FOREWORD

Contained herein are the policy statements formulated by the Cattaraugus-Allegany-Erie-Wyoming Board of Cooperative Educational Services.

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

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

Policy should accomplish the following:

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

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

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or administrative enactment, all other parts shall remain in full effect unless and until they are amended or repealed by the Board.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

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

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

Upon request, Cattaraugus-Allegany-Erie-Wyoming BOCES will furnish services to school districts through cross-contractual arrangements.
Cattaraugus-Allegany-Erie-Wyoming BOCES

BY-LAWS

(Section 1000)

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SUBJECT: ORGANIZATION AND AUTHORITY

General Responsibilities of Board Members

The Board of Cooperative Educational Services, Sole Supervisory District of Cattaraugus-Allegany-Erie-Wyoming Counties, New York is a corporate body and derives its powers and duties from the state of New York. The basic mission of the Board of Cooperative Educational Services is to benefit the people of our area by enhancing the quality of education and training through shared resources.

As a corporate body created under the Education Law of New York State, the Cattaraugus-Allegany-Erie-Wyoming 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 Cattaraugus-Allegany-Erie-Wyoming BOCES Board.

Organization

The Cattaraugus-Allegany-Erie-Wyoming BOCES Board shall be made up of nine (9) members elected to represent the twenty-two (22) component districts within the BOCES area.

"GENTLEMEN'S AGREEMENT" ON BOCES BOARD MEMBERSHIP

a) The BOCES Board will be comprised of nine (9) members.

b) Representatives are elected from areas but represent all the students of the Supervisory District.

c) All members hold three (3) year terms and are elected to terms in the following rotation:

1. - Areas 2, 5, 6
2. - Areas 3, 7, 9
3. - Areas 1, 4, 8

Education Law Section 1950

(Continued)
Areas of Representation

CATTARAUGUS-ALLEGANY-ERIE-WYOMING BOCES
SUBJECT:  QUALIFICATIONS OF BOARD MEMBERS

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

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

Educational Law Sections 1950(2-a) and 2103

Adopted: 8/2/06
SUBJECT: NOMINATION AND ELECTION OF BOARD MEMBERS

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

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

Election of the Cooperative Board members will occur on a date selected by the President of the Cooperative Board that is on or after April sixteenth and on or before April thirtieth. No component district may have more than one member on the Cooperative Board. The ballot will be prepared by the Clerk of the BOCES and mailed to each component district no later than fourteen (14) days prior to the date designated as the day of the election by the President of the Board of Cooperative Educational Services.

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

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

Board members are elected for terms as indicated in Policy #1110 -- Organization and Authority.

Education Law Section 1950(2-a)

Adopted: 8/2/06
SUBJECT: VACANCIES ON THE BOARD

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

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

b) If the vacancy occurs before January 1st in any school year, or, during the period beginning five days prior to the date designated for submission of nominations of candidates and ending on the last day of the school year, the vacancy for the unexpired term shall be filled by special election, no later than 45 days after the date the vacancy occurred.

A member of the 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: 8/2/06
SUBJECT:  POWERS AND DUTIES OF THE BOARD AND ITS OFFICERS

The powers and duties of the Cattaraugus-Allegany-Erie-Wyoming Board of Cooperative Educational Services 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 assistants, teachers, supervisors, clerical help and other personnel necessary to carry out the program;

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

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

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

Education Law Section 1950(4)

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

Adopted:  8/2/06
SUBJECT: DUTIES OF THE PRESIDENT

The President shall be a member of the Cattaraugus-Allegany-Erie-Wyoming Board of Cooperative Educational Services, and be elected by the Board at its Annual Reorganizational 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) May act as an ex-officio member of all committees;
e) Execute documents on behalf of the Board when so authorized;
f) Receive all communications presented to the Board;
g) Enforce the by-laws and rules of order;
h) Discharge responsibilities imposed by law, and to perform the other usual and ordinary duties of the office and such duties as may be specified from time to time by the Cattaraugus-Allegany-Erie-Wyoming Board of Cooperative Educational Services.

Education Law Section 1950(4)(j)

Adopted: 02/03/16
SUBJECT:  DUTIES OF THE VICE PRESIDENT

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

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

Adopted:  8/2/06
SUBJECT: DUTIES OF THE CLERK OF THE BOARD

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

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

c) The Clerk shall, in addition:

1. Attend all meetings of the Board of Cooperative Educational Services and furnish copies of minutes within a reasonable time to each member of the Board of Cooperative Educational Services, the District Superintendent, Treasurer, Attorney for the Board, Presidents of the various Associations, and to such other persons as the Board shall direct;

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

3. 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 Reorganizational Meeting until a President and Vice President are sworn in;

6. Upon direction from the Board of Cooperative Educational Services, countersign on behalf of the Board all formal documents required to be countersigned by law or custom.

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

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

Adopted: 8/2/06
SUBJECT: DUTIES OF THE TREASURER

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

a) Receive all money due to the Board of Cooperative Educational Services, deposit same in banks designated by the Board, and have general responsibility for the custody of the funds of the BOCES. All moneys to be paid out shall be by check drawn on depositories after approval by the Claims Auditor. All checks shall be signed by the Treasurer. The use of a check-signer machine is authorized. Custody and safekeeping shall be the responsibility of the Treasurer.

b) Keep a detailed account of the moneys received and receivable, disbursed and encumbered in each account and present such information to the Board of Cooperative Educational Services at each of its regular meetings.

c) Submit such additional accounts and reports as are required by law, by Commissioner's Regulations, or by the Board of Cooperative Educational Services.

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

Education Law Sections 1950(7)(j) and 2130
8 New York Code of Rules and Regulations
(NYCRR) Section 170.2(o) and (p)

Adopted: 8/2/06
SUBJECT: APPOINTMENT AND DUTIES OF THE CLAIMS AUDITOR

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

Qualifications

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

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

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

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

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

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

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

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

1. Examine all claim forms with respect to the availability of funds within the appropriate codes and adequacy of evidence to support the Boces expenditure;
2. Substantiate receipts or other revenues or expenditures;
3. Meet such other requirements as may be established by the Regulations of the Commissioner of Education and/or the Comptroller of the State of New York.

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

Adopted: 8/2/06
SUBJECT: DUTIES OF THE SCHOOL ATTORNEY

The Board of Cooperative Educational Services shall appoint attorney(s) to give legal advice to the Board, as needed. Said attorney(s) shall give legal advice to the Board and to the District Superintendent on those matters referred to him/her.

Adopted: 02/03/16
SUBJECT: DUTIES OF THE EXTERNAL (INDEPENDENT) AUDITOR

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

Request for Proposal Process

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

Education Law Sections 1709(20-a), 2110-a, 2116-a and 2854(c)  
General Municipal Law Sections 33 and 104-b  
8 New York Code of Rules and Regulations (NYCRR) Sections 170.2, 170.3 and 170.12

Adopted: 8/2/06
SUBJECT: RECORDS OFFICERS

Records Access Officer

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

Records Management Officer

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

Adopted: 8/2/06
SUBJECT: DUTIES OF THE INTERNAL AUDITOR

The Internal Auditor reports directly to the Board.

The BOCES may use its employees, inter-municipal cooperative agreements, shared services to the extent authorized by Education Law Section 1950, or independent contractors as the person/entity serving as Internal Auditor. The person or entity serving as Internal Auditor must follow generally accepted auditing standards, be independent of BOCES business operations, and have the requisite knowledge and skills to complete the work.

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

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

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

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

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

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

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

NOTE: Refer Also to Policy #4483 -- Internal Audit Function

Adopted: 8/2/06
SUBJECT:  METHODS OF OPERATION

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

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

Adopted: 8/2/06
SUBJECT: COMMUNICATION AMONG BOARD MEMBERS

Official BOCES Board business must be conducted in accordance with the Open Meeting Law. A convening of five (5) 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: 01/05/11
SUBJECT: BOCES BOARD-DISTRICT SUPERINTENDENT RELATIONSHIP

The BOCES Board will develop and adopt policies. The execution of those policies is the function of the District Superintendent.

The BOCES Board holds the District Superintendent responsible and accountable for the administration of its policies, the execution of BOCES Board decisions, the day-to-day operation of the overall program, and for keeping the BOCES Board informed.

Adopted: 01/05/11
SUBJECT: FORMULATION AND ADOPTION OF POLICY

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

All policy considerations shall be placed on the agenda of regular Board meetings and shall be adopted only after the proposal has been moved, discussed and voted on affirmatively at two (2) separate meetings of the Board (i.e., the "first reading" and the "second reading"). The policy draft may be amended at the second meeting. By a majority vote, the Board may waive the "second reading" and complete the adoption of the proposed policy at its "first reading." Amendments to Board policy shall be considered in the same manner. All policy and amendments to policy shall be laid on the table until the next regularly scheduled meeting of the Board. Any change in policy or amendment suggested by the District Superintendent or Board members will be on a written notice to the President of the Board with a request it be placed on the agenda at the next regular Board meeting.

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

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

At least once per year, the District Superintendent and/or the Board Policy Committee will review the Board policies and recommend a re-adoption or revision, as necessary.

Adopted: 02/03/16
SUBJECT: EXECUTION OF POLICY: ADMINISTRATIVE REGULATIONS

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

Adopted: 01/05/11
SUBJECT: REGULAR MEETINGS OF THE BOARD OF COOPERATIVE EDUCATIONAL SERVICES

All Board meetings must be open to the public except those portions of the meetings which qualify as executive sessions. In accordance with Section 102 of the Open Meetings Law, a "meeting" is defined as an official convening of a public body for the purpose of conducting public business, including the use of videoconferencing for attendance and participation by the members of the public body. A "public body" is defined as an entity of two (2) or more persons which requires a quorum to conduct public business, including committees and subcommittees. Reasonable efforts shall be made to ensure that all meetings are held in an appropriate facility which can adequately accommodate any and all members of the public who wish to attend.

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. When the District has the ability to do so, notice of the time and place of a meeting shall be conspicuously posted on the District's internet Web site.

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

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

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.

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

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

In the event that a meeting date falls on a legal holiday, interferes with other area meetings, or there is an inability to attend the meeting by Board members to the extent that a quorum would not be (Continued)
SUBJECT: REGULAR MEETINGS OF THE BOARD OF COOPERATIVE EDUCATIONAL SERVICES (Cont’d)

present, the Board shall select a date for a postponed meeting at the previous regular meeting, and shall direct the Clerk to notify all members.

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

a) Notwithstanding the foregoing, the Board shall in no event meet less than once each quarter.

b) All official business must be conducted with a quorum present and all decisions made on the basis of a majority vote of the entire Board membership.

c) An agenda shall be prepared by the District Superintendent prior to the meeting. For regular meetings, the agenda shall be distributed at least 48 hours prior to the meeting.

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

Recording of Meetings

The Board recognizes that advances in technology allow public meetings to be photographed, broadcast, webcast and/or otherwise recorded, by means of audio or video, in a non-disruptive manner and supports the use of such technology to facilitate the open communication of public business. To that end, the Board may adopt rules addressing the location of the equipment and/or personnel used to photograph, broadcast, webcast and/or record such meetings to assure that its proceedings are conducted in an orderly manner. Such rules shall be conspicuously posted during meetings and written copies provided, upon request, to meeting attendees.

Public Expression at Meetings

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

The Board of Education reserves the right to enter into executive session as specified in Policy #1433 -- Executive Sessions of the Board.

Quorum

The quorum for any meeting of the Board shall be five (5) members. No formal action shall be taken at any meeting at which a quorum is not present. When only a quorum exists, the Board shall act by unanimous vote unless otherwise required by the laws of the State of New York.

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

Use of Parliamentary Procedure

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

Education Law Sections 1708 and 2504
General Construction Law Section 41
Public Officers Law Article 7, Section 103(d), 104 and 107

NOTE: Refer also to Policies #1520 -- Special Meetings of the Board of Education
#1540 -- Executive Sessions
#4310 -- Purchasing
#5155 -- Employment of Relatives of Board of Education Members
#7240 – Textbooks and Other Instructional Materials

Adopted: 02/03/16
SUBJECT: ORDER OF BUSINESS AT REGULAR BOARD MEETINGS

An agenda of matters to be considered at each regular Board meeting, along with available information concerning each item, shall be provided to each Board member and the Clerk of the Board, prior to the meeting to which they apply, whenever possible.

The District Superintendent, in consultation with the Board President, shall prepare the agenda for regular meetings. Items may be placed on the agenda by the District Superintendent and/or any Board member.

Adopted: 8/2/06
SUBJECT: EXECUTIVE SESSIONS OF THE BOARD

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

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

a) Matters which will imperil the public safety if disclosed;

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

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

d) Discussions regarding proposed, pending or current litigation;

e) Collective negotiations pursuant to Article 14 of the Civil Service Law;

f) The medical, financial, credit or employment history of any particular person or corporation, or matters leading to the appointment, employment, promotion, demotion, discipline, suspension, dismissal or removal of any particular person or corporation;

g) The preparation, grading or administration of examinations;

h) The proposed acquisition, sale or lease of real property or the proposed acquisition of securities, or sale or exchange of securities held by such public body, but only when publicity would substantially affect the value thereof.

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

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

Adopted: 8/2/06
SUBJECT: QUORUM

The quorum for any meeting of the Board of Cooperative Educational Services shall be five (5) members. No formal action shall be taken at any meeting at which a quorum is not present. A duly called meeting may be adjourned by less than a quorum if a quorum is not present within twenty (20) minutes after the time set for commencement of the meeting. In the event a meeting is adjourned, the President shall set the date, time and place of the reconvening of the adjourned meeting, with reasonable notice being given by the Clerk to all Board members.

If only a quorum exists (5 members), final action on resolutions cannot be taken except by unanimous votes. A resolution may be adopted only if passed unanimously by the five (5) 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. (Refer also to Policy #5155 -- Employment of Relatives of Board Members.)

Education Law Section 3016

Adopted: 8/2/06
SUBJECT: MINUTES OF BOARD MEETINGS

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

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

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

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

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

Minutes of Executive Sessions

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

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

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

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

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

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

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

Work Sessions

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

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

Public Officers Law Sections 103 and 104

Adopted: 8/2/06
SUBJECT: ANNUAL MEETING

The Annual Meeting of the Cattaraugus-Allegany-Erie-Wyoming Board of Cooperative Educational Services shall be held during the month of April, on or before April 15, at such place and time as designated by Board resolution.

The meeting shall provide for:

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

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

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

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

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

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

Adopted: 8/2/06
SUBJECT: ANNUAL REORGANIZATIONAL MEETING

The Board shall hold its Annual Reorganizational 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. Board Secretary;
   3. Treasurer;
   4. Deputy Treasurer;
   5. Claims Auditor.

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

g) Other appointments include, but are not limited to:

   1. BOCES Attorney;
   2. Records Access Officer;
   3. Records Management Officer;
   4. Extracurricular Classroom Treasurers;
   5. External (Independent) Auditor;
   6. Internal Auditor;
   7. Purchasing Agent and Alternate;

(Continued)
SUBJECT: ANNUAL REORGANIZATIONAL MEETING (Cont'd.)

8. Title VI, Title IX, Age Discrimination in Employment Act, ADA, Section 504 Compliance Officer;
10. Liaison for Homeless Children and Youth;
11. Accounts Receivable Clerk;
12. Election of Legislative Liaison/Voting Delegates;
13. Others as deemed appropriate/necessary.

h) Designations:

1. Official Bank Depositories;
2. Regular Monthly Meetings;
3. Official Newspaper;
4. Designated Educational Official to receive court notification regarding a student's sentence/adjudication in certain criminal cases and juvenile delinquency proceedings;
5. BOCES Pesticide Representative;
6. Others as deemed appropriate/necessary.

i) Authorizations:

1. District Superintendent to certify payrolls;
2. District Superintendent to approve part-time personnel/instructional and non-instructional per diem substitutes at previously approved Board salary/wage rates;
3. Approval for Board Members and Administrators to attend meetings;
4. Establishment of Petty Cash Fund;
5. Designation of Treasurer to sign all checks;
6. President of the Board and/or District Superintendent to sign necessary contracts on behalf of the Board of Cooperative Educational Services;
7. Vice President to sign contracts in the absence of President;
8. District Superintendent to approve all budget adjustments in accordance with Commissioner's Regulations Section 170.3;
9. Authorization for District Superintendent to apply for Grants in Aid;
10. Authorization for District Superintendent to employ volunteers, interns and student teachers;
11. Investment of Funds;
12. Authorization of over-time;
13. Treasurer to pay bills when due;

(Continued)
SUBJECT:  ANNUAL REORGANIZATIONAL MEETING (Cont'd.)

14. Bonding of designated personnel;
15. Assistant Superintendent approves emergency conditional appointments;
16. Pay newly hired employees to attend full day in-service;
17. Others as deemed appropriate/necessary.

j) Bonding of Personnel:
   1. Treasurer;
   2. All employees who handle cash.

k) Establishment of the mileage rate.

l) Review of required policies and re-adoption of Board policies.

m) Appointment of representatives to Allegany-Cattaraugus County School Boards Association Committees.

Public Officers Law Article 7
McKinney-Vento Homeless Education Assistance Act, Section 722, as reauthorized by the No Child Left Behind Act of 2001

Adopted: 02/03/16
SUBJECT: NON-DISCRIMINATION

NOTICE OF NON-DISCRIMINATION

The Cattaraugus-Allegany-Erie-Wyoming Board of Cooperative Educational Services does not discriminate on the basis of an individual’s actual or perceived race, color, religion, creed, ethnicity, national origin, citizenship; status, age, marital status, partnership status, disability, predisposing genetic characteristics, sexual orientation, gender (sex), military status, veteran status, domestic violence victim status or political identity, gender expression, and religious practices or any other basis prohibited by New York State and/or federal non-discrimination laws in employment or its programs and activities. The District provides equal access to community and youth organizations. Inquiries regarding the District’s non-discrimination policies should be directed to:

Civil Rights Compliance Officer, Human Resources, Cattaraugus-Allegany BOCES, 1825 Windfall Road, Olean, NY 14760, 716-376-8237. Email: CivilRightsCompliance@caboces.org

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).

Civil Rights Compliance Officer

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

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

Age Discrimination in Employment Act,
29 United States Code (USC) Section 621
Americans With Disabilities Act,
42 United States Code (USC) Section 12101 et seq.
Prohibits discrimination on the basis of disability.
Section 504 of the Rehabilitation Act of 1973,
29 United States Code (USC) Section 794 et seq.
Prohibits discrimination on the basis of disability.
Title VI of the Civil Rights Act of 1964,
42 United States Code (USC) Section 2000-d et seq.
Prohibits discrimination on the basis of race, color or
national origin.
Title VII of the Civil Rights Act of 1964,
42 United States Code (USC) Section 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.
Civil Rights Law Section 40-c
Prohibits discrimination on the basis of race, creed,
color, national origin, sex, sexual orientation, marital
status or disability.
Executive Law Section 290 et seq.
Prohibits discrimination on the basis of age, race, creed,
color, national origin, sex, sexual orientation, disability,
military status, or marital status.
Military Law Sections 242 and 243

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

Adopted:  07/06/16
SUBJECT: USE OF PARLIAMENTARY PROCEDURE

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

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

Adopted: 8/2/06
SUBJECT: ATTENDANCE BY BOARD MEMBERS AT CONFERENCES, CONVENTIONS AND WORKSHOPS

The Board encourages the participation of all members at appropriate School Board conferences, workshops and conventions. In order to control both the investment of time and funds, the Board establishes the following procedures:

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

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

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

d) Those who participate will be requested to share information, recommendations, and materials acquired at the meeting, as well as new ideas or procedures and/or cost benefits that can be ascribed to participation at such meetings.

The authorization for Board members to attend a conference, convention, workshop and the like shall be by Board resolution adopted prior to such attendance. The Board may delegate the power to authorize attendance at such conferences to the Board President when gaining the Board’s approval is not feasible.

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

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

NOTE: Refer also to Policy #1560 -- Board Travel Expenses and Travel Compensation

Adopted: 01/05/11
SUBJECT:  MEMBERSHIP IN ASSOCIATIONS

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

a)  New York State School Boards Association;

b)  Allegany-Cattaraugus County School Boards Association;

c)  National School Boards Association;

d)  New York State Rural Schools Association;

e)  Other organizations which may benefit BOCES.

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

Comptroller's Opinion 81-255

Adopted: 01/05/11
SUBJECT: BOARD SELF-EVALUATION

The Board shall review the effectiveness of its internal operations each year and will formulate a plan for improving its performance.

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

Adopted: 02/03/16
SUBJECT: ORIENTING NEW BOARD MEMBERS

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

a) The electee shall be given selected material on the role and responsibility of being part of the Board, which material is supplied by the New York State School Boards Association, the National School Boards Association, and/or other professional organizations.

b) The electee shall be sent agendas and invited to attend Board meetings in May and June.

c) The Clerk shall supply material pertinent to meetings.

d) The electee shall meet with the District Superintendent and other administrative personnel to discuss services they perform for the Board.

e) A copy of the Board's policies and by-laws shall be given each electee by the Clerk.

f) New Board members shall attend orientation programs.

g) The District Superintendent will arrange for briefing the new member on programs and procedures by various administrative staff.

h) Board members will be open and responsive to questions and concerns from other Board members.

Adopted: 02/03/16
SUBJECT: BOARD MEMBER TRAINING ON FINANCIAL OVERSIGHT, ACCOUNTABILITY AND FIDUCIARY RESPONSIBILITIES

Within the first year of election, re-election or appointment, each Board member must complete a minimum of six hours of training on the financial oversight, accountability and fiduciary responsibilities of a school board member. In addition, within the first year of election or appointment for a first term, each Board member must complete a general training on the powers, functions, and duties of school boards, and the duties of other governing and administrative authorities affecting public education, according to a curriculum approved by the Commissioner of Education. The curriculum and provider of this training must be approved by the Commissioner of Education.

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

Education Law Section 2102-a

Adopted: 02/03/16
SUBJECT: BOARD TRAVEL EXPENSES AND TRAVEL COMPENSATION

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

Requests for reimbursement should be submitted within sixty days (60) following the Board members return on the proper form and must be accompanied by appropriate original receipts as well as materials from the conference or meeting attended. Sales tax exemption certificates should be used when appropriate within New York State. Where it is inappropriate to use the New York State sales tax exemption certificate, sales tax will be reimbursed.

Lodging

Lodging will be reimbursed at the single room rate, if one is available. Lodging reimbursement for attendance at meetings will be capped at the Federal IRS guideline in effect at the time and particular location of travel. Such rates are available upon request from the BOCES Business Office. If no suitable hotels are available at or under the federal IRS rate, approval at a higher rate may be made upon a necessary showing to the Executive Committee of the Board, but in no event will lodging exceed the greater of the federal IRS rate or $150 per night. If the travel is for a conference or to a meeting where there is no choice of lodging, the conference or meeting rate for the hotel will apply.

Meals

The BOCES will reimburse for daily meal expenses based upon the daily Federal IRS guidelines in effect at the time and particular location of travel. Such rates are available upon request from the BOCES Business Office. Alcoholic beverages will not be reimbursed and should be on a separate receipt from the one submitted to BOCES for reimbursement. Meal reimbursement on the days of travel to and from the destination will be limited to 75% of the daily Federal IRS meal allowance. The full meal allowance will not be paid where a Board member attends a conference or meeting where meals are provided as part of the conference and/or meeting. Reimbursement for meal expense above the daily allowance will only be allowed upon submission of original receipts and a reason acceptable to the Executive Committee of the Board as to why the expenses exceeded the per diem amount.

National Conferences

Board members interested in attending a national conference must receive travel approval by the full Board and attendance will be contingent on moneys available.

(Continued)
SUBJECT:  BOARD TRAVEL EXPENSES AND TRAVEL COMPENSATION  (Cont’d.)

Guests

A Board member who travels with a guest while on BOCES business will be billed for meal and travel expenses incurred by the guest. Lodging expenses will be charged for a guest where there is a different rate for a double room versus a single room.

Other Expenses

Expenses to be reimbursed shall include, but are not limited to, parking; tolls; mileage at the BOCES approved rate; cab; bus; rail and/or air transportation (at regular coach class rates); and other necessary expenses which are proper in the performance of a member’s official duties. If car rental is necessary, the Board member may request consideration for reimbursement from the Executive Committee.

Expenses, which can be considered "personal", are not reimbursable. These include, but are not limited to, pay television, theater and show tickets, telephone calls not related to BOCES business, and non-related transportation expenses.

NOTE:  Refer also to Policies #1520 -- Attendance by Board Members at Conferences, Conventions and Workshops
        #4411 -- Reimbursement for Meals/Refreshments

Adopted:  02/03/16
SUBJECT: COMMITTEES AND COUNCILS

Board Committees

The President of the Board, with the consent of the Board, may appoint committees of the Board to study and report to the Board on any matter. The President may serve as an ex-officio member of all Board committees. All committee appointments shall expire June 30 of each year.

The charge to each committee, purpose and/or function shall be specified at the time of its creation. A committee may be dissolved by action of the Board.

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.

Audit Committee

The Board has established an audit committee to oversee and report to the Board on the annual internal and external audit functions.

Career and Technical Education Advisory Committee

Each Career and Technical Education program will maintain an Advisory Committee that will provide information and guidance on content, equipment, key systems and practices in the field, preparation required for entry into the workplace, and enhancing the transition from high-school to post-secondary study. Membership on Advisory Committees will consist of local employers, post-secondary educators and others with appropriate expertise and experience.

Adopted: 02/03/16
Cattaraugus-Allegany-Erie-Wyoming BOCES

COMMUNITY RELATIONS

(Section 2000)

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**PUBLIC ORDER ON SCHOOL PROPERTY**

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

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

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

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

d) To develop the most effective means of communication with the various publics of the BOCES component school districts, and community at large.

Communication with Component Districts

It is essential the Board and the BOCES staff keep component boards of education informed as to policies and programs that might affect their educational processes. As much as possible, the BOCES staff and the Board will communicate to the superintendents and board members of component districts on any matter that might affect them. BOCES Board agendas and minutes will be available for review on the BOCES website.

Communication with BOCES Board Members

The Cattaraugus-Allegany-Erie-Wyoming BOCES staff members will communicate with Board members regarding significant items prior to the Board meetings. Communications shall be forwarded via the District Superintendent.

Communication with the Community

The Board of Cooperative Educational Services and staff will keep the various communities informed of school activities so that the communities shall be aware of what is occurring in the schools and shall be able to support the activities.

News Releases

The District Superintendent or his/her designee is responsible for the release of news items to any instrument of the media. In any areas where the release is of a sensitive nature, the District Superintendent/designee, at his/her discretion, shall consult with the President of the Cattaraugus-Allegany-Erie-Wyoming BOCES Board.

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

BOCES Spokesperson

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

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

Publications

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

Adopted: 01/05/11
SUBJECT: COPYRIGHT OF BOCES WORK PRODUCTS

All publications, video-tapes, software, or other intellectual property which is developed by staff at Cattaraugus-Allegany-Erie-Wyoming BOCES within the scope of their employment or by persons/agencies under contract to Cattaraugus-Allegany-Erie-Wyoming BOCES shall be the property of Cattaraugus-Allegany-Erie-Wyoming BOCES. This includes, but is not limited to, any idea, product or invention resulting from work undertaken as an employee of Cattaraugus-Allegany-Erie-Wyoming BOCES or as a person/agent under contract to Cattaraugus-Allegany-Erie-Wyoming BOCES. Whenever copyright protection for certain intellectual property is claimed or sought, Cattaraugus-Allegany-Erie-Wyoming 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 Policies #5240 -- Professional Staff Consulting Activities
     #7230 -- Use of Copyrighted Materials

Adopted: 8/2/06
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 and television stations and/or other communications media (e.g., the Internet).

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: 8/2/06
SUBJECT:  FLAG DISPLAY

In keeping with State Education Law and Executive Law, the Board accepts its duty to display the United States flag upon or near each 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's approval shall be required for the flag to be flown at half-staff upon any other occasion.

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

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

Adopted: 02/03/16
SUBJECT: VISITS TO BOCES FACILITIES, SCHOOLS AND PROGRAMS

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

Educational Law Section 2801
Penal Law Sections 140.10 and 240.35

Adopted: 8/2/06
SUBJECT: PRESENTATION BY THE PUBLIC AT BOARD MEETINGS

Individuals or groups who wish to make presentations before the Board must request, in writing, time on the agenda by submitting such request to the Clerk of the Board at least one week in advance of the scheduled meeting. Furthermore, the Board reserves the right to determine the date of such appearance. A time limit for such address may be set for an individual or a group by the Presiding Officer.

Citizens' Input

Each Board meeting may provide an opportunity for citizens' input. Where the Board allows for such opportunity, there will be a five (5) minute limit per person and ten (10) minute limit per topic.

The Board reserves the right to exclude subjects or speakers with respect to matters for which executive sessions are usually held.

Adopted: 01/05/11
SUBJECT: USE OF SCHOOL FACILITIES

The use of school facilities shall be available for the community within the limits of the law and such usage shall not conflict with the instructional programs of Cattaraugus-Allegany-Erie-Wyoming BOCES. The Board of Cooperative Education Services has a legal responsibility to conform with the State Education Law concerning “use of public school buildings.” Specific procedures for use of facilities shall be as indicated in administrative regulations.

In prioritizing the use of school facilities, the Board and District Superintendent shall abide by the following list:

a) Use of buildings by students;

b) Use of buildings by non-profit community groups;

c) Use of buildings by profit-making community groups.

The Board delegates to the District Superintendent/designee the responsibility and authority to approve or deny applications for the use of BOCES facilities when such use would not conflict or interfere with BOCES programs and services and is permitted and/or authorized by law. The District Superintendent/designee also maintains the authority to waive fees where appropriate.

The District Superintendent/designee shall arrange for the utilization of the building through the administrative staff. The basic room use charge, if any, will be determined by the Board. Additional charges for custodial services or other costs is at the discretion of the District Superintendent/designee.

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

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

Observation of rules and regulations normally required of students using the facilities will also be expected of outside organizations. Any modification to these rules must be approved by the District Superintendent or his/her designee.

Adopted: 8/2/06
SUBJECT: USE OF BOCES-OWNED EQUIPMENT AND OTHER PROPERTY BY BOARD MEMBERS/EMPLOYEES

The Board of Cooperative Educational Services shall permit BOCES equipment or other property to be borrowed 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 they propose to borrow. Employees must secure prior written permission from their Director or Supervisor.

Administrative controls shall be established to assure the responsibility for and return of all such equipment or other property.

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

Education Law Section 414

Adopted: 01/05/11
SUBJECT: SERVICING OR REPAIRING OF PERSONAL PROPERTY BY STUDENTS

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

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

Adopted: 8/2/06
SUBJECT: VOLUNTEERS

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

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: 04/25/07
SUBJECT: PUBLIC COMPLAINTS

Complaints by citizens and staff regarding any facet of the BOCES operation 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: 8/2/06
SUBJECT:  SOLICITATION OF CHARITABLE DONATIONS

Direct solicitation of students by outside organizations is not permitted.

The following types of student/staff solicitations may be permitted:

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

b)  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 and the purchaser receives consideration - the concert or social event - for the funds expended.);

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

Procedures shall be developed to administer solicitation of charitable donations.

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:  8/2/06
SUBJECT: NON-DISCRIMINATION AND ANTI-HARASSMENT IN BOCES

The Board of Education affirms its commitment to non-discrimination and recognizes its responsibility to provide an environment that is free of discrimination, harassment and intimidation as required by Federal and state law. Harassment is a violation of law and stands in direct opposition to BOCES policy. Therefore, the Board prohibits and condemns all forms of discrimination and harassment on the basis of race, color, creed, religion, national origin, political affiliation, sex, sexual orientation, age, marital status, military status, veteran status, disability, use of a recognized guide dog, hearing dog or service dog, or domestic violence victim status or any other basis prohibited by law, 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 BOCES.

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

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

It is intended that this policy apply to the dealings between or among employees with employees; employees with students; employees/students with vendors/contractors and others who do business with BOCES, as well as school volunteers, visitors, guests and other third parties. All of these persons are hereinafter referred to collectively as "the named group."

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

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

c) Otherwise adversely affects the employment and/or educational opportunities and benefits provided by BOCES.

Complaints and Grievances by Employees

In accordance with the provisions of General Municipal Law and the collective bargaining agreements, BOCES personnel shall have the opportunity to present their complaints or grievances free from interference, coercion, restraint, discrimination or reprisal.

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

Complaints and Grievances by Students

While students have the responsibility to abide by the policies and regulations of BOCES, they shall also be afforded opportunity to present complaints and grievances free from interference, coercion, restraint, discrimination or reprisal.

Administration shall be responsible for establishing rules and regulations for the redress of complaints or grievances through proper administration channels. In addition, the administration shall be responsible for developing an appeals process, ensuring that students have full understanding and access to these regulations and procedure, and providing prompt, thorough and equitable consideration and determination of student complaints and grievances.

Investigation of Complaints and Grievances

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. BOCES will designate the Compliance Officer.

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 or discrimination in the school environment and/or at programs, activities and events under the control and supervision of BOCES, as well as any individual who is aware of and/or who has knowledge of, or witnesses any possible occurrence of harassment or discrimination, immediately report such alleged harassment or discrimination; such report shall be directed to or forwarded to BOCES designated Compliance Officer through informal and/or formal complaint procedures as

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

developed by 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 Compliance Officer is the alleged offender, the report will be directed to the next level of supervisory authority.

