property by Students	2232
2.4	Volunteers	2240
2.5	Public Complaints	2250
2.6	Solicitation of Charitable Donations from School Children	2260

SOUTHERN WESTCHESTER BOCES RECORDS

3.1	Public Access to Records	2310
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PUBLIC ORDER ON SCHOOL PROPERTY

4.1	Code of Conduct on Southern Westchester BOCES Property	2410
4.1.1	Unlawful Possession of a Weapon Upon School Grounds	2411
4.2	Anti-Harassment in the Southern Westchester BOCES	2420
4.3	Uniform Violent and Disruptive Incident Reporting System (VADIR)	2430

SUBJECT: SOUTHERN WESTCHESTER BOCES/COMMUNITY RELATIONS AND COMMUNICATIONS

The SWBOCES invites and welcomes the active participation of all forms of mass media in promoting the cause of public education within SWBOCES and elsewhere. The Board encourages suggestions and advice from representatives of the media as to how best facilitate the flow of information to them from the SWBOCES and others within the School System.

All staff desiring to release information to the media shall first notify their immediate supervisor. The District Superintendent shall establish all necessary procedures to govern day-to day interactions between the schools and the news media.

Communication with Component Districts

It is essential the Board and the SWBOCES staff keep component boards of education informed as to policies and programs that might affect their educational processes. As much as possible, the SWBOCES 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 SWBOCES meetings.

Communication with SWBOCES Board Members

The SWBOCES staff members shall make every effort to provide Board members with written communications regarding significant items prior to the Board meetings. Communications shall be forwarded via the District Superintendent.

Communication with the Community

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

News Releases

The Board President or his/her designee is responsible for the release of news items to any instrument of the media. In any areas where the release is of a sensitive nature, the District Superintendent/designee shall consult with the President of the SWBOCES Board.

SWBOCES Spokesperson

The Board invites and welcomes the active participation of the news media in promoting the cause of good education with the SWBOCES. The Board invites members of the media and general public to attend all meetings of the Board.

(Continued)

SUBJECT: SOUTHERN WESTCHESTER BOCES/COMMUNITY RELATIONS AND COMMUNICATIONS (Cont'd.)

In order to assure news releases, announcements or other information to the public be accurate and reflect the position of the Board, the President of the Board is designated as spokesperson for the Board. No other individual is authorized to or shall issue press releases or statements purporting to represent the Board's position on any issue without the express consent of the District Superintendent or Board President.

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, SWBOCES personnel, and the teaching profession concerning policies, activities, and accomplishments of SWBOCES and which aid and promote the improvement of education.

Such publication and materials shall be of a professional quality and shall be appropriately reviewed by the Public Information Office before publication. All publications will be dated at the time they are issued. In every case the title, the names of the author(s) or editor(s), the SWBOCES logo, and the date of publication will appear on the publication.

Media Relations

The responsibility for maintaining relationships with the media, releasing news and serving as the SWBOCES spokesperson lies with the Public Information Office. (For issues of sensitivity, the District Superintendent or his/her designee shall be consulted before release.)

Copyright

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

All publications, videotapes, and software disks which are developed by staff at SWBOCES or persons/agencies under contract to SWBOCES are the property of SWBOCES.

Arts and Cultural Affairs Law Section 61.09

Adopted: 6/23/10

Community Relations

SUBJECT: CRISIS MANAGEMENT

When a crisis arises, immediate, effective and responsible management and communication can resolve the crisis and maintain the organization's integrity and credibility. Therefore, the SWBOCES shall develop and maintain a unified position by:

- a) Identifying a crisis response team to develop a plan and maintain a strong, ongoing communications program in each building.
- b) Identifying a media spokesperson who will be briefed on all details. The spokesperson shall be the District Superintendent or his/her designee. In most instances the designee shall be the Public Information Specialist. Only these spokespersons shall talk to and maintain a timely flow of information to the media.

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

Community Relations

SUBJECT: COPYRIGHT OF SOUTHERN WESTCHESTER BOCES WORK PRODUCTS

All publications, video-tapes, software, or other intellectual property which is developed by staff at SWBOCES within the scope of their employment or by persons/agencies under contract to SWBOCES shall be the property of SWBOCES. This includes, but is not limited to, any idea, product or invention resulting from work undertaken as an employee of SWBOCES or as a person/agent under contract to SWBOCES. Whenever copyright protection for certain intellectual property is claimed or sought, SWBOCES shall 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.

NOTE: Refer also to Policies #5240 -- Professional Staff Consulting Activities
#7230 -- Use of Copyrighted Materials

Adopted: 6/23/10

Community Relations

SUBJECT: EMERGENCY SCHOOL CLOSINGS

The District Superintendent or his/her designee may close the SWBOCES or dismiss students and staff early when hazardous weather or other emergencies threaten their health or safety. Such action is never to be taken lightly, for public education is one of the principal functions of the organization and should be maintained at a normal level except in extreme circumstances.

SWBOCES will not be closed merely to avoid inconvenience. While it may be prudent, under certain circumstances, to excuse all students from attending school, to delay the opening hour, or to dismiss students early, the District Superintendent or his/her designee has the responsibility to ensure that administrative, supervisory, and operational activity is continued to the extent possible. Therefore, if conditions affect only one site or program, only that site or program shall be closed.

In making the decision to close SWBOCES, the District Superintendent or his/her designee will consider many factors, including the following which relate to the safety and health of our students and staff:

- a) Weather conditions, both existing and predicted;
- b) Driving, traffic, and parking conditions affecting our programs;
- c) Actual occurrence or imminent possibility of any emergency condition that would make the operation of SWBOCES difficult or dangerous; and
- d) Inability of teaching personnel to report for duty, which might result in inadequate supervision of students.

The District Superintendent or his/her designee will weigh these factors and take action to close all or parts of the SWBOCES only after consultation with traffic and weather authorities, appropriate program administrators, appropriate school officials from neighboring districts, and other agency personnel as deemed necessary.

Students, parents, and staff will be informed as early as possible through the use of radio and television when there is to be an emergency closing. When schools are closed for emergency reasons, staff members will comply with existing practices and collective bargaining agreements.

The safety and welfare of the children are to be the prime considerations in such decisions.

Community Relations

SUBJECT: FLAG DISPLAY

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

When ordered by the President, Governor, or local official, to commemorate a tragic event or the death of an outstanding individual, the flag shall be flown at half-staff. In addition, the flag may be flown at half-staff to commemorate the death of a student, present Board member, or employee. The District Superintendent's approval shall be required for the flag to be flown at half-staff upon any other occasion.

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

Education Law Sections 418 and 419

Executive Law Section 403

8 New York Code of Rules and Regulations (NYCRR) Sections 108.1-108.3

Adopted: 6/23/10

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

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

Internet access for the creation of Web Pages is provided by the SWBOCES 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 SWBOCES standards and procedures. Failure to follow SWBOCES standards or responsibilities may result in disciplinary sanctions in accordance with law and/or the applicable collective bargaining agreement.

The SWBOCES shall provide general training on relevant legal considerations and compliance with applicable laws and regulations including copyright, intellectual property, and privacy of student records as well as relevant SWBOCES procedures to those staff members and students who are allowed to develop or place material on the SWBOCES/school/classroom Web Page(s).

Content Standards

- a) Approval for posting a Web Page must be obtained from the Website Manager or his/her designee(s). If at any time, the Website Manager/designee(s) believes the proposed material does not meet the standards approved by the SWBOCES, 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/designee(s).
- b) A Web Page must be sponsored by a member of the SWBOCES 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 SWBOCES policies and regulations. The Web Page must 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.
- d) The review of a Student Web Page (if considered a school-sponsored student publication) shall be subject to prior SWBOCES review as would any other school-sponsored student publication.

(Continued)

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

- e) An authorized teacher who is publishing the final Web Page(s) for himself/herself or for a student will edit and test the Page(s) for accuracy of links and check for conformance with SWBOCES standards and practices.
- f) A disclaimer statement about the content of Web Pages must be part of individual sites:

Example: "The SWBOCES has made every reasonable attempt to ensure that our Web Pages are educationally sound and do not contain links to questionable material or material that can be deemed in violation of the SWBOCES' Standards and Guidelines for Web Page Publishing Policy."
- g) Commercial advertising or marketing on the SWBOCES/school/classroom Web Page(s) (or the use of school-affiliated Web Pages for the pursuit of personal or financial gain) shall be prohibited unless otherwise authorized in accordance with law and/or regulation. Decisions regarding Website advertising must be consistent with existing SWBOCES 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).
- h) Web Pages may include faculty or staff names; however, other personal information about employees including, but not limited to, home telephone numbers, addresses, e-mail addresses, or other identifying information such as names of family members may be published only with the employee's written permission.
- i) All Web Pages must conform to the standards for appropriate use found in the SWBOCES' 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.
- j) All Web Pages must be approved through the designated process before being posted to the SWBOCES/school/classroom Websites.
- k) All staff and/or students authorized to publish material on the SWBOCES/school/classroom Web Page(s) shall acknowledge receipt of the SWBOCES' Web Page Standards and agree to comply with same prior to posting any material on the Web.

(Continued)

**SUBJECT: SOUTHERN WESTCHESTER BOCES STANDARDS AND GUIDELINES FOR
WEB PAGE PUBLISHING (Cont'd.)****Release of Student Education Records/Directory Information**Release of Student Education Records

In accordance with the Family Educational Rights and Privacy Act (FERPA), unless otherwise exempted in accordance with law and regulation, the SWBOCES may release personally identifiable information 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 such signature:

- a) Identifies and authenticates a particular person as the source of the electronic consent; and
- b) Indicates such person's approval of the information contained in the electronic consent.

Student Directory Information

Per FERPA, SWBOCES must publish an annual public notice informing parents or eligible students of their right to refuse the release of student directory information and indicating a time period for their response. Following such public notice and a reasonable response period, the SWBOCES may release such information to an outside group without individual consent.

Parental/Eligible Student Consent Required and Privacy Concerns

Written parental/eligible student consent shall be obtained by the SWBOCES before education records or personally identifiable information contained therein is released to any party unless:

- a) Such release is authorized by the Family Educational Rights and Privacy Act, or its implementing regulations;
- b) The information released is "directory information" as designated by the SWBOCES in accordance with FERPA. The SWBOCES shall provide parents and eligible students with annual notification of their rights under FERPA and designation of directory information (i.e., disclosure of personally identifiable information contained in student records);
- c) For anything not specifically designated as "directory information" by the SWBOCES, the SWBOCES must receive a "signed and dated written consent" from the parent/eligible student prior to releasing such information (unless otherwise authorized per FERPA);

(Continued)

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

- d) However, even if student photographs are designated as directory information per FERPA, due to privacy and safety concerns, the SWBOCES requires specific affirmative written parent/eligible student consent prior to posting student photographs on SWBOCES/school/classroom Web Pages. Whenever possible, group photographs of students and/or the use of photographs where the student is not easily identifiable is preferable to the use of individual student photographs for safety reasons;
- e) Web Pages shall not include a student's full name, telephone number, address, e-mail address or post such information of other family members or friends. Posting of student names will be limited to first name only. Permission forms from parents are strongly suggested;
- f) Online posting of school bus schedules and/or other specific activity schedules detailing dates/times/locations (e.g., field trips) is prohibited on school-affiliated Websites as such information can pose risks of child abduction or other security concerns. Password protected Websites may be authorized by the Superintendent/designee.

Use of Copyrighted Materials and "Fair Use" Exceptions/Intellectual Property and Works Made for HireCopyrighted 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 such publication is in accordance with the "Fair Use" provisions of the Copyright Law.

Fair Use of Copyrighted Materials

Pursuant to Section 107 of the Copyright Law ("Fair Use" provisions), the use of copyrighted material for criticism, comment, news reporting, teaching, scholarship, or research may be permitted under certain circumstances.

However, any appropriation of someone else's work on the Internet is a potential copyright infringement. "Fair Use" provisions may not apply when a project created by a teacher or student is accessed by others over the Internet. If there is a possibility that school-affiliated Web Page(s), which incorporate copyrighted works under the "Fair Use" provisions, could later result in broader dissemination, it will be necessary to seek the permission of the copyright holder. The complex interplay between copyright law and the "Fair Use" provisions in educational multimedia projects should be considered in development of Web Page publishing standards and reviewed by school counsel prior to SWBOCES implementation for compliance with applicable law and regulations.

(Continued)

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

- a) Unless otherwise noted, always assume that work on the web is copyrighted. It is NOT necessary that the copyright symbol -- © -- be displayed for the work to be protected by copyright laws.
- b) Proper attribution must always be given.
- c) Obtaining permission(s) from the copyright holder(s) (whether text, graphics or music) should occur during the developmental process or project, rather than waiting to seek permission upon completion of the project.
- d) Unauthorized electronic transmission of copyrighted materials is illegal.

Intellectual Property/ Works Made for Hire

All works completed by employees as part of their employment shall be considered "works made for hire" as described in the United States Code Annotated, Title 17, Copyrights to the extent permitted by law. This determination includes, but is not limited to, the following activities:

- a) Work prepared by an employee within the scope of his/her employment, whether tangible or intangible;
- b) Work specifically ordered or commissioned for use as a contribution to a collective work, as enumerated in law.

Any work created within the scope of such a relationship will be considered a work made for hire when a regular employment relationship exists.

Work covered under this policy is the property of the SWBOCES, not the creator of such work. The SWBOCES shall own any and all rights to such works, or derivatives thereof, unless there is a written agreement to the contrary.

Student Work

Students are the copyright holders of their own original work. The SWBOCES must receive written permission from both the parent and the student prior to publishing students' original work on the SWBOCES/school/classroom Websites.

Student Free Speech Issues (School-sponsored Publications)

In general, SWBOCES can exercise editorial control over the style and content of student expression in school-sponsored publications, theatrical productions, and other expressive activities that students, parents and members of the public might reasonably perceive to bear the imprimatur of the school.

(Continued)

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

However, the school's actions in such a case must be reasonably related to legitimate pedagogical concerns and may not amount to viewpoint discrimination.

Consequences for Non-Compliance

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

Staff

Faculty or staff posting non-approved or inappropriate material on a school-affiliated Website are subject to the imposition of discipline, including possible suspension or revocation of access to the SWBOCES' 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 the imposition of discipline, including possible suspension or revocation of access to the SWBOCES' computer network, in accordance with applicable due process procedures and the Southern Westchester 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 his/her designee shall 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 SWBOCES practices and procedures.

Community Relations

SUBJECT: VISITORS TO SOUTHERN WESTCHESTER BOCES FACILITIES

To promote effective communication between the residents of the community and the SWBOCES, the Board of Cooperative of Educational Services encourages parents and other residents to visit the SWBOCES facilities during the course of the school year.

The Board recognizes that many visitations that occur are regularly scheduled events; parent-teacher organization meetings, public gatherings, registering of pupils, etc. There are also occasions when parents or guardians desire to visit their child's program at other than regularly scheduled times. When such visitations occur, they shall be made only with the approval of their child's teacher and/or program director. The Board views these visits as constructive. In any case, however, they shall not be permitted to interfere with the educational process.

Persons who are not students or staff shall report immediately to the administrative office upon entering a SWBOCES facility. Persons other than parents, guardians, students or staff who desire to visit a SWBOCES facility shall do so only with the permission of an appropriate administrative staff member.

Visits to SWBOCES facilities, a local district facility governed by law, are to be in accordance with the Board regulations posted in conspicuous places. A violator of the visitation policy shall be prosecuted pursuant to New York State Law.

Education Law Section 2801
Penal Law Sections 140.10 and 240.35

Adopted: 6/23/10

Community Relations

SUBJECT: PUBLIC PARTICIPATION AT BOARD MEETINGS

The SWBOCES encourages public participation at Board meetings.

Persons wishing to address the Board shall advise the Board President or the District Superintendent prior to the scheduled starting time of the meeting.

Presentations shall be as brief as possible. The Board shall not permit in public session any discussion involving individual SWBOCES personnel or students. Persons wishing to discuss matters involving individual SWBOCES personnel or students shall be asked to present their comments and/or concerns to the District Superintendent during regular business hours. All speakers are to conduct themselves in a civil manner. Obscene language, libelous statements, threats of violence, statements advocating racial, religious, or other forms of prejudice shall not be tolerated.

Persons making presentations at a Board meeting shall address remarks to the President and may direct questions or comments to Board members or other SWBOCES officials only upon the approval of the President. Board members and the District Superintendent shall have the privilege of asking questions of any person who addresses the Board.

The President shall be responsible for the orderly conduct of the meeting and shall rule on such matters as the time to be allowed for public discussion and the appropriateness of the subject being presented. The President shall have the right to discontinue any presentation which violates this policy.

NOTE: Refer also to Policy #2250 -- Public Complaints

Adopted: 6/23/10

SUBJECT: COMMUNITY USE OF SWBOCES FACILITIES

While the SWBOCES' facilities and grounds are maintained primarily for the purpose of educating students from component school districts and adults attending programs, the Board recognizes that the buildings and grounds are a valuable community resource and believes that this resource should be available to the community for specific uses that will not interfere with educational activities. This policy is intended to identify the uses that community groups may make of those facilities.

Permitted Uses

SWBOCES facilities may be used for the purposes listed below, subject to the conditions and restrictions set forth in this policy.

- a) Public library purposes, subject to provisions of the Education Law, or as stations of public libraries.
- b) Social, civic and recreational meetings and entertainments, or other uses pertaining to the welfare of the community so long as such uses are non-exclusive and open to the general public.
- c) Meetings, entertainment and occasions where admission fees are charged, when the proceeds are to be spent for an educational or charitable purpose.
- d) Polling places for holding primaries and elections, for the registration of voters.
- e) Civic forums and community centers.
- f) Recreation, physical training and athletics, including competitive athletic contests of children attending a private, nonprofit school.
- g) Graduation exercises held by not-for-profit elementary and secondary schools, provided that no religious service is performed.

Prohibited Uses

Any use not permitted by this policy is prohibited. In addition, the following uses are specifically prohibited.

- a) Meetings sponsored by political organizations.
- b) Meetings, entertainments and occasions that are under the exclusive control of and the proceeds are to be applied for the benefit of a society, association or organization or a religious sect or denomination or of a fraternal, secret or exclusive society or organization, other than veterans' organizations or volunteer fire fighters or volunteer ambulance workers.

(Continued)

SUBJECT: COMMUNITY USE OF SWBOCES FACILITIES (Cont'd.)

- c) Use of the SWBOCES facilities by any outside group to conduct religious services or religious instruction.

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.

Community Relations

SUBJECT: VOLUNTEERS

Volunteers are persons who are willing to donate their time and energies to assist SWBOCES personnel in implementing various phases of SWBOCES programs. Volunteers shall serve in that capacity without compensation or employee benefits except for liability protection under the SWBOCES' insurance program. All such volunteers will be appointed by the Board upon recommendation of the District Superintendent.

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

NOTE: Refer also to Policy #5360 -- Defense and Indemnification of Board Members and Employees

Adopted: 6/23/10

Community Relations

SUBJECT: PUBLIC COMPLAINTS

The SWBOCES recognizes the right of community citizens to register individual or group concerns regarding instruction, programs, services, operations, and/or concerns with staff members. Public complaints about the SWBOCES will be directed to the proper administrative personnel. Complaints about specific classroom practices shall be directed to the teacher concerned. If the matter is not settled satisfactorily, the complainant shall then contact the supervisor. If there is no resolution on this level, the complainant shall contact the Director, next the Assistant Superintendent, then the Deputy Superintendent and lastly, the District Superintendent.

Concerns registered directly to the Board as a whole or to an individual Board member shall be referred as soon as is reasonably possible to the District Superintendent for investigation, report, and/or resolution.

Community Relations

SUBJECT: SOLICITATION OF CHARITABLE DONATIONS FROM SCHOOL CHILDREN

Direct solicitation of charitable donations from children on SWBOCES premises during regular school hours shall not be permitted. It will be a violation of SWBOCES policy to ask children to directly contribute money or goods for the benefit of a charity during the hours in which students are compelled to be on SWBOCES premises.

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

- a) Fund raising activities which take place off SWBOCES premises, or outside of regular school hours during before-school or after-school extracurricular periods;
- b) Arms-length transactions, where the purchaser receives a consideration for his/her donation. For example, the sale of goods or tickets for concerts or social events, where the proceeds go to charity, shall not be prohibited as the purchaser will receive consideration - the concert or social event - for the funds expended;
- c) Indirect forms of charitable solicitation on SWBOCES premises that do not involve coercion, such as placing a bin or collection box in a hallway or other common area for the donation of food, clothing, other goods or money. However, the collection of funds from students in the classroom or homeroom is prohibited.

The SWBOCES shall 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.

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

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

Adopted: 6/23/10

Community Relations

SUBJECT: PUBLIC ACCESS TO RECORDS

It shall be the policy of SWBOCES to make available to the public all materials and records required to be made public pursuant to Article 7 of the New York Public Officers Law, known as the Freedom of Information Law.

Access Officer shall be designated by the District Superintendent, subject to the approval of the Board, who shall have the duty of coordinating the SWBOCES' response to public request for access to records.

The SWBOCES shall provide copies of records in the format and on the medium requested by the person filing the Freedom of Information Law (FOIL) request if the SWBOCES can reasonably do so regardless of burden, volume or cost of the request.

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

Requests for Records via E-mail

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

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

The SWBOCES shall respond to a request within five (5) business days of the receipt of a request. Should all or part of the request need to be denied, the SWBOCES shall respond in the manner set forth by the rules and regulations stipulated by the Committee on Open Government.

Education Law Section 2116
Public Officers Law Sections 87 and 89
21 New York Code of Rules and Regulations (NYCRR) Parts 1401 and 9760

Adopted: 6/23/10

SUBJECT: CODE OF CONDUCT ON SOUTHERN WESTCHESTER BOCES PROPERTY

The SWBOCES has adopted and will amend, as appropriate, a *Code of Conduct for the Maintenance of Order on Southern Westchester BOCES Property*, including SWBOCES functions, which shall govern the conduct of students, teachers and other SWBOCES personnel, as well as visitors. The Board shall further provide for the enforcement of such Code of Conduct.

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

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

The Southern Westchester BOCES Code of Conduct shall be developed in collaboration with student, teacher, administrator, and parent organizations, SWBOCES safety personnel and other personnel.

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

- a) Provisions regarding appropriate and acceptable conduct, dress and language on SWBOCES property and at SWBOCES functions; and provisions regarding acceptable civil and respectful treatment of teachers, SWBOCES administrators, other SWBOCES personnel, students and visitors on SWBOCES property and at SWBOCES functions; the appropriate range of disciplinary measures which may be imposed for violation of such Code; and the roles of teachers, administrators, other SWBOCES personnel, the Board, and parents/persons in parental relation to the student;
- b) Standards and procedures to assure security and safety of SWBOCES students and personnel;
- c) Provisions for the removal from the classroom and from SWBOCES property, including a SWBOCES function, of students and other persons who violate the Code;
- d) Disciplinary measures to be taken for incidents involving the possession or use of illegal substances or weapons, the use of physical force, vandalism, violation of another student's civil rights and threats of violence;
- e) Provisions for detention, suspension and removal from the classroom of students, including provisions for continued educational programming and activities for students removed from the classroom, placed in detention, or suspended from SWBOCES;

(Continued)

**SUBJECT: CODE OF CONDUCT ON SOUTHERN WESTCHESTER BOCES PROPERTY
(Cont'd.)**

- f) Procedures by which violations are reported and determined, and the disciplinary measures imposed and carried out;
- g) Provisions ensuring the Code of Conduct and its enforcement are in compliance with federal and state laws relating to students with disabilities;
- h) Provisions setting forth the procedures by which local law enforcement agencies shall be notified of Code violations which constitute a crime;
- i) Provisions setting forth the circumstances under and procedures by which parents/persons in parental relation to the student shall be notified of Code violations;
- j) Provisions setting forth the circumstances under and procedures by which a complaint in criminal court, a juvenile delinquency petition or person in need of supervision ("PINS") petition will be filed;
- k) Circumstances under and procedures by which referral to appropriate human service agencies shall be made;
- l) A minimum suspension period for students who repeatedly are substantially disruptive of the educational process or substantially interfere with the teacher's authority in the classroom (as defined in Commissioner's Regulations). However, the suspending authority may reduce the suspension period on a case by case basis consistent with federal and state law;
- m) A minimum suspension period for acts that would qualify the student to be defined as a violent student pursuant to Education Law. However, the suspending authority may reduce the suspension period on a case by case basis consistent with federal and state law;
- n) A Bill of Rights and Responsibilities of Students which focuses upon positive student behavior, and which shall be publicized and explained to all students on an annual basis; and
- o) Guidelines and programs for in-service education programs for all SWBOCES staff members to ensure effective implementation of school policy on school conduct and discipline.

The Code of Conduct has been adopted by the Board only after at least one public hearing that provided for the participation of SWBOCES personnel, parents/persons in parental relation, students, and any other interested parties. Copies of the Code of Conduct shall be disseminated pursuant to law and Commissioner's Regulations.

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**SUBJECT: CODE OF CONDUCT ON SOUTHERN WESTCHESTER BOCES PROPERTY
(Cont'd.)**

The Southern Westchester BOCES' Code of Conduct shall be reviewed on an annual basis, and updated if necessary in accordance with law. The SWBOCES Board shall re-approve any updated Code of Conduct only after at least one public hearing that provides for the participation of SWBOCES personnel, parents/persons in parental relation, students, and any other interested parties.

The SWBOCES shall file a copy of its Code of Conduct with the Commissioner of Education; and all amendments to the Code of Conduct shall be filed with the Commissioner no later than thirty (30) days after their adoption.

Education Law Sections 2801 and 3214

Family Court Act Articles 3 and 7

Vehicle and Traffic Law Section 142

8 New York Code of Rules and Regulations (NYCRR) Section 100.2(l)(2)

Adopted: 6/23/10

Community Relations

SUBJECT: UNLAWFUL POSSESSION OF A WEAPON UPON SCHOOL GROUNDS

It shall be unlawful for any person to knowingly possess any air-gun, spring-gun or other instrument or weapon in which the propelling force is a spring, air, piston or CO2 cartridge upon school grounds or in any SWBOCES building without the express written authorization of the District Superintendent or his/her designee.

Additionally, the possession of any weapon, as defined in the New York State Penal Code, on school property or in school buildings is prohibited, except by law enforcement personnel or upon written authorization of the Superintendent/designee.

Unlawful possession of a weapon upon school grounds may be a violation of the New York State Penal Law, and is a violation of SWBOCES policy and the Code of Conduct.

Penal Law Sections 265.01-265.06

NOTE: Refer also to Policy #6240 -- Weapons in School and the Gun-Free Schools Act

Adopted: 6/23/10

SUBJECT: ANTI-HARASSMENT IN THE SOUTHERN WESTCHESTER BOCES

The Board affirms its commitment to nondiscrimination and recognizes its responsibility to provide an environment that is free of harassment and intimidation. Harassment is a violation of law and stands in direct opposition to SWBOCES policy. Therefore, the Board prohibits and condemns all forms of harassment 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 by employees, school volunteers, students, and non-employees such as contractors and vendors as well as any third parties who are participating in, observing, or otherwise engaging in activities subject to the supervision and control of the SWBOCES.

Sexual orientation is defined as heterosexuality, homosexuality, bisexuality, or asexuality, whether actual or perceived.

The Board also prohibits harassment based on an individual's opposition to discrimination or participation in a related investigation or complaint proceeding under the anti-discrimination statutes. This policy of nondiscrimination and anti-harassment will be enforced on SWBOCES premises and in SWBOCES buildings; and at all SWBOCES-sponsored events, programs and activities, including those taking place at locations off SWBOCES premises.

This policy applies to dealings between or among employees with employees; employees with students; students with students; employees/students with vendors/contractors and others who do business with the SWBOCES, as well as SWBOCES volunteers, visitors, guests and other third parties. All of these persons are hereinafter referred to collectively as "the named group."

For purposes of this policy, harassment shall mean communication (verbal, written or graphic) and/or physical conduct based on an individual's actual or perceived race, color, creed, religion, national origin, political affiliation, sex, sexual orientation, age, marital status, military status, veteran status, disability, or use of a recognized guide dog, hearing dog or service dog that:

- a) Has the purpose or effect of substantially or unreasonably interfering with an individual's work performance or is used as a basis for employment decisions (including terms and conditions of employment) affecting such individual; and/or creates an intimidating, hostile or offensive work environment;
- b) Has the purpose or effect of substantially or unreasonably interfering with a student's academic performance or participation in an educational or extracurricular activity, or creates an intimidating, hostile or offensive learning environment; and/or effectively bars the student's access to an educational opportunity or benefit;
- c) Otherwise adversely affects the employment and/or educational opportunities and benefits provided by the SWBOCES.

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POLICY

2014

2420
2 of 4

Community Relations

SUBJECT: ANTI-HARASSMENT IN THE SOUTHERN WESTCHESTER BOCES (Cont'd.)

The SWBOCES will promptly investigate all complaints, either verbal or written, formal or informal, of allegations of harassment based on any of the characteristics described above; and will promptly take appropriate action to protect individuals from further harassment. The SWBOCES will designate, at a minimum, two (2) Compliance Officers, one of each gender.

Any employee, student, or other member of the above named group who believes he/she has been a victim of harassment in the SWBOCES/school environment and/or at programs, activities and events under the control and supervision of the SWBOCES, as well as any individual who is aware of and/or who has knowledge of, or witnesses any possible occurrence of harassment, shall immediately report such alleged harassment; such report shall be directed to or forwarded to the SWBOCES' designated Compliance Officer(s) through informal and/or formal complaint procedures as developed by the SWBOCES. Alleged harassment complaints are recommended to be in writing, although verbal complaints of alleged harassment will also be promptly investigated. In the event the Complaint Officer is the alleged offender, the report will be directed to the next level of supervisory authority.

Upon receipt of an informal/formal complaint, the SWBOCES will conduct a thorough investigation of the charges. However, even in the absence of an informal/formal complaint, if the SWBOCES has knowledge of any occurrence of harassment, the SWBOCES will investigate such conduct promptly and thoroughly. To the extent possible, within legal constraints, all complaints will be treated as confidentially and privately as possible. However, disclosure may be necessary to complete a thorough investigation of the charges and/or to notify law enforcement officials as warranted, and any disclosure will be provided on a "need to know" basis.

As part of the investigation, the SWBOCES has the right to search all school property and equipment including SWBOCES computers. Rooms, desks, cabinets, lockers, computers, etc. are provided by the SWBOCES for the use of staff and students, but the users do not have exclusive use of these locations or equipment and should not expect that materials stored therein will be private.

Based upon the results of this investigation, if the SWBOCES determines that an employee and/or student has violated the terms of this policy and/or accompanying regulations, immediate corrective action will be taken as warranted. Should the offending individual be a student, appropriate disciplinary measures will be applied, up to and including suspension, in accordance with applicable laws and/or regulations, SWBOCES policy and regulation, and the Code of Conduct. Should the offending individual be a SWBOCES employee, appropriate disciplinary measures will be applied, up to and including termination of the offender's employment, in accordance with legal guidelines, SWBOCES policy and regulation, and the applicable collective bargaining agreement(s). Third parties (such as SWBOCES volunteers, vendors, etc.) who are found to have violated this policy and/or accompanying regulations and/or the Code of Conduct will be subject to appropriate sanctions as warranted and in compliance with law. The application of such disciplinary measures by the SWBOCES does not preclude the filing of civil and/or criminal charges as may be warranted.

(Continued)

SUBJECT: ANTI-HARASSMENT IN THE SOUTHERN WESTCHESTER BOCES (Cont'd.)**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 harassment. Follow-up inquiries shall be made to ensure the harassment has not resumed and all those involved in the investigation of the harassment complaint have not suffered retaliation.

Finding That Harassment Did Not Occur

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

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

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

Knowingly Makes False Accusations

Employees and/or students who *knowingly* make false accusations against another individual as to allegations of harassment may also face appropriate disciplinary action.

Privacy Rights

As part of any investigation, the SWBOCES has the right to search all school property and equipment including SWBOCES computers. Rooms, desks, cabinets, lockers, computers, etc. are provided by the SWBOCES for the use of staff and students, but the users do not have exclusive use of these locations or equipment and should not expect that materials stored therein will be private.

Development and Dissemination of Administrative Regulations

Regulations will be developed for reporting, investigating, and remedying allegations of harassment based on the characteristics described above. An appeal procedure will also be provided to address any unresolved complaints and/or unsatisfactory prior determinations by the applicable Compliance Officer(s). Such regulations will be developed in accordance with federal and state law as well as any applicable collective bargaining agreement(s).

(Continued)

POLICY

2014

2420
4 of 4

Community Relations

SUBJECT: ANTI-HARASSMENT IN THE SOUTHERN WESTCHESTER BOCES (Cont'd.)

The District Superintendent/designee(s) will affirmatively discuss the topic of harassment with all employees and students, and explain the sanctions for such harassment. Appropriate training and/or "awareness" programs will be established for staff and students to help ensure knowledge of and familiarity with the issues pertaining to harassment in the schools, and to disseminate preventative measures to help reduce such incidents of prohibited conduct. Special training will be provided for designated supervisors and managerial employees for the investigation of harassment complaints.

A copy of this policy and its accompanying regulations will be available upon request and may be posted at various locations in each SWBOCES building. The SWBOCES' policy and regulations on anti-harassment will be published in appropriate SWBOCES publications such as teacher/employee handbooks, student handbooks, and/or SWBOCES calendars.

This policy does not abrogate other SWBOCES policies and/or regulations or the Southern Westchester BOCES Code of Conduct prohibiting other forms of unlawful discrimination, inappropriate behavior, and/or hate crimes within this SWBOCES. Different treatment of any member of the above named group which has a legitimate, legal and nondiscriminatory reason shall not be considered a violation of SWBOCES policy.

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.

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

Prohibits discrimination on the basis of disability.

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, sexual orientation, marital status or disability.

Education Law Section 2801(1)

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.

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 Policies #5121 -- Sexual Harassment (Personnel)
#5170 -- Complaints and Grievances by Employees
#6440 -- Sexual Harassment (Students)
#6461 -- Complaints and Grievances by Students

Adopted: 8/6/2014

Community Relations

SUBJECT: UNIFORM VIOLENT AND DISRUPTIVE INCIDENT REPORTING SYSTEM (VADIR)

In compliance with the Uniform Violent and Disruptive Incident Reporting System (VADIR), the SWBOCES will record each violent or disruptive incident that occurs on SWBOCES property or at a SWBOCES function. In accordance with the manner prescribed, the SWBOCES will submit an annual report of violent and disruptive incidents (on the *Summary of Violent and Disruptive Incidents* form) from the previous school year to the Commissioner of Education. Summary data will be used to determine the rate of violent and disruptive incidents in each school and to identify schools as persistently dangerous, as required by the No Child Left Behind Act.

The SWBOCES will establish local procedures for the reporting of violent or disruptive incidents by each building and/or program under its jurisdiction. Copies of such incident reports will be retained for the time prescribed by the Commissioner in the applicable records retention schedule. These reports will be available for inspection by the State Education Department upon request.

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

The SWBOCES will include a summary of the SWBOCES annual violent or disruptive incident report in its SWBOCES Report Card in the format prescribed by the Commissioner.

Reporting Guidelines

The SWBOCES will utilize the New York State Education Department's website to obtain copies of the forms, directions, glossary and additional information at www.emsc.nysed.gov/irts/.

Education Law Section 2802

8 New York Code of Rules and Regulations (NYCRR) Section 100.2 (gg)

Adopted: 6/23/10

2010 3000

Administration

Southern Westchester BOCES

NUMBER

ADMINISTRATIVE PERSONNEL

1.1	Administrative Personnel	
1.1.1	District Superintendent	3111
1.2	Evaluation of the District Superintendent.....	3120
1.3	Chief Operating Officer	3130

ADMINISTRATIVE OPERATIONS

2.1	Organization Chart.....	3210
2.2.	Chief School Administrators' Council	3220

Administration

SUBJECT: DISTRICT SUPERINTENDENT

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

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

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

Administration

SUBJECT: EVALUATION OF THE DISTRICT SUPERINTENDENT

The Board shall conduct an annual evaluation of the performance of the District Superintendent, using procedures agreed to by the District Superintendent and the Board. Such procedures shall be filed in the Office of the District Superintendent, and be available for review by any individual no later than September 10 of each year.

This evaluation shall be completed on or before the regular monthly meeting of the Board in June each year. The evaluation report shall be maintained as a confidential document.

The District Superintendent shall be granted the opportunity to respond to the evaluation.

8 New York Code of Rules and Regulations (NYCRR) Section 100.2(o)(2)

NOTE: Refer also to Policy #5130 -- Staff Evaluation

Adopted: 6/23/10

Administration

SUBJECT: CHIEF OPERATING OFFICER

The SWBOCES must continue to excel as a regional educational service agency responding to the needs of its component school districts for high quality cost effective shared services, and must continue to meet its duties and obligations to the New York State Education Department.

In order to improve efficiency, continuity and coordination thorough the BOCES and in order to provide for a high level of responsiveness to the school districts it services, the position of Chief Operating Officer is hereby established.

The Chief Operating Officer shall provide executive leadership for all programs and services, as well as strengthen the administrative infrastructure of the organization. The Chief Operating Officer shall have the power to act in accord with her or his best judgment to carry out these duties, provided, however, that the Chief Operating Officer shall not be authorized to carry out those functions limited by the Education Law as being within the sole and exclusive authority of the District Superintendent or the BOCES Board. The District Superintendent shall continue to act as the executive officer of the Board and possess the power to discharge the duties defined in the Education Law. The District Superintendent is also an officer of the New York State Education Department and has those powers and duties assigned by the law and the Commissioner of Education. The establishment of the Chief Operating Officer title is not intended to take the place of the District Superintendent.

The Chief Operating Officer is responsible for planning, administering, supervising and the evaluation of the educational programs and support services provided by the BOCES. The Chief Operating Officer shall be responsible to the BOCES Board and District Superintendent. SWBOCES employees shall be responsible to the Chief Operating Officer through an appropriate structure that provides for the effective and efficient provision of services and support to the component school districts.

The Chief Operating Officer shall develop an organizational structure that defines the lines of authority and accountability and which shall be presented to the Board for its review and approval. The Chief Operating Officer shall have the authority to reorganize the lines of authority and define duties and shall maintain a table of organization that is consistent with the approved organizational structure. Any elimination or creation of positions requires Board approval.

The Chief Operating Officer shall report to the Board upon the proposal for and implementation of policies and programs and may present for consideration such changes and amendments as she/he believes to be desirable or necessary. The Chief Operating Officer shall attend all meetings of the Board and shall act in an advisory capacity on all matters. Unless otherwise provided by a Board policy, the Chief Operating Officer shall have the power to take all necessary administrative action to carry out her/his duties and responsibilities.

2010

3210

Administration

SUBJECT: ORGANIZATION CHART

Adoption Date

Administration

SUBJECT: CHIEF SCHOOL ADMINISTRATORS' COUNCIL

The District Superintendent may establish a Chief School Administrators' Council to provide a means for appropriate and necessary communication to occur between and among the SWBOCES 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 SWBOCES area.

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

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

2010 4000

Non-Instructional/Business
Operations

Southern Westchester BOCES

NUMBER

BUDGET

1.1	Budget Planning and Preparation	4110
1.2	Budget Development and Adoption	4120
1.3	Administration of Budget	4130

INCOME FUNDS

2.1	Investments	4210
2.2	State and Federal Funds	4220
2.3	Acceptance of Gifts, Grants and Bequests to SWBOCES	4230

PURCHASING

3.1	Purchasing	4310
3.2	Southern Westchester BOCES Personal Property Accountability	4320
3.3	Use of Southern Westchester BOCES Account Administrator Credit Card	4330
3.3.1	Use of Southern Westchester BOCES Charge Card Issued by Home Depot	4331
3.4	Telephone and Other Communication Equipment Usage	4340
3.4.1	SWBOCES-Owned Cellular Telephone	4341

FISCAL ACCOUNTING

4.1	Approval of Expenditures	4410
4.1.1	Employee Reimbursement	4411
4.1.2	Meals and Refreshments	4412
4.3	Inventories	4430
4.3.1	Accounting of Fixed Assets	4431
4.4	Accountability for SWBOCES Funds	4440
4.5	Cash in School Buildings and Petty Cash Funds	4450
4.6	Extra Classroom Activity Funds and Student Funds	4460
4.8	Financial Accountability	4480
4.8.1	Allegations of Fraud	4481
4.8.2	Audit Committee	4482
4.8.3	Internal Audit Function	4483
4.8.4	Fiscal Accounting and Reporting	4484
4.8.5	Claims Audit Policy	4485

Non-Instructional/Business
Operations**Southern Westchester BOCES****NUMBER****NON-INSTRUCTIONAL OPERATIONS**

5.1	Facilities Planning	4510
5.1.1	Facilities: Inspection, Operation and Maintenance.....	4511
5.1.5	Energy/Water Conservation and Recycling of Solid Waste.....	4515
5.1.6	Pesticides and Pest Management	4516
5.2	Transportation	
5.2.1	Bus Transportation of Students	4521
5.2.2	Use of Automobiles by Southern Westchester BOCES Administrators	4522
5.2.3	Drug and Alcohol Testing for School Bus Drivers and Other Safety-Sensitive Employees	4523
5.2.4	Idling School Buses on School Grounds	4524
5.3	Insurance and Employee Bonds.....	4530
5.4	Safety and Security	4540
5.4.1	Human Immunodeficiency Virus (HIV/AIDS) Policy	4541
5.4.2	School Safety Plans	4542
5.4.3	Communicable Diseases.....	4543
5.4.4	Cardiac Automated External Defibrillators (AEDs) in Public School Facilities.....	4544
5.5	Smoking/Tobacco Use.....	4550
5.6	Exposure Control Program	4560
5.7	Records Management	4570
5.7.1	Information Security Breach and Notification.....	4571
5.7.2	Disposal of Consumer Report Information and Records.....	4572
5.8	School Food Service Program (Lunch and Breakfast)	4580
5.8.1	Wellness Policy	4581

2010

4110

Non-Instructional/Business
Operations

SUBJECT: BUDGET PLANNING AND PREPARATION

In order to provide for a comprehensive and accurate budget, the Board and administrative staff shall prepare the budget in a systematic manner. The Board shall be informed of the entire budgetary process, so that their input can be provided where needed. Furthermore, this involvement shall ensure that the Board is well informed of the budget.

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

NOTE: Refer also to Policy #4120 -- Budget Development and Adoption

Adopted: 6/23/10

SUBJECT: BUDGET DEVELOPMENT AND ADOPTION

Planning for the annual budget shall enable the SWBOCES to effectively inform component districts of their costs and meet any deadlines by the State Education Department, as well as any set forth by law or regulation.

Authorization of the budgetary commitment of a component school district to participate in programs and services provided by SWBOCES rests with the component school board and is executed by the superintendent of the school district or his/her designee in writing. A preliminary service request is due not later than February 1 of each year, with the final request due on or before May 1, in accordance with Section 1950 of Education Law.

The SWBOCES shall prepare tentative budgets for its administrative, capital and program costs as delineated in accordance with law and/or regulation. All tentative budgets will be formally presented to the component 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, delineating 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 SWBOCES report card as enumerated in law and regulation.

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

While the SWBOCES capital and program budgets are presented to the component districts for their review, the adoption of those budgets is the sole responsibility of the SWBOCES. The law requires the Board to adopt its final administrative, capital and program budgets by May 15.

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

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

(Continued)

2010

4120
2 of 2

Non-Instructional/Business
Operations

SUBJECT: BUDGET DEVELOPMENT AND ADOPTION (Cont'd.)

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

NOTE: Refer also to Policy #4110 -- Budget Planning and Preparation

Adopted: 6/23/10

SUBJECT: ADMINISTRATION OF BUDGET

The District Superintendent is responsible to the SWBOCES for the administration of the budget.

- a) The District Superintendent/designee shall acquaint SWBOCES 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 shall be determined by July 1 of the fiscal year based on the May 15 previously adopted budget. All changes and transfers shall be properly recorded in the interim between May 15 and July 1.
- b) Under the District Superintendent's direction, the Business Office shall maintain such records of accounting control as are required by the New York State Uniform System of Accounts, the Board of Cooperative Educational Services, and such other procedures as are deemed necessary, and shall keep the various administrative units informed as to the status of their individual budgets, on a service and object basis. The Business Office shall bring to the attention of the administrative units and the District Superintendent any deviations from original requests.
- c) Division Directors, through the Deputy Superintendent, are responsible to the District Superintendent for the operation of their units within budgetary limits.
- d) The District Superintendent shall require the Assistant Superintendent for Business and Administrative Services to render a summary report by program or major function, at least quarterly, within the Regulations of the Commissioner of Education.

Budget Adjustments

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

All budget increases will be approved only through Board resolution.

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

Adopted: 6/23/10

SUBJECT: INVESTMENTS**Purpose and Safeguards**

The SWBOCES' investment program will be administered in such a way as to assure:

- a) The continual process of temporary investment of all fund balances and monies available to the SWBOCES for investment purposes.
- b) The utilization of an open competition system of bids and/or quotes to obtain the maximum yield possible on all investments.
- c) That principal is adequately safeguarded; and
- d) That all SWBOCES investments will be in compliance with applicable federal, state and other legal requirements.

Prudence

- a) All participants in the investment process shall seek to act responsibly as custodians of the public trust and shall avoid any transaction that might impair public confidence in the SWBOCES to govern effectively.
- b) Investments shall be made with judgment and care, under circumstances then prevailing, which persons of prudence, discretion and intelligence exercise in the management of their own affairs, not for speculation, but for investment, considering the safety of the principal as well as the probable income to be derived.
- c) All participants involved in the investment process shall refrain from personal business activity that could conflict with proper execution of the investment program, or which could impair their ability to make impartial investment decisions.

Permitted Investments

- a) As authorized by General Municipal Law, Section 11, the SWBOCES authorizes the Chief Financial Officer to invest moneys not required for immediate expenditure for terms not to exceed its projected cash flow needs in the following types of investments:
 - 1. Special time deposit accounts;
 - 2. Certificates of deposit;
 - 3. Obligations of the United States of America;

(Continued)

SUBJECT: INVESTMENTS (Cont'd.)

4. Obligations guaranteed by agencies of the United States of America where the payment of principal and interest are guaranteed by the United States of America;
 5. Obligations of the State of New York;
 6. Obligations issued pursuant to LFL Section 24.00 or 25.00 (with approval of the State Comptroller) by any municipality or SWBOCES corporation other than the SWBOCES;
 7. Obligations of public authorities, public housing authorities, urban renewal agencies and industrial development agencies where the general State statutes governing such entities or whose specific enabling legislation authorizes such investments;
 8. Certificates of Participation (COPs) issued pursuant to GML Section 109-b;
 9. Obligations of this local government, but only with any moneys in a reserve fund established pursuant to GML Section 6-c, 6-d, 6-e, 6-g, 6-h, 6-j, 6-k, 6-l, 6-m, or 6-n.
- b) All investment obligations shall be payable or redeemable at the option of the SWBOCES within such times as the proceeds will be needed to meet expenditures for purposes for which the moneys were provided and, in the case of obligations purchased with the proceeds of bonds or notes, shall be payable or redeemable at the option of the SWBOCES within two years of the date of purchase.

Collateralizing of Deposits

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

- a) By a pledge of "eligible securities" with an aggregate "market value" as provided by GML Section 10, equal to the aggregate amount of deposits.
- b) By an eligible "irrevocable letter of credit" issued by a qualified bank other than the bank with the deposits in favor of the SWBOCES for a term not to exceed ninety (90) days with an aggregate value equal to one hundred forty percent (140%) of the aggregate amount of deposits and the agreed upon interest, if any. A qualified bank is one whose commercial paper and other unsecured short-term debt obligations are rated in one of the three highest rating categories by at least one nationally recognized statistical rating organization or by a bank that is in compliance with applicable federal minimum risk-based capital requirements.

(Continued)

SUBJECT: INVESTMENTS (Cont'd.)

- c) By an eligible surety bond payable to SWBOCES for an amount at least equal to one hundred percent (100%) of the aggregate amount of deposits and the agreed upon interest, if any, executed by an insurance company authorized to do business in New York State, whose claims - paying ability is rated in the highest rating category by at least two nationally recognized statistical rating organizations.

Safekeeping and Collateralization

- a) Eligible securities used for collateralizing deposits shall be held by (depository) bank or trust company subject to security and custodial agreements.
- b) The security agreement shall provide that eligible securities are being pledged to secure SWBOCES deposits together with agreed upon interest, if any, and any costs or expenses arising out of the collection of such deposits upon default. It shall also provide the conditions under which the securities may be sold, presented for payment, substituted or released and the events which will enable the SWBOCES to exercise its rights against the pledged securities. In the event that the securities are not registered or inscribed in the name of the SWBOCES, such securities shall be delivered in a form suitable for transfer or with an assignment in blank to the SWBOCES or its custodial bank.
- c) The custodial agreement shall provide that securities held by the bank or trust company, or agent of and custodian for, the SWBOCES, will be kept separate and apart from the general assets of the custodial bank or trust company and will not, in any circumstances, be commingled with or become part of the backing for any other deposit or other liabilities. The agreement should also describe that the custodian shall confirm the receipt, substitution, or release of the securities. The agreement shall provide for the frequency of revaluation of eligible securities and for the substitution of securities when a change in the rating of a security may cause ineligibility. Such agreement shall include all provisions necessary to provide the SWBOCES a perfected interest in the securities.

