collaboration | innovation | efficiency | excellence | leadership

Dutchess BOCES

POLICY MANUAL

www.dcboces.org

FOREWORD

The Dutchess County Board of Cooperative Educational Services (hereafter "BOCES") is a voluntary cooperative association of public school districts in Dutchess County. The BOCES is governed by a Board of Trustees (hereafter "Board") who have formulated the policies contained herein.

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 BOCES is governed by and subject to all applicable Laws, Regulations of the Commissioner of Education, Civil Service requirements, Board Resolutions, School Administrative Regulations and Contracts of Agreement.

If any part of this manual is made invalid by judicial decision or legislative or administrative enactment, all other parts shall remain in full effect unless and until they are amended or repealed by the Board.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 Dutchess County BOCES shall be the minutes of the meetings of the Board.

VISION STATEMENT

Dutchess County BOCES will be recognized for its premier educational and support services providing quality and cost-effective solutions for our community. We will promote an organizational culture fostering collaboration, innovation, efficiency, excellence and leadership that is embraced by BOCES and its community.

MISSION STATEMENT

Dutchess County BOCES will provide leadership in raising all Dutchess County students academic performance to a level that meets or exceeds the New York State Standards. This will be done through focusing available resources in new ways that enhance leadership in our schools, promote strategic data driven decision-making and provide services and programs needed by county schools to fulfill this mission. We shall also continue in our mission of collaborating with other community agencies for the betterment of county residents to meet the educational needs of all citizens.

BOCES BELIEF STATEMENT

- Learning is a lifelong endeavor.
- Teaching and learning are at their best in a diverse environment that fosters cooperation and understanding through collaboration and communication.
- Mutual respect, fairness, support and honesty create quality relationships.

GOVERNANCE PRINCIPALS OF THE BOCES BOARD MEMBERS

Governance principals are commitments demonstrated in individual and collective behaviors of the Dutchess County BOCES Board. These principles are directed to three basic relationships – those we serve, those we support and ourselves. The success of every system depends on effective working relationships among BOCES Board members, the component districts, the community and the District Superintendent.

Seven governance principals will guide board member behavior. These principals are organized according to the three basic relationships, as follows:

The Board's Responsibility to Those it Serves

1) Service to its component district boards and community by sharing, stimulating and coordinating planning, services and programs that are economical, efficient and equitable.

2) Production of policy decisions based upon the broadest values before progressing to narrower ones and speaking with one voice.

3) Continuous communication with component district boards and the community.

The Board's Relationship with the District Superintendent

4) Empowerment of management based upon a role clarity.

5) Assessment of the District Superintendent's performance is conducted through comparison with policy criteria and based on a clear set of mutually agreed upon performance objectives.

The Board's Internal Process

6) The Board is responsible to the BOCES and to itself to establish, reaffirm, and assess the educational priorities of the organization.

7) The Board is committed to continuous improvement through Board development and assessment.

Principals Adopted October 8, 2003

Principals Revised January 14, 2004

Dutchess County BOCES

BY-LAWS

(Section 1000)

NUMBER

ORGANIZATION OF THE BOARD OF COOPERATIVE EDUCATIONAL SERVICES

1.1 Organization and Authority 1110

1.2 Number of Members and Term of Office 1120

NOMINATION AND ELECTION OF BOARD MEMBERS

2.1 Qualifications of Board Members 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 Duties of the Internal Auditor 1315

3.1.5 (i) Internal Audit Function 1315.1

3.1.6 Duties of the School Attorney 1316

3.1.7 Duties of the Purchasing Agent 1317

BY-LAWS (Cont'd.)

(Section 1000)

NUMBER

ROLE OF THE BOARD OF COOPERATIVE EDUCATIONAL SERVICES (Cont'd.)

3.1.8 Records Officers 1318

3.2 Methods of Operation 1320

3.2.1 Communication Between Board Members 1321

3.3 Code of Conduct for School Board Members 1330

METHODS OF OPERATION

4.1 Formulation, Adoption, Amendment, Dissemination and Review 1410

4.2 Execution of Policy: Administrative Regulations 1420

4.3 Meetings

4.3.1 Regular Meetings of the BOCES 1431

4.3.2 Order of Business at Regular Board Meetings 1432

4.3.3 Executive Sessions of the Board 1433

4.3.4 Quorum 1434

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 Organizational Meeting 1438

4.4 Non-Discrimination 1440

BY-LAWS

(Section 1000)

NUMBER

INTERNAL BOARD OPERATIONS

5.1 Use of Parliamentary Procedure 1510

5.2 Board Members' Attendance at Professional Conferences and Expense Reimbursement 1520

5.3 Board Self-Evaluation 1530

5.4 New Board Member Orientation 1540

5.5 Compensation and Expenses 1550

5.6 Advisory Committees 1560

Dutchess County BOCES

COMMUNITY RELATIONS

(Section 2000)

NUMBER

PUBLIC RELATIONS

1.1 BOCES/Public Relations and Communications 2110

1.2 BOCES Communications and Disseminated Materials 2120

1.3 Crisis Management (Post Incident Response) 2130

1.4 Closing of Schools 2140

1.5 Flag Display 2150

1.6 BOCES Website 2160

PARTICIPATION BY THE PUBLIC

2.1 Visits to BOCES Facilities, Schools and Programs 2210

2.2 Use of BOCES Buildings and Grounds 2220

2.2.1 Use of BOCES-Owned Equipment and Other Property by Board Members/Employees 2221

2.3 Volunteers 2230

2.4 Citizen and Staff Complaints 2240

2.5 Solicitations

2.5.1 Solicitation of Charitable Donations from Students 2251

2.5.2 Solicitation of Charitable Donations (Personnel) 2252

COMMUNITY RELATIONS (Cont'd.)

(Section 2000)

NUMBER

DISTRICT RECORDS

3.1 Public Access to Records....2310
Public Access to Records (Policy #2310 will sunset)....2315

PUBLIC ORDER ON SCHOOL PROPERTY

4.1 Code of Conduct on BOCES Property....2410

4.1.1 Unlawful Possession of a Weapon Upon School Grounds....2411

4.2 Anti-Harassment in the BOCES....2420

4.3 Statewide Uniform Violent Incident Reporting System (UVIRS)....2430

Dutchess County BOCES

ADMINISTRATION

(Section 3000)

NUMBER

ADMINISTRATIVE PERSONNEL

1.1 Administrative Personnel

1.1.1 District Superintendent 3111

1.1.2 Cabinet Members....3112

1.1.3 Administrative and Supervisory Personnel....3113

1.1.4 Program Staff Specialists....3114

1.2 Evaluation of the District Superintendent and Other Administrative Staff....3120

1.3 Benefit Entitlements for Non-Unit Administrative Supervisory Personnel 3130.1

1.3.0 (ii) Benefits for Non-Unit Managerial Personnel…… 3130.2

1.3.0 (iii) Benefits for Non-Unit Confidential Personnel…… 3130.3

1.4 Conference Attendance by Non-Unit Administrators and Program Staff Specialists 3140

1.5 Administrative Interns 3150

1.6 Consultants 3160

ADMINISTRATIVE OPERATIONS

2.1 Administrative Organization and Operation....3210

2.1.1 Organizational Model 3211

2.2 Administrative Councils, Cabinets and Committees 3220

2.2.1 Chief School Administrators' Council 3221

2.3 Cellular Telephone Use 3230

Dutchess County BOCES

NON-INSTRUCTIONAL/BUSINESS OPERATIONS

(Section 4000)

NUMBER

BUDGET

1.1 Budget Planning and Preparation 4110

1.2 Budget Development and Adoption 4120

1.3 Administration of Budget 4130

1.3.1 Budget Modifications 4131

1.3.5 Budget Transfers.....4135

INCOME FUNDS

2.1 Investment Policy 4210

2.2 Applications for State and Federal Funds.....4220

2.3 Acceptance of Gifts, Grants and Bequests to BOCES.....4230

PURCHASING

3.1 Purchasing Principles.....4310

3.1.1 Procurement of Goods and Services.....4311

3.1.2 Use of the BOCES Credit Card..... 4312

3.2 BOCES Personal Property Accountability 4320

FISCAL ACCOUNTING

4.1 Approval of Expenditures.....4410

4.2 Ordering Goods 4420

4.2.5 Refreshments/Meals Served at BOCES-Sponsored Meetings.....4425

4.3 Inventory

4.3.1 Disposal of BOCES Property 4431

NON-INSTRUCTIONAL/BUSINESS OPERATIONS (Cont'd.)

(Section 4000)

NUMBER

FISCAL ACCOUNTING (Cont'd.)

4.3.2 Accounting of Fixed Assets/GASB 34 4432

4.3.3 Supplies and Equipment Purchased for Itinerant Staff Members 4433

4.4 Accountability for BOCES Funds 4440

4.4.1 Extracurricular Activity Funds 4441

4.5 Cash in School Buildings and Petty Cash Funds 4450

4.6 Special Projects Contracts and Incidental Employee Agreements 4460

4.7 Revenues - Establishment of Fees 4470

4.7.1 Tuition Rates: Career Education, Special Education and Alternative Education 4471

4.7.2 Sale of Supplies and Materials 4472

4.8 Financial Accountability: Allegations of Fraud 4480

4.8.2 Audit Committee 4482

4.9 Medicaid Fraud, Waste & Abuse Detection & Prevention Compliance 4490

NON-INSTRUCTIONAL OPERATIONS

5.1 Facilities Planning 4510

5.1.1 Facilities: Inspection, Operation and Maintenance 4511

5.2 Owned or Leased Vehicles 4520

5.2.1 New York State Division of Transportation (DOT) Drug and Alcohol Testing Program 4521

5.3 Insurance and Employee Bonds 4530

5.4 Safety/Security 4540

5.4.1 Hazard Communication Standard 4541

NON-INSTRUCTIONAL/BUSINESS OPERATIONS (Cont'd.)

(Section 4000)

NUMBER

NON-INSTRUCTIONAL OPERATIONS (Cont'd.)

5.4.2 School Safety Plans 4542

5.4.3 Communicable Diseases 4543

5.4.4 Use of Automatic External Defibrillators 4544

5.4.7 School Building Access Control 4547

5.4.8 Information Security Breach and Notification 4548

5.5 Smoke Free Environment 4550

5.6 Exposure Control Program 4560

5.6.1 Occupational Exposure to Bloodborne Pathogens 4561

5.7 Records Management 4570

5.7.1 Disposal of Consumer Report Information and Records……..4571

Dutchess County BOCES

PERSONNEL

(Section 5000)

NUMBER

INSTRUCTIONAL AND NON-INSTRUCTIONAL PERSONNEL

1.1 Code of Ethics for All BOCES Personnel 5110

1.2 Equal Employment Opportunity 5120

1.2.1 Sexual Harassment of BOCES Personnel.....5121

1.2.2 Grievance Procedure for Title IX Regulations Implementing Federal Education Amendments Prohibiting Sex Discrimination in Educational Programs at the Dutchess County BOCES 5122

1.3 Performance Review.....5130

1.4 Health Examinations.....5140

1.4.1 Human Immunodeficiency Virus (HIV) Related Illnesses (Personnel) 5141

1.4.2 Personal Injury.....5142

1.5 Recruitment, Selection and Appointment of Personnel.....5150

1.5.1 Temporary and Part-Time Employees.....5151

1.5.2 Job Descriptions.....5152

1.5.3 Incidental Teaching.....5153

1.5.4 Summer Employment 5154

1.5.5 Employment of Relatives of Board Members 5155

1.5.6 Fingerprinting of Prospective BOCES Employees.....5156

1.5.7 Home-Based Employees.....5157

1.5.8 Determination of Employment Status: Employee or Independent Contractor .. 5158

1.6 Alcohol, Drugs and Other Substances (School Personnel).....5160

1.6.1 Drug-Free Workplace 5161

1.7 Professional Staff: Separation.....5170

1.8 Staff-Student Relations (Fraternization)……5180

PERSONNEL (Cont'd.)

(Section 5000)

NUMBER

ACTIVITIES

2.1 Professional Growth 5210

2.2 Employee Personnel Records and Release of Information 5220

2.3 Negotiations 5230

2.4 Professional Staff Consulting Activities 5240

2.5 Jury Duty 5250

COMPENSATION AND RELATED BENEFITS

3.1 Health Insurance 5310

3.1.1 Health Insurance Salary Cap 5311

3.2 Workers' Compensation 5320

3.3 Tax Sheltered Annuities 5330

3.4 Family and Medical Leave Act 5345

3.5 Employee Assistance Program 5350

3.6 Defense and Indemnification of Board Members and Employees 5360

Dutchess County BOCES

STUDENTS

(Section 6000)

NUMBER

ATTENDANCE

1.1 Comprehensive Student Attendance Policy.....6110

1.2 Student Referral and Placement.....6120

1.3 Non-Resident Students 6130

1.4 Pregnant and Married Students.....6140

1.6 Education of Homeless Children and Youth……..6160

STUDENT CONDUCT

2.1 Student Conduct

2.1.1 Corporal Punishment/Physical Restraint 6211

2.1.2 Suspension of Students Attending BOCES Programs.....6212

2.1.2 (i) Program Exclusion 6212.1

2.1.3 Loss or Destruction of BOCES Property or Resources 6213

2.1.4 Student Dress Code.....6214

2.2 Alcohol, Drugs and Other Substances (Students).....6220

2.2.5 Wellness Policy 6225

2.3 Searches and Interrogations 6230

2.4 Weapons in School 6240

2.4.1 Gun-Free Schools Policy 6241

2.5 Vehicle Safety.....6250

STUDENTS (Cont'd.)

(Section 6000)

NUMBER

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

3.2.2 Military Recruiters' Access to Secondary School Students and Information on Students....6322

3.0 Designation of Person in Parental Relation....6330

STUDENT WELFARE

4.1 Immunization of Students....6410

4.2 Accidents/First Aid Treatment....6420

4.3 Child Abuse....6430

4.4 Sexual Harassment of Students....6440

4.4.1 Parent Involvement for Students with Disabilities....6441

4.5 Students Presumed to Have a Disability for Discipline Purposes....6450

4.5.1 Human Immunodeficiency Virus (HIV) Related Illnesses (Students)....6451

4.5.2 Administering Medication....6452

4.5.5 Students with Disabilities Participating in BOCES Programs....6455

4.6 Equal Educational Opportunity (Students)....6460

4.6.2 Hazing of Students....6462

4.7 Notification of Sex Offenders....6470

4.7.5 Student Individualized Education Program (IEP): Development & Provision . 6475

4.8 Child Labor Provisions....6480

4.9 Safe Public School Choice Option to Students who are Victims of a Violent Criminal Offense....6490

STUDENTS (Cont'd.)

(Section 6000)

NUMBER

STUDENT ACTIVITIES

5.0 Student Health Records 6500

5.1 Censorship of Non-School Student Publications.....6510

5.2 Student Clubs Sponsored through Dutchess County BOCES 6520

Dutchess County BOCES

INSTRUCTION

(Section 7000)

NUMBER

INSTRUCTION

1.1 Safety Conditions and Programs 7110

1.1.1 Fire Drills and Bomb Threats 7111

1.1.2 Prevention Instruction 7112

1.2 Students with Disabilities 7120

1.2.1 Discipline of Students With Disabilities 7121

1.2.2 Time Out Rooms 7122

1.3 Career and Technical Education 7130

1.3.1 BOCES Adult Differential Tuition Guidelines 7131

1.4 Evaluation of Instructional Programs and Services 7140

1.5 Instruction For Students With Limited English Proficiency 7150

1.6 Instructional Technology 7160

1.6.1 Use of Computers and Networked Information Resources (Internet Use) 7161

1.6.2 Internet Content Filtering 7162

INSTRUCTIONAL MATERIALS

2.1 Media Preview and Purchasing 7210

2.2 Controversial Issues 7220

INSTRUCTION (Cont'd.)

(Section 7000)

NUMBER

INSTRUCTIONAL MATERIALS (Cont'd.)

2.3 Use of Copyrighted Materials....7230

2.3.1 Computer Software Copyright....7231

2.4 Textbooks and Other Instructional Materials....7240

2.4.1 Objection to Instructional Materials....7241

2.6 Animals in the School (Instructional Purposes)....7260

INSTRUCTIONAL ARRANGEMENTS

3.1 Field Trips....7310

3.2 School Calendar/School Day....7320

3.3 Homework....7330

Dutchess County BOCES

BY-LAWS

(Section 1000)

NUMBER

ORGANIZATION OF THE BOARD OF COOPERATIVE EDUCATIONAL SERVICES

1.1 Organization and Authority 1110

1.2 Number of Members and Term of Office 1120

NOMINATION AND ELECTION OF BOARD MEMBERS

2.1 Qualifications of Board Members 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 Duties of the Internal Auditor 1315

3.1.5 (i) Internal Audit Function 1315.1

3.1.6 Duties of the School Attorney 1316

3.1.7 Duties of the Purchasing Agent 1317

BY-LAWS (Cont'd.)

(Section 1000)

NUMBER

ROLE OF THE BOARD OF COOPERATIVE EDUCATIONAL SERVICES (Cont'd.)

3.1.8 Records Officers 1318

3.2 Methods of Operation 1320

3.2.1 Communication Between Board Members 1321

3.3 Code of Conduct for School Board Members 1330

METHODS OF OPERATION

4.1 Formulation, Adoption, Amendment, Dissemination and Review 1410

4.2 Execution of Policy: Administrative Regulations 1420

4.3 Meetings

4.3.1 Regular Meetings of the BOCES 1431

4.3.2 Order of Business at Regular Board Meetings 1432

4.3.3 Executive Sessions of the Board 1433

4.3.4 Quorum 1434

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 Organizational Meeting 1438

4.4 Non-Discrimination 1440

BY-LAWS

(Section 1000)

NUMBER

INTERNAL BOARD OPERATIONS

5.1 Use of Parliamentary Procedure 1510

5.2 Board Members' Attendance at Professional Conferences and Expense Reimbursement 1520

5.3 Board Self-Evaluation 1530

5.4 New Board Member Orientation 1540

5.5 Compensation and Expenses 1550

5.6 Advisory Committees 1560

SUBJECT: ORGANIZATION AND AUTHORITY

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

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

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

Education Law Section 1950

Adopted: July 2003

SUBJECT: NUMBER OF MEMBERS AND TERM OF OFFICE

The Dutchess County BOCES shall consist of seven (7) members elected to represent the thirteen (13) component districts within the BOCES area.

Members of the Dutchess County BOCES Board shall serve on the Board for a term of three (3) years, commencing July 1 following election.

Education Law Section 1950(2)

Adopted: July 2003

SUBJECT: QUALIFICATIONS OF BOARD MEMBERS

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

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

Educational Law Sections 1950(2-a) and 2103

Adopted: July 2003

SUBJECT: NOMINATION AND ELECTION OF BOARD MEMBERS

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

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

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

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

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

Education Law Section 1950(2-a)

Adopted: July 2003

SUBJECT: VACANCIES ON THE BOARD

Should a vacancy in the membership of the BOCES 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 1st and prior to the fifth day preceding the date designated for submission of nominations of candidates, the BOCES may fill such vacancy by appointment. Such position may be filled only by majority vote of the full Board membership. The individual so appointed shall hold office until the next annual election.

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

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

Board Member Resignations/Removal From Office

Resignations

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

Removal

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

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

Adopted: July 2003

SUBJECT: POWERS AND DUTIES OF THE BOARD AND ITS OFFICERS

The powers and duties of the Board include the following:

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

b) Prepare and adopt its final administrative, capital and program budgets for the Board programs (after presentation to component school districts in accordance with law) for the ensuing year no later than May 15 of each year. (Refer to Policy #4120 -- Budget Development and Adoption.);

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

d) Provide and maintain suitable classrooms, office and other facilities necessary to carry out the program;

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

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

Education Law Sections 1701 and 1950(4)

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

Adopted: July 2003

SUBJECT: DUTIES OF THE PRESIDENT

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

a) Preside at all meetings of the Board;

b) Call special meetings of the Board when necessary or on request;

c) Appoint all committees and fill any committee vacancies with the advice of other Board members;

d) Act as an ex-officio member of all committees;

e) Execute documents on behalf of the Board;

f) Perform the usual and ordinary duties of the office of President.

Education Law Section 1950(4)(j)

Adopted: July 2003

SUBJECT: DUTIES OF THE VICE PRESIDENT

The Vice President shall be a member of the Board, elected by the Board at its Annual Organizational Meeting, and shall serve for a period of one year. The Vice President shall perform such duties as the President or the BOCES 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.

Education Law Section 1701

Adopted: July 2003

SUBJECT: DUTIES OF THE CLERK OF THE BOARD

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

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

c) The Clerk shall, in addition:

1. Attend all meetings of the Board;

2. Be responsible for full and accurate minutes of the meetings of the Board;

3. Give notice of all special meetings of the Board;

4. Make arrangements for and be responsible for the details of the Annual Meeting;

5. Conduct the Organizational Meeting until a President and Vice President are sworn in.

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

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

Adopted: July 2003

SUBJECT: DUTIES OF THE TREASURER

The Treasurer of the BOCES shall be appointed by the Board at its Annual Organizational Meeting and shall serve for a period of one year.

a) The Treasurer of the BOCES shall perform the duties prescribed by law and the Commissioner of Education.

b) The Treasurer shall:

1. Be the financial officer;

2. Be the custodian of all moneys belonging to the BOCES from whatever source derived;

3. Deposit these moneys in the depository designated by the Board;

4. Pay all authorized obligations of the BOCES as directed;

5. Give detailed quarterly accounts of money budgeted, received and disbursed;

6. Render an annual report at the end of the fiscal year following audit of the Treasurer's accounts.

Before entering upon the duties of the office, the Treasurer shall be bonded. The BOCES shall purchase a bond to cover the Treasurer in such amount as the Board shall 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: July 2003

SUBJECT: DUTIES OF THE INTERNAL AUDITOR

The Internal Auditor shall be appointed by the Board at its Annual Organizational Meeting and shall serve at the discretion of the Board. It shall be the responsibility of the Internal Auditor to:

a) Report to the Board through the District Superintendent.

b) Audit and authorize all bills for payment.

1. Review all invoices and supporting vouchers and documents;

2. Ascertain that all items being invoiced have been received;

3. Check invoices for discounts and eliminate any New York State sales tax;

c) Perform such other audit related duties provided by law or as may be assigned by the Board.

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

Adopted: July 2003

SUBJECT: DUTIES OF THE SCHOOL ATTORNEY

The procedure for the acquisition of legal services to the BOCES shall be determined annually by the Board. The attorney selected shall advise the Board and District Superintendent in all matters of a legal or technical nature relating to the interpretation of statutes and case law.

Adopted: July 2003

SUBJECT: DUTIES OF THE PURCHASING AGENT

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

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

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

d) The Purchasing Agent shall:

1. Comply with all applicable laws and regulations;

2. Without prejudice, seek to maximize the educational value for every expenditure;

3. Determine that adequate funds are available prior to committing the BOCES to purchases.

4. Authorize the purchase of goods and services for the BOCES.

NOTE: Refer also to Policy #4310 -- Purchasing

Adopted: July 2003

SUBJECT: RECORDS OFFICERS

Records Access Officer

The Records Access Officer shall be responsible for handling all requests of official records of the BOCES 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.)

Adopted: July 2003

SUBJECT: METHODS OF OPERATION

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

Board policies are statements which set forth the purposes and prescribe in general terms, the organization and program of a school system. They create a framework within which the District Superintendent and other staff can discharge their assigned duties with positive direction. Essentially, they tell what is desired and they may also indicate reasons why and how much.

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

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

Education Law Section 1709

Adopted: July 2003

SUBJECT: COMMUNICATION BETWEEN BOARD MEMBERS

Official BOCES Board business must be conducted in accordance with the Open Meeting Law. Public business should not be conducted by the Board as a body by e-mail or telephone. A convening of four or more BOCES Board members to discuss BOCES business, by way of personal, electronic, written or telephone contact, whether or not there is intent to take action and regardless of the manner in which the gathering may be characterized, must follow the required procedures as detailed in policies #1431-1438 relating to Board meetings.

The law provides for closed or "executive" sessions as described in Policy #1433 -- Executive Sessions of the Board.

Adopted: July 2003

SUBJECT: CODE OF CONDUCT FOR SCHOOL BOARD MEMBERS

The Board will be guided by the Joint Code of Conduct of the New York State Council of School Superintendents and the New York State School Boards Association, as amended for BOCES and presented below:

a) Assure the opportunity for high quality education for every student and make the well-being of students the fundamental principal 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 and favor, while not using these positions for personal gain and accepting all responsibilities as a means of unselfish service.

d) Uphold the principals of due process and individual dignity, and protect the civil and human rights of all.

e) Adhere to the principal 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 part of the educational team with mutual respect and regard for one another's respective responsibilities and duties, recognizing that the strength of the BOCES Board is in acting as a Board, not as individuals; and that the strength of the District Superintendent is in being the educational leader of the BOCES.

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.

Adopted: July 2003
Revised: January 2004

By-Laws

SUBJECT: FORMULATION, ADOPTION, AMENDMENT, DISSEMINATION AND REVIEW

Formulation, Adoption, and Amendment of Policy

The Board recognizes that the adoption of written policies constitutes the basic method by which the Board exercises its leadership in the operation of the BOCES. Policies may be proposed for adoption, change, or repeal at any regular or special Board meeting, by any member of the BOCES community. 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.

Accordingly, the District Superintendent is directed to initiate a program of Board policy revision to include the following items:

a) Periodic review and evaluation of all current Board policy;

b) Preparation of additional policies as needed;

c) Consultation with district staff and community members on an advisory basis;

d) Consultation and review by Board committee as appropriate; and

e) Presentation of a proposed policy in draft form to the Board for consideration prior to action.

Since policies often affect the component districts, students, employees and/or citizens of the BOCES, the Board shall make a continuing effort to try to involve as many relevant groups as reasonable during policy development. To assure these groups a reasonable opportunity to advise the Board of their reactions to and feelings about proposed policies, no official Board vote shall take place on a policy adoption, change, or repeal at the meeting during which it is first presented to the Board for consideration, unless a majority of the Board determines that it is necessary to do otherwise.

Rules and regulations are subject to modification by Board action at any meeting. The initiative for change normally comes from the District Superintendent.

The formal adoption of policies shall be recorded in Board minutes. Only those written statements so adopted and so recorded shall be regarded as official Board policy.

(Continued)

SUBJECT: FORMULATION, ADOPTION, AMENDMENT, DISSEMINATION AND REVIEW (Cont'd.)

Policy Dissemination

The Board recognizes the need for widespread familiarity with BOCES policies and regulations, and therefore directs the District Superintendent to implement the following:

a) Maintain an updated policy manual that includes appropriate administrative regulations and takes precedence over all previous manuals, and be responsible for its presence at all Board meetings;

b) Issue to each Board member, for the duration of his/her term, a complete and dated policy manual in an appropriate binder;

c) Ensure that personnel are familiar with Board policies and administrative regulations which affect them, directly or indirectly.

d) Place a copy of the Board policy manual in administrative offices and other central locations to ensure that district policies are available to the public.

Policy Manual Accuracy Check

In an effort to keep its written policies updated so that they may be used as a reliable basis for Board action and administrative decision, the Board may establish procedures to ensure they are reviewed for accuracy on a periodic and continuing basis.

The Board should establish procedures to review its policy manuals on a continuing or periodic basis. The district clerk may be given the responsibility for recalling all copies of the Board's policy manual for review and updating. This may be done following the periodic review of Board policies, or after the Board revises or amends its policies as deemed necessary.

The District Superintendent has the responsibility of calling to the Board's attention any policy that is outdated or needs revision for other reasons. The Board may also direct the District Superintendent to recall all the Board's policy manuals for a periodic review to ensure that they are properly updated, and to provide a check on their uniformity, completeness, and condition.

Education Law Sections 1604(9), 1709(1) and 1804

Adopted: July 2003

SUBJECT: EXECUTION OF POLICY: ADMINISTRATIVE REGULATIONS

Administrative regulations generally establish greater detail and system in support of Board adopted policy. In cases where the Board directly creates regulations, such regulations shall require a vote of the Board for final approval. The Board has delegated to the District Superintendent the responsibility to set up specific administrative regulations to deal with the day-to-day administration of policy created by the Board. Day-to-day regulations established by the District Superintendent shall not require Board adoption.

Adopted: July 2003

SUBJECT: REGULAR MEETINGS OF THE BOCES

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

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

Regular meetings of the Board shall take place on the day and time designated by the Board at the Annual Organizational 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) All action taken by the Board shall be made by voice or show of hands with evidence of those voting in the affirmative and the negative, and those abstaining.

d) An agenda shall be prepared by the District Superintendent in consultation with the Board President prior to the meeting. For regular meetings, the agenda shall be distributed at least 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
Education Law Section 1708

Adopted: July 2003

SUBJECT: ORDER OF BUSINESS AT REGULAR BOARD MEETINGS

Regular Meetings

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

a) Call to Order

b) District Superintendent's Report

c) Minutes of Regular Meeting

d) Treasurer's Report

e) Budget Modifications

f) Finance

g) Personnel

h) Miscellaneous

i) Executive Session

j) Adjournment

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

Adopted: July 2003

SUBJECT: EXECUTIVE SESSIONS OF THE BOARD

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

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

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;

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: July 2003

SUBJECT: QUORUM

The quorum for any meeting of the BOCES shall be four (4) members. No formal action shall be taken at any meeting at which a quorum is not present. In the event a meeting is adjourned, the President shall set the date, time and place of the reconvening of the adjourned meeting, with reasonable notice being given by the Clerk to all Board members.

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

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

General Construction Law Section 41

Adopted: July 2003

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 District Superintendent or his/her designee. The minutes shall be complete and accurate and stored in a minutes file.

The minutes of each meeting of the BOCES 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 shall be made by voice or show of hands with evidence of those voting in the affirmative and the negative, and those abstaining, including trustee votes by name;

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 District Office. Comments by administrators/and or trustees will be noted by name with a brief summary. No effort will be made to transcribe these comments either in general or in detail. Comments from the audience will be noted simply by reference to the individual's name and the fact that a comment was made. Audience comments will be neither transcribed nor summarized in general or in detail.

The Board will not make arrangements to record its meetings by audio or by video.

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

Public Officers Law Section 106

Adopted: July 2003

Revised--
First Reading: August 31, 2005
Second Reading/Adopted: September 14, 2005

SUBJECT: SPECIAL MEETINGS OF THE BOARD

Special meetings of the BOCES shall be held on call by any member of the Board and shall also be called at the request of the District Superintendent. A reasonable and good faith effort shall be made by the District Superintendent or the Board President, as the case may be, to give every member of the Board twenty-four hours' notice of the time, place and purpose of the meeting.

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

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

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

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

Order of Business

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

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

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

c) Adjournment.

Work Sessions

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

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

Education Law Section 1606
Adopted: July 2003 Public Officers Law Section 104

SUBJECT: ANNUAL MEETING

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

The meeting shall provide for:

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

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

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

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

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

Adopted: July 2003

SUBJECT: ANNUAL ORGANIZATIONAL MEETING

The Board shall hold its Annual Organizational Meeting at any time during the first fifteen (15) days of July at a date set at the convenience of the Board no later than the month of June. The Clerk of the Board shall serve as temporary chairperson, who shall open the meeting 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. (Clerk of the Board is designated.)

b) Administration of Oath to newly elected Board Members.

c) Election of Officers:

1. President;
2. Vice President

d) Administration of Oaths to Elected Officers.

e) Appointment of Officers:

1. Clerk of the Board;
2. Treasurer;
3. Internal Claims Auditor;
4. BOCES Attorney;
5. BOCES Physician;
6. Records Access Officer;
7. Records Access Appeals Officer;
8. Records Management Officer.

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. Independent Auditor;
3. Purchasing Agent;
4. Alternate Purchasing Agent;

(Continued)

SUBJECT: ANNUAL ORGANIZATIONAL MEETING (Cont'd.)

5. Title IX, ADA, Section 504 Compliance Officer;
6. Sexual Harassment Compliance Officers;
7. AHERA Local Educational Agency (LEA) designee.

h) Designations:

1. Official Bank Depositories;
2. Regular Monthly Meetings (Board Calendar);
3. Official Newspaper.

i) Authorizations:

1. Deputy Superintendent to certify payrolls;
2. District Superintendent to approve part-time personnel at previously approved Board salary/wage rates;
3. District Superintendent to approve administrators and staff to attend professional meetings;
4. Establishment of Petty Cash Fund;
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 BOCES;
7. Vice President to sign contracts in the absence of President;
8. Establishment of Investment Committee;
9. Approval of borrowing monies, extending leases and cooperative bidding and purchasing in accordance with law and Board policies.

j) Bonding of Personnel:

1. Treasurer;
2. All employees who handle cash.

k) Establishment of the mileage rate.

l) Readoption of Board policies.

1. #4210 - Investment Policy

2. #1520 - Board Members' Attendance at Professional Conferences and Expense Reimbursement

3. #2410 - Code of Conduct on BOCES Property

(Continued)

SUBJECT: ANNUAL ORGANIZATIONAL MEETING (Cont'd.)

m) Review of the regulations

1. Procurement of Goods and Services
2. Purchasing
3. Expense Reimbursement (Staff)

n) Miscellaneous Approvals

1. Representative to Dutchess County School Board Association Executive Committee

2. Voting Delegate and Alternate to New York State School Boards Association (NYSSBA) Annual Meeting

o) Others as necessary.

Also at the Organizational Meeting, the newly elected President shall appoint a Chairperson to serve on these standing committees approved by the Board.

Public Officers Law Article 7

Adopted: July 2003

By-Laws

SUBJECT: NON-DISCRIMINATION

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

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 BOCES (see subheading below).

Grievance Procedure

Prior to instituting a formal grievance, the grievant is encouraged to discuss the alleged violation with the program administrator. In the event that the situation is not resolved informally, then the following procedure should be undertaken.

Step One

All grievances should be submitted, in writing, to the appropriate compliance administrator c/o Dutchess County Board. The grievance statement should indicate all aspects of the c om0laint. If deemed necessary, a hearing will be granted within ten working days of receipt of the grievance; otherwise, a written response will be made within then working days. If a hearing is granted, the compliance administrator shall have ten working days from the date of the hearing to render a decision. The disposition of the grievance shall be in writing and submitted to the grievant.

Step Two

In the event that the grievant is not satisfied with the resolution of the grievance at the first step, he/she may submit a written appeal to the District Superintendent within ten working days of receipt of the disposition in Step one resolution. The District Superintendent will conduct a hearing, if deemed necessary, within ten working days. If a hearing is granted, the District Superintendent shall have ten working days to act upon the grievance. The disposition of the grievance shall be in writing and copies shall be sent to the grievant.

Step Three

Appeals from the decision by the District Superintendent in Step Two shall be filed, in writing, with the BOCES within ten days of receipt of the grievance. It shall be filed with the Clerk of the Board.

(Continued)

SUBJECT: NON-DISCRIMINATION

The Board or its designated sub-committee will hear the grievance within fifteen working days of its receipt, and shall permit the grievant to address the Board or sub-committee. Within ten working days after the hearing, the Board shall render its decision. Copies of this decision shall be submitted to all persons involved.

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.

The grievant may be represented by counsel of his/her own choosing at any time during this grievance procedure. The grievant also has the right to present his/her grievance directly to :

Office of Civil Rights, Region 11
Federal Plaza
New York, NY 10007
(212) 264-4633

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

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

Section 504 of the Rehabilitation Act of 1973,
29 United States Code (USC) Section 794 et seq.;
The Americans With Disabilities Act,
42 United States Code (USC)
Section 2000-e, 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)

By-Laws

SUBJECT: NON-DISCRIMINATION

New York State Executive Law
Section 290 et seq. – Prohibits discrimination on the Basis of age, race, creed, color, national origin, sex, Disability or marital status.

Age Discrimination in Employment Act
29 United States Code (USC) Section 621

Military Law Sections 242 and 243

NOTE: Refers also to Policies #5120--Equal Employment Opportunity
#5121--Sexual Harassment of BOCES Personnel
#6440--Sexual Harassment of Students
#6460--Equal Educational Opportunity (Students)
#7120--Students with Disabilities
#7130--Career and Technical Education

Adopted: July 2003
Revised/Adopted: September 2009

SUBJECT: USE OF PARLIAMENTARY PROCEDURE

The business of the BOCES shall be conducted in accordance with the authoritative principles of parliamentary procedure as found in the latest edition of Robert's Rules of Order.

Commissioner's Decision Numbers 8018 and 8873
General Construction Law Section 41

Adopted: July 2003

SUBJECT: BOARD MEMBERS ATTENDANCE AT PROFESSIONAL CONFERENCES AND EXPENSE REIMBURSEMENT

Preamble

The BOCES supports Board member attendance and participation at conferences, workshops, and meetings that are related to the Board member's overall responsibilities. All expenses submitted for reimbursement are to be "necessary and reasonable."

Reimbursement shall be made for meals, lodging, travel and other miscellaneous expenses. The judgment of the Board member shall be applied as to "necessary and reasonable." However, it should be understood that claims are subject to audit and adjustment, and shall be filed in accordance with the following guidelines:

a) Board members are authorized to attend the following meetings:

1. Dutchess County School Boards Association meetings and committee meetings.

2. Meetings sponsored by Dutchess County BOCES.

3. Mid-Hudson School Study Council Meetings.

4. New York State School Boards Association meetings, including the annual statewide NYSSBA convention and the statewide BOCES conference.

5. Visits to districts and other Mid-Hudson or regional locations regarding BOCES programs.

b) Board members are authorized to attend national conventions under the following guidelines:

Examples of approved national conventions are: NSBA (National School Boards Association), AASA (American Association of School Administrators), NSDC (National Staff Development Council), ASCD (Association for Supervision and Curriculum Development).

1. Conference/Convention registration should be completed as early as possible to take advantage of "early bird" registration fees.

2. Board members must attend the whole conference (all days for which there is established convention programming, not including pre-convention workshops).

(Continued)

SUBJECT: BOARD MEMBERS ATTENDANCE AT PROFESSIONAL CONFERENCES AND EXPENSE REIMBURSEMENT (Cont'd.)

3. Airplane tickets should be purchased as far in advance as possible to take advantage of economy rates, and arrangements should be made through the District Superintendent's office using a BOCES arranged travel agency.

Reimbursement Guidelines and Procedures

The following rules for reimbursement to Board members of expenses actually and necessarily incurred in the performance of their official duties. It shall be the duty of the Deputy Superintendent to provide any forms required by these rules. Tax exemption certificates for all hotel billing (room and board) will be provided by the Deputy Superintendent's office upon request. BOCES cannot reimburse New York State sales taxes. While not obligated to do so, the Board reserves the right to review and approve or reject conference attendance requests from individual Board members.

a) Meals

1. Same day travel: Meals will be reimbursed to a maximum of $50 per day with receipts.

2. Overnight travel: Meals will be reimbursed to a maximum of $50 per day with receipts.

3. A suggested guideline for meal allowance is as follows:

Breakfast	$ 8	Lunch	$12	Dinner	$30

4. When meals are held principally for social purposes, such as retirement dinners, expenses will <u>not</u> be reimbursable.

b) Travel

1. Travel should be made by the least costly means.

2. Travel expenses for air travel, rail travel, tolls, taxis and parking fees must be supported by receipts. Exception: personal auto mileage.

3. BOCES may reimburse Board members for authorized business mileage from home/business to destination. The reimbursable rate shall be the current rate established by the IRS.

(Continued)

SUBJECT: BOARD MEMBERS ATTENDANCE AT PROFESSIONAL CONFERENCES AND EXPENSE REIMBURSEMENT (Cont'd.)

c) Miscellaneous Expenses (Receipts required)

1. No BOCES Board member is authorized to obligate the organization for purchase of gifts, such as flowers, greeting cards, or presents. No such expenditure will be reimbursed.

2. All supplies and materials for which Board members are reimbursed by BOCES shall become the property of BOCES.

d) Special Aid Projects

Expenditure of funds derived from Special Aid funded projects are subject to the same regulations as are General Fund expenditures, except when the approved project states otherwise.

e) Reporting

Board members are encouraged to provide a very brief and informal report at a regular Board meeting highlighting aspects of the conference that would be of interest to Board members.

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

Adopted: July 2003

SUBJECT: BOARD SELF-EVALUATION

The Board shall review the effectiveness of its internal operations at least once annually.

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

Adopted: July 2003

SUBJECT: NEW BOARD MEMBER ORIENTATION

The Board and the Administrative staff shall assist each new Board member-elect to become familiar with and to understand the Board's functions, policies and procedures, and the BOCES operation. Each Board member-elect, as soon as possible, but before taking office shall be:

a) Provided access to selected materials covering the function of the Board and the BOCES, including:

   1. Policy manual,

   2. The School Law Handbook prepared by the New York State School Boards Association, and

   3. Meeting agenda and any other materials which may be deemed helpful and informative;

b) Invited to attend all Board meetings and functions, including executive sessions at the Board's discretion, and to participate in discussion, but not empowered to vote until duly seated. The Board President will explain to each new Board member-elect the need to ensure the confidentiality of all discussions and/or actions which occur in executive session;

c) Invited to meet with the District Superintendent and other administrative personnel to discuss the services they perform for the Board and the BOCES and tour BOCES facilities.