Upon receipt of an informal/formal complaint (even an anonymous complaint), BOCES will conduct a prompt, equitable and thorough investigation of the charges. However, even in the absence of an informal/formal complaint, if BOCES has knowledge of any occurrence of harassment or discrimination, 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/or to notify law enforcement officials as warranted, and any disclosure will be provided on a "need to know" basis. The Superintendent will inform the Board of Education of investigations involving findings of discrimination or harassment.

Based upon the results of this investigation, if 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 applicable laws and/or regulations, BOCES policy and regulation, and the District Code of Conduct. 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 and/or the Code of Conduct, will be subject to appropriate sanctions as warranted and in compliance with law. The application of such disciplinary measures by BOCES does not preclude the filing of civil and/or criminal charges as may be warranted.

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

The Board prohibits any retaliatory behavior directed against complainants, victims, witnesses, and/or any other individuals who participated in the investigation of a complaint of harassment or discrimination. 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.

Finding That Harassment or Discrimination Did Not Occur

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

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

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

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

Knowingly Makes False Accusations

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

Privacy Rights

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

Civil Rights Compliance Officer (Title IX/Section 504/ADA Compliance Officer)

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

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

The Civil Rights Compliance Officer shall also be responsible for handling complaints and grievances regarding discrimination based on race, color, creed, religion, national origin, political affiliation, sexual orientation, age, military status, veteran status, marital status, predisposing genetic characteristics, use of a recognized guide dog, hearing dog or service dog, or domestic violence victim status or any other basis prohibited by law.
SUBJECT: NON-DISCRIMINATION AND ANTI-HARASSMENT IN BOCES - (Cont'd.)

Development and Dissemination of Administrative Regulations

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

The Superintendent/designee(s) will affirmatively discuss the topic of harassment with all employees and students, express 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 school building. BOCES policy and regulations on anti-harassment will be published in appropriate school publications such as teacher/employee handbooks, student handbooks, and/or school calendars.

This policy should not be read to abrogate other BOCES policies and/or regulations or the District Code of Conduct prohibiting other forms of unlawful discrimination, inappropriate behavior, and/or hate crimes within BOCES. It is the intent of BOCES that all such policies and/or regulations be read 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 group which has a legitimate, legal and nondiscriminatory reason shall not be considered a violation of BOCES policy.

Age Discrimination in Employment Act, 29 United States Code (USC) Section 621
Americans With Disabilities Act, 42 United States Code (USC) Section 12101 et seq. Prohibits discrimination on the basis of disability.
Title VI of the Civil Rights Act of 1964, 42 United States Code (USC) Section 2000d et seq. Prohibits discrimination on the basis of race, color or national origin.
Title VII of the Civil Rights Act of 1964, 42 United States Code (USC) Section 2000e et seq. Prohibits discrimination on the basis of race, color, religion, sex or national origin.
Title IX of the Education Amendments of 1972, 20 United States Code (USC) Section 1681 et seq. Prohibits discrimination on the basis of sex.

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

Civil Rights Law Section 40-c
  Prohibits discrimination on the basis of race, creed, color, national origin, sex, sexual orientation, marital status or disability.
Civil Service Law Section 75-B
Education Law Section 2801(1)
Executive Law Section 290 et seq.
  Prohibits discrimination on the basis of age, race, creed, color, national origin, sex, sexual orientation, disability, military status, marital status, use of a recognized guide dog, hearing dog or service dog, or domestic violence victim status.
Military Law Sections 242 and 243

NOTE: Refer also to Policies #2250 -- Public Complaints #5121 -- Sexual Harassment of District Personnel #6440 -- Sexual Harassment (Students)

Adoption Date: 07/06/16
SUBJECT: PUBLIC ACCESS TO RECORDS

Access to records of the Cattaraugus-Allegany-Erie-Wyoming Board of Cooperative Educational Services 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 87.

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

The District 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 District can reasonably do so regardless of burden, volume or cost of the request.

Any individual denied access to eligible records may appeal such denial in writing to the District Superintendent or his/her designee in accordance with established procedures and regulations.

Requests for Records via E-mail

If the District has the capability to retrieve electronic records, it must provide such records electronically upon request. The District 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 District. This information shall be posted on the District Web site, clearly designating the e-mail address for purposes of receiving requests for records via this format.

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

Board of Education Meetings and Records

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

Adopted: 06/06/12
SUBJECT: CONFIDENTIALITY OF COMPUTERIZED INFORMATION

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

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

Family Educational Rights and Privacy Act of 1974
20 United States Code (USC) 1232(g)
Public Officers Law Section 84 et seq.

Adopted: 01/05/11
SUBJECT: CODE OF CONDUCT ON BOCES PROPERTY

The Cattaraugus-Allegany-Erie-Wyoming BOCES has adopted and will 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 and other BOCES personnel, as well as visitors and/or vendors. The Board shall further provide for the enforcement of such Code of Conduct.

For purposes of this policy, and the implemented Code of Conduct, 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; and a BOCES function shall mean a BOCES-sponsored extracurricular event or activity regardless of where such event or activity takes place, including those that take place in another state.

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

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

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

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

Such conduct shall include, but is not limited to, threats, intimidation, or abuse based on a person’s actual or perceived race, color, weight, national origin, ethnic group, religion, religious practices, disability, sexual orientation, gender as defined in Education Law Section 11(6), or sex; provided that nothing in this subdivision shall be construed to prohibit a denial of admission into, or exclusion from, a course of instruction based on a person’s gender that would be permissible under Education Law Sections 3201-a or 2854(2)(a) and Title IX of the Education Amendments of 1972 (20 USC Section 1681, et seq.), or to prohibit, as discrimination based on disability, actions that would be permissible under 504 of the Rehabilitation Act of 1973;

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

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

e) Disciplinary measures to be taken for incidents involving the possession or use of illegal substances or weapons, the use of physical force, vandalism, violation of another student’s civil rights and threats of violence;

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

g) 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;

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

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

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

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

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

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

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

n) 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;

o) 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;

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

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

The Code of Conduct shall be adopted by the Board only after at least one public hearing that provided 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’ Code of Conduct shall be reviewed on an annual basis, and updated if necessary in accordance with law. The District may establish a committee pursuant to Education Law Section 2801(5)(a) to facilitate review of its Code of Conduct and the District’s response to Code of Conduct violations. 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.

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.

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

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

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

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

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

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

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

NOTE: Refer also to Policy #6210 -- Student Conduct
Cattaraugus-Allegany-Erie-Wyoming BOCES Code of Conduct on BOCES Property

Adopted: 06/06/12
SUBJECT: UNLAWFUL POSSESSION OF A WEAPON UPON SCHOOL GROUNDS

Definitions

a) **Weapon** - a weapon is defined as any tool or object that through the intent of the user may or does inflict harm. It includes, but is not limited to, any air-gun, spring-gun, or other instrument in which an object is projected using any type of propellant.

b) **School Property** - school property is defined as school owned, leased or rented real property and/or vehicles.

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

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

Penal Law Sections 265.01-265.06

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

The Board prohibits and condemns all forms of harassment on the basis of race, color, creed, religion, national origin, political affiliation, sex, sexual orientation, age, marital status, military status, veteran status, or disability or any other basis prohibited by law, 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.

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

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

This policy applies to dealings between or among employees with employees; employees with students; students with students; employees/students with vendors/contractors and others who do business with the BOCES, as well as 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, sexual orientation, age, marital status, military status, 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 Cattaraugus-Allegany-Erie-Wyoming BOCES.

BOCES will promptly investigate all complaints, either verbal or written, formal or informal, of allegations of harassment based on any of the characteristics described above; and will promptly take appropriate action to protect individuals from further harassment. The BOCES will designate the Compliance Officer.

(Continued)
SUBJECT: ANTI-HARASSMENT (Cont'd.)

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

Upon receipt of an informal/formal complaint, the Cattaraugus-Allegany-Erie-Wyoming 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 and privately as possible. However, disclosure may be necessary to complete a thorough investigation of the charges and/or to notify law enforcement officials as warranted, and any disclosure will be provided on a "need to know" basis.

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

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. Should the offending individual be a student, appropriate disciplinary measures will be applied, up to and including suspension, in accordance with applicable laws and/or regulations, BOCES policy and regulation, and the Code of Conduct. Should the offending individual be 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, 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 and/or the Code of Conduct will be subject to appropriate sanctions as warranted and in compliance with law. The application of such disciplinary measures by the 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 the harassment has not resumed and all those involved in the investigation of the harassment complaint have not suffered retaliation.

(Continued)
SUBJECT: ANTI-HARASSMENT (Cont’d.)

Finding That Harassment Did Not Occur

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

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

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

Knowingly Makes False Accusations

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

Development and Dissemination of Administrative Regulations

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

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

A copy of this policy and its accompanying regulations will be available upon request and may be posted at various locations in each 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.

(Continued)
SUBJECT: ANTI-HARASSMENT (Cont'd.)

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

Age Discrimination in Employment Act,
29 United States Code (USC) Section 621
Americans With Disabilities Act,
42 United States Code (USC) Section 12101 et seq.
Prohibits discrimination on the basis of disability.
Section 504 of the Rehabilitation Act of 1973,
29 United States Code (USC) Section 794 et seq.
Prohibits discrimination on the basis of disability.
Title VI of the Civil Rights Act of 1964,
42 United States Code (USC) Section 2000d et seq.
Prohibits discrimination on the basis of race, color or national origin.
Title VII of the Civil Rights Act of 1964,
42 United States Code (USC) Section 2000e et seq.
Prohibits discrimination on the basis of race, color, religion, sex or national origin.
Title IX of the Education Amendments of 1972,
20 United States Code (USC) Section 1681 et seq.
Prohibits discrimination on the basis of sex.
Civil Rights Law Section 40-c
Prohibits discrimination on the basis of race, creed, color, national origin, sex, sexual orientation, marital status or disability.
Executive Law Section 290 et seq.
Prohibits discrimination on the basis of age, race, creed, color, national origin, sex, sexual orientation, disability, military status, or marital status.
Military Law Sections 242 and 243

NOTE: Refer also to Policies #5121 -- Sexual Harassment (Personnel)
#5170 -- Complaints and Grievances by Employees
#6440 -- Sexual Harassment (Students)
#6461 -- Complaints and Grievances by Students

Adopted: 07/06/16
SUBJECT: UNIFORM VIOLENT AND DISRUPTIVE INCIDENT SYSTEM

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 of Education 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: 8/2/06
Cattaraugus-Allegany-Erie-Wyoming BOCES

ADMINISTRATION

(Section 3000)

ADMINISTRATIVE PERSONNEL

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SUBJECT: DISTRICT SUPERINTENDENT

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

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

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

Adopted: 02/03/16
SUBJECT: ADMINISTRATIVE AND SUPERVISORY PERSONNEL

The Board of Cooperative Educational Services has the responsibility for the employment of administrative and supervisory personnel in the BOCES. No such person shall be employed unless recommended by the District Superintendent.

Administrative and supervisory personnel shall be considered to be those employees officially designated by the Cattaraugus-Allegany-Erie-Wyoming Board of Cooperative Educational Services action as responsible for administrative and supervisory tasks required to carry out Board of Cooperative Educational Services policy, programs, decisions and actions.

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

All administrative/supervisory personnel, with the exception of the District Superintendent, will be appointed to their positions for a probationary period as defined by NYS Education Law or if a Civil Service employee for a period of 52 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 of Cooperative Educational Services. The Board of Cooperative Educational Services, the District Superintendent and all administrative/supervisory personnel 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.

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: 02/03/16
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 Office of the District Superintendent, 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 Superintendent or other administrator to whom they report.

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

Adopted: 8/2/06
SUBJECT: ADMINISTRATIVE ORGANIZATION AND OPERATION

The basic principles of Administrative Organization and Operation as illustrated in the accompanying Organizational Chart are:

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

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

c) The Central Office staff shall provide overall leadership and assistance in planning and research.

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

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

(Continued)
SUBJECT: CHIEF SCHOOL ADMINISTRATORS' COMMITTEES

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

The committees 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 these committees 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' Committees 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: 02/03/16
Cattaraugus-Allegany-Erie-Wyoming BOCES

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(Section 4000)

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SUBJECT:   BUDGET PLANNING AND PREPARATION

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

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

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

Adopted:  08/02/06
SUBJECT: BUDGET DEVELOPMENT AND ADOPTION

Authorization of the budgetary commitment of a component school district to participate in programs and services provided by Cattaraugus-Allegany-Erie-Wyoming 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 February 1 of each year, with the final request due on or before May 1, in accordance with Section 1950 of Education Law.

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

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

The 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 Cattaraugus-Allegany-Erie-Wyoming Board of Cooperative Educational Services. Each component board is entitled to one vote on the proposed administrative budget. Approval of the tentative administrative budget requires the approval of a majority of the total number of component school boards. If a majority of the components turns down the administrative budget or if there is a tie vote, the Cooperative Board will adopt and prepare a contingency administrative budget which may not exceed the previous year's administrative budget except for increases to supplemental retirement allowances. If the majority of component districts approve the tentative administrative budget, the Cooperative Board may adopt the administrative budget without modification.

While the 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 Cattaraugus-Allegany-Erie-Wyoming Board of Cooperative Educational Services. The law requires the Board to adopt its final administrative, capital and program budgets by May 15.

After May 1, requests for changes in a 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.

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

Requests from component school districts for services not available from Cattaraugus-Allegany-Erie-Wyoming 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: 04/06/16
SUBJECT: ADMINISTRATION OF BUDGET

The District Superintendent is responsible to the Cattaraugus-Allegany-Erie-Wyoming Board of Cooperative Educational Services for the administration of the budget.

a) The District Superintendent/designee shall acquaint BOCES employees with the final provisions of the program budget and guide them in planning to operate efficiently and economically within these provisions. Function and object appropriations for line items shall be determined by July 1 of the fiscal year based on the May 15 previously adopted budget. All changes and transfers shall be properly recorded in the interim between May 15 and July 1.

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

c) The Assistant Superintendents and Division Directors are responsible to the District Superintendent for the operation of their units within budgetary limits.

d) The District Superintendent shall require the Business Office to render a summary report by program or major function, at least quarterly, within the Regulations of the Commissioner of Education.

Budget Transfers

The District Superintendent, in compliance with the Commissioner's Regulations, shall be authorized to approve the transfer of funds between/within budget functions and internal fund transfers in the amount established by the Board. All such budget adjustments shall be reported to the Board in its monthly finance package.

All budget increases will be approved only through Board resolution.

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

Adopted: 04/06/16
SUBJECT: FINANCIAL MANAGEMENT POLICY

Investment Policy

a) Investment Policy Purpose:

BOCES moneys, not needed for immediate payment of bills, may be invested to earn a safe return as provided for within the Education Law, General Municipal Law and Local Finance Law. The priorities for so investing BOCES moneys shall be (in order of priority):

1. Legal
2. Safety - Funds must not be lost to the BOCES.
3. Liquidity - Appropriate amounts must be available for each payroll, debt service, and accounts payable.
4. Yield - The highest market interest rate available (other conditions being equal) is to be solicited.

b) Authorized Commercial Banks:

The BOCES Board authorizes the use of commercial banks or trust companies (not savings banks or associations), located and authorized to do business in New York State, for placing investments and specifically prohibits private brokerage or investment firms (General Municipal Law Section 11, Education Law Sections 1604-a and 1723-a, Local Finance Law Section 165.00(b).

c) Authorized Investment Instruments:

The BOCES Board authorizes the following types of investment instruments for investing BOCES moneys with commercial banks or trust companies authorized to do business in New York State:

1. Checking Accounts
2. Savings Accounts.
4. Certificates of Deposit.
5. Repurchase Agreements.
7. Other investment instruments as may be approved by the Office of the State Comptroller from time to time, in the Comptroller's Opinion.

(Continued)
SUBJECT:  FINANCIAL MANAGEMENT POLICY (Cont'd.)

d) Delegation of Authority for Investing BOCES Money:

The BOCES Board delegates the authority to make day-to-day investment decisions within the guidelines and limitations of this policy resolution to the CEO/District Superintendent who may delegate such authority:

1. Treasurer,
2. Deputy Treasurer, and/or
3. Controller

The CEO/District Superintendent is hereby authorized to utilize the advisory services of municipal consulting firms in planning the timing, amount, maturity, bidding, placement, and reporting on any investments made hereunder.

e) F.D.I.C. Insurance and Collateralization:

Every effort must be made to enhance the safety and availability of any BOCES moneys invested. These objectives are partially met by F.D.I.C. regulation requiring Insurance for the first $250,000 of BOCES checking account deposits and an additional $250,000 for time or savings account deposits with any one specific commercial bank or trust company. (12 Code Federal Regulations Section 330.8). These amounts may be adjusted according to current FDIC regulation.

Any amounts exceeding the F.D.I.C. insurance limit, as presently set or subsequently revised, are to be insured to the BOCES by requiring a pledging of appropriate collateral by the bank or trust company winning the bid for the investment. Where appropriate, all investments must be bid specifying "with Third Party Collateral," or "with collateral" if the third party arrangement is not available from the designated bank.

f) Collateral:

1. Collateral shall be delivered to the Trust Department of the issuing bank or the BOCES or a Custodial Bank with which, where practical, the BOCES has entered into written Custodial Agreement. The market value of collateral shall at all times equal or exceed the principal amount of the certificate of deposit. Collateral shall be monitored no less frequently than monthly, and market value shall mean the bid or closing price as quoted in the Wall Street Journal or as quoted by another recognized pricing service.

2. Securities purchased through a repurchase agreement shall be valued to market at least monthly.

(Continued)
SUBJECT: FINANCIAL MANAGEMENT POLICY (Cont'd.)

3. Collateral shall not be required with respect to the direct purchase of obligations of New York State, obligations of the United States and obligations of federal agencies the principal and interest of which are guaranteed by the United States Government.

g) Delivery of Securities:

1. Repurchase Agreements. Every Repurchase Agreement shall provide for deposit of the investment proceeds with the issuing Bank or Trust Company only upon its delivery of collateral obligations of the United States to the Trust Department or the Custodial Bank designated by the BOCES, or in the case of a book-entry transaction when the obligations of the United States are credited to the Custodian's Federal Reserve Bank account. The issuing bank shall not be entitled to substitute securities without prior approval of the BOCES. The Trust Department or the Custodial Bank shall confirm all transactions in writing to insure that the BOCES ownership of the securities is properly reflected on the records of the Trust Department or the Custodial Bank.

2. Deposit of the investment proceeds shall be made by or on behalf of the BOCES for obligations of New York State, obligations the principal and interest of which are guaranteed by the United States, United States Obligations, certificates of deposit, and other purchased securities upon the delivery thereof to the Trust Department or the Custodial Bank, or in the case of a book-entry transaction, when the purchased securities are credited to the Custodial Bank's Federal Reserve System account. All transactions shall be confirmed in writing.

h) Written Contracts:

Where practical, written contracts are to be completed for Repurchase Agreements, certificates of deposit, and custodial undertakings. With respect to the purchase of obligations of U.S., New York State, or other governmental entities, etc. in which moneys may be invested, the interests of the BOCES will be adequately protected by conditioning payment on the physical delivery of purchased securities to the Trust Department, the BOCES or Custodian, or in the case of book entry transactions, on the crediting of purchased securities to the Custodian's Federal Reserve System account. All purchases will be confirmed in writing to the BOCES.

i) Transfer Funds:

The BOCES Board specifically authorizes the designated officials the authority to use electronic transfer of funds, among the approved banking institutions, to assist in obtaining "federal funds" enhanced interest rates. Each such transfer shall be specifically identified in the original journal entry as a "wire transfer" and subsequently supported by the bank confirmation notice to provide an audit trail.

(Continued)
SUBJECT: FINANCIAL MANAGEMENT POLICY (Cont'd.)

j) Safekeeping:

The BOCES Board specifically authorizes the designated officials the authority to turn over the physical custody of Certificates of Deposit and other evidences of investments for "safekeeping" possession to the winning bank, as provided in Section 11(3) of the General Municipal Law, to facilitate access to funds at maturity and to eliminate having live certificates in the Central Offices.

k) Written Reports:

Investments other than those short term investments in saving accounts or money market accounts, shall be documented in written reports to the CEO/District Superintendent, for subsequent presentation to the BOCES Board outlining the details of each investment and the bids received thereon. When investments are placed such reports should be presented at the regularly scheduled monthly meeting.

Borrowing Policy

a) Borrowing Purposes and Debt Instruments:

1. The Local Finance Law authorizes Operating Borrowings to cover cash-flow shortfalls by using: Revenue Anticipation Notes, Section 25.00(i) for BOCES in anticipation of state aid or payments from component districts. This type of borrowing must be authorized by the BOCES Board through the adoption of a formal Revenue Anticipation Note Resolution.

2. Capital Borrowings are not authorized for BOCES and must be undertaken by the component districts.

b) Borrowing Procedures:

The District Superintendent, assisted by his/her staff and the BOCES Financial Consultant, shall make recommendations to the BOCES Board on the timing, bidding, terms and conditions of, placement and reporting on any borrowings. Operating borrowing recommendations shall be supported by a monthly cash flow estimate covering the time thereof and establishing the amount of such borrowing. The CEO/District Superintendent is authorized to solicit and use the services of a Financial Consultant and Bond Counsel in planning and completing any borrowing to optimize the number of potential bids and obtain lower market interest rates.

(Continued)
SUBJECT: FINANCIAL MANAGEMENT POLICY (Cont'd.)

c) Written Reports:

All borrowing shall be documented in written reports outlining the details of each borrowing and the interest rate bids received thereon. The written report shall first be presented to the CEO/District Superintendent who shall report thereon at the next regularly scheduled Board meeting.

d) Legal Opinion:

The CEO/District Superintendent is authorized to solicit and use the services of recognized Bond Counsel to draft the legal notices, resolutions, borrowing instruments, and to render his/her approving Legal Opinion on the legality and tax status of the debt instrument.

General Municipal Law Section 39
Local Finance Law Section 165

Adopted: 04/06/11
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 awards shall be reported to the Board at regularly scheduled Board meetings.


Adopted: 08/02/06
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 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 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. Letters of appreciation from the President of the Board and the District Superintendent or his/her designee may be sent to a donor/grantor in recognition of his/her contribution to BOCES.

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

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

Adopted: 08/02/06
SUBJECT: PURCHASING

The BOCES' purchasing activities will be part of the responsibilities of the Business Office, under the general supervision of the Purchasing Agent designated by the Board. The purchasing process should enhance school operations and educational programs through the procurement of goods and services deemed necessary to meet BOCES needs.

The Cattaraugus-Allegany-Erie-Wyoming BOCES Board shall designate a Purchasing Agent whose responsibility will be to centralize purchasing into the BOCES main business office.

The Purchasing Agent shall:

a) solicit competitive bids and/or quotations and/or offerings in “compliance with General Municipal Law 103” for apparatus, materials, equipment and supplies (annual expenditures exceeding $20,000); and public work contracts (exceeding $35,000),

b) with the approval of the Controller, determine and document when competitive bidding is not required and provide appropriate alternative purchasing procedures, except for procurements:

1. under county contract;
2. under New York State contract;
3. of articles manufactured in State correctional institution; or from agencies for the blind or severely disabled;
4. under Board approved cooperative bids;
5. of surplus and secondhand supplies, material, or equipment as set forth in law
6. under New York State approved Federal GSA Schedules and
7. under piggyback contracts let in a manner consistent with GML § 103 subdivision 16

(Refer to subheading "Procurement of Goods and Services.");

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

c) ensure, that in compliance with General Municipal Law 104(b), for materials, equipment and supplies written quotations are obtained for all purchases over $1,000 but less than $20,000 and for some purchases over $500 but less than $20,000 and for public works and services written quotations are obtained for all purchases over $3,000 but less than $35,000 as outlined in the Purchasing Limits Schedule unless a funding source dictates otherwise;

d) with the assistance of the Controller and approval of the District Superintendent establish and implement procedures and forms according to General Municipal Law and Education Law that will:

1. provide necessary resources for BOCES services at optimal value
2. maintain appropriate and comprehensive accounting and reporting system to document all purchasing transactions
3. prevent loss and/or diversion of BOCES property
4. provide responsible suppliers with opportunities to bid;

e) provide justification and documentation on any award to a bidder other than the lowest dollar bidder setting forth the reasons for such decision; and

f) not be required to secure alternative proposals or quotations for

1. emergencies requiring immediate action that cannot await competitive bidding under the conditions set forth in law
2. procurements for "sole source items"
3. confidential professional services
4. items of less than $500 (single item) and/or $1,000 (multiple items)
5. services of less than $3,000
6. items purchased for the purpose of retail sales
7. copyrighted learning & library database content
8. selected professional development speakers and their corresponding materials.
SUBJECT: PURCHASING (Cont’d.)

Procurement of Goods and Services

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

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

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

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

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

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

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

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

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

The Board shall solicit comments concerning the 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: PURCHASING (Cont’d.)

Request for Proposal Process for the External (Independent) Auditor

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

Alternative Formats for Instructional Materials

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

BOCES Plan

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

Environmentally Sensitive Cleaning and Maintenance Products

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

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

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

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

Contracts for Goods and Services

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

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

Conflict of Interest

No BOCES officer or employee will have an interest in any contract with the BOCES when such employee has the authority or the responsibility to negotiate, prepare, authorize or approve a contract or authorize or approve its payment, audit bills or claims, or appoint an officer or employee who has any of these responsibilities. Any officer or employee who has or acquires an interest in any actual or proposed contract with the BOCES shall publicly disclose the nature and extent of such interest in writing. This written disclosure will be kept on file.

Federally Funded Purchasing Conflict of Interest Statement:

No employee, officer or agent may participate in the selection, award, or administration of a contract supported by a Federal award if there is a real or apparent conflict of interest. Such a conflict of interest would arise when the employee, officer or agent, or any member of his or her immediate family, partner, or an organization which employs or is about to employ any of the parties indicated herein, has a financial or other interest in or a tangible person benefit from a firm considered for a contract. The officers, employees or agents can neither solicit nor accept gratuities, favors, or anything of monetary value from contractors or parties to subcontracts. Disciplinary actions will be applied for violations or such standards.

Education Law Sections 305(14), 409-i, 1950, and 3602
General Municipal Law Articles 5-A and 18
State Finance Law Section 163-b
8 New York Code of Rules and Regulations (NYCRR)
Sections 170.2, 200.2(b)(10), 200.2(c)(2) and 200.2(i)
CFR Uniform Guidance (section 200.318)

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

Adopted: 10/03/18

(Continued)

Limits Table Follows
## Non-Instructional/Business Operations

<table>
<thead>
<tr>
<th>Number of Quotes Required</th>
<th>PURCHASE REQUISITIONS</th>
<th>WRITTEN QUOTATIONS</th>
<th>RFP</th>
<th>BID</th>
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<td>WINCAP</td>
<td>VENDOR LETTERHEAD</td>
<td>BOCES LETTERHEAD</td>
<td>BOCES BID DOCUMENTS</td>
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### Limits
- Acquired by

#### Purchase Orders:
- **a)** $1 - $499
  - Division
  - X

- **b)** $500 - $999
  - Group of items
  - Division
  - X

- **b)** $500 - $999
  - One item or multiples of 1 item
  - Division
  - X

- **c)** $1,000 - $19,999.99
  - Division
  - X

- **d)** Over $20,000*
  - Purchasing Agent
  - X

#### Public Works Contracts:
- **a)** $1 - $2,999.99
  - Building O & M
  - X

- **b)** $3,000 - $34,999.99
  - Building O & M
  - Facilities Planning
  - X

- **c)** Over $35,000*
  - Purchasing Agent
  - Facilities Planning
  - X

#### Emergencies
- Division
  - X

- Purchasing Agent
  - X

#### Insurance
- Purchasing Agent
  - X

#### Sole Source Items
- Letter Required Annually
  - Division
  - X

#### Professional Services
- **a)** $1 - $2,999.99
  - Division
  - X

- **b)** $3,000 - $19,999.99
  - Division
  - X

- **c)** Over $20,000
  - Purchasing Agent
  - X

#### Retail Sale Items
- Division
  - X

#### Learning/Library Databases
- Division
  - X

#### Professional Development Speakers & Corresponding Materials
- Division
  - X

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The bid limits are for BOCES as an organization, not individual Divisions, departments or programs.

The quote limits apply unless a source of funding dictates otherwise.
SUBJECT: BOCES PERSONAL PROPERTY ACCOUNTABILITY

Definition of Personal Property

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

b) **Valuable personal property shall mean** personal property which has a unit resale value of $500 or more, and equipment, supplies, parts 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 Clerk of the Cooperative Board or designee is authorized to open bids and record the same pursuant to law.

b) **Purchase Exempt from Competitive Bidding** – Any personal property acquired by purchase 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.

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 Board of Cooperative Educational Services.

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

7. The Assistant Superintendent or Director shall recommend the acceptance or rejection of the gift to the District Superintendent and notify the donor of the intention.

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

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

9. The Assistant Superintendent or 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. The District Superintendent shall ensure procedures are developed for administering gifts and/or donations that are not specific to a program.

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

Perpetual Inventory

a) The Controller shall develop, in writing, the basic rules and/or regulations/procedures 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 must have significant value of $500 or more (or such lesser amount as may be deemed necessary due to the nature of the property, i.e., electronics, computer equipment and peripherals);

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

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

2. The Purchasing Agent shall 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;

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

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

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; and

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 value of more than $500 (or such lesser amount as may be deemed necessary due to the nature of the property, i.e., electronics, computer equipment and peripherals), 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. 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.

2. All surplus or obsolete equipment, supplies or materials on the physical inventory will be declared surplus by the Board and sold using a method of sale which, in the judgment of the Board and based on the recommendation of the Purchasing Agent, will bring the best price.

3. Personal property items of little or no value may be disposed of based on the recommendation of the District Superintendent.

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

4. Any personal property whose market value exceeds $500, 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 for sale to the public, may be disposed of by BOCES.

5. All surplus and obsolete personal property shall be advertised in the local newspapers and any other appropriate means to assure public awareness.

6. Equipment purchased with federal funds may not be disposed of until approval has been granted by the federal agency responsible for the grant.

Textbooks

Textbooks and/or supplies that have lost their value to the educational program, may be disposed of by the following process.

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.

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 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.

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

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: 04/06/16
SUBJECT: BOCES CREDIT CARD USAGE

The Cattaraugus-Allegany-Erie-Wyoming BOCES Board will authorize the use of all appropriate credit cards upon the recommendation of the District Superintendent at its Annual Reorganizational Meeting.

Credit cards issued in the Cattaraugus-Allegany-Erie-Wyoming BOCES' name will be used solely for official BOCES business. Claims for such expenses must be submitted within the monthly billing cycle to avoid service charges. A valid claim must include the original itemized receipts from the purchases.

Credit cards issued in the Cattaraugus-Allegany-Erie-Wyoming BOCES' name for use by other BOCES' employees will remain in the control of the Purchasing Agent who will maintain and release the credit cards as necessary. Authorized purchase orders must be issued by the Purchasing Agent prior to use and original itemized receipts must be returned to the Purchasing Agent within the billing cycle to avoid service charges.

Personal credit card receipts may be submitted for reimbursement for reimbursable expenses incurred by Cattaraugus-Allegany-Erie-Wyoming BOCES employees during the performance of their job duties provided approval from the Purchasing Agent has been attained prior to purchase. Original itemized receipts from the purchase must be submitted. Credit card statements are not acceptable.

All items purchased with Cattaraugus-Allegany-Erie-Wyoming BOCES credit cards or personal credits cards and submitted for reimbursement become the property of the Cattaraugus-Allegany-Erie-Wyoming BOCES.

Gas credit cards issued in the Cattaraugus-Allegany-Erie-Wyoming BOCES' name for use by BOCES' employees when driving a BOCES' owned vehicle shall remain in the control of the Purchasing Agent or designee who will maintain and release the gas credit cards as necessary. Original gas receipts must be returned to the Purchasing Agent when the vehicle is returned.

Adopted: 04/06/16
SUBJECT:  APPROVAL OF EXPENDITURES

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

An Audit Committee will meet on a regular basis to review warrants, bills paid, and general Business Office operations.

Adopted: 08/02/06
SUBJECT: REIMBURSEMENT FOR MEALS/REFRESHMENTS

Travel Outside of District/Emergency Meetings

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

Staff/Board Meetings and District Events

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

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

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

NOTE: Refer also to Policies #1560 -- Board Travel Expenses and Travel Compensation #5212 -- Employee Travel Expenses and Travel Compensation

Adopted: 08/02/06
SUBJECT: RESERVE FUNDS

PURPOSE –

Reserve funds, designated for specific purposes, are an important component in the BOCES’ financial planning for future budgetary and/or contingent and emergency needs. The Cattaraugus/Allegany BOCES Board of Education believes the long term financial health of the BOCES will impact its ability to provide quality, cost effective services to its component school districts. There are many unknowns and variables which must be accounted for when budgets are being developed. The Board of Education is committed to sound long-range financial planning. Proper financial planning reduces or minimizes the fluctuations in rates charged to school districts from year to year. An essential element of that planning is the establishment of reserve funds. The NYS Comptroller’s “Local Government Management Guide – Reserve Funds” states that “reserve funds provide a mechanism for legally saving money to finance all or part of future infrastructure, equipment, and other requirements. Reserves can also provide a degree of financial stability. In uncertain economic times, reserve funds can also provide officials with a welcomed budgetary option that can help mitigate the need to cut services or to raise taxes. In good times, moneys not needed for current purposes can often be set aside for future use.”