Authorized Financial Institutions and Dealers

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

(Continued)

SUBJECT: INVESTMENTS (Cont'd.)**Purchase of Investments**

- a) The Chief Fiscal Officer is authorized to contract for the purchase of investments:
 - 1. Directly, including through a repurchase agreement, from an authorized trading partner.
 - 2. By participation in a cooperative investment program with another authorized governmental entity pursuant to Article 5G of the General Municipal Law where such program meets all the requirements set forth in the Office of the State Comptroller Opinion No. 88-46, and the specific program has been authorized by the governing board.
 - 3. By utilizing an ongoing investment program with an authorized trading partner pursuant to a contract authorized by the governing board.
- b) All purchased obligations, unless registered or inscribed in the name of the SWBOCES, shall be purchased through, delivered to and held in the custody of a bank or trust company. Such obligations shall be purchased, sold or presented for redemption or payment by such bank or trust company only in accordance with prior written authorization from the officer authorized to make the investment. All such transactions shall be confirmed in writing to the SWBOCES by the bank or trust company. Any obligation held in the custody of a bank or trust company shall be held pursuant to a written custodial agreement as described in General Municipal Law, Section 10.
- c) The custodial agreement shall provide that securities held by the bank or trust company, as agent of and custodian for, the SWBOCES, will be kept separate and apart from the general assets of the custodial bank or trust company and will not, in any circumstances, be commingled with or become part of the backing for any other deposit or other liabilities. The agreement shall describe how the custodian shall confirm the receipt and release of the securities. Such agreement shall include all provisions necessary to provide the SWBOCES a perfected interest in the securities.

Repurchase Agreements

Repurchase agreements are authorized subject to the following restrictions:

- a) All repurchase agreements must be entered into subject to a Master Repurchase Agreement.
- b) Trading partners are limited to banks or trust companies authorized to do business in New York State and primary reporting dealers.

(Continued)

SUBJECT: INVESTMENTS (Cont'd.)

- c) Obligations shall be limited to obligations of the United States of America and obligations guaranteed by agencies of the United States of America.
- d) No substitution of securities will be allowed.
- e) The custodian shall be a party other than the trading partner.

Policy Review

This policy shall 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.

Audit and Reporting

The independent auditors will audit the investments proceeds of the SWBOCES for compliance with applicable law, rules and the provisions of these regulations.

Education Law Sections 1604-a, 1723(a), 2503(1) and 3652
General Municipal Law Section 39
Local Finance Law Section 165

Adopted: 6/23/10

SUBJECT: STATE AND FEDERAL FUNDS

The Board encourages the pursuit of special grants directly related to the needs of SWBOCES, the component school districts and the region.

The Board shall review for approval Federal, State, or private funds before formal submission to the funding agency.

The District Superintendent or a designee shall seek State and Federal aid and/or other funds to the greatest extent possible in financing SWBOCES 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. Aid awards shall be reported to the Board at regularly scheduled Board meetings.

Federal Funds

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

Handling of State Aid

The Treasurer is authorized to receive all reimbursements from public funds on account of the component districts and deposit the same in the designated depository.

Upon receipt of each payment of state aid the District Superintendent/designee may authorize the Treasurer to pay to each component school district whose contract is paid up-to-date, the gross amount of state aid earned by that district and paid in that allotment of state aid.

Information to Participating Districts

Letters of support from directly involved school boards or designees will be required when appropriate. Proposal abstracts will be sent to component districts and other agencies when appropriate. Participating component districts will be informed concerning approval or rejection of proposals by the District Superintendent or his/her designee. Abstracts of final reports, including evaluation summaries, will be sent to all participating component school boards or designees.

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

Adopted: 6/23/10

SUBJECT: ACCEPTANCE OF GIFTS, GRANTS AND BEQUESTS TO SWBOCES

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

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

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

The Board will not formally consider the acceptance of gifts or grants until and unless it receives the offer in writing from the donor/grantor. Any such gifts or grants donated to the Board and accepted on behalf of SWBOCES must be by official action and resolution passed by Board majority. The Board would prefer the gift or grant to be a general offer rather than a specific one. Consequently, the Board would suggest the donor/grantor work first with SWBOCES administrators in determining the nature of the gift or grant prior to formal consideration for acceptance by the Board. However, the Board, in its discretion, may direct the District Superintendent or his/her designee to apply such gift or grant for the benefit of a specific school program or service.

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

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

All gifts, grants and/or bequests shall become SWBOCES property. Letters of appreciation from the President of the Board and the District Superintendent or his/her designee may be sent to a donor/grantor in recognition of his/her contribution to SWBOCES.

New York State Constitution 8, Section 1
General Municipal Law Section 805-a(1)

NOTE: Refer also to Policy #4320 -- Southern Westchester BOCES Personal Property Accountability

Adopted: 6/23/10

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;

(Continued)

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.

(Continued)

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>

(Continued)

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 Gift**Acceptance**

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: USE OF SOUTHERN WESTCHESTER BOCES ACCOUNT
ADMINISTRATOR CREDIT CARD**

The District Superintendent, Chief Operating Officer/Deputy District Superintendent, and the Board Clerk may apply for and obtain an credit card in the SWBOCES name to pay for necessary expenses incurred in the performance of work-related duties. This authorization, however, is subject to the following restrictions and limitations:

- a) Such credit card shall be issued only to the District Superintendent, Chief Operating Officer/Deputy District Superintendent, and the Board Clerk.
- b) The use of the credit card issued to the Board Clerk is limited to Board member travel expenses.
- c) There shall be no personal use of such credit card under any circumstances.
- d) Users must submit detailed documentation, including itemized receipts for commodities, services, travel and/or other actual and necessary expenses which have been incurred in connection with school-related business for which the credit card has been used.
- e) If the credit card is used to pay for non-conference meals, the SWBOCES Business Meal Reimbursement Form must be submitted.
- f) The user must take proper care of the credit card and take all reasonable precautions against damage, loss, or theft. Any damage, loss, or theft must be reported immediately to the Assistant Superintendent for Business and Administrative Services and to the appropriate financial institution.

SWBOCES Administrative Regulation -- Use of Automobiles by SWBOCES Administrators.

The use of credit cards is not intended to circumvent the SWBOCES policy on purchasing. The intent of this policy is to relieve the District Superintendent and the Board, who must incur authorized business expenses, of the need to carry a personal financial burden on SWBOCES behalf. However, all expenditures charged on the SWBOCES credit card shall be reasonable and necessary to the successful conduct of the official business in which the individual is engaged.

Non-Instructional/Business
Operations**SUBJECT: USE OF SOUTHERN WESTCHESTER BOCES CHARGE CARD ISSUED BY
HOME DEPOT**

The Director of Facilities and the Supervisor of Adult Education may apply for and obtain a charge card issued by Home Depot in the SWBOCES name to pay for necessary expenses incurred in the performance of work-related duties or to obtain supplies necessary for adult education classroom instruction. Home Depot charge cards will only be effective for the period that Home Depot is the approved New York State contract vendor for Industrial and Commercial Supplies and Equipment. This authorization, however, is subject to the following restrictions and limitations:

- a) Home Depot charge cards shall be issued only to the Director of Facilities and the Supervisor of Adult Education.
- b) There shall be no personal use of such charge cards under any circumstances.
- c) The user must submit detailed documentation, including itemized receipts for commodities and services and/or other actual and necessary expenses which have been incurred in connection with school related business for which the charge card has been used.
- d) The Director of Facilities and the Supervisor of Adult Education, who are issued the charge cards, shall be responsible for their use and shall not allow the card to be used by any unauthorized personnel or for any unauthorized purchases. Purchases under any circumstances that are unauthorized, illegal, represent a conflict of interest, are personal in nature or violate the intent of this policy will result in credit card revocation and discipline of the employee.
- e) The user must take proper care of the charge card and take all reasonable precautions against damage, loss, or theft. Any damage, loss or theft must be reported immediately to the Assistant Superintendent for Business and Administrative Services and to the appropriate financial institution.

The use of this charge card is not intended to circumvent the SWBOCES policy on purchasing. The intent of this policy is to allow the Director of Facilities and the Supervisor of Adult Education to obtain the necessary supplies to perform maintenance and repair tasks on a timely basis and to provide necessary supplies to conduct adult education classes appropriately.

2010

4340

Non-Instructional/Business
Operations

SUBJECT: TELEPHONE AND OTHER COMMUNICATION EQUIPMENT USAGE

Telephones and other communication equipment are to be used for SWBOCES related business. Personal communication when necessary should be kept to a minimum, and any incurred charges are to be reimbursed to SWBOCES.

Adopted: 6/23/10

SUBJECT: SWBOCES-OWNED CELLULAR TELEPHONE POLICY

A SWBOCES-owned cellular telephone will be issued to a SWBOCES employee when required by the employee's job duties as determined by the Center's Director or designee.

Additionally, the following rules shall apply regarding the use of a SWBOCES-owned cellular telephone:

- a) The cellular telephone shall only be used by authorized employees when a conventional telephone is not available or for urgent SWBOCES business.
- b) The cellular telephone may not be used by anyone other than the SWBOCES employee.
- c) SWBOCES-owned cellular telephones should be used only for SWBOCES business. Any non-SWBOCES business related calls should be reimbursed to SWBOCES by the employee. To reimburse SWBOCES the cost of these personal telephone calls, all employees who are assigned a SWBOCES-owned cellular telephone will have the monthly bill associated with their SWBOCES-owned cellular telephone distributed to them. The employee is required to review this bill and note any personal telephone call usage and reimburse SWBOCES the cost of these phone calls at a per-minute rate determined by the Assistant Superintendent for Business and Administrative Services.
- d) In the interest of safety, employees are asked to refrain from using the cell phone while driving a moving vehicle.

As with any District-owned equipment, employees must take proper care of cellular telephones and take all reasonable precautions against damage, loss or theft. Any damage, loss or theft must be reported immediately to the Director of Facilities/designee.

2010

4410

Non-Instructional/Business
Operations

SUBJECT: APPROVAL OF EXPENDITURES

Funds expended for budgeted school functions shall be subject to approval by the Claims Auditor or by designated administrative personnel.

The Southern Westchester BOCES Board of Education will receive reports from the Claims Auditor in their Board Meeting packet.

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.

(Continued)

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: INVENTORIES

The District Superintendent or his/her designee shall be responsible for maintaining a continuous and accurate inventory of equipment owned by the SWBOCES in accordance with "The Uniform System of Accounts for School Districts."

All supplies and equipment purchased and received by the SWBOCES shall be checked, logged, and stored through an established procedure.

Uniform System of Accounts for School Districts (Fiscal Section)

Adopted: 6/23/10

SUBJECT: ACCOUNTING OF FIXED ASSETS

The Controller shall be responsible for accounting for general fixed assets according to the procedures outlined by the Uniform System of Accounts for School Districts and GASB Statement 34 Regulations.

These accounts will serve to:

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

Fixed assets with a minimum value established by the Board having a useful life of one (1) year or more and physical characteristics not appreciably affected by use or consumption shall be inventoried and recorded on an annual basis. Fixed assets shall include land, buildings, equipment and materials.

The Board shall establish a dollar threshold as a basis for considering which fixed assets are to be depreciated. Such threshold shall ensure at least 80 percent of the value of all assets is reported. However, it is recommended such threshold shall not be greater than ten thousand dollars (\$10,000). A standardized depreciation method and averaging convention shall also be established for depreciation calculations.

Fixed assets acquired having a value equal to or greater than the established threshold are considered depreciable assets and shall be inventoried for the purposes of GASB 34 accounting practices and placed on a depreciation schedule according to its asset class and estimated useful life as stipulated by the NY State Comptroller's Office or the IRS.

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

- a) Date of acquisition;
- b) Description;
- c) Cost or value;
- d) Location;

(Continued)

SUBJECT: ACCOUNTING OF FIXED ASSETS (Cont'd.)

- e) Asset type;
- f) Estimated useful life;
- g) Replacement cost;
- h) Current value;
- i) Salvage value;
- j) Date and method of disposition; and
- k) Responsible official.

The Controller shall arrange for the annual inventory and appraisal of SWBOCES property, equipment and material. Any discrepancies between an inventory and the SWBOCES' property records on file should be traced and explained.

NOTE: Refer also to Policy #4320 -- Southern Westchester BOCES Personnel Property Accountability

SUBJECT: ACCOUNTABILITY FOR SOUTHERN WESTCHESTER BOCES FUNDS

Accountability for Southern Westchester 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; and
- f) To promote budgetary control.

Education Law Section 2116-a

NOTE: Refer also to Policy #4480 -- Financial Accountability

Adopted: 6/23/10

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: EXTRA CLASSROOM ACTIVITY FUNDS AND STUDENT FUNDS

An extra classroom activity fund shall be established for activities conducted by students whose financial support is raised other than by taxation or through charges of the SWBOCES.

The District Superintendent shall issue administrative regulations pertaining to the safeguarding, accounting, and audit of all moneys received and derived from such extra-classroom activities. Such administrative regulations shall be based on the general guidelines of State Education Department Finance Pamphlet 2, The Safeguarding, Accounting and Auditing of Extra-classroom Activity Funds, and shall include at least the following:

- a) Records of receipts and expenditures shall be maintained, and reported at least annually to the Board.
- b) The authority to expend moneys shall be distinct and separate from the custody of those moneys.
- c) Unused funds of discontinued extra classroom activities and of graduating classes unused account balances shall revert to a related extra classroom activities account as designated by the Board.
- d) An independent and impartial audit of the accounts shall be made at least annually, as part of the annual audit.

Student Funds

The SWBOCES recognizes the value of student activity programs and is aware of the experience to be gained by student participants in the management of funds for their organization. The Board therefore, authorizes the use of a Student Activity Fund.

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

SUBJECT: FINANCIAL ACCOUNTABILITY

SWBOCES must have internal controls in place to ensure that the goals and objectives of the SWBOCES are accomplished; laws, regulations, policies, and good business practices are complied with; operations are efficient and effective; assets are safeguarded; and accurate, timely and reliable data are maintained.

The SWBOCES' governance and control environment will include the following:

- a) The SWBOCES' 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 SWBOCES and employees or vendors who are related to SWBOCES officials or Board members.
- b) The Board requires corrective action for issues reported in the CPA's management letter, audit reports, the Single Audit, and consultant reports.
- c) The Board has established the required policies and procedures concerning SWBOCES operations.
- d) The Board routinely receives and discusses the necessary fiscal reports:
 - 1. Treasurer's cash reports,
 - 2. Budget status reports,
 - 3. Revenue status reports.
- e) The SWBOCES has a long-term (three to five years) financial plan for capital projects.
- f) The SWBOCES requires attendance at training programs for Board members, business officials, treasurers, claims auditors, and others to ensure they understand their duties and responsibilities and the data provided to them.
- g) The Board has an audit committee to assist in carrying out its fiscal oversight responsibilities.
- h) The SWBOCES' information systems are economical, efficient, current, and up-to-date.
- i) All computer files are secured with passwords or other controls, backed up on a regular basis, and stored at an off site location.
- j) The SWBOCES periodically verifies that its controls are working efficiently.

Adopted: 6/23/10

SUBJECT: ALLEGATIONS OF FRAUD**Reporting and Investigations of Allegations of Fraud**

All Board members and officers, SWBOCES employees and third party consultants are required to abide by the SWBOCES' policies, administrative regulations and procedures in the conduct of their duties. Further, all applicable federal and/or state laws and regulations must be adhered to in the course of SWBOCES operations and practices. Any individual who has reason to believe that financial improprieties or wrongful conduct is occurring within the School System is to disclose such information according to the reporting procedures established by the SWBOCES. The reporting procedures will follow the chain of command as established within the department or school building or as enumerated in the SWBOCES' Organization Chart. In the event that the allegations of financial improprieties/fraud and/or wrongful conduct concern the investigating official, the report shall be made to the next level of supervisory authority. If the chain of supervisory command is not sufficient to ensure impartial, independent investigation, allegations of financial improprieties/fraud and/or wrongful conduct will be reported as applicable, to the Internal Auditor (if available), or the Independent (External) Auditor, or the School Attorney, or the Board. The SWBOCES' prohibition of wrongful conduct, including fraud, will be publicized within the SWBOCES 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 SWBOCES has knowledge of, or reason to know of, any occurrence of financial improprieties/fraud and/or wrongful conduct, the SWBOCES will investigate such conduct promptly and thoroughly. To the extent possible, within legal constraints, all reports will be treated as confidentially and privately as possible. However, disclosure may be necessary to complete a thorough investigation of the charges and/or to notify law enforcement officials as warranted, and any disclosure will be provided on a "need to know" basis. Written records of the allegation, and resulting investigation and outcome will be maintained in accordance with law.

Based upon the results of this investigation, if the SWBOCES 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, SWBOCES 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 such disciplinary measures by the SWBOCES does not preclude the filing of civil and/or criminal charges as may be warranted. Rather, 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.*

(Continued)

SUBJECT: ALLEGATIONS OF FRAUD (Cont'd.)

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).

Protection of School Employees who Report Information Regarding Illegal or Inappropriate Financial Practices

Any employee of the SWBOCES who has reasonable cause to believe that the fiscal practices or actions of an employee or officer of the SWBOCES violates any local, state, federal law or rule and regulation relating to the financial practices of the SWBOCES, and who in good faith reports such information to an official of the SWBOCES, or to the Office of the State Comptroller, the Commissioner of Education, or to law enforcement authorities, shall have immunity from any civil liability that may arise from the making of such report. Further, neither the SWBOCES, nor employee or officer thereof, shall take, request, or cause a retaliatory action against any such employee who makes such a report.

The Board also prohibits any retaliatory behavior directed against any witnesses and/or any other individuals who participate in the investigation of an allegation of illegal or inappropriate fiscal practices or actions. Follow-up inquiries shall be made to ensure that no reprisals or retaliatory behavior has occurred to those involved in the investigation. Any act of retaliation is prohibited and subject to appropriate disciplinary action by the SWBOCES.

Knowingly Makes False Accusations

Any individual who *knowingly* makes false accusations against another individual as to allegations of financial improprieties/fraud may also face appropriate disciplinary action.

Education Law Section 3028-d

Adopted: 6/23/10

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, such membership is advisable to provide accounting and auditing expertise.

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

- 1. Be employed by the SWBOCES;
- 2. Be an individual who within the last two (2) years provided, or currently provides, services or goods to the SWBOCES;
- 3. Be the owner of or have a direct and material interest in a company providing goods or services to the SWBOCES; or
- 4. Be a close or immediate family member of an employee, officer, or contractor providing services to the SWBOCES. A "close family member" is defined as a parent, sibling or nondependent child; an "immediate family member" is a spouse, spouse equivalent, or dependent (whether or not related).

The Audit Committee shall consist of at least three (3) members who should collectively possess knowledge in accounting, auditing, financial reporting, and SWBOCES finances. They shall serve without compensation, but shall be reimbursed for any actual and necessary expenditure incurred in relation to attendance at meetings. Employees of the SWBOCES are prohibited from serving on the Audit Committee. Members of the Audit Committee shall be deemed SWBOCES Officers.

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

The Audit Committee shall develop and submit to the Board for approval a formal, written charter which includes, but is not limited to, provisions regarding the committee's purpose, mission, duties, responsibilities and membership requirements.

(Continued)

SUBJECT: AUDIT COMMITTEE (Cont'd.)

The Audit Committee shall hold meetings as deemed necessary and report to the Board on the activities of the Committee on an as needed basis, but not less than annually. The report will address or include at a minimum:

- a) The activities of the Audit Committee;
- b) A summary of the minutes of the meeting;
- c) Significant findings brought to the attention of the Audit Committee;
- d) Any indications of suspected fraud, waste, or abuse;
- e) Significant internal control findings; and
- f) Activities of the internal audit function.

The responsibilities of the Audit Committee include the following:

- a) Provide recommendations regarding the appointment of the External (Independent) Auditor for the SWBOCES;
- b) Meet with the External (Independent) Auditor prior to commencement of the audit;
- c) Review and discuss with the External (Independent) Auditor any risk assessment of the SWBOCES fiscal operations developed as part of the Auditor's responsibilities under governmental auditing standards for a financial statement audit and federal single audit standards if applicable;
- d) Receive and review the draft annual audit report and accompanying draft management letter and, working directly with the External (Independent) Auditor, assist the Board in interpreting such documents;
- e) Make a recommendation to the Board on accepting the annual audit report; and
- f) Review every corrective action plan developed by the SWBOCES and assist the Board in its implementation.

Corrective Action Plan

Within ninety (90) days of receipt of the report or management letter, the District Superintendent/designee shall 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 SWBOCES internal auditor
- c) A final report issued by the State Comptroller;
- d) A final audit report issued by the State Education Department; or
- e) A final audit report issued by the United States or an office, agency or department thereof.

The corrective action plan must be filed with the appropriate entity, and if appropriate, must include the expected date(s) of implementation. To the extent practicable, implementation of the corrective action plan should begin no later than the end of the next fiscal year.

Additional responsibilities of the Audit Committee include: assisting in the oversight of the Internal Audit Function including, but not limited to, providing recommendations regarding the appointment of the Claims Auditor; reviewing significant findings and recommendations of the Claims Auditor; monitoring the SWBOCES implementation of such recommendations; and participating in the evaluation of the performance of the Internal Audit Function.

The Audit Committee may conduct an Executive Session pursuant to Public Officers Law Section 105 pertaining to the following matters:

- a) To meet with the External (Independent) Auditor prior to commencement of the audit;
- b) To review and discuss with the External (Independent) Auditor any risk assessment of the SWBOCES 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 of the Audit Committee, if authorized by a Board resolution. However, if such Board member's attendance results in a meeting of a quorum of the full Board, any action taken by formal vote may constitute official Board action.

Education Law Sections 2116-c, and 3811-3813
Public Officers Law Sections 105(b), 105(c) and 105(d)
8 New York Code of Rules and Regulations (NYCRR) Section 170.12(d)

Adopted: 6/23/10

SUBJECT: INTERNAL AUDIT FUNCTION

The SWBOCES has established an Internal Audit Function which includes:

- a) Development of a risk assessment of SWBOCES 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 SWBOCES 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 such recommendations.

The SWBOCES is permitted to utilize existing SWBOCES personnel to fulfill the Internal Audit Function, but such persons shall not have any responsibility for other business operations of the SWBOCES while performing Internal Audit Functions. The SWBOCES shall 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 SWBOCES.

Personnel or entities serving as the Internal Auditor and performing the Internal Audit Function shall report directly to the Board. The Audit Committee shall assist in the oversight of the Internal Audit Function on behalf of the Board.

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

NOTE: Refer also to Policy #1319 – Duties of the Internal Auditor

Adopted: 6/23/10

SUBJECT: FISCAL ACCOUNTING AND REPORTING

The Board insists on clear, complete, and detailed accounting of all financial transactions for which the Board is held accountable.

The system of accounts will conform to the Uniform System of Accounts for SWBOCES. The accounting system will yield information necessary for the Board to make policy decisions.

Proposed expenditures will be budgeted under and the actual expenditures will be charged to categories that most accurately describe the purpose for which monies are to be spent.

In an effort to maintain control of the expenditures, the District Superintendent shall require the Chief Fiscal Officer to render a summary report by program or major function at least annually within regulations of the Commissioner of Education.

Program supervisors are responsible for operation of the programs within budgetary limits.

The SWBOCES shall be audited annually by an independent certified public accountant or a public accountant. The auditor's report shall be adopted by resolution and a copy shall be filed with the Commissioner of Education.

The District Superintendent is hereby directed to respond to all audit findings and recommendations. Such response is to include a statement of the corrective actions taken or proposed to be taken, or if action is not taken or proposed, an explanation of reasons, as well as a statement on the status of corrective actions taken on findings or recommendations contained in any previous report of examination or external audit, or any management letter for which a response was required.

The District Superintendent shall also ensure that the provisions contained in the General Municipal Law in regard to audit reports are followed.

Education Law Sections 1610, 1721, 2117, 2528, 2577, 2590-i
General Municipal Law Sections 33, 34
8 NYCRR Sections 155.1, 170.1, 170.2

Adopted: 6/23/10

SUBJECT: CLAIMS AUDIT POLICY

The SWBOCES Board of Education will designate and appoint a Claims Auditor. The Claims Auditor shall serve at the pleasure of the Board. The Claims Auditor shall report directly to the Board. The Claims Auditor may not be a member of the Board of Education, the Clerk or Treasurer of the Board, the Superintendent of Schools or other official of the District responsible for business management, the person designated as a Purchasing Agent, and/or clerical or professional personnel directly involved in accounting and purchasing functions of the District.

The Claims Auditor is responsible for formally examining, allowing, or rejecting all accounts, charges, claims, or demands against the SWBOCES. The auditing process should determine:

- a) That the proposed payment is for a valid and legal purpose;
- b) That the obligation was incurred by an authorized District official;
- c) That the items for which payment is claimed were in fact received or, in the case of services, that they were actually rendered;
- d) That the submitted voucher is in proper form, mathematically correct, does not include previously paid charges, and is in agreement with the purchase order or contract upon which it is based; and
- e) The payment has been processed to the appropriate vendor for the correct dollar amount.

Upon satisfactory results of the above process, valid claims against the SWBOCES shall be paid by the Treasurer only upon the approval of the Claims Auditor. The Claims Auditor shall certify that each claim listed on the warrant was audited and payment was authorized.

The Claims Auditor shall provide written reports to the Board.

SUBJECT: FACILITIES PLANNING

The Board shall rely on a comprehensive long-range facilities plan developed by the District Superintendent in accordance with the Commissioner's Regulations to serve as a guide for capital improvements. Such plan shall be reevaluated and made current at least annually.

Comprehensive Public School Building Safety Program (RESCUE)

The SWBOCES shall develop a Comprehensive Public School Building Safety Program in accordance with the Commissioners Regulations. The program shall be reevaluated and made current at least annually.

School Facility Report Cards

The SWBOCES shall prepare an annual School Facility Report Card for each occupied school building, including a description of the activities of the SWBOCES' Health and Safety Committee.

The School Facility Report Card for each building shall be reviewed annually by the Board. The Board shall report in a public meeting on the status of each item set forth in Commissioner's Regulations for each facility.

8 New York Code of Rules and Regulation (NYCRR) Sections 155.1 and 155.6

Education Law Section 1950

Health and Safety Committee: 8 New York Code of Rules and Regulations (NYCRR) Section 155.6(c) (17)

NOTE: Refer also to Policy #4511 -- Facilities: Inspection, Operation and Maintenance

Adopted: 6/23/10

SUBJECT: FACILITIES: INSPECTION, OPERATION AND MAINTENANCE**Buildings and Grounds Maintenance and Inspection**

Proper maintenance and inspection procedures are essential. The District Superintendent shall ensure that proper maintenance and inspection procedures are developed for every school building.

Consistent with federal and state law and regulations, the following items will be included in the SWBOCES' buildings and grounds maintenance and inspection procedures:

a) Comprehensive Maintenance Plan

A comprehensive maintenance plan for all major building systems will be instituted to ensure the building is maintained in a state of good repair. Such 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 plan shall be available for public inspection.

Procedures will also be established to ensure the safety of building occupants during maintenance activities including standards for exiting and ventilation, asbestos and lead protocols, noise abatement and control of chemical fumes, gases and other contaminants.

b) Building Condition Surveys

Each occupied building will be assessed every five (5) years by a building condition survey. This survey will be conducted by a team that includes at least one (1) licensed architect or engineer and will include a list of all program spaces and inspection of building system components for evidence of movement, deterioration, structural failure, probable useful life, need for repair and maintenance and need for replacement. Building condition survey reports will be submitted to the Commissioner by January 15 every fifth year.

c) Annual Visual Inspections

A visual inspection of building system components in each occupied SWBOCES building will take place annually except for years in which a Building Condition Survey is performed. The inspection will be conducted by a team including a local code enforcement official, the Facilities Director or his/her designee and a member of the Health and Safety Committee. The inspection will be completed by November 25 of each year and will be made available to the public.

A corrective action plan will be developed by a licensed architect or engineer if a deficiency exists in the building.

(Continued)

SUBJECT: FACILITIES: INSPECTION, OPERATION AND MAINTENANCE (Cont'd.)**d) Fire Safety Inspections**

An annual inspection for fire and safety hazards will be conducted in accordance with a schedule established by the Commissioner of Education. The inspection will be conducted by a qualified fire inspector and the report will be kept in the SWBOCES office. Any violation of the State Uniform Fire Prevention and Building Code shall be corrected immediately or within a time frame approved by the Commissioner.

e) Safety Rating System

A safety rating keyed to the structural integrity and overall safety of each occupied school building will be provided on an annual basis in consultation with the Health and Safety Committee. Safety ratings will be based on the safety rating system developed by the Commissioner and will comply with all statutory and regulatory requirements.

Building supervisors shall, on an on-going basis, undertake their own inspections of school buildings and grounds, searching for any dangerous or hazardous conditions and take immediate steps to remedy the problem.

Health and Safety Committee

In accordance with the Regulations of the Commissioner of Education, the SWBOCES will appoint a Health and Safety Committee composed of representation from SWBOCES officials, staff, bargaining units and parents.

The Committee will participate in monitoring the condition of occupied school buildings to assure that they are safe and maintained in a state of good repair. The District Superintendent will ensure that the Committee is appropriately involved in all of the activities required by the Commissioner's Regulations. Specifically, the Committee will:

- a) Participate in the investigation and disposition of health and safety complaints.
- b) Ensure that at least one member of the committee participates in the annual visual inspection.
- c) Consult with SWBOCES officials in completing safety ratings of all occupied school buildings.
- d) Monitor safety during school construction projects including periodic meetings to review issues and address complaints related to health and safety resulting from the project.
- e) Upon completion of a construction project, conduct a walk-through inspection to ensure the area is ready to be reopened for use.

(Continued)

SUBJECT: FACILITIES: INSPECTION, OPERATION AND MAINTENANCE (Cont'd.)Expanded Health and Safety Committee

During construction projects, the Health and Safety Committee will be expanded to include the architect, construction manager and contractor. This expanded Committee will:

- a) Participate in the investigation and disposition of health and safety complaints regarding the construction or maintenance project.
- b) Meet periodically to review issues and address complaints regarding health and safety arising from construction.
- c) Monitor safety during construction projects.
- d) After the work is completed, conduct a walk-through inspection to confirm that the area is ready to be reopened for use.

Fire Inspection:

Education Law Section 807-a

8 New York Code of Rules and Regulations (NYCRR) Section 155.4

Health and Safety Committee:

8 New York Code of Rules and Regulations (NYCRR) Section 156.6(c) (17)

Health Inspection:

Education Law Section 906

Asbestos Inspection:

40 Code of Federal Regulations (CFR) Part 763, Subpart E

Education Law Article 9-A

Plans and Specifications:

Education Law Sections 408, 408-a and 409

8 New York Code of Rules and Regulations (NYCRR) Sections 155.1 and 155.2

Structural Safety Inspections:

Education Law Sections 409-d, 409-e, 3602 and 3641(4)

8 New York Code of Rules and Regulations (NYCRR) Sections 155.1, 155.3, 155.4(b) (1) and 155.6

NOTE: Refer also to Policies #4510 -- Facilities Planning
#4516 -- Pesticides and Pest Management

Adopted: 6/23/10

SUBJECT: ENERGY/WATER CONSERVATION AND RECYCLING OF SOLID WASTE**Energy/Water Conservation**

The Board recognizes the importance of energy and water conservation and is committed to the analysis, development, and initiation of conservation measures throughout the SWBOCES 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 will maintain an aggressive and responsible program to reduce consumption of energy by its facilities and to provide education on the conservation of energy.

The SWBOCES will comply with the Property Maintenance Code of New York State, part of the New York State Uniform Fire Prevention and Building Code, which requires that inhabitable indoor work spaces be maintained at a minimum temperature of sixty-five (65) degrees from September 14 to May 31 during the period the spaces are occupied. There are exceptions for areas of vigorous physical activities such as gymnasiums as well as processing spaces such as coolers or freezers. However, by law, code or regulation there is no maximum temperature specified. Ventilation requirements only require fresh air, not cool air-conditioning.

Recycling

The District Superintendent or designee will develop a program for the source separation and segregation of recyclable or reusable materials in the SWBOCES. This SWBOCES-wide recycling plan shall include:

- a) A concerted effort to purchase recycled items and biodegradable rather than non-biodegradable products;
- b) Separation of waste into appropriate categories for the purpose of recycling, including mercury-added consumer products; and
- c) A cooperative effort with community recycling programs.

Environmental Conservation Law Sections 27-2101-27-2115

General Municipal Law Section 120-aa

19 New York State Code of Rules and Regulations (NYCRR) Sections 1220-1226

Adopted: 6/23/10

SUBJECT: PESTICIDES AND PEST MANAGEMENT

The SWBOCES recognizes that pests can pose a significant risk to health and property and there may significant risks inherent in using chemical pesticides in the school environment. Provisions will be made for a least toxic approach to Integrated Pest Management (IPM) for all school buildings and grounds in accordance with the Commissioner's Regulations. Integrated pest management is a systematic approach to managing pests focusing on long term prevention or suppression with minimal impact on human health, the environment and non-targeted organisms.

Notification of Pesticide Application

All SWBOCES staff and parents/guardians will be notified of pesticide applications performed at their SWBOCES facility. A notice will be sent at the beginning of the school year which will include:

- a) Dates of pesticide applications throughout the school year;
- b) The availability of 48-hour prior written notification of pesticide;
- c) Applications to parents and staff who request such notice and instructions on how to register with the school to receive this prior written notification; and
- d) The name and number of the SWBOCES representative who can provide further information.

A separate notice will be sent to staff and parents within two (2) days of the end of winter and spring recess and within ten (10) days of the end of the school year which includes the date, location and product used for each pesticide application which required prior notification and each emergency application.

The District Superintendent shall ensure the dissemination of this policy and conduct any training necessary to ensure that all staff is fully informed about pesticides and pest management.

Education Law Section 409-h
Environmental Conservation Law Article 33
6 New York Code of Rules and Regulations (NYCRR) Part 325
8 New York Code of Rules and Regulations (NYCRR) Section 155.4

Adopted: 6/23/10

SUBJECT: BUS TRANSPORTATION OF STUDENTS

The Director for Transportation shall be responsible for managing, coordinating and supervising all of the bus transportation of students in and out of the SWBOCES. This shall include but not be limited to:

- a) Establishing routes to and from the SWBOCES;
- b) Acting as a liaison between the individual districts and the SWBOCES;
- c) Ascertaining that all SWBOCES buses adhere to properly prescribed safety standards;
- d) Providing special transportation for children with disabilities; and
- e) Coordinating field trips, co-curricula and all educational travel.

**SUBJECT: USE OF AUTOMOBILES BY SOUTHERN WESTCHESTER BOCES
ADMINISTRATORS**

The SWBOCES shall assign automobiles to the District Superintendent, Deputy District Superintendent, and the Assistant Superintendents.

The SWBOCES Administration shall develop regulations to implement this policy.

**SUBJECT: DRUG AND ALCOHOL TESTING FOR SCHOOL BUS DRIVERS AND
OTHER SAFETY-SENSITIVE EMPLOYEES**

In accordance with federal regulations, employees in safety-sensitive positions as defined in regulations, including school bus drivers and trainees in the Tractor-Trailer Adult Education Program, who are required to have and use a commercial drivers license (CDL), are subject to random testing for alcohol, marijuana, cocaine, amphetamines, opiates (including heroin), and phencyclidine (PCP). The SWBOCES shall adhere to federal law and regulations requiring the implementation of a drug and alcohol testing program for such employees in safety-sensitive positions.

The SWBOCES shall ensure that vendors/contract bus companies either establish or manage their own program, by contract, or through a consortium for the provision of alcohol and drug testing of employees in safety-sensitive positions. Safety-sensitive employees (SSE), including school bus drivers and other employees who drive a vehicle which is designed to transport sixteen (16) or more passengers (including the driver), shall be subject to this requirement.

Federal regulations require that school bus drivers and other SSEs be tested for alcohol and drugs at the following times:

- a) Drug testing will be conducted after an offer to hire, but before actually performing safety-sensitive functions for the first time. Such pre-employment testing will also be required when employees transfer to a safety-sensitive position;
- b) Safety-sensitive employees are also subject to a random drug and/or alcohol test on an unannounced basis just before, during or just after performance of safety-sensitive functions;
- c) In addition, testing will be ordered if a trained supervisor has a "reasonable suspicion" that an employee has engaged in prohibited use of drugs and/or alcohol;
- d) There will also be post accident testing conducted after accidents on employees whose performance could have contributed to the accidents; and
- e) Finally, return-to-duty and follow-up testing will be conducted when an individual who has violated the prohibited alcohol and/or drug conduct standards returns to performing safety-sensitive duties. Follow-up tests are unannounced and at least six (6) tests must be conducted in the first twelve (12) months after an employee returns to duty. Follow-up testing may be extended for up to sixty (60) months following return-to-duty.

All employee drug and alcohol testing will be kept confidential and shall only be revealed without the driver's consent to the employer, a substance abuse professional, drug testing laboratory, medical review officer and any other individual designated by law.

(Continued)

**SUBJECT: DRUG AND ALCOHOL TESTING FOR SCHOOL BUS DRIVERS AND
OTHER SAFETY-SENSITIVE EMPLOYEES (Cont'd.)**

The following alcohol and controlled substance-related activities are prohibited by the Federal Highway Administration's drug use and alcohol misuse rules for drivers of commercial motor vehicles and other SSEs:

- a) Reporting for duty or remaining on duty to perform safety-sensitive functions while having an alcohol concentration of 0.04 or greater. If testing shows an alcohol concentration of 0.02 or greater but less than 0.04, the employee must be removed from performing safety-sensitive activities for twenty-four (24) hours, but no punitive action will be taken by the employer.
- b) Being on duty or operating a commercial motor vehicle (CMV) while the driver possesses alcohol, unless the alcohol is manifested and transported as part of a shipment. This includes the possession of medicines containing alcohol (prescription or over-the-counter), unless the packaging seal is unbroken.
- c) Using alcohol while performing safety-sensitive functions.
- d) Using alcohol four (4) hours or less before duty. (New York State law prohibits use six (6) hours or less before duty.)
- e) When required to take a post-accident alcohol test, using alcohol within eight (8) hours following the accident or prior to undergoing a post-accident alcohol test, whichever comes first.
- f) Refusing to submit to an alcohol or controlled substance test required by post-accident, random, reasonable suspicion or follow-up testing requirements.
- g) Reporting for duty or remaining on duty, requiring the performance of safety-sensitive functions, when the SSE uses any controlled substance. This prohibition does not apply when instructed by a physician who has advised the SSE that the substance does not adversely affect the SSE's ability to safely operate a CMV.
- h) Reporting for duty, remaining on duty or performing a safety-sensitive function, if the SSE tests positive for controlled substances.

Drivers and other SSEs who are known to have engaged in prohibited behavior with regard to alcohol misuse or use of controlled substances are subject to disciplinary action and penalties pursuant to the vendors'/contract bus companies' policies and collective bargaining agreements, as well as the sanctions provided for in federal law. SSEs who have engaged in such prohibited behavior shall not be allowed to perform safety-sensitive functions until they are:

(Continued)

**SUBJECT: DRUG AND ALCOHOL TESTING FOR SCHOOL BUS DRIVERS AND
OTHER SAFETY-SENSITIVE EMPLOYEES (Cont'd.)**

- a) Evaluated by a substance abuse professional (SAP);
- b) Complete any requirements for rehabilitation as set by the SWBOCES/vendor or contract bus company and the SAP;
- c) Pass a return-to-duty test with the result below 0.02 if the conduct involved alcohol, or a controlled substance test with a verified negative result if the conduct involved controlled substance use; and
- d) The SSE shall also be subject to unannounced follow-up alcohol and controlled substance testing. The number and frequency of such follow-up testing shall be as directed by the SAP, and consist of at least six (6) tests in the first twelve (12) months.

The District Superintendent or his/her designee shall ensure that each vendor/contract bus company receives a copy of SWBOCES policy and any educational materials that explain the requirements of the alcohol and drug testing regulations. The District Superintendent or his/her designee shall ensure that a copy of these materials is distributed to each vendor/contract bus company, and the vendor/bus company shall sign for receipt of all of the above documents, as well as other appropriate personnel, prior to the start of alcohol and controlled substance testing as well as at the beginning of each school year or at the time of hire for any safety-sensitive employees.

The District Superintendent or his/her designee can assist vendors/contract bus companies with arrangements for training of all supervisors who may be utilized to determine whether "reasonable suspicion" exists to test a driver for prohibited conduct involving alcohol or controlled substance use/abuse.

The District Superintendent or his/her designee shall establish regulations necessary to implement this policy. Any significant violations of SWBOCES policy and/or regulations by vendors/contract bus companies and other employees shall result in revocation of their contract for the transportation of students.

Omnibus Transportation Employee Testing Act of 1991 (Public Law 102-143)
49 United States Code (USC) Sections 31136 and 31306
49 Code of Federal Regulations (CFR) Parts 40, 382, 391, 392, and 395

Adopted: 6/23/10

SUBJECT: IDLING SCHOOL BUSES ON SCHOOL GROUNDS

The SWBOCES recognizes the need to promote the health and safety of BOCES students and staff and to protect the environment from harmful emissions found in bus and vehicle exhaust. In accordance with Education Law and Commissioner's Regulations, the BOCES will minimize, to the extent practicable, the idling of all school buses and other vehicles owned or leased by the BOCES while such bus or vehicle is parked or standing on school grounds or in the front of any school. This policy also applies to contractor owned and operated school buses under contract with the BOCES.

The BOCES shall ensure that each driver of a school bus or other vehicle owned, leased or contracted for by the BOCES turn off the engine of the bus or vehicle while waiting for passengers to load or off load on school grounds, or while such vehicle is parked or standing on school grounds or in front of or adjacent to any school.

Exceptions

Unless otherwise required by State or local law, the idling of a school bus or vehicle engine may be permitted to the extent necessary to achieve the following purposes:

- a) For mechanical work; or
- b) To maintain an appropriate temperature for passenger comfort; or
- c) In emergency evacuations where necessary to operate wheelchair lifts.

Private Vendor Transportation Contracts

All contracts for pupil transportation services between the BOCES and a private vendor that are entered into on or after August 21, 2008, shall include a provision requiring such vendor's compliance with the provisions of reducing idling in accordance with Commissioner's Regulations Section 156.3(h).

Education Law Section 3637

Vehicle and Traffic Law Section 142

8 New York Code of Rules and Regulations (NYCRR) Section 156.3(h)

Adoption Date

SUBJECT: INSURANCE AND EMPLOYEE BONDS**Insurance**

The policy of the Board is to provide reasonable insurance protection for property and actions of the SWBOCES at the most economical cost. The Board may employ a consulting firm to obtain the best insurance policies possible for the SWBOCES.

The Assistant Superintendent for Business and Administrative Services or his/her designee will coordinate the insurance protection activities and report to the Board.

Public Officers Law Section 18
General Municipal Law Sections 6n and 52
Education Law Sections 3023, 3028 and 3811

Bonding

The Board shall provide a faithful performance bond to cover all personnel with increased coverage for the Treasurer and other appropriate staff.

Public Officers Law Section 11(2)
8 New York Code of Rules and Regulations (NYCRR) Section 170.2(d)

Adopted: 6/23/10

SUBJECT: SAFETY AND SECURITY

The Board hereby declares that it is the policy to provide a safe and secure environment to all those persons, students, staff, and visitors, who lawfully enter upon SWBOCES property or who travel in SWBOCES vehicles for the purposes of the SWBOCES.

It shall be the responsibility of the District Superintendent or designee to establish and carry out written regulations which will:

- a) Identify those staff members who will be responsible for the effective administration of the regulations;
- b) Provide staff time and other necessary resources for the effective administration of the regulations;
- c) Establish periodic written review of the activities of the staff to ensure compliance with applicable laws and regulations;
- d) Provide an on-going mechanism for the effective review of safety and security concerns of the staff, students and affected public;
- e) Provide for reports to the Board regarding the significant aspects of safety and security of the SWBOCES.

Labor Law Section 27-a

12 New York Code of Rules and Regulations (NYCRR) Part 820, Article 28

Hazard Communication Standard

All personnel shall be provided with applicable training to comply with the New York State "Right-to-Know" Law and the Hazard Communication Standard.

The District Superintendent/designee shall maintain a current record of the name, address and social security number of every employee who handles or uses toxic substances and which substance(s) were handled or used by the employee.

Rules and regulations will be developed to ensure SWBOCES implementation of this policy which shall include awareness information, employee training and record keeping.

(Continued)

SUBJECT: SAFETY AND SECURITY (Cont'd.)

Environmental Protection Agency, 40 Code of Federal Regulations (CFR) Parts 261 and 262
Occupational Safety and Health Administration (OSHA), 29 Code of Federal Regulations (CFR)
Section 1910.1200
Labor Law Sections 875-883
Public Health Law Sections 4800-4808
6 New York Code of Rules and Regulations (NYCRR) Part 371
9 New York Code of Rules and Regulations (NYCRR) Part 1174

SUBJECT: HUMAN IMMUNODEFICIENCY VIRUS (HIV/AIDS) POLICY

The SWBOCES recognizes the public concern over the health issues surrounding Human Immunodeficiency Virus (HIV) and Acquired Immune Deficiency Syndrome (AIDS). The Board recognizes, based upon the current state of medical knowledge, that there is no evidence that AIDS or the HIV virus can be transmitted by casual social contact in the open school setting.

The Board further recognizes the privacy rights of students diagnosed with HIV infection or AIDS and their right to a free appropriate education; the rights of HIV-infected employees to privacy and reasonable accommodations; the rights of all non-infected individuals to a safe environment free of any significant risks to their health; and the rights of all students to instruction regarding the nature, transmission, prevention, and treatment of HIV infection, pursuant to the Commissioner's Regulation, Part 135.3.

No individual shall be denied access to any program or activity sponsored by or conducted on BOCES grounds, solely on the basis of his/her status as an HIV-infected individual.

Students

It is the policy of the Board that:

- a) A student's education shall not be interrupted or curtailed solely on the basis of his/her HIV status. HIV-infected students shall be afforded the same rights, privileges and services available to every other student.
- b) No students shall be referred to the Committee on Special Education solely on the basis of his/her HIV status. A student who is infected with HIV shall be referred to the Committee on Special Education (CSE) only when the student's disability interferes with his/her ability to benefit from instruction. Such referral shall be made in accordance with Part 200 of the Commissioners Regulations.
- c) If a student who is HIV infected requires special accommodations to enable him/her to continue to attend the SWBOCES programs, the student shall be referred to the appropriate multi-disciplinary team as required by Law 504 of the Rehabilitation Act.
- d) No disclosure of HIV related information involving a student shall be made without first obtaining the informed consent of the parent, guardian or student on the approved form issued by the Department of Health.

(Continued)

SUBJECT: HUMAN IMMUNODEFICIENCY VIRUS (HIV/AIDS) POLICY (Cont'd.)**Employees**

It is the policy of the Board that:

- a) No employee shall be prevented from continuing in his/her employment solely on the basis of his/her HIV status; such employees are entitled to all rights, privileges and services accorded to other employees and shall be entitled to reasonable accommodations to the extent that such accommodations enable such individuals to perform their duties.
- b) No disciplinary or other adverse actions shall be taken against any employee solely on the basis of his/her status as an HIV infected person, or a person with AIDS. Such action will only be taken where, even with the provision of reasonable accommodations, the individual is unable to perform his/her duties.
- c) All employees shall have access to the SWBOCES exposure control plan as required by the federal Office of Safety and Health Association (OSHA).
- d) In accordance with OSHA regulations, training in universal precautions and infection control shall be offered to all employees and shall be provided to every employee with potential occupational exposure.

Confidentiality

- a) Any information obtained regarding the HIV status of an individual connected to the SWBOCES shall not be released to third parties, except to those persons who are:
 - 1. Named on an Authorization for Release of Confidential HIV Related Information form;
 - 2. Named in a special HIV court order; or
 - 3. As indicated in Public Health Law 2782, when necessary to provide health care to the individual.
- b) Any employee who breaches the confidentiality of a person who is HIV infected shall be subject to disciplinary action in accordance with applicable law.
- c) To protect the confidentiality of an HIV infected individual, any documents identifying the HIV status of such individuals shall be maintained by the school nurse (or another authorized individual) in a secure file, separate from the individual's regular file. Access to such file shall be granted only to those persons named on the Department of Health approved Authorization for Release of Confidential HIV Related Information form, or through a special HIV court order. When information is disclosed, a statement prohibiting further re-disclosure, except when in compliance with the law, must accompany the disclosure.