New Board member(s) are strongly encouraged to attend the New York State School Boards Association workshop for new School Board members.

Adopted: July 2003

SUBJECT: COMPENSATION AND EXPENSES

Remuneration and Reimbursement

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

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

NOTE: Refer also to Policy #1520 -- Board Members' Attendance at Professional Conference and Expense Reimbursement

Adopted: July 2003

SUBJECT: ADVISORY COMMITTEES

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

The Board delegates the appointment of committee members to the District Superintendent. The District Superintendent in turn annually provides the Board with a list of appointees.

Advisory Committee Members

Members of the above Advisory Committees may not be employed by BOCES or receive any form of remuneration therefrom.

Adopted: July 2003

Dutchess County BOCES

COMMUNITY RELATIONS

(Section 2000)

NUMBER

PUBLIC RELATIONS

1.1 BOCES/Public Relations and Communications 2110

1.2 BOCES Communications and Disseminated Materials 2120

1.3 Crisis Management (Post Incident Response) 2130

1.4 Closing of Schools 2140

1.5 Flag Display 2150

1.6 BOCES Website 2160

PARTICIPATION BY THE PUBLIC

2.1 Visits to BOCES Facilities, Schools and Programs 2210

2.2 Use of BOCES Buildings and Grounds 2220

2.2.1 Use of BOCES-Owned Equipment and Other Property by Board Members/Employees 2221

2.3 Volunteers 2230

2.4 Citizen and Staff Complaints 2240

2.5 Solicitations

2.5.1 Solicitation of Charitable Donations from Students 2251

2.5.2 Solicitation of Charitable Donations (Personnel) 2252

COMMUNITY RELATIONS (Cont'd.)

(Section 2000)

NUMBER

DISTRICT RECORDS

3.1 Public Access to Records....2310
Public Access to Records (Policy #2310 will sunset)....2315

PUBLIC ORDER ON SCHOOL PROPERTY

4.1 Code of Conduct on BOCES Property....2410

4.1.1 Unlawful Possession of a Weapon Upon School Grounds....2411

4.2 Anti-Harassment in the BOCES....2420

4.3 Statewide Uniform Violent Incident Reporting System (UVIRS)....2430

SUBJECT: BOCES/PUBLIC RELATIONS AND COMMUNICATIONS

The Dutchess County BOCES shall support the following goals of community relations:

a) To develop and maintain the confidence of the community in the BOCES and its staff;

b) To stimulate public interest in the schools and public understanding of BOCES Programs;

c) To discover what people think, what they want to know, correct erroneous impressions and supply desired information;

d) To develop the most effective means of communication with the various public groups of the BOCES component school districts and communities.

Communication with Component Districts

IT is essential that the BOCES Board and its staff provide written (including information on the BOCES website) and/or oral communication to the Superintendent and Board Members of its component school districts on any matter that might affect them including agendas and minutes of the BOCES Board meetings as well as other policies and programmatic information relating to their educational processes.

Communication with Board Members

The BOCES 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 BOCES and staff shall attempt to keep the various communities informed of BOCES activities so that the communities shall be aware of what is occurring in its 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.

Adopted: July 2003

SUBJECT: BOCES COMMUNICATIONS AND DISSEMINATED MATERIALS

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

Publications

The Board encourages the development of appropriate materials and publications that are of direct use in the educational process in component schools and our communities which inform the public, member districts, BOCES personnel, and the teaching profession concerning policies, activities, and accomplishments of Dutchess County BOCES and which aid and promote the improvement of education.

Media Relations

The responsibility for maintaining relationships with the media, releasing news and serving as the BOCES liaison lies with the Director of Communication and Grants Research. For issues of sensitivity, the District Superintendent or his/her designee shall be consulted before release.

Copyright

All publications, video-tapes, software, or other intellectual property which is developed by staff at Dutchess County BOCES within the scope of their employment or by persons/agencies under contract to the BOCES shall be the property of the BOCES. This includes, but is not limited to, any idea, product or invention that results from work undertaken as an employee of or as a person/agent under contract to the BOCES. Whenever copyright protection for certain intellectual property is claimed or sought, the BOCES 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 Policy #5240 -- Professional Staff Consulting Activities

Adopted: July 2003

SUBJECT: CRISIS MANAGEMENT (POST INCIDENT RESPONSE)

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 Dutchess County BOCES shall develop and support a unified position by:

a) Developing a crisis response plan to promote a strong, ongoing communications program in each building.

b) Maintaining a crisis response team to implement the crisis response plan.

c) Identifying a media liaison who will be briefed on all details. The liaison shall be the District Superintendent or his/her designee. In most instances the designee shall be the Director of Communication and Grants Research. Only these spokespersons shall talk to and maintain a timely flow of information to the media and the community.

Adopted: July 2003

SUBJECT: CLOSING OF SCHOOLS

In the event it is necessary to close school for the day for inclement weather or other emergency reasons, announcement thereof shall be made over local radio stations and other communications media. (i.e., local television station(s), www.dcboces.org, or main administration building switch board).

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

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

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

Adopted: July 2003

SUBJECT: FLAG DISPLAY

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

When ordered by the President, Governor, or local official, to commemorate a tragic event or the death of an outstanding individual, the flag shall be flown at half-staff. The District Superintendent or his/her designee's approval shall be required for the flag to be flown at half-staff upon any other occasion.

Any flags that are displayed shall follow proper flag display guidelines.

Education Law Sections 418 and 419
Executive Law Section 403

Adopted: July 2003

SUBJECT: BOCES WEBSITE

The Dutchess County BOCES realizes the limitless potential for information and communication provided by the World Wide Web. The availability of this communication vehicle provides and opportunity for students and staff to access and contribute to the world of information related to curriculum, instruction, school, district, and school board related activities. Therefore, the Dutchess County BOCES will use the Internet as an effective, efficient and timely source of information, method of communication and vehicle for resource collection. In order to take advantage of the opportunities the Internet provides, the Board authorizes the creation of school and/or BOCES web pages on the Internet.

Only those web pages maintained in accordance with Board policy and established procedures shall be recognized as official representations of BOCES or individual schools. All information on a school or BOCES page must accurately reflect the mission, goals, policies, program, and activities of the school and district. The web page must have a purpose which falls within at least one of two categories: 1) Support of curriculum and instruction – intended to provide links to Internet resources for students, parents, and staff in BOCES; 2) Public information – intended to communicate information about the schools and BOCES to students, staff, parents, community, and the world at large.

The District Administrator shall designate an individual(s) to be responsible for maintaining the official BOCES page and monitoring all BOCES web page activity. Schools or departments who wish to publish a web page must identify an appropriately qualified publisher and/or author.

As with any instructional materials or publication used by or representing the school or BOCES, the building principal or District Administrator, respectively, is ultimately responsible for accuracy and appropriateness of the information made available on the web site. Concern about the content of any page(s) created by students or staff should be directed to the building principal or the BOCES Office when related to the BOCES web site. If the concern is not resolved, persons wishing to file a formal complaint shall submit a written request for reconsideration of instructional material.

Web sites developed under contract for the Dutchess County BOCES or within the scope of employment by Dutchess County BOCES employees are the property of the Dutchess County BOCES.

Due to the dynamic nature of the World Wide Web, this policy is to be reviewed and updated in an annual basis or more frequently, if required.

Adopted: July 2003

Community Relations

SUBJECT: VISITS TO BOCES FACILITIES, SCHOOLS AND PROGRAMS

The Dutchess County BOCES and staff encourage public visitation of facilities, schools and programs within the limits placed by the requirements of the various programs and services. When visiting a site, visitors must comply with the Dutchess County BOCES Code of Conduct and visitor security procedures for that specific building or program.

Administrative regulations will be developed to implement this policy.

Educational Law Section 2801
Penal Law Sections 140.10 and 240.35

Refer to policy #2410 -- Code of Conduct

Adopted: July 2003

Community Relations

SUBJECT: USE OF BOCES BUILDINGS AND GROUNDS

The use of BOCES facilities shall be available for the community within the limits of the law and such usage shall not conflict with the programs and services of Dutchess County BOCES as follows:

a) Application forms, available in the office of each building, must be filled out in quadruplicate and returned at least two weeks before the intended use. Organizations requesting a series of uses may make a single request for same. After approval, one copy of the application is returned to applicant, one copy is sent to the Facilities and Operations Department, one copy to the main office of the building to be used, and one copy is kept on file in the Business Office.

b) If an insurance certificate is not on file with the BOCES, the application must be accompanied by certificate of public liability insurance in the minimum limits of' $1,000,000 and property damage insurance in the minimum limit of $100,000. The Dutchess County BOCES must be named, along with the organization requesting the use of BOCES facilities, as an additional insured in the policy. In high risk situations, higher insurance limits will be required in accordance with the hazards involved. In all cases, the insurance requirement will be no less than the coverage carried by BOCES in its own policy.

c) Organizations authorized to use the BOCES facilities and/or its equipment will follow current policies, procedures and regulations.

d) Any organization not associated with the BOCES using facilities beyond the hours when the custodial staff is normally on duty will be required to pay for custodial service at a rate of 1 1/2 times the custodian's hourly salary.

e) If work is to be done involving paid employees, it may be done only after filing a certificate of Workmen's Compensation Insurance with the Director of Business Administration.

f) Fees relating to use of buildings and grounds (including custodial or cafeteria worker overtime) for BOCES staff will be billed to the user subsequent to the use.

g) The securing of public liability insurance is waived for groups who are directly associated with the Dutchess County BOCES and are conducting activities with an educational purpose.

(Continued)

SUBJECT: USE OF BOCES BUILDINGS AND GROUNDS (Cont'd.)

Prosecution for trespassing or violating terms of posted signs on school property.

Dutchess County BOCES is administering the Skidmore Sanctuary as an Outdoor Education site on behalf of the teachers and children in the schools of Dutchess County. Illegal use by hunters and other forms of trespassing which involve destruction and damage to property and buildings represents a threat to the lives and safety of scheduled users. The BOCES hereby authorizes prosecution of anyone arrested for trespassing or violating the terms of the posted signs displayed on the Skidmore property.

Administrative Regulations will be developed to implement this policy.

Adopted: July 2003

DUTCHESS COUNTY
BOARD OF COOPERATIVE EDUCATIONAL SERVICES
5 BOCES Road
Poughkeepsie, NY 12601

Application for Use of BOCES Building

Date: _____

Name, Address and Telephone Number of Applicant, Organization or Group:

Description of planned activity and name of individual in charge:

Day and Date Desired: Hours Desired:

Space(s) Desired: Number of Persons Expected:

What services will you need from custodial, or other BOCES staff?

Is this a money – making activity?

Is your group or organization prepared to pay as billed by the BOCES for any injury or damage to the BOCES facility you use that is caused by your group, or because of your group's presence in the facility?

Are you prepared to enforce the No Smoking regulation?

Notes: The use of BOCES facilities will be confined to educationally oriented, non-profit groups. When extra costs are incurred by the BOCES because of the use of a facility, those costs must be borne by the user as billed by the BOCES.

BOCES Approval:

_____
Signature of Applicant

_____
Signature

_____ _____
Title Date

_____
Date

Community Relations

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

The BOCES will assign BOCES equipment to be used by Board members and/or staff members only when such use is related to their BOCES responsibilities. Board members and employees will be expected to be familiar with the operation of any equipment to which they are assigned. This equipment typically includes BOCES owned vehicles, palm pilots, digital cameras, video cameras, presentation systems, cellular telephones, pagers, desktop/laptop computers, and other technology – related equipment.

An inventory of all equipment assigned should be kept by designated departments and/or program administrators.

Unless equipment is assigned as stated herein, BOCES Board members and/or staff members are not permitted to borrow any BOCES – owned equipment (i.e., law mowers, tools, food service items, etc.)

Administrative controls shall be established to assure the responsibility for and return of all such equipment upon leaving the employ of BOCES.

BOCES owned equipment, vehicles and property shall not be used for personal reasons or gain.

Education Law Section 414

Adopted: July 2003

Community Relations

SUBJECT: VOLUNTEERS

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

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

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

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

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

Adopted: July 2003

SUBJECT: CITIZEN AND STAFF COMPLAINTS

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

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

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

Adopted: July 2003

SUBJECT: SOLICITATION OF CHARITABLE DONATIONS FROM STUDENTS

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

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

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

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

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

The District Superintendent or his/her designee 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: July 2003

SUBJECT: SOLICITATION OF CHARITABLE DONATIONS (PERSONNEL)

One way to reflect the BOCES goal of maintaining an active presence in the community is through support of charitable organizations. However, the Board desires to safeguard the BOCES, the staff and students from commercial exploitation and intrusion into the school and work environment.

The Board believes that charitable activities by its employees conducted in compliance with the law are appropriate when such activities have a regional/local impact, generally focus on children and families, or have a direct benefit to any Dutchess County BOCES employee or his/her immediate family member who is in need of assistance.

Regulations shall be developed by the administration to implement this policy and establish guidelines for employees seeking approval for the distribution of not-for-profit solicitation materials.

Adopted: July 2003

Community Relations

SUBJECT: PUBLIC ACCESS TO RECORDS

Access to records of the Dutchess County BOCES shall be consistent with the rules and regulations established by the State Committee on Open Government and shall comply with all the requirements of the New York State Public Officers Law Section 84 et seq. as follows:

a) Designation of Dutchess County BOCES Officers: The following Dutchess County BOCES officers are designated for the purposes of this part.

1. The Records Access Officer shall be the Clerk of the Board of Dutchess County BOCES.

2. The Fiscal Officer shall be the Assistant Superintendent of Management Services, whose office is located at Dutchess County BOCES, 5 BOCES Road, Poughkeepsie, New York 12601.

b) Locations for submission of requests for inspection or copies of records: All requests for inspection of copies of records will be made to the Office of the Records Access Officer, Administration Building, Dutchess County BOCES, 5 BOCES Road, Poughkeepsie, New York 12601 (845) 486-4800.

c) Times when records are available: Requests to inspect or secure copies of Dutchess County BOCES records may be made at the office of the Records Access Officer on any BOCES business day between the hours of 9 a.m. and 11:30 a.m. and the hours of 1:30 p.m. and 3:30 p.m.

d) Procedures: The following procedures shall be followed in connection with requests to inspect or secure copies of Dutchess County BOCES records:

1. Request to inspect or secure copies of records shall be submitted to the Records Access Officer on a form prescribed by the BOCES - copies of which are available in the Office of the Records Access Officer.

2. The Records Access Officer will determine within 5 days and advise the requester whether the records specified in the request are available for inspection and copying.

3. With respect to records which are determined to be available, the Records Access Officer will direct the requester to the place where the requested records may be inspected and will arrange for the preparation and certification of copies upon tender of the required fee if one has been set.

4. With respect to records which are determined not to be available, within 5 days the Records Access Officer will note the reason for unavailability on the request form and return one copy of the form to the requester.

(Continued)

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

e) Place of Inspection: Records may be inspected only at the office or location where they are regularly maintained.

f) Requests by mail: Requests by mail for copies of available records may be addressed to the Records Access Officer, and will be honored upon payment of the required fee, provided the requester and the record of which copy is requested are sufficiently identified to make compliance practicable.

g) Appeals:

1. Appeals shall be directed to the District Superintendent on prescribed forms from the Records Access Officer.

2. All such appeals shall be delivered to the Records Access Officer, within thirty (30) days after the denial from which such appeal is taken.

3. Appeals will be determined by the District Superintendent or designee.

h) Fees:

1. The fees for copies of available records shall be as follows:

   (a) Pages no larger than 8 1/2 by 14 inches: $0.25 per page.

   (b) Existing computer printouts: $0.25 per page.

   (c) Any other record: The actual cost thereof to BOCES.

2. Fees shall be paid by check or money order payable to Dutchess County BOCES.

Education Law Section 2116
Public Officers Law Section 84 et seq.
Arts and Cultural Affairs Law Section 57.11
Family Educational Rights and Privacy Act of 1974
20 United State Code (USC) Section 1232(g)
8 New York Code of Rules and Regulations
(NYCRR) Section 185

Adopted: July 2003

SUBJECT: PUBLIC ACCESS TO RECORDS

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

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

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

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

Requests for Records via E-mail

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

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

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: July 2009
[Policy #2310 will sunset]

Community Relations

SUBJECT: CODE OF CONDUCT ON BOCES PROPERTY

The Board shall adopt and amend, as appropriate, a *Code of Conduct for the Maintenance of Order on BOCES Property*, including BOCES functions, which shall govern the conduct of students, teachers all other BOCES personnel, and 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, "BOCES 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 BOCES' schools or centers or in or on a BOCES supervised school bus. A BOCES function shall mean a BOCES-sponsored extracurricular event or activity on or of BOCES property.

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

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

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

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

b) Standards and procedures to assure security and safety of BOCES students and personnel;

c) Provisions for the removal from the classroom and from BOCES property, including a BOCES 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, including incidents of bullying, 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 BOCES;

(Continued)

SUBJECT: CODE OF CONDUCT ON 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.

The Code of Conduct will be adopted by the Board only after at least one public hearing that provides for the participation of BOCES 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.

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

(Continued)

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

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

Adopted: July 2003
First Reading: December 2006
Second Reading: January 2007
Adopted: January 2007

Community Relations

SUBJECT: UNLAWFUL POSSESSION OF A WEAPON UPON SCHOOL GROUNDS

The possession of a weapon is strictly prohibited except by law enforcement personnel.

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

The Penal Code of the State of New York shall be used to determine what is considered a weapon.

Penal Law Sections 265.05 and 265.06

NOTE: Refer also to Policies #6240 -- Weapons in School
#6241 -- Gun-Free Schools

Adopted: July 2003

Community Relations

SUBJECT: ANTI-HARASSMENT IN THE 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 BOCES policy. Therefore, the Board prohibits and condemns all forms of harassment on the basis of race, color, creed, religion, national origin, political affiliation, sex, age, marital or veteran status, or disability 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 BOCES. 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 BOCES premises, in BOCES buildings, BOCES owned or contracted vehicles, and at all BOCES-sponsored events, programs and activities, including those that take place at locations off BOCES premises.

It is intended that this policy apply to the 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 BOCES; and BOCES 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, age, marital or veteran status, or disability 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 BOCES.

The BOCES will act to 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.

(Continued)

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

In order for the Board to enforce this policy, and to take corrective measures as may be necessary, it is essential that any employee, student, or other member of the above named group who believes he/she has been a victim of harassment in the BOCES environment and/or at programs, activities and events under the control and supervision of the BOCES, as well as any individual who is aware of and/or who has knowledge of, or witnesses any possible occurrence of harassment, immediately report such alleged harassment. Such report shall be directed to or forwarded to the BOCES designated complaint officer(s) through informal and/or formal complaint procedures as developed by the BOCES. Such complaints are recommended to be in writing, although verbal complaints of alleged 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.

Upon receipt of an informal/formal complaint, the BOCES will conduct a thorough investigation of the charges. However, even in the absence of an informal/formal complaint, if the BOCES has knowledge of any occurrence of harassment, the BOCES will investigate such conduct promptly and thoroughly. To the extent possible, within legal constraints, all complaints will be treated as confidentially 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.

Based upon the results of this investigation, if the BOCES 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. If the offending individual is a student, appropriate disciplinary measures will be applied, up to and including suspension, in accordance with applicable laws and/or regulations, BOCES policy and regulation, and the Code of Conduct. If the offending individual is a BOCES employee, appropriate disciplinary measures will be applied, up to and including termination of the offender's employment, in accordance with legal guidelines, BOCES policy and regulation, the Code of Conduct, and the applicable collective bargaining agreement(s). Third parties (such as BOCES 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. The application of such disciplinary measures by the BOCES does not preclude the filing of civil and/or criminal charges as may be warranted.

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 that harassment has not resumed and that all those involved in the investigation of the harassment complaint have not suffered retaliation.

(Continued)

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

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 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 harassment with all employees and students, express the BOCES 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 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 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 BOCES building. The BOCES policy and regulations on anti-harassment will be published in appropriate BOCES publications such as teacher/employee handbooks, student handbooks, and/or BOCES calendars.

This policy should not be interpreted to abrogate other BOCES policies and/or regulations prohibiting other forms of unlawful discrimination, inappropriate behavior, and/or hate crimes within this BOCES. It is the intent of the BOCES that all such policies and/or regulations be interpreted consistently to provide the highest level of protection from unlawful discrimination in the provision of employment/educational services and opportunities. However, different treatment of any member of the above named groups which has a legitimate, legal and nondiscriminatory reason shall not be considered a violation of BOCES policy.

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

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

Section 504 of the Rehabilitation Act of 1973,
29 United States Code (USC) Section 794 et seq. –
Prohibits discrimination on the basis of disability.

(Continued)

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

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

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

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

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

Military Law Sections 242 and 243

NOTE: Refer also to Policies #5121 -- Sexual Harassment of BOCES Personnel
#6440 -- Sexual Harassment of Students

Adopted: July 2003

Community Relations

SUBJECT: STATEWIDE UNIFORM VIOLENT INCIDENT REPORTING SYSTEM (UVIRS)

In compliance with the Uniform Violent Incident Reporting System, the BOCES will record each violent or disruptive incident that occurs on BOCES property or at a BOCES function. On or before September 30 of each year, the BOCES will submit an annual report of violent or disruptive incidents to the Commissioner in the manner prescribed.

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

Education Law Section 2802
8 New York Code of Rules and Regulations
(NYCRR) Section 100.2 (gg)

Adopted: July 2003

Dutchess County BOCES

ADMINISTRATION

(Section 3000)

NUMBER

ADMINISTRATIVE PERSONNEL

1.1 Administrative Personnel

1.1.1 District Superintendent 3111

1.1.2 Cabinet Members....3112

1.1.3 Administrative and Supervisory Personnel....3113

1.1.4 Program Staff Specialists....3114

1.2 Evaluation of the District Superintendent and Other Administrative Staff....3120

1.3 Benefit Entitlements for Non-Unit Administrative Supervisory Personnel 3130.1

1.3.0 (ii) Benefits for Non-Unit Managerial Personnel…… 3130.2

1.3.0 (iii) Benefits for Non-Unit Confidential Personnel…… 3130.3

1.4 Conference Attendance by Non-Unit Administrators and Program Staff Specialists 3140

1.5 Administrative Interns 3150

1.6 Consultants 3160

ADMINISTRATIVE OPERATIONS

2.1 Administrative Organization and Operation....3210

2.1.1 Organizational Model 3211

2.2 Administrative Councils, Cabinets and Committees 3220

2.2.1 Chief School Administrators' Council 3221

2.3 Cellular Telephone Use 3230

SUBJECT: DISTRICT SUPERINTENDENT

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

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, Executive Directors, Coordinators, Assistant Superintendents, Directors, Principals, and Supervisors, in that order, shall assume responsibility for administrative decisions.

Adopted: July 2003

SUBJECT: CABINET MEMBERS

Definition

Cabinet members are those BOCES employees officially designated by Board action as responsible for the leadership and direction of Dutchess County BOCES' operations, as defined in the official job description covering the individual's area of responsibility.

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

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

Terms of Employment

Effective with the adoption of this policy statement, all new personnel designated as Cabinet members will be appointed to their positions for a probationary period as specified in the appropriate Civil Service or State Education Law. Cabinet members will be placed on tenure in the area of specific educational assignment as outlined in the job description of their position. Upon the completion of their probationary appointment, if their performance is deemed satisfactory by the District Superintendent or his/her designee and the Board, tenure will be awarded. The Board, the District Superintendent and all Cabinet members are obligated to adhere to New York State Education Law, all Rules and Regulations of the Commissioner and Civil Service Law in matters relating to probationary and tenure appointments.

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

Cabinet Members' Compensation

Cabinet members' compensation rates will be established annually by the BOCES Board upon the recommendation of the District Superintendent. Assignment of an individual to a Directorship and placement at a salary shall be the prerogative of the Board, upon the recommendation of the District Superintendent.

(Continued)

SUBJECT: CABINET MEMBERS (Cont'd.)

Other Benefits and Conditions of Employment

Cabinet members shall be entitled to the benefits and conditions of employment for personnel as set forth in the Dutchess County BOCES Administrators' Association-Board negotiated agreement and as assigned by the District Superintendent. See also Policy #3130 -- Benefit Entitlements for Non-Unit Administrative Supervisory Personnel.

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

a) Conference Attendance

Conference attendance for Cabinet members is covered by the general conference attendance policy. (See Policy #3140 -- Conference Attendance by Administrators and Program Staff Specialists.)

b) Work-Assigned Travel

Work-assigned travel will be defined as travel involved in the completion of the assigned Cabinet member's tasks and will include activities within the Hudson Valley region. Notification of other work-assigned travel will follow the guidelines established for conference attendance, i.e., travel requests must be filed for approval of work-assigned travel beyond the Hudson Valley region.

c) Reimbursement for Travel Expenses

Expenses for work-assigned travel and conference travel will be reimbursed as set forth in the Travel Regulation in the Administrative Handbook.

Adopted: July 2003

SUBJECT: ADMINISTRATIVE AND SUPERVISORY PERSONNEL

Administrative personnel shall include administrative and supervisory personnel of the Dutchess County BOCES who are responsible to the Board and are placed under the direct supervision of the District Superintendent, the Assistant Superintendents and Executive Directors.

Administrative/Supervisory Personnel

Definition:

Administrative and supervisory personnel shall be considered to be those employees officially designated by Board action as responsible for the administrative and supervisory tasks required to carry out Board programs, decisions and actions, except that the District Superintendent, Assistant Superintendents and the Directors are not deemed to be members of this administrative/supervisory group for purposes of this policy. Administrative/Supervisory personnel include: Building Administrators, Principals, Supervisors, and Coordinators.

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

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

Terms of Employment for Administrative/Supervisory Personnel

Effective with the adoption of this policy, all new administrative/supervisory personnel will be appointed to their positions for a probationary period of three years or if a Civil Service employee for a period of 26 weeks. Administrative/supervisory personnel will be placed on tenure at the completion of their probationary period, if their performance is deemed satisfactory by their immediate superior, the District Superintendent, and the Board. The Board, the District Superintendent and all the administrative/supervisory personnel employees are obligated to adhere to the New York State Education Law and all Rules and Regulations of the Commissioner in matters relating to probationary and tenure appointments. Each administrative/supervisory employee shall be employed for a full 12 month period with the employment year beginning July 1 and concluding on June 30 of the subsequent calendar year.

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

Adopted: July 2003

SUBJECT: PROGRAM STAFF SPECIALISTS

Definition

Program staff specialists shall be considered to be those BOCES employees officially designated by Board action as responsible for conducting research, liaison and program activities while support teaching and other administrative/supervisory personnel in the pursuit of the goals and objectives of the BOCES.

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

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

Terms of Employment for Program Staff Specialists

Effective with the adoption of this policy, all new program staff specialists will be appointed to their positions for a probationary period of three years or if a Civil Service employee for a period of 26 weeks. Program staff specialists will be placed on tenure at the completion of their probationary period, if their performance is deemed satisfactory by their immediate superior and by each person in the ascending chain of command through the District Superintendent. The Board, the District Superintendent and all program staff specialist employees are obligated to adhere to the New York State Education Law and all Rules and Regulations of the Commissioner in matters relating to probationary and tenure appointments. Each program staff specialist employee shall be employed for a full 12 month period with the employment year beginning July 1 and concluding on June 30 of the subsequent calendar year.

Adopted: July 2003

SUBJECT: EVALUATION OF THE DISTRICT SUPERINTENDENT AND OTHER ADMINISTRATIVE STAFF

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 District Office, and be available for review by any individual no later than August 1 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.

Other Administrative Staff

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

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

Adopted: July 2003

SUBJECT: BENEFITS FOR NON-UNIT ADMINISTRATIVE SUPERVISORY PERSONNEL

In order to provide for a fair and equitable system for the administration of BOCES benefits plans, the following benefits adhere to all administrative supervisory personnel who are not members of the bargaining unit (BOCES Administrators and Supervisory Association).

Non-unit administrative supervisory personnel shall be afforded the following benefits from the Administrators and Supervisory Association (ASA) contract:

- Dental insurance
- Health insurance buyout
- Health insurance in retirement
- Retirement Incentive
- Sick bank benefits
- Sick day buyout
- Sick, personal and vacation day accruals and rollovers
- Bereavement
- Tenure and classified performance adjustments--only for titles lower than Director
- Life insurance
- Tax sheltered non-elective 403(b)
- Longevity
- Tuition reimbursement

From Dutchess BOCES Support Staff Association (SSA) and the Dutchess County Board of Cooperative Educational Services Faculty Association (BFA) contracts:

- Flexible spending plan

*If any of the above benefits are changed in the ASA contract, these benefits shall also be changed for non-unit administrative supervisory personnel. Any exceptions must be requested in writing to the District Superintendent and approved by a revision of the policy or a board resolution.

Non-unit administrative supervisory personnel shall be afforded the following benefits, as codified in past ASA, SSA or BFA contract language or past practice.

- Health insurance – Alt. PPO or agency approved HMO

Adopted: November 14, 2007
(replacing Policy #3130)

SUBJECT: BENEFITS FOR NON-UNIT MANAGERIAL PERSONNEL

In order to provide for a fair and equitable system for the administration of BOCES benefits plans, the following benefits adhere to all non-unit managerial personnel who are not members of a bargaining unit. This codifies in policy what has been past practice.

From the BOCES Administrators and Supervisory Association (ASA) contract:

- Health insurance
- Health insurance buyout
- Health insurance in retirement
- Dental insurance
- Sick bank benefits
- Sick day buyout
- Sick, personal and vacation day accruals and rollovers
- Life insurance
- Longevity
- Bereavement

From the Dutchess BOCES Support Staff Association (SSA) contract:

- Reimbursement of Continuing Education when approved

From Dutchess BOCES Support Staff Association (SSA) and the Dutchess County Board of Cooperative Educational Services Faculty Association (BFA) contracts:

- Flexible spending plan

*If any of the above benefits are changed in any of the above three contracts, these benefits shall also be changed for non-unit managerial personnel. Any exceptions must be requested in writing to the District Superintendent and approved by a revision of the policy or a board resolution.

Non-unit administrative managerial personnel shall be afforded the following benefits, As codified in past ASA, SSA and BFA contract language or past practice.

- Health insurance – Alt. PPO or agency approved HMO

Adopted: June 13, 2007
(replacing Policy #3130)

SUBJECT: BENEFITS FOR NON-UNIT CONFIDENTIAL PERSONNEL

In order to provide for a fair and equitable system for the administration of BOCES benefits plans, the following benefits adhere to all non-unit confidential personnel who are not members of a bargaining unit. This codifies in policy what has been past practice.

From the BOCES Administrators and Supervisory Association (ASA) contract:

- Health insurance
- Health insurance buyout
- Health insurance in retirement
- Dental insurance
- Sick bank benefits
- Sick day buyout
- Sick, personal and vacation day accruals and rollovers

From the Dutchess BOCES Support Staff Association (SSA) contract:

- Longevity
- Reimbursement of Continuing Education when approved
- Bereavement

From Dutchess BOCES Support Staff Association (SSA) and the Dutchess County Board of Cooperative Educational Services Faculty Association (BFA) contracts:

- Flexible spending plan

*If any of the above benefits are changed in any of the above three contracts, these benefits shall also be changed for non-unit administrative confidential personnel. Any exceptions must be requested in writing to the District Superintendent and approved by a revision of the policy or a board resolution.

Non-unit administrative managerial personnel shall be afforded the following benefits, as codified in past ASA, SSA and BFA contract language or past practice.

- Health insurance – Alt. PPO or agency approved HMO

Additional benefits:

- $50,000 life insurance policy

Adopted: June 13, 2007
(replacing Policy #3130)

SUBJECT: CONFERENCE ATTENDANCE BY NON-UNIT ADMINISTRATORS AND PROGRAM STAFF SPECIALISTS

Non-unit administrative staff and program staff specialists are encouraged to participate actively in educational activities designed to improve their professional competencies and keep abreast of current developments in education by attending appropriate educational proceedings.

Conference participation must be approved by the District Superintendent or his/her designee, and is subject to availability of resources and reimbursement guidelines.

General Municipal Law Sections 77-b, 77-c

Adopted: July 2003
First Reading: April 2006
Second Reading: November 2006
Adopted: November 2006

SUBJECT: ADMINISTRATIVE INTERNS

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

Internship participation will result from a successful registration process and be governed by available resources and approval by the District Superintendent and the Board of Education.

Adopted: July 2003

SUBJECT: CONSULTANTS

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

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

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

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

Adopted: July 2003

SUBJECT: ADMINISTRATIVE ORGANIZATION AND OPERATION

The basic principles of Administrative Organization and Operation are:

a) The BOCES shall formulate and legislate educational policy.

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

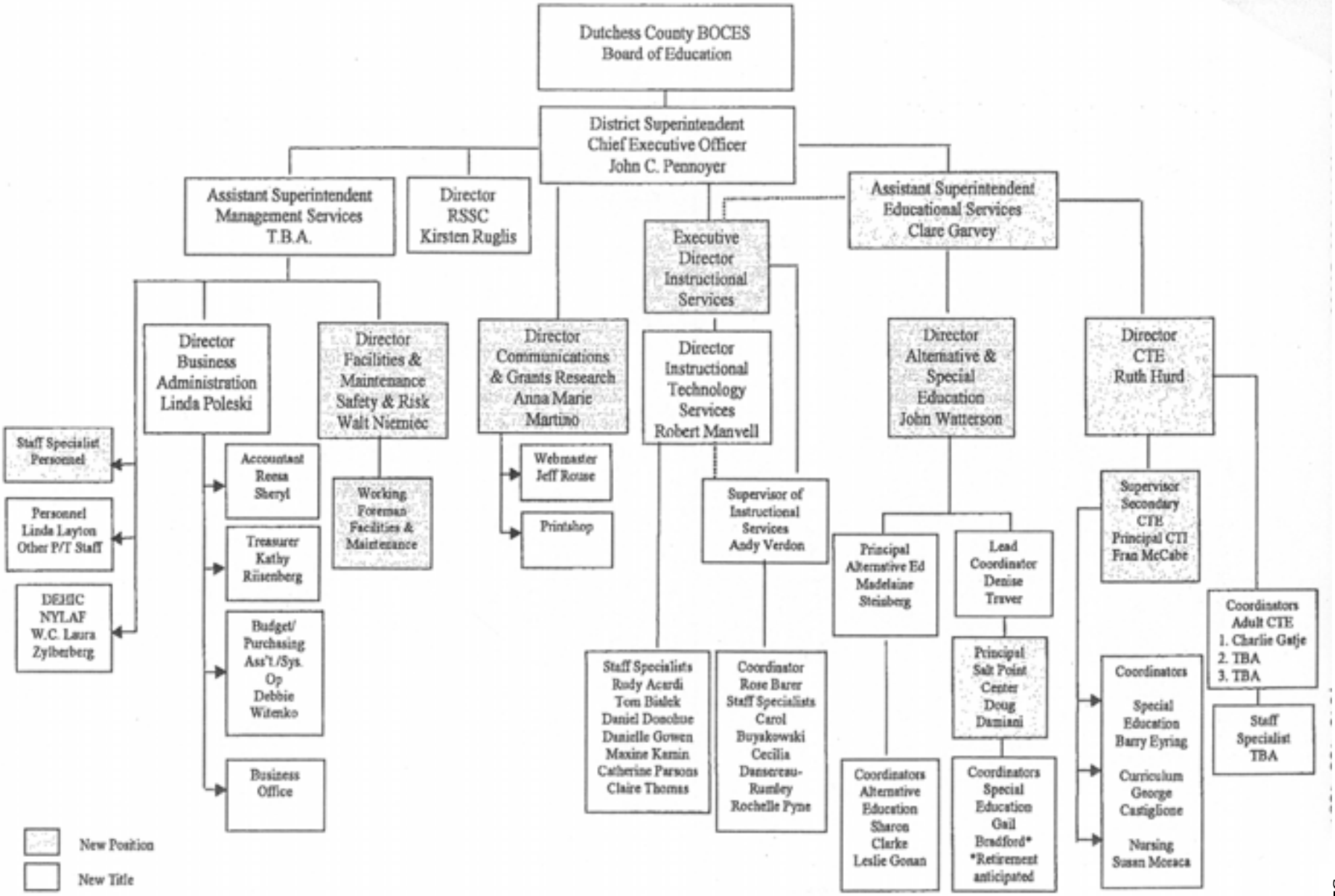
c) In order to insure compliance and understanding by each individual employed by the BOCES, the communication of changes to policy and regulations will be timely and effective.

d) To encourage participatory management, decision-making will be made at the appropriate level as determined by the staffing chart.

e) To clarify areas of responsibility, the obligations, duties and responsibilities of each individual employed by BOCES will be set forth in his/her job description.

f) Open lines of communication among all individuals and levels within the BOCES will be supported and encouraged.

Adopted: July 2003



Att. I: Reorganization: Position Changes
Att. II: Reorganization: New Job Titles and Job Descriptions

N:\BOCES\Mase\Imm
nt\Scenario V Dec3

SUBJECT: ADMINISTRATIVE COUNCILS, CABINETS, AND COMMITTEES

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

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

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

NOTE: Refer also to Policy #3221 -- Chief School Administrators' Council

Adopted: July 2003

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 BOCES and the component school districts.

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

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

Membership in the Chief School 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 BOCES may be requested to attend regularly or at specific meetings by the District Superintendent to facilitate the matters under consideration.

Adopted: July 2003

SUBJECT: CELLULAR TELEPHONE USE

Dutchess County BOCES recognizes that cellular telephones can be a valuable resource to this organization in furthering the effective delivery of educational and management services to our students, districts and communities.

The District Superintendent or his/her designee can authorize the issuance of cellular telephones to Dutchess County BOCES employees when such use is deemed to be in the best interest of the BOCES organization. Such telephones shall be issued to specific individuals and/or departments. It shall be the responsibility of the employee and/or department head to whom the cellular telephone is issued to verify the accuracy of related bills and sign off on the calls listed on each bill as those are issued on a monthly or periodic basis.

It is the responsibility of the BOCES Business Office to maintain a record of each cellular telephone owned, leased or rented by the BOCES. Such records shall include the telephone number, equipment manufacturer and serial number of each cellular telephone.

BOCES cellular telephones are intended for use in the pursuit of the BOCES business. Such telephones shall not be used for the personal benefit or business of the holder, except in emergencies or highly unusual circumstances. In the event of usage for other than BOCES business, the holder shall fully reimburse the BOCES for all costs relating to such use. Such reimbursement shall be made promptly and upon receipt of the bill containing the charge(s). No employee shall be entitled to the use of 'free' air time included as part of the agreement the BOCES may have with the cellular telephone company service provider, except when during the period covering. the personal call(s) the BOCES is not charged for air time. When reimbursing the BOCES for cellular telephone use receipts shall be issued to the employee making the payment.

Adopted: July 2003

Dutchess County BOCES

NON-INSTRUCTIONAL/BUSINESS OPERATIONS

(Section 4000)

NUMBER

BUDGET

1.1 Budget Planning and Preparation 4110

1.2 Budget Development and Adoption 4120

1.3 Administration of Budget 4130

1.3.1 Budget Modifications 4131

1.3.5 Budget Transfers.....4135

INCOME FUNDS

2.1 Investment Policy 4210

2.2 Applications for State and Federal Funds.....4220

2.3 Acceptance of Gifts, Grants and Bequests to BOCES.....4230

PURCHASING

3.1 Purchasing Principles.....4310

3.1.1 Procurement of Goods and Services.....4311

3.1.2 Use of the BOCES Credit Card..... 4312

3.2 BOCES Personal Property Accountability 4320

FISCAL ACCOUNTING

4.1 Approval of Expenditures.....4410

4.2 Ordering Goods 4420

4.2.5 Refreshments/Meals Served at BOCES-Sponsored Meetings.....4425

4.3 Inventory

4.3.1 Disposal of BOCES Property 4431

NON-INSTRUCTIONAL/BUSINESS OPERATIONS (Cont'd.)

(Section 4000)

NUMBER

FISCAL ACCOUNTING (Cont'd.)