COMMON PRINCIPLES –

In New York State, Reserve funds may be established and maintained by BOCES for a limited number of specific intended purposes and pursuant to the requirements of select provisions of Education and General Municipal law. Some of the more common types of reserve funds that may be established by BOCES are: Employee Benefit Accrued Liability Reserve, Compensated Absences Liability Reserve, Property Loss Reserve, Liability Reserve, Unemployment Insurance Reserve, Employee Retirement Contribution Reserve, Reserve for Encumbrances, and Career & Technical Education Equipment Reserve.

Additional reserve funds as authorized through Inter-Municipal Cooperative Agreements for Self-Funded Health Insurance, Self-Funded Workers’ Compensation, and Liability Insurance Consortium, will be maintained and accounted for in the same manner as other BOCES authorized reserve funds.
The BOCES shall adhere to the following principles with respect to the creation and funding of any or all reserve funds for the BOCES:

1) Consult with legal counsel and other financial experts as necessary for guidance on the authority to establish the reserve fund;

2) Identify the financial need or purpose to be served by the prospective reserve fund, including an assessment of whether the reserve fund will complement the long-term financial plans of the BOCES;

3) Communicate clearly and effectively to BOCES’ component school districts the specific purpose of and the financial objectives for the reserve;

4) Maintain open and transparent records of all reserve fund transactions for the benefit of the BOCES’ component school districts;

5) Determine optimal funding levels for the reserve, as well as the conditions under which the reserve assets will be utilized;

6) Periodically assess the reasonableness of the amounts accumulated in the reserve and when conditions warrant (and subject to any/all legal requirements) reduce reserve funds to a reasonable level or liquidate and discontinue a reserve fund that is no longer needed or whose purpose has been achieved; and

7) Provide the Board with regular financial reports on reserve fund activity.

AUTHORIZATION –

The BOCES may establish and maintain a limited number of reserve funds in accordance with New York State laws, Commissioner’s Regulations, and the rules or opinions issued by the Office of the New York State Comptroller. The BOCES will comply with the reporting requirements of Article 3 of the General Municipal Law of the State of New York and the Governmental Accounting Standards Board (GASB) issued GASB Statement Number 54, “Fund Balance Reporting and Governmental Fund Type Definitions”.
Upon approval by the Board of Education, any and all BOCES’ reserve funds will be properly established and maintained in order to promote the goals of creating an open, transparent, and accountable use of public funds. It is important to have clear and consistent communication between BOCES administration and the Board of Education concerning the plans for funding and using reserves.

**FUNDING** –

All payments or transfers into a reserve fund will be authorized and approved by the Board of Education. Annual recommendations of additions or adjustments to the reserve funds shall be made for the Board of Education consideration, taking into account changing financial assumptions. Board of Education authority is not necessary to pay obligations out of these reserves, except where required by statute. The BOCES may engage independent experts and professionals, including, but not limited to, auditors, accountants, actuaries, and other financial and legal counsel to monitor all reserve fund activity and prepare any and all reports the Board may require.

**BUDGETING** –

All anticipated expenditures should be included in the annual budget. Any planned use of reserves to pay for expenditures shall be included in the revenue budget as an “appropriated reserve”.

**REVIEW & REPORTING** –

The Board of Education will periodically review all reserve funds as to their purpose, funding levels, and uses. The BOCES will prepare and submit an annual report of all reserve funds to the Board of Education. The Annual Report shall include the following information for each reserve fund:

a. Type and description of the reserve fund;
b. Date reserve fund was established;
c. Total amount, including any interest, paid into the fund;
d. Total amount of withdrawal from the reserve fund;
e. Beginning and ending cash assets, including any investments, of the reserve fund;
f. An analysis of the projected needs and planned uses for the reserve fund in the forthcoming fiscal year and a recommendation regarding any funding of the reserve fund.

The Board will utilize the information in the annual report to make necessary decisions to adequately maintain and manage the BOCES reserve fund balances being mindful of its role and responsibility as a fiduciary of public funds. The Reserve Fund Report will be distributed to component school Districts in order to communicate the existence of the reserves, purpose and need for each reserve, and the funded amounts. Reserves should be based on reasonable obligations or liabilities of the BOCES. Any necessary and/or appropriate procedures will be developed in order to implement the terms of the Board’s policy.

Education Law §3653

Adoption Date: 12/06/17
SUBJECT: INVENTORIES

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

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

Uniform System of Accounts for School Districts (Fiscal Section)

Adopted: 08/02/06
SUBJECT: ACCOUNTING OF FIXED ASSETS

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

These accounts will serve to:

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

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

The Board shall establish a dollar threshold as a basis for considering which fixed assets are to be depreciated. Such threshold shall ensure at least 80 percent of the value of all assets is reported. However, it is recommended such threshold shall not be greater than $5,000. A standardized depreciation method and averaging convention shall also be established for depreciation calculations.

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

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

a) Date of acquisition;
b) Description;
c) Cost or value;
SUBJECT: ACCOUNTING OF FIXED ASSETS (Cont'd.)

d) Location;

e) Asset type;

f) Estimated useful life;

g) Replacement cost;

h) Current value;

i) Salvage value;

j) Date and method of disposition; and

k) Responsible official.

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

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

Adopted: 08/02/06
SUBJECT: SUPPLIES AND EQUIPMENT PURCHASED FOR ITINERANT STAFF MEMBERS

All supplies and equipment purchased by BOCES becomes the property of BOCES. The Purchasing Agent, with the approval of the District Superintendent or designee, shall establish and implement a transfer process regarding supplies and equipment purchased for use by itinerant staff members.

Adopted: 08/02/06
SUBJECT: ACCOUNTABILITY FOR BOCES FUNDS

Accountability for BOCES funds is necessary for the following reasons:

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

Electronic or Wire Transfers

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

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

All wire transfers must be authorized by the District Treasurer. Dual approval controls will be established for non-routine wire transfer orders.

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

Education Law Section 2116-a

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

Adopted: 05/04/11
SUBJECT:   STUDENT ACTIVITY FUND

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

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.

Procedures will be developed to implement this policy, and training will be provided to assigned employees in the proper management of student activity funds.

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

Adopted: 04/06/11
SUBJECT: CASH IN SCHOOL BUILDINGS AND PETTY CASH FUNDS

Cash in School Buildings

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

Petty Cash Funds

The Board hereby authorizes the establishment of petty cash funds 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 Board.

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

Adopted: 08/02/06
SUBJECT:  REVENUES - ESTABLISHMENT OF FEES

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

Education Law Section 1950(4)(d)

Adopted: 08/02/06
SUBJECT: FINANCIAL ACCOUNTABILITY

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

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

a) The BOCES' code of ethics addresses conflict of interest transactions with Board members and employees. Transactions that are "less-than-arm's length" are prohibited. "Less-than-arm's length" is a relationship between the BOCES and employees or vendors who are related to BOCES officials or Board members.

b) The Board requires corrective action for issues reported in the CPA's management letter, audit reports, the Single Audit, and consultant reports.

c) The Board has established the required policies and procedures concerning BOCES operations.

d) The Board routinely receives and discusses the necessary fiscal reports including the:
   1. Treasurer's cash reports,
   2. Budget status reports,
   3. Revenue status reports,
   4. Monthly extra-classroom activity fund reports, and
   5. Fund balance projections (usually starting in January).

e) The BOCES has a long-term (three to five years) financial plan for both capital projects and operating expenses.

f) The BOCES requires attendance at training programs for Board members, business officials, treasurers, claims auditors, and others to ensure they understand their duties and responsibilities and the data provided to them.

g) The Board has an audit committee to assist in carrying out its fiscal oversight responsibilities.

(Continued)
SUBJECT: FINANCIAL ACCOUNTABILITY (Cont'd.)

h) The BOCES' information systems are economical, efficient, current, and up-to-date.

i) All computer files are secured with passwords or other controls, backed up on a regular basis, and stored at an off site location.

j) The BOCES periodically verifies that its controls are working efficiently.

k) The BOCES requires all staff to take vacations during which time another staff member performs the duties of the staff on vacation.

Adopted: 08/02/06
SUBJECT: ALLEGATIONS OF FRAUD

Reporting and Investigations of Allegations of Fraud

All Board members and officers, BOCES employees and third party consultants are required to abide by the BOCES’ policies, administrative regulations and procedures in the conduct of their duties. Further, all applicable federal and/or state laws and regulations must be adhered to in the course of BOCES operations and practices. Any individual who has reason to believe that financial improprieties or wrongful conduct is occurring within the School System 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 School Attorney, or the Board. The BOCES’ prohibition of wrongful conduct, including fraud, will be publicized within the BOCES as deemed appropriate; and written notification will be provided to all employees with fiscal accounting/oversight and/or financial duties including the handling of money.

Upon receipt of an allegation of financial improprieties/fraud and/or wrongful conduct, the Board or designated employee(s) will conduct a thorough investigation of the charges. However, even in the absence of a report of suspected wrongful conduct, if the BOCES has knowledge of, or reason to know of, any occurrence of financial improprieties/fraud and/or wrongful conduct, the BOCES will investigate 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, law authorities should be immediately notified.

(Continued)
SUBJECT: ALLEGATIONS OF FRAUD (Cont'd.)

An appeal procedure will also be provided, as applicable, to address any unresolved complaints and/or unsatisfactory prior determinations by the applicable investigating officer(s).

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.
SUBJECT: AUDIT COMMITTEE

No later than January 1, 2006, an Audit Committee shall be established by Board resolution. The Audit Committee may consist of:

a) The Board as a whole;

b) A subcommittee of the Board; or

c) An Advisory Committee that may include, or be composed entirely of persons other than Board members if, in the opinion of the Board, such membership is advisable to provide accounting and auditing expertise.

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

1. Be employed by the BOCES;

2. Be an individual who within the last two years provided, or currently provides, services or goods to the BOCES;

3. Be the owner of or have a direct and material interest in a company providing goods or services to the BOCES; or

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

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

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

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

(Continued)
SUBJECT: AUDIT COMMITTEE (Cont'd.)

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

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

The responsibilities of the Audit Committee include the following:

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

Corrective Action Plan

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

(Continued)
SUBJECT: AUDIT COMMITTEE (Cont'd.)

a) The annual external audit report or management letter;

b) A final audit report issued by the BOCES claims auditor;

c) A final report issued by the State Comptroller;

d) A final audit report issued by the State Education Department; or

e) A final audit report issued by the United States or an office, agency or department thereof.

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

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

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

a) To meet with the External (Independent) Auditor prior to commencement of the audit;

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

c) To receive and review the draft annual audit report and accompanying draft management letter and, working directly with the External (Independent) Auditor, assist the Board in interpreting such documents;

Any Board member who is not a member of the Audit Committee may be allowed to attend an Audit Committee meeting, including an executive session if authorized by a Board resolution. However, if such Board member's attendance results in a meeting of a quorum of the full Board, any action taken by formal vote may constitute official Board action.

(Continued)
SUBJECT:  AUDIT COMMITTEE (Cont'd.)

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

Adopted: 08/02/06
SUBJECT: INTERNAL AUDIT FUNCTION

The BOCES shall establish an Internal Audit Function. The Internal Audit Function shall include:

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

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

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

d) Preparation of reports, at least annually or more frequently as the Board may direct, which analyze significant risk assessment findings, recommend changes for strengthening controls and reducing identified risks, and specify timeframes for implementation of such recommendations.

The BOCES is permitted to utilize existing BOCES personnel to fulfill the Internal Audit Function, but such persons shall not have any responsibility for other business operations of the BOCES while performing Internal Audit Functions. The BOCES shall also be permitted to use inter-municipal cooperative agreements, shared services to the extent authorized by Education Law Section 1950 or independent contractors to fulfill the Internal Audit Function as long as the personnel or entities performing this Function comply with any Regulations issued by the Commissioner of Education and meet professional auditing standards for independence between the auditor and the BOCES.

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

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

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

Adopted: 04/06/16
SUBJECT: FACILITIES PLANNING

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

Comprehensive Public School Building Safety Program (RESCUE)

The 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.

School Facility Report Cards

The Cattaraugus-Allegany-Erie-Wyoming BOCES shall prepare an annual School Facility Report Card for each occupied school building.

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

8 New York Code of Rules and Regulation (NYCRR) Sections 155.1 and 155.6
Education Law Section 1950

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

Adopted: 04/06/11
SUBJECT: FACILITIES: INSPECTION, OPERATION AND MAINTENANCE

Operation and Maintenance

The Board, through the Superintendent and his/her staff, has the responsibility of protecting the District's facilities through a systematic maintenance program. The program shall include periodic preventive maintenance activities, long-range maintenance schedules, and emergency repair procedures. The District will make reasonable attempts to ensure that all maintenance work will be carried out in the least intrusive manner.

Construction and Remodeling of School Facilities

The District will ensure all capital projects and maintenance comply with the requirements of the New York State Uniform Fire Prevention and Building Code, the Manual of Planning Standards, and the Commissioner's regulations. Relevant documentation regarding all new buildings must be formally submitted to the State Education Department no matter the size or cost. The New York State Education Department Office of Facilities Planning has provided an Instruction Guide on their official website.

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

Plans and specifications submitted to the Commissioner shall bear the signature and seal of an architect or engineer licensed to practice in the State of New York. The architect or engineer who sealed the plans and specifications shall also certify that the plans and specifications conform to the standards set forth in the State Uniform Fire Prevention and Building Code and the State Energy Conservation Construction Code.

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

Carbon Monoxide Detection Requirements

All new and existing District buildings that have appliances, devices, or systems that may emit carbon monoxide, and all attached garages, must have a means to detect carbon monoxide. Buildings include school buildings, administrative buildings, bus maintenance facilities, concession stands, and field houses. Carbon monoxide may be produced by fuel-fired heating systems (boilers, HVAC units, and makeup air units), emergency or standby electric generation within a building, fuel-fired kitchen equipment (ranges, ovens, steamers, dishwashers, and makeup air units serving hoods), fuel-fired domestic hot water heaters, laboratory/shop equipment (gas outlets, torches, gas-fired kilns, and stationary or portable engines), maintenance and storage areas with fuel-fired equipment, and in garages.

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

The District may use a self-contained carbon monoxide alarm, a carbon monoxide detection system, or both. The District will comply with all laws and regulations regarding alarms/detectors, including where they must be located, their power sources, and labeling requirements. The District should develop written standard operating procedures to follow when a carbon monoxide detector is activated.

Inspections

The District is mindful of the health and safety of its students, staff, and visitors and, as such, the District administration will cooperate with appropriate officials conducting health, fire, asbestos, bus, and boiler inspections. In addition, the administration shall keep the Board of Education informed of the results of such inspections in a timely fashion.

In accordance with the Asbestos Hazard Emergency Response Act (AHERA), the District will inform all employees and building occupants (or their legal guardians) at least once each school year about all asbestos inspections, response actions, post-response action activities, as well as triennial re-inspection activities and surveillance activities that are either planned or in progress. The District will provide yearly notification to parent, teacher, and employee organizations on the availability of the District's asbestos management plan and any asbestos-related actions taken or planned in the school.

*To help protect staff, students, and visitors from contracting Legionnaires' disease from Legionella bacteria, the District will register any cooling towers it owns with NYSED, providing the information in any form that the Department requires. The District will also adhere to the inspection, annual certification, and maintenance program and planning requirements mandated by NYSED. Further, the District will maintain records regarding all inspection results, corrective action, cleaning and disinfection, tests, and certifications for at least three years. The District will keep a copy of its required maintenance program and plan on the premises where the cooling tower is located.

Comprehensive Public School Building Safety Program (RESCUE)

To ensure that all District facilities are properly maintained and preserved and provide suitable educational settings, the Board of Education requires that all occupied school facilities which are owned, operated or leased by the District comply with the provisions of the Comprehensive Public School Building Safety Program, the Uniform Code of Public School Building Inspections, and the Safety Rating and Monitoring as prescribed in Commissioner's regulations. For this reason, the District shall develop a Comprehensive Public School Building Safety Program in accordance with Commissioner's regulations.

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

The program shall be reevaluated and made current at least annually, and shall include, at a minimum, the following:

a) A five (5) year capital facilities plan which will include an appraisal of the following: the educational philosophy of the District, with resulting administrative organization and program requirements; present and projected student enrollments; space use and State-rated student capacity of existing facilities; the allocation of instructional space to meet the current and future education program and service needs, and to serve students with disabilities in settings with nondisabled peers; priority of need of maintenance, repair or modernization of existing facilities, including consideration of the obsolescence and retirement of certain facilities; and the provision of additional facilities.

b) A District-wide building inventory, which will include information pertaining to each building including, but not limited to:

1. Type of building, age of building, size of building;
2. Rated capacity, current enrollment;
3. List of energy sources and major systems (lighting, plumbing, electrical, heating); and
4. Summary of triennial Asbestos Inspection reports.

c) A building condition survey shall be conducted for all occupied school buildings once every five (5) years by a team that includes at least one (1) licensed architect or engineer.

d) A District-wide monitoring system which includes:

1. Establishing a Health and Safety Committee;
2. Development of detailed plans and a review process of all inspections;
3. Procedures for a response in writing to all inquiries about building health and safety concerns, a copy of which will be sent to the District's Health and Safety Committee for oversight, and a copy kept on permanent file.

e) Procedures to ensure the safety of the building occupants while a construction/renovation project is taking place. These procedures will include:

1. Notification to parents, staff and the community at least two (2) months in advance of a construction project of ten thousand dollars ($10,000) or more to be conducted in a

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

school building while the building is occupied; provided, however, that in the case of emergency construction projects, such notice shall be provided as far in advance of the start of construction as is practicable;

2. A plan to ensure that all contractors comply with all health and safety issues and regulations, and wear photo identification badges;

3. An opportunity for the District's Health and Safety Committee to conduct a walk-through inspection of newly renovated or constructed areas to confirm that the area is ready to be reopened for use; and

4. An emergency plan which will address potential concerns with the capital project including, but not limited to, evacuation procedures, fire drills, and structural failures.

Asbestos Inspection: 40 CFR Part 763, Subpart E
15 USC §§ 2641-2656
Carbon Monoxide Detection: 19 NYCRR § 1228.4
Fire Inspection: Education Law § 807-a
  8 NYCRR § 155.4
Health and Safety Committee: 8 NYCRR § 155. 4(d)(1)
Legionella Protection: 10 NYCRR § 4.1, et seq.
Plans and Specifications: Education Law §§ 408, 408-a and 409
  8 NYCRR §§ 155.1 and 155.2
  19 NYCRR §§ 1221-1240
Structural Safety Inspections: Education Law §§ 409-d, 409-e, 3602 and 3641(4)
  8 NYCRR §§ 155.1, 155.3, and 155.4(b)(1)

Adopted: 07/06/16
SUBJECT: EVALUATING EXISTING BUILDINGS

All BOCES facilities will be evaluated annually to ensure that school buildings and service centers not only meet safety and building code requirements but also operate in such a manner as to achieve the desired educational programming and outcomes.

The District Superintendent or his/her designee will solicit input from Building Principals regarding facility changes and remodeling plans. Building Principals, in turn, will seek staff input as they develop their recommendations. The District Superintendent shall present to the Board, on an annual basis, school facilities projects reflecting major rehabilitation and remodeling requests.

Education Law Section 408, 409 and 1950
8 New York Code of Rules and Regulations
(NYCRR) Section 155.1

Adopted: 08/02/06
SUBJECT: ENERGY CONSERVATION IN THE SCHOOL DISTRICT

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

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

Energy Manager

The Manager of Facilities Services is designated as the Energy Manager of the school district and he/she shall report directly to the Board of Education and the Superintendent, or their designee, on matters pertaining to energy conservation.

Energy Conservation Committee

The Board of Education further directs the Superintendent to establish an energy conservation committee. The duties of this committee will include, but are not limited to, the following:

a) Analyzing the school district's energy consumption patterns and cost data;

b) Work with outside consultants and/or staff members to recommend and evaluate energy saving ideas, including but not limited to Technology Power management, lighting changes, HVAC changes and management;

c) Evaluate and make recommendations about the energy efficiency of school district buildings through periodic building inspections and surveys;

d) Consider cost savings from cooperative purchasing arrangements with other municipalities and school districts.

Progress reports on the implementation of energy conservation measures will be made to the Superintendent at least annually.
SUBJECT: ENERGY CONSERVATION IN THE SCHOOL DISTRICT (Cont’d.)

Minimum Indoor Air Temperature

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

Long-Range Considerations

The energy conservation program is an important factor to be considered in planning effective use of school facilities, new construction, remodeling or rehabilitation programs, and modernization projects.

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

Adopted: 04/06/16
SUBJECT: OWNED OR LEASED VEHICLES

Cattaraugus-Allegany-Erie-Wyoming 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 District Superintendent.

The Board will be kept apprised of the inventory and status of BOCES owned and/or leased vehicles.

Maintenance of a Vehicle Inventory

The Assistant Superintendent, 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: 04/06/11
SUBJECT: DRUG AND ALCOHOL TESTING FOR SCHOOL BUS DRIVERS AND OTHER SAFETY-SENSITIVE EMPLOYEES

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

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

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

a) Drug testing will be conducted after an offer to hire, but before actually performing safety-sensitive functions for the first time. Such pre-employment testing will also be required when employees transfer to a safety-sensitive position;

b) Safety-sensitive employees are also subject to a random drug and/or alcohol test on an unannounced basis just before, during or just after performance of safety-sensitive functions;

c) In addition, testing will be ordered if a trained supervisor has a "reasonable suspicion" that an employee has engaged in prohibited use of drugs and/or alcohol;

d) There will also be post accident testing conducted after accidents on employees whose performance could have contributed to the accidents; and

e) Finally, return-to-duty and follow-up testing will be conducted when an individual who has violated the prohibited alcohol and/or drug conduct standards returns to performing safety-sensitive duties. Follow-up tests are unannounced and at least six (6) tests must be conducted in the first twelve (12) months after an employee returns to duty. Follow-up testing may be extended for up to sixty (60) months following return-to-duty.

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

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

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

a) Reporting for duty or remaining on duty to perform safety-sensitive functions while having an alcohol concentration of 0.04 or greater;

b) Being on duty or operating a commercial motor vehicle (CMV) while the driver possesses alcohol, unless the alcohol is manifested and transported as part of a shipment. This includes the possession of medicines containing alcohol (prescription or over-the-counter), unless the packaging seal is unbroken;

c) Using alcohol while performing safety-sensitive functions;

d) Using alcohol four (4) hours or less before duty;

e) When required to take a post-accident alcohol test, using alcohol within eight (8) hours following the accident or prior to undergoing a post-accident alcohol test, whichever comes first;

f) Refusing to submit to an alcohol or controlled substance test required by post-accident, random, reasonable suspicion or follow-up testing requirements;

g) Reporting for duty or remaining on duty, requiring the performance of safety-sensitive functions, when the SSE uses any controlled substance. This prohibition does not apply when instructed by a physician who has advised the SSE that the substance does not adversely affect the SSE's ability to safely operate a CMV; and

h) Reporting for duty, remaining on duty or performing a safety-sensitive function, if the SSE tests positive for controlled substances.

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

a) Evaluated by a substance abuse professional (SAP);

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

b) Complete any requirements for rehabilitation as set by the BOCES/vendor or contract bus company and the SAP;

c) Pass a return-to-duty test with the result below 0.02 if the conduct involved alcohol, or a controlled substance test with a verified negative result if the conduct involved controlled substance use; and

d) The SSE shall also be subject to unannounced follow-up alcohol and controlled substance testing. The number and frequency of such follow-up testing shall be as directed by the SAP, and consist of at least six (6) tests in the first twelve (12) months.

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

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

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

Omnibus Transportation Employee Testing Act of 1991 (Public Law 102-143)
49 United States Code (USC) Sections 31136 and 31306

Adopted: 08/02/06
SUBJECT: OCCASIONAL SCHOOL BUS DRIVERS

In accordance with Commissioner's Regulations and New York State Law, an occasional school bus driver is a certified teacher employed by BOCES who holds an appropriate state recognized drivers’ license and who drives, on a voluntary basis, a motor vehicle which is owned, leased, rented or otherwise controlled by BOCES and has been appropriately licensed and inspected to transport pupils. Occasional bus drivers are not required to receive training prior to operating a motor vehicle licensed and inspected to transport students that is described in the Commissioner's Regulations as being a passenger or suburban motor vehicle (having a seating capacity of no greater than ten passengers in addition to the driver) and is being driven with passengers less than thirty (30) days in a calendar year.

The District Superintendent will develop procedures governing the use of occasional school bus drivers.

8 New York Code of Rules and Regulations (NYCRR) Part 156.3(d)(2)
15 New York Code of Rules and Regulations (NYCRR) Part 6(b)
Vehicle and Traffic Law Article 19, Section 509-a (1)

Adopted: 04/06/16
SUBJECT: INSURANCE AND EMPLOYEE BONDS

Insurance

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

The Controller will coordinate the insurance protection activities and report to the Board.

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

Bonding

The Board shall provide a faithful performance bond to cover all personnel with increased coverage for the Treasurer, Deputy Treasurer and/or Chief Accountant; and other appropriate staff. Approval of the bonding shall be made at the Annual Reorganizational Meeting or upon appointment when applicable.

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

Adopted: 08/02/06
SUBJECT: HUMAN IMMUNODEFICIENCY VIRUS (HIV) RELATED ILLNESSES

A student shall not be denied the right to attend school or continue his/her education nor shall an employee 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 disclosure of confidential HIV-related information shall be strictly limited by current law and regulations.

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 BOCES.

Confidentiality:
Public Health Law Article 27-F

Adopted: 08/02/06
SUBJECT: SCHOOL SAFETY PLANS

The BOCES has developed, and will update by July 1 of each succeeding year, as necessary, a comprehensive BOCES-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, BOCES-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 BOCES-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.

BOCES-Wide School Safety Plan

*BOCES-wide school safety plan* means a comprehensive, multi-hazard school safety plan that covers all school buildings of the BOCES, 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 BOCES-wide school safety plan shall be developed by the BOCES-wide school safety team appointed by the Board. The BOCES-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.

The building-level plan shall be developed by the building-level safety team. The building-level safety team means a building-specific team appointed by the Building Principal, or administrator in accordance with regulations or guidelines prescribed by the Board. The building-level team shall include, but not be limited to, representatives of teacher, administrator, and parent organizations, 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.

(Continued)
SUBJECT: SCHOOL SAFETY PLANS (Cont'd.)

Filing/Disclosure Requirements

The BOCES shall file a copy of its comprehensive BOCES-wide school safety plan and any amendments thereto with the Commissioner of Education no later than thirty (30) days after their adoption. A copy of each building-level 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: 08/02/06
SUBJECT: COMMUNICABLE DISEASES

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

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

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

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

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

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

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

Following absence on account of illness or from unknown cause, the director of school health services may examine each student returning to a school without a certificate from a local public health officer, a duly licensed physician, physician assistant, or nurse practitioner.
SUBJECT: COMMUNICABLE DISEASES (Cont'd.)

The director of school health services, or other health professionals acting upon direction or referral of the director, may make evaluations of teachers and any other school employees, school buildings and premises as, in their discretion, they may deem necessary to protect the health of the students and staff.

Education Law Section 906
8 New York Code of Rules and Regulations (NYCRR)
Section 136.3(h) and 136.3(i)

Adopted: 08/02/06
SUBJECT: CARDIAC AUTOMATED EXTERNAL DEFIBRILLATORS (AEDs) IN PUBLIC SCHOOL FACILITIES

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

Whenever an instructional BOCES facility is used for a school-sponsored or school-approved curricular or extracurricular event or activity and whenever a school-sponsored athletic contest is held at any location, the public school officials and administrators responsible for such school facility or athletic contest shall ensure that AED equipment is provided on-site and that there is present during such event, activity or contest at least one staff person who is trained in accordance with Public Health Law in the operation and use of an AED. School-sponsored or school-approved curricular or extracurricular events or activities means events or activities of the BOCES that are, respectively, associated with its instructional curriculum or otherwise offered to its students. A school-sponsored athletic contest means an extra class intramural athletic activity of instruction, practice and competition for students in grades 4 through 12 consistent with Commissioner's Regulations Section 135.4.

Where a school-sponsored competitive athletic event is held at a site other than a BOCES facility, BOCES officials shall assure that AED equipment is provided on-site by the sponsoring or host BOCES and that at least one staff person who is trained, in accordance with Public Health Law, in the operation and use of the AED is present during such athletic event. A school-sponsored competitive athletic event means an extra class interscholastic athletic activity of instruction, practice and competition for students in grades 7 through 12 consistent with Commissioner's Regulations Section 135.4.

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

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

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

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

Pursuant to Public Health Law Sections 3000-a and 3000-b, the BOCES (as a public access defibrillation provider), or any employee or other agent of the BOCES who, in accordance with the provisions of law, voluntarily and without expectation of monetary compensation renders emergency medical or first aid treatment using an AED to a person who is unconscious, ill or injured, shall not be liable for damages for injury or death unless caused by gross negligence.

Education Law Section 917
Public Health Law Sections 3000-a and 3000-b
8 New York Code of Rules and Regulations (NYCRR) Sections 135.4 and 136.4

Adopted: 08/02/06
SUBJECT: SMOKING/TOBACCO USE

School Grounds

Tobacco use shall not be permitted and no person shall use tobacco on "BOCES grounds." For purposes of this policy, "BOCES grounds" means any instructional building, structure, and surrounding outdoor grounds contained within Cattaraugus-Allegany-Erie-Wyoming BOCES' legally defined property boundaries as registered in the County Clerk's Office. [This shall include property leased by Cattaraugus-Allegany-Erie-Wyoming BOCES.] Tobacco use is also prohibited in vehicles owned or leased by the BOCES, including vehicles used to transport children or BOCES personnel.

Indoor Facilities

Cattaraugus-Allegany-Erie-Wyoming BOCES shall not permit smoking at any time within any indoor facility owned or leased or contracted for and utilized by Cattaraugus-Allegany-Erie-Wyoming BOCES for provision of early childhood, day-care, elementary, middle or secondary education services to children. Cattaraugus-Allegany-Erie-Wyoming also prohibits smoking in indoor facilities in which administrative services are provided.

The term "indoor facility," for purposes of this policy, means a building that is enclosed.

Other Areas or Facilities

In those other areas or facilities not governed by the smoking prohibition as authorized by the federal Pro-Children Act of 1994, the District shall adhere to the New York State Clean Indoor Air Act (Public Health Law Article 13-E) as newly revised by the Pro-Child Act of 1994.

Prohibition of Tobacco Promotional Items/Tobacco Advertising

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

a) On BOCES grounds;

b) In BOCES vehicles;

c) At BOCES-sponsored events;

d) In BOCES publications;

e) On clothing, shoes, accessories, gear, and school supplies in accordance with the BOCES Code of Conduct and applicable collective bargaining agreements.

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

This prohibition of tobacco promotional items shall be implemented in accordance with the Cattaraugus-Allegany-Erie-Wyoming BOCES Code of Conduct and applicable collective bargaining agreements.

Posting/Notification of Policy

In compliance with the New York State Clean Indoor Air Act, Cattaraugus-Allegany-Erie-Wyoming BOCES will prominently post its Smoking/Tobacco Use policy in BOCES' buildings and supply a copy upon request to any current or prospective employee. "No Smoking" signs will also be posted as appropriate. Cattaraugus-Allegany-Erie-Wyoming BOCES will also designate a school official to tell individuals who smoke in a non-smoking area that they are in violation of Article 13-E of the state Public Health Law and the federal Pro-Children Act of 1994.

Safe and Drug-Free Schools and Communities Act
20 United States Code (USC) Section 7101 et seq.
Education Law Sections 409 and 3020-a
Public Health Law Article 13-E

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

Adopted: 08/02/06
SUBJECT: EXPOSURE CONTROL PROGRAM

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

a) Guidelines for maintaining a safe, healthy school environment to be followed by staff and students alike;

b) Written standard operating procedures for blood/body fluid clean-up.

c) Appropriate staff education/training;

d) Evaluation of training objectives;

e) Documentation of training and any incident of exposure to blood/body fluids;

f) A program of medical management to prevent or reduce the risk of pathogens, specifically hepatitis B and HIV;

g) Written procedures for the disposal of medical waste; and

h) Provision of protective materials and equipment for all employees who perform job-related tasks involving exposure or potential exposure to blood, body fluids or tissues.

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

Adopted: 08/02/06
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. The BOCES' legal counsel, the fiscal officer, and the District Superintendent/designee may comprise the Advisory Board.

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

a) Only those records will be disposed of that are described in Records Retention and Disposition Schedule ED-1 after they have met the minimum retention period described therein; and

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.

Digital images of public records may be stored on electronic media, and such electronic records may replace paper originals or micrographic copies of these records. To ensure accessibility and intelligibility for the life of these records, the BOCES shall follow the procedures prescribed by the Commissioner of Education.

The BOCES shall ensure that records retention requirements are incorporated into any plan and process for design, redesign, or substantial enhancement of an information system that stores electronic records.

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

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

Adopted: 08/05/09
SUBJECT: INFORMATION SECURITY BREACH AND NOTIFICATION

In accordance with the Information Security Breach and Notification Act 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.

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;

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

c) Telephone notification, provided that a log of each such notification is kept by the BOCES when notifying affected persons by phone; or

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 BOCES. It will also include a description of the categories of information that were, or are reasonably believed to have been, acquired by a person without valid authorization.