(Continued)

SUBJECT: HUMAN IMMUNODEFICIENCY VIRUS (HIV/AIDS) POLICY (Cont'd.)**HIV/AIDS Testing**

No SWBOCES official shall require a student or employee to undergo an HIV antibody test or other HIV related test. In accordance with OSHA regulations in the event of an incident involving the exposure of one individual to the potentially infectious bodily fluids of another individual, particularly blood or any other fluid that contains visible blood, and HIV test may be requested but NOT required. The request and refusal must be documented.

However, SWBOCES officials shall not be precluded from requiring a student or employee to undergo a physical examination pursuant to Education Law 903 and 913, when other illness is suspected (e.g., tuberculosis), as long as no HIV antibody test or other HIV related test is administered without the individual's informed consent as required by Public Health Law 27-F.

To implement this policy, the District Superintendent is directed to arrange for staff training, to distribute copies of this policy to all employees of the SWBOCES, and to include it in student handbooks, and to establish an advisory council to make recommendations on the development, implementation, and evaluation of HIV/AIDS instruction as a part of comprehensive health education.

29 United States Code (USC) 794 et seq. (Rehabilitation Act of 1973)

20 United States Code (USC) 1400 et seq. (Individuals with Disabilities Act)

42 United States Code (USC) 12132 et seq. (Americans with Disabilities Act)

34 Code of Federal Regulations (CFR) Part 104

29 Code of Federal Regulations (CFR) Part 1910.1030

Executive Law 296 (Human Rights Law)

Education Law 903; 913

Public Health Law, Article 27-F

8 New York Code of Rules and Regulations (NYCRR) Sections 29.1(g); 135.3; 136.3

An Implementation Package for HIV/AIDS Policy in New York State School Districts, NYS HIV/AIDS Prevention Education Program, June 17, 1998

Cross-ref: 4135.1
5420
5420-R
8123

Aids Instruction
Student Health Services
Student Health Services Regulation
Hygiene Precautions and Procedures

Adopted: 6/23/10

SUBJECT: SCHOOL SAFETY PLANS

The SWBOCES has developed, and will update by July 1 of each succeeding year, as necessary, a comprehensive SWBOCES-wide school safety plan and building-level school safety plans, as enumerated in Education Law and Commissioner's Regulations, and in a form as prescribed by the Commissioner of Education. These plans will be designed to prevent or minimize the effects of serious violent incidents and emergencies and to facilitate the coordination of schools and the SWBOCES with local and county resources in the event of such incidents or emergencies.

Each plan shall be reviewed by the appropriate SWBOCES safety team on at least an annual basis, updated as needed and recommended to the Board for approval. However, SWBOCES-wide and building-level school safety plans shall be adopted by the Board only after at least one public hearing that provides for the participation of school personnel, parents, students, and any other interested parties. Further, the Board shall make the SWBOCES-wide safety plan and the building or center-level school safety plans available for public comment at least thirty (30) days prior to its adoption, provided that only a summary of each center/or building-level emergency response plan (i.e., building-level school safety plan) shall be made available for public comment.

SWBOCES-Wide School Safety Plan

SWBOCES-wide school safety plan means a comprehensive, multi-hazard school safety plan that covers all school buildings of the SWBOCES that addresses prevention and intervention strategies, emergency response and management at the SWBOCES level and has the contents as prescribed in Education Law and Commissioner's Regulations.

The SWBOCES-wide school safety plan shall be developed by the SWBOCES-wide school safety team appointed by the Board. The SWBOCES-wide team shall include, but not be limited to, representatives of the Board, student, teacher, administrator, and parent organizations, SWBOCES safety personnel and other SWBOCES personnel.

Building-Level School Safety Plans

Building-level school safety plan means a building-specific school emergency response plan that addresses prevention and intervention strategies, emergency response and management at the building level and has the contents as prescribed in Education Law and Commissioner's Regulations.

The building-level plan shall be developed by the building-level safety team. The building-level safety team means a building-specific team appointed by the Building Principal, or administrator in accordance with regulations or guidelines prescribed by the Board. The building-level team shall include, but not be limited to, representatives of teacher, administrator, and parent organizations, SWBOCES safety personnel, other SWBOCES personnel, community members, local law enforcement officials, local ambulance or other emergency response agencies, and any other representatives the Board deems appropriate.

(Continued)

SUBJECT: SCHOOL SAFETY PLANS (Cont'd.)**Filing/Disclosure Requirements**

The SWBOCES shall file a copy of its comprehensive SWBOCES-wide school safety plan and any amendments thereto with the Commissioner of Education no later than thirty (30) days after their adoption. A copy of each building-level safety plan and any amendments thereto shall be filed with the appropriate local law enforcement agency and with the state police within thirty (30) days of its adoption. Building-level emergency response plans shall be confidential and shall **not** be subject to disclosure under the Freedom of Information Law or any other provision of law.

Education Law Section 2801-a

Public Officers Law Article 6

8 New York Code of Rules and Regulations (NYCRR) Section 155.17

Adopted: 6/23/10

SUBJECT: COMMUNICABLE DISEASES

For the purposes of this policy "communicable" is the principle of spreading disease by direct or indirect contact with the body of an affected person and shall include but not be limited to the following diseases: smallpox, diphtheria, scarlet fever, measles, strep infections, whooping cough, mumps, typhoid fever, rubella and pediculosis. The SWBOCES shall review on a case-by-case basis to determine whether circumstances exist that would tend to pose increased risks to others or require special precautions.

The SWBOCES shall observe state and federal statutes and rules regarding the exclusion of any employees and/or students who have contracted a communicable disease as well as employees and/or students who have been exposed to a communicable disease.

The SWBOCES shall comply with federal, state and local regulations regarding the prevention, control and reporting of communicable diseases.

The SWBOCES administration shall inform employees regarding communicable diseases and their transmission.

Students who are excluded from attendance at the home school because of a communicable disease will also be excluded from attending SWBOCES classes.

The local health department and the home school will be consulted if a concern arises about a student who has been exposed to a communicable disease. The advice and direction of the local health department will be followed in dealing with such situations. The SWBOCES administration shall take all reasonable steps to inform parents, children, and employees regarding communicable diseases and their transmission.

Whenever, upon investigation and evaluation by the health professionals acting upon direction or referral of the Director or designee a student in the public schools shows symptoms of any communicable or infectious disease reportable under the public health law that imposes a significant risk of infection of others in the school, he/she shall be excluded from the school and sent home immediately, in a safe and proper conveyance. The Director shall immediately notify the district superintendent or designee who will notify a local public health agency of any disease reportable under the public health law.

Administering Medication to Students

Neither the Board nor SWBOCES staff members shall be responsible for the diagnosis or treatment of student illness. The administration of prescribed medication to a student during school hours shall be permitted only when failure to take such medicine would jeopardize the health of the student, or the student would not be able to attend school if the medicine were not made available to him/her during school hours, or where it is done pursuant to law requiring accommodation to a student's special medical needs (e.g., Section 504 of the Rehabilitation Act of 1973). "Medication" will include all medicines prescribed by a physician.

(Continued)

SUBJECT: COMMUNICABLE DISEASES (Cont'd.)

Before any medication may be administered to or by any student during school hours, the Board requires:

- a) A note from the family doctor containing the following information: student's name, date and name of the medicine, dosage and time to be administered, and list of possible side effects; and
- b) The written request of the parent(s) or guardian(s) which shall give permission for such administration and relieve the Board and its employees of liability for administration of medication.

Both documents shall be kept on file in the office of the school nurse.

Education Law Section 906, 901

8 New York Code of Rules and Regulations (NYCRR) Section 136.3(h) and 136.3(i)

Adopted: 6/23/10

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

The SWBOCES recognizes the need to make automatic external defibrillators (AED)s available in its buildings. Early access defibrillation has been recognized as a significant factor in the survival from incidents of sudden cardiac arrest.

The SWBOCES shall 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 such facility shall have sufficient automated external defibrillator 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 enumerated in Commissioner's Regulations. *An instructional school facility means a building or other facility maintained by the SWBOCES where instruction is provided to students pursuant to its curriculum.*

Whenever an *instructional SWBOCES 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 such school facility or athletic contest shall ensure that AED equipment is provided on-site and that there is present during such 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 means events or activities of the SWBOCES 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 Section 135.4.*

Where a *school-sponsored competitive athletic event* is held at a site other than a SWBOCES facility, SWBOCES officials shall assure that AED equipment is provided on-site by the sponsoring or host SWBOCES and that at least one staff person who is trained, in accordance with Public Health Law, in the operation and use of the AED is present during such 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 Section 135.4.*

SWBOCES facilities and SWBOCES staff responsible for carrying out the duties enumerated in Education Law Section 917 are deemed a "public access defibrillation provider" as defined pursuant to Public Health Law Section 3000-b and subject to the Public Health Law requirements and limitations.

(Continued)

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

Therefore, it is the policy of our SWBOCES to provide proper training requirements for SWBOCES AED users, to ensure the immediate calling of 911 and/or the community equivalent ambulance dispatch entity whenever the AED is used, to ensure ready identification of the location of the AED units as enumerated in the SWBOCES' Public Access Defibrillation Collaborative Agreement.

The SWBOCES 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 SWBOCES will participate in the required Quality Improvement Program as determined by the Regional Emergency Medical Services Council.

The SWBOCES shall 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.

Pursuant to Public Health Law Sections 3000-a and 3000-b, the SWBOCES (as a public access defibrillation provider), or any employee or other agent of the SWBOCES 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, shall not be liable for damages for injury or death unless caused by gross negligence.

The Regional Emergency Services Council and the State Department of Health as well as the local emergency services providers shall be notified of the location and use of AEDs within the SWBOCES.

Education Law Section 917

Public Health Law Sections 3000-a and 3000-b

8 New York Code of Rules and Regulations (NYCRR) Sections 135.4 and 136.4

Adopted: 6/23/10

SUBJECT: SMOKING/TOBACCO USE**School Grounds**

Tobacco use shall not be permitted and no person shall use tobacco on "SWBOCES grounds" at any time. For purposes of this policy, "SWBOCES grounds" means any building, structure, and surrounding outdoor grounds contained within the SWBOCES' legally defined property boundaries as registered in the County Clerk's Office. This shall include property leased by SWBOCES, as well as all SWBOCES vehicles, including vehicles used to transport children or school personnel.

For purposes of this policy, tobacco is defined to include any lighted or unlighted cigarette, cigar, cigarillo, pipe, bidi, clove cigarette, and any other smoking product, and spit tobacco (smokeless, dip, chew and/or snuff) in any form.

Posting/Notification of Policy

In compliance with the New York State Clean Indoor Air Act, the SWBOCES will prominently post its Smoking/Tobacco Use policy and signs prohibiting **all** forms of tobacco products in SWBOCES buildings and other appropriate locations; and will supply a copy upon request to any current or prospective employee. The SWBOCES will also designate a school official to tell individuals who smoke in a non-smoking area that they are in violation of the New York State Public Health Law, Education Law, the federal Pro-Children Act of 1994 and SWBOCES policy.

The SWBOCES shall also ensure that this policy is communicated to staff, students, parents/guardians, volunteers, and visitors as deemed appropriate in order to orient all persons to the SWBOCES' "No Smoking" Policy and environment.

Prohibition of Tobacco Promotional Items/Tobacco Advertising

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

- a) On SWBOCES grounds;
- b) In SWBOCES vehicles;
- c) At SWBOCES-sponsored events, including those that take place off SWBOCES premises and in another state;
- d) In SWBOCES publications;
- e) On clothing, shoes, accessories, gear, and school supplies in accordance with the Southern Westchester BOCES Code of Conduct and applicable collective bargaining agreements.

(Continued)

SUBJECT: SMOKING/TOBACCO USE (Cont'd.)

This prohibition of tobacco promotional items shall be implemented in accordance with the Code of Conduct and applicable collective bargaining agreements.

In addition, tobacco advertising is also prohibited in all SWBOCES-sponsored publications and at all SWBOCES sponsored events.

Safe and Drug-Free Schools and Communities Act

20 United States Code (USC) Section 7101 et seq.

Pro-Children Act of 2001, as amended by the No Child Left Behind Act of 2001, 20 United States Code (USC) Sections 7181-7184

Education Law Sections 409 and 3020-a

Public Health Law Article 13-E

NOTE: Refer also to Policies #2230 -- Use of Southern Westchester BOCES Facilities
#2410 -- Code of Conduct on Southern Westchester BOCES Property
#6210 -- Student Conduct and Discipline
#6220 -- Alcohol, Tobacco, Drugs, and Other Substances (Students)
#7113 -- Prevention Instruction
Southern Westchester BOCES Code of Conduct on School Property

Adopted: 6/23/10

SUBJECT: EXPOSURE CONTROL PROGRAM

The SWBOCES shall establish an exposure control program designed to prevent and control exposure to bloodborne pathogens. According to the New York State Department of Labor's Division of Safety and Health and Occupational Safety and Health Administration (OSHA) standards, the program shall consist of:

- a) Guidelines for maintaining a safe, healthy school environment to be followed by staff and students alike;
- b) Written standard operating procedures for blood/body fluid clean-up;
- c) Appropriate staff education/training;
- d) Evaluation of training objectives;
- e) Documentation of training and any incident of exposure to blood/body fluids;
- f) A program of medical management to prevent or reduce the risk of pathogens, specifically hepatitis B and HIV;
- g) Written procedures for the disposal of medical waste; 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.

Occupational Safety and Health Administration (OSHA)
29 Code of Federal Regulations (CFR) 1910.1030

SUBJECT: RECORDS MANAGEMENT

A Records Management Officer shall be designated by the District Superintendent, subject to the approval of the Board. Such Records Management Officer shall coordinate the development of and oversee a program for the orderly and efficient management of records, including the legal disposition or destruction of obsolete records, and be given the authority and responsibility to work with other local officials at all levels in the development and maintenance of the records management program.

In addition, a Records Advisory Board may be created to assist in establishing and supporting the records management program. The SWBOCES' legal counsel, the fiscal officer, and the District Superintendent/designee may comprise the Advisory Board.

Records Retention and Disposition Schedule ED-1, issued pursuant to Part 185, Title VIII of the Official Compilation of Codes, Rules and Regulations of the State of New York and Article 57-A of the Arts and Cultural Affairs Law, and containing legal minimum retention periods for the records of elementary and secondary educational institutions, is hereby adopted for use by all officers in disposing of SWBOCES' and/or Southern Westchester school districts' records listed therein.

- a) Only those records will be disposed of that are described in Records Retention and Disposition Schedule ED-1 after they have met the minimum retention period described therein;
- b) Only those records will be disposed of that do not have sufficient administrative, fiscal, legal, or historical value to merit retention beyond established time periods.

The District Superintendent shall ensure that appropriate regulations and procedures shall be developed.

Arts and Cultural Affairs Law Section 57.19
8 New York Code of Rules and Regulations (NYCRR) Section 185

NOTE: Refer also to Policy #1318 -- Records Officers

Adopted: 6/23/10

SUBJECT: INFORMATION SECURITY BREACH AND NOTIFICATION

SWBOCES values the protection of private information of individuals in accordance with applicable law and regulations. Further, SWBOCES is required to notify affected individuals when there has been or is reasonably believed to have been a compromise of the individual's *private* information in compliance with the Information Security Breach and Notification Act and Board policy.

- a) "*Private information*" shall mean ****personal information** in combination with any one or more of the following data elements, when either the personal information or the data element is not encrypted or encrypted with an encryption key that has also been acquired:
1. Social security number;
 2. Driver's license number or non-driver identification card number; or
 3. Account number, credit or debit card number, in combination with any required security code, access code, or password which would permit access to an individual's financial account.

"*Private information*" does not include publicly available information that is lawfully made available to the general public from federal, state or local government records.

****"Personal information"** shall mean any information concerning a person which, because of name, number, symbol, mark or other identifier, can be used to identify that person.

- b) "*Breach of the security of the system*," shall mean unauthorized acquisition or acquisition without valid authorization of computerized data which compromises the security, confidentiality, or integrity of personal information maintained by SWBOCES. Good faith acquisition of personal information by an employee or agent of SWBOCES for the purposes of SWBOCES is not a breach of the security of the system, provided that private information is not used or subject to unauthorized disclosure.

Examples of Determining Factors

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

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

(Continued)

SUBJECT: INFORMATION SECURITY BREACH AND NOTIFICATION (Cont'd.)**Notification Requirements**

- a) For any computerized data owned or licensed by SWBOCES that includes private information, SWBOCES shall disclose any breach of the security of the system following discovery or notification of the breach to any New York State resident whose private information was, or is reasonably believed to have been, acquired by a person without valid authorization. The disclosure to affected individuals shall be made in the most 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 reasonable integrity of the data system. SWBOCES shall consult with the State Office of Cyber Security and Critical Infrastructure Coordination (CSCIC) to determine the scope of the breach and restoration measures.
- b) For any computerized data maintained by SWBOCES that includes private information which SWBOCES does not own, the SWBOCES shall notify the owner or licensee of the information of any breach of the security of the system immediately following discovery, if the private information was, or is reasonably believed to have been, acquired by a person without valid authorization.

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

Methods of Notification

The required notice shall be directly provided to the affected persons by one of the following methods:

- a) Written notice;
- b) Electronic notice, provided that the person to whom notice is required has expressly consented to receiving the notice in electronic form; and a log of each such notification is kept by SWBOCES when notifying affected persons in electronic form. However, in no case shall SWBOCES require a person to consent to accepting such notice in electronic form as a condition of establishing any business relationship or engaging in any transaction;
- c) Telephone notification, provided that a log of each such notification is kept by SWBOCES when notifying affected persons by phone; or

(Continued)

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

- d) Substitute notice, if SWBOCES demonstrates to the State Attorney General that the cost of providing notice would exceed \$250,000, or that the affected class of subject persons to be notified exceeds \$500,000, or that the SWBOCES does not have sufficient contact information. Substitute notice shall consist of **all** of the following:
1. E-mail notice when SWBOCES has an e-mail address for the subject persons;
 2. Conspicuous posting of the notice on SWBOCES' website page, if SWBOCES maintains one; and
 3. Notification to major statewide media.

Regardless of the method by which notice is provided, the notice shall include contact information for the notifying SWBOCES and a description of the categories of information that were, or are reasonably believed to have been, 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, so acquired.

In the event that any New York State residents are to be notified, SWBOCES shall notify the State Attorney General, the Consumer Protection Board, and the State Office of Cyber Security and Critical Infrastructure Coordination as to the timing, content and distribution of the notices and approximate number of affected persons. Such notice shall be made without delaying notice to affected New York State residents.

In the event that more than 5,000 New York State residents are to be notified at one time, r SWBOCES shall also notify consumer reporting agencies, as defined pursuant to State Technology Law Section 208, as to the timing, content and distribution of the notices and approximate number of affected persons. Such notice shall be made without delaying notice to affected New York State residents. A list of consumer reporting agencies shall be compiled by the State Attorney General and furnished upon request to school districts required to make a notification in accordance with Section 208(2) of the State Technology Law, regarding notification of breach of security of the system for any computerized data owned or licensed by SWBOCES that includes private information.

State Technology Law Sections 202 and 208

Adopted: 6/23/10

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 SWBOCES will take appropriate measures to properly dispose of sensitive information (i.e., personal identifiers) contained in or derived from consumer reports and records. Any employer who uses or possesses consumer information for a business purpose is subject to the Disposal Rule. According to the FTC, the standard for proper disposal of information derived from a consumer report is flexible, and allows the SWBOCES to 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*" shall include 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 such 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

The FTC has not included a rigid definition of the kinds of information that would be considered to identify particular individuals. In accordance with FTC guidance, 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 e-mail address. Depending upon the circumstances, data elements that are not inherently identifying can, in combination, identify particular individuals.

"Proper" Disposal

The FTC Disposal Rule defines "*dispose*," "*disposing*," or "*disposal*," as:

- a) "The discarding or abandonment of consumer information," or
- b) "The sale, donation, or transfer of any medium, including computer equipment, upon which consumer information is stored."

(Continued)

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

The SWBOCES 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 SWBOCES disposal include the following examples. These examples are not exclusive or exhaustive methods for complying with the Disposal Rule.

- 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.
- 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 such information in accordance with examples a) and b) above.

(Continued)

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

Implementation of Practices and Procedures

The Board delegates to the District Superintendent/designee(s) 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 United States Code (USC) Section 1681 et seq.
The Fair and Accurate Credit Transactions Act of 2003, Public Law 108-159
Federal Trade Commission Disposal of Consumer Report Information and Records, 16 Code of Federal
Regulations (CFR) Part 682
General Business Law Article 39-G

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.

SUBJECT: WELLNESS POLICY

The SWBOCES is committed to providing a school environment that promotes and protects children's health, well-being, and the ability to learn by fostering healthy eating and physical activity. The SWBOCES has established a Wellness Committee to develop the SWBOCES' proposed local wellness policy, making such policy recommendations for review and adoption by the Board. The SWBOCES' Committee may include, but is not limited to, representatives from each of the following groups:

- a) The SWBOCES;
- b) SWBOCES administrators;
- c) The SWBOCES food service personnel;
- d) SWBOCES teachers;
- e) SWBOCES nurse;
- f) Parents;
- g) Students.

The Wellness Committee is established to represent the local community's perspective in developing the Wellness Policy for the SWBOCES.

Implementation and Evaluation of Wellness Policy

The District Superintendent or his/her designee will ensure compliance with the established SWBOCES-wide nutrition and physical activity Wellness Policy.

Child Nutrition and WIC Reauthorization Act of 2004, Public Law 108-265 Section 204
Richard B. Russell National School Lunch Act , 42 United States Code (USC) Section 1751 et seq.
Child Nutrition Act of 1966, 42 United States Code (USC) Section 1771 et seq.
7 Code of Federal Regulations (CFR) Section 210.10

Adopted: 6/23/10

Personnel

Southern Westchester BOCES

NUMBER

INSTRUCTIONAL AND NON-INSTRUCTIONAL PERSONNEL

1.1	Code of Ethics for Southern Westchester BOCES Officers and All Southern Westchester BOCES Personnel.....	5110
1.1.1	Conflict of Interest	5111
1.2	Equal Employment Opportunity	5120
1.2.1	Sexual Harassment (Personnel)	5121
1.3	Staff Evaluation	5130
1.4	Health Examinations.....	5140
1.5	Recruiting and Hiring	5150
1.5.1	Temporary and Part-Time Employees.....	5151
1.5.3	Incidental Teaching.....	5153
1.5.5	Anti-Nepotism	5155
1.5.6	Fingerprinting of Prospective Southern Westchester BOCES Employees	5156
1.5.7	Support School Personnel.....	5157
1.5.8	Certification and Qualifications	5158
	1.5.8(i) Professional Certification: 175 Hours of Professional Development Requirement	5158.1
1.6	Alcohol, Drugs and Other Substances (School Personnel).....	5160
1.6.1	Drug-Free Workplace	5161
1.7	Complaints and Grievances by Employees	5170
1.8	Staff-Student Relations (Fraternization).....	5180

ACTIVITIES

2.1	Professional Growth/Staff Development	5210
2.1.1	Mentoring Programs for First-Year Teachers.....	5211
2.2	Employee Privacy: Personnel Records and Release of Information	5220
2.4	Professional Staff Consulting Activities.....	5240
2.5	Jury Duty.....	5250
2.6	Southern Westchester BOCES Acceptable Use Policy for Technology and the Internet: Southern Westchester BOCES Employees.....	5260
2.7	Intellectual Property/Works Made for Hire	5270
2.8	Remote Working.....	6570
2.9	Door Hardening	5685
2.10	Sexual Harassment in the Workplace	6121
2.11	Family Members in Supervisor-Supervisee Relationships.....	6131

2010 5000

Personnel

Southern Westchester BOCES

NUMBER

COMPENSATION AND RELATED BENEFITS

3.0	Compensation and Benefits	5300
3.1	Workers' Compensation	5310
3.2	Continuation of Medical Coverage at Termination of Employment	5320
3.4	Leaves of Absence	5340
3.4.1	Family and Medical Leave Act.....	5341
3.4.2	Uniformed Services Employment and Reemployment Rights Act (USERRA)/Military Leaves of Absence	5342
3.5	Employee Assistance Program	5350
3.6	Defense and Indemnification of Board Members and Employees	5360
3.7	Wage and Hour Laws Policy (Fair Labor Standards Act)	5370

Personnel

**SUBJECT: CODE OF ETHICS FOR SOUTHERN WESTCHESTER BOCES OFFICERS
AND ALL SOUTHERN WESTCHESTER BOCES PERSONNEL**

Pursuant to the provisions of Section 806 of the General Municipal Law, the Board of Cooperative Educational Services of the SWBOCES recognizes that there are rules of ethical conduct for SWBOCES officers and employees which must be observed if a high degree of moral conduct is to be obtained and if public confidence is to be maintained in the SWBOCES. It is the purpose of this policy to promulgate rules of ethical conduct for the officers and employees of the SWBOCES. This policy shall serve as a guide for official conduct of the officers and employees of the SWBOCES. This policy shall not conflict with, but shall be in addition to, any prohibition of Article 18 of the General Municipal Law or any other general or special law relating to ethical conduct and interest in contracts by SWBOCES officers and employees.

Definitions

- a) "Southern Westchester BOCES" shall mean the Board of Cooperative Educational Services, Sole Supervisory District, Southern Westchester.
- b) "Municipal Officer or Employee" means a Board member or employee of the Southern Westchester BOCES, paid or unpaid, including members of any administrative board, commission, agency, or committee thereof.
- c) "Interest" means a direct or indirect pecuniary or material benefit accruing to a Southern Westchester BOCES member or employee as the result of a contract with the Southern Westchester BOCES.

Purpose

- a) Pursuant to the authority of Section 806 of the General Municipal Law, the SWBOCES adopts this code of ethics setting forth for the guidance of its officers and employees, the standards of conduct reasonably expected of them.
- b) This code of ethics is in addition to the rules regarding prohibited conflicts of interest contained in Article 18 of the General Municipal Law; and the provisions of any other general or special law governing conflicts of interest and/or ethical conduct of municipal officers and employees.

Disclosure of Interest in Contracts

Any SWBOCES officer or employee, as well as his/her spouse, who 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 SWBOCES shall publicly disclose the nature and extent of such interest in writing to his/her immediate supervisor and to the Board as soon as he/she has knowledge of such actual or prospective interest. Such written disclosure shall be made part of and set forth in the Board minutes.

(Continued)

**SUBJECT: CODE OF ETHICS FOR SOUTHERN WESTCHESTER BOCES OFFICERS
AND ALL SOUTHERN WESTCHESTER BOCES PERSONNEL (Cont'd.)**

Standards of Conduct

Every officer and employee of the SWBOCES shall be subject to the following standards of conduct:

Gifts

No officer or employee shall directly or indirectly solicit any gift or accept or receive any gift having a value of seventy-five dollars (\$75) or more, whether in the form of money, services, loan, travel, entertainment, hospitality, thing or promise, or any other form, under circumstances in which it could reasonably be inferred the gift was intended to influence the officer or employee, or could reasonably be expected to influence the officer or employee in the performance of his/her official duties or was intended as a reward for any official action on his/her part.

Confidential Information

No officer or employee shall disclose confidential information acquired in the course of official duties, except when permitted or required by law, or use such information to further personal interest. Within the framework of collective bargaining, individuals designated as confidential shall not disclose information which would influence the negotiating process.

Representation before one's own agency

He/she shall not receive or enter into any agreement, express or implied, for compensation for services to be rendered in relation to any matter before any SWBOCES agency of which he/she is an officer, member, or employee, or of any SWBOCES agency over which he/she has jurisdiction or to which he/she has the power to appoint another member, officer or employee.

Representation before any agency for a contingent fee

No officer or employee shall receive, or enter into any agreement, express or implied, for compensation for services to be rendered in relation to any matter before the SWBOCES, whereby compensation is to be dependent or contingent upon any action by the SWBOCES with respect to such matter, provided that this paragraph shall not prohibit the fixing at anytime of fees based upon the reasonable value of services rendered.

(Continued)

**SUBJECT: CODE OF ETHICS FOR SOUTHERN WESTCHESTER BOCES OFFICERS
AND ALL SOUTHERN WESTCHESTER BOCES PERSONNEL (Cont'd.)**

Disclosure of interest in resolution

To the extent that he/she knows thereof, a member of the Board of Cooperative Educational Services and any officer or employee of the SWBOCES, whether paid or unpaid, who participates in discussion or gives official opinion to the Board of Cooperative Educational Services on any resolution before the Board shall publicly disclose on the official record the nature and extent of any direct or indirect financial or other private interest he/she has in such resolution.

Investments in conflict with official duties

No officer or employee shall invest or hold any investment, directly or indirectly, in any financial, business, or commercial, venture, or other private transaction, which creates a conflict of interest with official duties or work assignments.

Private employment

No officer or employee shall engage in, solicit, negotiate for or promise to accept private employment or render services to private interests when such employment or service creates a conflict of interest with or impairs the proper discharge of official duties or work assignments.

Future employment

No officer or employee after termination of service or employment with the SWBOCES, shall appear before any board or agency or committee of the SWBOCES in relation to any matter in which the officer or employee personally participated during the period of his/her service or employment, or which was under his/her active consideration.

Employment of Board Members

No member of the Board shall apply for a position as a paid employee of the SWBOCES and neither the Board nor any officer or employee of the SWBOCES shall consider any application from any such Board member unless that Board member shall have resigned as such member prior to the submission thereof.

Legal Remedies

SWBOCES Officers

In accordance with the Penal Law 60.27(5), if a SWBOCES officer is convicted of a violation against the SWBOCES under Penal Law Article 155 relating to larceny, the courts may require an amount of restitution up to the full amount of the offense or reparation up to the full amount of the actual out-of-pocket loss suffered by the SWBOCES.

(Continued)

**SUBJECT: CODE OF ETHICS FOR SOUTHERN WESTCHESTER BOCES OFFICERS
AND ALL SOUTHERN WESTCHESTER BOCES PERSONNEL (Cont'd.)**

Board Members and Employees

Nothing herein shall be deemed to bar or prevent the timely filing by a present or former Board member or employee of any claim, account, demand, or suit against the SWBOCES, or any agency thereof, on behalf of himself/herself or any member of his/her family arising out of any personal injury or property damage or for any lawful benefit authorized or permitted by law.

Distribution/Posting of Code of Ethics

The District Superintendent of the SWBOCES shall cause a copy of this code of ethics to be distributed to every officer and employee of the SWBOCES. Each officer and employee elected or appointed thereafter shall be furnished a copy before entering upon the duties of his/her office or employment.

The District Superintendent shall also cause a copy of Article 18 of the General Municipal Law to be kept posted in each building in the SWBOCES in a place conspicuous to its officers and employees. Failure to distribute any such copy of this code of ethics or failure of any officer or employee to receive such copy, as well as failure to post any such copy of General Municipal Law, Article 18, shall have no effect on the duty of compliance with such code or Article 18, nor with the enforcement of provisions thereof.

Penalties

In addition to any penalty contained in any other provision of law, any person who shall knowingly and intentionally violate any of the provisions of this code may be fined, suspended or removed from office or employment, as the case may be, in the manner provided by law.

General Municipal Law, Article 18
Education Law Section 410
Labor Law Section 201-d

NOTE: Refer also to Policies #1340 -- Principles for School Board Members
#5240 -- Professional Staff Consulting Activities

Adopted: 6/23/10

Personnel

SUBJECT: CONFLICT OF INTEREST

The Board is committed to avoiding any situation in which the existence of simultaneous, conflicting interests in any officer or employee may call into question the integrity of the management or operation of the SWBOCES. Therefore:

- a) No person employed by the SWBOCES shall hire, supervise, evaluate, promote, review or discipline any other employee who is a member of the same family. In the event that marriage, promotion, or reorganization results in a situation not in compliance with this policy, reassignment or transfer will be effected, in accordance with the applicable provisions of any collective bargaining agreement, to correct the situation.
- b) No person employed by the SWBOCES shall negotiate or execute any contract on behalf of the SWBOCES for the purchase, sale or lease of real or personal property, services of any nature, nor for insurance without first having determined the common price for such property, services or insurance, or requesting bids from all potential providers of such property, services or insurance.
- c) No person employed by the SWBOCES shall allow any matter, concern or interest, personal, financial or otherwise, to influence or interfere with the performance of his or her duties. Should such a matter, concern or interest arise, the employee shall bring the matter to the attention of his or her supervisor to seek ways to reduce or eliminate the influence or interference.
- d) The Board affirms its commitment to adhere scrupulously to all applicable provisions of law regarding material conflicts of interest.
- e) Knowing or willful violation of this policy by any employee may result in disciplinary action up to and including dismissal.
- f) Any officer, employee or member of the public noting or suspecting a violation of this policy is encouraged to bring the matter, either in confidence or in public, to the Board or the District Superintendent.

Education Law Sections 410, 3016
General Municipal Law Article 18, Sections 801-813
Labor Law Section 201-d

Adopted: 6/23/10

SUBJECT: EQUAL EMPLOYMENT OPPORTUNITY

The SWBOCES will provide equal opportunities for employment, retention and advancement of all people regardless 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, predisposing genetic characteristics, or use of a recognized guide dog, hearing dog or service dog.

Sexual orientation is defined as heterosexuality, homosexuality, bisexuality or asexuality, whether actual or perceived.

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.

Provisions will be provided for the publication and dissemination, internally and externally, of this policy to ensure its availability to interested citizens and groups.

Additionally, administration shall establish grievance procedures that provide for the prompt and equitable resolution of complaints alleging discrimination. Those intending to file a grievance due to alleged discrimination must follow the grievance procedure as established by the SWBOCES.

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.

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.

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.

(Continued)

POLICY

2014

5120
2 of 2

Personnel

SUBJECT: EQUAL EMPLOYMENT OPPORTUNITY (Cont'd.)

Civil Rights Law Section 40-c

Prohibits discrimination on the basis of race, creed, color, national origin, sex, sexual orientation, marital status 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, predisposing genetic characteristics, marital status, 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

Personnel

SUBJECT: SEXUAL HARASSMENT (PERSONNEL)

All forms of harassment including sexual harassment, by or against employees, school volunteers, students, visitors, and non-employees such as contractors and vendors which occur on SWBOCES grounds and at all SWBOCES-sponsored events, programs and activities including those that take place at locations off SWBOCES premises is prohibited.

Definitions

Generally, sexual harassment is defined as unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature when:

- a) Submission of such conduct is made, either explicitly or implicitly, a term or condition of an individual's employment;
- b) Submission to or rejection of such conduct by an individual is used as a basis for employment decisions affecting such individuals; and
- c) 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.
- d) Sexual harassment includes, but is not limited to, the following behaviors:
 - 1. Unwelcome statements or gestures of a sexual nature, including sexual innuendoes, suggestive comments, telephone calls, or other electronic communications, whistling, obscene gestures, or pictures of a sexual nature;
 - 2. Unwelcome solicitation or pressure for sexual activity;
 - 3. Intentional brushing against, patting or pinching of another's body;
 - 4. Requests for sexual favors accompanied by implied or overt threats concerning an individual's employment, education or business with SWBOCES;
 - 5. Requests for sexual favors accompanied by implied or overt promises of preferential treatment of an individual's employment, education or business with SWBOCES;
 - 6. Any sexually motivated unwelcome touching;
 - 7. Gender related demeaning comments;
 - 8. Jokes of sexual nature;
 - 9. Displaying of sexually suggestive objects or pictures.

(Continued)

Personnel

SUBJECT: SEXUAL HARASSMENT (PERSONNEL) (Cont'd.)

In determining whether sexual harassment has occurred, the totality of the circumstances should be evaluated. Sexual harassment can originate from a person of either sex against a person of the opposite or same sex, and from co-workers as well as supervisors, and from a third party such as a school visitor, volunteer, or vendor, or any other individual associated with SWBOCES. SWBOCES will designate, at a minimum, two (2) Compliance Officers, one of each gender.

Complaints

Any individual who believes he/she has been a victim of sexual harassment as well as any other person who is aware of and/or who has knowledge of or witnesses any possible occurrence of sexual harassment, should report immediately such alleged harassment to SWBOCES' designated Compliance Officers through informal and/or formal complaint procedures as developed by SWBOCES. Such complaints are recommended to be in writing, although verbal complaints of alleged sexual harassment will also be promptly investigated in accordance with the terms of this policy. In the event the Compliance Officer is the alleged offender, the employee should report his/her complaint to the next level of supervisory authority.

All allegations of sexual harassment will be promptly and thoroughly investigated. In the absence of a complaint, if SWBOCES has knowledge of or has reason to know of or suspect any occurrence of sexual harassment, SWBOCES will investigate such conduct. The District Superintendent will be kept informed of the status of all formal complaints.

As part of the investigation, SWBOCES has the right to search all school property and equipment including SWBOCES computers. Rooms, desks, cabinets, lockers, computers, etc. are provided by SWBOCES for the use of students and staff, but the users do not have exclusive use of these locations or equipment and should not expect that materials stored therein will be private.

All complaints will be treated as confidentially and privately as possible within legal constraints. Disclosure may be necessary to complete a thorough investigation of the charges, and any disclosure will be provided on a "need to know" basis.

Informal Procedure

- a) Individuals who believe they are being harassed are encouraged to notify the offender that his/her behavior is unwelcome.
- b) An individual who does not want to confront the offender directly may notify any one or more of the following:
 - 1. Supervisor;
 - 2. Principal;
 - 3. Compliance Officer;

(Continued)

Personnel

SUBJECT: SEXUAL HARASSMENT (PERSONNEL) (Cont'd.)

4. District Superintendent, Deputy Superintendent, Assistant Superintendent;
5. District Superintendent.

This is an informal complaint procedure, which may include, but is not limited to, discussion with the alleged victim, meeting with the alleged offender, meeting with both parties as a form of mediation, or any other procedures deemed appropriate. Although this is an informal procedure, an individual reporting harassment or sexual harassment should be aware that the District may deem it necessary to take further action to address the harassment beyond the informal discussion.

Formal Procedure

An individual who is not satisfied with the outcome of the informal procedures may file a written complaint with the Compliance Officer, the Assistant Superintendent for Human Resources or the District Superintendent. Complaints must be made within 180 days of the most recent incident of alleged harassment.

Corrective Action

Based upon the results of the investigation, if the SWBOCES determines that an employee has violated the terms of this policy and/or accompanying regulations, immediate corrective action will be taken, as warranted, up to and including termination of the offender's employment in accordance with legal guidelines, SWBOCES policy and regulation, and the applicable collective bargaining agreement(s). Third parties (such as volunteers, visitors, vendors, etc.) who are found to have violated this policy and/or accompanying regulations will be subject to appropriate sanctions as warranted and in compliance with law.

Protection Against Retaliation

Anyone who retaliates against an individual who reports harassment or sexual harassment will be disciplined. Anyone who retaliates against an individual who testifies, assists or participates in an investigation, proceeding or hearing relating to a complaint of harassment or sexual harassment will be disciplined. Retaliation includes, but is not limited to, any form of intimidation, reprisal, or harassment.

Complaint Forms

A complaint form will be developed for reporting allegations of sexual harassment. Copies of the form will be available in the Personnel Office.

(Continued)

Personnel

SUBJECT: SEXUAL HARASSMENT (PERSONNEL) (Cont'd.)**Appeal Procedure**

An individual who wishes to appeal the results of the investigation may do so within ten (10) days of receipt of those results. Such appeal must be made in writing to the Board of Education or its designee. The individual shall be permitted to present evidence as to why the investigation results are incorrect. The individual should be prepared to report what happened; when it happened; where it happened; how he/she felt; what, if anything, he/she did or said in response to the alleged harasser; and the names of the witnesses, if any. Following a review of the evidence and the information obtained in the investigation process and the conclusions derived therefrom, the Board of Education or its designee shall render a decision. The individual has the right to pursue, at any time, other options of recourse, including filing a complaint with the U.S. Commission on Civil Rights, the New York State Division for Human Rights, or the Equal Employment Opportunity Commission (EEOC).

Awareness

The District Superintendent/designee(s) will discuss affirmatively the topic of sexual harassment with all employees and explain the sanctions for harassment. Training programs will be established for employees to ensure awareness of the issues pertaining to sexual harassment in the workplace, and to disseminate preventative measures. Special training in the investigation of sexual harassment complaints may be provided for supervisors and managerial employees, as necessary.

A copy of this policy will be distributed to employees and will be posted at SWBOCES owned buildings in each center. SWBOCES' policy on sexual harassment will be published in appropriate school publications such as teacher/employee handbooks and/or school calendars.

Finding That Harassment Did Not Occur

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

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

Knowingly Makes False Accusations

Employees and/or students who *knowingly* make false accusations against another individual as to allegations of harassment may also face appropriate disciplinary action.

(Continued)

Personnel

SUBJECT: SEXUAL HARASSMENT (PERSONNEL) (Cont'd.)

Title VII of the Civil Rights Act of 1964,
42 United States Code (USC) Section 2000e et seq.
Civil Rights Act of 1991
42 United States Code (USC) Section 1981(a)
29 Code of Federal Regulations (CFR) Section 1604.11(a)
Executive Law Sections 296 and 297

NOTE: Refer also to Policies #2420 -- Anti-Harassment in the Southern Westchester BOCES
#6440 -- Sexual Harassment (Students)

Adopted: 6/23/10

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.

(Continued)

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

Personnel

SUBJECT: HEALTH EXAMINATIONS

All SWBOCES employees shall be required to have a physical-medical examination at the time of employment with the SWBOCES. When such examination is made by the SWBOCES' health services provider, 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 physician of his/her own choice. Temporary and substitute staff whose employment is projected for less than six months are exempt from this requirement.

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

The Board, District Superintendent and/or school physician/nurse practitioner reserve the right to request a health examination at any time during employment, at SWBOCES expense, in order to determine the physical and mental capacity of an employee to perform his/her duties.

The final acceptance or rejection of a medical report with reference to the health of an employee lies within the discretion of the Board. The decision of the health services provider designated by the Board as the determining physician 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).

Health Insurance Portability and Accountability Act of 1996 (HIPAA), Public Law 104-191
45 Code of Federal Regulations (CFR) Parts 160 and 164
Education Law Sections 913 and 3624
8 New York Code of Rules and Regulations (NYCRR) Section 156.3(2)
10 New York Code of Rules and Regulations (NYCRR) Part 14
15 New York Code of Rules and Regulations (NYCRR) Part 6

Adopted: 6/23/10

Personnel

SUBJECT: RECRUITING AND HIRING

As the employer for the Southern Westchester Board of Cooperative Educational Services, the Board will provide and maintain qualified and certified instructional and support personnel to carry out the educational programs of the SWBOCES.

The Assistant Superintendent for Human Resources shall implement and maintain a high-quality recruiting and hiring program to attract, secure and retain the best-qualified staff to meet the needs of students and the SWBOCES.

New or Revised Positions

The Assistant Superintendent for Human Resources will develop recommended qualifications for all new positions in the SWBOCES and review the qualifications for all existing positions as necessary. The District Superintendent must approve all recommended qualifications for all new and existing positions. The Board must approve the qualifications for all administrative positions only in the SWBOCES and revisions of the qualifications for existing positions.

The Assistant Superintendent for Human Resources shall refer all proposals for the creation or reclassification of all unclassified (non-instructional) positions and a statement of the duties for these positions to the local civil service authority for classification.

The Assistant Superintendent for Human Resources shall develop job descriptions that incorporate the qualifications and job duties for all positions in the SWBOCES. The District Superintendent must approve the job descriptions for all positions in the SWBOCES.

Recruiting

The SWBOCES will seek the most qualified candidates for vacant positions by recruiting from a variety of sources, including present staff. SWBOCES employees may apply for all positions for which they meet the certification and other stated qualifications.

The Board and its employees will adhere to the practice of recruiting and hiring personnel without regard to race, color, creed, religion, national origin, political affiliation, sex, sexual orientation, age, marital status, military status, veteran status, disability, or use of a recognized guide dog, hearing dog or service dog or any other status protected by federal or New York State law.

Hiring

Through standard recruiting and hiring procedures, the Assistant Superintendent for Human Resources will ensure that candidates for employment with SWBOCES meet all the qualifications set for the position sought. SWBOCES will comply with all the requirements of the Education and Civil Service laws, including any fingerprinting requirements.

(Continued)

Personnel

SUBJECT: RECRUITING AND HIRING (Cont'd.)

The Assistant Superintendent for Human Resources will recommend individuals for employment to the Deputy Superintendent. The Deputy Superintendent must recommend all individuals for employment to the Board. The Board must approve of all individuals who are employed by the SWBOCES.

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.
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.
Title VII of the Civil Rights Act of 1964,
42 United States Code (USC) Section 2000e et seq.
Title IX of the Education Amendments of 1972,
20 United States Code (USC) Section 1681 et seq.
Civil Rights Law Section 40-c
Education Law Section 3012
Executive Law Section 290 et seq.
Military Law Sections 242 and 243
Civil Service Law Section 63

NOTE: Refer also to Policy #5151 -- Temporary and Part-Time Employees

Adopted: 6/23/10

2010

5151

Personnel

SUBJECT: TEMPORARY AND PART-TIME EMPLOYEES

The District Superintendent is authorized to fill vacant positions on a temporary basis when such positions are necessary for the maintenance or continuity of a program or service. Such authority applies to per diem substitutes (certified and classified), Adult Education staff and casual employees.

Education Law Section 3023

8 New York Code of Rules and Regulations (NYCRR) Section 80-5.4

Adopted: 6/23/10

Personnel

SUBJECT: INCIDENTAL TEACHING

The District Superintendent may assign a teacher to teach a subject not covered by such teacher's certificate or license for a period not to exceed five (5) classroom hours a week, when no certified or qualified teacher is available after extensive and documented recruitment efforts, and provided that approval of the Commissioner of Education is obtained in accordance with the requirements as enumerated in Commissioner's Regulations.

Not later than twenty (20) business days after such an assignment, the District Superintendent shall submit for approval an application to the Commissioner.

8 New York Code of Rules and Regulations (NYCRR) Section 80-5.3

Adopted: 6/23/10

Personnel

SUBJECT: ANTI-NEPOTISM

The efficient functioning and effective administration of the SWBOCES is a priority of the Board of Education. It is the policy of the Board to employ the best available candidates when vacancies occur. However, it is the intention of the Board to prevent personal relationships from influencing the professional activities of the SWBOCES staff. Therefore, the Board hereby adopts the following policy:

To the extent permitted by law, the Board of Education will not hire a relative or family member of any officer, employee or Board member of the SWBOCES. All applications for employment will require disclosure of any and all relatives or family members employed by SWBOCES. A relative or family member is defined to include, but is not limited to, the grandparent, spouse, parent, mother-in-law, father-in-law, child, stepchild, ward, daughter-in-law, son-in-law, grandchild, sibling, sister-in-law, brother-in-law or any other relative living in the officer or employee's immediate household. Under exceptional circumstances, where such action is in the best interest of the SWBOCES, this policy may be waived only upon the recommendation of the District Superintendent. This policy shall take effect immediately.

***Contact Human Resource Office for application form

Education Law Section 3016
General Municipal Law Sections 800-809

Adopted: 6/23/10

Personnel

**SUBJECT: FINGERPRINTING OF PROSPECTIVE SOUTHERN WESTCHESTER
BOCES EMPLOYEES**

Unless otherwise authorized in accordance with law and regulation, the SWBOCES shall not employ or utilize a prospective school employee, as defined below, unless such prospective school employee has been granted a "full" clearance for employment by the State Education Department (SED). The SWBOCES shall require a prospective school employee who is not in the SED criminal history file to be fingerprinted for purposes of a criminal history record check by authorized SWBOCES personnel. For purposes of this provision of law, the term "criminal history record" shall mean a record of all convictions of crimes and any pending criminal charges maintained on an individual by the Division of Criminal Justice Services (DCJS) and the Federal Bureau of Investigation (FBI).

- A. Prior to initiating the fingerprinting process, the SWBOCES shall furnish the applicant with written notice from the Office of the Commissioner of Education. The Commissioner's notice shall address the fingerprinting requirements and the applicant's right to obtain, review and seek correction of his/her criminal history information. Additionally, where the prospective school employee is not already in the SED criminal history file, the SWBOCES shall obtain the signed, informed consent of the applicant to perform the criminal history check. Every set of fingerprints taken shall be promptly submitted to the Commissioner of Education for purposes of clearance for employment.

Where the prospective school employee is already in the SED criminal history file, the SWBOCES shall request the clearance for employment on forms or an equivalent manner prescribed by SED. Furthermore, the SWBOCES shall notify SED, in a manner prescribed by the Department, of a prospective school employee who has commenced employment with or began providing services for the SWBOCES, the date of the commencement of such employment or service, and the position held by such individual. Similarly, the SWBOCES shall notify SED, in a manner prescribed by the Department, of a fingerprinted employee who has been separated from employment with the SWBOCES or ceased providing services for the SWBOCES, and the date of such separation from employment or cessation of services. All criminal history records processed by DCJS and the FBI and sent to the Commissioner of Education are confidential. The records may not be published or in any way disclosed to persons other than the Commissioner unless otherwise authorized by law.