4.3.2 Accounting of Fixed Assets/GASB 34 4432

4.3.3 Supplies and Equipment Purchased for Itinerant Staff Members 4433

4.4 Accountability for BOCES Funds 4440

4.4.1 Extracurricular Activity Funds 4441

4.5 Cash in School Buildings and Petty Cash Funds 4450

4.6 Special Projects Contracts and Incidental Employee Agreements 4460

4.7 Revenues - Establishment of Fees 4470

4.7.1 Tuition Rates: Career Education, Special Education and Alternative Education 4471

4.7.2 Sale of Supplies and Materials 4472

4.8 Financial Accountability: Allegations of Fraud 4480

4.8.2 Audit Committee 4482

4.9 Medicaid Fraud, Waste & Abuse Detection & Prevention Compliance 4490

NON-INSTRUCTIONAL OPERATIONS

5.1 Facilities Planning 4510

5.1.1 Facilities: Inspection, Operation and Maintenance 4511

5.2 Owned or Leased Vehicles 4520

5.2.1 New York State Division of Transportation (DOT) Drug and Alcohol Testing Program 4521

5.3 Insurance and Employee Bonds 4530

5.4 Safety/Security 4540

5.4.1 Hazard Communication Standard 4541

NON-INSTRUCTIONAL/BUSINESS OPERATIONS (Cont'd.)

(Section 4000)

NUMBER

NON-INSTRUCTIONAL OPERATIONS (Cont'd.)

5.4.2 School Safety Plans 4542

5.4.3 Communicable Diseases 4543

5.4.4 Use of Automatic External Defibrillators 4544

5.4.7 School Building Access Control 4547

5.4.8 Information Security Breach and Notification 4548

5.5 Smoke Free Environment 4550

5.6 Exposure Control Program 4560

5.6.1 Occupational Exposure to Bloodborne Pathogens 4561

5.7 Records Management 4570

5.7.1 Disposal of Consumer Report Information and Records……..4571

Non-Instructional/Business Operations

SUBJECT: BUDGET PLANNING AND PREPARATION

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

The budget calendar shall provide for the following:

a) Budget estimates required for Co-Ser preparation.

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

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

d) A presentation of the tentative budgets at the Annual Meeting as well as all attachments as mandated by law and/or regulation.

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

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

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

Adopted: July 2003

SUBJECT: BUDGET DEVELOPMENT AND ADOPTION

Authorization of the budgetary commitment of a component school district to participate in programs and services provided by Dutchess County BOCES rests with the component school board and is executed by the superintendent of the school district. A preliminary service request is due not later than March 1st of each year, with the final request due on or before May 1st, in accordance with Section 1950 of Education Law.

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

The BOCES administrative budget shall include, but is not limited to, office and central administrative expenses; traveling expenses; salaries and benefits of supervisors and administrative personnel necessary to carry out the central administrative duties of the Supervisory District; all expenditures associated with the Board, and the office of the District Superintendent. The BOCES program budget shall include program expenses. The capital budget shall include facility construction or acquisition, capital projects and rental expenses. The administrative budget also includes expenditures resulting from court judgments and orders from administrative bodies or officers, and certain costs relating to employee retirement.

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 BOCES report card as enumerated in law and regulation.

The three tentative budgets and attachments shall be provided to each component school board at least 10 days prior to the Annual Meeting. The board of each component school district shall adopt a public resolution approving or disapproving such tentative administrative budget at a regular or special meeting held on the same date designated for election of members of the Dutchess County BOCES. 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.

(Continued)

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

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

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 Dutchess County BOCES must be made in writing to the District Superintendent or his/her designee who may authorize the issuance of a cross contract with another BOCES.

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

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

Adopted: July 2003

SUBJECT: ADMINISTRATION OF BUDGET

The District Superintendent is responsible to the Dutchess County BOCES for the administration of the budget.

a) The District Superintendent/designee shall acquaint BOCES employees with the final provisions of the program budget and guide them in planning to operate efficiently and economically within these provisions. 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 Assistant Superintendent for Business Services shall maintain such records of accounting control as are required by the New York State Uniform System of Accounts, the BOCES, 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/Administrators 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 Services to render a summary report by program or major function, at least quarterly, within the Regulations of the Commissioner of Education.

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

Adopted: July 2003
First Reading: November 2006
Second Reading: December 2006
Adopted: December 2006

Non-Instructional/Business Operations

SUBJECT: BUDGET MODIFICATIONS

The Dutchess County BOCES (Board) recognizes that the BOCES organization must be responsive to the service delivery needs of our component school districts and various Boards of Cooperative Educational Services and their component school districts. Timely billing, timely program implementation and timely budgetary posting for services is an important component of Dutchess County BOCES' service delivery system.

Under this policy, the District Superintendent or his/her designee is, authorized to approve the processing of Budget Modifications (budget increases, budget decreases, budget creation and budget deletion) to various General Fund COSER based budgets when such processing is necessary for billing and budgetary posting purposes. Such Budget Modifications can only be processed after the initial BOCES budgets are approved by the Board by May of each year and as required by statute.

All General Fund Budget Modification will continue to be presented to the Board for their approval. Such presentation will take place no later than 50 days after such Budget Modifications have been processed. Under this Policy, BOCES Administration must still make every effort to present Budget Modification to the Board prior to posting and billing. In addition, the District Superintendent is directed to develop the necessary forms and procedures for the timely implementation of this Policy.

Adopted: July 2003

Non-Instructional/Business Operations

SUBJECT: BUDGET TRANSFERS

Within monetary limits as established by the Board, the District Superintendent is authorized to transfer funds within the budget, but not to exceed $10,000 per transfer. Whenever changes are made, they are to be incorporated in the next Board agenda for information only.

Education Law §1718
8 New York Code of Rules and Regulations §170.2(1)

First Reading: April 2006
Second Reading: November 2006
Adopted: November 2006

Non-Instructional/Business Operations

SUBJECT: INVESTMENT POLICY

Scope

These investment guidelines apply to all moneys and other financial resources available for investment by the Dutchess County BOCES on its own behalf (as its investment policy) or on behalf of any other entity or individual, including as Lead Agent under a Municipal Cooperation Agreement, dated April 24, 1998, as amended (the "Agreement"). All capitalized words, terms and phrases contained in this Investment Policy and not otherwise defined shall have the same meaning ascribed to them in the Agreement.

Objectives

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

a) to conform with all applicable federal, state and other legal requirements (legal);

b) to adequately safeguard principal (safety);

c) to provide sufficient liquidity to meet all operating requirements (liquidity); and

d) to obtain a reasonable rate of return (yield).

The objectives of the Dutchess County BOCES as Lead Agent under the Agreement shall also include (i) conforming to the provisions of section 39 of the General Municipal Law (the "GML") relating to an investment policy, (ii) maintaining the value of each Participant's interest in the Agreement at a stable value of one dollar, (iii) restricting Permitted Investments only to those types of investments set forth in section 11 of the GML and investing through repurchase agreements, variable rate obligations and structured obligations only upon the recommendation of the Investment Consultant and the advice of legal counsel, (iv) limiting the maximum time remaining to maturity of individual investments to not more than 397 days, and limiting the maximum weighted average maturity of all investments to not more than 60 days, (v) obtaining reasonable diversification of types of investments and reasonable diversification of Persons performing services under the Services and Marketing Agreement in consultation with the Marketing Agent; provided that, in compliance with article 3-A of the GML, any Permitted Investment held under the Agreement on or after May 1, 1998 which provides for the adjustment of its interest rate on set dates shall be deemed to mature or to have matured on the earliest date after May 1, 1998 on which the interest rate resets, and (vi) with the advice of counsel, maximizing the use of commercially acceptable transaction methods which provide maximum yield with maximum exposure to liquidity and safety of principal.

(Continued)

SUBJECT: INVESTMENT POLICY (Cont'd.)

Delegation of Authority

The Dutchess County BOCES' responsibility for administration of the investment program is delegated to (i) the Treasurer and Deputy Treasurer of the Dutchess County BOCES with respect to investment activities of the Dutchess County BOCES, and (iii) ASMS of the Dutchess County BOCES, or authorized designee in writing, with respect to the investment activities of the Lead Agent, who shall be the Chief Investment Officer under the Agreement and who shall establish written procedures for the operation of the investment program consistent with these investment guidelines. Such procedures should include an adequate internal control structure to provide a satisfactory level of accountability based on a data base or records incorporating a description and the amounts of investments, transaction dates, and other relevant information and to regulate the activities of subordinate employees. Such procedures shall also include use of electronic transmissions ("Email"), which shall be confirmed in a written record, to accept or not accept transaction activity upon notice from the Custodian under the Agreement or a custodian under a Custodial Undertaking Agreement in connection with a Master Repurchase Agreement

Prudence

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 Dutchess County BOCES to govern effectively.

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.

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.

Diversification

It is the policy of the Dutchess County BOCES to diversify its deposits and investments by financial institution, by investment instrument, and by maturity scheduling.

(Continued)

SUBJECT: INVESTMENT POLICY (Cont'd.)

Internal Controls

It is the policy of the Dutchess County BOCES for all moneys collected by any officer or employee of the BOCES to transfer those funds to (i) the Treasurer and Deputy Treasurer within a maximum period of (2) days of deposit, and (ii) to the ASMS immediately, or within the time period specified in law, whichever is shorter.

The (i) Treasurer and Deputy Treasurer, and (ii) ASMS each is responsible for establishing and maintaining an internal control structure to provide reasonable, but not absolute, assurance that deposits and investments are safeguarded against loss form unauthorized use or disposition, that transactions are executed in accordance with management's authorization and recorded properly, and are managed in compliance with applicable laws and regulations.

Designation of Depositories

The banks and trust companies authorized for the deposit of monies up to the maximum amounts are:

Depository Name	Maximum Amount	Officer
Bank of New York	$ 30,000,000	Treasurer/Deputy
M&T Bank	$ 10,000,000	Treasurer/Deputy
Fleet Bank	$ 10,000,000	Treasurer/Deputy
CLASS	$ 10,000,000	Treasurer/Deputy
Flexi-Cash	$ 10,000,000	Treasurer/Deputy
NYLAF	$ 10,000,000	Treasurer/Deputy
The Bank of New York	N/A	ASMS as Custodian

Collateralization

In accordance with the provisions of section 10 of the GML, all deposits of the Dutchess County BOCES, including certificates of deposit and special time deposits, in excess of the amount insured under the provisions of the Federal Deposit Insurance Act shall be secured:

a) By a pledge of "eligible securities" with an aggregate "market value" as provided by section 10 of the GML, equal to the aggregate amount of deposits from the categories designated in Appendix A to the policy.

(Continued)

SUBJECT: INVESTMENT POLICY (Cont'd.)

b) By an eligible "irrevocable letter of credit" issued by a qualified bank other than the depository bank in favor of Dutchess County BOCES for a term not to exceed 90 days with an aggregate value equal to 140% of the aggregate amount of deposits and the agreed interest, if any. A qualified bank is one whose commercial paper and other unsecured short-term debt obligations are rated in one of the highest rating categories by at least one nationally recognized bank rating agency or by a bank that is in compliance with applicable federal minimum risked- based capital requirements.

c) By an eligible surety bond payable to Dutchess County BOCES for an amount at least equal to 100% of the aggregate amount of deposits and agreed upon interest. if any, executed by an insurance company, specializing in casualty, general liability and indemnity insurance, 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 insurance rating agencies.

Safekeeping and Collateralization

Eligible securities used for collateralizing deposits shall be held by The Bank of New York for CLASS, NYLAF, flexi-cash and M & T Bank, by the First National Bank of Chicago for the Bank of New York and Fleet Bank and The Bank of New York for the Lead Agent, subject to security and custodial agreements, and subject further, where applicable, to a Custodial Undertaking Agreement in the case of a Master Repurchase Agreement with respect to the Agreement.

The security agreement shall provide that eligible securities are being pledged to secure local government deposits together with agrees 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 local government to exercise its rights against the pledged securities. In the event that the securities are not registered or inscribed in the name of the local government, such securities shall be delivered in a form suitable for transfer or with an assignment in blank to the Dutchess County BOCES or its custodial bank.

The custodial agreement shall provide that securities held by the bank or trust company, or agent of and custodian for, the local government, will be kept separate and apart from the general assets of the custodial bank or trust company and will not be commingled with or become part of the backing for any other deposits or other liabilities, except with respect to the Agreement in the case of substitution of securities in connection with a Master Repurchase Agreement or a Custodial Undertaking Agreement. The custodial agreement should also describe that the custodian shall confirm the receipt, substitution or release of the securities. The agreement shall provide for the

(Continued)

SUBJECT: INVESTMENT POLICY (Cont'd.)

frequency of revaluation of the 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 local government a perfected interest in the securities.

Legally Permitted Investments

As authorized by section 11 of the GML, Dutchess County BOCES authorizes the Treasurer or Deputy Treasurer and the ASMS as Chief Investment Officer under the Agreement to invest moneys not required for immediate expenditure for terms not to exceed its projected cash flow needs in the following types of investments:

a) Special time deposit accounts;

b) Certificates of deposit;

c) Obligations of the United States of America;

d) Obligations guaranteed by agencies of the United States of America where the payment of principal and the interest are guaranteed by the United States of America;

e) Obligations of the State of New York;

f) Obligations issued pursuant to Local Finance Law §24.00 or 25.00 (with approval of the State Comptroller) by any municipality, school district or district corporation other than the City of New York.

g) Obligations of this BOCES, but only with any moneys in a reserve fund established pursuant to General Municipal Law Sections 6-c, 6-d, 6-e, 6-g, 6-h, 6-j, 6-k, 6-1, 6-m, or 6-n.

All investment obligations shall be payable or redeemable at the option of the Dutchess County BOCES 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 Dutchess County BOCES within two years of the date of purchase.

(Continued)

SUBJECT: INVESTMENT POLICY (Cont'd.)

Authorized Financial Institutions and Dealers

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

Purchase of Investments

The Treasurer or Deputy Treasurer and the ASMS each is authorized to contract for the purchase of investments;

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

b) By participation in a cooperative investment program with another authorized governmental entity pursuant to article 3-A and article 5-0 of the GML where such program meets, among all other things, substantially 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.

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

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

(Continued)

SUBJECT: INVESTMENT POLICY (Cont'd.)

The custodial agreement shall provide that securities held by the bank or trust company, as agent of and custodian for, the BOCES, will be kept separate and apart from the general assets of the custodial bank or trust company and will not, in any circumstances, be commingled with or become part of the backing for any other deposit or other liabilities. Such agreement shall describe how the custodian shall confirm the receipt, substitution and release of the securities. Such agreement shall include all provisions necessary to provide the local government a perfected interest in the securities. Such agreement shall provide for the frequency of revaluation of collateral by the custodian and the substitution of collateral when a change in the rating of a security causes ineligibility pursuant to section 10(l)(f) of the GML.

Repurchase Agreements

a) Repurchase agreements not included as investments under the Agreement are authorized subject to the following restrictions:

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

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

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

4. No substitution of investment securities will be allowed.

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

6. All repurchase agreements shall be in compliance with the provisions of sections 10 and 11 of the GML.

7. Any investment securities which are purchased pursuant to a repurchase agreement shall be deemed to be payable or redeemable for purposes of the preceding sentence on the date on which such obligations are scheduled to be repurchased by the seller thereof, any investment securities which provide for the adjustment of their respective interest rate on set dates shall be deemed to be payable or redeemable for purposes of the preceding sentence on the date on which the principle amount may be recovered in full by demand of the holder or owner thereof.

(Continued)

SUBJECT: INVESTMENT POLICY (Cont'd.)

b) Repurchase agreements included as investments under the Agreement are authorized subject to the following provisions in addition to the restrictions set forth in paragraph XIII.A above unless such restriction is not included in such provisions:

1. A transaction constituting a repurchase agreement or a series of such transactions each of which is or is deemed to be a repurchase agreement may be in effect for up to 90 days.

2. Substitution of investment securities is authorized. Substitution may occur one or more times during a business day with respect to any investment security. Each substitution shall be deemed a separate purchase and sale of an investment security and a separate repurchase agreement with the understanding that a substituted security may be commingled with other investment securities of a counterparty to a Master Repurchase Agreement and may, in turn, become subject to liens granted to third parties and used for delivery in other securities transactions of such a counterparty. Any substitution of investment securities is subject to authorization by the Chief Investment Officer under the Agreement upon notice through Email of a confirmation by 4 p.m. (New York Time) on a business day (Monday through Friday). The Chief Investment Officer shall review such transmission and any confirmation contained therein and accept the terms of the same by Email by 10 a.m. (New York Time) on the next succeeding business day. Any transaction not so accepted by the Chief investment Officer shall be terminated and be deemed terminated. A Master Repurchase Agreement shall include in its terms optional substitution/termination language substantially in the form contained in The Bond Market Association market Practice Update 96-1.

3. All investment securities shall remain in the possession, custody or control of the custodian under the Agreement or the custodian under a Custodial Undertaking Agreement and shall be segregated from other securities in the possession, custody or control of any such custodian with title or other written designation as to ownership to such securities at all times in Dutchess County BOCES, as Lead Agent; provided that the Lead Agent shall not sell, pledge, hypothecate or otherwise transfer such securities or any interest therein. The Lead Agent acknowledges that segregation of investment securities will be subject to a counterparty to a Master Repurchase Agreement's ability to satisfy any lien granted in a substituted security.

4. During any transaction the security interest of the Dutchess County BOCES, as Lead Agent, in any investment security will be evidenced by its possession and control by the custodian under the Agreement or a custodian under a Custody Undertaking Agreement. Although Dutchess County BOCES intends that any transaction is a purchase and sale of securities, in the event any transactions is deemed to be a secured loan collateralized by

(Continued)

SUBJECT: INVESTMENT POLICY (Cont'd.)

such securities, a Master Repurchase Agreement shall provide that the relevant counterparty thereto shall be deemed to have granted and pledged to Dutchess County BOCES perfected security interest in such securities. Any Master Repurchase Agreement shall provide that any transaction is and shall be deemed to be a "qualified financial contract" under applicable federal bankruptcy and secured transaction law and that such securities are not part of the estate of any counterparty to a Master Repurchase Agreement upon an event of insolvency, bankruptcy, reorganization, liquidation, dissolution or assignment for the benefit of creditors of such counterparty.

5. Dutchess County BOCES, as Lead Agent, in the exercise of the provisions contained in paragraph XIII.B herein is exercising and shall be deemed to be exercising a necessarily implied power authorized in section 11 of the GML, and any actions taken shall not be or be deemed to be a direct or indirect gift or loan of money or property or credit of Dutchess County BOCES or any participant under the Agreement to or in aid of any individual, private corporation or association.

6. All transactions shall be deemed to be purchases and sales, and shall never be or be deemed to be a loan of money secured by investment securities as collateral, notwithstanding any accounting rule or interpretation of federal tax law to the contrary applied by any counterparty to a Master Repurchase Agreement or to a Custodial Undertaking Agreement.

7. Securities subject to a Master Repurchase Agreement shall not include mutual funds or money market funds or securities other than those set forth in paragraph X. herein.

8. No counterparty to a Master Repurchase Agreement or Custodial Undertaking Agreement shall be or deemed to be an agent or carrying out the duties of an agent of the Chief Investment Officer or the Lead Agent, and all such acts of any such counterparty shall be and shall be deemed to be a ministerial in nature and constitute the following of express or necessarily implied authorizations, acceptances and consents of the Chief Investment Officer or the Lead Agent, as the case may be.

9. The Marketing Agent shall attach a true copy of these Investment Guidelines to any Master Repurchase Agreement or custody undertaking agreement executed, delivered and used in connection with investment in securities or any other interest therein under the Agreement.

(Continued)

SUBJECT: INVESTMENT POLICY (Cont'd.)

Appendix A

Schedule of Eligible Securities for Collateral

NOT ELIGIBLE INVESTMENT SECURITIES

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

___ (ii) Obligations partially insured or guaranteed by any agency of the United States of America, at a proportion of the Market Value of the obligation that represents the amount of the insurance or guaranty.

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

___ (iv) Obligations issued or fully granted by the International Bank for Reconstruction and Development, the Inter-American Development Bank, the Asian Development Bank, and the African Development Bank.

___ (v) Obligations issued by states (other than the State of New York) of the United States rated in one of the three highest rating categories by at least one nationally recognized statistical rating organization.

___ (vi) Obligations of Puerto Rico rated in one of the three highest rating categories by at least one nationally recognized statistical rating organization.

___ (vii) Obligations of counties, cities and other governmental entities of another state having power to levy taxes which are backed by the full faith and credit of such governmental entity and rated in one of the three highest rating categories by at least one nationally recognized statistical rating organization.

___ (viii) Obligations of domestic corporations rated in one of the two highest rating categories by at least one nationally recognized statistical rating organization.

(Continued)

SUBJECT: INVESTMENT POLICY (Cont'd.)

___ (ix) Any mortgage related securities, as defined in the securities Exchange Act of 1934, as amended, which may be purchased by banks under limitations established by federal bank regulatory agencies.

___ (x) Commercial paper and banker's acceptances issued by a bank (other than the bank in which money is being deposited or invested) rated in the highest short- term category by at least one nationally recognized statistical rating organization and having maturities of not longer than 60 days from the date they are pledged.

___ (xi) Zero coupon obligations of the United States government marketed are "Treasury strips."

___ (xii) An eligible surety bond, as defined in section 10 of the GML, payable to Dutchess County BOCES to the extent of 100% of the Permitted Investment.

___ (xiii) An eligible letter of credit, as defined in section 10 of the GML, payable to Dutchess County BOCES to the extent of 140% of the Permitted Investment.

For the purpose of determining Market Values of the eligible securities set forth in this Appendix A (a) obligations described in clauses (i), (ii), (iii) and (iv) shall be valued at 100% of their Market Value, (b) obligations described in clauses (v), (vi) and (vii) if rated in the highest category shall be valued at 100% of their market value, if rated in the second highest category shall be valued at 90% of their Market Value, and if rated in the third highest category shall be valued at 80% of their Market Value; (c) obligations described in clauses (viii), (x) and (xi) shall be valued at 80% of their Market value; and (d) obligations described in clause (ix) shall be valued at 70% of their Market Value.

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

Adopted: July 2003

Non-Instructional/Business Operations

SUBJECT: APPLICATIONS FOR STATE AND FEDERAL FUNDS

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

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

Adopted: July 2003

Non-Instructional/Business Operations

SUBJECT: ACCEPTANCE OF GIFTS, GRANTS AND BEQUESTS TO BOCES

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

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

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

The Board will not formerly 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 BOCES must be by official action and resolution passed by Board majority. The Board would prefer the gift or grant to be a general offer rather than a specific one. Consequently, the Board would suggest that the donor/grantor work first with BOCES administrators in determining the nature of the gift or grant prior to formal consideration for acceptance by the Board. However, the Board, in its discretion, may direct the District Superintendent 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 BOCES funds.

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

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

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

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

Adopted: July 2003

Non-Instructional/Business Operations

SUBJECT: PURCHASING PRINCIPLES

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

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

c) The Board shall appoint a Purchasing Agent and Deputy Purchasing Agent(s) for the BOCES. The District Superintendent shall recommend candidates to the Board for their consideration for this appointment. The Purchasing Agent shall be responsible for the development and supervision of the purchasing system for the District.

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

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

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

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

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

(Continued)

SUBJECT: PURCHASING PRINCIPLES (Cont'd.)

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

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

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

l) Petty Cash Funds shall be established and used in accordance with Commissioner of Education Regulation 170.3. The Board shall annually take formal action at a regular meeting to authorize locations in the district where funds are to be established, the dollar amount(s) and to designate the administrator(s) responsible for the funds so established.

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

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

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

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

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

(Continued)

SUBJECT: PURCHASING PRINCIPLES (Cont'd.)

q) The Purchasing Agent may require bid security on all bids in excess of $10,000, on all contracts for service, and on all contracts which allow product delivery over a period of six months or more.

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

Adopted: July 2003

Non-Instructional/Business Operations

SUBJECT: PROCUREMENT OF GOODS AND SERVICES

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

a) Assure the prudent and economical use of public moneys in the best interest of the taxpayers;

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

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

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

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

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

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

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

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

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

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

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

(Continued)

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

Alternative Formats for Instructional Materials

Preference in the purchase of instructional materials will be given to vendors who agree to provide materials in alternative formats (i.e., any medium or format, other than a traditional print textbook, for presentation of instructional materials that is needed as an accommodation for a student with a disability). Alternative formats include, but are not limited to, Braille, large print, open and closed captioned, audio or an electronic file in an approved format.

Education Law Section 1950
General Municipal Law, Sections 5-A and 18
8 New York Code of Rules and Regulations (NYCRR)
Sections 170.2 and 200.2(b)(10), (c)(2) and (i)

Adopted: July 2003

Non-Instructional/Business Operations

SUBJECT: USE OF THE BOCES CREDIT CARD

No credit/charge card applications will be filed on behalf of the Board of Cooperative Educational Services without a formal resolution of approval by the Board.

By this policy the Board authorizes the issuance of one and only one credit/charge card for use by the District Superintendent with an aggregate credit line not to exceed $10,000. This card shall be used only for official BOCES business and only for those purchases for which no other method of payment is readily available. All transactions with this credit card will be made fully available to all BOCES auditing processees--internal claims auditor, internal auditor, and external auditor.

Oil company credit/charge cards may not be issued in the name of individual employees. No employee is authorized to spend more than $100 per month for any of the BOCES oil credit/charge cards without written permission from the District Superintendent or the Business Office that expressly authorizes excess charges. However, such permission shall not extend beyond the month in which the permission was given in anticipation of charges in excess of $100.

Users of all credit/charge cards must obtain and forward receipts monthly to the Business Office. Such receipts must be itemized to provide all relevant details of the transaction. If the credit card is used to purchase meals, the names of those in attendance, the time and the purpose of the meeting, and the BOCES business-related reason(s) why the meal was necessary must be provided. For all other purchases, the BOCES-related business reason for the cost incurred must be provided.

Individuals authorized to use a BOCES credit card shall agree in writing to accept financial responsibility for any unauthorized usage by that individual. Such unauthorized usage may include charges unsupported by itemized receipts or other sufficient documentation. Any individual who makes an unauthorized purchase with a BOCES credit card shall be required to reimburse the BOCES for the purchase.

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

General Municipal Law § 33
Chapter 263 of Laws of 2005

First Reading: April 2006
Second Reading: November 2006
Adopted: June 13, 2007

Non-Instructional/Business Operations

SUBJECT: BOCES PERSONAL PROPERTY ACCOUNTABILITY

Definition of Personal Property

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

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

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

Acquisition of Personal Property by Purchase

a) **Competitive Bidding** – Competitive bids 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.

1. Contracts for supplies, materials or services which are in an amount in excess of the amount specified in Section 103 of the General Municipal Law and all public works contracts involving an expenditure in excess of the amount specified in Section 103 of the General Municipal Law shall be awarded on the basis of public advertising and competitive bidding, consistent with the provisions of Section 103 of the General Municipal Law.

2. All contracts which require public advertising and competitive bidding shall be awarded by resolution of the cooperative board. Recommendations for such contracts shall be made to the cooperative board by the District Superintendent.

3. The Purchasing Agent or designee is authorized to open bids and record the same pursuant to law.

b) **Purchase Exempt from Competitive Bidding** – Any purchase of personal property which is not subject to competitive bidding shall be made in accordance with procedures established pursuant to Section 104-b of the General Municipal Law.

1. Goods and services must be purchased so as to facilitate the acquisition of goods and services of quality at the lowest cost under the circumstances and to guard against favoritism, improvidence, extravagance, fraud or corruption.

(Continued)

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

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

Acquisition of Personal Property by Gift

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

1. The Cooperative Board will not consider the acceptance of a gift until the offer is made in writing.

2. The Board will safeguard the BOCES staff and students from commercial exploitation from special interest groups.

b) **Accounting for Gifts**

1. All gifts shall be entered into the perpetual physical inventory of the BOCES in the same manner as purchased personal property and consistent with the provisions of subheading "Perpetual Inventory" below.

2. Gifts of money shall be annually accounted for under the trust and agency account in the bank designated by the Board.

3. Any property donated shall be for the use of BOCES and no employee shall benefit personally from such donations or any other BOCES personal property.

4. All gifts shall become the sole property of the BOCES.

5. It shall be the responsibility for the District Superintendent to have the value of the gift or donation established, when necessary, for tax purposes and acknowledge, in writing, the receipt of the gift or donation on behalf of the BOCES.

6. All gifts or donations shall be immediately brought to the attention of the director of the service to which the contribution is made.

(Continued)

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

7. The director shall recommend the acceptance or rejection of the gift to the District Superintendent or his/her designee and notify the donor of the intention.

8. The District Superintendent shall make a recommendation to accept or reject such gifts to the Cooperative Board at a regular meeting.

9. The director of the service to which the gift or donation is made shall be responsible to see that the gift or donation is appropriately used.

10. Gifts or donations made that are not specific to a program shall be brought to the attention of the District Superintendent who will be responsible for implementation of the regulations.

(Refer also to Policy #4230 -- Acceptance of Gifts, Grants and Bequests to BOCES.)

Perpetual Inventory

a) The ASMS shall develop, in writing, the basic rules and regulations to be followed in maintaining the BOCES 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.

1. The minimum standards to be considered for inclusion in the personal property record are as follows:

(a) The personal property shall have significant value. Personal property valued at $500 shall be included.

(b) The personal property must have an estimated useful life of one year or more.

(c) The physical characteristics of the personal property are not appreciably affected by use or consumption.

2. It shall be the responsibility of the Purchasing Agent to assure that all new acquisitions, by purchase or gift, are entered into the perpetual inventory system.

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

1. A sufficient description of the personal property.

(Continued)

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

2. The class of the personal property (machinery, equipment, etc.).

3. The year of acquisition of the personal property.

4. The historical cost (the cost at acquisition) of the personal property. If unknown or a gift, the estimated value.

5. The source of financing or acquisition (general fund, federal fund, gift, etc.).

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

1. For personal property with a resale unit value of more than $500, a physical inventory shall be conducted at least annually.

2. For all other personal property, a physical inventory shall be conducted at least once every two years.

Disposition of Personal Property

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

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

b) Procedures for Disposition of Equipment, Supplies or Materials

1. All surplus or obsolete equipment, supplies or materials will be sold to only the highest bidder, except however that vehicles received at no cost for use in an authorized welfare to work program may be transferred at no cost or at cost of repairs, where repairs have been made to the vehicle at the BOCES to participants who have met all the program requirements.

2. Any property whose market value would classify it as valuable personal property, but which is determined not to be marketable because it is damaged or in poor condition and has not been marketable after at least one prior attempt at competitive bidding, may be disposed of by the BOCES.

(Continued)

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

3. Disposition of any personal property, even though it may have little or no marketable value, must be approved by the Director of Finance and Administrative Services.

4. Prior to classifying as disposable, all items should be considered for reassignment to other locations within BOCES as needed or stored in a central location if they may have potential usefulness in the future.

5. All sales of surplus and obsolete personal property 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 appropriate means to assure public awareness.

Procedure for Accountability of Officers and Employees for Violating the Personal Property Policy

a) Penalty for violation. Any officer or employee who engages in the unauthorized use, theft or conversion of personal property belonging to the BOCES, or who otherwise violates this policy, shall be subject to removal from office and/or such other discipline or penalties as authorized by law.

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

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 BOCES including, but not limited to, the publication of this policy in the BOCES Policy Manual, the Personnel Handbook, and teacher and employee handbooks. This policy will be included on the agenda of faculty and administrative meetings at least annually.

Review and Amendment of the Policy

a) Review. The BOCES shall review its policy on personal property accountability annually and make amendments it deems necessary.

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

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

Adopted: July 2003
Revised/Adopted: September 2009

SUBJECT: APPROVAL OF EXPENDITURES

Funds expended for all budgeted school functions shall be subject to approval by the Internal Auditor or Deputy Internal Auditor.

Adopted: July 2003

SUBJECT: ORDERING GOODS

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

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

The Purchasing Agent or Deputy Purchasing Agent(s) will be the only persons authorized to enter into contracts for services, goods, equipment or supplies.

Adopted: July 2003

Non-Instructional/Business Operations

SUBJECT: REFRESHMENTS/MEALS SERVED AT BOCES-SPONSORED MEETINGS

a) Internal Meetings including Board Meetings:

1. Full meals are not routinely provided at BOCES-sponsored internal meetings. Meals will be provided at meetings only when the business being conducted is of a pressing nature and the meeting must be held at mealtime.

2. In the event that refreshments/meals are served, they must have been budgeted for by the meeting host.

3. Requests for meal/food service at a BOCES-sponsored internal meeting must include:
    a. the name of the person requesting the meal/refreshments;
    b. the meeting date;
    c. the persons who are expected to attend;
    d. the business/educational reason for the meeting; and
    e. the reason why refreshments or a meal is necessary to conduct BOCES business.

4. Requests for meal and/or refreshments expenditures must be made as far in advance as possible in order to allow for appropriate consideration of vendors/providers. The per person cost for such food service may not exceed the United States General Services Administration (GSA) rates.

Food service at BOCES-sponsored internal meetings should whenever possible be provided by the BOCES catering service in order to keep costs to a minimum.

b) BOCES-sponsored External Meetings:

1) At times the BOCES will host meetings in its facilities for outside agencies. When this occurs the outside agency must pay for all costs of food service in full. The costs of custodial services and facility charges will be arranged on a meeting-by-meeting basis.

First Reading: June 13, 2007
Second Reading: August 1, 2007
Adopted: August 1, 2007

Non-Instructional/Business Operations

SUBJECT: DISPOSAL OF BOCES PROPERTY

Equipment

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

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

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

Textbooks

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

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

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

b) Donation to charitable organizations; or

c) Disposal as trash.

General Municipal Law Sections 51 and 800 et seq.

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

Adopted: July 2003

SUBJECT: ACCOUNTING OF FIXED ASSETS/GASB 34

The ASMS shall be responsible for accounting for general fixed assets according to the procedures outlined by the Uniform System of Accounts for School Districts and General Accounting Standards Board (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 value of $1000 or more and that have 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.

Fixed assets acquired having a value equal to or greater than $2,500 are considered depreciable assets and shall be inventoried for the purposes of GASB 34 accounting practices and placed on a depreciation schedule using a straight-line method of depreciation and estimated useful life as stimulated 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;

e) Asset type;

f) Estimated useful life;

g) Replacement cost;

(Continued)

SUBJECT: ACCOUNTING OF FIXED ASSETS/GASB 34 (Cont'd.)

h) Current value;

i) Salvage value;

j) Date and method of disposition; and

k) Responsible official.

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

Uniform System of Accounts for School District
GASB Statement 34 Regulations

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

Adopted: July 2003

Non-Instructional/Business Operations

SUBJECT: SUPPLIES AND EQUIPMENT PURCHASED FOR ITINERANT STAFF MEMBERS

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

Adopted: July 2003

SUBJECT: ACCOUNTABILITY FOR BOCES FUNDS

Accountability for BOCES funds is necessary for the following reasons:

a) To insure that funds are not susceptible to loss, theft, waste, or misuse;

b) To provide necessary data for state reports;

c) To show compliance with legal mandates;

d) To provide information that is necessary in policy formulation;

e) To provide information necessary to the public and the school;

f) To promote budgetary control.

General Fund

The General Fund is the principal fund of BOCES that is used to account for all resources and operations except those required to be recorded in a separate fund.

Special Aid Funds

The Special Aid Fund shall be used to account for special projects or programs supported in whole or in part by Federal Funds or State funded grants.

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

Trust And Agency Funds

The BOCES Trust and Agency Account shall account for all moneys collected from employees for taxes and miscellaneous withholdings and the BOCES share of tax liability.

Other Funds

Unemployment Insurance will be accounted for in the General Fund as an Unemployment Insurance Reserve Fund. This fund covers expenses relating to BOCES employees coverage under the New York State Unemployment Insurance Law. Equipment Reserve is also accounted for in the General Fund which provides for equipment losses that our insurance carrier may not cover.

The Contingency Fund provides post employment health insurance coverage to its retired employees in accordance with the provisions of the employment contract negotiated between BOCES and its employee groups.

Adopted: July 2003 Education Law Section 2116(a)

Non-Instructional/Business Operations

SUBJECT: EXTRACURRICULAR ACTIVITY FUNDS

The Dutchess County BOCES recognizes the value of student extracurricular activity programs and is aware of the experience to be gained by student participants in such organizations.

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

Student funds shall be deemed to include, but not be limited to, money collected from students for the purchase of supplies and materials, fees for organizations and social events. Such funds shall be handled in accordance with procedures set by the State Education Department of Audit and Control and the regulations set forth by the BOCES. In all cases which involve the student funds, an employee of the BOCES 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.

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

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

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

Adopted: July 2003

Non-Instructional/Business Operations

SUBJECT: CASH IN SCHOOL BUILDINGS AND PETTY CASH FUNDS

Cash in School Buildings

Division Directors and building administrators will establish procedures, in cooperation with the Business Office to safeguard all cash received in the buildings. Building administrators are to make arrangements which shall minimize the amount of cash retained in the buildings. It shall be his/her responsibility to make sure that any small sums of money retained in a building are securely locked.

Petty Cash Funds

The Board hereby authorizes the establishment of petty cash funds, each not to exceed $100.

The funds are to be used for the payment of properly itemized bills for materials, supplies or services under conditions calling for immediate payment.

Petty cash custodians are to be designated by the District Superintendent.

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

Adopted: July 2003

Non-Instructional/Business Operations

SUBJECT: SPECIAL PROJECTS CONTRACTS AND INCIDENTAL EMPLOYEE AGREEMENTS

Special Projects Contracts and Incidental Employee Agreements are agreements between the Dutchess County BOCES and persons who can provide services of a specialized, unique or immediate nature which may not otherwise be provided by regular staff.

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

All Special Projects Contracts and Incidental Employee Agreements must receive approval by the District Superintendent or his/her designee. Any and all expenses connected with the service must be included in the total sum to be specified in the contract.

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

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

b) In-Service Workshop - Provides instructional services at workshops or courses provided by Dutchess County BOCES;

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

d) Other*.

*In the case of a need to obtain other temporary services which do not fall in the above categories, a rationale shall be presented along with the Special Projects Contract or Incidental Employee Agreements form indicating why it is appropriate to temporarily obtain the service.

Adopted: July 2003

Non-Instructional/Business Operations

SUBJECT: REVENUES - ESTABLISHMENT OF FEES

The District Superintendent shall recommend to the Board tuition's, service charges, and special fees to adequately provide for all approved programs and services. The Board shall approve fees prior to their collection. The fees shall be established on an equitable basis for all participating districts in accordance with the law and Commissioner's Regulations. The uniform methodology for determining the cost of BOCES shared services shall be approved annually by at least three-quarters of the participating component school districts after consultation by local school officials with their respective boards of education.

For school age students enrolled in Career Education courses beyond the normal length of time for such courses and for the purpose of completing licensing requirements, the charge to the component school district will be prorated based upon the amount of time spent in the course. (Refer also to Policy #4471 -- Tuition Rates: Career Education, Special Education and Alternative Education.)

Billings For Services

The District Superintendent, as permitted by the Commissioner's Regulations, shall recommend to the Board an acceptable plan for billing services to the component and non-component districts. The Board shall determine the time, method of payment, and amount of charge for all services.

Education Law Section 1950(4)(d)

Adopted: July 2003

Non-Instructional/Business Operations

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

Tuition rates for Career Education, Special Education and Alternative Education shall be recommended by the District Superintendent for approval by the BOCES. The basis of calculating Career Education, Special Education and Alternative Education tuition payments to the BOCES by participating districts shall be as defined in Administrative Regulations.

NOTE: Refer also to Policy #4470 -- Revenues - Establishment of Fees

Adopted: July 2003

Non-Instructional/Business Operations

SUBJECT: SALE OF SUPPLIES AND MATERIALS

Customers

School districts, government agencies, BOCES departments and the general public are encouraged to subscribe to the services provided through the Career Education Program and the Adult and Adult Career and Technical Education Program where it is to the benefit of the student to gain actual experiences. In these cases, supplies and materials may be purchased to complete the task. When such purchases occur, the cost of the purchase will be identified with the project or service performed and charged to individual customers. Individuals are prohibited from using BOCES credit or accounts to purchase supplies and materials other than for BOCES projects. No service will be performed by BOCES for personal gain, for the purpose of competing with private industry or for the purpose of making a profit.

An accurate and timely method of collecting such revenues will be established in accordance with accepted accounting practices and in accordance with statute and Commissioner's Regulations.

Students

The District Superintendent may permit the sale of supplies and materials to students at cost. Sale of supplies and materials shall be permitted only in cases where the supplies and materials are essential to the instructional program and/or unique to a specific student.

Purchasing -- Restrictions For Individuals

Except as permitted by law or regulations, employees of BOCES and other individuals shall be prohibited from purchasing any equipment, materials, or supplies under the name of BOCES that are to be used for personal purposes.