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

Adopted: 08/02/06
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/designee(s) the authority and responsibility to review current practices regarding the disposal of consumer information; and to implement such further reasonable and appropriate procedures, including staff training as necessary, to ensure compliance with the FTC's Disposal Rule.

The Fair Credit Reporting Act
15 United States Code (USC) Section 1681 et seq.
The Fair and Accurate Credit Transactions Act of 2003
Public Law 108-159
Federal Trade Commission Disposal of Consumer Report Information and Records
16 Code of Federal Regulations (CFR) Part 682

Adopted: 08/02/06
SUBJECT:  BOCES WELLNESS POLICY

The BOCES will establish a Wellness Committee to develop the BOCES' proposed local wellness policy, making such policy recommendations for review and adoption by the Board. The BOCES' Wellness Committee may include, but is not limited to, representatives from the following groups:

a) Parents;

b) Students;

c) The BOCES' food service program;

d) The BOCES Board;

e) BOCES administrators; and

f) Members of the public:

The BOCES Wellness Committee will assess current activities, programs and policies available in the BOCES; identify specific areas of need within the BOCES; develop the policy; and provide mechanisms for implementation, evaluation, revision and updating of the policy. The Wellness Committee is established to represent the local community's perspective in developing the wellness policy for the BOCES.

Goals to Promote Student Wellness

Taking into account the parameters of the BOCES (academic programs, annual budget, staffing issues, and available facilities) as well as the community in which the BOCES is located (the general economy; socioeconomic status; local tax bases; social cultural and religious influences; geography; and legal, political and social institutions) the Wellness Committee will make recommendations to the Board for BOCES goals relating to nutrition education, physical activity and other BOCES-based activities:

Nutrition Education

The BOCES will provide nutrition education to facilitate the voluntary adoption of healthy eating habits and other nutrition-related behaviors conducive to health and well-being by establishing the following standards for:

(Continued)
SUBJECT: BOCES WELLNESS POLICY (Cont’d.)

a) Classroom teaching:

Nutrition education will be incorporated into the curriculum and will meet the New York State Standards in all appropriate subject areas. Education will include, when appropriate, nutrition content of foods, healthy body image, weight management and eating disorders.

b) Fundraising activities:

The BOCES will encourage fundraising activities that promote physical activity. Fundraising activities involving individual servings of food will meet appropriate portion guidelines.

c) Teacher training:

Teachers will be provided with suitable instructional materials to utilize in the instruction of nutrition, when applicable.

Physical Activity

The BOCES will provide opportunities for students to develop the knowledge and skills for specific physical activities, to maintain physical fitness, to regularly participate in physical activity, and to understand the short-term and long-term benefits of a physically active and healthy lifestyle.

All students attending BOCES on a full-day basis shall receive some form of daily physical education during the school year. Students will be encouraged to participate in other activities involving physical activities outside of school. Physical activity will be appropriate based upon the age and special needs of the students involved.

Other School-based Activities

The BOCES encourages a school environment that presents consistent wellness messages and is conducive to healthy eating and physical activity for all. In order to present a coordinated school approach where BOCES decision-making related to nutrition and physical activity encompasses all aspects of the school, the Wellness Committee has determined that the following standards are necessary to achieve this goal:

a) Federal School Meal Programs:

(Continued)
SUBJECT:  BOCES WELLNESS POLICY  (Cont’d.)

The BOCES will participate to the maximum extent practicable in available federal school meal programs [School Breakfast Program, National School Lunch Program, (including after-school snacks), Summer Food Service Program, Fruit and Vegetable Snack Program, and the Child and Adult Care Food Program (including suppers)].

b)  Access to school nutrition programs:

       The BOCES will encourage families of children eligible to access free/reduced price meals to avail themselves of such programs where available through the BOCES or a component district. The BOCES will provide the opportunity to participate in free/reduced price meals in a discrete and non-stigmatizing manner.

c)  Community involvement:

       The Wellness Committee will utilize the wellness resources and available organizations in the community, where appropriate, to assist with wellness planning.

Nutrition Guidelines

The BOCES Wellness Committee will recommend which nutrition standards will be established for all foods available on school campus during the school day based upon the unique needs of the student body and the community. The goal is to encourage healthy lifelong eating habits by providing foods that are high in nutrients, low in fat and added sugars and of moderate portion size.

Nutritional Values of Foods and Beverages

a)  Reimbursable school meals served at school will minimally meet the program requirements and nutrition standards of the National School Lunch Program.  
    http://www.access.gpo.gov/nara/cfr/waisidx_05/7cfr210_05.html

b)  Food of minimal nutritional value on the BOCES campus will be replaced with more nutritional options. Such options will be periodically reviewed by the Committee and/or it's designee.

c)  Nutrition information for products sold on campus will be readily available near the point of purchase.

    (Continued)
SUBJECT: BOCES WELLNESS POLICY (Cont’d.)

A La Carte, Vending Machines, Student Stores, Snack Bars, Concession Stands, Parties, Celebrations, Food-Related Fundraising, and Food Rewards/Punishments

Foods and beverages sold individually outside the reimbursable school meal programs at BOCES buildings during the school day, or through programs for students after the school day, will meet the following standards:

a) **Beverages**

   1. *Allowed: water or seltzer water without caloric sweeteners; fruit and vegetable juices and fruit-based drinks that do not contain caloric sweeteners; unflavored or flavored low-fat or fat-free milk and nutritionally equivalent nondairy beverages.

   2. *Not allowed: soft drinks containing caloric sweeteners; sports drinks; fruit-based drinks containing caloric sweeteners; beverages containing caffeine, excluding low-fat or fat-free flavored milk.

b) **Foods**

   A Building Level Committee will review available foods and will report to the Board annually.

**Assurance**

Guidelines for reimbursable school meals shall not be less restrictive than applicable federal regulations and guidance issued pursuant to the Child Nutrition Act and the Richard B. Russell National School Lunch Act, as those regulations and guidance apply to schools and BOCES.

**Implementation and Evaluation of the Wellness Policy**

In accordance with law, the BOCES’ wellness policy is to be established by July 1, 2006; and the BOCES will ensure school and community awareness of this policy through various means such as publication in BOCES newsletter and/or BOCES calendar. Further, professional development activities for staff and student awareness training will be provided, as appropriate, on the goals of the BOCES' wellness program, including activities/programs for the development of healthy eating habits and the incorporation of physical activity as part of a comprehensive healthy lifestyle.

(Continued)
SUBJECT: BOCES WELLNESS POLICY (Cont’d.)

The BOCES shall establish an implementation and evaluation plan for the wellness policy in order to monitor the effectiveness of the policy and the possible need for further modification over time. Accordingly, the District Superintendent shall designate one or more staff members within the BOCES or at each school as appropriate to have operational responsibility for ensuring that the BOCES meets the goals and mandates of its local wellness policy. Designated staff members may include, but are not limited to, the following personnel:

a) Administrators;

b) School health personnel including the school nurse and the health and/or physical education teacher; and

c) BOCES Food Service Instructor(s).

These designated staff members shall periodically report to the District Superintendent on the BOCES' compliance with the wellness policy (or, if done at the building level, to the Principal) and designee shall prepare a summary report on BOCES-wide compliance with the BOCES' wellness policy. That report will be provided to the Board and also distributed to the wellness committee, parent-teacher organizations and Building Principals. The report shall also be available to community residents upon request.

These designated BOCES officials will also serve as a liaison with community agencies in providing outside resources to help in the development of nutrition education programs and physical activities.

Evaluation and feedback from interested parties, including an assessment of student, parent, teacher, and administration satisfaction with the wellness policy, is essential to the BOCES' evaluation program.

To the extent practicable, students and parents shall be involved in the development of strategies designed to promote healthy food choices in the school environment. The school will encourage students' active, age appropriate participation in decisions regarding healthy lifestyles and choices. Positive reinforcement, such as letters of recognition and acknowledgement will be utilized as a means to encourage healthy eating patterns among the student population. In addition, the school will share information about the nutritional content of meals with parents and students; such information may be made available on menus, a web site, or such other "point-of-purchase" materials.

Assessments of the BOCES' wellness policy and implementation efforts may be repeated on an annual basis, but it is recommended that such assessment occur no later than every three (3) years, to help review policy compliance, assess progress, and determine areas in need of improvement. The

(Continued)
SUBJECT: BOCES WELLNESS POLICY (Cont’d.)

BOCES, and individual schools within BOCES, will, as necessary, revise the wellness policy and develop work plans to facilitate its implementation.

Child Nutrition and WIC Reauthorization Act of 2004
Public Law Section 108-265 Section 204
Richard B. Russell National School Lunch Act
42 United States Code (USC) Section 1751 et seq.
Child Nutrition Act of 1966
42 United States Code (USC) Section 1771 et seq.
7 Code of Federal Regulations (CFR) Section 210.10
http://www.access.gpo.gov/nara/cfr/waisidx_05/7cfr210_05.html

Adopted: 04/06/11
PERSONNEL

(Section 5000)

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(Section 5000)

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SUBJECT: CODE OF ETHICS FOR ALL BOCES PERSONNEL

Definitions

a) "BOCES" shall mean the Board of Cooperative Educational Services, Sole Supervisory District, and Cattaraugus-Allegany-Erie-Wyoming.

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.

Disclosure of Interest in Contracts

Any BOCES officer or employee, as well as his/her spouse, who has, will have, or later acquires an interest in any actual or proposed contract, purchase agreement, lease agreement or other agreement, including oral agreements, with the BOCES shall publicly disclose the nature and extent of such interest in writing to his/her immediate supervisor and to the Board as soon as he/she has knowledge of such actual or prospective interest. Such written disclosure shall be made part of and set forth in the Board minutes.

Standards of Conduct

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

(Continued)
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 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.

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.

(Continued)
SUBJECT: CODE OF ETHICS FOR ALL BOCES PERSONNEL (Cont'd.)

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.

Legal Remedies

BOCES Officers

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

Board Members and Employees

Nothing herein shall be deemed to bar or prevent the timely filing by a present or former Board member or employee of any claim, account, demand, or suit against the 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.

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.

(Continued)
SUBJECT: CODE OF ETHICS FOR ALL BOCES PERSONNEL (Cont'd.)

Penalties

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

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

NOTE: Refer also to Policy #5240 -- Professional Staff Consulting Activities

Adopted: 08/02/06
SUBJECT:  EQUAL EMPLOYMENT OPPORTUNITY

The Cattaraugus-Allegany-Erie-Wyoming BOCES will provide equal opportunities for employment, retention and advancement of all people regardless of race, color, creed, religion, national origin, political affiliation, sex, sexual orientation, age, marital status, military status, veteran status, disability, or predisposing genetic characteristics or any other basis prohibited by law.

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

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

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

Job descriptions for all Cattaraugus-Allegany-Erie-Wyoming BOCES positions shall be developed and maintained by administration. Additionally, administration shall establish grievance procedures that provide for the prompt and equitable resolution of complaints alleging discrimination. Those intending to file a grievance due to alleged discrimination must follow the grievance procedure as established by the BOCES.

Age Discrimination in Employment Act,
29 United States Code (USC) Section 621
Americans With Disabilities Act,
42 United States Code (USC) Section 12101 et seq.
Prohibits discrimination on the basis of disability.
Section 504 of the Rehabilitation Act of 1973,
29 United States Code (USC) Section 794 et seq.
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.
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.

(Continued)
SUBJECT: EQUAL EMPLOYMENT OPPORTUNITY (Cont'd.)

Title IX of the Education Amendments of 1972, 20 United States Code (USC) Section 1681 et seq. Prohibits discrimination on the basis of sex.
Civil Rights Law Section 40-c Prohibits discrimination on the basis of race, creed, color, national origin, sex, sexual orientation, marital status or disability.
Executive Law Section 290 et seq. Prohibits discrimination on the basis of age, race, creed, color, national origin, sex, sexual orientation, disability, military status, marital status, predisposing genetic characteristics.
Military Law Sections 242 and 243

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

Adopted: 07/06/16
SUBJECT: SEXUAL HARASSMENT OF DISTRICT PERSONNEL

The Board of Education affirms its commitment to non-discrimination and recognizes its responsibility to provide for all District employees an environment that is free of sexual harassment, including sexual violence. Sexual harassment including sexual violence 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, school volunteers, students, and non-employees such as contractors and vendors which occur on school grounds and at all school-sponsored events, programs and activities including those that take place at locations off school premises and in another state. Since sexual violence is a form of sexual harassment, the term "sexual harassment" as used in this policy will implicitly include sexual violence even if it not explicitly stated.

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

a) Submission of such conduct is made, either explicitly or implicitly, a term or condition of an individual's employment;

b) Submission to or rejection of such conduct by an individual is used as a basis for employment decisions affecting such individuals; and

c) Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive work environment.

Sexual violence is defined as physical sexual acts perpetrated against a person's will or where a person is incapable of giving consent. Sexual violence as defined by New York Penal Law includes but is not limited to acts such as:

a) Rape;

b) Sexual assault;

c) Sexual battery;

d) Sexual coercion.

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 School District. The District will designate, at a minimum, two (2) Compliance Officers, one (1) of each gender.

(Continued)
SUBJECT: SEXUAL HARASSMENT OF DISTRICT PERSONNEL (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 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 District's designated Compliance Officers through informal and/or formal complaint procedures as developed by the District. Such complaints are recommended to be in writing, although verbal complaints of alleged sexual harassment will also be promptly, thoroughly and equitably investigated in accordance with the terms of this policy. In the event that the Compliance 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 (even an anonymous complaint), the District will conduct a thorough, prompt and equitable investigation of the charges. However, even in the absence of a complaint, if the District has knowledge of or reasonably should know of or suspect any occurrence of sexual harassment, the District will investigate such conduct promptly, equitably, and thoroughly. All procedures developed by the District will provide for the prompt and equitable resolution of the sexual harassment.

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. The Superintendent will inform the Board of Education of investigations involving findings of harassment.

Based upon the results of the investigation, if the District 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, District policy and regulation, the District's Code of Conduct, and the applicable collective bargaining agreement(s). Third parties (such as school volunteers, vendors, etc.) who are found to have violated this policy and/or accompanying regulations will be subject to appropriate sanctions as warranted and in compliance with law.

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

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

**Finding That Harassment Did Not Occur**

At any level/stage of investigation of alleged harassment, if a determination is made that harassment did not occur, the Compliance Officer will so notify the complainant, the alleged offender

(Continued)
SUBJECT: SEXUAL HARASSMENT OF DISTRICT PERSONNEL (Cont’d.)

and the Superintendent of this determination. Such a finding does not preclude the complainant from filing an appeal pursuant to District policy or regulation and/or pursuing other legal avenues of recourse.

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

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

Knowingly Makes False Accusations

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

Privacy Rights

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

Development and Dissemination of Administrative Regulations

Regulations will be developed for reporting, investigating and remedying allegations of sexual harassment. An appeal procedure will also be provided to address any unresolved complaints and/or unsatisfactory prior determinations by the applicable Compliance Officer(s).

Such regulations will be developed in accordance with federal and state law as well as any applicable collective bargaining agreement(s).

The Superintendent/designee(s) will affirmatively discuss the topic of sexual harassment with all employees, express the District's 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.

(Continued)
SUBJECT: SEXUAL HARASSMENT OF DISTRICT PERSONNEL (Cont'd.)

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 District's policy and regulations on sexual harassment will be published in appropriate school publications such as teacher/employee handbooks and/or school calendars.

Civil Rights Act of 1991, 42 United States Code (USC) Section 1981(a)
29 Code of Federal Regulations (CFR) Section 1604.11(a)
Civil Service Law Section 75-B
Education Law Section 2801(1)
Executive Law Sections 296 and 297
Title VII of the Civil Rights Act of 1964, 42 United States Code (USC) Section 2000e et seq.
Title IX of the Education Amendments of 1972, 20 United States Code (USC) Section 1681 et seq.
34 Code of Federal Regulations (CFR) Section 100 et seq.

ADOPTED: 12/07/11
SUBJECT: POSTING REQUIREMENT OF CORRECTION LAW ARTICLE 23-A

The Cattaraugus-Allegany-Erie-Wyoming BOCES shall post, in a place accessible to employees and in a visually conspicuous manner, a copy of Article 23-A of the Correction Law and any regulations promulgated under that statute. Article 23-A addresses the licensure and employment of persons previously convicted of one or more criminal offenses.

Labor Law Section 201-f

Adopted: 08/05/09
SUBJECT: PERFORMANCE REVIEW

The administration shall undertake a continuous program of supervision and evaluation of all personnel in Cattaraugus-Allegany-Erie-Wyoming BOCES. Evaluation of teachers providing instructional services or pupil personnel services as defined pursuant to Commissioner's Regulations will be conducted in accordance with the BOCES' Annual Professional Performance Review (APPR).

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

Adopted: 08/02/06
SUBJECT: HEALTH EXAMINATIONS

All BOCES employees shall be required to have a physical-medical examination at the time of employment with the Cattaraugus-Allegany-Erie-Wyoming 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. Temporary and substitute staff whose employment is projected for less than six months are exempt from this requirement.

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

The Board, District Superintendent and/or school physician/nurse practitioner reserve the right to request a health examination at any time during employment, at 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.

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

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

Adopted: 08/02/06
SUBJECT: RECRUITMENT, SELECTION, AND APPOINTMENT OF PERSONNEL

The District Superintendent shall recommend for employment persons who 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 Cattaraugus-Allegany-Erie-Wyoming BOCES. 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 Cattaraugus-Allegany-Erie-Wyoming Board of Cooperative Educational Services upon the recommendation of the District Superintendent.

The District Superintendent shall adopt guidelines to avoid the hiring, transfer, or promotion of relatives of employees into situations where the possibility of conflicts of interest might exist.

All appointments, assignments and transfers shall be made in accordance with the provisions of law, Board policies, appointments, and the employee's negotiated agreement.

Age Discrimination in Employment Act,
29 United States Code (USC) Section 621
Americans with Disabilities Act,
42 United States Code (USC) Section 12101 et seq.
Section 504 of the Rehabilitation Act of 1973,
29 United States Code (USC) Section 794 et seq.
Title VI of the Civil Rights Act of 1964,
42 United States Code (USC) Section 2000d et seq.
Title VII of the Civil Rights Act of 1964,
42 United States Code (USC) Section 2000e et seq.
Title IX of the Education Amendments of 1972,
20 United States Code (USC) Section 1681 et seq.
Civil Rights Law Section 40-c
Education Law Section 3012
Executive Law Section 290 et seq.
Military Law Sections 242 and 243
Civil Service Law Section 63

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

Adopted: 08/02/06
SUBJECT: TEMPORARY AND PART-TIME EMPLOYEES

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

8 New York Code of Rules and Regulations (NYCRR) Section 80-5.4
Education Law Section 3023

Adopted: 08/02/06
SUBJECT:  INCIDENTAL TEACHING

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

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

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

Adopted: 08/02/06
SUBJECT: EMPLOYMENT OF RELATIVES OF BOARD MEMBERS

The appointment of an employee who is related by bloodline, legal process (including marriage), or living in the same household with any member of the Board shall be subject to the consent of two-thirds of the members of the Board to be determined at a Board meeting and to be entered upon the proceedings of the Board. Board members shall reveal to the District Superintendent and Board of Education that such a relationship exists with the person being recommended for employment or tenure/permanent status prior to Board action being taken on the appointment.

This provision shall not apply to any person within such relationship or relationships who has been regularly employed by the Board prior to the taking of office of any member of the Board, or who has been regularly employed by the Board prior to the inception of such relationship or relationships.

Education Law Section 3016
General Municipal Law Sections 800-809

Adopted: 05/04/11
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.

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 (Continued)
SUBJECT:  FINGERPRINTING OF PROSPECTIVE BOCES EMPLOYEES (Cont'd.)

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; or

d) Any individual who is employed by or associated with a supplemental educational services provider and who will provide supplemental educational services through direct contact with eligible children, regardless of the location in which such services are delivered.

Individuals Who Are Specifically Excluded

Individuals excluded from a criminal history record check/fingerprinting pursuant to this provision of law and regulations 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.

Conditional Appointments/Emergency Conditional Appointments

Conditional Appointments

Whenever possible, a "full" clearance will be received for all new employees requiring such clearance before they begin work for the BOCES. However, upon the recommendation of the District Superintendent, the Board may conditionally appoint a prospective employee. A request for conditional clearance shall be forwarded to the Commissioner of Education along with the prospective employee's fingerprints as mandated pursuant to law. Such conditional appointment shall not commence until notification by the Commissioner that the prospective employee has been conditionally cleared for employment, and such conditional employment shall terminate when the 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 outside the state.

Emergency Conditional Appointments

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

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.

(Continued)
SUBJECT: FINGERPRINTING OF PROSPECTIVE BOCES EMPLOYEES (Cont'd.)

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 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.

Education Law Sections 305(30), 1604, 1709, 1804, 1950, 2503, 2554, 2590(h), 2854, 3004-b and 3004-c, and 3035
Correction Law Article 23-A
Executive Law Section 296(16)
Social Services Law Article 5, Title 9-B
8 New York Code of Rules and Regulations (NYCRR)
Section 80-1.11 and Part 87

Adopted: 05/04/11
SUBJECT: SUPPLEMENTARY SCHOOL PERSONNEL

Teacher Aides

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

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

A teacher aide may be assigned to assist teachers in such non-teaching duties as:

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

Teaching Assistants

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

Teaching assistants assist teachers by performing duties such as:

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

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

a) Working with small groups of students so that the teacher can work with a large group or individual students;

b) Helping a teacher to construct a lesson plan;

c) Presenting segments of lesson plans, as directed by the teacher;

d) Communicating with parents of students at a school site or as otherwise directed by a teacher; and

e) Helping a teacher to train other teaching assistants.

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

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

Adopted: 08/02/06
SUBJECT: CERTIFICATION AND QUALIFICATIONS

a) In accordance with applicable statutes, Rules of the Board of Regents, and Regulations of the Commissioner of Education, each employee whose employment requires certification or other licensure shall inform the District Superintendent immediately of any change in the status of his/her certification or licensure. The changes shall include, but not be limited to, the granting, revocation, upgrading, expiration, conversion and/or extension of these documents as to their periods of validity or their titles.

b) The original certificates and/or licenses must be presented for examination and copying in the office of the District Superintendent as soon as they are available to the employee. The copies will be maintained in the employee's personnel file in support of the legitimate employment of each affected employee. The failure of any such employee to possess the required certification or other licensure may result in the discharge of that employee.

c) Whether or not the BOCES verifies an individual's certification or licensure does not waive the responsibility of the employee to maintain what is required for his/her assignment.

Qualifications of Teachers

a) The BOCES must ensure that all newly hired teachers in Title I programs who teach core academic subjects are highly qualified per Regulations of the Commissioner of Education. The term "core academic subjects" means English, reading or language arts, mathematics, science, foreign languages, civics and government, economics, arts, history, and geography. A "highly qualified" teacher is one who has obtained full state certification as a teacher, or has passed the state teacher licensing examination, holds a license to teach in the state and has at least a bachelor's degree, and also must show subject matter competency in the subjects they teach.

b) The BOCES is also required to provide to teachers who are not new to the profession the opportunity to meet the NCLB requirement to be highly qualified, in part, through passing a High Objective Uniform State Standard of Evaluation (HOUSSE). The HOUSSE shall be an evaluation, prescribed by the New York State Education Department and conducted locally either during a pre-employment review or at the time of an Annual Professional Performance Review (APPR), that enables a teacher who is beyond the first year of teaching to demonstrate subject matter competency in all core academic subjects that the teacher teaches. The evaluation shall be based upon objective, coherent information as prescribed by the department, and shall include, but not be limited to, information on the teacher's education, credentials, professional experience, and professional development.

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

Education Law Sections 3001, 3001-a, 3004, 3006 and 3008
8 New York Code of Rules and Regulations (NYCRR) Subparts 80-1, 80-2, 80-3, 100.2 (dd) and 100.2 (o)
34 Code of Federal Regulations (CFR) Sections 200.55 and 200.56
20 United States Code (USC) Section 7801 (23)

Adopted: 08/05/09
SUBJECT: ALCOHOL, DRUGS AND OTHER SUBSTANCES (SCHOOL PERSONNEL)

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. Information shall also include the range of penalties, (consistent with local, state and federal law), up to and including termination of employment and referral for prosecution that will be imposed on employees who have transgressed the terms of this policy.

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

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

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

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

Adopted: 08/02/06
SUBJECT: DRUG-FREE WORKPLACE

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

"Workplace" is defined as a school building or other school premises; any school-owned vehicle or any other school-approved vehicle used to transport students to and from school or school activities; off school property during any school-sponsored or school-approved activity, event or function, such as a field trip or athletic event, where students are under the jurisdiction of the BOCES.

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

Drug-Free Workplace Act
20 United States Code (USC) Section 7101 et seq.
21 United States Code (USC) Section 812
21 Code of Federal Regulations (CFR) 1308.11-1308.15
34 Code of Federal Regulations (CFR) Part 85

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

Adopted: 08/02/06
SUBJECT: COMPLAINTS AND GRIEVANCES BY EMPLOYEES

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

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

Civil Rights Compliance Officer

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

Prior to the beginning of each school year, the BOCES shall issue an appropriate public announcement which advises students, parents/guardians, employees and the general public of BOCES’ established grievance procedures for resolving complaints of discrimination or harassment. Included in such announcement will be the name, address and telephone number of the Civil Rights Compliance Officer. The Civil Rights Compliance Officer is the Director of Human Resources.


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

Title VII of the Civil Rights Act of 1964, 42 United States Code (USC) Section 2000e, et seq. Prohibits discrimination on the basis of race, color, religion, sex or national origin.
Title IX of the Education Amendments of 1972, 20 United States Code (USC) Section 1681 et seq. Prohibits discrimination on the basis of sex.
Civil Rights Law Section 40-c Prohibits discrimination on the basis of race, creed, color, national origin, sex, marital status, sexual orientation or disability.
Executive Law Section 290 et seq. Prohibits discrimination on the basis of age, race, creed, color, national origin, sex, sexual orientation, disability, military status, or marital status, or predisposing genetic characteristics.
Military Law Sections 242 and 243

NOTE:  Refer also to Policy #1440 -- Non-Discrimination
SUBJECT: EMPLOYEE PERSONAL IDENTIFYING INFORMATION

In accordance with Section 203-d of the New York State Labor Law, the Cattaraugus-Allegany-Erie-Wyoming BOCES shall restrict the use and access to employee personal identifying information. As enumerated in law, "personal identifying information" shall include social security number, home address or telephone number, personal electronic mail address, Internet identification name or password, parent's surname prior to marriage, or driver's license number.

The Cattaraugus-Allegany-Erie-Wyoming BOCES shall not unless otherwise required by law:

a) Publicly post or display an employee's social security number;

b) Visibly print a social security number on any identification badge or card, including any time card;

c) Place a social security number in files with unrestricted access; or

d) Communicate an employee's personal identifying information to the general public.

A social security number shall not be used as an identification number for purposes of any occupational licensing.

Staff shall have access to this policy, informing them of their rights and responsibilities in accordance with Labor Law Section 203-d. Procedures for safeguarding employee "personal identifying information" shall be evaluated; and employees who have access to such information as part of their job responsibilities shall be advised as to the restrictions on release of such information in accordance with law.

Labor Law Section 203-d

Adopted: 08/05/09
SUBJECT: PROFESSIONAL GROWTH/STAFF DEVELOPMENT

The District Superintendent, in consultation with the appropriate administrative staff and/or teacher committees, is directed to arrange in-service programs and other staff development opportunities.

Attendance at such professional development programs must be linked to the duties and responsibilities comprising the job description of the employee.

The Board shall, by resolution adopted annually at the Board's Reorganizational Meeting, authorize the District Superintendent/designee to approve such conference attendance. Expenses for such travel will fall within fiscal limits adopted for that purpose in the annual budget and within the framework of the guidelines for conference attendance established in the procedures developed to implement this policy as well as complying with negotiated contracts.

Education Law Sections 3004 and 3006
General Municipal Law Sections 77-b and 77-c
8 New York Code of Rules and Regulations (NYCRR)
Sections 52.21(b)(3)(xvi), 52.21(b)(3)(xvii),
80-3.4(b)(2), 80-5.13, 80-5.14 and 100.2(dd)

NOTE: Refer also to Policies #4411 -- Reimbursement for Meals/Refreshments
#5211 -- Mentoring Programs for First-Year Teachers
#5212 -- Employee Travel Expenses and Travel Compensation

Adopted: 08/02/06
SUBJECT: MENTORING PROGRAMS FOR FIRST-YEAR TEACHERS

All new teachers in the Cattaraugus-Allegany-Erie-Wyoming BOCES holding an initial certificate will complete a mentored teaching experience within their first year of employment as a teacher. Cattaraugus-Allegany-Erie-Wyoming BOCES will incorporate the design and planning of such mentored experiences for all first-year teachers in its employ into the Cattaraugus-Allegany-Erie-Wyoming BOCES Professional Development Plan.

The purpose of the mentoring program is to provide support for new teachers, retention of teachers, and to increase the skills of new teachers. The Professional Development Plan shall describe how the Cattaraugus-Allegany-Erie-Wyoming BOCES will provide a mentoring program for teachers who must participate in a mentoring program to meet the teaching experience requirement for the professional certificate as prescribed by Commissioner's Regulations.

The mentoring program shall be developed and implemented consistent with any collective bargaining obligation required by Article 14 of the Civil Service Law (i.e., the Taylor Law); however, Commissioner's Regulation does not impose a collective bargaining obligation that is not required by the Taylor Law.

In accordance with Commissioner's Regulations, the Professional Development Plan shall describe the following elements of the mentoring program:

a) The procedure for selecting mentors, which shall be published and made available to staff of the Cattaraugus-Allegany-Erie-Wyoming BOCES and, upon request, to members of the public;

b) The role of mentors, which shall include but not be limited to providing guidance and support to the new teacher;

c) The preparation of mentors, which may include but shall not be limited to the study of the theory of adult learning, the theory of teacher development, the elements of the mentoring relationship, peer coaching techniques, and time management methodology;

d) The types of mentoring activities, which may include but shall not be limited to modeling instruction for the new teacher, observing instruction, instructional planning with the new teacher, peer coaching, team teaching, and orienting the new teacher to the school culture; and

e) The time allotted for mentoring, which may include but shall not be limited to scheduling common planning sessions; releasing the mentor and the new teacher from a portion of

(Continued)
SUBJECT:  MENTORING PROGRAMS FOR FIRST-YEAR TEACHERS  (Cont’d.)

their instructional and/or non-instructional duties; and providing time for mentoring during Staff Development conference days, before and after the school day, and during summer orientation sessions.

Confidentiality of Mentor-New Teacher Interaction

The information obtained by a mentor through interaction with the new teacher while engaged in the mentoring activities of the program shall not be used for evaluating or disciplining the new teacher unless:

a) Withholding such information poses a danger to the life, health, or safety of an individual including, but not limited to, students and staff of the school; or

b) Such information indicates that the new teacher has been convicted of a crime, or has committed an act which raises a reasonable question as to the new teacher's moral character; or

c) The information obtained by the mentor through interaction with the new teacher while engaged in the mentoring activities of the program may be used for evaluating or disciplining the new teacher if the Cattaraugus-Allegany-Erie-Wyoming BOCES has entered into an agreement negotiated pursuant to Article 14 of the Civil Service law whose terms are in effect.

Exemptions to above Mentoring Requirements

Teachers holding initial certificates who have two (2) or more prior years of teaching experience may be provided a mentored experience as enumerated in this policy if deemed necessary by the Principal or supervisor in consultation with the District Superintendent.

Recordkeeping Requirements

The Cattaraugus-Allegany-Erie-Wyoming BOCES shall maintain documentation of the implementation of the mentoring program described in the Professional Development Plan for at least seven (7) years from the date of completion of the mentoring activity, and it shall be available for review by the State Education Department. Such documentation will include the information enumerated in Commissioner's Regulations.

Education Law Sections 3004 and 3006
8 New York Code of Rules and Regulations (NYCRR) Sections 52.21(b)(3)(xvi) and (xvii), 80-3.4(b)(2), 80-5.13, 80-5.14, and 100.2(dd)

Adopted: 08/02/06
SUBJECT:  EMPLOYEE TRAVEL EXPENSES AND TRAVEL COMPENSATION

Employees of the Cattaraugus-Allegany-Erie-Wyoming Board, approved for travel to conferences, conventions, workshops and professional meetings by the District Superintendent/designee, shall be reimbursed for necessary expenses incurred while on business for BOCES. Expenses for such travel will fall within fiscal limits, adopted for that purpose in the annual budget and within the parameters of any procedures developed to implement this policy. All conference travel must have a completed Travel Conference Request Form on file that has been approved by the appropriate supervisor. Employees will be expected to share materials and information obtained at the conference or workshop.

Requests for reimbursement should be submitted within sixty days (60) following the employee return on the proper form and must be accompanied by appropriate original receipts. Sales tax exemption certificates should be used when appropriate within New York State. Where it is inappropriate to use the New York State sales tax exemption certificate, sales tax will be reimbursed.

Lodging

Lodging will be reimbursed at the single room rate, if one is available. Lodging reimbursement for attendance at meetings where there is no conference hotel and rate and where there is a choice of facilities for lodging will be capped at the Federal IRS guideline in affect at the time and particular location of travel. Such rates are available upon request from the BOCES Business Office. If no suitable hotels are available at or under the federal IRS rate, approval at a higher rate may be made upon a necessary showing to the BOCES District Superintendent or his/her designee, but in no event will lodging exceed the greater of the federal IRS rate or $150 per night.