- B. Unless otherwise exempted pursuant to law, the applicant shall be responsible for the payment of fees to SED for a criminal history record check. However, if provided by contract, SWBOCES will reimburse the prospective employee for such fees. Background check fees required for applicants for certification from the office of teaching are not covered by this policy. Background check fees required for applicants by the vehicle and traffic law are not covered by this policy. By resolution, the Board may authorize the payment of such fees on behalf of prospective employees.

(Continued)

**SUBJECT: FINGERPRINTING OF PROSPECTIVE SOUTHERN WESTCHESTER
BOCES EMPLOYEES (Cont'd.)****Who Must Be Fingerprinted**

Except as provided below, all "prospective school employees" of the SWBOCES must be fingerprinted. For purposes of this policy and the applicable provisions in law and Commissioner's

Regulations, "prospective school employee" shall mean any individual who will reasonably be expected by the SWBOCES to provide services which involve direct contact, or have access to students meaning in person, face-to-face communication or interaction, with students under the age of twenty-one (21) and who is either:

- a) Seeking a compensated position with the SWBOCES and is not currently employed by the SWBOCES or a student enrolled in the instructional program of a grade level in the SWBOCES; or
- b) An employee of a provider of contracted services to the SWBOCES who is to be placed within the SWBOCES; or
- c) A worker who is to be placed within the SWBOCES under a public assistance employment program pursuant to Title 9-B of Article 5 of the Social Services Law, directly or through contract; or
- d) Any individual who is employed by or associated with a supplemental educational services provider and who will provide supplemental educational services through direct contact with eligible children, regardless of the location in which such services are delivered.

Individuals Who Are Specifically Excluded

Individuals excluded from a criminal history record check/fingerprinting pursuant to this provision of law and regulation are those individuals who:

- a) Are seeking a position as a school bus driver or school bus attendant and are cleared for employment pursuant to the Vehicle and Traffic Law; or
- b) Have provided services to the SWBOCES in the previous school year either in a compensated position, or as an employee of a provider of contracted services to the SWBOCES, or as a worker placed within the SWBOCES under a public assistance employment program pursuant to Title 9-B of Article 5 of the Social Services Law directly or through contract; or

(Continued)

**SUBJECT: FINGERPRINTING OF PROSPECTIVE SOUTHERN WESTCHESTER
BOCES EMPLOYEES (Cont'd.)**

- c) Will reasonably be expected by the SWBOCES to provide services for the SWBOCES on no more than five (5) days in the school year in which services are to be performed, provided that the SWBOCES provides in-person supervision of such individual by one or more employees of the SWBOCES while that individual is providing such services. Individuals providing such time-limited and supervised services may include but shall not be limited to artists, guest lecturers and speakers, and sports officials.

Any prospective employee who previously has been fingerprinted in order to obtain certification, and whose fingerprints remain on file with the Division of Criminal Justice Services (DCJS), will not be required to be fingerprinted again for purposes of a criminal history record check.

Conditional Appointments/Emergency Conditional AppointmentsConditional Appointments

Whenever possible, a "full" clearance will be received for all new employees requiring such clearance before they begin work for the SWBOCES. However, upon the recommendation of the District Superintendent, the Board may conditionally appoint a prospective employee. A request for conditional clearance shall be forwarded to the Commissioner of Education along with the prospective employee's fingerprints as mandated pursuant to law. Such conditional appointment shall not commence until notification by the Commissioner that the prospective employee has been conditionally cleared for employment, and such conditional employment shall terminate when the SWBOCES is notified of the determination by the Commissioner to grant or deny full clearance; however, if full clearance is granted, the appointment shall continue and the conditional status shall be removed.

Prior to commencement of such conditional appointment, the SWBOCES must obtain a signed statement for conditional employment from the prospective employee indicating whether, to the best of his/her knowledge, the prospective employee has a pending criminal charge or criminal conviction in any jurisdiction outside the state.

Emergency Conditional Appointments

Upon the recommendation of the District Superintendent, the Board may make an emergency conditional appointment when an unforeseen emergency vacancy has occurred. When such an appointment is made, the process for conditional appointment as enumerated above must also be initiated.

(Continued)

**SUBJECT: FINGERPRINTING OF PROSPECTIVE SOUTHERN WESTCHESTER
BOCES EMPLOYEES (Cont'd.)**

Emergency conditional appointment may commence prior to notification from the Commissioner of Education on conditional clearance but shall terminate twenty (20) business days from the date such appointment commences or when the SWBOCES is notified by the Commissioner that conditional clearance is either granted or denied, whichever occurs earlier; however, if conditional clearance is granted, the appointment shall continue as an emergency conditional appointment.

Prior to the commencement of such appointment, the SWBOCES must obtain a signed statement for emergency conditional appointment from the prospective employee indicating whether, to the best of his/her knowledge, the prospective employee has a pending criminal charge or criminal conviction in any jurisdiction.

An unforeseen emergency vacancy shall be defined as:

- a) When no other qualified person is available to fill the vacancy temporarily; and
- b) When the emergency conditional appointment is necessary to maintain services which the SWBOCES is legally required to provide or services necessary to protect the health, education or safety of students or staff.

Safety of Students who have Contact with Conditionally Employed Employees

It is the policy of the SWBOCES to ensure the safety of its students consistent with the statutes permitting the conditional appointment of employees who are subject by law to a criminal background check as a prerequisite to employment. In furtherance of this objective:

- a) All conditionally-appointed employees shall be required to adhere to the following requirements until such time as the SWBOCES has received confirmation that full clearance from the State Education Department has been granted:
 - 1. Conditionally-appointed employees shall have limited one-on-one contact with any student. Contact with students shall be in the presence of and within the vision of other student(s) and/or staff member(s).
 - 2. Conditionally-appointed employees shall not enter any student bathroom or locker room except in cases of emergency.
 - 3. Conditionally-appointed employees shall not act as chaperones on any overnight field trip.
- b) Conditionally-appointed classroom teachers shall be subject to unannounced periodic visits of indefinite duration by an observer designated by and operating under the instructions of their supervisor or his/her designee, subject to the following:

(Continued)

**SUBJECT: FINGERPRINTING OF PROSPECTIVE SOUTHERN WESTCHESTER
BOCES EMPLOYEES (Cont'd.)**

1. The "observer" shall be an employee of the BOCES as defined in the Education Law provisions governing fingerprinting, and not a school visitor.
2. The observer's function shall be to ensure the safety of the students in the class, and not to evaluate or report on any aspect of the teacher's performance or maintenance of order in the class.
3. The observation requirement set forth in this provision shall not apply to classes for which an instructional staff member who has previously received full clearance, is assigned to and is actually present for the duration of the class period.

Education Law Sections 305(30), 1604, 1709, 1804, 1950, 2503, 2554, 2590(h), 2854, 3004-b and 3004-c, and 3035

Correction Law Article 23-A

Executive Law Section 296(16)

Social Services Law Article 5, Title 9-B

8 New York Code of Rules and Regulations (NYCRR) Section 80-1.11 and Part 87

Personnel

SUBJECT: SUPPORT SCHOOL PERSONNEL**Teacher Aides**

In accordance with the Regulations of the Commissioner, the Board may employ teacher aides to assist in the daily operation of the school through non-teaching duties.

The duties and responsibilities to be assumed by teacher aides shall be outlined by the District Superintendent in accordance with Civil Service guidelines. Teacher aides shall be responsible to the supervisor/designee.

A teacher aide may be assigned to assist teachers in such non-teaching duties including but not limited to:

- a) Managing records, materials and equipment;
- b) Attending to the physical needs of children; and
- c) Supervising students and performing such other services as support teaching duties when such services are determined and supervised by a teacher.

Teaching Assistants

In accordance with the Regulations of the Commissioner, the Board may employ teaching assistants to provide, under the general supervision of a licensed or certified teacher, direct instructional service to students.

Teaching assistants assist teachers by performing duties including but not limited to:

- a) Working with individual students or groups of students on special instructional projects;
- b) Providing the teacher with information about students that will assist the teacher in the development of appropriate learning aspects;
- c) Assisting students in the use of available instructional resources and assisting in the development of instructional materials;
- d) Utilizing their own special skills and abilities by assisting in instructional programs in such areas as foreign language, arts, crafts, music, and similar subjects; and
- e) Assisting in related instructional work as required.

(Continued)

Personnel

SUBJECT: SUPPORT SCHOOL PERSONNEL (Cont'd.)

Teaching assistants who hold a pre-professional teaching assistant certificate shall have the same scope of duties as enumerated above for other teaching assistants. Within that scope of duties, teaching assistants holding a pre-professional teaching assistant certificate may, at the discretion of the SWBOCES, and while under the general supervision of a teacher, perform such duties as:

- a) Working with small groups of students so that the teacher can work with a large group or individual students;
- b) Helping a teacher to construct a lesson plan;
- c) Presenting segments of lesson plans, as directed by the teacher;
- d) Communicating with parents of students at a school site or as otherwise directed by a teacher; and
- e) Helping a teacher to train other teaching assistants.

Licensure and certification requirements shall be as mandated pursuant to Commissioner's Regulations.

8 New York Code of Rules and Regulations (NYCRR) Section 80-5.6

Personnel

SUBJECT: CERTIFICATION AND QUALIFICATIONS

- a) In accordance with applicable statutes, Rules of the Board of Regents, and Regulations of the Commissioner of Education, each employee whose employment requires certification or other licensure shall inform the District Superintendent/Designee immediately of any change in the status of his/her certification or licensure. The changes shall include, but not be limited to, the granting, revocation, upgrading, expiration, conversion and/or extension of these documents as to their periods of validity or their titles.
- b) When requested, the original certificates and/or licenses must be presented for examination and copying in the office of the District Superintendent /Designee as soon as they are available to the employee. The copies will be maintained in the employee's personnel file in support of the legitimate employment of each affected employee. The failure of any such employee to possess the required certification or other licensure may result in the discharge of that employee. Online certification documentation may supplant original certificates.
- c) Whether or not the SWBOCES verifies an individual's certification or licensure does not waive the responsibility of the employee to maintain what is required for his/her assignment.
- d) It is the responsibility of the employee to maintain the TEACH Online Service System with current information.

Qualifications of Teachers

- a) The SWBOCES must ensure that all newly hired teachers in Title I programs who teach core academic subjects are highly qualified per Regulations of the Commissioner of Education. The term "core academic subjects" means English, reading or language arts, mathematics, science, foreign languages, civics and government, economics, arts, history, and geography. A "highly qualified" teacher is one who has obtained full state certification as a teacher, or has passed the state teacher licensing examination, holds a license to teach in the state and has at least a bachelor's degree, and also must show subject matter competency in the subjects they teach.
- b) The SWBOCES is also required to provide to teachers who are not new to the profession the opportunity to meet the NCLB requirement to be highly qualified, in part, through passing a High Objective Uniform State Standard of Evaluation (HOUSSE). The HOUSSE shall be an evaluation, prescribed by the New York State Education Department and conducted locally either during a pre-employment review or at the time of an Annual Professional Performance Review (APPR), that enables a teacher who is beyond the first year of teaching to demonstrate subject matter competency in all core academic subjects that the teacher teaches. The evaluation shall be based upon objective, coherent information as prescribed by the department, and shall include, but not be limited to, information on the teacher's education, credentials, professional experience, and professional development.

(Continued)

SUBJECT: CERTIFICATION AND QUALIFICATIONS (Cont'd.)

- c) The SWBOCES must ensure that on or after September 2, 2009 a candidate for a teaching certificate or license as a special education teacher shall, in addition to all other certification or licensing requirements, have completed enhanced course work or training in the area of children with autism. Such enhanced training shall also be completed by each certified school administrator or supervisor assigned to serve as a special education administrator by September 2, 2009. The enhanced course work or training shall be obtained from an institution or provider approved by the department except that a school district or a Board of Cooperative Educational Services (SWBOCES) may provide such training as part of its professional development program.

Education Law Sections 3001, 3001-a, 3004, 3006 and 3008

8 New York Code of Rules and Regulations (NYCRR) Subparts 80-1, 80-2, 80-3, 100.2 (dd) and 100.2 (o)

34 Code of Federal Regulations (CFR) Sections 200.55 and 200.56

20 United States Code (USC) Section 7801 (23)

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

Personnel

SUBJECT: ALCOHOL, DRUGS AND OTHER SUBSTANCES (SCHOOL PERSONNEL)

The Southern Westchester Board of Cooperative Educational Services strongly believes that all staff members are perceived, consciously or unconsciously, as role models in the schools and in the community. Since substance abuse has become a national problem, particularly among children and teenagers, the SWBOCES Board believes that all SWBOCES employees must exemplify the positive benefits of a drug-free lifestyle.

Provisions shall be made for instructing employees and students in alcohol, drug and tobacco abuse and prevention. All laws pertaining to drug and alcohol use and possession shall be honored by students, adults, and adult students while on SWBOCES premises or at SWBOCES-sponsored activities, regardless of the location of the activity.

The Board prohibits the manufacture, distribution, consumption, sharing and/or selling, use and/or possession of illegal drugs, counterfeit and designer drugs, or drug paraphernalia, or alcoholic beverages in the workplace, or when the effects of such drugs may impair an employee's job performance. The inappropriate use of prescription and over-the-counter drugs shall also be prohibited.

Information about any drug and alcohol counseling and/or rehabilitation programs shall be made available to employees through the SWBOCES Employee Assistance Program (EAP). Information shall also include the range of penalties, (consistent with local, state and federal law), up to and including termination of employment and referral for prosecution that will be imposed on employees who have transgressed the terms of this policy.

Additionally, confidentiality shall be insured as required by state and federal law.

The District Superintendent/designee shall periodically review the drug and alcohol abuse prevention program to determine its effectiveness and support appropriate modifications, as needed.

Safe and Drug-Free Schools and Communities Act, as reauthorized by the No Child Left Behind Act of 2001
20 United States Code (USC) Section 7101 et seq.
Civil Service Law Section 75
Education Law Sections 913 and 3020-a

NOTE: Refer also to Policies #2410 -- Code of Conduct on Southern Westchester BOCES Property
#5350 -- Employee Assistance Program (EAP)
#6220 -- Alcohol, Tobacco, Drugs and Other Substances (Students)
Southern Westchester BOCES Code of Conduct on Southern Westchester BOCES Property

Adopted: 6/23/10

Personnel

SUBJECT: DRUG-FREE WORKPLACE

All programs and/or services in the SWBOCES that receive federal funds shall guarantee that their workplaces are free of controlled substances. "Controlled substance" shall mean a controlled substance in schedules I through V of Section 202 of the Controlled Substances Act (21 USC 812) and as further defined in regulation at 21 Code of Federal Regulations (CFR) 1308.11-1308.15. An acknowledgment form shall be signed by the District Superintendent indicating the SWBOCES is in full compliance with the Drug-Free Workplace Act. This policy shall guarantee not only federally funded programs, but the entire SWBOCES is free of controlled substances.

"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 SWBOCES.

The Board directs the administration to develop regulations to comply with this policy, and further supports such actions and activities of the administration as shall be required to maintain a drug-free workplace.

Drug-Free Workplace Act

20 United States Code (USC) Section 7101 et seq.

21 United States Code (USC) Section 812

21 Code of Federal Regulations (CFR) 1308.11-1308.15

34 Code of Federal Regulations (CFR) Part 85

NOTE: Refer also to Policies #2410 -- Code of Conduct on Southern Westchester BOCES Property
#5160 -- Alcohol, Drugs and Other Substances (School Personnel)
#5350 -- Employee Assistance Program (EAP)
#6220 -- Alcohol, Tobacco, Drugs and Other Substances (Students)
Southern Westchester BOCES Code of Conduct on Southern Westchester BOCES Property

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)

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

Personnel

SUBJECT: STAFF-STUDENT RELATIONS (FRATERNIZATION)

The Board requires that all SWBOCES employees maintain a professional, ethical relationship with SWBOCES 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 and/or regardless of whether the student may have "consented" to such conduct. Further, employees shall not entertain students or socialize with students in such a manner 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 SWBOCES policy, and may result in the notification of law enforcement officials and the filing of criminal charges and/or disciplinary action by the SWBOCES up to and including termination of employment.

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 (via phone, e-mail, texting, letters, notes, technology-based social networks, etc.) 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.

Even if the student participated "willingly" in the activity (regardless of the student's age), inappropriate fraternization of staff with students is against SWBOCES 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 such conduct to be in violation of SWBOCES rules and subject to appropriate disciplinary sanctions.

Any student who believes that he/she has been subjected to inappropriate staff behavior as enumerated 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, shall report the incident to any staff member or either the employee's supervisor, the student's Principal or the SWBOCES' designated complaint officer. In all events such reports shall be forwarded to the designated complaint officer for further investigation. Anonymous complaints of inappropriate fraternization of staff members with students shall also be investigated by the SWBOCES. Investigations of allegations of inappropriate staff-student relations shall follow the procedures utilized for complaints of harassment within the SWBOCES. Allegations of inappropriate staff-student behavior shall be promptly investigated and will be treated as confidential and private to the extent possible within legal constraints.

(Continued)

Personnel

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 (specifically, child abuse in an educational setting) must *also* follow the SWBOCES' reporting procedures for such allegations; and such information will be reported by the designated administrator as required by state law to law enforcement officials, the State Education Department and/or Child Protective Services as may be applicable.

If a student initiates inappropriate behavior toward a staff member, that employee shall document the incident and report it immediately to his/her Building Principal or supervisor.

The SWBOCES shall promptly investigate all complaints of inappropriate staff-student relations, and take prompt corrective action to stop such conduct if it occurs.

Prohibition of Retaliation

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 shall 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 SWBOCES.

SWBOCES Responsibility/Training

The Director of each Center and/or program supervisor shall be responsible for informing students, staff and volunteers of the requirements of this policy, including the duty to report and the procedures established for investigation and resolution of complaints. Further, staff training shall be provided to facilitate staff identification of possible behavior that may constitute inappropriate staff-student relationships. Students shall be provided such training in an age appropriate manner.

The SWBOCES' policy (or a summary thereof) shall be disseminated as appropriate to staff, students and parents. Further, this topic shall be addressed in the Southern Westchester BOCES Code of Conduct.

Disciplinary Sanctions

Any staff member who engages in inappropriate conduct with a student, prohibited by the terms of this policy, shall be subject to appropriate disciplinary measures up to and including termination of employment in accordance with legal guidelines, SWBOCES policy and regulation, and the applicable collective bargaining agreements. A violation of this policy may also subject the employee to criminal and/or civil sanctions as well as disciplinary action by the State Education Department.

(Continued)

SUBJECT: STAFF-STUDENT RELATIONS (FRATERNIZATION) (Cont'd.)

Title IX of the Education Amendments of 1972,
20 United States Code (USC) Section 1681 et seq.
Education Law Article 23-B
Social Services Law Sections 411-428
8 New York Code of Rules and Regulations (NYCRR) Part 83

Adopted: 6/23/10

Personnel

SUBJECT: PROFESSIONAL GROWTH/STAFF DEVELOPMENT

The Board recognizes the importance of workshops, conferences and meetings to keep staff members informed of new developments within their field and to improve personal knowledge and skills. The following policy provides guidelines by which staff members may be authorized to attend such meetings.

The Southern Westchester Board of Cooperative Educational Services authorizes the District Superintendent or Designee to approve, at the District Superintendent's or Designee's discretion, appropriate requests from SWBOCES staff members to attend conferences and/or conventions. Such authority also shall include the right to approve all appropriate expenses.

The District Superintendent may request a staff member to attend a conference and/or convention. If the staff member does attend said conference and/or convention, SWBOCES shall reimburse the employee for all appropriate expenses.

NOTE: Refer also to Policies #4411 -- Employee Reimbursement
#5158.1 -- Professional Certification: 175 Hours of Professional Development Requirement
#5211 -- Mentoring Programs for First-Year Teachers

Adopted: 6/23/10

SUBJECT: MENTORING PROGRAMS FOR FIRST-YEAR TEACHERS

All new teachers in the SWBOCES holding an initial certificate will complete a mentored teaching experience within their first year of employment as a teacher. SWBOCES will incorporate the design and planning of such mentored experiences for all first-year teachers in its employ into the SWBOCES Professional Development Plan.

The purpose of the mentoring program is to provide support for new teachers, retention of teachers, and to increase the skills of new teachers. The Professional Development Plan shall describe how the SWBOCES will provide a mentoring program for teachers who must participate in a mentoring program to meet the teaching experience requirement for the professional certificate as prescribed by Commissioner's Regulations.

The mentoring program shall be developed and implemented consistent with any collective bargaining obligation required by Article 14 of the Civil Service Law (i.e., the Taylor Law); however, Commissioner's Regulation does not impose a collective bargaining obligation that is not required by the Taylor Law.

In accordance with Commissioner's Regulations, the Professional Development Plan shall describe the following elements of the mentoring program:

- a) The procedure for selecting mentors, which shall be published and made available to staff of the SWBOCES and, upon request, to members of the public;
- b) The role of mentors, which shall include but not be limited to providing guidance and support to the new teacher;
- c) The preparation of mentors, which may include but shall not be limited to the study of the theory of adult learning, the theory of teacher development, the elements of the mentoring relationship, peer coaching techniques, and time management methodology;
- d) The types of mentoring activities, which may include but shall not be limited to modeling instruction for the new teacher, observing instruction, instructional planning with the new teacher, peer coaching, team teaching, and orienting the new teacher to the school culture; and
- e) The time allotted for mentoring, which may include but shall not be limited to scheduling common planning sessions; releasing the mentor and the new teacher from a portion of their instructional and/or non-instructional duties; and providing time for mentoring during Staff Development conference days, before and after the school day, and during summer orientation sessions.

(Continued)

SUBJECT: MENTORING PROGRAMS FOR FIRST-YEAR TEACHERS (Cont'd.)**Confidentiality of Mentor-New Teacher Interaction**

The information obtained by a mentor through interaction with the new teacher while engaged in the mentoring activities of the program shall not be used for evaluating or disciplining the new teacher unless:

- a) Withholding such information poses a danger to the life, health, or safety of an individual including, but not limited to, students and staff of the school; or
- b) Such information indicates that the new teacher has been convicted of a crime, or has committed an act which raises a reasonable question as to the new teacher's moral character; or
- c) The information obtained by the mentor through interaction with the new teacher while engaged in the mentoring activities of the program may be used for evaluating or disciplining the new teacher if the SWBOCES has entered into an agreement negotiated pursuant to Article 14 of the Civil Service law whose terms are in effect.

Exemptions to above Mentoring Requirements

Teachers holding initial certificates who have two (2) or more prior years of teaching experience may be provided a mentored experience as enumerated in this policy if deemed necessary by the Principal or supervisor in consultation with the District Superintendent.

Recordkeeping Requirements

The SWBOCES shall maintain documentation of the implementation of the mentoring program described in the Professional Development Plan for at least seven (7) years from the date of completion of the mentoring activity, and it shall be available for review by the State Education Department. Such documentation will include the information enumerated in Commissioner's Regulations.

Education Law Sections 3004 and 3006

8 New York Code of Rules and Regulations (NYCRR) Sections 52.21(b)(3)(xvi) and (xvii), 80-3.4(b)(2), 80-5.13, 80-5.14, and 100.2(dd)

Adopted: 6/23/10

Personnel

SUBJECT: EMPLOYEE PRIVACY: PERSONNEL RECORDS AND RELEASE OF INFORMATION**Personnel Records**

Administrative regulations will be developed to implement the terms of this policy to maintain a personnel file for each teacher, administrator and support staff member employed by the SWBOCES.

Regulations and procedures will be developed addressing the inspection by SWBOCES' employees of their personnel files, unless otherwise specified by contract.

Release of Personnel Information

SWBOCES shall take steps to safeguard personal employee information in its possession to ensure the confidentiality of information. To ensure the individual's privacy, directory or confidential information should not be shared with a third party except in the following situations:

- a) When members of the Board need information from the employee's personnel record to aid them in performing their legal responsibilities in such matters as appointments, assignments, promotions, demotions, remuneration, discipline, dismissal or to aid in the development and implementation of personnel policies. Examination of this information shall be conducted only at Executive Sessions of the Board.
- b) When the employee grants permission.
- c) When served with a subpoena or other legal document requiring release of the information.

SWBOCES personnel who violate this policy by releasing unauthorized information will be subject to disciplinary action.

Procedures for obtaining consent for release of records to third parties shall be developed by the administration.

Release of Information Concerning Former Employees

The SWBOCES shall not release information concerning the employment records, personnel file or past performance of a former employee, unless such information is required to be disclosed by law or as authorized by the employee. Only the initial and final dates of employment and the position held shall be provided through a written response to a written request supplied by the Director of Human Resources.

Personnel

SUBJECT: PROFESSIONAL STAFF CONSULTING ACTIVITIES

A professional employee invited to speak, lead a seminar, act as a consultant or become involved in other professional activities outside of their scope of duties with the SWBOCES is required to request advance permission from the District Superintendent/designee indicating what the activity will involve and identify the sponsor.

The purpose of the request is to provide full knowledge, so that any potential conflict of interest may be avoided and to document that the activity is occurring with such knowledge and assurance that no public trust is violated.

The District Superintendent/designee must ascertain that the activity is not in conflict with the basic mission of the organization and that public resources are not used for private gain.

However, employees who work for SWBOCES may not provide consulting services to districts or other SWBOCES for services available through SWBOCES. Employees who serve as consultants to districts, organizations or agencies outside the SWBOCES and receive compensation must use vacation or personal time.

NOTE: Refer also to Policies #2120 -- Copyright of Southern Westchester BOCES Work Products
#5110 -- Code of Ethics for Southern Westchester BOCES Officers
and All Southern Westchester BOCES Personnel

Adopted: 6/23/10

Personnel

SUBJECT: JURY DUTY

A SWBOCES employee called for jury duty shall receive his/her full day's pay from SWBOCES plus mileage from the State. The SWBOCES employees shall be entitled to receive the court authorized per diem allowance for any regularly scheduled workday on which jury duty is rendered if on such a day his/her SWBOCES wages are not withheld on account of such service. Upon the completion of service as a juror, an employee must provide an attendance slip to the Human Resources and Payroll Departments.

Judiciary Law Section 521(b)

Adopted: 6/23/10

**SUBJECT: SOUTHERN WESTCHESTER BOCES ACCEPTABLE USE POLICY FOR
TECHNOLOGY AND THE INTERNET: SOUTHERN WESTCHESTER
BOCES EMPLOYEES**

The following Policy and related Consent Form must be read and signed by the employee before access will be provided to SWBOCES computer and Internet facilities.

Introduction

The SWBOCES furnishes computers and provides access to the Internet in order to support learning and enhance instruction. By providing access to the Internet, a vast information highway connecting thousands of computers all over the world, the SWBOCES intends to promote educational excellence and to prepare students for an increasingly technological world. This use should facilitate resource sharing, research, innovation and communication.

However, the SWBOCES also recognizes that with this access comes the availability of material that is unrelated to scholarship, and which in many instances is inappropriate for places of learning.

For this reason, computers, network and Internet facilities are to be used primarily for SWBOCES-related purposes. Incidental personal use of SWBOCES computers must not interfere with the employee's job performance, must not violate any of the rules contained in this policy and must not damage SWBOCES' hardware, software, or computer communications systems.

Much of the responsibility for appropriate use of the Internet must rest on employees themselves. Therefore, the SWBOCES requires that employees act responsibly by reading and following the policies outlined below. Furthermore, employee use is contingent upon execution of a signed Consent and Waiver Agreement.

Use of the system can and will be monitored by the SWBOCES, and there is no expectation of privacy in employee use.

Applicability and General Principles

These policies apply to all employees who gain access to the Internet via computer equipment and/or access lines located in the SWBOCES. This includes any remote access which employees may gain from off-site, but which involves the use of SWBOCES sites, servers, Intranet facilities, e-mail accounts or software.

The primary access to and use of the Internet must be for the purposes of work, teaching or scholarship consistent with the educational goals of the SWBOCES. Employees must make efficient, ethical and legal utilization of network resources. Employees must be aware that material created, stored on, or transmitted from or via the system is not guaranteed to be private.

(Continued)

Personnel

SUBJECT: SOUTHERN WESTCHESTER BOCES ACCEPTABLE USE POLICY FOR TECHNOLOGY AND THE INTERNET: SOUTHERN WESTCHESTER BOCES EMPLOYEES (Cont'd.)

- a) With the exception of educational software installed and/or modified by a faculty member for instructional purposes, users may not add any software or applications to the Southern Westchester BOCES' network or computers, or add to or modify any existing software or applications, without the express permission of the network administrator. Any software that is installed must be properly licensed from the copyright owner thereof, and any modifications must comply with the terms of the applicable license(s).
- b) The network may not be used for any commercial purposes.
- c) The network may not be used for advertising, political campaigning, or political lobbying.
- d) The network may not be used for any activity, or to transmit any material, that violates United States, New York State or local laws. This includes, but is not limited to, fraudulent acts, violations of copyright laws, and any threat or act of intimidation or harassment against another person.
- e) The SWBOCES is a place of tolerance and good manners. Use of the network or any SWBOCES computer facilities for hate mail, defamatory statements, statements intended to injure or humiliate others by disclosure of personal information (whether true or false), personal attacks on others, and statements expressing animus towards any person or group by reason of race, color, religion, national origin, gender, sexual orientation, disability, or any other category protected by law is prohibited.
- f) Network users may not use vulgar, derogatory, or obscene language.
- g) Network users may not post anonymous messages or forge e-mail or other messages.
- h) Network users may not log on to someone else's account, attempt to access another user's files, or permit anyone else to log on to their own accounts. Users may not try to gain unauthorized access ("hacking") to the files or computer systems of any other person or organization. However, employees must be aware that any information stored on or communicated through the SWBOCES network may be susceptible to "hacking" by a third party.
- i) Network users may not access' Web Sites, newsgroups, or chat areas that contain material that is obscene or that promotes illegal acts. Likewise, using the network to access or process pornographic material (whether visual or written), or material which contains dangerous recipes, formulas or instructions, is prohibited.

(Continued)

Personnel

SUBJECT: SOUTHERN WESTCHESTER BOCES ACCEPTABLE USE POLICY FOR TECHNOLOGY AND THE INTERNET: SOUTHERN WESTCHESTER BOCES EMPLOYEES (Cont'd.)

In addition to the fact that the Internet is inherently insecure, SWBOCES network administrators may review the system at any time to ensure that the system is working properly. For this reason, employees should expect that e-mails, materials placed on personal Web pages, and other work that is created on the network may be viewed by a third party.

External access will be provided to authorized users by the assignment of unique log-in identification codes ("usernames" and passwords) and, where appropriate, with limited hard disk space on SWBOCES hardware, for their own individual use. Authorized users will be personally responsible for maintaining the integrity of the SWBOCES' access policy, and may not permit other persons to use their usernames, passwords, accounts or disk space, or disclose their usernames, passwords or account information to any third party.

Usernames and passwords will be furnished only to persons who have signed and returned a copy of this document, and such updates or modifications as may hereafter be promulgated. The user's signature certifies that he/she has read this document, understands it, and agrees to be bound by its terms.

Users must respect the integrity and security of the SWBOCES' systems and network, and the access rights, privacy and reasonable preferences of other users. The SWBOCES reserves the right to limit access time and disk space in order to optimize an equitable allocation of resources among users.

The SWBOCES makes no warranties of any kind, whether express or implied, for the service it is providing. It is not responsible for any damages, including loss of data resulting from delays, non-deliveries, mis-deliveries, or service interruptions, whether caused by the SWBOCES' negligence, or by a user's errors or omissions. Information obtained from the Internet is issued at the user's own risk, and the SWBOCES specifically disclaims any responsibility for the accuracy or quality of information obtained by employees via access provided by or through the SWBOCES.

The following policies are intentionally broad in scope and, therefore, may include references to resources, technology and uses not yet available.

Rules of Conduct and Compliance

Employees who violate this Acceptable Use policy may have their access rights suspended or revoked by the network administrator in accordance with applicable due process rights. In addition, further disciplinary action may be taken as permitted by applicable law and the terms of any applicable collective bargaining agreement.

Except as otherwise indicated below, all policies and prohibitions regarding users of the network also apply to users of individual SWBOCES computers.

(Continued)

Personnel

SUBJECT: SOUTHERN WESTCHESTER BOCES ACCEPTABLE USE POLICY FOR TECHNOLOGY AND THE INTERNET: SOUTHERN WESTCHESTER BOCES EMPLOYEES (Cont'd.)

- j) Users may not access newsgroups, chat rooms, list servers, or other services where they may communicate with people outside of the SWBOCES (specifically including e-mail) except for SWBOCES business. While some incidental personal use of such facilities may be permitted, such incidental use will not be deemed a waiver of the SWBOCES' right to prohibit all such use, either on an individually-applicable or on a generally-applicable basis.
- k) Users may not engage in "spamming" [sending an electronic communication to more than ten (10) people at the same time] or participate in chain letters.
- l) Users who maliciously access, alter, delete, damage or destroy any computer system, computer network, computer program, or data will be subject to criminal prosecution as well as to disciplinary action by the SWBOCES. This includes, but is not limited to, changing or deleting another user's account; changing the password of another user; using an unauthorized account; damaging any files; altering the system; using the system to make money illegally; destroying, modifying, vandalizing, defacing or abusing hardware, software, furniture or any SWBOCES property.
- m) Users may not intentionally disrupt information network traffic or crash the network and connected systems; they must not degrade or disrupt equipment or system performance. They must not download or save excessively large files without the express approval of the network administrator.
- n) Users must comply with the "fair use" provisions of the United States Copyright Act of 1976. "Fair use" in this context means that the copyrighted materials of others may be used only for scholarly purposes, and that the use must be limited to brief excerpts. The SWBOCES' library professionals can assist employees with fair use issues.
- o) Users may not copy any copyrighted or licensed software from the Internet, from the network or from another user without the express permission of the copyright holder. Software must be purchased or licensed before it can legally be used.
- p) Users may not take data, equipment, software or supplies (paper, toner cartridges, disks, etc.) for their own personal use. Such taking will be treated as theft. Use of SWBOCES printers and paper must be reasonable.

(Continued)

SUBJECT: SOUTHERN WESTCHESTER BOCES ACCEPTABLE USE POLICY FOR TECHNOLOGY AND THE INTERNET: SOUTHERN WESTCHESTER BOCES EMPLOYEES (Cont'd.)

Violations and Consequences

Consequences of violations include but are not limited to:

- a) Suspension or revocation of information network access;
- b) Suspension or revocation of network privileges;
- c) Suspension or revocation of computer access;
- d) Disciplinary action, up to and including termination of services.

In addition, the SWBOCES will seek monetary compensation for damages in appropriate cases.

Repeated or severe violations will result in more serious penalties than one-time or minor infractions.

This Acceptable Use Policy is subject to change. The SWBOCES reserves the right to restrict or terminate information network access at any time for any reason. The SWBOCES further reserves the right to monitor network activity as it sees fit in order to maintain the integrity of the network and to monitor acceptable use. Building and SWBOCES-wide administrators will make final determination as to what constitutes unacceptable use.

Disciplinary penalties involving adverse employment action will be determined in accordance with applicable state law and the terms of applicable collective bargaining agreements. However, by signing the Consent Form to this Acceptable Use Policy, employees agree that suspension or revocation of access will be determined by the network administrator, acting in consultation with Building and SWBOCES-wide administrators.

The Consent and Waiver Agreement must be signed and returned by the employee as a condition of access to SWBOCES computer and Internet facilities.

NOTE: Refer also to Policy #7250 -- The Children's Internet Protection Act: Internet Content Filtering/Safety Policy

Adopted: 6/23/10

Personnel

SUBJECT: INTELLECTUAL PROPERTY/WORKS MADE FOR HIRE

All works completed by employees of SWBOCES, as part of their employment, shall be considered "works made for hire" as described in the United States Code Annotated, Title 17, Copyrights to the extent permitted by law. This determination includes but is not limited to the following activities:

- a) Work prepared by an employee within the scope of his/her employment, whether tangible or intangible;
- b) Work prepared by an employee outside of the scope of his/her employment and/or work specifically ordered or commissioned by SWBOCES as or for (1) a translation, (2) a motion picture or other audio visual work, (3) part of a compilation, (4) as an instructional text, (5) as test and/or answer material, (6) as an atlas, (7) as a supplementary work as defined under Title 17 of the United States Code.

In considering whether a work is a work for hire, the following factors, among others, may be considered:

- a) The work has been done using the employer's equipment systems and/or resources at the employer's location;
- b) The employer controls the employee's schedule during the time that the work was created;
- c) The employer produces this type of product;
- d) The employer withholds taxes and/or provides benefits.

Work identified with education is automatically considered a "work made for hire" unless there is an express agreement to the contrary. "Works for hire" include, but are not limited to, instructional materials, distance learning materials, computer software, and digital technologies and works created using such resources owned or provided by SWBOCES.

Work covered under this policy is the property of SWBOCES, not the creator of such work. SWBOCES shall own any and all rights to such works, or derivatives thereof, unless there is a written agreement to the contrary.

An employee who wishes clarification of their use/distribution of "works for hire" should contact his/her immediate supervisor.

It is the express intention of SWBOCES and the employee/independent consultant/contractor that all works and/or derivative works created by the employee/independent consultant/contractor per Section "b" above and/or under the circumstances enumerated in Sections "a" through "d" above, shall be owned exclusively by SWBOCES. If for any reason

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SUBJECT: INTELLECTUAL PROPERTY/WORKS MADE FOR HIRE (Cont'd.)

it should be found that such works are not works for hire, this provision shall act as an express assignment from the employee/independent consultant contractor to SWBOCES of all right, title and interest in and to all intellectual property rights in such works.

Staff members who violate the provisions of this policy may be subject to disciplinary action in accordance with law and/or the applicable collective bargaining agreement. SWBOCES may pursue other legal remedies to recover any loss or damage arising from actions of staff members in violation of this policy.

Copyright Act of 1976 as amended
17 United States Code (USC) Sections 101-120

Adopted: 6/23/10

Personnel

SUBJECT: REMOTE WORKING

Generally, Southern Westchester BOCES ("SWBOCES") believes that its goals and objectives are best served when employees work in-person on SWBOCES premises. However, SWBOCES recognizes that, in certain circumstances, remote working or telecommuting may be advantageous to both the employee and SWBOCES. It may also be necessary in the event of an extraordinary circumstance such as widespread illness, natural disaster, or other emergency situation.

When making decisions about remote working, SWBOCES will take into consideration any applicable laws, regulations, collective bargaining agreements, or existing policies and procedures. This policy will be superseded by any conflicting law, regulation, or collective bargaining agreement.

Remote Working Arrangements

Remote working is not an entitlement or a SWBOCES-wide benefit. The ability to work remotely is completely at the discretion of SWBOCES. Except where specifically provided by an applicable collective bargaining agreement, employees will not be permitted to file a grievance as a result of a denial of their request to work remotely.

Upon request, an employee's supervisor, in conjunction with the District Superintendent or designee, may grant an employee a full-time, part-time, or short-term remote work arrangement provided that the employee's work is able to be performed remotely and the employee has consistently demonstrated the ability to effectively work independently. The length of time for the remote work arrangement will be at the sole discretion of the employee's supervisor.

Extraordinary Circumstances

In the event of an extraordinary circumstance such as widespread illness, natural disaster, or other emergency situation, it may be necessary to establish remote working arrangements for some or all employees. In these circumstances, SWBOCES will notify employees of whether they are expected to work at home full-time, part-time, or not at all. SWBOCES retains the right to change the remote working arrangement for any employee at any time.

Continuity of Work

Unless specifically agreed upon, working remotely will not alter an employee's work schedule, job duties, compensation, benefits, or any other term and condition of employment. Further, while working remotely, employees will be required to remain available during their normal workhours via email, phone, videoconference, or other means. Failure to respond in a reasonable time frame may result in discipline and/or termination of the remote work arrangement.

Compliance with District Policies and Procedures

SWBOCES employees who are working remotely are required to comply with any and all applicable SWBOCES policies, procedures, and other related documents as they normally would if they

(Continued)

SUBJECT: REMOTE WORKING (Cont'd.)

were working on SWBOCES premises. Examples include, but are not limited to, SWBOCES' policies and procedures on non-discrimination and anti-harassment, protecting the personal information of SWBOCES employees and students, acceptable use, and copyright. Engaging in prohibited conduct may result in disciplinary action as warranted.

Adoption Date:

SUBJECT: DOOR HARDENING

Southern Westchester BOCES (SWBOCES) values protecting students and staff in school buildings from outside-the-classroom threats. Ordinarily, classroom, stair, and corridor doors must have vision panels to allow visual access into the next space. Additionally, all doors must not be blocked.

In accordance with a March 5th, 2019, memorandum from the State Education Department of New York titled SCHOOL SECURITY and DOOR HARDENING, the Office of Facilities Planning has permitted temporary covering of vision panels in classroom doors in an emergency as well as the ability to temporarily block doors to slow the access of an intruder in an emergency. Therefore, in emergency situations at SWBOCES facilities, this policy authorizes staff to temporarily cover door vision panels, and temporarily block doors to slow an intruder's access, as described in Building-Level Emergency Response Plans. The temporary blocking of doors can be performed so long as the means used to block the door do not require any special information for removal or lessen the ability to allow egress so that occupants can leave the building quickly in such circumstances.

Adopted: June 23, 2021

SUBJECT: SEXUAL HARASSMENT IN THE WORKPLACE**Overview**

Southern Westchester BOCES ("SWBOCES") 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 SWBOCES's overall commitment to maintaining a discrimination and harassment-free educational and work environment.

Sexual harassment is a form of employee misconduct, a violation of SWBOCES policy, and unlawful. Employees of every level 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 SWBOCES. Sexual harassment may also subject SWBOCES to liability for harm to targets of sexual harassment. Harassers may also be individually subject to liability.

SWBOCES adopts this policy as part of its effort to provide for the prompt and equitable resolution of complaints of sexual harassment in the workplace. SWBOCES 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 SWBOCES Civil Rights Compliance Officer(s) (CRCO(s)) and/or Title IX Coordinator(s).

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.

(Continued)

Personnel

SUBJECT: SEXUAL HARASSMENT IN THE WORKPLACE (Cont'd.)

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 SWBOCES property and at SWBOCES functions which, for purposes of this policy, means a SWBOCES-sponsored or SWBOCES-authorized extracurricular 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 SWBOCES business. Calls, texts, emails, and social media usage can constitute unlawful workplace harassment, even if they occur away from SWBOCES property, on personal devices, or during non-work hours. Accordingly, conduct or incidents of sexual harassment that create or foreseeably create a disruption within SWBOCES may be subject to this policy in certain circumstances.

Other SWBOCES policies and documents such as regulations, procedures, collective bargaining agreements, and SWBOCES's *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 #1440 -- Non-Discrimination.

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

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, gender or sexual orientation when:

- a) Such conduct has the purpose or effect of substantially or 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 subject 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 covered person's employment.

(Continued)

Personnel

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 orientation or gender. 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 or which cause the recipient discomfort or humiliation or 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 is the subject of sexual harassment 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. Unwelcome or offensive public sexual display of affection, including, but not limited to touching, pinching, patting, kissing, hugging, grabbing, brushing against another person's body or poking another person's body; and
 - 2. Rape, sexual assault, forcible sexual abuse, sexual battery, molestation, hazing and other sexual and gender-based activity of a criminal nature as defined under State Penal law, or attempts to commit these acts.
- b) Unwelcome sexual advances or propositions, such as:
 - 1. Requests for sexual favors accompanied by implied or overt threats concerning the subject'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, or 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.

For the purposes of this Policy, action or conduct shall be considered “unwelcome” if the covered person did not request or invite it and regarded the conduct as undesirable or offensive.

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).

SWBOCES 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 a verbal or oral or informal complaint of harassment to a supervisor, building principal, other administrator, or the CRCO;
- d) Reported or complained that another employee has been sexually harassed; or

(Continued)

Personnel

SUBJECT: SEXUAL HARASSMENT IN THE WORKPLACE (Cont'd.)

- e) Encouraged a fellow employee to report harassment.

Any employee of SWBOCES who retaliates against anyone involved in a sexual harassment investigation will be subjected to disciplinary action. Any covered person who believes that they have been subject to such retaliation should inform a supervisor, building principal, other administrator, or the CRCO.

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 conduct was 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. SWBOCES 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 verbally or in writing. A form for submission of a written complaint is posted on SWBOCES 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.

District employees must comply with reporting requirements in any other applicable District policy or document. Applicable policies or documents may include: Policy #1440 -- Non-Discrimination.

Any covered person who believes they have been a subject 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 a CRCO. If one CRCO is unavailable, including due to a conflict of interest or other disqualifying reason, the report will be directed to the other CRCO. If there is no CRCO available, the District Superintendent or designee will ensure that another person with the appropriate training and qualifications is appointed to act as the CRCO.

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Personnel

SUBJECT: SEXUAL HARASSMENT IN THE WORKPLACE (Cont'd.)

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.

Investigating Complaints of Sexual Harassment

All complaints or information about sexual harassment will be investigated, whether that information was reported in verbal 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.

SWBOCES 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 may vary from case to case, investigations should be done in accordance with the following steps:

- 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 the other CRCO. If there is no CRCO available, the District Superintendent or designee 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. For verbal complaints, the individual will be encouraged to complete the complaint form, which is available on the SWBOCES website, in writing. If he or she refuses, a complaint form based on the verbal report will be prepared. The complainant will be provided a copy of the completed complaint form.

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Personnel

SUBJECT: SEXUAL HARASSMENT IN THE WORKPLACE (Cont'd.)

- 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) Interview all parties involved, including any relevant witnesses. If a student is involved, SWBOCES will follow all applicable SWBOCES policies and procedures regarding questioning students.
- f) 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;
 - 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. Such notification must be made no later than thirty (30) days following receipt of the complaint. If additional time is needed to complete the investigation or take appropriate action, the investigator will provide a written status report within thirty (30) days following receipt of the complaint.
- i) Inform the individual who reported of the right to file a complaint or charge externally as outlined in this policy.

Additionally, other SWBOCES policies and documents address sexual harassment. These policies and documents may include: Policy #1440 -- Non-Discrimination. All complaints will be handled in accordance with the applicable SWBOCES policies and/or documents.

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

(Continued)

Personnel

SUBJECT: SEXUAL HARASSMENT IN THE WORKPLACE (Cont'd.)

If an investigation reveals that sexual harassment has occurred, SWBOCES will take immediate corrective action as warranted. This action will be taken in accordance with applicable law and regulation, as well as any applicable SWBOCES policy, regulation, procedure, collective bargaining agreement, third-party contract, or other document such as SWBOCES's *Code of Conduct*.

Annual Training

SWBOCES will provide a sexual harassment prevention training program to all employees on an annual basis. All new employees will receive sexual harassment prevention training at new employee orientation or as soon as possible after starting their job, unless he/she can demonstrate that they have received equivalent training within the past year from a previous employer. The training will be interactive and will include:

- 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 subjects 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.

Supervisors, building principals, other administrators, the CRCO(s) and other administrative employees who have specific responsibilities for investigating and resolving complaints of sexual harassment shall receive annual training on this policy and related legal developments.

Notification

SWBOCES will provide this policy to all employees in writing. SWBOCES will post this policy prominently throughout SWBOCES to the extent practicable and on the SWBOCES website.

At the time of hiring and at every annual sexual harassment prevention training program, SWBOCES will provide each employee a notice containing this policy and the information presented at the SWBOCES 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.

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SUBJECT: SEXUAL HARASSMENT IN THE WORKPLACE (Cont'd.)

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.

Legal Protections and External Remedies

Sexual harassment is not only prohibited by SWBOCES but is also prohibited by state, federal, and, where applicable, local law.

Aside from SWBOCES's internal process, individuals may also choose to pursue legal remedies with the following governmental entities.

In addition to those outlined below, individuals may have additional legal protections.

State Human Rights Law (HRL)

The HRL, codified as N.Y. Executive Law, art. 15, Section 290 et seq., applies to all employers in New York State with regard to sexual harassment, and protects covered persons, regardless of immigration status. A complaint alleging violation of the HRL may be filed either with the Division of Human Rights (DHR) or in New York State Supreme Court.

Complaints with DHR may be filed any time within three years of the harassment. If an individual did not file with DHR, they can sue directly in state court under the HRL, within three years of the alleged sexual harassment. An individual may not file with DHR if they have already filed a HRL complaint in state court.

Complaining internally to SWBOCES does not extend the time to file with DHR or in court. The three years is counted from the date of the most recent incident of harassment.

Individuals do not need an attorney to file a complaint with DHR, and there is no cost to file with DHR.

DHR will investigate the complaint and determine whether there is probable cause to believe that sexual harassment has occurred. Probable cause cases are forwarded to a public hearing before an administrative law judge. If sexual harassment is found after a hearing, DHR has the power to award relief, which varies but may include requiring SWBOCES to take action to stop the harassment, or redress the damage caused, including paying of monetary damages, attorney's fees, and civil fines.

DHR's main office contact information is: NYS Division of Human Rights, One Fordham Plaza, Fourth Floor, Bronx, New York 10458. Individuals may call (718) 741-8400 or visit: www.dhr.ny.gov.