Adopted: July 2003

SUBJECT: FINANCIAL ACCOUNTABILITY: ALLEGATIONS OF FRAUD

Reporting and Investigations of Allegations of Fraud

All Board members and officers, BOCES employees and third party consultants are required to abide by the BOCES policies, administrative regulations and procedures in the conduct of their duties. Further, all applicable federal and/or state laws and regulations must be adhered to in the course of BOCES operations and practices. Any individual who has reason to believe that financial improprieties or wrongful conduct is occurring within the BOCES is to disclose such information according to the reporting procedures established by the BOCES. The reporting procedures will follow the chain of command as established within the department or school building or as enumerated in the BOCES Organizational Chart. In the event that the allegations of financial improprieties/fraud and/or wrongful conduct concern the investigating official, the report shall be made to the next level of supervisory authority. If the chain of supervisory command is not sufficient to ensure impartial, independent investigation, allegations of financial improprieties/fraud and/or wrongful conduct will be reported as applicable, to the Internal Auditor (if available), or the Independent (External) Auditor, or the BOCES Attorney, or the Board of Trustees. The BOCES prohibition of wrongful conduct, including fraud, will be publicized within the BOCES as deemed appropriate; and written notification will be provided to all employees with fiscal accounting/oversight and/or financial duties including the handling of money.

Upon receipt of an allegation of financial improprieties/fraud and/or wrongful conduct, the Board or designated employee(s) will conduct a thorough investigation of the charges. However, even in the absence of a report of suspected wrongful conduct, if the BOCES has knowledge of, or reason to know of, any occurrence of financial improprieties/fraud and/or wrongful conduct, the BOCES will investigate such conduct promptly and thoroughly. To the extent possible, within legal constraints, all reports will be treated as confidentially and privately as possible. However, disclosure may be necessary to complete a thorough investigation of the charges and/or to notify law enforcement officials as warranted, and any disclosure will be provided on a "need to know" basis. Written records of the allegation, and resulting investigation and outcome will be maintained in accordance with law.

Based upon the results of this investigation, if the BOCES determines that a school official has engaged in financial improprieties/fraudulent and/or wrongful actions, appropriate disciplinary measures will be applied, up to and including termination of employment, in accordance with legal guidelines, BOCES policy and regulation, and any applicable collective bargaining agreement. Third parties who are found to have engaged in financial improprieties/fraud and/or wrongful conduct will be subject to appropriate sanctions as warranted and in compliance with law. *The application of such disciplinary measures by the BOCES 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, if preliminary investigation by such officials renders the complaint to appear meritorious, law authorities should be immediately notified.*

(Continued)

SUBJECT: FINANCIAL ACCOUNTABILITY: 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).

Prohibition of Retaliation

The Board prohibits any retaliatory behavior directed against those individuals who, in good faith, report allegations of suspected financial improprieties/fraud and/or wrongful conduct as well as witnesses and/or any other individuals who participate in the investigation of an allegation of financial impropriety/fraud and/or wrongful conduct. Follow-up inquiries shall be made to ensure that no reprisals or retaliatory behavior has occurred to those involved in the investigation. Any act of retaliation is prohibited and subject to appropriate disciplinary action by the BOCES.

Knowingly Makes False Accusations

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

General Municipal Law §51

First Reading: April 5, 2006
Second Reading: May 10, 2006
Adopted: May 10, 2006

SUBJECT: AUDIT COMMITTEE

No later than January 1, 2006, an Audit Committee shall be established by Board resolution. The Audit Committee shall consist of a subcommittee of three Trustees of the BOCES.

The role of the Audit Committee shall be advisory to the Board, and any recommendations it provides to the Board shall not substitute for any required review and acceptance by the Board of Trustees.

The responsibilities of the Audit Committee include the following:

a) Provide recommendations regarding the appointment of the External (Independent) Auditor for the BOCES;

b) Meet with the External (Independent) Auditor prior to commencement of the audit;

c) Review and discuss with the External (Independent) Auditor any risk assessment of the BOCES fiscal operations developed as part of the Auditor's responsibilities under governmental auditing standards for a financial statement audit and federal single audit standards if applicable;

d) Receive and review the draft annual audit report and accompanying draft management letter and, working directly with the External (Independent) Auditor, assist the Board of Trustees in interpreting such documents;

e) Make a recommendation to the Board on accepting the annual audit report; and

f) Review every corrective action plan developed by the BOCES and assist the Board in its implementation.

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

(Continued)

SUBJECT: AUDIT COMMITTEE (Cont'd.)

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

a) Any matter which may disclose the identity of a law enforcement agent or informer;

b) Information relating to current or future investigation or prosecution of a criminal offense which would imperil effective law enforcement if disclosed; and

c) Discussions regarding proposed, pending or current litigation.

Any Board member who is not a member of the Audit Committee may be allowed to attend an Audit Committee meeting 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)

First Reading: February 8, 2006
Second Reading: March 8, 2006
Adopted: March 8, 2006

Non-Instructional/Business Operations

SUBJECT: DUTCHESS BOCES MEDICAID FRAUD WASTE AND ABUSE DETECTION AND PREVENTION COMPLIANCE

As New York State has legislated requirements for certain school districts and Boards of Cooperative Educational Services receiving reimbursement or submitting Medicaid claims regarding the detection and prevention of fraud, waste and abuse, the Dutchess Board of Cooperative Educational Services ("BOCES") hereby enacts the following policy:

I. INTRODUCTION

BOCES has developed this Fraud, Waste and Abuse ("FWA") Compliance Policy as a comprehensive statement of the responsibilities and obligations of all employees and contractors regarding submissions of information on which payment is made or submitted to Medicaid.

1. Definitions of FWA

Fraud - An intentional deception or misrepresentation made by a person with the knowledge that the deception could result in some unauthorized benefit to himself/herself or some other person. It includes any act that constitutes fraud under applicable federal or state law.

Waste and Abuse - Incidents or practices that are inconsistent with legal, ethical, accepted and sound business, fiscal or medical practices that result in unnecessary cost to health programs, or in reimbursement for services that are not medically necessary or that fail to meet professionally recognized standards for health care. It also includes Medicaid, School Supportive Health Services Program ("SSHSP"), and commercial plan member practices that result in unnecessary costs to a health program.

Listed below are some examples of potential FWA:
Falsifying Claims/Encounters
Alteration of Claim
Incorrect Coding
Double Billing
Billing for services not provided
Misrepresentation of services/supplies
Substitution of services

SUBJECT: DUTCHESS BOCES MEDICAID FRAUD WASTE AND ABUSE DETECTION AND PREVENTION COMPLIANCE

II. CODE OF ETHICS

Any employee who in good faith believes s/he has knowledge of a potential violation of this policy, must report this information to BOCES directly to the Compliance Officer. Alternatively, an employee may report the violation to the BOCES' Legal Counsel. Violations of this policy or failure to report a known violation of the policy is considered to be a serious infraction of BOCES procedures, and may result in the imposition of disciplinary action up to and including termination. No employee shall be subjected to intimidation or retaliation solely for the good faith reporting of a suspected violation.

III. EMPLOYEE PARTICIPATION AND REPORTING

It is the responsibility of every BOCES employee to abide by applicable laws and regulations and support BOCES' compliance efforts by:

1. being alert to potential compliance issues relevant to their activities;

2. seeking advice from the Compliance Officer or BOCES' Legal Counsel regarding compliance issues as appropriate;

3. reporting their good faith belief of any suspected, actual or potential compliance violations including FWA;

4. cooperating in the investigation of compliance reports; and

5. being completely honest in all dealings with federal and state agencies and representatives.

BOCES shall maintain confidentiality and provide anonymity to the employee(s) to the extent possible under the circumstances, and consistent (in the judgment of BOCES) with its obligations to investigate employee concerns and take necessary corrective action. Any retaliation or intimidation against an employee as a result of such good faith reporting or as a result of an employee's cooperation in the investigation of such a report shall be strictly prohibited.

SUBJECT: DUTCHESS BOCES MEDICAID FRAUD WASTE AND ABUSE DETECTION AND PREVENTION COMPLIANCE

IV. COMPLIANCE OFFICER

The Compliance Officer is the individual within BOCES responsible for the day to day operation of the compliance program. The Compliance Officer shall be the coordinator for special seminars and education on compliance issues, expectations, and the compliance program operation to ensure that:

1. All employees, including new employees, are receiving adequate education and training and that such education and training is documented;

2. All employee complaints and other concerns regarding compliance are promptly investigated; and

3. Adequate steps are taken to correct any identified problems and prevent the reoccurrence of such problems.

V. REPORTING SUSPECTED VIOLATIONS

Employees shall report their good faith belief of suspected, actual, or potential violations of the compliance program, including FWA or applicable laws, either orally or in writing to the Compliance Officer. Alternatively, the employee may report the violation to BOCES' Legal Counsel. BOCES shall maintain confidentiality and provide anonymity to the employee(s) making such report to the extent possible under the circumstances.

VI. DISCIPLINARY POLICIES

Should an employee intentionally fail to report suspected problems with FWA, participate in FWA under this policy, or encourage, direct, facilitate or permit active or passive non-compliant FWA behavior, such action or inaction may lead to disciplinary action in accordance with provisions of applicable collective bargaining agreements and state and federal law.

VII. MONITORING AND AUDITING

Procedures for Internal Monitoring and Auditing of FWA

As an integral part of its commitment to prevent FWA, BOCES has developed, and shall continue to develop and refine procedures for effective internal monitoring and auditing for FWA and shall conduct Risk Assessments to detect and prevent FWA.

SUBJECT: DUTCHESS BOCES MEDICAID FRAUD WASTE AND ABUSE DETECTION AND PREVENTION COMPLIANCE

1. Internal Auditing and Monitoring

In order to detect non-compliance with the Compliance Program and to detect FWA, BOCES shall periodically monitor, internally audit, and as appropriate, externally audit the business activities of BOCES which pertain to Medicaid activities.

2. Informal Audits and Monitoring

Monitoring activities refer to reviews that are repeated on a regular basis during the normal course of operations. Monitoring may occur to ensure corrective actions are undertaken or when no specific problems have been identified to confirm ongoing compliance.

3. Risk Assessment

BOCES shall have a risk assessment system that determines where BOCES is at risk for FWA, and shall prioritize the risks. The Compliance Officer shall participate in or contribute to the risk assessment process.

VIII. RESPONDING TO COMPLIANCE ISSUES

1. **Investigation of and Correcting Potential Violations**

Upon receipt of reports or reasonable indications of suspected noncompliance or FWA, the Compliance Officer, or his/her designee, will investigate the allegation(s) to determine whether a material violation of applicable law or requirements of BOCES' Compliance Program has occurred.

In the event any material violation of this Compliance Program, or if any incident of fraud is determined by the Compliance Officer, the Compliance Officer shall immediately take appropriate actions, including:

a. refer any abusive or potentially fraudulent conduct or inappropriate utilization activities, once identified via proactive data analysis or other processes, for further investigation to the Center for Medicare and

SUBJECT: DUTCHESS BOCES MEDICAID FRAUD WASTE AND ABUSE DETECTION AND PREVENTION COMPLIANCE

Medicaid Services ("CMS"), the Office of the Medicaid Inspector General ("OMIG"), the New York State Attorney General, or other state or federal agency as appropriate;

b. immediately report potential violations of Federal law to the CMS, OMIG, or, alternatively, to appropriate law enforcement authorities;

c. cooperate with the above mentioned agencies;

d. identify and repay any overpayments to the appropriate party; and

e. discipline any employees or plan members who engage in fraud or abusive practices in accordance with applicable collective bargaining agreements, up to and including termination.

3. Corrective Action

Corrective Action should be taken promptly following completion of the investigation. If an audit or investigation reveals a material violation of this policy, the Compliance Officer shall draft a corrective plan of action, and establish deadlines by which corrective action must take place. Possible corrective actions include, but are not limited to, refunds of any overpayment received, employee disciplinary action up to and including termination, and reporting to federal or state authorities.

All corrective actions shall be documented, and include progress reports with respect to each error identified. Any decision whether to disclose the results of investigations or audits to federal or state authorities shall be made in consultation with Legal Counsel.

Ref: 18 NYCRR Part 521

Adopted: December 16, 2009

SUBJECT: FACILITIES PLANNING

The Board is responsible for maintaining a quality education at a reasonable cost. For this reason, the Board shall concern itself with both short-range and long-range planning as it relates to the properties of the BOCES. The Board shall rely on a comprehensive long-range facilities plan developed by the District Superintendent in accordance with the Commissioner's Regulations to serve as a guide for capital improvements.

Such plan shall be reevaluated and made current at least annually, and shall include appraisal of the following:

a) The educational mission and long range plan of the District, with resulting administrative organization and program requirements;

b) Present and projected pupil enrollments;

c) Space use and State-rated pupil capacity of existing facilities;

d) Priority of need for maintenance, repair of modernization of existing facilities, including consideration of the obsolescence and retirement of certain facilities; and

e) The provision of additional facilities.

The Board's building/leasing program shall be designed to provide the highest quality education possible. The building/leasing program shall be based upon specific Board policies which have been and will continue to be modified to conform to changes in the curriculum, availability of funds, changes in student population to be served and changes in enrollments. The Board also feels that, whenever possible, parents/legal guardians and other school district representatives, as well as principals, teachers, and central office staff members should be involved in the planning process.

Comprehensive Public School Building Safety Program (RESCUE)

The Board is responsible for maintaining a healthy and safe environment for all staff and students. The Board feels that in order to provide such an environment it must ensure that the facilities are safe and that all capital/renovation projects are performed in a manner which is consistent with all current health and safety regulations. For this reason, Dutchess County BOCES 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, and shall include the following:

(Continued)

SUBJECT: FACILITIES PLANNING (Cont'd.)

a) A five year capital facilities plan which will include a priority listing of current and proposed construction and renovation projects and major repairs and replacement of building systems and their costs.

b) A BOCES-wide building inventory, which will include information pertaining to each building including, but not limited to

1. Type of building, age of building, size of building;
2. Rated capacity, current enrollment;
3. List of energy sources and major building systems (lighting, plumbing, electrical, heating);
4. Summary of triennial Asbestos Inspection reports.

c) An annual visual inspection of each occupied building and assignment of a safety rating score. The inspection committee must include a state certified code enforcement official, the BOCES' facility director and a member of the BOCES' Health and Safety Committee.

d) A five-year periodic inspection conducted by a licensed architect or engineer.

e) A BOCES-wide monitoring system which includes:

1. Establishing a Health and Safety Committee;
2. Development of detailed plans and a review process of all inspections, surveillance's, and capital project safety procedures.
3. Procedures for a response in writing to all inquiries about building health and safety concerns, a copy of which will be sent to the BOCES Health and Safety Committee for oversight and a copy kept on permanent file.

f) Procedures to ensure the safety of the building occupants while a construction/renovation projects is taking place. These procedures will include:

1. Notification to building occupants at least two (2) months before the start of work.
2. A plan to ensure that all contractors comply with all health and safety issues and regulations and wear photo ID badges.
3. A plan to provide the BOCES Health and Safety committee an opportunity to inspect newly renovated or constructed areas before they can be opened for use.
4. An emergency plan which will address potential concerns with the capital project including, but not limited to evacuation procedures, fire drills, and structural failures.

8 New York Code of Rules and Regulation
(NYCRR) Section 155.1
Adopted: July 2003 Education Law Section 1950

Non-Instructional/Business Operations

SUBJECT: FACILITIES: INSPECTION, OPERATION AND MAINTENANCE

Operation and Maintenance

The District Superintendent is charged with the responsibility for administering plant operations in the most efficient and economical manner possible, while placing high priority on health and safety of students and staff and conservation of natural resources.

The BOCES has the responsibility to provide equipment, supplies and contractual services of high quality.

The Board, through the District Superintendent and his/her staff, has the responsibility of protecting the BOCES investment in plant and facilities through a systematic maintenance program.

It is expected that the program shall include periodic preventive maintenance activities, long-range maintenance schedules and emergency repair procedures. It is further expected that all maintenance work will be carried out in a manner that will cause the least interference with the educational program.

Inspections

The administration of BOCES shall cooperate with officials conducting health, fire, asbestos, bus, and boiler inspections. The administration shall keep the Board informed of the results of such inspections in a timely fashion.

Fire Inspection: 8 New York Code of Rules and Regulations (NYCRR) Section 155.4
Health Inspection: Education Law Section 906
Asbestos Inspection: Education Law, Article 9-A
40 Code of Federal Register (CFR.) Part 763, Subpart E

Adopted: July 2003

SUBJECT: OWNED OR LEASED VEHICLES

Dutchess County BOCES owned or leased vehicles may be made available for official travel by BOCES personnel upon approval of the District Superintendent or designee.

Alternatively, the District Superintendent or designee may approve reimbursement for travel for professional purposes in a private vehicle at a rate approved by the BOCES or through negotiated contract.

In no case is a BOCES owned vehicle to be approved for personal use unless authorized by the BOCES.

The Board will be kept apprised of the inventory and status of BOCES owned and/or leased vehicles.

Maintenance of a Vehicle Inventory

The ASMS, through the Purchasing Agent, will keep an inventory of all BOCES owned vehicles for the purpose of making recommendations regarding the maintenance of vehicles and replacement by sale or disposal.

Adopted: July 2003

Non-Instructional/Business Operations

SUBJECT: NEW YORK STATE DIVISION OF TRANSPORTATION (DOT) DRUG AND ALCOHOL TESTING PROGRAM

The Dutchess County BOCES (BOCES) has developed the following "DOT Drug and Alcohol Testing Program Policy" in accordance with the Federal Highway Administration (FHWA) Controlled Substance Use Prevention Program (CSPP) and the Federal Highway Administration (FHWA) Alcohol Misuse Prevention Program (AMPP) as well as regulations stated in the Federal Register 49 CFR Part 382 and procedures for testing as stated in Federal Register 49 CFR Part 40 which include testing for.

Pre-employment	Reasonable Suspicion
Random	Post Accident
Return-to-Duty	Follow-up

This policy mandates that necessary steps be taken by Dutchess County BOCES to comply with the federal regulations. The policy requires the development of detailed Dutchess County BOCES Administrative Regulations which include a plan covering the DOT Drug and Alcohol Testing Program. The plan will be reviewed and if necessary, updated annually. The program under the plan will be coordinated through the administrator assigned to the Dutchess County BOCES Personnel Office and the Dutchess County BOCES Facilities and Operations Department. Under this policy, Dutchess County BOCES will contract with The Workplace or other approved organizations(s) for drug testing, alcohol testing, record keeping, summary reports, random testing, training program and assistance with policy development.

This Policy incorporates the Administrative Regulations by reference and a copy of those materials shall be attached to this policy and shall be distributed to:

a) Each driver holding a Commercial Driver License (CDL) who is subject to the regulations before the commencement of alcohol and controlled substances testing under the policy; and

b) Each driver holding a CDL who is subsequently hired or transferred into a position requiring the performance of safety-sensitive functions.

Omnibus Transportation Employee Testing Act of 1991
(Public Law 102-143)
49 United States Code (USC) Section 521(b)
49 Code of Federal Regulations (CFR.) Parts 40, 382, 391, 392 and 395

Adopted: July 2003

Non-Instructional/Business Operations

SUBJECT: INSURANCE AND EMPLOYEE BONDS

Insurance

The policy of the Board is to provide reasonable insurance protection for property and actions of the District at the most economical cost.

The ASMS and/or 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 1709(8) and (26) and (34-b), 3023, 3028, and 3811

Bonding

The BOCES Board shall provide a faithful performance bond to cover all personnel with increased coverage for the Treasurer/Deputy Treasurer(s).

Education Law Section 1709(20-a)
Public Officers Law Section 11(2)
8 New York Code of Rules and Regulations (NYCRR) Section 170.2(d)

Adopted: July 2003

Non-Instructional/Business Operations

SUBJECT: SAFETY/SECURITY

The BOCES hereby declares that it is the policy of this BOCES to provide a safe and secure environment to all those persons, students, staff and visitors, who lawfully enter upon BOCES property.

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

a) Identify those staff members who will be responsible for the effective administration of the regulations, required safety drills and inspections;

b) Provide staff time and other necessary resources for the effective administration of the regulations;

c) Establish periodic (at least annually) written review of the activities of the staff to insure compliance with applicable laws and regulations;

d) Provide an on-going mechanism for the effective review of safety and security concerns of the staff, students and affected public;

e) Provide for periodic reports to the Board regarding the significant aspects of safety and security of the Dutchess County BOCES.

Labor Law Section 27-a

Adopted: July 2003

Non-Instructional/Business Operations

SUBJECT: HAZARD COMMUNICATION STANDARD

The BOCES recognizes the rights of all personnel to work in a healthy and safe environment which is as free as practicable from recognized hazards and risks to their safety. Therefore, 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 social security numbers of every employee who handles toxic substances.

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

New York State Labor Law
12 New York Code of Rules and Regulations (NYCRR) Part 820 Article 28
Occupational Safety and Health Administration (OSHA) 29 Code of Federal Regulations (CFR.) 1910.1200

Adopted: July 2003

Non-Instructional/Business Operations

SUBJECT: SCHOOL SAFETY PLANS

The BOCES has developed, and will update by July 1st of each succeeding year, a comprehensive District-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 BOCES with local and county resources in the event of such incidents or emergencies.

Each plan shall be reviewed by the appropriate BOCES safety team on at least an annual basis, updated as needed and recommended to the Board for approval. However, District-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 District-wide and building-level school safety plans available for public comment at least thirty (30) days prior to its adoption, provided that only a summary of each building-level emergency response plan (i.e., building-level school safety plan) shall be made available for public comment. The District Superintendent shall take action to provide written information by October 1st of each school year to all students and staff about emergency procedures.

At least annually, and where possible in cooperation with local county emergency preparedness plan officials, the BOCES shall conduct one test of its emergency plan or its emergency response procedures under each of its building-level school safety plans, including sheltering or early dismissal, at a time not to occur more than fifteen minutes earlier than the normal dismissal time. The drill shall test the usefulness of the communications and transportation systems during emergencies. Parents or persons in parental relation shall be notified at least one week prior to the drill.

District-Wide School Safety Plan

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

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

(Continued)

SUBJECT: SCHOOL SAFETY PLANS

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 by the designated primary administrator of the building, 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, BOCES safety personnel, other BOCES personnel, community members, local law enforcement officials, local ambulance or other emergency response agencies, and any other representatives the Board deems appropriate.

Filing/Disclosure Requirements

The BOCES shall file a copy of its comprehensive District-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: July 2003
(Resolution #06-07-3-30--Accept Without Change)
Revised: June 13, 2007

Non-Instructional/Business Operations

SUBJECT: COMMUNICABLE DISEASES

Regulations and procedures will be developed for dealing with communicable diseases in ways that protect the health of both students and staff while minimizing the disruption of the education process.

Adopted: July 2003

Non-Instructional/Business Operations

SUBJECT: USE OF AUTOMATIC EXTERNAL DEFIBRILLATORS

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

Therefore it is the policy of the Board that the use of AEDs is authorized in the buildings of Dutchess County BOCES in accordance with Section 917 of the Education Law. Individuals authorized to use AED devices must have current training and certification in CPR and the use of the AEDs from a recognized training agency. A physician will be appointed to provide medical oversight for the use of the AEDs. The county and state departments of health as well as the local emergency services providers, will be notified of the location and use of AEDs within the BOCES.

The District Superintendent will develop regulations and protocols governing the use of the AEDs within the Dutchess County BOCES.

Education Law Section 917
Public Health Law Sections 3000-a and 3000-b
8 New York Code of Rules and Regulations (NYCRR) Section 136.4

Adopted: July 2003

SUBJECT: SCHOOL BUILDING ACCESS CONTROL

Schools cannot always control the crises/safety issues that may impact them. However, through the development and implementation of school safety plans, the BOCES Code of Conduct, and various policies that address school security issues, the BOCES is continually taking steps to improve the safety and culture of the school community.

All school safety plans shall be implemented, reviewed and/or revised as necessary in accordance with applicable law and Commissioner's Regulations. Appropriate school safety training for staff and students, the conduct of drills and other exercises to test components of the emergency response plan, as well as procedures for review, will be provided as mandated by law and regulation.

Additionally, BOCES officials will encourage all staff and students to be more aware of their school surroundings by conducting awareness training relating to the school environment that includes awareness of signs of terrorism. Any suspicious activity is to be reported to the building principal/designee who will contact law enforcement authorities. Such suspicious activity may include, but is not limited to, unexplained presence of unauthorized persons in places where they should not be; discreet use of still cameras or video recorders; note-taking or the use of binoculars or maps near school locations; observation of security reaction drills or procedures; mobile surveillance from unauthorized vehicles on or around school grounds; the parking of a suspicious vehicle in the school's parking lot or in proximity to the school building, particularly for an extended period of time; and the discovery of an unattended package or object inside or around the premises of the school.

Visitors shall be directed to the Main Office for specific instructions regarding that building's procedures for visitors to the school.

Possession and Use of Cell Phones/Camera Phones

The BOCES recognizes that while carrying cell phones can be a safety measure for staff and students alike, problems arise when the inappropriate use of cell phones and/or camera phones interfere with the school's ability to maintain control in the school environment, giving rise to security as well as educational concerns. For example, the use of camera phones poses a danger to school security; risks educational integrity, particularly during testing/examinations; and creates the potential for violations of privacy. The use of camera phones by visitors to the schools can also present a potential security concern.

Inappropriate or unauthorized use of cell phones can undermine (if not render inoperable due to system overload) the communication system in place per the school safety plans, impede evacuation plans if parents or other individuals are summoned to the school by non-designated persons, and potentially restrict the access of community emergency service providers to the site.

(Continued)

SUBJECT: SCHOOL BUILDING ACCESS CONTROL (Cont'd.)

Therefore, the use and/or restriction of cell phones/camera phones shall be reviewed by designated personnel, including those individuals who are members of the school safety team(s) and team members involved in the annual review of the BOCES Code of Conduct. As deemed necessary, school safety plans and the BOCES Code of Conduct shall be modified to address the use of and/or restriction of cell phones/camera phones during designated times or events, particularly by students and visitors to the schools.

Policy Implementation

The Board directs that administration implement and review on a periodic basis building access control procedures, and provide IDs for staff, students and visitors as appropriate. Parents and students shall be informed of the school's access procedures; and visitors shall be required to follow the specific visitor procedures prescribed by that particular building.

This policy is intended to highlight our commitment to and planning for heightened security access to our schools. The policy shall be considered an adjunct to, not a replacement of, our school safety plans and the BOCES Code of Conduct.

Education Law Section 2801-a
8 New York Code of Rules and
Regulations Section 155.17

First Reading: February 8, 2006
Second Reading: March 8, 2006
Adopted: March 8, 2006

Non-Instructional/Business Operations

SUBJECT: INFORMATION SECURITY BREACH AND NOTIFICATION

The BOCES values the protection of private information of individuals in accordance with applicable law and regulations. Further, the BOCES is required to notify affected individuals when there has been or is reasonably believed to have been a compromise of the individual's *private information* as defined by 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 the BOCES. Good faith acquisition of personal information by an employee or agent of the BOCES for the purposes of the BOCES is not a breach of the security of the system, provided that private information is not used or subject to unauthorized disclosure.

Examples of Determining Factors

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

a) Indications that the information is in the physical possession and control of an unauthorized person, such as a lost or stolen computer or other device containing information; or

b) Indications that the information has been downloaded or copied; or

(Continued)

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

c) Indications that the information was used by an unauthorized person, such as fraudulent accounts opened or instances of identity theft reported.

Notification Requirements

a) For any computerized data owned or licensed by the BOCES that includes private information, the BOCES shall disclose any breach of the security of the system following discovery or notification of the breach to any New York State resident whose private information was, or is reasonably believed to have been, acquired by a person without valid authorization. The disclosure to affected individuals shall be made in the most 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. The BOCES 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 the BOCES that includes private information which the BOCES does not own, the BOCES shall notify the owner or licensee of the information of any breach of the security of the system immediately following discovery, if the private information was, or is reasonably believed to have been, acquired by a person without valid authorization.

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

Methods of Notification

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

a) Written notice;

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

c) Telephone notification, provided that a log of each such notification is kept by the BOCES when notifying affected persons by phone; or

(Continued)

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

d) Substitute notice, if the BOCES demonstrates to the State Attorney General that the cost of providing notice would exceed $250,000, or that the affected class of subject persons to be notified exceeds 500,000, or that the BOCES does not have sufficient contact information. Substitute notice shall consist of **all** of the following:

1. E-mail notice when the BOCES has an e-mail address for the subject persons;

2. Conspicuous posting of the notice on the BOCES' website page, if the BOCES maintains one; and

3. Notification to major statewide media.

Regardless of the method by which notice is provided, the notice shall include contact information for the notifying BOCES and a description of the categories of information that were, or are reasonably believed to have been, acquired by a person without valid authorization, including specification of which of the elements of personal information and private information were, or are reasonably believed to have been, so acquired.

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

State Technology Law Sections 202 and 208

First Reading: December 2006
Second Reading: January 2007
Adopted: January 2007

Non-Instructional/Business Operations

SUBJECT: SMOKE FREE ENVIRONMENT

School Grounds

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

a) In accordance with the Goals 2000 Educate America Act, section 1043 (Non-Smoking Policy for Children Services), and the New York State Public Health Law, section 1399-0, smoking or the use of tobacco related products by any student, employee or visitor is prohibited in all school buildings, outdoor grounds within school property boundaries and vehicles, owned or leased. Furthermore, no smoking shall be permitted at any time within any indoor facility owned, operated, leased or contracted for by the BOCES for educational or library services for students K-12, unless legally excepted.

b) For the purpose of this policy, smoking shall mean all uses of tobacco, including cigars, cigarettes, pipes and other forms of smoking objects, as well as chewing tobacco.

c) Students, employees and any members of the public who smoke in violation of this policy may be subject to disciplinary action according to the necessary regulation and/or statute(s).

d) The existence of a tobacco free environment for the benefit of all who occupy BOCES property will depend upon the thoughtfulness, consideration and cooperation of all school personnel, students, visitors and guests. We invite the cooperation and understanding of all individuals in assuming responsibility for keeping BOCES premises free from smoke.

Goals 2000: Educate America Act,
(Pro-Children Act of 1994)
Public Health Law Article 13-E
Education Law Sections 409 and 3020-a

Adopted: July 2003

SUBJECT: EXPOSURE CONTROL PROGRAM

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

a) Guidelines for maintaining a safe, healthy school environment to be followed by staff and students alike.

b) Written standard operating procedures for blood/body fluid clean-up.

c) Appropriate staff education/training.

d) Evaluation of training objectives.

e) Documentation of training and any incident of exposure to blood/body fluids.

f) A program of medical management to prevent or reduce the risk of pathogens, specifically hepatitis B and HIV.

g) Written procedures for the disposal of medical waste.

h) Provision of protective materials and equipment for all employees who perform job-related tasks involving exposure or potential exposure to blood, body fluids or tissues.

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

Adopted: July 2003

Non-Instructional/Business Operations

SUBJECT: OCCUPATIONAL EXPOSURE TO BLOODBORNE PATHOGENS

The Dutchess County BOCES has developed the following "Exposure Control Plan" in accordance with OSHA Standard 29 CFR 1910.1030, Occupational Exposure to Bloodborne Pathogens. The plan is designed to eliminate or minimize an employee's risk of exposure to bloodborne pathogens in the workplace. For the purposes of this plan, a bloodborne pathogen is any pathogenic microorganism, present in human blood, capable of causing disease in humans. This group includes, but is not limited to, the hepatitis B virus (HBV) and human immunodeficiency virus (HBV). This plan outlines the steps that Dutchess County BOCES shall take to comply with the OSHA standard. The plan is part of the Dutchess County BOCES Administrative Regulations available for review by all employees and the Assistant Secretary of Labor for Occupational Safety and Health upon request. The plan will be reviewed and updated annually. The program under the plan will be coordinated through the administrator assigned to the Dutchess County BOCES Personnel Office.

Employee Exposure Determination

All regularly appointed Dutchess County BOCES employees classified as Group 1 for the purposes of this policy are considered to have routine occupational exposure to blood, body fluids or other potentially infectious materials. Accordingly, all employees in Group 1 shall receive appropriate training and be offered the hepatitis B (HBV) vaccine. Group 1 employees include:

a) school nurse(s) and school nursing instructors

b) health office aide(s)

c) custodial workers

d) teachers, teaching assistants and aides in special subjects working with multiple handicapped students

e) teachers, teaching assistants and aides in special education working with multiple handicapped students

f) teachers, teaching assistants, and aides in special subjects working with special education students who are age 12 and below

g) teachers, teaching assistants and aides in special education working with students who are age 12 and below

(Continued)

SUBJECT: OCCUPATIONAL EXPOSURE TO BLOODBORNE PATHOGENS (Cont'd.)

All other regularly appointed employees, including long term substitutes and substitutes for school nurses of Dutchess County BOCES are classified as Group 2 for the purposes of this policy. Group 2 employees are not considered to have routine occupational exposure to blood, body fluids or other potentially infectious materials. However, Group 2 employees may be required to perform unplanned tasks relating to blood, body fluids or other potentially infectious materials.

Accordingly, all employees in Group 2 shall receive appropriate training and may, at their option request the hepatitis B (HBV) vaccine.

All non-regularly appointed employees of BOCES are classified as Group 3 for the purposes of this policy. Group 3 employees are not considered to have routine occupational exposure to blood, body fluids or other potentially infectious materials. Accordingly, all employees in Group 3 shall receive appropriate training.

Post exposure prophylaxis, when medically indicated, shall include the HBV vaccination series to employees of all groups.

All costs for Group 1 and Group 2 employees relating to the administration of hepatitis B (HBV) vaccine under this program shall be borne by the BOCES only when it is administered by BOCES designated medical personnel or through a BOCES approved medical program. Employees obtaining hepatitis B (HBV) vaccine from other than BOCES designated personnel or through a BOCES approved medical program will be solely responsible for the cost and are not eligible to claim reimbursement.

Adopted: July 2003

Non-Instructional/Business Operations

SUBJECT: RECORDS MANAGEMENT

A records management officer shall be designated by the District Superintendent, subject to the approval of the BOCES 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.

Records Retention and Disposition Schedule ED-1, issued pursuant to 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 BOCES 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.

Appropriate regulations and procedures shall be developed.

8 New York Code of Rules and Regulations (NYCRR) Section 185
Public Officers Law Section 65-b
Local Government Records Act of 1987

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

Adopted: July 2003

Non-Instructional/Business Operations

SUBJECT: DISPOSAL OF CONSUMER REPORT INFORMATION AND RECORDS

In accordance with the Federal Trade Commission's (FTC) "Disposal Rule," and in an effort to protect the privacy of consumer information, reduce the risk of fraud and identity theft, and guard against unauthorized access to or use of the information, the BOCES will take appropriate measures to properly dispose of sensitive information (i.e., personal identifiers) contained in or derived from consumer reports and records. 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 BOCES 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 BOCES will utilize disposal practices that are reasonable and appropriate to prevent the unauthorized access to - or use of - information contained in or derived from consumer reports and records. Reasonable measures to protect against unauthorized access to or use of consumer information in connection with BOCES disposal include the following examples. 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; or

   5. Taking other appropriate measures to determine the competency and integrity of the potential disposal company.

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 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

First Reading: November 2006
Second Reading: December 2006
Adopted: December 2006

Dutchess County BOCES

PERSONNEL

(Section 5000)

NUMBER

INSTRUCTIONAL AND NON-INSTRUCTIONAL PERSONNEL

1.1 Code of Ethics for All BOCES Personnel 5110

1.2 Equal Employment Opportunity 5120

1.2.1 Sexual Harassment of BOCES Personnel.....5121

1.2.2 Grievance Procedure for Title IX Regulations Implementing Federal Education Amendments Prohibiting Sex Discrimination in Educational Programs at the Dutchess County BOCES 5122

1.3 Performance Review.....5130

1.4 Health Examinations.....5140

1.4.1 Human Immunodeficiency Virus (HIV) Related Illnesses (Personnel) 5141

1.4.2 Personal Injury.....5142

1.5 Recruitment, Selection and Appointment of Personnel.....5150

1.5.1 Temporary and Part-Time Employees.....5151

1.5.2 Job Descriptions.....5152

1.5.3 Incidental Teaching.....5153

1.5.4 Summer Employment 5154

1.5.5 Employment of Relatives of Board Members 5155

1.5.6 Fingerprinting of Prospective BOCES Employees.....5156

1.5.7 Home-Based Employees.....5157

1.5.8 Determination of Employment Status: Employee or Independent Contractor .. 5158

1.6 Alcohol, Drugs and Other Substances (School Personnel).....5160

1.6.1 Drug-Free Workplace 5161

1.7 Professional Staff: Separation.....5170

1.8 Staff-Student Relations (Fraternization)……5180

PERSONNEL (Cont'd.)

(Section 5000)

NUMBER

ACTIVITIES

2.1 Professional Growth 5210

2.2 Employee Personnel Records and Release of Information 5220

2.3 Negotiations 5230

2.4 Professional Staff Consulting Activities 5240

2.5 Jury Duty 5250

COMPENSATION AND RELATED BENEFITS

3.1 Health Insurance 5310

3.1.1 Health Insurance Salary Cap 5311

3.2 Workers' Compensation 5320

3.3 Tax Sheltered Annuities 5330

3.4 Family and Medical Leave Act 5345

3.5 Employee Assistance Program 5350

3.6 Defense and Indemnification of Board Members and Employees 5360

SUBJECT: CODE OF ETHICS FOR ALL BOCES PERSONNEL

Definitions

a) "BOCES" shall mean the Board of Cooperative Educational Services for the Dutchess County District.

b) "Municipal Officer or Employee" means a Board member or employee of the BOCES, paid or unpaid, including members of any administrative board, commission, agency, or committee thereof.

c) "Interest" means a direct or indirect pecuniary or material benefit accruing to a BOCES member or employee as the result of a contract with the BOCES.

Purpose

a) Pursuant to the authority of Section 806 of the General Municipal Law, the BOCES adopts this code of ethics setting forth for the guidance of its officers and employees, the standards of conduct reasonably expected of them.

b) This code of ethics is in addition to the rules regarding prohibited conflicts of interest contained in Article 18 of the General Municipal Law; and the provisions of any other general or special law governing conflicts of interest and/or ethical conduct of municipal officers and employees.

Standards of Conduct

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

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

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

(Continued)

SUBJECT: CODE OF ETHICS FOR ALL BOCES PERSONNEL (Cont'd.)

c) Representation before the BOCES - No officer or employee shall receive, or enter into any agreement, express or implied, for compensation for services to be rendered in any matter before the BOCES.

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

e) Disclosure of interest in resolution - An officer or employee who participates in the discussion of or gives official opinion to the Board on any resolution before such Board shall publicly disclose in the minutes of a public Board meeting the nature and extent of any direct or indirect financial or other private interest in such resolution.

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

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

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

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

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

(Continued)

SUBJECT: CODE OF ETHICS FOR ALL BOCES PERSONNEL (Cont'd.)

Distribution/Posting of Code of Ethics

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

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

Penalties

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

General Municipal Law, Article 18

NOTE: Refer also to Policies #1330 -- Principles for School Board Members
#5240 -- Professional Staff Consulting Activities

Adopted: July 2003

SUBJECT: EQUAL EMPLOYMENT OPPORTUNITY

The Dutchess County BOCES, in recognition of its educational mission, its social concern, its responsibility for the personal development of individuals, and its concern for the rights of the individual, does hereby express and establish this BOCES Policy of Equal Employment Opportunity.

It is the policy of the Dutchess County BOCES to provide equal opportunity in employment for all qualified persons and to promote the full realization of equal employment opportunity through a positive, continuing program for the Dutchess County BOCES as a whole and for each constituent division of this BOCES.

In hiring, discharging or recruiting, the BOCES shall not discriminate against an individual on the basis of age, color, creed, religion, disability, marital status, veteran status, national origin, political affiliation, race or sex.

All newly hired employees will be required to complete the Employment Eligibility Verification Form (Form I-9) and present documents that establish their identity and eligibility to work in the United States.

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 established by the Dutchess County BOCES.

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

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

Section 504 of the Rehabilitation Act of 1973
29 United States Code Section 794 et seq. -
The Americans with Disabilities Act,
42 United States Code Section 12101 et seq. -
Prohibits discrimination on the basis of disability.

(Continued)

SUBJECT: EQUAL EMPLOYMENT OPPORTUNITY (Cont'd.)

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

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

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

Military Law Sections 242 and 243

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

Adopted: July 2003

SUBJECT: SEXUAL HARASSMENT OF BOCES PERSONNEL

The Board affirms its commitment to non-discrimination and recognizes its responsibility to provide for all BOCES employees an environment that is free of sexual harassment and intimidation. Sexual harassment is a violation of law and stands in direct opposition to BOCES policy. Therefore, the Board prohibits and condemns all forms of sexual harassment by employees, school volunteers, student, and non-employees such as contractors and vendors which occur on BOCES grounds and at all BOCES-sponsored events, programs and activities including those that take place at locations off BOCES premises. 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 as used is 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.

The Board acknowledges that in determining whether sexual harassment has occurred the totality of the circumstances should be evaluated. 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 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 the BOCES.