Meals

The BOCES will reimburse for daily meal expenses based upon the daily Federal IRS guidelines in affect at the time and particular location of travel. Such rates are available upon request from the BOCES Business Office. Alcoholic beverages will not be reimbursed and should be on a separate receipt from the one submitted to BOCES for reimbursement. Meal reimbursement on the days of travel to and from the destination will be limited to 75% of the daily Federal IRS meal allowance. The full meal allowance will not be paid where an employee attends a conference or meeting where meals are provided as part of the conference and/or meeting. Reimbursement for meal expense above the daily allowance will only be allowed upon submission of original receipts and a reason acceptable to the Purchasing Agent as to why the expenses exceeded the per diem amount.

Guests

An employee who travels with a guest while on BOCES business will be responsible for all meal and travel expenses incurred by the guest. Lodging expenses will be charged for a guest where there is a different rate for a double room versus a single room.

(Continued)
SUBJECT:  EMPLOYEE TRAVEL EXPENSES AND TRAVEL COMPENSATION  
(Cont'd.)

Other Expenses

Expenses to be reimbursed shall include, but are not limited to, parking; tolls; mileage at the BOCES approved rate; cab; bus; rail and/or air transportation (at regular coach class rates); and other necessary expenses which are proper in the performance of a member's official duties. If car rental is necessary, an employee may request consideration for reimbursement from the District Superintendent/designee.

Expenses, which can be considered "personal", are not reimbursable. These include, but are not limited to, pay television, theater and show tickets, telephone calls not related to BOCES business, and non-related transportation expenses.

NOTE: Refer also to Policy #4411 -- Reimbursement for Meals/Refreshments

Adopted: 04/06/16
SUBJECT: EMPLOYEE PRIVACY: PERSONNEL RECORDS AND RELEASE OF INFORMATION

Personnel Records

Administrative regulations will be developed to implement the terms of this policy to maintain a personnel file for each teacher, administrator and support staff member employed by the BOCES.

Regulations and procedures will be developed addressing the inspection by BOCES’ employees of their personnel files.

Release of Personnel Information

BOCES shall take steps to safeguard personal employee information in its possession to ensure the confidentiality of information. To ensure the individual's privacy, directory or confidential information should not be shared with a third party except in the following situations:

a) When members of the Board need information from the employee's personnel record to aid them in performing their legal responsibilities in such matters as appointments, tenure determinations, assignments, promotions, demotions, remuneration, discipline, dismissal or to aid in the development and implementation of personnel policies. Examination of this information shall be conducted only at Executive Sessions of the Board.

b) When the employee grants permission.

c) When served with a subpoena or other legal document requiring release of the information.

BOCES personnel who violate this policy by releasing unauthorized information will be subject to disciplinary action.

Procedures for obtaining consent for release of records to third parties shall be developed by the administration.

Release of Information Concerning Former Employees

The 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 or as authorized by the employee. Only the initial and final dates of employment and the position held shall be provided through a written response to a written request.

8 New York Code of Rules and Regulations (NYCRR) Part 84
Public Officers Law Section 87

Adopted: 05/04/11
SUBJECT: PROFESSIONAL STAFF CONSULTING ACTIVITIES

A professional employee invited to speak, lead a seminar, act as a consultant or become involved in other professional activities outside of their scope of duties with the BOCES 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 Cattaraugus-Allegany-Erie-Wyoming BOCES may not provide consulting services to districts or other BOCES for services available through Cattaraugus-Allegany-Erie-Wyoming BOCES. Employees who serve as consultants to districts, organizations or agencies outside the Cattaraugus-Allegany-Erie-Wyoming BOCES and receive compensation must use vacation or personal time.

NOTE: Refer also to Policies #2120 -- Copyright of BOCES Work Products
         #5110 -- Code of Ethics for all BOCES Personnel

Adopted: 08/02/06
SUBJECT: BOCES PERSONNEL USE OF COMPUTERIZED INFORMATION RESOURCES

The Board of Cooperative Educational Services will provide BOCES personnel (including Board members) with access to various technology resources through its Technology Services Division. Technology resources include software, hardware, and communication networks. This may include access to electronic mail and the "Internet." It may also include the opportunity for some BOCES personnel to have independent access to the BOCES Technology Services from remote locations. All use of the BOCES Technology Services, including independent use off school premises, shall be subject to this policy and accompanying regulations.

The Board directs the District Superintendent or his/her designee(s) to provide BOCES personnel with training in the proper and effective use of the BOCES Technology Services.

BOCES personnel use of the BOCES Technology Services is conditioned upon agreement (written or electronic) by the BOCES personnel member that use of the BOCES Technology Services will conform to the requirements of this policy and any regulations adopted to ensure acceptable use of the BOCES Technology Services. All such agreements shall be kept on file in the BOCES Technology Services Division.

Generally, the same standards of acceptable BOCES personnel conduct which apply to any aspect of job performance shall apply to use of the BOCES Technology Services. BOCES personnel are expected to communicate in a professional manner consistent with applicable BOCES policies and regulations governing the behavior of school staff. Technology resources are not to be utilized to disclose confidential information about students or other employees to unauthorized persons.

This policy does not attempt to articulate all required and/or acceptable uses of the BOCES Technology Services; nor is it the intention of this policy to define all inappropriate use. Administrative regulations will further define general guidelines of appropriate BOCES personnel conduct and use as well as proscribed behavior.

BOCES personnel shall adhere to the laws, policies and rules governing technology resources including, but not limited to, copyright laws, rights of software publishers, license agreements, and rights of privacy created by federal and state law.

BOCES personnel who engage in unacceptable use may lose access to the BOCES Technology Services and may be subject to further discipline under the law or in accordance with applicable collective bargaining agreements. Legal action may be initiated against a BOCES personnel who willfully, maliciously or unlawfully damages or destroys property of the BOCES.

(Continued)
SUBJECT:  BOCES PERSONNEL USE OF COMPUTERIZED INFORMATION RESOURCES (Cont'd.)

Privacy Rights

BOCES personnel e-mail files and electronic storage media shall remain BOCES property, subject to BOCES control and inspection, at its discretion. The District Superintendent or his/her designee may access all such files and communications to insure system integrity and to ensure users are complying with requirements of this policy and accompanying regulations. BOCES personnel should NOT expect that information stored in any manner on BOCES electronic media will be private.

Implementation

Administrative regulations will be developed to implement the terms of this policy, addressing general parameters of acceptable conduct as well as prohibited activities so as to provide appropriate guidelines for BOCES personnel use of the BOCES Technology Services.

NOTE:  Refer also to Policy #7251 -- The Children's Internet Protection Act: Internet Content Filtering/Safety Policy

Adopted:  08/02/06
SUBJECT: INTELLECTUAL PROPERTY/WORKS MADE FOR HIRE

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

a) Work prepared by an employee within the scope of his/her employment, whether tangible or intangible;

b) Work specifically ordered or commissioned for use as a contribution to a collective work, as enumerated in law.

Any work created within the scope of such a relationship will be considered a work made for hire when a regular employment relationship exists. The following factors will be considered in determining whether these works are "works made for hire":

a) The work has been done using the employer's equipment and/or at the employer's location;

b) The employer controls the employee's schedule during the time that the work was created;

c) The employer produces this type of product;

d) The employer withholds taxes and/or provides benefits.

Work identified with education is automatically considered a "work made for hire" unless there is an expressed agreement to the contrary. "Works for hire" includes, but is not limited to, instructional materials, distance learning, use of a computer software, and digital technology.

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

An employee who wishes clarification of their use/distribution of "works for hire" should contact his/her immediate supervisor.

Staff members who violate the provisions of this policy may be subject to disciplinary action in accordance with law and/or the applicable collective bargaining agreement. Cattaraugus-Allegany-Erie-Wyoming BOCES may pursue other legal remedies to recover any loss or damage arising from actions of staff members in violation of this policy.

Copyright Act of 1976 as amended, 17 United States Code (USC) Sections 101-120

Adopted: 05/04/11
SUBJECT: USE OF BOCES OWNED VEHICLES AND MILEAGE ALLOWANCE

The BOCES Board shall charge the District Superintendent or designee to establish procedures for the official business use of BOCES vehicles by staff.

Personal use of a BOCES vehicle must be specifically authorized by the District Superintendent/designee.

The IRS mileage allowance is granted for the use of privately owned vehicles in the performance of BOCES business.

Other rates may apply as negotiated with bargaining units.

Education Law Section 2118

Adopted: 05/04/11
SUBJECT: TAX-SHELTERED ANNUITIES AND DEFERRED COMPENSATION ACCOUNTS

Employees may participate in either the Tax Sheltered Annuity program in accordance with the provisions of Section 403(b) of the Internal Revenue Code, as amended or in a Deferred Compensation Plan in accordance with the provisions of Section 457 of the Internal Revenue Code.

The Payroll Supervisor is authorized to approve applications from employees to have a deduction made from their salaries for such purposes in accordance with applicable Internal Revenue Code provisions.

Internal Revenue Code Sections 403(b) and 457

Adopted: 08/02/06
SUBJECT: LEAVES OF ABSENCE

The District Superintendent may grant, on an individual case-by-case basis because of extraordinary circumstances, short-term, non-paid leaves of absence providing the employee submits the request in writing and provides the reasons. Each request will be considered separate from all other cases and, therefore, approval/disapproval by the District Superintendent shall not set precedent for any future request by an employee.

The District Superintendent will keep the Board informed of all such leaves granted.

Emergency Service Volunteer Leave

Upon presentation of a written request from the American Red Cross and with the approval of the District Superintendent, employees certified by the American Red Cross as disaster volunteers shall be granted leave from work with pay for up to twenty (20) days in any calendar year to participate in specialized disaster relief operations. This leave shall be provided without loss of seniority, compensation, sick leave, vacation leave or other overtime compensation to which the volunteer is otherwise entitled.

Uniformed Services Employment and Reemployment Rights
Act of 1994 (USERRA)
38 United States Code (USC) Sections 4301-4333
Civil Service Law Sections 71-73
Education Law Sections 1709(16), 3005, 3005-a and 3005-b
General Municipal Law Section 92-c
Military Law Sections 242 and 243

Adopted: 08/02/06
SUBJECT: FAMILY AND MEDICAL LEAVE ACT

The Cattaraugus-Allegany-Erie-Wyoming BOCES, in accordance with the Family and Medical Leave Act of 1993 (FMLA), gives "eligible" employees of the BOCES the right to take unpaid leave for a period of up to 12 workweeks in a 12-month period as determined by the BOCES. The Cattaraugus-Allegany-Erie-Wyoming BOCES will compute the 12-month period according to the following time frame: a "rolling" 12-month period that is measured backward from the date an employee uses any FMLA leave.

Employees are "eligible" if they have been employed by the BOCES for at least 12 months and for at least 1,250 hours of service during the previous 12-month period. Full-time teachers are deemed to meet the 1,250-hour test. The law covers both full-time and part-time employees.

Qualified employees may be granted leave for one or more of the following reasons:

a) The birth of a child and care for the infant;

b) Adoption of a child and care for the infant;

c) The placement with the employee of a child in foster care;

d) To care for a spouse, child or parent who has a serious health condition as defined by the FMLA;

e) A serious health condition of the employee, as defined by the FMLA, that prevents the employee from performing his/her job.

f) Because of "any qualifying exigency" (such term to be defined by regulations issued by the Secretary of Labor) arising out of the fact that the spouse, son, daughter, or parent of the employee is on active duty, or has been notified of an impending call to active duty status, in support of a contingency operation. In the interim, the Department of Labor is encouraging employers to provide this type of leave to qualifying employees.

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
FAMILY AND MEDICAL LEAVE ACT (Cont’d.)

available during a single 12-month period during which an eligible employee is entitled to a combined total of 26 weeks of all types of FMLA leave. Military Caregiver Leave may be combined with other forms of FMLA-related leave providing a combined total of twenty-six (26) weeks of possible leave for any single twelve (12) month period; however, the other form of FMLA leave when combined cannot exceed twelve (12) of the twenty-six (26) weeks of combined leave.

Military Caregiver Leave has a set "clock" for calculating the twelve (12) month period for when FMLA leave begins and 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;
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.
FAMILY AND MEDICAL LEAVE ACT (Cont’d)

Implementation/Benefits

Employees are required to exhaust sick/personal time before going on unpaid status.

An employee on FMLA leave is entitled to have health benefits maintained while on leave. If an employee was paying all or part of the premium payments prior to leave, the employee will continue to pay his/her share during the leave period.

In most instances, an employee has a right to return to the same position or an equivalent position with equivalent pay, benefits and working conditions at the conclusion of the leave.

The Board has a right to 30 days advance notice from the employee where practicable. In addition, the Board may require an employee to submit certification from a health care provider to substantiate that the leave is due to the serious health condition of the employee or the employee's immediate family member. Failure to comply with these requirements may result in the denial of FMLA leave. The Board may also require that an employee present a certification of fitness to return to work when the absence was caused by the employee's serious health condition. The Board has the right to deny restoration to employment if the employee does not furnish the certificate of fitness.

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 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.

Family and Medical Leave Act of 1993
Public Law 103-3
29 Code of Federal Regulations (CFR)
Part 825

ADOPTED: 08/05/09
SUBJECT:  SICK DAY BANK

Sick Day Banks will be provided for all professional and classified employees of BOCES to use in the event of an extraordinary personal illness of the employee. When an employee has exhausted all of his/her sick days, other members of the employees' group cited above may donate sick days to that employee with the following conditions prevailing:

a) The employee donating must have accumulated a minimum of thirty (30) sick days.

b) The maximum donation by an employee in the course of a school year is five (5) days.

c) The transfer of days to an employee will end on the last day of the fiscal year in which such transfers were commenced.

This policy is superseded by language in unit contracts.

Adopted: 08/02/06
SUBJECT: UNIFORMED SERVICES EMPLOYMENT AND REEMPLOYMENT RIGHTS ACT (USERRA)/MILITARY LEAVES OF ABSENCE

In accordance with the Uniformed Services Employment and Reemployment Rights Act of 1994 (USERRA) and State Law, the BOCES, upon advance written notice by the employee, shall grant leaves of absence for service in the uniformed services and/or military duty (hereinafter referred to as "military service" or "military duty") to its employees who are ordered to duty or volunteer for qualifying military service. The employee's notice may be either verbal or written. No advance notice is required if military necessity prevents the giving of notice, or the giving of notice is otherwise impossible or unreasonable under all the circumstances.

Employment Rights

Time during which an employee is absent pursuant to military leave shall not constitute an interruption of continuous employment in the BOCES and no such employee shall be subjected, directly or indirectly, to any loss or diminution of time service, increment, vacation or holiday privileges, or any other right or privilege, by reason of such absence; nor shall any employee be prejudiced by reason of such absence with reference to continuance in employment, reemployment, reinstatement, transfer or promotion.

Salary/Compensation

Every employee shall be paid his/her salary or other compensation for any and all periods of absence while engaged in the performance of ordered military duty, and while going to and returning from such duty. This payment of salary/compensation shall not exceed a total of 30 days or 22 working days, whichever is greater, in any one calendar year; and shall not exceed 30 days or 22 working days, whichever is greater, in any one continuous period of such absence.

The employee must be permitted, upon request, to use any accrued vacation, annual, or similar leave with pay during the period of military service in order to continue his/her civilian pay. The BOCES may not require the employee to use accrued leave.

The employee is not entitled to use accrued sick leave during the period of military service, unless the BOCES allows employees to use sick leave for any reason or allows other similarly situated employees on comparable furlough or leave of absence to use accrued paid sick leave.

Employee Benefits

Health Plan Coverage

If the employee has coverage under a health plan in connection with his/her employment with the BOCES, the employee must be permitted to elect to continue the coverage for a certain period of time as designated in law.

(Continued)
SUBJECT: UNIFORMED SERVICES EMPLOYMENT AND REEMPLOYMENT RIGHTS ACT (USERRA)/MILITARY LEAVES OF ABSENCE (Cont'd.)

When the employee is performing military service, he/she is entitled to continuing coverage for himself/herself (and dependents if the plan offers dependent coverage) under a health plan in connection with the employment. The plan must allow the employee an opportunity to continue coverage for a period of time that is the lesser of:

a) The 24-month period beginning on the date on which the employee's absence for the purpose of performing military service begins; or

b) The period beginning on the date on which the employee's absence for the purpose of performing military service begins, and ending on the date on which the employee fails to return from service or apply for a position of reemployment.

Health plan administrators may develop reasonable requirements addressing how continuing coverage may be elected, consistent with the terms of the plan and USERRA's exceptions to the requirement that the employee give advance notice of military service. Further, health plan administrators may develop reasonable procedures for employee payment to continue coverage, consistent with USERRA and the terms of the plan.

Pension/Retirement Plans

While on military duty, any BOCES employee who is a member of any pension or retirement system may elect to contribute to such pension or retirement system the amount which he/she would have contributed had such employment been continuous. Upon making such contribution, the employee shall have the same rights in respect to membership in the retirement system as he/she would have had if the employee had been present and continuously engaged in the performance of his/her position. To the extent that such contributions are paid, absence while engaged in the performance of military duty shall be counted in determining the length of total service under such pension or retirement system.

Alternatively, employees will have an opportunity to make up contributions to the pension or retirement system upon return to employment in the BOCES in accordance with law and the individual employee's pension/retirement system.

Time during which an employee is absent on military duty shall not constitute an interruption of continuous employment, but such time shall not be counted or included in determining the length of total service in the pension or retirement system unless the employee contributes to the pension or retirement system the amount he/she would have been required to contribute if the employee had been continuously employed during the period of military duty.

(Continued)
SUBJECT: UNIFORMED SERVICES EMPLOYMENT AND REEMPLOYMENT RIGHTS ACT (USERRA)/MILITARY LEAVES OF ABSENCE (Cont'd.)

Reemployment/Restoration Rights ("Escalator Principle")

Per USERRA, as a general rule, the employee is entitled to reemployment in the job position that he/she would have attained with reasonable certainty if not for the absence due to military service. The position to which the returning service member should be restored has become known as the "escalator position." The escalator principle requires that the employee be reemployed in a position that reflects with reasonable certainty the pay, benefits, seniority, and other job benefits that he/she would have attained if not for the period of military service.

Depending on the circumstances/intervening events, the escalator principle may cause an employee to be reemployed in a higher or lower position, transferred, laid off, or even terminated.

The employee must be qualified for the reemployment position. The BOCES shall make reasonable efforts to help the employee become qualified to perform the duties of this position. The BOCES is not required to reemploy the employee on his/her return from military service if the employee cannot, after reasonable efforts by the BOCES, qualify for the appropriate reemployment position.

Per State law, an employee restored to his/her position after the termination of military duty shall be entitled to the rate of compensation he/she would have received had the employee remained in his/her position continuously during the period of military duty; and the employee shall be deemed to have rendered satisfactory and efficient service in the job position during the period of military leave of absence. Further, the employee shall not be subjected directly or indirectly to any loss of time service, increment, or any other right or privilege; nor shall an employee be prejudiced in any way with reference to promotion, transfer, reinstatement or continuance in employment.

All other rights, benefits, and responsibilities of a BOCES employee serving in the military shall be in accordance with law, regulations, and/or the applicable contract/collective bargaining agreement.

Probationary Service

Public Employees in General

If a public employee (with the exception of the probationary service of "teachers" as described below) enters military duty before the expiration of the probationary period in any position to which he/she may have been appointed, or to which he/she may thereafter be appointed or promoted, the time such employee is absent on military duty shall be credited as satisfactory service during this probationary period.

(Continued)
SUBJECT: UNIFORMED SERVICES EMPLOYMENT AND REEMPLOYMENT RIGHTS ACT (USERRA)/MILITARY LEAVES OF ABSENCE (Cont'd.)

Teachers/Supervisory Staff

In any case where a "teacher" (as defined in State Education Law Section 3101, the term "teacher" encompasses a broad category of full-time members of the teaching and supervisory staff of the BOCES, and is not limited to "instructional" employees) enters military duty before the expiration of the probationary period to which he/she may have been appointed, the time the "teacher" is absent on military duty shall be credited as satisfactory service during this probationary period. If the end of such probationary service occurs while the "teacher" is on military duty or within one year following the termination of military duty, the period of the probationary service may be extended by the Board for a period not to exceed one year from the date of termination of military duty. However, in no event shall the period of probationary service in the actual performance of teaching services extend beyond that required by the BOCES at the time of the "teacher's" entry into military service.

Collective Bargaining Agreements/Contracts/Plans/Practices

In accordance with USERRA, any State or local law, contract, agreement, policy, plan, or practice that establishes an employment right or benefit that is more beneficial than, or is in addition to, a right or benefit under USERRA, such greater employment right or benefit will supersede this Federal Law.

Notice of Rights and Duties

The BOCES shall provide a notice of the rights, benefits and obligations of employees and the BOCES under USERRA. The BOCES may provide the notice by posting it where employee notices are customarily placed. The BOCES may also provide such notice to its employees in other ways that will minimize costs while ensuring that the full text of the notice is provided (e.g., by handing or mailing out the notice, or distributing the notice via electronic mail).

The U.S. Department of Labor has developed and made available on its web site http://www.dol.gov/vets/programs/userra/poster.htm a poster for use by private and State employers (including school districts/BOCES) that can be posted in order to comply with the notification mandate.

The Uniformed Services Employment and Reemployment Rights Act of 1994 (USERRA)
38 United States Code (USC) Sections 4301-4333
Public Law 108-454
Military Law Sections 242 and 243
Education Law Section 3101

Adopted: 08/02/06
SUBJECT: EMPLOYEE ASSISTANCE PROGRAM

The Cattaraugus-Allegany-Erie-Wyoming BOCES will provide an Employee Assistance Program for all BOCES employees and their immediate families. Information on the Employee Assistance Program will be available in the BOCES Human Resources department.

Adopted: 08/02/06
SUBJECT:  DEFENSE AND INDEMNIFICATION OF BOARD MEMBERS AND EMPLOYEES

Liability Protection Pursuant to Education Law

The Board will 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 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.

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
SUBJECT: DEFENSE AND INDEMNIFICATION OF BOARD MEMBERS AND EMPLOYEES

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.

Paul D. Coverell Teacher Protection Act of 2001, as authorized by the No Child Left Behind Act of 2001, 20 United States Code (USC) Section 6731 et seq. Education Law Sections 3023, 3028 and 3811 General Municipal Law Sections 6-n and 52 Public Officers Law Section 18

Adopted: 08/02/06
SUBJECT:  EXCEPTIONAL ATTENDANCE AWARD

The Cattaraugus-Allegany-Erie-Wyoming BOCES shall provide an exceptional attendance award equal to \( \frac{3}{4} \) of one percent (0.75\%) of current annualized salary for employees who use two (2) days or less of combined sick and/or personal leave time in any one fiscal year. This award will be available to all BOCES staff with the exception of the District Superintendent, Assistant Superintendents, Director Level Staff, Mid-Manager (BASSA) Staff and Classified Confidential Managers.

The Board will receive a report on the disbursement of this award in July of each year. The Director of Human Resources and Labor Relations shall establish and implement procedures for this award.

Adopted: 04/06/16
SUBJECT:  EMPLOYEE CELL PHONE USAGE/REIMBURSEMENT

BOCES employees who are required to utilize a personal cell phone for business purposes will be reimbursed for such use. If business calls are covered by a monthly cell phone usage plan, a formula will be utilized to reimburse the employee for a percentage of the monthly plan charge associated with BOCES business. Business calls not covered in a monthly plan will be reimbursed.

BOCES will provide cell phones to employees whose jobs require them to utilize a cell phone. Such phones are not to be used for personal calls.

A regulation will be developed by the District Superintendent to implement this policy. A copy of the monthly bill and the completed form must be submitted for reimbursement.

Adopted: 11/29/06
SUBJECT: ACCOUNTABILITY FOR BOCES FUNDS

Accountability for BOCES funds is necessary for the following reasons:

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

Electronic or Wire Transfers

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

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

All wire transfers must be authorized by the District Treasurer. Dual approval controls will be established for non-routine wire transfer orders.

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

Education Law Section 2116-a

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

Adopted: 08/05/09
Cattaraugus-Allegany-Erie-Wyoming BOCES

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SUBJECT:  COMPREHENSIVE SECONDARY STUDENT ATTENDANCE POLICY

Statement of Overall Objectives

The BOCES Board will develop, review annually and, if necessary, revise a Comprehensive Student Attendance Policy to meet the following objectives:

a) To increase school completion for all students;

b) To raise student achievement and close gaps in student performance;

c) To identify attendance patterns in order to meet the needs of our students;

d) To account for every student for safety and other concerns. To identify attendance patterns in order to design attendance improvement efforts;

e) To verify that individual students are complying with education laws relating to compulsory attendance; and

f) To provide accurate attendance information to the component districts for the purpose of compliance with compulsory education laws as well as determining the districts’ average daily attendance.

Description of Strategies to Meet Objectives

BOCES will:

a) Maintain a Comprehensive Student Attendance Policy;

b) Maintain accurate record keeping via a Register of Attendance to record attendance, absence, tardiness or early departure of each student;

c) Enter attendance into a data management system;

d) Utilize data analysis systems for tracking individual student attendance and individual and group trends in student attendance problems; and

e) Develop early intervention strategies to improve school attendance for all students.

Definitions

a) Pupil - Any person enrolled in any public or private school.

(Continued)
b) Register of Attendance - Any written or electronic record maintained for the purpose of recording attendance, absence, tardiness or early departure during the course of a school day.

c) Schedule of Instruction - Every period a pupil is scheduled to attend actual instruction or supervised study during a course of a school day during the school year.

d) Teacher - A member of the teaching or supervisory staff of the school.

e) Employee other than a teacher - A person other than a teacher employed in a position appropriate for the maintenance of pupil records.

**Excused and Unexcused Absences, Tardiness, and Early Departures**

Absences, tardiness and early departures will be considered excused or unexcused according to the following standards:

**Excused**

a) Personal illness with written parental excuse

b) Illness or death in the family with written verification

c) Medical appointments with written verification

d) Administrative approved educational trips

e) Impassable roads due to inclement weather

f) Religious observance

g) Quarantine

h) Legal appointments with written verification

i) Administrative approved college visits

j) Administrative approved cooperative work programs or internship experience

k) Military obligations previously approved

l) Other reasons approved by the Board

(Continued)
SUBJECT: COMPREHENSIVE SECONDARY STUDENT ATTENDANCE POLICY  
(Cont'd.)

Unexcused

a) Any reason for lack of attendance if it does not fall into the above categories

b) Examples would include, but are not limited to, truancy, "cutting" a class, family vacation, hunting or fishing, babysitting, haircut, obtaining a learner's permit, road test, oversleeping. Truancy means any student absence from BOCES that is unexcused or unauthorized.

c) No excuse or note from parent/guardian after (3) three days.

Attendance Records

A record shall be kept of each scheduled day of instruction during which the school is closed for all or part of the day because of extraordinary circumstances including adverse weather conditions, impairment of heating facilities, insufficiency of water supply, shortage of fuel, destruction of or damage to a school building, or such other cause as may be found satisfactory to the Commission of Education.

Attendance records shall also indicate the date when a student withdraws from enrollment or is dropped from enrollment in accordance with Education Law Section 3202(1-a).

At the conclusion of each class period or school day, all attendance information shall be compiled and provided to the designated school personnel who are responsible for attendance. The nature of the absence, tardiness or early departure shall be coded on a student's record in accordance with the established Cattaraugus-Allegany-Erie-Wyoming BOCES/building procedures. Absences from Career and Technical Education, A.M. or P.M., will be reported to our component schools as soon as possible after the start of class. The Cattaraugus-Allegany-Erie-Wyoming BOCES will assist in the follow-up of students. At the beginning of the school year, the Cattaraugus-Allegany-Erie-Wyoming BOCES will confer with each component school to establish procedures to ensure accurate attendance records.

Student Attendance/Course Credit Recommendations

For each marking period a percentage of a student's final grade will be based on classroom participation, as well as, the student's performance on homework, tests, papers, projects, etc., as determined by the classroom teacher. For purposes of this policy, classroom participation means a student is in class, prepared to work, and is productive during class.

(Continued)
Students are expected to attend all scheduled classes. Unexcused student absences, tardiness, and early departures will affect a student's grade for the marking period, including grades for classroom participation.

At the middle school/senior high school level, any student with more than 10% absences in a course (based on the Cattaraugus-Allegany-Erie-Wyoming BOCES Career and Technical Education calendar year) may not receive recommendation for credit for the course or a Certificate of Completion. Students with properly excused absences, tardiness and early departures for which the student has performed any assigned make-up work shall not be counted as an absence in determining the student's eligibility for course credit. Cattaraugus-Allegany-Erie-Wyoming BOCES procedures will specify how student tardiness and early departures will be calculated and factored into the BOCES minimum attendance standard. Tardiness and early departures are tracked on the computerized student information system.

For summer school and courses meeting 1/2 year or 1/4 year, the same policy will apply and a calculation of the absences will be prorated accordingly.

Transfer students and students re-enrolling after having dropped out will be expected to attend a prorated minimum number of the scheduled class meetings during their time of enrollment.

Students will be considered in attendance if the student is:

a) Physically present in the classroom or working under the direction of the classroom teacher during the class scheduled meeting time; or

b) Working pursuant to an approved internship program; or

c) Receiving approved alternative instruction.

Students who are absent from class due to their participation in a school-sponsored activity are to arrange with their teachers to make up any work missed in a timely manner as determined by the student's teacher. Attendance at school-sponsored events where instruction is substantially equivalent to the instruction that was missed shall be counted as the equivalent of regular attendance in class.

Upon returning to school following a properly excused absence, tardiness or early departure, it shall be the responsibility of the student to consult with his/her teacher(s) regarding arrangements to make up missed work, assignments and/or tests in accordance with the time schedule specified by the Career and Technical Education Center. A student will have five (5) calendar days to turn in assigned make-up work to their teacher.

(Continued)
SUBJECT:  COMPREHENSIVE SECONDARY STUDENT ATTENDANCE POLICY (Cont’d.)

Notice of Minimum Attendance Standard/Intervention Strategies Prior to the Recommendation for Denial of Course Credit

Student performance is assessed by using 2/3 classroom participation or shop work and 1/3 theory work and written assessments.

Parents/persons in parental relation and students will be informed of this BOCES policy regarding minimum attendance and course credit, and the implementation of specific intervention strategies to be employed prior to the recommendation for denial of course credit to the student for insufficient attendance.  The following guidelines shall be followed:

a) The Cattaraugus-Allegany-Erie-Wyoming BOCES Comprehensive Student Attendance Policy will be mailed to parents/persons in parental relation and provided to students at the beginning of each school year or at the time of enrollment in BOCES as part of the student Code of Conduct;

b) The Attendance Policy will also be included in parent/student handbooks;

c) At appropriate intervals, a designated staff member(s) will notify the component school district and the parent/person in parental relation of the student's absence, tardiness, or early departure and explain the relationship of the student's attendance to his/her ability to receive course credit for success in the program. If the parent/person in parental relation cannot be reached by telephone, a registered letter shall be sent detailing this information;

d) A designated staff member will review the Cattaraugus-Allegany-Erie-Wyoming BOCES Attendance Policy with students who have excessive and/or unexcused absences, tardiness or early departures prior to denial of course credit. Appropriate student support services may be implemented or referral to appropriate community agencies or the component schools prior to the recommendation for denial of course credit for insufficient attendance by the student; and

e) An attendance committee will be established by the Cattaraugus-Allegany-Erie-Wyoming BOCES to review attendance cases when necessary.

(Continued)
SUBJECT: COMPREHENSIVE SECONDARY STUDENT ATTENDANCE POLICY
(Cont’d.)

Notice of Students Who are Absent, Tardy or Depart Early Without Proper Excuse:

5 Days  The teacher will notify the parent/guardian, school counselor, and building principal that the student has accumulated 5 unexcused absences. The school counselor and building principal must be involved if a student accumulates 5 unexcused absences in a quarter.

10 days  The student, parent/guardian, and home school will be notified in writing of attendance status and concerns. A corrective action plan will be developed with input from the student, parent/guardian, teacher, and school personnel. Intervention strategies will be developed and implemented to address patterns of absences, tardiness, and/or early departures. Each student’s situation will require strategies tailored to their needs and situation.

15 days  The student, parent/guardian, and home school will be notified in writing that recommendation for credit, a certificate of completion, and participation in CABOCES graduation ceremony will be denied if the student exceeds 20 unexcused absences.

20 days  The student, parent/guardian, and home school will be notified in writing the student may continue to be enrolled but will be denied recommendation for credit, a certificate of completion, and will not be eligible to participate in CABOCES graduation ceremony.

The component school district will be notified of our recommendation to deny credit for the course and/or the loss of obtaining a Certificate of Completion from BOCES. A plan for the student will be formulated and put in place.

Attendance Incentives

In order to encourage student attendance, the BOCES will develop and implement grade-appropriate/building-level strategies and programs that may include but are not limited to:

a) Granting incentives and rewards, within the classroom or school wide, for improved or outstanding attendance at school or work;

b) Hosting special events;

c) Providing opportunities to develop relationships between students and teachers;

d) Encouraging community participation; and

e) Encouraging parental involvement.