Contact DHR at (888) 392-3644 or visit dhr.ny.gov/complaint for more information about filing a complaint. The website has a complaint form that can be downloaded, filled out, notarized and mailed to DHR. The website also contains contact information for DHR's regional offices across New York State.

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Personnel

SUBJECT: SEXUAL HARASSMENT IN THE WORKPLACE (Cont'd.)Civil Rights Act of 1964

The United States Equal Employment Opportunity Commission (EEOC) enforces federal anti-discrimination laws, including Title VII of the 1964 federal Civil Rights Act (codified as 42 U.S.C. §§ 2000e *et seq.*). An individual can file a complaint with the EEOC anytime within 300 days from the harassment. There is no cost to file a complaint with the EEOC. The EEOC will investigate the complaint and determine whether there is reasonable cause to believe that discrimination has occurred, at which point the EEOC will issue a Right to Sue letter permitting the individual to file a complaint in federal court.

The EEOC does not hold hearings or award relief but may take other action including pursuing cases in federal court on behalf of complaining parties. Federal courts may award remedies if discrimination is found to have occurred.

An individual alleging discrimination at work can file a "Charge of Discrimination." The EEOC has district, area, and field offices where complaints can be filed. Contact the EEOC by calling 1-800-669-4000 (TTY: 1-800-669-6820), visiting their website at www.eeoc.gov, or via email at info@eeoc.gov.

If an individual filed an administrative complaint with DHR, DHR will file the complaint with the EEOC to preserve the right to proceed in federal court.

Title IX

Title IX of the Education Amendments Act of 1972 prohibits discrimination on the basis of sex in any federally funded education program or activity. The U.S. Department of Education's Office for Civil Rights (OCR) enforces Title IX of the Education Amendments Act of 1972.

For more information about how to file a complaint, contact OCR at 800-421-3481 (TDD 800-877-8339) or visit: <https://www2.ed.gov/about/offices/list/ocr/docs/howto.html>. The website contains information about filing the complaint online, by mail, or by email.

Local Protections

Many localities enforce laws protecting individuals from sexual harassment and discrimination. An individual should contact the county, city, or town in which they live to find out if such a law exists.

Local Police Department

If the harassment involves unwanted physical touching, coerced physical confinement, or coerced sex acts, the conduct may constitute a crime. Contact the local police department.

(Continued)

SUBJECT: SEXUAL HARASSMENT IN THE WORKPLACE (Cont'd.)

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

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

Adoption Date

Personnel

SUBJECT: FAMILY MEMBERS IN SUPERVISOR-SUPERVISEE RELATIONSHIPS

The Southern Westchester Board of Cooperative Educational Services ("SWBOCES") Board of Education recognizes that members of the same family may hold positions in SWBOCES. However, not at any time subsequent to the adoption of this policy shall members of the same family hold regular positions in which one member would be required, as part of his/her responsibilities, to supervise another family member; provided that this policy does not apply retroactively to assignments which were made prior to the adoption date of this policy.

For purposes of this policy only, members of the same family shall include the spouse and the mother, father, grandmother, grandfather, grandchild, son, son-in-law, daughter, daughter-in-law, brother or sister of the employee, or a person in any of these relations to the employee's spouse, or a member of the same household.

In cases where SWBOCES wishes to employ a member of the same family of a SWBOCES Board of Education Member, that Board of Education Member will be obligated to inform the Board prior to the vote on that agenda item.

Adoption Date:

Personnel

SUBJECT: COMPENSATION AND BENEFITS

The Southern Westchester Board of Cooperative Educational Services believes that its employees should receive fair compensation and benefits for the work they provide in serving the children and members of our supervisory district. To this end, the District Superintendent shall be responsible for establishing and administering the compensation and benefits provided to SWBOCES' employees.

The Board and the SWBOCES will comply with all applicable federal and state laws that require minimum compensation and benefits be provided to employees.

Employees Covered by Collective Bargaining Agreements

The compensation and benefits for employees who are represented by recognized or certified employee organizations are established by collective bargaining agreements negotiated between the employee organizations and the SWBOCES. The SWBOCES will negotiate in good faith over these issues, as required by law, and will fully comply with the requirements of the Taylor Law and the collective bargaining agreements it enters into with its employees.

To ensure that the compensation and benefits provided to employees are fair and within the parameters of the SWBOCES budget, the Board reserves its right to approve all additional funding required by the provisions of a tentative collective bargaining agreement, in addition to any right of ratification that is secured by the SWBOCES negotiation representative(s).

Employees Not Covered by Collective Bargaining Agreements

By July 1 annually, the compensation and benefits for employees who are not represented by recognized or certified employee organizations shall be recommended by the District Superintendent, with approval by the Board.

Consolidated Omnibus Budget and Reconciliation Act of 1985 (COBRA),
42 United States Code (USC) Sections 300 bb-1 et seq.
Fair Labor Standards Act (FLSA), 29 United States Code (USC) Section 200 et. seq.
Family and Medical Leave Act of 1993 (FMLA), 29 United States Code (USC) Sections 2610 et. seq.
Civil Service Law Sections 200 et. seq.
Education Law Section 3005-b

Adopted: 6/23/10

2010

5310

Personnel

SUBJECT: WORKERS' COMPENSATION

Workers' Compensation

Employees injured in the performance of their duties are covered by Workers' Compensation Insurance. Employees shall report work-related injuries immediately to their immediate supervisor, as well as the Clerk of the Cooperative Board. Delay in reporting, if necessary, must be justified to the satisfaction of the Board and/or the insurance agency.

Education Law Section 2503(10)

Adopted: 6/23/10

Personnel

SUBJECT: CONTINUATION OF MEDICAL COVERAGE AT TERMINATION OF EMPLOYMENT

The provisions of the Consolidated Omnibus Budget Reconciliation Act of 1986 require most group health plans to provide a temporary continuation of group health coverage.

COBRA requires continuation coverage to be offered to covered employees, their spouses, their former spouses, and their dependent children when group health would otherwise be lost due to certain specific events. These events include:

- a) Death of the covered employee; or
- b) Termination of covered employee (for reasons other than gross misconduct);
- c) Reduction in hours of covered employee;
- d) Divorce or legal separation from covered employee;
- e) A covered employee becoming entitle to Medicare;
- f) Child of covered employee loss of dependent status.

Under Federal COBRA provisions that coverage may be continued for up to eighteen (18) months, with an additional eighteen (18) months of New York State continuation coverage, for a total of thirty-six (36) months.

Those who are eligible for continuation coverage must be given an election period of at least sixty (60) days (starting on the later date that SWBOCES sent the election notice or the date the covered employee lost coverage). If a qualified beneficiary chooses to elect continuation coverage they will be required to pay the full cost of the coverage, plus a two percent (2%) administrative charge.

Consolidated Omnibus Budget Reconciliation Act of 1985
General Municipal Law Sections 92-a(1-a, 2, and 4)

Adopted: 6/23/10

SUBJECT: LEAVES OF ABSENCE

a) In general, leaves of absence:

1. Shall be administered by the District Superintendent/designee.
2. The Board reserves the right to grant leaves of absence for purposes or under conditions not contemplated or considered in the policy statement.
3. Under laws and rules governing such action, the Board may undertake appropriate disciplinary action where a leave of absence is falsely requested or improperly used.
4. Except by permission of the District Superintendent/designee as expressed in writing, the purpose or conditions of a leave of absence may not be altered.

b) Leaves of absence, contractual, et al:

1. Employees who are members of a negotiating unit:

Authorization is granted to approve requests for leaves of absence submitted pursuant to provisions of contracts in effect between the SWBOCES and each bargaining unit.

2. Employees who are not members of a negotiating unit:

Authorization is granted to approve requests for leaves of absence submitted by such employees where such requests are consistent with provisions of Compensation Packages in effect between the SWBOCES and the group most compatible with the employment status of the employee.

3. Employees who are under contract or employment agreement to the SWBOCES:

Authorization is granted to implement provisions for leaves of absence contained in each such contract.

c) Leaves of absence, unpaid, not covered in b) 1. above:

1. Subject to limitations enumerated in this policy statement, authorization is granted for the following unpaid leaves of absence.

At the expiration of a paid sick leave of absence, to extend such a leave of absence for a period of time not to exceed the end of the school year next succeeding the school year in which the paid leave of absence commenced.

(Continued)

Personnel

SUBJECT: LEAVES OF ABSENCE (Cont'd.)

2. Unpaid leaves of absence shall not be used to extend vacation periods, to take vacations, to engage in other occupations, or to provide additional personal leaves, except that the Superintendent/designee shall have discretion, where circumstances warrant, to approve leaves of absence for such purposes.
3. Unpaid leaves of absence shall not be granted unless the services of a substitute employee, satisfactory in the discretion of the Superintendent, can be secured.
4. 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 SWBOCES.

d) Other leaves of absence:

1. 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 shall be granted leave from work with pay for up to twenty (20) days in any calendar year to participate in specialized disaster relief operations. This leave shall be provided without loss of seniority, compensation, sick leave, vacation leave or other overtime compensation to which the volunteer is otherwise entitled.

2. Screenings for Breast Cancer and Prostate Cancer

Employees shall be granted up to four (4) hours of paid leave on an annual basis to undertake a screening for breast cancer; employees shall be granted up to four (4) hours of paid leave on an annual basis to undertake a screening for prostate cancer (i.e., male employees are entitled to a total of eight (8) hours for both screenings). This leave shall be excused leave and shall not be charged against any other leave to which the employee is entitled.

3. Blood Donation

The SWBOCES must either, at its option:

- (a) Grant three (3) hours of leave of absence in any twelve (12) month period to an employee who seeks to donate blood. According to Commissioner's Guidelines, leave granted to employees for off-premises blood donation is not required to be paid leave.

The leave may not exceed three (3) hours unless agreed to by the District Superintendent/designee; or

(Continued)

Personnel

SUBJECT: LEAVES OF ABSENCE (Cont'd.)

- (b) Allow its employees without use of accumulated leave time to donate blood during work hours at least two (2) times per year at a convenient time and place set by the District Superintendent/designee, including allowing an employee to participate in a blood drive at the SWBOCES.

Leave taken by employees at a SWBOCES-designated donation alternative (such as a SWBOCES-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 SWBOCES shall 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 shall not be prevented.

4. Bone Marrow Donation

Employees seeking to undergo a medical procedure to donate bone marrow shall be granted leaves to do so, the combined length of the leaves to be determined by the physician, but may not exceed twenty-four (24) work hours unless agreed to by the District Superintendent/designee. The SWBOCES shall require verification for the purpose and length of each leave requested by the employee for this purpose.

5. Nursing Mothers

The SWBOCES shall provide reasonable unpaid break time or permit the use of paid break time or meal time each day to allow an employee to express breast milk for her nursing child for up to three (3) years following child birth. The SWBOCES shall make reasonable efforts to provide a room or other location in proximity to the work area where the nursing mother can express milk in privacy. The SWBOCES shall not discriminate against an employee who chooses to express breast milk in the workplace.

Reasonable unpaid break time is generally no less than twenty (20) minutes and no more than thirty (30) minutes dependent upon on the proximity of the designated location for expressing breast milk. In most situations, the SWBOCES is required to provide unpaid break time at least once every (3) hours if requested by the employee. When applicable, the employee has the option to work before or after her normal shift to make up the amount of time used during the unpaid break time(s) so long as such additional time requested falls within the SWBOCES' normal work hours.

(Continued)

SUBJECT: LEAVES OF ABSENCE (Cont'd.)

The SWBOCES shall provide written notice to employees who are returning to work following the birth of a child of their right to take unpaid leave for the purpose of expressing breast milk. Such notice may either be provided individually to affected employees or to all employees generally through publication of such notice in the employee handbook or posting of the notice in a central location.

Any employee wishing to avail herself of this benefit is required to give the SWBOCES advance notice, preferably prior to her return to work, to allow the SWBOCES an opportunity to establish a location and schedule leave time to accommodate employees as needed.

6. **Military Leave (see Policy #5342)**

The SWBOCES will comply with state and federal laws regarding military leave and re-employment.

Leaves of absence for military spouses are granted in accordance with law and are unpaid.

Uniformed Services Employment and Reemployment Rights Act of 1994 (USERRA), 38 United States Code (USC) Sections 4301-4333

Civil Service Law Sections 71-73, 159-b and 159-c

Education Law Sections 1709(16), 3005, 3005-a and 3005-b

General Municipal Law Section 92-c

Labor Law Sections 202-a, 202-c, 202-i, 202-j and 206-c

Military Law Sections 242 and 243

Personnel

SUBJECT: FAMILY AND MEDICAL LEAVE ACT

The Southern Westchester Board of Cooperative Educational Services, in accordance with the Family and Medical Leave Act of 1993 (FMLA), gives "eligible" employees of the SWBOCES the right to take unpaid leave for a period of up to twelve (12) workweeks in a twelve-month period as determined by the SWBOCES. The SWBOCES will compute the twelve-month period according to the following time frame: a "rolling" twelve-month period will be used that is measured backward from the date an employee uses any FMLA leave.

Employees are "eligible" if they have been employed by the SWBOCES for at least twelve (12) months and for at least 1,250 hours of service during the previous twelve-month period. Full-time teachers are deemed to meet the 1,250 hour test. The law covers both full-time and part-time employees.

Service Member Family Leave

An eligible employee who is the spouse, son, daughter, parent, or next of kin (defined as the nearest blood relative of that individual) of a covered service member who is recovering from a serious illness or injury sustained in the line of duty while on active duty is entitled to up to twenty-six (26) weeks of leave in a single 12-month period to care for the service member. This military caregiver leave is available during a single 12-month period during which an eligible employee is entitled to a combined total of twenty-six (26) weeks of all types of FMLA leave.

The term "covered service member" means a member of the Armed Forces, including a member of the National Guard or Reserves.

Implementation/Benefits

At SWBOCES certain types of paid leave will be substituted before unpaid leave can be taken, unless extraordinary circumstances prevent this from happening.

An employee on FMLA leave is also entitled to have health benefits maintained while on leave. If an employee was paying all or part of the premium payments prior to leave, the employee will continue to pay his/her share during the leave period.

In most instances, an employee has a right to return to the same position or an equivalent position with equivalent pay, benefits and working conditions at the conclusion of the leave.

The Board of Cooperative Educational Services has a right to thirty (30) days advance notice from the employee where practicable. In addition, the Board may require an employee to submit certification from a health care provider to substantiate that the leave is due to the serious health condition of the employee or the employee's immediate family member. Failure to comply with these

(Continued)

SUBJECT: FAMILY AND MEDICAL LEAVE ACT (Cont'd.)

requirements may result in the denial of FMLA leave. The Board may also require that an employee present a certification of fitness to return to work when the absence was caused by the employee's serious health condition. The Board of Cooperative Educational Services has the right to deny restoration to employment if the employee does not furnish the certificate of fitness.

Notice for Leave Due to Active Duty of Family Member

In any case in which the necessity for leave due to any qualifying exigency is foreseeable, whether because the spouse, or a son, daughter, or parent of the employee is on active duty, or because of notification of an impending call or order to active duty in support of a contingency operation, the employee shall provide such notice to the employer as is reasonable and practicable.

FMLA Notice

A notice which explains the FMLA's provisions and provides information concerning the procedures for filing complaints of violations of the FMLA shall be posted in each school building.

Administration is directed to develop regulations to implement this policy, informing employees of their rights and responsibilities under the FMLA.

Family and Medical Leave Act of 1993, Public Law 103-3
29 Code of Federal Regulations (CFR) Part 825

Personnel

SUBJECT: UNIFORMED SERVICES EMPLOYMENT AND REEMPLOYMENT RIGHTS ACT (USERRA)/MILITARY LEAVES OF ABSENCE

In accordance with the Uniformed Services Employment and Reemployment Rights Act of 1994 (USERRA) and State Law, the SWBOCES, upon advance notice by the employee, shall grant leaves of absence for service in the uniformed services and/or military duty (hereinafter referred to as "military service" or "military duty") to its employees who are ordered to duty or volunteer for qualifying military service. The employee's notice may be either verbal or written. No advance notice is required if military necessity prevents the giving of notice, or the giving of notice is otherwise impossible or unreasonable under all the circumstances.

Employment Rights

Time during which an employee is absent pursuant to military leave shall not constitute an interruption of continuous employment in the SWBOCES and no such employee shall 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 such absence; nor shall any employee be prejudiced by reason of such absence with reference to continuance in employment, reemployment, reinstatement, transfer or promotion.

Salary/Compensation

Every employee shall be paid his/her salary or other compensation for any and all periods of absence while engaged in the performance of ordered military duty, and while going to and returning from such duty. This payment of salary/compensation shall not exceed a total of thirty (30) days or twenty two (22) working days, whichever is greater, in any one calendar year; and shall not exceed thirty (30) days or twenty two (22) working days, whichever is greater, in any one continuous period of such 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/her civilian pay. The SWBOCES 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 SWBOCES 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 BenefitsHealth Plan Coverage

If the employee has coverage under a health plan in connection with his/her employment with the SWBOCES, the employee must be permitted to elect to continue the coverage for a certain period of time as designated in law.

(Continued)

SUBJECT: UNIFORMED SERVICES EMPLOYMENT AND REEMPLOYMENT RIGHTS ACT (USERRA)/MILITARY LEAVES OF ABSENCE (Cont'd.)

When the employee is performing military service, he/she is entitled to continuing coverage for himself/herself (and dependents if the plan offers dependent coverage) under a health plan in connection with the employment. The plan must allow the employee an opportunity to continue coverage for a period of time that is the lesser of:

- a) The 24-month period beginning on the date on which the employee's absence for the purpose of performing military service begins; or
- b) The period beginning on the date on which the employee's absence for the purpose of performing military service begins, and ending on the date on which the employee fails to return from service or apply for a position of reemployment.

Health plan administrators may develop reasonable requirements addressing how continuing coverage may be elected, consistent with the terms of the plan and USERRA's 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 SWBOCES employee who is a member of any pension or retirement system may elect to contribute to such pension or retirement system the amount which he/she would have contributed had such employment been continuous. Upon making such contribution, the employee shall have the same rights in respect to membership in the retirement system as he/she would have had if the employee had been present and continuously engaged in the performance of his/her position. To the extent that such contributions are paid, absence while engaged in the performance of military duty shall be counted in determining the length of total service under such pension or retirement system.

Alternatively, employees will have an opportunity to make up contributions to the pension or retirement system upon return to employment in the SWBOCES 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, as the result of Non-Contributory Military Service Credit legislation signed as Chapter 326 of the Laws of 2005.

(Continued)

SUBJECT: UNIFORMED SERVICES EMPLOYMENT AND REEMPLOYMENT RIGHTS ACT (USERRA)/MILITARY LEAVES OF ABSENCE (Cont'd.)

Time during which an employee is absent on military duty shall not constitute an interruption of continuous employment, but such time shall not be counted or included in determining the length of total service in the pension or retirement system unless the employee contributes to the pension or retirement system the amount he/she would have been required to contribute if the employee had been continuously employed during the period of military duty.

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 pursuant to the United States Code), to a combat theater or combat zone of operations shall be allowed up to ten (10) days unpaid leave by their employer. Such leave shall only be used when such person's spouse is on leave from the armed forces of the United States, National Guard or reserve 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 SWBOCES for an average of twenty (20) or more hours per week, and includes all individuals employed at any SWBOCES site having twenty (20) or more SWBOCES employees, but shall not include independent contractors.

An employer shall not retaliate against an employee for requesting or obtaining a leave of absence as provided above. The provisions of this section shall not affect or prevent an employer from providing leave for military spouses in addition to leave allowed under any other provision of law. The provisions of this section shall not affect an employee's rights with respect to any other employee benefit provided by law.

Reemployment/Restoration Rights ("Escalator Principle")

Per USERRA, as a general rule, the employee is entitled to reemployment in the job position that he/she would have attained with reasonable certainty if not for the absence due to military service. The position to which the returning service member should be restored has become known as the "escalator position." The escalator principle requires that the employee be reemployed in a position that reflects with reasonable certainty the pay, benefits, seniority, and other job benefits that he/she would have attained if not for the period of military service.

Depending on the circumstances/intervening events, the escalator principle may cause an employee to be reemployed in a higher or lower position, transferred, laid off, or even terminated.

(Continued)

SUBJECT: UNIFORMED SERVICES EMPLOYMENT AND REEMPLOYMENT RIGHTS ACT (USERRA)/MILITARY LEAVES OF ABSENCE (Cont'd.)

The employee must be qualified for the reemployment position. The SWBOCES shall make reasonable efforts to help the employee become qualified to perform the duties of this position. The SWBOCES is not required to reemploy the employee on his/her return from military service if the employee cannot, after reasonable efforts by the SWBOCES, qualify for the appropriate reemployment position.

Per State law, an employee restored to his/her position after the termination of military duty shall be entitled to the rate of compensation he/she would have received had the employee remained in his/her position continuously during the period of military duty; and the employee shall be deemed to have rendered satisfactory and efficient service in the job position during the period of military leave of absence. Further, the employee shall not be subjected directly or indirectly to any loss of time service, increment, or any other right or privilege; nor shall an employee be prejudiced in any way with reference to promotion, transfer, reinstatement or continuance in employment.

All other rights, benefits, and responsibilities of a SWBOCES employee serving in the military shall be in accordance with law, regulations, and/or the applicable contract/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/she may have been appointed, or to which he/she may thereafter be appointed or promoted, the time such employee is absent on military duty shall be credited as satisfactory service during this probationary period.

Teachers/Supervisory Staff

In any case where a "teacher" (*as defined in State Education Law Section 3101, the term "teacher" encompasses a broad category of full-time members of the teaching and supervisory staff of the SWBOCES, and is not limited to "instructional" employees*) enters military duty before the expiration of the probationary period to which he/she may have been appointed, the time the "teacher" is absent on military duty shall be credited as satisfactory service during this probationary period. If the end of such probationary service occurs while the "teacher" is on military duty or within one year following the termination of military duty, the period of the probationary service may be extended by the Board of Education for a period not to exceed one year from the date of termination of military duty. However, in no event shall the period of probationary service in the actual performance of teaching services extend beyond that required by the SWBOCES at the time of the "teacher's" entry into military service.

(Continued)

**SUBJECT: UNIFORMED SERVICES EMPLOYMENT AND REEMPLOYMENT RIGHTS
ACT (USERRA)/MILITARY LEAVES OF ABSENCE (Cont'd.)**

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, such greater employment right or benefit will supersede this Federal Law.

Notice of Rights and Duties

The SWBOCES shall provide a notice of the rights, benefits and obligations of employees and the SWBOCES under USERRA. The SWBOCES may provide the notice by posting it where employee notices are customarily placed. The SWBOCES may also provide such notice to its employees in other ways that will minimize costs while ensuring that the full text of the notice is provided (e.g., by handing or mailing out the notice, or distributing the notice via electronic mail).

The U.S. Department of Labor has developed and made available on its website (<http://www.dol.gov/vets/programs/userra/poster.htm>) a poster for use by private and State employers (including school districts) that can be posted in order to comply with the notification mandate.

The Uniformed Services Employment and Reemployment Rights Act of 1994 (USERRA), Public Law 108-454
38 United States Code (USC) Sections 4301-4333
20 Code of Federal Regulations (CFR) Part 1002
Education Law Section 3101
Military Law Sections 242 and 243

Personnel

SUBJECT: EMPLOYEE ASSISTANCE PROGRAM

The SWBOCES recognizes that employees facing problems related to family, financial, legal, emotional, societal or health concerns may find it difficult to perform their job with the effectiveness and productiveness which they desire to demonstrate. The SWBOCES also recognizes that these problems can be treated, particularly in the early stages, in a fashion which will assist the employee in maintaining an efficient and effective job performance.

It is the policy of the SWBOCES to provide an Employee Assistance Program for all SWBOCES employees and their immediate families. It is the intent of this Program to assure that an employee or a family member who has a problem which impacts or has the potential to impact negatively on the employee's job performance will receive careful attention and an opportunity to obtain confidential professional assistance. Information on the Employee Assistance Program will be available in the SWBOCES Human Resources department.

SUBJECT: DEFENSE AND INDEMNIFICATION OF BOARD MEMBERS AND EMPLOYEES**Liability Protection Pursuant to Education Law**

The Board will indemnify SWBOCES employees (and in certain circumstances, Board members and volunteers) pursuant to the provisions of Sections 3023, 3028 and 3811 of the Education Law. For the purposes of this policy, the term "employee" shall be as defined in the applicable statute(s).

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

- a) For purposes of Education Law Section 3811, the employee must give written notice within five (5) days after service of process upon him/her. The statute mandates only written notice of the claim to the Board; however, submission of relevant legal documents by the employee to the Board is also encouraged.
- b) For purposes of Education Law Sections 3023 and 3028, the employee must deliver the original or a copy of the relevant legal documents to the Board within ten (10) days after service of process upon him/her.

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

Public Officers Law Section 18

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

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

(Continued)

**SUBJECT: DEFENSE AND INDEMNIFICATION OF BOARD MEMBERS AND
EMPLOYEES (Cont'd.)**

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

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

Exceptions to Liability Coverage

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

Paul D. Coverell Teacher Protection Act of 2001, as authorized by the No Child Left Behind Act of 2001,
20 United States Code (USC) Section 6731 et seq.
Education Law Sections 3023, 3028 and 3811
General Municipal Law Sections 6-n and 52
Public Officers Law Section 18

Adopted: 6/23/10

Personnel

SUBJECT: WAGE AND HOUR LAWS POLICY (FAIR LABOR STANDARDS ACT)**General**

It is the policy of the SWBOCES to strictly adhere to all applicable Federal and State wage and hour laws with regard to employees of SWBOCES.

Policy

All non-exempt employees will be paid at least one-and-one-half times their regular rate (as that term is defined under Fair Labor Standards Act [FLSA]) for all time worked (as that term is defined under FLSA) in excess of forty (40) hours of work in a workweek. Employees will be advised whether their status is exempt or non-exempt.

Absent unusual circumstances, non-exempt employees (i.e., those covered by FLSA) shall not perform work of any kind for SWBOCES before, after or outside of their regular schedule without advance written authorization from their Supervisor and Director. Persistent failure to adhere to this policy may result in disciplinary action.

To maintain compliance with the law, non-exempt employees must record his/her starting and ending time for each day of work. Time recording shall reflect the time the employee begins work, starts and ends lunch, and the time the employee ceases work. Employees who arrive at the facility before their scheduled starting time should not perform work before the scheduled starting time, and should record their start time as the time they actually begin to work. Non-exempt employees shall not perform work during their lunch break.

Exempt employees will indicate daily attendance in accordance with the Bi-Weekly Sign-In Sheet for FLSA Exempt Employees.

Information

Employees who have questions concerning this policy should contact their supervisor.

Fair Labor Standards Act of 1938 (FLSA), as amended
29 United States Code (USC) Code Section 201 et. seq.
29 Code of Federal Regulations (CFR) Parts 510-794

Adopted: 6/23/10

2010 6000

Students

Southern Westchester BOCES

NUMBER

ATTENDANCE

1.1	Comprehensive Secondary Student Attendance Policy for Southern Westchester BOCES	6110
1.2	Student Referral and Placement.....	6120
1.3	Non-Resident Students	6130
1.4	Pregnant and Married Students.....	6140
1.5	Safe Public School Choice Option to Students who are Victims of a Violent Criminal Offense	6150
1.6	Parental Involvement	6160
1.7	Education of Homeless Children and Youth	6170
1.9	Student Dismissal Precautions.....	6190

STUDENT CONDUCT

2.1	Student Conduct.....	6210
2.1.1	Corporal Punishment/Emergency Interventions.....	6211
2.1.2	Suspension of Students Attending Southern Westchester BOCES Programs	6212
	2.1.2(i) Program Exclusion.....	6212.1
2.1.3	Loss or Destruction of Southern Westchester BOCES Property or Resources.....	6213
2.1.4	Technology and the Internet: Students	6214
2.1.5	Student Dress Code.....	6215
2.1.6	Use of Time Out Rooms in Emergency Interventions.....	6216
2.2	Alcohol, Tobacco, Drugs, and Other Substances (Students).....	6220
2.3	Searches and Interrogations	6230
2.4	Weapons in School and the Gun-Free Schools Act.....	6240
2.5	Student Automobile Use.....	6250

STUDENT PROGRESS

3.1	Student Evaluation.....	6310
3.1.1	Provision of Interpreter Services to Parents who are Hearing Impaired	6311
3.2	Student Records: Access and Challenge.....	6320
3.2.1	Custodial/Noncustodial Parents.....	6321

2010 6000

Students

Southern Westchester BOCES

NUMBER

STUDENT WELFARE

4.1	Immunization of Students.....	6410
4.2	Accidents/First Aid Treatment.....	6420
4.2.1	Administering Medication	6421
4.2.2	Students with Life-Threatening Health Conditions	6422
4.3	Child Abuse and Neglect/Maltreatment	6430
4.4	Sexual Harassment of Students	6440
4.6	Equal Educational Opportunity	6460
4.6.1	Complaints and Grievances by Students	6461
4.6.2	Bullying: Peer Abuse in the Southern Westchester BOCES	6462
4.6.3	Hazing of Students.....	6463
4.7	Notification of Sex Offenders.....	6470
4.8	Child Labor Provisions	6480
4.9	Student Privacy, Parental Access to Information, and Administration of Certain Physical Examinations to Minors	6490
4.9.1	Military Recruiters' Access to Secondary School Students and Information on Students	6491

**SUBJECT: COMPREHENSIVE SECONDARY STUDENT ATTENDANCE POLICY FOR
SOUTHERN WESTCHESTER BOCES****Statement of Overall Objectives**

The SWBOCES Board will develop, review annually and, if necessary, revise a Comprehensive Student Attendance Policy to meet the following objectives:

- a) To increase school completion for all students;
- b) To raise student achievement and close gaps in student performance;
- c) To identify attendance patterns in order to meet the needs of our students;
- d) To account for every student for safety and other concerns. To identify attendance patterns in order to design attendance improvement efforts;
- e) To verify that individual students are complying with education laws relating to compulsory attendance; and
- f) To provide accurate attendance information to the component districts for the purpose of compliance with compulsory education laws as well as determining the districts' average daily attendance.

Description of Strategies to Meet Objectives

SWBOCES will:

- a) Maintain a Comprehensive Student Attendance Policy;
- b) Maintain accurate record keeping via a Register of Attendance to record attendance, absence, tardiness or early departure of each student;
- c) Enter attendance into a data management system;
- d) Utilize data analysis systems for tracking individual student attendance and individual and group trends in student attendance problems; and
- e) Develop early intervention strategies to improve school attendance for all students.

(Continued)

**SUBJECT: COMPREHENSIVE SECONDARY STUDENT ATTENDANCE POLICY FOR
SOUTHERN WESTCHESTER BOCES (Cont'd.)****Definitions**

- a) Pupil - Any person enrolled in any public or private school.
- b) Register of Attendance - Any written or electronic record maintained for the purpose of recording attendance, absence, tardiness or early departure during the course of a school day.
- c) Schedule of Instruction - Every period a pupil is scheduled to attend actual instruction or supervised study during a course of a school day during the school year.
- d) Teacher - A member of the teaching or supervisory staff of the school.
- e) Employee other than a teacher - A person other than a teacher employed in a position appropriate for the maintenance of pupil records.

Excused and Unexcused Absences, Tardiness, and Early Departures

Absences, tardiness and early departures will be considered excused or unexcused according to the following standards:

Excused

- a) Personal illness with written parental excuse
- b) Illness or death in the family with written verification
- c) Medical appointments with written verification
- d) Administrative approved educational trips
- e) Impassable roads due to inclement weather
- f) Religious observance
- g) Quarantine
- h) Legal appointments with written verification
- i) Administrative approved college visits
- j) Administrative approved cooperative work programs or internship experience

(Continued)

**SUBJECT: COMPREHENSIVE SECONDARY STUDENT ATTENDANCE POLICY FOR
SOUTHERN WESTCHESTER BOCES (Cont'd.)**

- k) Military obligations previously approved
- l) Other reasons approved by the Board

Unexcused

- a) Any reason for lack of attendance if it does not fall into the above categories.
- b) Examples would include, but are not limited to, truancy, "cutting" a class, family vacation, hunting or fishing, babysitting, hair cut, obtaining a learner's permit, road test, oversleeping. Truancy means any student absence from SWBOCES that is unexcused or unauthorized.
- c) No excuse or note from parent/guardian after (3) three days.

Attendance Records

A record shall be kept of each scheduled day of instruction during which the school is closed for all or part of the day because of extraordinary circumstances including adverse weather conditions, impairment of heating facilities, insufficiency of water supply, shortage of fuel, destruction of or damage to a school building, or such other cause as may be found satisfactory to the Commission of Education.

Attendance records shall also indicate the date when a student withdraws from enrollment or is dropped from enrollment in accordance with Education Law Section 3202(1-a).

At the conclusion of each class period or school day, all attendance information shall be compiled and provided to the designated school personnel who are responsible for attendance. The nature of the absence, tardiness or early departure shall be coded on a student's record in accordance with the established SWBOCES/building procedures. Absences from Career and Technical Education, a.m. or p.m., will be reported to our component schools as soon as possible after the start of class. The SWBOCES will assist in the follow-up of students. At the beginning of the school year, the SWBOCES will confer with each component school to establish procedures to ensure accurate attendance records.

Student Attendance/Course Credit Recommendations

For each marking period a 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 classroom teacher. For purposes of this policy, classroom participation means a student is in class, prepared to work, and is productive during class.

(Continued)

SUBJECT: COMPREHENSIVE SECONDARY STUDENT ATTENDANCE POLICY FOR SOUTHERN WESTCHESTER BOCES (Cont'd.)

Students are expected to attend all scheduled classes. Unexcused student absences, tardiness, and early departures will affect a student's grade for the marking period, including grades for classroom participation.

At the middle school/senior high school level, any student with more than fifteen percent (**15%**) absences in a course (based on the SWBOCES Career and Technical Education calendar year) may not receive recommendation for credit for the course or a Certificate of Completion. Students with properly excused absences, tardiness and early departures for which the student has performed any assigned make-up work shall not be counted as an absence in determining the student's eligibility for course credit. SWBOCES procedures will specify how student tardiness and early departures will be calculated and factored into the SWBOCES minimum attendance standard. Tardiness and early departures are tracked on the computerized student information system.

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 pursuant to an approved internship program; or
- c) Receiving approved alternative instruction.

Students who are absent from class due to their participation in a school-sponsored activity are to arrange with their teachers to make up any work missed in a timely manner as determined by the student's teacher. Attendance at school-sponsored events where instruction is substantially equivalent to the instruction that was missed shall be counted as the equivalent of regular attendance in class.

Upon returning to school following a properly excused absence, tardiness or early departure, it shall be the responsibility of the student to consult with his/her teacher(s) regarding arrangements to make up missed work, assignments and/or tests in accordance with the time schedule specified by the Career and Technical Education Center and/or Special Services Center. A student will have five (5) calendar days to turn in assigned make-up work to their teacher.

(Continued)

SUBJECT: COMPREHENSIVE SECONDARY STUDENT ATTENDANCE POLICY FOR SOUTHERN WESTCHESTER BOCES (Cont'd.)

Parents/persons in parental relation and students will be informed of this SWBOCES policy regarding minimum attendance and course credit, and the implementation of specific intervention strategies to be employed prior to the recommendation for denial of course credit to the student for insufficient attendance. The following guidelines shall be followed:

- a) SWBOCES Comprehensive Student Attendance Policy will be mailed to parents/persons in parental relation and provided to students at the beginning of each school year or at the time of enrollment in SWBOCES as part of the student Code of Conduct;
- b) The Attendance Policy will also be included in parent/student handbooks;
- c) At appropriate intervals, a designated staff member(s) will notify the component school district and the parent/person in parental relation of the student's absence, tardiness, or early departure and explain the relationship of the student's attendance to his/her ability to receive course credit for success in the program. If the parent/person in parental relation cannot be reached by telephone, a registered letter shall be sent detailing this information;
- d) A designated staff member will review the SWBOCES Attendance Policy with students who have excessive and/or unexcused absences, tardiness or early departures prior to denial of course credit. Appropriate student support services may be implemented or referral to appropriate community agencies or the component schools **prior** to the recommendation for denial of course credit for insufficient attendance by the student; and
- e) An attendance committee will be established by the SWBOCES to review attendance cases when necessary.

Notice of Students Who are Absent, Tardy or Depart Early Without Proper Excuse

- | | |
|----------|--|
| 3-7 days | Teachers will be responsible for early intervention and should make referrals to the school counselor and Building Principal / Supervisor when patterns arise. The Building Principal /Supervisor must be involved if a student misses 7 or more days in an academic quarter. Intervention strategies will be employed by teachers and other school employees to address patterns of absences, tardiness, or early departures. Each student's situation will require strategies tailored to their needs and situation. |
| 10 days | Parent or person in parental relationship and sending district will be notified by letter. |
| 15 days | Student will have a conference with a member of the Attendance Committee. A contract will be drawn up with the student stating, "No certificate of completion or credit will be given if you continue to miss more school days." A plan will be developed to help ensure a positive response is reached to this problem. |

(Continued)

SUBJECT: COMPREHENSIVE SECONDARY STUDENT ATTENDANCE POLICY FOR SOUTHERN WESTCHESTER BOCES (Cont'd.)

20 days Student and parent/person with parental relation will have a conference with the Attendance Committee to discuss the situation and review possible consequences and strategies to work with the family.

The component school district will be notified of our recommendation to deny credit for the course and/or the loss of obtaining a Certificate of Completion from SWBOCES. A plan for the student will be formulated and put in place.

Disciplinary Consequences

Unexcused absences, tardiness and early departures will result in disciplinary sanctions as described in the Southern Westchester BOCES Code of Conduct.

Intervention Strategy Process

In order to effectively intervene when an identified pattern of unexcused absences, tardiness or early departures occur, designated SWBOCES personnel will pursue the following:

- a) Notification by designated staff member(s) by telephone to the parent/persons in parental relations or to the student's home district if the student attends a SWBOCES program for less than a full school day, of any student's absence or tardiness. Messages will be left for the parent/person in parental relation if contact is not made. Documentation of all successful and unsuccessful contacts regarding absences will be maintained. Extended absences/tardiness will be followed up with written notice and copies sent to the home school with a conference involving all parties when necessary. Requests for early dismissal must be verified by designated staff member prior to granting approval.
- b) There will be identified milestones for attendance to determine students with attendance concerns. These milestones will be accompanied by prescribed interventions which are defined by each program (i.e., certified letter; home visit by counselor; referral to counseling/court; District involvement, etc.).
- c) Designated staff person, under the supervision of the program administrator, will monitor and be able to report regarding program procedures and implementation of these procedures.

Appeal Process

A parent/person in parental relation may request a building level review of his/her child's attendance record.

(Continued)

SUBJECT: COMPREHENSIVE SECONDARY STUDENT ATTENDANCE POLICY FOR SOUTHERN WESTCHESTER BOCES (Cont'd.)

Building Review of Attendance Records

The Building Principal/Supervisor 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.

Annual Review by the Board

The Board shall designate center directors to annually review the building level student attendance records and if such records show a decline in student attendance, the Board shall make any revisions to the Policy as deemed necessary to improve student attendance.

Community Awareness

The Board shall promote necessary community awareness of the SWBOCES 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 the each school year and promoting the understanding of such a policy to students and their parents/persons in parental relation;
- b) Providing each teacher, at the beginning of the school year or upon employment, with a copy of the policy; and
- c) Providing copies of the policy to any other member of the community upon request.

Comprehensive Student Attendance Policy For Special Education Students Housed in Component Facilities

Students housed in component school facilities will be subject to the attendance policy of their home school district.

Education Law Sections 3024, 3025, 3202, 3205, 3206, 3210, 3211, and 3213
8 New York Code of Rules and Regulations (NYCRR) Sections 104.1, 109.2 and 175.6

Adopted: 6/23/10

Students

SUBJECT: STUDENT REFERRAL AND PLACEMENT**Student Referral**

Referral to SWBOCES programs is made by the home school district. Participation in SWBOCES programs augments local district educational opportunities.

Placement

Initial class placement of students in all SWBOCES Programs shall be the responsibility of appropriate SWBOCES personnel in cooperation with home school district personnel. Class placements shall take place only after all available information has been analyzed and the student has been recommended by appropriate local school district personnel for such placement. All class placements shall be administered and conducted in accordance with accepted practices and the Education Laws and Regulations of the Commissioner.

Class placement within a program (i.e., section or classroom) shall be determined by the appropriate SWBOCES administrator.

Placement of classified students shall follow the law and Commissioner's Regulations.

Students

SUBJECT: NON-RESIDENT STUDENTS

- a) Students who live outside the thirty-three (33) component school districts shall be called "non-resident students."
- b) Students who reside outside the thirty-three (33) component school districts and desire to attend SWBOCES classes shall initiate all contacts with SWBOCES 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 SWBOCES in which the residence is located.
- c) Non-resident tuition shall be established by the District Superintendent and shall be approved by the Cooperative Board.
- d) Students who move out of the SWBOCES boundaries during the school year may be given permission to complete that year in attendance at SWBOCES at no additional charge.
- e) Transportation to and from SWBOCES classes shall be the responsibility of the non-resident student and local school district.

Education Law Sections 2045 and 3202

Adopted: 6/23/10

Students

SUBJECT: PREGNANT AND MARRIED STUDENTS

The opportunity to participate in all of the services, programs, and activities of SWBOCES shall not be restricted or denied because of pregnancy, parenthood, or marriage. SWBOCES students who are pregnant, married, or who have children shall be encouraged to remain in SWBOCES programs provided there is no adverse health risk associated with participation. The District Superintendent or his/her designee may make those program modifications where feasible to accommodate the special needs of such students.

Adopted: 6/23/10

SUBJECT: SAFE PUBLIC SCHOOL CHOICE OPTION TO STUDENTS WHO ARE VICTIMS OF A VIOLENT CRIMINAL OFFENSE

Any SWBOCES student who is a victim of a violent criminal offense, as defined pursuant to Education Law and Commissioner's Regulations, that occurred on the grounds of the SWBOCES school or SWBOCES program at a host district site or agency that the student attends, shall be allowed to attend a safe public school within the SWBOCES to the extent required by the federal No Child Left Behind Act (NCLB) and state law and regulations. Students with disabilities, as classified by their home districts' Committee on Special Education, who are attending SWBOCES' programs and are victims of a violent criminal offense, may be remanded to their CSE for review and placement, in accordance with law and regulations.

In accordance with Commissioner's Regulations, a "safe public school shall mean 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 shall 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 Section 10.00(10); or
- b) A sex offense that involves forcible compulsion; or
- c) Any other offense defined in State Penal Law Section 10.00(12) that involves the use or threatened use of a deadly weapon.

Determination Whether Student is a Victim

The District Superintendent shall establish procedures to determine 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/designee shall, prior to making any such determination, consult with the home school district and with any law enforcement agency investigating the alleged violent criminal incident and consider any reports or records provided by such 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. The District Superintendent may also consult with the SWBOCES' attorney prior to making such determination.

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 such violent criminal offense.

(Continued)

SUBJECT: SAFE PUBLIC SCHOOL CHOICE OPTION TO STUDENTS WHO ARE VICTIMS OF A VIOLENT CRIMINAL OFFENSE (Cont'd.)**Notice to Parents/Persons in Parental Relation**

A SWBOCES that is required to provide school choice in accordance with applicable provisions of the federal No Child Left Behind Act of 2001, Education Law and Commissioner's Regulations, shall 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 SWBOCES and procedures for such transfer. Such notice shall be, to the extent practicable, provided in the dominant language or mode of communication used by the parents or persons in parental relation to such student. The SWBOCES shall so notify the parents of, or persons in parental relation to, such student within twenty-four (24) hours of the determination that the student has been the victim of a violent criminal offense on school grounds at the school he/she attends.

Written notice shall be provided by personal delivery, express mail delivery, or equivalent means reasonably calculated to assure receipt of such notice within twenty-four (24) hours of such determination at the last known address or addresses of the parents/persons in parental relation to the student. Where possible, notification shall also be provided by telephone if the school has been provided with a telephone number(s) for the purpose of contacting parents/persons in parental relation.

However, **such notification shall not be required** where there are no other public schools within the SWBOCES at the same grade level or a transfer to a safe public school within the SWBOCES is otherwise impossible. Similarly, procedures for such notification of parents/persons in parental relation to students who are victims of violent criminal offenses shall not be required where the SWBOCES has only one public school within the SWBOCES or only one public school at each grade level.

Designation of Safe Public School

It shall be the responsibility of the SWBOCES, based on objective criteria, to designate a safe public school or schools within the SWBOCES to which students may transfer. However, the SWBOCES is not required to designate a safe public school where there are no other public schools within the SWBOCES at the same grade level or if transfer to a safe public school within the SWBOCES is otherwise impossible.

Any student who transfers to a safe public school, in accordance with the provisions of this policy and applicable law and regulation, shall be enrolled in the classes and other activities of the public school to which such student transfers in the same manner as all other students at the public school. The receiving school shall be identified by the SWBOCES and must be at the same grade level as the school from which the student is transferring. To the extent possible the SWBOCES shall 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.

(Continued)

**SUBJECT: SAFE PUBLIC SCHOOL CHOICE OPTION TO STUDENTS WHO ARE
VICTIMS OF A VIOLENT CRIMINAL OFFENSE (Cont'd.)**

Transportation for any student permitted to transfer to the safe public school within the SWBOCES shall be provided within the transportation limits established pursuant to Education Law Sections 3635 and 4401(4). Any student who transfers to a safe public school shall be permitted to remain in such safe public school until the student has completed the highest grade level in the school transferred to, or for such other period prescribed by the U.S. Department of Education, whichever is less.

While the parents/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/she currently attends.

Elementary and Secondary Education Act of 1965, Section 9532, as amended by the No Child Left
Behind Act of 2001
Education Law Section 2802(7)
8 New York Code of Rules and Regulations (NYCRR) Section 120.5

SUBJECT: PARENTAL INVOLVEMENT

It shall be the right and responsibility of all parents to participate in the education of their children. The Board identifies the following rights and responsibilities for all parents:

Rights

- a) To know what is expected of the child with respect to the educational program, attendance, behavior, and deportment;
- b) To know what the child is being taught, and how the child is being taught;
- c) To know what progress the child is making, on a timely basis;
- d) To be informed if the child experiences academic, health, or social difficulty;
- e) To review the child's records in accordance with federal and state laws and guidelines;
- f) To visit the child's school and communicate with the child's teachers and Principal;
- g) To be encouraged and assisted to participate effectively in educational decision making;
- h) To be consulted on important matters concerning the child's education; and
- i) To be treated with courtesy and respect by school personnel.

Responsibilities

- a) To send the child to school rested, clean, fed and ready to learn;
- b) To ensure the child attends school regularly;
- c) To be aware of the child's work, progress and problems - by talking to the child about school, by looking at the child's work and progress reports, and by attending school functions when possible;
- d) To maintain continuing contact with the child's teachers and Principal about the progress of the child's education;
- e) To reinforce at home the importance of acquiring the knowledge, skills, and values needed to function effectively in society;
- f) To volunteer time, skill, or resources when needed and possible;

(Continued)

SUBJECT: PARENTAL INVOLVEMENT (Cont'd.)

- g) To take part in school and community programs that empower parents to participate in making education decisions;
- h) To respond to communications from the child's school;
- i) To hold the child responsible for the work, attendance, behavior, and deportment expected for the child's education;
- j) To model in one's own life the behavior one wishes to see in one's children; and
- k) To treat school personnel with courtesy and respect.

SUBJECT: EDUCATION OF HOMELESS CHILDREN AND YOUTH

The parent/person in parental relation to a homeless child; or the homeless child, together with the homeless liaison designated by the home school district in the case of an unaccompanied youth; or the director of a residential program for runaway and homeless youth established pursuant to Article 19-H of the Executive Law, in consultation with the homeless child, where such homeless child is living in such program, may designate SWBOCES as the school that the homeless child shall attend.

Pursuant to Commissioner's Regulations, a "homeless child" means a child or youth who lacks a fixed, regular, and adequate nighttime residence, including a child who is:

- a) Sharing the housing of other persons due to a loss of housing, economic hardship or a similar reason;
- b) Living in motels, hotels, trailer parks or camping grounds due to the lack of alternative adequate accommodations;
- c) Abandoned in hospitals;
- d) Awaiting foster care placement; or
- e) A migratory child who qualifies as homeless in accordance with Commissioner's Regulations. As defined in the No Child Left Behind Act of 2001, the term "migratory child" *includes* a child who is, or whose parent or spouse is, a migratory agricultural worker, including a migratory dairy worker, or a migratory fisher, and who has moved from one SWBOCES to another in the preceding 36 months, in order to obtain, or accompanies such parent or spouse in order to obtain, temporary or seasonal employment in agricultural or fishing work.
- f) A child or youth who has a primary nighttime location that is:
 - 1. A supervised, publicly or privately operated shelter designed to provide temporary living accommodations including, but not limited to, shelters operated or approved by the state or local department of social services, and residential programs for runaway and homeless youth established pursuant to Article 19-H of the Executive Law; or
 - 2. A public or private place not designed for, or ordinarily used as, a regular sleeping accommodation for human beings; including a child or youth who is living in a car, park, public space, abandoned building, substandard housing, bus or train station or similar setting.
- g) Considered an "unaccompanied youth":

(Continued)

SUBJECT: EDUCATION OF HOMELESS CHILDREN AND YOUTH (Cont'd.)