In order for the Board to enforce this policy, and to take corrective measures as may be necessary, it is essential that any employee who believes he/she has been a victim of sexual harassment in the work 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 to the BOCES' designated complaint officer(s) through informal and/or formal complaint procedures as developed by the BOCES. 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 employee should report his/her complaint to the next level of supervisory authority.

Upon receipt of an informal/formal complaint, the BOCES will conduct a thorough investigation of the charges. However, even in the absence of a complaint, if the BOCES has knowledge of or has reason to know of or suspect any occurrence of sexual harassment, the BOCES 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.

(Continued)

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

Based upon the results of the investigation, if the BOCES 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, BOCES policy and regulation, 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.

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 harassment has not resumed and that all those involved in the investigation of the sexual harassment complaint have not suffered retaliation.

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, express the BOCES condemnation of such conduct, and explain the sanctions for harassment. Training programs will be established for employees to help ensure awareness of the issues pertaining to sexual harassment in the workplace, 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 BOCES policy and regulations on sexual harassment will be published in appropriate school publications such as teacher/employee handbooks and/or school calendars.

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

Adopted: July 2003

Personnel

SUBJECT: GRIEVANCE PROCEDURE FOR TITLE IX REGULATIONS IMPLEMENTING FEDERAL EDUCATION AMENDMENTS PROHIBITING SEX DISCRIMINATION IN EDUCATIONAL PROGRAMS AT THE DUTCHESS COUNTY BOCES

In order to comply with the Title IX Amendment, any student, parent, employee of Dutchess County BOCES, or any person not currently employed or being educated at BOCES who believes he or she has been discriminated against, denied a benefit, or excluded from participation in any BOCES educational program or activity on the basis of sex should follow the grievance procedure outlined below. Prior to instituting a formal grievance, the grievant is encouraged to discuss the alleged violation with the program administrator. In the event that the situation is not resolved informally, than the following procedure should be undertaken.

STEP ONE – All grievances should be submitted, in writing, to the compliance administrator, Anna Marie Martino, Director of Communication and Grants Research, Dutchess County Board of Cooperative Educational Services, 5 BOCES Road, Poughkeepsie, NY 12601. The grievance statement should indicate all aspects if the complaint. If deemed necessary, a hearing will be granted within ten working days of receipt of the grievance; otherwise, a written response will be made within ten working days. If a hearing is granted, the compliance administrator shall have ten working days from the date of the hearing to render a decision. The disposition of the grievance shall be in writing and submitted to the grievant.

STEP TWO – In the event that the grievant is not satisfied with the resolution of the grievance at the first step, he or she may submit a written appeal to the District Superintendent within ten working days of receipt of the disposition is Step One resolution. The District Superintendent will conduct a hearing, if deemed necessary, within ten working days. If a hearing is granted, the District Superintendent shall have ten working days to act upon the grievance. The disposition of the grievance shall be in writing and copies shall be sent to the grievant.

STEP THREE – Appeals from the decision by the District Superintendent in Step Two shall be filed, in writing, with the BOCES Board within ten days of receipt of the grievance. It shall be filed with the Clerk of the Board.

The Board or its designated sub-committee will hear the grievance within 15 working days of its receipt, and shall permit the grievant to address the Board or sub-committee.

Within ten working days after the hearing, the Board shall render its decision. Copies of this decision shall be submitted to all persons involved.

Grievant may be represented by counsel of his or her own choosing at any time during this grievance procedure.

(Continued)

SUBJECT: GRIEVANCE PROCEDURE FOR TITLE IX REGULATIONS IMPLEMENTING FEDERAL EDUCATION AMENDMENTS PROHIBITING SEX DISCRIMINATION IN EDUCATIONAL PROGRAMS AT THE DUTCHESS COUNTY BOCES (Cont'd.)

Grievant also has the right to present his or her grievance directly to:

Office of Civil Rights, Region II
Federal Plaza
New York, NY 10007
(212) 264-4633

Education Amendments of 1972,
Title IX, 20 USC 1681

Adopted: July 2003

SUBJECT: PERFORMANCE REVIEW

The administration shall undertake a continuous program of supervision and evaluation of all personnel in Dutchess County BOCES in order to promote improved performance and to make decisions regarding tenure and permanent employment. The primary purposes of this evaluation are:

a) To enhance self-improvement and performance;

b) To encourage and promote self evaluation by personnel;

c) To provide a basis for evaluative judgments by administrative staff.

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

Adopted: July 2003

SUBJECT: HEALTH EXAMINATIONS

BOCES employees may be required to have a physical-medical examination at the time of employment with the Dutchess County BOCES. When such examination is made by the BOCES health services provider, the cost of such examination shall be borne by BOCES. However, an employee may elect to have a health examination at his/her own expense by a physician of his/her own choice.

The Board, District Superintendent and/or school physician reserve the right to request a health examination at any time during employment, at BOCES 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.

Education Law Section 913 Bus Drivers:
8 New York Code of Rules and Regulations (NYCRR) Section 156.3(2)
Rules and Regulations of the Commissioner of Motor Vehicles Section 5.09-b
Cafeteria Workers: State Sanitary Code

Adopted: July 2003

SUBJECT: HUMAN IMMUNODEFICIENCY VIRUS (HIV) RELATED ILLNESSES (PERSONNEL)

The Board contends that an employee shall not be denied the right to continue his/her employment who has been diagnosed or identified as having a positive blood test for the antibodies to the Human Immunodeficiency Virus (HIV). The Board further contends that under current law and regulations, the disclosure of confidential HIV-related information shall be strictly limited.

Administrative regulations and procedures shall be developed and implemented by the administration based on recommendations from the New York State Education Department and from consultation with appropriate professional and medical staff in the District.

The Superintendent shall also establish protocols for routine sanitary procedures for dealing with the cleaning and handling of body fluids in school, with special emphasis placed on staff awareness.

Confidentiality: Public Health Law,
Article 27-F

NOTE: Refer also to Policy #6451 -- Human Immunodeficiency Virus (HIV) Related Illnesses (Students)

Adopted: July 2003

SUBJECT: PERSONAL INJURY

In the event of personal injury while performing BOCES duties, all staff members, teachers and non-certificated personnel, must report the injury immediately to the school nurse or the individual in charge at the time of such injury. Forms provided by the BOCES must be used.

Day personnel are to report the injury to the school nurse or building administrator immediately. Evening personnel are to report the injury to the supervisor in charge. In the absence of their supervisor during the evening program, individuals must report the injury to the supervisor as early as possible the following morning.

Adopted: July 2003

SUBJECT: RECRUITMENT, SELECTION, AND APPOINTMENT OF PERSONNEL

The Dutchess County BOCES encourages employment of the individual best qualified to fill a given position. The BOCES encourages recruitment of employees with a wide variety of training and education. It shall be the BOCES policy to actively seek outstanding personnel.

It shall be the duty of the District Superintendent to see that persons recommended for employment meet all qualifications established by law, or by the Board, for the position for which recommendation is made.

Assignments of personnel shall be at the direction of the District Superintendent or his/her designee. The employees shall be responsible for familiarizing themselves with the policies and administrative plans of the Dutchess County BOCES in order to promote better understanding. Suggestions for improvement of policies and procedures shall be considered part of the responsibility of each employee within the scope of the employee's employment. Instructional and non-instructional personnel shall be appointed by the Dutchess County BOCES Board upon the recommendation of the District Superintendent.

All assignments and transfers shall be made in accordance with the provisions of law, Board policies, and the employee's negotiated agreement.

Certified Personnel

All professional employees shall be appointed in accordance with Section 3014 of the Education Law. Probationary appointments shall be for a period of three years. Teaching personnel who have achieved tenure in a school district in New York State shall be required to serve only a two-year probationary period in accordance with established law.

Certified personnel shall possess the required certification prior to the assumption of duties. It is the responsibility of the individual to provide proof of certification and to keep all certification information updated in conformance with all rules and regulations. Career Education teachers, in accordance with rules and regulations established by the Commissioner of Education, may be employed without certification provided, however, that acceptance into the Teacher Education Training Program is assured and work is commenced on achieving certification within the time limits prescribed by the aforementioned rules and regulations.

Education Law Sections 3001, 3001-a, 3004,
3006, 3008, 3013, and 3014
8 New York Code of Rules and Regulations
(NYCRR) Parts 30 and 80

(Continued)

SUBJECT: RECRUITMENT, SELECTION, AND APPOINTMENT OF PERSONNEL (Cont'd.)

Civil Service Employees

All non-instructional employees are subject to the regulations of the New York State Civil Service Commission. A passing grade on the appropriate examination must be obtained in order to qualify for permanent appointment to a competitive position. All non-instructional appointments are probationary for the maximum period established by the local Civil Service Commission from date of appointment from an open competitive list and every original appointment to a position in a non-competitive exempt or labor class.

Civil Service Law Section 63

Adult Career and Technical Education

Adult Career and Technical Education instructors shall be appointed by the Board, based on the recommendations of the District Superintendent, for a period of one year. Appointment by the Board constitutes eligibility for assignment but does not mean the individual appointed will automatically be assigned to a class.

Adopted: July 2003

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 Career and Technical Education staff and temporary employees.

Part-Time Employees

Individuals may be employed on a part-time basis to meet the education needs of the BOCES upon the recommendation of the District Superintendent. They are considered part-time if they work less than full-time and are distinguished from "substitutes" in that they are employed for a specific period of time on a part-time basis.

All regular part-time certified employees and those regular part-time classified (Civil Service) employees working less than 50% of the regularly scheduled work week for that classification shall not accrue any seniority.

Regular part-time classified (Civil Service) employees working 50% or more per week will accrue seniority.

All part-time employees may participate in the appropriate New York State Retirement System.

Regular Substitute Teachers

Regular substitute teachers (temporary teachers) are appointed to fill vacancies created by approved leaves of absence granted to full-time teachers. Such appointments must cover a period of at least one semester, must be a continuous assignment for a specified full-time teacher and will terminate at the end of the school year.

Substitutes may participate in the New York State Teachers' Retirement System.

Whenever possible, regular substitutes should be certified and prepared by experience and background to fill the position. Non-certified substitutes may be employed under unusual circumstances in accordance with State regulations pertaining to the issuance of a temporary license.

(Continued)

SUBJECT: TEMPORARY AND PART-TIME EMPLOYEES (Cont'd.)

Per Diem Substitute Teachers

Per diem substitutes are employed on a short-term basis and shall be compensated at a per diem rate to be established by the Board. Substitutes are paid only for days worked or on a prorated basis for part-time work. Per diem substitutes are not eligible for fringe benefits, but are eligible to participate in the New York State Teachers' Retirement System. Whenever possible, substitutes should be certified and prepared by experience and background for the positions they fill. Substitutes with valid teaching certificates or substitutes without a valid certificate but who are completing collegiate study towards certification at the rate of not less than six semester hours per year, may render service for any number of days. Substitutes without a valid certificate and who are not working towards certification may render service no more than 40 days per school year.

Student Teachers

In recognition of the need for pre-service learning experiences for potential teachers, State certification requirements, and the reciprocal benefits derived by BOCES professional personnel, BOCES encourages the utilization of student teachers.

Student teachers shall be protected from liability for negligence or other acts resulting in accidental injury to any person by the BOCES, as provided by law.

The District Superintendent shall approve the appointment of any student teacher.

Appointment of Staff to Positions Supported by Funds from State or Federal Agencies

Teachers, administrators, or staff specialists being appointed to federally or state funded programs on a full-time basis shall be granted a probationary appointment in accordance with Section 3014 of the New York State Education Law unless the terms of the funding are such that the project will terminate at the end of a specified time period of up to two (2) years. If the project is forecast to terminate at the end of a specified time period of up to two (2) years, individuals appointed to such positions shall be granted a "term-of-project" appointment (and re-appointment) on an annual basis until the project is terminated.

If a state or federally funded project which was scheduled to terminate after two years is refunded so that an individual employed in the project would become eligible for tenure, a probationary appointment shall be granted and made retroactive to the initial date of full-time employment in the project. Standard procedures for granting (or not granting) tenure shall then be followed.

8 New York Code of Rules and Regulations
(NYCRR) Section 80.36
Education Law Section 3023

Adopted: July 2003

SUBJECT: JOB DESCRIPTIONS

Job descriptions for all BOCES positions shall be developed and maintained by the administration, in compliance with applicable law and regulations, and in accordance with collective bargaining agreements.

Adopted: July 2003

SUBJECT: INCIDENTAL TEACHING

The District Superintendent may assign a teacher to teach a subject not covered by his/her certification for up to five classroom hours per week, pursuant to the following regulations:

a) The District Superintendent shall make a finding that the teacher being assigned to teach a subject on an incidental basis has sufficient teaching experience and knowledge of the subject matter to teach such subject in a competent manner.

b) By October 1 of each year the District Superintendent shall submit to the BOCES at a public meeting a list of all teachers assigned to teach on an incidental basis, including the courses they have been assigned to teach and their certification area. In the event an incidental teaching assignment is made after October 1, the District Superintendent shall report the assignment to the Board at the next regularly scheduled public Board meeting. The list of incidental teaching assignments for the current school year shall be retained by the District Superintendent.

Parents/guardians shall be informed by letter if their child is affected by an incidental teaching assignment. The notice will include information regarding a process through which parents/guardians may appeal such assignment.

8 New York Code of Rules and Regulations
(NYCRR) Section 80.2(c)(7)

Adopted: July 2003

SUBJECT: SUMMER EMPLOYMENT

In order to staff BOCES summer programs, personnel will be employed, upon the recommendation of the District Superintendent, to achieve specific purposes or activities as determined by the director of the program area involved. These staff members are employed on a temporary basis and no seniority or tenure rights shall accrue as a result of summer employment.

The administration is to employ the most qualified people available for the work to be accomplished.

Compensation for such employees shall be determined each year, depending on the type and length of work involved.

Adopted: July 2003

SUBJECT: EMPLOYMENT OF RELATIVES OF BOARD MEMBERS

The appointment of an individual who is related by blood or marriage or domestic partnership or who is domiciled with a relative of any status to any member of the Board shall be subject to the consent by the majority plus one (1) of the members of the Board and the Board member so related is obliged to disclose the relationship before the Board action to appoint the designated individual.

Education Law Section 3016
General Municipal Law Sections 800-809

Adopted: July 2003
First Reading: April 2006
Second Reading: December 2006
Adopted: December 2006

Approved Revision: January 2007

Personnel

SUBJECT: FINGERPRINTING OF PROSPECTIVE BOCES EMPLOYEES

Unless otherwise authorized in accordance with law and regulation, the BOCES 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 BOCES shall require a prospective school employee who is not in the SED criminal history file to be fingerprinted for purposes of a criminal history record check by authorized BOCES 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).

Prior to initiating the fingerprinting process, the BOCES shall furnish the applicant with written notice on a form prepared by the Commissioner of Education addressing 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 BOCES 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 BOCES shall request the clearance for employment on forms or an equivalent manner prescribed by SED. Furthermore, the BOCES 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 BOCES, the date of the commencement of such employment or service, and the position held by such individual. Similarly, the BOCES shall notify SED, in a manner prescribed by the Department, of a fingerprinted employee who has been separated from employment with the BOCES or ceased providing services for the BOCES, 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.

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 approved by Board resolution, the BOCES may authorize the payment of such fees on behalf of prospective employees. The Board is also authorized to waive the payment of such fees in cases of unreasonable financial hardship to the applicant or his/her family. If the Board decides to waive payment of the fees for the prospective employee, payment of the fees becomes the BOCES responsibility.

(Continued)

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

Who Must Be Fingerprinted

Except as provided below, all "prospective school employees" of the BOCES 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 BOCES to provide services which involve direct contact, 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 BOCES and is not currently employed by the BOCES or a student enrolled in the instructional program of a grade level in the BOCES; or

b) An employee of a provider of contracted services to the BOCES who is to be placed within the BOCES; or

c) A worker who is to be placed within the BOCES under a public assistance employment program pursuant to Title 9-B of Article 5 of the Social Services Law, directly or through contract.

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 BOCES in the previous school year either in a compensated position, or as an employee of a provider of contracted services to the BOCES, or as a worker placed within the BOCES under a public assistance employment program pursuant to Title 9-B of Article 5 of the Social Services Law directly or through contract; or

c) Will reasonably be expected by the BOCES to provide services for the BOCES on no more than five (5) days in the school year in which services are to be performed, provided that the BOCES provides in-person supervision of such individual by one or more employees of the BOCES 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.

(Continued)

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

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.

Removal from the SED Criminal History File

Where individuals have been separated from employment at the BOCES and have not become employed in this BOCES or another school district, BOCES or charter school within twelve (12) months of such separation, SED shall notify DCJS of such separation for the purpose of destroying the fingerprints of that individual. Further, upon request of such individual, SED shall notify DCJS prior to the expiration of such twelve-month period for the purpose of destroying his/her fingerprints. Such individuals shall be removed from the SED criminal history file.

Conditional Appointments/Emergency Conditional Appointments

Conditional Appointments

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 BOCES 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 BOCES 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.

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 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 BOCES 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 a conditional appointment.

Prior to the commencement of such appointment, the BOCES 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) A vacancy that occurred less than ten (10) business days before the start of any school session including summer school, or during any school session including summer school, without sufficient notice to allow for clearance or conditional clearance (however, this (10) business day time frame provision shall not apply if the Board finds that the BOCES has been unable to fill the vacancy despite good faith efforts to fill the vacancy in a manner that would have allowed sufficient time for full clearance or conditional clearance); and

b) When no other qualified person is available to fill the vacancy temporarily; and

c) When the emergency conditional appointment is necessary to maintain services which the BOCES is legally required to provide or services necessary to protect the health, education or safety of students or staff.

Safety of Students

The BOCES will develop internal building and/or program procedures to help ensure the safety of students who have contact with an employee holding conditional appointment or emergency conditional appointment. Such procedures will address the safety of students in the classroom, students attending off-campus activities under the supervision of the BOCES, and students participating in extracurricular and/or co-curricular activities.

Safety procedures to be addressed include, but are not limited to, the following: supervision of the employee holding conditional appointment/emergency conditional appointment as determined appropriate by the applicable building/program administrator; and periodic visitations by the building/program administrator to the classroom, program and/or activity assigned to the employee holding conditional appointment/emergency conditional appointment.

(Continued)

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

"Sunset" Provision for Conditional Appointments/Emergency Conditional Appointments

The provisions in law which permit the conditional appointment and/or emergency conditional appointment of employees pending full clearance from SED shall terminate, in accordance with legislation, on July 1, 2005; and shall be rescinded as Board policy and procedure as of that date (unless subsequent revisions to applicable law provide otherwise).

Education Law Sections 305(30),1604, 1709, 1804, 1950, 2503, 2554, 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

Adopted: July 2003

SUBJECT: HOME-BASED EMPLOYEES

Employees are generally not entitled to home-based work. Approval for home-based employment assignments will be made on a case-by-case basis. Requests for home-based work must be written and submitted by the Supervisor for such position to the District Superintendent or Deputy Superintendent. At a minimum, requests must include the following:

A clear and detailed rationale for the home-based assignment;
The employee's work responsibilities;
The work schedule, including number of days or hours to be worked at home;
Specific performance expectations and criteria for evaluation; and
Allocation of responsibility for provision and maintenance of equipment.

Assignments having the following characteristics, among others, will generally be inappropriate for home-based assignment:"

Those requiring a high degree of supervision or close scrutiny;
Those requiring direct face-to-face contact on a frequent basis without the flexibility in scheduling;
Those not easily assessed by the review of objective performance standards;
Those requiring the employee to be a member of a team and whose job duties include regular direct face-to-face contact on a daily basis with other team members.

Home-based employees who do not have a regular and self-repeated weekly assignment must provide their Supervisor with a broad outline of their work plan on a weekly basis. Time sheets on established Business Office forms must be submitted on a weekly basis and approved by the signature of the Supervisor. Supervisors will review time sheets against the work plan in order to ensure that the home-based work arrangement continues to be in the best interest of the District. Overtime is not permitted in the absence of prior written approval from the supervisor.

Home-based work arrangements may be terminated in the discretion of the BOCES. Such termination does not, by itself, constitute disciplinary action.

First Reading: June 13, 2007
Second Reading: August 1, 2007
Adopted: August 1, 2007

SUBJECT: DETERMINATION OF EMPLOYMENT STATUS: EMPLOYEE OR INDEPENDENT CONTRACTOR

Regulations recently promulgated by the Office of the State Comptroller provide guidance to school districts to help them determine whether an individual is an employee, and therefore eligible for membership in the New York State and Local Retirement System (NYSLRS) and for service credit, or an independent contractor who is not eligible for membership.

A certification of the determination that an individual is an employee will now be required when the BOCES initially reports to the NYSLRS certain covered professionals -- those persons providing services as an attorney, physician, engineer, architect, accountant or auditor.

Employee shall mean an individual performing services for the BOCES for which the BOCES has the right to control the means and methods of what work will be done and how the work will be done. Independent contractor shall mean a consultant or other individual engaged to achieve a certain result who is not subject to the direction of the employer as to the means and methods of accomplishing the result.

Employees to be Reported to NYSLRS

Only persons who are active members of NYSLRS and who have been assigned a registration number shall be included in the reporting requirements. In the case of employees who are in the process of being registered to membership, all service, salary and deductions data and mandatory contributions shall be accumulated by the BOCES and such accumulation shall be included with the first monthly report which is due after the employee's registration number has been assigned.

An individual serving the BOCES as an independent contractor or consultant is not an employee and should not be reported to the retirement system.

The BOCES has the primary responsibility for determining whether an individual is rendering services as an employee or as an independent contractor. When making such a determination the BOCES must consider the factors enumerated in State Regulations.

The BOCES shall also complete, as necessary, a Certification Form for Individuals Engaged in Certain Professions (Form RS2414) as promulgated by the Office of the New York State Comptroller. As noted on the Certification Form instructions, when making a determination as to an individual's status as an employee or independent contractor, no single factor should be considered to be conclusive of the issue. All factors should be considered in making an assessment of an individual's status when engaged to perform services.

(Continued)

SUBJECT: DETERMINATION OF EMPLOYMENT STATUS: EMPLOYEE OR INDEPENDENT CONTRACTOR (Cont'd.)

Written Explanation by District: Certain Professions

In the case of an individual whose service has been engaged by the BOCES in the capacity of attorney, physician, engineer, architect, accountant or auditor and the BOCES has determined that the individual is rendering service as an employee and, therefore, may be eligible for credit with a retirement system, the BOCES shall submit to the retirement system, in a form prescribed by the Comptroller and certified by the Chief Fiscal Officer of the BOCES, an explanation of the factors that led to the conclusion that the individual is an employee and not an independent contractor or consultant.

Retirement and Social Security Law Sections 11, 34, 311, and 334
2 New York Code of Rules and Regulations (NYCRR) Sections 315.2 and 315.3

First Reading: July 2009
Adopted: September 2009

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

The BOCES encourages cooperation with other community agencies and groups in preventing drug and alcohol abuse. Provision shall be made for instructing employees and students in alcohol, drug and tobacco abuse and prevention. All laws pertaining to drug and alcohol use and possession shall be honored by students, adults, and adult students while on BOCES premises or at BOCES-sponsored activities, regardless of the location of the activity.

The Board prohibits the manufacture, distribution, consumption, sharing and/or selling, use and/or possession of illegal drugs, counterfeit 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. Data will also include the range of penalties, (consistent with local, state and federal law), up to and including termination of employment and referral for prosecution that will be imposed on employees who have transgressed the terms of this policy.

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

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

Education Law Sections 913, 1711(5)(e), and 3020-a
Civil Service Law Section 75
Drug-Free Schools and Communities Act
Amendment of 1989 (Public Law 101-226)

NOTE: Refer also to Policy #6220 -- Alcohol, Drugs and Other Substances (Students)

Adopted: July 2003

SUBJECT: DRUG-FREE WORKPLACE

It shall be the general policy of the BOCES to affirm that all programs in the Dutchess County BOCES that receive Federal funds shall guarantee that their workplaces are free of controlled substances. "Controlled substance" means a controlled substance in schedules I through V of Section 202 of the Controlled Substances Act (21 USC 812) and as further defined in regulation at 21 Code of Federal Regulations (CFR.) 1308.11-1308.15. An acknowledgment form shall be signed by the District Superintendent indicating that the Dutchess County BOCES is in full compliance with the Drug-Free Workplace Act. This policy shall guarantee that not only Federally funded programs, but the entire BOCES is free of controlled substances.

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

Drug-Free Workplace Act of 1988
(DFWA P.L. 100-690)

Adopted: July 2003

SUBJECT: PROFESSIONAL STAFF: SEPARATION

The District Superintendent must notify the professional staff member in writing at least 60 days prior to the expiration of the probationary period that an affirmative recommendation for appointment on tenure will not be made, in accordance with Education Law. The District Superintendent's recommendation to deny tenure must be reviewed and acted upon by the Board.

The Board shall expect any professional staff member desiring to terminate his/her services to provide the Board with a minimum of thirty (30) days notice before the effective termination date.

When possible, a professional staff member shall make every effort to terminate employment at the end of the school year. Resignations must be in writing and include the effective date.

Education Law Sections 3019-a and 3031

Adopted: July 2003

SUBJECT: STAFF-STUDENT RELATIONS (FRATERNIZATION)

The BOCES Board requires that all BOCES employees maintain a professional, ethical relationship with BOCES students that is conducive to an effective, safe learning environment; and that staff members act as role models for students at all times, whether on or off school property and both during and outside of school hours. Staff must establish appropriate personal boundaries with students and not engage in any behavior that could reasonably lead to even the appearance of impropriety.

Staff members are prohibited, under any circumstances, to date or engage in any improper fraternization or undue familiarity with students, regardless of the student's age 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 BOCES policy, and may result in the notification of law enforcement officials and the filing of criminal charges and/or disciplinary action by the BOCES 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, letters, notes, 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 BOCES policy and may be in violation of professional standards of conduct and New York State Law. However, inappropriate employee conduct does not need to rise to the level of criminal activity for such conduct to be in violation of BOCES 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 BOCES 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 BOCES. Investigations of allegations of inappropriate staff-student relations shall follow the procedures utilized for complaints of harassment within the School District. 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.

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

(Continued)

SUBJECT: STAFF-STUDENT RELATIONS (FRATERNIZATION) (Cont'd.)

abuse in an educational setting) must *also* follow the BOCES 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 to his/her building principal or supervisor.

The BOCES 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 BOCES 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 BOCES.

BOCES Responsibility/Training

The principal of each school 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 BOCES policy (or a summary thereof) shall be disseminated as appropriate to staff, students and parents. Further, this topic shall be addressed in the 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, BOCES policy and regulation, and the applicable collective bargaining agreement. A violation of this policy may also subject the employee to criminal and/or civil sanctions as well as disciplinary action by the State Education Department.

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

First Reading: February 8, 2006
Second Reading: March 8, 2006
Adopted: March 8, 2006

SUBJECT: PROFESSIONAL GROWTH

The guidelines for staff development at the Dutchess County BOCES are as follows:

a) The Dutchess County BOCES encourages its staff to continually gain additional skills in job related areas. Techniques for accomplishing professional growth should be those best suited to the individual, and to the departmental needs.

b) In-service programs, graduate courses, seminars and attendance at professional meetings and conferences within and outside Dutchess County are suitable means for gaining additional skills.

c) The BOCES will appropriate funds in the annual budget for staff professional growth.

d) As a means of carrying out this policy, the Dutchess County BOCES authorizes its District Superintendent to permit BOCES personnel to attend professional meetings and conferences and will reimburse such personnel for necessary and reasonable expenditures within budget allocations. A written report of such meetings may be requested from the staff member attending.

e) The District Superintendent may grant permission for members of the BOCES staff to attend meetings and conferences at their own expense. The Dutchess County BOCES will employ a substitute in such cases if warranted. A written report of such meetings may be requested from the staff member attending.

f) The District Superintendent is authorized to attend meetings and conferences as necessary and to be reimbursed for necessary and reasonable expenditures.

g) The District Superintendent, or those assigned by him, are authorized to recruit and interview personnel. Necessary and reasonable expenditures will be paid by the Dutchess County BOCES.

h) The District Superintendent is authorized to incur reasonable expenses, payable by the Dutchess County BOCES within budgetary limitations, for consultants, curriculum advisors, and in-service workshop personnel and materials.

i) The District Superintendent is directly responsible to the Dutchess County BOCES for all aspects of this policy described above.

Adopted: July 2003

SUBJECT: EMPLOYEE PERSONNEL RECORDS AND RELEASE OF INFORMATION

Personnel Records

Administrative regulations will be developed to implement the terms of this policy to maintain a personnel file for each teacher, administrator and support staff member employed by the BOCES.

Regulations and procedures will be developed addressing the inspection by BOCES employees of their personnel files.

Release of Personnel Information

All steps should be taken to protect the privacy of the employees of the BOCES. To ensure the individual's privacy, directory or confidential information should not be shared with a third party except in the following situations:

a) When members of the Board need information from the employee's personnel record to aid them in performing their legal responsibilities in such matters as appointments, assignments, promotions, demotions, remuneration, discipline, dismissal or to aid in the development and implementation of personnel policies.

b) When the employee grants permission.

Procedures for obtaining consent for release of records to third parties shall be developed by the administration.

Release of Information Concerning Former Employees

The BOCES shall not release information concerning the employment records, personnel file or past performance of a former employee, unless such information is required to be disclosed by law. Only the initial and final dates of employment and the position held shall be provided through a written response to a written request. The former employee may authorize the release of any additional information.

8 New York Code of Rules and Regulations
(NYCRR) Part 84
Public Officers Law Section 87

Adopted: July 2003

SUBJECT: NEGOTIATIONS

Legal Status

The legal status for negotiations is the Public Employee's Fair Employment Law (Taylor Law), Article 14 of the Civil Service Law.

Organizations recognized for the purposes of collective bargaining include:

a) Dutchess County BOCES Faculty Association

b) Dutchess County BOCES Administration and Supervisory Association

c) Dutchess County BOCES Support Staff Association

d) Dutchess County BOCES Adult Education Instructors Association

Adopted: July 2003

SUBJECT: PROFESSIONAL STAFF CONSULTING ACTIVITIES

The Board acknowledges that a professional employee may be invited to speak, lead a seminar, act as a consultant or become involved in other professional activities outside of the BOCES. The employee may be excused from his/her BOCES duties at the discretion of the District Superintendent or his/her designee or may be required to request a personal/vacation day.

However, employees who work for Dutchess County BOCES may not provide consulting services to districts or other BOCES for services available through Dutchess County BOCES. Employees who serve as consultants to districts, organizations or agencies outside the Dutchess County BOCES and receive compensation must use vacation or personal time.

NOTE: Refer also to Policies #2120 -- BOCES Communications and Disseminated Materials
#5110 -- Code of Ethics for all BOCES Personnel

Adopted: July 2003

SUBJECT: JURY DUTY

A BOCES employee called for jury duty shall receive his/her full day's pay from the BOCES. No BOCES employee 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 BOCES wages are not withheld on account of such service.

Judiciary Law Section 521(b)

Adopted: July 2003

SUBJECT: HEALTH INSURANCE

Health insurance for certificated and classified support staffs shall be in accordance with their respective negotiated agreements or Board policy.

Continuation of Medical Insurance Coverage at Termination of Employment

Under the provisions of the Consolidated Omnibus Budget Reconciliation Act of 1985 (COBRA), employees and their dependents are eligible to continue their insurance coverage for up to eighteen (18) months when termination of their insurance is due to a reduction in their hours worked, or upon termination of their employment.

Dependents of employees are eligible to continue their insurance for up to thirty-six (36) months upon occurrence of one of the following events:

a) Death of the covered employee; or

b) Divorce or legal separation from the covered employee; or

c) An employee becomes eligible for Medicare and ceases to participate in the employer-sponsored plan; or

d) The dependents of a covered employee reach the maximum age for dependent coverage.

Those who are eligible to continue health coverage have up to sixty (60) days to complete the Continuation of Coverage Election Form. They must pay the full cost of their premium and may be charged for any administrative costs incurred by Dutchess County BOCES, up to a maximum allowed by law.

Consolidated Omnibus Budget Reconciliation Act of 1985

Adopted: July 2003

SUBJECT: HEALTH INSURANCE SALARY CAP

Non-bargaining Unit Employees

Please find listed below procedures for the payment of health insurance premiums for non-bargaining unit employees to be followed when the salary of an individual exceeds the limits established by the Board:

a) The Board shall establish the individual or family coverage sharing salary.

b) Effective July 1, I997 the individual or family coverage sharing salary shall be $20,200.

c) The four year phase-in period to the normal employee's contribution for individual or family coverage shall be as follows when an individual surpasses the salary base.

YEAR	BOCES	EMPLOYEE
1	75%	25%
2	50%	50%
3	25%	75%
4	0%	100%

d) If at any time an individual's annual contract salary falls below the individual or family coverage sharing salary figure, the phase-in sequence shall be terminated and renewed at such time the contract salary exceeds that figure. At the time of renewal the phase-in process shall start from year 1.

Adopted: July 2003

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. 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: July 2003

SUBJECT: TAX-SHELTERED ANNUITIES

Employees may participate in the Tax Sheltered Annuity program in accordance with the provisions of Section 403(b) of the Internal Revenue Code, as amended.

The Payroll Supervisor is authorized to approve applications from employees to have a deduction made from their salaries to purchase tax sheltered annuities in accordance with the above Internal Revenue Code.

Internal Revenue Code Section 403(b)

Adopted: July 2003

SUBJECT: FAMILY AND MEDICAL LEAVE ACT

The Board of Education, in accordance with the Family and Medical Leave Act of 1993 (as amended) (FMLA), gives "eligible" employees of the BOCES the right to take unpaid leave for a period of up to twelve (12) workweeks in a twelve-month period as determined by the BOCES.

*The BOCES must compute the time frame of the twelve (12) month period for which FMLA leave is being requested. The following four (4) choices are available:

a) The calendar year January through December; or

b) A fixed leave year based on _____ (e.g., fiscal year); or

c) A twelve (12) month period measured forward from the date of the employee's first FMLA leave usage; or

d) A "rolling" twelve (12) month period measured backward from the date of any FMLA leave usage.

*The BOCES uses *(a, b, c, or d,)* as its method for calculating the leave year period for the commencement of the FMLA leave period. In certain cases, FMLA leave may be taken on an intermittent basis rather than all at once, or the employee may work a part-time schedule.

Employees are "eligible" if they have been employed by the BOCES 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. However, a break in employment for military service (i.e., call to active duty) should not interrupt the twelve (12) month/1,250 hours of employment requirement and should be counted toward fulfilling this prerequisite. The law covers both full-time and part-time employees.

Qualified employees may be granted leave for one (1) or more of the following reasons:

a) The birth of a child and care for the infant;

b) Adoption of a child and care for the infant;

c) The placement with the employee of a child in foster care;

d) To care for a spouse, child or parent who has a "serious health condition" as defined by the FMLA; and/or

(Continued)

SUBJECT: FAMILY AND MEDICAL LEAVE ACT (Cont'd.)

e) A "serious health condition" of the employee, as defined by the FMLA, that prevents the employee from performing his/her job. A "serious health condition" is defined as an illness, injury, impairment or physical or mental condition that involves inpatient care or continuing treatment by a health care provider that renders the employee incapacitated for more than three (3) consecutive calendar days and where the employee is required to see the health care provider at least twice. A "serious health condition" is also defined as any period of incapacity related to pregnancy or for prenatal care.

Military Family Leave Entitlements

Military Caregiver Leave

An eligible employee who is the spouse, son, daughter, parent, or next of kin (defined as the nearest blood relative of 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 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 26 weeks of all types of FMLA leave. Military Caregiver Leave may be combined with other forms of FMLA-related leave providing a combined total of twenty-six (26) weeks of possible leave for any single twelve (12) month period; however, the other form of FMLA leave when combined can not exceed twelve (12) of the twenty-six (26) weeks of combined leave.

Military Caregiver Leave has a set "clock" for calculating the twelve (12) month period for when FMLA leave begins and tolling starts at the first day of leave taken.

The term "covered service member" means a member of the Armed Forces, including a member of the National Guard or Reserves.

"Qualifying Exigency" Leave/Call to Active Duty

An "eligible" employee is entitled to FMLA leave because of "a qualifying exigency" arising out of circumstances where the spouse, son, daughter, or parent of the employee is serving in either the National Guard or the Reserves and is on active duty during a war or national emergency called for by the President of the United States or Congress, or has been notified of an impending call to active duty status, in support of a contingency operation.

A "qualifying exigency" related to families of the Army National Guard of the United States, Army Reserve, Navy Reserve, Marine Corps Reserve, Air National Guard of the United States, Air Force Reserve and Coast Guard Reserve personnel on (or called to) active duty to take FMLA protected leave to manage their affairs is defined as any one of the following reasons:

a) Short-notice deployment;

(Continued)

SUBJECT: FAMILY AND MEDICAL LEAVE ACT (Cont'd.)

b) Military events and related activities;

c) Childcare and school activities;

d) Financial and legal arrangements;

e) Counseling;

f) Rest and recuperation;

g) Post-deployment activities; and

h) Any additional activities where the employer and employee agree to the leave.

In any case in which the necessity for leave due to a qualifying exigency is foreseeable, the employee shall provide such notice to the employer as is reasonable and practicable. This military-related leave is for up to twelve (12) weeks during a single 12-month period.

Medical Treatment for Serious Health Conditions

The first visit to a health care provider for an employee claiming a "serious health condition" under FMLA must occur within seven (7) days of the aforementioned incapacity with the second required visit occurring within thirty (30) of the incapacitating event.

If the employee claiming FMLA under the "serious health condition" rationale is sustaining continuous treatment, their first visit to a health care provider must take place within seven (7) days of the claimed incapacitating event.

Chronic "serious health conditions" require periodic visits; the employee must see a health care provider a minimum of two (2) times per year.

Implementation/Benefits/Medical Certification

At the Board of Education's or employee's option, certain types of paid leave may be substituted for unpaid leave.

An employee on FMLA leave is also entitled to have health benefits maintained while on leave. If an employee was paying all or part of the premium payments prior to leave, the employee will continue to pay his/her share during the leave period.

In most instances, an employee has a right to return to the same position or an equivalent position with equivalent pay, benefits and working conditions at the conclusion of the leave.

(Continued)

SUBJECT: FAMILY AND MEDICAL LEAVE ACT (Cont'd.)

The Board of Education has a right to thirty (30) days advance notice from the employee where practicable. In addition, the Board may require an employee to submit certification from a health care provider to substantiate that the leave is due to the "serious health condition" of the employee or the employee's immediate family member. Under no circumstance should the employee's direct supervisor contact any health care provider regarding the employee's condition; all contact in this manner must be made by a health care provider (employed at the employer), a human resource professional, a leave administrator or a management official. If the medical certification requested by the employer is found to be deficient, the employer must indicate where the errors are, in writing, and give the employee seven (7) days to provide corrected materials to cure any deficiency prior to any action being taken.

Special Provisions for BOCES Employees

An instructional employee is an employee whose principal function is to teach and instruct students in a class, a small group, or an individual setting (e.g., teachers, coaches, driving instructors, special education assistants, etc.). Teaching assistants and aides who do not have instruction as the principal function of their job are not considered an "instructional employee."

Intermittent Leave Taken By Instructional Employees

FMLA leave that is taken at the end of the school year and resumes at the beginning of the next school year is not regarded as intermittent leave but rather continuous leave. The period in the interim (i.e., summer vacation) is not counted against an employee and the employee must continue to receive any benefits that are customarily given over the summer break.

Intermittent leave may be taken but must meet certain criteria. If the instructional employee requesting intermittent leave will be on that leave for more than twenty percent (20%) of the number of working days during the period for which the leave would extend, the following criteria may be required by the employer:

a) Take leave for a period or periods of a particular duration, not greater than the duration of the planned treatment; or

b) Transfer temporarily to an available alternative position for which the employee is qualified, which has equivalent pay and benefits and which better accommodates recurring periods of leave than does the employee's regular position.

Appropriate notice for foreseeable FMLA leave still applies and all employees must be returned to an equivalent position within the school district. Additional work-related certifications, requirements and/or training may not be required of the employee as a contingent of their return to work

(Continued)

SUBJECT: FAMILY AND MEDICAL LEAVE ACT (Cont'd.)

Leave Taken by Instructional Employees Near the End of the Instructional Year

There are also special requirements for instructional employees taking leave and the leave's relation to the end of the term. If the instructional employee is taking leave more than five (5) weeks prior to the end of the term, the BOCES may require that the employee take the leave until the end of the term if the leave lasts more than three (3) weeks and the employee was scheduled to return prior to three (3) weeks before the end of the term.

If the instructional employee is taking leave less than five (5) weeks prior to the end of the term for any of the following FMLA-related reasons except qualifying exigency, the District may require that the employee remain out for the rest of the term if the leave lasts more than two (2) weeks and the employee would return to work during that two (2) week period at the end of the instructional term.