(Continued)
SUBJECT: COMPREHENSIVE SECONDARY STUDENT ATTENDANCE POLICY
(Cont’d.)

Disciplinary Consequences

Unexcused absences, tardiness and early departures will result in disciplinary sanctions as described in the BOCES Code of Conduct.

Intervention Strategy Process

In order to effectively intervene when an identified pattern of unexcused absences, tardiness or early departures occur, designated BOCES personnel will pursue the following:

a) Notification by designated staff member(s) by telephone to the parent/persons in parental relations or to the student's home district if the student attends a BOCES program for less than a full school day, of any student's absence or tardiness. Messages will be left for the parent/person in parental relation if contact is not made. Documentation of all successful and unsuccessful contacts regarding absences will be maintained. Extended absences/tardiness will be followed up with written notice and copies sent to the home school with a conference involving all parties when necessary. Requests for early dismissal must be verified by designated staff member prior to granting approval.

b) There will be identified milestones for attendance to determine students with attendance concerns. These milestones will be accompanied by prescribed interventions which are defined by each program (i.e., certified letter; home visit by counselor; referral to counseling/court; District involvement, etc.).

c) Designated staff person, under the supervision of the program administrator, will monitor and be able to report regarding program procedures and implementation of these procedures.

Appeal Process

A parent/person in parental relation may request a building level review of his/her child's attendance record.

Building Review of Attendance Records

The Building Principal will work in conjunction with the building attendance clerk and other designated staff in reviewing attendance records at the end of each term. This review is conducted to identify individual and group attendance patterns and to initiate appropriate action to address the problem of unexcused absences, tardiness and early departures.

(Continued)
SUBJECT: COMPREHENSIVE SECONDARY STUDENT ATTENDANCE POLICY (Cont’d.)

Annual Review by the Board

The Board shall annually review the building level student attendance records and if such records show a decline in student attendance, the Board shall make any revisions to the Policy as deemed necessary to improve student attendance.

Community Awareness

The Board shall promote necessary community awareness of the BOCES Comprehensive Student Attendance Policy by:

a) Providing a plain language summary of the policy to parents or persons in parental relation to students at the beginning of each school year and promoting the understanding of such a policy to students and their parents/persons in parental relation;

b) Providing each teacher, at the beginning of the school year or upon employment, with a copy of the policy; and

c) Providing copies of the policy to any other member of the community upon request.

Comprehensive Student Attendance Policy For Special Education Students Housed in Component Facilities

Students housed in component school facilities will be subject to the attendance policy of their home school district.

Education Law Sections 3024, 3025, 3202, 3205, 3206, 3210, 3211, and 3213
8 New York Code of Rules and Regulations (NYCRR) Sections 104.1, 109.2 and 175.6

Adopted: 08/03/16
SUBJECT:  STUDENT REFERRAL AND PLACEMENT

Student Referral

Referral to BOCES programs is made by the home school district. Participation in BOCES programs augments local district educational opportunities.

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:  8/2/06
SUBJECT: NON-RESIDENT STUDENTS

a) Students who live outside the twenty-two (22) component school districts shall be called "non-resident students."

b) Students who reside outside the twenty-two (22) 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.

d) Students enrolled in Career and Technical Education Programs who move out of the Cattaraugus-Allegany-Erie-Wyoming BOCES boundaries during the school year may be given permission to complete that year in attendance at BOCES.

e) Transportation to and from BOCES classes shall be the responsibility of the non-resident student and local school district.

Education Law Sections 2045 and 3202

Adopted: 8/2/06
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 provided there is no adverse health risk associated with participation. The District Superintendent or his/her designee may make those program modifications where feasible to accommodate the special needs of such students.
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 or BOCES program at a host district site or agency 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. Students with disabilities, as classified by their home districts' Committee on Special Education, who are attending BOCES' programs and are victims of a violent criminal offense, may be remanded to their CSE for review and placement, in accordance with law and regulations.

In accordance with Commissioner's Regulations, a "safe public school shall mean a public school that has not been designated by the Commissioner [of Education] as a persistently dangerous public elementary or secondary school."

Violent Criminal Offense

The District Superintendent shall determine if the student has been the victim of a "violent criminal offense." "Violent criminal offense" means a crime that:

a) Involves infliction of a serious physical injury upon another as defined in New York State Penal Law Section 10.00(10); or

b) A sex offense that involves forcible compulsion; or

c) Any other offense defined in State Penal Law Section 10.00(12) that involves the use or threatened use of a deadly weapon.

Determination Whether Student is a Victim

The District Superintendent shall establish procedures to determine whether a student is a victim of a violent criminal offense that occurred on school grounds of the school the student attends. The District Superintendent/designee shall, prior to making any such determination, consult with the home school district and with any law enforcement agency investigating the alleged violent criminal incident and consider any reports or records provided by such agency. However, a criminal conviction is not required prior to the District Superintendent's determination that a student has been a victim of a violent criminal offense. The District Superintendent may also consult with the 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 not required to designate a safe public school where there are no other public schools within the BOCES at the same grade level or if transfer to a safe public school within the BOCES is otherwise impossible.

Any student who transfers to a safe public school, in accordance with the provisions of this policy and applicable law and regulation, shall be enrolled in the classes and other activities of the public school to which such student transfers in the same manner as all other students at the public school. The receiving school shall be identified by the 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.

(Continued)
SUBJECT: SAFE PUBLIC SCHOOL CHOICE OPTION TO STUDENTS WHO ARE VICTIMS OF A VIOLENT CRIMINAL OFFENSE (Cont'd.)

Transportation for any student permitted to transfer to the safe public school within the BOCES shall be provided within the transportation limits established pursuant to Education Law Sections 3635 and 4401(4). Any student who transfers to a safe public school shall be permitted to remain in such safe public school until the student has completed the highest grade level in the school transferred to, or for such other period prescribed by the U.S. Department of Education, whichever is less.

While the parents/persons in parental relation to the student must be offered the opportunity to transfer their child, they may elect to have the child remain at the school he/she currently attends.

Elementary and Secondary Education Act of 1965, Section 9532, as amended by the No Child Left Behind Act of 2001
Education Law Section 2802(7)
8 New York Code of Rules and Regulations (NYCRR) Section 120.5

Adopted: 8/2/06
SUBJECT: PARENTAL INVOLVEMENT

It shall be the right and responsibility of all parents to participate in the education of their children. The Board identifies the following rights and responsibilities for all parents:

Rights

a) To know what is expected of the child with respect to the educational program, attendance, behavior, and deportment;

b) To know what the child is being taught, and how the child is being taught;

c) To know what progress the child is making, on a timely basis;

d) To be informed if the child experiences academic, health, or social difficulty;

e) To review the child's records in accordance with federal and state laws and guidelines;

f) To visit the child's school and communicate with the child's teachers and Principal;

g) To be encouraged and assisted to participate effectively in educational decision making;

h) To be consulted on important matters concerning the child's education; and

i) To be treated with courtesy and respect by school personnel.

Responsibilities

a) To send the child to school rested, clean, fed and ready to learn;

b) To ensure the child attends school regularly;

c) To be aware of the child's work, progress and problems - by talking to the child about school, by looking at the child's work and progress reports, and by attending school functions when possible;

d) To maintain continuing contact with the child's teachers and Principal about the progress of the child's education;

(Continued)
SUBJECT: PARENTAL INVOLVEMENT (Cont'd.)

e) To reinforce at home, the importance of acquiring the knowledge, skills, and values needed to function effectively in society;

f) To volunteer time, skill, or resources when needed and possible;

g) To take part in school and community programs that empower parents to participate in making education decisions;

h) To respond to communications from the child's school;

i) To hold the child responsible for the work, attendance, behavior, and deportment expected for the child's education;

j) To model in one's own life the behavior one wishes to see in one's children; and

k) To treat school personnel with courtesy and respect.

Adopted: 8/2/06
SUBJECT: EDUCATION OF HOMELESS CHILDREN AND YOUTH

The parent/person in parental relation to a homeless child; or the homeless child, together with the homeless liaison designated by the home school district in the case of an unaccompanied youth; or the director of a residential program for runaway and homeless youth established pursuant to Article 19-H of the Executive Law, in consultation with the homeless child, where such homeless child is living in such program, may designate Cattaraugus-Allegany-Erie-Wyoming BOCES as the school that the homeless child shall attend.

Pursuant to Commissioner's Regulations, a "homeless child" means a child or youth who lacks a fixed, regular, and adequate nighttime residence, including a child who is:

a) Sharing the housing of other persons due to a loss of housing, economic hardship or a similar reason;

b) Living in motels, hotels, trailer parks or camping grounds due to the lack of alternative adequate accommodations;

c) Abandoned in hospitals;

d) Awaiting foster care placement; or

e) A migratory child who qualifies as homeless in accordance with Commissioner's Regulations. As defined in the No Child Left Behind Act of 2001, the term "migratory child" includes a child who is, or whose parent or spouse is, a migratory agricultural worker, including a migratory dairy worker, or a migratory fisher, and who has moved from one BOCES 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.

(Continued)
SUBJECT: EDUCATION OF HOMELESS CHILDREN AND YOUTH (Cont'd.)

BOCES Liaison for Homeless Children and Youth

Cattaraugus-Allegany-Erie-Wyoming BOCES shall designate an appropriate staff person as the local educational agency liaison for homeless children and youth to carry out the duties as enumerated in law, Commissioner's Regulations and applicable guidance issued by the U.S. and New York State Education Departments. Cattaraugus-Allegany-Erie-Wyoming BOCES will inform school personnel, local service providers and advocates of the office and duties of the local homeless liaison. The BOCES liaison will work with the school district liaison to insure that the educational needs of homeless children and youth are met.

Record and Reporting Requirements

Cattaraugus-Allegany-Erie-Wyoming BOCES shall maintain documentation regarding all aspects of its contact with and services provided to homeless students and youth for possible on-site monitoring by the State Education Department.

Cattaraugus-Allegany-Erie-Wyoming 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, as reauthorized by the No Child Left Behind Act of 2001
42 United States Code (USC) Section 11431 et seq.
Education Law Section 3209
8 New York Code of Rules and Regulations (NYCRR) Section 100.2(x)

Adopted: 8/2/06
SUBJECT: STUDENT CONDUCT

A BOCES Code of Conduct has been developed and is in effect for each Division within Cattaraugus-Allegany-Erie-Wyoming BOCES. The Code of Conduct shall be reviewed annually by the Board and updated as needed.

Education Law Sections 2801 and 3214
8 New York Code of Rules and Regulations (NYCRR) Section 100.2(l)(2)

NOTE: Refer also to Policies #2410 -- Code of Conduct on BOCES Property
#6212 -- Student Suspension
Cattaraugus-Allegany-Erie-Wyoming BOCES Code of Conduct on BOCES Property

Adopted: 8/2/06
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.

If alternative procedures and methods which would not involve physical force do not work, then reasonable physical force may be used:

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 the school's 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.

Physical Restraint

Physical restraint may be used:

a) To prevent threatened assault, self-inflicted harm or physical injury to other students or personnel; and

b) To prevent damage to school or BOCES property.

(Continued)
SUBJECT:  CORPORAL PUNISHMENT/PHYSICAL RESTRAINT (Cont'd.)

Education Law Sections 3028 and 3811
Penal Law Section 35.10
Rules of the Board of Regents Section 19.5
8 New York Code of Rules and Regulations (NYCRR) Section 100.2(1)(3)

Adopted:  8/2/06
SUBJECT: SUSPENSION OF STUDENTS ATTENDING BOCES PROGRAMS

Suspension from School

Suspension from school is a severe consequence, which may be imposed only upon students who are insubordinate, disorderly, violent or disruptive, or whose conduct otherwise endangers the safety, morals, health or welfare of self or others.

BOCES Building Principals or "acting Principals" shall have the authority to suspend students as authorized by the local school district board of education. Failing to have such authorization, all suspensions will be handled by the local school district.

The Board retains its authority to suspend students, but places primary responsibility for the suspension of students with the Principal (the Building Principal or "acting Principal") for a short term suspension or the home school district for a long-term 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.

Procedures for suspension will be coordinated with the local district.

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.

(Continued)
SUBJECT: SUSPENSION OF STUDENTS ATTENDING BOCES PROGRAMS (Cont’d.)

c) The parents/guardians of the student are to be notified in writing within 24 hours with notification by telephone, where possible.

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 or possessed a weapon on school premises 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.
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

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 BOCES' Code of Conduct and in conjunction with applicable law and the determination of the Committee on Special Education.

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.

For suspensions or removals up to ten (10) school days in a school year that do not constitute a disciplinary change in placement, students with disabilities must be provided with alternative instruction or services on the same basis as non-disabled students of the same age.

If suspension or removal from the current educational placement constitutes a disciplinary change in placement because it is for more than ten (10) consecutive school days or constitutes a pattern because the suspensions or removals cumulate to more than ten (10) school days in a school year, a manifestation determination must be made in accordance with law by the home school district.

Any student with a disability whose suspension constitutes a disciplinary change in placement 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 Cattaraugus-Allegany-Erie-Wyoming 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.

(Continued)
SUBJECT: SUSPENSION OF STUDENTS ATTENDING BOCES PROGRAMS (Cont'd.)

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.

18 United States Code (USC) Sections 914 and 921
Individuals with Disabilities Education Act (IDEA)
20 United States Code (USC) Sections 1400-1485,
20 United States Code (USC) Section 8921, as
reauthorized by the No Child Left Behind Act of 2001
34 Code of Federal Regulations (CFR) Part 300
Education Law Sections 2801 and 3214
Penal Law Section 265.01
8 New York Code of Rules and Regulations (NYCRR)
Section 100.2(l)(2) and Part 201

Adopted: 07/06/16
SUBJECT: PROGRAM EXCLUSION

The Alternative Program Principals 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 Cattaraugus-Allegany-Erie-Wyoming BOCES Policy #6220 -- Alcohol, Tobacco, Drugs, and Other Substances; or

c) Incidents of theft, vandalism, assault, lack of attendance and/or other circumstances.

Adopted: 8/2/06
SUBJECT:  LOSS OR DESTRUCTION OF BOCES PROPERTY OR RESOURCES

The Board of Cooperative Educational Services is authorized to seek restitution, through civil action when necessary, from the parent or guardian of an un-emancipated 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 Cattaraugus-Allegany-Erie-Wyoming 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 un-emancipated 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, the County District Attorney and defense counsel an affidavit stating that the funds reasonably expended for which restitution is being sought have not been and will not be recovered from any other source or in any other civil or criminal proceeding, except as provided for pursuant to General Obligations Law Section 3-112.

General Obligations Law Section 3-112
Penal Law Sections 60.27, 240.50, 240.55, 240.60, and 240.61

Adopted: 8/2/06
SUBJECT:  STUDENT USE OF COMPUTERIZED INFORMATION RESOURCES
(ACCEPTABLE USE POLICY)

The Board of Cooperative Educational Services will provide access to various technology resources through its Technology Services Division. Technology resources include software, hardware, and communication networks. This may include access to electronic mail and the "Internet.” It may include the opportunity for some students to have independent access to the BOCES Technology Services from remote locations. All use of the BOCES Technology Services, including independent use off school premises, shall be subject to this policy and accompanying regulations. Further, all such use must be in support of education and/or research and consistent with the goals and purposes of BOCES.

One purpose of this policy is to provide notice to students and parents/guardians that, unlike most traditional instructional or library media materials, the BOCES Technology Services will allow student access to external technology resources not controlled by BOCES where it is impossible for BOCES to screen or review all of the available materials. Some of the available materials may be deemed unsuitable by parents/guardians for student use or access. This policy is intended to establish general guidelines for acceptable student use. However, despite the existence of such a policy and accompanying guidelines and regulations, it will not be possible to completely prevent access to computerized information that is inappropriate for students. Furthermore, students may have the ability to access such information from their home or other locations off school premises. Parents/guardians of students must be willing to set and convey standards for appropriate and acceptable use to their children when using the BOCES Technology Services or any other technology resources.

Student use of the BOCES Technology Services is conditioned upon written agreement by all students and their parents/guardians that student use of the BOCES Technology Services will conform to the requirements of this policy and any regulations adopted to ensure acceptable use of the BOCES Technology Services. All such agreements shall be kept on file in the BOCES' Technology Services Division.

Standards of Acceptable Use

Generally, the same standards of acceptable student conduct which apply to any school activity shall apply to use of the BOCES Technology Services. This policy does not attempt to articulate all required and/or acceptable uses of the BOCES Technology Services; nor is it the intention of this policy to define all inappropriate usage. Administrative regulations will further define general guidelines of appropriate student conduct and use as well as proscribed behavior.

BOCES students shall also adhere to the laws, policies and rules governing computers including, but not limited to, copyright laws, rights of software publishers, license agreements, and student rights of privacy created by federal and state law.

(Continued)
SUBJECT: STUDENT USE OF COMPUTERIZED INFORMATION RESOURCES
(ACCEPTABLE USE POLICY) (Cont'd.)

Students who engage in unacceptable use may lose access to the BOCES Technology Services, in accordance with applicable due process procedures, and may be subject to further discipline under BOCES' school conduct and discipline policy and the Student Discipline Code of Conduct. BOCES reserves the right to pursue legal action against a student who willfully, maliciously or unlawfully damages or destroys property of BOCES. Further, BOCES may bring suit in civil court against the parents/guardians of any student who willfully, maliciously or unlawfully damages or destroys BOCES property pursuant to General Obligations Law Section 3-112.

Student data files and other electronic storage areas will be treated like school lockers. This means that such areas shall be considered to be BOCES property subject to control and inspection. The computer coordinator may access all such files and communications to ensure system integrity and that users are complying with the requirements of this policy and accompanying regulations. Students should NOT expect that information stored on the BOCES Technology Services will be private.

Regulations will be established as necessary to implement the terms of this policy.

NOTE: Refer also to Policy #7251 -- The Children's Internet Protection Act: Internet Content Filtering/Safety Policy

Adopted: 8/2/06
SUBJECT: STUDENT DRESS CODE

Student dress and appearance must be in accordance with the Code of Conduct and Student Handbook. The administration is authorized to take action in instances where individual dress does not meet these stated requirements.

Adopted: 8/2/06
SUBJECT: ALCOHOL, TOBACCO, DRUGS, AND OTHER SUBSTANCES (STUDENTS)

All laws pertaining to drug and alcohol use and possession shall be honored by students, adults, and adult students while on BOCES premises or at BOCES-sponsored activities, regardless of the location of the activity.

The Board recognizes that the issue of alcohol, tobacco, drugs, and other substances is a serious problem with legal, physical, emotional and social implications for the entire community. Therefore, the manufacture, distribution, consumption, sharing and/or selling, use and/or possession of alcoholic beverages, inhalants, tobacco products, illegal drugs, counterfeit drugs, designer drugs, look-alike substances, prescription drugs, and over-the-counter 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. Appropriate action shall be taken when persons enter BOCES premises or school-sponsored events when exhibiting behavioral, personal or physical characteristics indicative of having used or consumed the above substances.

Through the collaborative efforts of staff, students, parents/guardians and the community as a whole, a comprehensive program shall be developed where appropriate to address alcohol, tobacco, drugs, and other substances. Such program shall include the following elements:

**Primary Prevention**

Preventing or delaying alcohol, tobacco, drugs, and other substance use/abuse by students shall be the major focus of a comprehensive program in which proactive measures of prevention and early intervention are emphasized. This program shall include:

a) A sequential curriculum that will be developed and incorporated into the total educational process. This curriculum shall be concerned with education and prevention in all areas of alcohol, tobacco, drugs, and other substances uses/abuse;

b) Training school personnel and parents/guardians to reinforce the components of the policy through in-service and community education programs with up-to-date factual information and materials.

c) An effort to provide positive alternatives to alcohol and other substances use/abuse through the promotion of drug/alcohol-free special events, service projects and extracurricular activities that will develop a positive peer influence.

**Drug and Alcohol-Free Education and Prevention Program**

Provision shall be made for a "Drug and Alcohol-Free Education and Prevention Program" for students. (Refer also to Policy #7113 -- Prevention Instruction.)

(Continued)
SUBJECT: ALCOHOL, TOBACCO, DRUGS, AND OTHER SUBSTANCES (STUDENTS) (Cont'd.)

Intervention

School-based intervention services shall be made available to all students and provided by prevention professionals who are appropriately trained in this area. The purpose of intervention is to eliminate any existing use/abuse of alcohol, tobacco, drugs, and other substances and to identify students considered to be at risk for use/abuse. Intervention programming shall include:

a) Counseling of students in groups and as individuals on alcohol, tobacco, drugs, and other substance use/abuse. Counselors shall be appropriately trained and skilled school staff assigned for this purpose.

b) Referring student to community or other outside agencies when their use/abuse of alcohol, tobacco, drugs, and other substances requires additional counseling or treatment. Referral is a key link in school and community efforts and the process is basic to the dissemination of information regarding available counseling and health services.

c) Providing a supportive school environment designed to continue the recovery process for students returning from treatment. A re-entry program may include continuing student and/or family counseling and emphasizing positive alternatives to alcohol and other substance use/abuse.

d) Developing a parent network to serve as a support group and provide a vehicle of communication for parent education;

e) Ensuring confidentiality as required by state and federal law.

Disciplinary Measures

Disciplinary measures for students manufacturing, distributing, consuming, sharing and/or selling, using and/or possessing alcoholic beverages, inhalants, tobacco products, illegal drugs, counterfeit drugs, designer drugs, look-alike substances, prescription drugs, and over-the-counter drugs, or paraphernalia for the use of such drugs shall be outlined in the Cattaraugus-Allegany-Erie-Wyoming BOCES Code of Conduct.

(Continued)
Subject: Alcohol, Tobacco, 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, tobacco, drugs, 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, tobacco, drugs, and other substances Board policy by collaboration with appropriate individuals including school personnel, students and parents/guardians.

Additionally, copies of Board policy shall be disseminated to 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.

Safe and Drug-Free Schools and Communities Act, as reauthorized by the No Child Left Behind Act of 2001
20 United States Code (USC) Section 7101 et seq.

Note: Refer also to Policy #5160 -- Alcohol, Drugs and Other Substances (School Personnel)

Adopted: 8/2/06
SUBJECT: SEARCHES AND INTERROGATIONS

A student may be searched and contraband seized on school grounds or in a school building by a school employee only when the employee has reasonable suspicion to believe the student is engaging in proscribed activity which is in violation of school rules and/or illegal.

Factors to be considered in determining whether reasonable suspicion exists to search a student or his/her property include:

a) The age of the student;
b) The student's record and past history;
c) The predominance and seriousness of the problem in the school where the search is directed; and
d) The urgency to conduct the search without delay.

Lockers

Lockers are provided by the school for student use and the administration has the right to search lockers.

Questioning of Students by School Officials

School personnel have the right to question students regarding any violations of school rules and/or illegal activity. Administration may conduct investigations concerning reports of misconduct which may include, but are not limited to, questioning students, staff, parents/guardians, or other individuals as may be appropriate and, when necessary, determining disciplinary action in accordance with applicable due process rights.

Should the questioning of students by school personnel focus on the actions of one particular student, the student will be questioned in private by the appropriate school personnel. The student's parent/guardian may be contacted; the degree, if any, of parental/guardian involvement will vary depending upon the nature and the reason for questioning, and the necessity for further action which may occur as a result.

The questioning of students by school personnel does not preclude subsequent questioning/interrogations by police authorities as otherwise permitted by law. Similarly, the questioning of students by school personnel does not negate the right/responsibility of school personnel to contact appropriate law enforcement agencies, as may be necessary, with regard to such statements given by students to school officials.

(Continued)
SUBJECT: SEARCHES AND INTERROGATIONS (Cont'd.)

School personnel acting alone and on their own authority, without the involvement of or on behalf of law enforcement officials (at least until after the questioning of students by school personnel has been conducted) are not required to give the so-called "Miranda warnings" (i.e., advising a person, prior to any custodial interrogations as defined in law, of the right to remain silent; that any statement made by the individual may be used as evidence against him/her; and that the individual has the right to the presence of an attorney, either retained or appointed) prior to the questioning of students.

Law Enforcement Officials

Law enforcement officials may be summoned in order to conduct an investigation of alleged criminal conduct on school premises or during a school-sponsored activity, or to maintain the educational environment. They also may be summoned for the purpose of maintaining or restoring order when the presence of such officers is necessary to prevent injury to persons or property.

Administrators/designee have the responsibility and the authority to determine when the assistance of law enforcement officers is necessary within their respective jurisdictions. BOCES' administrators/designee shall at all times act in a manner that protects and guarantees the rights of students and parents.

Interrogation of Students by Law Enforcement Officials

If law enforcement officials 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. Law enforcement officials only may 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). Law enforcement officials may also question students for general investigations and general questions regarding crimes committed on school property or if immediate health or safety risk exists.

Whenever law enforcement are permitted to question a student on school premises, administration/designee will notify the student's parent/guardian.

If possible, questioning of a student by police should take place in private and in the presence of the administrator/designee.

Family Court Act Section 1024
8 New York Code of Rules and Regulations
(NYCRR) Section 100.2(l)

Adopted: 8/2/06
SUBJECT: WEAPONS IN SCHOOL AND THE GUN-FREE SCHOOLS ACT

Weapons in School

The possession of a weapon on school property, in BOCES vehicles, in school buildings, or at school sponsored activities or settings under the control and supervision of the BOCES regardless of location, is strictly prohibited, except by law enforcement personnel. Any person possessing a weapon for educational purposes in any school building must have written authorization of the District Superintendent or his/her designee.

The Penal Code of the State of New York and Board Policy #2411 -- Unlawful Possession of a Weapon Upon School Grounds shall be used to determine what is considered a weapon.

Penal Law Sections 265.01-265.06

Specific Penalties Imposed by the Gun-Free Schools Act

No student shall bring or possess any "firearm" as defined in federal law on school premises (including school buildings and grounds, BOCES vehicles, school settings and/or school sponsored activities under the control and supervision of the BOCES regardless of location). For purposes of this policy, the term "firearm" includes any weapon (including a starter gun) which will or is designed to or may readily be converted to expel a projectile by the action of an explosive; the frame or receiver of such weapon; any firearm muffler or silencer; or any "destructive device" (e.g., any explosive, incendiary, or poison gas, including bombs, grenades, rockets or other similar devices). The term does not include a rifle which the owner intends to use solely for sporting, recreational or cultural purposes; antique firearms; or Class C common fireworks.

In accordance with the Gun-Free Schools Act Section 3214(3)(d) of the Education Law, any student who brings or possesses a firearm, as defined in federal law, on school property, will be referred by the superintendent of the home school district to the appropriate agency or authority for a juvenile delinquency proceeding in accordance with Article 3 of the Family Court Act when the student is under the age of sixteen (16) except for a student fourteen (14) or fifteen (15) years of age who qualifies for juvenile offender status under the Criminal Procedure Law, and will be referred by the superintendent of the home school district to the appropriate law enforcement officials when the student is sixteen (16) years of age or older or when the student is fourteen (14) or fifteen (15) years of age and qualifies for juvenile offender status under the Criminal Procedure Law.

In addition, any student attending a BOCES school who has been found guilty of bringing a firearm to or possessing a firearm on school property, after a hearing has been provided pursuant to Section 3214 of the Education Law, shall be suspended for a period of not less than one (1) calendar year and any student attending a non-BOCES school who participates in a program operated by the BOCES using funds from the Elementary and Secondary Education Act of 1965 who is determined

(Continued)
SUBJECT: WEAPONS IN SCHOOL AND THE GUN-FREE SCHOOLS ACT (Cont’d.)

...to have brought a firearm to or possessed a firearm at a BOCES school or on other premises used by the BOCES to provide such programs shall be suspended for a period of not less than one (1) calendar year from participation in such program. The procedures of Education Law Section 3214(3) shall apply to such a suspension of a student attending a non-BOCES school. Further, after the imposition of the one (1) year penalty has been determined, the superintendent of the home school district has the authority to modify this suspension requirement for each student on a case-by-case basis. In reviewing the student's one (1) year suspension penalty, the superintendent may modify the penalty based on factors as set forth in Section 100.2 of the Regulations of the Commissioner of Education and in Commissioner's Decisions. The determination of the superintendent shall be subject to review by the local board of education in accordance with Education Law Section 3214(3)(c) and by the Commissioner of Education in accordance with Education Law Section 310.

Student with a Disability

A student with a disability who is determined to have brought a firearm to school or possessed a firearm at school may be placed in an interim alternative educational setting, in accordance with federal and state law, for not more than forty-five (45) calendar days. If the parent or guardian requests an impartial hearing, the student must remain in the interim alternative placement until the completion of all proceedings, unless the parent or guardian and BOCES can agree on a different placement.

A student with a disability may be given a long term suspension pursuant to the Gun-Free Schools Act only if a group of persons knowledgeable about the student, as defined in federal regulations implementing the IDEA, determines that the bringing of a firearm to school or possessing a firearm at school was not a manifestation of the student's disability, subject to applicable procedural safeguards.

If it is determined that the student's bringing of a firearm to school or possessing a firearm at school was a manifestation of the student's disability, the superintendent of the home school district must exercise his/her authority under the Gun-Free Schools Act to modify the long term suspension requirement, and determine that the student may not be given a long term suspension for the behavior. The Committee on Special Education may review the student's current educational placement and initiate change in placement proceedings, if appropriate, subject to applicable procedural safeguards.

The 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: WEAPONS IN SCHOOL AND THE GUN-FREE SCHOOLS ACT (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 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 suspended student of compulsory attendance age will be provided with appropriate alternative instruction during the period of the student's suspension.

Gun-Free Schools Act as reauthorized by the No Child Left Behind Act of 2001
18 United States Code (USC) Section 921(a)
Individuals With Disabilities Education Act (IDEA)
20 United States Code (USC) Sections 1400-1485 and 7151
Criminal Procedure Law Section 1.20(42)
Education Law Sections 310, 809-a, 3214, and Article 89
Family Court Act Article 3
8 New York Code of Rules and Regulations (NYCRR)
Section 100.2 and Part 200

NOTE: Refer also to Policy #2411 -- Unlawful Possession of a Weapon Upon School Grounds

Adopted: 07/06/16
SUBJECT: STUDENT TRANSPORTATION

In instances where students are allowed 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. Student parking shall be allowed only in authorized places.

Adopted: 8/2/06
SUBJECT: STUDENT CELL PHONE USE IN SCHOOL

Cell phone possession in school during regular school hours is a privilege that will not be abridged without cause.

1. Students are not permitted to use personal cell phones during class time, except as allowed by individual teachers. If a student’s cell phone rings during class, a teacher may confiscate the phone for the remainder of that class. Repeated Disruptions may result in loss of phone possession privileges.

2. Inappropriate use of cell phone or related device on school grounds (i.e., for photographs, video, harassment, cheating, personal calls) will result in the loss of cell phone possession privilege, along with other appropriate consequences. The cell phone may be immediately confiscated and held by the district if it is evidence of criminal or threatening behavior or activity or part of an ongoing investigation.

3. The District provides emergency phone access for all students and parents during the school day in each building office. Students may contact parents and parents may contact students as needed through the office at any time during regular hours. The office also delivers messages to and from home as required.

Adopted: 07/06/16
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.

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.

Examinations

Examinations or tests may be used to assess the effectiveness of instruction or the skill development of a student or groups of students. Such examinations may be prepared by local educators, state officials or recognized publishers. Results on an examination or test should not serve as the sole criterion for promotion unless that instrument is a mastery or competency measure. An appropriate evaluation of a student or program should consist of a variety of measures designed to measure relevant objectives.

Adopted:  8/2/06
SUBJECT: PROVISION OF INTERPRETER SERVICES TO PARENTS WHO ARE HEARING IMPAIRED

The Board of Cooperative Educational Services assures parents or persons in parental relationship who are hearing impaired the right to meaningful access to school initiated meetings or activities pertaining to the academic and/or disciplinary aspects of their children’s education. School initiated meetings or activities are defined to include, but are not limited to, parent-teacher conferences, child study or building-level team meetings, planning meetings with school counselors regarding educational progress and career planning, suspension hearings or any conferences with school officials relating to disciplinary actions. The term "hearing impaired" shall include any hearing impairment, whether permanent or fluctuating, which prevents meaningful participation in school meetings or activities.

Parents or guardians shall be notified of the availability of interpreter services to be provided at no charge, provided that a written request is made to the 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, note takers, 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: 8/2/06
SUBJECT: STUDENT RECORDS: ACCESS AND CHALLENGE

Student Records

The Cattaraugus-Allegany-Erie-Wyoming 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 directly related to a student and are maintained by Cattaraugus-Allegany-Erie-Wyoming BOCES or by a party acting for Cattaraugus-Allegany-Erie-Wyoming BOCES. FERPA does not prohibit a school official from disclosing information about a student if the information is obtained through the school official's personal knowledge or observation and not from the student's education records.

"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 Cattaraugus-Allegany-Erie-Wyoming 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

Administrative regulations and procedures shall be formulated to comply with the provisions of federal law relating to the availability of student records to parents or eligible students, and to ensure the confidentiality of such records with respect to third parties.

Under FERPA, unless otherwise exempted in accordance with law and regulation, the BOCES may release personally identifiable information contained in student records only if it has received a "signed and dated written consent" from a parent or eligible student. Signed and dated written consent may include a record and signature in electronic form provided that such signature:

a) Identifies and authenticates a particular person as the source of the electronic consent; and

b) Indicates such person's approval of the information contained in the electronic consent.