1. An unaccompanied youth is a homeless child (for whom no parent or person in parental relation is available) or youth not in the physical custody of a parent or legal guardian.
2. An unaccompanied youth **shall not include** a child or youth who is residing with someone other than a parent or legal guardian for the sole reason of taking advantage of the schools of the district.

The **term "homeless child" shall not include** a child in foster care or receiving educational services pursuant to Education Law Section 3202(4), (5), (6), (6a) or (7) or pursuant to Articles 81, 85, 87 or 88. For example, a child in a family home at board, a school for the mentally retarded, a hospital or other institution for the care, custody and treatment of children; youths under the direction of the Division for Youth incarcerated in county correctional facilities or youth shelters; or children residing in child care institutions or schools for the deaf or blind would not be considered "homeless."

Enrollment, Retention and Participation in the Educational Program

Enrollment of homeless children shall not be delayed and their ability to continue or participate in the educational program shall not be restricted due to issues such as:

- a) Transportation;
- b) Immunization requirements;
- c) Residency requirements;
- d) Birth certificates, medical records, IEPs, school records and other documentation;
- e) Guardianship issues;
- f) Comprehensive assessment and advocacy referral processes;
- g) Resolution of disputes regarding school selection;
- h) Proof of social security numbers;
- i) Attendance requirements;
- j) Sports participation rules;

(Continued)

SUBJECT: EDUCATION OF HOMELESS CHILDREN AND YOUTH (Cont'd.)

- k) Inability to pay fees associated with extracurricular activities such as club dues and sports uniforms; or
- l) Other enrollment issues.

SWBOCES Liaison for Homeless Children and Youth

SWBOCES shall designate an appropriate staff person as the local educational agency liaison for homeless children and youth to carry out the duties as enumerated in law, Commissioner's Regulations and applicable guidance issued by the U.S. and New York State Education Departments. SWBOCES will inform school personnel, local service providers and advocates of the office and duties of the local homeless liaison. The SWBOCES liaison will work with the school district liaison to insure that the educational needs of homeless children and youth are met.

Record and Reporting Requirements

SWBOCES shall maintain documentation regarding all aspects of its contact with and services provided to homeless students and youth for possible on-site monitoring by the State Education Department.

SWBOCES shall collect and transmit to the Commissioner of Education, at such time and in the manner as the Commissioner may require, a report containing such information as the Commissioner determines is necessary to assess the educational needs of homeless children and youths within the state.

McKinney-Vento Homeless Education Assistance Act, as reauthorized by the No Child Left Behind Act of 2001
42 United States Code (USC) Section 11431 et seq.
Education Law Section 3209
8 New York Code of Rules and Regulations (NYCRR) Section 100.2(x)

Students

SUBJECT: STUDENT DISMISSAL PRECAUTIONS

No student may be released from school to anyone other than the parent, guardian or child protective services personnel and law enforcement officers pursuant to law, unless the name of the individual seeking release of the student appears on a list provided by the parent or guardian.

Parents are urged to make appointments with physicians, dentists, special tutors, etc., after school hours. If a request is necessary, parents/guardians should note the date, time and reason for the release. Children cannot be excused without advanced written request by parent/guardian, and must be released in care of parent/guardian, unless otherwise noted.

A student may be released to either parent unless a custodial parent supplies the SWBOCES Building Supervisor and the Superintendent of Schools of the home school with a certified copy of a court order or divorce decree to the contrary.

Education Law Section 3210(1)(c)

Adopted: 6/23/10

2010

6210

Students

SUBJECT: STUDENT CONDUCT

A *Southern Westchester BOCES Code of Conduct* has been developed and is in effect for each Division within SWBOCES. The Code of Conduct shall be reviewed annually by the Board and updated as needed.

Education Law Sections 2801 and 3214

8 New York Code of Rules and Regulations (NYCRR) Section 100.2(l)(2)

NOTE: Refer also to Policies #2410 -- Code of Conduct on Southern Westchester BOCES Property
#6212 -- Student Suspension
Southern Westchester BOCES Code of Conduct on Southern Westchester BOCES Property

Adopted: 6/23/10

SUBJECT: CORPORAL PUNISHMENT/EMERGENCY INTERVENTIONS**Corporal Punishment**

Corporal punishment as a means of discipline shall not be used against a student by any teacher, administrator, officer, employee or agent of this SWBOCES.

Whenever a school employee uses physical force against a student, the school employee shall immediately report the situation to his/her Principal/Supervisor. The Principal/Supervisor shall, within the same school day, make a report to the District Superintendent describing in detail the circumstances and the nature of the action taken.

The District Superintendent shall submit a written report semi-annually to the Commissioner of Education, with copies to the Board, by January 15 and July 15 of each year, setting forth the substance of each written complaint about the use of corporal punishment received by the SWBOCES authorities during the reporting period, the results of each investigation, and the action, if any, taken by the school authorities in each case.

Emergency Interventions

However, if alternative procedures and methods which would not involve physical force do not work, then the use of reasonable physical force is not prohibited for the following reasons:

- a) Self-protection;
- b) Protection of others;
- c) Protection of property; or
- d) Restraining/removing a disruptive student.

Such emergency interventions shall only be used in situations where alternative procedures and methods not involving the use of reasonable physical force cannot reasonably be employed. Emergency interventions shall not be used as a punishment or as a substitute for systematic behavioral interventions that are designed to change, replace, modify or eliminate a targeted behavior.

Staff who may be called upon to implement emergency interventions will be provided appropriate training in safe and effective restraint procedures. The parent(s) of the student shall be notified whenever an emergency intervention is utilized.

The SWBOCES will maintain documentation on the use of emergency interventions for each student including:

(Continued)

SUBJECT: CORPORAL PUNISHMENT/EMERGENCY INTERVENTIONS (Cont'd.)

- a) Name and date of birth of student;
- b) Setting and location of the incident;
- c) Name of staff or other persons involved;
- d) Description of the incident and emergency intervention used, including duration;
- e) A statement as to whether the student has a current behavioral intervention plan; and
- f) Details of any injuries sustained by the student or others, including staff, as a result of the incident.

This documentation will be reviewed by SWBOCES supervisory personnel and, if necessary, by the school nurse or other medical personnel.

8 New York Code of Rules and Regulations (NYCRR) Sections 19.5, 100.2(l)(3), 200.15(f)(1) and 200.22(d)

NOTE: Refer also to Policies #7313 -- Suspension of Students

Adopted: 6/23/10

**SUBJECT: SUSPENSION OF STUDENTS ATTENDING SOUTHERN WESTCHESTER
BOCES PROGRAMS****Suspension from School**

Suspension from school is a severe consequence, which may be imposed only upon students who are insubordinate, disorderly, violent or disruptive, or whose conduct otherwise endangers the safety, morals, health or welfare of self or others or otherwise violates the school code of conduct.

SWBOCES Building Administrators or designee shall have the authority to suspend students as authorized by the local school district board of education. Failing to have such authorization, all suspensions will be handled by the local school district.

The Board retains its authority to suspend students, but places primary responsibility for the suspension of students with the Administrator or designee 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 shall be automatically suspended by SWBOCES during the time of their home school suspension. Administrators of the home districts will be requested to inform SWBOCES of student suspensions.

Any staff member may recommend to the Building Administrator that a student be suspended. All staff members must immediately report and refer a violent student to the Building Administrator for violation of the Code of Conduct. All recommendations and referrals shall be made in writing unless the conditions underlying the recommendation or referral warrant immediate attention. In such cases a report is to be prepared within forty-eight (48) hours by the staff member recommending the suspension.

The Building Administrator, upon receiving a recommendation or referral for suspension or when processing a case for suspension, shall gather the facts relevant to the matter and record them for subsequent presentation, if necessary.

Procedures for suspension will be coordinated with the local district.

The District Superintendent and/or the Building Administrator 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 or otherwise violates the Code of Conduct.

(Continued)

**SUBJECT: SUSPENSION OF STUDENTS ATTENDING SOUTHERN WESTCHESTER
BOCES PROGRAMS (Cont'd.)**

Suspension

Five (5) School Days or Less

The District Superintendent and/or the Building Administrator of the school where the student attends shall have the power to suspend a student for a period not to exceed five (5) school days. In the absence of the Building Administrator, the designated "Acting Principal" may then suspend a student for a period of five (5) school days or less.

When the District Superintendent or the Building Administrator (the "suspending authority") proposes to suspend a student for five (5) school days or less, the suspending authority shall provide the student with **notice** of the charged misconduct. If the student denies the misconduct, the suspending authority shall provide an **explanation** of the basis for the suspension.

When suspension of a student for a period of five (5) school days or less is proposed, administration shall also immediately notify the parent/person in parental relation in writing that the student *may be* suspended from school.

Written notice shall be provided by personal delivery, express mail delivery, or equivalent means reasonably calculated to assure receipt of such notice within twenty-four (24) hours of the decision to propose suspension at the last known address or addresses of the parents/persons in parental relation. Where possible, notification shall also be provided by telephone if the school has been provided with a telephone number(s) for the purpose of contacting parents/persons in parental relation.

The notice shall provide a description of the incident(s) for which suspension is proposed and shall inform the student and the parent/person in parental relation of their right to request an immediate informal conference with the Building Administrator in accordance with the provisions of Education Law Section 3214(3)(b). Both the notice and the informal conference shall be in the dominant language or mode of communication used by the parents/persons in parental relation. At the informal conference, the student and/or parent/person in parental relation shall be authorized to present the student's version of the event and to ask questions of the complaining witnesses.

The notice and opportunity for informal conference shall 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 shall take place as soon after the suspension as is reasonably practical.

Teachers shall immediately report or refer a violent student to the Building Administrator or District Superintendent for a violation of the *BOCES' Code of Conduct* and a minimum suspension period.

(Continued)

**SUBJECT: SUSPENSION OF STUDENTS ATTENDING SOUTHERN WESTCHESTER
BOCES PROGRAMS (Cont'd.)**More Than Five (5) School Days

In situations where the District Superintendent determines that a suspension in excess of five (5) school days may be warranted, the student and parent/person in parental relation, upon reasonable notice, shall have had an opportunity for a fair hearing. At the hearing, the student shall have the right of representation by counsel, with the right to question witnesses against him/her, and the right to present witnesses and other evidence on his/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 shall not be barred from considering the admissibility of such weapon, instrument or appliance as evidence, notwithstanding a determination by a court in a criminal or juvenile delinquency proceeding that the recovery of such weapon, instrument or appliance was the result of an unlawful search or seizure.

Minimum Periods of Suspension

Pursuant to law, Commissioner's Regulations and the *BOCES' Code of Conduct*, minimum periods of suspension shall 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 shall be suspended for a period of not less than one (1) calendar year. However, the Superintendent has the authority to modify this suspension requirement on a case-by-case basis.
- 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 such 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" shall be determined in accordance with the Regulations of the Commissioner.
- c) A minimum suspension period for acts that would qualify the student to be defined as a violent student pursuant to Education Law Section 3214(2-a)(a), provided that the suspending authority may reduce such period on a case-by-case basis to be consistent with any other state and federal law.

(Continued)

**SUBJECT: SUSPENSION OF STUDENTS ATTENDING SOUTHERN WESTCHESTER
BOCES PROGRAMS (Cont'd.)**

Suspension of Students with Disabilities

Generally, should a student with a disability infringe upon the established rules of the schools, disciplinary action shall be in accordance with procedures set forth in the *BOCES" 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 (10) school days in a school year that do not constitute a disciplinary change in placement, students with disabilities must be provided with alternative instruction or services on the same basis as non-disabled students of the same age.

If suspension or removal from the current educational placement constitutes a disciplinary change in placement because it is for more than ten (10) consecutive school days or constitutes a pattern, a manifestation determination must be made. The SWBOCES 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 (10) school days after a decision is made:

- a) By the 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, Superintendent or Building ~~Principal~~ to impose a suspension that constitutes a disciplinary change of placement.

The manifestation team shall include a representative of the District 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 District. 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.

(Continued)

Students

**SUBJECT: SUSPENSION OF STUDENTS ATTENDING SOUTHERN WESTCHESTER
BOCES PROGRAMS (Cont'd.)**

The manifestation team shall 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 District's failure to implement the IEP. If the team determines the conduct in question was the direct result of failure to implement the IEP, the District 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/her disability the CSE shall conduct a functional behavioral assessment, if one has not yet been conducted, and implement or modify a behavioral intervention plan.

Functional behavioral assessment (FBA) means the process of determining why the student engages in behaviors that impede learning and how the student's behavior relates to the environment. FBA must be developed consistent with the requirements of Commissioner's Regulations Section 200.22(a) and shall 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.

Behavioral intervention plan (BIP) means a plan that is based on the results of a functional behavioral assessment 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 District agree to a change of placement as part of the modification of the behavioral intervention plan.

No Finding of Manifestation

If it is determined that the student's behavior is not a manifestation of his/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/person in parental relation to request a hearing objecting to the manifestation determination and the District's obligation to provide a free, appropriate public education to such student.

(Continued)

**SUBJECT: SUSPENSION OF STUDENTS ATTENDING SOUTHERN WESTCHESTER
BOCES PROGRAMS (Cont'd.)****Provision of Services Regardless of the Manifestation Determination**

Regardless of the manifestation determination, students with a disability shall 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. They must also receive, as appropriate, a functional behavioral assessment, behavioral intervention services and modifications designed to address the behavior violation so it does not recur:

- a) For subsequent suspensions or removals for ten (10) consecutive school days or less that in the aggregate total more than ten (10) school days in a school year but do not constitute a disciplinary change of placement school personnel, in consultation with at least one of the student's teachers, will determine the extent to which services are needed;
- b) For suspensions or other disciplinary removals in excess of ten (10) school days in a school year which do constitute a disciplinary change in placement the IAES and services will be determined by the CSE.

Interim Alternative Educational Setting (IAES)

Students with disabilities who have been suspended or removed from their current placement for more than ten (10) 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 forty-five (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 (3) specific instances when a student with a disability may be placed in an IAES for up to forty-five (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 District; 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 District; or

(Continued)

**SUBJECT: SUSPENSION OF STUDENTS ATTENDING SOUTHERN WESTCHESTER
BOCES PROGRAMS (Cont'd.)**

- 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 District. 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.

A school function shall mean a school-sponsored or school-authorized extracurricular event or activity regardless of where such event or activity takes place, including any event or activity that may take place in another state.

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.

In all cases, the student placed in an IAES shall:

- 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, a functional behavioral assessment 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.

Suspension From SWBOCES

The SWBOCES Building Administrator may suspend SWBOCES students from SWBOCES classes for a period not to exceed five (5) school days when student behavior warrants such action.

(Continued)

**SUBJECT: SUSPENSION OF STUDENTS ATTENDING SOUTHERN WESTCHESTER
BOCES PROGRAMS (Cont'd.)****In-School Suspension**

In-school suspension will be used as a lesser discipline to avoid an out-of-school suspension. The student shall be considered present for attendance purposes. The program is used to keep each student current with his/her class work while attempting to reinforce acceptable behavior, attitudes and personal interaction.

Southern Westchester BOCES Activities

SWBOCES activities, such as field trips and other activities outside the building itself, are considered an extension of the school program. Therefore, an infraction handled at SWBOCES is to be considered as an act within the School District itself.

A student who is ineligible to attend a District school on a given day may also be ineligible to attend SWBOCES classes. The decision rests with the Superintendent or his/her designee.

Exhaustion of Administrative Remedies

If a parent/person in parental relation wishes to appeal the decision of the Building Administrator and/or District Superintendent to suspend a student from school, regardless of the length of the student's suspension, the parent/person in parental relation must appeal to the Board prior to commencing an appeal to the Commissioner of Education.

Procedure After Suspension

When a student has been suspended and is of compulsory attendance age, immediate steps shall be taken to provide alternative instruction which is of an equivalent nature to that provided in the student's regularly scheduled classes.

When a student has been suspended, the suspension may be revoked by the Board whenever it appears to be for the best interest of the school and the student to do so. The Board may also condition a student's early return to school and suspension revocation on the student's voluntary participation in counseling or specialized classes, including anger management or dispute resolution, where applicable.

Individuals with Disabilities Education Improvement Act of 2004 [Public Law 108-446 Section 615(k)(1)]
18 United States Code (USC) Section 921
Individuals with Disabilities Education Act (IDEA), 20 United States Code (USC) Section 1400 et seq.
20 United States Code (USC) Section 7151, as reauthorized by the No Child Left Behind Act of 2001
34 Code of Federal Regulations (CFR) Part 300

(Continued)

Students

**SUBJECT: SUSPENSION OF STUDENTS ATTENDING SOUTHERN WESTCHESTER
BOCES PROGRAMS (Cont'd.)**

Education Law Sections 2801(1), 3214 and 4402

Penal Law Section 265.01

8 New York Code of Rules and Regulations (NYCRR) Sections 100.2(l)(2), 200.4(d)(3)(i), 200.22 and Part 201

NOTE: Refer also to Policy #6240 -- Weapons in School and the Gun-Free Schools Act

Adopted: 6/23/10

Students

SUBJECT: PROGRAM EXCLUSION

The Alternative Program Directors may recommend to the District Superintendent and home district superintendent any student for program exclusion based upon the following circumstances:

- a) Continued or repeated incidents of insubordination, disorderly and/or disruptive behavior or conduct otherwise endangering the safety, health, morals or welfare of him/herself or others in school and/or at the job site, and/or other violations of the Code of Conduct.
- b) Violation of the SWBOCES Policy #6220 -- Alcohol, Tobacco, Drugs, and Other Substances (Students); or
- c) Incidents of theft, vandalism, assault, lack of attendance and/or other circumstances.

Students

**SUBJECT: LOSS OR DESTRUCTION OF SOUTHERN WESTCHESTER BOCES
PROPERTY OR RESOURCES**

The Board of Cooperative Educational Services is authorized to seek restitution, through civil action when necessary, from the parent or guardian of an unemancipated student over the age of ten (10) and under the age of eighteen (18) where such student:

- a) Has willfully, maliciously, or unlawfully damaged, defaced or destroyed real or personal property in the care, custody and/or ownership of SWBOCES; or
- b) Has knowingly entered or remained in a SWBOCES building, and wrongfully taken, obtained or withheld personal property owned or maintained by SWBOCES.

In instances where SWBOCES has sought and obtained a judgment from a court of competent jurisdiction, parent/guardian liability for civil damages shall not exceed \$5,000. Under certain circumstances, a court may consider the parent's or guardian's inability to pay any portion or all of the amount of damages which are in excess of \$500, and enter a judgment in an amount within the financial capacity of the parent or guardian. However, no such judgment shall be entered for an amount which is less than \$500.

False Reporting of an Incident and/or Placing a False Bomb

SWBOCES is also authorized to seek restitution, as described in law, from a parent or guardian of an unemancipated student over the age of ten (10) and under the age of eighteen (18) where such student:

- a) Has falsely reported an incident; or
- b) Has placed a false bomb as defined in the New York State Penal Law.

Damages for falsely reporting an incident or placing a false bomb shall mean the funds reasonably expended by SWBOCES in responding to such false report of an incident or false bomb, less the amount of any funds which have been or will be recovered from any other source as enumerated in law.

In seeking restitution, SWBOCES shall 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 pursuant to General Obligations Law Section 3-112.

General Obligations Law Section 3-112
Penal Law Sections 60.27, 240.50, 240.55, 240.60, and 240.61

Adopted: 6/23/10

SUBJECT: TECHNOLOGY AND THE INTERNET: STUDENTS

The following Policy must be agreed to by the students and his/her parents or legal guardian before access will be provided to SWBOCES computer and Internet facilities. Use of such facilities after receipt of this Policy is deemed to constitute agreement.

Introduction

The SWBOCES furnishes computers and provides access to the Internet in order to support learning and enhance instruction. By providing access to the Internet, a vast information highway connecting thousands of computers all over the world, the SWBOCES intends to promote educational excellence and to prepare students for an increasingly technological world. This use should facilitate resource sharing, research, innovation and communication.

However, the SWBOCES also recognizes that with this access comes the availability of material which is unrelated to scholarship, and which in many instances is inappropriate for places of learning, and is inappropriate for young people in particular.

For this reason, some resources such as e-mail and discussion groups are only to be used under direct supervision by faculty, and will be limited to teacher-directed projects. In addition, the SWBOCES has taken precautions to restrict access to questionable materials, but students and parents need to know that it is impossible to control all materials.

Much of the responsibility for appropriate use of the Internet must rest on students themselves. Therefore, the SWBOCES requires that students act responsibly by reading and following the policies outlined below.

Ultimately, we realize that the parents/guardians of minors are responsible for setting and conveying the standards that their children should follow.

Likewise, parents and students must understand if procedures and policies are not followed for the use of technology, students may lose access rights.

Applicability and General Principles

These policies apply to all students who gain access to the Internet via computer equipment and/or access lines located in the SWBOCES. This includes any remote access which students may gain from off-site, but which involves the use of SWBOCES sites, servers, intranet facilities, e-mail accounts or software.

All access to and use of the Internet must be for the purposes of education and research consistent with the educational goals of the SWBOCES. Students must make efficient, ethical and legal utilization of network resources. Students must be aware that material created, stored on, or transmitted from or via the system is not guaranteed to be private. In addition to the fact that the

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SUBJECT: TECHNOLOGY AND THE INTERNET: STUDENTS (Cont'd.)

Internet is inherently insecure, SWBOCES network administrators may review the system at any time to ensure that the system is being used properly. For this reason, students should expect that e-mails, materials placed on personal Web pages, and other work that is created on the network may be viewed by a third party.

External access will be provided to authorized users by the assignment of unique log-in identification codes ("usernames" and passwords) and, where appropriate, with limited hard disk space on SWBOCES hardware, for their own individual use. Authorized users will be personally responsible for maintaining the integrity of the SWBOCES access policy, and may not permit other persons to use their usernames, passwords, accounts or disk space, or disclose their usernames, passwords or account information to any third party.

Usernames and passwords will be furnished subject to the provisions of this Policy, and such updates or modifications as may hereafter be promulgated.

Users must respect the integrity and security of the SWBOCES systems and network, and the access rights, privacy and reasonable preferences of other users. The SWBOCES reserves the right to limit access time and disk space in order to optimize an equitable allocation of resources among users.

The SWBOCES makes no warranties of any kind, whether express or implied, for the service it is providing. It is not responsible for any damages, including loss of data resulting from delays, non-deliveries, mis-deliveries, or service interruptions, whether caused by the SWBOCES negligence, or by a user's errors or omissions. Information obtained from the Internet is used at the user's (student's) own risk, and the SWBOCES specifically disclaims any responsibility for the accuracy or quality of information obtained by students via access provided by or through the SWBOCES.

The following policies are intentionally broad in scope and, therefore, may include references to resources, technology and uses not yet available.

Rules of Conduct and Compliance

Students who violate this Acceptable Use Policy may have their access rights suspended or revoked by the network administrator in accordance with applicable due process rights. In addition, because the SWBOCES information networks and systems are used as part of the educational program, the Southern Westchester BOCES Code of Conduct also applies to network activities. This Acceptable Use Policy is an extension of the Code of Conduct, and the disciplinary penalties set out in the Code of Conduct will apply if the student acts in violation of this Acceptable Use Policy.

Except as otherwise indicated below, all policies and prohibitions regarding users of the network also apply to users of individual SWBOCES computers.

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SUBJECT: TECHNOLOGY AND THE INTERNET: STUDENTS (Cont'd.)

- a) The network may not be used to download, copy, or store any software, shareware, or freeware. In order to avoid copyright issues, this prohibition applies to any such downloading, copying or storage, regardless of copyright status, unless approved by a network administrator. Moreover, only the network administrator is authorized to consent to the terms of any software license with respect to downloaded programs.
- b) No user may add any software or application to a SWBOCES computer or to the network without the prior approval of the appropriate faculty member/administrator (in the case of an individual computer) or the network administrator (in the case of the network).
- c) The network may not be used for any commercial purposes, and users may not buy or sell products or services through the system.
- d) The network may not be used for advertising, political campaigning, or political lobbying.
- e) The network may not be used for any activity, or to transmit any material, that violates United States, New York State or local laws. This includes, but is not limited to, fraudulent acts, violations of copyright laws, and any threat or act of intimidation or harassment against another person.
- f) The SWBOCES is a place of tolerance and good manners. Use of the network or any SWBOCES computer facilities for hate mail, defamatory statements, statements intended to injure or humiliate others by disclosure of personal information (whether true or false), personal attacks on others, and statements expressing animus towards any person or group by reason of race, color, religion, national origin, gender, sexual orientation, disability, or any other category protected by law is prohibited.
- g) Network users may not use vulgar, derogatory, or obscene language.
- h) Network users may not post anonymous messages or forge e-mail or other messages.
- i) Network users may not log on to someone else's account, attempt to access another user's files, or permit anyone else to log on to their own accounts. Users may not try to gain unauthorized access ("hacking") to the files or computer systems of any other person or organization. However, students must be aware that any information stored on or communicated through the SWBOCES network may be susceptible to "hacking" by a third party.
- j) Network users may not access Web sites, newsgroups, or chat areas that contain material that is obscene or that promotes illegal acts. If a user accidentally accesses this type of information, he or she should immediately notify a teacher, librarian, and/or network administrator. Likewise, use of the network to access or process pornographic material (whether visual or written), or material which contains dangerous recipes, formulas or instructions, is prohibited.

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SUBJECT: TECHNOLOGY AND THE INTERNET: STUDENTS (Cont'd.)

- k) Users may not access newsgroups, chat rooms, list servers, or other services where they may communicate with people outside of the SWBOCES (specifically including e-mail) unless they are supervised by a teacher and have been given explicit approval to do so (e.g., "keypal" interactions for a particular class).
- l) Users may not engage in "spamming" (sending irrelevant or inappropriate electronic communications individually or en masse) or participate in electronic chain letters other than for official SWBOCES purposes.
- m) Users who maliciously access, alter, delete, damage or destroy any computer system, computer network, computer program, or data will be subject to criminal prosecution as well as to disciplinary action by the SWBOCES. This includes, but is not limited to, changing or deleting another user's account; changing the password of another user; using an unauthorized account; damaging any files; altering the system; using the system to make money illegally; destroying, modifying, vandalizing, defacing or abusing hardware, software, furniture or any SWBOCES property.
- n) Users may not intentionally disrupt information network traffic or crash the network and connected systems. They must not download, degrade, disrupt or save excessively large files without the express approval of the network administrator. Users may not add any software or applications to the SWBOCES' network or computers, or add to or modify any existing software or applications, without the express permission of the network administrator.
- o) As is the case with all student work, users may not plagiarize, which is a serious academic offense. Plagiarism is "taking ideas or writings from another person and offering them as your own." Credit must always be given to the person who created the article or the idea. A student, who by cutting and pasting text or data, leads readers to believe that what they are reading is the student's original work when it is not, is guilty of plagiarism.
- p) Users must comply with the "fair use" provisions of the United States Copyright Act of 1976.
- q) "Fair use" in this context means that the copyrighted materials of others may be used only for scholarly purpose. and that the use must be limited to brief excerpts. The SWBOCES' library professionals can assist students with fair use issues.
- r) Users may not copy any copyrighted or licensed software from the Internet or from the network without the express permission of the copyright holder. Software must be purchased or licensed before it can legally be used.
- s) Users may not take data, equipment, software or supplies (paper, toner cartridges, disks, etc.) for their own personal use. Such taking will be treated as theft. Use of SWBOCES printers and paper must be reasonable.

(Continued)

SUBJECT: TECHNOLOGY AND THE INTERNET: STUDENTS (Cont'd.)

- t) Users must behave properly in any computer lab setting. Normal rules of classroom decorum and complacency with instructions from faculty and administrators will apply.

Violations and Consequences

Consequences of violations include but are not limited to:

- a) Suspension or revocation of information network access;
- b) Suspension or revocation of network privileges;
- c) Suspension or revocation of computer access;
- d) Suspension from school;
- e) Criminal prosecution.

In addition, the SWBOCES will seek monetary compensation for damages in appropriate cases.

Repeated or severe violations will result in more serious penalties than one-time or minor infractions.

This Acceptable Use Policy is subject to change. The SWBOCES reserves the right to restrict or terminate information network access any time for any reason. The SWBOCES further reserves the right to monitor network activity as it sees fit in order to maintain the integrity of the network and to monitor acceptable use. SWBOCES administrators will make final determination as to what constitutes unacceptable use.

Disciplinary penalties involving possible suspension from school will be determined in accordance with the Southern Westchester BOCES Code of Conduct. However, suspension or revocation of network and/or computer access will be determined by the network administrator, acting in consultation with Building and SWBOCES-wide administrators and in accordance with applicable due process rights.

2010

6215

Students

SUBJECT: STUDENT DRESS CODE

Student dress and appearance must be in accordance with the *Code of Conduct* and Student Handbook. The administration is authorized to take action in instances where individual dress does not meet these stated requirements.

Adopted: 6/23/10

SUBJECT: USE OF TIME OUT ROOMS IN EMERGENCY INTERVENTIONS

SWBOCES shall not employ the use of time out rooms with the exception of Emergency Interventions as pursuant to 8 New York Code of Rules and Regulations (NYCRR) Section 200.22 (d).

Emergency Interventions

For purposes of this subdivision, emergency means a situation in which immediate intervention involving the use of reasonable force pursuant to section 19.5 (a) (3) of the Title is necessary.

a) Use of emergency interventions

1. Emergency interventions shall be used only in situations in which alternative procedures and methods not involving the use of physical force cannot be reasonably employed.
2. Emergency interventions shall not be used as a punishment or as a substitute for systematic behavioral interventions that are designed to change, replace, modify or eliminate a targeted behavior.

b) Staff training

Staff who may be called upon to implement emergency interventions shall be provided with appropriate training in safe and effective restraint procedures in accordance with section 100.2(1)(1)(i)(g) of this Title and 200.15(f)(1) of this part as applicable. Prone restraint is prohibited.

c) Documentation

The school must maintain documentation on the use of emergency interventions for each student, which shall include the name and date of birth of the student; the setting and the location of the incident; the name of the staff or other persons involved; a description of the incident and the emergency intervention used, including duration; a statement as to whether the student has a current behavioral intervention plan; and details of any injuries sustained by the student or others, including staff, as a result of the incident. The parent of the student shall be notified and documentation of emergency interventions shall be reviewed by school supervisory personnel and, as necessary, the school nurse or other medical personnel.

d) Applicability

For an education program operated pursuant to section 112 of the Education Law and Part 116 of this Title, if a provision of this section relating to emergency interventions conflicts with the rules of the respective state agency operating such program, the rules of such State agency shall prevail and the conflicting provision of this section shall not apply.

(Continued)

SUBJECT: USE OF TIME OUT ROOMS IN EMERGENCY INTERVENTIONS (Cont'd.)

Education Law Sections 207, 210, 305, 4401, 4402, 4403, and 4410

8 New York Code of Rules and Regulations (NYCRR) Sections 19.5, 200.1, 200.4, 200.7, 200.22, and 201.2

SUBJECT: ALCOHOL, TOBACCO, DRUGS, AND OTHER SUBSTANCES (STUDENTS)

All laws pertaining to drug and alcohol use and possession shall be honored by students, adults, and adult students while on SWBOCES premises or at SWBOCES-sponsored activities, regardless of the location of the activity.

The Board recognizes that the issue of alcohol, tobacco, drugs, and other substances is a serious problem with legal, physical, emotional and social implications for the entire community. Therefore, the manufacture, distribution, consumption, sharing and/or selling, use and/or possession of alcoholic beverages, inhalants, tobacco products, illegal drugs, counterfeit drugs, designer drugs, look-alike substances, or paraphernalia for the use of such drugs is prohibited on SWBOCES premises and at SWBOCES-sponsored activities, regardless of the location, at all times. The inappropriate use of prescription and over-the-counter drugs is also prohibited. Appropriate action shall be taken when persons enter SWBOCES premises or school-sponsored events when exhibiting behavioral, personal or physical characteristics indicative of having used or consumed the above substances.

Through the collaborative efforts of staff, students, parents/guardians, component school districts and the community as a whole, a comprehensive program shall be developed where appropriate to address alcohol, tobacco, drugs, and other substances. Such program shall include the following elements:

Primary Prevention

Preventing or delaying alcohol, tobacco, drugs, and other substance use/abuse by students shall be the major focus of a comprehensive program in which proactive measures of prevention and early intervention are emphasized. This program shall include:

- a) A sequential curriculum that will be developed and incorporated into the total educational process. This curriculum shall be concerned with education and prevention in all areas of alcohol, tobacco, drugs, and other substances uses/abuse;
- b) Training school personnel and parents/guardians to reinforce the components of the policy through in-service and community education programs with up-to-date factual information and materials.
- c) An effort to provide positive alternatives to alcohol and other substances use/abuse through the promotion of drug/alcohol-free special events, service projects and extracurricular activities that will develop a positive peer influence.

Drug and Alcohol-Free Education and Prevention Program

Provision shall be made for a "Drug and Alcohol-Free Education and Prevention Program" for students. (Refer also to Policy #7113 -- Prevention Instruction.)

(Continued)

**SUBJECT: ALCOHOL, TOBACCO, DRUGS, AND OTHER SUBSTANCES (STUDENTS)
(Cont'd.)****Intervention**

School-based intervention services shall be made available to all students and provided by prevention professionals who are appropriately trained in this area. The purpose of intervention is to eliminate any existing use/abuse of alcohol, tobacco, drugs, and other substances and to identify students considered to be at risk for use/abuse. Intervention programming shall include:

- a) Counseling of students in groups and as individuals on alcohol, tobacco, drugs, and other substance use/abuse. Counselors shall be appropriately trained and skilled school staff assigned for this purpose.
- b) Referring student to community or other outside agencies when their use/abuse of alcohol, tobacco, drugs, and other substances requires additional counseling or treatment. Referral is a key link in school and community efforts and the process is basic to the dissemination of information regarding available counseling and health services.
- c) Providing a supportive school environment designed to continue the recovery process for students returning from treatment. A re-entry program may include continuing student and/or family counseling and emphasizing positive alternatives to alcohol and other substance use/abuse.
- d) Developing a parent network to serve as a support group and provide a vehicle of communication for parent education;
- e) Ensuring confidentiality as required by state and federal law.

Disciplinary Measures

Disciplinary measures for students manufacturing, distributing, consuming, sharing and/or selling, using and/or possessing alcoholic beverages, inhalants, tobacco products, illegal drugs, counterfeit drugs, designer drugs, look-alike substances, prescription drugs, and over-the-counter drugs, or paraphernalia for the use of such drugs shall be outlined in the *Southern Westchester BOCES Code of Conduct*.

Staff Development

There shall be ongoing training of SWBOCES staff about the components of an effective alcohol and other substances program. Training shall include, but not be limited to, Board policies and regulations and the staff's role in implementing such policies, and regulations. Teachers shall be trained to implement the alcohol, tobacco, drugs, and other substance prevention curricula; intervention staff shall be suitably trained to carry out appropriate services.

(Continued)

**SUBJECT: ALCOHOL, TOBACCO, DRUGS, AND OTHER SUBSTANCES (STUDENTS)
(Cont'd.)**

Implementation, Dissemination and Monitoring

It shall be the responsibility of the District Superintendent to implement the alcohol, tobacco, drugs, and other substances Board policy by collaboration with appropriate individuals including school personnel, students and parents/guardians.

Additionally, copies of Board policy shall be disseminated to SWBOCES staff and parents/guardians. The District Superintendent shall biennially review the drug and alcohol abuse prevention program to determine its effectiveness and support appropriate modifications, as needed.

Safe and Drug-Free Schools and Communities Act, as reauthorized by the No Child Left Behind Act of 2001
20 United States Code (USC) Section 7101 et seq.

NOTE: Refer also to Policy #2410 -- Code of Conduct on Southern Westchester BOCES Property
#5160 -- Alcohol, Drugs and Other Substances (School Personnel)

SUBJECT: SEARCHES AND INTERROGATIONS

A student may be searched and contraband seized on school grounds or in a school building by a school employee only when the employee has reasonable suspicion to believe the student is engaging in proscribed activity which is in violation of school rules and/or illegal.

Factors to be considered in determining whether reasonable suspicion exists to search a student or his/her property include:

- a) The age of the student;
- b) The student's record and past history;
- c) The predominance and seriousness of the problem in the school where the search is directed; and
- d) The urgency to conduct the search without delay.

Lockers

Lockers are provided by the school for student use and the administration has the right to search lockers.

Questioning of Students by School Officials

School personnel have the right to question students regarding any violations of school rules and/or illegal activity. Administration may conduct investigations concerning reports of misconduct which may include, but are 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 personnel focus on the actions of one particular student, the student will be questioned in private by the appropriate school personnel. The student's parent/guardian may be contacted; the degree, if any, of parental/guardian involvement will vary depending upon the nature and the reason for questioning, and the necessity for further action which may occur as a result.

The questioning of students by school personnel does not preclude subsequent questioning/interrogations by police authorities as otherwise permitted by law. Similarly, the questioning of students by school personnel does not negate the right/responsibility of school personnel to contact appropriate law enforcement agencies, as may be necessary, with regard to such statements given by students to school officials.

(Continued)

SUBJECT: SEARCHES AND INTERROGATIONS (Cont'd.)

School personnel acting alone and on their own authority, without the involvement of or on behalf of law enforcement officials (at least until after the questioning of students by school personnel has been conducted) are not required to give the so-called "Miranda warnings" (i.e., advising a person, prior to any custodial interrogations as defined in law, of the right to remain silent; that any statement made by the individual may be used as evidence against him/her; and that the individual has the right to the presence of an attorney, either retained or appointed) prior to the questioning of students.

Law Enforcement Officials

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 also may be summoned for the purpose of maintaining or restoring order when the presence of such officers is necessary to prevent injury to persons or property.

Administrators/designee have the responsibility and the authority to determine when the assistance of law enforcement officers is necessary within their respective jurisdictions. SWBOCES' administrators/designee shall at all times act in a manner that protects and guarantees the rights of students and parents.

Interrogation of Students by Law Enforcement Officials

If police are involved in the questioning of students on school premises, whether or not at the request of school authorities, it will be in accordance with applicable law and due process rights afforded students. Generally, police authorities may only interview students on school premises without the permission of the parent/guardian in situations where a warrant has been issued for the student's arrest (or removal). Police authorities may also question students for general investigations, 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 should take the matter up directly with the student's parent/guardian.

Whenever police wish to question a student on school premises, administration will attempt to notify the student's parent/guardian.

If possible, questioning of a student by police should take place in private and in the presence of the Building Principal/designee.

Child Protective Services' Investigations

From time to time, Child Protective Services may desire to conduct interviews of students on school property. Such interviews generally pertain to allegations of suspected child abuse and/or neglect. The Board encourages cooperation with Child Protective Services in accordance with applicable Social Services Law.

(Continued)

2010

6230
3 of 3

Students

SUBJECT: SEARCHES AND INTERROGATIONS (Cont'd.)

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 New York Code of Rules and Regulations (NYCRR) Section 100.2(l)

Adopted: 6/23/10

SUBJECT: WEAPONS IN SCHOOL AND THE GUN-FREE SCHOOLS ACT**Weapons in School**

The possession of a weapon on school property, in SWBOCES vehicles, in school buildings, or at school sponsored activities or settings under the control and supervision of the SWBOCES regardless of location, is strictly prohibited, except by law enforcement personnel. Any person possessing a weapon for educational purposes in any school building must have written authorization of the District Superintendent or his/her designee.

The Penal Code of the State of New York shall be used to determine what is considered a weapon.

Penal Law Sections 265.01-265.06

Specific Penalties Imposed by the Gun-Free Schools Act

No student shall bring or possess any "firearm" as defined in federal law on school premises (including school buildings and grounds, SWBOCES vehicles, school settings and/or school sponsored activities under the control and supervision of the SWBOCES regardless of location). For purposes of this policy, the term "firearm" includes any weapon (including a starter gun) which will or is designed to or may readily be converted to expel a projectile by the action of an explosive; the frame or receiver of such weapon; any firearm muffler or silencer; or any "destructive device" (e.g., any explosive, incendiary, or poison gas, including bombs, grenades, rockets or other similar devices).

In accordance with the Gun-Free Schools Act and Education Law Section 3214(3)(d), any student who brings or possesses a dangerous weapon or firearm, as defined in federal law, on school property, will be referred by the superintendent of the home school district to the appropriate agency or authority for a juvenile delinquency proceeding in accordance with Family Court Act Article 3 when the student is under the age of sixteen (16) except for a student fourteen (14) or fifteen (15) years of age who qualifies for juvenile offender status under the Criminal Procedure Law, and will be referred by the superintendent of the home school district to the appropriate law enforcement officials when the student is sixteen (16) years of age or older or when the student is fourteen (14) or fifteen (15) years of age and qualifies for juvenile offender status under the Criminal Procedure Law. For purposes of this policy, the term "dangerous weapon" means a weapon, device, instrument, material, or substance, animate or inanimate, that is used for, or is readily capable of, causing death or serious bodily injury, except that such term does not include a pocket knife with a blade of less than two and one-half inches (2 1/2") in length.

In addition, any student attending a SWBOCES school who has been found guilty of bringing a firearm to or possessing a firearm on school property, after a hearing has been provided pursuant to Education Law Section 3214, shall be suspended for a period of not less than one

(Continued)

SUBJECT: WEAPONS IN SCHOOL AND THE GUN-FREE SCHOOLS ACT (Cont'd.)

(1) calendar year and any student attending a non-SWBOCES school who participates in a program operated by the SWBOCES using funds from the Elementary and Secondary Education Act of 1965 who is determined to have brought a firearm to or possessed a firearm at a SWBOCES school or on other premises used by the SWBOCES to provide such programs shall be suspended for a period of not less than one (1) calendar year from participation in such program. The procedures of Education Law Section 3214(3) shall apply to such a suspension of a student attending a non-SWBOCES school. Further, after the imposition of the one (1) year penalty has been determined, the superintendent of the home school district has the authority to modify this suspension requirement for each student on a case-by-case basis. In reviewing the student's one (1) year suspension penalty, the superintendent may modify the penalty based on factors as set forth in Regulations of the Commissioner of Education Section 100.2 and in Commissioner's Decisions. The determination of the superintendent shall be subject to review by the local board of education in accordance with Education Law Section 3214(3)(c) and by the Commissioner of Education in accordance with Education Law Section 310.

Student with a Disability

Pursuant to Commissioner Regulations, a student with a disability who is determined to have brought a weapon (including a firearm) to school or possessed a weapon (including a firearm) at school may be placed in an interim alternative educational setting, in accordance with federal and state law, for not more than forty-five (45) calendar days. If the parent or guardian requests an impartial hearing, the student must remain in the interim alternative placement until the completion of all proceedings, unless the parent or guardian and SWBOCES can agree on a different placement. For more information regarding Interim Alternative Educational Settings (IAES), refer to Policy #7313 -- Suspension of Students.

However, a student with a disability may be given a long term suspension pursuant to the Gun-Free Schools Act only if a group of persons knowledgeable about the student, as defined in federal regulations implementing the Individuals with Disabilities Education Act (IDEA), determines that the bringing of a firearm to school or possessing a firearm at school was not a manifestation of the student's disability, subject to applicable procedural safeguards.

If it is determined that the student's bringing of a firearm to school or possessing a firearm at school was a manifestation of the student's disability, the superintendent of the home school district must exercise his/her authority under the Gun-Free Schools Act to modify the long term suspension requirement, and determine that the student may not be given a long term suspension for the behavior. The Committee on Special Education may review the student's current educational placement and initiate change in placement proceedings, if appropriate, subject to applicable procedural safeguards.

The SWBOCES may offer home instruction as an interim alternative educational setting during the pendency of review proceedings only if the student's placement in a less restrictive alternative educational setting is substantially likely to result in injury either to the student or to others.

(Continued)

SUBJECT: WEAPONS IN SCHOOL AND THE GUN-FREE SCHOOLS ACT (Cont'd.)

The SWBOCES may also seek a court order to immediately remove a student with a disability from school if the SWBOCES believes that maintaining the student in the current educational placement is substantially likely to result in injury to the student or to others.

Students with disabilities continue to be entitled to all rights enumerated in the Individuals with Disabilities Act and Education Law Article 89; and this policy shall not be deemed to authorize suspension of students with disabilities in violation of these laws.

This policy does not prohibit the SWBOCES from utilizing other disciplinary measures including, but not limited to, out-of-school suspensions for a period of five days or less, or in-school suspensions, in responding to other types of student misconduct which infringe upon the established rules of the school. Additionally, this policy does not diminish the authority of the Board to offer courses in instruction in the safe use of firearms pursuant to Education Law Section 809-a.

The SWBOCES will continue to provide the suspended student who is of compulsory attendance age with appropriate alternative instruction during the period of the student's suspension.

Gun-Free Schools Act as reauthorized by the No Child Left Behind Act of 2001
18 United States Code (USC) Section 921(a)
Individuals With Disabilities Education Act (IDEA)
20 United States Code (USC) Sections 1400-1485 and 7151
Criminal Procedure Law Section 1.20(42)
Education Law Sections 310, 809-a, 3214, and Article 89 Family Court Act Article 3
8 New York Code of Rules and Regulations (NYCRR) Section 100.2 and Part 200

NOTE: Refer also to Policy #2411 -- Unlawful Possession of a Weapon Upon School Grounds

Adopted: 6/23/10

Students

SUBJECT: STUDENT AUTOMOBILE USE

Driving a vehicle on SWBOCES property is a privilege afforded students upon approval of the designated SWBOCES staff. Students must obey all traffic rules and regulations as detailed in the student handbook. Students and parents accept responsibility for themselves and their passengers when driving automobiles to school or school functions. Misuse of driving privileges may lead to revocation of the parking permit.

Adopted: 6/23/10

SUBJECT: STUDENT EVALUATION

Each program enrolling students which is operated by SWBOCES shall have a clearly developed outline of activities, skills to be learned and appropriate projects to be completed by students. Emphasis will be placed on student outcomes. Each student's evaluation will be made on the basis of the completion of his/her objectives, at the appropriate level of performance.

Competency standards will be used where appropriate and they will give guidance to instructors and administration on when certain students are qualified to exit the program.

Promotion and Retention

The procedures to be followed by the staff regarding promotion and retention will be developed by the District Superintendent and will be continually evaluated. Directors may establish written standards for promotion or retention within the school units to which the students are assigned, subject to the guidelines of the District Superintendent and the approval of the Board of Education.

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 District to serve its students.

Alternative Testing Procedures

The use of alternative testing procedures shall be limited to:

- a) Students identified by the Committee on Special Education and/or Section 504 Team as having a disability. Alternative testing procedures shall 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 Guidelines.

The alternative testing procedures employed shall be based upon a student's individual needs and the type of test administered.

The SWBOCES shall report the use of alternative testing procedures to the State Education Department on a form and at a time prescribed by the Commissioner.

Reporting to Parents/Guardians

Parents/guardians shall receive an appropriate report of student progress at regular intervals.

(Continued)

SUBJECT: STUDENT EVALUATION (Cont'd.)

Report cards shall 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/guardians.

Section 504 of the Rehabilitation Act of 1973, 29 United States Code (US C) Section 794 et seq.
8 New York Code of Rules and Regulations (NYCRR) Sections 100.2(g), 117 and 154
Education Law Section 1709(3)

Students

SUBJECT: PROVISION OF INTERPRETER SERVICES TO PARENTS WHO ARE HEARING IMPAIRED

The Southern Westchester Board of Cooperative Educational Services assures parents or persons in parental relationship who are hearing impaired the right to meaningful access to school initiated meetings or activities pertaining to the academic and/or disciplinary aspects of their children's education. School initiated meetings or activities are defined to include, but are not limited to, parent-teacher conferences, child study or building-level team meetings, planning meetings with school counselors regarding educational progress and career planning, suspension hearings or any conferences with school officials relating to disciplinary actions. The term "hearing impaired" shall include any hearing impairment, whether permanent or fluctuating, which prevents meaningful participation in school meetings or activities.

Parents or guardians shall be notified of the availability of interpreter services to be provided at no charge, provided that a written request is made to the SWBOCES within ten (10) days of the scheduled meeting or activity. Exceptions to the time frame request may be made for unanticipated circumstances as determined by the appropriate administrator. The SWBOCES shall also notify appropriate school personnel as to the terms and implementation of this policy.

If interpreter services are requested, the SWBOCES shall appoint an interpreter for the hearing impaired to interpret during the meeting or activity. The SWBOCES will arrange for interpreters through a SWBOCES-created list or through an interpreter referral service.

In the event that an interpreter is unavailable, the SWBOCES shall make other reasonable accommodations which are satisfactory to the parents or persons in parental relationship. Examples of what constitutes reasonable accommodations in the event an interpreter cannot be located may include, but are not limited to, the use of:

- a) Written communications, transcripts, notetakers, etc; and
- b) Technology, such as; a decoder or telecommunication device for the deaf, assistive listening devices, and closed or open captioning.