If the instructional employee begins taking leave during the three (3) weeks prior to the end of the term for any reason except qualifying exigency, the BOCES may require that the employee continue leave until the end of the term if the leave is scheduled to last more than five (5) working days.

Any additional time that is required by the employer due to the timing of the end of the school year, will not be charged against the employee as FMLA leave because it was the employer who requested that the leave extend until the end of the term.

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 and a notice of an employee's FMLA rights and responsibilities shall be either placed in the employee handbook of the employer or furnished to each new employee upon hire. The employer has five (5) days to supply such notice from the date of hire.

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 (as amended), Public Law 103-3
National Defense Authorization Act of 2008, Public Law 110-181
10 United States Code (USC) 101(a) (13)
29 Code of Federal Regulations (CFR) Part 825

NOTE: Refer also to Policy #6552 - Uniformed Services Employment and Reemployment Rights Act USERRA)/Military Leaves of Absence

Adoption Date: July 2009
(Replaces Policy #5340)

SUBJECT: EMPLOYEE ASSISTANCE PROGRAM

Dutchess County BOCES 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 Dutchess County BOCES also recognizes that these problems can be treated, particularly in the early stages, in a fashion which will assist the employee in maintaining an efficient and effective job performance.

It is the policy of the Dutchess County BOCES to provide an Employee Assistance Program for all district employees and their immediate families. It is the intent of this Program to assure that an employee or a family member who has a problem which impacts or has the potential to impact negatively on the employee's job performance will receive careful attention and an opportunity to obtain confidential professional assistance.

Adopted: July 2003

SUBJECT: DEFENSE AND INDEMNIFICATION OF BOARD MEMBERS AND EMPLOYEES

Liability Protection Pursuant to Education Law

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

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

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

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

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

Public Officers Law Section 18

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

(Continued)

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

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

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

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

Exceptions to Liability Coverage

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

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

NOTE: Refer also to Policy #1310 -- Powers and Duties of the Board and Its Officers

Adopted: July 2003

Dutchess County BOCES

STUDENTS

(Section 6000)

NUMBER

ATTENDANCE

1.1 Comprehensive Student Attendance Policy.....6110

1.2 Student Referral and Placement.....6120

1.3 Non-Resident Students 6130

1.4 Pregnant and Married Students.....6140

1.6 Education of Homeless Children and Youth……..6160

STUDENT CONDUCT

2.1 Student Conduct

2.1.1 Corporal Punishment/Physical Restraint 6211

2.1.2 Suspension of Students Attending BOCES Programs.....6212

2.1.2 (i) Program Exclusion 6212.1

2.1.3 Loss or Destruction of BOCES Property or Resources 6213

2.1.4 Student Dress Code.....6214

2.2 Alcohol, Drugs and Other Substances (Students).....6220

2.2.5 Wellness Policy 6225

2.3 Searches and Interrogations 6230

2.4 Weapons in School 6240

2.4.1 Gun-Free Schools Policy 6241

2.5 Vehicle Safety.....6250

STUDENTS (Cont'd.)

(Section 6000)

NUMBER

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

3.2.2 Military Recruiters' Access to Secondary School Students and Information on Students....6322

3.0 Designation of Person in Parental Relation....6330

STUDENT WELFARE

4.1 Immunization of Students....6410

4.2 Accidents/First Aid Treatment....6420

4.3 Child Abuse....6430

4.4 Sexual Harassment of Students....6440

4.4.1 Parent Involvement for Students with Disabilities....6441

4.5 Students Presumed to Have a Disability for Discipline Purposes....6450

4.5.1 Human Immunodeficiency Virus (HIV) Related Illnesses (Students)....6451

4.5.2 Administering Medication....6452

4.5.5 Students with Disabilities Participating in BOCES Programs....6455

4.6 Equal Educational Opportunity (Students)....6460

4.6.2 Hazing of Students....6462

4.7 Notification of Sex Offenders....6470

4.7.5 Student Individualized Education Program (IEP): Development & Provision . 6475

4.8 Child Labor Provisions....6480

4.9 Safe Public School Choice Option to Students who are Victims of a Violent Criminal Offense....6490

STUDENTS (Cont'd.)

(Section 6000)

NUMBER

STUDENT ACTIVITIES

5.0 Student Health Records 6500

5.1 Censorship of Non-School Student Publications.....6510

5.2 Student Clubs Sponsored through Dutchess County BOCES 6520

SUBJECT: COMPREHENSIVE STUDENT ATTENDANCE POLICY

The Board recognizes that regular school attendance is a major component of academic success. Through implementation of this policy, the Board expects to minimize unexcused absences, tardiness, and early departures (referred to in this policy as "ATEDs"), encourage full attendance by all students, maintain an adequate attendance recordkeeping system, identify patterns of students ATEDs and develop effective intervention strategies to improve school attendance.

Objectives

a) Verify compliance with compulsory education laws and ensure the maintenance of an adequate record verifying the attendance of all children in accordance with Education Law.

b) Know the whereabouts of every student for safety and other reasons.

c) Identify attendance patterns to design effective intervention strategies that improve school attendance.

d) Close gaps in student performance.

e) Increase school completion.

Notice

To be successful in this endeavor, it is imperative that all members of the school community are aware of this policy, its purpose, procedures and the consequences of non-compliance. To ensure that students, parents, or person(s) in parental relation, teachers and administrators are notified of and understand this policy, the following procedures shall be implemented.

a) The attendance policy will be included in student handbooks and will be reviewed with students at the start of the school year.

b) Parents, or person(s) in parental relation, will receive a plain language summary of this policy when student handbooks are distributed at the start of the school year. Parents, or person(s) in parental relation, will be asked to sign and return a statement indicating that they have read and understand the policy.

c) When a student is absent, tardy, or leaves early from class or school without excuse, designated staff member(s) will notify the student's parent(s), or person(s) in parental relation, by phone and mail of the specific ATED, remind them of the attendance policy, and review ATED intervention procedures with them.

d) A back-to-school event will be held at the beginning of each school year to explain this policy and stress the parent's, or person(s) in parental relation, responsibility for ensuring their children's attendance. School newsletters and publications will include periodic reminders of the components of this policy.

SUBJECT: COMPREHENSIVE STUDENT ATTENDANCE POLICY (Cont'd.)

e) The BOCES will provide a copy of the attendance policy and any amendments thereto to faculty and staff. New staff will receive a copy upon their employment. All faculty and staff will meet at the beginning of each school year to review the attendance policy to clarify individual roles in its implementation.

f) Copies of this policy will also be made available to any community member, upon request.

Excused and Unexcused Absences

Excused ATEDs are defined as absences, tardiness, and early departures from class or school due to personal illness, illness or death in the family, impassable roads or weather, religious observance, quarantine, required court appearances, attendance at health clinics, approved college visits, approved cooperative work programs, military obligations, doctor/dental appointments, BOCES/home district or school events/trips/activities, home district or school closed/delayed or early dismissal.

All other ATEDs are considered unexcused absences.

All ATEDs must be accounted for. It is the parent's or person(s) in parental relation, responsibility to notify the school office within at least 24 hours of the ATED and to provide a written excuse upon the student's return to school.

General Procedures/Data Collection

a) Attendance will be taken during each class period.

b) At the conclusion of each class period or school day, all attendance information shall be, compiled and provided to the designated staff member(s) responsible for attendance.

c) The nature of an ATED shall be coded on a student's record.

d) Student ATED data shall be available to and should be reviewed by the designated school personnel in an expeditious manner.

e) Where additional information is received that requires corrections to be made to a student's attendance records, such correction will be made immediately. Notice of such a change will be sent to appropriate school personnel subject to applicable confidentiality rules.

f) Attendance data will be analyzed periodically to identify patterns or trends in student absences.

(Continued)

SUBJECT: COMPREHENSIVE STUDENT ATTENDANCE POLICY

g) Where consistent with other school practices, teachers and staff shall detain students in the hallways who are absent from a class period without excuse and refer the students to the Building Principal.

h) Continuous monitoring will be conducted to identify students who are absent, tardy, or leave class or school early.

Coding System

A uniform coding system will be developed by the BOCES committee in compliance with the Commissioner's Regulations and placed in the BOCES Administrative Regulations.

Intervention Strategies

The BOCES committee will develop intervention strategies that are appropriate and applicable to the BOCES programs in compliance with the Commissioner's Regulations.

Designation of Attendance Recordkeeper(s) and Attendance Reviewer(s)

The lead administrator for each building shall designate the person(s) responsible for maintaining, reviewing, and initiating intervention strategies in compliance with the Commissioner's Regulations.

Attendance Incentives

In compliance with the Commissioner's Regulations, the BOCES committee will designate suggested incentives and systems to encourage attendance and acknowledge a student's efforts to maintain or improve school attendance as appropriate for each program.

Disciplinary Consequences

Unexcused ATEDs will result in disciplinary action consistent with the BOCES code of conduct. Those penalties may include, for example, detention or in-school suspension. Students may also be denied the privilege of participating in or attending extracurricular events.

In addition, designated staff member(s) will contact the student's parents or person(s) in parental relation, and the student's guidance counselor. Such staff member(s) shall remind parents of the attendance policy, explain the ramifications of unexcused ATEDs, stress the importance of class attendance and discuss appropriate intervention strategies to correct the situation.

(Continued)

SUBJECT: COMPREHENSIVE STUDENT ATTENDANCE POLICY (Cont'd.)

Attendance/Grade Policy

The Board recognizes an important relationship between class attendance and student performance. Consequently, each marking period a student's final grade will be based on classroom participation as well as student's performance on homework, tests, papers, projects, etc.

Students are expected to attend all scheduled classes. Consistent with the importance of classroom participation, unexcused ATEDs will affect a student's class participation grade for the marking period.

All students with an excused ATED are expected upon their return to consult with their teachers regarding missed work. Only those students with excused ATEDs will be given the opportunity to make up a test or t other missed work and/or turn in a late assignment for inclusion in their final grade. Make up opportunities must be completed by a date specified by the student's teacher for the class in question.

Annual Review

The Board shall require the District Superintendent to annually review building-level student attendance records and, if such records show a decline in student attendance, the Board shall revise this comprehensive attendance policy and make any revisions to the plan it deems necessary to improve student attendance.

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: July 2003
First Reading: November 2006
Adopted: June 13, 2007

SUBJECT: STUDENT REFERRAL AND PLACEMENT

Student Referral

The BOCES strives to provide optional educational opportunities for referred compulsory education aged students, including students with unique educational needs. Participation in BOCES programs augments local district educational opportunities. Referral to BOCES programs is made by the home school district.

Placement

Initial class placement of students in all BOCES Programs shall be the responsibility of appropriate BOCES personnel in cooperation with home school district personnel. Class placements shall take place only after all available information has been analyzed and the student has been recommended by appropriate local school district personnel for such placement. All class placements shall be administered and conducted in accordance with accepted practices and the Education Laws and Regulations of the Commissioner.

Class placement within a program (i.e., section or classroom) shall be determined by the appropriate BOCES administrator.

Placement of classified students shall follow the law and Commissioner's Regulations.

Adopted: July 2003

SUBJECT: NON-RESIDENT STUDENTS

a) Students who live outside the thirteen (13) component school districts shall be called "non-resident students."

b) Students who reside outside the thirteen (13) component school districts and desire to attend BOCES classes shall initiate all contacts with BOCES through school district officials of their home school district. Any authorization for non-resident attendance must carry the approval of the local school district and the local BOCES in which the residence is located.

c) Non-resident tuition shall be established by the District Superintendent and shall be approved by the Board.

d) Students who move out of the Dutchess County BOCES boundaries during the school year may be given permission to complete that year in attendance at BOCES at no additional charge.

Education Law Sections 2045 and 3202

Adopted: July 2003

SUBJECT: PREGNANT AND MARRIED STUDENTS

The opportunity to participate in all of the services, programs, and activities of BOCES shall not be restricted or denied because of pregnancy, parenthood, or marriage. BOCES students who are pregnant, married, or who have children shall be encouraged to remain in BOCES programs. In this regard, the District Superintendent or his/her designee may make those program modifications which are feasible and necessary to accommodate the special needs of such students.

Adopted: July 2003

Required Policy

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 BOCES 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 either the school district of current location, the school district of origin, or a school district participating in a regional placement plan as the district 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 school district 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.

(Continued)

SUBJECT: EDUCATION OF HOMELESS CHILDREN AND YOUTH (Cont'd.)

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;
k) Inability to pay fees associated with extracurricular activities such as club dues and sports uniforms; or
l) Other enrollment issues.

Educational Programs and Services

Upon request or authorization from a component school district, the BOCES shall provide homeless children and youth with access to all of its programs, activities and services to the same extent that they are provided to resident students.

Homeless children and youth shall be educated as part of the school's regular academic program. Services must be provided to homeless children and youth through programs and mechanisms that integrate homeless children and youth with their non-homeless counterparts, including programs for special education, vocational and technical education, gifted and talented students, before and after school, English language learners/limited English proficiency, Head Start, Even Start, and school nutrition. Services provided with McKinney-Vento funds must expand upon or improve services provided as part of the regular school program. Consequently, the BOCES shall ensure that homeless children and youth are not segregated in a separate school, or in a separate program within the school, based on their status as homeless; and to the extent feasible consistent with the requirements of Commissioner's Regulations, keep a homeless child or youth in the school of origin except when doing so is contrary to the wishes of the child's or youth's parent or guardian. Further, the BOCES shall review and revise policies and practices, including transportation guidelines, that may act as barriers to the enrollment, attendance, school success, and retention of homeless children and youth in the BOCES.

SUBJECT: EDUCATION OF HOMELESS CHILDREN AND YOUTH (Cont'd.)

All homeless children and youth are automatically eligible for Title I Part A services whether or not they meet the academic standards or live in a Title I school attendance area. Homeless students may receive Title I educational or support services from schoolwide and targeted-assistance school programs.

Transportation

If the local social service district or the Office of Children and Family Services is not required to provide transportation, the designated district is responsible for providing the student's transportation. However, the school district of origin is responsible for the cost of transportation provided by the designated district. Transportation responsibilities apply to all school districts regardless of whether or not they receive McKinney-Vento funds. Where a homeless student designates the school district of current location as the district the student will attend, that district shall provide transportation to the student on the same basis as a resident student. Where the homeless student designates the school district of origin, the district of current location, at the request of a parent/guardian, shall provide or arrange for transportation to and from the school of origin in accordance with law and/or regulation even if the district does not provide transportation to non-homeless students (except for preschoolers). Transportation must be provided during the pendency of enrollment disputes. If the designated district provides transportation for non-homeless preschool children, it must also provide comparable transportation services for homeless preschool children.

BOCES Liaison for Homeless Children and Youth

The BOCES shall designate an appropriate staff person, who may also be a coordinator for other federal programs, 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. The BOCES will inform school personnel, local service providers and advocates of the office and duties of the local homeless liaison.

Training

The BOCES will train all school enrollment staff, secretaries, school counselors, school social workers, and principals on the legal requirements for enrollment. School nutrition staff, school nurses, teachers, and bus drivers will receive training on homelessness that is specific to their field.

Outreach

The BOCES will make every effort to inform the parents or guardians of homeless children and youth of the education, transportation and related opportunities available to their children including transportation to the school of origin. The parent(s)/guardian(s) will be assisted in accessing transportation to the school they select, and will be provided with meaningful opportunities to participate in the education of their children. Public notice of educational rights of homeless children and youth will be disseminated by the BOCES in places where families and youth are likely to be present (e.g., schools, shelters, soup kitchens), and in comprehensible formats (e.g., geared for low literacy or other community needs).

SUBJECT: EDUCATION OF HOMELESS CHILDREN AND YOUTH (Cont'd.)

Dispute Resolution

The BOCES shall establish guidelines for the prompt resolution of disputes regarding school selection or enrollment of a homeless student and provide a written explanation, including a statement regarding the right to appeal to the parent or guardian if the BOCES sends the student to a school other than the school of origin or the school requested by the parent or guardian.

If there is a factual dispute over whether a student is homeless, the BOCES will immediately enroll the student and then provide the parent/guardian the opportunity to submit verification of homelessness. The student will remain enrolled until a final determination is made by the BOCES and for a minimum of thirty (30) days after the final determination to allow the parent/guardian opportunity to appeal to the Commissioner of Education. If the student files an appeal that contains a request for a stay within thirty (30) days of such final determination, the BOCES must continue to enroll the student until the Commissioner rules on the stay request.

Record and Reporting Requirements

If the BOCES receives a request to forward student records to a sending district, the records must be forwarded within five days.

The BOCES shall maintain documentation regarding all aspects of the BOCES contact with and services provided to homeless students and youth for possible on-site monitoring by the State Education Department.

The BOCES 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, Section 722, as reauthorized by the No Child Left Behind Act
42 U.S.C. §§11431 et seq.
Education Law §3209
8 New York Code of Rules and Regulations §100.2(x)

First Reading: February 8, 2006
Second Reading: March 8, 2006
Adopted: March 8, 2006

SUBJECT: CORPORAL PUNISHMENT/PHYSICAL RESTRAINT

Corporal Punishment

Corporal punishment as a means of discipline shall not be used against a student by any teacher, administrator, officer, employee or agent of BOCES.

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) To protect oneself from physical injury;

b) To protect another student or teacher or any other person from physical injury;

c) To protect the property of the school or of others; or

d) To restrain or remove a student whose behavior is interfering with the orderly exercise and performance of school district functions, powers or duties, if that student has refused to comply with a request to refrain from further disruptive acts; provided that alternative procedures and methods not involving the use of physical force cannot reasonably be employed to achieve the purposes set forth above.

Whenever a school employee uses physical force against a student, the school employee shall, within the same school day, make an immediate written report to his/her supervisor describing in detail the circumstances and the nature of the action taken.

The District Superintendent shall submit a written semi-annual report to the Commissioner of Education, with copies to the Board, by January 15 and July 15 of each year, setting forth the substance of each written complaint about the use of corporal punishment received by school authorities during the reporting period, the results of each investigation, and the action, if any, taken by the school authorities in each case.

(Continued)

SUBJECT: CORPORAL PUNISHMENT/PHYSICAL RESTRAINT (Cont'd.)

Physical Restraint

The BOCES holds the belief that the classroom teacher is the key person responsible for the maintenance of acceptable discipline among students. A well-planned program that keeps students occupied with work that is meaningful, interesting and challenging is the best means of preventing disruptive behavior by students. The Board recognizes, however, that under certain circumstances, a classroom teacher, supervisor or administrator may find it necessary to resort to reasonable and prudent physical restraint in maintaining order in or on school premises. Accordingly, the following actions by a teacher are herewith authorized:

a) Physical restraint which may be used to prevent threatened assault, self-inflicted harm or physical injury to other students or personnel;

b) Physical restraint which may be used to prevent damage to school or BOCES property.

Education Law Sections 3028 and 3811
Penal Law Section 35.10
Rules of the Board of Regents Section 19.5
8 New York Code of Rules and Regulations (NYCRR) Section 100.2(1)(3)

Adopted: July 2003

SUBJECT: SUSPENSION OF STUDENTS ATTENDING BOCES PROGRAMS

Suspension from School

In accordance with law and the Dutchess County BOCES Code of Conduct, 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.

The Board retains its authority to suspend students, but places primary responsibility for the suspension of students with the principal (the building principal or "acting principal" supervisor) 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 BOCES during the time of their home school suspension. Administrators of the home districts will be requested to inform BOCES of student suspensions.

Any staff member may recommend to the principal that a student be suspended. All staff members must immediately report and refer a violent student to the principal 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 immediately attention. In such cases a report is to be prepared as soon as possible by the staff member recommending the suspension.

The principal, upon receiving a recommendation or referral for suspension or when processing a case for suspension, shall gather the facts relevant to the matter and record them for subsequent presentation, if necessary.

Short –term (5 school days or less) Suspension from School

BOCES shall initiate the suspension of a disruptive student from one of its programs when other forms of behavior intervention and disciplinary action have failed unless circumstances otherwise warrant. The process for such suspensions is as follows:

a) Suspension may be made by a principal for a period of time not to exceed five school days. Suspensions may not be approved by any other staff member.

b) The student being suspended must be told of the suspension and the reason for the proposed suspension by the principal.

c) The parents/guardians of the student are to be notified in writing within 24 hours with notification by telephone, where possible.

(Continued)

SUBJECT: SUSPENSION OF STUDENTS ATTENDING BOCES PROGRAMS (Cont'd.)

d) The student and parent(s) or guardian(s) shall, on request, be given an opportunity for an informal conference with the building administrator and complaining witnesses. Such notice and opportunity for an informal conference shall take place prior to the 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 practicable.

e) A copy of the suspension letter shall be placed in the student's file.

f) The home school district shall be notified of the suspension.

Long-term (more than 5 school days) Suspension from School

When serious infraction(s) of the code of conduct warrant the consideration of a long term suspension, the matter will be referred to the home school district. In order to facilitate review and action according to the disciplinary procedures established within the home district's code of conduct or, in the case of a student with disabilities, by a manifestation determination as required by state and federal law, the BOCES principal shall provide appropriate documentation to the appropriate school official of the student's home school district.

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 weapon to school shall be suspended for a period of not less than one calendar year. However, the suspending authority may modify this suspension requirement on a case-by-case basis.

b) 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 BOCES PROGRAMS (Cont'd.)

c) 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 and 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.

Suspension of Students with Disabilities

The principal, or District Superintendent may order the Suspension of a student with a disability for a period not to exceed five (5) consecutive school days and not to exceed the amount of time a non-disabled student would be subject to suspension for the same behavior unless the particular suspension would result in a disciplinary change of placement. Any student with a disability who has been suspended for any ten (10) days within a school year must be referred to the Committee on Special Education of the home school district for a manifestation determination hearing. Students with disabilities and their parents should be aware that there are special protections surrounding disciplinary actions which may warrant a manifestation determination and should request specifics of these legal protections from the Committee on Special Education of their home school district.

In-School Suspension

In accordance with the Dutchess County BOCES Code of Conduct, in-school suspension may 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 classwork while attempting to reinforce acceptable behavior, attitudes and personal interaction.

Exhaustion of Administrative Remedies

The filing of an appeal will not postpone the implementation of the suspension during the appeal process. If a parent/person in a parental relation wishes to appeal the decision of the BOCES principal to suspend a student from school, the parent/person in parental relation must appeal in writing within ten (10) days of the suspension decision to the District Superintendent. The District Superintendent will render a decision to the appeal within ten (10) days of receipt of the request for an appeal. If a parent/person in parental relation wishes to appeal the decision of the District Superintendent, the parent/person in parental relation must appeal in writing within ten (10) days of the District Superintendent's appeal decision to the Board prior to commencing an appeal to the Commissioner of Education. The Board will review the appeal at its next regular Board meeting and render a decision in writing within ten (10) days of such meeting. In accordance with law, an appeal to the Commissioner of Education must be filed in writing within thirty (30) days of the Board's written decision.

(Continued)

SUBJECT: SUSPENSION OF STUDENTS ATTENDING BOCES PROGRAMS (Cont'd.)

Education Law Sections 2801 and 3214
8 New York Code of Rules and Regulations
(NYCRR) Section 100.2(2) and Part 201
18 United State Code (USC)
Sections 914 and 921
20 United States Code (USC) Section 8921
20 Unites States Code (USC) Sections 1400-1485,
Individuals with Disabilities Education Act (IDEA)
34 Code of Federal Regulations (CFR.) Part 300

Adopted: July 2003

SUBJECT: PROGRAM EXCLUSION

The principal or program administrator 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.

b) Violation of the Dutchess County BOCES Alcohol and Drug Policy.

c) Unemployability at a school to work job-site resulting from incidents of theft, vandalism, assault, lack of attendance and/or other circumstances.

Adopted: July 2003

SUBJECT: LOSS OR DESTRUCTION OF BOCES PROPERTY OR RESOURCES

The BOCES is authorized to seek restitution, through civil action when necessary, from the parent or guardian of an unemancipated student over the age of ten (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 BOCES; or

b) Has knowingly entered or remained in a BOCES building, and wrongfully taken, obtained or withheld personal property owned or maintained by BOCES.

In instances where Dutchess County BOCES 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

BOCES is also authorized to seek restitution, as described in law, from a parent or guardian of an unemancipated student over the age of ten (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 BOCES in responding to such false report of an incident or false bomb, less the amount of any funds which have been or will be recovered from any other source as enumerated in law.

In seeking restitution, BOCES shall file with the court, 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 Section 60.27

Adopted: July 2003

SUBJECT: STUDENT DRESS CODE

The responsibility for the dress and appearance of students shall rest with individual students and parents in accordance with the BOCES Code of Conduct. Parents have the right to determine how the student shall dress, provided that such attire is not destructive to school property, complies with requirements for health and safety, does not interfere with the educational process, or impinge upon the rights of others. The administration is authorized to take action in instances where individual dress does not meet these stated requirements.

While the school administration may require students participating in physical education classes to wear certain types of clothing such as sneakers, socks, shorts, tee shirts, they may not prescribe a specific brand which students must buy.

This policy does not mean that student, faculty, or parent groups may not recommend appropriate dress for school or special occasions. It means that a student shall not be prevented from attending school or a school function, or otherwise be discriminated against, so long as his/her dress and appearance meet the above requirements.

Adopted: July 2003

SUBJECT: ALCOHOL, DRUGS AND OTHER SUBSTANCES (STUDENTS)

The BOCES encourages cooperation with other community agencies and groups in preventing drug and alcohol abuse. Provision shall be made for instructing employees and students in alcohol, drug and tobacco abuse and prevention. All laws pertaining to drug and alcohol use and possession shall be honored by students, adults, and adult students while on BOCES premises or at BOCES-sponsored activities, regardless of the location of the activity.

The Board recognizes that the issue of drugs and/or alcohol 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, illegal drugs, counterfeit and designer drugs, or paraphernalia for the use of such drugs is prohibited on BOCES premises and at BOCES-sponsored activities, regardless of the location, at all times. In cases of special education students, the policy of the host district will be followed. The inappropriate use of prescription and over-the-counter drugs shall also be disallowed. Persons shall be banned from entering BOCES premises or school-sponsored events when exhibiting behavioral, personal or physical characteristics indicative of having used or consumed alcohol or other substances.

Through the collaborative efforts of staff, students, parents/guardians and the community as a whole, a certifiable comprehensive program shall be developed addressing alcohol and other substances to include the following elements:

Primary Prevention

Preventing or delaying alcohol 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 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.

(Continued)

SUBJECT: ALCOHOL, DRUGS AND OTHER SUBSTANCES (STUDENTS) (Cont'd.)

Drug and Alcohol-Free Education and Prevention Program

In support of the Board's interest in the health and well-being of BOCES students and employees, and its commitment to a drug and alcohol-free learning and work environment, provision shall be made for a "Drug and Alcohol-Free Education and Prevention Program" for students and employees. (Refer also to Policy #7112 -- Prevention Instruction.)

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 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 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 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, illegal drugs, counterfeit and designer drugs, or paraphernalia for the use of such drugs shall be outlined in a Student Code of Conduct.

(Continued)

SUBJECT: ALCOHOL, DRUGS AND OTHER SUBSTANCES (STUDENTS) (Cont'd.)

Staff Development

There shall be ongoing training of BOCES 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 and other substance prevention curricula; intervention staff shall be suitably trained to carry out appropriate services.

Implementation, Dissemination and Monitoring

It shall be the responsibility of the District Superintendent to implement the alcohol 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 BOCES 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.

Drug-Free Schools and Communities Act
Amendment of 1989 (Public Law 101-226)

NOTE: Refer also to Policy #5160 -- Alcohol, Drugs and Other Substances (School Personnel)

Adopted: July 2003

2006 6225

Students

SUBJECT: WELLNESS POLICY

This Dutchess BOCES Wellness Policy has been developed, and shall be regularly reviewed and updated, with involvement of parents, students, representatives of the BOCES food authority, the BOCES Policy Committee, BOCES administrators and members of the public. The District Superintendent or designee is responsible for developing appropriate Wellness Regulations, including a plan for judging the effectiveness of this Policy with measurable benchmarks.

The Dutchess County BOCES is committed to providing a school environment that enhances learning and development of lifelong wellness practices. Given the very unique characteristics of each BOCES educational site, this policy requires each site annually to develop appropriate and measurable wellness goals, to have them approved by the District Superintendent on or before October 1st of each year, and to submit a written evaluation of progress to the District Superintendent on or before July 1st of each year.

To accomplish these goals:

Child Nutrition Programs comply with federal, state and local requirements. Guidelines for reimbursable school meals shall not be less restrictive than applicable federal regulations and guidance issued pursuant to the Child Nutrition Act and the Richard B. Russell National School Lunch Act, as those regulations and guidance apply to schools. Child Nutrition Programs are accessible to all children.

Sequential and interdisciplinary nutrition education is provided and promoted.

Patterns of meaningful physical activity connect to students' lives outside of physical education.

All school-based activities are consistent with local wellness goals.

All foods and beverages made available at BOCES facilities (including vending, concessions, a la carte, student stores, parties, and fundraising) during the school day are consistent with the current Dietary Guidelines for Americans.

All foods made available on campus adhere to food safety and security guidelines.

The school environment is safe, comfortable, pleasing, and allows ample time and space for eating meals. Food and/or physical activity is not used as a reward or punishment.

Child Nutrition and WIC Reauthorization Act of 2004
Federal P.L. 108.265 Section 204

First Reading: June 13, 2007
Second Reading: August 1, 2007
Adoption: August 1, 2007

SUBJECT: SEARCHES AND INTERROGATIONS

Students are protected by the Constitution from unreasonable searches and seizures. A student may be searched and contraband seized on school grounds or in a school building by 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 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.

If reasonable suspicion exists to believe that a student possesses a weapon, it is permissible for an employee to frisk that student.

Lockers

Lockers are provided by the school for student use and the administration has the right to search lockers. A student may have exclusive use of a locker as far as other students are concerned but he/she does not have such exclusivity over the locker as against the school authorities.

Questioning of Students by School Officials

School officials have the right to question students regarding any violations of school rules and/or illegal activity. In general, administration may conduct investigations concerning reports of misconduct which may include, but are not limited to, questioning students, staff, parents/guardians, or other individuals as may be appropriate and, when necessary, determining disciplinary action in accordance with applicable due process rights.

Should the questioning of students by school officials focus on the actions of one particular student, the student will be questioned, if possible, in private by the appropriate school administrator. The student's parent/guardian 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.

(Continued)

SUBJECT: SEARCHES AND INTERROGATIONS (Cont'd.)

The questioning of students by school officials does not preclude subsequent questioning/interrogations by police authorities as otherwise permitted by law. Similarly, the questioning of students by school officials does not negate the right/responsibility of school officials to contact appropriate law enforcement agencies, as may be necessary, with regard to such statements given by students to school officials.

School officials acting alone and on their own authority, without the involvement of or on behalf of law enforcement officials (at least until after the questioning of students by school authorities has been conducted) are not required to give the so-called "Miranda warnings" (i.e., advising a person, prior to any custodial interrogations as defined in law, of the right to remain silent; that any statement made by the individual may be used as evidence against him/her; and that the individual has the right to the presence of an attorney, either retained or appointed) prior to the questioning of students.

If deemed appropriate and/or necessary, the District Superintendent/designee may also review the circumstances with BOCES legal counsel so as to address concerns and the course of action, if any, which may pertain to and/or result from the questioning of students by school officials.

Law Enforcement Officials

It shall be the policy of the Board that a cooperative effort shall be maintained between the school administration and law enforcement agencies. Law enforcement officials may be summoned in order to conduct an investigation of alleged criminal conduct on school premises or during a school-sponsored activity, or to maintain the educational environment. They may also be summoned for the purpose of maintaining or restoring order when the presence of such officers is necessary to prevent injury to persons or property.

Administrators have the responsibility and the authority to determine when the assistance of law enforcement officers is necessary within their respective jurisdictions. BOCES' administrators shall at all times act in a manner that protects and guarantees the rights of students and parents.

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) or the questioning of students concerns a crime committed on school property. If the police wish to speak to a student without a warrant, they should take the matter up directly with the student's parent/guardians.

Family Court Act Section 1024
Education Law Sections 1709(2) and (33) and 2801
8 New York Code of Rules and Regulations
Adopted: July 2003 (NYCRR) Section 100.2(l)

SUBJECT: WEAPONS IN SCHOOL

The possession of a weapon on school property 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 Section 265.01

NOTE: Refer also to Policies #2411 -- Unlawful Possession of a Weapon Upon School Grounds
#6241 -- Gun-Free Schools

Adopted: July 2003

SUBJECT: GUN-FREE SCHOOLS POLICY

No student shall bring onto BOCES premises or have in his/her possession on BOCES premises or bring to any setting that is under the control and supervision of the BOCES, any "firearm" as defined in federal law. The terms "BOCES premises" or "BOCES property" shall mean property owned or leased by BOCES and shall also include BOCES activities off premises, such as field trips. 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" (i.e., any explosive, incendiary, or poison gas, including bombs, grenades, rockets or other similar devices).

In accordance with the Gun-Free Schools Act of 1994 and Section 3214(3)(d) of the Education Law, any student who brings or possesses a firearm, as defined in federal law, onto BOCES property, or has such a firearm in his/her possession on BOCES premises, or brings such a firearm to any setting that is under the control or supervision of the BOCES, will be referred by the District Superintendent to the appropriate agency or authority for a juvenile delinquency proceeding in accordance with Article 3 of the Family Court Act when the student is under the age of sixteen and will be referred by the District Superintendent to the appropriate law enforcement officials when the student is sixteen years of age or older.

In addition, any student attending a BOCES school who has been found guilty of bringing a firearm to or possessing a firearm on BOCES property, after a hearing has been provided pursuant to Section 3214 of the Education Law, shall be suspended for a period of not less than one calendar year and any student attending a non-district school who participates in a program operated by the BOCES using funds from the Elementary and Secondary Education Act of 1965 who is determined to have brought a firearm to a BOCES school or other premises used by the BOCES to provide such programs shall be suspended for a period of not less than one calendar year from participation in such program. Further, after the imposition of the one year penalty has been determined, the District Superintendent has the authority to modify this suspension requirement for each student on a case-by-case basis. In reviewing the student's one year suspension penalty, the District Superintendent may modify the penalty based on factors as set forth in Section 100.2 of the Regulations of the Commissioner of Education and in Commissioner's Decisional Law. The determination of the District Superintendent shall be subject to review by the Board in accordance with Education Law Section 3214(3)(c) and by the Commissioner of Education in accordance with Education Law Section 310.

In the interim, while awaiting determination from the hearing, the student shall be suspended from participation in BOCES programs and shall be provided appropriate alternate instruction, as determined by the District Superintendent and the Superintendent of the local school district.

(Continued)

SUBJECT: GUN-FREE SCHOOLS POLICY (Cont'd.))

The District Superintendent shall notify the parents/guardians of the student involved of the circumstances in finding that their child brought a firearm onto BOCES premises or was in possession of a firearm on BOCES premises. Notification shall also be made to the appropriate agency or authority for juvenile delinquency proceedings for those students under the age of 16 and to appropriate law enforcement officials for those students sixteen years of age or older. Furthermore, this notification shall inform the parents/guardians of the suspension of the student from further participation in BOCES programs pending the determination of the hearing, and the nature of the alternate instruction to be provided the student during this time.

A student with a disability who is determined to have brought a firearm to school may be placed in an interim alternative educational setting, in accordance with federal and state law, for not more than 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 home school district can agree on a different placement.

A student with a disability (as classified by the local school district Committee on Special Education) 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 IDEA, determines that the bringing of a firearm to school was not a manifestation of the student's disability, subject to applicable procedural safeguards. The District Superintendent shall also notify the parents/guardians of a student's referral to the home school district's Committee on Special Education.

If it is determined that the student's bringing of a firearm to school was a manifestation of the student's disability, the District Superintendent 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 home school district/BOCES 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.

The BOCES may also seek a court order to immediately remove a student with a disability from school if the BOCES believes that maintaining the student in the current educational placement is substantially likely to result in injury to the student or to others.

(Continued)

SUBJECT: GUN-FREE SCHOOLS POLICY (Cont'd.)

Students with disabilities continue to be entitled to all rights enumerated in the Individuals With Disabilities Education Act and Article 89 of the Education Law; 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 BOCES from utilizing other disciplinary measures in accordance with the BOCES Code of Conduct, 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 BOCES 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.

Goals 2000: Educate America Act,
P.L. 103-227 (Gun-Free Schools Act of 1994)
18 United States Code (USC) Section 921
Education Law Sections 310, 809-a, 3214,
and Article 89
8 New York Code of Rules and Regulations
(NYCRR) Section 100.2 and Part 200
20 United States Code (USC) Sections 1400-1485,
Individuals With Disabilities Education Act (IDEA)
Family Court Act Article 3

NOTE: Refer also to Policies #2411 -- Unlawful Possession of a Weapon Upon School Grounds
#6240 -- Weapons in School

Adopted: July 2003

SUBJECT: VEHICLE SAFETY

Students attending BOCES classes are expected to use the school buses provided to transport them.

In those instances where students need to provide their own transportation, parking permits may be issued through the respective BOCES school office. Students using vehicles on BOCES property shall obey all traffic regulations of the State and of BOCES. Reckless driving and/or speeding shall not be tolerated. Student parking shall be allowed only in authorized places. Student may have his/her driving privileges on campus suspended and/or be subject to disciplinary action.

Adopted: July 2003

SUBJECT: STUDENT EVALUATION

Each program enrolling students which is operated by BOCES shall have a clearly developed outline of activities, skills to be learned and appropriate projects to be completed by students. Emphasis will be placed on student outcomes. Each student's evaluation will be made on the basis of the completion of his/her objectives, at the appropriate level of performance.

Competency standards will be used where appropriate and they will give guidance to instructors and administration on when certain students are qualified to exit the program.

Promotions

Student promotion shall be offered when students have satisfactorily demonstrated competence based upon appropriate standards and criteria.

Retention and Acceleration

Advancement of students to higher levels shall be based upon achievement, performance, and skill development or other appropriate criteria. Records attending to the progress of students shall be maintained and interviews may be scheduled to share such information regarding the student's progress.

A student may be advanced to the next higher level of instruction upon the recommendation of the classroom teacher and approval of the administrator in charge. Furthermore, a student may remain at one level for as long a period of time as is necessary to achieve success provided the recommendation of the teacher and the approval of the program administrator in charge are in general agreement.

In the event of a disagreement, the District Superintendent or his/her designee shall make a decision to resolve the conflict affecting retention or acceleration.

Examinations

Examinations or tests may be used to assess the effectiveness of instruction or the skill development of a student of groups of students. Such examinations may be prepared by local educators, state officials or recognized publishers. Results on an examination or test should not serve as the sole criterion for promotion unless that instrument is a mastery or competency measure. An appropriate evaluation of a student or program should consist of a variety of measures that are designed to measure relevant objectives.

Adopted: July 2003

SUBJECT: PROVISION OF INTERPRETER SERVICES TO PARENTS WHO ARE HEARING IMPAIRED

The BOCES 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 BOCES within fourteen (14) days of the scheduled event. Exceptions to the time frame request may be made for unanticipated circumstances as determined by the appropriate administrator. The BOCES shall also notify appropriate school personnel as to the terms and implementation of this policy.

If interpreter services are requested, the BOCES shall appoint an interpreter for the hearing impaired to interpret during the meeting or activity. The BOCES will arrange for interpreters through a BOCES-created list or through an interpreter referral service.

In the event that an interpreter is unavailable, the BOCES shall make other reasonable accommodations which are satisfactory to the parents 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: July 2003

SUBJECT: STUDENT RECORDS: ACCESS AND CHALLENGE

Student Records

The Dutchess County BOCES 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.

"Education records" means those records that are directly related to a student and are maintained by Dutchess County BOCES or by a party acting for Dutchess County BOCES.

"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 Dutchess County BOCES 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 18 years of age or is attending an institution of postsecondary education.

Access to Student Records

The Board directs that administrative regulations and procedures be formulated to comply with the provisions of Federal Law relating to the availability of student records. The purpose of such regulations and procedures shall be to make available student records and files on students to parents or eligible students, and to insure the confidentiality of such records with respect to third parties.

Challenge to Student Records

Parents or eligible students shall have an opportunity for a hearing to challenge the content of the school records, to insure that the records are not inaccurate, misleading, or otherwise in violation of the privacy or other rights of students, and to provide an opportunity for the correction or deletion of any such inaccurate, misleading, or otherwise inappropriate data contained therein.

Student Directory Information

The BOCES 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. Following such notice and a reasonable response period, the BOCES may release such information to an outside group without individual consent. In certain instances, directory information may be transmitted via electronic means (e.g., World Wide Web).

(Continued)

SUBJECT: STUDENT RECORDS: ACCESS AND CHALLENGE (Cont'd.)