(Continued)
SUBJECT: STUDENT RECORDS: ACCESS AND CHALLENGE (Cont’d.)

Health and Safety Emergency Exception

If the BOCES determines there is an articulable and significant threat to the health or safety of a student or other individuals:

1. It may disclose information from education records, without consent, to any person whose knowledge of the information is necessary to protect the health and safety of the student or other individuals during the period of the health or safety emergency;

2. It may release information from records to appropriate parties including, but not limited to, parents, law enforcement officials and medical personnel;

3. The BOCES’ determination that there is an articulable and significant threat to the health or safety of a student or other individuals shall be based upon a totality of the circumstances, including the information available, at the time the determination is made; and

4. The BOCES must record the articulable and significant threat that formed the basis for the disclosure and maintain this record for as long as the student's education records are maintained.

Challenge to Student Records

Parents or eligible students shall have an opportunity for a hearing to challenge the content of the school records, to ensure the records are accurate and not in violation of the privacy or other rights of students, and to provide an opportunity for the correction or deletion of inaccurate, misleading, or otherwise inappropriate data contained therein.

Release of Information to Another Educational Institution

The BOCES may disclose any and all educational records, including disciplinary records and records that were created as a result of a student receiving special education services under Part B of IDEA, to another school or postsecondary institution at which the student seeks or intends to enroll, or after the student has enrolled or transferred, so long as the disclosure is for purposes related to the student's enrollment or transfer. Parental consent is not required for transferring education records if the school's annual FERPA notification indicates that such disclosures may be made. In the absence of information about disclosures in the annual FERPA notification, school officials must make a reasonable attempt to notify the parent about the disclosure, unless the parent initiated the disclosure. Additionally, upon request, schools must provide a copy of the information disclosed and an opportunity for a hearing.

Student Directory Information

(Continued)
SUBJECT: STUDENT RECORDS: ACCESS AND CHALLENGE (Cont'd.)

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).

In accordance with the Family Education Rights and Privacy Act (FERPA), Cattaraugus-Allegany-Erie-Wyoming BOCES has designated student directory information as the following: name; address; telephone listing; major field of study; participation in officially recognized activities and sports; dates of attendance; degrees and awards received; electronic mail address; photograph; and the name of the educational agency or institution most recently previously attended by the student. Directory information **does not** include:

a) A student's social security number; or

b) A student's identification (ID) number, except as provided below

Directory information includes a student ID number, user ID, or other unique personal identifier used by the student for purposes of accessing or communicating in electronic systems, but only if the identifier cannot be used to gain access to education records except when used in conjunction with one or more factors that authenticate the user's identity, such as a personal identification number (PIN), password, or other factor known or possessed only by the authorized user.

The release of student directory information is not to be confused with the release of secondary school students' names, addresses and telephone listings to Military Recruiters (Policy #6491 -- Military Recruiters' Access To Secondary School Students and Information on Students). In compliance with the Elementary and Secondary Education Act of 1965 as amended by the No Child Left Behind Act of 2001 (NCLB), the National Defense Authorization Act and in accordance with FERPA, the BOCES shall comply with the request by a military recruiter for this information unless a parent has "opted out" of providing such information.

Family Educational Rights and Privacy Act of 1974
20 United States Code (USC) Section 1232(g)
34 Code of Federal Regulations (CFR)
Part 99 and Section 300.571

Adopted: 07/06/16
SUBJECT: CUSTODIAL/NONCUSTODIAL PARENTS

Release of BOCES students in attendance at programs housed in buildings under the administrative control of Cattaraugus-Allegany-Erie-Wyoming 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 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 Cattaraugus-Allegany-Erie-Wyoming 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, school personnel may consider the rights of custodial and noncustodial parents to be equal with respect to access to the student's educational records unless Cattaraugus-Allegany-Erie-Wyoming 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 preventing the release of such information.

Access to/Release of Students to Custodial/Noncustodial Parents

School personnel will consider the rights of custodial and noncustodial parents to be equal with respect to access to, and release of, their children except when a legally binding document has been presented which provides evidence to the contrary.

An agreement or court order which grants sole custody to one parent shall be sufficient to prohibit release of the student to the noncustodial parent. However, unless restricted by a final divorce decree which includes specific denial of access rights, a restraining order denying access rights, or other such legally binding document, both parents have the right to participate in the normal school activities of the child; to visit their child briefly at school; and to participate in parent-teacher conferences, although not necessarily together in the same conference.

(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 Cattaraugus-Allegany-Erie-Wyoming BOCES.

Disclosures to Parents of Eligible Students

Even after a student has become an "eligible student" under FERPA (which is defined as a student who is eighteen (18) years of age or older or who is attending an institution of post-secondary education) the Cattaraugus-Allegany-Erie-Wyoming BOCES may disclose education records to an eligible student's parents, without the student's consent:

a) If the student is claimed as a dependent for Federal income tax purposes by either parent;

b) In connection with a health or safety emergency;

c) If the student is under twenty-one (21) years of age and has violated an institutional rule or policy governing the use of alcohol or a controlled substance; or

d) If the disclosure falls within any other exception to the consent requirements under FERPA or its Regulations, such as the disclosure of directory information or in compliance with a court order or lawfully issued subpoena.

Implementation

Copies of authorizations, or certified copies of all legally binding documents pertaining to child custody and visitation including, but not limited to, Judgments of Divorce and Separation, temporary and permanent court orders, and legally enforceable written agreements between the parties will be maintained in the student records and notification will be made to appropriate school personnel.

The Board directs the District Superintendent or his/her designee to develop administrative procedures to implement this policy. Such procedures shall include:

a) Provisions for notification and instruction of the Cattaraugus-Allegany-Erie-Wyoming 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 (continued)
SUBJECT: CUSTODIAL/NONCUSTODIAL PARENTS (Cont'd.)

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

Adopted: 08/05/09
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 Subpart 66-1 of the Regulations of the New York State Department of Health.

Education Law Section 914
Public Health Law Section 2164
8 New York Code of Rules and Regulations (NYCRR) Part 136
10 New York Code of Rules and Regulations (NYCRR) Subpart 66-1

Adopted: 8/2/06
SUBJECT: ACCIDENTS/FIRST AID TREATMENT

Accidents

All accidents and injuries shall be reported immediately to the Building Principal who will take appropriate action to enable the student to obtain necessary assistance. All proper forms must be completed and filed with the Purchasing Agent within 24 hours of the accident.

First Aid

The Board authorizes emergency first aid medical treatment to be rendered by appropriate school personnel. A parent or guardian of the student will be notified promptly if any such measures are taken.

Emergency Transportation of Pupils

When school personnel are transporting one or more pupils to a hospital or other medical facility, a physician's office, or home for medical treatment or because of illness, in accordance with Commissioner's Regulations, the school personnel will be considered to be providing "Emergency Transportation" and will not be bound by the requirements for an Occasional School Bus Driver as outlined in Policy #4524 -- Occasional School Bus Drivers.

In the event of a serious illness or an injury to a student, an ambulance may be called if warranted.

8 New York Code of Rules and Regulations (NYCRR) Section 156.3(a)(1)

NOTE: Refer also to Policy #6421 -- Administering Medication

Adopted: 8/2/06
SUBJECT: ADMINISTERING MEDICATION

The school's registered professional nurse may administer medication to a student during the school day under certain conditions. For the purpose of this policy, the term "medication" includes both prescription and non-prescription medications. The school must receive the following before medication will be administered to a student:

a) The original written order from the student's provider stating the name of the medication, precise dosage, frequency, and time of administration;

b) A written, signed consent from the student's parent or person in parental relation requesting the administration of the medication, as prescribed by the physician, to the student in school; and

c) The medication, properly labeled in its original container, must be delivered to the school health office by the student's parent or person in parental relation. The term "properly labeled," in the context of this policy, means that the container must include the following information: the student's name, name of medication, dosage, frequency, and prescribing physician. A student is not permitted to carry any medication on his/her person in school, or on the school bus, or keep any medication in his/her school locker(s). Exceptions may apply, however, for students diagnosed with asthma or other respiratory illnesses, diabetes, or allergies who will be permitted to carry and self-administer medication under certain conditions.

All medication orders must be reviewed annually by school health office personnel or whenever there is a change in dosage.

Self-Administration of Medication

Generally

Each student who is permitted to self-administer medication should have an emergency care plan on file with the BOCES. Further, the school will maintain a record of all written parental consents in the student's cumulative health record.

School health office personnel will also maintain regular parental contact in order to monitor the effectiveness of such self-medication procedures and to clarify parental responsibility as to the daily monitoring of their child to ensure that the medication is being utilized in accordance with the physician's or provider's instructions. Additionally, the student will be required to report to the health office on a periodic basis as determined by health office personnel so as to maintain an ongoing evaluation of the student's management of such self-medication techniques, and to work cooperatively with the parents and the student regarding such self-care management.

Students who self-administer medication without proper authorization will be referred for counseling by school nursing personnel, as appropriate. Additionally, school administration and parents will be notified of such unauthorized use of medication by the student, and school administration may determine the proper resolution of this behavior.

(Continued)
SUBJECT: ADMINISTRATION OF MEDICATION (Cont'd.)

Students with asthma or another respiratory disease

A student will be permitted to carry and self-administer their prescribed inhaled rescue medication during the school day, on school property, and at any school function if the school health office has the following on file:

a) Written order/permission and an attestation from a duly authorized health care provider stating that the student has a diagnosis of asthma or other respiratory disease for which inhaled rescue medications are prescribed to alleviate respiratory symptoms or to prevent the onset of exercise induced asthma; the student has demonstrated that he/she can self-administer the prescribed medication effectively; and the expiration date of the order, the name of the prescribed medication, the dose the student is to self-administer, times when the medication is to be self-administered, and the circumstances which may warrant the use of the medication; and

b) Written consent from the student's parent or person in parental relation.

Upon written request of the student's parent or person in parental relation, the school will allow the student to maintain an extra inhaled rescue medication in the care and custody of the school's registered professional nurse, nurse practitioner, physician assistant, or school physician.

Students with Allergies

A student will be permitted to carry and self-administer his/her prescribed EpiPen during the school day, on school property, and at any school function if the school health office has the following on file:

a) Written order/permission and an attestation from a duly authorized health care provider stating that the student has a diagnosis of an allergy for which an EpiPen is needed for the emergency treatment of allergic reactions; the student has demonstrated that he/she can self-administer the prescribed EpiPen effectively; and the expiration date of the order, the name of the medicine, the dose the student is to self-administer, and the circumstances which may warrant the use of the medication; and

b) Written consent from the student's parent or person in parental relation.

Upon written request of the student's parent or person in parental relation, the school will allow the student to maintain an extra EpiPen in the care and custody of a licensed nurse, nurse practitioner, physician assistant, or school physician.

Students with Diabetes

A student will be permitted to carry and self-administer his/her prescribed insulin through an appropriate medication delivery device, carry glucagon, and carry and use equipment and supplies necessary to check blood glucose and/or ketone levels during the school day, on school property, and at any school function if the school health office has the following on file:

(Continued)
SUBJECT: ADMINISTRATION OF MEDICATION (Cont'd.)

a) Written order/permission and an attestation from a duly authorized health care provider stating that the student has a diagnosis of diabetes for which insulin and glucagon through appropriate medication delivery devices, and the use of equipment and supplies to check blood glucose and/or ketone levels are necessary; the student has demonstrated that he/she can self-administer effectively, can self-check glucose or ketone levels independently, and can independently follow prescribed treatment orders; and the expiration date of the order, the name of the prescribed insulin or glucagon, the type of insulin delivery system, the dose of insulin and/or glucagon the student is to self-administer, times when the insulin and/or glucagon is to be self-administered, and the circumstances which may warrant administration by the student. The written permission must also identify the prescribed blood glucose and/or ketone test, the times testing is to be done, and any circumstances which warrant checking a blood glucose and/or ketone level.

b) Written consent from the student's parent or person in parental relation.

Upon written request of the student's parent or person in parental relation, the school will allow the student to maintain extra insulin, insulin delivery system, glucagon, blood glucose meter, and related supplies to treat the student's diabetes in the care and custody of a licensed nurse, nurse practitioner, physician assistant, or school physician.

Students with diabetes will also be permitted to carry food, oral glucose, or other similar substances necessary to treat hypoglycemia in accordance with BOCES policy.

Use of Naloxone

The BOCES recognizes that early use of Naloxone can enhance the survival rate of individuals from incidents of opioid overdose. Therefore, it is the policy of the Board of Education to make Naloxone (commonly known as Narcan) available to Registered Nurses, substitute Registered Nurses, and all trained staff employed by the BOCES, and to authorize their use in accordance with the Education Law 922, 6427, and 6909 and Public Health Law 3309. Other BOCES employees (such as coaches) may also be authorized to use Naloxone upon successful completion of an approved training course in the use of such devices. An Emergency Health Care Provider, as defined in Section 3000-c of the Public Health law, shall be appointed to provide medical oversight for the use of Naloxone by BOCES employees.

Alcohol-Based Hand Sanitizers

The New York State Education Department (NYSED) permits the use of alcohol-based hand sanitizers in schools. The school medical director may approve and permit the use of alcohol-based hand sanitizers in the BOCES schools without a physician's order. Parents may provide written notification to the school in the event that they do not wish to have their child use this product.
SUBJECT: ADMINISTRATION OF MEDICATION (Cont'd.)

Sunscreen

Students may carry and use FDA approved sunscreen products for over-the-counter use. The student's parent or person in parental relation must provide written permission for the student to carry and use sunscreen. This written parental consent will be maintained by the school. A student who is unable to physically apply sunscreen may be assisted by unlicensed personnel when directed to do so by the student, if permitted by a parent or person in parental relation, and authorized by the school.

Storage and Disposal

The BOCES will comply with relevant state laws, regulations, and guidelines governing the BOCES’ receipt, storage, and disposal of medication.

Individuals with Disabilities Education Improvement Act of 2004 [Public Law 108-446 Section 614(a)]
Individuals with Disabilities Education Act (IDEA), 20 USC Sections 1400 et seq.
Section 504 of the Rehabilitation Act of 1973, 29 USC Section 794 et seq.
Education Law Sections 902(b), 907, 916, 916-a, 916-b, 919, 921, 6527, and 6908(1)(a)(iv), 6909
Public Health Law Section 3000-a, c, 3309
8 NYCRR 136.6, 136.7

Adopted: 07/06/16
SUBJECT: CHILD ABUSE

The BOCES subscribes to all of the provisions of the law designed to provide protective services to abused and neglected/maltreated children as described by the law, and to make all school personnel within the District aware of our legal responsibilities under this law.

Regulations shall be developed, maintained, and disseminated by administration regarding the:

a) Mandatory reporting of suspected child abuse/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;
f) Obligations for provision of services and procedures necessary to safeguard the life of a child; and
g) Instruction in recognizing signs of unlawful methamphetamine laboratories for those school personnel who, as part of their usual responsibilities, visit children's homes.

BOCES administration shall establish an ongoing training program for all staff regarding their reporting responsibilities.

Social Services Law Sections 411-428
Family Court Act Section 1012
Education Law Section 3209(a)

School Officials Required to Report

The definition of a "school official" who is mandated to report cases of child abuse or neglect/maltreatment to the State Central Register (SCR) pursuant to Social Services Law Section 413(1) includes, but is not limited to, school teachers, school guidance counselors, school psychologists, school social workers, school nurses, school administrators or other school personnel required to hold a teaching or administrative license or certificate.

All mandated reporters shall and will make the report themselves and then immediately notify the Building Principal or his/her designee. The Building Principal or his/her designee shall be responsible for all subsequent administration necessitated by the report.
SUBJECT: CHILD ABUSE AND NEGLECT/MALTREATMENT (Cont'd.)

Any report shall include the name, title and contact information for every staff member who is believed to have direct knowledge of the allegations in the report.

Prohibition of Retaliatory Personnel Action

Social Services Law Section 413(1) also prohibits a school from taking any retaliatory personnel action against an employee because such employee believes that he/she has reasonable cause to suspect that a child is an abused or neglected/ malnourished or maltreated child and that employee makes a report to SCR pursuant to Social Services Law. Further, no school or school official shall impose any conditions, including prior approval or prior notification, upon any staff member specifically designated a mandated reporter.

Pursuant to Labor Law Section 740(1)(e), "retaliatory personnel action" means the discharge, suspension or demotion of an employee, or other adverse employment action taken against an employee in the terms and conditions of employment.

Report Form

The Revised May 2007 New York State Office of Children and Family Services "Report of Suspected Child Abuse or Maltreatment" Form LDSS-2221A may be accessed at:
http://www.ocfs.state.ny.us/main/cps/

Education Law Section 3209-a
Family Court Act Section 1012
Labor Law Section 740(1)(e)
Social Services Law Sections 411-428

Child Abuse in an Educational Setting

"Child abuse" shall mean any of the following acts committed against a child in an educational setting by an employee or volunteer:

a) Intentionally or recklessly inflicting physical injury, serious physical injury, or death; or

b) Intentionally or recklessly engaging in conduct which creates a substantial risk of such physical injury, serious physical injury, or death; or

c) Any child sexual abuse, defined as conduct prohibited by Article 130 or 263 of the Penal Law; or

d) The commission or attempted commission against a child of the crime of disseminating indecent materials to minors pursuant to Article 235 of the Penal Law.

(Continued)
SUBJECT: CHILD ABUSE (Cont'd.)

In accordance with law, "educational setting" shall mean the building and grounds of a public school district, the vehicles provided by the school district for the transportation of students to and from school buildings, field trips, co-curricular and extra-curricular activities both on and off school district grounds, all co-curricular and extra-curricular activity sites, and any other location where direct contact between an employee or volunteer and a child has allegedly occurred.

In any case, where an oral or written allegation is made to a teacher, school's registered 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 schools 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.

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/BOCES 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, including parental notification. When the school/BOCES administrator receives a written report, he/she shall promptly provide a copy of such report to the Superintendent/District Superintendent.

(Continued)
SUBJECT: CHILD ABUSE (Cont'd.)

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.

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.

The District Superintendent (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.

(Continued)
SUBJECT: CHILD ABUSE (Cont'd.)

Education Law Article 23-B and Sections 902(b), 3028-b and 3209-a
Penal Law Articles 130, 235 and 263
Social Services Law Sections 411-428
8 New York Code of Rules and Regulations (NYCRR) Part 83
Family Court Act Section 1012
Labor Law Section 740 (1) (e)

NOTE: Refer also to Policies #6440 -- Sexual Harassment (Students)
#6470 -- Notification of Sex Offenders

Adopted: 08/06/08
SUBJECT: SEXUAL HARASSMENT (STUDENTS)

The Board of Education affirms its commitment to non-discrimination and recognizes its responsibility to provide for all District students an environment that is free of sexual harassment, including sexual violence. Sexual harassment including sexual violence 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, school volunteers, students, and non-employees such as contractors and vendors which occur on school grounds and at all school-sponsored events, programs and activities including those that take place on a school bus at locations off school premises or those that take place in another state. Since sexual violence is a form of sexual harassment, the term, "sexual harassment" in this policy will implicitly include sexual violence even if it is not explicitly stated.

Sexual Harassment

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.

Sexual Violence

Sexual violence is defined by New York Penal Law as physical sexual acts perpetrated against a person's will or where a person is incapable of giving consent. Sexual violence includes but is not limited to acts such as:

a) Rape;

b) Sexual assault;

c) Sexual battery;

d) Sexual coercion.

(Continued)
A person may be unable to consent to a sexual act due to his/her age, use of drugs or alcohol or due to intellectual or other disability. In order to encourage victims of sexual violence to come forward, a District must inform students that the District's primary concern is with their safety. The school should assure victims that any broken rules or violations made by them will be addressed separately from the sexual harassment allegation. For example, victims need to know that their use of alcohol or drugs never makes them at fault for sexual violence.

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 offender and the victim; the number of individuals involved; and the type, frequency and duration of the conduct. A single incident of sexual harassment may be sufficiently severe to create a hostile environment in the school and a student may experience the continuing effects from off-campus sexual harassment when in the school setting. 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 School District. Sexual harassment may occur from student-to-student, from staff-to-student, from student-to-staff, as well as staff-to-staff. The District will designate, at a minimum, two (2) Compliance Officers, one (1) of each gender.

In order for the Board to enforce this policy, and to take corrective measures as may be necessary, it is essential that any student who believes he/she has been a victim of sexual harassment, as well as any other person who is aware of and/or who has knowledge of or witnesses any possible occurrence of sexual harassment, should immediately report such alleged harassment. Such report shall be directed to or forwarded to the District's designated Compliance Officers through informal and/or formal complaint procedures as developed by the District. Such complaints are recommended to be in writing, although verbal complaints of alleged sexual harassment will also be promptly investigated in accordance with the terms of this policy. In the event that the Compliance Officer is the alleged offender, the report will be directed to the next level of supervisory authority.

Upon receipt of an informal/formal complaint (even an anonymous complaint), the District will conduct a prompt, equitable, and thorough investigation of the charges. However, even in the absence of a complaint, if the District has knowledge of or has reason to know of or suspect any occurrence of sexual harassment, the District will investigate such conduct promptly, equitably, 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. The Superintendent will inform the Board of Education of investigations involving findings of harassment.

(Continued)
SUBJECT: SEXUAL HARASSMENT OF STUDENTS (Cont'd.)

Based upon the results of the investigation, if the District 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 District policy and regulation, the Code of Conduct, and applicable laws and/or regulations. Should the offending individual be a school employee, appropriate disciplinary measures will be applied, up to and including termination of the offender's employment, in accordance with legal guidelines, District policy and regulation, the Code of Conduct and the applicable collective bargaining agreement(s). Third parties (such as school volunteers, vendors, etc.) who are found to have violated this policy and/or accompanying regulations will be subject to appropriate sanctions as warranted and in compliance with law.

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

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

Finding That Sexual Harassment Did Not Occur

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

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

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

Knowingly Makes False Accusations

Employees and/or students who knowingly make false accusations against another individual as to allegations of harassment may also face appropriate disciplinary action.
SUBJECT: SEXUAL HARASSMENT OF STUDENTS (Cont'd.)

Privacy Rights

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

Development and Dissemination of Administrative Regulations

Regulations will be developed for reporting, investigating and remediing allegations of sexual harassment. An appeal procedure will also be provided to address any unresolved complaints and/or unsatisfactory prior determinations by the applicable Compliance Officer(s).

Such regulations will be developed in accordance with federal and state law as well as any applicable collective bargaining agreement(s).

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

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

Civil Rights Act of 1991, 42 United States Code (USC) Section 1981(a)
Title VII of the Civil Rights Act of 1964, 42 United States Code (USC) Section 2000e et seq.
Title IX of the Education Amendments of 1972, 20 United States Code (USC) Section 1681 et seq.
34 Code of Federal Regulations (CFR) Section 100 et seq.
29 Code of Federal Regulations (CFR) Section 1604.11(a)
Civil Service Law Section 75-B
Education Law Section 2801(1)
Executive Law Sections 296 and 297

ADOPTED: 07/06/16
SUBJECT: DIGNITY FOR ALL STUDENTS ACT

The Board recognizes that learning environments that are safe and supportive can increase student attendance and improve academic achievement. A student's ability to learn and achieve high academic standards, and a school's ability to educate students, is compromised by incidents of discrimination or harassment, including but not limited to bullying, taunting and intimidation. Therefore, in accordance with the Dignity for All Students Act, Education Law, Article 2, the District will strive to create an environment free of discrimination and harassment and will foster civility in the schools to prevent and prohibit conduct which is inconsistent with the District's educational mission.

The District condemns and prohibits all forms of discrimination and harassment of students based on actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender, or sex, or any other basis prohibited by law, by school employees or students on school property and at school-sponsored activities and events that take place at locations off school property. In addition, any act of discrimination or harassment, outside of school sponsored events, which can reasonably be expected to materially and substantially disrupt the education process may be subject to discipline.

Dignity Act Coordinator

At least one (1) employee at every school shall be designated as the Dignity Act Coordinator(s). The Dignity Act Coordinator(s) will be thoroughly trained to handle human relations in the areas of race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender, or sex, and any other basis prohibited by law, by school employees or students on school property and at school-sponsored activities and events that take place at locations off school property. The Board shall appoint the Dignity Act Coordinator(s) and share the name(s) and contact information with all school personnel, students, and parents/persons in parental relation.

If a Dignity Act Coordinator vacates his/her position, another school employee shall immediately be designated for an interim appointment as Coordinator, pending approval from the Board, within thirty (30) days of the date the position was vacated. In the event a Coordinator is unable to perform the duties of the position for an extended period of time, another school employee shall immediately be designated for an interim appointment as Coordinator, pending return of the previous Coordinator to the position.

Training

Training will be provided each school year for all District employees in conjunction with existing professional development training to raise staff awareness and sensitivity of harassment and discrimination directed at students that are committed by students or school employees on school property or at a school function. Training will include ways to promote a supportive school environment that is free from discrimination and harassment, emphasize positive relationships, and demonstrate prevention and intervention techniques to assist employees in recognizing and responding to harassment and discrimination, as well as ensuring the safety of the victims.

(Continued)
Instruction in grades Kindergarten through 12 shall include a component on civility, citizenship and character education. Such component shall instruct students on the principles of honesty, tolerance, personal responsibility, respect for others, observance of laws and rules, courtesy, dignity and other traits which will enhance the quality of their experiences in, and contributions to, the community. For the purposes of this policy, "tolerance," "respect for others" and "dignity" shall include awareness and sensitivity to discrimination or harassment and civility in the relations of people of different races, weights, national origins, ethnic groups, religions, religious practices, mental or physical abilities, sexual orientations, genders and sexes.

Rules against discrimination and harassment will be included in the Code of Conduct, publicized District-wide and disseminated to all staff and parents. An age-appropriate summary shall be distributed to all students at a school assembly at the beginning of each school year.

Reports and Investigations of Discrimination and Harassment

The District will investigate all complaints of harassment and discrimination, either formal or informal, and take prompt corrective measures, as necessary. Complaints will be investigated in accordance with applicable policies and regulations. If, after an appropriate investigation, the District finds that this policy has been violated, corrective action will be taken in accordance with District policies and regulations, the Code of Conduct, and all appropriate federal or state laws.

The District will annually report material incidents of discrimination and harassment to the State Education Department as part of the Uniform Violent and Disruptive Incident Reporting System (VADIR).

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

Any person who has reasonable cause to suspect that a student has been subjected to discrimination or harassment by an employee or student, on school grounds or at a school function, who acts reasonably and in good faith and reports such information to school officials or law enforcement authorities, shall have immunity from any civil liability that may arise from making such report. The Board prohibits any retaliatory behavior directed at complainants, victims, witnesses and/or any other individuals who participated in the investigation of a complaint of discrimination or harassment.

Education Law Sections 10-18 and 801-a
8 New York Code of Rules and Regulations (NYCRR) Section 100.2(1)(2)

(Continued)
SUBJECT: DIGNITY FOR ALL STUDENTS ACT (Cont'd.)

NOTE: Refer also to Policies #1330 -- Appointments and Designations by the Board
#2410 -- Code of Conduct on BOCES Property
#2270 -- Non-Discrimination and Anti-Harassment in BOCES
#6440 -- Sexual Harassment of Students
#6462 -- Bullying: Peer Abuse in School
#6463 -- Hazing of Students
#6460 -- Equal Educational Opportunities
#7190 -- Civility, Citizenship and Character Education/Interpersonal Violence Prevention Education

Adoption Date: 07/06/16
SUBJECT: EQUAL EDUCATIONAL OPPORTUNITY (STUDENTS)

Each student attending BOCES programs shall have equal access to educational opportunities and will not be excluded or prevented from participating in or having admittance to the educational courses, programs or activities; school services; and extracurricular events on the basis of race, color, creed, religion, national origin, political affiliation, sex, sexual orientation, age, marital status, military status, veteran status, or disability.

Administration shall establish grievance procedures that provide for the prompt and equitable resolution of complaints pertaining to discrimination on the basis of race, color, creed, religion, national origin, political affiliation, sex, sexual orientation, age, marital status, military status, veteran status, or disability.

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

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

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

The 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 Compliance Officer(s) responsible for handling complaints regarding discrimination, and a description of the BOCES established grievance procedures.

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

(Continued)
SUBJECT: EQUAL EDUCATIONAL OPPORTUNITY (STUDENTS) (Cont'd.)

Section 504 of the Rehabilitation Act of 1973, 29 United States Code (USC) Section 794 et seq.
Title VI of the Civil Rights Act of 1964, 42 United States Code (USC) Section 2000d et seq.
Prohibits discrimination on the basis of race, color or national origin.
Title VII of the Civil Rights Act of 1964, 42 United States Code (USC) Section 2000e et seq.
Prohibits discrimination on the basis of race, color, religion, sex or national origin.
Title IX of the Education Amendments of 1972, 20 United States Code (USC) Section 1681 et seq.
Prohibits discrimination on the basis of sex.
Civil Rights Law Section 40-c
Prohibits discrimination on the basis of race, creed, color, national origin, sex, marital status, sexual orientation or disability.
Executive Law Section 290 et seq.
Prohibits discrimination on the basis of age, race, creed, color, national origin, sex, sexual orientation, disability, military status, or marital status.

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

Adopted: 8/2/06
SUBJECT: EQUAL EDUCATIONAL OPPORTUNITY (STUDENTS)

Each student attending BOCES programs shall have equal access to educational opportunities and will not be excluded or prevented from participating in or having admittance to the educational courses, programs or activities; school services; and extracurricular events on the basis of race, color, creed, religion, national origin, political affiliation, sex, sexual orientation, age, marital status, military status, veteran status, or disability.

Administration shall establish grievance procedures that provide for the prompt and equitable resolution of complaints pertaining to discrimination on the basis of race, color, creed, religion, national origin, political affiliation, sex, sexual orientation, age, marital status, military status, veteran status, or disability or any other basis prohibited by law.

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

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

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

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

(Continued)
SUBJECT: EQUAL EDUCATIONAL OPPORTUNITY (STUDENTS) (Cont'd.)

Section 504 of the Rehabilitation Act of 1973, 29 United States Code (USC) Section 794 et seq.
Title VI of the Civil Rights Act of 1964, 42 United States Code (USC) Section 2000d et seq.
Prohibits discrimination on the basis of race, color or national origin.
Title VII of the Civil Rights Act of 1964, 42 United States Code (USC) Section 2000e et seq.
Prohibits discrimination on the basis of race, color, religion, sex or national origin.
Title IX of the Education Amendments of 1972, 20 United States Code (USC) Section 1681 et seq.
Prohibits discrimination on the basis of sex.
Civil Rights Law Section 40-c
Prohibits discrimination on the basis of race, creed, color, national origin, sex, marital status, sexual orientation or disability.
Executive Law Section 290 et seq.
Prohibits discrimination on the basis of age, race, creed, color, national origin, sex, sexual orientation, disability, military status, or marital status.

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

Adopted: 07/06/16
SUBJECT: COMPLAINTS AND GRIEVANCES BY STUDENTS

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

a) Establishing rules and regulations for the redress of complaints or grievances through proper administration channels;

b) Developing an appeals process;

c) Ensuring students have full understanding and access to these regulations and procedure; and

d) Providing prompt consideration and determination of student complaints and grievances.

Civil Rights Compliance Officer

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

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

The Civil Rights Compliance Officer shall also be responsible for handling complaints and grievances regarding discrimination based on race, color, creed, religion, national origin, political affiliation, sexual orientation, age, military status, veteran status, or marital status or any other basis prohibited by law.

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

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

Title VI of the Civil Rights Act of 1964, 42 United States Code (USC) Section 2000d et seq. Prohibits discrimination on the basis of race, color or national origin.
Title VII of the Civil Rights Act of 1964, 42 United States Code (USC) Section 2000e et seq. Prohibits discrimination on the basis of race, color, religion, sex or national origin.
Title IX of the Education Amendments of 1972, 20 United States Code (USC) Section 1681 et seq. Prohibits discrimination on the basis of sex.
Civil Rights Law Section 40-c Prohibits discrimination on the basis of race, creed, color, national origin, sex, marital status, sexual orientation or disability.
Executive Law Section 290 et seq. Prohibits discrimination on the basis of age, race, creed, color, national origin, sex, sexual orientation, disability, military status, or marital status.

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

Adopted: 07/06/16
SUBJECT: BULLYING: PEER ABUSE IN THE SCHOOLS

Bullying of a student by another student is strictly prohibited on school property, in school buildings, on school buses, and at school sponsored events and/or activities whether occurring on or off campus. The Board of Education shall require the prohibition of bullying - along with the range of possible intervention activities and/or sanctions for such misconduct - to be included in the District Code of Conduct for all grade levels.

The term "bullying" among children is defined, in general, as: "a variety of negative acts carried out repeatedly over time. It involves a real or perceived imbalance of power, with a more powerful child or group attacking those who are less powerful." Bullying can take many forms, including, but not limited to:

a) Physical (including, but not limited to, hitting, kicking, spitting, pushing, taking personal belongings);

b) Verbal (including, but not limited to, taunting, malicious teasing, name calling, making threats);

c) Psychological (including, but not limited to, spreading rumors; manipulating social relationships; or engaging in social exclusion, extortion, or intimidation); and

d) Cyberbullying (including, but not limited to, the following misuses of technology: harassing, teasing, intimidating, threatening, or terrorizing another student or staff member by way of any technological tool, such as sending or posting inappropriate or derogatory e-mail messages, instant messages, text messages, digital pictures or images, or Web site postings (including blogs). Cyberbullying may occur both on campus and off school grounds).