Education Law Section 3230

8 New York Code of Rules and Regulations (NYCRR) Section 100.2(aa)

Adopted: 6/23/10

SUBJECT: STUDENT RECORDS: ACCESS AND CHALLENGE

The SWBOCES shall comply with the provisions of the "Family Educational Rights and Privacy Act of 1974." Under its provisions, parents of a student under eighteen (18), or eligible students, have a right to inspect and review the education records of the student.

"Parent" includes a natural parent, a guardian, or an individual acting as a parent in the absence of a parent or a guardian. Non-custodial parents are granted full rights under the Act unless SWBOCES has been provided with evidence of a court order, state statute or legally binding document relating to such matters as divorce, separation or custody that specifically revokes these rights.

"Eligible student" means a student who has reached eighteen (18) years of age or is attending an institution of postsecondary education.

At the beginning of each school year, the SWBOCES will publish a notification that informs parents, guardians and eligible students currently in attendance of their rights under FERPA and the procedures for exercising those rights. This notice may be published in a newspaper, handbook or other school bulletin or publication. This notice will also be provided to parents, guardians, and eligible students who enroll during the school year.

Education Records

The term "education records" is defined as all records, files, documents and other materials containing information directly related to a student; and maintained by the education agency or institution, or by a person acting for such agency or institution (34 Code of Federal Regulations (CFR) Section 99.3). This includes all records regardless of medium, including, but not limited to, handwriting, videotape or audiotape, electronic or computer files, film, print, microfilm, and microfiche.

In addition, for students who attend a public school district, all records pertaining to services provided under the Individuals with Disabilities Education Act (IDEA) are considered "education records" under FERPA. As such, they are subject to the confidentiality provisions of both Acts.

Personal notes made by teachers or other staff, on the other hand, are not considered education records if they are:

- a) Kept in the sole possession of the maker;
- b) Not accessible or revealed to any other person except a temporary substitute; and
- c) Use only as a memory aid.

(Continued)

SUBJECT: STUDENT RECORDS: ACCESS AND CHALLENGE (Cont'd.)

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 (including images of students captured on security videotapes) are also excluded.

Access to Student Records

Administrative regulations and procedures shall be formulated to comply with the provisions of federal law relating to the availability of student records to parents or eligible students, and to ensure the confidentiality of such records with respect to third parties.

Under FERPA, unless otherwise exempted in accordance with law and regulation, the SWBOCES may release personally identifiable information contained in student 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 such signature:

- a) Identifies and authenticates a particular person as the source of the electronic consent; and
- b) Indicates such person's approval of the information contained in the electronic consent.

Health and Safety Emergency Exception

SWBOCES must balance the need to protect students' personally identifiable information with the need to address issues of school safety and emergency preparedness. Under FERPA, if an educational agency or institution determines that there is an articulable and significant threat to the health or safety of a student or other individuals, it may disclose information from education records, without consent, to any person whose knowledge of the information is necessary to protect the health and safety of the student or other individuals during the period of the health or safety emergency. SWBOCES may release information from records to appropriate parties including, but not limited to, parents, law enforcement officials and medical personnel. The SWBOCES determination that there is an articulable and significant threat to the health or safety of a student or other individuals shall be based upon a totality of the circumstances, including the information available, at the time the determination is made. SWBOCES 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.

(Continued)

SUBJECT: STUDENT RECORDS: ACCESS AND CHALLENGE (Cont'd.)**Challenge to Student Records**

Parents or eligible students shall have an opportunity for a hearing to challenge the content of the school records, to ensure the records are accurate and not in violation of the privacy of students, and to provide an opportunity for the correction or deletion of inaccurate, misleading, or otherwise inappropriate data contained therein.

Student Directory Information

The SWBOCES shall annually inform parents or eligible students of their right to refuse the release of student directory information and indicate a time period for their response. Once the proper FERPA notification is given by the SWBOCES, a parent/guardian or eligible student will have fourteen (14) days to notify the SWBOCES of any objections they have to any of the "directory information" designations. If no objection is received, the SWBOCES may release this information without prior approval of the parent/guardian or eligible student for the release. In certain instances, directory information may be transmitted via electronic means (e.g., World Wide Web).

The Family Educational Rights and Privacy Act (FERPA) defines student directory information as any of the following: name; address; telephone listing; date and place of birth; major field of study; grade level; participation in officially recognized activities and sports; weight and height (if members of athletic teams); dates of attendance; honors, degrees and awards received; electronic mail address; photograph; and the name of the educational agency or institution most recently previously attended by the student. The SWBOCES will release only the following defined directory information:
***Southern Westchester BOCES must specify.**

Directory information **does not** include:

- a) A student's social security number; or
- b) A student's identification (ID) number, except as provided below.

Directory information includes a student ID number, user ID, or other unique personal identifier used by the student for purposes of accessing or communicating in electronic systems, but only if the identifier cannot be used to gain access to education records except when used in conjunction with one (1) or more factors that authenticate the user's identity, such as personal identification number (PIN), password, or other factor known or possessed only by the authorized user.

The release of student directory information is not to be confused with the release of secondary school students' names, addresses and telephone listings to Military Recruiters (Policy #6491 -- Military Recruiters' Access to Secondary School Students and Information on Students). In compliance with the Elementary and Secondary Education Act of 1965 as amended by the No Child

****Southern Westchester BOCES must customize***

(Continued)

SUBJECT: STUDENT RECORDS: ACCESS AND CHALLENGE (Cont'd.)

Left Behind Act of 2001 (NCLB), the National Defense Authorization Act and in accordance with FERPA, the SWBOCES shall comply with the request by a military recruiter for this information unless a parent has "opted out" of providing such information.

Disclosures to Parents of Eligible Students

Even after a student has become an "eligible student" under FERPA [e.g., A student who is eighteen (18) years of age or older or who is attending an institution of post-secondary education] an educational agency or institution may disclose education records to an eligible student's parents, without the student's consent:

- a) If the student is claimed as a dependent for Federal income tax purposes by either parent;
- b) In connection with a health or safety emergency;
- c) If the student is under twenty-one (21) years of age and has violated an institutional rule or policy governing the use of alcohol or a controlled substance; and
- d) If the disclosure falls within any other exception to the consent requirements under FERPA or its Regulations, such as the disclosure of directory information or in compliance with a court order or lawfully issued subpoena.

Release of Information to the Noncustodial Parent

The SWBOCES may presume that the noncustodial parent has the authority to request information concerning his/her child and release such information upon request. If the custodial parent wishes to limit the noncustodial parent's access to the records, it would be his/her responsibility to obtain and present to the school a legally binding instrument that prevents the release of said information.

Release of Information to Another Educational Institution

The SWBOCES may disclose any and all educational records, including disciplinary records and records that were created as a result of a student receiving special education services under Part B of IDEA, to another school or postsecondary institution at which the student seeks or intends to enroll, or after the student has enrolled or transferred, so long as the disclosure is for purposes related to the student's enrollment or transfer. Parental consent is not required for transferring education records if the school's annual FERPA notification indicates that such 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, schools must provide a copy of the information disclosed and an opportunity for a hearing.

(Continued)

SUBJECT: STUDENT RECORDS: ACCESS AND CHALLENGE (Cont'd.)

Family Educational Rights and Privacy Act of 1974

20 United States Code (USC) Section 1232(g)

34 Code of Federal Regulations (CFR) Part 99 and Section 300.571

Adopted: 6/23/10

Revised:

SUBJECT: CUSTODIAL/NONCUSTODIAL PARENTS

Release of SWBOCES students in attendance at programs housed in buildings under the administrative control of SWBOCES component school districts, and access to their educational records, shall be in accordance with the applicable policies and/or procedures of the particular component school district.

In the event the component school district has not adopted a policy or procedures on release of students or access to educational records by custodial/noncustodial parents, then SWBOCES staff shall act in accordance with the following:

Release of Information to Custodial/Noncustodial Parents

When parents of a student are separated, involved in divorce proceedings, or are divorced, school personnel may consider the rights of custodial and noncustodial parents to be equal with respect to access to the student's educational records unless SWBOCES has been provided with a certified copy of a court order or other legally binding document relating to such matters as divorce, separation, or custody that specifically revokes these rights. This includes the right to inspect, review and receive copies of educational records, including progress reports.

The Building Principal or program administrator shall release such information upon request, in accordance with applicable law. If the custodial parent wishes to limit the noncustodial parent's access to records, it would be his/her responsibility to obtain and present to the Building Principal or program administrator a legally binding instrument preventing the release of such information.

Access to/Release of Students to Custodial/Noncustodial Parents

School personnel will consider the rights of custodial and noncustodial parents to be equal with respect to access to, and release of, their children except when a legally binding document has been presented which provides evidence to the contrary.

An agreement or court order which grants sole custody to one parent shall be sufficient to prohibit release of the student to the noncustodial parent. However, unless restricted by a final divorce decree which includes specific denial of access rights, a restraining order denying access rights, or other such legally binding document, both parents have the right to participate in the normal school activities of the child; to visit their child briefly at school; and to participate in parent-teacher conferences, although not necessarily together in the same conference.

It is the responsibility of the custodial parent to provide the Building Principal or program administrator with a certified copy of such court order or other legally binding document, if restricted access to the student or restrictions on release of the student are requested. In the alternative, written authorization from the custodial parent allowing the release of the child to the noncustodial parent will also be honored by the SWBOCES.

(Continued)

SUBJECT: CUSTODIAL/NONCUSTODIAL PARENTS (Cont'd.)**Implementation**

Copies of authorizations, or certified copies of all legally binding documents pertaining to child custody and visitation including, but not limited to, Judgments of Divorce and Separation, temporary and permanent court orders, and legally enforceable written agreements between the parties will be maintained in the student records and notification will be made to appropriate school personnel.

The Board directs the District Superintendent or his/her designee to develop administrative procedures to implement this policy. Such procedures shall include:

- a) Provisions for notification and instruction of SWBOCES staff regarding this policy, and corresponding responsibilities; and
- b) Coordination of communication about the existence of applicable policies and procedures in component school districts.

Education Law Section 3210
Family Educational Rights and Privacy Act of 1974
20 United States Code (USC) Section 1232(g)
34 Code of Federal Regulations (CFR) Part 99

Students

SUBJECT: IMMUNIZATION OF STUDENTS

Students shall not be admitted to SWBOCES programs unless a certificate of immunization, other acceptable evidence of immunity, or an exemption as allowed by law is presented.

The evidence of immunity must comply with Public Health Law Section 2164 Subdivisions 5, 6, and 7; and Subpart 66-1 of the Regulations of the New York State Department of Health.

Education Law Section 914

Public Health Law Section 2164

8 New York Code of Rules and Regulations (NYCRR) Part 136

10 New York Code of Rules and Regulations (NYCRR) Subpart 66-1

Adopted: 6/23/10

Students

SUBJECT: ACCIDENTS/FIRST AID TREATMENT**Accidents**

All accidents and injuries shall be immediately reported to the Director or designee who will take appropriate action to enable the student to obtain necessary assistance. All proper forms must be made out before the close of the same working day.

First Aid

The Board authorizes emergency first aid medical treatment to be rendered by appropriate personnel. A parent or guardian of the student will be promptly notified if any such measures are taken.

Accident Insurance

The Board of Cooperative Educational Services may provide for student accident insurance for school age students enrolled in SWBOCES programs and not covered by family health insurance or their home school district. The insurance will be in the form of a standard, non-duplicative policy covering students who are injured during school functions as well as traveling to and from home and school.

The Board does not provide insurance covering privately owned equipment, tools or personal belongings. Students are encouraged to review their own family insurance relative to off-premise coverage of valuable items.

Transporting an Ill or Injured Student

In the event of a serious illness or an injury to a student, an ambulance may be called if warranted.

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

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.

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.

All students within the SWBOCES with known life-threatening conditions should have a comprehensive plan of care in place: an Emergency Care Plan (ECP) and/or Individualized Healthcare Plan (IHP), and if appropriate an Individualized Education Plan (IEP) or Section 504 Plan.

School Health Team

The SWBOCES has identified the following as important members of the School Health Team to ensure that health information is complete, appropriate accommodations are prepared, and any necessary medication and environmental protocols are in place for students with life-threatening health conditions:

- a) Parents/Guardians and Students;
- b) SWBOCES Administration;
- c) School Medical Director;
- d) School Nurse;
- e) Teachers;
- f) Guidance Counselor/Social Worker;
- g) Teaching Assistants and Teacher Aides;
- h) Food Service Personnel;
- i) Custodial Staff;
- j) Transportation Personnel;
- k) Athletic Director, Coaches and After School Volunteers.

(Continued)

SUBJECT: STUDENTS WITH LIFE-THREATENING HEALTH CONDITIONS (Cont'd.)**Anaphylaxis**

Although anaphylaxis can affect almost any part of the body and cause various symptoms, the most dangerous symptoms include breathing difficulties and a drop in blood pressure or shock which are potentially fatal. Treatment for anaphylaxis includes immediate removal of the allergen, and treating the rapidly progressing effects of histamine release in the body with epinephrine and antihistamines.

Particularly for those students with chronic life-threatening conditions such as diabetes, seizure disorders, asthma and allergies (food, insect sting, latex, medications, etc.) which may result in severe, life-threatening reactions to various environmental triggers, it is necessary that the SWBOCES work cooperatively with the parent(s) and the healthcare provider to:

- a) Immediately develop an Emergency Care Plan (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 Individualized Healthcare Plan 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 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/she works toward self-management;
- f) Allow self-directed students, as assessed by the school nurse, to carry life saving medication with prior approval by the medical provider, and according to health practice and procedures, as long as duplicate life saving medication is also maintained in the health office in the event the self-carrying student misplaces their medication;
- g) Assure appropriate and reasonable building accommodations are in place within a reasonable degree of medical certainty.

(Continued)

SUBJECT: STUDENTS WITH LIFE-THREATENING HEALTH CONDITIONS (Cont'd.)

In addition, the SWBOCES will:

- a) Provide training for all staff in the recognition of an anaphylactic reaction;
- b) Have standing emergency medical protocols for nursing 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 to administer in the event of an unanticipated anaphylactic episode;
- d) As permitted by New York State law, maintain stock supplies of life saving emergency medications such as epinephrine and antihistamine in all health offices for use in first time emergencies;
- e) Ensure that Building-level and SWBOCES-wide school safety plans include appropriate accommodations for students with life-threatening health conditions;
- f) Encourage families to obtain medic-alert bracelets for at risk students;
- g) Educate students regarding the importance of immediately reporting symptoms of an allergic reaction.

Creating an Allergen-Safe School Environment

Avoidance of exposure to allergens is the key to preventing a life-threatening anaphylactic reaction. Educating the entire school community about life-threatening allergies is crucial in keeping students with such allergies safe. The risk of accidental exposure or cross-contamination is always present, 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.

To guard against accidental exposure to allergens, monitoring of the following high-risk areas and activities is crucial:

- a) Cafeteria;
- b) Food sharing;
- c) Hidden ingredients in art, science and other projects;
- d) Transportation;
- e) Fund raisers and bake sales;
- f) Parties and holiday celebrations;
- g) Field trips;
- h) Before and after school programs.

(Continued)

SUBJECT: STUDENTS WITH LIFE-THREATENING HEALTH CONDITIONS (Cont'd.)**Use of Epinephrine Auto-Injector Devices (Epi-Pens) in the School Setting**

The administration of epinephrine by epi-pen to a student with a known severe allergy needing an anaphylactic treatment agent may be performed by a school staff member responding to an emergency situation when such use has been prescribed by a licensed prescriber. However, a registered professional nurse/nurse practitioner/physician/physician's assistant *must* have trained the staff member to administer the epi-pen for that emergency situation and given him/her approval to assist the student in the event of an anaphylactic reaction.

Documentation of training must be maintained in the Anaphylaxis Protocol for Non-Licensed School Staff Members for each affected student. The emergency response by non-licensed school staff members is permitted under the Medical Practice Act (Education Law Section 6527(4)(a)) and the Nurse Practice Act (Education Law Section 6908 (1)(a)(iv)) and is covered by the "Good Samaritan Law" (Public Health Law Section 3000-a).

Medication Self-Management

The SWBOCES 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;
- b) Assuring the availability of the necessary equipment and/or medications;
- c) Providing appropriately trained licensed persons as required by law;
- d) Providing additional appropriately trained adults to complete delegated tasks as allowed by law;
- e) Developing an emergency plan for the student; and
- f) Providing ongoing staff and student education.

Americans with Disabilities Act, 42 United States Code (USC) Section 12101 et seq.
Individuals with Disabilities Education Act (IDEA), 20 United States Code (USC) Sections 1400-1485
Section 504 of the Rehabilitation Act of 1973, 29 United States Code (USC) Section 794 et seq.
34 Code of Federal Regulations (CFR) Part 300
Education Law Sections 6527 and 6908
Public Health Law Sections 2500-h and 3000-a

Adopted: 6/23/10

SUBJECT: CHILD ABUSE AND NEGLECT/MALTREATMENT**Familial Child Abuse**

The SWBOCES subscribes to all of the provisions of Title 6 - Child Protective Services of the Social Services Law Sections 411-428. Our purpose is to provide protective services to abused and neglected/maltreated children as described by the law, and to make all school personnel within the SWBOCES aware of our legal responsibilities under this law.

Regulations shall be developed, maintained and disseminated by administration regarding the:

- a) Mandatory reporting of suspected child abuse or neglect/maltreatment;
- b) Reporting procedures and obligations of persons required to report;
- c) Provisions for taking a child into protective custody;
- d) Mandatory reporting of deaths;
- e) Immunity from liability and penalties for failure to report;
- f) Obligations for provision of services and procedures necessary to safeguard the life of a child; and
- g) Provision of information in recognizing signs of unlawful methamphetamine laboratories for all current and new school officials (i.e., "mandated reporters") who, as part of their usual responsibilities, visit children's homes.

Additionally, an ongoing training program for all current and new school officials shall be established and implemented to enable such staff to carry out their reporting responsibilities. Attendance records shall be kept, and notations will be made in personnel files as to the dates of attendance.

The District Superintendent shall develop, with input from appropriate personnel, a plan for implementation of such a training program, to be approved by the Board. In addition, the policy and regulations will be included in all employee handbooks and distributed annually to all personnel who are not covered under existing handbooks. The District Superintendent will prepare and implement all regulations as are necessary to accomplish the intent of this policy.

A copy of this policy, along with the administrative regulations explaining the reporting requirements, shall be distributed to all members of the professional staff.

(Continued)

SUBJECT: CHILD ABUSE AND NEGLECT/MALTREATMENT (Cont'd.)School Officials Required to Report

The definition of a "school official" who is mandated to report cases of child abuse or neglect/maltreatment to the State Central Register (SCR) pursuant to Social Services Law Section 413(1) includes, but is not limited to, school teachers, school guidance counselors, school psychologists, school social workers, school nurses, school administrators or other school personnel required to hold a teaching or administrative license or certificate.

All mandated reporters shall make the report themselves and then immediately notify the Building Principal/SWBOCES' designee. The Building Principal/SWBOCES' designee shall be responsible for all subsequent administration necessitated by the report.

Any report shall include the name, title and contact information for every staff member who is believed to have direct knowledge of the allegations in the report.

Prohibition of Retaliatory Personnel Action

Social Services Law Section 413(1) also prohibits a school from taking any retaliatory personnel action against an employee because such employee believes that he/she has reasonable cause to suspect that a child is an abused or neglected/maltreated child and that employee makes a report to SCR pursuant to Social Services Law. Further, no school or school official shall impose any conditions, including prior approval or prior notification, upon any staff member specifically designated a mandated reporter.

Pursuant to Labor Law Section 740(1)(e), "retaliatory personnel action" means the discharge, suspension or demotion of an employee, or other adverse employment action taken against an employee in the terms and conditions of employment.

Report Form

The Revised May 2008 New York State Office of Children and Family Services "**Report of Suspected Child Abuse or Maltreatment**" Form LDSS-2221A may be accessed at:
<http://www.ocfs.state.ny.us/main/cps/>

Education Law Section 3209-a
Family Court Act Section 1012
Labor Law Section 740(1)(e)
Social Services Law Sections 411-428

(Continued)

SUBJECT: CHILD ABUSE AND NEGLECT/MALTREATMENT (Cont'd.)**Child Abuse in an Educational Setting**

The SWBOCES is committed to the protection of students in educational settings from abuse and maltreatment by employees or volunteers as enumerated in law.

"Child abuse" shall mean any of the following acts committed in an educational setting by an employee or volunteer against a child:

- a) Intentionally or recklessly inflicting physical injury, serious physical injury or death; or
- b) Intentionally or recklessly engaging in conduct which creates a substantial risk of such physical injury, serious physical injury or death; or
- c) Any child sexual abuse, defined as conduct prohibited by Penal Law Articles 130 or 263; or
- d) The commission or attempted commission against a child of the crime of disseminating indecent materials to minors pursuant to Penal Law Article 235.

"Educational setting" shall mean the building(s) and grounds of the SWBOCES and SWBOCES programs; the vehicles provided by the SWBOCES and under the authorization and supervision of the SWBOCES for the transportation of students to and from school buildings, field trips, co-curricular and extracurricular activities both on and off SWBOCES/School District 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.

In any case where an oral or written allegation is made to a teacher, school's registered professional nurse, school guidance counselor, school psychologist, school social worker, school administrator, Board member, or other school personnel required to hold a teaching or administrative license or certificate, that a child (defined in the law as a person under the age of twenty-one (21) years enrolled in a school district in this state) has been subjected to child abuse by an employee or volunteer in an educational setting, that person shall upon receipt of such allegation:

- a) Promptly complete a written report of such allegation including the full name of the child alleged to be abused; the name of the child's parent; the identity of the person making the allegation and their relationship to the alleged child victim; the name of the employee or volunteer against whom the allegation was made; and a listing of the specific allegations of child abuse in an educational setting. Such written report shall be completed on a form as prescribed by the Commissioner of Education.

(Continued)

Students

SUBJECT: CHILD ABUSE AND NEGLECT/MALTREATMENT (Cont'd.)

- b) Except where the school/SWBOCES administrator is the person receiving such an oral or written allegation, the employee completing the written report must promptly *personally deliver* a copy of that written report to the school/SWBOCES administrator of the school in which the child abuse allegedly occurred (subject to the following paragraph).

In any case where it is alleged the child was abused by a SWBOCES employee or volunteer of the SWBOCES, the report of such allegations shall be promptly forwarded to the Superintendents of Schools of all districts involved with that student and the SWBOCES District Superintendent whereupon all School Superintendents involved shall comply with the reporting/notification requirements as mandated by law.

Any employee or volunteer who reasonably and in good faith makes a report of allegations of child abuse in an educational setting in accordance with the reporting requirements of the law shall have immunity from civil liability which might otherwise result by reason of such actions.

Upon receipt of a written report alleging child abuse in an educational setting, the school/SWBOCES administrator or Superintendent/District Superintendent must then determine whether there is "reasonable suspicion" to believe that such an act of child abuse has occurred. Where there has been a determination as to the existence of such reasonable suspicion, the school/SWBOCES administrator or Superintendent/District Superintendent must follow the notification/reporting procedures mandated in law and further enumerated in administrative regulations including parental notification. When the school/SWBOCES administrator receives a written report, he/she shall promptly provide a copy of such report to the Superintendent/District Superintendent.

Where the District Superintendent has forwarded a written report of child abuse in an educational setting to law enforcement authorities, the District Superintendent shall also refer such report to the Commissioner of Education where the employee or volunteer alleged to have committed such an act of child abuse holds a certification or license issued by the State Education Department.

Any SWBOCES administrator or District 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 such a report to a person or agency as required by law, shall have immunity from civil liability which might otherwise result by reason of such actions.

Reports and other written material submitted pursuant to law with regard to allegations of child abuse in an educational setting, and photographs taken concerning such reports that are in the possession of any person legally authorized to receive such information, *shall be confidential and shall not be redisclosed except* to law enforcement authorities involved in an investigation of child abuse in an educational setting or as expressly authorized by law or pursuant to a court-ordered subpoena. SWBOCES administrators and the District Superintendent shall exercise reasonable care in preventing such unauthorized disclosure.

(Continued)

SUBJECT: CHILD ABUSE AND NEGLECT/MALTREATMENT (Cont'd.)

Additionally, teachers and all other SWBOCES officials shall be provided an annual written explanation concerning the reporting of child abuse in an educational setting, including the immunity provisions as enumerated in law. Further, the Commissioner of Education shall furnish the SWBOCES with required information, including rules and regulations for training necessary to implement SWBOCES/staff responsibilities under the law.

Prohibition of "Silent" (Unreported) Resignations

The District Superintendent and other SWBOCES administrators are prohibited from withholding from law enforcement authorities, the District Superintendent or the Commissioner of Education, where 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 his/her position.

District Superintendents (or a designated administrator) who reasonably and in good faith report to law enforcement officials information regarding allegations of child abuse or a resignation as required pursuant to the law shall have immunity from any liability, civil or criminal, which might otherwise result by reason of such actions.

Education Law Article 23-B and Sections 902(b) and 3028-b
Penal Law Articles 130, 235 and 263
Social Services Law Section 413
8 New York Code of Rules and Regulations (NYCRR) Part 83

Students

SUBJECT: SEXUAL HARASSMENT OF STUDENTS

The Board affirms its commitment to non-discrimination and recognizes its responsibility to provide for all SWBOCES students an environment that is free of sexual harassment and intimidation. Sexual harassment is a violation of law and stands in direct opposition to SWBOCES policy. Therefore, the Board prohibits and condemns all forms of sexual harassment by employees, school volunteers, students, and non-employees such as contractors and vendors which occur on school grounds and at all school-sponsored events, programs and activities including those that take place at locations off school premises or those that take place in another state. Generally, sexual harassment is defined as unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct or communication of a sexual nature when:

- a) Submission to or rejection of such sexually harassing conduct and/or communication by a student affects decisions regarding any aspect of the student's education, including participation in school-sponsored activities;
- b) Conditions exist within the school environment that allow or foster obscene pictures, lewd jokes, sexual advances, requests for sexual favors or other harassing activities of a sexual nature; and
- c) Such conduct and/or communication has the purpose or effect of substantially or unreasonably interfering with a student's academic performance or participation in an educational or extracurricular activity, or creating an intimidating, hostile or offensive learning environment; and/or effectively bars the student's access to an educational opportunity or benefit.

The Board acknowledges that in determining whether sexual harassment has occurred the totality of the circumstances, expectations, and relationships should be evaluated including, but not limited to, the ages of the harasser and the victim; the number of individuals involved; and the type, frequency and duration of the conduct. The Board recognizes that sexual harassment can originate from a person of either sex against a person of the opposite or same sex, and from a third party such as a school visitor, volunteer, or vendor, or any other individual associated with SWBOCES. Sexual harassment may occur from student-to-student, from staff-to-student, from student-to-staff, as well as staff-to-staff. SWBOCES will designate, at a minimum, two (2) Complaint Officers, one (1) of each gender.

In order for the Board to enforce this policy, and to take corrective measures as may be necessary, it is essential that any student who believes he/she has been a victim of sexual harassment in the school environment, as well as any other person who is aware of and/or who has knowledge of or witnesses any possible occurrence of sexual harassment, immediately report such alleged harassment; such report shall be directed to or forwarded to SWBOCES designated Complaint Officers through informal and/or formal complaint procedures as developed by the District. Such complaints are recommended to be in writing, although verbal complaints of alleged sexual harassment will also be promptly investigated in accordance with the terms of this policy. In the event that the Complaint Officer is the alleged offender, the report will be directed to the next level of supervisory authority.

(Continued)

SUBJECT: SEXUAL HARASSMENT OF STUDENTS (Cont'd.)

Upon receipt of an informal/formal complaint (even an anonymous complaint), SWBOCES will conduct a thorough investigation of the charges. However, even in the absence of a complaint, if SWBOCES has knowledge of or has reason to know of or suspect any occurrence of sexual harassment, SWBOCES will investigate such conduct promptly and thoroughly. To the extent possible, within legal constraints, all complaints will be treated as confidentially and privately as possible. However, disclosure may be necessary to complete a thorough investigation of the charges, and any disclosure will be provided on a "need to know" basis.

Based upon the results of the investigation, if SWBOCES determines that an employee and/or student has violated the terms of this policy and/or accompanying regulations, immediate corrective action will be taken as warranted. Should the offending individual be a student, appropriate disciplinary measures will be applied, up to and including suspension, in accordance with SWBOCES policy and regulation, the Code of Conduct, and applicable laws and/or regulations. Should the offending individual be a school employee, appropriate disciplinary measures will be applied, up to and including termination of the offender's employment, in accordance with legal guidelines, SWBOCES policy and regulation, the Code of Conduct and the applicable collective bargaining agreement(s). Third parties (such as school volunteers, vendors, etc.) who are found to have violated this policy and/or accompanying regulations will be subject to appropriate sanctions as warranted and in compliance with law.

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 sexual harassment. Follow-up inquiries shall be made to ensure that sexual harassment has not resumed and that all those involved in the investigation of the sexual harassment complaint have not suffered retaliation.

Finding That Harassment Did Not Occur

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

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

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

(Continued)

SUBJECT: SEXUAL HARASSMENT OF STUDENTS (Cont'd.)**Knowingly Makes False Accusations**

Employees and/or students who *knowingly* make false accusations against another individual as to allegations of harassment may also face appropriate disciplinary action.

Privacy Rights

As part of the investigation, SWBOCES has the right to search all school property and equipment including SWBOCES computers. Rooms, desks, cabinets, lockers, computers, etc. are provided by the SWBOCES for the use of staff and students, but the users do not have exclusive use of these locations or equipment and should not expect that materials stored therein will be private.

Development and Dissemination of Administrative Regulations

Regulations will be developed for reporting, investigating and remedying allegations of sexual harassment. An appeal procedure will also be provided to address any unresolved complaints and/or unsatisfactory prior determinations by the applicable Complaint Officer(s).

Such regulations will be developed in accordance with federal and state law as well as any applicable collective bargaining agreement(s).

The District Superintendent/designee(s) will affirmatively discuss the topic of sexual harassment with all employees and students, express SWBOCES' condemnation of such conduct, and explain the sanctions for such harassment. Appropriate training and/or "awareness" programs will be established for staff and students to help ensure knowledge of and familiarity with the issues pertaining to sexual harassment in the schools, and to disseminate preventative measures to help reduce such incidents of prohibited conduct. Furthermore, special training will be provided for designated supervisors and managerial employees, as may be necessary, for training in the investigation of sexual harassment complaints.

A copy of this policy and its accompanying regulations will be available upon request and may be posted at various locations in each school building. The SWBOCES' policy and regulations on sexual harassment will be published in appropriate school publications such as teacher/employee handbooks, student handbooks, and/or school calendars.

Civil Rights Act of 1991, 42 United States Code (USC) Section 1981(a)
Title VII of the Civil Rights Act of 1964, 42 United States Code (USC) Section 2000e et seq.
Title IX of the Education Amendments of 1972, 20 United States Code (USC) Section 1681 et seq.
34 Code of Federal Regulations (CFR) Section 100 et seq.
29 Code of Federal Regulations (CFR) Section 1604.11(a)
Education Law Section 2801(1)
Executive Law Sections 296 and 297

Adopted: 6/23/10

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, 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.

Sexual orientation is defined as heterosexuality, homosexuality, bisexuality or asexuality, whether actual or perceived.

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 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.

(Continued)

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.

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 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 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.

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 based on sex or disability. Included in such announcement will be the name, address and telephone number of the Title IX/Section 504/ADA Coordinator.

(Continued)

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

The Title IX/Section 504/ADA Coordinator shall also 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, marital status, or use of a recognized guide dog, hearing dog or service dog.

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

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.

SUBJECT: BULLYING: PEER ABUSE IN THE SWBOCES

Bullying of a student by another student is strictly prohibited on school property, in school buildings, on school buses, and at school sponsored events and/or activities whether occurring on or off campus. The Board shall require the prohibition of bullying - along with the range of possible intervention activities and/or sanctions for such misconduct - to be included in the *Southern Westchester BOCES Code of Conduct* for all grade levels.

The term "bullying" among children is defined as: "a variety of negative acts carried out repeatedly over time. It involves a real or perceived imbalance of power, with a more powerful child or group attacking those who are less powerful." Bullying can take three forms:

- a) Physical (including, but not limited to, hitting, kicking, spitting, pushing, taking personal belongings);
- b) Verbal (including, but not limited to, taunting, malicious teasing, name calling, making threats); and
- c) Psychological (including, but not limited to, spreading rumors; manipulating social relationships; or engaging in social exclusion, extortion, or intimidation).

The SWBOCES also prohibits "Internet bullying" (also referred to as "cyber-bullying") including the use of instant messaging, e-mail, web sites, chat rooms, and text messaging when such use interferes with the operation of the school; or infringes upon the general health, safety and welfare of SWBOCES students or employees.

However, it is important to note that a single negative act as enumerated above may also constitute "bullying" (if not more serious misconduct) based upon the particular circumstances such as the seriousness of the act and/or the intent of the actor.

Any student who believes that he/she is being subjected to bullying behavior, as well as any other person who has knowledge of or witnesses any possible occurrence of bullying, shall report the bullying to any staff member or the Building Principal. The staff member/Building Principal to whom the report is made (or the staff member/Building Principal who witnesses bullying behavior) shall investigate the complaint and take appropriate action to include, as necessary, referral to the next level of supervisory authority and/or other official designated by the SWBOCES to investigate allegations of bullying. Investigation of allegations of bullying shall follow the procedures utilized for complaints of harassment within the SWBOCES. Allegations of bullying shall be promptly investigated and will be treated as confidential and private to the extent possible within legal constraints.

(Continued)

**SUBJECT: BULLYING: PEER ABUSE IN THE SOUTHERN WESTCHESTER BOCES
(Cont'd.)**

Prohibition Against Retaliation

The Board prohibits any retaliatory behavior directed against complainants, victims, witnesses, and/or any other individuals who participate in the investigation of allegations of bullying. Follow-up inquiries and/or appropriate monitoring of the alleged bully and victim shall be made to ensure that bullying behavior has not resumed and that all those involved in the investigation of allegations of bullying have not suffered retaliation.

Personnel at all levels are responsible for taking corrective action to prevent bullying behavior of which they have been made aware at SWBOCES sites or activities and/or reporting such behavior to their immediate supervisor. Further, staff training shall be provided to raise awareness of the problem of bullying within the schools and to facilitate staff identification of and response to such bullying behavior among students.

Prevention and intervention techniques within the SWBOCES to prevent against bullying behavior and to support and protect victims shall include building-level and classroom-level strategies and activities as determined by administration. Individual intervention will be provided by appropriate staff members to bullies, victims and their parents to help ensure that the bullying stops.

Rules against bullying shall be publicized SWBOCES-wide and shall be disseminated as appropriate to staff, students and parents. Disciplinary sanctions for violation of this policy shall be outlined in the *Southern Westchester BOCES Code of Conduct* as enumerated above and may also be incorporated in staff and student handbooks.

NOTE: Refer also to Policies #2410 -- Code of Conduct on Southern Westchester BOCES Property
#2420 -- Anti-Harassment in the Southern Westchester BOCES
#6440 -- Sexual Harassment (Students)
#6463 -- Hazing of Students
Southern Westchester BOCES Code of Conduct on Southern Westchester BOCES Property

Adopted: 6/23/10

Students

SUBJECT: HAZING OF STUDENTS

The Board is committed to providing a safe, productive and positive learning environment within its schools. Hazing activities are demeaning, abusive and/or illegal behaviors that harm victims, and are inconsistent with the educational goals of the SWBOCES by negatively impacting the school environment. Hazing of a student by another student or group of students is strictly prohibited on school property; in school buildings; on school buses; by school sponsored groups, clubs or teams; and at school sponsored events and/or activities whether occurring on or off-campus. Hazing of a student refers to soliciting, encouraging, aiding, or engaging in "hazing" behavior as defined pursuant to SWBOCES policy, regulation and/or law. The Board shall require the prohibition of hazing - along with the range of possible intervention activities and/or sanctions for such misconduct - to be included in the *Southern Westchester BOCES Code of Conduct* for all grade levels.

The term "hazing" among students is defined as any humiliating or dangerous activity expected of a student to join a group, regardless of their willingness to participate. Hazing behaviors include but are not limited to, the following general categories:

- a) Humiliation: (socially offensive, isolating or uncooperative behaviors).
- b) Substance abuse: (abuse of tobacco, alcohol or illegal drugs).
- c) Dangerous hazing: (hurtful, aggressive, destructive, and disruptive behaviors).

Incorporated within this definition are various forms of physical, emotional and/or sexual abuse which may range in severity from teasing/embarrassing activities to life threatening actions.

Even if the hazing victim participated "willingly" in the activity, or there was no "intent" by the hazer to harm or injure another individual, hazing is still hazing and against SWBOCES policy, the *Southern Westchester BOCES Code of Conduct* and may be in violation of New York State Law. However, hazing of students does not need to rise to the level of criminal activity for such conduct to be in violation of SWBOCES rules and subject to appropriate disciplinary sanctions. Any hazing activity, whether by an individual or a group, shall be presumed a forced activity and in violation of Board policy, regardless of the "willingness" of the student to participate.

Any student who believes that he/she is being subjected to hazing behavior, as well as any other person who has knowledge of or witnesses any possible occurrence of hazing, shall report the incident to any staff member or the Building Principal. Anonymous student complaints of hazing behavior will also be investigated by the SWBOCES. The staff member/Building Principal to whom the report is made (or the staff member/Building Principal who witnesses hazing behavior) shall investigate the complaint/incident and take appropriate action to include, as necessary, referral to the next level of supervisory authority and/or other official designated by the SWBOCES to investigate allegations of hazing. Investigations of allegations of hazing shall follow the procedures utilized for complaints of harassment within the SWBOCES. Allegations of hazing shall be promptly investigated and will be treated as confidential and private to the extent possible within legal constraints.

(Continued)

SUBJECT: HAZING OF STUDENTS (Cont'd.)**Prohibition of Retaliation**

The Board prohibits any retaliatory behavior directed against complainants, victims, witnesses, and/or any other individuals who participate in the investigation of allegations of hazing. Follow-up inquiries and/or appropriate monitoring of the alleged hazer(s) and victim(s) shall be made to ensure that hazing behavior has not resumed and that all those involved in the investigation of allegations of hazing have not suffered retaliation. Any act of retaliation is subject to appropriate disciplinary action by the SWBOCES.

Knowingly Makes False Accusations

Students who *knowingly* make false accusations against another individual as to allegations of hazing may also face appropriate disciplinary action.

District Responsibility/Training

Personnel at all levels are responsible for taking corrective action to prevent hazing behavior of which they have been made aware at SWBOCES sites; by school sponsored groups or clubs; and at SWBOCES sponsored events and/or activities whether occurring on or off-campus. Further, as may be applicable, personnel are to report such hazing behavior to their immediate supervisor. Staff training shall be provided to raise awareness of the problem of hazing within the schools and to facilitate staff identification of, and response to, such hazing behavior among students.

Prevention and intervention techniques within the SWBOCES to help prevent hazing behavior and to support and protect victims shall include building-level and classroom-level strategies and activities as determined by administration. Individual intervention will be provided by appropriate staff members to hazers, victims and their parents to help ensure that the hazing stops.

Rules against hazing shall be publicized SWBOCES-wide and shall be disseminated as appropriate to staff, students and parents. Disciplinary sanctions for violation of this policy shall be outlined in the *Southern Westchester BOCES Code of Conduct* and may also be incorporated in staff and student handbooks. In addition, allegations of hazing behavior may result in referral to law enforcement officials as necessary.

Education Law Sections 1709-a, 2503-a, 2554-a, and 2801

Penal Law Sections 120.16 and 120.17

8 New York Code of Rules and Regulations (NYCRR) Section 100.2(l)(2)

NOTE: Refer also to Policies #2410 -- Code of Conduct on Southern Westchester BOCES Property
#2420 -- Anti-Harassment in the Southern Westchester BOCES
#6440 -- Sexual Harassment (Students)
#6462 -- Bullying: Peer Abuse in the Southern Westchester BOCES
Southern Westchester BOCES Code of Conduct on Southern Westchester BOCES Property

Adopted: 6/23/10

SUBJECT: NOTIFICATION OF SEX OFFENDERS

In accordance with the Sex Offender Registration Act ("Megan's Law"), the Board of Cooperative Education Services supports the New York State Department of Criminal Justice Services (DCJS) in its effort to inform the community in certain circumstances of the presence of individuals with a history of sex offenses, particularly against children, in the school locality. This policy is enacted in order to minimize the possibility that the sex offender will come in contact with school-age children, and to assist law enforcement agencies in preventing further criminal activity from occurring. Furthermore, the SWBOCES shall cooperate with local police authorities and the local community in promoting and protecting the safety and well being of its students.

It is the policy of the Board that information regarding sex offenders be maintained and distributed to staff and others in a responsible manner and that a uniform response by SWBOCES personnel to such information be established.

Any information provided by local law enforcement officials pursuant to Megan's Law shall be posted in an appropriate location in all school buildings. In addition, the District Superintendent shall ensure the dissemination of any such information to all staff who might come in contact with the offender in the course of doing their jobs, including Building Principals/Supervisors, staff who issue visitors' passes, bus drivers, custodians, playground monitors, security personnel, and coaches. All other staff members and community residents shall be informed of the posting requirement for such information established by this policy and of the availability of the information, upon request. Community residents shall also be reminded of the security measures and personal safety instruction provided at school. All staff requests for information provided by the law enforcement agencies shall be directed to the Building Principal.

The District Superintendent reserves the right to automatically disseminate such information to additional members of the staff, designated supervisors of non-school groups that regularly use SWBOCES facilities and have children in attendance, parents/guardians of SWBOCES students, and other community residents who, in the opinion of the District Superintendent, have an immediate need to be notified of such data in order to protect the safety of our students.

Information that is disseminated to the SWBOCES pursuant to Megan's Law may be disclosed or not disclosed by the SWBOCES in its discretion. In situations where SWBOCES personnel work in component school district classrooms or programs, the policy for that school district relating to notification of sex offenders will prevail.

Staff members shall inform their immediate supervisor if they observe within the school building, on school grounds, at school activities, or at or near bus routes any individual whose description matches the information which was provided to the SWBOCES by local law enforcement authorities. Such law enforcement officials will be notified of this information by the SWBOCES as appropriate.

(Continued)

SUBJECT: NOTIFICATION OF SEX OFFENDERS (Cont'd.)

Any information which the SWBOCES 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 SWBOCES, upon written request, in accordance with the requirements of the Freedom of Information Law.

Implementation

Administrative regulations shall be developed to implement this policy; and shall be distributed and/or made available to SWBOCES staff.

Correction Law Article 6-C
Executive Law 259-c(14)
Penal Law 65.10(4-a)
Public Officers Law Section 84 et seq.

SUBJECT: CHILD LABOR PROVISIONS

Job experiences and workforce development are integral parts of SWBOCES' programs and services provided for their students, including those under the age of eighteen (18).

In keeping with this mission, SWBOCES will remain in compliance with all applicable federal, state and local laws relating to child labor including the Fair Labor Standards Act, as well as other applicable laws regulating the age, hours and conditions of the employment of minors.

**SUBJECT: STUDENT PRIVACY, PARENTAL ACCESS TO INFORMATION, AND
ADMINISTRATION OF CERTAIN PHYSICAL EXAMINATIONS TO
MINORS**

The Protection of Pupil Rights Amendment (PPRA) governs the administration to students of a survey, analysis, or evaluation that concerns one or more of the following **eight (8) protected areas**:

- a) Political affiliations or beliefs of the student or the student's parent/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/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).

PPRA also concerns marketing surveys and other areas of student privacy, parental access to information, and the administration of certain physical examinations to minors.

General Provisions

The requirements of PPRA do not apply to a survey administered to a student in accordance with the Individuals with Disabilities Education Act (IDEA). Further, PPRA does not supersede any of the requirements of the Family Educational Rights and Privacy Act (FERPA).

The rights provided to parents/guardians under PPRA transfer from the parent/guardian to the student when the student turns eighteen (18) years old or is an emancipated minor under applicable State law.

The SWBOCES may use funds provided under Part A of Title V of the Elementary and Secondary Education Act of 1965 to enhance parental/guardian involvement in areas affecting the in-school privacy of students.

(Continued)

**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 SWBOCES shall provide for reasonable notice of the adoption or continued use of this policy directly to parents/guardians and eligible students enrolled in the SWBOCES. At a minimum, the SWBOCES shall provide such 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 SWBOCES shall offer an opportunity for parents/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 **eight (8) 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/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 such examination that includes incision, insertion, or injection into the body, but *does not include a hearing, vision or scoliosis screening*.

Specific Notification

In the event that the SWBOCES does not identify the specific or approximate dates of the activities or surveys to be administered in the general annual notification, it shall "directly" notify, such as through U.S. Mail or e-mail, the parents of students who are scheduled to

(Continued)

**SUBJECT: STUDENT PRIVACY, PARENTAL ACCESS TO INFORMATION, AND
ADMINISTRATION OF CERTAIN PHYSICAL EXAMINATIONS TO
MINORS (Cont'd.)**

participate in the specific activities or surveys prior to participation and provide an opportunity for the parent to provide written consent or opt his/her child out of participation in accordance with law and the surveys conducted.

U.S. Department of Education-Funded Surveys

In compliance with the Protection of Pupil Rights Amendment (PPRA), the SWBOCES is committed to protecting the rights and privacy interests of parents/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 SWBOCES shall make instructional materials available for inspection by parents/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 SWBOCES **shall obtain prior written parental/guardian consent** before minor students are required to participate in any DOE-funded survey, analysis, or evaluation that reveals information concerning any of the **eight (8) protected areas**.

Surveys Funded by Sources Other than U.S. Department of Education

The SWBOCES has developed and adopted this Board policy, in consultation with parents/guardians, regarding the following:

- a) The right of the parent/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/guardians to inspect such surveys are to be submitted, in writing, to the Building Principal at least ten (10) days prior to the administration or distribution of any survey. Further, the SWBOCES shall grant a request by the parent/guardian for reasonable access to such survey within a reasonable period of time after the request is received by the SWBOCES.
- b) Arrangements shall be provided by the SWBOCES to protect student privacy in the event of the administration or distribution of a survey to a student containing one or more of the **eight (8) protected areas**, including the right of the parent/guardian of the student to inspect, upon request, any survey containing one or more of the **eight (8) protected areas**. Such requests must be submitted by the parent/guardian, in writing, to the Building Principal at least ten (10) days prior to the administration or distribution of any survey.

(Continued)

**SUBJECT: STUDENT PRIVACY, PARENTAL ACCESS TO INFORMATION, AND
ADMINISTRATION OF CERTAIN PHYSICAL EXAMINATIONS TO
MINORS (Cont'd.)**

- c) Parents/guardians shall be granted, upon request, reasonable access and the right to inspect instructional materials used as part of the educational curriculum for the student within a reasonable period of time (*defined by the SWBOCES, for the purposes of this policy, as thirty [30] days) after such request is received by the SWBOCES. Requests shall be submitted by parents/guardians, in writing, to the Building 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.*
- d) The administration of physical examinations or screenings that the SWBOCES 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 SWBOCES 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/authorized in accordance with Federal or State law and/or regulation, it is policy of the Board, to **not permit** the collection, disclosure, or use of personal information (the term "*personal information*" is defined as individually identifiable information including a student's or parent/guardian's first and last name; home address; telephone number; or Social Security number; or biometric record) collected from students for the purpose of marketing or for selling that information (or otherwise providing that information to others for that purpose), *unless otherwise exempted pursuant to law as noted below*. The term "biometric record" as referred to above means a record of one (1) or more measurable biological or behavioral characteristics that can be used for automated recognition of an individual. (Examples include: fingerprints, retina and iris patterns, voiceprints, DNA sequences, facial characteristics and handwriting.) 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/designee.

This law is not intended to preempt applicable provisions of State law that require parental/guardian notification.

(Continued)

**SUBJECT: STUDENT PRIVACY, PARENTAL ACCESS TO INFORMATION, AND
ADMINISTRATION OF CERTAIN PHYSICAL EXAMINATIONS TO
MINORS (Cont'd.)**

These requirements **do not apply** to the collection, disclosure, or use of personal information collected from students for the exclusive purpose of developing, evaluating, or providing educational products or services for, or to, students or educational institutions, such as the following:

- a) College or other postsecondary education recruitment, or *military recruitment**;
**Military recruiter access to student information is governed by the Family Educational Rights and Privacy Act of 1974 (FERPA) and the National Defense Authorization Act for Fiscal Year 2002.*
- 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 such tests and assessments) and the subsequent analysis and public release of the aggregate data from such tests and assessments;
- e) The sale by students of products or services to raise funds for school-related or education-related activities;
- f) Student recognition programs.