In accordance with the Family Education Rights and Privacy Act (FERPA), Dutchess County BOCES has designated student directory information as the following: name, address, telephone listing, date and place of birth, major field of study, participation in officially recognized activities and sports, weight and height (if members of athletic teams), dates of attendance, degrees and awards received, the name of the educational agency or institution previously attended by the student, and student photographs.

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

Adopted: July 2003

SUBJECT: CUSTODIAL/NONCUSTODIAL PARENTS

Release of BOCES students in attendance at programs housed in buildings under the administrative control of Dutchess County BOCES component school districts, and access to their educational records, shall be in accordance with the applicable policies and/or procedures of the particular component school district.

In the event that the component school district has not adopted a policy or procedures on release of students or access to educational records by custodial/noncustodial parents, then Dutchess County BOCES 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, the building principal or program administrator may consider the rights of custodial and noncustodial parents to be equal with respect to access to the student's educational records unless Dutchess County BOCES has been provided with a certified copy of a court order or other legally binding document relating to such matters as divorce, separation, or custody that specifically revokes these rights. This includes the right to inspect, review and receive copies of educational records, including progress reports.

The building principal or program administrator shall release such information upon request, in accordance with applicable law. If the custodial parent wishes to limit the 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 that prevents the release of such information.

Access to/Release of Students to Custodial/Noncustodial Parents

The building principal or program administrator 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.

(Continued)

SUBJECT: CUSTODIAL/NONCUSTODIAL PARENTS (Cont'd.)

It is the responsibility of the custodial parent to provide the building principal or program administrator with a certified copy of such court order or other legally binding document, if restricted access to the student or restrictions on release of the student are requested. In the alternative, written authorization from the custodial parent allowing the release of the child to the noncustodial parent will also be honored by the Dutchess County BOCES.

Implementation

Copies of authorizations, or certified copies of all legally binding documents pertaining to child custody and visitation including, but not limited to, Judgments of Divorce and Separation, temporary and permanent court orders, and legally enforceable written agreements between the parties will be maintained in the appropriate school office.

The Board directs the Superintendent or his/her designee to develop administrative regulations and procedures to implement this policy. Such regulations and procedures shall include:

a) Provisions for notification and instruction of BOCES staff regarding this policy, and corresponding responsibilities; and

b) Coordination of communication about the existence of applicable policies and procedures in component school districts.

Education Law Section 3210
Family Educational Rights and Privacy Act (FERPA)
20 United States Code (USC) Section 1232(g)
34 Code of Federal Regulations (CFR.) Part 99

Adopted: July 2003

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

In compliance with the Elementary and Secondary Education Act of 1965, as amended 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 BOCES shall comply with a request by a military recruiter for secondary students' names, addresses, and telephone listings, **unless a parent has "opted out" of providing such information**.

Further, in compliance with the NCLB, the BOCES shall give military recruiters the same access to secondary school students as they provide to postsecondary institutions or to prospective employers.

Under FERPA, the BOCES must provide notice to parents of the types of student information that it releases publicly. This type of information, commonly referred to as "directory information," which is released by the BOCES 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 right to request that the information not be disclosed without prior written parental consent; and further requires that parents be notified that the BOCES routinely discloses students' names, addresses, and telephone listings to military recruiters upon request, subject to a parent's request not to disclose such information without written parental consent.

A single notice provided through a mailing, student handbook, or other method that is reasonably calculated to inform parents of the above information is sufficient to satisfy the parental notification requirements of both FERPA and the NCLB. The notification shall advise the parent of how to opt out of the public, nonconsensual disclosure of directory information and the method and timeline within which to do so.

If a parent opts out of providing directory information (or any subset of such information) to third parties, the opt-out relating to their child's name, address, or telephone listing applies to request for military recruiters as well. For example, if the opt-out states that telephone numbers will not be disclosed to the public, the BOCES may not disclose telephone numbers to military recruiters.

The District Superintendent/designee shall ensure that appropriate notification is provided to parents informing them of their right to opt-out of the release of designated directory information without prior written parental consent.

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
National Defense Authorization Act Section 544

(Continued)

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

10 United States Code (U. S.C.) Section 503
Family Educational Rights and Privacy Act of 1974
20 United States Code (USC) Section 1232(g)
34 Code of Federal Regulations (CFR.)
Section 300.571
Education Law Section 2-a

Adopted: July 2003

SUBJECT: DESIGNATION OF PERSON IN PARENTAL RELATION

In accordance with General Obligations Law Title 15-A, a parent of a minor or incapacitated person may designate another person as a person in parental relation to such minor or incapacitated person for certain health care and educational decisions for a period not exceeding six (6) months. However, such parental designation is conditioned upon there being no prior order of any court in any jurisdiction currently in effect that would prohibit the parent from himself/herself exercising the same or similar authority; and provided further that, in the case where a court has ordered that both parents must agree on education or health decisions regarding the child, a designation pursuant to this law shall not be valid unless both parents have given their consent.

The designation of a person in parental relation must be in writing in the form prescribed by General Obligations Law Title 15-A, and shall include specified information as enumerated in law for designations of thirty (30) days or less, as well as additional information required for designations of more than thirty (30) days. The designation of a person in parental relation may be presented to any school that requires such designation by either the parent or designee. The designation may specify a period of time less than six (6) months for which such designation shall be valid unless earlier revoked by the parent in accordance with law. *However, a designation specifying a period of more than thirty (30) days shall be notarized.*

If no time period is specified in the designation, it shall be valid until the earlier of revocation; or

a) The expiration of thirty (30) days from the date of signature if the designation does not meet the requirements for designations of more than thirty (30) days, or

b) Six (6) months from the date of commencement specified in the designation if the designation meets the requirements for designations of more than thirty (30) days.

Scope of Designation

A designation made pursuant to this law may specify:

a) The treatment, diagnosis or activities for which consent is authorized;

b) Any treatment, diagnosis or activity for which consent is not authorized; or

c) Any other limitation on the duties and responsibilities conveyed by the designation.

Revocation of Designation

A parent may revoke a designation by notifying, either orally or in writing, the designee or a school to which the designation has been presented, or by any other act evidencing a specific intent to revoke the designation. A designation shall also be revoked upon the execution by the parent of a

(Continued)

SUBJECT: DESIGNATION OF PERSON IN PARENTAL RELATION (Cont'd.)

subsequent designation. Revocation by one parent authorized to execute such a designation shall be deemed effective and complete revocation of a designation pursuant to law.

A designee who receives notification from a parent of any such revocation shall immediately notify any school to which a designation has been presented. A parent may directly notify any such school of the revocation, in which case the failure of the designee to notify the school of such revocation shall not make revocation ineffective.

Effect of Designation

a) A designee shall possess all the powers and duties of a person in parental relation pursuant to Public Health Law Sections 2164 and 2504 and Education Law Sections 2 and 3212, unless otherwise specified in the designation.

b) A designation shall not impose upon a designee a duty to support pursuant to Family Court Act Section 413.

c) A designation shall not cause a change in the school district of residence of the child for purposes of the Education Law, and during the period of validity of the designation, the child shall be presumed to be a resident of the school district in which the parent resided at the time the designation was made.

d) A designation shall terminate and be revoked upon the death or incapacity of the parent who signed the designation.

e) The decision of a designee shall be superseded by a contravening decision of a parent.

A person who acts based upon the consent of a designee reasonably and in the good faith belief that the parent has in fact authorized the designee to provide such consent may not be deemed to have acted negligently, unreasonably or improperly in accepting the designation and acting upon such consent. However, any such person may be deemed to have acted negligently, unreasonably or improperly if he/she has knowledge of facts indicating that the designation was never given, or did not extend to an act or acts in question, or was revoked.

No provision of Title 15-A of the General Obligations Law shall be construed to require designation of a person in parental relation as provided within the statute where such designation is not otherwise required by law, rule or regulation.

Education Law §2
General Obligations Law, Title 15-A

First Reading: February 8, 2006
Second Reading: March 8, 2006
Adopted: March 8, 2006

SUBJECT: IMMUNIZATION OF STUDENTS

Students shall not be admitted to BOCES 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 Part 66 of the Regulations of the New York State Department of Health.

Public Health Law Section 2164
Education Law Section 914
10 New York Code of Rules and Regulations
(NYCRR) Part 66

Adopted: July 2003

SUBJECT: ACCIDENTS/FIRST AID TREATMENT

Accidents

All accidents and injuries shall be immediately reported to the building principal or his/her 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 BOCES may provide for student accident insurance for school age students enrolled in BOCES 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. The parent/guardian of the student and the home school district will be notified as soon as possible.

NOTE: Refer also to Policy #6452 -- Administering Medication

Adopted: July 2003

SUBJECT: CHILD ABUSE

The Dutchess County BOCES 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 maltreated school-aged children as described by the law, and to make all school personnel within the BOCES aware of our legal responsibilities under this law.

Regulations shall be developed, maintained and disseminated by administration regarding the:

a) Mandatory reporting of child abuse/neglect;

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; and

f) Obligations for provision of services and procedures necessary to safeguard the life of a child.

Additionally, an ongoing training program for all professional staff shall be established and implemented to enable such staff to carry out their reporting responsibilities.

Social Services Law Sections 411-428
Family Court Act Section 1012
Education Law Section 3209(a)

Child Abuse in an Educational Setting

The BOCES is committed to the protection of students in educational settings from abuse and maltreatment by employees or volunteers as enumerated in law.

"Child abuse" shall mean any of the following acts committed in an educational setting by an employee or volunteer against a child:

a) Intentionally or recklessly inflicting physical injury, serious physical injury or death; or

b) Intentionally or recklessly engaging in conduct which creates a substantial risk of such physical injury, serious physical injury or death; or

(Continued)

SUBJECT: CHILD ABUSE (Cont'd.)

c) Any child sexual abuse, defined as conduct prohibited by Article 130 or 263 of the Penal Law; or

d) The commission or attempted commission against a child of the crime of disseminating indecent materials to minors pursuant to Article 235 of the Penal Law.

"Educational setting" shall mean the building(s) and grounds of the BOCES and BOCES programs; the vehicles under the authorization and supervision of the BOCES for the transportation of students to and from school buildings, field trips, co-curricular and extracurricular activities both on and off BOCES/school grounds; all BOCES 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 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 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.

b) Except where the school/BOCES 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/BOCES administrator of the school in which the child abuse allegedly occurred.

In any case where it is alleged that a child was abused by a BOCES employee or volunteer of the BOCES, the report of such allegations shall be promptly forwarded to the Superintendent of all districts involved with that student and the BOCES District Superintendent whereupon, all School Superintendents involved shall comply with the reporting/notification requirements as mandated by law.

(Continued)

SUBJECT: CHILD ABUSE (Cont'd.)

Any employee or volunteer who reasonably and in good faith makes a report of allegations of child abuse in an educational setting in accordance with the reporting requirements of the law shall have immunity from civil liability which might otherwise result by reason of such actions.

Upon receipt of a written report alleging child abuse in an educational setting, the school administrator or 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/BOCES administrator or Superintendent/District Superintendent must follow the notification/reporting procedures mandated in law and further enumerated in administrative regulations. When the school/BOCES 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 BOCES 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. BOCES administrators and the District Superintendent shall exercise reasonable care in preventing such unauthorized disclosure.

Additionally, teachers and all other BOCES officials shall be provided an annual written explanation concerning the reporting of child abuse in an educational setting, including the immunity provisions as enumerated in law. Further, the Commissioner of Education shall furnish the BOCES with required information, including rules and regulations for training necessary to implement BOCES/staff responsibilities under the law.

(Continued)

SUBJECT: CHILD ABUSE (Cont'd.)

Prohibition of "Silent" (Unreported) Resignations

The District Superintendent and other BOCES 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 Section 3028-b
Penal Law Article 130, 235 and 263
8 New York Code of Rules and Regulations (NYCRR) Part 83

NOTE: Refer also to Policies #6440 -- Sexual Harassment
#6470 -- Notification of Sex Offenders

Adopted: July 2003

SUBJECT: SEXUAL HARASSMENT OF STUDENTS

The Board affirms its commitment to non-discrimination and recognizes its responsibility to provide for all District students an environment that is free of sexual harassment and intimidation. Sexual harassment is a violation of law and stands in direct opposition to District policy. Therefore, the Board prohibits and condemns all forms of sexual harassment by employees, BOCES volunteers, students, and non-employees such as contractors and vendors which occur on BOCES grounds and at all BOCES-sponsored events, programs and activities including those that take place at locations off BOCES premises. 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 the BOCES. Sexual harassment may occur from student-to-student, from staff-to-student, from student-to-staff, as well as staff-to-staff.

(Continued)

SUBJECT: SEXUAL HARASSMENT OF STUDENTS (Cont'd.)

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 the BOCES designated complaint officer(s) through informal and/or formal complaint procedures as developed by the BOCES. 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.

Upon receipt of an informal/formal complaint, the BOCES will conduct a thorough investigation of the charges. 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 the BOCES 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 BOCES policy and regulation, the Student 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, BOCES policy and regulation, 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.

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 harassment has not resumed and that all those involved in the investigation of the sexual harassment complaint have not suffered retaliation.

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).

(Continued)

SUBJECT: SEXUAL HARASSMENT OF STUDENTS (Cont'd.)

The District Superintendent/designee(s) will affirmatively discuss the topic of sexual harassment with all employees and students, express the BOCES 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 BOCES, 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 BOCES' policy and regulations on sexual harassment will be published in appropriate school publications such as teacher/employee handbooks, student handbooks, and/or school calendars.

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.

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

The 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

Adopted: July 2003

POLICY

2006 6441

STUDENTS

SUBJECT: PARENT INVOLVEMENT FOR CHILDREN WITH DISABILITIES

The BOCES Board recognizes the rights of the parent/guardian to be fully informed of all information relevant to the identification, or change in identification, evaluation and educational placement of a child with a disability.

All due process procedures for parents/guardians and children in the Commissioner's Regulations shall be observed by the BOCES.

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) Section 1400 et seq.
34 Code of Federal Regulations (CFR) Part 300
Education Law Sections 4401 and 4402
8 New York Code of Rules and Regulations (NYCRR) Sections 200.1 and 200.5

First Reading: November 2006
Second Reading: December 2006
Adopted: December 2006

SUBJECT: STUDENTS PRESUMED TO HAVE A DISABILITY FOR DISCIPLINE PURPOSES

The parent of a student who has violated any rule or code of conduct of the BOCES and who was not identified as a student with a disability at the time of such behavior may assert several protections provided for under the Individuals with Disabilities Education Act (IDEA) and State regulations *if the BOCES is deemed to have had knowledge (as determined in accordance with law and/or regulations and referenced below) that the student was a student with a disability before the behavior that precipitated the disciplinary action occurred*.

Basis of Knowledge

The BOCES shall be deemed to have knowledge that the student had a disability if prior to the time the behavior occurred:

a) The parent of the student has expressed concern in writing to supervisory or administrative personnel, or to a teacher of the student, that the student is in need of special education and related services. However, expressions of concern may be oral if the parent does not know how to write or has a disability that prevents a written statement;

b) The parent of the student has requested an evaluation of the student; or

c) A teacher of the student, or other BOCES personnel, has expressed specific concerns about a pattern of behavior demonstrated by the student, directly to the supervisory personnel in accordance with the BOCES established child find or special education referral system.

Exception

A student is not a student presumed to have a disability for discipline purposes if, as a result of receiving the information specified above (i.e., subheading "Basis of Knowledge"):

a) The parent of the student has not allowed an evaluation of the student pursuant to law and/or regulations;

b) The parent of the student has refused services under law and/or regulations; or

c) The student has been evaluated and it was determined that the student is not a student with a disability.

(Continued)

SUBJECT: STUDENTS PRESUMED TO HAVE A DISABILITY FOR DISCIPLINE PURPOSES (Cont'd.)

Responsibility for Determining Whether a Student is a Student Presumed to Have a Disability

If it is claimed by the parent of the student or by BOCES personnel that the BOCES had a basis for knowledge, in accordance with law and/or regulation, that the student was a student with a disability prior to the time the behavior subject to disciplinary action occurred, it shall be the responsibility of the District Superintendent of Schools, Building Principal or other school official imposing the suspension or removal to determine whether the student is a student presumed to have a disability.

Conditions That Apply if There is No Basis of Knowledge

If it is determined that there is no basis for knowledge that the student is a student with a disability prior to taking disciplinary measures against the student, the student may be subjected to the same disciplinary measures as any other nondisabled student who engaged in comparable behaviors.

However, if a request for an individual evaluation is made during the time period in which such nondisabled student is subjected to a disciplinary removal, an expedited evaluation shall be conducted in accordance with law and/or regulations. Pending the results of the evaluation, the student shall remain in the educational placement determined by school authorities.

If the student is determined to be a student with a disability, taking into consideration information from the evaluation and information provided by the parents, the BOCES shall provide special education and related services in accordance with law and/or regulations.

Individuals with Disabilities Education Improvement Act of 2004 [Public Law 108-446, Section 615(k)(5)]
Individuals with Disabilities Education Act (IDEA)
20 United States Code (USC) Section 1400 et seq.
34 Code of Federal Regulations (CFR) Part 300
8 New York Code of Rules and Regulations (NYCRR) Section 201.5

First Reading: November 2006
Second Reading: December 2006
Adopted: December 2006

SUBJECT: HUMAN IMMUNODEFICIENCY VIRUS (HIV) RELATED ILLNESSES (STUDENTS)

The Board's position is that a student shall not be denied the right to attend school or continue his/her education who has been diagnosed or identified as having a positive blood test for the antibodies to the Human Immunodeficiency Virus (HIV). The Board further contends that under current law and regulations, the disclosure of confidential HIV-related information shall be strictly limited.

Administrative regulations and procedures shall be developed and implemented by the administration based on recommendations from the New York State Education Department and from consultation with appropriate professional and medical staff in the District.

The District Superintendent shall also establish protocols for routine sanitary procedures for dealing with the cleaning and handling of body fluids in school, with special emphasis placed on staff awareness.

Confidentiality: Public Health Law, Article 27-F

NOTE: Refer also to Policy #5141 -- Human Immunodeficiency Virus (HIV) Related Illnesses (Personnel)

Adopted: July 2003

SUBJECT: ADMINISTERING MEDICATION

Many students are on different types of medication for various reasons. Each teacher and aide should know which children they work with that are on medication and at what time they are to receive the medication. A list of these children who receive medication will be made available to the building administrator and the host building nurse by the special education teacher of each program and a proper process for use of the medication will be developed at each site.

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. 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 an appropriate 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.

Emergency Medication

The administration of emergency mediation (injectable 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

BOCES permits students who have been diagnosed by a physician 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, and parental consent, based on such physician's determination that the student is subject to sudden asthmatic attacks severe enough to debilitate that student.

A record of such physician/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 that the medication is being utilized in accordance with the physician's instructions. Additionally, the student will be required to report to the health office on a

(Continued)

SUBJECT: ADMINISTERING MEDICATION (Cont'd.)

periodic basis as determined by health office personnel so as to maintain an ongoing evaluation of the student's management of such self-medication techniques, and to work cooperatively with the parents and the student regarding such self-care management.

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 may also be involved in determining the proper resolution of such student behavior.

New York State Bureau of Health Service
Education Law Section 916
Public health Law Section 300a

NOTE: Refer also to Policy #6420 -- Accidents/First Aid Treatment

Adopted: July 2003

SUBJECT: STUDENTS WITH DISABILITIES PARTICIPATING IN BOCES PROGRAMS

All students with disabilities attending Dutchess County BOCES, including students of preschool age, shall be provided, to the extent possible, with full access and opportunity to participate in programs, including nonacademic and extracurricular programs and activities that are available to all other students enrolled in the BOCES programs. Nonacademic and extracurricular programs and activities may include counseling services, athletics, transportation, health services, recreational activities, special interest groups or clubs, referrals to agencies that provide assistance to individuals with disabilities and employment of students. Parents/guardians of students with disabilities who attend BOCES shall receive timely notice of such BOCES programs and activities.

8 New York Code of Rules and Regulations (NYCRR) Sections 200.2(b)(1) and 200.2(b)(2)

First Reading: July 2009
Adopted: September 2009

SUBJECT: EQUAL EDUCATIONAL OPPORTUNITY (STUDENTS)

It is the policy of this BOCES to provide, through a positive and effective program, equal educational opportunities for all students in admittance to and/or participation in educational courses, programs or activities; school services; and extracurricular events regardless of race, color, creed, religion, national origin, political affiliation, sex, age, marital status, or disability.

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

The BOCES shall establish and implement regulations and procedures in accordance with applicable law that provide for the prompt and equitable resolution of any and all complaints alleging discrimination on the basis of race, color, creed, religion, national origin, political affiliation, sex, age, marital status or disability.

The BOCES 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 Civil Rights Compliance Officer(s) responsible for handling complaints regarding discrimination, and a description of the BOCES established grievance procedures.

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

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

Section 504 of the Rehabilitation Act of 1973,
29 United States Code Section 794 et seq. -
The Americans with Disabilities Act,
42 United States Code Section 12101 et seq. -
Prohibits discrimination on the basis of disability.

(Continued)

SUBJECT: EQUAL EDUCATIONAL OPPORTUNITY (STUDENTS) (Cont'd.)

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

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

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

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

Adopted: July 2003

SUBJECT: HAZING OF STUDENTS

The BOCES 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 BOCES by negatively impacting the school environment. Hazing of a student by another student or group of students is strictly prohibited on BOCES property; in BOCES buildings; on BOCES buses; by BOCES sponsored groups, clubs or teams; and at BOCES 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 BOCES 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 BOCES *Code of Conduct* for all grade levels.

For purposes of this policy, 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 BOCES policy, the 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 BOCES 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 BOCES 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 students, BOCES employees or third parties who have knowledge of or witness 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 BOCES. 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 BOCES to investigate allegations of hazing. Investigations of allegations of hazing shall follow the procedures utilized for complaints of harassment within the BOCES. Allegations of hazing shall be promptly investigated and will be treated as confidential and private to the extent possible within legal constraints.

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 BOCES.

Knowingly Makes False Accusations

Students who *knowingly* make false accusations against another individual as to allegations of hazing may also face appropriate disciplinary action.

BOCES Responsibility/Training

Personnel at all levels are responsible for taking corrective action to prevent hazing behavior of which they have been made aware at BOCES sites; by school sponsored groups, clubs or teams; and at BOCES 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 BOCES 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.

Disciplinary sanctions for violation of this policy shall be outlined in the 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 §§2801, 3214
8 New York Code of Rules and
Regulations §100.2

First Reading: February 8, 2006
Second Reading: March 8, 2006
Adopted: March 8, 2006

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 BOCES shall cooperate with local police authorities and the local community in promoting and protecting the safety and well being of its students.

It is the policy of the BOCES to disseminate all information which the BOCES receives from local police authorities in conjunction with Megan's Law to designated staff members who might have possible contact with the offender during the course of their school duties including, but not limited to, building principals, supervisors, teachers, office personnel, and custodians. The District Superintendent reserves the right to automatically disseminate such information to additional members of the staff, designated supervisors of non-school groups that regularly use BOCES facilities and have children in attendance, parents/guardians of BOCES students, and other community residents who, in the opinion of the District Superintendent, have an immediate need to be notified of such data in order to protect the safety of our students.

Information that is disseminated to the BOCES pursuant to Megan's Law may be disclosed or not disclosed by the BOCES in its discretion. In situations where BOCES 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 BOCES by local law enforcement authorities. Such law enforcement officials will be notified of this information by the BOCES as appropriate.

Any information which the BOCES receives regarding a sex offender from a source other than the Sex Offender Registry, and which is maintained independent of the requirements of Megan's Law, will be available from the BOCES, upon written request, in accordance with the requirements of the Freedom of Information Law.

Implementation

Administrative regulations shall be developed to implement this policy.

Correction Law Article 6-C
Public Officers Law Section 84 et seq.

Adopted: July 2003

SUBJECT: STUDENT INDIVIDUALIZED EDUCATION PROGRAM (IEP): DEVELOPMENT AND PROVISION

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 BOCES 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 BOCES 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.

Each teaching assistant, teacher aide and other provider responsible for assisting in the implementation of a student's IEP shall have the opportunity to review a copy of the student's IEP (including amendments) prior to the implementation of such program. Further, each teaching assistant, teacher aide and such other provider responsible for assisting in the implementation of a student's IEP shall have ongoing access to a copy of the IEP, which may be the copy provided to the student's special education teacher or the teacher or related service provider under whose direction the supplementary school personnel or other provider works.

A copy of a student's IEP shall be provided to the student's parents at no cost to the student's parents.

Individuals with Disabilities Education Improvement Act of 2004, Public Law 108-446 Section 615(k)(l)
Individuals with Disabilities Education Act (IDEA), 20 United States Code (USC) Section 1400 et seq.
21 United States Code (USC) Section 812(c)
Education Law Articles 81, 85 and 89 and Sections 3208 and 4402(7)
8 New York Code of Rules and Regulations (NYCRR) Sections 200.1(hh), 200.2(b)(11), 200.4(b)(4), 200.4(d)(3)(i), 200.4(e)(3), 200.4(f), 200.4(j), 200.16(e)(6) and 200.22
NOTE: Refer also to Policy #7619 -- Use of Time Out Rooms

First Reading: July 2009
Adopted: September 2009

SUBJECT: CHILD LABOR PROVISIONS

Dutchess County BOCES recognizes that career education, job experiences and Adult Career and Technical Education are integral parts of the programs and services provided for their students, including those under the age of eighteen.

In keeping with this mission, BOCES will remain in compliance will all applicable federal state and local laws relating to child labor. The administration will develop regulations in accordance with the Fair Labor Standards Act, as well as other applicable laws, to regulate the age, hours and conditions of the employment of minors.

Adopted: July 2003

SUBJECT: SAFE PUBLIC SCHOOL CHOICE OPTION TO STUDENTS WHO ARE VICTIMS OF A VIOLENT CRIMINAL OFFENSE

Any BOCES 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 BOCES school that the student attends, shall be allowed to attend a safe public school within the BOCES to the extent required by the federal No Child Left Behind Act (NCLB) and state 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 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

Procedures shall be established for determination by the District Superintendent of whether a student is a victim of a violent criminal offense that occurred on school grounds of the school the student attends. The District Superintendent shall, prior to making any such determination, consult 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 BOCES' 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 BOCES 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 BOCES 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 BOCES 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 BOCES at the same grade level or a transfer to a safe public school within the BOCES 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 BOCES has only one public school within the BOCES or only one public school at each grade level.

Designation of Safe Public School

It shall be the responsibility of the BOCES, based on objective criteria, to designate a safe public school or schools within the BOCES to which students may transfer. However, the BOCES is not required to designate a safe public school where there are no other public schools within the BOCES at the same grade level or transfer to a safe public school within the BOCES is otherwise impossible. Similarly, if the BOCES has only one public school within the School System or only one public school at each grade level, the BOCES shall not be required to designate a safe public school.

(Continued)

SUBJECT: SAFE PUBLIC SCHOOL CHOICE OPTION TO STUDENTS WHO ARE VICTIMS OF A VIOLENT CRIMINAL OFFENSE (Cont'd.)

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 BOCES and must be at the same grade level as the school from which the student is transferring. To the extent possible the BOCES 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. The BOCES shall provide transportation for any student permitted to transfer to the safe public school within the BOCES designated by the School System 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

Adopted: July 2003

POLICY

2009 6500

Students

SUBJECT: STUDENT HEALTH RECORDS

The School shall keep a convenient, accurate, and up-to-date health record of every student. Insofar as the health records include confidential disclosures or findings, they shall be kept confidential.

The Family Educational Rights and Privacy Act (FERPA) is a federal law that protects the privacy of students' "education records." For Pre-K through grade 12 students, health records maintained by the School District, including immunization records and school nurse records, generally are considered "education records" subject to FERPA. In addition, records that the District or School maintains on special education students, including records on services provided to students under the Individuals with Disabilities Education Act (IDEA) are considered "education records" under FERPA because they are:

a) Directly related to a student;

b) Maintained by the School or a party acting for the School; and

c) Not excluded from the definition of "education records."

Since student health and medical information in education records is protected by FERPA, the Health Insurance Portability and Accountability Act of 1996 (HIPAA) Privacy Rule excludes such information from its coverage.

Generally, these records may not be shared with third parties without written parental consent unless the disclosure meets one of the exceptions to FERPA's general consent requirement. One exception permits the disclosure of education records, without parental consent, to appropriate parties in connection with an emergency, if knowledge of the information is necessary to protect the health or safety of the student or other individuals.

Parents have a right under FERPA to inspect and review those health and medical records that are considered "education records" under FERPA. Individual records may be interpreted by the school's registered professional nurse to administrators, teachers and other school officials, consistent with law.

Family Educational Rights and Privacy Act of 1974 (FERPA), 20 United States Code (USC) Section 1232g
Health Insurance Portability and Accountability Act of 1996 (HIPAA), Public Law 104-191 34 Code of Federal Regulations (CFR) Part 99
45 Code of Federal Regulations (CFR) Parts 160, 162 and 164 Education Law Sections 902(b) and 905
8 New York Code of Rules and Regulations (NYCRR) Part 136

First Reading: July 2009
Adopted: September 2009

SUBJECT: CENSORSHIP OF NON-SCHOOL STUDENT PUBLICATIONS

It is the purpose of this policy to promote the best interest and ensure the well being of every student in the Dutchess County BOCES by preventing substantial disruption and/or material interference with school activities and with the general operation of the schools by forbidding publication and/or distribution of literature which contains libelous, obscene, profane statements, prejudicial statements, as well as statements which advocate breaking of state and federal laws as well as school regulations.

The Board, however, does recognize the right of its students to publish or distribute newspapers, magazines and other literature not sanctioned by BOCES. However, BOCES has no responsibility to assist students in the publication of such literature, nor does this Board assume any responsibility for any statements published therein.

The Board permits the distribution of such materials within its schools and on BOCES property only after it has been submitted for administrative review and approval. The Board directs the BOCES Superintendent or his/her designee in keeping with the requirements of the law, to prepare administrative regulations which establish guidelines for students seeking approval for the distribution of non-school publications.

Adopted: July 2003

SUBJECT: STUDENT CLUBS SPONSORED THROUGH DUTCHESS COUNTY BOCES

Student clubs to be sponsored through BOCES which relate to program activities and are not available through the local districts must be approved by the BOCES Board before being offered. Prior to final decisions, Board action will be governed by positive reactions from component districts supporting such clubs and activities that affect students in attendance in their home districts.

NOTE: Refer also to Policy #4441 -- Extracurricular Activity Funds

Adopted: July 2003

Dutchess County BOCES

INSTRUCTION

(Section 7000)

NUMBER

INSTRUCTION

1.1 Safety Conditions and Programs 7110

1.1.1 Fire Drills and Bomb Threats 7111

1.1.2 Prevention Instruction 7112

1.2 Students with Disabilities 7120

1.2.1 Discipline of Students With Disabilities 7121

1.2.2 Time Out Rooms 7122

1.3 Career and Technical Education 7130

1.3.1 BOCES Adult Differential Tuition Guidelines 7131

1.4 Evaluation of Instructional Programs and Services 7140

1.5 Instruction For Students With Limited English Proficiency 7150

1.6 Instructional Technology 7160

1.6.1 Use of Computers and Networked Information Resources (Internet Use) 7161

1.6.2 Internet Content Filtering 7162

INSTRUCTIONAL MATERIALS

2.1 Media Preview and Purchasing 7210

2.2 Controversial Issues 7220

INSTRUCTION (Cont'd.)

(Section 7000)

NUMBER

INSTRUCTIONAL MATERIALS (Cont'd.)

2.3 Use of Copyrighted Materials....7230

2.3.1 Computer Software Copyright....7231

2.4 Textbooks and Other Instructional Materials....7240

2.4.1 Objection to Instructional Materials....7241

2.6 Animals in the School (Instructional Purposes)....7260

INSTRUCTIONAL ARRANGEMENTS

3.1 Field Trips....7310

3.2 School Calendar/School Day....7320

3.3 Homework....7330

SUBJECT: SAFETY CONDITIONS AND PROGRAMS

The practice of safety will be considered an integral part of the instructional program through fire prevention, and emergency procedures and drills.

Each principal will be responsible for the supervision of a safety program for his/her school.

The safety program may include, but not be limited to, in-service training, plant inspection, fire prevention, accident recordkeeping, and emergency procedures and drills.

It shall be the duty of the Board to provide inspections and supervision of the health and safety aspects of the BOCES facilities.

Eye safety devices are to be provided by the BOCES for the protection of employees, students and visitors, and worn in the technology education classes and labs when activities present a potential eye hazard. The BOCES Superintendent or his/her designee will insure that these devices are properly repaired, cleaned and stored to prevent the spread of germs or diseases after individuals use them.

Each classroom teacher is responsible for the safe and proper use of all instructional materials and equipment by students in his/her classroom.

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: July 2003

SUBJECT: FIRE DRILLS AND BOMB THREATS

Fire Drills

The administration of each school building shall provide instruction for and training of students, through fire drills, in procedures for leaving the building in the shortest possible time and without confusion or panic.

Fire drills shall be held at least twelve (12) times in each school year; eight (8) of these shall be held between September 1 and December 1. At least one (1) of the twelve (12) drills shall be held during each of the regular lunch periods, or shall include special instruction on the procedures to be followed if a fire occurs during a student's lunch period.

At least two (2) additional drills shall be held during summer school in buildings where summer school is conducted and one of these drills shall be held during the first week of summer school.

After-School Programs

The building principal of BOCES 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 Threats

School Bomb Threats

A bomb threat, even if later determined to be a hoax, is a criminal action. No bomb threat should be treated as a hoax when it is first received. The BOCES has an obligation and responsibility to ensure the safety and protection of the students and other occupants upon the receipt of any bomb threat. This obligation must take precedence over a search for a suspect object. Prudent action is dependent upon known information about the bomb threat - location, if any; time of detonation; etc. If the bomb threat is targeted at the school parking lot or the front of the school, building evacuation may not be an appropriate response. If the bomb threat indicates that a bomb is in the school or BOCES facility, then building evacuation is necessary unless the building has been previously inspected and secured in accordance with State Education Department Guidelines and as incorporated in the School Emergency Management Plan and administrative regulations.

(Continued)

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

The decision to evacuate a building or to take shelter is dependent upon information about where the bomb is placed and how much time there is to reach a place of safety. Prudent action dictates that students and other occupants be moved from a place of danger to a place of safety. Routes of egress and evacuation or sheltering areas must be thoroughly searched for suspicious objects before ordering an evacuation. Failure to properly search evacuation routes before an evacuation takes place can expose students and staff to more danger than remaining in place until the search has taken place. Assistance is available from local police agencies and the New York State Police to train staff to check evacuation routes.

Police Notification and Investigation

A bomb threat to a school is a criminal act, which is within the domain and responsibility of law enforcement officials. Appropriate State, county, and/or local law enforcement agencies must be notified of any bomb threat as soon as possible after the receipt of the threat. Law enforcement officials will contact, as the situation requires, fire and/or county emergency coordinators according to the county emergency plan.

Therefore, the building administrator or designee is to notify local law enforcement officials and follow established procedures to move all occupants out of harm's way.

Implementation

The Board directs the BOCES Superintendent or his/her designee to develop administrative regulations to implement the terms of this policy. Additionally, such regulations are to be incorporated in the Emergency Management 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 Emergency Management Plan as mandated pursuant to law and/or regulation.

8 New York Code of Rules and Regulations
(NYCRR) Sections 155.13 and 156.3(h)(2)
Penal Law Sections 240.55, 240.60 and 240.61
Education Law Sections 807 and 3623

NOTE: Refer also to Policies #2130 -- Crisis Management
#4542 -- Emergency Management Plan
#6213 -- Loss or Destruction of BOCES Property or Resources

Adopted: July 2003

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

In compliance with the Regulations of the Commissioner of Education, Dutchess County BOCES will provide classroom instruction concerning Acquired Immune Deficiency Syndrome (AIDS) as part of a sequential and comprehensive health education program.

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

The Board recognizes the need to educate students on the hazards of alcohol, tobacco and/or drug abuse. A prevention program will be developed to inform students of:

a) Causes for substance abuse;
b) Physical and psychological damage associated with substance abuse;
c) Avoidance of alcohol, tobacco and drugs; 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 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: July 2003

SUBJECT: STUDENTS WITH DISABILITIES

The Dutchess County BOCES recognizes the existence of individual differences in the intellectual, social, emotional and physical development of children attending school in the component districts. In recognizing these differences the Board supports a system of services offered to our component districts for students with disabilities.

Program Accessibility

The Board affirms its compliance with those sections of the Rehabilitation Act of 1973 dealing with program accessibility.

Section 504 of the Rehabilitation Act prohibits discrimination against qualified individuals with disabilities in federally assisted programs or activities solely on the basis of disability. The BOCES shall make its programs and facilities accessible to all its students with disabilities.

The BOCES official responsible for coordination of activities relating to compliance with Section 504 is the BOCES District Superintendent or designee. He/she shall provide information, including complaint procedures, to any person who feels his/her rights under Section 504 have been violated by the BOCES or its officials.

All students with disabilities shall be provided with full access and opportunity to participate in BOCES programs and extracurricular activities which are available to all other students enrolled in the Dutchess County BOCES. Parents/guardians of students with disabilities shall receive timely notice of such programs and activities.

20 United States Code (USC) Sections 1400-1485,
Individuals with Disabilities Education Act (IDEA)
Education Law Sections 4401-4407
8 New York Code of Rules and Regulations
(NYCRR) Sections 100.5, 100.9, 200.2(b)(1) and
(b)(3), 200.2(c)(2)(v), and 200.6(a)(1) and (a)(3)

Adopted: July 2003
Revised/Adopted: September 2009

SUBJECT: DISCIPLINE OF STUDENTS WITH DISABILITIES

Generally, should a student with a disability infringe upon the established rules of BOCES, disciplinary action shall be in accordance with procedures set forth in the Student Conduct and Discipline Code and in conjunction with applicable law and the determination of the Committee on Special Education. In the case of suspension of a student who has been identified as having a disability, determination has to be made regarding whether or not the suspension is related to the disability; as such, a referral must be made to the Committee on Special Education for a consideration for change of placement. BOCES must ensure that no student with a disability is suspended in excess of ten (10) cumulative days, unless otherwise permitted by law, without a referral to the Committee on Special Education.

Education Law Section 3214
8 New York Code of Rules and Regulations
(NYCRR) Section 100.2(1)

NOTE: Refer also to Policies #6210 -- Student Conduct
#6212 -- Suspension of Students Attending BOCES Programs

Adopted: July 2003

SUBJECT: TIME OUT ROOMS

The Board acknowledges that behavior management practices for students may sometimes include the use of time out rooms. A time out room is an area for a student to safely de-escalate, regain control and prepare to meet expectations to return to the educational program. Time out rooms are to be used in conjunction with a therapeutic behavior management intervention in which a student is removed to a supervised area in order to facilitate self control or to remove a student from a potentially dangerous environment. A time out room shall only be used in conjunction with a behavior management program which teaches and reinforces acceptable behaviors.

Section 100.2 of the Regulations of the Commissioner of Education state that it is the policy of the State Education Department that each school which uses a time out room as part of its behavior management approach should include in their school conduct and discipline policy procedures to insure that such rooms represent therapeutic and safe intervention. In Honig V. Doe, 108 S. Ct. 392 (1988), the United States Supreme Court sanctioned the use of other normal disciplinary procedures for students who are dangerous to themselves or others, including "the use of student carrels, time out, detentions, or the restriction of privileges.

Students who violate the school's conduct and discipline code, as well as any applicable laws and regulations, and whose behavior management plan permits the use of a time out room may be assigned time out by the administration or instructional staff. Students shall be placed in the Time Out Room only after all established alternative methods for controlling their behavior have failed and the students exhibit high-intensity behavior, (i.e., kicking, screaming, hurting themselves or other students, teachers and other staff members.)

School administrators and staff will be provided in-service training on the policies and procedures related to the use of time out rooms and related behavior management practices.

A time out room must include a means for continuous monitoring of the student, both visually and aurally. The time out room must be of an adequate size (width, length and height) to allow the student to move about and recline comfortably. The coiling height must be consistent with the ceiling height throughout the building. Wall and floor coverings should be designed to prevent injury. There should be adequate lighting and ventilation and the temperature of the room should be within the normal comfort range and consistent with the rest of the building. The room must be clean and free of objects and fixtures that could be potentially dangerous to a student and must meet all local fire and safety codes.

The time out room must be unlocked and the door must be able to be opened at will from the inside at all times. The use of locked rooms or spaces for the purposes of time out is prohibited. To insure a student's safety, staff assigned to monitor the time out room must be able to see and hear the student at all times. Individual determinations will be necessary to assess a student's need for direct adult supervision in the time out room.

(Continued)

SUBJECT: TIME OUT ROOMS (Cont'd.)