While bullying is generally a variety of acts carried out over time it is important to note that a single negative act as enumerated above may also constitute "bullying" (if not more serious misconduct) based upon the particular circumstances such as the seriousness of the act and/or the intent of the actor.

Reports of Allegations of Bullying/Cyberbullying Behavior

Any student who believes that he/she is being subjected to bullying/cyberbullying behavior, as well as any other person who has knowledge of or witnesses any possible occurrence of bullying/cyberbullying, shall report the behavior to any staff member or the Building Principal. The staff member/Building Principal to whom the report is made (or the staff member/Building Principal who witnesses bullying/cyberbullying behavior) shall investigate the complaint and take appropriate action to include, as necessary, referral to the next level of supervisory authority and/or other official designated by the District to investigate allegations of bullying/cyberbullying. Investigation of allegations of bullying/cyberbullying shall follow the procedures utilized for complaints of harassment within the School District. Allegations of bullying/cyberbullying shall be promptly investigated and will be treated as confidential and private to the extent possible within legal constraints.
SUBJECT:  BULLYING: PEER ABUSE IN THE SCHOOLS  (Cont'd.)

Prevention and Intervention

Personnel at all levels are responsible for taking corrective action to prevent bullying/cyberbullying behavior of which they have been made aware at School District sites or activities and/or reporting such behavior to their immediate supervisor. Further, staff training shall be provided to raise awareness of the problem of bullying/cyberbullying within the schools and to facilitate staff identification of and response to such bullying/cyberbullying behavior among students.

Prevention and intervention techniques within the District to prevent against bullying/cyberbullying behavior and to support and protect victims shall include building-level and classroom-level strategies and activities as determined by administration. Individual intervention will be provided by appropriate staff members to bullies, victims and their parents to help ensure that the bullying/cyberbullying stops.

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

The Board prohibits any retaliatory behavior directed against complainants, victims, witnesses, and/or any other individuals who participate in the investigation of allegations of bullying/cyberbullying. Follow-up inquiries and/or appropriate monitoring of the alleged bully and victim shall be made to ensure that bullying/cyberbullying behavior has not resumed and that all those involved in the investigation have not suffered retaliation.

Civil Service Law Section 75-b

NOTE:  Refer also to Policies  #2410 -- Code of Conduct on BOCES Property  
#2420 -- Anti-Harassment in BOCES  
#6440 -- Sexual Harassment (Students)  
#6463 -- Hazing of Students  
District Code of Conduct

Adopted:11/04/09
SUBJECT: HAZING OF STUDENTS

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 or clubs; 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.

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:

a) Humiliation (including, but not limited to, socially offensive, isolating or uncooperative behaviors);

b) Substance abuse (including, but not limited to, abuse of tobacco, alcohol or illegal drugs);

and

c) Dangerous hazing (including, but not limited to, 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.

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 any other person who has knowledge of or witnesses any possible occurrence of hazing, shall report the incident to any staff member or the Building Principal. Anonymous student complaints of hazing behavior will also be investigated by the 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.

(Continued)
SUBJECT: HAZING OF STUDENTS (Cont'd.)

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.

Students who knowingly make false accusations against another individual as to allegations of hazing may also face appropriate disciplinary action.

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 or clubs; 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.

Rules against hazing shall be publicized BOCES-wide and shall be disseminated as appropriate to staff, students and parents. 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.

New York State Penal Law Sections 120.16 and 120.17
Education Law Sections 1709-a, 2503-a, 2554-a, and 2801
8 New York Code of Rules and Regulations (NYCRR)
Section 100.2(l)(2)

NOTE: Refer also to Policies #2410 -- Code of Conduct on BOCES Property
#2420 -- Anti-Harassment
#6440 -- Sexual Harassment (Students)
#6462 -- Bullying: Peer Abuse in the Schools
Cattaraugus-Allegany-Erie-Wyoming BOCES Code of Conduct on BOCES Property

Adopted: 8/2/06
SUBJECT: NOTIFICATION OF SEX OFFENDERS

In accordance with the Sex Offender Registration Act ("Megan's Law"), 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.

Special Circumstances Whereby Sex Offenders May Enter Upon School Grounds

As a mandatory condition of the sentence for sex offenders placed on probation or conditional discharge whose victim was under the age of eighteen (18) or who has been designated a Level 3 sex offender, the court requires that such sentenced offender refrain from knowingly entering into or upon school grounds or any other facility or institution primarily used for the care or treatment of persons under the age of 18 (eighteen) while one or more of such persons are present.

However, by exception, entrance upon the premises shall be provided to the sentenced sex offender under the following conditions subject to the written authorization and conditions required by his/her parole officer and the District Superintendent/Superintendent or chief administrator of the facility for the limited purposes authorized by that person:

(Continued)
SUBJECT: NOTIFICATION OF SEX OFFENDERS (Cont'd.)

a) The offender is a registered student, participant or employee of the facility;

b) The offender is an employee of an entity contracted by the facility; or

c) The offender has a family member enrolled in the facility.

Correction Law Article 6-C
Public Officers Law Section 84 et seq.

Adopted: 07/06/16
SUBJECT: CHILD LABOR PROVISIONS

Job experiences and workforce development are integral parts of BOCES' programs and services provided for their students, including those under the age of eighteen.

In keeping with this mission, BOCES will remain in compliance with all applicable federal, state and local laws relating to child labor including the Fair Labor Standards Act, as well as other applicable laws regulating the age, hours and conditions of the employment of minors.

Adopted: 8/2/06
SUBJECT: STUDENT PRIVACY, PARENTAL ACCESS TO INFORMATION, AND ADMINISTRATION OF CERTAIN PHYSICAL EXAMINATIONS TO MINORS

U.S. Department of Education-Funded Surveys

In compliance with the Protection of Pupil Rights Amendment (PPRA), the BOCES is committed to protecting the rights and privacy interests of parents/guardians and students with regard to surveys funded in whole or part by any program administered by the U.S. Department of Education (DOE).

The BOCES shall make instructional materials available for inspection by parents/guardians if those materials will be used in connection with a DOE-funded survey, analysis, or evaluation in which their children participate. In addition, the BOCES shall obtain prior written parental/guardian consent before minor students are required to participate in any DOE-funded survey, analysis, or evaluation that reveals information concerning:

a) Political affiliations or beliefs of the student or the student's parent/guardian;  
b) Mental or psychological problems of the student or the student's family;  
c) Sex behavior or attitudes;  
d) Illegal, anti-social, self-incriminating, or demeaning behavior;  
e) Critical appraisals of other individuals with whom respondents have close family relationships;  
f) Legally recognized privileged or analogous relationships, such as those of lawyers, physicians, and ministers;  
g) Religious practices, affiliations, or beliefs of the student or student's parent/guardian; or  
h) Income (other than that required by law to determine eligibility for participation in a program or for receiving financial assistance under such program).

Surveys Funded by Sources Other than U.S. Department of Education

The BOCES has developed and adopted this Board policy, in consultation with parents/guardians, regarding the following:

a) Parent/guardians have the right to inspect, upon request, a survey created by a third party (i.e., by a party other than the DOE) before the survey is administered or distributed by the school to a student. Requests by parents/guardians to inspect such surveys are to be submitted to, in writing, to the Building Principal at least 10 days prior to the administration or distribution of any survey. The BOCES shall grant a request by the parent/guardian for reasonable access to such survey within a reasonable period of time after the request is received by the BOCES.

(Continued)
SUBJECT: STUDENT PRIVACY, PARENTAL ACCESS TO INFORMATION, AND ADMINISTRATION OF CERTAIN PHYSICAL EXAMINATIONS TO MINORS (Cont’d.)

b) Arrangements shall be provided by the BOCES to protect student privacy in the event of the administration or distribution of a survey to a student containing one or more of the following items (including the right of the parent/guardian of the student to inspect, upon request, any survey containing one or more of such items):

1. Political affiliations or beliefs of student toward the student's parent/guardian;
2. Mental or psychological problems of the student or the student's family;
3. Sex behavior or attitudes;
4. Illegal, anti-social, self-incriminating or demeaning behavior;
5. Critical appraisals of other individuals with whom respondents have close family relationships;
6. Legally recognized privileged or analogous relationships, such as those of lawyers, physicians, and ministers;
7. Religious practices, affiliations, or beliefs of the student or the student's parent/guardian; and
8. Income (other than that required by law to determine eligibility for participation in a program or for receiving financial assistance under such program).

c) Parents/guardians shall be granted, upon request, reasonable access and the right to inspect instructional materials used as part of the educational curriculum for the student within 30 days after such request is received by the BOCES. Requests shall be submitted by parents/guardians, in writing, to the Building Principal. The term "instructional material" means instructional content that is provided to a student, regardless of its format, including printed or representational materials, audiovisual materials, and materials in electronic or digital formats (such as materials accessible through the Internet). The term does not include academic tests or academic assessments.

d) The administration of physical examinations or screenings that the BOCES may administer to a student.

Further, this law does not apply to any physical examination or screening that is permitted or required by State law, including physical examinations or screenings that are permitted without parental notification.

In the implementation of this provision regarding the administration of physical examinations or screenings that the school may administer to the student, the BOCES incorporates by reference Board policies that address student health services, as applicable, including but not limited to policies regarding the administration of medication, immunization of students, and student physicals.

(Continued)
SUBJECT: STUDENT PRIVACY, PARENTAL ACCESS TO INFORMATION, AND ADMINISTRATION OF CERTAIN PHYSICAL EXAMINATIONS TO MINORS (Cont'd.)

e) BOCES does not permit the collection, disclosure, or use of personal information, defined as individually identifiable information including a student's or parent/guardian's first and last name; home address; telephone number; or Social Security number, collected from students for the purpose of marketing or for selling that information (or otherwise providing that information to others for that purpose), unless otherwise exempted pursuant to law as noted below. Questions regarding the collection, disclosure, or use of personal information collected from students for such marketing purposes may be referred to the school attorney as deemed necessary by the District Superintendent/designee.

This law is not intended to preempt applicable provisions of State law that require parental/guardian notification.

These requirements do not apply to the collection, disclosure, or use of personal information collected from students for the exclusive purpose of developing, evaluating, or providing educational products or services for, or to, students or educational institutions, such as the following:

a) College or other postsecondary education recruitment, or *military recruitment;

b) Book clubs, magazines, and programs providing access to low-cost literary products;

c) Curriculum and instructional materials used by elementary schools and secondary schools;

d) Tests and assessments used by elementary schools and secondary schools to provide cognitive, evaluative, diagnostic, clinical, aptitude, or achievement information about students (or to generate others statistically useful data for the purpose of securing such tests and assessments) and the subsequent analysis and public release of the aggregate data from such tests and assessments;

e) The sale by students of products or services to raise funds for school-related or education-related activities; and

f) Student recognition programs.

*Military recruiter access to student information is governed by the Family Educational Rights and Privacy Act of 1974 (FERPA) and the National Defense Authorization Act for Fiscal Year 2002. (Refer to Policy #6491.)


The BOCES shall provide for reasonable notice of the adoption or continued use of this policy directly to the parents/guardians of students enrolled in the BOCES. At a minimum, the BOCES shall provide such notice at least annually, at the beginning of the school year, and within a reasonable period of time after any substantive change in this policy.

(Continued)
SUBJECT: STUDENT PRIVACY, PARENTAL ACCESS TO INFORMATION, AND ADMINISTRATION OF CERTAIN PHYSICAL EXAMINATIONS TO MINORS (Cont'd.)

Further, in the notification, the BOCES shall offer an opportunity for parents/guardians to opt their child out of participation in the following activities:

a) Activities involving the collection, disclosure, or use of personal information collected from students for the purpose of marketing or for selling that information (or otherwise providing that information to others for that purpose).

b) The administration of any survey containing one or more of the eight items of information listed above in the subheadings referencing DOE-funded surveys as well as non-DOE-funded surveys.

c) Any non-emergency, invasive physical examination or screening that is required as a condition of attendance; administered by the school and scheduled by the school in advance; and not necessary to protect the immediate health and safety of the student, or of other students. The term "invasive physical examination" means any medical examination that involves the exposure of private body parts, or any act during such examination that includes incision, insertion, or injection into the body, but does not include a hearing, vision or scoliosis screening.

Notification of Specific Events

In the notification, the BOCES shall directly notify parents/guardians, at least annually at the beginning of the school year, of the specific or approximate dates during the school year when the above activities are scheduled or expected to be scheduled.

General Provisions

The requirements of PPRA do not apply to a survey administered to a student in accordance with the Individuals with Disabilities Education Act (IDEA). Further, PPRA does not supersede any of the requirements of FERPA.

The rights provided to parents/guardians under PPRA transfer from the parent/guardian to the student when the student turns 18 years old or is an emancipated minor under applicable State law.

The BOCES may use funds provided under Part A of Title V of the Elementary and Secondary Education Act of 1965 to enhance parental/guardian involvement in areas affecting the in-school privacy of students.

(Continued)
SUBJECT: STUDENT PRIVACY, PARENTAL ACCESS TO INFORMATION, AND
ADMINISTRATION OF CERTAIN PHYSICAL EXAMINATIONS TO
MINORS (Cont'd.)

20 United States Code (USC)
Section 1232h(b) and (c),
as amended by the No Child Left Behind Act of 2001

NOTE: Refer also to Policy #6491 -- Military Recruiters' Access to Secondary School Students and Information on Students

Adopted: 8/2/06
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 by the No Child Left Behind Act of 2001 (NCLB); and the National Defense Authorization Act, and in accordance with the Family Educational Rights and Privacy Act (FERPA), the BOCES shall comply with a request by a military recruiter for secondary students' names, addresses, and telephone listings, unless a parent/legal guardian 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/legal guardians 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/legal guardian's right to request that the information not be disclosed without prior written parental/legal guardian consent; and further requires that parents/legal guardians be notified that the BOCES routinely discloses students' names, addresses, and telephone listings to military recruiters upon request, subject to a parent's/legal guardian's request not to disclose such information without written parental/legal guardian consent.

A single notice provided through a mailing, student handbook, or other method that is reasonably calculated to inform parents/legal guardians of the above information is sufficient to satisfy the parental/legal guardian notification requirements of both FERPA and the NCLB. The notification shall advise the parent/legal guardian 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/legal guardian 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/legal guardians informing them of their right to opt-out of the release of designated directory information without prior written parental/legal guardian 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 (USC) 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
8 New York Code of Rules and Regulations (NYCRR) Section 3.33

Adopted: 8/2/06
SUBJECT:  STUDENT CLUBS SPONSORED THROUGH CATTARAUGUS-ALLEGANY-ERIE-WYOMING BOCES

Student clubs sponsored through BOCES which relate to program activities must be approved by the BOCES Board before being offered.

NOTE:  Refer also to Policy #4441 – Student Activity Fund

Adopted:  8/2/06
Cattaraugus-Allegany-Erie-Wyoming BOCES

INSTRUCTION (Section 7000)

INSTRUCTION

1.1 Safety Conditions and Programs

1.1.1 Fire Drills and Bomb Threats

1.1.2 Disaster Planning and Civil Preparedness

1.1.3 Prevention Instruction

1.2 Students with Disabilities

1.3 Continuing Education

1.4 Career and Technical Education

1.6 Instruction for English Language Learners or Students with Limited English Proficiency

1.7 Instructional Technology

1.8 Programs and Projects Funded by Title I

1.9 Civility, Citizenship & Character Education/Interpersonal Violence Prevention Education

INSTRUCTIONAL MATERIALS

2.3 Use of Copyrighted Materials

2.3.1 Computer Software Copyright

2.4 Textbooks and Other Instructional Materials

2.4.1 Objection to Instructional Materials

2.5 Misuse/Abuse of Software and/or Electronic Communication Systems

2.5.1 The Children’s Internet Protection Act: Internet Content Filtering/Safety Policy
INSTRUCTIONAL ARRANGEMENTS

3.1 Field Trips........................................................................................................7310
3.2 School Calendar..................................................................................................7320
3.3 Animals in the School.........................................................................................7330
SUBJECT: SAFETY CONDITIONS AND PROGRAMS

The BOCES Board shall establish and annually review a safety program which may include, but not be limited to, in-service training, plant inspection, fire prevention, accident recordkeeping, driver and vehicle safety program, emergency procedures and drills, and traffic safety programs relevant to students, employees and the community; and provide for inspections and supervision of the health and safety aspects of the school facilities.

The Principal shall be responsible for the supervision of a safety program for schools and/or buildings assigned to them.

Eye and ear safety devices are to be provided for the protection of employees, students and visitors, and worn when activities present a potential hazard.

Each classroom teacher shall provide instruction to students for the safe and proper use of all instructional materials and equipment.

Education Law Sections 409, 409-a, 807-a, and 906
8 New York Code of Rules and Regulations (NYCRR) Part 136 and Section 141.10

Adopted: 8/2/06
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. Specific procedures can be found in the building level school safety plan, as required by Project SAVE.

Police Notification and Investigation

Appropriate State, county, and/or local law enforcement agencies must be notified by school personnel of any bomb threat as soon as possible after the receipt of the threat. Law enforcement officials will contact, as the situation requires, fire and/or county emergency coordinators according to the county emergency plan.

(Continued)
SUBJECT:  FIRE DRILLS AND BOMB THREATS (Cont’d.)

Implementation

The Board directs the District Superintendent or his/her designee to develop administrative regulations to implement the terms of this policy. Such regulations are to be incorporated in the BOCES-wide School Safety Plan, and the building level school safety plan, with provisions for written notification by October 1 of each school year to all students and staff about emergency procedures, an annual emergency drill, and the annual updating of the BOCES-wide and building level school safety plans, by July 1, as mandated pursuant to law and/or regulation.

8 New York Code of Rules and Regulations (NYCRR) Sections 155.17 and 156.3(h)(2)
Penal Law Sections 240.55, 240.60 and 240.62
Education Law Sections 807, 2801-a and 3623

NOTE:  Refer also to Policies #4542 -- School Safety Plans
#6213 -- Loss or Destruction of BOCES Property or Resources

Adopted:  8/2/06
SUBJECT: DISASTER PLANNING AND CIVIL PREPAREDNESS

BOCES shall maintain updated plans and operating procedures to be followed in the event of natural or manmade disasters or enemy attack. Students and staff shall be provided instruction to respond effectively in emergency situations.

New York State Office of Disaster Preparedness

Adopted: 8/2/06
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

Cattaraugus-Allegany-Erie-Wyoming 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

A prevention program will be developed to inform students of:

a) Causes for substance abuse;

b) Physical and psychological damage associated with substance abuse;

b) 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: 8/2/06
SUBJECT: STUDENTS WITH DISABILITIES

Section 504 of the Rehabilitation Act of 1973 prohibits discrimination against qualified individuals with disabilities in federally assisted programs or activities solely on the basis of disability. The 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 Civil Rights Compliance Officer. 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 Cattaraugus-Allegany-Erie-Wyoming 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)

NOTE: Refer also to Policies #1440 -- Non-Discrimination #6461 -- Complaints and Grievances by Students

Adopted: 07/06/16
SUBJECT: CONTINUING EDUCATION

Any person sixteen (16) years of age or older may enroll in Cattaraugus-Allegany-Erie-Wyoming BOCES continuing education courses. Students currently enrolled in an elementary or secondary school must present a written statement from a home school official indicating that the continuing education class will not interfere with their home school program. All courses are open to persons regardless of age, race, color, creed, religion, disability, marital status, military status, veteran status, national origin, political affiliation, sex, or sexual orientation or any other basis prohibited by law. Where it is necessary to limit class enrollment, preference will be given to residents of school districts who are members of Cattaraugus-Allegany-Erie-Wyoming BOCES.

Extension high school course credit is awarded only by the home school district. The General Equivalency Diploma (GED) is awarded by New York State.

Adopted: 07/06/16
SUBJECT: CAREER AND TECHNICAL EDUCATION

NOTICE OF NON-DISCRIMINATION

The Cattaraugus-Allegany-Erie-Wyoming Board of Cooperative Educational Services does not discriminate on the basis of an individual’s actual or perceived race, color, religion, creed, ethnicity, national origin, citizenship; status, age, marital status, partnership status, disability, predisposing genetic characteristics, sexual orientation, gender (sex), military status, veteran status, domestic violence victim status or political identity, gender expression, and religious practices or any other basis prohibited by New York State and/or federal non-discrimination laws in employment or its programs and activities. The District provides equal access to community and youth organizations. Inquiries regarding the District’s non-discrimination policies should be directed to:

Civil Rights Compliance Officer, Human Resources, Cattaraugus-Allegany BOCES, 1825 Windfall Road, Olean, NY 14760, 716-376-8237. Email: CivilRightsCompliance@caboces.org

The career and technical program and/or activities shall be readily accessible to students with disabilities.

Public Notification

Prior to the beginning of each school year or academic semester, the Cattaraugus-Allegany-Erie-Wyoming BOCES shall issue an appropriate public announcement which advises students, parents, employees and the general public that career and technical education opportunities will be offered without regard to age, sex, sexual orientation, race, color, creed, religion, national origin, political affiliation, marital status, military status, veteran status, or disability or any other basis prohibited by law. 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 or harassment shall be disseminated to adequately inform students, parents and employees of the existence of these procedures.
SUBJECT: CAREER AND TECHNICAL EDUCATION (Cont'd.)

Adult Students in Career and Technical Education Classes

The Cattaraugus-Allegany-Erie-Wyoming Board of Cooperative Educational Services will accept adult students only when such enrollment does not exclude regular, daytime high school students.

The tuition amount charged adults will be adjusted from time to time by appropriate Board action.

Civil Rights Law Section 40-c
Education Law Article 93
Executive Law Section 290 et seq.
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: 07/06/16
SUBJECT:  INSTRUCTIONAL TECHNOLOGY

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

Continuing advances in technology are bringing about changes that have an increasing impact on the way we obtain, process, evaluate and use information. Therefore, the 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 District Superintendent or his/her designee to assess the technological needs of the BOCES instructional program, research and review current materials and make recommendations to the Board.

Adopted: 8/2/06
SUBJECT:  PROGRAMS AND PROJECTS FUNDED BY TITLE I

Parental/Guardian Involvement

The Board recognizes the rights of parents/guardians to be fully informed of all information relevant to their children who participate in programs and projects funded by Title I. The BOCES shall ensure parental/guardian involvement in these programs and projects by:

a) Providing such support for parental/guardian involvement activities as required by law;

b) Convening an annual meeting to which all parents/guardians of participating children shall be invited;

c) Providing parents/guardians with reports on their children's progress;

d) Providing opportunities for regular meetings of parents/guardians.

In addition to the above, the BOCES shall, jointly and in agreement with parents/guardians of students receiving Title I services, establish expectations for parent/guardian involvement in Title I programs in accordance with Section 1118(a) of Elementary and Secondary Education Act. Similarly, each Title I school within the BOCES shall establish building level school/parent/guardian involvement policies in accordance with Section 118(b). Such school/parent/guardian policies shall include, where applicable, school-parent/guardian compacts outlining how parents/guardians, the entire school staff, and students will share the responsibility for improved student achievement and the means by which the school and parents/guardians will build and develop a partnership to help students achieve the state's high standards.

Comparability of Services

The BOCES shall ensure equivalence among the schools in the BOCES of the same grade span and levels of instruction with regard to teachers, administrators and auxiliary personnel as well as equivalence in the provision of curriculum materials and instructional supplies in Title I programs.

Title I of the Elementary and Secondary Education Act of 1965, as amended by the No Child Left Behind Act of 2001
20 United States Code (USC) Section 6301 et seq.
34 Code of Federal Regulations (CFR) Part 75

Adopted:  8/2/06
SUBJECT: CIVILITY, CITIZENSHIP AND CHARACTER EDUCATION/INTERPERSONAL VIOLENCE PREVENTION EDUCATION

Civility, Citizenship and Character Education

The BOCES recognizes that teaching students respect, civility and understanding toward others, as well as the practice and reinforcement of appropriate behavior and values of our society, is an important function of the School System.

The BOCES wishes to foster an environment where students exhibit behavior that promotes positive educational practices, allows students to grow socially and academically, and encourages healthy dialogue in respectful ways. By presenting teachers and staff as positive role models, the BOCES stresses positive communication and discourages disrespectful treatment. This policy is not intended to deprive and/or restrict any student of his/her right to freedom of expression but, rather, seeks to maintain, to the extent possible and reasonable, a safe, harassment free and educationally conducive environment for our students and staff.

Furthermore, the BOCES shall ensure that the course of instruction in grades K through 12 includes a component on civility, citizenship and character education in accordance with Education Law. Character education is the deliberate effort to help students understand, care about, and act upon core ethical values.

Character education shall instruct students on the principles of:

a) Honesty;
b) Tolerance;
c) Personal responsibility;
d) Respect for others;
e) Awareness and sensitivity to discrimination and/or harassment as defined in the Dignity for All Students Act (DASA);
f) Civility in relation to people of different races, weights, national origins, ethnic groups, religions, religious practices, physical or mental abilities, sexual orientations, genders or sexes;
g) Observance of laws and rules;
h) Courtesy; and

(Continued)
SUBJECT: CIVILITY, CITIZENSHIP AND CHARACTER EDUCATION/ INTERPERSONAL VIOLENCE PREVENTION EDUCATION (cont’d)

i) Dignity, and other traits which will enhance the quality of students’ experiences in, and contributions to, the community.

As determined by the Board of Regents, and as further enumerated in Commissioner's Regulations, the components of character education shall be incorporated in existing School District curricula as applicable.

The District encourages the involvement of staff, students, parents and community members in the implementation and reinforcement of character education in the schools.

Education Law Sections 801 and 801-a
8 New York Code of Rules and Regulations (NYCRR) Section 100.2(c)

Interpersonal Violence Prevention Education

The District will utilize the interpersonal violence prevention education package provided by the State Education Department. These materials will be incorporated as part of the health or other related curricula or programs for students in grades K through 12.

Education Law Section 804(4)

ADOPTED: 06/06/12
SUBJECT:  USE OF COPYRIGHTED MATERIALS

The Cattaraugus-Allegany-Erie-Wyoming Board of Cooperative Educational Services will abide by the provisions of the United States Copyright Law (Title 17, United States Code, Sections 101, et seq.).

All employees and students are prohibited from copying materials not specifically allowed by the copyright law, fair use guidelines, licenses or contractual agreements, or the permission of the copyright proprietor.

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.

The District Superintendent or his/her designee will be designated to provide information for all personnel regarding current copyright law and to maintain copyright records. This individual will also serve as the designated agent registered with the U.S. Copyright Office to expeditiously respond to any notices of claimed copyright infringement.

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.

Digital Millennium Copyright Act (DMCA)
17 United States Code (USC) Sections 101 et seq., 512 and 1201 et seq.

Adopted: 8/2/06
SUBJECT: COMPUTER SOFTWARE COPYRIGHT

The Cattaraugus-Allegany-Erie-Wyoming BOCES will adhere to the provisions of copyright laws in the area of microcomputer programs. To discourage violation of copyright laws and to prevent such illegal activities:

a) The ethical and practical problems caused by software piracy will be taught in 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) The Cattaraugus-Allegany-Erie-Wyoming BOCES 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: 8/2/06
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 Board of Cooperative Educational Services. They shall be selected by appropriate instructional personnel and recommended to the District 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.

Upon the recommendation of the District Superintendent, the Board shall designate the textbooks to be used in BOCES classrooms, provided such textbooks are not otherwise designated by the District where the classroom is located. The District Superintendent and Board reserve the right to renew all textbooks, as needed. Textbooks, once designated, cannot be superseded within a period of five (5) years except by a three-fourths (3/4) vote of the Board.

Students may be charged for textbooks or supplemental books that have been lost, destroyed, damaged or defaced.

In Career and Technical Education, 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: 07/06/16
SUBJECT: OBJECTION TO INSTRUCTIONAL MATERIALS

Any criticism of instructional materials that are in the BOCES programs shall be submitted in writing to the District Superintendent. The Board will be informed. A committee which includes the Building Principal will be designated by the District Superintendent to investigate and judge the challenged material.

Adopted: 8/2/06
SUBJECT:  MISUSE/ABUSE OF SOFTWARE AND/OR ELECTRONIC COMMUNICATION SYSTEMS

Any employee in Cattaraugus-Allegany-Erie-Wyoming BOCES who is aware of any misuse or abuse of any software of electronic communication system owned or rented by Cattaraugus-Allegany-Erie-Wyoming BOCES shall notify his/her immediate supervisor or Building Principal.

Any student in Cattaraugus-Allegany-Erie-Wyoming BOCES who is aware of any misuse or abuse of any software or electric communication system shall notify his/her teacher or Building Principal.

Administrators who are aware of any abuse/misuse shall notify the District Superintendent or his/her designee and appropriate disciplinary action shall occur based on the circumstances and in accordance with all applicable laws, bargaining agreements, and BOCES policies and regulations.

This policy will be disseminated to all Cattaraugus-Allegany-Erie-Wyoming BOCES staff and students.

Adopted:  8/2/06
SUBJECT: THE CHILDREN'S INTERNET PROTECTION ACT: INTERNET CONTENT FILTERING/SAFETY POLICY

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

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

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

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

a) Ensuring the presence of a teacher and/or other appropriate Cattaraugus-Allegany-Erie-Wyoming BOCES personnel when students are accessing the Internet including, but not limited to, the supervision of minors when using electronic mail, chat rooms, and other forms of direct electronic communications. As determined by the appropriate building administrator, the use of e-mail and chat rooms may be blocked as deemed necessary to ensure the safety of such students;

b) Monitoring logs of access in order to keep track of the web sites visited by students as a measure to restrict access to materials harmful to minors;

c) The dissemination of the Cattaraugus-Allegany-Erie-Wyoming BOCES' Acceptable Use Policy and accompanying Regulations to parents and students in order to provide notice of the school's requirements, expectations, and student's obligations when accessing the Internet. Parental and/or student consent, as may be applicable, shall be required prior to

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

authorization for student use of BOCES computers. In compliance with this Internet Safety Policy as well as the BOCES' Acceptable Use Policy, unauthorized access (including so-called "hacking") and other

d) Unlawful activities by minors are prohibited by the BOCES; and student violations of such policies may result in disciplinary action; and

e) Appropriate supervision and notification to minors regarding the prohibition as to unauthorized disclosure, use and dissemination of personal information regarding such students.

The determination of what is "inappropriate" for minors shall be determined by the BOCES and/or designated school official(s). It is acknowledged that the determination of such "inappropriate" material may vary depending upon the circumstances of the situation and the age of the students involved in online research.

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

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

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

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

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

Adopted: 8/2/06
SUBJECT: FIELD TRIPS

All overnight field trips require approval by the Board, based on the recommendation of the District Superintendent. 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.

The District Superintendent/designee may cancel previously approved field trips due to extenuating circumstances.

Transportation to School Sponsored Events

Transportation may be provided for field trips that enhance or enrich the educational program. Arrangements shall be made in accordance with administrative procedures.

Where the Cattaraugus-Allegany-Erie-Wyoming BOCES has provided transportation to students enrolled in BOCES to a school sponsored field trip, extracurricular activity or any other similar event, it shall provide transportation back to either the point of departure or to the appropriate school in the BOCES unless the parent or legal guardian of a student participating in such event has provided the BOCES with written notice, consistent with BOCES policy, authorizing an alternative form of return transportation for such student or unless intervening circumstances make such transportation impractical. In cases where intervening circumstances make transportation of a student back to the point of departure or to the appropriate school in the BOCES impractical, a representative of BOCES shall remain with the student until such student's parent or legal guardian has been contacted and informed of the intervening circumstances which make such transportation impractical; and the student has been delivered to his/her parent or legal guardian.

Education Law Sections 3635, 4401(4), 4404 and 4405

Adopted: 8/2/06
SUBJECT:  SCHOOL CALENDAR

The Cattaraugus-Allegany-Erie-Wyoming Board of Cooperative Educational Services shall adopt a school calendar annually upon the recommendation of the District Superintendent.

Education Law Sections 3204(4) and 3604(7)(8)
8 New York Code of Rules and Regulations (NYCRR)
Section 175.5

Adopted: 8/2/06
SUBJECT: ANIMALS IN THE SCHOOL (INSTRUCTIONAL PURPOSES)

Observation and experimentation with living organisms and animals gives students unique perspectives of life processes. Animals and animal materials should be used respectfully and for the purpose of meeting course objectives.

The Board 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 any BOCES owned and operated school or classrooms. Classrooms located in a component district will be subject to policies and/or practices of that district. 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. The Principal retains authority to deny permission at any time for safety and/or health concerns.

Study and Care of Live 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.

Dissection of Animals

Any student expressing a moral or religious objection to the performance or witnessing of the dissection of an animal, either wholly or in part, shall be provided the opportunity to undertake and complete an alternative project approved by the student's teacher; provided, however, that such objection is substantiated in writing by the student's parent or legal guardian. An alternate activity clearly related to and of comparable rigor will be assigned in lieu of laboratory dissection. Some examples of alternate activities include the use of computer simulations or research. Students who perform alternative projects shall not be penalized.

Effective July 1, 2011, the District will give reasonable notice to all students enrolled in a course that includes the dissection of an animal and students' parent(s)/legal guardian(s) about their rights to seek an alternate project to dissection. Such notice shall be made available upon request at the school and distributed to parents and students enrolled in a course that includes dissection at least once at the beginning of the school year.

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. Such instruction shall be for a period of time as specified by the Board of Regents and 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)

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