Family Educational Rights and Privacy Act of 1974, as amended by the No Child Left Behind Act of 2001,
20 United States Code (USC) Sections 1232h(b) and 1232h(c)
34 Code of Federal Regulations (CFR) Part 99

NOTE: Refer also to Policy #6491 -- Military Recruiters' Access to Secondary School Students and Information on Students

Adopted: 6/23/10

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

Southern Westchester BOCES**NUMBER****INSTRUCTION**

1.1	Safety Conditions and Programs	7110
1.1.1	Fire Drills and Bomb Threats	7111
1.1.2	Disaster Planning and Civil Preparedness	7112
1.1.3	Prevention Instruction.....	7113
1.2	Students with Disabilities	7120
1.2.1	Providing Teachers and Service Providers Copies of a Student's Individualized Education Program	7121
1.2.2	Appointment and Training of Special Education Personnel.....	7122
1.3	Continuing Education	7130
1.4	Career and Technical Education	7140
1.7	Instructional Technology	7170
1.9	Evaluation of Instructional Programs	7190

INSTRUCTIONAL MATERIALS

2.2	Instructional Materials	7220
2.3	Use of Copyrighted Materials.....	7230
2.3.1	Computer Software Copyright.....	7231
2.4	Textbooks/Workbooks/Calculators	7240
2.4.1	Objection to Curricula or Instructional Materials.....	7241
2.5	The Children's Internet Protection Act: Internet Content Filtering/Safety Policy	7250

INSTRUCTIONAL ARRANGEMENTS

3.1	Field Trips and Excursions	7310
3.2	School Calendar	7320

Instruction

SUBJECT: SAFETY CONDITIONS AND PROGRAMS

SWBOCES Board shall establish and annually review a safety program which may include, but not be limited to, in-service training, plant inspection, fire prevention, accident record-keeping, driver and vehicle safety program, emergency procedures and drills, and traffic safety programs relevant to students, employees and the community; and provide for inspections and supervision of the health and safety aspects of the school facilities.

The Assistant Superintendent for Special Services shall be responsible for the supervision of a safety program for schools and/or buildings assigned to them.

Eye and ear safety devices are to be provided for the protection of employees, students and visitors, and worn when activities present a potential hazard.

Each classroom teacher shall provide instruction to students for the safe and proper use of all instructional materials and equipment.

Education Law Sections 409, 409-a, 807-a, and 906

8 New York Code of Rules and Regulations (NYCRR) Part 136 and Section 141.10

Adopted: 6/23/10

Instruction

SUBJECT: FIRE DRILLS AND BOMB THREATS**Fire Drills**

The SWBOCES Director or Designee of each location exclusive to SWBOCES shall provide instruction for and training of students in fire drill procedures. Where SWBOCES classroom are located in a public school, the SWBOCES supervisor and public school administrator will collaborate on fire drill training. Where SWBOCES classrooms are located in privately owned facilities, including but not limited to hospitals and churches, fire drills will be conducted by the SWBOCES supervisor in collaboration with representatives of the private facility.

Fire drills shall be held at least twelve (12) times in each school year; eight (8) of these shall be held between September 1 and December 1. At least one (1) of the twelve (12) drills shall be held during each of the regular lunch periods, or shall include special instruction on the procedures to be followed if a fire occurs during a student's lunch period.

At least two (2) additional drills shall be held during summer school in buildings where summer school is conducted and one of these drills shall be held during the first week of summer school.

After-School Programs

The Building Principal of SWBOCES owned facilities or his/her designee shall require those in charge of after-school programs, attended by any individuals unfamiliar with the school building, to announce at the beginning of such programs the procedures to be followed in the event of an emergency.

Bomb ThreatsSchool Bomb Threats

A bomb threat, even if later determined to be a hoax, is a criminal action. No bomb threat should be treated as a hoax when it is first received. Specific procedures can be found in the building level school safety plan, as required by Project SAVE.

Police Notification and Investigation

Appropriate State, county, and/or local law enforcement agencies must be notified by school personnel of any bomb threat as soon as possible after the receipt of the threat. Law enforcement officials will contact, as the situation requires, fire and/or county emergency coordinators according to the county emergency plan.

(Continued)

Instruction

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

The Board directs the District Superintendent or his/her designee to develop administrative regulations to implement the terms of this policy. Such regulations are to be incorporated in the SWBOCES-wide School Safety Plan, and the building level school safety plan, with provisions for written notification by October 1 of each school year to all students and staff about emergency procedures, an annual emergency drill, and the annual updating of the SWBOCES-wide and building level school safety plans, by July 1, as mandated pursuant to law and/or regulation.

8 New York Code of Rules and Regulations (NYCRR) Sections 155.17 and 156.3(h)(2)
Penal Law Sections 240.55, 240.60 and 240.62
Education Law Sections 807, 2801-a and 3623

NOTE: Refer also to Policies #4542 -- School Safety Plans
#6213 -- Loss or Destruction of Southern Westchester BOCES
Property or Resources

Adopted: 6/23/10

Instruction

SUBJECT: DISASTER PLANNING AND CIVIL PREPAREDNESS

SWBOCES shall maintain updated plans and operating procedures to be followed in the event of natural or manmade disasters or enemy attack. Students, staff and parents shall be provided current information on effective safety procedures required in emergency situations.

New York State Office of Disaster Preparedness

Adopted: 6/23/10

Instruction

SUBJECT: PREVENTION INSTRUCTION

The following will be offered during regularly scheduled classes to all those students who are enrolled in our full-time programs:

AIDS Instruction

SWBOCES will provide classroom instruction concerning Acquired Immune Deficiency Syndrome (AIDS) as part of a sequential and comprehensive health education program.

Accurate information concerning the nature of the disease, methods of transmission, and means of prevention shall be provided in an age-appropriate manner, shall be consistent with community values and will stress that abstinence is the most appropriate and effective premarital protection against AIDS.

No student shall be required to receive instruction concerning the methods of prevention of AIDS if the parent or legal guardian has filed with the school Principal or his/her designee a written request that the student not participate in such instruction, with an assurance that the student will receive this instruction at home.

Substance Abuse-Prevention Instruction

A prevention program will be developed to inform students on:

- a) Causes for substance abuse;
- b) Physical and psychological damage associated with substance abuse;
- c) Avoidance of alcohol, tobacco and drugs; and
- d) Dangers of driving while under the influence of alcohol or drugs.

Student Safety

Instruction in courses in technology education, science, home and career skills, art and physical education, health, and safety, if any, shall include and emphasize safety and accident prevention.

Safety instruction shall precede the use of materials and equipment by students in applicable units of work in the courses listed above, and instructors shall teach and enforce all safety procedures relating to the particular courses. These shall include the wearing of protective ear and eye devices and clothing in appropriate activities.

AIDS Instruction: 8 New York Code of Rules and Regulations (NYCRR) Section 135.3(b)(2) and (c)(2)

Substance Abuse: Education Law Section 804

8 New York Code of Rules and Regulations (NYCRR) Section 135.3(a)

Student Safety: Education Law Section 808

8 New York Code of Rules and Regulations (NYCRR) Sections 107 and 155

Adopted: 6/23/10

Instruction

SUBJECT: STUDENTS WITH DISABILITIES

Section 504 of the Rehabilitation Act of 1973 prohibits discrimination against qualified individuals with disabilities in federally assisted programs or activities solely on the basis of disability. The SWBOCES shall make its programs and facilities accessible to all its students with disabilities.

The SWBOCES official responsible for coordination of activities relating to compliance with Section 504 is the District Superintendent. He/she shall provide information, including complaint procedures, to any person who feels his/her rights under Section 504 have been violated by the SWBOCES or its officials.

Participation of Students with Disabilities in Extracurricular Programs and Activities

All students with disabilities shall be provided with full access and opportunity to participate in SWBOCES programs and extracurricular activities which are available to all other students enrolled in the SWBOCES. Parents/guardians of students with disabilities shall receive timely notice of such programs and activities.

The following procedures shall be followed to ensure enforcement of this policy:

- a) Each student with a disability will be informed by a teacher, guidance counselor or administrator of the SWBOCES of the availability of extracurricular programs and activities and his/her eligibility to participate.
- b) Each student's parent or guardian will be advised of this policy at the initial placement meeting and/or annual review by their respective Committee on Special Education.

Allocation of Space for Special Education Programs and Services

To ensure that adequate and appropriate space is made available for special education classes provided by the SWBOCES, the Board will allocate an appropriate amount of space in SWBOCES or local facilities to meet the needs of students in such programs. This allocation will be part of the annual SWBOCES plan for the provision of special education programs and services, as mandated by the Commissioner of Education.

20 United States Code (USC) Sections 1400-1485,
Individuals with Disabilities Education Act (IDEA)
Education Law Sections 4401-4407

8 New York Code of Rules and Regulations (NYCRR) Sections 100.5, 100.9, 200.2(b)(1) and (b)(3),
200.2(c)(2)(iv) and (v), and 200.6(a)(1) and (a)(3)

Adopted: 6/23/10

Instruction

SUBJECT: PROVIDING TEACHERS AND SERVICE PROVIDERS COPIES OF A STUDENT'S INDIVIDUALIZED EDUCATION PROGRAM

SWBOCES recognizes the importance of the communication of essential information regarding students to the staff working with those students. To ensure that each student's Individualized Education Program (IEP) is properly implemented, SWBOCES has implemented this policy.

The Board directs that the District Superintendent/Designee 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 a paper or electronic copy of such student's IEP (*including amendments to the IEP*) prior to the implementation of such program. The Assistant Superintendent for Special Education will designate a professional employee of the SWBOCES with a knowledge of the student's disability and education program, to be responsible for maintaining a record of the personnel who have received IEP copies for each student.

Any copy of a student's IEP shall remain confidential in compliance with the Individuals with Disabilities Education Act, the Family Educational Rights and Privacy Act, and SWBOCES policy regarding confidentiality of student records; and shall not be disclosed to any other person other than the parent of such 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 such information. Procedures will be established to ensure that copies of students' IEPs are stored in secure locations and retrieved or destroyed when such professionals are no longer responsible for implementing a student's IEP.

34 Code of Federal Regulations (CFR) Section 300.323(d)
Education Law Section 4402(7)(a)(b)(c)

Adopted: 6/23/10

Instruction

SUBJECT: APPOINTMENT AND TRAINING OF SPECIAL EDUCATION PERSONNEL

It is the policy of SWBOCES to ensure that all personnel charged with the education of students with disabilities are appropriately appointed and trained. The training of qualified personnel is essential to the effective implementation of the Rules and Regulations of the Commissioner of Education regarding the education of all students with disabilities.

The Board will make local, county and state sponsored Special Education training sessions available to present and future personnel. It is the intent of the Board to promote the Special Education training of SWBOCES officials and personnel regarding the respective roles and responsibilities of the Board, the administration and others as they relate to Special Education. Personnel will be encouraged to participate in training sessions and to attend inservice workshops.

The Assistant Superintendent or his/her designee shall be responsible to the District Superintendent for establishing administrative practices and procedures for training all SWBOCES personnel responsible for carrying out the provisions of Part 200 of the Commissioner's Regulations.

Individuals with Disabilities Act (IDEA) 20 United States Code (USC) Section 1400 et seq.

34 Code of Federal Regulations (CFR) Part 300

Education Law Sections 4402 and 4410

8 New York Code of Rules and Regulations (NYCRR) Sections 200.2 (b)(3), 200.3, and 200.4 (d)(4)(i)(d)

Adopted: 6/23/10

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: CAREER AND TECHNICAL EDUCATION**Equal Opportunity**

The Southern Westchester Board of Cooperative Educational Services shall not discriminate on the basis of age, sex, sexual orientation, race, color, creed, religion, national origin, political affiliation, marital status, military status, disability, or use of a recognized guide dog, hearing dog or service dog in any career and technical education program or activity of this SWBOCES.

The career and technical program and/or activities shall be readily accessible to students with disabilities.

Public Notification

Prior to the beginning of each school year or academic semester, the SWBOCES shall 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 age, sex, sexual orientation, race, color, creed, religion, national origin, political affiliation, marital status, military status, disability or use of a recognized guide dog, hearing dog or service dog. Included in such announcement will be the name, address, and telephone number of the person designated to coordinate Title IX/Section 504/ADA activities.

Grievance Procedure

Grievance procedures for resolving complaints regarding discrimination based on sex and/or disability shall be disseminated to adequately inform students, parents and employees of the existence of these procedures.

Reduced Education Tuition for Adults

The SWBOCES shall provide a reduced tuition rate for adults participating on a space-available basis in scheduled secondary career and technical educational programs. This policy is established in accordance with Education Law, and by agreement with the component districts.

The reduced rate shall be sixty percent (60%) of the costs charged to participating local school districts on a per pupil basis. In no class shall the adults enrolled represent more than sixty percent (60%) of the class enrollment, unless ten (10) or fewer secondary students are enrolled and the Deputy Commissioner for Elementary, Middle, Secondary and Continuing Education rules favorably upon a written request by the District Superintendent. No costs shall be assigned to component districts as a result of this reduced tuition program.

Civil Rights Law Section 40-c

Education Law Article 93 and Section 1950(4)

Executive Law Section 290 et seq.

8 New York Code of Rules and Regulations (NYCRR) Sections 100.2(h) and 141 et seq.

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: EVALUATION OF INSTRUCTIONAL PROGRAMS

The Southern Westchester Board of Cooperative Educational Services expects staff members to maintain a continual program of evaluation at every level to determine the extent of progress toward the SWBOCES objectives. The Board will periodically request the District Superintendent to present factual information which it considers necessary to evaluate the effectiveness of the SWBOCES instructional programs.

Evaluation may be concerned with the extent to which:

- a) Each staff member performs at full potential;
- b) Each student attending SWBOCES programs achieves in accordance with his/her ability;
- c) The total learning environment, including institutional processes, physical facilities, and the educational program, remains consistent with the needs of staff and the students and contributes to the accomplishment of the goals of the SWBOCES.

8 New York Code of Rules and Regulations (NYCRR) Section 100.2 (m)

Adopted: 6/23/10

Instruction

SUBJECT: INSTRUCTIONAL MATERIALS

SWBOCES Services affirms its basic responsibility to guarantee the right of SWBOCES students to be given a full opportunity for a comprehensive educational program. Therefore, the Board asserts its responsibility to provide the following materials for all SWBOCES students and teachers:

- a) Instructional materials necessary to assist in the fulfillment of the goals of all SWBOCES-approved programs;
- b) Resource materials which will enrich and support SWBOCES-approved educational programs;
- c) Support materials which stimulate growth in factual knowledge, literary appreciation, cultural heritage, aesthetic values, and ethical-moral standards;
- d) Varied sources of information which will contribute to thoughtful, intelligent, and meaningful decision-making;
- e) A balance of materials which appropriately cover opposing sides of controversial issues for the purpose of critical analysis; and
- f) Materials representative of the many historical, political, social, ethnic, religious, and social groups which contribute to American and world heritage.

The selection of all SWBOCES materials shall be made by the appropriate certified instructional personnel.

8 New York Code of Rules and Regulations (NYCRR) Section 21.4

NOTE: Refer also to Policy #7240 -- Textbooks/Workbooks/Calculators

Adopted: 6/23/10

Instruction

SUBJECT: USE OF COPYRIGHTED MATERIALS

The Southern Westchester Board of Cooperative Educational Services will abide by the provisions of the United States Copyright Law (Title 17, United States Code, Sections 101, et seq.).

All employees and students are prohibited from copying materials not specifically allowed by the copyright law, fair use guidelines, licenses or contractual agreements, or the permission of the copyright proprietor.

Digital Millennium Copyright Act (DMCA)
17 United States Code (USC) Sections 101 et seq., 512 and 1201 et seq.

Adopted: 6/23/10

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.

SUBJECT: TEXTBOOKS/WORKBOOKS/CALCULATORS**Textbooks**

The term "textbook" shall refer to a book supplied to a student for a fixed period of time for his/her personal use and basic to the study of a subject. The Board shall make provision for funds to be budgeted for the purchase of textbooks and related instructional materials.

Upon the recommendation of the District Superintendent or designee, the Board shall designate the textbooks to be used. Textbooks, once designated, cannot be superseded within a period of five (5) years except by a three-fourths (3/4) vote of the Board.

The SWBOCES has the option of participating in the National Instructional Materials Access Center (NIMAC). Whether a 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 (8 NYCRR Section 200.2(b)(10)). The New York State Education Department (NYSED) recommends that school districts/SWBOCES 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 please see: <http://www.vesid.nysed.gov/specialed/publications/persprep/NIMAS.pdf>.

Students will be required to pay for lost books or for excessive damage to books.

Workbooks

The term "workbook" shall refer to the type of book that provides spaces to write in and is consumed each year. It is usually paper-covered and designed to be used in connection with a textbook. The Board shall approve the expenditure of funds for the purchase of workbooks and manuals.

(Continued)

SUBJECT: TEXTBOOKS/WORKBOOKS/CALCULATORS (Cont'd.)**Calculators**

The SWBOCES can require students to provide their own "supplies" (defined as something which is consumed in use, loses its appearance and shape in use, expendable, and inexpensive). Examples include pencils, pens, paper, etc. Calculators do not fall into this category and must be considered like classroom teaching materials for which the SWBOCES is authorized to levy a tax.

The New York State Education Department requires the use of calculators for intermediate and high school level mathematics and science assessments. To the extent that calculators are a necessary part of the educational program, the SWBOCES must provide them. Under no circumstances should students be charged for a calculator or otherwise required to purchase one in order to participate in an educational program of the SWBOCES.

(see website: http://www.emsc.nysed.gov/mgtserv/charging_for_calculators.shtml)

20 United States Code (USC) Section 1474(e)(3)(B)

Education Law Sections 2(12), 701 et seq., 753, 754, 3602(6), 3602(26), 4401(2)I, 4401(2)(e), 4401(2)(g), 4401(2)(i) and 4401(2)(l)

8 New York Code of Rules and Regulations (NYCRR) Sections 21.3, 100.12, 155.1(a)(4) and 175.25

Instruction

SUBJECT: OBJECTION TO CURRICULA OR INSTRUCTIONAL MATERIALS

The Southern Westchester Board of Cooperative Educational Services recognizes its responsibility for the selection of instructional materials. The Board expects teachers and administrators to recommend books and other materials in accord with sound educational principles and practices, and to use them effectively in the classrooms. However, the Board also recognizes the right of community members to voice concerns and/or complaints regarding the implementation of a particular curriculum and/or instructional material. Any criticism of curricula or instructional materials that cannot be resolved informally with the staff member/administrator should be submitted in writing to the District Superintendent. The Board will be informed. A committee, which includes a library media specialist and a Building Principal and/or Program Supervisor, will be designated by the District Superintendent to investigate and judge the challenged material according to the principles and qualitative standards stated in Policy #7220 -- Instructional Materials.

Study of Specific Materials/Conflict with Religious Beliefs

In accordance with applicable law and regulation, a student may be excused from the study of specific materials relating to health and hygiene if these materials are in conflict with the religion of his/her parents/guardians. Alternatives may be provided that are of comparable instructional value.

Education Law Section 3204(5)

8 New York Code of Rules and Regulations (NYCRR) Section 135.3

NOTE: Refer also to Policy #7220 -- Instructional Materials

Adopted: 6/23/10

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

Instruction

SUBJECT: FIELD TRIPS AND EXCURSIONS

The SWBOCES recognizes the desirability of providing off-campus experiences which will enhance the educational program. The SWBOCES Center Director will determine the frequency and content of class field trips. Each student must secure the permission of his/her parent/guardian before participating in such activity.

Factors relevant in consideration of approval of such field trips may include the relationship to the curriculum, the distance of the trip, availability of transportation, the cost involved, weather conditions, and full utilization of transportation. In order to make necessary transportation arrangements, all requests for day field trips must be submitted to the appropriate supervisor at least one (1) week prior to the trip date.

Overnight Field Trips

Trips in excess of one (1) day involving overnight travel should be approved by the District Superintendent prior to making any commitments or arrangements. Requests for overnight trips should be made at least two (2) months in advance of the planned event.

The District Superintendent/designee may cancel previously approved field trips due to extenuating circumstances.

Transportation to School Sponsored Events

Transportation may be provided for field trips that enhance or enrich the educational program. Arrangements shall be made in accordance with administrative procedures.

Where the SWBOCES has provided transportation to students enrolled in SWBOCES to a school sponsored field trip, extracurricular activity or any other similar event, it shall provide transportation back to either the point of departure or to the appropriate school in the SWBOCES unless the parent or legal guardian of a student participating in such event has provided the SWBOCES with written notice, consistent with SWBOCES policy, authorizing an alternative form of return transportation for such student or unless intervening circumstances make such transportation impractical. In cases where intervening circumstances make transportation of a student back to the point of departure or to the appropriate school in the SWBOCES impractical, a representative of SWBOCES shall remain with the student until such student's parent or legal guardian has been contacted and informed of the intervening circumstances which make such transportation impractical; and the student has been delivered to his/her parent or legal guardian.

SWBOCES shall not be liable for the costs to students, parents, and teachers when previously approved field trips are cancelled due to extenuating circumstances.

Education Law Sections 1950, 3635, 4401(4), 4404 and 4405

Adopted: 6/23/10

2010

7320

Instruction

SUBJECT: SCHOOL CALENDAR

The Southern Westchester Board of Cooperative Educational Services shall adopt a school calendar annually upon the recommendation of the District Superintendent.

Education Law Sections 3204(4) and 3604(7)(8)
8 New York Code of Rules and Regulations (NYCRR) Section 175.5

Adopted: 6/23/10

SOUTHERN WESTCHESTER BOCES POLICY INDEX

ABSENCES AND EXCUSES -- STUDENT	6110
ACCEPTABLE USE -- TECHNOLOGY AND THE INTERNET	5260, 6214
ACCEPTANCE OF GIFTS, GRANTS AND BEQUESTS TO BOCES	4220, 4320
ACCESS TO PUBLIC RECORDS	2310
ACCIDENT INSURANCE	6420
ACCIDENTS/FIRST AID TREATMENT	6420
ACCOUNTABILITY FOR BOCES FUNDS	4440
ACCOUNTABILITY OF BOCES PERSONAL PROPERTY	4320
ACCOUNTING, FISCAL	4410-4460
ACCOUNTING OF FIXED ASSETS	4431
ACQUIRED IMMUNE DEFICIENCY SYNDROME (AIDS) AND HUMAN IMMUNODEFICIENCY VIRUS (HIV)	4541
ADMINISTERING MEDICATION	6421
ADMINISTRATION OF BUDGET	4130
ADMINISTRATIVE ORGANIZATION AND OPERATION (ORGANIZATION CHART)	3210
ADMINISTRATIVE PERSONNEL	3111, 5130
ADULT EDUCATION AND WORKFORCE DEVELOPMENT	5151, 6480, 7130
ADULT EDUCATION: REDUCED TUITION RATES	7140
AGENDA (BOARD MEETINGS)	1438
AIDS -- ACQUIRED IMMUNE DEFICIENCY SYNDROME/HUMAN IMMUNODEFICIENCY VIRUS (HIV)	4541
ALCOHOL AND DRUG ABUSE	5160, 6220
ALCOHOL AND DRUG TESTING FOR SCHOOL BUS DRIVERS AND OTHER SAFETY-SENSITIVE EMPLOYEES	4523
ALLEGATIONS OF FRAUD	4481
ALLERGIES	6422
ALLOCATION OF SPACE FOR SPECIAL EDUCATION PROGRAMS AND SERVICES	7120
ALTERNATIVE FORMATS FOR INSTRUCTIONAL MATERIALS	4310

AMERICAN RED CROSS	5340
ANNUAL MEETING	1437
ANNUAL REORGANIZATION MEETING	1438
ANTI-HARASSMENT IN THE BOCES	2420, 5121, 6440, 6462, 6463
ANTI-NEPOTISM	5155
APPOINTMENT AND TRAINING OF SPECIAL EDUCATION PERSONNEL	7122
APPOINTMENT OF PERSONNEL -- PROBATIONARY/PERMANENT	5150
APPOINTMENTS AND DESIGNATIONS (ANNUAL REORGANIZATIONAL MEETING)	1438
ASSIGNMENTS AND TRANSFERS OF PERSONNEL	5150
ATTENDANCE -- STUDENT	6110, 6130, 6140, 6170
ATTENDANCE AT CONFERENCES, CONVENTIONS AND WORKSHOPS	1520, 5210
ATTENDANCE OF THE BOARD	1230
AUDIT COMMITTEE.....	4480, 4482
AUTHORIZATION TO EMPLOY TEMPORARY AND/OR PART-TIME EMPLOYEES	5151
AUTOMOBILES (USE OF) BY BOCES ADMINISTRATORS	4522
AWARDS AND CERTIFICATES -- STUDENT	6330
BEHAVIOR/DISCIPLINE -- STUDENT	6210-6217
BEQUESTS, GRANTS AND GIFTS TO BOCES -- ACCEPTANCE OF	4230, 4320
BID AWARDS: RECOMMENDATION OF	4311
BLOOD DONATION -- LEAVE OF ABSENCE	5340
BLOOD GLUCOSE MONITORING	6421
BOARD	
Board Compensation and Expenses (Travel)	1560
Board Development Policy	1520
Board Evaluation	1540
Board Member Attendance	1230
Board Member Attendance at Conferences, Conventions and Workshops	1520
Board Member Authority	1110
Board Member Nomination and Election	1220
Board Member Qualifications and Terms of Office	1210
Board Member Resignations/Removal From Office	1230

Board Member Training on Financial Oversight, Accountability, and Fiduciary Responsibilities	1580
Board Membership in Associations	1530
Board Officers - Powers and Duties.....	1310
Board Orientation	1550
Board Self-Evaluation	1540
Board Vacancies.....	1230
BOCES/Community Relations and Communications.....	2110
BOCES Publications	2110
Copyright of BOCES Work Products	2120
Code of Ethics	1340, 5110
Compensation of Expenses	1560
Copyright of BOCES Work Products	2120
Defense and Indemnification of Board Members and Employees.....	5360
Duties of the Board	1310
Membership in Associations	1530
Number of Members and Term of Office	1110
Orienting New Members.....	1550
Organization and Authority.....	1110
Powers and Duties	1310
Principles for School Board Members	1340
Professional Development for Board Members	1520
Term of Office.....	1110
Travel Expenses and Travel Compensation	1560
Vacancies	1230
 BOARD AUDITOR -- DUTIES OF	 1315
BOARD CLERK -- DUTIES OF	1313
BOARD LEGAL COUNSEL	1316
BOARD PRESIDENT -- DUTIES OF	1311
BOARD TREASURER -- DUTIES OF	1314
BOARD VICE PRESIDENT -- DUTIES OF	1312
BOCES-OWNED CELLULAR TELEPHONE POLICY	4341
BOCES CHARGE CARD ISSUED BY HOME DEPOT -- (USE OF)	4331
BOCES CREDIT CARD -- (USE OF)	4330, 4331
BOCES FUNDS -- ACCOUNTABILITY	4440
BOCES OWNED VEHICLES AND MILEAGE ALLOWANCES (USE OF)	5280
BOCES PERSONAL PROPERTY ACCOUNTABILITY	4320
BOCES WELLNESS POLICY	4581
BOMB THREATS AND FIRE DRILLS.....	6213, 7111
BONE MARROW DONATION -- LEAVE OF ABSENCE	5340

BONDS: EMPLOYEE.....	4530
BREAST CANCER SCREENING -- LEAVE OF ABSENCE.....	5340
BUDGET ADMINISTRATION	4130
BUDGET DEVELOPMENT AND ADOPTION	4120
BUDGET PLANNING AND PREPARATION	4110
BUDGET TRANSFERS	4130
BUILDINGS AND GROUNDS MAINTENANCE AND INSPECTION	4511
BULLYING: PEER ABUSE IN THE BOCES	6462
BUS TRANSPORTATION OF STUDENTS.....	4521
CALCULATORS.....	7240
CALENDAR, SCHOOL	7320
CAREER AND TECHNICAL EDUCATION	7140
CAREER AND TECHNICAL EDUCATION: REDUCED TUITION FOR ADULTS.....	7140
CASH IN SCHOOL BUILDINGS/PETTY CASH FUNDS	4450
CELL PHONE -- BOCES (USE OF).....	4341
CERTIFICATION AND QUALIFICATIONS.....	5158
CHARITABLE DONATIONS -- SOLICITATION OF FROM SCHOOL CHILDREN	2260
CHIEF OPERATING OFFICER	3130
CHIEF SCHOOL ADMINISTRATORS' COUNCIL	3220
CHILD ABUSE AND NEGLECT/MALTREATMENT	6430
CHILD LABOR PROVISIONS	6480
CHILDREN WITH DISABILITIES.....	7120
CIVIL RIGHTS COMPLIANCE OFFICER	1440, 2420, 5121, 5170, 6440, 6460, 6461, 7120, 7140
CLAIMS AUDIT POLICY	4485
CLAIMS AUDITOR -- APPOINTMENT AND DUTIES OF	1315
CLOSING OF SCHOOLS	2130

CLUBS, STUDENT	4441, 6510
COBRA	5320
CODE OF CONDUCT ON BOCES PROPERTY	2410
CODE OF ETHICS	1340, 5110
CODE OF ETHICS FOR ALL BOCES PERSONNEL	5110
COMMITTEES AND COUNCILS	
Audit Committees	4480, 4482
Board Audit Committee	4482
Chief Administrators' Council	3220
COMMUNICABLE DISEASES	4543
COMMUNITY RELATIONS AND COMMUNICATIONS/PUBLICATIONS	2110
COMMUNITY USE OF BOCES FACILITIES	2230
COMPENSATION AND BENEFITS	5300
COMPENSATION AND EXPENSES	1560, 4411, 5210, 5212
COMPETITIVE BIDS AND QUOTATIONS	4310, 4320
COMPLAINTS AND GRIEVANCES	2250, 2420, 5120, 5121, 5170, 6440, 6460, 6461, 7120, 7140
COMPREHENSIVE SECONDARY STUDENT ATTENDANCE POLICY	6110
COMPUTERIZED INFORMATION	
Confidentiality of Computerized Information	2311
Internet Content Filtering	7250
Misuse/Abuse	7250
Software Copyright	7231
Personnel Use of	5260
Release of	4573
Student Use of	6214
CONDUCT AND DISCIPLINE -- STUDENT	6210-6215
CONFERENCE ATTENDANCE	
Board Members	1520
Employees	5210
Travel Expenses and Travel Compensation	1560
CONFERENCE TRAVEL EXPENSE REIMBURSEMENT	1560
CONFLICT OF INTEREST	5111

CONSERVATION/RECYCLING	4515
CONTINUATION OF MEDICAL COVERAGE AT TERMINATION OF EMPLOYMENT	5320
CONTINUING EDUCATION	7130
CONTINUING EDUCATION INSTRUCTORS	5150
COPYRIGHT OF BOCES WORK PRODUCTS	2120
COPYRIGHTED MATERIALS	2120, 7230, 7231
CORPORAL PUNISHMENT/EMERGENCY INTERVENTIONS	6211, 6216
CREDIT CARD -- BOCES (USE OF)	4330, 4331
CRISIS MANAGEMENT	2111
CURRICULUM DEVELOPMENT	7153
DEFENSE AND INDEMNIFICATION OF BOARD MEMBERS AND EMPLOYEES	5360
DEFIBRILLATORS, USE OF	4544
DESTRUCTION OR LOSS OF BOCES PROPERTY	6213
DIRECTORY INFORMATION -- STUDENT	6320
DISABILITIES: STUDENTS WITH	7120
DISASTER PLANNING AND CIVIL PREPAREDNESS	7112
DISCIPLINE/CONDUCT -- STUDENT	6210-6215
DISCIPLINE OF STUDENTS WITH DISABILITIES	6212
DISCRIMINATION	1440, 2420, 5120, 5121, 5170, 6440, 6460, 6461, 7120, 7140
DISPOSAL OF BOCES PROPERTY	4320
DISPOSAL OF CONSUMER REPORT INFORMATION AND RECORDS	4572
DISTRICT SUPERINTENDENT	3111
DOGS -- GUIDE DOG, HEARING DOG OR SERVICE DOG	1440, 2420, 5120, 5170, 6460, 6461, 7130, 7140
DONATIONS	4230

DRESS CODE -- STUDENT	6215
DRUG-FREE WORKPLACE	5161
DRUG AND ALCOHOL ABUSE.....	5160, 6220
DRUG AND ALCOHOL TESTING FOR SCHOOL BUS DRIVERS AND OTHER SAFETY-SENSITIVE EMPLOYEES	4523
EDUCATION OF HOMELESS CHILDREN AND YOUTH	6170
ELECTRONIC CONSENT (STUDENT RECORDS)	6320
E-MAIL/INTERNET ACCEPTABLE USE	5260, 6214
EMERGENCY CLOSINGS	2130
EMERGENCY INTERVENTIONS/CORPORAL PUNISHMENT	6211, 6216
EMERGENCY MANAGEMENT PLAN.....	4542
EMERGENCY SERVICE VOLUNTEER LEAVE	5340
EMERGENCY TRANSPORTATION OF PUPILS.....	6420
EMPLOYEE ASSISTANCE PROGRAM	5350
EMPLOYEE ATTENDANCE AT CONFERENCES.....	5210
EMPLOYEE BONDS	4530
EMPLOYEE REIMBURSEMENT	4411
EMPLOYEE HEALTH EXAMINATIONS.....	5140
EMPLOYEE PRIVACY: PERSONNEL RECORDS AND RELEASE OF INFORMATION	5220
EMPLOYMENT OF RELATIVES OF BOARD MEMBERS	5155
ENERGY/WATER CONSERVATION AND RECYCLING OF SOLID WASTE	4515
ENVIRONMENTAL SENSITIVE CLEANING AND MAINTENANCE PRODUCTS.....	4310
EQUAL EDUCATIONAL OPPORTUNITY	6460, 7140
EQUAL EMPLOYMENT OPPORTUNITY	5120
EQUIPMENT AND OTHER PROPERTY (BOCES) -- USE OF BY BOARD MEMBERS/EMPLOYEES.....	2231
ETHICS.....	1340, 2120, 5110, 5240
ETHICS, CODE OF ETHICS FOR ALL BOCES PERSONNEL	5110
EVALUATION	

Evaluation of Administrative Staff.....	5130
Evaluation of the District Superintendent, Administrative and Management Personnel.....	3120
Evaluation of Instructional Programs.....	7190
Evaluation of Personnel.....	5130
Evaluation of Professional Staff.....	5130
Evaluation of Support Staff.....	5130
Examinations (Student).....	6310
Staff Evaluation.....	5130
Student Evaluation	6310
EXAMINATIONS (STUDENT)	6310
EXECUTIVE SESSIONS OF THE BOARD	1433
EXPENDITURES: APPROVAL OF.....	1560, 4410, 4411
EXPENSE REIMBURSEMENT	1560, 4411, 5212
EXPOSURE CONTROL PLAN.....	4560
EXTERNAL (INDEPENDENT) AUDITOR -- DUTIES OF	1317
EXTRACLASSROOM ACTIVITY FUNDS AND STUDENT FUNDS	4460
FACILITIES -- INSPECTION, OPERATION AND MAINTENANCE.....	4511
FACILITIES PLANNING	4510-4511
FACILITIES -- USE OF BY PUBLIC	2230
FAIR LABOR STANDARDS ACT (WAGE AND HOUR LAWS POLICY).....	5370
FAMILY AND MEDICAL LEAVE ACT	5341
FEDERAL FUNDS.....	4220, 4441
FEDERAL, STATE AND PRIVATE FUNDS.....	4220
FIELD TRIPS.....	7310
FINANCIAL ACCOUNTABILITY	1580, 4440, 4480-4483
FINGERPRINTING OF PROSPECTIVE BOCES EMPLOYEES.....	5156
FINGERPRINTING REIMBURSEMENT	5156
FIRE DRILLS AND BOMB THREATS.....	7111
FISCAL ACCOUNTING AND REPORTING	4484
FIXED ASSETS.....	4431
FLAG DISPLAY	2140

FOOD SERVICE PROGRAM (LUNCH AND BREAKFAST)	4580
FRAUD -- ALLEGATIONS OF	4481
FRATERNIZATION	5180
FREEDOM OF INFORMATION	2310
FUNDS	
Accountability for BOCES Funds	4440
Extracurricular Activity Funds	4460
Federal and State Funds -- Applications for	4220
GIFTS, GRANTS AND BEQUESTS TO BOCES -- ACCEPTANCE OF	4230, 4320
GREEN CLEANING PRODUCTS	4310
GROUPING BY SIMILARITY OF NEEDS (STUDENTS WITH DISABILITIES)	7120
GUIDE DOG	1440, 2420, 5120, 5170, 6460, 6461, 7130, 7140
GUN-FREE SCHOOLS ACT AND WEAPONS IN SCHOOL	6240
HARASSMENT	2420, 5121, 6440, 6461, 6462, 6463
HARASSMENT -- SEXUAL	5121, 6440
HAZARD COMMUNICATION STANDARD	4540
HAZING OF STUDENTS	6463
HEALTH AND SAFETY COMMITTEE	4511
HEALTH EXAMS -- EMPLOYEES	5140
HEALTH INSURANCE	5320
HEARING DOG	1440, 2420, 5120, 5170, 6460, 6461, 7130, 7140
HIV/AIDS POLICY	4541
HIV RELATED ILLNESSES/AIDS	4541
HOMELESS CHILDREN AND YOUTH (EDUCATION OF)	6170
HUMAN IMMUNODEFICIENCY VIRUS - HIV RELATED ILLNESSES/ACQUIRED	4541

IDLING SCHOOL BUSES ON SCHOOL GROUNDS	4524
IMMUNE DEFICIENCY SYNDROME (AIDS)	4541
IMMUNIZATIONS	6410
INCIDENTAL TEACHING	5153
INFORMATION SECURITY BREACH AND NOTIFICATION	4571
INSTRUCTIONAL MATERIALS AND TEXTBOOKS	7220, 7240
INSTRUCTIONAL ORGANIZATION	7151
INSTRUCTIONAL PROGRAMS -- EVALUATION OF	7190
INSTRUCTIONAL TECHNOLOGY	7170
INSURANCE	4530, 6420
INTELLECTUAL PROPERTY	2120, 5240, 5270
INTERNAL AUDIT FUNCTION	4483
INTERNAL AUDITOR -- DUTIES OF	1319
INTERNET -- ACCEPTABLE USE OF	5260, 6214
INTERNET CONTENT FILTERING	7251
INTERPRETER SERVICES, PROVISION OF, TO PARENTS WHO ARE HEARING IMPAIRED	6311
INTERROGATIONS AND SEARCHES -- STUDENT	6230
INVENTORIES	4430-4431
INVESTMENTS	4210
JURY DUTY	5250
LEAVES OF ABSENCE	5340, 5341, 5342
LEGAL COUNSEL	1316
LIABILITY PROTECTION -- BOARD MEMBERS AND EMPLOYEES	5360
LIFE-THREATENING HEALTH CONDITIONS (STUDENTS WITH)	6422
LOSS OR DESTRUCTION OF BOCES PROPERTY OR RESOURCES	6213
MAINTENANCE OF ORDER ON SCHOOL PROPERTY	2410
MARRIED AND PREGNANT STUDENTS	6140

MEAL/REFRESHMENT/DURING MEETINGS.....	4411, 4412
MEDICATION -- ADMINISTERING	6421
MEETINGS OF THE BOARD.....	1431-1438, 2220
"MEGAN'S LAW"	6470
MENTORING PROGRAMS FOR FIRST YEAR TEACHERS.....	5211
MILITARY LEAVES OF ABSENCE.....	5342
MILITARY RECRUITERS' ACCESS TO SECONDARY SCHOOL STUDENTS AND INFORMATION ON STUDENTS	6491
MINUTES OF BOARD MEETINGS.....	1435
NEGLECT/CHILD ABUSE	6440
NEPOTISM.....	5155
NON-DISCRIMINATION	1440, 2420, 5120, 5121, 5170, 6440, 6460, 6461, 7120, 7140
NON-RESIDENT STUDENTS	6130
NURSING MOTHERS -- LEAVE OF ABSENCE TO EXPRESS MILK	5340
OATH OF ALLEGIANCE/OFFICE	5111
OBJECTION TO CURRICULA OR INSTRUCTIONAL MATERIALS	7241
ORGANIZATION CHART	3210
PARENTAL INVOLVEMENT.....	6160
PARENTS, CUSTODIAL/NON-CUSTODIAL.....	6321
PARLIAMENTARY PROCEDURE: USE OF	1510
PART-TIME AND TEMPORARY EMPLOYEES.....	5151
PERSONAL PROPERTY ACCOUNTABILITY: BOCES	4320
PERSONNEL INFORMATION (PRIVACY) -- RELEASE OF/EMPLOYEE PERSONNEL RECORDS	5220
PERSONNEL RECRUITMENT, SELECTION AND APPOINTMENT/ASSIGNMENTS AND TRANSFERS.....	5150
PESTICIDES AND PEST MANAGEMENT.....	4516

PETTY CASH FUNDS.....	4450
PHYSICAL RESTRAINT/CORPORAL PUNISHMENT	6211
PHYSICALS/HEALTH SCREENING	5140
PLACEMENT/REFERRAL -- STUDENT	6120
POLICIES	
Effect of Policies	1410
Execution of Policy: Administrative Regulations	1420
Formulation and Adoption of Policy	1410
PREGNANT/MARRIED STUDENTS	6140
PRESCRIPTIVE MEDICATION	6421
PREVENTION INSTRUCTION	5160, 6220, 7113
PROCUREMENT OF GOODS AND SERVICES.....	4310, 4320
PROFESSIONAL GROWTH/STAFF DEVELOPMENT	5210, 5211
PROFESSIONAL STAFF CONSULTING ACTIVITIES	5240
PROGRAM ACCESSIBILITY -- SECTION 504 OF THE REHABILITATION ACT OF 1973	7120
PROGRAM EXCLUSION	6212.1
PROGRAM INITIATION	7152
PROMOTIONS -- STUDENT	6310
PROSTATE CANCER SCREENING -- LEAVE OF ABSENCE.....	5340
PROTECTION OF PUPIL RIGHTS AMENDMENT	6490
PUBLIC ACCESS TO RECORDS.....	2310
PUBLIC COMPLAINTS	2250
PUBLIC PARTICIPATION AT BOARD MEETINGS.....	2220
PUBLIC RELATIONS	2110
PURCHASING	4310
RECORDS	
Disposal of Consumer Report Information and Records	4572
Employee Personnel Records	5220
Information Security Breach and Notification	4571
Public Access to Records	2310
Records Access Officer	2310

Records Management	4570
Records Management Officer	1318
Records Retention and Disposition Officer.....	1318
Release of Personnel Information	5220
Student Records: Access and Challenge	6320
RECORDS MANAGEMENT	4570
RECORDS OFFICERS.....	1318
RECRUITING AND HIRING	5150
RECRUITMENT, SELECTION AND APPOINTMENT OF PERSONNEL/ ASSIGNMENTS AND TRANSFERS.....	5150
RECYCLING	4515
REDUCED CAREER AND TECHNICAL EDUCATION TUITION FOR ADULTS.....	7140
REFERRAL/PLACEMENT -- STUDENT	6120
REGULAR MEETINGS OF THE BOARD OF COOPERATIVE EDUCATIONAL SERVICES	1431
REIMBURSEMENT FOR MEALS/MILEAGE/LODGING.....	4411
REIMBURSEMENT OF EXPENSES.....	1560, 4411, 5210, 5211
RELEASE OF COMPUTERIZED DATA	4573
RELEASE OF PERSONNEL INFORMATION/EMPLOYEE RECORDS	5220
REPORTING TO PARENTS OR GUARDIANS	6311
RETENTION AND ACCELERATION -- STUDENT	6310
"RIGHT -TO KNOW" LAW	4540
SAFE PUBLIC SCHOOL CHOICE OPTION TO STUDENTS WHO ARE VICTIMS OF A VIOLENT CRIMINAL OFFENSE.....	6150
SAFETY AND SECURITY	4540
SAFETY CONDITIONS AND PROGRAMS.....	7110
SAFETY/SECURITY	2430, 4540-4544, 6150, 7251
SCHOOL CALENDAR	7320
SCHOOL FOOD SERVICE PROGRAM (LUNCH AND BREAKFAST).....	4580
SCHOOL SAFETY PLANS	4542

SEARCHES AND INTERROGATIONS OF STUDENTS	6230
SECTION 504 OF THE REHABILITATION ACT OF 1973/PROGRAM ACCESSIBILITY	7120
SERVICE DOG	1440, 2420, 5120, 5170, 6460, 6461, 7130, 7140
SERVICING OR REPAIRING OF PERSONAL PROPERTY BY STUDENTS	2232
SEX OFFENDERS, NOTIFICATION	6470
SEXUAL ABUSE -- PROTECTION OF STUDENTS FROM	6431
SEXUAL HARASSMENT	5121, 6440
SMOKING/TOBACCO USE	4550
SOLICITATION OF CHARITABLE DONATIONS FROM SCHOOL CHILDREN.....	2260
SPECIAL MEETINGS OF THE BOARD	1436
STAFF DEVELOPMENT/PROFESSIONAL GROWTH	5210
STAFF EVALUATION.....	5130
STAFF RECRUITMENT SELECTION AND APPOINTMENT.....	5150
STAFF-STUDENT RELATIONS (FRATERNIZATION).....	5180
STATE AND FEDERAL FUNDS, APPLICATIONS	4220
STUDENT AUTOMOBILE USE.....	6250
STUDENT AWARDS	6330
STUDENT BEHAVIOR/DISCIPLINE	6210-6215
STUDENT DISMISSAL PRECAUTIONS	6190
STUDENT DIRECTORY INFORMATION.....	6320
STUDENT DRESS CODE	6215
STUDENT EVALUATION -- PROMOTION/RETENTION AND ACCELERATION	6310
STUDENT FUNDS AND EXTRACLASSROOM ACTIVITY FUNDS	4460
STUDENT PRIVACY, PARENTAL ACCESS TO INFORMATION, AND ADMINISTRATION OF CERTAIN PHYSICAL EXAMINATIONS TO MINORS.....	6490
STUDENT RECORDS: ACCESS AND CHALLENGE	6320
STUDENT REFERRAL AND PLACEMENT	6120

STUDENTS WITH DISABILITIES	
Discipline.....	6212
Participation in Programs/Program Accessibility/Section 504 of the Rehabilitation Act of 1973	7120
Suspension of Students with Disabilities	6212
STUDENTS WITH LIFE-THREATENING HEALTH CONDITIONS.....	6422
SUPPORT SCHOOL PERSONNEL	5157
SUSPENSION OF STUDENTS	6212
TECHNOLOGY AND THE INTERNET -- ACCEPTABLE USE.....	5260, 6214
TELEPHONE AND OTHER COMMUNICATION EQUIPMENT USAGE	4340, 4341
TEMPORARY AND PART-TIME EMPLOYEES.....	5151
TEXTBOOKS AND OTHER INSTRUCTIONAL MATERIALS	7240
TRANSFERS AND ASSIGNMENTS OF PERSONNEL	5150
TRANSPORTATION	
Bus Transportation of Students	4521
Drug and Alcohol Testing for School Bus Drivers and Other Safety-Sensitive Employees	4523
Emergency Transportation of Pupils	6420
Field Trips	7310
Student Automobile Use	6250
Transportation to School Sponsored Events	7310
Use of Automobiles by BOCES Administrators	4522
TRAVEL EXPENSES AND TRAVEL COMPENSATION	1560
TREASURER: DUTIES OF	1314
TUITION RATES: CAREER AND TECHNICAL EDUCATION FOR ADULTS	4471
UNIFORM VIOLENT AND DISRUPTIVE INCIDENT SYSTEM	2430
UNIFORMED SERVICES EMPLOYMENT AND REEMPLOYMENT RIGHTS ACT (USERRA)/MILITARY LEAVES OF ABSENCE	5342
USE OF AUTOMOBILES BY BOCES ADMINISTRATORS.....	4522
USE OF BOCES CREDIT CARD.....	4330, 4331
USE OF BOCES FACILITIES (COMMUNITY)	2230
USE OF BOCES-OWNED EQUIPMENT AND OTHER PROPERTY: BOARD MEMBERS/ EMPLOYEES	2231
USE OF BUILDINGS AND FACILITIES.....	2230
USE OF COPYRIGHTED MATERIALS	7230
USERRA (UNIFORMED SERVICES EMPLOYMENT AND REEMPLOYMENT RIGHTS ACT)/	

MILITARY LEAVES OF ABSENCE.....	5342
VACANCIES ON THE BOARD	1230
VISITORS TO BOCES FACILITIES	2210
VOLUNTEERS.....	2240
WAGE AND HOUR LAWS POLICY	5370
WEAPONS IN SCHOOL AND THE GUN-FREE SCHOOLS ACT	6240
WEAPONS UPON SCHOOL GROUNDS	2411, 6240
WEB PAGE PUBLISHING -- BOCES STANDARDS AND GUIDELINES FOR.....	2150
WELLNESS POLICY	4581
WORKBOOKS	7240
WORKERS' COMPENSATION	5310
WORKFORCE DEVELOPMENT AND ADULT EDUCATION.....	5151, 6480, 7130
WORKS MADE FOR HIRE	5270