A time out log shall be maintained for each use of the time out room to monitor the effectiveness of the time out procedure to decrease specified behaviors. Pertinent information to consider includes but is not limited to the following: the student's name; the factors precipitating the time out intervention; the time the student entered and exited the time out room; and name(s) of the staff member(s) who initiated the time out room placement, supervised the student during the time out procedure, and removed the student from the time out room.

When the behavior management plan for a student with a disability includes the use of a time out room, this must be specified in the student's Individualized Education Program Data on the use of the time out room by a student, as described in the physical and monitoring requirements noted above, must be included in the materials reviewed by the Committee on Special Education or the Committee on Preschool Special Education.

The amount of time a student will need to be in a time out room will vary with the student's age, individual needs and behavior management plan. Time limits for student placement in a time out mom am to be based on an initial formula of approximately I minute per year of chronological age, for a maximum of 15 minutes per offense. Circumstances requiring additional time for the student to regain control must be documented. Staff are required to monitor the amount of time that a student is in a time out mom in order to insure that a time out room is not being used to the detriment of a student's educational program

Parents/legal guardians shall be informed by the building principal and his/her designee prior to the initiation of a behavioral intervention for their child which will incorporate the use of a time out room. Upon request, parents/legal guardians will be shown the physical space that will be used for time out. Each room shall provide parents/legal guardians with a copy of the District's policy on the use of time out rooms.

The Board will review this policy on an annual basis and amend it when appropriate.

Adopted: July 2003

SUBJECT: CAREER AND TECHNICAL EDUCATION

Equal Opportunity

The Dutchess County BOCES shall not discriminate on the basis of age, sex, race, color, creed, religion, national origin, political affiliation, marital status, veteran status or disability in any career education program or activity of this BOCES.

The career program and/or activities shall be readily accessible to students with disabilities.

Public Notification

Prior to the beginning of each school year or academic semester, the Dutchess County BOCES shall issue an appropriate public announcement which advises students, parents, employees and the general public that career education opportunities will be offered without regard to sex, race, color, national origin or disability. 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.

Adult Students in Career Education Classes

It is the policy of the Dutchess County BOCES to accept adult students only when such enrollment does not exclude regular, daytime high school students. See Policy #7131 -- BOCES Adult Differential Tuition Guidelines.

Education Law Article 93
Education Law Section 3202(1)
8 New York Code of Rules and Regulations
(NYCRR) Sections 100.2(h) and 141 et seq.

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

Adopted: July 2003

SUBJECT: BOCES ADULT DIFFERENTIAL TUITION GUIDELINES

Chapter 753 of the Laws of 1986 authorized BOCES to establish a differential tuition rate for adults to participate in career and technical education programs.

Adult is defined as "any person under the age of 21 who has received a high school diploma or any person 21 years of age or older, whether or not they have received a high school diploma."

Adults may only participate, at the reduced rate, in currently scheduled career and technical education programs with assigned instructional staff. Adults may be awarded a certificate of completion for such training, however, they may not earn credit towards a high school diploma.

To determine if there is space available in appropriate BOCES classes, class enrollments will be reviewed one week prior to the beginning of the class to determine if vacancies in such classes exist. If vacancies exist, interested adults will be enrolled in such classes as long as the adults do not comprise more than fifty percent of the total class enrollment.

Adopted: July 2003

SUBJECT: EVALUATION OF INSTRUCTIONAL PROGRAMS AND SERVICES

Evaluation may be concerned with the extent to which:

a) Each staff member performs at full potential;

b) Each student attending BOCES programs achieves in accordance with his/her ability;

c) The total learning environment, including institutional processes, physical facilities, and the students, contributes to the accomplishment of the goals of the BOCES.

The Board expects staff members to maintain a continual program of evaluation at every level to determine the extent of progress toward the BOCES objectives. The Board will periodically request the Superintendent to present factual information which it considers necessary to evaluate the effectiveness of the BOCES instructional program.

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

Adopted: July 2003

SUBJECT: INSTRUCTION FOR STUDENTS WITH LIMITED ENGLISH PROFICIENCY

The Board recognizes its responsibility to ensure that students of foreign birth or ancestry, who have limited English proficiency, are provided with an appropriate program of bilingual transitional education or a free-standing program of instruction composed of English as a Second Language component. Regulations and procedures shall be developed pursuant to the Regulations of the Commissioner to:

a) Identify those students with limited English proficiency by means of a diagnostic screening of new entrants and provide a program of bilingual education or English as a Second Language for eligible students. A plan shall be developed to meet the educational needs of each student and proficiency will be measured annually by a language assessment instrument in order to determine further participation by a student. The plan will include assessment of each student's performance in content areas to measure the student's academic progress. State mandated tests may be offered in a student's native language.

b) Ensure that such students have access to appropriate instructional and support services, including guidance programs pursuant to Commissioner's Regulations, and the opportunity to participate in BOCES educational programs, including all existing extracurricular programs and activities, which are available to all other students enrolled in BOCES courses and/or programs.

A student whose score on an English language assessment instrument as specified in Section 154.2(a) of the Commissioner's Regulations is a result of a disability shall be provided special education programs and services in accordance with the individualized education program (IEP) developed for such student and shall also be eligible for services pursuant to Part 154 of the Commissioner's Regulations when these services are recommended in the IEP.

The parent/guardian of a student identified as limited English proficient shall be informed in his/her native language, if necessary, of the student's placement in an instructional program.

The BOCES Superintendent shall ensure that all data required by the Commissioner's Regulations is submitted to the State Education Department in a timely manner.

Education Law Section 3204(2)(2-a)
8 New York Code of Rules and Regulations
(NYCRR) Sections 80.9, 100.2(g), 117, and 154

Adopted: July 2003

SUBJECT: INSTRUCTIONAL TECHNOLOGY

The Board recognizes its responsibility to further the BOCES educational goals through the use of appropriate and high quality technological materials and equipment. For the purpose of this policy, technology refers to computers, interactive videodiscs, Compact Disc-Read Only Memory (CD-ROM) devices, local area networks, satellite transmission and other telecommunications equipment.

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

a) A comprehensive staff development program to ensure appropriate and effective use of technology.

b) The preparation of students to utilize multiple types of technology.

c) The integration of technology within and across all curriculum areas.

d) The equitable distribution and access to technological equipment and materials for all students.

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

Adopted: July 2003

SUBJECT: USE OF COMPUTERS AND NETWORKED INFORMATION RESOURCES (INTERNET USE)

The Dutchess County BOCES is committed to the optimization of student learning and teaching and therefore encourages the use of computers and networked resources, including the Internet (a global network made up of smaller contributing networks). The BOCES encourages computer network use as an integral part of the curriculum. Through software applications, on-line databases, bulletin boards and electronic mail, the network will enhance educational experience and provide statewide, national, and global communication opportunities for staff and students.

Technology protection measures (i.e. filtering software) have been installed on networked computers with access to the Internet in order to protect against user access to images and materials that are obscure and child pornography (as those terms are defined under federal law), and in the case of users who are under age 17, additionally protect against access to images and materials that are harmful to minors as the term is defined under federal law. When access is needed for bona fide research or other lawful purposes, these technology protection measures may be disabled.

The use of school computers, software, network resources and/or the Internet for non-educational purposes such as for profit activity, personal business or illegal activity is prohibited.

Each student or staff member who wishes to use the various schools' networks must establish a user (ID) account in order to assure the integrity of the network and Internet in Dutchess County BOCES. Each account holder must agree to act responsibly and to comply with this Policy and the Administrative procedures promulgated by the District Superintendent regarding access to and use of computers and networked information resources.

Any account user who, after due process has been afforded, is determined to have used BOCES' computers, networked information resources and/or the Internet in violation of this Policy and its administrative procedure may have his/her user account suspended and/or revoked. Also, a breach of the terms of this Policy and Administrative procedures may result in disciplinary action consistent with applicable laws and regulations, the Student Code of Conduct and collective bargaining agreements. A breach of the terms of this Policy and Administrative procedures may further result in a referral to appropriate law enforcement officials where the breach involves suspected illegal or criminal activities.

Users acknowledge that in the course of using the Internet, there may occur interruptions in service beyond the control of the BOCES, which may result in the loss of data, information or files. The BOCES disclaims any and all responsibility for loss of data, information or files, caused by such service interruptions.

Users shall not use the Internet for any purpose that would violate any BOCES policy and/or regulation, or that would violate any State or Federal law or regulation.

Adopted: July 2003

SUBJECT: INTERNET CONTENT FILTERING

The BOCES, in accordance with the provisions of the Children's Internet Protection Act, requires all BOCES computers with Internet access that are used by elementary and secondary students and staff to be equipped with filtering or blocking technology. Once this filtering/blocking technology is in place, newly acquired computers with Internet access used by elementary or secondary students and staff must be linked to this technology within 10 days of installation.

No filtering technology can guarantee that users will be prevented from accessing all inappropriate locations. Proper supervision must be provided while accessing the Internet to further ensure appropriate usage. Under certain supervised circumstances, authorized personnel may override the filtering/blocking technology for a limited, prescribed period of time to assist students and staff with special projects or research. BOCES guidelines will be developed to implement this component of the policy.

The BOCES shall provide certification to document the installation of filtering/blocking technology for its computers with Internet access for students and staff. This certification will fulfill the requirements under the Children's Internet Protection Act to ensure the continuation of federal Universal Service Discounts.

17 United States Code (USC)
Section 1701 et seq.

47 United States Code (USC)
Section 254(h)(5) and (6)

Adopted: July 2003

SUBJECT: MEDIA PREVIEW AND PURCHASING

The Dutchess County BOCES shall collect and maintain a media library for the purpose of assisting and improving instruction for those component districts which subscribe to its service.

No media shall be purchased for the Dutchess County BOCES without having been previewed by the Director/designee in charge of that division.

Purchase of recommended media by the Dutchess County BOCES is solely for the purpose of making materials available to participating schools and in no way shall be construed to mandate or dictate the use of a specific item by any individual or school district.

Adopted: July 2003

SUBJECT: CONTROVERSIAL ISSUES

Controversial issues may be studied as part of the curriculum and teachers shall present these issues in their classrooms in an impartial and objective manner.

It is also recognized that parents and citizens of the community have a right to object to perceived unfair and prejudiced presentations made by a teacher. In considering such objections, the BOCES Superintendent shall provide for a hearing so that both parties may fairly express their views. If requested, the BOCES Superintendent's decision may be appealed to the Dutchess County BOCES.

Adopted: July 2003

SUBJECT: USE OF COPYRIGHTED MATERIALS

It is the intent of the Dutchess County BOCES to abide by the provisions of the United States Copyright Law (Title 17, United States Code, Sections 101, et seq.).

All employees and students are prohibited from copying materials not specifically allowed by the copyright law, fair use guidelines, licenses or contractual agreements, or the permission of the copyright proprietor.

Any employee or student who willfully disregards the copyright policy shall be in violation of Federal Copyright Laws and Board policy and shall assume all liability.

A copyright officer may be appointed by the BOCES Superintendent to provide information for all personnel regarding current copyright law and to maintain copyright records.

Regulations and procedures shall be developed by the administration detailing what can and cannot be copied. Appropriate copyright notices will be placed on or near all equipment used for duplication.

Title 17, United States Code Sections 101 et seq.

Adopted: July 2003

SUBJECT: COMPUTER SOFTWARE COPYRIGHT

It is the intent of the Dutchess County BOCES to adhere to the provisions of copyright laws in the area of microcomputer programs. Though there continues to be controversy regarding interpretation of those copyright laws, the following procedures represent a sincere effort to operate legally. We recognize that computer software piracy is a major problem for the industry and that violations of computer copyright laws contribute to higher costs and greater efforts to prevent copies and/or lessen incentives for the development of effective educational uses of microcomputers. Therefore, in an effort 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 BOCES buildings.

b) BOCES 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 or 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 BOCES will not be extended to employees who violate copyright laws.

f) A designated copyright officer is the only individual who may sign license agreements for software in the BOCES. (Each school using the software also should have a signature on a copy of the software agreement for local control.)

g) The principal of each school site is responsible for establishing practices which will enforce this policy at the school level.

Adopted: July 2003

SUBJECT: TEXTBOOKS AND OTHER INSTRUCTIONAL MATERIALS

Textbooks and other instructional materials necessary to provide an appropriate educational program for students shall be provided by the BOCES. They shall be selected by appropriate instructional personnel and recommended to the BOCES Superintendent or his/her designee for approval. Optional materials may be considered for students whose parent(s) and/or guardian(s) find instructional materials objectionable.

Students may be charged for textbooks or supplemental books that have been lost, destroyed, damaged or defaced.

In the Career Education and Alternative Education programs, certain textbooks, instructional supplies and safety equipment may be sold to the students when these materials can reasonably be expected to be needed by the students as they pursue the careers for which they are being trained.

Education Law Section 701 et seq.

Adopted: July 2003

SUBJECT: OBJECTION TO INSTRUCTIONAL MATERIALS

Any criticism of instructional materials that are in the BOCES programs shall be submitted in writing to the Superintendent. The Board will be informed. A committee which includes the building principal will be designated by the Superintendent to investigate and judge the challenged material.

Adopted: July 2003

SUBJECT: ANIMALS IN THE SCHOOL (INSTRUCTIONAL PURPOSES)

The Board of Education, in recognizing the educational uses of animals in the classroom, requires that permission be obtained from the Building Principal before animals are brought into the school or classrooms. It is the Principal's responsibility to ensure that there is an appropriate educational purpose if any animal is housed in a classroom. Animals are not to be transported on school buses with the exception of animals certified to assist persons with disabilities.

Study and Care of Live Animals

Any school which cares for or uses animals for study shall ensure that each animal in the school be afforded the following:

a) Appropriate quarters;

b) Sufficient space for the normal behavior and postural requirements of the species;

c) Proper ventilation, lighting, and temperature control;

d) Adequate food and clean drinking water; and

e) Quarters which shall be cleaned on a regular basis and located in an area where undue stress and disturbance are minimized.

Only the teacher or those students designated by the teacher are to handle the animals.

It shall be the responsibility of the Principal or his/her designee to develop a plan of care for those animals housed in school in the event of an emergency school closing or in the event the animals remain in the classroom on days when school is not in session.

(Continued)

SUBJECT: ANIMALS IN THE SCHOOL (INSTRUCTIONAL PURPOSES) (Cont'd.)

Instruction in the Humane Treatment of Animals

Students in elementary school must receive instruction in the humane treatment and protection of animals and the importance of the part they play in the economy of nature as well as the necessity of controlling the proliferation of animals that are subsequently abandoned and caused to suffer extreme cruelty.

This instruction may be joined with work in literature, reading, language, nature study, or ethnology.

Americans with Disabilities Act,
42 United States Code (USC) Section 12101 et. seq.
Education Law Section 809
8 New York Code of Rules and Regulations
(NYCRR) Section 100.2(c)(8)

First Reading: February 9, 2006
Second Reading: March 8, 2006
Adopted: March 8, 2006

SUBJECT: FIELD TRIPS

The BOCES, recognizing the inherent value of properly organized and conducted field trips to the educational process, endorses the use of these learning experiences to the degree which financial resources permit. Prior approval of the BOCES Superintendent or designee shall be secured in advance of the intended date of the field trip.

Overnight field trips require approval at least two weeks in advance, thus allowing for sufficient time to communicate with parents, school officials and relevant contact organizations. Appropriate BOCES approved transportation shall be provided, as well as proper adult supervision, maintenance of health and safety conditions, and appropriate insurance coverage of student and adult participants.

Field trip parental permission slips must be completed and sent home with each participating student. A signed permission slip from the parent/legal guardian must be received before the student may participate in the trip.

Transportation

Transportation may be provided for field trips that enhance or enrich the educational program. Arrangements shall be made in accordance with administrative procedures.

Adopted: July 2003

SUBJECT: SCHOOL CALENDAR/SCHOOL DAY

School Calendar

The BOCES shall adopt a school calendar annually upon the recommendation of the BOCES Superintendent. Efforts shall be made to encourage the development and promotion of a common calendar for the school districts within this BOCES.

School Day

The official school day shall provide sufficient opportunity to implement the educational programs and services. The school day shall be flexible enough to accommodate the diverse and various needs of the students, staff(s) or district(s) being served.

Adopted: July 2003

SUBJECT: HOMEWORK

Homework is a significant supplemental learning experience for the individual student. Care must be taken that homework demands on the individual shall be reasonable and shall not preclude other worthwhile instructional experiences.

Adopted: July 2003

DUTCHESS COUNTY BOCES POLICY INDEX

ABSENCES AND EXCUSES -- STUDENT 6110

ACCEPTANCE OF GIFTS, GRANTS AND BEQUESTS TO BOCES 4220, 4320

ACCESS TO PUBLIC RECORDS 2310, 2315

ACCIDENT INSURANCE 6420

ACCIDENTS/FIRST AID TREATMENT 6420

ACCOUNTABILITY FOR BOCES FUNDS 4440

ACCOUNTABILITY OF BOCES PERSONAL PROPERTY 4320

ACCOUNTING, FISCAL 4410-4472

ACQUIRED IMMUNE DEFICIENCY SYNDROME (AIDS) AND HUMAN IMMUNODEFICIENCY VIRUS (HIV) 5141, 6451

ADMINISTRATION OF BUDGET 4130

ADMINISTRATIVE AND SUPERVISORY PERSONNEL/SELECTION PROCEDURES 3113

ADMINISTRATIVE COUNCILS, CABINETS AND COMMITTEES 3220-3223

ADMINISTRATIVE ORGANIZATION AND OPERATION 3210

ADMINISTRATIVE PERSONNEL 3111-3160

ADULT DIFFERENTIAL TUITION GUIDELINES, BOCES 7131

ADVISORY COMMITTEES 1560

AGENDA (BOARD MEETINGS) 1432, 1438

AIDS -- ACQUIRED IMMUNE DEFICIENCY SYNDROME/HUMAN IMMUNODEFICIENCY VIRUS (HIV) 5141, 6451

ALCOHOL AND DRUG ABUSE 5160, 6220

ANIMALS IN SCHOOL (INSTRUCTIONAL PURPOSES) 7260

ANNUAL MEETING 1437

ANNUAL ORGANIZATIONAL MEETING 1438

ANTI-HARASSMENT IN THE BOCES 2420

APPOINTMENT OF PERSONNEL -- PROBATIONARY/PERMANENT 5150

ASSIGNMENTS AND TRANSFERS OF PERSONNEL 5150

ATTENDANCE -- STUDENT 6110

DUTCHESS COUNTY BOCES POLICY INDEX (Cont'd.)

ATTENDANCE AT CONFERENCES, CONVENTIONS AND WORKSHOPS 1520, 5210

ATTENDANCE OF THE BOARD 1230

ATTORNEY: DUTIES OF SCHOOL 1316

AUDIT COMMITTEE 4482

AUTHORIZATION TO EMPLOY TEMPORARY AND/OR PART-TIME EMPLOYEES 5151

AWARDS AND CERTIFICATES -- STUDENT 6330

BEHAVIOR/DISCIPLINE -- STUDENT 6210-6217, 7121

BENEFIT ENTITLEMENTS FOR NON-UNIT ADMINISTRATIVE SUPERVISORY PERSONNEL 3130.1

BENEFITS FOR NON-UNIT CONFIDENTIAL PERSONNEL 3130.3

BENEFITS FOR NON-UNIT MANAGERIAL PERSONNEL 3130.2

BEQUESTS, GRANTS AND GIFTS TO BOCES -- ACCEPTANCE OF 4230, 4320

BID AWARDS: RECOMMENDATION OF 4311

BILLINGS/FEES FOR SERVICES 4470, 4471

BOARD

- Advisory Committees to the Board 1560
- Board Compensation and Expenses 1550
- Board Evaluation 1530
- 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 1210
- Board Member Resignations/Removal From Office 1230
- Board Officers - Powers and Duties 1310
- Board Orientation 1540
- Board Rule Making 1320
- Board Self-Evaluation 1530
- Board Vacancies 1230
- Code of Ethics 5110
- Communication Between Board Members 1321
- Compensation and Expenses 1550
- Defense and Indemnification of Board Members and Employees 5360
- Duties of the Board 1310
- Meetings, Order of Business at Regular 1432
- Methods of Operation 1320
- Number of Members and Term of Office 1120
- Orienting New Members 1540

DUTCHESS COUNTY BOCES POLICY INDEX (Cont'd.)

BOARD (Cont'd)
- Organization and Authority 1110
- Powers and Duties 1310
- Principles for School Board Members 1330
- Professional Development For Board Members 1520
- Term of Office 1120
- Vacancies 1230

BOARD ATTORNEY -- DUTIES OF 1316

BOARD AUDITOR (INTERNAL) -- DUTIES OF 1315

BOARD CLERK -- DUTIES OF 1313

BOARD PRESIDENT -- DUTIES OF 1311

BOARD PURCHASING AGENT -- DUTIES OF 1317

BOARD TREASURER -- DUTIES OF 1314

BOARD VICE PRESIDENT -- DUTIES OF 1312

BOCES FUNDS -- ACCOUNTABILITY 4440

BOCES PERSONAL PROPERTY ACCOUNTABILITY 4320

BOCES SUPERINTENDENT 3111

BOMB THREATS AND FIRE DRILLS 6213, 7111

BONDS: EMPLOYEE 4530

BUDGET ADMINISTRATION 4130

BUDGET DEVELOPMENT AND ADOPTION 4120

BUDGET MODIFICATIONS 4131

BUDGET PLANNING AND PREPARATION 4110

BUDGET TRANSFERS 4135

CABINET MEMBERS 3112

CALENDAR, SCHOOL 7320

CAREER AND TECHNICAL EDUCATION 7130

CAREER EDUCATION ADVISORY COUNCIL 1560

CASH IN SCHOOL BUILDINGS/PETTY CASH FUNDS 4450

CELLULAR TELEPHONE USE 3230

DUTCHESS COUNTY BOCES POLICY INDEX (Cont'd.)

CENSORSHIP OF NON-SCHOOL STUDENT PUBLICATIONS 6510

CHIEF SCHOOL ADMINISTRATORS' COUNCIL 3221

CHILD ABUSE AND NEGLECT 6430

CHILD LABOR PROVISIONS 6480

CHILDREN WITH DISABILITIES 7120, 7121

CITIZEN AND STAFF COMPLAINTS 2240

CIVIL RIGHTS COMPLIANCE OFFICER 1440, 6460, 7120, 7130

CLOSING OF SCHOOLS 2140

CLUBS, STUDENTS 4441, 6520

CODE OF CONDUCT ON BOCES PROPERTY 2410

CODE OF ETHICS FOR ALL BOCES PERSONNEL 5110

COMMITTEES AND COUNCILS
- Administrative Councils, Cabinets and Committees 3220, 3221
- Advisory Committees 1560
- Cabinet 3223
- Chief Administrators' Council 3221
- Library Interloan Advisory Committee 1560
- Occupational Education Advisory Committee 1560
- Special Education Advisory Committee 1560

COMMUNICABLE DISEASES 4543

COMMUNICATIONS AND DISSEMINATED MATERIALS 2120

COMMUNITY RELATIONS AND COMMUNICATIONS 2110

COMPENSATION AND EXPENSES 1550, 5210, 5211

COMPLAINTS AND GRIEVANCES 2240, 5120, 6460, 7120, 7130

COMPUTERS AND NETWORKED INFORMATION RESOURCES (INTERNET USE), USE OF 7161

COMPUTERIZED INFORMATION
- Misuse/Abuse 7250
- Software Copyright 7231

CONDUCT AND DISCIPLINE -- STUDENT 6210-6216, 7121

DUTCHESS COUNTY BOCES POLICY INDEX (Cont'd.)

CONFERENCE ATTENDANCE
- Administrators 3140
- Board Members 1520
- Employees 5210

CONSULTANTS 3160

CONTROVERSIAL ISSUES 7220

COPYRIGHTED MATERIALS 7230, 7231

CORPORAL PUNISHMENT/PHYSICAL RESTRAINT 6211

CRISIS MANAGEMENT 2130

CURRICULUM DEVELOPMENT 7153

DEFENSE AND INDEMNIFICATION OF BOARD MEMBERS AND EMPLOYEES 5360

DEFIBRILLATORS, USE OF 4544

DESIGNATION OF PERSON IN PARENTAL RELATION 6330

DESTRUCTION OR LOSS OF BOCES PROPERTY 6213

DETERMINATION OF EMPLOYMENT STATUS: EMPLOYEE OR INDEPENDENT CONTRACTOR ..5158

DIRECTORY INFORMATION -- STUDENT 6320

DISABILITIES: STUDENTS WITH 7120

DISCIPLINE/CONDUCT -- STUDENT 6210-6216, 7121

DISCIPLINE OF STUDENTS WITH DISABILITIES 7121

DISCRIMINATION 1440, 5120, 5121, 6440, 6460, 7120, 7130

DISPOSAL OF BOCES PROPERTY 4431

DISPOSAL OF CONSUMER REPORT INFORMATION AND RECORDS 4571

DONATIONS 4230

DRESS CODE -- STUDENT 6214

DRUG-FREE WORKPLACE 5161

DRUG AND ALCOHOL ABUSE 5160, 6220

DRUG AND ALCOHOL TESTING PROGRAM, NEW YORK STATE DOT 4521

DUTCHESS COUNTY BOCES POLICY INDEX (Cont'd)

EDUCATION OF HOMELESS CHILDREN AND YOUTH……6160

EMERGENCY CLOSINGS....2140

EMERGENCY MANAGEMENT PLAN....4542

EMPLOYEE ASSISTANCE PROGRAM....5350

EMPLOYEE ATTENDANCE AT CONFERENCES....5210

EMPLOYEE BONDS……4530

EMPLOYEE PERSONNEL RECORDS AND RELEASE OF INFORMATION....5220

EMPLOYEE PHYSICAL AND HEALTH SCREENING....5140

EMPLOYMENT OF RELATIVES OF BOARD MEMBERS....5155

EMPLOYMENT (PROFESSIONAL) SEPARATION....5170

EMPLOYMENT OF STUDENTS/EMPLOYMENT CERTIFICATES....6510

EMPLOYMENT -- SUMMER (STAFF)....5154

EQUAL EDUCATIONAL OPPORTUNITY....6460, 7130

EQUAL EMPLOYMENT OPPORTUNITY....5120

EQUIPMENT AND OTHER PROPERTY (BOCES) -- USE OF BY BOARD MEMBERS/EMPLOYEES....2221

ETHICAL USE OF DATA THROUGH WAREHOUSE SERVICE....7252

ETHICS
- Code of Ethics for All BOCES Personnel....5110
- Ethical Use of Data Through Warehouse Service....7252

EVALUATION
- Evaluation of the BOCES Superintendent, Administrative and Management Personnel....3120
- Evaluation of Instructional Programs and Services....7140
- Evaluation of Personnel....5130
- Examinations (Student)....6310
- Student Evaluation....6310

EXAMINATIONS (STUDENT)....6310

EXECUTIVE SESSIONS OF THE BOARD....1433

EXPENDITURES: APPROVAL OF....4410

EXPOSURE CONTROL PLAN....4560

EXTRACURRICULAR ACTIVITY FUNDS....4441

DUTCHESS COUNTY BOCES POLICY INDEX (Cont'd.)

FACILITIES -- INSPECTION, OPERATION AND MAINTENANCE 4511

FACILITIES PLANNING 4510, 4511

FACILITIES -- USE OF BY PUBLIC 2220

FAMILY AND MEDICAL LEAVE ACT 5345

FEDERAL FUNDS 4220, 4441

FEES -- ESTABLISHMENT OF 4470, 4471

FIELD TRIPS 7310

FINANCIAL ACCOUNTABILITY: ALLEGATIONS OF FRAUD 4480

FINGERPRINTING OF PROSPECTIVE BOCES EMPLOYEES 5156

FIRE DRILLS AND BOMB THREATS 7111

FIXED ASSETS 4432

FLAG DISPLAY 2150

FREEDOM OF INFORMATION 2310

FUNDS
- Accountability For BOCES Funds 4440
- Extracurricular Activity Funds 4441
- Federal and State Funds -- Applications For 4220

GIFTS, GRANTS AND BEQUESTS TO BOCES -- ACCEPTANCE OF 4230, 4320

GOVERNANCE PRINCIPLES OF SCHOOL BOARD MEMBERS 1330

GRIEVANCE PROCEDURE FOR TITLE IX REGULATIONS IMPLEMENTING FEDERAL EDUCATION AMENDMENTS PROHIBITING SEX DISCRIMINATION IN EDUCATIONAL PROGRAMS AT THE DUTCHESS COUNTY BOCES 5122

GROUPING BY SIMILARITY OF NEEDS (STUDENTS WITH DISABILITIES) 7120

GUN-FREE SCHOOLS POLICY 6241

HARASSMENT -- SEXUAL 5121, 6440

HAZARD COMMUNICATION STANDARD 4541

HAZING OF STUDENTS 6462

HEALTH EXAMS -- EMPLOYEES 5140

HEALTH EXAMS -- STUDENTS 6453

HEALTH INSURANCE 5310

DUTCHESS COUNTY BOCES POLICY INDEX (Cont'd.)

HEALTH INSURANCE SALARY CAP....5311

HIV RELATED ILLNESSES/AIDS....5141, 6451

HOME-BASED EMPLOYEES....5157

HOMEWORK....7330

HUMAN IMMUNODEFICIENCY VIRUS - HIV RELATED ILLNESSES/ACQUIRED....5141, 6451

IMMUNE DEFICIENCY SYNDROME (AIDS)....5141, 6451

IMMUNIZATIONS....6410

INCIDENTAL EMPLOYEE AGREEMENTS....4460

INCIDENTAL TEACHING....5153

INFORMATION SECURITY BREACH AND NOTIFICATION....4548

INTERNAL AUDIT FUNCTION....1315.1

INSTRUCTION FOR STUDENTS WITH LIMITED ENGLISH PROFICIENCY....7150

INSTRUCTIONAL MATERIALS AND TEXTBOOKS....7240

INSTRUCTIONAL MATERIALS, OBJECTION....7241

INSTRUCTIONAL ORGANIZATION....7151

INSTRUCTIONAL TECHNOLOGY....7160

INSURANCE....4530, 5310, 6420

INSURANCE, HEALTH....5310

INTELLECTUAL PROPERTY....2120, 5240

INTERNAL AUDITOR: DUTIES OF....1315

INTERNET CONTENT FILTERING....7162

INTERNET USE, USE OF COMPUTERS & NETWORKED INFORMATIONRESOURCES....7161

INTERNS....5151

INTERPRETER SVCS, PROVISION OF, TO PARENTS WHO ARE HEARING IMPAIRED....6311

INTERROGATIONS AND SEARCHES -- STUDENT....6230

INVENTORY....4431-4433

INVESTMENT POLICY....4210

DUTCHESS COUNTY BOCES POLICY INDEX (Cont'd.)

JURY DUTY 5250

LEASED OR OWNED VEHICLES 4520

LEAVES OF ABSENCE 5340

LIABILITY PROTECTION -- BOARD MEMBERS AND EMPLOYEES 5360

LIBRARY INTERLOAN ADVISORY COMMITTEE 1560

LIMITED ENGLISH PROFICIENCY -- INSTRUCTION FOR STUDENTS 7150

LOSS OR DESTRUCTION OF BOCES PROPERTY OR RESOURCES 6213

MAINTENANCE OF PUBLIC ORDER ON SCHOOL PROPERTY 2410

MARRIED AND PREGNANT STUDENTS 6140

MEDIA AND MATERIALS: SELECTION OF 7210

MEDICAID FRAUD, WASTE & ABUSE DETECTION & PREVENTION COMPLIANCE 4490

MEDICATION -- ADMINISTERING 6452

MEETINGS OF THE BOARD 1431-1438

"MEGAN'S LAW" 6470

MILITARY RECRUITERS' ACCESS TO SECONDARY SCHOOL STUDENTS AND INFORMATION ON STUDENTS 6322

MINUTES OF BOARD MEETINGS 1435

MISUSE/ABUSE OF SOFTWARE AND/OR ELECTRONIC COMMUNICATION SYSTEMS 7250

NEGLECT/CHILD ABUSE 6440

NEGOTIATIONS 5230

NEPOTISM 5155

NEW YORK STATE DIVISION OF TRANSPORTATION DRUG AND ALCOHOL TESTING PROGRAM 4521

NON-DISCRIMINATION 1440, 5120, 5121, 6440, 6460, 7120, 7130

NON-RESIDENT STUDENTS 6130

OATH OF ALLEGIANCE/OFFICE 5111

OCCUPATIONAL EXPOSURE TO BLOODBORNE PATHOGENS 4561

DUTCHESS COUNTY BOCES POLICY INDEX (Cont'd.)

ORDER OF BUSINESS (REGULAR MEETINGS) 1432

ORDERING GOODS 4420

ORGANIZATIONAL CHART 3211

OWNED OR LEASED VEHICLES 4520

PARENTS, CUSTODIAL/NON-CUSTODIAL 6321

PARENT INVOLVEMENT FOR CHILDREN WITH DISABILITIES 6441

PARLIAMENTARY PROCEDURE: USE OF 1510

PART-TIME AND TEMPORARY EMPLOYEES 5151

PERFORMANCE REVIEW 3120, 5130

PERSONAL INJURY 5142

PERSONAL PROPERTY ACCOUNTABILITY: BOCES 4320

PERSONNEL INFORMATION -- RELEASE OF/EMPLOYEE PERSONNEL RECORDS 5220

PERSONNEL RECRUITMENT, SELECTION AND APPOINTMENT/
ASSIGNMENTS AND TRANSFERS 5150

PETTY CASH FUNDS 4450

PHYSICAL RESTRAINT/CORPORAL PUNISHMENT 6211

PHYSICALS/HEALTH SCREENING 5140, 6453

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 6553

PREVENTION INSTRUCTION 5160, 6220, 7112

PROFESSIONAL GROWTH 5210

PROFESSIONAL STAFF CONSULTING ACTIVITIES 5240

PROFESSIONAL STAFF: SEPARATION 5170

DUTCHESS COUNTY BOCES POLICY INDEX (Cont'd.)

PROGRAM ACCESSIBILITY -- SECTION 504 OF THE REHABILITATION ACT OF 1973 7120

PROGRAM EXCLUSION 6212.1

PROGRAM INITIATION 7152

PROGRAM REVIEW 7140

PROMOTIONS -- STUDENT 6310

PUBLIC ACCESS TO RECORDS 2310, 2315

PUBLIC RELATIONS 2110

PURCHASING
- Principles 4310
- Procurement of Goods and Services 4311

PURCHASING AGENT -- DUTIES OF 1317

QUORUM 1434

RECORDS
- Employee Personnel Records 5220
- Public Access to Records 2310
- Records Access Officer 1318
- Records Management 4570
- Records Management Officer 1318
- Records Officers 1318
- Records Retention and Disposition Officer 1318
- Release of Personnel Information 5220
- Student Records: Access and Challenge 6320

RECORDS MANAGEMENT 4570

RECORDS OFFICERS 1318

RECRUITMENT, SELECTION AND APPOINTMENT OF PERSONNEL/ ASSIGNMENTS AND TRANSFERS 5150

REFERRAL/PLACEMENT -- STUDENT 6120

REFRESHMENTS/MEALS SERVED AT BOCES-SPONSORED MEETINGS 4425

REGULAR MEETINGS OF THE BOARD OF COOPERATIVE EDUCATIONAL SERVICES .. 1431

REIMBURSEMENT OF EXPENSES 1550, 5210, 5211

RELEASE OF PERSONNEL INFORMATION/EMPLOYEE RECORDS 5220

RELIGIOUS CONTENT OF AWARDS CEREMONIES AND HOLIDAY PROGRAMS 7180

REPORTING TO PARENTS OR GUARDIANS 6311

DUTCHESS COUNTY BOCES POLICY INDEX (Cont'd.)

RESIGNATION OR RETIREMENT 5190

RETENTION AND ACCELERATION -- STUDENT 6310

REVENUES -- ESTABLISHMENT OF FEES 4470, 7441

SAFETY CONDITIONS AND PROGRAMS 7110

SAFETY/SECURITY 4540

SALE OF SUPPLIES AND MATERIALS 4472

SCHOOL ATTORNEY: DUTIES OF 1316

SCHOOL BUILDING ACCESS CONTROL 4547

SCHOOL BUSES, VIDEO CAMERAS ON 4522

SCHOOL CALENDAR/SCHOOL DAY 7320

SCHOOL SAFETY PLANS 4542

SEARCHES AND INTERROGATIONS OF STUDENTS 6230

SECTION 504 OF THE REHABILITATION ACT OF 1973/PROGRAM ACCESSIBILITY 7120

SECURITY 4540

SELECTION OF MEDIA AND MATERIALS 7210

SEX OFFENDERS, NOTIFICATION 6470

SEXUAL ABUSE -- PROTECTION OF STUDENTS FROM 6431

SEXUAL HARASSMENT 5121, 6440

SMOKE FREE ENVIRONMENT 4550

SOLICITATION OF CHARITABLE DONATIONS FROM STUDENTS 2251

SOLICITATION OF CHARITABLE DONATIONS (PERSONNEL) 2252

SPECIAL EDUCATION ADVISORY COMMITTEE 1560

SPECIAL MEETINGS OF THE BOARD 1436

SPECIAL PROJECT CONTRACTS 4460

STAFF RECRUITMENT SELECTION AND APPOINTMENT 5150

STAFF SPECIALISTS 3140

DUTCHESS COUNTY BOCES POLICY INDEX (Cont'd.)

STAFF-STUDENT RELATIONS (FRATERNIZATION)……5180

STATE AND FEDERAL FUNDS, APPLICATIONS....4220

STATEWIDE UNIFORM VIOLENT INCIDENT REPORTING SYSTEM 2430

STUDENT ACTIVITY FUND 4441

STUDENT AWARDS....6330

STUDENT BEHAVIOR/DISCIPLINE 6210-6214, 7121

STUDENT DIRECTORY INFORMATION 6320

STUDENT DRESS CODE....6214

STUDENT EVALUATION -- PROMOTION/RETENTION AND ACCELERATION....6310

STUDENT HEALTH RECORDS....6500

STUDENT INDIVIDUALIZED EDUCATION PROGRAM (IEP): DEVELOPMENT & PROVISION ... 6475

STUDENT PHYSICALS AND HEALTH SCREENING 6453

STUDENT PUBLICATIONS (NON-SCHOOL) -- CENSORSHIP OF 6520

STUDENT RECORDS: ACCESS AND CHALLENGE....6320

STUDENT REFERRAL AND PLACEMENT 6120

STUDENT TEACHERS 5151

STUDENTS PRESUMED TO HAVE A DISABILITY FOR DISCIPLINE PURPOSES……6450

STUDENTS WITH DISABILITIES
- Discipline....7121
- Grouping by Similarity of Needs....7120
- Participation in Programs....7120
- Program Accessibility/Section 504 of the Rehabilitation Act of 1973....7120

STUDENTS WITH DISABILITIES PARTICIPATING IN BOCES PROGRAMS 6455

SUBSTITUTE TEACHERS -- REGULAR/PER DIEM 5151

SUMMER EMPLOYMENT (STAFF) 5154

SUSPENSION OF STUDENTS 6212, 7121

TAX SHELTERED ANNUITIES....5330

TEACHERS -- SUBSTITUTE....5151

TEMPORARY AND PART-TIME EMPLOYEES....5151

DUTCHESS COUNTY BOCES POLICY INDEX (Cont'd.)

TEXTBOOKS AND OTHER INSTRUCTIONAL MATERIALS....7240

TIME OUT ROOMS....7122

TRANSFERS AND ASSIGNMENTS OF PERSONNEL....5150

TRANSPORTATION
- Field Trips....7310
- Owned or Leased Vehicles....4520
- Video Cameras on School Buses....4522

TREASURER: DUTIES OF....1314

TUITION CHARGES FOR BOCES STUDENTS ENROLLED OUTSIDE THE BOCES....6150

TUITION GUIDELINES, BOCES ADULT DIFFERENTIAL....7131

TUITION RATES: CAREER EDUCATION, SPECIAL EDUCATION AND ALTERNATIVE EDUCATION....4471

USE OF BOCES-OWNED EQUIPMENT AND OTHER PROPERTY: BOARD MEMBERS/EMPLOYEES....2221

USE OF BOCES CREDIT CARD....4312

USE OF COPYRIGHTED MATERIALS....2120, 7230

VACANCIES ON THE BOARD....1230

VEHICLE SAFETY....6250

VEHICLES: OWNED OR LEASED....4520

VIDEO CAMERAS ON SCHOOL BUSES....4522

VISITS TO BOCES FACILITIES, SCHOOLS AND PROGRAMS....2210

VOLUNTEERS....2230

WEAPONS UPON SCHOOL GROUNDS....2411, 6240, 6241

WEBSITE....2160

WELLNESS POLICY (STUDENTS)....6225

WNYRIC INTERNET ACCESS AND ETHICAL USE OF DATA THROUGH WAREHOUSE SERVICE....7252

WORKERS' COMPENSATION....5320